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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.

BOARD ROOM B

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Wednesday, July 19, 2017

State Real Estate CommissionJuly 19, 2017COMMISSION MEMBERS:

Armand Ferrara, Chair, Industry Member
Ian J. Harlow, Commissioner, Bureau of Professional
and Occupational Affairs (BPOA) - Absent
Alexis L. Barbieri, Esquire, Vice Chair, Public Member
Nicole DiTomo, Esquire, Attorney General Designee
Annie Hanna Cestra, Industry Member - Absent
Anne Rubin, Industry Member
Vince Galko, Public Member
Joseph Tarantino, Industry Member
Joseph McGettigan, Industry Member
Edward L. Seebeck, Secretary, Cemetery Member

COMMISSION PERSONNEL:

Juan A. Ruiz, Esquire, Commission Counsel
Ray Michalowski, Esquire, Commission Prosecution
Liaison
Timothy Fritch, Esquire, Commission Prosecutor
Caroline Bailey, Esquire, Commission Prosecutor
David E. Ross, Esquire, Commission Prosecutor
Timothy Smith, Esquire, Commission Prosecutor
Krista Linsenbach, Commission Administrator

MEMBERS OF THE PUBLIC

Jennifer Shockley, Pennsylvania Association of
Realtors
Lori Weaver, Pennsylvania Association of Realtors
Larry Dellegratto, Pennsylvania Real Estate Academy
Amanda Crich, Wilkes-Barre, Pennsylvania
Bill McFalls, Pennsylvania Association of Realtors
Lori Weaver, PAR
Hank Lerner, PAR
Kathy McQuilkin, President, Pennsylvania Association
of Realtors
Tom Skiffington, Hilltown, Pennsylvania
Bill Festa, Treasurer, Pennsylvania Association of
Realtors, Philadelphia
Katie Douglas, Lancaster, Pennsylvania
Derenda Updegrave, Pennsylvania Association of
Realtors
Michael McGee, Pennsylvania Association of Realtors
William E. Vinsko Jr., Esquire
Dorothy A. Grilli, Petitioner

1 ***

2 State Real Estate Commission

3 July 19, 2017

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Wednesday, July 19,
7 2017. Armand Ferrara, Chair, Industry Member,
8 officially called the meeting to order at 11:01 a.m.
9 A roll call was taken. The Pledge of Allegiance was
10 recited.

11 ***

12 Approval of Minutes of the June 6, 2017 meeting.

13 CHAIRMAN FERRARA:

14 I'm looking for an approval of our
15 Draft Minutes from June 6, 2017.

16 MS. BARBIERI:

17 So moved.

18 CHAIRMAN FERRARA:

19 Moved by Alexis. Second?

20 MR. MCGETTIGAN:

21 Second.

22 CHAIRMAN FERRARA:

23 McGettigan. All in favor, aye?

24 Opposed? Thank you.

25 [The motion carried unanimously.]

1 ***

2 Report of Prosecutorial Division

3 [Caroline Bailey, Esquire, Commission Prosecutor,
4 presented a Consent Agreement for File No.
5 15-56-07442, Docket No. 0662-56-17.]

6 ***

7 [Ray Michalowski, Esquire, Prosecution Liaison on
8 behalf of David E. Ross, Esquire, Commission
9 Prosecutor, presented Consent Agreements for File No.
10 14-56-13913, Docket No. 1698-56-16, and File No. 15-
11 56-01867, File No. 1700-56-16.]

12 ***

13 [Timothy Fritsch, Esquire, Commission Prosecutor,
14 presented a Consent Agreement File No. 14-56-10381,
15 Docket No. 1576-56-16.]

16 ***

17 [Timothy Smith, Esquire, Commission Prosecutor,
18 presented a Consent Agreement File No. 14-56-00272,
19 Docket No. 944-56-17.]

20 ***

21 Report of Commission Counsel

22 [Juan A. Ruiz, Esquire, Commission Counsel, noted a
23 Final Adjudication and Order, two Motions to Enter
24 Default and Deem Facts Admitted, and an Act 48 appeal
25 to be discussed during Executive Session.

1 Mr. Ruiz noted for review House Bill 1435, which
2 establishes a State Board of Cemetery Relief
3 Directors, and amended House Bill 863, which allows
4 licensees to perform a (BPO) Broker Price Opinion.]

