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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: 11:14 A.M.

BOARD ROOM B

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Tuesday, April 17, 2018

1 ***

2 State Real Estate Commission

3 April 17, 2018

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Tuesday, April 17, 2018.
7 Alexis L. Barbieri, Chair, Public Member, officially
8 called the meeting to order at 11:14 a.m. A roll call
9 was taken. The Pledge of Allegiance was recited.

10 ***

11 Approval of Minutes of the March 6, 2018 meeting

12 CHAIR BARBIERI:

13 The next item on the agenda is the
14 approval of the draft minutes of the
15 March 6, 2018 meeting. Do I have a
16 motion?

17 [The Commission discussed corrections to the minutes.]

18 CHAIR BARBIERI:

19 Could I have a motion to approve the
20 minutes as corrected?

21 MS. RUBIN:

22 So moved.

23 MR. TARANTINO:

24 Second.

25 CHAIR BARBIERI:

1 All in favor? Any opposed?

2 [The motion carried. Vincent A. Galcko, Jennifer A.
3 Thomson, and Joseph J. McGettigan abstained from
4 voting on the motion.]

5 ***

6 Report of Prosecutorial Division

7 [Ray Michalowski, Esquire, Commission Prosecution
8 Liaison, noted no Consent Agreements to present. Mr.
9 Michalowski discussed continuing education cases from
10 the last renewal period. Ms. Linsenbach sent at least
11 two notices out, and Mr. Masser was handling all of
12 the cases at this time.

13 Mr. Michalowski stated the CE warning letters
14 will contain information regarding the changes to the
15 whole system.

16 Mr. Michalowski noted recent appraisal training
17 for appraisers at Villanova. He informed the
18 commission that Mr. Fritsch will be attending the next
19 meeting in Pittsburgh in May, and Ms. Bailey will be
20 attending the meeting in Philadelphia in July.

21 Ms. Cestra questioned the role of the
22 Prosecutorial Division and the participation of
23 managing brokers in investigations of claims. Mr.
24 Michalowski explained the roles of inspectors and
25 investigators.

1 Mr. Michalowski stated the managing broker or the
2 broker of record should be interviewed to determine a
3 lack of supervision, which is prosecutable. He will
4 contact the Bureau of Enforcement and Investigation
5 (BEI) regarding the directives being followed.]

6 ***

7 Introduction of Audience Members

8 [Chair Barbieri requested the introduction of audience
9 members.]

10 ***

11 Report of Commission Counsel

12 [Juan A. Ruiz, Esquire, Commission Counsel, noted a
13 final Adjudication and Order added to the agenda at
14 File No. 15-56-01738.

15 Mr. Ruiz noted a proposed Adjudication and Order
16 and two final Adjudication and Orders for discussion
17 during Executive Session.]

18 ***

19 Rules & Regulations Committee Report

20 [Armand Ferrara, Industry Member, noted the
21 committee's review of Sections 35.331 through 35.340.
22 The changes will be completed before the next
23 Harrisburg meeting.]

24 ***

25 Report of Commission Chair

1 [Chair Barbieri noted a letter from Mr. McGee
2 regarding the designation of mandatory courses for
3 discussion in Executive Session.

4 Mr. Tarantino questioned the status of PAR's teams
5 Presidential Advisory Group report. Michael McGee,
6 CAE, Chief Executive Officer, Pennsylvania Association
7 of Realtors (PAR), explained the plan to vet the
8 legislative issue internally and return to the
9 Commission with draft language for additional input.

10 Mr. McGee discussed the process for changing
11 statutes and regulations. He noted the current
12 statute does not have a definition of "teams", which
13 must be addressed legislatively before regulations can
14 be drafted specifically to outline the structure of
15 teams.

16 Mr. Tarantino offered the Commission's input and
17 support to PAR on the draft.

18 Mr. McGee also referenced the status of House
19 Bill 863, which includes 15 hours of additional
20 prelicensure requirements. Todd Umbenhauer, CRB, CRS,
21 GRI, President, PAR, stated legislatively, the Bill
22 recently went through second consideration, referred
23 to the Senate Appropriations Committee, and passed the
24 House. Mr. McGee noted that means two more votes, one
25 out of the Appropriations and one on the full Senate

1 floor, and no amendments are expected.]

