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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: 11:00 A.M.

August 17, 2021

State Real Estate Commission
August 17, 2021

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COMMISSION MEMBERS:

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

COMMISSION PERSONNEL:

Juan A. Ruiz, Esquire, Commission Counsel
Nicole Ehrhart, Esquire, Commission Counsel
Ray Michalowski, Esquire, Senior Commission
Prosecutor
Caroline A. Bailey, Esquire, Commission Prosecutor
Timothy Smith, Esquire, Commission Prosecutor
Angela Solomon, Esquire, Commission Prosecutor
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State
Krista Linsenbach, Commission Administrator

ALSO PRESENT:

Jim Savard, Howard Hanna
Wesley J. Rish, Esquire, Rish Law Office, LLC
Erik Gutschmidt
Lisa Fry, Century 21
Ross Stanard, Howard Hanna
Jesse Tashlik, Real Estate Broker, Tashlik Real Estate
Michael McGee, CAE, Chief Executive Officer,
Pennsylvania Association of Realtors
Dana Shawgo, Broker, Shawgo Real Estate
Christopher G. Raad, President, Pennsylvania
Association of Realtors
Henry (Hank) Lerner, Esquire, General Counsel/Director
of Law & Policy, Pennsylvania Association of
Realtors

State Real Estate Commission
August 17, 2021

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ALSO PRESENT: (Continued)

- Lisa Ginsburg, Director of Education, Bucks County Real Estate Institute
- Jeff Dempsey, Public Policy Manager, Pennsylvania Association of Realtors
- Jesse Tashlik, Real Estate Broker, Tashlik Real Estate
- Jen Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Stan Tashlik, Owner/Real Estate Broker, Tashlik Real Estate
- Lisa Aaron, Professional Standards and Education Director, Pennsylvania Association of Realtors
- Sherrri Martin, Public Policy and Political Affairs Director, Pennsylvania Association of Realtors
- Wayne C. Crawford, Esquire, Public Policy Manager, Pennsylvania Association of Realtors
- Brian Brillman, Director/Implementation Specialist, Real Estate Institute at Temple University
- Jasmine Williams
- Jamie Stanard

1 ***

2 State Real Estate Commission

3 August 17, 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 10:50 a.m.]

13 ***

14 Meeting Instructions

15 [Krista Linsenbach, Commission Administrator, provided
16 instructions to be followed during the virtual
17 meeting.]

18 Ms. Linsenbach also noted the meeting was being
19 recorded, and those who continued to participate were
20 giving their consent to be recorded.]

21 ***

22 The regularly scheduled meeting of the State Real
23 Estate Commission was held on Tuesday, August 17,
24 2021. Joseph J. McGettigan, Chairman, Industry
25 Member, officially called the meeting to order at

1 11:00 a.m.

2

3 Roll Call

4 [Joseph J. McGettigan, Chairman, Industry Member,
5 provided a roll call of commission members.]

6

7 Introduction of Attendees

8 [Krista Linsenbach, Commission Administrator, provided
9 an introduction of those in attendance.]

10

11 Pledge of Allegiance

12 [The Pledge of Allegiance was recited.]

13

14 Approval of minutes of the June 29, 2021 meeting

15 CHAIR MCGETTIGAN:

16 I will entertain a motion to approve the
17 draft minutes of the June 29 meeting.

18 MR. SEEBECK:

19 So moved.

20 MS. RUBIN:

21 Second.

22 CHAIR MCGETTIGAN:

23 Call for the vote. All in favor?

24 Against?

25 [The motion carried unanimously.]

1 ***
2 Report of Prosecutorial Division
3 [Angela Solomon, Esquire, Commission Prosecutor,
4 presented the Consent Agreement for Case Nos. 19-56-
5 018348 & 20-56-001507.]

6 ***
7 [Caroline A. Bailey, Esquire, Commission Prosecutor,
8 presented the Consent Agreements for Case No. 20-56-
9 006536 and Case Nos. 21-56-003653 & 21-56-004145.]

10 ***
11 [Timothy Smith, Esquire, Commission Prosecutor, on
12 behalf of, Timothy A. Fritsch, Esquire, Commission
13 Prosecution Liaison, presented the Consent Agreement
14 for Case No. 19-56-000525.]

15 ***
16 [Timothy Smith, Esquire, Commission Prosecutor, on
17 behalf of, Timothy A. Fritsch, Esquire, Commission
18 Prosecution Liaison, presented the Consent Agreement
19 for Case Nos. 19-56-010972 & 20-56-007896.

