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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: 11:30 A.M.

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

December 3, 2019

1 ***

2 State Real Estate Commission

3 December 3, 2019

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Tuesday, December 3,
7 2019. Joseph Tarantino, Chair, Industry Member,
8 officially called the meeting to order at 11:30 a.m.
9 A roll call was taken. The Pledge of Allegiance was
10 recited.

11 ***

12 Approval of Minutes of the October 23, 2019 meeting

13 CHAIR TARANTINO:

14 Can I have a motion for the approval of
15 the draft minutes?

16 MS. BARBIERI:

17 So moved.

18 MR. MCGETTIGAN:

19 Second.

20 CHAIR TARANTINO:

21 On the question, all in favor, say aye.

22 Any opposed?

23 [The motion carried. Mr. Piccirilli abstained from
24 voting on the motion.]

25

1 Report of Prosecutorial Division

2 [Angela B. Lucci, Esquire, Commission Prosecutor,
3 presented the Consent Agreements for File No. 18-56-
4 003197 and File No. 19-56-008577.]

5 ***

6 [Caroline A. Bailey, Esquire, Commission Prosecutor,
7 presented the Consent Agreements for File No. 17-56-
8 05302 and File No. 18-56-011084.]

9 ***

10 [Timothy A. Fritsch, Esquire, Commission Prosecutor,
11 withdrew the Consent Agreement for Case Nos. 15-56-
12 01863 & 17-56-13110.

13 Mr. Fritsch presented the Consent Agreement for
14 Case Nos. 16-56-12500, 18-56-010755, & 18-56-010906.]

15 ***

16 [Ray Michalowski, Esquire, Commission Prosecution
17 Liaison, introduced Alice Glasser, Esquire, as a new
18 additional prosecuting attorney for the Commission.]

19 ***

20 Report of Commission Counsel

21 [Juan A. Ruiz, Esquire, Commission Counsel, noted
22 three cases for discussion during Executive Session
23 and a reinstatement hearing scheduled for 1:30 p.m.]

24 ***

25 Report of Commission Chair

1 [Joseph Tarantino, Chair, Industry Member, thanked
2 everybody for their support over the past year and
3 wished Ms. Rubin good luck as the 2020 Chairperson.

4 Chair Tarantino welcomed Mr. Piccirilli back to
5 the Real Estate Commission.

6 Chair Tarantino also noted this to be
7 Ms. Barbieri's last meeting and wished her good luck.]

8 ***

9 Report of Commission Administrator

10 [Krista Linsenbach, Commission Administrator, updated
11 the Commission on renewals, stating that education
12 provider renewals closed as of November 30, 2019, with
13 almost 100 percent response. She noted property
14 renewals opened on October 4, 2019, and cemetery
15 company registrations opened on November 20, 2019.

16 Ms. Linsenbach informed the Commission that the
17 grace period for renewal next year will be going away,
18 and any license that expires starting January 1, 2020,
19 will not be granted a grace period. She noted this
20 begins with cemetery company registrations that expire
21 January 31, 2020. Ms. Linsenbach stated, any time
22 after the expiration date, a full reactivation will be
23 required.]

24 ***

25 Public Session

1 [William McFalls Jr., ABR, CRS, Green, GRI, President,
2 Pennsylvania Association of Realtors, addressed the
3 in-house legal hotline that began in June. He stated
4 two attorneys were hired in addition to the Director
5 of Law & Policy, Hank Lerner, and Standard Forms
6 Manager, Desiree Brougher, to respond to member calls.

7 Mr. McFalls noted receiving thousands of calls
8 and starting a detailed tracking of those topics. He
9 mentioned rental and property management issues were
10 among the top call categories, along with inspection
11 contingency of the agreement of sale and seller
12 disclosure issues.

13 Mr. McFalls also noted many calls regarding
14 Commission-related issues and hoped some of the
15 application resources the Commission was developing
16 would help clarify many of these license-related
17 questions rather than forwarding callers to the
18 Pennsylvania Association of Realtors (PAR).

19 Mr. McFalls addressed a recent update regarding
20 broker price opinion regulations, where it will be
21 moving out of the Commission and to the next phase of
22 the process.

23 Mr. McFalls also addressed an update regarding
24 general regulatory review, especially team
25 advertising, noting PAR will be working closely with

1 the Commission to move that forward.

2 Mr. Ruiz mentioned that Wayne Crawford from PAR
3 attended the latest committee meeting, where all of
4 the regulations were reviewed and would be brought up
5 to date.

