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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: 11:00 A.M.

BOARD ROOM B  
One Penn Center  
2601 North Third Street  
Harrisburg, Pennsylvania 17110

January 29, 2020



State Real Estate Commission  
January 29, 2020

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ALSO PRESENT: (Continued)

Wayne C. Crawford, Esquire, Public Policy Manager,  
Pennsylvania Association of Realtors  
Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group

1 State Real Estate Commission

2 January 29, 2020

3 \*\*\*

4 The regularly scheduled meeting of the State Real  
5 Estate Commission was held on Tuesday, January 29,  
6 2020. Anne M. Rubin, Chair, Industry Member,  
7 officially called the meeting to order at 11 a.m. A  
8 roll call was taken. The Pledge of Allegiance was  
9 recited.

10 \*\*\*

11 Report of Prosecutorial Division

12 [Angela B. Lucci, Esquire, Commission Prosecutor,  
13 presented the Consent Agreement for Case No. 18-56-  
14 003605.]

15 \*\*\*

16 [Ray Michalowski, Esquire, Commission Prosecution  
17 Liaison, presented the Consent Agreement for File No.  
18 19-56-008577.]

19 \*\*\*

20 [Anne M. Rubin, Chair, Industry Member, exited the  
21 meeting at 11:15 a.m. for recusal purposes.]

22 \*\*\*

23 [Tiffany A. Raker, Esquire, Commission Prosecutor,  
24 presented the Consent Agreements for Case No. 19-56-  
25 002251 and File No. 19-56-002252.]

1 \*\*\*

2 [Anne M. Rubin, Chair, Industry Member, reentered the  
3 meeting at 11:18 a.m.]

4 \*\*\*

5 [Timothy A. Fritsch, Esquire, Commission Prosecutor,  
6 presented the Consent Agreements for Case Nos. 15-56-  
7 01863 & 17-56-13110.

8 Charles J. Hartwell, Esquire, counsel for the  
9 respondent, was also present and participated in the  
10 discussion.]

11 \*\*\*

12 [Timothy A. Fritsch, Esquire, Commission Prosecutor,  
13 presented the Consent Agreements for Case Nos. 19-56-  
14 010519 & 19-56-010520 and Case Nos. 17-56-13787 & 18-  
15 56-00128.]

16 \*\*\*

17 Appointment - Bureau of Finance and Operations 2020  
18 Budget Presentation

19 [Kimberly Adams, Chief of Fiscal Management, Bureau of  
20 Finance and Operations, Department of State, addressed  
21 licensee population from a revenue standpoint. She  
22 noted 59,745 licensees as of the date the report was  
23 prepared with a recent decrease of 40 to 59,705. She  
24 also noted FY 2015-2016 at 51,891 with an increase in  
25 FY 2017-2018 to 56,345 to the current 59,705.

1 Ms. Adams reviewed the biennial total revenue by  
2 source. She reviewed categories and actual revenue  
3 for FY 2017-2018 and FY 2018-2019, as well as the  
4 biennial total. She stated 96.2 percent of the  
5 revenue was from renewals and applications.

6 Ms. Adams provided a categorical breakdown of  
7 expenses for FY 2017-2018 and FY 2018-2019 with a  
8 current budget for FY 2019-2020 and expenses as of  
9 January 24, 2020. She noted a recent increase in  
10 expenses. She mentioned expenses are incurred from  
11 direct-based charges, timesheet-based charges, and  
12 licensee-based charges. She stated the current budget  
13 was adequate.

14 Ms. Adams reviewed revenues and expenses, showing  
15 the bottom line FY 2019-2020 budget. She noted the  
16 licensee population growth and revenue exceeded the  
17 expenses.

18 Ms. Adams reviewed Commission member expenses,  
19 noting the current budget for FY 2019-2020 and  
20 expenses as of January 24, 2020, which recently  
21 increased. She mentioned budgeted figure was adequate  
22 and carried over for the FY 2020-2021 budget. She  
23 stated any excess not used would remain in the  
24 Commission's restricted account.

