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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
VIA VIDEOCONFERENCE

TIME: 10:39 A.M.

March 1, 2022

State Real Estate Commission
March 1, 2022

COMMISSION MEMBERS:

Armand N. Ferrara Jr., Chair, Industry Member
Joseph Tarantino, Vice Chair, Industry Member
Jeffrey J. Johnson, Secretary, Industry Member
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 - Absent
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs - Absent

COMMISSION PERSONNEL:

Juan A. Ruiz, Esquire, Commission Counsel
Nicole L. VanOrder, Esquire, Commission Counsel
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
Division
Ray Michalowski, Esquire, Senior Commission Prosecutor
Timothy A. Fritsch, Esquire, Commission Prosecution
Liaison
Alice Glasser, Esquire, Commission Prosecutor
Angela L. Solomon, Esquire, Commission Prosecutor
Timothy P. Smith, Esquire, Commission Prosecutor
Caroline A. Bailey, Esquire, Commission Prosecutor
Krista Linsenbach, Commission Administrator
Danie Bendesky, Director of Intergovernmental Affairs,
Department of State
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State

ALSO PRESENT:

Vicki Carey, Keller Williams Philadelphia
Sherri Martin, Public Policy and Political Affairs
Director, Pennsylvania Association of Realtors
Michael McGee, CAE, Chief Executive Officer,
Pennsylvania Association of Realtors
Marvin Haber, Esquire, Haber DiPaul LLC
Lisa Aaron, Professional Standards & Education
Manager, Pennsylvania Association of Realtors
Jeff Dempsey, Public Policy Manager, Pennsylvania
Association of Realtors

State Real Estate Commission
March 1, 2022

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ALSO PRESENT: (cont.)

Henry (Hank) Lerner, Esquire, Chief Legal Officer,
Pennsylvania Association of Realtors
Christopher Beadling, President, Pennsylvania
Association of Realtors
Lori A. Behe

1 ***

2 State Real Estate Commission

3 March 1, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Commission entered into Executive
7 Session with Juan A. Ruiz, Esquire, Commission
8 Counsel, and Nicole L. VanOrder, Esquire, Commission
9 Counsel, for the purpose of conducting quasi-judicial
10 deliberations on matters currently pending before the
11 Commission that are listed on the agenda. The
12 Commission returned to open session at 10:30 a.m.]

13 ***

14 Meeting Instructions

15 [Krista Linsenbach, Commission Administrator, noted
16 the meeting was being recorded, and those who
17 continued to participate were giving their consent to
18 be recorded.]

19 ***

20 The regularly scheduled meeting of the State Real
21 Estate Commission was held on Tuesday, March 1, 2022.
22 Armand Ferrara, Chair, Industry Member, officially
23 called the meeting to order at 10:39 a.m.

24 ***

25 Roll Call

1 [Armand Ferrara, Chair, Industry Member, provided a
2 roll call of commission members.]

3 ***

4 Pledge of Allegiance

5 [The Pledge of Allegiance was recited.]

6 ***

7 Introduction of Attendees

8 [Krista Linsenbach, Commission Administrator, provided
9 an introduction of those in attendance.]

10 ***

11 Approval of minutes of the January 18, 2022 meeting

12 CHAIR FERRARA:

13 I am looking for the approval of the
14 draft minutes from our January 18
15 meeting.

16 MR. MCGETTIGAN:

17 So moved.

18 MR. TARANTINO:

19 Second.

20 CHAIR FERRARA:

21 We have a motion and a second. All in
22 favor, signify by aye. Opposed, same
23 sign.

24 [The motion carried unanimously.]

25 ***

1 Report of Prosecutorial Division

2 [Alice Glasser, Esquire, Commission Prosecutor,
3 presented the Consent Agreement for Case Nos. 20-56-
4 003828, 20-56-003834, and 21-56-013368 & 20-56-003837.

5 Marvin Haber, Esquire, Haber DiPaul LLC, Counsel
6 for the Respondents, was present and participated in
7 the discussion.]

8 ***

9 [Angela L. Solomon, Esquire, Commission Prosecutor,
10 presented the Consent Agreement for Case No. 20-56-
11 005167.]

