

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

Board Room B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Tuesday, March 6, 2018

1 State Real Estate Commission

2 March 6, 2018

3
4 COMMISSION MEMBERS:

5
6 Alexis L. Barbieri, Esquire, Chair, Public Member
7 Joseph Tarantino, Vice Chair, Industry Member
8 Anne Rubin, Secretary, Industry Member
9 Ian J. Harlow, Commissioner of Professional
10 and Occupational Affairs - Absent
11 Armand Ferrara, Industry Member
12 Jennifer Thomson, Esquire, Attorney General
13 Designee
14 Annie Hanna Cestra, Industry Member
15 Vincent Galko, Public Member - Absent
16 Joseph McGettigan, Industry Member - Absent
17 Edward L. Seebeck, Secretary, Cemetery Member
18
19

20 COMMISSION PERSONNEL:

21
22 Juan A. Ruiz, Esquire, Commission Counsel
23 Ray Michalowski, Esquire, Commission Prosecution
24 Liaison
25 Timothy Smith, Esquire, Commission Prosecutor
26 Krista Linsenbach, Commission Administrator
27
28

29 MEMBERS OF THE PUBLIC

30
31 Thomas L. McCreary Jr., Commercial Property Manager,
32 Duke Realty Corporation
33 Ayisha Sereni, President, The Mainline School of Real
34 Estate
35 Derenda Updegrave, Pennsylvania Association of
36 Realtors (PAR)
37 Jack Gumboch, PAR
38 Todd Umbenhauer, PAR
39 William McFalls, PAR
40 Christopher Raad, PAR
41 Lisa Aaron, PAR
42 Mike McGee, PAR
43
44
45
46
47
48
49
50

1 ***

2 State Real Estate Commission

3 March 6, 2018

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Tuesday, March 6, 2018.
7 Alexis L. Barbieri, Chair, Public Member, officially
8 called the meeting to order at 11:11 a.m. A roll call
9 was taken. The Pledge of Allegiance was recited.

10 Joseph Tarantino, Vice Chair, and Jennifer
11 Thomson, Esquire, Attorney General Designee, were not
12 present at the commencement of the meeting.

13 ***

14 [Joseph Tarantino, Vice Chair, Industry Member,
15 entered the meeting at 11:12 a.m.]

16 ***

17 Approval of Minutes of the January 30, 2018 meeting

18 CHAIR BARBIERI:

19 Could I have a motion for approval of
20 the Draft Minutes from the January 30,
21 2018 meeting?

22 MR. FERRARA:

23 So moved.

24 MS. SEEBECK:

25 Second.

1 CHAIR BARBIERI:

2 All in favor? All opposed?

3 [The motion carried unanimously.]

4 ***

5 Report of Prosecutorial Division

6 [Timothy Smith, Esquire, Prosecuting Attorney,
7 presented Consent Agreements for File No. 14-56-07669
8 and File No. 15-56-06700.]

9 ***

10 Report of Commission Counsel

11 [Juan A. Ruiz, Esquire, Commission Counsel, noted two
12 Proposed Adjudications and Orders and a Final
13 Adjudication and Order for discussion during Executive
14 Session. He will also provide an update on a case
15 currently on appeal in the Executive Session.

16 Mr. Ruiz updated the Commission with regard to
17 Senate Bill No. 354, which allows for expungement with
18 regard to continuing education cases and cases for
19 practicing on a lapsed license for not less than six
20 months.]

21 ***

22 Rules & Regulations Committee Report

23 [Armand Ferrara, Industry Member, reported on the
24 committee meeting and discussion of the escrow
25 requirement sections, specifically sections 35.331

1 through section 35.328. The committee will review
2 Sections 35.331 to 35.340 at the next meeting. The
3 committee suggested redrafting the language before
4 moving forward.]

5 ***

6 Report of Commission Chairperson - No Report

7 ***

8 Report of Commission Administrator

9 [Krista Linsenbach, Commission Administrator, reported
10 that as of March 2, 2016, the old internal computer
11 system was switched to read only.

12 Ms. Linsenbach updated the Commission on the
13 processing of the applications under the new PALS
14 system, as well as the availability to input
15 information and the renewal forms. She suggested
16 Commission members register in PALS to be prepared for
17 the availability of initial applications as well as
18 renewal periods. The website address is
19 www.pals.pa.gov. Ms. Linsenbach reviewed the required
20 log-in information into PALS.

