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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
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

June 29, 2021

1 State Real Estate Commission

2 June 29, 2021

3
4
5 COMMISSION MEMBERS:

6
7 Joseph J. McGettigan, Chair, Industry Member
8 Armand N. Ferrara Jr., Vice Chair, Industry Member
9 Joseph Tarantino, Secretary, Industry Member
10 Anne M. Rubin, Industry Member
11 Jeffrey J. Johnson, Industry Member
12 Jennifer Thomson, Esquire, Attorney General Designee
13 Edward L. Seebeck, Cemetery Member
14 Gaetano P. Piccirilli, Esquire, Public Member - Absent
15 Theodore Stauffer, Executive Secretary, Bureau of
16 Professional and Occupational Affairs, on behalf of
17 K. Kalonji Johnson, Commissioner
18

19 COMMISSION PERSONNEL:

20
21 Juan A. Ruiz, Esquire, Commission Counsel
22 Nicole Ehrhart, Esquire, Commission Counsel
23 Timothy A. Fritsch, Esquire, Commission Prosecution
24 Liaison
25 Caroline A. Bailey, Esquire, Commission Prosecutor
26 Alice Glasser, Esquire, Commission Prosecutor
27 Angela Solomon, Esquire, Commission Prosecutor
28 Thaddeus Cwiklinski, Legal Extern, Office of General
29 Counsel, Department of State
30 Krista Linsenbach, Commission Administrator
31 Theodore Stauffer, Executive Secretary, Bureau of
32 Professional and Occupational Affairs
33

34 ALSO PRESENT:

35
36 Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group
37 Jen Smeltz, Republican Executive Director, Senate
38 Consumer Protection & Professional Licensure
39 Committee
40 Lisa Aaron, Professional Standards and Education
41 Manager, Pennsylvania Association of Realtors
42 Lisa Ginsburg, Director of Education, Bucks County
43 Real Estate Institute
44 Michael McGee, CAE, Chief Executive Officer,
45 Pennsylvania Association of Realtors
46 Wayne C. Crawford, Esquire, Public Policy Manager,
47 Pennsylvania Association of Realtors
48 Christopher G. Raad, President, Pennsylvania
49 Association of Realtors
50

1 ***

2 State Real Estate Commission

3 June 29, 2021

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Commission entered into Executive
7 Session with Juan A. Ruiz, Esquire, Commission
8 Counsel, and Nicole Ehrhart, Esquire, Commission
9 Counsel, for the purpose of conducting quasi-judicial
10 deliberations on matters currently pending before the
11 Commission that are listed on the agenda. The
12 Commission returned to open session at 10:30 a.m.]

13 ***

14 [Krista Linsenbach, Commission Administrator, noted
15 the meeting was being recorded, and those who remained
16 on the line were giving their consent to be recorded.

17 She also provided instructions to be followed
18 during the virtual meeting.]

19 ***

20 The regularly scheduled meeting of the State Real
21 Estate Commission was held on Tuesday, June 29, 2021.
22 Joseph J. McGettigan, Chairman, Industry Member,
23 officially called the meeting to order at 10:30 a.m.

24 ***

25 Roll Call

1 [Joseph J. McGettigan, Chairman, Industry Member,
2 provided a roll call of Commission members.]

3 ***

4 Introduction of Public Members

5 [Krista Linsenbach, Commission Administrator, provided
6 an introduction of public members.]

7 ***

8 Pledge of Allegiance

9 [The Pledge of Allegiance was recited.]

10 ***

11 Approval of minutes of the May 19, 2021 meeting

12 CHAIR MCGETTIGAN:

13 I will entertain a motion to approve the
14 draft minutes from our meeting on May
15 19, 2021, unless there are any changes
16 or discussion.

17 MS. RUBIN:

18 I motion to approve.

19 CHAIR MCGETTIGAN:

20 Do I have a second?

21 MR. JOHNSON:

22 Second.

23 CHAIR MCGETTIGAN:

24 Any discussion? Call for the vote. All
25 in favor? Against?

1 [The motion carried unanimously.]

2 ***

3 Report of Prosecutorial Division

4 [Angela B. Lucci Solomon, Esquire, Commission
5 Prosecutor, presented the Consent Agreements for Case
6 Nos. 18-56-006055, 18-56-007371 & 18-56-006395.]

7 ***

8 [Caroline A. Bailey, Esquire, Commission Prosecutor,
9 presented the Consent Agreement for Case No. 20-56-
10 001462.]

11 ***

12 [Timothy A. Fritsch, Esquire, Commission Prosecution
13 Liaison, noted the Commission requested information at
14 the last meeting regarding how prosecution addressed
15 advertising violations. He stated that prosecution
16 was currently drafting a presentation to provide the
17 Commission with more information at the next
18 Commission meeting.

