

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

BEFORE THE REAL ESTATE COMMISSION

**COMMONWEALTH OF PENNSYLVANIA
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

V.

**BRETT GROSSMAN
CASE NO. 23-56-010450**

FINAL ADJUDICATION AND ORDER

**ARION R. CLAGGETT, ACTING COMMISSIONER
OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

**KYLE J. SAMPSON, CHAIRPERSON
STATE REAL ESTATE COMMISSION**

**P.O. BOX 69523
HARRISBURG, PA 17106-9523**

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HISTORY

This matter is before the State Real Estate Commission (Commission) to determine whether Brett Grossman (Respondent) should be disciplined under the Real Estate Licensing and Registration Act (RELRA)¹. On February 25, 2025, the Commonwealth filed a one count Order to Show Cause (OSC) alleging that Respondent is subject to disciplinary action under the RELRA and the imposition of a civil penalty under Section 305 of the Act, 63 P.S. § 455.305 and/or 63 Pa.C.S. §3108(b)(4) and/or the imposition of the costs of investigation under 63 Pa.C.S. § 3108(b)(5)², because Respondent violated Section 301 of the Act, 63 P.S. §455.301³, by acting in the capacity of a real estate salesperson without the required license.

¹ Act of February 19, 1980, P.L. 15, No. 9, *as amended*, 63 P.S. §§ 455.101-455.902.

² **Section 3108. Civil Penalties.**

* * * * *

(b) Additional powers.—In addition to the disciplinary powers and duties of the licensing boards and licensing commissions within the bureau under their respective practice acts, licensing boards and licensing commissions shall have the power, respectively:

* * * * *

(4) To levy a civil penalty of not more than \$10,000 per violation on a licensee or unlicensed person who violates a provision of the applicable licensing act or licensing board regulation.

(5) To assess against the respondent determined to be in violation of the disciplinary provisions administered by a licensing board or licensing commission in a disciplinary proceeding pending before the licensing board or licensing commission for final determination, as part of the sanction, the costs of investigation underlying that disciplinary action. The cost of investigation shall not include those costs incurred by the licensing board or licensing commission after the filing of formal actions or disciplinary charges against the respondent.

* * * * *

63 Pa. C.S. § 3108(b)(4)(5).

³ **Section 301. Unlawful to conduct business without license or registration certificate.**

It shall be unlawful for any person, directly or indirectly, to engage in or conduct, or to advertise or hold himself out as engaging in or conducting the business, or acting in the capacity of a broker or salesperson, cemetery broker, cemetery salesperson, campground membership salesperson, time-share salesperson, builder-owner salesperson, rental listing referral agent or cemetery company within this Commonwealth without first being licensed or registered

Although the OSC was served upon Respondent, he has not filed an answer. On April 24, 2025, the Commonwealth filed a Motion to Deem Facts Admitted and Enter Default (MDFA) and mailed a copy to Respondent's address on file with the Commission, [REDACTED] [REDACTED] [REDACTED] Respondent did not respond to the MDFA. The Commission deliberated on this matter at its regularly scheduled meeting on July 9, 2025. By order dated July 11, 2025, the Commission granted the MDFA, deeming Respondent to have admitted all the factual allegations of the OSC, and closed the record. The Commission now issues this adjudication as a final disposition of the charges against Respondent.

as provided in this act, unless he is exempted from obtaining a license or registration certificate under the provisions of section 304.

63 P.S. § 455.301.

FINDINGS OF FACT

1. Respondent has never held an authorization to practice the profession issued by the Commission. (Commission records; OSC at ¶ 1).
2. Upon information and belief, Respondent's mailing address is: [REDACTED]
[REDACTED]. (OSC at ¶ 2).
3. The Commonwealth has incurred two hundred twenty-five dollars and thirty-eight cents (\$225.38) in costs during the investigation of this matter. (OSC at ¶ 3).
4. Respondent owns and operates Sozo Capital Partners (Sozo). (OSC at ¶ 5).
5. The website for Sozo lists Pennsylvania properties that are available for purchase, as well as recently sold properties. (OSC at ¶ 6).
6. In late May 2023, Respondent posted a listing for 914-916 Madison Ave in Scranton, PA. (Scranton property). (OSC at ¶¶ 7-8 and exhibit A thereto).
7. The Scranton property was originally listed by real estate licensee Bill Chupko. (OSC at ¶ 9).
8. Mr. Chupko had a listing agreement with the seller of the Scranton property. (OSC at ¶ 10).
9. Mr. Chupko did not give Respondent permission to list the Scranton property on his website. (OSC at ¶ 11).
10. Respondent did not include any information in the listing regarding the fact that the listing was Mr. Chupko's. (OSC at ¶ 12).
11. Respondent contacted real estate licensee, Jennifer Dejesus, and inquired as to whether she had any buyers interested in a multi-unit property in Scranton. (OSC at ¶ 13).

