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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: 11:24 A.M.

Room 250

11 Stanwix Street

Pittsburgh, PA 15222

Wednesday, June 12, 2019

State Real Estate Commission  
June 12, 2019

COMMISSION MEMBERS:

Joseph Tarantino, Chair, Industry Member  
Anne M. Rubin, Vice Chair, Industry Member  
Joseph J. McGettigan, Secretary, Industry Member  
Alexis L. Barbieri, Esquire, Public Member  
Armand N. Ferrara Jr., Industry Member  
Amy L. Schulman, Esquire, Senior Deputy Attorney  
General, Bureau of Consumer Protection  
Annie Hanna Cestra, Industry Member  
Edward L. Seebeck, Cemetery Member  
Kalonji Johnson, Acting Commissioner, Bureau of  
Professional and Occupational Affairs

COMMISSION PERSONNEL:

Juan A. Ruiz, Esquire, Commission Counsel  
Ray Michalowski, Esquire, Commission Prosecution  
Liaison  
Krista Linsenbach, Commission Administrator

ALSO PRESENT:

Michael McGee, CAE, Chief Executive Officer,  
Pennsylvania Association of Realtors  
William McFalls Jr., ABR, CRS, Green, GRI, President,  
Pennsylvania Association of Realtors  
Bob Burges  
Jim Skindzier, President, Career Growth Real Estate  
Academy  
Irene Richmond, Realtor, Realty One Group Gold  
Standard  
Blane Hess, Broker/Owner, RE/MAX Real Estate Solutions  
Mary Lou Hagman, Broker/Owner, REMAX Home Center  
Suzette Colvin, Broker, RE/MAX Team Realtors  
Toni Skone, ABR/AHWD, RE/MAX Team Realtors  
Mary Lynne Deets, Education Manager, Realtors  
Education Institute  
Suzanne Gruneberg, RE/MAX CSI South  
Bob Moncavage, President-elect, Realtors Association  
of Metropolitan Pittsburgh, Broker/Owner, Priority  
Realty, LLC

State Real Estate Commission  
June 12, 2019

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ALSO PRESENT: (Continued)

- Lindsay Onuffer
- John Petrack, Executive Vice President, Realtors Association of Metropolitan Pittsburgh
- Mark Handlovitch, Owner, RE/MAX Advanced Realtors
- Dawn Parasolick, Education Director, Realtors Association of Metropolitan Pittsburgh
- Preston Moore, District Vice President, Pennsylvania Association of Realtors, Howard Hanna Real Estate Services
- Lisa Jackson, Associate Broker, Realty One Group Gold Standard
- Arch Autenreith, President, Realtors Association of Metropolitan Pittsburgh, Owner, RE/MAX 3000
- Christina Ross, Broker/Partner, Keller Williams
- Greg Codori, Howard Hanna Real Estate Services

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2 State Real Estate Commission

3 June 12, 2019

4 \*\*\*

5 The regularly scheduled meeting of the State Real  
6 Estate Commission was held on Wednesday, June 12,  
7 2019. Joseph Tarantino, Chair, Industry Member,  
8 officially called the meeting to order at 11:24 a.m.  
9 A roll call was taken. The Pledge of Allegiance was  
10 recited.

11 \*\*\*

12 Approval of minutes of the April 30, 2019 meeting

13 CHAIR TARANTINO:

14 You reviewed the draft minutes of the  
15 April 30 meeting.

16 Could I have a motion to approve?

17 MR. MCGETTIGAN:

18 So moved.

19 CHAIR TARANTINO:

20 Second?

21 MR. FERRARA:

22 Second.

23 CHAIR TARANTINO:

24 On the question, all in favor, say aye.

25 Any opposed? We have two abstentions.

1 [The motion carried. Anne M. Rubin, Vice Chair,  
2 Industry Member, and Edward L. Seebeck, Cemetery  
3 Member, abstained from voting on the motion.]

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5 [Joseph Tarantino, Chair, Industry Member, informed  
6 the Commission that the formal hearing scheduled for  
7 1:30 was canceled, and public session will start at  
8 2:00 today.]

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10 Report of Prosecutorial Division

11 [Ray Michalowski, Esquire, Commission Prosecution  
12 Liaison, on behalf of Caroline A. Bailey, Esquire,  
13 Commission Prosecutor, presented the Consent  
14 Agreements for File No. 17-56-012718, File No. 18-56-  
15 007495, and File No. 18-56-006409.]

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17 [Ray Michalowski, Esquire, Commission Prosecution  
18 Liaison, on behalf of J. Karl Geschwindt, Esquire,  
19 Commission Prosecutor, presented the Consent Agreement  
20 for File No. 12-56-00399.]

21

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22 [Ray Michalowski, Esquire, Commission Prosecution  
23 Liaison, on behalf of Steven A. Mimm, Esquire,  
24 Commission Prosecutor, presented the Consent Agreement  
25 for File No. 17-56-04609.]

