



Executive Summary
State Real Estate Commission
One Penn Center
2601 North Third Street, Harrisburg
March 9, 2009

Present at the regular meeting of the Commission were: Chair Michael Weiss, Vice Chair John McGarry, Secretary Joseph Tarantino, Commissioners Beverly Brookes, Annie Hanna Cestra, Joseph McGettigan, Gaetano Piccirilli, John Sommer, and Alexis Barbieri (Office of Attorney General). Also present were Counsel Steve Wennberg (substituting for Commission Counsel Judith Pachter Schulder), Commission Administrator Patricia Ridley, and Real Estate Education Administrator Katie Douglas.

The following key discussions/actions were taken:

1. The Commission adopted the January minutes.
2. Report of Prosecution
 - File 07-56-06773 – This case involves a salesperson who was a buyer’s agent. Issues arose during the pre-settlement walk-through, and were addressed. However, the respondent paid for the corrections via the escrow account. Terms of the Agreement: \$500 civil penalty. Commission approved.
 - File 08-56-05444 – This case involves a company that performs property management services. The company is from Illinois and does not have a Pennsylvania license. The company maintains some ownership interest but not enough for an exemption of licensing under RELRA. Terms of the Agreement: \$1,500 civil penalty and cease and desist order. Commission approved.
 - File 06-56-10517 – This case involves a broker who did not actively manage a property management company run by their salesperson. Terms of the Agreement: \$5,000 civil penalty. Commission approved.
 - File 07-56-03783 – This case involves a salesperson who re-financed a property that she herself owned. The deed was filed with the respondent’s boyfriend as co-owner, which was not the respondent’s intent. The respondent then transferred the property to her son for \$1 in compliance with legal advice received. Prosecution referred to this case as a “domestic matter” but seeing as how the respondent is a licensee, it must come before the Commission. Prosecution added that the matter is currently in litigation. Terms of the Agreement: 60-day active suspension. Commission denied as too lenient.
 - File 08-56-02548 – This case involves a salesperson who in February 2008 was convicted of felony retaliation against a witness. Prosecution referred to this case as a “domestic matter” as the respondent was in a divorce proceeding at the time. The respondent is scheduled to be released from prison in April 2009. Terms of Agreement: six month active suspension. Commission approved.

- File 07-56-11064 – This case involves a salesperson who in June 2007 pled guilty to a DUI. The respondent was sentenced to a 45-day work release and probation until June 2012. Terms of the Agreement: \$1,000 civil penalty and probation concurrent with criminal probation. Commission approved.
3. The Commission denied the Commonwealth’s motion to deem facts admitted in the case of Colleen M. Brown (file 06-56-05637).
 4. The Commission remanded the matter of Mark David Frankel (file 04-56-05457) to a hearing examiner.
 5. The Commission deferred deliberation on the case of Christine Cole & Sunita Arora (files 04-56-03652 & 06-56-01363) to April.
 6. The Commission approved a draft adjudication and order in the case of Elizabeth V. Johnson (file 06-56-10226).
 7. The Commission deferred deliberation on the case of Vanda Tappan (file 06-56-02379) to April.
 8. Education Committee
 - The Commission approved real estate education provider applications for National City Bank and Fieldstrom Inc. d/b/a Realty Institute.
 - The Commission approved continuing education courses “Business Planning – The Roadmap to Success” and “Technology in Real Estate.”
 - The Commission sent the application for continuing education course “Taking Prospecting a Step Further” back with a questions.
 - The Commission approved Elizabeth Tigner and Nancy Fox as school directors.
 9. 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.

10. Next Meeting – April 14-15, 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.