12. Ms. Dejesus found a buyer that was interested in purchasing the Scranton property. (OSC at ¶ 14).

13. Respondent did not advise Ms. Dejesus that the Scranton property was listed by Mr. Chupko and that he had no permission from the sellers to act on their behalf. (OSC at ¶ 15).

14. Respondent acted as a go-between during the transaction. (OSC at ¶ 16).

15. Respondent sent Ms. Dejesus' buyer's Letter of Intent to Mr. Chupko. (OSC at ¶ 17-18 and Exhibit B thereto).

16. Respondent requested that each of Ms. Dejesus and Mr. Chupko pay him half of their commission on the transaction. (OSC at ¶ 19).

17. Respondent caused confusion and difficulties in the transaction through his representations, and the deal ultimately fell through. (OSC at ¶ 20).

18. Respondent engaged in conduct which requires a real estate salesperson's license. (OSC at ¶ 21).

19. Respondent does not hold an authorization to practice the profession issued by the Commission. (Commission records; OSC at ¶¶ 1, 22).

20. On February 25, 2025, the Commonwealth filed an OSC setting forth allegations that Respondent violated the RELRA. (MDFA at ¶ 1; Docket Entries, Case No. 23-56-010450).

21. The OSC was sent by certified mail, electronic return receipt requested, and first-class mail, postage prepaid, to Respondent at [REDACTED] USPS tracking # 9489.0090.0027.6628.4050.70. (MDFA at ¶ 2; OSC at Certificate of Service).

22. Respondent received a copy of the OSC on February 27, 2025, as evidenced by United States Postal Service ("USPS") electronic return receipt. (MDFA at ¶¶ 3-4 and Exhibit A thereto).

23. The copy of the OSC sent to Respondent by first-class mail, postage prepaid has not been returned to the Commonwealth and is therefore presumed to have been delivered to and received by Respondent. (MDFA at ¶ 5).

24. The OSC directed Respondent to file an answer within thirty (30) days of the date on the Certificate of Service associated with the OSC. (MDFA at ¶ 6).

25. As of the date of the filing of the MDFA, Respondent had not filed an answer to the OSC. (MDFA at ¶ 7; Docket Entries, Case No. 23-56-010450).

26. On April 24, 2025, the Commonwealth filed and mailed its MDFA to Respondent at: [REDACTED] (Docket Entries, Case No. 23-56-010450; Certificate of Service, MDFA).

27. On July 11, 2025, the Commission issued an Order granting the MDFA and mailed it to Respondent at: [REDACTED] (Docket Entries, Case No. 23-56-010450; Order granting).

28. Respondent did not answer the OSC, the MDFA, the Commission's Order granting the MDFA, or otherwise respond in this matter, and has not requested a hearing. (Docket Entries, Case No. 23-56-010450).

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over Respondent in this matter. (Findings of Fact nos. 1, 4-19).

2. Respondent received notice of this proceeding and of the charges against them and were afforded the opportunity to be heard in accordance with Section 4 of the Administrative Agency Law, 2 Pa.C.S. § 504. (Findings of Fact nos. 2, 20-28).

3. The Commission is authorized to impose a civil penalty pursuant to Section 305 of the Act, 63 P.S. § 455.305, and/or impose a civil penalty under 63 Pa.C.S. § 3108(b)(4) and/or impose the costs of investigation under 63 Pa.C.S. § 3108(b)(5) upon Respondent because Respondent violated Section 301 of the Act, 63 P.S. § 455.301, by acting in the capacity of a real estate salesperson without the required license. (Findings of Fact nos. 4-19). Therefore, Count One of the OSC is sustained.

