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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.

State Office Building  
11 Stanwix Street  
Room 250  
Pittsburgh, Pennsylvania 15122

Tuesday, May 22, 2018

State Real Estate Commission  
May 22, 2018

COMMISSION MEMBERS:

Alexis L. Barbieri, Esquire, Chair, Public Member  
Joseph Tarantino, Vice Chair, Industry Member - Absent  
Anne M. Rubin, Secretary, Industry Member  
Ian J. Harlow, Commissioner of Professional  
and Occupational Affairs - Absent  
Armand Ferrara Jr., Industry Member  
Jennifer A. Thomson, Esquire, Attorney General  
Designee  
Annie Hanna Cestra, Industry Member - Absent  
Joseph J. McGettigan, Industry Member  
Edward L. Seebeck, Cemetery Member - Absent

COMMISSION PERSONNEL:

Juan A. Ruiz, Esquire, Commission Counsel  
Timothy Fritsch, Esquire, Board Prosecutor  
Krista Linsenbach, Commission Administrator

MEMBERS OF THE PUBLIC:

Todd Umbenhauer, CRB, CRS, GRI, President,  
Pennsylvania Association of Realtors (PAR)  
Jack Gombach, Manager of Public Policy Outreach,  
Pennsylvania Association of Realtors (PAR)  
LouAnn Kenney, Berkshire Hathaway Home Services  
James Skindzier, Career Growth Real Estate Academy  
Daniel Seigel, Keller Williams Realty  
Donna Walsh, BCS Holdings  
Arch Autenreith, Owner, RE/MAX  
Suzanne Cronenberg, CE Teacher  
Mary Lynne Deets, Education Manager at Realtors  
Educational Institute  
Dawn Parsolick, Education Director, Realtors  
Association of Metro Pittsburgh  
Terri Sokoloff, Specialty Group  
Christina Ross, Keller Williams Realty  
John Petrack, Executive Vice President, Realtors  
Association of Metro Pittsburgh  
Preston Moore, Howard Hannah  
Patrick Terry, Caldwell Banker  
David Landman

1 \*\*\*

2 State Real Estate Commission

3 May 22, 2018

4 \*\*\*

5 The regularly scheduled meeting of the State Real  
6 Estate Commission was held on Tuesday, May 22, 2018.  
7 Alexis L. Barbieri, Chair, Public Member, officially  
8 called the meeting to order at 11:02 a.m.

9 \*\*\*

10 Roll Call of Commissioners/Pledge of Allegiance

11 [The Commissioners in attendance introduced themselves  
12 to the public.

13 The Pledge of Allegiance was recited.]

14 \*\*\*

15 Approval of Minutes of the April 17, 2018 meeting

16 CHAIR BARBIERI:

17 Could I have a motion for approval of  
18 the draft minutes?

19 COMMISSIONER FERRARA:

20 So moved.

21 COMMISSIONER MCGETTIGAN:

22 Second.

23 CHAIR BARBIERI:

24 All in favor? Any opposed?

25 [The motion carried unanimously.]



1 State Police program for a charge of \$27, which will  
2 be automatically added to their application.

3 Commissioner McGettigan suggested requiring all  
4 applicants to choose the automatic background check.

5 Commissioner Harlow also stated in the email that  
6 the automatic background check will be run on all  
7 renewals at no charge to the licensee. Out of state  
8 background checks may be optionally performed by  
9 utilizing the Federal Bureau of Investigation (FBI)  
10 Identity History Summary Check. This background check  
11 process will become effective June 2, 2018.

12 Ms. Linsenbach reported that the Real Estate  
13 Commission will no longer accept paper applications as  
14 of June 15, 2018. All applications must be submitted  
15 online through the PALS system. Ms. Linsenbach is  
16 working with the PALS system development team to make  
17 the applications available to employers. She reviewed  
18 the staffing issues with the processing of the  
19 applications.]

20 \*\*\*

21 Introduction of Audience Members

22 [The audience members in attendance were requested to  
23 introduce themselves.

24 Chair Barbieri announced the Public Session will  
25 be commence at 2:00 p.m.]

1 \*\*\*

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
3 11:20 a.m. the Commission entered into Executive  
4 Session with Juan A. Ruiz, Esquire, Commission  
5 Counsel, for the purpose of conducting quasi-judicial  
6 deliberations and to receive advice of Counsel. The  
7 Commission returned to open session at 1:44 p.m.]