5 ***

6 Report of Commission Chair - No Report

7 ***

8 Report of Commissioner - No Report

9 ***

10 Report of Commission Administrator

11 [Krista Linsenbach, Commission Administrator, informed
12 Commission members that 398 second notices for
13 continuing education audits for the 2014-2016 renewal
14 period were being sent out certified mail.

15 Ms. Lisenbach stated education provider renewals
16 expire October 31, 2017. Approximately 125 pre-
17 renewal letters were recently distributed.

18 Ms. Lisenbach informed Commission members that
19 the Commissioner's Secretary, Daniel Hull, will soon
20 be handling travel processing.]

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 11:15 a.m. the Commission
24 entered into Executive Session with Juan A. Ruiz,
25 Esquire, for the purpose of conducting quasi-judicial

1 deliberations and to receive advice of Counsel. The
2 Commission returned to open session at 12:10 p.m.]

3 ***

4 [The Commission recessed from 12:10 p.m. until 1:15
5 p.m.]

6 ***

7 MOTIONS

8 MR. RUIZ:

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

14 Is there a motion to approve the
15 Consent Agreements for File No. 15-56-
16 07442, File No. 14-56-13913, File No.
17 15-56-01867, File No. 14-56-10381 and
18 File No. 14-56-00272?

19 MS. RUBIN:

20 So moved.

21 MR. GALKO:

22 Second.

23 CHAIRMAN FERRARA:

24 We have a motion and a second. All in
25 favor? Opposed? Thank you.

1 [The motion carried unanimously. The Respondent's
2 name for for File No. 15-56-07442 is John F. Steele.
3 The Respondent's name for File No. 14-56-13913 is
4 Nancy S. Zink. The Respondent's name for File No. 15-
5 56-01867 is Jeanne Whipple. The Respondent's name for
6 File No. 14-56-10381 is Mary Robyn Trunell. The
7 Respondent's name for File No. 14-56-00272 is Jose A.
8 Antigua.]

9

10 MR. RUIZ:

11 Is there a motion to approve the Final
12 Adjudication and Order in the case of
13 Commonwealth of Pennsylvania, Bureau of
14 Occupational Affairs vs. Steven Kremer
15 at File No. 16-56-09549, Docket No.
16 1845-56-16?

17 MR. SEEBECK:

18 So moved.

19 MR. MCGETTIGAN:

20 Second.

21 CHAIRMAN FERRARA:

22 Motion and a second. All in favor?

23 Opposed? Thank you.

24 [The motion carried unanimously.]

25

1 MR. RUIZ:

2 Is there a motion to grant the Motions
3 to Enter Default and Deem Facts
4 Admitted in the cases of George Kubini,
5 File No. 11-56-01465; and Alex Pozo,
6 File No. 14-56-06268?

7 MR. MCGETTIGAN:

8 So moved.

9 MS. DITOMO:

10 Second.

11 CHAIRMAN FERRARA:

12 I have a motion and a second. All in
13 favor? Opposed? Thank you.

14 [The motion carried unanimously.]

15 ***

16 MR. RUIZ:

17 Is there a motion to dismiss the
18 citation that was issued against Rory
19 Burkhart at File No. 15-56-01643?

20 MS. DITOMO:

21 So moved.

22 MR. TARANTINO:

23 Second.

24 CHAIRMAN FERRARA:

25 I have a motion and a second. All in

1 favor? Opposed? Thank you.

2 [The motion carried unanimously.]

3 ***

4 Report of Committees

5 Education/Examination

6 MS. BARBIERI:

7 The Education Committee reviewed the
8 additional information supplied by
9 Brent Moon.

10 I would make a motion that we
11 preliminarily deny his request to sit
12 for the broker's exam on the basis that
13 he doesn't have the sufficient
14 experience. Second?

15 MR. SEEBECK:

16 Second.

17 CHAIRMAN FERRARA:

18 I have a motion and a second. All in
19 favor? Opposed? Thank you.

20 [The motion carried unanimously.]

21 ***

22 MS. BARBIERI:

23 On the request by Carolin Bohn to be
24 permitted to sit for the broker's exam,
25 I'm making a motion that her request be

1 preliminarily denied because she
2 doesn't have any United States
3 experience and only experience in
4 Germany.

5 MR. MCGETTIGAN:

6 Second.

7 CHAIRMAN FERRARA:

8 I have a motion and a second. All in
9 favor? Opposed? Thank you.

10 [The motion carried unanimously.]

11 ***

12 MS. BARBIERI:

13 We have two applications for approvals
14 for courses. One of them is from the
15 Real Estate School of York & Adams
16 Counties. The course is The REALTORS
17 Essential Technology Toolbox. I would
18 make a motion that we approve their
19 application.

