



Executive Summary
State Real Estate Commission
Point Park University
Pittsburgh
May 12-13, 2009

Present at the regular meeting of the Commission were: Chair Michael Weiss, Vice Chair John McGarry, Commissioners Beverly Brookes, Annie Hanna Cestra, Jeffrey Johnson, Joseph McGettigan, Gaetano Piccirilli, John Sommer, Alexis Barbieri (Office of Attorney General), and Mark Vessella (BPOA Deputy Commissioner). Also present were 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 April minutes.
2. Report of Prosecution
 - File 08-56-09691 – This case involves a salesperson who was convicted of a DUI and marijuana possession in January 2008. Commission rules provide that the Commission must be notified of criminal convictions within 30 days. The respondent did not comply with this timeframe. Terms of the Agreement: \$1,000 civil penalty. Commission approved.
 - File 07-56-09248 – This case involves an individual who worked as an economic development officer in North Carolina. The respondent was involved in a transaction in Pennsylvania but was unlicensed. Terms of the Agreement: \$500 civil penalty and cease and desist order. Commission denied as too lenient.
 - File 08-56-09806 – This case involves a salesperson who did not notify the Commission within 30 days of a DUI conviction. Terms of the Agreement: \$1,000 civil penalty. Commission approved.
 - File 09-56-01517 – This case involves a brokerage. Separate agreements are being filed for the salesperson and the broker involved in the case. In this instance, the salesperson obtained a blank check from a potential buyer and deposited the check in their personal account. The sale was terminated once this discovery was made, the brokerage fired the salesperson, and the buyer has been reimbursed. Terms of the Agreement: \$2,000 civil penalty. Commission approved.
 - File 08-56-11559 – This case involves a broker who submitted an application for renewal and indicated that all continuing education was completed. The respondent was randomly selected for a continuing education audit, and it was discovered that the respondent could not provide documentation of 14 hours of education. Terms of the Agreement: \$700 civil penalty and public reprimand. Commission denied as too lenient.

3. The Commission approved a proposed adjudication and order in the case of Magnolia Cemetery Company (Files 04-56-07025 and 05-56-06358).
4. The Commission discussed whether to revise the requirement for state police background checks when individuals apply for a license. The issue was raised by Commission staff who run into difficulty with individuals that apply for a license from another state and have no police background check available through their state. After a brief discussion, the Commission decided to keep the requirement without modification.
5. The Commission discussed whether courses developed by the Appraisal Foundation should be automatically approved for real estate continuing education. The Commission denied the concept as real estate licensees are only permitted to do limited appraisal work via comparative market analysis (CMA).
6. The Commission discussed transcript requirements. The current provision requires that licensees must provide an original transcript with seal as documentation of education courses. With impending online licensure, the Commission considered if this provision is outdated. Staff drafted a policy for Commission discussion. During discussion, the Commission requested that research be conducted with other states to be reviewed at the June meeting.
7. The Commission reported that final numbers on the continuing education audit are in: 90 percent passed, while 10 percent failed.
8. 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: The regulation has remained in the office of general counsel since August 2007.
 - 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.

9. The Commission discussed its 2010 meeting schedule and proposed the following:

January 26-27	July 13-14 (Pittsburgh)
February 16-17	August 10-11
March 16-17	September 14-15 (city to be named later)
April 13-14	October 12-13
May 11-12 (Philadelphia)	November 16-17
June 15-16	December 14-15

10. Next Meeting – June 9-10, 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.