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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

Wednesday, December 12, 2018

1 ***

2 State Real Estate Commission

3 December 12, 2018

4 ***

5 The regularly scheduled meeting of the State Real
6 Estate Commission was held on Wednesday, December 12,
7 2018. Alexis L. Barbieri, Chair, Public Member,
8 officially called the meeting to order at 11:03 a.m.
9 A roll call was taken. The Pledge of Allegiance was
10 recited.

11 ***

12 Approval of Minutes of the October 30, 2018 meeting

13 CHAIR BARBIERI:

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

16 MS. RUBIN:

17 So moved.

18 CHAIR BARBIERI:

19 Second?

20 MR. FERRARA:

21 Second.

22 CHAIR BARBIERI:

23 All in favor? Opposed?

24 [The motion carried. Ms. Thomson abstained from
25 voting on the motion.]

1 ***

2 Report of Prosecutorial Division

3 [Ray Michalowski, Esquire, Commission Prosecution
4 Liaison, presented the Consent Agreement for File No.
5 15-56-14066.

6 Mr. Michalowski introduced Tiffany Raker,
7 Esquire, as a new Commission Prosecutor. Ms. Raker
8 provided a brief summary of her professional
9 background.]

10 ***

11 [Caroline A. Bailey, Esquire, Commission Prosecutor,
12 presented the Consent Agreement for File No. 16-56-
13 14924.]

14 ***

15 [Steven A. Mimm, Esquire, Commission Prosecutor,
16 presented the Consent Agreement for File No. 17-56-
17 06838.]

18 ***

19 [Timothy A. Fritsch, Esquire, Commission Prosecutor,
20 presented the Consent Agreements for File Nos. 17-56-
21 08938 and 18-56-001543.]

22 ***

23 Report of Commission Counsel

24 [Juan A. Ruiz, Esquire, Commission Counsel, noted
25 matters for discussion during Executive Session.

1 Mr. Ruiz will also provide an update on the
2 status of an appeal case.

3 Mr. Ruiz noted that the Rules and Regulations
4 Committee met, in which the committee conducted a
5 final review of the General Revisions package. He
6 stated the committee ended with continuing education
7 and will continue its review of the package in the
8 near future, along with an annex.]

9 ***
10 Report of Commission Chair - No Report

11 ***
12 Report of Commissioner - No Report

13 ***
14 Report of Commission Administrator
15 [Krista Linsenbach, Commission Administrator,
16 discussed course outlines that were approved at the
17 Commission's October 30 meeting and available on the
18 main website. She also noted that the updated Real
19 Estate Practice course outline as approved was being
20 prepared for distribution.

21 Ms. Linsenbach stated the education provider
22 renewals were going smoothly, noting that 65 percent
23 of in-state schools and 78 percent of out-of-state
24 schools have renewed. She also noted promotional
25 properties at only 12 percent.]

1 ***

2 Public Session

3 [Michael McGee, CAE, Chief Executive officer,
4 Pennsylvania Association of Realtors, introduced Bill
5 Festa, incoming President-elect, and Jack Gombach,
6 Manager of Public Policy Outreach.

7 Mr. McGee stated his staff has worked on several
8 different issues legislatively and, with the help of
9 Representative Greg Rothman, were able to pass House
10 Bill 863. He also noted that the first-time
11 homebuyers' savings account legislation did not pass.

12 Mr. McGee addressed the course approval process
13 used by the Real Estate Commission. He discussed
14 working with the Commission regarding the Pennsylvania
15 Licensing System (PALS) hiccups to confirm that the
16 processes were on track and to maintain that open
17 communication.

18 Mr. McGee noted his concern with delays in
19 reporting denials after their initial submission. He
20 commented on the difficulties for Pennsylvania
21 Association of Realtors (PAR) to properly plan for
22 major events like the Triple Play Convention due to
23 the delays.

