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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: 10:55 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

September 22, 2022

State Real Estate Commission
September 22, 2022

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ALSO PRESENT: (cont.)

Henry (Hank) Lerner, Esquire, Chief Legal Officer,
Pennsylvania Association of Realtors
Kathryn Witherow

1 ***

2 State Real Estate Commission

3 September 22, 2022

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 Shawn J. Jayman, Esquire, Commission
8 Counsel, for the purpose of conducting quasi-judicial
9 deliberations on matters currently pending before the
10 Commission that are listed on the agenda. The
11 Commission returned to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State Real
14 Estate Commission was held on Thursday, September 22,
15 2022. Armand Ferrara Jr., Chair, Industry Member,
16 officially called the meeting to order at 10:55 a.m.

17 ***

18 Roll Call

19 [Armand Ferrara Jr., Chair, Industry Member, provided
20 a roll call of Commission members.]

21 ***

22 Pledge of Allegiance

23 [The Pledge of Allegiance was recited.]

24 ***

25 Approval of minutes of the August 2, 2022 meeting

1 CHAIR FERRARA:

2 I'm looking for approval of the draft
3 minutes of the August 2, 2022 meeting.

4 MR. MCGETTIGAN:

5 So moved.

6 MR. TARANTINO:

7 Second.

8 MS. LINSENBACH:

9 Call for the vote.

10

11 Armand Ferrara, aye; Joseph Tarantino,
12 aye; Jeffery Johnson, aye; Joseph
13 McGettigan, aye; Jennifer Thomson, aye;
14 Gaetano Piccirilli, aye; Arion Claggett,
15 aye.

16 [The motion carried unanimously.]

17 ***

18 Introduction of Attendees

19 [Krista Linsenbach, Commission Administrator, provided
20 an introduction of attendees.

21 ***

22 [Shawn J. Jayman, Esquire, Commission Counsel,
23 reminded everyone that the meeting was being recorded
24 and voluntary participation constitutes consent to be
25 recorded.

1 Mummert, IVRON Holding, LLC & Joshua
2 Freels at Case Nos. 21-56-003653, 21-56-
3 004145, and 20-56-006536, as that matter
4 was prematurely placed on the agenda.

5 MR. MCGETTIGAN:

6 So moved.

7 MR. TARANTINO:

8 Second.

9 MS. LINSENBACH:

10 Roll call.

11

12 Armand Ferrara, aye; Joseph Tarantino,
13 aye; Jeffery Johnson, aye; Joseph
14 McGettigan, aye; Jennifer Thomson, aye;
15 Gaetano Piccirilli, aye; Arion Claggett,
16 aye.

17 [The motion carried unanimously.]

18

19 Report of Commission Counsel - Final Adjudications and
20 Orders

21 MR. JAYMAN:

22 Next on the agenda is the Final
23 Adjudications and orders starting with
24 item 4.

25

Based on Executive Session

1 deliberation, I believe the Chair would
2 entertain a motion to approve the Final
3 Adjudication and Order of Gloria Beattie
4 t/d/b/a Lebanon Cemetery Association or
5 Lebanon Cemetery & Gary Beattie t/d/b/a
6 Lebanon Cemetery Association or Lebanon
7 Cemetery, Case Nos. 21-56-005599, 21-56-
8 005631, 19-56-011143, and 21-56-006055.

9 MR. MCGETTIGAN:

10 So moved.

11 MR. TARANTINO:

12 Second.

13 MS. LINSENBACH:

14 Roll call vote.

15
16 Armand Ferrara, aye; Joseph Tarantino,
17 aye; Jeffery Johnson, aye; Joseph
18 McGettigan, aye; Jennifer Thomson, aye;
19 Gaetano Piccirilli, aye; Arion Claggett,
20 aye.

21 [The motion carried unanimously.]

