State Real Estate Commission August 2, 2022

3 4 5

6

1

2

COMMISSION MEMBERS:

12

13 14

15

Anne M. Rubin, Industry Member Joseph J. McGettigan, Industry Member

Jennifer Thomson, Esquire, Attorney General Designee

Edward L. Seebeck, Cemetery Member - Absent Gaetano P. Piccirilli, Esquire, Public Member

Armand N. Ferrara Jr., Chair, Industry Member Joseph Tarantino, Vice Chair, Industry Member

Jeffrey J. Johnson, Secretary, Industry Member

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs

16 17 18

COMMISSION PERSONNEL:

19 20 21

22

23

24

25

26

27

28

29

30

31

32

Carole Clarke Smith, Esquire, Senior Counsel Gerard Leone, Esquire, Commission Counsel Shawn J. Jayman, Esquire, Commission Counsel Nicole L. VanOrder, Esquire, Commission Prosecutor

Liaison Ray Michalowski, Esquire, Senior Commission Prosecutor Timothy A. Fritsch, Esquire, Commission Prosecution

Liaison
Alice Glasser, Esquire, Commission Prosecutor
Krista Linsenbach, Commission Administrator
Andrew LaFratte MPA Executive Policy Specialist

Andrew LaFratte, MPA, Executive Policy Specialist, Department of State Jessica Zukoski, Law Clerk

33 34 35

ALSO PRESENT:

40

41

42

43

44

45

46

47

48

Christopher Beadling, President, Pennsylvania Association of Realtors

Lisa Aaron, Professional Standards & Education Manager, Pennsylvania Association of Realtors

Lisa Ginsburg, Director of Education, Bucks County Real Estate Institute

Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee

Jeff Dempsey, Public Policy Manager, Pennsylvania Association of Realtors

Jeffrey Kubay, Esquire, Wayman, Irvin & McAuley, LLC

State Real Estate Commission August 2, 2022

ALSO PRESENT: (cont.)

Michele Ann McGinnis

Marus Huertas, Advocacy Manager, Pennsylvania
Association of Realtors
Michael McGee, CAE, RCE, Chief Executive Officer,
Pennsylvania Association of Realtors
Henry (Hank) Lerner, Esquire, Chief Legal Officer,
Pennsylvania Association of Realtors
Anne Marie, Bucks County Association of Realtors
Jason Jones Sr.
Kurt Miller