6 Mr. McFalls reflected on his 30 years in the
7 industry, commenting that most of the changes were for
8 the better. He mentioned his travel throughout the
9 state over the last couple of years and discussions
10 with many realtors, brokers, and local association
11 executives. There was a belief that the lack of
12 response and timeliness to complaints had created an
13 atmosphere where the risk posed by violating the law
14 was low compared to the penalty and likelihood of
15 being caught.

16 Mr. McFalls noted this disrespect of the industry
17 to be upsetting and frustrating to many who love this
18 business. He commented that the cost or loss of a
19 license was not applied in a manner that gets the
20 attention of the licensee anymore and believed more
21 enforcement with significant fines and license
22 revocations would get the licensees' attention.

23 Mr. McFalls addressed a recent circumstance for
24 those involved with the Bright Multiple Listing
25 Service (MLS) in the marketplace and then uniquely

1 followed by the National Association of Realtors (NAR)
2 regarding the process of MLS rules and regulations.
3 He mentioned a \$5,000 fine getting everyone's
4 attention and noticed properties advertised on
5 Facebook or social media are now in the MLS the next
6 day.

7 Mr. McFalls commented that PAR will continue to
8 advocate for improvements that provide more timely
9 adoption of regulations and policies, create
10 efficiency and accuracy within the Pennsylvania
11 Licensing System (PALS), and effective communication
12 between the Department of State and the licensees.

13 Mr. McFalls thanked the Commission for the
14 opportunity to speak publically and privately on
15 behalf of PAR for the last couple of years and for
16 their service to the industry as he moves aside as
17 president.

18 Chair Tarantino requested Mr. Falls relate to PAR
19 comments made by prosecution, noting the fines in the
20 thousands. The Commission may take a while to catch
21 an individual, but violators will be fined when
22 caught.

23 Mr. McFalls mentioned a monthly report the
24 Commission used to offer of individuals who were fined
25 and will look into PAR developing something similar

1 because of their resources in communication and the
2 in-house legal hotline.

3 Mr. McFalls referred to a presenter at one of the
4 sessions who questioned why the broker was not
5 involved in the process.

6 Mr. McFalls stated the problem in the industry
7 right now was part-time brokers who do not care. He
8 noted discussion concerning team legislation not being
9 on track, but the reality was their responsibility was
10 given to the teams. He stated the whole idea of
11 promulgating that legislation was to try to make sure
12 members are doing the right thing for the consumer,
13 and until a fine was uniquely heard, the general
14 member out on the street was not seeing it or feeling
15 it.

16 Ms. Rubin suggested PARJustListed daily emails
17 have a link to all of that once a month to keep the
18 information in front of the face of the realtor
19 community.

20 Mr. McGettigan requested PAR's support because of
21 their power and means to changes and put pressure on
22 the administration for more people where the
23 Commission needs them.]

24 ***

25 [Pursuant to Section 708(a)(5) of the Sunshine Act, at

1 12:05 p.m. the Commission entered into Executive
2 Session with Juan A. Ruiz, Esquire, Commission
3 Counsel, for the purpose of conducting quasi-judicial
4 deliberations on matters currently pending before the
5 Commission and to receive the advice of counsel. The
6 Commission returned to open session at 1:33 p.m.]

7 ***

8 [K. Kalonji Johnson, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs, entered the
10 meeting during Executive Session.]

11 ***

12 [A Formal Hearing was held from 1:33 p.m. until
13 1:49 p.m. in the Matter of the Petition for
14 Reinstatement of Licensure of Tesha Keefer, Case No.
15 19-56-014824.]

16 ***

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
18 1:49 p.m. the Commission entered into Executive
19 Session with Juan A. Ruiz, Esquire, Commission
20 Counsel, for the purpose of conducting quasi-judicial
21 deliberations on matters currently pending before the
22 Commission and to receive the advice of counsel. The
23 Commission returned to open session at 1:51 p.m.]

24 ***

25 MOTIONS

1 MR. RUIZ:

2 The Commission was just in executive
3 session conducting deliberations on the
4 matter of the Petition for Reinstatement
5 of Tesha Keefer, Case No. 19-56-014824.

6 Is there a motion to grant
7 reinstatement?

8 MR. MCGETTIGAN:

9 So moved.

10 CHAIR TARANTINO:

11 Second?

12 MS. RUBIN:

13 Second.

14 CHAIR TARANTINO:

15 On the question, all in favor, say aye.

16 Any opposed?

17 [The motion carried unanimously.]

