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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 MEETING
CONDUCTED VIA VIDEOCONFERENCE**

TIME: 9:08 A.M.

One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

June 2, 2020

State Real Estate Commission

June 2, 2020

COMMISSION MEMBERS:

Anne M. Rubin, Chair, Industry Member
Joseph McGettigan, Vice Chair, Industry Member
Joseph Tarantino, Industry Member
Armand N. Ferrara Jr., Industry Member
Jennifer Thomson, Esquire, Attorney General Designee
Edward L. Seebeck, Cemetery Member
Gaetano P. Piccirilli, Esquire, Public Member
K. Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs

COMMISSION PERSONNEL:

Juan A. Ruiz, Esquire, Commission Counsel
Ray Michalowski, Esquire, Commission Prosecution
Liaison
Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel,
Prosecution Division
Alice Glasser, Esquire, Commission Prosecutor
Tiffany Raker, Esquire, Commission Prosecutor
Krista Linsenbach, Commission Administrator

Marc Farrell, Deputy Policy Director, Pennsylvania
Department of State
Theodore Stauffer, Executive Assistant, Pennsylvania
Department of State

ALSO PRESENT:

William Festa, President, Pennsylvania Association of
Realtors
Alex Charlton, Director of Public Policy and Political
Affairs, Pennsylvania Association of Realtors
Michael McGee, CAE, RCE, CEO, Pennsylvania
Association of Realtors
Wayne C. Crawford, Esquire, Public Policy Manager,
Pennsylvania Association of Realtors
Caleb Acker, Legal Extern, Pennsylvania Department of
State
Elliot Zucker, Legal Extern, Office of General
Counsel, Pennsylvania Department of State

1 ***

2 State Real Estate Commission

3 June 2, 2020

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Tuesday, June 2, 2020.
7 Anne Rubin, Chair, Industry Member, officially called
8 the meeting to order at 9:08 a.m. Roll call was
9 taken. There was a moment of silence for the unrest
10 happening currently throughout the country.

11 ***

12 Approval of minutes of the April 28, 2020 meeting

13 CHAIR RUBIN:

14 If I could have a motion for the
15 approval of the draft minutes?

16 MR. SEEBECK:

17 So moved.

18 MR. PICCIRILLI:

19 Second.

20 CHAIR RUBIN:

21 Thank you. All in favor? Any opposed?

22 [The motion carried unanimously.]

23 ***

24 Report of Prosecutorial Division

25 [Tiffany Raker, Esquire, Commission Prosecutor,

1 presented a Consent Agreement for File No. 18-56-
2 002051 and 18-56-002050.]

3 ***

4 Report of Commission Counsel

5 [Juan A. Ruiz, Esquire, Commission Counsel, noted a
6 Proposed Adjudication and Order and 11 Final
7 Adjudications and Orders for discussion during
8 Executive Session.

9 He referred members to the Supreme Court Decision
10 in the Ladd vs. Real Estate Commission of the
11 Commonwealth of Pennsylvania case that reversed the
12 Commonwealth Court's decision that dismissed the case.
13 The case was remanded back to the Commonwealth Court.
14 He provided a brief history of the case and noted
15 there would be further discussion regarding the matter
16 during Executive Session.

17 Mr. Ruiz discussed developing an FAQ for the BPOs
18 to posting on the website to alleviate ongoing
19 questions. He noted, since the last meeting, a waiver
20 of the regulation was granted by the Governor to allow
21 live streaming of courses.]

22 ***

23 Report of Commission Chair

24 [Anne M. Rubin, Chair, Industry Member, thanked Acting
25 Commissioner Johnson for "getting done what needed to

1 be done in a quick way so schools could get online to
2 teach courses". Chair Rubin stated licenses were
3 being mailed to brokers' offices, which were closed
4 due to the emergency crisis and returned to the state.
5 She thanked Commissioner Johnson and Ms. Linsenbach
6 for figuring out administratively where to mail those
7 licenses other than the broker of record's main office
8 address.]

