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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: 11:00 a.m.

1515 Market Street

Room 220

Philadelphia, Pennsylvania 19102

Tuesday, July 10, 2018

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State Real Estate Commission

July 10, 2018

COMMISSION MEMBERS:

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

BUREAU PERSONNEL:

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

Jacob (Jake) Derrick, Policy Analyst, Office of
Pennsylvania Governor Tom Wolf

ALSO PRESENT:

Jack Gombach, Manager of Public Policy Outreach,
Pennsylvania Association of Realtors (PAR)
Tim Quintrell, Education Director, Schlicher Kratz
Hank Lerner, PAR Instructor, Law and Policy
Hugo Weber, Director of Education, Polley Associates
Real Estate School
Nancy Fox, Director, Real Estate Education Center of
PA
Pam Croke, CEO, Bucks County Association of Realtors
Anna Green, Broker/Owner
Mark Cumberland, Director, Philadelphia Real Estate
Classes
Jim Tupitza, Esquire, Real Estate Attorney and Broker
Todd Umbenhauer, CRB, CRS, GRI, President,
Pennsylvania Association of Realtors (PAR)
Stephen Arrivello, Axcel Capital Group
Bill McFalls, PAR President-Elect
Matt Marks, Lehigh Valley Realtors Association
Nick Ladd, Continental

State Real Estate Commission
July 10, 2018

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- Robert Luciani, Training Supervisor, Philadelphia Assessor's Office/Instructor, Temple Real Estate Institute
- Samar Jha, Greater Philadelphia Association of Realtors
- Janis Benstock, Settle Down Philadelphia
- Matthew Braden, Greater Philadelphia Association of Realtors
- Ronald Blair, Haverson Realty, Inc.
- Charles McCoy, Sr., Settle Down Philadelphia
- Brian Brillman, Director, Temple Real Estate Institute
- Carolyn Dailey, Temple Real Estate Institute
- Phyllis Engart, L&F Real Estate, Inc.
- Anne Costello, Century 21 Veterans Real Estate

1 ***

2 State Real Estate Commission

3 July 10, 2018

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Tuesday, July 10, 2018.
7 Alexis L. Barbieri, Chair, Public Member, officially
8 called the meeting to order at 11:00 a.m. Jennifer
9 Thomson, Esquire, Attorney General Designee, was not
10 present at the commencement of the meeting.

11 ***

12 Roll Call of Commissioners/Pledge of Allegiance
13 [The Commissioners introduced themselves to the
14 public.

15 The Pledge of Allegiance was recited.

16 Audience members introduced themselves to the
17 Commission.]

18 ***

19 Public Session

20 [A question was asked regarding the necessity for an
21 additional 15 hours for licensure. It was explained
22 that a task force from the Pennsylvania Association of
23 Realtors determined that there was not enough
24 education prior to licensure. A legislative act was
25 recently passed requiring the additional hours.

1 There was reference to Act 75, HB 863, passed by
2 the General Assembly and signed into law on June 29,
3 2108. An audience member noted changes in two areas,
4 one which allows licensees to perform broker price
5 opinions (BPOs) under certain circumstances and a
6 second which increases prelicense education
7 requirements for licensure.

8 There was a suggestion to keep the 60-hour
9 prelicensure education condition with the requirement
10 to require an additional 15 hours within nine months
11 of licensure. The Governor's bill on the matter has
12 an effective date of August 29, 2018. Audience
13 members offered comments regarding training, licensure
14 requirements in other states as well as comments and
15 suggestions related to the additional 15-hour
16 requirement. There was also discussion regarding
17 agents being improperly trained.]

18

19 [Jennifer Thomson, Esquire, Attorney General Designee,
20 entered the meeting at 11:42 a.m.]

21

22 [It was again noted the additional 15-hour requirement
23 would become effective August 29, 2018, eight days
24 after the August 21, 2018 Commission meeting. The
25 requirement would pertain to an applicant initially

1 beginning education classes after that date. Renewing
2 licensees will be grandfathered.

3 There were suggestions made to expand the course
4 requirement in subject matters including the
5 fundamentals course, practice course, the agreement of
6 sale and how not to practice law. There was
7 discussion regarding DocuSigning or the use of
8 electronic signatures. Virtual meetings and possibly
9 a meeting held before the regularly scheduled
10 Commission meeting were suggested.

11 There was a suggestion that VEAC be reconvened to
12 review the best area to apply the additional 15-hour
13 requirement. The agreement of sale was noted to be
14 the top subject area to implement that requirement.