1 \*\*\*

2 [Ray Michalowski, Esquire, Commission Prosecution  
3 Liaison, on behalf of Timothy A. Fritsch, Esquire,  
4 Commission Prosecutor, presented the Consent  
5 Agreements for File No. 16-56-14311, File Nos. 16-56-  
6 13107 & 16-56-13108, and File Nos. 16-56-12500 & File  
7 No. 18-56-010755 & 18-56-010906.

8 Mr. Michalowski reminded everyone not to give  
9 anybody a lockbox combination who is not a licensee or  
10 give money back to any client when there is a  
11 dispute.]

12 \*\*\*

13 Report of Commission Counsel

14 [Juan A. Ruiz, Esquire, Commission Counsel, noted  
15 three proposed adjudications and orders, a Motion to  
16 Enter Default, and an application for reconsideration  
17 issued last month for discussion during executive  
18 session.

19 Mr. Ruiz again noted that the 1:30 p.m. hearing  
20 had been continued and noted the public session at  
21 2:00 p.m.

22 Mr. Ruiz noted that another \$200,000 payment was  
23 made from the recovery fund. He commented that if the  
24 recovery fund is below the \$300,000 threshold, the  
25 Commission may have to conduct another assessment with

1 the renewal again in 2020.

2 Mr. McGettigan questioned whether the threshold  
3 on the other end could be raised because the \$500,000  
4 maximum amount does not seem to be enough to handle  
5 the amount of payments coming out of the recovery  
6 fund.

7 Mr. Ruiz stated this is a statutory requirement.]

8 \*\*\*

9 [Mr. Michalowski noted attending the Association of  
10 Real Estate License Law Officials (ARELLO) Meeting in  
11 Philadelphia, in 2014, along with Commissioner  
12 Barbieri and Mr. Ruiz. He stated the largest amounts  
13 coming out of the recovery funds are all property  
14 management related. He discussed being statutorily  
15 protected over a certain point.

16 Mr. Michalowski stated some states are looking at  
17 some bonding requirements for property management. He  
18 suggested examining what the rest of the nation and  
19 ARELLO are doing. He stated bonding has been very  
20 successful with appraisal management companies because  
21 they have been going out of business, where the little  
22 ones are being bought up by the big ones or being  
23 pushed out.

24 Mr. Michalowski addressed bond companies,  
25 appraisal management (AMCs) companies, and errors and

1 omissions (E&O) companies. He suggested looking at  
2 other states concerning financial impact.

3 Chair Tarantino questioned whether the Commission  
4 could go after a person if they have E&O insurance and  
5 go after the carrier. Mr. Michalowski commented that  
6 it would have to be proved uncollectable, and the  
7 recovery fund is a last resort. He stated folks would  
8 have to have already gone after their insurance and  
9 gone after their assets. He stated the bond would  
10 stand in between there.

11 Mr. Michalowski stated there are a lot more  
12 people who rent and more property managers, both  
13 licensed and unlicensed. He noted many cases chasing  
14 after property managers who are practicing incorrectly  
15 and suggested bumping up property management standards  
16 in regulations or in the act.

17 Mr. Michalowski also noted seeing a smaller  
18 portion of the industry that is causing most of the  
19 penalties due to holding more money and suggested  
20 rules so they could not do that or have to have some  
21 other backing, whether a bond or institutional-type  
22 thing.

23 Mr. Michalowski noted the numerous items to  
24 address with property management. He also noted  
25 recovery funds issues, where folks are either



1 criminals or dying or have impairment problems and  
2 suicide issues or just disappeared and have become  
3 uncollectable.

4 Mr. Michalowski suggested more property  
5 management-related guidance in the act and regulations  
6 with some requirements that could be taught.

7 Mr. Michalowski noted reviewing the smaller  
8 claims when licensees invest in properties themselves  
9 and then something happens. He mentioned that E&O  
10 insurance excludes properties owned by or those who  
11 have an ownership interest in it.

12 Acting Commissioner Johnson expressed an interest  
13 in learning the practices of surrounding states with  
14 regard to bond requirements and suggested working with  
15 stakeholders to beef up regulations, noting  
16 legislature is going to want to see what other states  
17 are currently doing.

18 Mr. Michalowski addressed licensed salespeople  
19 and licensed property management, noting a relatively  
20 higher number of complaints outside of the advertising  
21 realm and on the property management side that takes  
22 away a lot of resources because of investigations.]

23

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24 Report of Commission Chair

25 [Joseph Tarantino, Chair, Industry Member, noted

1 issues in a letter he received from a law firm,  
2 including the inability to promptly prosecute  
3 licensees who seriously violated the Real Estate  
4 Licensing and Registration Act (RELRA) and identifying  
5 the broker and brokerage company which deals with  
6 teams and team advertising, for discussion at the July  
7 meeting.

