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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: 11:04 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

October 20, 2022

State Real Estate Commission
October 20, 2022

COMMISSION MEMBERS:

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

COMMISSION PERSONNEL:

Carole Clarke Smith, Esquire, Senior Commission Counsel
Shawn J. Jayman, Esquire, Commission Counsel
Timothy A. Fritsch, Esquire, Commission Prosecution Liaison
Caroline A. Bailey, Esquire, Commission Prosecutor
Alice Glasser, Esquire, Commission Prosecutor
Krista Linsenbach, Commission Administrator
Andrew LaFratte, MPA, Executive Policy Specialist, Department of State
Jessica Zukoski, Law Clerk, Department of State

ALSO PRESENT:

Nicole Sidle, Republican Executive Director, House Professional Licensure Committee
Emme Reiser, Political Programs Manager, Pennsylvania Association of Realtors
Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
Lisa Aaron, Professional Standards & Education Manager, Pennsylvania Association of Realtors
Marus Huertas, Advocacy Manager, Pennsylvania Association of Realtors
Christopher Beadling, President, Pennsylvania Association of Realtors

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State Real Estate Commission
October 20, 2022

ALSO PRESENT: (cont.)

Michael McGee, CAE, RCE, Chief Executive Officer,
Pennsylvania Association of Realtors
Henry (Hank) Lerner, Esquire, Chief Legal Officer,
Pennsylvania Association of Realtors
Kurt Miller, Director of Risk Management, Berkshire
Hathaway HomeServices Fox & Roach Realtors
Kathryn Witherow

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State Real Estate Commission

4

October 20, 2022

5

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 9:00 a.m. the Commission entered into Executive
8 Session with Shawn J. Jayman, 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 11:00 a.m.]

13

14 The regularly scheduled meeting of the State Real
15 Estate Commission was held on Thursday, October 20,
16 2022. Armand Ferrara Jr., Chair, Industry Member,
17 officially called the meeting to order at 11:04 a.m.

18

19 Roll Call

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

22

23 Introduction of Attendees

24 [Krista Linsenbach, Commission Administrator,
25 provided an introduction of attendees.]

1 ***

2 Pledge of Allegiance

3 [The Pledge of Allegiance was recited.]

4 ***

5 [Shawn J. Jayman, Esquire, Commission Counsel,
6 reminded everyone that the meeting was being recorded
7 and voluntary participation constituted consent to be
8 recorded.]

9 Mr. Jayman also noted the Commission entered into
10 Executive Session for the purpose of conducting
11 quasi-judicial deliberations on a number matters
12 currently pending before the Commission and to seek
13 the advice of counsel.]

14 ***

15 Approval of minutes of the September 22, 2022 meeting

16 MR. JAYMAN:

17 I believe the chair would entertain a
18 motion to amend minutes to reflect that
19 Nicole VanOrder is not the prosecution
20 liaison as noted, but rather, the title
21 is Commission prosecutor.

22 MR. MCGETTIGAN:

23 So moved.

24 MR. PICCIRILLI:

25 Second.

1 MS. LINSENBACH:

2 Roll call vote.

3

4 Armand Ferrara, aye; Joseph Tarantino,

5 aye; Jeffery Johnson, aye; Joseph

6 McGettigan, aye; Heather Kelly, aye;

7 Gaetano Piccirilli, aye; Arion

8 Claggett, abstain.

9 [The motion carried. Arion Claggett abstained from
10 voting on the motion.]

11

12 Report of Prosecutorial Division

13 [Timothy A. Fritsch, Esquire, Commission Prosecution

14 Liaison, on behalf of Alice Glasser, Esquire,

15 Commission Prosecutor, presented the Consent

16 Agreement for Case Nos. 21-56-013895, 21-56-013896,

17 22-56-010129, & 22-56-010148.

18 Mr. Fritsch noted Case No. 19-56-00360 was placed
19 on the agenda in error and was withdrawn.]

20 MR. JAYMAN:

21 Based on prosecution's presentation,
22 does any member of the Commission wish
23 to go back into Executive Session for
24 further discussion? Hearing none.

25

Based on Executive Session

1 deliberations, I believe the chair
2 would entertain a motion to approve the
3 Consent Agreement at Case Nos. 21-56-
4 013895, 21-56-013896, 22-56-010129, &
5 22-56-010148.

6 MR. MCGETTIGAN:

7 So moved.

8 MR. PICCIRILLI:

9 Second.

10 MS. LINSENBACH:

11 Roll call vote.

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

18 [The motion carried unanimously. The Respondent's
19 names are Daniel Baer, Jennifer McClay, Marianne
20 Dillon, and Compass Pennsylvania LLC.]

