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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.

11 Stanwix Street

Room 250

Pittsburgh, PA 15222

Tuesday, October 17, 2017

1 State Real Estate Commission
2 October 17, 2017

3
4 COMMISSION MEMBERS:

5
6 Armand Ferrara, Chair, Industry Member
7 Ian J. Harlow, Commissioner of Professional
8 and Occupational Affairs - Absent
9 Alexis L. Barbieri, Esquire, Vice Chair, Public Member
10 Sara Manzano-Diaz, Executive Deputy Attorney General
11 Annie Hanna Cestra, Industry Member - Absent
12 Anne Rubin, Industry Member
13 Vince Galko, Public Member - Absent
14 Joseph Tarantino, Industry Member
15 Joseph McGettigan, Industry Member
16 Edward L. Seebeck, Secretary, Cemetery Member - Absent
17

18
19 COMMISSION PERSONNEL:

20
21 Juan A. Ruiz, Esquire, Commission Counsel
22 Ray Michalowski, Esquire, Senior Commission
23 Prosecution Liaison
24 Krista Linsenbach, Commission Administrator
25

26
27 MEMBERS OF THE PUBLIC

28
29 James P. Sommers, Esquire, Counsel for Respondent,
30 Thomas J. Pfeifer
31 Jennifer Shockley, PA Realtors
32 P. J. Monella, PA Realtors
33 Veronica Cardello, PA Realtors
34 Jim Skindzier, President, Career Growth Real Estate
35 Academy
36 Mary Lynne Deets, Achieve Realty
37 Dawn Parasolick, Realtors Association of Metropolitan
38 Pittsburgh
39 Chris Murphy, Real Estate Agent, Cranberry Township
40 Jennifer A. Thomson, Esquire, Office of Attorney
41 General
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1 ***

2 State Real Estate Commission

3 October 17, 2017

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Tuesday, October 17,
7 2017. Armand Ferrara, Chair, Industry Member,
8 officially called the meeting to order at 11:00 a.m.
9 A roll call was taken.

10 ***

11 Introduction of Audience

12 [Chairman Ferrara requested the introduction of
13 audience members.]

14 ***

15 Pledge of Allegiance

16 [The Pledge of Allegiance was recited.]

17 ***

18 Approval of Minutes of the September 6, 2017 meeting.

19 CHAIRMAN FERRARA:

20 We need approval of our September 6,
21 2017 draft Minutes.

22 MR. MCGETTIGAN:

23 So moved.

24 MS. BARBIERI:

25 Second.

1 CHAIRMAN FERRARA:

2 All in favor? Opposed? Thank you.

3 [The motion carried unanimously.]

4 ***

5 Report of Prosecutorial Division

6 [Ray Michalowski, Esquire, Commission Prosecution
7 Liaison, on behalf of Timothy Fritsch, Esquire,
8 presented the Consent Agreement for File No. 13-56-
9 02476. James P. Sommers, Esquire, Counsel for
10 Respondent, was also present and answered questions
11 from Commission members.]

12 ***

13 [Ray Michalowski, Esquire, Commission Prosecution
14 Liaison, on behalf of Timothy Fritsch, Esquire,
15 presented the Consent Agreements for File No. 14-56-
16 12685, File No. 17-56-01990, and File No. 15-56-
17 05010.]

18 ***

19 [Ray Michalowski, Esquire, Commission Prosecution
20 Liaison, on behalf of Timothy Smith, Esquire,
21 presented the Consent Agreement for File No. 15-56-
22 06700.]

23 ***

24 Report of Commission Counsel

25 [Juan Ruiz, Esquire, Commission Counsel, noted two

1 proposed Adjudications and Orders and a Motion to
2 Enter Default and Deem Facts Admitted for discussion
3 during Executive Session.

4 Mr. Ruiz informed the Commission that Senate
5 Resolution 187 designated September as Realtor Safety
6 Month.]

7 ***

8 Report of the Commission Chairperson
9 [Armand Ferrara, Chair, Industry member, Commission
10 Chairperson, reported the Rules and Regulations
11 Committee did not meet this month.]

12 ***

13 Report of Commissioner - No Report

14 ***

15 Report of Commission Administrator
16 [Krista Linsenbach, Commission Administrator, noted a
17 waiver for discussion during Executive Session.