Sargent's Court Reporting Service, Inc. (814) 536-8908

* * * 1 2 State Real Estate Commission 3 August 2, 2022 * * * 4 5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:00 a.m. the Commission entered into Executive 6 Session with Gerard Leone, Esquire, and Shawn Jayman, Esquire, Commission Counsel, for the purpose of conducting quasi-judicial deliberations on matters currently pending before the Commission that are 10 11 listed on the agenda. The Commission returned to open 12 session at 10:30 a.m.] * * * 13 The regularly scheduled meeting of the State Real 14 15 Estate Commission was held on Tuesday, August 2, 2022. 16 Armand Ferrara Jr., Chair, Industry Member, officially 17 called the meeting to order at 10:31 a.m. * * * 18 19 Roll Call 20 [Armand Ferrara Jr., Chair, Industry Member, provided a roll call of Commission members.] 21 * * * 22 23 Pledge of Allegiance [The Pledge of Allegiance was recited.] 24 * * * 25

```
5
   [Gerard Leone, Esquire, Commission Counsel, reminded
1
2
   everyone that the meeting was being recorded, and
3
   voluntary participation constituted consent to be
   recorded.]
4
                               * * *
5
6
   Introduction of Attendees
                               * * *
7
   Approval of minutes of the June 1, 2022 meeting
   CHAIR FERRARA:
10
                  I'm looking for approval of the draft
11
                  minutes from our June 1, 2022 meeting.
12
   MR. TARANTINO:
                  So moved.
13
14
   MR. MCGETTIGAN:
15
                  Second.
   MS. LINSENBACH:
16
17
                  Roll call.
18
19
                  Armand Ferrara, aye; Joseph Tarantino,
2.0
                  aye; Jeffery Johnson, aye; Anne Rubin,
2.1
                  abstain; Joseph McGettigan, aye;
22
                  Jennifer Thomson, aye; Gaetano
2.3
                  Piccirilli, abstain; Arion Claggett,
24
                  aye.
25
    [The motion carried. Anne Rubin and Gaetano
```

```
6
   Piccirilli abstained from voting on the motion.]
1
2
3
   Report of Prosecutorial Division
4
   [Timothy A. Fritsch, Esquire, Commission Prosecution
5
   Liaison, asked the Commission whether they were
6
   satisfied with the current presentation of the consent
   agreements or whether they wanted to have prosecutors
   approach and ask if there are any questions in order
   to save time and have a question period as opposed to
10
   having a formal presentation of the agreements.
11
        Mr. Tarantino commented that having a summary
   from Mr. Leone would not give him the opportunity to
12
13
   ask questions like he could with Mr. Fritz.
        Ms. Rubin stated there is a certain value in the
14
15
   presentation because the licensing pool has access,
16
   noting the importance of being able to hear the
17
   explanation of the types of conduct that concerns the
18
   Commission. Commission members agreed to continue
19
   having the presentations.]
                              * * *
20
21
   [Timothy A. Fritsch, Esquire, Commission Prosecution
22
   Liaison, presented the Consent Agreement for Case Nos.
2.3
   20-56-012381 & 20-56-012382 and Case Nos. 19-56-018446
2.4
   & 21-56-012802.1
25
                              * * *
```

```
[Alice Glasser, Esquire, Commission Prosecutor,
1
2
   presented the Consent Agreement for Case No. 20-56-
   012530 and Case No. 19-56-010331.]
3
                              * * *
 4
   MR. LEONE:
5
6
                  During Executive Session, the Commission
                  engaged in judicial deliberations under
                  Section 708(a)(5) of the Sunshine Act on
9
                  the matters listed under the Report of
10
                  Prosecution, Report of Commission
11
                  Counsel, and appointments. Individual
12
                  Commission members who recuse themselves
                  from discussions would be indicated when
1.3
                  the motion is made.
14
                       The Commission will entertain a
15
16
                  motion to accept the Consent Agreements
17
                  for the following file numbers at agenda
18
                  item 2, Case No. 20-56-012530; agenda
19
                  item 3, Case No. 19-56-010331; agenda
2.0
                  item 4, Case Nos. 20-56-012381 & 20-56-
21
                  012382; agenda item 5, Case Nos. 19-56-
                  018446 \& 21-56-012802.
22
2.3
   MS. RUBIN:
24
                  So moved.
25
   MR. TARANTINO:
```

8 Second. 1 2 MS. LINSENBACH: 3 Call for the vote. 4 5 Armand Ferrara, aye; Joseph Tarantino, 6 aye; Jeffery Johnson, aye; Anne Rubin, aye; Joseph McGettigan, aye; Jennifer Thomson, aye; Gaetano Piccirilli, aye; 9 Arion Claggett, aye. 10 [The motion carried unanimously. Item 2, Case No. 20-11 56-012530 is Commonwealth of Pennsylvania v. George Herman; agenda item 3, Case No. 19-56-010331, 12 13 Commonwealth of Pennsylvania v. Brian C. Reeves; 14 agenda item 4, Case Nos. 20-56-012381 & 20-56-012382, 15 Commonwealth of Pennsylvania v. Froehlich Realty Inc. 16 and Trevor R. Thompson; and agenda item 5, Case Nos. 19-56-018446 & 21-56-012802, Commonwealth of 17 18 Pennsylvania v. Frederic D. Musilli & DJCRE, Inc.] * * * 19 20 [Gaetano Piccirilli, Commissioner, noted he abstained 21 from the votes for Case Nos. 19-56-018446 & 21-56-2.2 012802.] 2.3 24 Report of Commission Counsel