21 Ms. Linsenbach referenced the following the State
22 Real Estate Commission meetings 2019 dates for
23 discussion: January 29, 2019, March 12, 2019, April
24 30, 2019, June 12, 2019, July 23, 2019, September 10,
25 2019, October 23, 2019, and December 3, 2019.

1 The meeting on June 12, 2019 will be the public
2 meeting in Pittsburgh. The meeting on July 23, 2019
3 will be the public meeting in Harrisburg. The meeting
4 on October 23, 2019 will be the public meeting in
5 Philadelphia.

6 Ms. Linsenbach stated paper agendas will no
7 longer be available.]

8

9 Public Session

10 [Todd Umbenhauer, 2018 President, Pennsylvania
11 Association of Realtors (PAR), presented before the
12 Commission for discussion on an innovative initiative
13 between PAR and the State Legislature to create a
14 first-time homebuyers savings account plan.

15 Mr. Umbenhauer updated Commission members on
16 PAR's quarterly welcome home survey now in its fourth
17 year. He encouraged members to visit the
18 welcomehomepa.org for additional survey results.
19 Survey cards were distributed to Commission members.

20 Mr. Umbenhauer stated PAR will be communicating
21 with brokers and members regarding the renewal process
22 and licensing procedures through the PALS system. He
23 extended get well wishes to Mr. McGettigan, who is
24 recovering at home.

25 Additional PAR members present introduced

1 themselves for the record.

2 Derenda Updegrave, Director of Public Policy and
3 Political Affairs, Pennsylvania Association of
4 Realtors, introduced herself as well as Jack Gombach,
5 the newest member of the PAR.]

6 ***

7 Report of Commission Prosecutor Liaison

8 [Ray Michalowski, Esquire, Commission Prosecution
9 Liaison, discussed Act 354 requiring the Commission to
10 appoint a Probable Cause Screening Committee to handle
11 immediate temporary suspensions of a license. He
12 provided a further explanation of the process.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 11:44 a.m. the Commission entered into Executive
16 Session with Juan A. Ruiz, Esquire, for the purpose of
17 conducting quasi-judicial deliberations and to receive
18 advice of Counsel. The Commission returned to open
19 session at 1:04 p.m.]

20 ***

21 [Jennifer Thomson, Esquire, Attorney General Designee,
22 entered the meeting during Executive Session.]

23 ***

24 MOTIONS:

25 MR. RUIZ:

1 MS. CESTRA:

2 So moved.

3 MR. TARANTINO:

4 Second.

5 CHAIR BARBIERI:

6 All in favor, aye? Opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. RUIZ:

10 Is there a motion to approve the Final
11 Adjudication and Order in the case of
12 Tracy Tarver, at File No. 14-56-04180?

13 MR. SEEBECK:

14 So moved.

15 MR. FERRARA:

16 Second.

17 CHAIR BARBIERI:

18 All in favor, aye? Opposed?

19 [The motion carried unanimously.]

20 ***

21 MR. RUIZ:

22 Is there a motion to grant Counsel
23 authority to settle the appeal cases of
24 Dorothy Grilli, Grilli Real Estate, and
25 John Uhl?

1 MR. TARANTINO:

2 So moved.

3 MS. CESTRA:

4 Second.

5 CHAIR BARBIERI:

6 All in favor, aye? Opposed?

7 [The motion carried. Jennifer Thomson abstained from
8 voting on the motion.]

9 ***

10 Report of Committees

11 Education/Examination

12 MS. CESTRA:

13 Education had three broker examination
14 applications presented to us. The first
15 is Thomas McCreary, and we move that the
16 application be approved.

17 MR. FERRARA:

18 Second.

19 CHAIR BARBIERI:

20 All in favor, aye? Opposed?

21 [The motion carried unanimously.]

22 ***

23 MS. CESTRA:

24 We had two applications for broker
25 examination that we preliminarily denied.

1 And they are, first one is K-I-F-A-H,
2 A-L, Z-A-Y-D-E-E. And the reason for the
3 denial is experience and education not
4 acceptable.

5 We have another one that is Timothy
6 Broms to preliminarily deny, no evidence
7 of client-related real estate experience.

8 We move that these two applications
9 be denied.

10 MR. SEEBECK:

11 Second.

12 CHAIR BARBIERI:

13 All in favor, aye? Opposed?

14 [The motion carried unanimously.]