21 ***

22 Report of Commission Counsel - Proposed Adjudications
23 and Orders

24 MR. JAYMAN:

25 Number 4 on the agenda. Based on

1 Executive Session deliberations, I
2 believe the chair would entertain a
3 motion to direct Commission Counsel to
4 draft a Memorandum Order addressing
5 exceptions consistent with discussions
6 in Executive Session in the matter of
7 Anthony Diaz, Case No. 16-56-08801.

8 MR. MCGETTIGAN:

9 So moved.

10 MR. PICCIRILLI:

11 Second.

12 MS. LINSENBACH:

13 Roll call vote.

14
15 Armand Ferrara, aye; Joseph Tarantino,
16 aye; Jeffery Johnson, aye; Joseph
17 McGettigan, aye; Heather Kelly, aye;
18 Gaetano Piccirilli, aye; Arion
19 Claggett, aye.

20 [The motion carried unanimously.

21 ***

22 MR. JAYMAN:

23 Regarding agenda item 5, based on
24 discussions in Executive Session, it is
25 my understanding the Commission would

1 entertain a motion tabling the matter
2 for Case Nos. 21-56-003653, 21-56-
3 004145, & Case No. 21-56-006536 of
4 Joshua Mummert, IVRON Holdings LLC, and
5 Joshua Freels.

6 MR. MCGETTIGAN:

7 So moved.

8 MR. PICCIRILLI:

9 Second.

10 MS. LINSENBACH:

11 Roll call vote.

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

18 [The motion carried unanimously.

19 ***

20 Report of Commission Counsel - Final Adjudication and
21 Order

22 MR. JAYMAN:

23 Regarding agenda item 6, based on
24 Executive Session deliberations, I
25 believe the chair would entertain a

1 motion to adopt the Final Adjudication
2 and Order in the matter of Edward Knee,
3 Case No. 17-56-03630.

4 MR. MCGETTIGAN:

5 So moved.

6 MR. PICCIRILLI:

7 Second.

8 MS. LINSENBACH:

9 Roll call vote.

10

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

16 [The motion carried unanimously.

17

18 Report of Commission Chairperson

19 [Armand Ferrara, Chair, Industry Member, announced
20 his term expired and today would be his last meeting.

21 He commented that some of the changes regarding
22 rules and regulations are finally being getting done
23 and the new faces on the Commission would have to be
24 brought up to speed. He noted being hopeful that the
25 investigation division gets the help they need to put

1 important complaints before the Commission sooner
2 than 9 to 12 months.

3 Chair Ferrara thanked Commission members who made
4 the effort to be in person for the meetings and all
5 of the committee chairs and members for their time
6 and energy spent on the committees. He also thanked
7 Ms. Linsenbach for keeping things moving smoothly and
8 the Pennsylvania Association of Realtors (PAR) for
9 showing their interest and support for the Commission
10 in protecting the consumer from harm. He stated it
11 has been a pleasure and honor to serve as their
12 chairman this year and wished everyone the best of
13 luck.]

14 ***

15 Report of Acting Commissioner - No Report

16 ***

17 Report of Commission Administrator

18 [Krista Linsenbach, Commission Administrator, stated
19 the Commission is in the middle of education provider
20 renewal. She noted there were some issues with PALS
21 and reminded everyone the education provider renewal
22 date has been extended to November 30, 2022. She
23 mentioned the information had been sent to schools
24 and was also discussed with PAR. She reported about
25 54 percent response so far to provider renewal and

1 encouraged everybody to renew as soon as possible.

2 Ms. Linsenbach informed everyone that commercial
3 property renewals would be starting on October 26 and
4 are currently set to expire on time on December 31.
5 She noted only 14 commercial property renewals.]

6

7 Report of Committees - Education/Examination

8 MR. MCGETTIGAN:

9 The Education Committee met earlier
10 this morning in an informal conference,
11 and we interviewed Joseph Savaro who
12 wishes to take the Broker Exam. His
13 information was incomplete. We sent
14 him on his way, and he is going to
15 provide the necessary point sheets to
16 the Commission and then we'll take
17 over.

18 I'll need someone to make a motion
19 that we table that.

20 MR. PICCIRILLI:

21 Motion to table the application.

22 MR. TARANTINO:

23 Second.

24 MS. LINSENBACH:

25 Roll call vote.

1

2

Armand Ferrara, aye; Joseph Tarantino,

3

aye; Jeffery Johnson, aye; Joseph

4

McGettigan, aye; Heather Kelly, aye;

5

Gaetano Piccirilli, aye; Arion

6

Claggett, aye.