25 MR. JAYMAN:

9 Number 6 on the agenda. Will the 1 2 Commission entertain a motion to accept 3 the Adjudication and Order as presented 4 by Commission Counsel in the case of 5 Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs v. 6 Karen Fotiou-Duncan at Case No. 19-56-8 015165 and direct Commission Counsel to 9 prepare the Commission's Final Order? MS. RUBIN: 10 11 So moved. 12 MR. TARANTINO: Second. 13 MS. LINSENBACH: 14 Call for the vote. 15 16 17 Armand Ferrara, aye; Joseph Tarantino, 18 aye; Anne Rubin, aye; Joseph McGettigan, 19 aye; Jennifer Thomson, aye; Gaetano 20 Piccirilli, aye; Arion Claggett, aye; 21 Jeffery Johnson, aye. 22 [The motion carried unanimously.] 2.3 * * * 2.4 MR. JAYMAN: 25 Number 7 on the agenda. Will the

```
Commission entertain a motion in the
1
2
                  Matter of Chino Charles Onwuka at Case
3
                  Nos. 21-56-007882 \& 21-56-008711 to
 4
                  grant the Motion to Enter Default and
5
                  Deem Facts Admitted and have Commission
 6
                  Counsel be directed to prepare an
                  Adjudication and Order in accordance
                  with our discussion in Executive
9
                  Session?
10
   MS. RUBIN:
11
                  So moved.
12
   MR. TARANTINO:
13
                  Second.
   MS. LINSENBACH:
14
                  Call for the vote.
15
16
17
                  Armand Ferrara, aye; Joseph Tarantino,
18
                  aye; Jeffery Johnson, aye; Anne Rubin,
19
                  aye; Joseph McGettigan, aye; Jennifer
20
                  Thomson, aye; Gaetano Piccirilli, aye;
21
                  Arion Claggett, aye.
22
   [The motion carried unanimously.]
2.3
24
   Report of Commission Counsel - Rules & Regulations
25
   [Gerard Leone, Esquire, Commission Counsel, referred
```

to the exposure draft of the Act 41 Regulations. 1 Не 2 noted the General Assembly has instructed the 3 Commission to adopt regulations on the basis of the 4 Act. The regulations put forward allow a person who 5 has active real estate licensure in another state or country could apply to the Commission to have a 6 license in Pennsylvania if the Commission finds the licensure requirements of the state or nation where the applicant is licensed are similar and if they have

been actively involved in the profession for two of

10

11

12

13

14

15

16

17

18

19

2.0

21

22

23

2.4

25

five years.

Mr. Leone noted the Commission has many active reciprocity agreements and already has a sense of what states have similar laws. He noted that the regulation at issue would only be an official procedure in this case, where someone asking for licensure by endorsement would need to submit their active license and documentation and the Commission could approve or deny the application.

Mr. Michalowski mentioned that Act 41 is a requirement for all of the boards and originated with military spouses. He noted it does not apply as much to real estate and is a way for people to come in on a license that is sometimes provisional or with certain other requirements to be licensed.

```
Mr. Leone stated the whole point of the
1
2
   regulation was so individuals were able to apply but
3
   the Commission is not obliged to grant licensure. He
4
   noted individuals must give documentation of their
5
   license, documentation of their active practice, and
   that the Commission decides whether the other state's
6
   requirements are similar.
        Mr. Tarantino expressed concern with approving
   someone from another state to work in Pennsylvania but
10
   someone from Pennsylvania not having the right as a
11
   Pennsylvania realtor to do the same in their state.]
12
   MR. LEONE:
                  Will the Commission entertain a motion
1.3
14
                  to approve the regulatory package at
15
                  agenda item 8, Act 41 licensure by
16
                  endorsement?
17
   MS. RUBIN:
                  So moved.
18
19
   MR. TARANTINO:
20
                  Second.
21
   MS. LINSENBACH:
2.2
                  Call for the vote.
2.3
2.4
                  Armand Ferrara, aye; Joseph Tarantino,
25
                  aye; Jeffery Johnson, aye; Anne Rubin,
```

```
aye; Joseph McGettigan, aye; Jennifer
1
2
                  Thomson, aye; Gaetano Piccirilli, aye;
3
                  Arion Claggett, aye.
   [The motion carried unanimously.]
 4
                              * * *
5
6
   Report of Commission Chairperson - No Report
8
   Report of Acting Commissioner
   Arion R. Claggett, Acting Commissioner, Bureau of
10
   Professional and Occupational Affairs, notified
11
   everyone of in-person Commission member training on
12
   October 24, 2022, from 8 a.m. to 4 p.m. in Harrisburg.
13
   He mentioned that some of the topics include the role
   of Commission Counsel, prosecution, and some other
14
15
   areas. He noted the training is mandatory for public
16
   members but also encouraged professional members to
17
   attend.]
                              * * *
18
19
   Report of Commission Administrator
20
   [Krista Linsenbach, Commission Administrator, stated
   mentor topics for 2022 to 2024 cycles have been sorted
21
22
   out.
         She noted 20 disciplinary case files were
23
   reviewed, determined to be appropriate, and provided
24
   to schools. She reported receiving one application
25
   for a mandatory course so far, which would be on the
```

