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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: 11:07 A.M.

BOARD ROOM B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Tuesday, October 30, 2018

1 ***

2 State Real Estate Commission

3 October 30, 2018

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Tuesday, October 30,
7 2018. Alexis L. Barbieri, Chair, Public Member,
8 officially called the meeting to order at 11:07 a.m.
9 A roll call was taken. The Pledge of Allegiance was
10 recited.

11 ***

12 Approval of Minutes of the September 26, 2018 meeting

13 CHAIR BARBIERI:

14 Do I have a motion to approve the
15 minutes?

16 MS. RUBIN:

17 So moved.

18 MR. FERRARA:

19 Second.

20 CHAIR BARBIERI:

21 All in favor? Any opposed?

22 [The motion carried unanimously.]

23 ***

24 Report of Prosecutorial Division

25 [Timothy Smith, Esquire, Prosecuting Attorney,

1 presented the Consent Agreement for File No. 16-56-
2 06469 and File No. 17-56-02230.]

3 ***

4 Report of Commission Counsel

5 [Juan A. Ruiz, Esquire, Commission Counsel, noted two
6 matters on the agenda for discussion in Executive
7 Session and a status update on an appeal.

8 Mr. Ruiz commented on the broker price opinion
9 temporary regulation. He noted helpful information
10 from the Volunteer Education Advisory Committee (VEAC)
11 concerning BPOs.]

12 ***

13 Report of Commission Chair - No Report

14 ***

15 Report of Commission Administrator

16 [Krista Linsenbach, Commission Administrator,
17 announced that education provider renewals had been
18 released with an extended completion renewal date
19 until December 31, 2018, and an October 31, 2019
20 expiration date.

21 Ms. Linsenbach also noted that promotional
22 property renewals were distributed and will expire
23 December 31, 2018.

24 Ms. Linsenbach explained the four- to six-week
25 processing time for all applications of every type.

1 Mr. McGettigan noted concerns regarding staffing
2 issues affecting new licensees who passed the exam and
3 individuals requiring a history proof to obtain
4 licensure in other states.

5 Ms. Linsenbach referred to the walk-in window for
6 processing. She noted the department to be at full
7 complement. She noted the development of an online
8 process with PALS for reactivations and changes of
9 employer.

10 Mr. McGettigan noted an unfair advantage where
11 the processing of individuals in Harrisburg and
12 Philadelphia is completed in one day compared to
13 Pittsburgh and Erie, where processing takes four to
14 six weeks. He suggested a more level playing field
15 throughout the state.

16 Mr. Tarantino noted confirmation of the Rules and
17 Regulations Meeting on December 11, 2018, at 2:00 p.m.

18 Ms. Linsenbach noted the possible meeting with
19 Professional Services Industries (PSI) on January 29,
20 2018. Mr. Ruiz advised on the need for a closed
21 session due to item bank review information being
22 confidential.

23 Ms. Rubin suggested requesting approval for an
24 extra meeting day for the rules and regulations
25 discussion. Ms. Linsenbach noted that a

1 representative from PSI would like as much time as
2 possible and it would benefit all if regulatory
3 matters were finished before the meeting.

4 Ms. Linsenbach will request another day and night
5 and inform the Commission as soon as possible.]

6

7 Public Session

8 [Todd Umbenhauer, CRB, CRS, GRI, President,
9 Pennsylvania Association of Realtors, again noted that
10 the Legislative Committee had approved the definition
11 for a "team administrator," which stipulated that an
12 individual seeking to serve in that capacity would
13 need to be a licensed salesperson with at least three
14 years of experience who completed approved courses in
15 office management and real estate law.

16 Mr. Umbenhauer commented that the Legislative
17 Committee discussed "draft team" legislation in
18 October and feedback received from the Real Estate
19 Commission. Others ultimately recommended that a team
20 administrator should be a broker or an associate
21 broker. He stated that stakeholders and members will
22 continue to be kept engaged as this moves forward.

23 Mr. Umbenhauer discussed a delay regarding first-
24 time homebuyer's savings account legislation but noted
25 Senator Mensch's positive comments for next year.]

1 ***

2 [Juan A. Ruiz, Esquire, Commission Counsel, noted a
3 formal hearing scheduled for 1:30 p.m.]

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 11:29 a.m. the Commission entered into Executive
7 Session with Juan A. Ruiz, Esquire, Commission
8 Counsel, for the purpose of conducting quasi-judicial
9 deliberations and to receive advice of Counsel. The
10 Commission returned to open session at 1:18 p.m.]