24 Mr. McGee reported similar concerns regarding the
25 processing of applications from several local

1 associations that maintain real estate schools. He
2 questioned the Commission members' intent and whether
3 there was a consistency in the types of classes
4 approved versus what was not approved.

5 Mr. McGee also noted speaking with members of the
6 Bureau of Professional and Occupational Affairs
7 (BPOA). He provided written operational suggestions
8 on improving the process so there would be more
9 predictability to the end users. He also desired some
10 improvement on the processing and better clarification
11 on the guidance given to the schools.

12 Ms. Linsenbach explained a PALS glitch, which did
13 not allow applications to be viewable on certain
14 workstations. She stated the Commission was working
15 closely with the processing center to prioritize
16 education provider applications over other
17 applications. She noted a 10-14 day turnaround and
18 did not anticipate any additional problems.

19 Mr. McGee questioned the authority of the
20 Commission in making decisions concerning whether the
21 approval of a course and the Commission's philosophy
22 in determining whether a class meets the rules and
23 regulations.

24 Ms. Linsenbach noted Section 35.384 of the
25 regulations, which outlines acceptable CE course

1 topics. She commented that courses that cannot be
2 determined by the Commission would then be reviewed by
3 the Education Committee for their recommendations.

4 Ms. Rubin also noted the utilization of Section
5 35.384, emphasizing Paragraph D. She recognized great
6 courses from a business perspective, but also noted
7 the impact on the consumer. She discussed current
8 revisions, which will create new coursework to be
9 developed around different legislations, both in the
10 real estate community and out.

11 The development of an online application was
12 noted, which will list the exact topics that are
13 acceptable in Section 35.384 and require the provider
14 to choose one of those. The providers will also be
15 given additional guidance when considering their
16 course outlines and where they might fall under
17 acceptable course topics.

18 Mr. McGee discussed the importance of a realtor
19 being able to provide advice to clients on offering or
20 listing a property and the importance of understanding
21 the general valuation process aside from pressing the
22 comparative market analysis (CMA) button. Mr.
23 McGettigan commented that the Commission approved
24 several appraiser courses, and with the new
25 legislation allowing salespeople to do broker price

1 opinion (BPOs), additional courses should be approved.
2 He also noted that some of the courses are such in-
3 depth appraiser courses that morally they cannot be
4 approved.

5 Mr. McGee questioned whether school directors
6 understood the evaluation process from Ms.
7 Linsenbach's review and potentially subsequent
8 Commission review. Ms. Linsenbach discussed the
9 expectation for people who are submitting the
10 applications to be familiar with development sections
11 of the regulation.

12 Mr. Ferrara commented that 75 percent of course
13 outline is regarding running the appraisal business
14 and 25 percent is valuation.

15 Mr. McGettigan stated that Mr. McGee's job was to
16 do right by the members and the Commission's job was
17 to protect the consumer.]

18

19 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
20 11:39 a.m. the Commission entered into Executive
21 Session with Juan A. Ruiz, Esquire, Commission
22 Counsel, for the purpose of conducting quasi-judicial
23 deliberations and to receive advice of Counsel. The
24 Commission returned to open session at 1:16 p.m.]

25

1 MOTIONS

2 MR. RUIZ:

3 The Commission was just in Executive
4 Session conducting quasi-judicial
5 deliberations on a number of matters
6 currently pending before the Commission.

7 Is there a motion to approve the
8 Consent Agreements at File No. 15-56-
9 14066, File No. 16-56-14924, File No.
10 17-56-06838, File No. 17-56-08938, and
11 File No. 18-56-001543?

12 MR. TARANTIO:

13 So moved.

14 MS. RUBIN:

15 Second.

16 CHAIR BARBIERI:

17 All in favor? Opposed?

18 [The motion is carried unanimously. The Respondent's
19 name for File No. 15-56-14066 is Robert S. Rothermel.
20 The Respondent's name for File No. 16-56-14924 is
21 Matthew Aniska. The Respondent's name for File No.
22 17-56-06838 is Ellen A. Miller. The Respondent's name
23 for File No. 17-56-08938 is Matthew Bizyak. The
24 Respondent's name for File No. 18-56-001543 is Riley
25 J. Ockerman.]