8       Mr. Ferrara addressed his attendance at the  
9 National Association of Realtors/Association of Real  
10 Estate License Law Officials (NAR/ARELLO) Meeting in  
11 Washington on May 17. He stated the Financial Crimes  
12 Enforcement Network (FinCEN) was in full swing to  
13 combat large money laundering crimes that are taking  
14 place all over the country. He stated FinCEN is  
15 trying to keep the agents in the industry out of the  
16 equation and make the title companies more responsible  
17 for where the cash is coming from, including virtual  
18 currency and Real Estate Settlement Procedures Act  
19 (RESPA) Section 8 regarding enforcement actions and  
20 anti-kickback.

21       Mr. Ferrara discussed the National Flood  
22 Insurance Program regarding property-specific rates  
23 and flood zones, where individuals would pay more  
24 closer to the ocean than those inland.

25       Mr. Ferrara addressed accusations of Facebook

1 being engaged in discriminatory practices that  
2 engendered and perpetuated bias against marginalized  
3 classes of the American population and enabling  
4 illegal housing discrimination by giving landlords and  
5 developers advertising tools that made it easy to  
6 exclude people.]

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8 [Chair Tarantino thanked Acting Commission Johnson for  
9 allowing the Board to send a representative to  
10 ARELLO.]

11

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12 Report of Acting Commissioner

13 [Kalonji Johnson, Acting Commissioner, Bureau of  
14 Professional and Occupational Affairs, noted that the  
15 Senate Consumer Protection & Professional Licensure  
16 Committee voted out House Bill 1172 last week. He  
17 stated the bill requires the boards and commissions  
18 within the Commonwealth to expedite review of the  
19 applications for licensure from applicants who are in  
20 good standing in their home state and wish to receive  
21 licensure in the Commonwealth to promote licensure  
22 portability, promote workforce development, provide  
23 opportunity for those looking to move to the  
24 Commonwealth, and eliminate onerous burdens to  
25 licensure.

1           Acting Commissioner Johnson addressed amendments  
2 to the Criminal History Records Information Act  
3 (CHRIA), which is designed to help ex-offenders get  
4 back into the workforce and eliminate mandatory  
5 suspensions and certain criminal convictions. He  
6 stated the bill would require the Board to review only  
7 convictions directly related to their profession.  
8 He noted the preference of keeping "substantially  
9 related profession" instead of "directly related" in  
10 the language.

11           Acting Commissioner Johnson stated this would  
12 allow potential applicants to petition the bureau for  
13 what is known as a preliminary opinion. He commented  
14 that the preliminary opinion would not be a public  
15 record and only be sufficient as to that particular  
16 issue of interest. He stated the Commission would  
17 essentially be reviewing an applicant's information  
18 and make a determination. Ms. Barbieri commented that  
19 this would work to the detriment of the applicant  
20 because there are folks who have criminal records and  
21 come in for a preliminary meeting, tell their story,  
22 where a whole different view can be made.

23           Acting Commissioner Johnson noted the intent  
24 behind the opinion bills in the House and Senate is to  
25 obviate some of the bias that goes into determinations

1 about criminal history. He suggested there be more  
2 discussion with the legislative staff who are writing  
3 the bills and the Board.

4 Acting Commissioner Johnson mentioned a corollary  
5 bill that is being bounced around and in the process  
6 of legislative analysis. He noted another bill that  
7 would essentially eliminate the prohibition on  
8 advisory opinions.

9 Acting Commission Johnson addressed Board  
10 vacancies. He is working with Mr. Latanishen to get  
11 these people through the process.]

12 \*\*\*

13 Report of Commission Administrator

14 [Krista Linsenbach, Commission Administrator, noted  
15 the 2019 ARELLO Annual Conference in Denver, September  
16 18-21 and the NAR Conference in San Francisco,  
17 November 8-11.]

18 \*\*\*

19 MS. RUBIN:

20 I make a motion that Armand Ferrara be  
21 our representative at the ARELLO  
22 Conference in September.

23 MR. MCGETTIGAN:

24 Second.

25 CHAIR TARANTINO:

1 All in favor, say aye. Any opposed?

2 [The motion carried unanimously.]

3 \*\*\*

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
5 12:46 p.m. the Commission entered into Executive  
6 Session with Juan A. Ruiz, Esquire, Commission  
7 Counsel, for the purpose of conducting quasi-judicial  
8 deliberations on matters currently pending before the  
9 Commission and to receive the advice of counsel. The  
10 Commission returned to open session at 2:09 p.m.]

11 \*\*\*

12 MR. RUIZ:

13 The Real Estate Commission was in  
14 executive session conducting quasi-  
15 judicial deliberations on a number of  
16 matters currently pending before the  
17 Commission.

