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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE REAL ESTATE COMMISSION

TIME: 11:11 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

January 29, 2019

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State Real Estate Commission
January 29, 2019

COMMISSION MEMBERS:

Joseph Tarantino, Chair, Industry Member
Anne Rubin, Vice Chair, Industry Member
Joseph McGettigan, Secretary, Industry Member - Absent
Alexis L. Barbieri, Esquire, Public Member
Armand Ferrara, Industry Member
Jennifer Thomson, Esquire, Attorney General Designee
Annie Hanna Cestra, Industry Member
Edward L. Seebeck, Cemetery Member - Absent
Ian J. Harlow, Commissioner of Professional and
Occupational Affairs - absent

COMMISSION PERSONNEL:

Juan Ruiz, Esquire, Commission Counsel
Ray Michalowski, Esquire, Commission Prosecution
Liaison
Krista Linsenbach, Commission Administrator
Kimberly Adams, Chief of Fiscal Management, Bureau of
Finance and Operations
Shannon Boop, Bureau of Finance and Operations

ALSO PRESENT:

William McFalls, Jr., President, Pennsylvania Realtors
Association

1 ***

2 State Real Estate Commission

3 January 29, 2019

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Tuesday, January 29,
7 2019. Joseph Tarantino, Chair, Industry Member,
8 officially called the meeting to order. The Pledge of
9 Allegiance was recited. A roll call was taken.

10 ***

11 Approval of Minutes of December 12, 2018 meeting.

12 CHAIR TARANTINO:

13 Can I get a motion to approve the draft
14 minutes of December 12th?

15 MR. FERRARA:

16 So moved, Ferrara.

17 MS. RUBIN:

18 Second.

19 CHAIR TARANTINO:

20 Motion by Ferrara, seconded by Rubin.

21 All in favor say aye. Any opposed?

22 [The motion carried unanimously.]

23 ***

24 Report of Prosecutorial Division

25 [Ray Michalowski, Esquire, Commission Prosecution

1 Liaison, on behalf of Caroline Bailey, Esquire,
2 Commission Prosecutor, presented the Consent Agreement
3 for File No. 16-56-12111.]

4 ***

5 [Ray Michalowski, Esquire, Commission Prosecution
6 Liaison, on behalf of Glenn Masser, Esquire,
7 Commission Prosecutor, presented the Consent Agreement
8 for File No. 17-56-04395.]

9 ***

10 Report of Commission Counsel

11 [Juan A. Ruiz, Esquire, Commission Counsel, noted
12 matters for discussion during Executive Session.

13 Mr. Ruiz requested the Commission to vote to adopt
14 the Broker Price Opinion (BPO) Annex.]

15 MR. FERRARA:

16 Motion, Ferrara.

17 CHAIR TARANTINO:

18 We have a motion. Do I have a second?

19 MS. RUBIN:

20 Second, Rubin.

21 CHAIR TARANTINO:

22 Second, Rubin. All in favor say aye.

23 Any opposed?

24 [The motion carried unanimously.]

25 ***

1 [Mr. Ruiz discussed the Advertising (16A-5616)
2 regulation. He stated the Commission adopted the
3 Preamble and Annex in December of 2015, but then the
4 regulation was put on hold. The Administration has
5 requested the Commission to move the regulation
6 forward.

7 Mr. Ruiz noted the regulation amends § 35.305,
8 relating to business name on advertisements, and
9 § 35.309, relating to team advertising. He reviewed
10 the rewording of the last sentence regarding the size
11 of the name and telephone number of the broker.]

12 ***

13 Report of Commission Chairperson

14 [Chair Tarantino thanked Alexis Barbieri for being
15 Chair this year.]

16 ***

17 Report of Commissioner - No Report

18 ***

19 Report of Commission Administrator

20 [Kristen Linsbach, Commission Administrator,
21 presented financial disclosure forms. She requested
22 the Commissioners to file online and offered to answer
23 questions.]