22 ***

23 MR. JAYMAN:

24 Regarding item 5, based on Executive
25 Session deliberation, I believe the

1 Chair would entertain a motion to
2 approve the Final Adjudication and Order
3 in the matter of Donald Kuntz, Case Nos.
4 18-56-008428 and 20-56-007533.

5 MR. MCGETTIGAN:

6 So moved.

7 MR. TARANTINO:

8 Second.

9 MS. LINSENBACH:

10 Roll call vote.

11

12 Armand Ferrara, aye; Joseph Tarantino,
13 aye; Joseph McGettigan, aye; Jeffery
14 Johnson, aye; Jennifer Thomson, aye;
15 Gaetano Piccirilli, aye; Arion Claggett,
16 aye.

17 [The motion carried unanimously.]

18

19 MR. JAYMAN:

20 The next matter is Christina Wilson.
21 Based on Executive Session deliberation,
22 I believe the Chair would entertain a
23 motion to approve the Final Adjudication
24 and Order of Christina Wilson, Case No.
25 20-56-000827 retroactive to August 26,

1 2022.

2 MR. MCGETTIGAN:

3 So moved.

4 MR. TARANTINO:

5 Second.

6 MS. LINSENBACH:

7 Call for the vote.

8

9 Armand Ferrara, aye; Joseph Tarantino,
10 aye; Jeffery Johnson, aye; Joseph
11 McGettigan, aye; Jennifer Thomson, aye;
12 Gaetano Piccirilli, aye; Arion Claggett,
13 aye.

14 [The motion carried unanimously.]

15 ***

16 Report of Commission Counsel - Motions to Deem Facts
17 Admitted and Enter Default

18 MR. JAYMAN:

19 Regarding item 7 on the agenda, Max
20 Levitskiy, based on Executive Session
21 deliberation, I believe the Chair would
22 entertain a motion to grant the Motion
23 to Deem Facts Admitted and Enter Default
24 and direct Commission Counsel to prepare
25 an Adjudication and Order in accordance

1 with the discussion in Executive Session
2 in the matter of Max Levitskiy, Case No.
3 19-56-011144.

4 MR. MCGETTIGAN:

5 So moved.

6 MR. TARANTINO:

7 Second.

8 MS. LINSENBACH:

9 Call for the vote.

10

11 Armand Ferrara, aye; Joseph Tarantino,
12 aye; Jeffery Johnson, aye; Joseph
13 McGettigan, aye; Jennifer Thomson, aye;
14 Gaetano Piccirilli, aye; Arion Claggett,
15 aye.

16 [The motion carried unanimously.]

17

18 MR. JAYMAN:

19 The next matter is Robert E. Shultz II.
20 Based on Executive Session deliberation,
21 I believe the Chair would entertain a
22 motion to grant the Motion to Deem Facts
23 Admitted and Enter Default and direct
24 Commission Counsel to prepare an
25 Adjudication and Order in accordance

1 with the discussion in Executive Session
2 in the matter of Robert E. Shultz II,
3 Case No. 19-56-015328.

4 MR. MCGETTIGAN:

5 So moved.

6 MR. TARANTINO:

7 Second.

8 MS. LINSENBACH:

9 Call for the vote.

10

11 Armand Ferrara, aye; Joseph Tarantino,
12 aye; Jeffery Johnson, aye; Joseph
13 McGettigan, aye; Jennifer Thomson, aye;
14 Gaetano Piccirilli, aye; Arion Claggett,
15 aye.

16 [The motion carried unanimously.]

17

18 Report of Commission Counsel - Other

19 MR. JAYMAN:

20 Regarding item 9 on the agenda, based on
21 Executive Session deliberations, I
22 believe the Chair would entertain a
23 motion to remand the matter to a hearing
24 examiner to issue a decision in the
25 matter of Michael A. Morascyzk.

1 MR. MCGETTIGAN:

2 So moved.

3 MR. TARANTINO:

4 Second.

5 MS. LINSENBACH:

6 Roll call vote.

7

8 Armand Ferrara, aye; Joseph Tarantino,

9 aye; Jeffery Johnson, aye; Joseph

10 McGettigan, aye; Jennifer Thomson, aye;

11 Gaetano Piccirilli, aye; Arion Claggett,

12 aye.

