



**Executive Summary**  
**State Real Estate Commission**  
**One Penn Center, Harrisburg**  
**July 12, 2016**

Present at the regular meeting of the Commission were: Joseph McGettigan, Chair; Annie Hanna Cestra; Armand Ferrara; Vince Galko; Ian Harlow (BPOA Commissioner); Edward Seebeck; and Joseph Tarantino. Also present were Commission Counsel Juan Ruiz and Commission Administrator Krista Linsenbach.

The following key discussions/actions were taken:

1. Minutes from the June 2016 meeting were approved.
2. Consent Agreement and Order (File 14-56-09323) Donald Harris – The respondent was 10.5 hours deficient in the required 14 hours for continuing education during the 2012-2014 renewal cycle. The respondent was truthful regarding the deficiency on the renewal application. Terms of the Agreement: \$2,100 civil penalty. Commission approved.
3. Consent Agreement and Order (File 14-56-09666) Phoebe E McIlhenney – The respondent was 14 hours deficient in the required 14 hours for continuing education during the 2012-2014 renewal cycle. The respondent indicated that all hours had been completed on the renewal application. Terms of the Agreement: \$3,800 civil penalty (\$200/hour plus \$1,000 for filing a false application). Commission approved.
4. Consent Agreement and Order (File 15-56-01662) Olubukola A Awobifa – The respondent was 14 hours deficient in the required 14 hours for continuing education during the 2012-2014 renewal cycle. The respondent indicated that all hours had been completed on the renewal application. Terms of the Agreement: \$3,800 civil penalty (\$200/hour plus \$1,000 for filing a false application). Commission approved.
5. Consent Agreement and Order (File 15-56-01649) Laurence L Steinberg – The respondent was 5 hours deficient in the required 14 hours for continuing education during the 2012-2014 renewal cycle. Terms of the Agreement: \$2,000 civil penalty. Commission approved.
6. Consent Agreement and Order (File 15-56-02304) Mary T Walrond – The respondent was 7 hours deficient in the required 14 hours for continuing education during the 2012-2014 renewal cycle. Terms of the Agreement: \$1,400 civil penalty. Commission approved.
7. Consent Agreement and Order (File 15-56-02309) Thomas C Silicato Jr – The respondent was 14 hours deficient in the required 14 hours for continuing education during the 2012-2014 renewal cycle. During the audit, the respondent provided proof of 21 hours of continuing education approved by the Delaware Real Estate Commission which had not been approved by the PA-SREC. Terms of the Agreement: revocation of license. Commission approved.

8. Consent Agreement and Order (File 15-56-02943) Mariana Kane – The respondent failed to disclose a criminal conviction in the form of a second degree misdemeanor DUI. The respondent did not disclose the conviction on the initial application nor on subsequent renewals. The respondent believed that since the conviction occurred 10 years prior to licensure as a salesperson, that disclosure was unnecessary. Terms of the Agreement: \$1,500 civil penalty and public reprimand. Commission approved.
9. The Commission approved a motion to adopt as final the proposed adjudication and order in the case of BPOA vs Michael Dunphy (File 11-56-01847).
10. The Commission approved a motion to authorize counsel to draft a final adjudication and order in the case of BPOA vs Manuel Joseph (File 12-56-06238).
11. The Commission approved a motion to deny the citation appeal of Nataliya Varava (File 14-56-96588).
12. The Commission approved a motion to grant the citation appeal of Virginia Lee Frank (no file number provided).
13. Representative Greg Rothman addressed the commission regarding several legislative initiatives.
  - a. Broker Price Opinions: Rep Rothman indicated that he intends to introduce legislation that would allow real estate licensees to conduct Broker Price Opinions (BPOs). He noted that interest groups have held multiple meetings and there is agreement between stakeholders regarding the proposal.
  - b. License Renewals: Rep Rothman inquired about switching to a four-year license renewal process. The commission responded favorably but indicated that such a change would need to be revenue neutral and that further investigation would be necessary.
  - c. Property Management: Rep Rothman noted that a salesperson may assist in property management if supervised by a broker and questioned whether the law should be amended to provide a salesperson the ability to negotiate a lease. He indicated that he would like the commission's input and will follow up in the fall.
14. The Pennsylvania Association of Realtors® (PAR) addressed the commission regarding the previously announced change to mandate seven hours of continuing education in specific topics for the 2016-2018 renewal. PAR President Todd Polinchock and PAR Director of Law and Policy Hank Lerner relayed concerns regarding implementation of the changes and asked for clarification about the new requirements. Following an executive session, the commission passed two motions. First, they voted to rescind the previous motion. Then they passed a new motion requiring that all licensees take at least three hours of continuing education during the 2016-2018 renewal in topics related to commission rules and regulations.

15. Rules and Regulations Committee

- Regulation 16A-5616 (Advertising and Solicitation) – The proposed rulemaking would require licensees to advertise or otherwise hold themselves out to the public only under the name listed on their license.
  - Most Recent Action: The Commission did not discuss the proposal.
- Regulation 16A-5622 (Escrow Requirements) – The proposed rulemaking would establish additional escrow requirements consistent with the changes made by Act 14 of 2009.
  - Most Recent Action: The Commission did not discuss the proposal.
- Regulation 16A-5623 (Civil Penalties) – The proposed rulemaking would amend the schedule of civil penalties to implement Act 48 penalties for continuing education violations.
  - Most Recent Action: The Commission did not discuss the proposal.

16. The Commission held a hearing regarding the request of Mark Anderson (File 16-56-06618) to sit for the broker examination. The respondent has 10 years of real estate experience in working for the Department of Veteran's Affairs (Pittsburgh office) in developing contracts and executing leases. The respondent has a marketing degree with MBA and asserts that the degree combined with additional real estate courses exceeds the qualifications to sit for the exam. The prosecution had no position regarding the request. Following an executive session, the Commission approved a motion to direct counsel to draft a final adjudication and order in the matter.

17. Next Meeting – September 21, 2016.

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, Political and Community Services Manager.