18 \*\*\*

19 [Introduction of Board Members/Audience]

20 \*\*\*

21 Public Session

22 [William McFalls Jr., ABR, CRS, Green, GRI,  
23 President, Pennsylvania Association of Realtors,  
24 addressed updates on legislative and regulatory  
25 issues. He commented that Representative Polinchock

1 introduced legislation that would define teams in the  
2 Real Estate Licensing and Registration Act in the  
3 House last week noted as House Bill 1572 that provides  
4 a statutory definition for teams and team  
5 administrators.

6 Mr. McFalls noted that the prominence of teams in  
7 the industry has grown expedientially over the past  
8 several years. He stated the proposed legislation  
9 outlines that teams will be required to have an  
10 administrator, who will be required to have a broker's  
11 license or an associate broker's license or have at  
12 least three years' experience as a real estate agent  
13 and must have taken 60 hours of appropriate education  
14 in real estate law and real estate office management.

15 Mr. McFalls noted that PAR submitted comments to  
16 the Real Estate Commission regarding its proposed team  
17 advertising regulations and looks forward to receiving  
18 a copy of the Commission's revised team advertising  
19 recommendations and having the opportunity to address  
20 potential areas of differences.

21 Mr. McFalls requested a copy of the proposed BPO  
22 (broker price opinion) regulations approved by the  
23 Commission at the last meeting so PAR can provide  
24 direction to members.

25 Mr. McFalls mentioned a recent meeting with

1 Deputy Secretary for Regulatory Programs, Ian Harlow,  
2 and his staff regarding ongoing concerns about the  
3 lack of timeliness in addressing complaints. He also  
4 noted PAR's work with Acting Commissioner Johnson to  
5 address the ongoing issues and concerns of local  
6 associations and schools with regard to the  
7 Pennsylvania Licensing System (PALS).

8 Mr. McFalls updated the Commission on PAR's  
9 Welcome Home survey, noting homebuyers looking to  
10 downsize from the current home has decreased to about  
11 8% from a high of 18% in 2017, and those looking to  
12 upsize has increased to 15% from a low of 7% in 2016.

13 Mr. Michalowski questioned whether the newer  
14 version of the team administrator position would be  
15 registered and noted in the Commission records or just  
16 at the brokerage.

17 Mr. McFalls noted it to be just at the brokerage,  
18 where it is listed and kept with the program and the  
19 is the broker is responsible for everything.

20 Ms. Rubin noted concerns regarding the team  
21 administrator bill, where someone could have a license  
22 for three years and take the required courses but  
23 never have done a single piece of business.

24 Mr. McGettigan commented that if you now have an  
25 administrator running these chains, that may not be



1 the name of the team, who will investigators get in  
2 touch with to interview the person that a complaint is  
3 on. He noted that would leave no other recourse than  
4 to go to the broker and that is a concern.

5 Mr. McGee explained that the team administrator  
6 is not necessarily the team leader. He stated the  
7 team administrator is kind of that intermediary  
8 between the broker and the team to make sure there is  
9 compliance with broker policy, keeping the names of  
10 the team members up to date.

11 It was noted that offices have changed over the  
12 last few years from 3 to 4 people and now 300, 400,  
13 500 person offices, making it impossible for a broker  
14 to know what every one of those people are doing. He  
15 stated a lot of responsibility has been given to the  
16 team leader, giving them the ability to make sure  
17 there is a correlation to keep the broker well aware  
18 of what is happening in their office.

19 Blane Hess, Broker/Owner, RE/MAX Real Estate  
20 Solutions questioned whether the team name has to be  
21 in the name of an individual and not an unknown.

22 Ms. Cestra explained that it will probably be  
23 that the regulation will say it has to be the name of  
24 a licensee, which is a guideline.

25 Mr. Hess noted that there are a fair number of

1 people who have four agents on a team and without  
2 being a Qualified Association. He stated they are  
3 paying the team leader as the team member and  
4 disbursing the funds that would be a violation of the  
5 licensing.

6 Mr. Michalowski explained that this is why the  
7 Qualified Association was created so this could be  
8 done, or the Qualified Association cannot be the same  
9 name as the team because the Qualified Association has  
10 to be behind the scenes. He noted a violation if that  
11 Qualified Association holds itself out. He stated the  
12 Commission will not approve a Qualified Association  
13 with the word "team" in the name.

14 Arch Autenreith, President, Realtors Association  
15 of Metropolitan Pittsburgh, Owner, RE/MAX 3000,  
16 discussed a complaint lodged against his wife, where  
17 he would like to have been notified that a complaint  
18 was registered against her.

19 Mr. Michalowski provided an overview of the  
20 complaint process, noting that the first contact is  
21 the investigators who will be gathering information.  
22 He also mentioned the dangers of notifying the broker  
23 of record ahead of time.