20 Wesley J. Rish, Esquire, Rish Law Office, LLC,
21 counsel for the respondent, was present and
22 participated in the discussion.]

23 ***
24 [Timothy Smith, Esquire, Commission Prosecutor, on
25 behalf of, Timothy A. Fritsch, Esquire, Commission

1 Prosecution Liaison, presented the Consent Agreement
2 for Case No. 20-56-006906.]

3 ***

4 [Mr. Michalowski informed the Commission that he
5 provided a presentation for the State Board of Real
6 Estate Appraisers. He mentioned Mr. Fritsch and Ms.
7 Glasser are working on a full presentation for the
8 State Board of Real Estate Commission and suggested
9 placing it on the agenda as a separate appointment for
10 the September 24 meeting, rather than prosecution
11 time.

12 Mr. Michalowski announced he would be providing a
13 presentation with the Realtors Association of
14 Metropolitan Pittsburgh (RAMP) sometime in September
15 2021 regarding real estate issues.]

16 ***

17 [Juan A. Ruiz, Esquire, Commission Counsel, questioned
18 whether any of the Commission members wished to go
19 back into Executive Session to discuss any of the
20 consent agreements.]

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 11:22 a.m. the Commission entered into Executive
24 Session with Juan A. Ruiz, Esquire, Commission
25 Counsel, and Nicole Ehrhart, Esquire, Commission

1 Counsel, for the purpose of conducting quasi-judicial
2 deliberations on matters currently pending before the
3 Commission that are listed on the agenda. The
4 Commission returned to open session at 11:25 a.m.]

5 ***

6 Report of Commission Counsel

7 [Juan A. Ruiz, Esquire, Commission Counsel, noted the
8 Commission was just in Executive Session conducting
9 deliberations upon the consent agreements that were
10 presented.

11 Mr. Ruiz also noted the Commission was in
12 Executive Session and conducted quasi-judicial
13 deliberations on all of the matters currently listed
14 on the agenda prior to the start of the meeting,
15 including one proposed adjudication and order, seven
16 final adjudications and orders, three motions to enter
17 default, and an appeal to an Act 48 citation.]

18 MR. RUIZ:

19 Item 20 on the agenda, the Motion to
20 Enter Default for David Soriano, Case
21 No. 19-56-004347, has been tabled and
22 will not be discussed at this meeting.

23 ***

24 MR. RUIZ:

25 Is there a motion to approve the Consent

1 Agreement at Case Nos. 19-56-018348 &
2 20-56-001507?

3 MR. SEEBECK:

4 So moved.

5 MR. TARANTINO:

6 Second.

7 CHAIR MCGETTIGAN:

8 Discussion? Call for the vote. All in
9 favor? Against?

10 [The motion carried unanimously. The Respondent's
11 name is Vincent G. Dougherty.]

12 ***

13 MR. RUIZ:

14 Is there a motion to reject the
15 following Consent Agreements as being
16 too lenient at Case No. 20-56-006536 and
17 Case Nos. 21-56-003653 & 21-56-004145?

18 MR. FERRARA:

19 So moved.

20 CHAIR MCGETTIGAN:

21 Do I have a second?

22 MR. SEEBECK:

23 Second.

24 CHAIR MCGETTIGAN:

25 Discussion? All in favor? Against?

1 [The motion carried unanimously.]

2 ***

3 MR. RUIZ:

4 Is there a motion to approve the Consent
5 Agreement at Case No. 19-56-000525?

6 MR. TARANTINO:

7 So moved.

8 MS. RUBIN:

9 Second.

10 CHAIR MCGETTIGAN:

11 Discussion? All in favor? Against?

12 [The motion carried unanimously. The Respondent's
13 name is Dean Rossi.]

14 ***

15 MR. RUIZ:

16 Is there a motion to deny the following
17 Consent Agreements as being too lenient
18 in Case Nos. 19-56-010972 & 20-56-007896
19 and Case No. 20-56-006906?

20 MR. PICCIRILLI:

21 So moved.

22 MR. FERRARA:

23 Second.

24 CHAIR MCGETTIGAN:

25 Discussion? All in favor? Against?

1 [The motion carried unanimously.]

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3 MR. RUIZ:

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10 CHAIR MCGETTIGAN:

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Is there a motion to direct commission
Counsel to draft a Final Adjudication
and Order consistent with discussions in
Executive Session concerning the
reinstatement case of Randolph A. Freed
Jr., at Case No. 20-56-014459?