8 \*\*\*

9 MOTIONS

10 MR. RUIZ:

11 The Real Estate Commission was just in  
12 Executive Session conducting  
13 quasi-judicial deliberations on a number  
14 of matters currently pending before the  
15 Commission.

16 Is there a motion to approve the  
17 Final Adjudications and Orders in the  
18 case of Michael Harris at File No. 14-  
19 56-04612 and George Kubini at File No.  
20 11-56-01465?

21 COMMISSIONER MCGETTIGAN:

22 So moved.

23 COMMISSIOENR FERRARA:

24 Second.

25 CHAIR BARBIERI:

1 All in favor? Opposed?

2 [The motion carried unanimously.]

3 \*\*\*

4 MR. RUIZ:

5 Is there a motion to grant the Motion to  
6 Enter Default and Deem Facts Admitted in  
7 the case of David Coughlin at File No.  
8 15-56-01758?

9 COMMISSIONER FERRERA:

10 So moved.

11 CHAIR BARBIERI:

12 Second?

13 COMMISSIONER MCGETTIGAN:

14 Second.

15 CHAIR BARBIERI:

16 All in favor? Opposed?

17 [The motion carried unanimously.]

18 \*\*\*

19 MR. RUIZ:

20 Is there a motion to grant the  
21 application to sit for the broker  
22 examination for Mark Anderson at File  
23 No. 17-56-12653?

24 COMMISSIONER MCGETTIGAN:

25 So moved.







1 [The motion carried unanimously.]

2 \*\*\*

3 COMMISSIONER MCGETTIGAN:

4 I'd like to make a motion that the  
5 license application of Christopher Van  
6 Deboe be approved and license placed on  
7 probation through criminal probation.

8 CHAIR BARBIERI:

9 Second?

10 COMMISSIONER THOMSON:

11 Second.

12 CHAIR BARBIERI:

13 All in favor? Opposed?

14 [The motion carried unanimously.]

15 \*\*\*

16 COMMISSIONER MCGETTIGAN:

17 I'd like to make a motion that the  
18 license of David Lee Pottle, Jr., be  
19 approved and license placed on probation  
20 pending the payment of restitution.

21 COMMISSIONER FERRARA:

22 Second.

23 CHAIR BARBIERI:

24 All in favor? Opposed?

25 [The motion carried unanimously.]

1 \*\*\*

2 COMMISSIONER MCGETTIGAN:

3 I'd like to make a motion that the  
4 application of Stephen L. Woods be  
5 approved with no restrictions.

6 CHAIR BARBIERI:

7 Second?

8 COMMISSIONER RUBIN:

9 Second.

10 CHAIR BARBIERI:

11 All in favor? Opposed?

12 [The motion carried unanimously.]

13 \*\*\*

14 Public Session

15 [Commissioners and Commission staff reintroduced  
16 themselves to the audience members in attendance.

17 Audience members in attendance introduced  
18 themselves to the Commission.]

19 \*\*\*

20 [James Skindzier, Career Growth Real Estate Academy,  
21 referenced the Commission's approval of the required  
22 mandatory topics for courses taken in the 2018-2020  
23 continuing education cycle at its April meeting,  
24 specifically the one and half hours of property  
25 management and two hours of advertising. He requested

1 the reasoning behind the Commission's decision on the  
2 hours for advertising. Commissioner Rubin explained  
3 the courses should be based on the current rules and  
4 regulations on advertising, specifically with  
5 reference to websites, business cards, and business  
6 signs.

7 Mr. Skindzier discussed not having enough  
8 material and the need for specific interpretative  
9 guidance from the Commission to create a two-hour  
10 course on advertising. He specifically referred to  
11 Section 35.305(c), relating to the size of the  
12 advertisement.

13 Mr. Ruiz stated the Commission was in the process  
14 of revising its regulations. He advised that the  
15 Commission cannot provide interpretations. Mr. Ruiz  
16 suggested reviewing the disciplines of the Commission  
17 on similar matters available on its website. He also  
18 added that the hours as determined by the Commission  
19 were based on the number of cases before the  
20 Commission dealing with advertising and property  
21 management.

22 Mr. Skindzier requested the Commission provide  
23 input as to topics to cover in courses related to  
24 property management. Commissioner McGettigan  
25 discussed instituting the Distance Education

1 Accrediting Commission (DEAC) and providing a  
2 definitive way of teaching. He suggested reviewing  
3 the signing of leases as well as reviewing case  
4 studies during the courses.