25 Mr. Tarantino questioned why the budget had

1 dropped, noting there was a time when the Commission  
2 had input on the budget. Ms. Adams explained that  
3 expenses had decreased, so the figure was dropped.

4 It was noted that the Commission was not able to  
5 attend conferences due to funds not being in the  
6 budget. Ms. Adams suggested letting the Commission  
7 administrator know if the Commission anticipated an  
8 increase in the expenses, and the figure would be  
9 increased.]

10 \*\*\*

11 Report of Commission Counsel

12 [Juan A. Ruiz, Esquire, Commission Counsel, announced  
13 the hearing scheduled for 1:30 p.m. had been  
14 continued.

15 Mr. Ruiz noted a number of final Adjudications  
16 and Orders and three Motions to Enter Default for  
17 discussion during Executive Session.

18 Mr. Ruiz addressed the recovery fund. He noted  
19 the fund balance and, to stay in accordance with the  
20 Real Estate Licensing and Registration Act, another  
21 assessment would be conducted in the year to bring the  
22 fund back up. He noted this year as a renewal year,  
23 and the most that would be charged was \$10 per  
24 licensee.]

25 \*\*\*

1 MR. RUIZ:

2 I need a motion to approve imposing the  
3 assessment for the real estate recovery  
4 fund.

5 CHAIR RUBIN:

6 Do I have a motion?

7 MR. TARANTINO:

8 So moved.

9 CHAIR RUBIN:

10 Second?

11 MR. FERRARA:

12 Second.

13 CHAIR RUBIN:

14 Any discussion or questions? All in  
15 favor, say aye. Opposed? Abstentions?

16 [The motion carried unanimously.]

17 \*\*\*

18 [Juan A. Ruiz, Esquire, Commission Counsel, informed  
19 the Commission that broker price opinion (BPO)  
20 temporary regulations had been approved by the Office  
21 of General Counsel (OGC), Office of Budget, and Office  
22 of Policy, and sent to the Office of Attorney General  
23 at the beginning of January for final approval.]

24 \*\*\*

25 Approval of minutes of the December 3, 2019 meeting



1 CHAIR RUBIN:

2 May I have a motion to approve the draft  
3 minutes?

4 MR. FERRARA:

5 So moved.

6 CHAIR RUBIN:

7 Second?

8 MR. TARANTINO:

9 Second.

10 CHAIR RUBIN:

11 All in favor? Opposed?

12 [The motion carried unanimously.]

13 \*\*\*

14 [Katelin Lambert, Deputy Commissioner, Bureau of  
15 Professional and Occupational Affairs, entered the  
16 meeting at 11:37 a.m.]

17 \*\*\*

18 [Theodore Stauffer, Executive Assistant, Bureau of  
19 Professional and Occupational Affairs, exited the  
20 meeting at 11:37 a.m.]

21 \*\*\*

22 Report of Commission Chairperson

23 [Anne M. Rubin, Chair, Industry Member, thanked the  
24 Commission for the opportunity to serve as Chair this  
25 year. She stated her goal this year was to update the

1 rules and regulations. She mentioned an upcoming  
2 rules and regulations meeting to draft the updates.

3 Chair Rubin desired to provide a newsletter to  
4 licensees on a quarterly basis through email with  
5 updates on licensure changes, laws, and requirements  
6 in continuing education. She also wanted to provide  
7 information regarding disciplinary actions to remind  
8 licensees of the ramifications of wrongful conduct.

9 Mr. Ruiz explained the newsletter process, where  
10 he reviews and approves the articles. The articles  
11 are then sent to the Commission Administrator to be  
12 forwarded to the Commissioner's Office.

13 Deputy Commissioner Lambert noted there is a  
14 review process and then the information technology  
15 (IT) department distributes the newsletters to the  
16 licensees electronically.