24 ***

25 Appointment - BFO 2019 Budget Presentation

1 [Kimberly Adams, Chief of Fiscal Management, Bureau of
2 Finance and Revenue, introduced herself and Shannon
3 Boop, also of the Bureau, to the Commissioners. She
4 provided information on the Commission's licensed
5 population with 56,044 license renewals in 2018.

6 Ms. Adams referred to the revenue source category
7 breakdown. She noted that biennially 94.1 of revenue
8 from renewals and applications.

9 Ms. Adams explained expenses occur from a direct
10 expense, time sheets, and a license-based fee. She
11 also reviewed administrative and legal costs.

12 Ms. Adams noted that the Commission's licensed
13 population reflected a healthy growth.

14 Ms. Adams presented Commission member
15 expenditures. She noted that the 2017-2018 budget was
16 adequate, and the same budget will be used for the
17 2019-2020 Fiscal Year.

18 Ms. Adams provided an expenditure chart for
19 Commission review.

20 Chair Tarantino questioned the ability of the
21 Commission to make changes to Commission member
22 expenses. Ms. Adams advised that the Commission
23 should contact the Fiscal Management Division.]

24 ***

25 Appointment - Bill McFalls from PAR

1 [William McFalls, Jr., President, Pennsylvania
2 Association of Realtors (PAR), explained that PAR was
3 awaiting a new strategic plan. He noted PAR's goal to
4 expand its relationship with the Commission and the
5 BPOA.

6 Mr. McFalls discussed issues with the Pennsylvania
7 Licensing System (PALS) and noted that the Association
8 still fields questions and complaints about the
9 system. He noted problems with obtaining licenses and
10 investigating and processing complaints. He suggested
11 that the PAR Bureau and Commission have more open
12 discussions to resolve issues and improve the PALS
13 process.

14 Chair Tarantino noted that he, too, has been
15 waiting for a license since October. He agreed with
16 the importance of having discussion and Commissioners'
17 input.

18 Ms. Cestra encouraged all to contact their
19 legislators.]

20 ***

21 [The Commission recessed from 11:34 a.m. until 11:39
22 a.m.]

23 ***

24 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
25 11:39 a.m. the Commission entered into Executive

1 Session with Juan Ruiz, Esquire, for the purpose of
2 conducting quasi-judicial deliberations. The
3 Commission returned to open session at 12:25 p.m.]

4 ***

5 MOTIONS:

6 MR. RUIZ:

7 The Commission was just in Executive
8 Session conducting quasi-judicial
9 deliberations on a number of matters
10 currently pending before the Commission.

11 Is there a motion to approve the
12 Consent Agreements filed at 16-56-1211
13 and File No. 17-56-04395?

14 CHAIR TARANTINO:

15 Do I hear a motion?

16 MS. RUBIN:

17 Rubin.

18 CHAIR TARANTINO:

19 Second?

20 MR. FERRARA:

21 Ferrara.

22 CHAIR TARANTINO:

23 All in favor say aye. Any opposed?

24 [The motion carried unanimously. The Respondent's
25 name for File No. 15-56-12111 is Corey Kendig. The

1 Respondent's name for File No. 17-56-04395 is Luke
2 Attanasi.]

3 ***

4 MR. RUIZ:

5 Is there a motion to approve the Proposed
6 Adjudication and Order in the case of
7 Commonwealth of Pennsylvania vs. Marc D.
8 Manoff at File No. 16-56-04876?

9 MS. BARBIERI:

10 So moved.

11 CHAIR TARANTINO:

12 Motion made by Alexis.

13 MS. CESTRA:

14 Second.

15 CHAIR TARANTINO:

16 Second by Annie Cestra on the motion.

17 All in favor say aye. Any opposed?

18 [The motion carried unanimously.]

19 ***

20 MR. RUIZ:

21 Is there a motion to approve the Final
22 Adjudication and Order in the case of
23 Commonwealth of Pennsylvania vs. Ralph
24 Ruprecht, File No. 17-56-09766?