24 Acting Commission Johnson commented that the bill  
25 has been introduced into the committee and provided an

1 overview of the legislative and regulatory process.

2 Mr. McGee questioned when language will be  
3 available for comment regarding the revised BPO  
4 regulations and team advertising and asked for insight  
5 as to where they stand.

6 Mr. Ruiz explained that the BPO is a temporary  
7 regulation, and the team advertising would be a  
8 regular package that would go through the whole  
9 process. He stated the regulations have not been  
10 published yet and are going through the internal  
11 review process. He stated the BPO regulation will not  
12 have to go through the committees or the Independent  
13 Regulatory Review Commission (IRRC) because it is a  
14 temporary regulation. He noted that BPOs will be  
15 effective immediately once this is done.

16 Mr. Ruiz commented that the Commission has  
17 already approved education on BPOs and has approved a  
18 number of courses developed by the Volunteer Education  
19 Advisory Committee (VEAC) Committee. He stated Ms.  
20 Rubin sat with volunteers and developed an excellent  
21 course on BPOs. He mentioned that everyone can start  
22 the education at this point by taking the courses,  
23 which will count toward approval of doing the BPOs.

24 Mr. McFalls questioned whether the regulations on  
25 advertising were finished.

1 Mr. Ruiz stated the preamble is almost done, but  
2 there are two other forms that have to be completed in  
3 addition to the regulations, which is the annex.

4 Mr. McFalls questioned whether there is any  
5 consideration given by the Commission to look at  
6 continuing education (CE) for brokers and sales  
7 agents, where it is currently the same for everyone.

8 Jim Skindzier, President, Career Growth Real  
9 Estate Academy, commented that he is in favor of  
10 broker only CE requirements. He questioned whether  
11 there is any position on policies regarding pending  
12 House Bill 64, which will allow the accrual of CE  
13 credits to carry forward to the next license renewal  
14 period.

15 Mr. Ruiz explained that House Bill 64 is a  
16 general rule not requiring Boards to carryover but  
17 leaving the decision up to the Board and the Real  
18 Estate Commission.

19 Ms. Rubin noted that she would not be in favor of  
20 that because what was relevant two years ago may not  
21 be relevant now.

22 Acting Commissioner Johnson commented that the  
23 bill allows each independent Board to set the  
24 parameters for what that carryover looks like. He  
25 noted that most of the Boards that have carryover

1 right now do not allow carryover up to the required  
2 amount of CE. He stated annual requirements are  
3 easier to gauge year to year, and Boards that allow  
4 carryover have course-type requirements, where the  
5 carryover can only be for substantive courses.

6 Dawn Parasolick, Education Director, Realtors  
7 Association of Metropolitan Pittsburgh, commented that  
8 online classes cannot be carried over.

9 Ms. Barbieri explained that of the 12 required  
10 credits for attorneys, 6 could be remote learning and  
11 6 have to be in person.

12 Ms. Parasolick addressed rumors of having other  
13 people take online classes for them and suggested  
14 requiring half of the CE be in person for continuing  
15 legal education (CLE).

16 Mr. Ruiz commented that it would have to be done  
17 by regulation at this point because regulation allows  
18 for the online education.

19 Mr. Autenreith agreed with the broker only CE but  
20 suggested one or two mandatory classes, not rewriting  
21 the whole thing.

22 John Petrack, Executive Vice President, Realtors  
23 Association of Metropolitan Pittsburgh, mentioned the  
24 tri-state convention, which also offers a myriad of  
25 courses at different time intervals.

1           Mark Handlovitch, Owner, RE/MAX Advanced  
2 Realtors, discussed Triple Play, noting that the  
3 courses are free but do not coordinate with the  
4 required 14 hours and questioned whether PAR and the  
5 Real Estate Commission could coordinate with the  
6 tri-state.

7           Ms. Rubin addressed Triple Play, noting it to be  
8 a wonderful value for people because it is free but  
9 noted the complaint that Pennsylvania will not approve  
10 some of the courses that other states approve.

11           Preston Moore, District Vice President,  
12 Pennsylvania Association of Realtors, Howard Hanna  
13 Real Estate, did not agree with carrying credits over.  
14 He commented that if there are broker-specific classes  
15 that there should be salesperson-specific classes  
16 because of the importance of everyone getting the same  
17 information.

18           Chair Tarantino stated mandatory courses for  
19 first-timers were developed to teach salespeople the  
20 agreement of sale, the consumer notice, and all of  
21 that other stuff because they were not getting enough  
22 education from their brokers.

23           Ms. Lisenbach commented that she sees a lot of  
24 coursework and a lot of courses people take, noting  
25 that more onus would be put on the staff and the

1 licensees to keep track of CE for a longer period of  
2 time.