17 Mr. Tarantino questioned whether a communications  
18 person or public relations person could write these  
19 articles every quarter since there was so much money  
20 in the budget.

21 Ms. Thomson mentioned that the local paper in  
22 Harrisburg publishes a list of disciplinary actions  
23 and interesting articles in the news that are  
24 relevant. She also noted the *Philadelphia Inquirer*  
25 publishes good stories and questioned whether it would

1 be possible to obtain reprint rights with some of the  
2 budget money and include those articles in the  
3 newsletter.

4 Mr. Ruiz stated most newsletter articles are  
5 usually written by Commission members, but it could be  
6 possible with the permission to print the information.  
7 He will review the matter for legality purposes.

8 Mr. Tarantino again mentioned having one person  
9 hired to work on the newsletters, possibly for all of  
10 the Boards and Commissions.

11 Deputy Commissioner Lambert will discuss this  
12 with the press office and report back to the  
13 Commission at its next meeting.

14 Chair Rubin questioned when the first newsletter  
15 could be published. She mentioned an article written  
16 introducing herself and finding somebody to write an  
17 article regarding BPO regulations in plain language.

18 Deputy Commissioner Lambert agreed to work with  
19 Mr. Ruiz to review availability for the newsletter and  
20 will try to expedite the process.]

21 \*\*\*

22 Report of Deputy Commissioner

23 [Katelin Lambert, Deputy Commissioner, Bureau of  
24 Professional and Occupational Affairs, referred to the  
25 memorandum from Acting Commissioner Johnson regarding

1 travel changes recently distributed. She mentioned  
2 the Adventure Travel (ADTRAV) website no longer  
3 existed. She recommended utilizing the highlighted  
4 phone number in that letter to make travel  
5 arrangements for airfare and hotel bookings.]

6

\*\*\*

7 Report of Commission Administrator

8 [Krista Linsenbach, Commission Administrator, noted  
9 promotional property renewals were completed on  
10 December 31, 2019, and cemetery company renewals  
11 should soon be completed. She informed everyone of no  
12 grace period in 2020 for renewals. She noted licenses  
13 expire on May 31, 2020, and there is no opportunity to  
14 complete a later renewal in the Pennsylvania Licensing  
15 System (PALS) after that date. She stated all should  
16 complete their renewal, including responding to any  
17 discrepancies before May 31, 2020.

18 Ms. Linsenbach requested the completion of all  
19 Statement of Financial Interests forms and to send her  
20 a copy. She provided a paper copy and instructions  
21 for those who wish to complete the forms online.]

22

\*\*\*

23 Public Session

24 [William McFalls Jr., ABR, CRS, Green, GRI,  
25 Pennsylvania Association of Realtors, mentioned being

1 present on behalf of President Bill Festa. He  
2 commented that the Pennsylvania Association of  
3 Realtors (PAR) supports Chair Rubin's goals.

4 Mr. McFalls discussed PAR's recent meetings,  
5 which focused on a recent *New York Newsday* three-year  
6 investigation of the Long Island Real Estate  
7 Community. He stated the report revealed widespread  
8 unequal treatment and offered to send the Commission a  
9 link to that report.

10 Mr. McFalls stated 93 agents underwent a testing  
11 process as a result of this investigation with 12  
12 different real estate companies. The results were as  
13 follows: 19 percent of Asians received unfair  
14 treatment by real estate agents, 39 percent of  
15 Hispanics were treated unfairly, and nearly 49 percent  
16 of black homebuyers were subject to unfair treatment  
17 when compared to white homebuyers.

18 Mr. McFalls announced that the National  
19 Association of Realtors introduced a plan to protect  
20 fair housing rights that includes working with state  
21 associations regarding fair housing laws, launching a  
22 public service announcement campaign, integrating fair  
23 housing at all conferences, creating more robust fair  
24 housing education, and conducting a national study.

