



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
December 19, 2001  
Meeting**

Jeb Bush  
Governor

Kim Binkley-Seyer  
Secretary

**Division of Real Estate**

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Chairperson Marie Powell called the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., in Orlando, Florida.

The following Commission members were present: Marie Powell, Chairperson; Matey H. Veissi, Vice-Chairperson; Tina Richardson, Carlos Valdes, Guy Sanchez, Jr., Noel P. McDonell, and Poul Hornsleth. The Chair declared a quorum present. Daniel Villazon, was present as counsel for the Commission.

The following Division of Real Estate staff members were present: Buddy Johnson, Director; Nancy Campiglia, Chief Attorney; Fred Seli, Bureau Chief of Enforcement; Sunia Marsh, Senior Attorney; William Tompkins, Senior Attorney; Robin Severs, Senior Attorney; Donna Ryan, Senior Attorney; Rania Soliman, Senior Attorney, Stacy Robinson Pierce, Senior Attorney; Jo Ellen Peacock, Acting Education Coordinator; Wanda Grist, Management Review Specialist; Dottie Rohn, Regulatory Program Administrator; Jeannie Adkinson, Regulatory Specialist I; and Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting Service (407/324-4290) provided court reporter services.

The Commission unanimously approved the Minutes of the November 14, 2001, meeting as amended.

Chairman Marie Powell requested that the Legal Agenda begin at 9:30 to address the Director Matters and other issues prior to the Legal Agenda.

Chairman Marie Powell stated that the new Deputy Secretary, Geoffrey Becker, would be visiting at the January 2002 meeting. Director Buddy Johnson stated that Mr. Becker would be addressing issues regarding the Department, The Project, and budget items.

Chairman Marie Powell asked for a moment of silence for the recent passing of former Commissioner M. Parrish and Department employee Janice Weisenberg.

### **Commission Business**

FREC Counsel Daniel Villazon presented correspondence from Dave Williams, requesting the Commission's opinion concerning advertisement. Mr. Villazon stated that pursuant to Rule 61J2-10.045, Mr. Williams should include the name of the brokerage firm on the advertisement. Chairman Powell directed Mr. Villazon to send a letter to Mr. Williams outlining the opinion and include a statement that she concurs with the opinion of FREC counsel.

Mr. Villazon presented correspondence from Deb Holton, requesting the Commission's opinion concerning business cards. Mr. Villazon stated it appears to be in compliance with the rule governing this issue, and with the Commission's approval would send a letter reflecting the Commission's opinion.

Mr. Villazon presented Rule 61J2-17.012, *Florida Administrative Code* for proposed rule development. Mr. Villazon stated the proposed amendment gives the Department the discretion to determine what forms are needed for submission of applications. The Commission unanimously approved the rule amendment.

Mr. Villazon presented Rule 61J2-24.002, *Florida Administrative Code* for proposed rulemaking. The Commission unanimously approved the amendments for final adoption.

Upon conclusion of Mr. Villazon's portion of the agenda, Chairman Powell welcomed the President of the Florida Association of Realtors, Don Asher. She also welcomed instructors Jane Peterson and Barbara Cleaver from the Academy of Real Estate Education in Ft. Myers.

Director Buddy Johnson presented Brian Frye, Theresa Legatti, and Stuart Hurry for reinstatement, stating that they had met all the necessary requirements. The Commission unanimously approved the reinstatements.

### **Bureau of Enforcement**

Bureau Chief of Enforcement Fred Seli presented Enforcement's monthly report.

### **Finance and Accounting**

Wanda Grist presented the financial reports. Ms. Grist reported that the figures are similar to last month, stating that revenue collections are down due to the fee holiday. Ms. Grist further reported that the Commission's travel allotment is largely for travel to the meetings. Ms. Grist anticipates an increase because when the budget was projected, the Commission continually had one or two vacancies during the past two years, so the budget was allocated for only five members.

