

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.

October 6, 2020

State Real Estate Commission
October 6, 2020

COMMISSION MEMBERS:

Anne M. Rubin, Chair, Industry Member
Joseph J. McGettigan, Vice Chair, Industry Member
Jeffrey J. Johnson, Industry Member
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 - Absent
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs - Absent

COMMISSION PERSONNEL:

Juan A. Ruiz, Esquire, Commission Counsel
Ray Michalowski, Esquire, Senior Prosecutor
Timothy A. Fritsch, Esquire, Commission Prosecutor
Krista Linsenbach, Commission Administrator

Andrew LaFratte, MPA, Policy Office, Department of
State
Theodore Stauffer, Executive Assistant, Bureau of
Professional and Occupational Affairs

ALSO PRESENT:

Michael McGee, CEO PA Association of Realtors
Christopher Raad, President-Elect, PA Association of
Realtors
Eleanor Weber, M.Ed., Polley Associates School of
Real Estate
Katelin Lambert, PA Insurance Department
Lauren McMillan, CE Shop
Wayne Crawford, Public Policy Manager, PA Association
of Realtors
Edward Michael Hoadley

1 State Real Estate Commission

2 October 6, 2020

3 *****

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:00 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, October 6,
14 2020. Anne M. Rubin, Chair, Industry Member,
15 officially called the meeting to order at 10:33 a.m.

16 ***

17 [Juan Ruiz, Esquire, Commission Counsel, stated the
18 meeting was being recorded, and that anyone
19 participating in the meeting would be giving consent
20 to being recorded.]

21 ***

22 Roll Call

23 [Roll call was taken.]

24 ***

25 Introduction of Audience Members

1 [Theodore Stauffer, Executive Assistant, Bureau of
2 Professional and Occupational Affairs, introduced
3 audience members in attendance.]

4

5 Approval of Minutes of the August 25, 2020 meeting

6 CHAIR RUBIN:

7

8

I'm looking for an approval of the draft
minutes from August 25, 2020.

9 MR. SEEBECK:

10

I make a motion.

11

MR. MCGETTIGAN:

12

Second.

13

CHAIR RUBIN:

14

Any discussion? All in favor? Any
opposed?

15

16 [The motion carried unanimously.]

17

18 Report of Prosecutorial Division

19

[Timothy Fritsch, Esquire, Commission Prosecutor,

20

presented a Consent Agreement for File Nos. 20-56-

21

02877 and 20-56-008025.]

22

23

24

[Ray Michalowski, Esquire, Senior Prosecutor, thanked

25

Commission members for the opportunity to serve as its

1 real estate liaison for the last ten years. Mr.
2 Michalowski noted he would continue to serve as
3 liaison for a number of other Boards and will continue
4 to attend Real Estate Commission meetings, but Timothy
5 Fritsch, Esquire, will be Commission Prosecution
6 Liaison starting with the next meeting.]

7 ***

8 Report of Commission Counsel
9 [Juan A. Ruiz, Esquire, Commission Counsel, noted two
10 Proposed Adjudications and Orders, a Final
11 Adjudication and Order, Motion to Enter Default, a
12 Petition for Reconsideration were discussed during
13 Executive Session prior to the start of the meeting.

14 Mr. Ruiz noted the Act 53 List of Offenses that
15 he and Mr. Michalowski had worked on together and a
16 Real Estate ITS Blanket Delegation Order were on the
17 agenda for consideration.

18 Mr. Ruiz stated a formal meeting with the
19 Commissioner will be held at next month's Commission
20 meeting which stakeholders will be invited to attend.
21 He explained the ITS Blanket Delegation is regarding
22 the immediate temporary suspension hearing, which
23 delegates that automatically to the hearing examiner.]

24 MR. RUIZ:

25 Is there a motion to approve the ITS

1 Blanket Delegation Order?

2 MR. FERRARA:

3 So moved.

4 MR. MCGETTIGAN:

5 Second.

6 CHAIR RUBIN:

7 Any further questions? All in favor?

8 Opposed?

9 [The motion carried unanimously.]

10 ***

11 Report of Commission Chair

12 [Anne M. Rubin, Chair, Industry Member, commented that
13 technology has gotten a little bit better each time
14 and commended Mr. Stauffer for his assistance.]

