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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: 11:02 a.m.

**TELECONFERENCE**

April 28, 2020

1                                    State Real Estate Commission  
2                                    April 28, 2020

3  
4  
5 COMMISSION MEMBERS:

6  
7 Anne M. Rubin, Chair, Industry Member  
8 Joseph J. McGettigan, Vice Chair, Industry  
9 Member  
10 Joseph Tarantino, Industry Member  
11 Armand N. Ferrara Jr., Industry Member  
12 Jennifer Thomson, Esquire, Attorney General Designee  
13 Edward L. Seebeck, Cemetery Member  
14 Gaetano P. Piccirilli, Esquire, Public Member  
15 K. Kalonji Johnson, Acting Commissioner, Bureau of  
16 Professional and Occupational Affairs  
17

18  
19 COMMISSION PERSONNEL:

20  
21 Juan A. Ruiz, Esquire, Commission Counsel  
22 Ray Michalowski, Esquire, Commission Prosecution  
23 Liaison  
24 Angela B. Lucci, Esquire, Commission Prosecutor  
25 Caroline Bailey, Esquire, Commission Prosecutor  
26 Tiffany Raker, Esquire, Commission Prosecutor  
27 Alice Glasser, Esquire, Commission Prosecutor  
28 Jessica Zukoski, Law Clerk  
29 Krista Linsenbach, Commission Administrator  
30 Andrew LaFratte, MPA, Policy Office, Department of  
31 State  
32 Ted Stauffer, Executive Secretary, Bureau of  
33 Professional and Occupational Affairs  
34 Carolyn A. DeLaurentis, Deputy Chief Counsel,  
35 Prosecution Division  
36 Marc Farrell, Deputy Policy Director, Department of  
37 State  
38

39  
40 ALSO PRESENT:

41  
42 Jim Goldsmith, Esquire, Mette, Evans & Woodside  
43 Bill Festa, President of PA Realtors Association  
44 Eleanor Weber, Polley Associates School of Real  
45 Estate  
46 Michael McGee, CAE, RCE, Chief Executive Officer,  
47 Pennsylvania Association of Realtors  
48 Wayne C. Crawford, Esquire, Public Policy Manager,  
49 Pennsylvania Association of Realtors  
50

State Real Estate Commission  
April 28, 2020  
Continued

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ALSO PRESENT:

Alex Charlton, Director of Public Policy and  
Political Affairs, Pennsylvania Association of  
Realtors

Tim Quintrell, Business Development Manager, Hondros  
Education Group

1 State Real Estate Commission

2 April 28, 2020

3 \*\*\*

4 The regularly scheduled meeting of the State Real  
5 Estate Commission was held on Tuesday, April 28, 2020.

6 Anne M. Rubin, Chair, Industry Member, officially  
7 called the meeting to order at 11:02 a.m. A roll call  
8 was taken.

9 \*\*\*

10 Approval of Draft Minutes for January 29, 2020 meeting

11 CHAIR RUBIN:

12 We need an approval of the minutes from  
13 January 29, 2020. The last time we all  
14 met. Can I get a motion to approve the  
15 minutes?

16 MR. FERRARA:

17 So moved.

18 MR. SEEBECK:

19 Second.

20 CHAIR RUBIN:

21 Commissioner McGettigan, Commissioner  
22 Piccirilli and Commissioner Johnson  
23 abstain. Do I have any objections?  
24 Hearing no objections, we will say  
25 everyone has approved that?

1 [The motion carried. Commissioner McGettigan,  
2 Commissioner Piccirilli, and Commissioner Johnson  
3 abstained from voting on this motion.]

4 \*\*\*  
5 Report of Prosecutorial Division

6 [Ray Michalowski, Esquire, Commission Prosecution  
7 Liaison, presented the Consent Agreements for Case No.  
8 18-56-007804, Case No. 18-56-003197, Case No. 18-56-  
9 011084, Case No. 19-56-011741, Case No. 19-56-008358,  
10 Case No. 17-56-13961.

11 Mr. Michalowski announced Case Nos. 18-56-002051  
12 and 18-56-002050 were withdrawn and would be presented  
13 at a later date.]

14 \*\*\*  
15 Report of Commission Counsel  
16 [Juan A. Ruiz, Esquire, Commission Counsel, announced  
17 two proposed Adjudications and Orders, eleven Final  
18 Adjudications and Orders, four Motions to Enter  
19 Default, and a Petition for Consideration for  
20 discussion during Executive Session.