1 ***

2 MR. RUIZ:

3 Is there a motion to direct Counsel to
4 prepare a final Adjudication and Order
5 in the case of the Commonwealth of
6 Pennsylvania vs. Jerramey J. Luckenbaugh
7 at File No. 16-56-08927, consistent with
8 discussions in Executive Session?

9 MR. MCGETTIGAN:

10 So moved.

11 MR. FERRARA:

12 Second.

13 CHAIR BARBIERI:

14 All in favor? Opposed?

15 [The motion carried unanimously.]

16 ***

17 MR. RUIZ:

18 Is there a motion to approve and adopt
19 the proposed Adjudication and Order in
20 the case of Christopher G. Wilson as the
21 Commission's final Adjudication and
22 Order at File No. 17-56-10046, noting
23 for the record that Jennifer Thomson has
24 been recused from all deliberations and
25 voting on this matter?

1 MR. FERRARA:

2 So moved.

3 MR. MCGETTIGAN:

4 Second.

5 CHAIR BARBIERI:

6 All in favor? Opposed?

7 [The motion carried. Ms. Thomson recused herself from
8 deliberations and voting on the motion.]

9 ***

10 MR. RUIZ:

11 Is there a motion to grant the motions
12 to enter Default and Deem Facts Admitted
13 in the cases of Andres A. Acuna at File
14 No. 16-56-09809, James E. Lignelli at
15 File No. 17-56-04533, and Sean M. Quinn
16 at File No. 18-56-00260?

17 MR. TARANTINO:

18 So moved.

19 MR. FERRARA:

20 Second.

21 CHAIR BARBIERI:

22 All in favor? Opposed?

23 [The motion carried unanimously.]

24 ***

25 Education/Examination Committee

1 CHAIR BARBIERI:

2 The Education Committee met this morning
3 prior to the meeting, and we had an
4 application from Jordan J. Cypher to
5 take the broker's exam, so we would make
6 a motion to the Commission that we
7 preliminarily deny his request because
8 his experience does not meet the
9 requirement of real estate transactions.

10 MR. MCGETTIGAN:

11 Second.

12 CHAIR BARBIERI:

13 All in favor? Opposed?

14 [The motion carried unanimously.]

15 ***

16 CHAIR BARBIERI:

17 I would make the motion that the
18 Commission approve the Application of
19 Marsha A. Blunt, who is a licensed real
20 estate salesperson and wants to sit for
21 the Broker's Exam.

22 MR. TARANTINO:

23 Second.

24 CHAIR BARBIERI:

25 All in favor? Opposed?

1 [The motion carried unanimously.]

2 ***

3 CHAIR BARBIERI:

4 I make a motion that we preliminarily
5 deny R. Anthony DeLuca's request for
6 approval to sit for the Broker's Exam

7 MR. FERRARA:

8 Second.

9 CHAIR BARBIERI:

10 All in favor? Opposed?

11 [The motion carried unanimously.]

12 ***

13 CHAIR BARBIERI:

14 I have an application from Polley
15 Associates for approval of a course,
16 7-hour Equivalent National USPAP Update
17 course. I would make a motion that we
18 approve that.

19 MR. MCGETTIGAN:

20 Second.

21 CHAIR BARBIERI:

22 All in favor? Opposed?

23 [The motion carried unanimously.]

24 ***

25 CHAIR BARBIERI:

1 I make a motion to approve CIPS
2 Designation Course - Asia Pacific &
3 International Real Estate, CIPS
4 Designation Course - Global Real Estate
5 Europe & International Real Estate, CIPS
6 Designation Course - Global Real Estate
7 Local Markets, CIPS Designation Course -
8 Global Real Estate Transaction Tools,
9 and CIPS Designation Course -
10 International Real Estate and the
11 Americas.

