



Executive Summary
State Real Estate Commission
One Penn Center
2601 North Third Street, Harrisburg
December 16-17, 2008

Present at the regular meeting of the Commission were: Chair Annie Hanna Cestra, Commissioners Beverly Brookes, Jeffrey Johnson, John McGarry, Joseph McGettigan, Gaetano Piccirilli, John Sommer, Joseph Tarantino, Alexis Barbieri (Office of Attorney General) and Mark Vessella (BPOA Deputy Commissioner). Also present were Commission Counsel Judith Pachter Schulder and Commission Administrator Patricia Ridley.

The following key discussions/actions were taken:

1. The Commission adopted the November minutes.
2. Report of Prosecution
 - File 07-56-01489 – This case involves an individual who was practicing without a license. The individual was preparing to open a real estate office, and conducted two transactions before holding a license. Terms of the Agreement: \$1,500 civil penalty and an order to cease and desist. Commission approved.
 - File 08-56-05752 – This case involves a licensee who failed out of the disciplinary monitoring unit (DMU) but who still reported for criminal probation. Terms of the Agreement: \$2,000 civil penalty and additional year of DMU. Commission approved.
 - File 06-56-06061 and 07-56-07618 – This case involves a salesperson who never filed a written agreement over fees. The broker is charged with failure to supervise. Terms of the Agreement: \$3,500 civil penalty and \$2,000 reimbursement to the seller. Commission approved.
3. The Commission denied a request for modification of the sanction in the case of Michael J. Dowd (File 06-56-09578).
4. The Commission scheduled the case of Fernando Suarez (File 99-56-05174) for a hearing.
5. The Commission granted a motion to deem facts admitted in the case of Reginald Thomas (File 07-56-08862).
6. Report of Education Administrator
 - The education audit has been completed, with 81 percent passing. Only two percent failed, with the remaining under review for discrepancies.

7. Rules and Regulations Committee
 - Regulation 16A-5611 (Seller Disclosure) – This regulation would establish a standard Seller Disclosure statement. The Real Estate Seller Disclosure Law provides that the Real Estate Commission shall promulgate regulations. The proposed regulation includes subjects as outlined in 7304(b). The Commission submitted this regulation to interested parties for pre-draft input with comments due April 25, 2007.
 - Most Recent Action: In August 2007, the Commission discussed the incorporated changes in a new draft provided by counsel. The Commission adopted the regulation in proposed form. It was sent to the general counsel’s office for review.
 - Regulation 16A-5613 (Post-Licensure Education) – This regulation establishes a mandatory continuing education class for new licensees which must be completed within the first full renewal cycle. In 2005, this regulation was sent to interested parties as a pre-draft Annex. In June 2005, the Commission approved a motion to adopt the Annex and move forward with the proposed rule.
 - Most Recent Action: In October 2008, the Commission reviewed and approved the proposed outline for the 14 hour required course for new licensees.
 - Regulation 16A-5615 (Fees) – This regulation would consolidate the initial licensure fee charged to new applicants from a two-tiered structure to a one-tier structure. The consolidation of these fees will enable the Commission to participate in online initial applications for certain licensure classes since, as currently constructed, the computer system cannot accommodate a two-tiered fee structure.
 - Most Recent Action: In September 2008, this regulation was issued as pre-draft to interested parties. PAR submitted comments in favor of the regulation.
 - Regulation 16A-5619 (Property Management) – This regulation would define the term “property manager.”
 - Most Recent Action: In April 2008, the Commission discussed licensure of condominium managers, and put forward the idea of defining the term “property manager.” This regulation is still in the development stages.
8. Formal Hearing – Anwar Colbert (File 08-56-10076)
 - The Commission preliminarily denied the application for licensure of Mr. Colbert due to a criminal conviction. At the formal hearing, Mr. Colbert informed the Commission that he purchased a gun 12 years ago to protect himself from drug dealers that had infiltrated his neighborhood. He inadvertently killed a friend with the gun, and turned himself into the authorities. He served six and a half years in jail, and completed three years probation. He reported that he studied real estate while incarcerated, and passed the exam with a score of 83 percent.
 - The Commonwealth stated that they have no barrier towards licensure but would like the Commission to consider probationary measures. The Commission deliberated the case in executive session, and approved a motion to grant licensure to Mr. Colbert.
9. Next Meeting – January 27-28, 2009.

The foregoing represents the author’s best interpretation of the significant actions and discussions of the Commission. Aside from the meeting agenda, the author receives no supporting documentation or materials in advance of the meeting, nor is the author present during any executive sessions of the Commission. Therefore, this summary may not accurately reflect official

actions or positions taken. Official minutes of the proceedings may be secured by contacting the Bureau of Professional & Occupational Affairs.

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For further information, contact Jennifer Shockley, Assistant Director, Government Affairs.