12 ***

13 [Timothy A. Fritsch, Esquire, Commission Prosecutor,
14 presented the Consent Agreement for Case Nos. 18-56-
15 011923, 19-56-00056, & 19-56-000856 and Case No. 20-
16 56-006906.]

17 ***

18 [Timothy P. Smith, Esquire, Commission Prosecutor,
19 presented the Consent Agreement for Case Nos. 21-56-
20 010278 & 21-56-001330.]

21 ***

22 [Juan A. Ruiz, Esquire, Commission Counsel, noted the
23 Commission met in Executive Session prior to the
24 meeting to discuss all of the items listed on the
25 agenda.]

1 Mr. Ruiz asked whether any Commission members
2 wished to return to Executive Session to discuss any
3 of the consent agreements.]

4 MR. RUIZ:

5 Is there a motion to deny the Consent
6 Agreement at Case Nos. 20-56-003828, 20-
7 56-003834, 21-56-013368 & 20-56-003837
8 as being too lenient?

9 MR. MCETTIGAN:

10 So moved.

11 MR. TARANTINO:

12 Second.

13 CHAIR FERRARA:

14 All in favor, signify by aye.

15 [The motion carried unanimously.]

16 ***

17 MR. RUIZ:

18 Is there a motion to deny the Consent
19 Agreement at Case No. 20-56-005167 as
20 being too lenient?

21 MR. TARANTINO:

22 So moved.

23 MR. MCGETTIGAN:

24 Second.

25 CHAIR FERRARA:

1 We have a motion and a second. All in
2 favor? Opposed, same sign.

3 [The motion carried unanimously.]

4 ***

5 MR. RUIZ:

6 Is there a motion to approve the Consent
7 Agreement at Case Nos. 18-56-011923, 19-
8 56-000566 & 19-56-000856?

9 MR. MCGETTIGAN:

10 So moved.

11 MR. JOHNSON:

12 Second.

13 CHAIR FERRARA:

14 We have a motion and a second. All in
15 favor, aye. Opposed?

16 [The motion carried unanimously. The Respondent's
17 name is Emory Dabney.]

18 ***

19 MR. RUIZ:

20 Is there a motion to approve the Consent
21 Agreement at Case No. 20-56-006906?

22 MR. MCGETTIGAN:

23 So moved.

24 MR. TARANTINO:

25 Second.

1 ***

2 Report of Commission Counsel - Other

3 MR. RUIZ:

4 There is an Application for Stay pending
5 an appeal for Wendell Huyard.

6 Is there a motion to grant Mr.
7 Huyard's Application for Stay pending
8 appeal?

9 MR. MCGETTIGAN:

10 So moved.

11 MR. JOHNSON:

12 Second.

13 CHAIR FERRARA:

14 We have a motion and a second. All in
15 favor, signify by aye. Opposed, same
16 sign.

17 [The motion carried unanimously.]

18 ***

19 Report of Commission Chair - No Report

20 ***

21 Report of Acting Commissioner

22 [Krista Linsenbach, Commission Administrator, noted
23 receiving information from Arion R. Claggett, Acting
24 Commissioner, Bureau of Professional and Occupational
25 Affairs, to share with the Commission during her

1 report.]

2

3 Report of Commission Administrator

4 [Krista Linsenbach, Commission Administrator, informed
5 everyone that the Commission will no longer be taking
6 advantage of the waiver that allowed for virtual
7 meetings after March 31, 2022. She announced the next
8 meeting on April 6, 2022, would be held at Penn Center
9 in Board Room C. She stated the Commission members
10 and the public were welcome to attend the meeting,
11 noting masks were optional for the public.

12 Ms. Linsenbach also informed everyone that there
13 would be a virtual platform available. The details
14 would be available on the website.

15 Ms. Linsenbach commented that Commissioners
16 should have received letters from the Office
17 Administration and the Ethics Commission containing
18 information for 2021 filings. She reminded members to
19 complete their Financial Disclosure filing and Ethics
20 Commission filing. She requested Commission members
21 contact her if a paper form would be preferable.

22 Ms. Linsenbach addressed 2023 meeting dates. She
23 asked the Pennsylvania Association of Realtors the
24 date of the 2023 business meeting so the Commission
25 could start setting up their meetings.