25 Mr. McFalls noted that PAR's Diversity Committee,

1 Legislative Committee, and Board of Directors strongly  
2 urge the Commission to make fair housing the mandatory  
3 education topic in the 2020 continuing education cycle  
4 to help stress the importance of fair housing and the  
5 critical role real estate agents play in assuring  
6 equal treatment to consumers in the home-buying and  
7 selling process.

8 Mr. McFalls stated PAR will be investigating  
9 other ways to continue educating realtors on fair  
10 housing. He noted Director of Enforcement Jinada  
11 Rochelle of the Pennsylvania Human Relations Committee  
12 indicated that actions would be taken from the testing  
13 that occurred in Lehigh at the end of last year. PAR  
14 will be in Philadelphia and surrounding areas in the  
15 future.

16 Mr. McFalls offered PAR's assistance to ensure  
17 smooth renewal this year and offered to distribute  
18 information to members to avoid any of the pitfalls  
19 that occurred in the past.

20 Ms. Linsenbach stated the Commission will be  
21 developing a PALS renewal guide in conjunction with  
22 the Commissioner's Office and will provide information  
23 regarding the grace period and other renewal changes  
24 to PAR for distribution to members.

25 Mr. McFalls noted President Festa will continue

1 to make presentations and be a point of contact to  
2 assist with the good relationship between the  
3 Commission and PAR.

4 Chair Rubin extended the Commission's  
5 congratulations to Bill Festa on his presidency this  
6 year and looked forward to seeing him at the next  
7 meeting.]

8 \*\*\*  
9 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
10 11:56 a.m. the Commission entered into Executive  
11 Session with Juan A. Ruiz, Esquire, Commission  
12 Counsel, for the purpose of conducting quasi-judicial  
13 deliberations on matters currently pending before the  
14 Commission and to receive the advice of counsel. The  
15 Commission returned to open session at 1:00 p.m.]

16 \*\*\*

17 MOTIONS

18 MR. RUIZ:

19 The Commission was just in executive  
20 session conducting quasi-judicial  
21 deliberations on a number of matters  
22 currently pending before the Commission.

23 Is there a motion to approve the  
24 Consent Agreements at Case No. 18-56-  
25 003605, File No. 19-56-008577, Case Nos.

1 15-56-01863 & 17-56-13110, Case Nos. 19-  
2 56-010519 & 19-56-010520, and Case Nos.  
3 17-56-13787 & 18-56-00128?

4 MR. FERRARA:

5 So moved.

6 MR. SEEBECK:

7 Second.

8 CHAIR RUBIN:

9 Any questions or discussion? All in  
10 favor? Any opposed?

11 [The motion carried unanimously. The Respondent's  
12 name for Case No. 18-56-003605 is Nicole Marie Shami;  
13 File No. 19-56-008577, Lakisha Rozier; Case Nos. 15-  
14 56-01863 & 17-56-13110, Tamara Kristin Thompkins &  
15 Absolute Realty Services, LLC; Case Nos. 19-56-010519  
16 & 19-56-010520, Lehman Group, Inc. & Glenn D. Lehman;  
17 and Case Nos. 17-56-13787 & 18-56-00128, William C.  
18 Huyler & East Hill Property Management, LLC.]

19 \*\*\*

20 MR. RUIZ:

21 Is there a motion to approve the Consent  
22 Agreements at File No. 19-56-002251 and  
23 File No. 19-56-002252, noting for the  
24 record that Anne Rubin has been recused  
25 from all deliberations and discussions



1 on those two matters?

2 MR. TARANTINO:

3 So moved.

4 MR. FERRARA:

5 Second.

6 CHAIR RUBIN:

7 All in favor? Opposed?

8 [The motion carried. The Respondent's name for File  
9 No. 19-56-002251 is Joseph Bograd. The Respondent's  
10 name for File No. 19-56-002252 is Michael Lisitsa.  
11 Anne Rubin recused herself from deliberations and  
12 voting on the motion.]