### **Commission Business continued**

Commissioner Matey Veissi addressed the e-mail received from Perry Johannesburg, a real estate instructor, requesting to address distance learning. Commissioner Veissi requested that a representative from Bert Rodgers address this issue. Mr. Alex Grist, explained that this Legislation is designed to provide another option to individuals taking the pre-license and post-license courses, by amending the rule to provide that the courses also be available on-line, provided that they meet the same standards as the classroom courses. Several Commissioners stated that they have concerns in that the individual can refer to the book during the exam. Mr. Grist said that those issues should be provided for. Mr. Dick Fryer, principal of IFREC School of Real Estate, stated that he disagrees with Mr. Grist and he feels this proposed legislation sets up double standards, in that it does not give the FREC alternatives. Mr. Fryer added that it says "must", not "you may", and that it does not establish any standards for how on-line education would be established. Mr. Fryer further added that an individual could, in a three-hour period of time, look up any and all questions that they don't know, however, people who take the course in the classroom would, in fact, be required to have a closed-book exam. He went on to say that this bill also provides for sponsors to offer pre-license and post-license courses on-line,

when sponsors have never been able to offer pre-license courses. Mr. Fryer further stated that this is a self-serving bill and that there is no ground swell for on-line education. He said that IFREC hardly receives one request a month for on-line education. He would urge the Commission not to support this legislation, stating that the Commission will see an increase in pass rate on end-of-course exam, but will see a decrease on the pass rate on the state exam.

Director Buddy Johnson informed the Commission that an in-house taskforce has been researching the on-line education issues. Mr. Johnson added that the Department is going to help monitor the progress, further commenting that it has been very controversial.

### **Legal Matters**

Chief Attorney Nancy Campiglia presented the Legal Section Monthly Activity Report.

At approximately 9:15 a.m., the Commission took up the Legal Agenda, consisting of 82 cases. It heard 70 cases, continued eight, and withdrew four. The Commission's decisions on these matters are attached to the official minutes.

### **Bureau of Licensing**

The Commission considered the Consent Agendas, at approximately 1:30 p.m. The Commission unanimously approved Consent Agenda #1. The Commission then considered 63 applicants on Consent Agenda #2, and unanimously approved 58, requesting that five applicants appear before it. Dottie Rohn, Program Administrator, presented the Summary of Applicants requesting to sit for the real estate examination to the Commission. The Commission's orders on these matters are attached hereto and made a part of these minutes.

### **Legal Matters continued**

William Tompkins presented RFC case Charlene Andrews v. Kenneth Savage. Matey Veissi moved to deny RFC 20015000. Commissioner Richardson seconded it; it carried unanimously. Upon recommendation of the Legal Section, the Commission unanimously issued 74 Escrow Disbursement Orders (EDO). A list of the Orders is attached to the official minutes.

### **Director's Matters**

Director Johnson stated that Commissioner Veissi was inquiring about this year's and last year's financial plans. Mr. Johnson stated that basically the report the Commissioners receive monthly is the plan for 2001. Commissioner Veissi then inquired about the allocations. He replied that he has spoken at length with Deputy Secretary Geoffrey Becker and Ms. Grist concerning this matter. Mr. Johnson explained that the allocations that Commissioner Veissi speaks of are costs that are allocated to each Division by a formula based on consumption and that the question is whether we are paying our share, or more or less than our share. He further stated that Mr. Becker will be here next month and may provide more up-to-date information.

Director Johnson commented that the Commission has worked very hard this meeting and that the new members were prepared, focused, reasonable and respectful to everyone. He further stated that the veteran members have been very appropriately accommodating to the new members and that he is very impressed.

Commissioner Richardson inquired as to the probable cause agenda for the next year. Nancy Campiglia stated that we have received dates from the former members and would get a copy to each of the Commissioners.

Next, Director Johnson gave a summary of the reengineering project stating that it is in very good shape. He stated that there is absolutely no plan to relocate the Division of Real Estate, as the statute clearly states that the location of the Division of Real Estate be in Orlando. Mr. Johnson further stated the Department believes this is the best location for the Division, and it is the commitment of the Department to keep the Division in Orlando.

Director Johnson reported that House Bill 499 is being thoroughly analyzed by Department staff and that Ms. Campiglia has requested a study to support the analysis, which is taking some time.

Director Johnson also reported "The Project" backlog, by the end of this week, would be virtually non-existent. He requested that if the Commissioners receive any calls from people stating they could not get through, please give him their names and numbers and he will contact them directly. Mr. Johnson further stated that the Department has not cut the Division staff, but that the Department has a reorganization plan, which will take place February 1, 2002. He added that the third-floor office space has been reorganized to incorporate the Education Section, vacating the fourth floor. Lastly, Mr. Johnson added that on-line applications should be up today.

The Commission received the following reports in writing: Record Section Activity, Exam Section Activity, Administration Activity, and Education Section.

There being no further business, and no objection, the Chair adjourned the meeting at 5:45 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 16, 2001.

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Marie Powell  
Chairman

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Buddy Johnson  
Division Director

Written by:

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Lori Crawford  
Deputy Clerk

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