5 Commissioner Rubin reiterated the Commission's  
6 goal to revise its regulations and welcomed input from  
7 the public. Board Administrator Linsenbach offered  
8 herself as a point of contact for the Commission. ]

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10 [Additional audience members entered the public  
11 session and were requested to introduce themselves.]

12

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13 [Commissioner McGettigan suggested that the Board  
14 Administrator send an invitation to the schools to  
15 attend a Commission meeting for the purpose of  
16 providing input on revisions to the regulations.

17 Mr. Ruiz discussed the social media  
18 considerations of the Commission in order to revise  
19 its regulations on advertising. Mr. Skindzier  
20 referenced the Real Estate Licensing and Registration  
21 Act (RELRA) for comparison in revising the  
22 Commission's rules and regulations on advertising for  
23 discussion.

24 Commissioner McGettigan offered suggestions for  
25 course material for property management, such as best

1 practices/worst practices.

2 Problems with online renewals, difficulties with  
3 the changing of account passwords and personal data,  
4 as well as help desk issues were discussed. Ms.  
5 Linsenbach explained the decision for a new computer  
6 system was made by the Department of State and  
7 affected all licensing boards. She described the  
8 system's initial data transfer, online implementation,  
9 and the continued dynamic development. Ms. Linsenbach  
10 requested the public's patience with the transition to  
11 the new PALS system.]

12 \*\*\*

13 [Mr. Preston Moore entered the public session and was  
14 requested to introduce himself.]

15 \*\*\*

16 [LouAnn Kenney, Berkshire Hathaway Home Services,  
17 requested information regarding the timely processing  
18 of new licenses. Ms. Linsenbach reviewed her efforts  
19 to work with the developers to streamline the process  
20 for applying for a broker's license. She explained  
21 the proper procedures for logging into the online PALS  
22 system. Ms. Linsenbach reviewed the elimination of  
23 the registration code with the use of individual  
24 passwords. She reiterated the endeavor of the  
25 Department of State to become fully paperless. All

1 applications will be made through PALS.

2 Terri Sokoloff, Specialty Group, commented on  
3 similar issues with the implementation and positive  
4 features of the Pennsylvania Liquor Control Board  
5 (PLCB) online system. She also discussed providing  
6 information to the Commonwealth on a matter of  
7 practicing without a real estate license. Chair  
8 Barbieri reviewed her personal experiences with the  
9 need to submit sufficient information to the  
10 Commonwealth. Mr. Fritsch, as a Board Prosecutor,  
11 offered to further research the specific matter.

12 Mr. Ruiz explained the prosecutorial process to  
13 investigate and present the matter before the Board  
14 for determination as to a proper disciplinary action.  
15 Commissioner McGettigan suggested individuals approach  
16 Board Prosecutors at Commission meetings to voice  
17 their complaints of violations.

18 Commissioner Rubin commented on her experiences  
19 with handling similar situations since being appointed  
20 to the Commission. She suggested additional education  
21 to the membership on the reporting of violations.  
22 Commissioner McGettigan suggested taking violations  
23 straight to their local boards to reference the Code  
24 of Ethics.]

25

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1 [Mr. Patrick Terry entered the public session and was  
2 requested to introduce himself.]

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4 [Ms. Linsenbach provided information on the judicial  
5 procedures for the processing of licenses. Todd  
6 Umbenhauer, CRB, CRS, GRI, reviewed the appropriate  
7 steps to be taken for an association to enforce the  
8 Code of Ethics and issue sanctions on a professional  
9 standards case. Mr. Fritsch provided information on a  
10 re-review process for the prosecutorial division. He  
11 reported that the Bureau receives approximately 12,000  
12 to 13,000 complaints per year for all licensing  
13 boards. Commissioner McGettigan reported that the  
14 Real Estate Commission receives approximately 1,600  
15 complaints per year. There was discussion regarding  
16 the reporting of complaints also becoming paperless.

17 Mr. Skindzier questioned whether education  
18 providers will require certification on the PALS  
19 system before the end of October. Ms. Linsenbach  
20 reviewed her plan to obtain education providers'  
21 personal information and to provide instructions on  
22 the process for education providers as soon as  
23 available.]

24

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25 [Commissioner Thomson exited the meeting at 3:06 p.m.]



1 \*\*\*

2 [Mr. David Landman entered the public session and was  
3 requested to introduce himself.]