15 There was discussion regarding the complaint
16 process. Mr. Ruiz explained the Commission can only
17 rule on complaints brought before it after the filing
18 of the complaint with the Professional Compliance
19 Office and the Prosecution Division. Mr. Ruiz
20 reminded anyone filing a complaint to not contact the
21 Commissioners individually as that individual would
22 need to be recused from discussion on that particular
23 matter.

24 Chair Barbieri thanked the audience members for
25 their participation and interaction with the

1 Commission.]

2

3 [The Commission recessed for lunch from 12:20 p.m.
4 until 1:39 p.m.]

5

6 Approval of Draft Minutes of the May 22, 2018 meeting.
7 [The Commission discussed corrections to the Minutes.]

8 CHAIR BARBIERI:

9

I would like to propose that the Minutes

10

be approved as corrected.

11

COMMISSIONER MCGETTIGAN:

12

So moved.

13

COMMISSIONER RUBIN.

14

Second.

15

CHAIR BARBIERI.

16

All in favor? Opposed? Recusals?

17

Abstentions?

18

[The motion carried. Mr. Tarantino abstained from

19

voting on the motion.]

20

21

Report of Prosecutorial Division

22

[Ray Michalowski, Esquire, Commission Prosecution

23

Liaison, on behalf of Caroline Bailey, Esquire,

24

Commission Prosecutor, presented Consent Agreements

25

for File No. 14-56-10382 and File No. 17-56-04715.]

1 ***

2 [Ray Michalowski, Esquire, Commission Prosecution
3 Liaison, on behalf of Timothy Fritsch, Esquire,
4 Commission Prosecutor, presented a Consent Agreement
5 for File No. 15-56-08259 and File No. 17-56-03299.]

6 ***

7 Report of Commission Counsel
8 [Juan Ruiz, Esquire, Commission Counsel, noted a
9 Proposed Adjudication and Order, a Final Adjudication
10 and Order, three Motions to Deem Facts Admitted, and a
11 Citation appeal for deliberation during Executive
12 Session.

13 There was further discussion regarding the
14 additional 15-hour course requirement previously
15 discussed during public session. There was discussion
16 regarding the formation of a VEAC committee.

17 Mr. Ruiz referred Commission members to the
18 outlines of Real Estate Fundamentals and Real Estate
19 Practice for further discussion.]

20 ***

21 MR. RUIZ:

22 Is there a motion to require the
23 additional 15 hours in prelicensure to be
24 added to the real estate practice
25 component of the education?

1 COMMISSIONER MCGETTIGAN:

2 So moved.

3 CHAIR BARBIERI:

4 Second?

5 COMMISSIONER TARANTINO:

6 Second.

7 CHAIR BARBIERI:

8 Discussion? All in favor? Opposed?

9 [The motion carried unanimously.]

10 ***

11 [There was discussion regarding broker price opinion
12 (BPO) temporary regs and the real estate fundamentals
13 and practice outlines. There was a suggestion that
14 the course contain the requirements of the regulation
15 along with pricing of property.]

16 Mr. Ruiz suggested a review of the available
17 classes and the addition of classes to commence the
18 regulatory process. There was discussion related to
19 clarification of language in HB 863, Section VI (i)
20 concerning broker price opinion. Mr. Ruiz will
21 prepare a draft for the Commission to review.]

22 ***

23 Report of Commission Chair

24 [Alexis Barbieri, Commission Chair, referred to Ian
25 Harlow, Commissioner of Professional and Occupational

1 Affairs for further discussion regarding Executive
2 Order 2017-03. He stated the Order instructed himself
3 along with an Advisory Committee to gather data
4 concerning over-licensing and the need to modernize
5 job licensing. The information was then presented to
6 the Governor, the policy secretary, the Secretary of
7 the Commonwealth, and all Boards.

8 Commissioner Harlow discussed the four classes of
9 licensure recommended by the Governor to be
10 eliminated, including cemetery brokers, cemetery
11 salespeople, campground membership salespeople, and
12 the rental listing referral agent, all of which would
13 require legislative change. He answered questions by
14 Commission members regarding the Order as it relates
15 to the Real Estate Commission and its committees.

16 Commissioner Harlow suggested that Counsel provide
17 an analysis of the legislation introduced in committee
18 including the Commission's opinions. He noted
19 hearings would most likely be held and testimony could
20 be provided. Commissioner Harlow commented on the
21 opportunity for the Commission to use this as a
22 vehicle to accomplish its goals.

23 It was noted that the findings of the Advisory
24 Committee can be found on the website, specifically
25 the section dealing with the Real Estate Commission.