13 [The motion carried unanimously.]

14 ***

15 Report of Commission Chairperson - No Report

16 ***

17 Report of Acting Commissioner

18 [Arion R. Claggett, Acting Commissioner, Bureau of

19 Professional and Occupational Affairs, reported issues

20 with the Pennsylvania Licensing System (PALS) over the

21 last couple of weeks. He announced an extension of

22 the renewal period for real estate providers with an

23 expiration date of October 31 to November 30.]

24 ***

25 Report of Commission Administrator

1 [Krista Linsenbach, Commission Administrator, also
2 noted education provider renewals are being extended.
3 She reported about a 20 percent response of renewing
4 schools, noting it has been going smoothly other than
5 the aforementioned PALS issues that have been
6 resolved.

7 Acting Commissioner Claggett also mentioned they
8 would be sending out an email notification of the
9 renewal extension.]

10 ***

11 Report of Committees - Education/Examination

12 MR. MCGETTIGAN:

13 I'd like to make a motion the following
14 CE courses be approved that are all
15 covering the mandatory education hours:
16 Broker Supervisory Duties, Policies, &
17 Risk Management; Broker Take Care!;
18 Don't Get Caught Off Guard! Broker and
19 Licensee Duties; Mandatory CE
20 Responsibilities of Brokers & Their
21 Licensees.

22 MR. TARANTINO:

23 Second.

24 MS. LINSENBACH:

25 Roll call vote.

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Armand Ferrara, aye; Joseph Tarantino,
aye; Jeffery Johnson, aye; Joseph
McGettigan, aye; Jennifer Thomson, aye;
Gaetano Piccirilli, aye; Arion Claggett,
aye.

[The motion carried unanimously.]

MR. MCGETTIGAN:

I'd like to make a motion the course
Save Your License be approved with the
name being changed or added, Brokers and
Licensees Responsibilities.

MR. TARANTINO:

Second.

MS. LINSENBACH:

Roll call vote.

Armand Ferrara, aye; Joseph Tarantino,
aye; Jeffery Johnson, aye; Joseph
McGettigan, aye; Jennifer Thomson, aye;
Gaetano Piccirilli, aye; Arion Claggett,
aye.

[The motion carried unanimously.]

1 MR. MCGETTIGAN:

2 I'd like to make a motion that the
3 course Dirt and Bricks Land and Cost
4 Approach Valuation, a 7-hour course, be
5 denied.

6 MR. TARANTINO:

7 Second.

8 MS. LINSENBACH:

9 Call for the vote.

10

11 Armand Ferrara, aye; Joseph Tarantino,
12 aye; Jeffery Johnson, aye; Joseph
13 McGettigan, aye; Jennifer Thomson, aye;
14 Gaetano Piccirilli, aye; Arion Claggett,
15 aye.

16 [The motion carried unanimously.]

17

18 MR. MCGETTIGAN:

19 I'd like to make a motion that the
20 following people be approved as
21 directors of schools: Don Shipp,
22 Michelle Wu.

23 MR. TARANTINO:

24 Second.

25 MS. LINSENBACH:

1 Call for the vote.

2

3 Armand Ferrara, aye; Joseph Tarantino,
4 aye; Jeffery Johnson, aye; Joseph
5 McGettigan, aye; Jennifer Thomson, aye;
6 Gaetano Piccirilli, aye; Arion Claggett,
7 aye.

8 [The motion carried unanimously.]