19 Chair McGettigan questioned whether the
20 presentation would include the number of complaints
21 and prosecution information.

22 Mr. Fritsch commented that in addition to
23 providing numbers of prosecutions and results of those
24 prosecutions that the prosecution process will be
25 explained, along with investigator training and how

1 investigators are directed by the prosecution office
2 in those types of complaints.]

3 ***

4 Report of Commission Counsel - Rules and Regulations
5 [Juan A. Ruiz, Esquire, Commission Counsel, noted the
6 Commission discussed three final adjudications and
7 orders and a motion to enter default prior to the
8 Commission meeting during Executive Session.

9 Mr. Ruiz addressed the general revisions package
10 the Commission discussed at the last few meetings. He
11 referred to § 35.201 and provided a definition for
12 "advertisement" to read, all forms of representation;
13 promotion; and solicitation disseminated in any manner
14 by any means of communication to consumers for any
15 purpose related to licensed real estate activity and
16 includes business cards, signs, insignias, letterhead,
17 electronic mail, radio, television, newspaper and
18 magazine advertisements, internet advertisements, web
19 sites, social media or social networking, display or
20 group advertisements in telephone directories, and
21 billboards.]

22 MR. RUIZ:

23 At this time, I would ask if there is a
24 motion to send out the general revisions
25 as an exposure draft to stakeholders.

1 MR. FERRARA:

2 So moved.

3 MR. JOHNSON:

4 Second.

5 CHAIR MCGETTIGAN:

6 Discussion? All in favor? Against?

7 [The motion carried unanimously.]

8 ***

9 [Juan A. Ruiz, Esquire, Commission Counsel, addressed
10 16A-5626 regarding the broker price opinion package,
11 stating no comments were received.]

12 MR. RUIZ:

13 At this time, I need a motion to
14 promulgate 16A-5626 as proposed.

15 MR. SEEBECK:

16 So moved.

17 MS. RUBIN:

18 Second.

19 CHAIR MCGETTIGAN:

20 Discussion? All in favor? Against?

21 [The motion carried unanimously.]

22 ***

23 Report of Commission Chairperson

24 [Joseph J. McGettigan, Chairman, Industry Member,
25 addressed the Pennsylvania Licensing System (PALS),

1 noting that moving his office at the end of last month
2 went smoothly, where it was inspected and relicensed
3 within 30 days of the application with no problems.

4 Chair McGettigan informed the Commission that
5 former commissioner and former Chairman Fran Mulcahy
6 from Delaware County passed away. He mentioned that
7 Mr. Mulcahy served as a realtor and appraiser for 55
8 years.

9 Mr. Seebeck also informed the Commission that
10 another former member of the Real Estate Commission,
11 Sam Saxton, passed away last month.]

12 ***

13 Report of Commissioner - No Report

14 ***

15 Report of Commission Administrator

16 [Krista Linsenbach, Commission Administrator,
17 announced that staff currently have a time frame of 10
18 business days on all applications and requests and
19 very pleased to be caught up. She also mentioned
20 phone calls have decreased since reducing the
21 processing time.

22 Ms. Linsenbach was working on getting the
23 education provider renewals sent out. She again noted
24 the standard in PALS is a 60-day renewal window and
25 expects schools to hear about their renewals in August

1 or the beginning of September. She informed everyone
2 she should have more information about education
3 provider renewals at the next meeting.]

4 ***

5 MOTIONS

6 MR. RUIZ:

7 Is there a motion to approve the Consent
8 Agreement at Case Nos. 18-56-006055, 18-
9 56-007371 & 18-56-006395?

10 MR. JOHNSON:

11 So moved.

12 MR. TARANTINO:

13 Second.

14 CHAIR MCGETTIGAN:

15 Discussion? All in favor? Against?

16 [The motion carried unanimously. The Respondent's
17 name for Case Nos. 18-56-006055, 18-56-007371 & 18-56-
18 006395 is Mathew Garrett Simmons aka Matthew Garret
19 Simmons.]

20 ***

21 MR. RUIZ:

22 Is there a motion to approve the Consent
23 Agreement at Case No. 20-56-001462?

24 MR. FERRARA:

25 So moved.

1 MR. SEEBECK:

2 Second.

3 CHAIR MCGETTIGAN:

4 Discussion? All in favor? Against?

5 [The motion carried unanimously. The Respondent's
6 name for Case No. 20-56-001462 is Philip Joseph
7 Abruzzese.]

8 ***

9 MR. RUIZ:

10 Is there a motion to approve the Final
11 Adjudications and Orders in the
12 following cases: Rachel Marie Weiss,
13 Case Nos. 18-56-02931 & 19-56-004513;
14 Ryan J. Rich, Case No. 20-56-008721; and
15 Satish K. Suri, Case No. 20-56-005777?