3 Chair Tarantino noted the importance of offering  
4 incentives to agents to take more education by giving  
5 more commission, reimbursing half of the schooling, or  
6 having in-house education and forcing them to take it.

7 Mr. Skindzier questioned whether the 45 hours of  
8 for real estate law and real estate finance was  
9 officially changed to 30 hours.

10 Mr. Ruiz referred to § 35.271(b)(2), where it  
11 states 2 of the required 16 credits shall be in a  
12 Commission-developed or approved law course. He  
13 explained that the 2 credits would be 30 hours and is  
14 where the 30 hours is from.

15 Ms. Parasolick referred to Pennsylvania  
16 Continuing Legal Education (PACLE) under Regulations  
17 for CLE Section 13(n)(5), noting that it states  
18 "credits earned via distance learning in excess of the  
19 annual credit limit will not carry over into  
20 subsequent compliance periods.

21 Bob Moncavage, President-elect, Realtors  
22 Association of Metropolitan Pittsburgh, Broker/Owner  
23 Priority Realty, LLC, noted frustration with national  
24 websites that are essentially taking information and  
25 selling it back as leads by way of Realtor.com and

1 Zillow.com. He questioned how the Commission is  
2 supposed to interact or provide guidance in regard to  
3 the consumer who goes to these websites looking for  
4 information thinking that they are licensee-based  
5 sites.

6 Mr. Ruiz explained that the Commission does not  
7 have jurisdiction over those sites and only has  
8 jurisdiction over licensees and can only do what the  
9 law allows them to do.

10 Mr. Moncavage noted that there is a disconnect,  
11 and the consumer is at a disadvantage when requesting  
12 information about a listing and believing their  
13 information is going to the listing agent, but the  
14 listing agent never receives that information.

15 Acting Commissioner Johnson agreed with this  
16 being a problem, noting that the only thing that could  
17 be done is to refer them to local law enforcement or  
18 the Office of Attorney General if there was authority  
19 to do so.

20 Mr. Moncavage commented that there still should  
21 be some sort of control, because it is still  
22 advertising which is still subject to the law.

23 Ms. Barbieri oversaw a division in the Office of  
24 Attorney General, where a case can be brought against  
25 an entity when there is a deceptive or misleading



1 trade practice. She stated this would require a  
2 multistate case, where a large number of states would  
3 get together and bring a lawsuit against an entity if  
4 they determine that it meets the requirements of being  
5 misleading or unfair.

6 Ms. Schulman suggested filing a complaint with  
7 the Office of Attorney General, noting that these lead  
8 generators or advocators tend to have disclosures in  
9 connection with the consumer submission information.

10 Suzanne Gruneberg, RE/MAX CSI South, questioned  
11 whether there are any specific advertising issues that  
12 should be addressed in the 2.5 hours of advertising,  
13 commercial and/or residential.

14 Ms. Rubin mentioned a problem in southeast  
15 Pennsylvania regarding an inordinate amount of for  
16 sale signs that she believes are not in compliance and  
17 the need to educate people approving the signs who do  
18 not know the regulations.

19 Ms. Rubin addressed the importance of naming  
20 yourself when filing a complaint.

21 Chair Tarantino commented that the associations  
22 have to take a more active role in policing themselves  
23 and policing their members as opposed to always  
24 sending it to the Real Estate Commission.

25 Acting Commissioner Johnson addressed scams

1 affecting the elderly and interagency cooperation with  
2 the Department of Aging in terms of sharing resources  
3 and working with the Office of Attorney General and  
4 the Department of Banking and Securities to provide  
5 opportunities for education.

6 Ms. Schulman noted taking legal action against  
7 individuals who are acting as a real estate broker  
8 without a license and finding other violations in  
9 terms of advertising in connection with those types of  
10 charges.]

11 \*\*\*

12 MOTIONS

13 MR. RUIZ:

14 Is there a motion to approve the Consent  
15 Agreements at File No. 17-56-012718,  
16 File No. 18-56-007495, File No. 18-56-  
17 006409, File No. 12-56-00399, File No.  
18 17-56-04609, File No. 16-56-14311, and  
19 File Nos. 16-56-13107 & 16-56-13108?

20 CHAIR TARANTINO:

21 Do I hear a motion?

22 MR. MCGETTIGAN:

23 So moved.

24 MS. CESTRA:

25 Second.

1 CHAIR TARANTINO:

2 On the question, all in favor, say aye.

3 Any opposed?

4 [The motion carried unanimously. The Respondent's  
5 name for File No. 17-56-012718 is Hui Chen; File No.  
6 18-56-007495, Patricia A. Laurin; File No. 18-56-  
7 006409, Letisha Ann Lindsey; File No. 12-56-00399,  
8 Donna Gail Brost; File No. 17-56-04609; Anissa Marie  
9 Jones; File No. 16-56-14311, Debra S. Hastings; File  
10 Nos. 16-56-13107 & 16-56-13108, Richard D. Tartaglione  
11 and Marian Tartaglione.]