agenda in September 2022.

1

2

3

5

6

10

17

18

19

2.0

2.1

2.2

2.3

2.4

25

Ms. Linsenbach informed Commission members of a bit of a backlog as far as applications but is hoping to reduce that down to the usual 10-14 days.

Ms. Rubin asked whether the information sent to schools is accessible for her to review.

Ms. Linsenbach stated there is nowhere specifically to access those files but offered to create a separate OneDrive file to provide access.]

* * *

11 Report of Committees - Education/Examination

12 MR. MCGETTIGAN:

> conferences and to review other education applications.

Our first informal conference today was with Keana Nunes who is looking to sit for the Broker's Exam, and we've determined that she did not have enough experience points or what experience she had was all unlicensed.

I'd like to make a motion that we deny her Application.

13 The Education Committee met this morning 14 prior to this meeting and Executive 15 Session to conduct three informal 16

15 1 MR. TARANTINO: 2 Second. 3 MS. LINSENBACH: Call for the vote. 4 5 6 Armand Ferrara, aye; Joseph Tarantino, aye; Jeffery Johnson, aye; Anne Rubin, aye; Joseph McGettigan, aye; Jennifer 9 Thomson, aye; Gaetano Piccirilli, aye; Arion Claggett, aye. 10 11 [The motion carried unanimously.] * * * 12 1.3 MR. MCGETTIGAN: 14 Our second informal conference was with 15 a gentleman by the name of Curtis Niles. 16 Mr. Niles also wanted to sit for the 17 Broker Exam, and the point totals he 18 gave us were inadequate for him to sit. 19 His broker provided other 2.0 information, so we decided to table that 2.1 Application and give them a chance to 2.2 redo the point system and make it right 2.3 and we'll vote on it another time. 2.4 I make a motion to table that 25 Application until next month.

16 1 MS. RUBIN: 2 Second. 3 MS. LINSENBACH: Call for the vote. 4 5 Armand Ferrara, aye; Joseph Tarantino, 6 aye; Jeffery Johnson, aye; Anne Rubin, aye; Joseph McGettigan, aye; Jennifer 9 Thomson, aye; Gaetano Piccirilli, aye; 10 Arion Claggett, aye. 11 [The motion carried unanimously.] * * * 12 MR. MCGETTIGAN: 13 14 We had a third informal conference 15 scheduled, but the applicant did not 16 show up. Her name was Nicole Talton. 17 MR. LEONE: 18 The Commission will entertain a motion 19 to reject the Application of Nicole 20 Talton. 21 MS. RUBIN: 22 So moved. 2.3 MR. TARANTINO: 24 Second. 25 MS. LINSENBACH:

17 Armand Ferrara, aye; Joseph Tarantino, 1 2 aye; Jeffery Johnson, aye; Anne Rubin, 3 aye; Joseph McGettigan, aye; Jennifer Thomson, aye; Gaetano Piccirilli, aye; 4 5 Arion Claggett, aye. 6 [The motion carried unanimously.] * * * 7 MR. MCGETTIGAN: 9 We also reviewed Applications for 10 continuing education classes. The first 11 one is from Communications Workshop for 12 2 hours. The Committee decided there 1.3 was not enough structure in the course and was not useful to the consumer. 14 15 We make a motion that the course be denied. 16 17 MS. RUBIN: 18 Second. 19 MS. LINSENBACH: 2.0 Call for the vote. 2.1 2.2 Armand Ferrara, aye; Joseph Tarantino, 2.3 aye; Jeffery Johnson, aye; Anne Rubin, 2.4 aye; Joseph McGettigan, aye; Jennifer 25 Thomson, aye; Gaetano Piccirilli, aye;

```
18
1
                  Arion Claggett, aye.
2
   [The motion carried unanimously.]
3
4
   MR. MCGETTIGAN:
5
                  We had a second course for a Digital
                  Marketing Workshop, again 2 hours. That
6
                  had very little structure, and we could
                  not see any benefit to the consumer.
9
                       I'd like to make a motion that we
10
                  deny the Application for this course
11
                  also.
12
   MS. RUBIN:
                  Second.
13
14
   MS. LINSENBACH:
                  Call for the vote.
15
16
                  Armand Ferrara, aye; Joseph Tarantino,
17
18
                  aye; Jeffery Johnson, aye; Anne Rubin,
19
                  aye; Joseph McGettigan, aye; Jennifer
20
                  Thomson, aye; Gaetano Piccirilli, aye;
21
                  Arion Claggett, aye.
22
   [The motion carried unanimously.]
2.3
                               * * *
2.4
   MR. MCGETTIGAN:
25
                  The Broker Examination for Joseph Savaro
```

19 is going to be tabled. 1 2 MR. LEONE: 3 The Commission will entertain a motion 4 to table. 5 MR. MCGETTIGAN: So moved. 6 7 MR. TARANTINO: Second. 9 MS. LINSENBACH: 10 Call for the vote. 11 12 Armand Ferrara, aye; Joseph Tarantino, aye; Jeffery Johnson, aye; Anne Rubin, 13 14 aye; Joseph McGettigan, aye; Jennifer 15 Thomson, aye; Gaetano Piccirilli, aye; 16 Arion Claggett, aye. 17 [The motion carried unanimously.] * * * 18 19 MR. MCGETTIGAN: 20 Last month, we were given a copy of the 2.1 Timeshare Course Outline. You've all 22 reviewed it. 2.3 I'll make a motion that this become 24 the Commission-approved course. 25 MR. LEONE:

```
20
                  The Commission will entertain a motion
1
2
                  to endorse, as an official endorsed
3
                  course outline, the document entitled
 4
                  Timeshare Course Outline, which we will
5
                  publish.
   MR. MCGETTIGAN:
6
                  So moved.
   MS. RUBIN:
9
                  Second.
10
   MS. LINSENBACH:
11
                  Call for the vote.
12
13
                  Armand Ferrara, aye; Joseph Tarantino,
14
                  aye; Jeffery Johnson, aye; Anne Rubin,
15
                  aye; Joseph McGettigan, aye; Jennifer
16
                  Thomson, aye; Gaetano Piccirilli, aye;
17
                  Arion Claggett, aye.
18
   [The motion carried unanimously.]
                               * * *
19
2.0
   MR. MCGETTIGAN:
2.1
                  Salesperson Coursework Review for
2.2
                  Matthew Barkann, who wanted to sit for
2.3
                  the sales exam because he had a degree
2.4
                  from Penn, the Wharton School.
25
                  reviewed the coursed from the Wharton
```

```
School, and none of them really qualify
1
2
                  for prelicensure courses.
3
                       I make the motion we deny his
 4
                  Application.
   MR. TARANTINO:
5
6
                  Second.
7
   MS. LINSENBACH:
                  Call for the vote.
9
10
                  Armand Ferrara, aye; Joseph Tarantino,
11
                  aye; Jeffery Johnson, aye; Anne Rubin,
12
                  aye; Joseph McGettigan, aye; Jennifer
13
                  Thomson, aye; Gaetano Piccirilli, aye;
14
                  Arion Claggett, aye.
15
   [The motion carried unanimously.]
16
   Report of Committees - Enforcement (Application
17
     Reviews)
18
19
   MR. TARANTINO:
2.0
                  We had nine Applications that the
2.1
                  committee reviewed, and I'd like to make
2.2
                  a motion that we approve the following
2.3
                  and verify whether they are still on
2.4
                  probation and their fines have been paid
25
                           Jesse Manning, Thomas N.
                  or not:
```