7

[The motion carried unanimously.]

8

9

MR. MCGETTIGAN:

10

We also reviewed a CE course that was

11

resubmitted to us for Dirt & Bricks:

12

Land & Cost Approach Valuation. The

13

course was scheduled for 7 hours.

14

We reviewed it a second time and

15

still found it not conducive to

16

licensees or the public, and we again

17

rejected that course.

18

MR. PICCIRILLI:

19

Motion to reject the course, Dirt &

20

Bricks: Land & Cost Approach

21

Valuation.

22

MR. TARANTINO:

23

Second.

24

MS. LINSENBACH:

25

Roll call vote.

1

2

Armand Ferrara, aye; Joseph Tarantino,

3

aye; Jeffery Johnson, aye; Joseph

4

McGettigan, aye; Heather Kelly, aye;

5

Gaetano Piccirilli, aye; Arion

6

Claggett, aye.

7

[The motion carried unanimously.]

8

9

Report of Committees - Enforcement (Application

10

Reviews)

11

MR. TARANTINO:

12

We had two informal conferences and

13

several initial application reviews.

14

I'd like to make a motion that we

15

approve the following licenses with no

16

variance: Alexandra Patrone, Lorena

17

Casasola, and Ernest Mantore.

18

MR. PICCIRILLI:

19

Second.

20

MS. LINSENBACH:

21

Roll call vote.

22

23

Armand Ferrara, aye; Joseph Tarantino,

24

aye; Jeffery Johnson, aye; Joseph

25

McGettigan, aye; Heather Kelly, aye;

1 Gaetano Piccirilli, aye; Arion
2 Claggett, aye.

3 [The motion carried unanimously.]

4 ***

5 Report of Committees - Informal Conferences

6 MR. TARANTINO:

7 In the Application of Duy Quoc Nguyen,
8 we approve his Application and place
9 his license on probation through his
10 criminal probation.

11 I motion.

12 MR. PICCIRILLI:

13 Second.

14 MS. LINSENBACH:

15 Roll call vote.

16
17 Armand Ferrara, aye; Joseph Tarantino,
18 aye; Jeffery Johnson, aye; Joseph
19 McGettigan, aye; Heather Kelly, aye;
20 Gaetano Piccirilli, aye; Arion
21 Claggett, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. TARANTINO:

25 In the Application of Theong Van Le, we

1 approve his Application contingent upon
2 his showing us that all fines have been
3 paid; otherwise, his license will be
4 placed on probation.

5 MR. PICCIRILLI:

6 Second.

7 MS. LINSENBACH:

8 Roll call vote.

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

15 [The motion carried unanimously.]

16 ***

17 MR. TARANTINO:

18 The Application of Ashley Anne Knight,
19 we preliminarily deny the Application
20 and advised the applicant of her right
21 to an informal conference and let her
22 know we need a lot more information
23 from here that we did not get.

24 I motion.

25 MR. PICCIRILLI:

1 Second.

2 MS. LINSENBACH:

3 Roll call vote.

4

5 Armand Ferrara, aye; Joseph Tarantino,

6 aye; Jeffery Johnson, aye; Joseph

7 McGettigan, aye; Heather Kelly, aye;

8 Gaetano Piccirilli, aye; Arion

9 Claggett, aye.

10 [The motion carried unanimously.]

11

12 MR. TARANTINO:

13 The last Application, Angelo Francis-

14 Thomas, I make a motion to table that

15 since we do need more information from

16 the applicant.

17 MR. PICCIRILLI:

18 Second.

19 MS. LINSENBACH:

20 Roll call vote.

21

22 Armand Ferrara, aye; Joseph Tarantino,

23 aye; Jeffery Johnson, aye; Joseph

24 McGettigan, aye; Heather Kelly, aye;

25 Gaetano Piccirilli, aye; Arion

1 Claggett, aye.

2 [The motion carried unanimously.]

3 ***

4 Old/New Business

5 [Christopher Beadling, President, Pennsylvania
6 Association of Realtors, presented to the Commission
7 with issues raised by their members that PAR believed
8 clarity from the Commission and/or Bureau of
9 Professional and Occupational Affairs (BPOA) would be
10 helpful. He stated members are requesting
11 information as far as where the process stands
12 regarding post-license renewal audits and whether the
13 process is through.

14 Mr. Beadling also presented questions on behalf
15 of the real estate schools that are wondering whether
16 the bureau has a new process following the approval
17 of a continuing education course. He stated they are
18 able to determine with an online search if a course
19 has been approved but also received written
20 confirmation in the past. He also noted written
21 confirmation was received once real estate instructor
22 licenses were renewed and asked whether the written
23 confirmation process has changed.