1 Michael McGee, CAE, Chief Executive Officer,
2 Pennsylvania Association of Realtors, offered to
3 provide the information as soon as possible.

4 The Commission discussed 2023 meeting dates and
5 agreed to Wednesday, February 1, Wednesday, March 15;
6 Thursday, April 27; Wednesday, May 31; Wednesday, July
7 12; Tuesday, August 15; Tuesday, October 3; and Monday
8 December 4.]

9 CHAIR FERRARA:

10 Would anyone like to make a motion to
11 approve these dates for the 2023
12 calendar?

13 MS. RUBIN:

14 I make a motion to approve the dates.

15 MR. JOHNSON:

16 I'll second.

17 CHAIR FERRARA:

18 We have a motion and a second on the
19 2023 calendar, signify aye if you agree.
20 Opposed, same sign.

21 [The motion carried unanimously.]

22 ***

23 Report of Committees - Education/Examination

24 MR. MCGETTIGAN:

25 I'd like to make a motion that the

1 course conducting and incorporating A
2 Client's Needs Analysis into a
3 Successful Commercial Real Estate
4 Transaction be approved.

5 Do I have a second?

6 MR. JOHNSON:

7 Second.

8 CHAIR FERRARA:

9 We have a motion and a second. All in
10 favor, aye? Opposed?

11 [The motion carried unanimously.]

12 ***

13 MR. MCGETTIGAN:

14 I'd like to make a motion that the real
15 estate continuing education course Real
16 Estate Marketing 101 Strategies for
17 Innovative and Impactful Planning and
18 real estate continuing education course
19 Succeeding in Business with Ethics and
20 Full Service Representation not be
21 approved.

22 CHAIR FERRRA:

23 Do I have a second?

24 MR. JOHNSON:

25 Second.

1 CHAIR FERRARA:

2 We have a motion and a second. All in
3 favor, signify by aye. Opposed?

4 [The motion carried unanimously.]

5 ***

6 Report of Committees - Enforcement (Application
7 Review)

8 MR. TARANTINO:

9 We had three applications that we
10 reviewed. I'd like to make a motion
11 that we approve the following: Laura
12 Curcio and Jesse Irwin with no barrier
13 toward licensure for those two.

14 MR. MCGETTIGAN:

15 Second.

16 CHAIR FERRARA:

17 We have a motion and a second. All in
18 favor? Opposed, same sign.

19 [The motion carried unanimously.]

20 ***

21 MR. TARANTINO:

22 On the Application for Nancy Gonzalez, I
23 make a motion we preliminarily deny the
24 Application and advise the applicant of
25 a right to an informal conference and

1 commented that a broker's responsibility is very broad
2 and asked the Commission provide specific concerns.

3 Mr. Tarantino stated the Commission wants to
4 advise licensees of brokers and salespeople,
5 especially salespeople, how to not act as their own
6 office and their own brokerage within a brokerage
7 company, either by marketing or by putting themselves
8 out there as their own company.

9 Mr. Lerner commented that the Commission is
10 basically requesting defining the broker lane and the
11 agent lane and advising the agent how to stay in their
12 own lane.

13 Ms. Rubin noted the Commission receives a
14 significant number of complaints regarding agents
15 marketing themselves and putting themselves out that
16 appears as if they are a brokerage in and of
17 themselves without the company. She noted non-
18 informed brokers would be given the benefit of the
19 doubt. She mentioned the importance of brokers
20 knowing the responsibilities of the broker and
21 responsibilities of the agent when marketing
22 themselves and how that should be handled to abide by
23 the rules and regulations.

24 Mr. McGettigan also noted the importance of
25 licensees knowing they cannot be involved in any

1 transaction that the broker is not overseeing and a
2 part of, whether it is a private transaction or
3 between brokerage firms.

4 Mr. Ruiz commented that the Commission had been
5 encountering many cases recently where the charge was
6 acting as an unlicensed broker, and they ranged from
7 advertising violations to property management
8 violations. He believed the Commission desired a
9 refresher as to the rules and responsibilities of each
10 type of licensing class and what they can and cannot
11 do. He mentioned there was a disconnect, where agents
12 were almost running their own office unbeknownst to a
13 broker.