15 ***

16 Report of Commissioner - No Report

17 ***

18 Report of Commission Administrator

19 [Krista Linsenbach, Commission Administrator,
20 education provider renewals opened up and are going
21 well. She noted that approximately 30 percent have
22 responded and that renewals should be wrapping up
23 before the next meeting.

24 She indicated that staff is working overtime on
25 the large number of reactivations received, that large

1 volumes of emails, phone calls and voice mails are
2 being worked through as quickly as possible.]

3 ***

4 Report of Committees

5 Education/Examination

6 MR. FERRARA:

7 I move that we preliminarily deny Martin
8 Bershtein for broker exam based on
9 experience not being sufficient for the
10 request. Is there a second?

11 MR. TARANTINO:

12 Second.

13 CHAIR RUBIN:

14 Any questions? All in favor? Opposed?

15 [The motion carried unanimously.]

16 ***

17 MR. FERRARA:

18 Motion to approve the following courses:
19 Dealing with Difficult Properties; JMans
20 Tech Tools; Mandatory CE Diversity in
21 Real Estate.

22 MR. MCGETTIGAN:

23 Second.

24 CHAIR RUBIN:

25 Questions or discussion? All in favor?

1 Opposed?

2 [The motion carried unanimously.]

3 ***

4 MR. FERRARA:

5 I make a motion to deny the CE course
6 Elective marketing Strategy and Lead
7 Generation which is more for personal
8 enhancement and not for consumer help.

9 MR. SEEBECK:

10 Second.

11 CHAIR RUBIN:

12 Questions or discussion? All in favor?

13 Opposed?

14 [The motion carried unanimously.]

15 ***

16 MR. FERRARA:

17 I make a motion to preliminarily deny
18 the Application for Real Estate
19 Salesperson License for Sean Thomas
20 Hofmann, that he needs to take a 75-hour
21 coursework as his college coursework
22 does not apply.

23 MR. MCGETTIGAN:

24 Second.

25 CHAIR RUBIN:

1 Any questions or discussion? All in
2 favor? Opposed?

3 [The motion carried unanimously.]

4 ***

5 MOTIONS

6 MR. RUIZ:

7 Is there a motion to deny the Consent
8 Agreement for File Nos. 20-56-02877 and
9 20-56-008025 as being too lenient?

10 MR. SEEBECK:

11 So moved.

12 MR. FERRARA:

13 Second.

14 CHAIR RUBIN:

15 Any discussion? All in favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 MR. RUIZ:

19 Is there a motion to approve the
20 Proposed Adjudication and Order in the
21 case of Commonwealth of Pennsylvania,
22 Bureau of Professional and Occupational
23 Affairs vs. Rebecca Acosta, File No. 18-
24 56-005066?

25 MR. TARANTINO:

1 So moved.

2 MR. MCGETTIGAN:

3 Second.

4 CHAIR RUBIN:

5 Questions? All in favor? Opposed?

6 [The motion carried unanimously.]

7 ***

8 MR. RUIZ:

9 Is there a motion to direct Counsel to
10 draft a Final Adjudication and Order in
11 the case of Grayskye Property
12 Management/Sonya Bolling, File Nos. 18-
13 56-03027 and 18-56-007912 consistent
14 with discussion in Executive Session?

15 MR. FERRARA:

16 So moved.

17 CHAIR RUBIN:

18 Second?

19 MR. SEEBECK:

20 Second.

21 CHAIR RUBIN:

22 Discussion or questions? All in favor?

23 Opposed?

24 [The motion carried unanimously.]

25 ***

1 MR. RUIZ:

2 Is there a motion to adopt a Final
3 Adjudication and Order in the case
4 Commonwealth of Pennsylvania, Bureau of
5 Professional and Occupational Affairs
6 vs. Victor Rozier, File No. 17-56-
7 011918?

8 MR. MCGETTIGAN:

9 So moved.

10 CHAIR RUBIN:

11 Second?

12 MR. TARANTINO:

13 Second.

14 CHAIR RUBIN:

15 Discussion or questions? All in favor?
16 Opposed?

17 [The motion carried unanimously.]

