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

F I N A L M I N U T E S

MEETING OF:

STATE REAL ESTATE COMMISSION

TIME: 11:01 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

April 9, 2024

State Real Estate Commission
April 9, 2024

COMMISSION MEMBERS:

Gaetano P. Piccirilli, Esquire, Chair, Public Member
Kyle Sampson, Vice Chair, Public Member
Annie Hanna Cestra, Secretary, Industry Member
Joseph Tarantino, Industry Member - Absent
Jeffrey J. Johnson, Industry Member
Anne M. Rubin, Industry Member
Guy Saxton, Cemetery Member
Jennifer Thomson, Esquire, Attorney General
designee
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs

COMMISSION PERSONNEL:

Dean F. Picarella, Esquire, Commission Counsel
Carole Clarke Smith, Esquire, Senior Commission
Counsel
Ray J. Michalowski, Esquire, Senior Commission
Prosecutor
Timothy A. Fritsch, Esquire, Commission Prosecution
Liaison
Caroline A. Bailey, Esquire, Commission Prosecutor
Ashley P. Murphy, Esquire, Commission Prosecutor
Angela L. Solomon, Esquire, Commission Prosecutor
Tyesha C. Miley, Esquire, Commission Prosecutor
Deon Bowers, Commission Administrator
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Deena Parmelee, Legal Office Administrator 1,
Department of State
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

ALSO PRESENT:

Preston Moore, President, Pennsylvania Association of
Realtors
Michael McGee, CAE, RCE, Chief Executive Officer,
Pennsylvania Association of Realtors
Henry (Hank) Lerner, Esquire, Chief Legal Officer,
Pennsylvania Association of Realtors

State Real Estate Commission

April 9, 2024

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ALSO PRESENT: (cont.)

- Emme Reiser, Political Programs Manager, Pennsylvania Association of Realtors
- Nicole Murray, RCE, Association Executive, Pocono Mountains Association of Realtors
- Ryan Berridge, Published Owner/Photographer, Berridge Media, LLC
- Lisa Ginsburg, Director of Education, Bucks County Real Estate Institute
- Wesley J. Rish, Esquire, Rish Law Office, LLC
- Rachel Wilbur-Adams, Sargent's Court Reporting Service, Inc.

1 ***

2 State Real Estate Commission

3 April 9, 2024

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Commission entered into Executive
7 Session with Dean F. Picarella, Esquire, Commission
8 Counsel, for the purpose of conducting quasi-judicial
9 deliberations on matters currently pending before the
10 Commission that are listed on the agenda. The
11 Commission returned to open session at 11:00 a.m.]

12 ***

13 The regularly scheduled meeting of the State Real
14 Estate Commission was held on Tuesday, April 9, 2024.
15 Gaetano P. Piccirilli, Esquire, Chair, Public Member,
16 officially called the meeting to order at 11:01 a.m.

17 ***

18 Roll Call

19 [Gaetano P. Piccirilli, Esquire, Chair, Public
20 Member, requested a roll call of Commission members.
21 A quorum was present.]

22 ***

23 Introduction of Attendees

24 [Gaetano P. Piccirilli, Esquire, Chair, Public
25 Member, also requested an introduction of attendees.]

1 ***

2 [Dean F. Picarella, Esquire, Commission Counsel,
3 informed everyone that the meeting was being
4 recorded, and voluntary participation constituted
5 consent to be recorded.

6 Mr. Picarella also noted the Commission entered
7 into Executive Session for the purpose of conducting
8 quasi-judicial deliberations on a number of matters
9 currently pending before the Commission and to
10 receive the advice of counsel.]

11 ***

12 Pledge of Allegiance

13 [The Pledge of Allegiance was recited.]

14 ***

15 Approval of minutes of the January 17, 2024 meeting

16 CHAIR PICCIRILLI:

17 Is there a motion to approve the draft
18 meeting minutes from the January 17,
19 2024 meeting?

20 MR. PICARELLA:

21 I would note that Annie Hanna Cestra
22 and Jeffrey Johnson were not present at
23 the meeting, so they should abstain in
24 this vote.

25 CHAIR PICCIRILLI:

1 Is there a motion?

2 MS. RUBIN:

3 So moved.

4 MR. SAXTON:

5 Second.

6 CHAIR PICCIRILLI:

7 Any discussion on the motion? Roll
8 call, Ms. Bowers.

9

10 Gaetano Piccirilli, aye; Kyle Sampson,
11 aye; Anne Rubin, aye; Guy Saxton, aye;
12 Jennifer Thomson, aye; Arion Claggett,
13 aye.

14 [The motion carried. Annie Hanna Cestra and Jeffrey
15 Johnson were not called on the roll call vote and
16 abstained from voting on the motion.]

17 ***

18 Report of Prosecutorial Division

19 [Caroline A. Bailey, Esquire, Commission Prosecutor,
20 presented the Consent Agreement for Case No. 23-56-
21 012320.]

22 ***

23 [Jennifer Thomson, Esquire, Attorney General
24 designee, exited the meeting for recusal purposes at
25 11:07 a.m.]