21 Mr. Ruiz noted the Broker Price Opinion (BPO)  
22 Temporary Regulations were published on March 28,  
23 2020. He announced there would be discussion on the  
24 applications in Executive Session.]

25 \*\*\*

1 Report of Chair

2 [Anne M. Rubin, Chair, Industry Member, discussed  
3 becoming knowledgeable of the technical software in  
4 order to participate in teleconference meetings.  
5 Chair Rubin noted she might have been ill with Covid-  
6 19 back in November. She will find out the results as  
7 soon as her antibody test results arrive.]

8 \*\*\*

9 Report of Commissioner

10 [K. Kalonji Johnson, Acting Commissioner, Bureau of  
11 Professional and Occupational Affairs, gave a  
12 heartfelt appreciation to the Commissioners present,  
13 Commission Counsel, and Commission Administrator for  
14 their efforts in working during these trying times of  
15 the pandemic. Mr. Johnson stated the teleconference  
16 meetings will get easier. Many of the technical  
17 issues had been remedied.

18 Mr. Johnson assured the Commission the staff were  
19 evaluating their processes for continual improvement  
20 during this pandemic. Mr. Johnson recognized the  
21 audience members from the public in attendance from  
22 stakeholder organizations. He noted there were no  
23 updates with regard to reopening plans or  
24 transitioning back to the new normal. Mr. Johnson  
25 assured the Commission the staff were currently

1 working on a comprehensive plan that protects public  
2 safety. He assured the Commission and Stakeholders  
3 their voices would be heard. Mr. Johnson indicated  
4 renewal applications continue to be received and  
5 processed. He noted there was not a three-month  
6 waiver. There will be a continual assessment as the  
7 process is currently fluid and additional extensions  
8 would be reevaluated if needed.]

9

\*\*\*

10 Report of Commission Administrator

11 [Krista Linsenbach, Commission Administrator,  
12 announced she and her staff were working from home.  
13 She thanked the Executive Office for their support.  
14 Ms. Linsenbach reported on operating within a one to  
15 two-week time frame for incoming applications. The  
16 process continues; however, the printing and mailing  
17 of documents was on a limited basis.

18 Ms. Linsenbach announced the Change of Employer  
19 Application was moved online through the PALS system.  
20 Once the application has been paid, the employee's  
21 broker would provide approval and the change would  
22 automatically be recorded in the Pennsylvania  
23 Licensing System (PALS). She noted phone calls were  
24 not able to be received; however, voicemails can be  
25 left and parties called back. Currently, the fastest

1 way of communication with her staff was through email.  
2 She noted the emails would be answered within 48  
3 hours. Ms. Linsenbach indicated Renewals opened on  
4 April 1, 2020. Approximately 25% of available  
5 renewals had been approved. Ms. Linsenbach suggested  
6 the June meeting be moved to a later date. She  
7 proposed the discussion and decision be made by the  
8 Commissioners.]

9

\*\*\*

10 June Meeting

11 [Chair Rubin opened discussion to reschedule the June  
12 meeting in Philadelphia to August. Mr. Johnson  
13 suggested to table the discussion when to meet in  
14 Philadelphia at a later date. He confirmed their next  
15 June Commission meeting would be via teleconference.]

16

\*\*\*

17 Report of Real Estate Education Administrator - No  
18 Report

19

\*\*\*

20 Old/New Business

21 [Jim Goldsmith, Esquire, discussed being approached by  
22 a group of Licensees who are dealing with an issue  
23 involving the payment of commissions earned by sales  
24 persons. The title companies would issue a check that  
25 would ordinarily be paid to the broker based upon the



1 sales representative's productivity. He noted, in the  
2 Prohibited Acts 12.1, it stated the sales  
3 representative is to be paid by their broker. This is  
4 to ensure the Broker's exercising their ability to  
5 supervise. Mr. Goldsmith noted clearing checks was  
6 delayed due to the social distancing guidelines. He  
7 requested the title company issue the check to the  
8 salespersons.

9 Mr. Tarantino suggested paying the Broker and  
10 having the Broker write out the check directly to the  
11 sales representative. Mr. Goldsmith stated the  
12 offices do not have their bookkeepers in their offices  
13 on a daily basis; therefore, this delays payment to  
14 the salespersons.

15 Commissioner McGettigan stated the Brokers want  
16 the sales files to review to ensure all procedures  
17 were done correctly before payment is made. He  
18 believed there was no advantage to the public in  
19 changing this regulation. Mr. Ruiz noted this was a  
20 legislative issue.]