2

3 Report of Commission Administrator

4 [Krista Linsenbach, Commission Administrator, updated
5 the commission on the Pennsylvania Licensing System
6 (PALS). She addressed call wait times, extension of
7 processing times, and extra staff.

8 Ms. Linsenbach stated the average on-line license
9 renewal was at 20-30 percent.

10 Mr. Ferrara discussed his attendance at the
11 Association of Real Estate License Law Officials
12 (ARELLO) Midyear Conference April 4-7, 2018, in New
13 Orleans. He also discussed technology for payment and
14 protection of the public. He addressed supervision,
15 lead-based paint laws, team legislation, and CE
16 credits.

17 Mr. Ferrara also informed the committee that the
18 next ARELLO Conference is in September.

19 Mr. Umbenhauer expressed his and PAR's pleasure
20 to see Mr. McGettigan back at the table. He also
21 discussed issues with licensees regarding agreements
22 of sale, which could be an area to consider for
23 continuing education.

24 Mr. Umbenhauer referred to House Bill 1981, which
25 introduces the First-Time Homebuyers Savings Account

1 Program in Pennsylvania. He stated the companion
2 bill, Senate Bill 1066, was expected to soon pass in
3 committee. He also noted that House Bill 1981 has
4 passed the House Urban Affairs Committee.

5 Mr. Umbenhauer addressed challenges for new
6 licensees, renewing licenses, licensees changing
7 brokerages, for those trying to open a new office, and
8 approval of continuing education courses. He stated
9 that Pennsylvania Association of Realtors (PAR) has
10 been communicating with Commissioner Harlow to keep
11 members apprised of the situation.

12 Mr. Umbenhauer stated the information is also
13 relayed to members through a daily blog entitled
14 JustListed as well as an email to brokers.]

15 ***
16 [The Commission recessed from 11:50 a.m. until 11:55
17 a.m.]

18 ***
19 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
20 11:55 a.m. the Commission entered into Executive
21 Session with Juan A. Ruiz, Esquire, Commission
22 Counsel, for the purpose of conducting quasi-judicial
23 deliberations and to receive advice of Counsel. The
24 Commission returned to open session at 12:32 p.m.]

25 ***

1 [Chair Barbieri announced this as Commissioner Galcko's
2 last meeting and thanked him for his service.]

3

4 MOTIONS

5 MR. RUIZ:

6 The Real Estate Commission was just in
7 Executive Session conducting
8 quasi-judicial deliberations on matters
9 currently pending before the Commission.

10 Is there a motion to approve the
11 proposed Adjudication and Order, the
12 case of Maria L. Falu, File No. 16-56-
13 08576?

14 MR. MCGETTIGAN:

15 So moved.

16 MR. GALKO:

17 Second.

18 CHAIR BARBIERI:

19 All in favor? Any opposed?

20 [The motion carried unanimously.]

21

22 MR. RUIZ:

23 Is there a motion to approve the final
24 Adjudication and Orders in the cases of
25 Bryan J. Hawes, File No. 13-56-07967,

1 and Lee E. Senior, File No. 15-56-01738?

2 MR. SEEBECK:

3 So moved.

4 MR. FERRARA:

5 Second.

6 CHAIR BARBIERI:

7 All in favor? Opposed?

8 [The motion carried unanimously.]

9 ***

10 MR. RUIZ:

11 Is there a motion to allow for temporary
12 approval of continuing education for
13 providers that have submitted
14 applications going forward?

15 MS. RUBIN:

16 Yes, I'd like to make that motion.

17 MR. MCGETTIGAN:

18 Second.

19 CHAIR BARBIERI:

20 All in favor? Opposed?

21 [The motion carried unanimously.]

22 ***

23 Education/Examination

24 MS. CESTRA:

25 We had an informal conference this

1 morning with Kifah Al-Zaydee, and we
2 have asked for additional information,
3 being the broker's experience chart
4 filled out and certified by the broker.

5 Next, we had a broker's exam
6 application to review of Robert David
7 Becker, and that application has been
8 approved.

9 We had three CE waiver requests. I
10 move that we approve the application of
11 Robert Becker for his broker's exam.

12 CHAIR BARBIERI:

13 Second?

14 MR. TARANTINO:

15 Second.

16 CHAIR BARBIERI:

17 All in favor? Opposed?

18 [The motion carried unanimously.]