18 ***

19 MR. RUIZ:

20 Is there a motion to grant the Motion to
21 Enter Default and Deem Facts Admitted in
22 the case of Commonwealth of
23 Pennsylvania, Bureau of Professional and
24 Occupational Affairs vs. Angel Mercado,
25 File No. 19-56-008356?

1 MR. FERRARA:

2 So moved.

3 CHAIR RUBIN:

4 Second?

5 MR. MCGETTIGAN:

6 Second.

7 CHAIR RUBIN:

8 Questions? All in favor? Opposed?

9 [The motion carried unanimously.]

10 ***

11 MR. RUIZ:

12 Is there a motion to vacate the Final
13 Adjudication and Order in the case
14 Commonwealth of Pennsylvania, Bureau of
15 Professional and Occupational Affairs
16 vs. Vasili Barbounis, File No. 15-56-
17 01661?

18 MR. SEEBECK:

19 So moved.

20 CHAIR RUBIN:

21 Second?

22 MR. FERRARA:

23 Second.

24 CHAIR RUBIN:

25 Questions? All in favor? Opposed?

1 [The motion carried unanimously.]

2 ***

3 MR. RUIZ:

4 Is there a motion to deny the waiver
5 request for the applicant, Edward
6 Michael Hoadley?

7 MR. TARANTINO:

8 So moved.

9 MR. FERRARA:

10 Second.

11 CHAIR RUBIN:

12 Any discussion or questions? All in
13 favor? Opposed?

14 [The motion carried unanimously.]

15 ***

16 Miscellaneous

17 2020 Meeting Dates

18 CHAIR RUBIN:

19 We need a motion to approve our 2021
20 meeting dates.

21 MR. FERRARA:

22 So moved.

23 CHAIR RUBIN:

24 Can I have a second?

25 MR. MCGETTIGAN:

1 Second.

2 CHAIR RUBIN:

3 Any questions or further discussion?

4 All in favor with the dates as proposed?

5 Opposed?

6 [The motion carried unanimously. The dates were read
7 into the record as follows: Wednesday, January 13,
8 2021; Thursday, February 18, 2021; Wednesday, April 7,
9 2021; Wednesday, May 19, 2021; Tuesday, June 29, 2021;
10 Tuesday, August 17, 2021; Thursday, September 23,
11 2021; Wednesday, November 3, 2021; and Friday,
12 December 10, 2021. Chair Rubin noted an extra meeting
13 date was included.]

14 ***

15 Old/New Business

16 [Christopher Raad, President-Elect, PA Association of
17 Realtors, had comments regarding the licensure process
18 which closed at the end of August. He indicated
19 ongoing calls and social media posts had been received
20 at PAR from members having difficulties renewing their
21 licenses and some not being able to complete the
22 renewal process. Mr. Raad noted the largest volume of
23 calls were regarding frustrations about the PALS
24 system, and the inability to learn how the
25 reactivation process works and those who could not

1 renew were reminded that they cannot practice real
2 estate without the active license.

3 Mr. Raad requested further discussion regarding
4 the reactivation process and what the timeframe for
5 the process would be moving forward and asked that the
6 Commission consider changes to the PALS system. He
7 referred to the PAR as "first responders" to member
8 inquiries.

9 Chair Rubin noted on behalf of the Commission
10 that it appreciates that PAR is the first responder.
11 She indicated that renewal issues are really agent
12 error and not PALS or Commission error, that
13 information was sent out early in the year regarding
14 the matter but individuals may have waited until the
15 last minute to respond.

16 Krista Linsenbach, Commission Administrator,
17 explained that receipt of an application is considered
18 to be an application that includes the correct fee.
19 She indicated that the application will be updated to
20 clarify that the late fee is if you practice after a
21 license has expired and not simply because a license
22 has expired, that fees will not be accepted unless the
23 application is correct. Ms. Linsenbach noted that
24 generally speaking the processing time for all
25 applications is approximately four weeks but staff is

1 working overtime and concentrating on reactivations.]

2

3 [Eleanor Weber, M.Ed., Polley Associates School of
4 Real Estate, offered comments regarding the wide
5 streaming classes and how the Commission stood on the
6 possibility moving forward. The Commission was asked
7 to consider an updated wide streaming waiver or an
8 amendment to the current waiver to try to provide
9 students with continuity or a buffer period or grace
10 period to wrap up live streaming programs during this
11 COVID crisis.