Do I have a motion?

MR. SEEBECK:

So moved.

MR. TARANTINO:

Second.

CHAIR MCGETTIGAN:

Discussion? All in favor? Against?

[The motion carried unanimously.]

MR. RUIZ:

Is there a motion to approve the
following Final Adjudications and Orders
of Clarence Church, Case No. 19-56-
016119; Robin Fiester, Case No. 20-56-
010552; David Fink, Case No. 17-56-

1 CHAIR MCGETTIGAN:

2 Second?

3 MR. PICCIRILLI:

4 Second.

5 CHAIR MCGETTIGAN:

6 Discussion? Call for a vote. All in
7 favor? Against?

8 [The motion carried. Commissioner Ferrara recused
9 himself from deliberations and voting on the motion.]

10 ***

11 MR. RUIZ:

12 Is there a motion to approve the Final
13 Adjudication and Order at Case No. 19-
14 56-009470 of Jeanette Wakefield, noting
15 for the record that Commissioner Gaetano
16 Piccirilli has been recused from all
17 voting and deliberations on this matter?

18 MR. FERRARA:

19 So moved.

20 COMMISSIONER JOHNSON:

21 Second.

22 CHAIR MCGETTIGAN:

23 Discussion? All in favor? Against?

24 [The motion carried. Commissioner Piccirilli recused
25 himself from deliberations and voting on the motion.]

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MR. RUIZ:

Is there a motion to grant the Motions to Enter Default in the following two cases: Michael Collazo & Regal Remodeling LLC, Case Nos. 20-56-004925 & 21-56-005013 and Anthony Gargano, Case No. 19-56-013320?

MS. RUBIN:

So moved.

MR. TARANTINO:

Second.

CHAIR MCGETTIGAN:

Discussion? All in favor? Against?

[The motion carried unanimously.]

MR. RUIZ:

Is there a motion to deny the Motion to Enter Default in the case of Anthony Diaz, Case No. 16-56-08801 for lack of service?

MR. FERRARA:

So moved.

MR. SEEBECK:

Second.

1 CHAIR MCGETTIGAN:

2 Discussion? All in favor? Against?

3 [The motion carried unanimously.]

4 ***

5 MR. RUIZ:

6 Is there a motion to deny the Appeal of
7 the Act 48 Citation in the case of
8 Vanessa Mercado, Case No. 20-56-002255?

9 MR. FERRARA:

10 So moved.

11 MS. RUBIN:

12 Second.

13 CHAIR MCGETTIGAN:

14 Discussion? All in favor? Against?

15 [The motion carried unanimously.]

16 ***

17 Report of Commission Chairperson - No Report

18 ***

19 Report of Commissioner

20 [K. Kalonji Johnson, Commissioner, Bureau of
21 Professional and Occupational Affairs, informed the
22 Commission that the department is accepting travel
23 requests up to the pre-COVID level of two members but
24 is encouraging the virtual option, which can be
25 expanded for the number of individuals participating.]

1 He asked that all travel requests be submitted well
2 in advance due to all of the shortages and
3 difficulties making travel arrangements.

4 Commissioner Johnson stated the Commission has a
5 physical presence requirement and all meetings after
6 the September meeting would resume at Penn Center
7 unless changes are made to the practice act. He noted
8 all health and safety protocols would be observed upon
9 individuals returning to Penn Center.]

10 ***

11 Report of Commission Administrator

12 [Krista Linsenbach, Commission Administrator, noted
13 she withdrew the travel request for Commissioner
14 Ferrara to attend the Association of Real Estate
15 License Law Officials (ARELLO) Conference in September
16 because he no longer wished to travel and ARELLO is
17 not offering a virtual option.]

18 MR. RUIZ:

19 There was also an Application Review
20 that was done in Executive Session
21 concerning the Application for Jamie
22 Stanard.

23 At this time, is there a motion to
24 provisionally deny the Application of
25 Jamie Stanard?

1 MS. RUBIN:

2 So moved.

3 COMMISSIONER JOHNSON:

4 Second.

5 CHAIR MCGETTIGAN:

6 All in favor? Against?

7 [The motion carried unanimously.]

8 ***

9 Report of Committees - Education/Examination

10 MS. RUBIN:

11 I'd like to make a motion that the
12 Application for Carol Horne Penn be
13 tabled as we request additional
14 information from her in terms of her
15 experience.