20 MS. RUBIN:

21 Second.

22 CHAIRMAN FERRARA:

23 I have a motion and a second. All in
24 favor? Opposed? Thank you.

25 [The motion carried unanimously.]

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MS. BARBIERI:

The second one is to the Academy of Real Estate Careers, Understanding Today's Appraisal Market. I would make a motion that we approve this course.

MR. TARANTINO:

Second.

CHAIRMAN FERRARA:

I have a motion and a second. All in favor? Opposed? Thank you.

[The motion carried unanimously.]

MS. BARBIERI:

Finally, I have a request from Rachel Pritzker, who is requesting to sit for the broker's exam. I am making a motion that she be preliminarily denied as she does not have either the required years of experience nor number of transactions.

MS. DITOMO:

Second.

CHAIRMAN FERRARA:

I have a motion and a second. All in

1 favor? Opposed? Thank you.

2 [The motion carried unanimously.]

3 ***

4 Enforcement (Informal Conferences)

5 MR. TARANTINO:

6 I'd like to make a motion that we
7 approve, with no restrictions, the
8 application of Branden Spece and Kevin
9 Kane.

10 MR. SEEBECK:

11 Second.

12 CHAIRMAN FERRARA:

13 I have a motion and a second. All in
14 favor? Opposed? Thank you.

15 [The motion carried unanimously.]

16 ***

17 MR. TARANTINO:

18 I make a motion that we approve the
19 following applications and place their
20 license on probation through their
21 criminal probation and/or payment of
22 restitution: Robert Williams, Jay
23 Kass, Margaret Fuentes, and Blake
24 Rezabek.

25 MS. DITOMO:

1 Second.

2 CHAIRMAN FERRARA:

3 I have a motion and a second. All in
4 favor? Opposed? Thank you.

5 [The motion carried unanimously.]

6 ***

7 Enforcement (Application Reviews)

8 MR. TARANTINO:

9 I make a motion that we find no barrier
10 towards licensure for the application
11 of Adam Bogdnoff.

12 MS. BARBIERI:

13 Second.

14 CHAIRMAN FERRARA:

15 I have a motion and a second. All in
16 favor? Opposed? Thank you.

17 [The motion carried unanimously.]

18 ***

19 MR. TARANTINO:

20 I make a motion that we preliminarily
21 deny Robert Beall and John Turssline
22 and advise the applicants of their
23 rights to an informal conference.

24 MS. DITOMO:

25 Second.

1 CHAIRMAN FERRARA:

2 I have a motion and a second. All in
3 favor? Opposed? Thank you.

4 [The motion carried unanimously.]

5 ***

6 Rules and Regulations Committee

7 [Alexis Barbieri, Esquire, Vice Chairperson, Public
8 Member, stated the Committee reviewed Pa. Code,
9 Sections 35.241 through 35.255, in order to update the
10 requirements. At the next Real Estate Commission
11 meeting on September 6, 2017, the Committee will
12 review Sections 35.271 through 35.292. Ms. Barbieri
13 stated a preliminary report will be provided once the
14 review is completed.]

15 ***

16 [The Commission recessed from 1:23 p.m. until 1:32
17 p.m.]

18 ***

19 [A formal hearing was held from 1:32 p.m. until 1:59
20 p.m. In the Matter of the Petition for Reinstatement
21 of Licensure for Dorothy A. Grilli, File No.
22 17-56-07205.]

23 ***

24 Public Session

25 [Chairman Ferrara requested the introduction of

1 audience members.]

2

3 [Joseph McGettigan, Industry Member, offered an
4 explanation as to continuing education and brokerage
5 courses being used towards continuing education
6 credits, which he referred to as double dipping.

7 He stated the matter was reviewed further, and it
8 was agreed that the double dipping of courses may
9 count towards continuing education.]

10

11 [Kathy McQuilkin, 2017 President of the Pennsylvania
12 Association of Realtors, updated Commission members on
13 House Bill 863, which she noted now resides in the
14 Senate Professional Licensure Committee.

15 Ms. McQuilkin indicated that House Bill 1001
16 regarding statewide standards for licensing of home
17 inspectors was introduced and recently received for a
18 second consideration at the House.

19 She stated that House Bill 1019, which requires
20 sellers to disclose location and conditions of burial
21 plots on residential or commercial real estate, has
22 been amended to remove all references to disclosure.