1 ***

2 [Timothy A. Fritsch, Esquire, Commission Prosecution
3 Liaison, on behalf of Angela L. Solomon, Esquire,
4 Commission Prosecutor, presented the Consent
5 Agreement for Case No. 19-56-014662.]

6 ***

7 [Jennifer Thomson, Esquire, Attorney General
8 designee, reentered the meeting at 11:08 a.m.]

9 ***

10 [Timothy A. Fritsch, Esquire, Commission Prosecution
11 Liaison, presented the Consent Agreements for Case
12 Nos. 23-56-000345 & 23-56-000346; Case Nos. 22-56-
13 011459 & 22-56-011460 and Case Nos. 23-56-017040 &
14 23-56-017041; Case Nos. 21-56-013838 & 23-56-000245;
15 and Case No. 22-56-009074.]

16 MR. PICARELLA:

17 After hearing the presentations, do any
18 members of the Commission wish to go
19 back into Executive Session to discuss
20 anything?

21 Based upon discussions in Executive
22 Session, I believe the Commission Chair
23 would entertain a motion to reject the
24 Consent Agreement at item 2, Case No.
25 23-56-012320 as too lenient.

1 CHAIR PICCIRILLI:

2 Is there a motion?

3 MR. SAXTON:

4 So moved.

5 CHAIR PICCIRILLI:

6 Is there a second?

7 MS. RUBIN:

8 I'll second.

9 CHAIR PICCIRILLI:

10 Any question on the motion? Let's do a
11 roll call vote.

12

13 Kyle Sampson, agree; Annie Hanna
14 Cestra, agree; Jeffrey Johnson, agree;
15 Anne Rubin, agree; Guy Saxton, yes;
16 Jennifer Thomson, agree; Arion
17 Claggett, nay; Gaetano Piccirilli, I
18 don't need to vote.

19 [The motion carried. Arion Claggett opposed the
20 motion.]

21

22 [Jennifer Thomson, Esquire, Attorney General
23 designee, exited the meeting for recusal purposes at
24 11:20 a.m.]

25

1 MR. PICARELLA:

2 Item 3. Based upon discussions in
3 Executive Session, I believe the
4 Commission Chair would entertain a
5 motion to approve the Consent Agreement
6 at Case No. 19-56-014662.

7 CHAIR PICCIRILLI:

8 Is there a such a motion?

9 MR. SAXTON:

10 So moved.

11 CHAIR PICCIRILLI:

12 Is there a second?

13 ACTING COMMISSIONER CLAGGETT:

14 Second.

15 CHAIR PICCIRILLI:

16 Any discussion on the motion? Hearing
17 none. Let's move to a roll call vote.

18
19 Kyle Sampson, yes; Annie Hanna Cestra,
20 yes; Jeffrey Johnson, yes; Anne Rubin,
21 yes; Guy Saxton, yes; Arion Claggett,
22 aye.

23 [The motion carried. Gaetano Piccirilli's name was
24 not called on the roll call vote. Jennifer Thomson
25 recused herself from deliberations and voting on the

1 motion. The Respondent's name is Diane Mesiarik.]

2 ***

3 [Jennifer Thomson, Esquire, Attorney General
4 designee, reentered the meeting at 11:21 a.m.]

5 ***

6 MR. PICARELLA:

7 Item 4 at Case Nos. 23-56-00345 & 23-
8 56-000346. I believe the Commission
9 Chair would entertain a motion to
10 approve the Consent Agreements at those
11 numbers for item 4.

12 MR. SAXTON:

13 So moved.

14 CHAIR PICCIRILLI:

15 Is there a second?

16 ACTING COMMISSIONER CLAGGETT:

17 Second.

18 CHAIR PICCIRILLI:

19 Any question on the motion? Let's do a
20 roll call vote.

21

22 Kyle Sampson, no; Annie Hanna Cestra,
23 aye; Jeffrey Johnson, aye; Anne Rubin,
24 aye; Guy Saxton, aye; Jennifer Thomson,
25 aye; Arion Claggett, aye.

1 [The motion carried. Gaetano Piccirilli's name was
2 not called on the roll call vote. Kyle Sampson
3 opposed the motion. The Respondents' names at Case
4 Nos. 23-56-00345 & 23-56-000346 are Realty Referral
5 Services LLC & Robert M. Acuf.]

6 ***

7 MR. PICARELLA:

8 Agenda item 5. I believe, based upon
9 discussions in Executive Session, the
10 Commission Chair would entertain a
11 motion to adopt the Consent Agreement
12 at Case Nos. 22-56-011459 & 22-56-
13 011460 and Case Nos. 23-56-017040 & 23-
14 56-017041.

15 CHAIR PICCIRILLI:

16 Is there a motion to approve?

17 MR. SAXTON:

18 So moved.

19 CHAIR PICCIRILLI:

20 Second?

21 ACTING COMMISSIONER CLAGGETT:

22 Second.

23 CHAIR PICCIRILLI:

24 Any discussion on the motion? Let's
25 move to a roll call vote.

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Kyle Sampson, aye; Annie Hanna Cestra,
aye; Jeffrey Johnson, aye; Anne Rubin,
aye; Guy Saxton, aye; Jennifer Thomson,
aye; Arion Claggett, aye.