9

10 Report of Committees - Enforcement (Application
11 Reviews)

12 MR. TARANTINO:

13 I'd like to make a motion that we
14 approve the Application of Joseph G.
15 Marra with no barrier toward licensure.

16 MR. MCGETTIGAN:

17 Second.

18 MS. LINSENBACH:

19 Call for the vote.

20

21 Armand Ferrara, aye; Joseph Tarantino,
22 aye; Jeffery Johnson, aye; Anne Rubin,
23 aye; Joseph McGettigan, aye; Jennifer
24 Thomson, aye; Gaetano Piccirilli, aye;
25 Arion Claggett, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. TARANTINO:

4 I'd like to make a motion that the
5 following Applications be preliminarily
6 denied and advise the Applicants of the
7 right to an informal conference: Lorena
8 Casasola, Jessica M. Waltz, Duy Quoc
9 Nguyen.

10 MR. MCGETTIGAN:

11 Second.

12 MS. LINSENBACH:

13 Call for the vote.

14

15 Armand Ferrara, aye; Joseph Tarantino,
16 aye; Jeffery Johnson, aye; Anne Rubin,
17 aye; Joseph McGettigan, aye; Jennifer
18 Thomson, aye; Gaetano Piccirilli, aye;
19 Arion Claggett, aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Committees - Informal Conferences

23 MR. TARANTINO:

24 We had four informal conferences, of
25 which only three of the people showed.

1 I'd like to make a motion that we
2 approve the Applicant Billy Hunter for a
3 license and place his license on
4 probation through criminal probation
5 and/or payment of restitution.

6 MR. MCGETTIGAN:

7 Second.

8 MS. LINSENBACH:

9 Roll call vote.

10

11 Armand Ferrara, aye; Joseph Tarantino,
12 aye; Jeffery Johnson, aye; Anne Rubin,
13 aye; Joseph McGettigan, aye; Jennifer
14 Thomson, aye; Gaetano Piccirilli, aye;
15 Arion Claggett, aye.

16 [The motion carried unanimously.]

17

18 MR. TARANTINO:

19 I'd like to make a motion that we
20 approve the following with no
21 restrictions to their license. We are
22 approving Dakota Lee Dunning and Charles
23 Henning with no restrictions.

24 MR. MCGETTIGAN:

25 Second.

1 MS. LINSENBACH:

2 Call for the vote.

3

4 Armand Ferrara, aye; Joseph Tarantino,
5 aye; Jeffery Johnson, aye; Anne Rubin,
6 aye; Joseph McGettigan, aye; Jennifer
7 Thomson, aye; Gaetano Piccirilli, aye;
8 Arion Claggett, aye.

9 [The motion carried unanimously.]

10 ***

11

12 Old/New Business

13 [Christopher Beadling, President, Pennsylvania
14 Association of Realtors, informed Commission members
15 that the association just finished its fall business
16 meetings in Harrisburg and approved one set of
17 policies. He commented that one of the differences
18 between members of their association and non-member
19 licensees is that realtors ascribe to a code of ethics
20 that often goes beyond state laws and regulations.

21 Mr. Beadling stated the Pennsylvania Association
22 of Realtors (PAR) has enforcement policies to sanction
23 members who violate the code and runs that process for
24 about three-quarters of their local associations. He
25 noted that their current strategic goal is to update

1 the rules for that cooperative to help complainants
2 and respondents address and resolve their disputes
3 more effectively and to raise the stakes for members
4 who violate the code.

5 Mr. Beadling addressed three policy changes. He
6 stated many of the ethics complaints are often based
7 on poor communications and misunderstandings, and PAR
8 would be rolling out a formal ethics mediation program
9 to pair with their less formal ombudsman service. He
10 mentioned that parties who can work out a satisfactory
11 resolution to their complaints make everyone happy
12 without the need for a formal hearing process.

13 Mr. Beadling noted that PAR updated their Ethics
14 Citation Policy to allow for more citations to be
15 issued with substantially higher sanction amounts than
16 previously. He stated PAR would be adopting a policy,
17 where members found in violation of the Code of Ethics
18 would have their names and a brief story of their case
19 published to members of the association where they are
20 members but not to the full membership of the state
21 boards or the consumers.