18 ***

19 MR. RUIZ:

20 Is there a motion to reject the Consent
21 Agreement at File No. 18-56-003197 as
22 being too lenient?

23 MR. FERRARA:

24 So moved.

25 CHAIR TARANTINO:

1 Second?

2 MR. JOHNSON:

3 Second.

4 CHAIR TARANTINO:

5 On the question, all in favor, say aye.

6 Any opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. RUIZ:

10 Is there a motion to deny the Consent
11 Agreement at File No. 19-56-008577 for
12 not having enough information for the
13 Commission to make a determination?

14 MR. MCGETTIGAN:

15 So moved.

16 CHAIR TARANTINO:

17 Second?

18 MS. CESTRA:

19 Second.

20 CHAIR TARANTINO:

21 On the question, all in favor, say aye.

22 Any opposed?

23 [The motion carried unanimously.]

24 ***

25 MR. RUIZ:

1 So moved.

2 CHAIR TARANTINO:

3 Second?

4 MR. JOHNSON:

5 Second.

6 CHAIR TARANTINO:

7 On the question, all in favor, say aye.

8 Any opposed?

9 [The motion carried unanimously.]

10 ***

11 MR. RUIZ:

12 Is there a motion to grant the Petition
13 for Reconsideration and issue an amended
14 order in the case of Fayez Antonios at
15 File No. 14-56-01132, consistent with
16 our discussions in executive session?

17 MR. MCGETTIGAN:

18 So moved.

19 CHAIR TARANTINO:

20 Second?

21 MR. FERRARA:

22 Second.

23 CHAIR TARANTINO:

24 On the question, all in favor, say aye.

25 Any opposed?

1 [The motion carried unanimously.]

2 ***

3 MR. RUIZ:

4 Is there a motion to deny the request to
5 lessen the civil penalty in the case of
6 Lois Glass at File No. 12-56-10604 & 12-
7 56-10773?

8 MR. PICCIRILLI:

9 So moved.

10 CHAIR TARANTINO:

11 Second?

12 MR. MCGETTIGAN:

13 Second.

14 CHAIR TARANTINO:

15 On the question, all in favor, say aye.

16 Any opposed?

17 [The motion carried unanimously.]

18 ***

19 Education/Examination Committee

20 MS. RUBIN:

21 I make a motion that Anne M. Demutis-
22 Cummins be approved to sit for her
23 broker exam.

24 CHAIR TARANTINO:

25 Second?

1 MS. CESTRA:

2 Second.

3 CHAIR TARANTINO:

4 On the question, all in favor, say aye.

5 Any opposed?

6 [The motion carried unanimously.]

7 ***

8 MS. RUBIN:

9 I make a motion that the following
10 courses be approved for CE: Strategies
11 and Tips for Working with Millennials,
12 Running a Small Brokerage Firm,
13 Performing Quality BPOs, National USPAP
14 Update 2020-2021, Millennials:
15 Challenging the Norm, and How to Build a
16 Successful Commercial Real Estate
17 Business.

18 CHAIR TARANTINO:

19 Second?

20 MS. CESTRA:

21 Second.

22 CHAIR TARANTINO:

23 On the question, all in favor, say aye.

24 Any opposed?

25 [The motion carried unanimously.]

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MS. RUBIN:

I make a motion to deny the course
Become a Real Estate Social Media Super
Star. We are asking for a new title to
that. The content is satisfactory, but
the title is misleading.

CHAIR TARANTINO:

Second?

MS. CESTRA:

Second.

CHAIR TARANTINO:

On the question, all in favor, say aye.
Any opposed?

[The motion carried unanimously.]

MS. RUBIN:

A motion to deny the course Commercial
Real Estate 101 as the course discusses
commission rates.

CHAIR TARANTINO:

Second?

MS. BARBIERI:

Second.

CHAIR TARANTINO:

1 On the question, all in favor, say aye.

2 Any opposed?

3 [The motion carried unanimously.]

4 ***

5 MS. RUBIN:

6 Again, denying the course Wowing Your
7 Customers and Clients. Content is
8 acceptable, but the title is misleading.
9 We would like them to submit with a new
10 title.

11 CHAIR TARANTINO:

12 Second?

13 MS. BARBIERI:

14 Second.

15 CHAIR TARANTINO:

16 On the question, all in favor, say aye.

17 Any opposed?

18 [The motion carried unanimously.]