18 She informed the Commission of about the number
19 of failed continuing education audits, which is a 5
20 percent failure rate.]

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 11:18 a.m. the Commission entered into Executive
24 Session with Juan A. Ruiz, Esquire, for the purpose of
25 conducting quasi-judicial deliberations and to receive

1 advice of Counsel. The Commission returned to open
2 session at 2:00 p.m.]

3 ***

4 MOTIONS

5 MR. RUIZ:

6 The Commission was just in Executive
7 Session conducting quasi-judicial
8 deliberations on a number of matters
9 currently pending before the
10 Commission.

11 Is there a motion to accept the
12 Consent Agreements at File Nos. 13-56-
13 02476, 14-56-12685, 17-56-01990, 15-56-
14 05010, and 15-56-06384?

15 MR. MCGETTIGAN:

16 So moved.

17 MS. BARBIERI:

18 Second.

19 CHAIRMAN FERRARA:

20 All in favor? Opposed? Thank you.

21 [The motion carried unanimously. The Respondent's
22 name for File No. 13-56-02476 is Thomas J. Pfeifer.

23 The Respondent's name for File No. 14-56-12685 is

24 Haibo Wang. The Respondent's name for File No. 17-56-
25 01990 is Stephen Lecco. The Respondent's name for

1 File Nos. 15-56-05010 and 15-56-06384 is Roderick L.
2 Foxworth, Jr.]

3 ***

4 MR. RUIZ:

5 Is there a motion to deny the Consent
6 Agreement as being too lenient on File
7 No. 15-56-06700?

8 MR. TARANTINO:

9 So moved.

10 MS. BARBIERI:

11 Second.

12 CHAIRMAN FERRARA:

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

15 [The motion carried unanimously.]

16 ***

17 MR. RUIZ:

18 Is there a motion to direct Commission
19 Counsel to draft final Adjudications
20 and Orders in the cases of Brian S.
21 Collins at File No. 15-56-06991 and
22 George A. Semian, File No. 11-56-08385?

23 MS. BARBIERI:

24 So moved.

25 MR. MCGETTIGAN:

1 Second.

2 CHAIRMAN FERRARA:

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

5 [The motion carried unanimously.]

6 ***

7 MR. RUIZ:

8 Is there a motion to grant the Motion
9 to Enter Default and Deem Facts
10 Admitted in the case of Thomas S.
11 Pedersen, File No. 14-56-11133?

12 MR. TARANTINO:

13 So moved.

14 MR. MCGETTIGAN:

15 Second.

16 CHAIRMAN FERRARA:

17 We have a motion and a second. All in
18 favor? Opposed? Thank you.

19 [The motion carried unanimously.]

20 ***

21 MR. RUIZ:

22 Is there a motion to grant the waiver
23 of the broker recommendation for Justin
24 Scott Nobles?

25 MS. RUBIN:

1 So moved.

2 MS. BARBIERI:

3 Second.

4 CHAIRMAN FERRARA:

5 We have a motion and a second. All in
6 favor? Opposed? Thank you.

7 [The motion carried unanimously.]

8 ***

9 Report of Committees

10 Education/Examination Committee

11 [Alexis L. Barbieri, Esquire, Vice Chair, Industry
12 Member, made a motion granting approval for Eric
13 Marshall to be able to take the broker exam.]

14 MR. MCGETTIGAN:

15 Second.

16 CHAIRMAN FERRARA:

17 We have a motion and a second. All in
18 favor? Opposed? Thank you.

19 [The motion carried unanimously.]

20 ***

21 MS. BARBIERI:

22 In the matter of Mark Anderson, who has
23 resubmitted a request to be able to sit
24 for the broker's exam, I make a motion
25 that he be provisionally denied.

1 MS. RUBIN:

2 Second.

3 CHAIRMAN FERRARA:

4 We have a motion and a second. All in
5 favor? Opposed? Thank you.

6 [The motion carried unanimously.]

7 ***

8 MS. BARBIERI:

9 In the request of Thomas Larry McCreary
10 Jr. to sit for the broker's exam, I
11 make a motion that he be preliminarily
12 denied.

13 MR. TARANTINO:

14 Second.

15 CHAIRMAN FERRARA:

16 We have a motion and a second. All in
17 favor? Opposed? Thank you.

18 [The motion carried unanimously.]