21

\*\*\*

22 Continuing Education

23 [Bill Festa, President of Pennsylvania Association of  
24 Realtors, thanked the Department of State, Bureau of  
25 Professional and Occupational Affairs, and the Real

1 Estate Commission for extending the deadline for  
2 license renewal and continuing education during the  
3 Covid-19 pandemic. He noted this pandemic had been  
4 very difficult for Real Estate Agents business. Their  
5 business had been closed since March 19, 2020. Mr.  
6 Festa announced the Commission Staff had considered a  
7 live video course would be distance education under  
8 the existing rules. He suggested the Commission relax  
9 the rules for distance learning applications during  
10 the crisis.

11 In order to receive distance education approval,  
12 the process requires the course developer to submit  
13 the course for approval. Mr. Festa noted this  
14 involves an initial cost of \$865 for the first  
15 approval, and an additional \$655 with that delivery  
16 method, compared to the \$25 school fee for in-person  
17 course. Mr. Festa stated this made it difficult to  
18 submit a course for distance learning. Mr. Festa  
19 believed the Commission should modify the process for  
20 distance learning courses.]

21

\*\*\*

22 (BPO) Broker Price Opinion

23 [Bill Festa, President of Pennsylvania Association of  
24 Realtors, stated the amended version of the new  
25 regulation as never discussed in a public meeting

1 despite requests by PAR to review the revised  
2 regulations. Mr. Festa stated a close review of the  
3 regulations had resulted in modification to the  
4 provisions. The association believed the Commission  
5 should provide guidance on the language of these  
6 regulations in order to provide clarity to the  
7 licensees' schools.

8 Mr. Festa indicated PAR requested from the  
9 Commission a request to consider PHARE Housing as a  
10 mandatory continuing education topic. He noted a  
11 result from the News Daily report published in January  
12 noted real estate agents in Long Island their unfair  
13 treatment of minority clients was unacceptable. He  
14 stated testing showed consumers were being treated  
15 differently based on ethnicity. Mr. Festa indicated  
16 PAR expects to conduct additional testing in the  
17 Harrisburg and Philadelphia areas. Mr. Festa stated  
18 this enforces the need for PHARE Housing training.]

19 \*\*\*

20 [Chair Rubin noted not having an opportunity to meet  
21 since this regulation was introduced in February.  
22 There had not been any opportunity to discuss the  
23 PHARE Housing as a continuing education topic. She  
24 indicated someone would respond regarding the BPO  
25 letter language for more clarity.]

1 \*\*\*

2 [Mr. Johnson stated there would be further discussion  
3 with Mr. Festa's topics and he would be contacted with  
4 their Policy Administration after the meeting.]

5 \*\*\*

6 [Eleanor Weber stated distance learning approval  
7 should be discussed. The only exception to this would  
8 be if the court is a licensing court held by a college  
9 or university. Ms. Weber indicated there was an  
10 additional \$420 fee to the processes. She indicated  
11 live courses were inconsistent with many of the  
12 standards. Ms. Weber suggested having a separate set  
13 of regulations for live courses. She noted there  
14 would not be a need for legislation. Ms. Weber  
15 indicated there only need to be a change in the  
16 regulation process. She announced there was a school  
17 that was live streaming classes without approval. She  
18 stated this was detrimental to the process if no  
19 approval was given. Ms. Weber indicated a different  
20 application should be developed, which would result in  
21 students being approved.

22 Mr. Johnson questioned whether the process was  
23 cumbersome rather than the requirement. Ms. Weber  
24 indicated the requirement was not consistent with the  
25 needs of continuing education, only with the needs for

1 licensing. Licensing was a mastery learning model.  
2 She noted continuing education was written only as an  
3 hourly requirement. Ms. Weber stated the rules and  
4 regulations only require a time requirement for  
5 continuing education.

6 Chair Rubin indicated there were two types of  
7 online learning, one having a live instructor course  
8 and one where materials are online and student does  
9 the work on their time. Chair Rubin asked if there  
10 was someone that could waive this regulation on  
11 distance learning or change it due to the pandemic  
12 crisis. Mr. Ruiz stated they would look into the  
13 options for a solution.

14 Mr. Johnson stated any regulatory extensions or  
15 waivers would only be for the duration of the  
16 emergency declaration.]

17 \*\*\*

18 Executive Session

19 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
20 12:20 p.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 on matters currently pending before the  
24 Commission and to receive the advice of counsel. The  
25 Commission returned to open session at 1:35 p.m.]