19 ***

20 Enforcement (Application Review) Committee

21 MR. MCGETTIGAN:

22 For the record, the application of
23 Jessica Page Miller, who was due for an
24 informal conference today, was tabled.

25 ***

1 MR. MCGETTIGAN:

2 I'd like to make a motion that the
3 application of Joel Deserio be approved
4 with no restrictions.

5 CHAIR TARANTINO:

6 Second?

7 MS. BARBIERI:

8 Second.

9 CHAIR TARANTINO:

10 On the question, all in favor, say aye.

11 Any opposed?

12 [The motion carried unanimously.]

13 ***

14 MR. MCGETTIGAN:

15 I'd like to make a motion that the
16 applications of Rajneesha S. Preston,
17 Kevin Robert Kress, and Tanveer Singh
18 Ghuman be approved and their licenses
19 placed on probation through their
20 criminal probation and/or restitution.

21 CHAIR TARANTINO:

22 Second?

23 MR. FERRARA:

24 Second.

25 CHAIR TARANTINO:

1 Budget, Office of Policy and Planning, and Office of
2 General Counsel (OGC). Once those are published as
3 temporary regulations, the formal process will begin.

4 It was noted that Mr. Ferrara, as the
5 Commission's Association of Real Estate License Law
6 Officials (ARELLO) representative, will be reaching
7 out and gathering information from that.

8 Mr. Michalowski was commended for his preparation
9 work and the information supplied for review before
10 the meeting.

11 Ms. Linsenbach noted the Commission meeting on
12 Wednesday, January 29, 2020, and the regulatory
13 meeting following day on January 30, 2020.]

14 ***

15 Miscellaneous

16 [Joseph Tarantino, Chair, Industry Member, noted the
17 2020 Commission meeting dates.]

18 ***

19 Report of Acting Commissioner

20 [K. Kalonji Johnson, Acting Commissioner, Bureau of
21 Professional and Occupational Affairs, informed the
22 Commission that voicemail has been instituted into the
23 phone system to help with wait times and to ensure a
24 more expeditious application processing time. He also
25 stated all of the Boards and Commissions have access

1 to voicemail during holidays and evenings. The self-
2 help aspect related to status updates and simple
3 licensing questions was still being developed.

4 Acting Commissioner Johnson updated the
5 Commission on the guide, noting that real estate
6 should be active this month for brokers and
7 salespeople with the plan to gradually expand the
8 guides to include all licensee classes.

9 Acting Commissioner Johnson referred to the
10 guides, which are now called navigators, as
11 information for individuals seeking licensure in the
12 Commonwealth to better prepare their application, cut
13 down on the processing time, and apprise the
14 applicants as to the expectations with all three
15 phases of the process. He mentioned that the
16 navigators will be updated quarterly and should
17 provide individuals with a relatively easier
18 experience.]

19 ***

20 Adjournment

21 CHAIR TARANTINO:

22 I wish you all a great holiday season.
23 See you in January. The meeting is
24 adjourned.

25 ***

1 [There being no further business, the State Real
2 Estate Commission Meeting adjourned at 2:06 p.m.]

3 ***

4

5 CERTIFICATE

6

7 I hereby certify that the foregoing summary
8 minutes of the State Real Estate Commission meeting,
9 was reduced to writing by me or under my supervision,
10 and that the minutes accurately summarize the
11 substance of the State Real Estate Commission meeting.

12

13

14



15

Hyun Soo Lee,

16

Minute Clerk

17

Sargent's Court Reporting

18

Service, Inc.

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STATE REAL ESTATE COMMISSION
REFERENCE INDEX

December 3, 2019

	TIME	AGENDA
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9	11:30	Official Call to Order
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11	11:30	Roll Call
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13	11:30	Pledge of Allegiance
14		
15	11:31	Approval of Minutes
16		
17	11:31	Report of Prosecutorial Division
18		
19	11:46	Report of Commission Counsel
20		
21	11:47	Report of Commission Chair
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23	11:48	Report of Commission Administrator
24		
25	11:50	Public Session
26		
27	12:05	Executive Session
28	1:33	Return to Open Session
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30	1:33	Formal Hearing - Tesha Keefer
31	1:49	
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33	1:49	Executive Session
34	1:51	Return to Open Session
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36	1:52	Motions
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38	1:55	Report of Committees
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40	2:02	Miscellaneous
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42	2:03	Report of Acting Commissioner
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44	2:06	Adjournment
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