22 1 Johnson, Jason Jones Sr., Joelyn Sue 2 Geesly, Howard Hewlett, Dakota Lee 3 Dunning. MS. RUBIN: 4 5 Second. 6 MS. LINSENBACH: Call for the vote. 8 Armand Ferrara, aye; Joseph Tarantino, 10 aye; Jeffery Johnson, aye; Anne Rubin, 11 aye; Joseph McGettigan, aye; Jennifer 12 Thomson, aye; Gaetano Piccirilli, aye; 13 Arion Claggett, aye. [The motion carried unanimously.] 14 * * * 15 MR. TARANTINO: 16 I make a motion to preliminarily deny 17 18 the following with the right to come in 19 for an informal conference: Charles 20 Henning, Collin George Meenihan, Billy 21 Hunter. 22 MS. RUBIN: 2.3 Second. 2.4 MS. LINSENBACH: Call for the vote. 25

2

3

4

5

6

9

Armand Ferrara, aye; Joseph Tarantino, aye; Jeffery Johnson, aye; Anne Rubin, aye; Joseph McGettigan, aye; Jennifer Thomson, aye; Gaetano Piccirilli, aye; Arion Claggett, aye.

7 [The motion carried unanimously.]

8 ***

Old/New Business

10 [Christopher Beadling, President, Pennsylvania

11 Association of Realtors, stated PAR members were

12 pleased with the renewal process and thanked the

13 Commission and BPOA staff. He requested data

14 regarding licensees who renewed and those who did not

15 renew as to whether most of them were first renewals

16 or retirees, so PAR could focus their services on how

17 to keep licensees engaged. He also requested

18 information concerning the continuing education (CE)

19 audit process and when it would conclude.

20 Mr. Beadling noted PAR hosted a realtor day on

21 the hill and found that to be rewarding, where the

22 primary issues discussed was addressed during the

23 | state's budget process. He noted Pennsylvania is

24 | finally recognizing 1031 like-kind exchanges beginning

25 | in 2023, which will open the doors to future

- reinvestment and redevelopment activity throughout the Commonwealth of Pennsylvania. He mentioned PAR would be hosting a webinar with a 1031 expert later this month and invited all licensees to attend.
 - Mr. Beadling stated the number of Pennsylvania citizens taking advantage of realtor members continues to be robust and encouraged the Commission and all real estate licensees to review the statistics that PAR posts each month at parealtors.org.
 - Acting Commissioner Claggett offered to provide PAR with the renewal data for this year.
 - Ms. Linsenbach referred to § 35.359(b), where schools must provide each licensee with a transcript 30 days after a CE course has ended and (b)(1) indicates licensees shall retain transcripts of instruction for two years following the biennial period during which the courses were taken to renew the license and the licensees must provide a copy of those transcripts and certificates to the Commission upon request.]
- 21 ***
- 22 Miscellaneous

5

6

10

11

12

13

14

15

16

17

18

19

- 23 [Armand Ferrara Jr., Chair, Industry Member, noted the 24 next meeting is scheduled for September 22.
- 25 Ms. Rubin informed Commission members that she

```
25
   would not be attending that meeting.]
 1
 2
 3
   Adjournment
   CHAIR FERRARA:
 5
                   Motion to adjourn.
   MS. RUBIN:
 6
                   So moved.
   MR. TARANTINO:
9
                   Second.
10
11
    [There being no further business, the State Real
   Estate Commission Meeting adjourned at 11:22 a.m.]
12
                                * * *
13
14
15
16
17
18
19
20
21
22
23
24
25
26
```

		27
	STATE REAL ESTATE COMMISSION REFERENCE INDEX	
	August 2, 2022	
TIME	AGENDA	
9:00 10:30	Executive Session Return to Open Session	
10:31	Official Call to Order	
10:32	Roll Call	
10:34	Pledge of Allegiance	
10:34	Introduction of Attendees	
10:37	Approval of Minutes	
10:40	Report of Prosecutorial Division	
10:50	Report of Commission Counsel	
11:02	Report of Acting Commissioner	
11:03	Report of Commission Administrator	
11:04	Report of Committees	
11:17	Old/New Business	
11:22	Adjournment	