19 ***

20 MS. CESTRA:

21 I move that we approve the CE Waiver
22 Request of Luis Starkman.

23 MS. RUBIN:

24 So moved.

25 MR. MCGETTIGAN:

1 Second.

2 CHAIR BARBIERI:

3 All in favor? Opposed?

4 [The motion carried unanimously.]

5 ***

6 MS. CESTRA:

7 I move that we deny the CE Waiver

8 Request of Marie Boisvert and Michael

9 Homer.

10 MR. FERRARA:

11 Second.

12 CHAIR BARBIERI:

13 All in favor? Opposed?

14 [The motion carried unanimously.]

15 ***

16 MS. CESTRA:

17 Also, I would like to make a motion that

18 the required mandatory topics for

19 courses taken in the 2018-2020

20 continuing education cycle be for one

21 and a half hours of property management

22 and two hours of advertising as they

23 relate to the rules and regulations.

24 MS. RUBIN:

25 Second.

1 CHAIR BARBIERI:

2 All in favor? Opposed?

3 [The motion carried unanimously.]

4 ***

5 Enforcement

6 MR. TARANTINO:

7 I'd like to make a motion that we
8 approve with no restrictions the
9 application of Jeffrey Brian Griggs and
10 Gregory M. Kuhn.

11 CHAIR BARBIERI:

12 Second?

13 MR. MCGETTIGAN:

14 Second.

15 CHAIR BARBIERI:

16 All in favor? Opposed?

17 [The motion carried unanimously.]

18 ***

19 MR. TARANTINO:

20 I'd like to make a motion that we
21 approve and place the license on
22 probation through their criminal
23 probation and/or payment of restitution
24 for the following individuals: Ann
25 Elizabeth Kozel, Matthew McGowan,

1 Michael Dorsogna, Leah Stoltz, and
2 Brittany Caiazzo.

3 MR. GALKO:

4 Second.

5 CHAIR BARBIERI:

6 All in favor? Opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. TARANTINO:

10 I make a motion that we provisionally
11 deny the application of Daniel Luis
12 Quinones and inform him of his right to
13 a formal meeting in front of the whole
14 commission.

15 CHAIR BARBIERI:

16 Second?

17 MR. FERRARA:

18 Second.

19 CHAIR BARBIERI:

20 All in favor? Opposed?

21 [The motion carried unanimously.]

22 ***

23 MR. TARANTINO:

24 I make a motion that we preliminarily
25 deny the application and advise the

1 applicants of their right to an informal
2 conference for the following people:
3 Barry M. England Jr, Jamie Lauren
4 Miller, Patrick C. Parker Jr., and David
5 Lee Pottle Jr.

6 CHAIR BARBIERI:

7 Second?

8 MR. MCGETTIGAN:

9 Second.

10 CHAIR BARBIERI:

11 All in favor? Opposed?

12 [The motion carried unanimously.]

13 ***

14 Miscellaneous

15 [Krista Linsenbach, Commission Administrator,
16 discussed the inability to create an active license
17 count report using PALS, and the most recent report is
18 March 2018.]

19 ***

20 Adjournment

21 CHAIR BARBIERI:

22 I'd like to entertain a motion to
23 adjourn.

24 MR. MCGETTIGAN:

25 So moved.

1 MS. RUBIN:

2 Second.

3 CHAIR BARBIERI:

4 All in favor?

5 [The motion carried unanimously.]

6 ***

7 [There being no further business, the State Real
8 Estate Commission Meeting adjourned at 12:40 p.m.]

9 ***

10

11

CERTIFICATE


12

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

18

19

20



21

Amy L. Warehime,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

STATE REAL ESTATE COMMISSION
REFERENCE INDEX

April 17, 2018

TIME	AGENDA
11:14	Official Call to Order/Roll Call
11:15	Pledge of Allegiance
11:16	Approval of Minutes
11:17	Report of Prosecutorial Division
11:24	Report of Commission Counsel
11:33	Report of Commission Administrator
11:50	Recess
11:55	Return to Open Session
11:55	Executive Session
12:32	Return to Open Session
12:32	Motions
12:36	Report of Committees
12:40	Adjournment