



Executive Summary
State Real Estate Commission
One Penn Center, Harrisburg
September 21, 2016

Present at the regular meeting of the Commission were: Joseph McGettigan, Chair; Alexis Barbieri; Annie Hanna Cestra; Nicole DiTomo; Armand Ferrara; Vince Galko; Joyce Haas; Edward Seebeck; Joseph Tarantino and Kathy Waters (BPOA Deputy Commissioner). Also present were Commission Counsel Juan Ruiz and Commission Administrator Krista Linsenbach.

The following key discussions/actions were taken:

1. Minutes from the July 2016 meeting were approved.
2. Consent Agreement and Order (File 15-56-03953) Christina M Callaway – 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. Commission approved.
3. Consent Agreement and Order (File 14-56-06405) James Allen III – The respondent is a salesperson licensed since 2002. In 2004 the respondent pled guilty to driving under the influence and damage to property. The respondent did not notify the commission within 30 days as required. In 2012 the respondent pled guilty to one count of driving under the influence and again failed to notify the commission within 30 days. Terms of the Agreement: public reprimand and \$1,500 civil penalty. Commission approved.
4. Consent Agreement and Order (File 15-56-03930) Parks Stephen Denardo Jr – The respondent is a broker who was six hours deficient in the required 14 hours for continuing education during the 2012-2014 renewal cycle. Terms of the Agreement: \$1,000 civil penalty. Commission approved.
5. Consent Agreement and Order (File 15-56-03931) Vanessa Hill – The respondent is a broker who was 14 hours deficient in the required 14 hours for continuing education during the 2012-2014 renewal cycle. Terms of the Agreement: \$2,800 civil penalty and complete hours within two months. Commission approved.
6. Consent Agreement and Order (File 15-56-04765) Todd C Gibson – The respondent is a licensed salesperson since 2015. The respondent pled guilty to one count of corruption of minors and failed to notify the commission within 30 days. Terms of the Agreement: voluntary surrender of license. The prosecution noted that the respondent will be able to reapply for licensure after five years. Commission approved.
7. Consent Agreement and Order (File 15-56-01615) D Anthony Kaufman – The respondent is a broker who was 14 hours deficient in the required 14 hours for continuing education

during the 2012-2014 renewal cycle. Terms of the Agreement: \$2,800 civil penalty. Commission approved.

8. Consent Agreement and Order (File 15-56-08211) Gharald P Lynch Jr – The respondent is a licensed salesperson since 1989. In May 2015, the respondent was found guilty in criminal court regarding 10 counts of child pornography. Terms of the Agreement: permanent voluntary surrender. Commission approved.
9. Consent Agreement and Order (File 15-56-06703, 15-56-04563 and 15-56-04564) NAI Commercial Partners, Thomas M McDermott, John F Thiry – The respondents are a broker and brokerage, and broker of record who was previously a salesperson in the case under consideration. The respondent salesperson represented a lessor in several transactions from 2008-2012 regarding commercial leases for a property. One tenant entered into a civil litigation with the lessor regarding the lack of a written agreement between the tenant and the lessor. The Order includes a violation against the broker and brokerage for failure to supervise and a violation against the broker of record for negligence in the transaction. Terms of the Agreement: \$6,000 civil penalty (joint and severable) as well as a commercial education module for the broker of record. Commission approved.
10. The commission approved a motion to direct counsel to prepare a final adjudication and order in the case of BPOA vs Carl B Stoner (File 12-56-10107 and File 12-56-10603).
11. The commission approved a motion to adopt the proposed adjudication and order in the case of BPOA vs Aurora Moro (File 13-56-03878).
12. The commission approved a motion to adopt the proposed adjudication and order in the case of BPOA vs Rachel Denver (File 14-56-06263).
13. The commission approved a motion to adopt the proposed adjudication and order in the case of BPOA vs Trina Malloy (File 15-56-00830).
14. The commission approved a motion to adopt the final adjudication and order in the case of BPOA vs Alfreda Bradford (File 16-56-00661).
15. The commission approved a motion to adopt the final adjudication and order in the case of BPOA vs Mark Sterling Anderson (File 16-56-06618).
16. The commission approved a motion to deny the request to enter default and deem facts admitted in the case of BPOA vs Lara Pietras (File 15-56-01706).
17. The commission approved a motion to grant the request to enter default and deem facts admitted in the case of BPOA vs Jacquelyn Nindel (File 15-56-02342).
18. The commission approved a motion to grant the request to enter default and deem facts admitted in the case of BPOA vs Daniel Eshleman (File 15-56-02365).
19. The commission approved a motion to grant the request to enter default and deem facts admitted in the case of BPOA vs Jason Hill (File 15-56-03862 and File 15-56-08406).

20. The commission approved a motion to grant the request to enter default and deem facts admitted in the case of BPOA vs Charleroi Cemetery Company (File 15-56-07686).

21. Education Committee

- The commission approved a motion to grant the request to waive the mandatory continuing education requirement for the 2016-2018 renewal cycle to licensees from Berkshire Hathaway HomeServices The Preferred Realty who took all 14-hours of education prior to the announcement of the new requirement.
- The commission approved courses titled Helping Today's Consumer, Preventing Identity Theft, and Realtors Safety and Self Defense.
- The commission denied the following courses as appraiser-focused and not related to licensee duties:
 - i. 2016-2017 7-hour National USPAP Update Course
 - ii. Can You Defend Your Appraisal?
 - iii. Communicating the Appraisal
 - iv. FHA Handbook 4000.1 What the RE Professional Needs to Know
 - v. He Who Has the Money Sets the Rules
 - vi. Managing Liability for Appraisers and Evaluators
 - vii. PA Mandatory 2-hour Rules and Regulations and Laws Update
 - viii. So Sue Me! Or Not
- The commission denied the course Understanding Drone Technology as it is a mechanical course on developing the skills necessary to be a drone operator.

22. Kathy McQuilkin, president-elect of the Pennsylvania Association of Realtors® (PAR) addressed the commission regarding Welcome Home, a quarterly survey of new homebuyers that asks questions regarding financing products used in the transaction, reasons behind the home purchase, and challenges faced with the buying process. In the third quarter, Welcome Home found nearly 60 percent of homebuyers say they used an online tool to search for a home, with Realtor.com and Zillow.com the most frequently cited. McQuilkin also noted that PAR has established a task force regarding real estate teams with preliminary recommendations focusing on several main topics including advertising, agency, and broker supervision. PAR will gather feedback from its local associations and will look to address the commission further early next year.

23. 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.

24. The commission held a license reinstatement hearing for Stephen J Izzi (File 16-56-09851). In 2011, the respondent's license was revoked. The respondent was a real estate salesperson who was acting as a part-owner in a sale. The prosecution determined that the deed to a property sale was never recorded, the property was then rehabilitated and re-sold, and the original deed was filed with the name of the original seller and new buyer. The prosecution asserted that the respondent was trying to avoid paying realty transfer taxes.

Since the license revocation, the respondent has been subject to no arrests, convictions, or disciplinary actions by other boards. The respondent has continued to take continuing education each year and also took the 60-hours required by law to be considered for reinstatement. The respondent produced several character witnesses including his wife, father-in-law, and business associates who spoke to his honesty and trustworthiness. The prosecution deferred to the commission regarding reinstatement but recommended a period of probation if reinstated. After deliberation in executive session, the commission approved a motion to direct counsel to draft a proposed adjudication and order commensurate with their discussion.

25. Next Meeting – October 18, 2016 (Philadelphia).

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.