

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 TELECONFERENCE

TIME: 10:33 A.M.

August 25, 2020

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

State Real Estate Commission  
August 25, 2020

COMMISSION MEMBERS:

- Anne M. Rubin, Chair, Industry Member
- Joseph J. McGettigan, Vice Chair, Industry Member
- Jeffrey J. Johnson, Industry Member - Absent
- Joseph Tarantino, Industry Member
- Armand N. Ferrara Jr., Industry Member
- 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
- Ray Michalowski, Esquire, Commission Prosecution Liaison
- Carole Clarke Smith, Esquire, Senior Counsel, Counsel Division
- Carolyn DeLaurentis, Deputy, Prosecution Division
- Tiffany A. Raker, Esquire, Commission Prosecutor
- Timothy A. Fritsch, Esquire, Commission Prosecutor
- Angela B. Lucci, Esquire, Commission Prosecutor
- Steven A. Mimm, Esquire, Commission Prosecutor
- Krista Linsenbach, Commission Administrator
- Marc Farrell, Deputy Policy Director, Department of State
- Andrew LaFratte, MPA, Policy Office, Department of State
- Theodore Stauffer, Executive Assistant, Bureau of Professional and Occupational Affairs

ALSO PRESENT:

- William Festa, CRS, President, Pennsylvania Association of Realtors
- Cathy Laitinen, PSI Services
- Alon Schwartz, PSI Services
- David Pascal, PSI Services
- Eleanor Weber, M.Ed., Polley Associates School of Real Estate (via Chatline)
- Jen Smeltz, Executive Director Senate Consumer Protection and Special Licensure Committee

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

State Real Estate Commission (Cont.)  
August 25, 2020

Lisa Erra  
Michael Hubley, Pending Applicant  
Nicole Sidle, Executive Director, House Professional  
Licensure Committee  
Wayne C. Crawford, Esquire, Public Policy Manager,  
Pennsylvania Association of Realtors  
Charles Hartwell, Esquire, on behalf of Respondent,  
Tabitha Coyne

1 State Real Estate Commission

2 August 25, 2020

3 \*\*\*\*\*

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
5 9:30 a.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 10:30 a.m.]

11 \*\*\*

12 The regularly scheduled meeting of the State Real  
13 Estate Commission was held on Tuesday, August 25,  
14 2020. Anne M. Rubin, Chair, Industry Member,  
15 officially called the meeting to order at 10:33 a.m.

16 K. Kalonji Johnson, Commissioner of Professional  
17 and Occupational Affairs, was not present at the  
18 commencement of the meeting.

19 \*\*\*

20 [Juan A. Ruiz, Esquire, Commission Counsel, stated the  
21 meeting is being recorded, and that anyone  
22 participating in the meeting is giving consent to  
23 being recorded.]

24 \*\*\*

25 Roll Call

1 [Roll call was taken.]

2 \*\*\*

3 Introduction of Audience Members

4 [Audience members were requested to introduce  
5 themselves for the record.]

6 \*\*\*

7 Approval of Minutes of the July 14, 2020 meeting

8 CHAIR RUBIN:

9 We need an approval of the draft  
10 minutes.

11 MR. SEEBECK:

12 I make a motion.

13 MR. FERRARA:

14 Second.

15 CHAIR RUBIN:

16 Any discussion? All in favor? Any  
17 opposed?

18 [The motion carried. Mr. Piccirilli abstained from  
19 voting on the motion as he was not present at that  
20 meeting.]

21 \*\*\*

22 Report of Prosecutorial Division

23 [Steven A. Mimm, Esquire, Commission Prosecutor  
24 presented a Consent Agreement for File No. 18-56-  
25 002051.]

1

\*\*\*

2

[Tiffany Raker, Esquire, Commission Prosecutor,  
3 presented a Consent Agreement for File Nos. 18-56-  
4 002050 and 18-56-002051.]

5

\*\*\*

6

[Timothy A. Fritsch, Esquire, Commission Prosecutor,  
7 presented a Consent Agreement for File Nos. 16-56-  
8 12500 and 18-56-010906.]

9

\*\*\*

10

[K. Kalonji Johnson, Commissioner of Professional and  
11 Occupational Affairs, entered the meeting at 10:53  
12 a.m.]

13

\*\*\*

14

Report of Commission Counsel

15

[Juan A. Ruiz, Esquire, Commission Counsel, noted a  
16 Proposed Adjudication and Order, two Final  
17 Adjudications and Orders and Petitions for  
18 Reconsideration were discussed during Executive  
19 Session prior to the start of today's meeting.

20

Mr. Ruiz stated two proposed regulations, one for  
21 Act 41, Licensure by Endorsement, and the other the  
22 Proposed Broker Price Opinion regulation to replace  
23 the temporary reg were on the agenda for  
24 consideration. He asked for a motion to send these  
25 out as exposure drafts to the stakeholders.