4 \*\*\*

5 [Mr. Landman expressed his excitement with the new  
6 PALS system. He questioned the best way to resolve  
7 issues with passwords. Ms. Linsenbach explained that  
8 all of the Board Administrators worked with the  
9 developers on the PALS system. She noted the password  
10 recovery option on the log-in screen to reset the  
11 password. She reiterated the continued dynamic  
12 development of the PALS system to remedy issues. She  
13 added that licensees will have until the 30th of June,  
14 2018, to renew their license.

15 Mr. Landman questioned the ability for blog  
16 communicate through the PALS system. Ms. Linsenbach  
17 referred to a menu of frequently asked questions under  
18 support on the website, as well as an option to enter  
19 information for the IT Help Desk. She reviewed the  
20 goal to streamline the processing of licenses with the  
21 PALS system.

22 Mr. Ruiz explained the previous system was  
23 created in 2000, already 18 years old. One goal for  
24 the system is to provide for continuing education  
25 reporting online. He reviewed the many benefits to

1 the PALS system.

2 Ms. Linsenbach discussed her inability to comment  
3 on a licensee's ability to practice. The website will  
4 reflect whether a licensee's is active or not. Both  
5 broker corporation and broker renewals must be present  
6 in the system and pending before processing. The  
7 system updates its information every 12 hours.]

8 \*\*\*

9 [Commissioner Ferrara exited the meeting at 3:20 p.m.]

10 \*\*\*

11 [Daniel Seigel, Keller Williams Realty, discussed a  
12 situation where homes are being sold by consumers for  
13 much less than the market value of the neighboring  
14 homes. These sales are being used as comparisons and  
15 devaluating the market. He noted encouragement by  
16 brokerage firms.

17 Mr. Ruiz discussed the scenario as a violation of  
18 this Board's regulations that is hard to prove. Mr.  
19 Seigel questioned whether a legislative initiative  
20 would be required to address the devaluation of the  
21 market. Mr. Ruiz defined the matter as a legislative  
22 issue. Commissioner Rubin suggested investigating a  
23 Code of Ethics violation on the matter.

24 Mr. Skindzier suggested taking the matter to the  
25 Office of Attorney General to be prosecuted under

1 Unfair and Deceptive Trade Practices. Chair Barbieri  
2 stated there must be a pattern of behavior for the  
3 Office of Attorney General to pursue. She noted the  
4 Consumer Protection Office of the Office of Attorney  
5 General in Pittsburgh. Mr. Skindzier explained that  
6 PAR cannot discipline any Code of Ethics violation if  
7 the individual is not a member of PAR.

8 Mr. Landman suggested an advantage with going  
9 paperless and the new system would be the ability to  
10 provide timestamps on documents. The client and the  
11 agent will be able to identify the logging. This will  
12 eventually remedy this situation. Mr. Seigel noted  
13 work-arounds to this system.]

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15 [Mr. Umbenhauer provided a brief report from PAR. He  
16 reviewed the efforts of PAR attorneys regarding the  
17 legislature on teams and nailing down the language to  
18 include all recommendations. PAR's plan is to share  
19 with the Real Estate Commission the results of the  
20 draft language in September.

21 He updated the Commission on House Bill 863,  
22 which is still in the House Appropriations Committee.  
23 Senate Bill 1066, the first-time home buyer's savings  
24 account program, has been referred to the Senate  
25 Appropriations Committee.]

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[Chair Barbieri thanked the audience members for their attendance and informational dialogue.]

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Adjournment

CHAIR BARBIERI:

I'd like to entertain a motion to adjourn.

COMMISSIONER MCGETTIGAN:

So moved.

COMMISSIONER RUBIN:

Second.

CHAIR BARBIERI:

All in favor?

[The motion carried unanimously.]

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[There being no further business, the State Real Estate Commission Meeting adjourned at 3:26 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.

Valerie Gregory

Valerie Gregory,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE REAL ESTATE COMMISSION  
REFERENCE INDEX

May 22, 2018

## TIME

## AGENDA

11:02	Official Call to Order/Roll Call
11:05	Pledge of Allegiance
11:06	Approval of Minutes
11:07	Report of Commission Counsel
11:08	Report of Commission Administrator
11:18	Introduction of Audience Members
11:20	Executive Session
1:44	Return to Open Session
1:44	Motions
1:49	Report of Committees
1:51	Public Session
3:26	Adjournment