19 ***

20 Enforcement Committee

21 MR. TARANTINO:

22 I'd like to make a motion that we
23 approve, without restrictions, the
24 application of Bruno N. Bonanotte.

25 MR. MCGETTIGAN:

1 Second.

2 CHAIRMAN FERRARA:

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

5 [The motion carried unanimously.]

6 ***

7 MR. TARANTINO:

8 I'd like to make a motion that we
9 approve the following and place their
10 license on probation through their
11 criminal probation and/or payment of
12 restitution: Monica McFadden, Illya
13 Vogel, Johnathan Reddick, and Luke
14 Patrick Hudson.

15 MR. MCGETTIGAN:

16 Second.

17 CHAIRMAN FERRARA:

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

20 [The motion carried unanimously.]

21 ***

22 MR. TARANTINO:

23 I'd like to make a motion that the
24 following people have no barrier
25 towards licensure: Lee Garell, Myles

1 Ryan Mazzanti, and Courtney A. Carey.

2 MR. MCGETTIGAN:

3 Second.

4 CHAIRMAN FERRARA:

5 We have a motion and a second. All in
6 favor? Opposed? Thank you.

7 [The motion carried unanimously.]

8 ***

9 MR. TARANTINO:

10 I'd like to make a motion that we
11 preliminarily deny the applications of
12 Justin Louis Weber and Christine Nicole
13 Hofstaedter.

14 MR. MCGETTIGAN:

15 Second.

16 CHAIRMAN FERRARA:

17 We have a motion and a second. All in
18 favor? Opposed? Thank you.

19 [The motion carried unanimously.]

20 ***

21 Public Session

22 [Chairman Ferrara requested the introduction of
23 audience members.]

24 ***

25 [Jim Skindzier, President, Career Growth Real Estate

1 Academy thanked the Real Estate Commission for actions
2 taken in the past year regarding success of the three-
3 hour mandatory content requirement. He suggested that
4 in this area of political divisiveness the Commission
5 might want to consider developing requirements and
6 content on the relationship between the Pennsylvania
7 Human Relations Act (PHRA) and the Real Estate
8 Commission with regards to discriminatory conduct. He
9 stated a licensee taking either of the seven-hour
10 mandatory topics for new licensees would also satisfy
11 the Commission's three-hour content based on a letter
12 sent to him by Ms. Linsenbach.

13 Mr. Skindzier noted that the Real Estate
14 Licensing and Registration Act (RELRA) Section
15 604(a)(22) incorporates the Human Relations Act into a
16 license law related to conduct and the manner in which
17 complaints can be handled. He noted that real estate
18 licensees can be prosecuted for breaking two separate
19 laws and be prosecuted by two different agencies, the
20 Pennsylvania Human Relations Commission and the Real
21 Estate Commission.

22 He also mentioned Fair Housing and Equal
23 Opportunity as a topic for licensees.]

24

25 [Chris Murphy, Pittsburgh area realtor, was requested

1 by John Petrack from the Realtors Association of
2 Metropolitan Pittsburgh to speak regarding teams. Mr.
3 Murphy introduced himself as the broker of record for
4 RE/MAX Select Realty with eight offices in Western
5 Pennsylvania.

6 He discussed the Pennsylvania Association of
7 Realtors recommendation from Teams Presidential
8 Advisory Group for further discussion regarding teams
9 not registering team names with the Real Estate
10 Commission.

11 Mr. Murphy noted the challenge from a brokerage
12 standpoint with managing and reviewing advertisement
13 and social media. He suggested there be additional
14 communication from the Real Estate Commission.

15 He stated high-end real estate seems to be
16 slowing with more inventory, and middle to low-end
17 real estates have been consistently strong in Western
18 Pennsylvania.

19 Mr. Murphy explained internal policies, rules,
20 independent contractors and management of teams.

21 Mr. McGettigan noted PAR's recommendations were
22 recently received and further noted that promulgation
23 of regulations was probably two years away. He
24 suggested doing away with the guidelines and passing a
25 law and regulation to handle the matter properly and

1 consistently. Mr. Murphy stated the recommendations
2 as given by PAR regarding brokers were accurate.]