1 MR. RUIZ:

2                   Is there a motion to direct Counsel to  
3                   send out the two regulations at 16A-56.25  
4                   and 16A-56.26 as exposure drafts?

5 MR. FERRARA:

6                   So moved.

7 MR. TARANTINO:

8                   Second.

9 CHAIR RUBIN:

10                   Any further questions? All in favor?  
11                   Opposed?

12 [The motion carried unanimously.]

13   \*\*\*

14 Report of Commission Chairperson

15 [Anne M. Rubin, Chair, Industry Member, noted members  
16 would have discussion today regarding the mandatory  
17 CEs. She noted that members of PSI would be  
18 presenting today regarding the matter.

19                   Chair Rubin indicated her family is healthy and  
20 it appears all Commission members are as well.]

21   \*\*\*

22 Report of Commissioner

23 [K. Kalonji Johnson, Commissioner, Bureau of  
24 Professional and Occupational Affairs, commended  
25 Commission members on the fine work being done and

1 stated that reminders would be sent out that the  
2 extended renewal period would be closing on August 29,  
3 2020.

4 He expressed a special note of appreciation for  
5 the stakeholders who are participating at today's  
6 meeting.]

7

\*\*\*

8 Report of Commission Administrator

9 [Krista Linsenbach, Commission Administrator,  
10 reiterated that renewals would be wrapping up this  
11 Saturday, August 29, 2020 and stated receipt of 75 to  
12 80 percent of most of the licenses at this point.  
13 Requests for assistance are being responded to in an  
14 effort to keep things moving.

15 Ms. Linsenbach indicated that the next  
16 renewal cycle will be for education providers and will  
17 expire October 31, 2020. She is hopeful that  
18 education providers will receive renewal notices via  
19 email within the next week or so.

20 Ms. Linsenbach noted there are significant  
21 limitations with the current e-agenda program and that  
22 she is participating with the Executive Office to look  
23 at alternatives and upgrades which would be a lot more  
24 user-friendly.

25 She indicated that PSI would be presenting today



1 regarding the PSI Remote Proctoring Program.]

2 \*\*\*

3 Report of Committees

4 Education/Examination

5 MR. FERRARA:

6 I move that we preliminarily deny  
7 Michelle Lucca for broker exam based on  
8 education.

9 MR. SEEBECK:

10 Second.

11 CHAIR RUBIN:

12 Any questions? All in favor? Opposed?

13 [The motion carried unanimously.]

14 \*\*\*

15 MR. FERRARA:

16 I move that we deny Samuel DiCicco for  
17 experience.

18 MR. MCGETTIGAN:

19 Second.

20 CHAIR RUBIN:

21 Questions? All in favor? Opposed?

22 [The motion carried unanimously.]

23 \*\*\*

24 MR. FERRARA:

25 I make a motion to approve the CE

1 course, Don't Toss My Memories in the  
2 Trash with the title changed to reflect  
3 what the course is really about.

4 MR. MCGETTIGAN:

5 Second.

6 CHAIR RUBIN:

7 Questions? All in favor? Opposed?

8 [The motion carried unanimously.]

9 \*\*\*

10 MR. SEEBECK:

11 I will make a motion to deny the CE  
12 Waiver Request for Pholar.

13 MR. TARANTINO:

14 Second.

15 CHAIR RUBIN:

16 Any questions? All in favor? Opposed?

17 [The motion carried. Mr. Ferrara recused from  
18 deliberations and voting on the motion.]

19 \*\*\*

20 Appointment - PSI Remote Proctoring

21 [Cathy Laitinen, Alon Schwartz, and David Pascal, PSI  
22 Services were present to answer questions regarding  
23 the Remote Proctoring Program.

24 Alon Schwartz, Senior Vice President of Licensure  
25 at PSI introduced Cathy Laitinen and David Pascal. He

1 stated that PSI does test development and test  
2 delivery for all real estate exams in Pennsylvania as  
3 well as other states. He noted that remote proctoring  
4 enables individuals to take the exam from home which  
5 are then proctored virtually. He stated that recently  
6 six regulatory clients all in the insurance base were  
7 converted to a multimodal test delivery program so  
8 candidates have the option to go to a test center or  
9 take the exam remotely.

10 David Pascal provided a demonstration of the  
11 program which uses a secure browser and applications  
12 such as WebEx. He detailed the steps involved with  
13 the process and then answered questions from  
14 Commission members. Mr. Pascal asked Commission  
15 members to decide if they'd like to pursue this  
16 program moving forward.