1 Commissioner Harlow noted the receipt of a
2 \$422,000 grant from the Department of Labor "to
3 continue the work that we're doing." He further noted
4 that much of the research was completed by St. Francis
5 University and will continue over the next three
6 years.

7 He stated another section of the Order would make
8 it easy for veterans and spouses to enter the
9 workforce upon release from the military.]

10 ***

11 [The Commission recessed from 2:52 p.m. until 3:02
12 p.m.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 3:03 p.m. the Commission entered into Executive
16 Session with Juan Ruiz, Esquire, for the purpose of
17 conducting quasi-judicial deliberations. The
18 Commission returned to open session at 3:46 p.m.]

19 ***

20 MOTIONS:

21 MR. RUIZ:

22 The Real Estate Commission was just in
23 Executive Session conducting quasi-
24 judicial deliberations on a number of
25 matters currently pending before the

1 Commission.

2 Is there a motion to approve the
3 Consent Agreements at File No. 17-56-
4 04715 and File Nos. 15-56-08259 and 17-
5 56-03299?

6 COMMISSIONER MCGETTIGAN:

7 So moved.

8 CHAIR BARBIERI:

9 Second?

10 COMMISSIONER RUBIN:

11 Second.

12 CHAIR BARBIERI:

13 All in favor? Opposed?

14 [The motion carried unanimously. The Respondent's
15 name for File No. 17-56-04715 is Steven P. Levengood.
16 The Respondent's name for File Nos. 15-56-08259 and
17 17-56-03299 is Alliance Southwest, LLC and Thomas
18 Leonard Bisanz.]

19 ***

20 MR. RUIZ:

21 Is there a motion to deny the Consent
22 Agreement at File No. 14-56-10382 as
23 being too lenient?

24 COMMISSIONER TARANTINO:

25 So moved.

1 CHAIR BARBIERI:

2 Second?

3 COMMISSIONER MCGETTIGAN:

4 Second.

5 CHAIR BARBIERI:

6 All in favor? Opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. RUIZ:

10 Is there a motion to approve the Proposed
11 Adjudication and Order in the case of
12 Ronald Dove at File No. 15-56-01485?

13 COMMISSIONER MCGETTIGAN:

14 So moved.

15 CHAIR BARBIERI:

16 Second?

17 COMMISSIONER RUBIN:

18 Second.

19 CHAIR BARBIERI:

20 All in favor? Opposed?

21 [The motion carried unanimously.]

22 ***

23 MR. RUIZ:

24 Is there a motion to approve the Final
25 Adjudication and Order in the case of

1 Alex Pozo at File No. 14-56-06268?

2 COMMISSIONER RUBIN:

3 So moved.

4 CHAIR BARBIERI:

5 Second?

6 COMMISSIONER TARANTINO:

7 Second.

8 CHAIR BARBIERI:

9 All in favor? Opposed?

10 [The motion carried unanimously.]

11 ***

12 MR. RUIZ:

13 Is there a motion to grant the Motion to
14 Enter Default and Deem Facts Admitted in
15 the cases of Jose Jerez at File No. 15-
16 56-05553 and Ralph Ruprecht at File No.
17 17-56-09766?

18 COMMISSIONER MCGETTIGAN:

19 So moved.

20 CHAIR BARBIERI:

21 Second?

22 COMMISSIONER TARANTINO:

23 Second.

24 CHAIR BARBIERI:

25 All in favor? Opposed?

1 [The motion carried unanimously.]

2 ***

3 MR. RUIZ:

4 Is there a motion to deny the Motion to
5 Enter Default and Deem Facts Admitted in
6 the case Daniel Rossetti, Jr. at File No.
7 16-56-04399 because the Respondent has
8 filed an Answer in that case?

9 COMMISSIONER RUBIN:

10 So moved.

11 CHAIR BARBIERI:

12 Second?

13 COMMISSIONER HARLOW:

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 Citation
21 and Appeal of Dennis J. Felice at
22 Citation No. 52933 and send the matter
23 back to the Hearing Examiner?

24 COMMISSIONER THOMSON:

25 So moved.

1 CHAIR BARBIERI:

2 Second?

3 COMMISSIONER RUBIN:

4 Second.

5 CHAIR BARBIERI:

6 All in favor? Opposed?

7 [The motion carried. James Tarantino abstained from
8 voting on the motion.]

9 ***

10 Report of Committees

11 Education/Examination

12 COMMISSIONER RUBIN:

13 I need a motion to approve the
14 provisional denial for Scott Ferguson as
15 he does not meet the education
16 requirements.