13 \*\*\*

14 MR. RUIZ:

15 Is there a motion to approve the  
16 following final Adjudications and Orders  
17 as the Commission's final orders?

18 Andres A. Acuna, Case No. 16-56-  
19 09809; Diane B. Baleno, Case No. 16-56-  
20 04187; Vasili G. Barbounis, Case No. 15-  
21 56-01661; Allison Margaret Elizabeth  
22 Bethell, Case No. 15-56-02510; Curtis  
23 Chandler, Case No. 14-56-09489; David  
24 Coughlin, Case No. 15-56-01758; Jose  
25 Jerez, Case No. 15-56-05553; William M.

1                   Kendall, Case Nos. 15-56-07885 & 17-56-  
2                   03127; Lindsay Yetter and Y Real Estate,  
3                   Inc., Case Nos. 14-56-14533 & 14-56-  
4                   14534; Locust Grove Cemetery  
5                   Association, Case No. 14-56-07941; New  
6                   Church Hill Cemetery, Case No. 15-56-  
7                   00846; Sharon L. Reese, Case No. 15-56-  
8                   01719; Rikki L. Salzman, Case No. 16-56-  
9                   05844; Katherine A. Scott, Case No. 16-  
10                  56-05470; Teberio Realty, Inc., Case No.  
11                  16-56-06418; Christopher James Ward,  
12                  Case No. 16-56-01163; James P. Watson  
13                  Sr., Case No. 15-56-04445?

14 CHAIR RUBIN:

15                   Do I have a motion?

16 MR. SEEBECK:

17                   So moved.

18 CHAIR RUBIN:

19                   Second?

20 MR. TARANTINO:

21                   Second.

22 CHAIR RUBIN:

23                   Discussion? All in favor? Opposed?

24 [The motion carried unanimously.]

25

\*\*\*

1 MR. RUIZ:

2 Is there a motion to grant the Motion to  
3 Enter Default and Deem Facts Admitted in  
4 the matter of Anatoliy Paul Brown, Case  
5 Nos. 17-56-10039, 18-56-001818, & 18-56-  
6 007692 and the matter of Karen M.  
7 Palmer, Case No. 17-56-013405?

8 MR. FERRARA:

9 So moved.

10 CHAIR RUBIN:

11 Second?

12 MR. SEEBECK:

13 Second.

14 CHAIR RUBIN:

15 Discussion? All in favor? Opposed?

16 [The motion carried unanimously.]

17 \*\*\*

18 MR. RUIZ:

19 Is there a motion to deny the motion to  
20 Deem Facts Admitted in the matter of  
21 Richard Frey, Case No. 19-56-008909?

22 MR. TARANTINO:

23 So moved.

24 CHAIR RUBIN:

25 Second?

1 MR. FERRARA:

2 Second.

3 CHAIR RUBIN:

4 Discussion? All in favor? Opposed?

5 [The motion carried unanimously.]

6 \*\*\*

7 Education/Examination Committee

8 MR. FERRARA:

9 We have an application for a Broker Exam  
10 for Michael Jordan that is preliminarily  
11 denied. He may request an informal  
12 conference because he does not have  
13 three years of real estate license  
14 experience.

15 CHAIR RUBIN:

16 Is that your motion?

17 MR. FERRARA:

18 That's my motion.

19 CHAIR RUBIN:

20 Second?

21 MR. SEEBECK:

22 Second.

23 CHAIR RUBIN:

24 Any discussion? All in favor? Opposed?

25 [The motion carried unanimously.]

1 \*\*\*

2 MR. FERRARA:

3 I make a motion to approve the following  
4 course names: Blockchain Technology  
5 Cryptocurrency and Its Impact on the  
6 Real Estate Consumer, Drone Technology  
7 and Real Estate Services, Market Like a  
8 Rock Star on a Roadies Budget, Real  
9 Estate Boot Camp, The Short-Term Rental  
10 Space and Customer Demand, Urban Living.

11 CHAIR RUBIN:

12 Second?

13 MR. TARANTINO:

14 Second.

15 CHAIR RUBIN:

16 Discussion? All in favor? Opposed?

17 [The motion carried unanimously.]