14 Mr. McGettigan suggesting a 2-hour course, rather
15 than a 3.5-hour course, and filling it with
16 unnecessary information.

17 Mr. Lerner mentioned taking their two prior sets
18 of mandatory courses in education and property
19 management and additional material and repackaging it
20 in a way that focuses more on the responsibilities
21 back and forth. He noted personally answering calls
22 on the Pennsylvania Association of Realtors (PAR)
23 Legal Hotline that echoed everything being said about
24 what is happening in the marketplace and the problems.

25 Mr. Lerner observed that part of the issue in the

1 marketplace was the fact that the law and the
2 regulations had not necessarily caught up with common
3 business practice and was causing some gaps and part
4 of the problem. He mentioned it would be helpful if
5 the Commission provided specific cases and counsel
6 provide a supplemental document that explains a few of
7 the more egregious cases that had specific fines to be
8 the focus for educators.

9 Mr. Ruiz offered to provide PAR with some of the
10 most recent final cases but no pending cases.

11 Mr. Lerner echoed what Mr. McGettigan and Ms.
12 Rubin alluded to, where a 2- or 3-hour course is
13 probably better than a 3.5 or longer and would help
14 schools tremendously in making their schedules.]

15

16 Old Business - Pennsylvania Association of Realtors
17 Report

18 [Christopher Beadling, President, Pennsylvania
19 Association of Realtors, provided a summary of his
20 professional background. He noted looked forward to
21 working with the Commissioners and the Bureau of
22 Professional and Occupational Affairs (BPOA) staff
23 this year. He offered PAR's assistance to the
24 Commission and BPOA with helping to ensure a smooth
25 renewal.

1 Mr. Beadling announced initiating a
2 communications plan to alert realtor members of the
3 upcoming license renewal and recreated a license
4 renewal resource page on their website with a
5 frequently asked questions section to help provide
6 information to members.

7 Mr. Beadling mentioned that the first phase of
8 communication is focused on encouraging brokers and
9 agents to visit the Pennsylvania Licensing System
10 (PALS) now to ensure their information is correct, so
11 the license renewal notice is received. He noted not
12 updating contact information to be a big issue.

13 Mr. Beadling also stated PAR sent information to
14 local realtor association executives in addition to
15 sending an email to broker members, along with having
16 published an article on PAR's blog reminding realtors
17 to update their information in PALS and about the
18 upcoming deadline to renew their continuing education
19 requirements.

20 Mr. Beadling commented that PAR is eager to
21 provide an assisting hand to BPOA this renewal cycle
22 and interested in continuing to work with the
23 Commission on updates to the general regulations. He
24 noted PAR appreciated the opportunity to provide
25 comments on the exposure draft and was very interested

1 in participating as the Commission finalizes changes.

2

3 Mr. Beadling informed the Commission that he was
4 excited about this year as PAR president and the
5 opportunity to work with the Commission and BPOA to
6 serve licensees and consumers in the Commonwealth.

7 Chair Ferrara thanked Mr. Beadling for his
8 report, noting the Commission also looked forward to
9 working with Mr. Beadling.]

10 ***

11 Adjournment

12 CHAIR FERRARA:

13 We need a motion to end our meeting?

14 MR. JOHNSON:

15 So moved.

16 CHAIR FERRARA:

17 Second?

18 MR. MCGETTIGAN:

19 Second.

20 CHAIR FERRARA:

21 We are adjourned.

22 [The motion carried unanimously.]

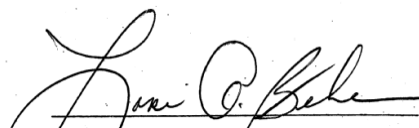
23 ***

24 [There being no further business, the State Real
25 Estate Commission Meeting adjourned at 11:39 a.m.]

[A Regulatory Revisions Workgroup Meeting is scheduled immediately following the regular Commission meeting.]

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.



Lori A. Behe,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE REAL ESTATE COMMISSION
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:39	Official Call to Order
10:39	Roll Call
10:40	Pledge of Allegiance
10:41	Introduction of Attendees
10:46	Approval of Minutes
10:46	Report of Prosecutorial Division
11:04	Report of Commission Counsel
11:05	Report of Commission Administrator
11:23	Report of Committees
11:36	Old Business
11:39	Adjournment