23 Ms. McQuilkin reviewed real estate teams. She
24 then introduced Tom Skiffington, Chair of the
25 Presidential Advisory Group, and Hank Lerner, staff

1 liaison, to provide further information on the matter.

2 Mr. Skiffington offered an explanation with
3 regard to the second draft recommendations, which he
4 noted should be completed by the end of this year. He
5 welcomed formal and informal comments regarding the
6 matter.

7 Mr. Skiffington reviewed the regulation of teams
8 headed by a team director, the qualifications of a
9 team director, agency policies, and team advertising.

10 Mr. Tarantino noted his concerns regarding team
11 leader requirements as well as unlicensed members of
12 the team.

13 Ms. Rubin questioned the benefit of teams under a
14 brokerage. Mr. Lerner explained the direction of the
15 market, as well as brokers having to eventually
16 embrace the idea. He further explained the
17 consideration of a team as being two licensed persons
18 working for one individual. PAR's interest is to
19 obtain a clarity of the guidelines with regard to the
20 definition of a team.

21 Mr. Ruiz suggested there be more concise and
22 streamlined regulations and not so complex. There was
23 discussion regarding the courses for team directors as
24 well as properly naming team names.

25 Mr. Michalowski addressed the real estate

1 recovery fund, liability issues and civil liabilities.

2 Ms. Lisenbach noted some administrative concerns
3 regarding team registration, application forms,
4 license classes, and recordkeeping matters. Mr.
5 Lerner stated that by having the broker responsible
6 for maintaining team records eliminates the need for
7 administration concerns.

8 Commission members thanked Mr. Skiffington for
9 the presentation.]

10 ***

11 [Chairman Ferrara announced that this was Nicole
12 DiTomo's last meeting with the Committee.]

13

14 Next Meeting Dates

15 [Chairman Ferrara noted the next meeting as scheduled
16 for September 6, 2017.]

17 ***

18 [The Commission recessed from 2:35 p.m. until 2:41
19 p.m.]

20 ***

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 2:41 p.m. the Commission entered into Executive
23 Session with Juan A. Ruiz, Esquire, for the purpose of
24 conducting quasi-judicial deliberations and to receive
25 advice of Counsel. The Commission returned to open

1 session at 3:13 p.m.]

2 ***

3 MR. RUIZ:

4 The Commission was just in Executive
5 Session conducting deliberations
6 concerning the Reinstatement Hearing of
7 Dorothy Grilli that was held this
8 afternoon.

9 MR. MCGETTIGAN:

10 I'd like to make a motion that the
11 sales license of Dorothy Grilli be
12 reinstated and placed on two years'
13 probation. During that probation, Ms.
14 Grilli will not be allowed to have any
15 ownership of any kind in any real
16 estate office.

17 CHAIRMAN FERRARA:

18 Do I have a second?

19 MS. RUBIN:

20 Second.

21 CHAIRMAN FERRARA:

22 We have a motion and a second. All in
23 favor? Opposed? Thank you.

24 [The motion carried unanimously.]

25 ***

1 Other

2 [Ms. DiTomo and Ms. Barbieri thanked the PAR Advisory
3 Committee for their suggestions with regard to teams.]

4 ***

5 Adjournment

6 MR. SEEBECK:

7 Is there a motion and a second to
8 adjourn?

9 MS. RUBIN:

10 All in favor? Aye.

11 [The motion carried unanimously.]

12 ***

13 [The meeting adjourned at 3:15 p.m.]

14 ***

15 CERTIFICATE

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

21 

22 Ashley Hoover,

23 Minute Clerk

24 Sargent's Court Reporting

25 Service, Inc.

STATE REAL ESTATE COMMISSION
REFERENCE INDEX
July 19, 2017

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	11:01	Official Call to Order/Roll Call
8		
9	11:02	Pledge of Allegiance
10		
11	11:02	Approval of Minutes
12		
13	11:02	Report of Prosecutorial Division
14		
15	11:10	Report of Commission Counsel
16		
17	11:14	Report of Commission Administrator
18		
19	11:15	Executive Session
20	12:10	Return to Open Session
21		
22	12:10	Recess
23	1:15	Return to Open Session
24		
25	1:20	Motions
26		
27	1:23	Recess
28	1:32	Return to Open Session
29		
30	1:32	Hearing - Dorothy A. Grilli
31		
32	2:01	Public Session
33		
34	2:35	Recess
35	2:41	Executive Session
36	3:13	Return to Open Session
37		
38	3:13	Motion
39		
40	3:15	Adjournment
41		
42		
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