4. Respondent is subject to the imposition of the costs of investigation in this matter under 63 Pa.C.S. § 3108(b)(5) in the amount of two hundred twenty-five dollars and thirty-eight cents (\$225.38). (Finding of Fact no. 3).

DISCUSSION

Respondent did not file an answer to the OSC. Under the foregoing circumstances, the Commission must ascertain whether Respondent has been afforded the appropriate due process to enable it to render a final decision on the merits of the case.

Due process rights are protected if Respondents are made sufficiently aware of the charges against them and the procedures by which they can defend themselves. *Gutman v. Com., State Dental Council & Examining Bd., Bureau of Prof'l Affairs*, 76 Pa. Cmwlth. 193, 463 A.2d 114 (1983); *Clark v. Com., Dep't of Pub. Welfare*, 58 Pa. Cmwlth. 142, 427 A.2d 712 (1981); and *Celane v. Com., Ins. Com'r*, 51 Pa. Cmwlth. 633, 415 A.2d 130, 132 (1980).

Section 33.31 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.31, authorizes service by mail. "Notice of administrative action which is mailed to the interested party's last known address has been found to be reasonable notice." *Kobylski v. Com., Milk Mktg. Bd.*, 101 Pa. Cmwlth. 155, 516 A.2d 75 (1986). A Respondent is deemed to be in default and relevant facts stated in the OSC may be admitted if the Respondent fails to file an answer within the time provided in the OSC. 1 Pa. Code § 35.37. *See also, Kinniry v. Prof'l Standards & Practices Comm'n*, 678 A.2d 1230 (Pa. Cmwlth. 1996).

In this case, the Commonwealth made an effort that was reasonably calculated under the circumstances to notify Respondent of the charges against him by mailing the OSC to Respondent via certified mail, electronic return receipt requested, and first-class mail, postage prepaid, to [REDACTED] [REDACTED] USPS tracking # 9489.0090.0027.6628.4050.70. Respondent received a copy of the OSC on February 27, 2025, as evidenced by the USPS electronic return receipt. Additionally, the copy of the OSC sent to Respondent by first-class mail, postage prepaid, has not been returned to the Commonwealth and is therefore presumed to have been delivered to

and received by Respondent. To this date, Respondent has failed to file an answer to the OSC or otherwise respond in this matter.

In the OSC and attached Notice, there were specific instructions as to how Respondent could answer the OSC and obtain a hearing. In the “Procedures” section of the OSC, Respondent was also warned what might happen if he did not file an answer as directed: **“IF RESPONDENT FAILS TO FILE A WRITTEN REQUEST FOR HEARING WITHIN THIRTY (30) DAYS OF THE DATE ON THE MOST RECENT CERTIFICATE OF SERVICE ASSOCIATED WITH THIS ORDER TO SHOW CAUSE, RESPONDENT WILL BE DEEMED TO HAVE WAIVED HIS OR HER RIGHT TO A HEARING AND FINAL JUDGMENT MAY BE ENTERED WITHOUT A HEARING.”**

Despite Respondent’s receipt of notice, Respondent failed to answer the OSC and did not respond to the MDFA or the Commission’s Order granting the MDFA. Thus, the Commission concludes that Respondent was given sufficient notice and opportunity to be heard.

The one count OSC charges that Respondent violated Section 301 of the Act, 63 P.S. §455.301, by acting in the capacity of a real estate salesperson without the required license. As established by the facts deemed admitted, Respondent never held a license or authorization to practice the profession issued by the Commission. Respondent owns and operates Sozo. On its website, Sozo lists Pennsylvania properties that are available for purchase, as well as recently sold properties. In late May 2023, Respondent posted a listing for the Scranton Property. This property was originally listed by real estate licensee Bill Chupko, and Mr. Chupko had a listing agreement with the seller of the Scranton property. Respondent did not have Mr. Chupko’s permission to list the Scranton property on his website. Respondent did not include any information in the listing regarding the fact that the listing was Mr. Chupko’s.