11 ***

12 MOTIONS

13 MR. RUIZ:

14 The Commission was just in Executive
15 Session conducting quasi-judicial
16 deliberations and discussing personnel
17 issues on the matters pending before the
18 Commission.

19 Is there a motion to accept the
20 Consent Agreement at File No. 16-56-
21 06469?

22 MS. RUBIN:

23 So moved.

24 MS. CESTRA:

25 Second.

1 CHAIR BARBIERI:

2 All in favor? Opposed?

3 [The motion is denied. Mr. McGettigan, Mr. Tarantino,
4 and Mr. Ferrara opposed the motion.]

5 ***

6 MR. RUIZ:

7 Is there a motion to approve the Consent
8 Agreement at File No. 17-56-02230?

9 MS. CESTRA:

10 So moved.

11 MS. RUBIN:

12 Second.

13 CHAIR BARBIERI:

14 All in favor? Opposed?

15 [The motion carried unanimously. The Respondent's
16 name is Ramon Rodriguez.]

17 ***

18 MR. RUIZ:

19 Is there a motion to grant the motions
20 to enter Default and Deem Facts Admitted
21 in the cases of Constantin M. Balouris,
22 File No. 17-56-13066; and Arthur Lee
23 Brown at File No. 17-56-13064?

24 MR. MCGETTIGAN:

25 So moved.

1 MR. FERRARA:

2 Second.

3 CHAIR BARBIERI:

4 All in favor? Opposed?

5 [The motion carried unanimously.]

6 ***

7 Education/Examination Committee

8 MS. CESTRA:

9 We have a few motions to make this
10 afternoon. First, that we conditionally
11 approve the Broker's Examination
12 Application of Therese Farrow but need
13 additional information, as the
14 experience chart needs to be filled out
15 in more detail. I make a motion.

16 MR. MCGETTIGAN:

17 Second.

18 CHAIR BARBIERI:

19 All in favor? Opposed?

20 [The motion carried unanimously.]

21 ***

22 MS. CESTRA:

23 I make the motion that we provisionally
24 deny the Request for a Broker's
25 Examination for Kevin R. Cybularz.

1 MR. FERRARA:

2 Second.

3 CHAIR BARBIERI:

4 All in favor? Opposed?

5 [The motion carried unanimously.]

6 ***

7 MS. CESTRA:

8 We have a few CE courses that we are
9 going to make the motion to approve.
10 They are Concepts in Appraising Green
11 Residential Buildings, He Who Has the
12 Money Sets the Rules, How to Avoid
13 Appraisal Review Kickback, and
14 Understanding Assessments.

15 Those are to be approved.

16 CHAIR BARBIERI:

17 Second?

18 MR. TARANTINO:

19 Second.

20 CHAIR BARBIERI:

21 All in favor? Opposed?

22 [The motion carried. Mr. McGettigan and Mr. Ferrara
23 opposed the motion.]

24 ***

25 MS. CESTRA:

1 I make the motion that we send back
2 three CE courses for specific changes in
3 titles, and they are Inspiring Success
4 with Real Estate - The Millionaire
5 Retirement Investor, Safety Pays
6 Professional Profitable Protected, and
7 Build Your Business and Reduce Risk.

8 CHAIR BARBIERI:

9 Second?

10 MR. FERRARA:

11 Second.

12 CHAIR BARBIERI:

13 All in favor? Opposed?

14 [The motion carried unanimously.]

15 ***

16 MS. CESTRA:

17 I make the motion that we are going to
18 deny the following CE courses: Up in
19 Smoke, Beyond the Velvet Rope, CRETS
20 Designing & Sustaining Successful Teams,
21 Expanding Your Global Outreach, Hybrid
22 Appraisals - Safe or Sorry, Marijuana
23 Legalization and the Real Estate
24 Industry, Reaching Hispanic and Latino
25 Homebuyers, Running Your Business in a

1 Low Inventory Market, So You Want to Run
2 a Company, Solutions to Today's Toughest
3 Listing Objections.

4 CHAIR BARBIERI:

5 Second?

6 MR. MCGETTIGAN:

7 Second.

8 CHAIR BARBIERI:

9 All in favor? Opposed?

10 [The motion carried unanimously.]

11 ***

12 MS. CESTRA:

13 I would like to make the motion to
14 approve the outline for the Broker's
15 Price Opinion 3-hour CE course and for
16 the 45-hour Real Estate Practice course.

17 MR. FERRARA:

18 Second.

19 CHAIR BARBIERI:

20 All in favor? Opposed?

21 [The motion carried unanimously.]