3

4 [Mary Lynne Deets, Achieve Realty, introduced Dawn
5 Parasolick, Realtors Association of Metropolitan
6 Pittsburgh. Ms. Deets discussed the timely manner of
7 sales agreements, advertising and problematic agents
8 and complaints. Ms. Rubin has in the past turned
9 individuals in for noncompliance.]

10

11 [Mr. Skindzier stated an extensive amount of time was
12 spent on the disciplinary complaint process during the
13 three and a half hour course offered. He questioned
14 the discretion of an attorney to either proceed to the
15 Commission with a matter or recommend resolution and
16 whether or not the Commission received a report in
17 terms of number of complaints, the resolution of those
18 complaints, the number that are dismissed, and the
19 number resolved by C&O as opposed to A&O.

20

21 Mr. Michalowski explained the prosecutorial
22 process and proceedings, such as an Order to Show
23 Cause or Citation. He explained Consent Agreements
24 are settlements between prosecution and respondents,
25 and approved by the Commission. Mr. Michalowski
commented that Commission Prosecution handles 13,000

1 to 14,000 complaints a year for all state licensing
2 Boards, including discipline categories, ramifications
3 and citations. He also discussed consumer complaints
4 and violations.

5 Mr. McGettigan noted the public was given an
6 opportunity at each Commission meeting to comment or
7 ask questions or inquire about a complaint that was
8 filed.

9 Mr. Ruiz discussed reciprocal licensure with
10 regard to education compliance.]

11 ***

12 [Krista Linsenbach, Commission Administrator,
13 addressed the West Virginia reciprocal licensure
14 issue. Additional information will soon be available
15 on the Commission's website.

16 Ms. Linsenbach also discussed CE out-of-state
17 licensure course work approval. She will consult with
18 Counsel to determine whether course work brought
19 before the Commission was equivalent or if the matter
20 could be reviewed and approved administratively after
21 the CE was already taken. She indicated that none of
22 the reciprocal licensees have to do the mandatory
23 topic. The licensee must maintain their active
24 license in the state where they hold the equivalent of
25 standard.]

1 ***

2 [The Commission recessed from 3:14 p.m. until 3:25
3 p.m.]

4 ***

5 Other

6 2018 Officer Elections

7 MR. TARANTINO:

8 I'll make a motion that we nominate
9 Alexis Barbieri for Chairperson in
10 2018.

11 MS. RUBIN:

12 Second.

13 CHAIRMAN FERRARA:

14 We have a motion and a second. All in
15 favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 MS. BARBIERI:

19 I would like to nominate Joseph
20 Tarantino to be Vice Chair.

21 MR. MCGETTIGAN:

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.]

2 ***

3 MR. TARANTINO:

4 I would like to nominate Anne Rubin for
5 Secretary.

6 MS. BARBIERI:

7 Second.

8 CHAIRMAN FERRARA:

9 We have a motion and a second. All in
10 favor? Opposed?

11 [The motion carried unanimously.]

12 ***

13 [It was noted that a letter from PAR dated October 5,
14 2017, regarding teams will be discussed at the next
15 scheduled meeting.]

16 ***

17 Adjournment

18 [There being no further business, the State Real
19 Estate Commission meeting adjourned at 3:31 p.m.]

20 ***

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23

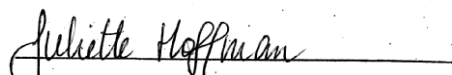
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CERTIFICATE

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.



Juliette J. Hoffman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE REAL ESTATE COMMISSION
REFERENCE INDEX
October 17, 2017

	TIME	AGENDA
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2		
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5		
6		
7	11:00	Official Call to Order
8		
9	11:01	Roll Call
10		
11	11:02	Pledge of Allegiance
12		
13	11:02	Approval of Minutes
14		
15	11:03	Report of Prosecutorial Division
16		
17	11:15	Report of Commission Counsel
18		
19	11:16	Report of Commission Chairperson
20		
21	11:16	Report of Commission Administrator
22		
23	11:18	Executive Session/Lunch
24	2:00	Return to Open Session
25		
26	2:00	Motions
27		
28	2:14	Public Session
29		
30	3:14	Recess
31	3:25	Return to Open Session
32		
33	3:25	2018 Officer Elections
34		
35	3:31	Adjournment
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