12 MS. RUBIN:

13 Second.

14 CHAIR BARBIERI:

15 All in favor? Opposed?

16 [The motion carried. Mr. McGettigan opposed the
17 motion.]

18 ***

19 CHAIR BARBIERI:

20 We would make a motion that the
21 Application of Bucks County School of
22 Real Estate for approval of the course
23 Energize Your Business be denied on the
24 basis that it does not meet the criteria
25 of having a bearing in the public

1 interest.

2 MR. FERRARA:

3 Second.

4 CHAIR BARBIERI:

5 All in favor? Opposed?

6 [The motion carried unanimously.]

7 ***

8 CHAIR BARBIERI:

9 I would make a motion that the
10 Commission approve Polley Associates
11 courses of Marijuana Legalization and
12 the Real Estate Industry and Performing
13 Quality BPOs.

14 MR. FERRARA:

15 Second.

16 CHAIR BARBIERI:

17 All in favor? Opposed?

18 [The motion carried unanimously.]

19 ***

20 CHAIR BARBIERI:

21 I would make a motion that the Greater
22 Harrisburg Realtors Institute proposed
23 course of Hybrid Appraisals - Safe or
24 Sorry be denied.

25 MR. FERRARA:

1 Second.

2 CHAIR BARBIERI:

3 All in favor? Opposed?

4 [The motion carried. Ms. Rubin opposed the motion.]

5 ***

6 CHAIR BARBIERI:

7 I make a motion to have the course

8 Saving Home Energy denied.

9 MR. MCGETTIGAN:

10 Second.

11 CHAIR BARBIERI:

12 All in favor? Opposed?

13 [The motion carried unanimously.]

14 ***

15 CHAIR BARBIERI:

16 I make a motion to deny the Pennsylvania

17 Realtors Institute course, Reaching

18 Hispanic and Latino Homebuyers.

19 MR. FERRARA:

20 Second.

21 CHAIR BARBIERI:

22 All in favor? Opposed?

23 [The motion carried unanimously.]

24 ***

25 CHAIR BARBIERI:

1 I make a motion that the Commission
2 approve the Pennsylvania Realtors
3 Institute course, Up in Smoke.

4 MS. RUBIN:

5 Second.

6 CHAIR BARBIERI:

7 All in favor? Opposed?

8 [The motion carried unanimously.]

9 ***

10 CHAIR BARBIERI:

11 I make a motion that the Commission deny
12 the Pennsylvania Realtors Institute
13 course, The Changing Landscape of
14 Appraising - Risk Management and
15 Insurance for Today's Appraiser.

16 MS. RUBIN:

17 Second.

18 CHAIR BARBIERI:

19 All in favor? Opposed?

20 [The motion carried unanimously.]

21 ***

22 CHAIR BARBIERI:

23 I make a motion that the Buck's County
24 School of Real Estate course, Your
25 Database, be denied.

1 MR. MCGETTIGAN:

2 Second.

3 CHAIR BARBIERI:

4 All in favor? Opposed?

5 [The motion carried unanimously.]

6 ***

7 CHAIR BARBIERI:

8 I make a motion to approve Phil
9 Godlewski as Director of NEPA Real
10 Estate Academy.

11 MR. MCGETTIGAN:

12 Second.

13 CHAIR BARBIERI:

14 All in favor? Opposed?

15 [The motion carried unanimously.]

16 ***

17 Informal Conference

18 CHAIR BARBIERI:

19 We had two informal hearings this
20 morning. One of them was Osmond
21 Mincarelli, who wanted to be able to sit
22 for the broker's exam. We would move to
23 have him issued a provisional denial
24 because he does not meet the experience
25 requirement.