25 CHAIR TARANTINO:

1 Motion?

2 MR. FERRARA:

3 Ferrara.

4 CHAIR TARANTINO:

5 Second?

6 MS. BARBIERI:

7 Barbieri.

8 CHAIR TARANTINO:

9 All in favor say aye. Any opposed?

10 [The motion carried unanimously.]

11 ***

12 MR. RUIZ:

13 Is there a motion to grant the Motion to
14 Enter Default and Deem Facts Admitted in
15 the following cases:

16 Curtis Chandler, 14-56-09489; William
17 Kendall, 15-56-07885 and 17-56-03127; New
18 Church Hill Cemetery, 15-56-00846;
19 Katherine Scott, 16-56-05470; and Teberio
20 Realty, Inc. at 16-56-06418?

21 CHAIR TARANTINO:

22 Motion?

23 MS. CESTRA:

24 Cestra.

25 CHAIR TARANTINO:

1 Second?

2 MR. FERRARA:

3 Ferrara.

4 CHAIR TARANTINO:

5 All in favor say aye. Any opposed?

6 [The motion carried unanimously.]

7 ***

8 MR. RUIZ:

9 Just bringing back up the regulations
10 discussion we had earlier concerning the
11 advertising regulations, the advertising
12 regulation at 16A-5616. As I mentioned
13 before, back in 2015, the Commission had
14 reached out to the public on the
15 advertising regulation. And April 22nd,
16 2015, you guys voted to send out an
17 exposure draft. We did that. We
18 received a number of comments. Back
19 December 2015, you voted to adopt the
20 Preamble and Annex dealing with those
21 comments and to promulgate. The
22 Commission had unofficially withheld that
23 regulation. I'm asking now does the
24 Commission wish to move forward with that
25 regulation? Is there a motion to

1 continue the promulgation of that
2 regulation?

3 MS. RUBIN:

4 So moved, Rubin.

5 CHAIR TARANTINO:

6 Second.

7 MR. FERRARA:

8 Ferrara.

9 CHAIR TARANTINO:

10 All in favor say aye. Any opposed?

11 [The motion carried unanimously.]

12 ***

13 VEAC Committee

14 [Ms. Rubin presented an outline for the fundamentals
15 course.]

16 MS. RUBIN:

17 We're asking for a motion for the
18 Commission to review that outline and
19 within the next ten days, let us know of
20 any questions. Otherwise we will be able
21 to move this forward and send it out to
22 the educational providers.

23 CHAIR TARANTINO:

24 Second?

25 MR. FERRARA:

1 Ferrara.

2 CHAIR TARANTINO:

3 All in favor say aye. Any opposed?

4 [The motion carried unanimously.]

5 ***

6 Education/Examination

7 MS. RUBIN:

8 On our two informal hearings, we had
9 asked for additional information from
10 Jordan Cypher to fully complete the
11 experience charts demonstrating required
12 experience. And for Anthony DeLuca, we
13 provisionally denied, as we did not see
14 that his experience was equivalent to
15 three years of a real estate licensee.

16 Motion to approve that?

17 [The Commission members determined that the committee
18 will make a blanket motion of all recommendations.]

19 MS. RUBIN:

20 For the broker exam for Catherine Tresco,
21 we preliminarily denied. Catherine has
22 not demonstrated the qualifications
23 needed to sit for the exam. Jay Kamin we
24 preliminarily denied as Jay does not meet
25 the three-year requirement. Joshua

1 Reibstein we preliminarily denied as
2 Joshua has not demonstrated the required
3 experience. And Michael Barnes we also
4 preliminarily denied as Michael does not
5 meet the course requirements.

6 And then in terms of the courses
7 listed there, we have approved all of
8 those - I apologize. That's not true. So
9 let me go through this. We have a course
10 approval for Building Your Valuation
11 Toolbox and Defensible Workfile. We
12 approved the course Commercial Mastermind
13 on Real Estate Syndication. We approved
14 the course Fundamentals of Income
15 Property Appraisal. We approved the
16 course Go Forth and Sin No More. And we
17 approve the course How's That Working Out
18 for You.