9

10 Commission Secretary Position Vacant - Election

11 [The Commission discussed nominations for the vacant
12 Commission Secretary position.]

13 MR. MCGETTIGAN:

14 I'd like to make a motion that Armand
15 Ferrara take the Secretary's position on
16 the line officers.

17 CHAIR RUBIN:

18 Do we have a second?

19 MR. SEEBECK:

20 Second.

21 CHAIR RUBIN:

22 All in favor? Any opposed?

23 [The motion carried unanimously.]

24

25 {Chair Rubin voiced her appreciation that the

1 licensees were able to return to work.]

2 ***

3 Report of Commission Administrator

4 [Krista Linsenbach, Commission Administrator, updated
5 the Commission on renewals, noting that if a license
6 had not yet been renewed, the license expiration date
7 would be as of 5/31/2020 and would remain in an active
8 status until renewal or August 29, 2020, the extension
9 of the renewal period. She noted 50 percent of
10 licensee renewals were already received.

11 She noted a waiver request for a broker's office
12 will be discussed during Executive Session.]

13 ***

14 Report of Acting Commissioner

15 [K. Kalonji Johnson, Acting Commissioner, Bureau of
16 Professional and Occupational Affairs, noted a
17 consistency and compliance with the rather extensive
18 CDC guidelines. He commended Commission Counsel, the
19 Commission Administrator, and others for working
20 quickly to make the administrative changes during this
21 COVID emergency. He noted also that investigations
22 continue during this time. There was further
23 discussion regarding these matters.]

24 ***

25 Report of Committees

1 Education/Examination

2 [Chair Rubin noted these matters would be discussed
3 during Executive Session.]

4 ***

5 Public Session

6 [William Festa, President, Pennsylvania Association of
7 Realtors, addressed the Commission regarding distance
8 learning. He noted members of the Pennsylvania
9 Association of Realtors, local associations, and real
10 estate schools were grateful for the temporary
11 implementation of livestreaming continuing education
12 during the pandemic. He further noted the PAR would
13 like to encourage the Commission and BPOA to make this
14 change permanent.

15 Mr. Festa commented on the ability to livestream
16 classes and provide greater access for educational
17 opportunities to licensees across the state. He
18 stated many emails and letters were sent to Governor
19 Wolf urging him to sign legislation ensuring that
20 housing was essential in Pennsylvania.

21 Mr. Festa noted the formation of a task force to
22 help licensees better navigate the licensing system.
23 He requested information regarding how complaints were
24 being handled, so the enforcement actions could be
25 better communicated to membership.

1 Mr. Festa thanked the Commission for the
2 opportunity to be heard and made himself available for
3 questions by Commission members.

4 Acting Commissioner Johnson stated the policy
5 regarding all of the waivers that were instituted
6 during COVID have a transitional period naturally
7 built in for when the Governor decides to end the
8 emergency declaration. Those waivers would not just
9 abruptly be cut off. He further stated making some of
10 the temporary waivers permanent was being discussed.
11 He would not speculate where the process was going.
12 Mr. Johnson noted the Policy Office would be happy to
13 sit down with the Association for further discussion
14 regarding the matter.

15 Chair Rubin opined, based on what Commissioner
16 Johnson stated, the Commission should be able to
17 maintain that waiver at least for this licensing
18 period. She further stated the rules and regulations
19 needed to be examined further in terms of education
20 for the future. Chair Rubin suggested PAR put out FAQ
21 information regarding the options for the complaint
22 process and the required information to file
23 anonymously.

24 Michael McGee, CAE, RCE, CEO, Pennsylvania
25 Association of Realtors, will discuss the matter

1 further with Communications and see what else can be
2 done to reinforce that message.

3 There was discussion whether or not PAR or the
4 Commission should do FAQ information, or whether PAR
5 should put the information together for approval or
6 validation by the Commission. The matter would be
7 discussed further during Executive Session.