1 \*\*\*

2 [Gaetano P. Piccirilli, Esquire, Public Member  
3 exited the meeting at 1:35 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 at Case No. 18-56-  
13 007804, Case No. 18-56-003197, Case Nos.  
14 18-56-011084, Case No. 19-56-008358, and  
15 Case No. 17-56-13961?

16 MR. FERRARA:

17 So moved.

18 MR. MCGETTIGAN:

19 Second.

20 CHAIR RUBIN:

21 Any questions? All in favor? Any nays?  
22 Any abstentions?

23 [The motion carried unanimously. The Respondent's  
24 name for Case No. 18-56-007804 is Jordan Patrick Dowd.  
25 The Respondent's name for Case No. 18-56-003197 is

1 Jennifer L. DeJesus. The Respondent's name for Case  
2 Nos. 18-56-011084 is Kim Marie Angiulli. The  
3 Respondent's name for Case No. 19-56-008358 is  
4 Lawrence Brean. The Respondent's name for Case No.  
5 17-56-13961 is Shane R. Keyser.]

6 \*\*\*

7 MR. RUIZ:

8 Is there a motion to deny the Consent  
9 Agreements at Case No. 19-56-011741 as  
10 being too lenient?

11 MR. JOHNSON:

12 So moved.

13 MR. SEENECK:

14 Second.

15 CHAIR RUBIN:

16 We have a motion and a second. Any  
17 questions? All in favor? Any opposed?

18 [The motion carried unanimously.]

19 \*\*\*

20 MR. RUIZ:

21 Is there a motion to direct counsel to  
22 draft the final Adjudication and Orders  
23 in the Cases of John H. Smith, Case No.  
24 16-56-12738; and Jasmine Williams, Case  
25 Nos. 13-56-07243 & 13-56-11584,

1 consistent with discussions in Executive  
2 Session?

3 MR. MCGETTIGAN:

4 So moved.

5 MR. JOHNSON:

6 Second.

7 CHAIR RUBIN:

8 Okay, we have a motion and a second. Any  
9 questions? All in favor? Any opposed?

10

11 [The motion carried unanimously.]

12

\*\*\*

13 MR. RUIZ:

14 Is there a motion to approve the Final  
15 Adjudication and Orders, Constantin M.  
16 Balousis, Case No. 17-56-13064; Arthur  
17 Lee Brown, Case No. 17-56-13064; Cynthia  
18 Thais Evans-Herr & Ascensions Group,  
19 Inc., Case Nos. 16-56-09145 & 16-56-  
20 06029; Robert D. Graham, Case No. 17-56-  
21 00964; Raymon Collins Harris, Case No.  
22 17-56-09054; William K. Kerschbaumer,  
23 Case No. 17-56-09054; Jin Lee, Case No.  
24 16-56-12720; James Edward Lignelli, Case  
25 No. 17-56-04533; Jeramey Luckenbaugh,



1 Case No. 16-56-08927; Oak Lawn Memorial  
2 Gardens, Inc. & James H. Delaney Jr.,  
3 Case Nos. 16-56-09991 & 16-56-09992; and  
4 Ashley Schwartz, Case No. 17-56-08980?

5 MR. SEEBECK:

6 So moved.

7 MR. JOHNSON:

8 Second.

9 CHAIR RUBIN:

10 Any questions? All in favor? Opposed?

11

12 [The motion carried unanimously.]

13

\*\*\*

14 MR. RUIZ:

15 Is there a motion to grant the following  
16 motions that are default in the  
17 following cases: Catherine A. Laderer,  
18 Case No. 16-56-08250; Rodney Moore, Case  
19 No. 19-56-008578; Victor S. Rozier, Case  
20 No. 17-56-011918; and Wave Realty LLC,  
21 Case No. 17-56-12495?

22 MR. JOHNSON:

23 So moved.

24 MR. FERRARA:

25 Second.

1 CHAIR RUBIN:

2 Any questions? All in favor? Any  
3 opposed?

4 [The motion carried unanimously.]

5 \*\*\*

6 MR. RUIZ:

7 Is there a motion to deny the Petition  
8 for Reconsideration filed by New Church  
9 Hill Cemetery?

10 MR. SEEBECK:

11 So moved.

12 MR. JOHNSON:

13 Second.

14 CHAIR RUBIN:

15 Any questions? All in favor? Any  
16 opposed?

17 [The motion carried unanimously.]

18 \*\*\*

19 MR. RUIZ:

20 Can I have a motion to approve the  
21 course titled Emotional Intelligence in  
22 Real Estate?

23 MR. FERRARA:

24 I'll make a motion.

25 MR. SEEBECK:

1                   Second.

2 CHAIR RUBIN:

3                   Any questions? All in favor? Opposed?

4

5 [The motion carried unanimously.]