18 \*\*\*

19 MR. FERRARA:

20 I make a motion to deny the following  
21 course of Franklin County PA Tourism  
22 Ambassador, as it is not real estate  
23 related.

24 CHAIR RUBIN:

25 Second?

1 MR. SEEBECK:

2 Second.

3 CHAIR RUBIN:

4 Discussion? All in favor? Opposed?

5 [The motion carried unanimously.]

6 \*\*\*

7 MR. FERRARA:

8 I would like to deny the course Working  
9 with Today's Hyperconnected Consumer, as  
10 it is not beneficial to the consumer.

11 MR. TARANTINO:

12 Second.

13 CHAIR RUBIN:

14 Discussion? All in favor? Opposed?

15 [The motion carried unanimously.]

16 \*\*\*

17 MR. FERRARA:

18 On Property Rehab Investment and  
19 Analysis, we need additional information  
20 with a more definitive explanation.

21 MR. SEEBECK:

22 Second.

23 CHAIR RUBIN:

24 Discussion? All in favor? Opposed?

25 [The motion carried unanimously.]

1 \*\*\*

2 [Armand Ferrara, Industry Member, noted Ms. Linsenbach  
3 could email the Property Rehab Investment and Analysis  
4 information for approval upon receipt.]

5 \*\*\*

6 Enforcement (Application Review) Committee

7 MR. TARANTINO:

8 I would like to make a motion that we  
9 preliminarily deny the application and  
10 advise the applicant of the right to an  
11 informal conference for Heather Swift,  
12 Mikhail Rolon, and Nicholas Feagley?

13 CHAIR RUBIN:

14 Do I have a second?

15 MR. SEEBECK:

16 Second.

17 CHAIR RUBIN:

18 Discussion? All in favor? Opposed?

19 [The motion carried unanimously.]

20 \*\*\*

21 MR. TARANTINO:

22 I would like to make a motion that we  
23 approve the following but place their  
24 license on probation through their  
25 criminal probation and/or payment of





1 MR. FERRARA:

2 Second.

3 CHAIR RUBIN:

4 Any discussion? All in favor? Opposed?

5 [The motion carried unanimously.]

6 \*\*\*

7 [Anne M. Rubin, Chair, Industry Member, mentioned that  
8 Edward Seebeck was now a member of the Education  
9 Committee.]

10 \*\*\*

11 Adjournment

12 CHAIR RUBIN:

13 Do I have a motion to adjourn?

14 MR. SEEBECK:

15 So moved.

16 MR. TARANTINO:

17 Second.

18 CHAIR RUBIN:

19 All in favor?

20 [The motion carried unanimously.]

21 \*\*\*

22 [There being no further business, the State Real  
23 Estate Commission Meeting adjourned at 1:13 p.m.]

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## CERTIFICATE

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



Hyun Soo Lee,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE REAL ESTATE COMMISSION  
REFERENCE INDEX

January 29, 2020

	TIME	AGENDA
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4		
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9	11:00	Official Call to Order
10		
11	11:00	Roll Call
12		
13	11:01	Pledge of Allegiance
14		
15	11:02	Report of Prosecutorial Division
16		
17	11:25	Miscellaneous - Appointment - Kimberly
18		Adams, Chief of Fiscal Management,
19		Bureau of Finance and Operation
20		Budget Presentation
21		
22	11:37	Report of Commission Counsel
23		
24	11:38	Approval of Minutes
25		
26	11:38	Report of Commission Chair
27		
28	11:46	Report of Deputy Commissioner
29		
30	11:47	Report of Commission Administrator
31		
32	11:49	Public Session
33		
34	11:56	Executive Session
35	1:00	Return to Open Session
36		
37	1:00	Motions
38		
39	1:06	Report of Committees
40		
41	1:11	Old/New Business
42		
43	1:13	Adjournment
44		
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