19 For the online 30-hour broker
20 elective course Evaluation of Residential
21 Property, which is now being asked to
22 become a broker-required course, we have
23 asked for additional information so that
24 they can submit the details on their
25 outline, meaning the outline requirements

1 of the Valuation of Residential Property
2 course.

3 So those are our recommendations and
4 we need a motion.

5 CHAIR TARANTINO:

6 Anne made a motion to approve
7 recommendations of the committee.

8 MS. CESTRA:

9 Second.

10 CHAIR TARANTINO:

11 Second by Cestra. Call to question? All
12 in favor say aye. Any opposed?

13 [The motion carried unanimously.]

14 ***

15 Enforcement

16 MR. FERRARA:

17 Application Reviews, Baylon Sloan, no
18 barrier toward licensure; Brandon
19 Heffner, preliminary deny application;
20 and Mark Joseph Brown, preliminary deny
21 application.

22 MR. RUIZ:

23 Was there a motion?

24 CHAIR TARANTINO:

25 Right. Made by Ferrara. Seconded by

1 Barbieri.

2 MS. BARBIERI:

3 Barbieri.

4 CHAIR TARANTINO:

5 Call to question? All in favor say aye.

6 Any opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. FERRARA:

10 We have April R. Jones, approve with
11 license on probation. Nathaniel Clouden,
12 approve with license on probation. Karin
13 Linde, approve with license on probation.

14 CHAIR TARANTINO:

15 Do I have a second?

16 MS. BARBIERI:

17 Second.

18 CHAIR TARANTINO:

19 Second Barbieri. Call to question? All
20 in favor say aye. Any opposed?

21 [The motion carried unanimously.]

22 ***

23 MR. FERRARA:

24 The next one is Joseph Mazer, approved
25 with no restrictions. Timothy Roldan,

1 approved, no restrictions. Kelly
2 Sandora, approved, no restrictions. Owen
3 McFarlane, approved, no restrictions.

4 CHAIR TARANTINO:

5 Second?

6 MS. BARBIERI:

7 Barbieri.

8 CHAIR TARANTINO:

9 Any question on the motion? All in favor
10 say aye. Any opposed?

11 [The motion carried unanimously.]

12 ***

13 [Chair Tarantino note the next meeting of the Real
14 Estate Commission on March 12, 2019, in Harrisburg.]

15 ***

16 CHAIR TARANTINO:

17 Do I have a motion to adjourn?

18 MS. RUBIN:

19 Motion to adjourn, Rubin.

20 CHAIR TARANTINO:

21 Second?

22 MS. CESTRA:

23 Second.

24 CHAIR TARANTINO:

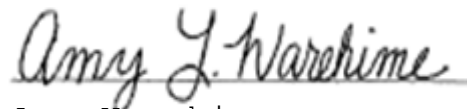
25 Second by Cestra.

1 [There being no further business, the State Real
2 Estate Commission Meeting adjourned at 12:34 p.m.]

3 ***

4
5
6 CERTIFICATE

7
8 I hereby certify that the foregoing
9 summary minutes of the State Real Estate Commission
10 meeting, was reduced to writing by me or under my
11 supervision, and that the minutes accurately summarize
12 the substance of the State Real Estate Commission
13 meeting.

14
15 

16 Amy Warehime

17 Minute Clerk

18 Sargent's Court Reporting
19 Service, Inc.

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STATE REAL ESTATE COMMISSION
REFERENCE INDEX
January 29, 2019

TIME	AGENDA
11:11	Official Call to Order
11:11	Pledge of Allegiance
11:12	Adoption of Minutes
11:13	Report of Prosecutorial Division
11:15	Report of Commission Counsel
11:18	Report of Commission Chairman
11:19	Report of Commission Administrator
11:20	Appointment - BFO 2019 Budget Presentation
11:28	Appointment - Bill McFalls from PAR
11:34	Recess
11:39	Executive Session
12:25	Return to open Session
12:26	Motions
12:34	Adjournment