24 Mr. Beadling requested information regarding
25 whether the Commission had a timeline for when the

1 revised regulations would be available for review.
2 He offered PAR staff and leadership team assistance
3 to keep the process moving forward.

4 Mr. Beadling thanked Chairman Ferrara personally
5 and on behalf of PAR for his service and great things
6 he has done for PAR members and the real estate
7 industry and wished him all the best.

8 Ms. Linsenbach addressed Mr. Beadling's concerns
9 regarding CE audits, stating that Commission
10 regulations allow for an audit of continuing
11 education for the renewal period with no timeline
12 outlined in the regulations.

13 Ms. Linsenbach noted there is a requirement for
14 an individual licensee to retain their continuing
15 education certificates for 4 years and provide those
16 by a certain time frame and that schools must provide
17 those for 10 years. She informed everyone that the
18 Commission reserves the right to implement an audit
19 at its discretion.

20 Ms. Linsenbach addressed approvals, stating that
21 the commonwealth is making a push toward a paper-free
22 environment and has not been providing paper approval
23 letters. She explained that schools have been asked
24 to continue to monitor their Pennsylvania Licensing
25 System (PALS) accounts to determine when they receive

1 an approval for an education provider or course,
2 instructor, or satellite location.

3 Ms. Linsenbach noted schools would continue to
4 receive the 5 by 7 pink certificate after their
5 renewal verifying their school has been renewed; but
6 individual approval for courses, satellite locations,
7 and instructors is only available online at this
8 point. She informed everyone that there are no plans
9 to go back to a paper-based mail services for
10 approval but is hopeful to have the technology in the
11 future to make it easier for people to find the
12 school, course, etc.

13 Acting Commissioner Claggett asked whether they
14 receive that approval now in an email.

15 Ms. Linsenbach stated they do not receive any
16 notification that anything has been approved but
17 would be happy to discuss that process.

18 Acting Commissioner Claggett commented that he
19 would look into sending an email.

20 Mr. Jayman addressed Mr. Beadling's question
21 regarding regulations, noting they are being
22 reviewed. He mentioned coming onboard about four
23 months ago as co-counsel and is under the current
24 understanding that somebody else will be coming
25 onboard shortly. He reported being in the process of

1 getting the broker price opinion regulation taken
2 care of first and then moving on through the
3 regulations, which would be addressed shortly.]

4 ***

5 Miscellaneous - 2023 Election of Officers

6 MR. MCGETTIGAN:

7 I'd like to make a motion that the
8 slate for 2023 be as follows: Joseph
9 Tarantino, Chairman; Gaetano
10 Piccirilli, Vice Chairman; Jeffery
11 Johnson, secretary.

12 CHAIR FERRARA:

13 Are there any other nominations?
14 Hearing none.

15 MR. PICCIRILLI:

16 Second.

17 MS. LINSENBACH:

18 Roll call vote.

19
20 Armand Ferrara, aye; Joseph Tarantino,
21 aye; Jeffery Johnson, aye; Joseph
22 McGettigan, aye; Heather Kelly, aye;
23 Gaetano Piccirilli, aye; Arion
24 Claggett, aye.

25 [The motion carried unanimously.]

1 ***

2 Miscellaneous - Meeting Dates

3 [Armand Ferrara Jr., Chair, Industry Member, noted
4 the next scheduled meeting date is December 20.]

5 ***

6 Adjournment

7 CHAIR FERRARA:

8 Motion to adjourn.

9 MR. MCGETTIGAN:

10 So moved.

11 MR. PICCIRILLI:

12 Second.

13 ***

14 [There being no further business, the State Real
15 Estate Commission Meeting adjourned at 11:34 a.m.]

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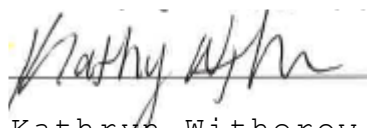
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CERTIFICATE

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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE REAL ESTATE COMMISSION
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TIME	AGENDA
9:00	Executive Session
11:00	Return to Open Session
11:04	Official Call to Order
11:05	Roll Call
11:05	Introduction of Attendees
11:08	Pledge of Allegiance
11:10	Approval of Minutes
11:10	Report of Prosecutorial Division
11:16	Report of Commission Counsel
11:19	Report of Commission Chair
11:20	Report of Commission Administrator
11:22	Report of Committees
11:23	Old/New Business
11:28	Miscellaneous
11:34	Adjournment