12 \*\*\*

13 MR. RUIZ:

14 Is there a motion to deny the Consent  
15 Agreement at File Nos. 16-56-12500 &  
16 File No. 18-56-010755 & File No. 18-56-  
17 010906 as being too lenient?

18 MS. BARBIERI:

19 So moved.

20 MR. MCGETTIGAN:

21 Second.

22 CHAIR TARANTINO:

23 On the question, all in favor, say aye.

24 Any opposed?

25 [The motion carried unanimously.]

1 \*\*\*

2 MR. RUIZ:

3 Is there a motion to adopt the proposed  
4 Adjudications and Orders of the  
5 following cases: Lauren Cierra Felton,  
6 File No. 18-56-006862; Markea Golphin,  
7 File No. 18-56-005536; Armindia Kaye  
8 Martin, Theodore L. Martin Jr., and  
9 Suburban Memorial Gardens, Inc., at File  
10 Nos. 16-56-00601, 16-56-00602, 16-56-  
11 00608, and 16-56-00609?

12 MR. FERRARA:

13 So moved.

14 CHAIR TARANTINO:

15 Second?

16 MS. BARBIERI:

17 Second.

18 CHAIR TARANTINO:

19 On the question, all in favor, say aye.

20 Any opposed?

21 [The motion carried unanimously.]

22 \*\*\*

23 MR. RUIZ:

24 Is there a motion to grant the motion to  
25 enter default in the case of Ashley

1                   Schwartz at File No. 17-56-08980?

2 MR. MCGETTIGAN:

3                   So moved.

4 MR. FERRARA:

5                   Second.

6 CHAIR TARANTINO:

7                   On the question, all in favor, say aye.

8                   Any opposed?

9 [The motion carried unanimously.]

10   \*\*\*

11 MR. RUIZ:

12                   Is there a motion to deny the  
13                   Application for Reconsideration in the  
14                   case of Brian S. Collins at File No. 15-  
15                   56-06991?

16 MS. CESTRA:

17                   So moved.

18 MR. MCGETTIGAN:

19                   Second.

20 CHAIR TARANTINO:

21                   On the question, all in favor, say aye.

22                   Any opposed?

23 [The motion carried unanimously.]

24   \*\*\*

25 Report of Committees - Enforcement Committee

1 [Joseph J. McGettigan, Industry Member, the  
2 Enforcement Committee met prior to the start of  
3 today's meeting to review applications and performed  
4 informal conferences.]

5 \*\*\*

6 MR. MCGETTIGAN:

7 I make a motion that the applications of  
8 Cody Sembrat and Jonathan Tischler be  
9 approved with no restrictions.

10 CHAIR TARANTINO:

11 Second?

12 MR. FERRARA:

13 Second.

14 CHAIR TARANTINO:

15 On the question, all in favor, say aye.

16 Any opposed?

17 [The motion carried unanimously.]

18 \*\*\*

19 MR. MCGETTIGAN:

20 I make a motion that the application of  
21 Linda S. Amos be approved and the  
22 license put on probation through payment  
23 of restitution.

24 CHAIR TARANTINO:

25 Second?

1 MS. BARBIERI:

2 Second.

3 CHAIR TARANTINO:

4 On the question, all in favor, say aye.

5 Any opposed?

6 [The motion carried unanimously.]

7 \*\*\*

8 MR. MCGETTIGAN:

9 I make a motion that applications of  
10 Vincent J. Perry, John Yoon, Marc  
11 Beaudouin be approved and the licenses  
12 placed on probation through their  
13 criminal probation.

14 CHAIR TARANTINO:

15 Second?

16 MS. BARBIERI:

17 Second.

18 CHAIR TARANTINO:

19 On the question, all in favor, say aye.

20 Any opposed?

21 [The motion carried unanimously.]

22 \*\*\*

23 MR. MCGETTIGAN:

24 I make a motion that application of  
25 Christian Will be preliminarily denied

1 and give the applicant the right to an  
2 informal conference.

3 CHAIR TARANTINO:

4 Second?

5 MS. RUBIN:

6 Second.

7 CHAIR TARANTINO:

8 On the question, all in favor, say aye.

9 Any opposed?

10 [The motion carried unanimously.]

11 \*\*\*

12 MR. MCGETTIGAN:

13 I make a motion that applications of  
14 Fadi Aboud and Jerome Henry Lewis Jr.,  
15 be approved with no barrier toward  
16 licensure.

17 CHAIR TARANTINO:

18 Second?

19 MR. FERRARA:

20 Second.

21 CHAIR TARANTINO:

22 On the question, all in favor, say aye.

23 Any opposed?

24 [The motion carried unanimously.]