Respondent then contacted real estate licensee, Jennifer Dejesus, and inquired as to whether she had any buyers interested in a multi-unit property in Scranton. Respondent did not advise Ms. Dejesus that the Scranton property was listed by Mr. Chupko and that he had no permission from the sellers to act on their behalf. Ms. Dejesus found a buyer that was interested in purchasing the Scranton property. Respondent acted as a go-between during the transaction and sent Ms. Dejesus' buyer's Letter of Intent to Mr. Chupko. Respondent requested that each of Ms. Dejesus and Mr. Chupko pay him half of their commission on the transaction. Respondent's actions caused confusion and difficulties in the transaction, and the deal ultimately fell through. In order to perform the actions and make the representations that he did, Respondent was required to possess a license issued by the Commission. However, Respondent did not possess a license issued by the Commission, and therefore Count One of the OSC is sustained.

The facts deemed admitted have established the Commonwealth's case, and the Commission must now determine the appropriate sanction. The Commission may impose a civil penalty of up to \$10,000 per violation of the RELRA, and the costs of investigation under 63 Pa.C.S. § 3108(b)(5).

In determining a sanction, the Commission considers the seriousness of the offenses and any evidence offered in mitigation. Because Respondent did not file an answer to the OSC or request a hearing, the Commission has no mitigating evidence to consider. Respondent's actions are representative of an alarming increase in the unlicensed practice of the profession. Respondent, without any training, education, or experience, inserted himself in a transaction between two licensed professionals and their clients, which resulted in the entire transaction falling through. The result of this transaction highlights the necessity of these transactions to be negotiated and completed by licensed professionals.

The Commission considers Respondent's violations very serious. The Commission's rules, regulations, education, and licensing standards are in place to protect consumers of real estate services in this Commonwealth from untrained and possibly incompetent representation in real estate transactions. Respondent subverted the licensing, education, and experience requirements in an attempt to earn a commission to which he was not entitled. This is the very type of opportunistic behavior which has unfortunately become all too common in real estate transactions, and which the Commission strives to eliminate in Pennsylvania. In order to impress the seriousness of his unlicensed actions upon Respondent, as well as to dissuade any other similarly situated individuals that may consider engaging in such conduct, the Commission finds that the appropriate sanction is to levy a civil penalty in the amount of \$10,000 against Respondent, as well as assessing the costs of investigation in the amount of two hundred twenty-five dollars and thirty-eight cents (\$225.38). Respondent shall also cease and desist from engaging in the unlicensed practice of the real estate profession.

Accordingly, the Commission enters the following Order.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE REAL ESTATE COMMISSION**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

v.

**Brett Grossman,
Respondent**

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Case No. 23-56-010450

FINAL ORDER

AND NOW, this 6th day of October, 2025, the State Real Estate Commission, having duly met and considered the entire record and based on the foregoing findings of fact, conclusions of law and discussion, hereby **ASSESES** upon Respondent Brett Grossman a **CIVIL PENALTY** in the amount of **\$10,000**, and imposes the costs of investigation in the amount of **\$225.38**, for a total penalty of **\$10,225.38**. It is further **ORDERED** that Respondent shall **CEASE AND DESIST** from practicing real estate in this Commonwealth without first obtaining a license to so practice.

Respondent shall pay the full penalty imposed by certified check, cashier's check, attorney's check or U.S. postal money order made payable to "Commonwealth of Pennsylvania." The payment of the penalty imposed shall be forwarded to the following address:

Commission Counsel
Bureau of Professional and Occupational Affairs
P.O. Box 69523
Harrisburg, PA 17106-9523

Failure to pay the entire penalty imposed within thirty (30) days of the date of this Order may result in further disciplinary action and/or enforcement activity by the Office of Attorney General.

This Order is effective immediately. The sanction imposed shall take effect on October 6, 2025, thirty (30) days after the date of mailing indicated below.

**BUREAU OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS**



**ARION R. CLAGGETT
ACTING COMMISSIONER**

Respondents address:
9489 0090 0027 6582 3480 17

Prosecuting Attorney:

Commission Counsel:

Date of Mailing:

**BY ORDER:
STATE REAL ESTATE COMMISSION**



**KYLE J. SAMPSON
CHAIRPERSON**

Brett Grossman


Caroline A. Bailey, Esquire

Dean F. Picarella, Esquire

October 6, 2025

NOTICE

The attached Final Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled “Judicial Review of Governmental Determinations,” Pa. R.A.P. 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Commission Counsel
P.O. Box 69523
Harrisburg, PA 17106-9523

The name of the individual Counsel is identified on the Final Order.