16 MR. JOHNSON:

17 So moved.

18 MS. RUBIN:

19 Second.

20 CHAIR MCGETTIGAN:

21 Discussion? All in favor? Against?

22 [The motion carried unanimously.]

23 ***

24 MR. RUIZ:

25 Is there a motion to grant the Motion to

1 Enter Default and Deem Facts Admitted in
2 the case of Jennifer Hartzel, Case Nos.
3 19-56-015691 & 20-56-003549?

4 MR. SEEBECK:

5 So moved.

6 MR. FERRARA:

7 Second.

8 CHAIR MCGETTIGAN:

9 Discussion? All in favor? Against?

10 [The motion carried unanimously.]

11 ***

12 Report of Committees - Enforcement (Application
13 Reviews)

14 MR. TARANTINO:

15 We had four applications the committee
16 reviewed. I'd like to make a motion
17 that we approve the Application of
18 Daniel Clymer conditioned upon him
19 submitting a new resume where he removes
20 his status as a real estate salesperson.

21 MR. JOHNSON:

22 Second.

23 CHAIR MCGETTIGAN:

24 Discussion? All in favor? Against?

25 [The motion carried unanimously.]

1

2 MR. TARANTINO:

3

On the Application of Roman Jordan Clay,

4

I make a motion we approve him with the

5

condition that he agrees to have his

6

license on probation during his other

7

probation period.

8 MR. FERRARA:

9

Second.

10 CHAIR MCGETTIGAN:

11

Discussion? All in favor? Against?

12

[The motion carried unanimously.]

13

14 MR. TARANTINO:

15

I would like to make a motion that we

16

deny with the right to an informal

17

conference the Application for Lance

18

Edward Masse and Sumit Saini.

19 MR. JOHNSON:

20

Second.

21 CHAIR MCGETTIGAN:

22

Discussion? All in favor? Against?

23

[The motion carried unanimously.]

24

25 Old/New Business

1 [Armand Ferrara, Industry Member, addressed his
2 attendance at the National Association of
3 Realtors/Association of Real Estate License Law
4 Officials (NAR/ARELLO) Meeting on May 14. He provided
5 an economic update, where the median days on the
6 market for houses in February 2020 was 40 and 19 in
7 February 2021. He reported the economy was on the
8 road to being fully back, but there needs to be 8
9 million more jobs filled to reach pre-pandemic levels.

10 Mr. Ferrara noted multiple listing service (MLS)
11 TREND said Zillow became brokers and have greater
12 access to MLS information. He noted it was up to each
13 individual state to make sure they are following all
14 code and state laws and for multiple listing services
15 to follow the rules and regulations.

16 Mr. Ferrara provided legal updates regarding the
17 class action lawsuit of Sitzer et al. v. NAR et al.
18 He stated the allegation was home sellers unfairly
19 paid the commissions of buyers' brokers, and the
20 complaint mischaracterizes NAR rules and MLS policies
21 and question the value buyer brokers deliver in the
22 home buying and selling process.

23 Mr. Ferrara commented that on the professional
24 standards update realtors were subject to disciplinary
25 action under the code of ethics with respect to their

1 principles and activities in real-estate-related
2 transactions involving a realtor and has changed to
3 anything a realtor does on any site and does not have
4 to pertain with being a realtor.]

5

6 [Theodore Stauffer, Executive Assistant, Bureau of
7 Professional and Occupational Affairs, exited the
8 meeting at 10:50 a.m.]

9

10 Miscellaneous

11 [Krista Linsenbach, Commission Administrator,
12 announced all waivers put into place are in effect
13 through September 30, 2021.]

14

15 Public Session

16 [Michael McGee, CAE, Chief Executive Officer,
17 Pennsylvania Association of Realtors, commented that
18 it was good to see regulations will be out for public
19 comment and thanked everyone for their efforts
20 regarding progress with PALS.]

21

22 Adjournment

23 MR. SEEBECK:

24

I move we adjourn.

25

MS. RUBIN:

1 I'll second that.

2 CHAIR MCGETTIGAN:

3 All in favor? The meeting is adjourned.

4 [The motion carried unanimously.]

5 ***

6 [There being no further business, the State Real
7 Estate Commission Meeting adjourned at 11:03 a.m.]

8 ***

9

10 CERTIFICATE

11

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

17

18

19



20

Kelly Gallick,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

24

25

26

STATE REAL ESTATE COMMISSION
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:32	Roll Call
10:33	Introduction of Public Members
10:36	Pledge of Allegiance
10:36	Approval of Minutes
10:37	Report of Prosecutorial Division
10:46	Report of Commission Counsel
10:49	Report of Commission Chair
10:51	Report of Commission Administrator
10:52	Motions
10:56	Report of Committees
10:58	Miscellaneous
11:01	Public Session
11:03	Adjournment