22 Mr. Beadling informed Commission members that
23 this is an optional rule offered by the National
24 Association of Realtors and currently used by several
25 larger local associations. He reported associations

1 currently using the option found that it increases
2 overall member satisfaction of the enforcement process
3 because it shows complaints do brandish results and is
4 usually helpful for brokers and managers to have these
5 brief summaries to help teach agents how to keep on
6 the straight and narrow in their daily practice.

7 Mr. Beadling noted the changes were recommended
8 based on an objective of the PAR's strategic plan to
9 develop accountability standards that recognize
10 ethical and professional behavior and establish and
11 enhance mechanisms to encourage broker and agent
12 accountability for unethical and unprofessional
13 behavior.

14 Mr. Beadling informed Commission members that
15 numerous schools and content developers are requesting
16 specific guidance regarding standards so they know
17 what sort of course content would be approved as they
18 develop courses over the next couple of years.

19 Mr. Beadling addressed the recent PALS issue and
20 suggested the Commission communicate with associations
21 to make them aware of the situation. He mentioned PAR
22 field staff started receiving calls from members
23 trying to utilize PALS. He commented that the
24 associations could help explain the situation if they
25 were informed, which would also help people from

1 contacting Ms. Linsenbach.

2 Mr. McGettigan addressed Mr. Beadling's comment
3 regarding educational courses and welcomed input or
4 feedback from some of the professionals in attendance,
5 including Commissioners, so they can assimilate that
6 information and make some changes.

7 Mr. McGettigan explained that they approved the
8 mandatory education and then got the cases. He noted
9 they only receive an outline with a heading when
10 schools submit a course and would not know what is
11 covered under those headings until they receive some
12 feedback.

13 Mr. Tarantino addressed accountability and agreed
14 with PAR letting everybody know when somebody violates
15 ethics but asked whether there was a way for the
16 Commission to have that same type of accountability on
17 violations of their act.

18 Henry (Hank) Lerner, Esquire, Chief Legal
19 Officer, Pennsylvania Association of Realtors, noted
20 prior discussions with Commission Counsel and
21 prosecution regarding pulling cases and providing case
22 summaries but explained that PALS is not searchable by
23 contents. He commented that PAR would have to search
24 case by case and does not have the staff.

25 Mr. Lerner mentioned that having better data flow

1 from the Commission, including licensing information
2 and disciplinary cases on a monthly basis, would make
3 it easier to publish something and would welcome that
4 conversation in the future.

5 Acting Commissioner Claggett offered to look at
6 that issue but mentioned they have received requests
7 for reports and would be developing those.

8 Mr. Jayman informed Commission members that his
9 priorities are the revisions to the Commission's
10 current regulations and the advertising regulations.]

11 ***

12 Miscellaneous

13 [Armand Ferrara Jr., Chair, Industry Member, noted the
14 next scheduled meeting date is October 20.]

15 ***

16 Adjournment

17 CHAIR FERRARA:

18 Motion to adjourn.

19 MR. TARANTINO:

20 So moved.

21 MR. MCGETTIGAN:

22 Second.

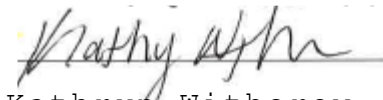
23 ***

24 [There being no further business, the State Real
25 Estate Commission Meeting adjourned at 11:35 a.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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE REAL ESTATE COMMISSION
REFERENCE INDEX

September 22, 2022

	TIME	AGENDA
1		
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3		
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7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:55	Official Call to Order
13		
14	10:56	Roll Call
15		
16	10:56	Pledge of Allegiance
17		
18	10:58	Approval of Minutes
19		
20	10:58	Introduction of Attendees
21		
22	11:02	Report of Prosecutorial Division
23		
24	11:09	Report of Commission Counsel
25		
26	11:15	Report of Acting Commissioner
27		
28	11:16	Report of Commission Administrator
29		
30	11:17	Report of Committees
31		
32	11:22	Old/New Business
33		
34	11:35	Miscellaneous
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36	11:35	Adjournment
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