1 MR. TARANTINO:

2 Second.

3 CHAIR BARBIERI:

4 All in favor? Opposed?

5 [The motion carried unanimously.]

6 ***

7 CHAIR BARBIERI:

8 We are requesting more information and
9 documentation from Connor O'Hanlon.

10 ***

11 MR. TARANTINO:

12 The Application of Joseph E. Maher has
13 been tabled.

14 I'd like to make a motion to
15 approve, place their license on
16 probation through their criminal
17 probation and/or payment of restitution
18 for Ryan Joseph Lomonaco and Pheniel
19 Elizer.

20 MR. MCGETTIGAN:

21 Second.

22 CHAIR BARBIERI:

23 All in favor? Opposed?

24 [The motion carried unanimously.]

25 ***

1 MR. TARANTINO:

2 I'd like to make a motion that we not
3 approve the Application of Russell Moss
4 and inform him to ask for a hearing in
5 front of the full Commission.

6 MR. MCGETTIGAN:

7 Second.

8 CHAIR BARBIERI:

9 All in favor? Opposed?

10 [The motion carried unanimously.]

11 ***

12 MR. TARANTINO:

13 I make a motion that we approve with no
14 restrictions the following applications:
15 Christopher Ruocco, David Bair, and
16 Johniefin Marvin Benjamin.

17 MR. FERRARA:

18 Second.

19 CHAIR BARBIERI:

20 All in favor? Opposed?

21 [The motion carried. Mr. McGettigan opposed the
22 motion.]

23 ***

24 MR. TARANTINO:

25 I make a motion that we approve with no

1 restrictions but contingent upon proof
2 of payment of fines for Danielle
3 Ogunkoya.

4 MS. RUBIN:

5 Second.

6 CHAIR BARBIERI:

7 All in favor? Opposed?

8 [The motion carried unanimously.]

9 ***

10 MR. TARANTINO:

11 I would like to make a motion that we
12 preliminarily deny the application and
13 advise applicants of their right to an
14 informal conference for Vernon Benton,
15 Michael Hennessey, Martin Jackson,
16 Abubakar Jallah, Joseph Mazer, Owen
17 McFarlane, and Shannon Stewart.

18 MS. RUBIN:

19 Second.

20 CHAIR BARBIERI:

21 All in favor? Opposed?

22 [The motion carried unanimously.]

23 ***

24 MR. TARANTINO:

25 I make a motion that we approve with no

1 barrier towards licensure the
2 application of Maurice Rouse.

3 MR. MCGETTIGAN:

4 Second.

5 CHAIR BARBIERI:

6 All in favor? Opposed?

7 [The motion carried unanimously.]

8 ***

9 Volunteer Education Advisory Committee

10 [Anne M. Rubin, Secretary, Industry Member, stated the
11 Volunteer Education Advisory Committee (VEAC) worked
12 on the outline for fundamentals with a complete review
13 of all, which should be available for the January
14 meeting. She noted discussion regarding including
15 material related to business and also meeting
16 Professional Service Industries (PSI) requirements.
17 She noted questions and concerns for the Commission's
18 review at the next meeting.]

19 ***

20 Adjournment

21 CHAIR BARBIERI:

22 Motion to adjourn?

23 MR. MCGETTIGAN:

24 So moved.

25 [There was no second to the motion.]

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[There being no further business, the State Real Estate Commission Meeting adjourned at 1:30 p.m.]

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.



Amy L. Warehime,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE REAL ESTATE COMMISSION
REFERENCE INDEX

December 12, 2018

TIME	AGENDA
11:03	Official Call to Order
11:04	Roll Call
11:04	Pledge of Allegiance
11:05	Approval of Minutes
11:05	Report of Prosecutorial Division
11:17	Report of Commission Counsel
11:18	Report of Commission Administrator
11:19	Report of Committees
11:21	Public Session
11:39	Executive Session
1:16	Return to Open Session
1:16	Motions
1:30	Adjournment