8 Acting Commissioner Johnson explained the rules
9 foster participation by the public to better protect
10 the citizens. He suggested maybe not all of the
11 capabilities had been explored with regard to getting
12 the message out concerning filing a complaint. He
13 further noted the mechanics of filing a complaint were
14 within the purview of the Commission.

15 Mr. Tarantino inquired whether there were steps
16 on filing a complaint against a licensee on the
17 Commission's website. Ms. Linsenbach explained there
18 are no specific steps listed on the website, but there
19 was a link directing where to go to file a complaint.

20 Mr. Michalowski commented he and staff routinely
21 work with individuals or associations regarding
22 procedural matters. He indicated a hotline was
23 staffed for those wanting to make a complaint and
24 discussed some of the complaints received.]

25

1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
2 10:17 a.m. the Commission entered into Executive
3 Session with Juan A. Ruiz, Esquire, Commission
4 Counsel, for the purpose of conducting quasi-judicial
5 deliberations on matters currently pending before the
6 Commission and to receive the advice of Counsel. The
7 Commission returned to open session at 11:49 a.m.]

8

9 MOTIONS

10 MR. RUIZ:

11 The Commission was just in Executive
12 Session conducting quasi-judicial
13 deliberations on matters currently
14 pending before the Commission.

15 Is there a motion to reject the
16 Consent Agreement at File No. 18-56-
17 002051 & 18-56-002050 as being too
18 lenient?

19 MR. FERRARA:

20 So moved.

21 MR. PICCIRILLI:

22 Second.

23 CHAIR RUBIN:

24 Any comments? All in favor? Any
25 opposed?

1 [The motion carried unanimously.]

2 ***

3 MR. RUIZ:

4 Is there a motion to approve the
5 Proposed Adjudication and Order and
6 adopt the Commissioner's Final Order in
7 the case of Commonwealth of
8 Pennsylvania, Bureau of Professional and
9 Occupational Affairs vs. Paul Masters,
10 File No. 19-56-002450?

11 MR. FERRARA:

12 So moved.

13 ACTING COMMISSIONER JOHNSON:

14 Second.

15 CHAIR RUBIN:

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

18 [The motion carried unanimously.]

19 ***

20 MR. RUIZ:

21 Is there a motion to adopt the following
22 Adjudications and Orders for the
23 following cases: Anatoliy Paul Brown,
24 File No. 17-56-10039, 18-56-001818, 18-
25 56-007692; John R. Cassel, File No. 16-

1 56-09075; Leonard Destine, File No. 17-
2 56-09596; Tyler B. Horton, File No. 18-
3 56-007468; Christian S. Ivory, File No.
4 18-56-01045; Dawn M. Kresge, File No.
5 17-56-10626; Karen M. Palmer, File No.
6 17-56-013405; Yvonne Perry, File No. 18-
7 56-003804; Sean M. Quinn, File No. 18-
8 56-00260; John Ronald Vira, File No. 17-
9 56-2602; and Philip G. Weaver, File No.
10 18-56-04071?

11 MR. MCGETTIGAN:

12 So moved.

13 MR. SEEBECK:

14 Second.

15 CHAIR RUBIN:

16 Any discussion? All in favor?

17 [The motion carried unanimously.]

18 ***

19 MR. RUIZ:

20 Is there a motion to deny the waiver
21 request for Scott Dunkle?

22 MR. TARANTINO:

23 So moved.

24 MR. MCGETTIGAN:

25 Second.

1 CHAIR RUBIN:

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

4 [The motion carried unanimously.]

5 ***

6 Education/Examination Committee

7 MR. FERRARA:

8 I have a motion for a broker exam for
9 Michael B. Hess, the motion is to deny.

10 MR. MCGETTIGAN:

11 Second.

12 CHAIR RUBIN:

13 Any discussion? All in favor? Opposed?

14 [The motion carried unanimously.]