12 Mr. Ruiz stated he would send the question up the
13 chain about amending the waiver to put an extra buffer
14 in there that once the declaration ends they would be
15 able to continue to work.]

16

17 [Edward Michael Hoadley, the waiver request at Item
18 No. 11 on the agenda, noted his correspondence of
19 September 11, 2020, was not a request for a waiver,
20 but a request for communication. He asked for
21 clarification regarding the Commission's decision.

22 Mr. Ruiz indicated he would have a discussion
23 with Mr. Hoadley after the meeting is ended and asked
24 for his contact information.]

25

1 [Michael McGee, CEO, PA Association of Realtors,
2 requested clarification regarding the Commission's
3 interpretation or prior regulations for approving
4 distance learning outside of the whole labor process
5 and whether the Commission would consider the process
6 currently used as the standard moving forward or would
7 regs need to be amended in order to do that.

8 Chair Rubin noted rules and regs are currently
9 being updated and that permanent ways that classes can
10 be delivered are being reviewed.]

11 ***

12 Other

13 Election of Officers for 2021

14 MR. TARANTINO:

15 I make a motion to nominate Joe
16 McGettigan for Chairman for 2021.

17 MR. JOHNSON:

18 Second.

19 CHAIR RUBIN:

20 Any questions or discussion?

21 MR. JOHNSON:

22 I move that nominations be closed.

23 MR. SEEBECK:

24 Second.

25 CHAIR RUBIN:

1 We're closing nominations for Chair for
2 2021. All in favor? Opposed?

3 [The motion carried unanimously.]

4 ***

5 CHAIR RUBIN:

6 Any other nominations for the 2021
7 Election?

8 MR. JOHNSON:

9 I nominate Armand Ferrara for Vice
10 Chairman.

11 MR. MCGETTIGAN:

12 Second.

13 CHAIR RUBIN:

14 Any questions or discussion?

15 MR. JOHNSON:

16 I move nominations be closed.

17 MR. TARANTINO:

18 Second.

19 CHAIR RUBIN:

20 All in favor of Armand Ferrara for Vice
21 Chairman? Opposed?

22 [The motion carried unanimously.]

23 ***

24 CHAIR RUBIN:

25 Are there any other nominations for the

1 2021 Election?

2 MR. FERRARA:

3 I nominate Joe Tarantino for Secretary.

4 MR. SEEBECK:

5 Second.

6 CHAIR RUBIN:

7 Any questions or discussion?

8 MR. JOHNSON:

9 I move nominations be closed.

10 MR. SEEBECK:

11 Second.

12 CHAIR RUBIN:

13 All in favor? Opposed?

14 [The motion carried unanimously.]

15 ***

16 [Mr. Johnson requested Ray Sheppard's telephone
17 number. Mr. Stauffer stated he would reach out and
18 make sure Mr. Johnson receives that information.]

19 ***

20 [Mr. Tarantino asked if the calendar should be
21 reviewed at the next meeting for Pittsburgh and
22 Philadelphia dates in anticipation of nonvirtual
23 meetings next year. Mr. Ruiz agreed that those should
24 be discussed.]

25 ***

1 [Mr. Johnson congratulated new officers Joe
2 McGettigan, Armand Ferrara and Joseph Tarantino. He
3 also thanked Anne Rubin for her service as Commission
4 Chair.]

5 ***

6 Adjournment

7 CHAIR RUBIN:

8 I'm looking for a motion to adjourn?

9 MR. SEEBECK:

10 Motion to adjourn.

11 CHAIR RUBIN:

12 Second?

13 MR. JOHNSON:

14 Second.

15 CHAIR RUBIN:

16 All in favor? Opposed?

17 [The motion carried unanimously.]

18 ***

19 [There being no further business, the State Real
20 Estate Commission Meeting adjourned at 11:23 a.m.]

21 ***

22

23

24

25

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

CERTIFICATE

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

October 6, 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/Introduction of Audience Members
10:38	Approval of Minutes
10:38	Report of Prosecutorial Division
10:45	Report of Commission Counsel
10:48	Report of Commission Chair
10:49	Report of Commission Administrator
10:51	Report of Committees
11:02	Motions
11:15	Miscellaneous
11:18	Old/New Business
11:20	Other
11:23	Adjournment