25 \*\*\*



1 Education/Examination Committee

2 MS. RUBIN:

3 I make a motion on the request for  
4 approval for broker exam for Scott  
5 Yesner and Amanda Hertel, that there is  
6 a preliminary denial on both as they did  
7 not submit any relevant work experience.

8 CHAIR TARANTINO:

9 Second?

10 MR. FERRARA:

11 Second.

12 CHAIR TARANTINO:

13 Ferrara seconds it. On the question?  
14 Any other questions? All in favor, say  
15 aye. Any opposed?

16 [The motion carried unanimously.]

17 \*\*\*

18 MS. RUBIN:

19 I make a motion to approve for CE and  
20 broker elective, CNE Advanced Concepts  
21 course.

22 MS. CESTRA:

23 Second.

24 CHAIR TARANTINO:

25 Seconded by Cestra. On the question,

1 all in favor, say aye. Any opposed?

2 [The motion carried unanimously.]

3 \*\*\*

4 MS. RUBIN:

5 I make a motion to approve the CE course  
6 Communication and Effective Listening  
7 and Millennials Challenging the Norm  
8 video course.

9 CHAIR TARANTINO:

10 Second?

11 MS. CESTRA:

12 Second.

13 CHAIR TARANTINO:

14 On the question, all in favor, say aye.  
15 Any opposed?

16 [The motion carried unanimously.]

17 \*\*\*

18 MS. RUBIN:

19 I make a motion to deny the 7 Things  
20 Successful Agents Do Differently  
21 continuing education elective course, as  
22 it does not meet the Real Estate  
23 Commission CE criteria.

24 CHAIR TARANTINO:

25 Second?

1 MR. MCGETTIGAN:

2                   Second.

3 CHAIR TARANTINO:

4                   On the question, all in favor, say aye.

5                   Any opposed?

6 [The motion carried unanimously.]

7   \*\*\*

8 MS. RUBIN:

9                   I make a motion on the 3-hour continuing  
10 education elective, Managing Online  
11 Transactions, that we need additional  
12 information. They need to supply a  
13 summary description and outline of  
14 course, including objectives.

15 CHAIR TARANTINO:

16                   Second?

17 MR. FERRARA:

18                   Second.

19 CHAIR TARANTINO:

20                   On the question, all in favor, say aye.

21                   Any opposed?

22 [The motion carried unanimously.]

23   \*\*\*

24 Old/New Business

25 [Joseph J. McGettigan, Industry Member, requested that

1 Acting Commissioner Johnson review the Commission's  
2 list of what is needed to get a regulation through and  
3 return it to the Commission.

4 Mr. Michalowski informed the Commission of a  
5 newspaper article about cemeteries in the Pittsburgh  
6 area that have misinformation concerning folks of the  
7 cemetery being unable to file reports of their  
8 permanent lot care funds, noting that the state did  
9 not supply training to them. He commented that the  
10 only training would come through the court system and  
11 is an issue of the Administrative Office of  
12 Pennsylvania Courts (AOPC). He also noted that former  
13 Commission Counsel Judith Proctor-Schulder sent  
14 letters to each county years ago.]

15 \*\*\*

16 Adjournment

17 CHAIR TARANTINO:

18 Do I have a motion to adjourn?

19 MS. RUBIN:

20 So moved.

21 MS. BARBIERI:

22 Second.

23 CHAIR TARANTINO:

24 All in favor, say aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 [There being no further business, the State Real  
3 Estate Commission Meeting adjourned at 4:04 p.m.]

4 \*\*\*

5  
6 CERTIFICATE

7  
8 I hereby certify that the foregoing summary  
9 minutes of the State Real Estate Commission meeting,  
10 was reduced to writing by me or under my supervision,  
11 and that the minutes accurately summarize the  
12 substance of the State Real Estate Commission meeting.

13  
14  
15 

16 Danielle S. Ohm,

17 Minute Clerk

18 Sargent's Court Reporting  
19 Service, Inc.

STATE REAL ESTATE COMMISSION  
REFERENCE INDEX

June 12, 2019

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9		
10	11:24	Official Call to Order
11		
12	11:24	Roll Call
13		
14	11:24	Pledge of Allegiance
15		
16	11:25	Approval of Minutes
17		
18	11:26	Report of Prosecutorial Division
19		
20	12:07	Report of Commission Counsel
21		
22	12:24	Report of Commission Chair
23		
24	12:30	Report of Acting Commissioner
25		
26	12:44	Report of Commission Administrator
27		
28	12:46	Executive Session
29	2:09	Return to Open Session
30		
31	2:09	Introduction of Board Members/Audience
32		
33	2:13	Public Session
34		
35	3:53	Motions
36		
37	3:56	Report of Committees
38		
39	4:01	Old/New Business
40		
41	4:04	Adjournment
42		
43		
44		
45		
46		
47		
48		
49		
50		