15 ***

16 MR. FERRARA:

17 CE Course, Advertising 101, motion to
18 deny.

19 MS. SEEBECK:

20 Second.

21 CHAIR RUBIN:

22 Any discussion? All in favor? Opposed?

23 [The motion carried unanimously.]

24 ***

25 MR. FERRARA:

1 CE Course, Concepts in Appraising Green
2 Residential Buildings, motion to deny.

3 MS. TARANTINO:

4 Second.

5 CHAIR RUBIN:

6 Any discussion? All in favor? Opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. FERRARA:

10 CE Course, Leasing 101, motion to
11 approve with the removal of the term
12 consultant.

13 MR. SEEBECK:

14 Second.

15 CHAIR RUBIN:

16 Any discussion? All in favor? Opposed?

17 [The motion carried unanimously.]

18 ***

19 MR. FERRARA:

20 CE Course, Management of Real Estate
21 Brokerage Operations, motion to approve.

22 MR. SEEBECK:

23 Second.

24 CHAIR RUBIN:

25 Any discussion? All in favor? Opposed?

1 [The motion carried unanimously.]

2 ***

3 MR. FERRARA:

4 CE Course, Marketing for Leasing Agents,
5 motion to deny.

6 MR. TARANTINO:

7 Second.

8 CHAIR RUBIN:

9 Any discussion? All in favor? Opposed?

10 [The motion carried unanimously.]

11 ***

12 MR. FERRARA:

13 CE Waiver Request from Jonathan Makar,
14 motion to approve.

15 MR. MCGETTIGAN:

16 Second.

17 CHAIR RUBIN:

18 Any discussion? All in favor? Opposed?

19 [The motion carried unanimously.]

20 ***

21 MR. FERRARA:

22 Exam Eligibility Waiver Request for
23 Linda Ferguson, motion to approve with a
24 time frame not to exceed an additional
25 90 days from the time PSI is able to

1 test in Pennsylvania.

2 MR. SEEBECK:

3 Second.

4 CHAIR RUBIN:

5 The motion was amended to state from the
6 time PSI is able to test in the
7 geographic area of Pennsylvania where
8 the person is, not just in Pennsylvania.
9 All in favor of the motion with
10 amendment? Opposed?

11 [The motion carried unanimously.]

12 ***

13 Enforcement Committee

14 MR. TARANTINO:

15 I make a motion to deny the licensure of
16 Atiya Falana and advise her of her right
17 to an informal conference.

18 MR. MCGETTIGAN:

19 Second.

20 CHAIR RUBIN:

21 Discussion? All in favor? Opposed?

22 [The motion carried unanimously.]

23 ***

24 Adjournment

25 MR. SEEBECK:

1 I make a motion to adjourn.

2 MR. FERRARA:

3 Second.

4 [The motion carried unanimously.]

5 ***

6 [There being no further business, the State Real
7 Estate Commission Meeting adjourned at 11:59 a.m.]

8 ***

9 [The next meeting is scheduled for July 14, 2020.]

10 ***

11

12

13

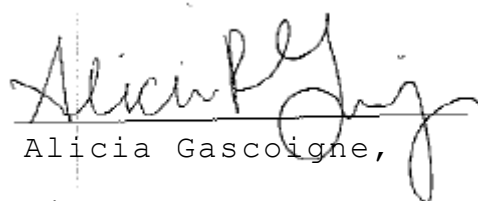
CERTIFICATE

14

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

20

21



22

Alicia Gascoigne,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE REAL ESTATE COMMISSION
REFERENCE INDEX

June 2, 2020

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TIME	AGENDA
9:08	Official Call to Order
9:09	Roll Call
9:18	Approval of Minutes
9:21	Report of Prosecutorial Division
9:28	Report of Commission Counsel
9:31	Report of Commission Chair
9:34	Election - Commission Secretary
9:35	Report of Commission Administrator
9:36	Report of Acting Commissioner
9:48	Public Session
10:17	Executive Session
11:49	Return to Open Session
11:49	Motions
11:59	Adjournment