16 CHAIR MCGETTIGAN:

17 Do I have a second?

18 MR. SEEBECK:

19 Second.

20 CHAIR MCGETTIGAN:

21 Discussion? All in favor? Against?

22 [The motion carried unanimously.]

23 ***

24 MS. RUBIN:

25 I'd like to make a motion to

1 Public Session

2 [Ross Stanard, Howard Hanna, questioned whether his
3 daughter's application was denied or not and informed
4 the Commission that proof was sent that she took the
5 test and passed.

6 Mr. Ruiz explained that an application case can
7 only be discussed with the applicant and offered to
8 discuss it with her after the meeting but welcomed Mr.
9 Stanard to be part of the conversation if his daughter
10 wishes.

11 Jesse Tashlik, Real Estate Broker, Tashlik Real
12 Estate, mentioned prior discussion with the Commission
13 a few months ago regarding why it is taking a minimum
14 of a year to get back to someone on any complaint that
15 is filed and noted he has not heard anything other
16 than a letter stating it was put in.

17 Mr. Tashlik referred to the Real Estate Licensing
18 and Registration Act under Section 604 regarding
19 prohibited acts.

20 Mr. Tashlik mentioned that he was befuddled that
21 in a state with so many licenses there is not one case
22 today against a person with a license for anything
23 that is in the act when there are brokers who have 300
24 agents under one broker. He stated they are failing
25 the public.

1 Mr. Tashlik commented that there is absolutely no
2 police power or any power over the agents. He
3 requested comments from the Commission regarding
4 justifying how all five cases in front of them had to
5 do with unlicensed activity.

6 Commissioner Johnson stated Mr. Tashlik's
7 questions have been asked and answered multiple times
8 and suggested he submit any questions or concerns to
9 the Commission in writing.

10 Erik Gutschmidt requested information regarding
11 setting up an informal conference with the Commission
12 regarding his application denial.

13 Ms. Linsenbach noted she would send Mr.
14 Gutschmidt an email no later than tomorrow morning
15 explaining exactly what happened today and how to go
16 about following up.

17 Michael McGee, CAE, Chief Executive Officer,
18 Pennsylvania Association of Realtors, informed the
19 Commission that PAR did not submit any comments on the
20 exposure draft by the deadline because they did not
21 receive a copy of the regulations until Thursday
22 afternoon. He questioned whether there would be an
23 extension of the comment deadline or the plan for the
24 exposure draft moving forward.

25 Mr. Ruiz had emails back and forth with Mr.

1 Crawford last week and is investigating what happened
2 with the email mass distribution list. He noted the
3 deadline would be extended and any comments could be
4 addressed by the next meeting.

5 Mr. Ruiz suggested Mr. McGee provide any comments
6 two weeks before the next meeting starts because that
7 is when the agenda is due but would extend it further
8 depending upon responses.

9 Mr. McGee requested an update regarding the
10 status of the broker price opinion (BPO) regulations.

11 Mr. Ruiz reported that two of the three documents
12 were finished and was hopeful to soon have those out.

13 He noted receiving no response from the exposure
14 draft, where BPOs are going from a temporary status to
15 regular.

16 Mr. McGee commented that they expire at the end
17 of next month and questioned whether they would be
18 done in time and continue moving forward. Mr. Ruiz
19 noted not being sure if they would be completed in
20 time. He stated it did not prohibit someone from
21 still doing the BPOs, and the regulation just set up
22 the educational framework. He commented that the
23 regulation was not necessary to actually practice, and
24 the temporary regulation was necessary to instill the
25 education piece.

1 ***

2 [There being no further business, the State Real
3 Estate Commission Meeting adjourned at 11:54 a.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
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16 Kelly Gallick,

17 Minute Clerk

18 Sargent's Court Reporting
19 Service, Inc.

STATE REAL ESTATE COMMISSION
REFERENCE INDEX

August 17, 2021

	TIME	AGENDA
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9	9:00	Executive Session
10	10:50	Return to Open Session
11		
12	11:00	Official Call to Order
13		
14	11:01	Roll Call
15		
16	11:01	Introduction of Attendees
17		
18	11:07	Pledge of Allegiance
19		
20	11:08	Approval of Minutes
21		
22	11:09	Report of Prosecutorial Division
23		
24	11:22	Executive Session
25	11:25	Return to Open Session
26		
27	11:25	Report of Commission Counsel
28		
29	11:34	Report of Commission Chair
30		
31	11:37	Report of Commission Administrator
32		
33	11:39	Report of Committees
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35	11:41	Public Session
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37	11:54	Adjournment
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