22 ***

23 [Anne M. Rubin, Secretary, Industry Member, commented
24 that the VEAC Committee was an incredibly bright and
25 knowledgeable group of educators. Ms. Rubin, on

1 behalf of the Commission, thanked the VEAC Committee
2 for their hard work.

3 Chair Barbieri also complimented the Committee on
4 the tremendous amount of work from the documentation
5 presented.]

6 ***
7 Enforcement (Application Review)

8 MR. TARANTINO:

9 I would like to make the motion that we
10 approve, with no restrictions, the
11 Application of Maxine Andre Foster.

12 MR. FERRARA:

13 Second.

14 CHAIR BARBIERI:

15 All in favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 MR. TARANTINO:

19 I make a motion that we approve the
20 following applications and place their
21 license on probation through criminal
22 probation and/or payment of restitution:
23 Jeremy Bradley Tolley, Brandi Lynn
24 Bellisario, and Matthew Aaron Potts.

25 MR. MCGETTIGAN:

1 Second.

2 CHAIR BARBIERI:

3 All in favor? Opposed?

4 [The motion carried unanimously.]

5 ***

6 MR. TARANTINO:

7 I make a motion that we preliminarily
8 deny the applications of David Bair and
9 Johniefin Marvin Benjamin and advise the
10 applicant of the right to an informal
11 conference.

12 MR. MCGETTIGAN:

13 Second.

14 CHAIR BARBIERI:

15 All in favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 MR. TARANTINO:

19 I make a motion that we approve, with no
20 barrier to his licensure, the
21 application of Edward Bederman.

22 MS. CESTRA:

23 Second.

24 CHAIR BARBIERI:

25 All in favor?

1 [The motion carried unanimously.]

2 ***

3 [A Formal Hearing was held from 1:35 p.m. until
4 2:11 p.m. in the Matter of the Application for a
5 Salesperson License of Daniel Luis Quinones, Case No.
6 18-56-005427.]

7 ***

8 Miscellaneous - Election of Officers for 2019

9 MR. MCGETTIGAN:

10 I nominate Joseph Tarantino the Chairman
11 of 2019.

12 MR. FERRARA:

13 I second the motion.

14 CHAIR BARBIERI:

15 Are there any other nominations? We
16 have a vote on Joseph Tarantino as
17 Commission Chair for 2019. All in
18 favor? Opposed?

19 [The motion carried unanimously.]

20 ***

21 MS. CESTRA:

22 I nominate Anne Rubin as Vice Chair.

23 MR. MCGETTIGAN:

24 Second.

25 CHAIR BARBIERI:

1 Daniel Luis Quinones.

2 Is there a motion to grant Mr.
3 Quinones his application for Licensure
4 as a Salesperson and place that license
5 on probation for no less than two years?

6 MR. MCGETTIGAN:

7 So moved.

8 MR. TARANTINO:

9 Second.

10 CHAIR BARBIERI:

11 All in favor? Opposed?

12 [The motion carried unanimously.]

13 ***

14 [Joseph Tarantino Jr., Vice Chair, Industry Member,
15 thanked the Commission for confidence in allowing him
16 to lead next year. He also thanked Chair Barbieri for
17 a great job this year.]

18 ***

19 Adjournment

20 CHAIR BARBIERI:

21 I entertain a motion to adjourn.

22 MR. MCGETTIGAN:

23 So moved.

24 MS. CESTRA:

25 Second.

1 CHAIR BARBIERI:

2 All in favor?

3 [The motion carried unanimously.]

4 ***

5 [There being no further business, the State Real
6 Estate Commission Meeting adjourned at 2:21 p.m.]

7 ***

8


9 CERTIFICATE

10

11 I hereby certify that the foregoing summary
12 minutes of the State Real Estate Commission meeting,
13 was reduced to writing by me or under my supervision,
14 and that the minutes accurately summarize the
15 substance of the State Real Estate Commission meeting.

16

17



18

19

Amy L. Warehime,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

24

25

STATE REAL ESTATE COMMISSION
REFERENCE INDEX

October 30, 2018

TIME	AGENDA
11:07	Official Call to Order
11:08	Roll Call
11:09	Pledge of Allegiance
11:09	Approval of Minutes
11:09	Report of Prosecutorial Division
11:13	Report of Commission Counsel
11:14	Report of Commission Administrator
11:24	Public Session
11:29	Executive Session
1:18	Return to Open Session
1:18	Motions
1:35	Hearing - Daniel Luis Quinones
2:11	
2:12	Miscellaneous
2:14	Executive Session
2:20	Return to Open Session
2:21	Adjournment