6

\*\*\*

7 MR. FERRARA:

8                   I have a motion to a licensee is  
9                   requesting a waiver of the 41490 of the  
10                  continuing education of the 2018 and  
11                  2020 renewal cycle. Due to the advanced  
12                  age and lack of mobility, I make a  
13                  motion to grant this to a Louis  
14                  Starkman.

15 CHAIR RUBIN:

16                  Second?

17 MR. SEEBECK:

18                  I'll second.

19 CHAIR RUBIN:

20                  Any discussion? All in favor? Opposed?

21

22 [The motion carried unanimously.]

23

\*\*\*

24 Enforcement (Application Reviews) motions continued.

25 MR. TARANTINO:

1 I make a motion that David Clark, Mark  
2 Scrimalli, and SolMaria Martinez Arce be  
3 denied with a right for an informal  
4 conference.

5 MR. SEEBECK:

6 So moved.

7 MR. MCGETTIGAN:

8 Second.

9 CHAIR RUBIN:

10 Any questions? All in favor? Any  
11 opposed?

12 [The motion carried unanimously.]

13 \*\*\*

14 MR. TARANTINO:

15 I make a motion that the following  
16 people be denied and be recalled in for  
17 an enforcement meeting in a formal  
18 conference: Joseph Kunz, Malcumm Brown,  
19 Mikhail Rolon, Reginald Lewis, Ryan  
20 Rich, and Tara Zollers.

21

22 MR. MCGETTIGAN:

23 Second.

24 CHAIR RUBIN:

25 Any questions? All in favor? Any

1                   Opposed?

2 [The motion carried unanimously.]

3   \*\*\*

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

7   \*\*\*

8 Enforcement (Application Review) Committee

9 MR. TARANTINO:

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

15 CHAIR RUBIN:

16                   Do I have a second?

17 MR. SEEBECK:

18                   Second.

19 CHAIR RUBIN:

20                   Discussion? All in favor? Opposed?

21 [The motion carried unanimously.]

22   \*\*\*

23 MR. TARANTINO:

24                   I make a motion that the following people  
25                   be approved with Juan working out details

1 on their probation or fines: Brad  
2 Ahearn, Bryant Walton, Corey Woods,  
3 Darnell Hines, Nicholas Feagley, Paula  
4 Roman, and Robert Corcoran.

5 MR. RUIZ:

6 Just one thing, Mr. Tarantino. Mr.  
7 Feagley is not on probation or fined.  
8 That was one that was going to be  
9 approved.

10 MR. SEEBECK:

11 Second.

12 CHAIR RUBIN:

13 Any questions? All in favor? Opposed?

14 [The motion carried unanimously.]

15 \*\*\*

16 MR. TARANTINO:

17 I make a motion that we approve Nicholas  
18 Feagley.

19 MR. MCGETTIGAN:

20 Second.

21 CHAIR RUBIN:

22 Any questions? All in favor? Any  
23 opposed?

24 [The motion carried unanimously.]

25 \*\*\*

1 [Mr. Ruiz stated the next meeting would be June 2,  
2 2020, however not in Philadelphia.]

3 \*\*\*

4 Adjournment

5 CHAIR RUBIN:

6 Do I have a motion to adjourn?

7 MR. SEEBECK:

8 So moved.

9 MR. JOHNSON:

10 Second.

11 CHAIR RUBIN:

12 All in favor?

13 [The motion carried unanimously.]

14 \*\*\*

15 [There being no further business, the State Real  
16 Estate Commission Meeting adjourned at 1:50 p.m.]

17 \*\*\*

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23 CERTIFICATE

24

25 I hereby certify that the foregoing summary

1 minutes of the State Real Estate Commission meeting,  
2 was reduced to writing by me or under my supervision,  
3 and that the minutes accurately summarize the  
4 substance of the State Real Estate Commission meeting.

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Alicia Gascoigne,

Minute Clerk

Sargent's Court Reporting

Service, Inc.



STATE REAL ESTATE COMMISSION  
REFERENCE INDEX

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TIME	AGENDA
11:02	Official Call to Order
11:03	Roll Call
11:12	Approval of Minutes
11:13	Report of Prosecutorial Division
11:33	Report of Commission Counsel
11:34	Report of Chairperson
11:35	Report of Commissioner
11:40	Report of Commission Administrator
12:20	Executive Session
1:35	Executive Session Return to Open Session
1:35	Motions
1:50	Adjournment