17 It was noted another general presentation via  
18 Webinar would be done on the 27th.

19 Commissioner Johnson inquired if feedback surveys  
20 from students opting for the remote proctoring were  
21 being conducted regarding the program. Ms. Laitinen  
22 stated surveys were being conducted but wasn't sure of  
23 the validity.

24 Commissioner Piccirilli mentioned that given the  
25 amount of resources being devoted to virtual learning

1 it would make sense for the Commission to take the  
2 opportunity to study this option further. Commission  
3 members offered opinions regarding the matter.

4 MR. PICCIRILLI:

5 I'll make a motion that the Real Estate  
6 Commission adopt and institute virtual  
7 proctoring.

8 MR. FERRARA:

9 Second.

10 CHAIR RUBIN:

11 We have a motion and a second.

12 Discussion? All in favor? Opposed?

13 [The motion carried unanimously.]

14 \*\*\*

15 [PSI was requested to provide information regarding  
16 some of the parameters of the options available before  
17 the Commission's next meeting.]

18 \*\*\*

19 Old/New Business

20 [William Festa, CRS, President, Pennsylvania  
21 Association of Realtors, stated that there being just  
22 a few days before real estate licensees are due to  
23 have completed renewal process, he needed to express  
24 the ongoing frustration of the process. Mr. Festa  
25 noted frequency of calls has continued to increase in

1 the last several months with members growing  
2 frustrated with the lack of customer service that they  
3 receive with regard to site user errors and no help  
4 being provided on how to fix the errors.

5 Mr. Festa indicated that his staff has spent many  
6 hours providing assistance for members but explaining  
7 how to use the state's licensing program should be the  
8 role of the BPOA and not that of PAR. He asked that  
9 the Commission and BPOA continue to work to address  
10 these ongoing issues with the PALS system.

11 Another issue that Mr. Festa talked about was  
12 designating fair housing as the mandatory topic for  
13 the 2020-2022 continuing education cycle. It was  
14 noted that the matter would be discussed further later  
15 on during today's meeting.

16 Mr. Festa concluded by noting the PAR strongly  
17 urges the Commission to recognize the importance of  
18 fair housing to help licensees become better equipped  
19 to provide service to their clients.

20 Chair Rubin noted that she has also received  
21 inquiries regarding help with the PALS system. She  
22 pointed out that it's unfair to wait until the last  
23 few days of a renewal period, which was extended for  
24 three months, to complain about the lack of  
25 communication regarding problems with a system that's

1 being "bogged down".

2 Mr. Tarantino commented he has also received  
3 inquiries and stated that Ms. Linsenbach has bent over  
4 backwards to help everybody that she can, but she  
5 cannot help with passwords.

6 Chair Rubin noted there are as many, if not more,  
7 problems with agent failure as there is with the  
8 system.

9 Commissioner Johnson commended PAR on their  
10 willingness to reach out to the Bureau and have  
11 discussions regarding how to improve customer service,  
12 but that there needs to be a balance between having  
13 individuals complete the process on their own and  
14 being there when there are questions.

15 Ray Michalowski, Esquire, Board Prosecution  
16 Liaison, commented that he reviews every COVID-related  
17 complaint the moment it comes in and commended the  
18 industry for making people feel safe and reducing any  
19 complaints received about COVID-related issues.]

20

\*\*\*

21 [Commission members had discussion regarding the  
22 mandatory topic for Continuing Education. Mr.  
23 McGettigan suggested a list of topics regarding bias  
24 in the real estate industry.

25 Mr. Ferrara commented that bias plays hand in

1 hand with the diversity angle and that those  
2 altogether would be plenty to talk about.

3 Mr. Tarantino agreed with both comments.

4 Mr. Seebeck suggested counteracting bias and  
5 diversity in the real estate industry.

6 Mr. McGettigan suggested more specifically  
7 centering on everyday dealings with the consumer.

8 Eleanor Weber, M.Ed., Polley Associates School of  
9 Real Estate, who was present via chat line, noted that  
10 courses on bias and diversity are great topics but  
11 that without specific detailed subject matter there  
12 would be a lot of variations of those.

13 Chair Rubin talked about two discriminatory  
14 practices, including redlining which refers back to  
15 maps that were drawn in the 40s or 50s to redline  
16 areas where people could get financing and which were  
17 typically the poorest areas in the community. She  
18 explained that steering is when an agent tries to  
19 guide a buyer to or away from a particular area based  
20 on their race or religion.

21 Mr. Piccirilli explained further that redlined  
22 districts were areas that the FHA HUD and Veterans  
23 Administration would not insure mortgages during the  
24 post-war boom.

25 Mr. Tarantino suggested just outlining the

1 courses concerning bias discrimination with subtopics  
2 of fair housing, steering, redlining. There was  
3 further discussion regarding the matter.

