



Executive Summary
State Real Estate Commission
University of Pennsylvania
3730 Walnut Street, Philadelphia
July 15-16, 2008

Present at the regular meeting of the Commission were: Chair Annie Hanna Cestra, Vice Chair Michael Weiss, Commissioners Beverly Brookes, 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, Real Estate Education Administrator Katie Douglas, and Commission Administrator Patricia Ridley.

The following key discussions/actions were taken:

1. The Commission adopted the June minutes.
2. The Commission determined public meeting dates for 2009 as follows:
 - March 9-10 – Scranton
 - June 9-10 – Pittsburgh
 - July 14-15 – Philadelphia
3. The Commission heard from Peter Marks, Executive Deputy Chief Counsel for the Bureau of Professional and Occupational Affairs, regarding the new regulatory review unit that has been implemented to expedite the process of creating regulations for the entire Bureau.
4. Report of Prosecution
 - File 07-56-03791 – This case involves a licensee who represented both sides in a lease transaction. The licensee did not provide a consumer notice to either party and did not provide disclosure of their status as a dual agent. Terms of Agreement: \$500 civil penalty and 7 hours of continuing education on agency. Commission approved.
5. The Commission issued a memorandum and order in the following cases:
 - Acquest RE Inc. and M. Elaine Saraceni (Files 06-56-07205 and 05-56-07781)
 - Michael Dowd (File 06-56-09578)
6. The Commission adopted an adjudication and order in the following case:
 - Gary Mason (File 06-56-01498)
7. The Commission denied the request to reduce sentence in the following case:
 - H. Wayne Weinstein (File 03-56-06626)

8. The Commission deemed facts admitted and authorized counsel to prepare an adjudication and order in the following cases:
 - Frank Doman (File 07-56-04742)
 - Elizabeth V. Johnson (File 06-56-10226)
9. The Commission discussed the necessity of submitting proof of telephone numbers and escrow accounts with office applications. A number of concerns have been raised by applicants that they cannot provide proof of the office phone number with the application as numbers may not be issued from the phone company at the time the application is submitted. The Commission determined that an applicant must list a telephone number where they can be reached on the application, and that the office phone number must be activated and verified during the office inspection. Applicants must continue to provide verification of escrow accounts with the office application.
10. The Commission discussed the reciprocal agreement with New York. The New York statute was revised to provide that individuals who have held a license for 15 years or more do not need to take continuing education. As the current reciprocal agreement between New York and Pennsylvania does not require continuing education in either state, the Commission felt that the agreement should stand.
11. Report of Education Administrator
 - The VEAC submitted a proposed 14 hour required course for new licensees to be reviewed by the Commission. The Commission will provide feedback and hopes to approve the course in September.
12. Education and Examination Committee
 - Approved the TRGC School of Real Estate as a real estate education provider.
13. 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 July 2008, VEAC provided a proposed course for Commission review and approval at the September meeting.
 - Regulation 16A-5614 (Consumer Notice) – This regulation will streamline the current Consumer Notice to make it more “user-friendly” for both consumers and licensees. A draft copy was sent to interested parties for pre-draft input; PAR provided comments

- which were adopted with one exception. The Commission adopted the amended annex in March 2006.
- Most Recent Action: In September 2007, the Commission adopted the regulation in final form. It was sent to the general counsel's office for review.
 - Regulation 16A-5615 (Fees) – This regulation would delete the provision that if an individual applies for licensure in the second year of a renewal that they pay a reduced fee. The proposal would have all applicants pay the full fee no matter when during the cycle they apply. The Commission sent the regulation out for pre-draft input and received positive comments. The Commission approved a motion to adopt the regulation in proposed format.
 - Most Recent Action: In August 2007, counsel reported that since this regulation had not been discussed since 2005, the budget office had to recalculate the figures for accurate numbers.
 - Regulation 16A-5616 (Team Advertising) – This regulation would incorporate the Commission's existing Team Advertising Policy into their regulations. A draft was reviewed and tabled in May 2006.
 - Most Recent Action: Since May 2006, no further action has been taken.
 - 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.
14. The Commission discussed current guidelines for home offices, team advertising, and education providers and real estate companies. No changes were made to the current policies. The Commission discussed the internet advertising policy and made some minor changes, but decided not to delve further into the policy due to the new VOW policy and rules that will be issued from the National Association of REALTORS® in the near future.
15. Hearing – Salespersons License Application – Charles Hunt (File 08-56-02157)
- Mr. Hunt was convicted in 2005 of tax fraud for inflating the value of charitable contributions on tax returns. Mr. Hunt spent 18 months in prison and completed one year of probation. He is paying \$250/month on restitution totaling \$79,000. Mr. Hunt was previously employed with the USPS for 16 years, and worked his tax preparation business part time. Mr. Hunt brought several character witnesses, including his mother and brother, to the hearing who all testified on his behalf.
 - The Commonwealth provided no barrier towards licensure, but recommended a 2-3 year probationary period if the Commission chose to grant Mr. Hunt a license.
 - The Commission deliberated in executive session and approved a motion to grant Mr. Hunt a license with a probationary period lasting until the restitution is paid but not less than 2 years.
16. Next Meeting – September 16-17, 2008 (Erie).

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.