15 ***

16 MS. CESTRA:

17 New continuing education courses that
18 were sent to us for approval. And we
19 would like to approve the following
20 courses: 2018-2019 National USPAP
21 Update; E-Pro Day 1; E-Pro Day 2; The
22 Roadmap to Building a Modern Real Estate
23 Company; The Appraisal of 2-4 Unit
24 Properties. We move that we accept
25 those.

1 MR. FERRARA:

2 Second.

3 CHAIR BARBIERI:

4 All in favor, aye? Opposed?

5 [The motion carried unanimously.]

6 ***

7 MS. CESTRA:

8 There's one other course that we had
9 presented to us. And we move that we
10 deny the course Limited Scope Appraisals
11 and Appraisal Reports-Staying Compliant
12 and Competitive. The reason being too
13 specific to the appraisal industry.

14 MR. TARANTINO:

15 Second.

16 CHAIR BARBIERI:

17 All in favor, aye? Opposed?

18 [The motion carried unanimously.]

19 ***

20 Enforcement (Informal Conferences)

21 MR. TARANTINO:

22 First one, Vanessa Davidson has been
23 tabled.

24 I'd like to make a motion that we
25 approve and place their license on

1 MS. CESTRA:

2 Second.

3 CHAIR BARBIERI:

4 All in favor, aye? Opposed?

5 [The motion carried unanimously.]

6 ***

7 Enforcement (Application Reviews)

8 MR. TARANTINO:

9 I make a motion that we preliminarily
10 deny the following applications and
11 advise them of their right to an informal
12 conference: Edward Beckley, Jeffrey
13 Griggs, Gregory Kuhn, Rayshon Richardson,
14 and Steven Woods.

15 MR. FERRARA:

16 Second.

17 CHAIR BARBIERI:

18 All in favor, aye? Opposed?

19 [The motion carried unanimously.]

20 ***

21 [The Commission recessed from 1:13 p.m. until 1:23
22 p.m.]

23 ***

24 [A Formal Hearing was held from 1:23 p.m. until
25 2:43 p.m. in the matter of Commonwealth of

1 Pennsylvania, Bureau of Professional and Occupational
2 Affairs vs. Christina Sica, File No. 17-56-08607,
3 Docket No. 1508-56-17.

4 The Commission recessed from 2:19 p.m. until 2:22
5 p.m. during the hearing]

6 ***
7 [Edward L. Seebeck, Cemetery Member, exited the
8 meeting at 2:19 p.m. during the recess.]

9 ***
10 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
11 2:43 p.m. the Commission entered into Executive
12 Session with Juan A. Ruiz, Esquire, for the purpose of
13 conducting quasi-judicial deliberations and to receive
14 advice of Counsel. The Commission returned to open
15 session from its Executive Session at 2:46 p.m.]

16 ***
17 Adjournment

18 MS. TARANTINO:

19 I make a motion to adjourn.

20 CHAIR BARBIERI:

21 Second?

22 MS. RUBIN:

23 I second the motion.

24 CHAIR BARBIERI:

25 All in favor?

1 [The motion carried unanimously.]

2 ***

3 [There being no further business, the State Real
4 Estate Commission Meeting adjourned at 2:46 p.m.]

5 ***

6

7 CERTIFICATE

8

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

14

15

Amy L. Warehime

16

Amy L. Warehime,

17

Minute Clerk

18

Sargent's Court Reporting

19

Service, Inc.

20

21

22

23

24

25

STATE REAL ESTATE COMMISSION
REFERENCE INDEX

March 6, 2018

TIME

AGENDA

1		
2		
3		
4		
5		
6		
7		
8	11:11	Official Call to Order/Roll Call
9		
10	11:11	Pledge of Allegiance
11		
12	11:13	Approval of Minutes
13		
14	11:13	Report of Prosecutorial Division
15		
16	11:16	Report of Commission Counsel
17		
18	11:18	Rules and Regulations Committee Report
19		
20	11:20	Report of Commission Administrator
21		
22	11:34	Public Session
23		
24	11:40	Report of Commission Prosecution Liaison
25		
26	11:44	Executive Session
27	1:04	Return to Open Session
28		
29	1:04	Motions
30		
31	1:13	Recess
32	1:23	Return to Open Session
33		
34	1:23	Formal Hearing - Christina Sica
35		
36		
37	2:43	Executive Session
38	2:19	Recess
39	2:22	Return to Executive Session
40	2:46	Return to Open Session
41		
42	2:46	Adjournment
43		
44		
45		
46		
47		
48		
49		
50		