4 Chair Rubin summarized that the mandatory CE  
5 course should include discussion of redlining,  
6 steering, diversity, implicit bias, and discrimination  
7 in the practice of real estate.

8 Mr. Michalowski suggested including those  
9 subjects as they relate to the Fair Housing Act.

10 CHAIR RUBIN:

11 Could I get a motion?

12 MR. MCGETTIGAN:

13 I would move that we establish as a  
14 mandatory 3 1/2 hour course for the 2021-  
15 2022 cycle the subjects to include the  
16 Fair Housing Act, with attention to  
17 redlining, steering, along with implicit  
18 bias and diversity.

19 MR. FERRARA:

20 I second.

21 CHAIR RUBIN:

22 Any discussion? All in favor? Opposed?

23 [The motion carried unanimously.]

24 \*\*\*

25 MOTIONS



1 MR. RUIZ:

2 Is there a motion to approve the Consent  
3 Agreement at File No. 18-56-02651?

4 MR. FERRARA:

5 So moved.

6 MR. SEEBECK:

7 Second.

8 CHAIR RUBIN:

9 Any discussion? All in favor? Opposed?

10 [The motion carried unanimously. The Respondent's  
11 name in that case is Wphui Ly.]

12 \*\*\*

13 MR. RUIZ:

14 Is there a motion to approve the Consent  
15 Agreement at File Nos. 18-56-002050 and  
16 18-56-002051?

17 MR. PICCIRILLI:

18 So moved.

19 MR. FERRARA:

20 Second.

21 CHAIR RUBIN:

22 Any discussion? All in favor? Opposed?

23 [The motion carried. Mr. McGettigan opposed the  
24 motion. The Respondents' names are Craig C. Whitney  
25 and Whitney Sims Realty.]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

\*\*\*

MR. RUIZ:

Is there a motion to deny the Consent Agreement at File Nos. 16-56-12500 and 18-56-010906 as being too lenient?

MR. SEEBECK:

So moved.

MR. MCGETTIGAN:

Second.

CHAIR RUBIN:

Discussion? All in favor? Opposed?

[The motion carried unanimously.]

\*\*\*

MR. RUIZ:

Is there a motion to direct Commission Counsel to draft a Final Adjudication and Order in the case of Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Rachel Weiss at File No. 18-56-02931 consistent with discussions in Executive Session?

MR. MCGETTIGAN:

So moved.

MR. TARANTINO:

Second.

1 CHAIR RUBIN:

2 Discussion? All in favor? Opposed?

3 [The motion carried unanimously.]

4 \*\*\*

5 MR. RUIZ:

6 Is there a motion to adopt the Final  
7 Adjudications and Orders in the  
8 following two cases: Commonwealth of  
9 Pennsylvania, Bureau of Professional and  
10 Occupational Affairs vs. Wave Realty,  
11 File No. 17-56-12495 and Commonwealth of  
12 Pennsylvania, Bureau of Professional and  
13 Occupational Affairs vs. Catherine  
14 Laderer, File No. 16-56-0250?

15 MR. MCGETTIGAN:

16 So moved.

17 MR. FERRARA:

18 Second.

19 CHAIR RUBIN:

20 Discussion? All in favor? Opposed?

21 [The motion carried unanimously.]

22 \*\*\*

23 MR. RUIZ:

24 Is there a motion to deny the following  
25 Petitions for Reconsideration: Tabitha

1 Coyne, File No. 18-56-007118 and Leonard  
2 Destine, File No. 17-56-09596?

3 MR. FERRARA:

4 So moved.

5 MR. MCGETTIGAN:

6 Second.

7 CHAIR RUBIN:

8 Discussion? All in favor? Opposed?

9 [The motion carried unanimously.]

10 \*\*\*

11 Adjournment

12 CHAIR RUBIN:

13 I'll ask for a motion to adjourn?

14 MR. SEEBECK:

15 So moved.

16 CHAIR RUBIN:

17 Second?

18 MR. PICCIRILLI:

19 Second.

20 CHAIR RUBIN:

21 All in favor? Opposed?

22 [The motion carried unanimously.]

23 \*\*\*

24 [There being no further business, the State Real  
25 Estate Commission Meeting adjourned at 12:19 p.m.]

\*\*\*

CERTIFICATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.



Kelly Gallick,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE REAL ESTATE COMMISSION  
REFERENCE INDEX

August 25, 2020

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:33	Official Call to Order
10:34	Roll Call
10:39	Approval of Minutes
10:40	Report of Prosecutorial Division
10:51	Report of Commission Counsel
10:54	Report of Commission Chair
10:55	Report of Commissioner
10:57	Report of Commission Administrator
10:59	Report of Committees
11:03	Appointment
11:32	Old/New Business
12:10	Motions
12:19	Adjournment