17 COMMISSIONER MCGETTIGAN:

18 Second.

19 CHAIR BARBIERI:

20 All in favor? Opposed?

21 [The motion carried unanimously.]

22 ***

23 COMMISSIONER RUBIN:

24 For the course planning for Disasters in
25 Multi-Family Communities, I make a motion

1 to deny as it doesn't meet the
2 requirements for real estate CE.

3 CHAIR BARBIERI:

4 Second?

5 COMMISSIONER HARLOW:

6 Second.

7 CHAIR BARBIERI:

8 All in favor? Opposed?

9 [The motion carried unanimously.]

10 ***

11 COMMISSIONER RUBIN:

12 Motion to approve the application for
13 real estate salesperson license for Ajo
14 Kurian?

15 CHAIR BARBIERI:

16 Second?

17 COMMISSIONER MCGETTIGAN:

18 Second.

19 CHAIR BARBIERI:

20 All in favor? Opposed?

21 [The motion carried unanimously.]

22 ***

23 COMMISSIONER RUBIN:

24 Motion to approve the waiver of the CE to
25 renew the broker licenses for Charles

1 Kann, Jr. and Barbara R. Kann?

2 CHAIR BARBIERI:

3 Second?

4 COMMISSIONER MCGETTIGAN:

5 Second.

6 CHAIR BARBIERI:

7 All in favor? Opposed?

8 [The motion carried unanimously.]

9 ***

10 Enforcement (Application Reviews)

11 COMMISSIONER TARANTINO:

12 I make a motion that we approve with no
13 restrictions on licensure for Patrick
14 Parker and Jamie Miller.

15 CHAIR BARBIERI:

16 Second?

17 COMMISSIONER MCGETTIGAN:

18 Second.

19 CHAIR BARBIERI:

20 All in favor? Opposed?

21 [The motion carried unanimously.]

22 ***

23 COMMISSIONER TARANTINO:

24 I make a motion that we find no barrier
25 for licensure for Candy Gulley, Ernest

1 Harrod and Joseph Rynkiewicz.

2 CHAIR BARBIERI:

3 Second?

4 COMMISSIONER HARLOW:

5 Second.

6 CHAIR BARBIERI:

7 All in favor? Opposed?

8 [The motion carried unanimously.]

9 ***

10 Enforcement (Informal Conferences)

11 COMMISSIONER TARANTINO:

12 I make a motion that we preliminarily
13 deny the applications and advise the
14 applicant of his right to an informal
15 conference for Daniel Schum and Michael
16 Ferraza.

17 CHAIR BARBIERI:

18 Second?

19 COMMISSIONER MCGETTIGAN:

20 Second.

21 CHAIR BARBIERI:

22 All in favor? Opposed?

23 [The motion carried unanimously.]

24 ***

25 COMMISSIONER MCGETTIGAN:

1 I would make a motion that the initial
2 real estate application of Robert Kerns
3 be approved with no restrictions.

4 CHAIR BARBIERI:

5 Second?

6 COMMISSIONER HARLOW:

7 Second.

8 CHAIR BARBIERI:

9 All in favor? Opposed?

10 [The motion carried. Joseph Tarantino and Jennifer
11 Thomson recused from deliberations and voting on the
12 motion.]

13 ***

14 Old Business/New Business

15 [Information from Arello with regard to teams will be
16 provided to the Commission Administrator.]

17 ***

18 Miscellaneous

19 Next Meeting Dates

20 [Upcoming meeting dates are August 21, 2018 in
21 Harrisburg and a September 26, 2018 Public Session in
22 Harrisburg.]

23 ***

24 [There being no further business, the State Real
25 Estate Commission Meeting adjourned at 3:52 p.m.]

CERTIFICATE

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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.



Nicole B. Slick
Minute Clerk
Sargent's Court Reporting
Service, Inc.

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STATE REAL ESTATE COMMISSION
REFERENCE INDEX
July 10, 2018

TIME	AGENDA
11:00	Official Call to Order
11:01	Roll Call of Commissioners/Pledge of Allegiance/Audience Members Introduced
11:03	Public Session
12:20	Lunch Recess
1:39	Return to Open Session
1:39	Approval of Draft Minutes
1:40	Report of Prosecutorial Division
1:52	Report Of Commission Counsel
2:35	Report of Commission Chair
2:52	Recess
3:02	Return to Open Session
3:03	Executive Session
3:46	Return to Open Session
3:46	Motions
3:49	Report of Committees
3:50	Old Business/New Business
3:51	Miscellaneous
3:52	Adjournment