[The motion carried. Gaetano Piccirilli's name was
not called on the roll call vote. The Respondents'
names at Case Nos. 22-56-011459 & 22-56-011460 are
Christian Lezzer & Lezzer Realty Group LLC. The
Respondents' names at Case Nos. 23-56-017040 & 23-56-
017041 are Advantage Real Estate Corporation LLC &
Patricia Darlene Mlynek.]

MR. PICARELLA:

Agenda item 6. I believe the
Commission Chair would entertain a
motion to accept the Consent Agreement
at Case Nos. 21-56-013838 & 23-56-
000245.

CHAIR PICCIRILLI:

Is there a motion?

MR. SAXTON:

So moved.

CHAIR PICCIRILLI:

Is there a second?

1 ACTING COMMISSIONER CLAGGETT:

2 Second.

3 CHAIR PICCIRILLI:

4 Any discussion on the motion? Let's
5 move to a roll call vote.

6

7 Kyle Sampson, aye; Annie Hanna Cestra,
8 aye; Jeffrey Johnson, aye; Anne Rubin,
9 aye; Guy Saxton, aye; Jennifer Thomson,
10 aye; Arion Claggett, aye.

11 [The motion carried. Gaetano Piccirilli's name was
12 not called on the roll call vote. The Respondents'
13 names at Case Nos. 21-56-013838 & 23-56-000245 are
14 Nicole Jane Marie Fife and MJF Management LLC.]

15

16 MR. PICARELLA:

17 Agenda item 7. I believe the
18 Commission Chair would entertain a
19 motion to accept the Consent Agreement
20 at Case No. 22-56-009074.

21 CHAIR PICCIRILLI:

22 Is there a motion?

23 MR. SAXTON:

24 So moved.

25 CHAIR PICCIRILLI:

1 Is there a second?

2 ACTING COMMISSIONER CLAGGETT:

3 Second.

4 CHAIR PICCIRILLI:

5 Any discussion on the motion? Hearing
6 none. Let's move to a roll call vote.

7

8 Kyle Sampson, aye; Annie Hanna Cestra,
9 aye; Jeffrey Johnson, aye; Anne Rubin,
10 aye; Guy Saxton, aye; Jennifer Thomson,
11 aye; Arion Claggett, aye.

12 [The motion carried. Gaetano Piccirilli's name was
13 not called on the roll call vote. The Respondent's
14 name at Case No. 22-56-009074 is Peter Meyer.]

15

16 Report of Commission Counsel - Proposed Adjudications
17 and Orders

18 MR. PICARELLA:

19 These items were all discussed in
20 Executive Session. Item 8, Karen
21 Brogan-Rotolo, Case No. 22-56-017226.

22 Based upon discussions in Executive
23 Session, I believe the Commission Chair
24 would entertain a motion to adopt the
25 Adjudication and Order in this matter

1 and direct counsel to have it issued as
2 the Final Order of the Commission.

3 CHAIR PICCIRILLI:

4 Is there a motion?

5 MR. SAXTON:

6 So moved.

7 CHAIR PICCIRILLI:

8 Is there a second?

9 ACTING COMMISSIONER CLAGGETT:

10 Second.

11 CHAIR PICCIRILLI:

12 Any discussion on the motion? Let's
13 move to a roll call vote.

14

15 Kyle Sampson, aye; Annie Hanna Cestra,
16 aye; Jeffrey Johnson, aye; Anne Rubin,
17 aye; Guy Saxton, aye; Jennifer Thomson,
18 aye; Arion Claggett, aye.

19 [The motion carried. Gaetano Piccirilli's name was
20 not called on the roll call vote.]

21

22 MR. PICARELLA:

23 Item 9, Scott Coleman, Case No. 21-56-
24 019735.

25

Based upon discussions in Executive

1 Session, I believe the Commission Chair
2 would entertain a motion to adopt the
3 Adjudication and Order in this matter
4 and direct counsel to issue it as the
5 Final Order of the Commission.

6 CHAIR PICCIRILLI:

7 Is there a motion?

8 MR. SAXTON:

9 So moved.

10 CHAIR PICCIRILLI:

11 Is there a second?

12 ACTING COMMISSIONER CLAGGETT:

13 Second.

14 CHAIR PICCIRILLI:

15 Any discussion? Hearing none. Let's
16 move to a roll call vote.

17

18 Kyle Sampson, aye; Annie Hanna Cestra,
19 aye; Jeffrey Johnson, aye; Anne Rubin,
20 aye; Guy Saxton, aye; Jennifer Thomson,
21 aye; Arion Claggett, aye.

22 [The motion carried. Gaetano Piccirilli's name was
23 not called on the roll call vote.]

24

25 MR. PICARELLA:

1 Item 10, Marcus A. Ecks, Case No. 22-
2 56-012660.

3 Based upon discussions in Executive
4 Session, I believe the Commission Chair
5 would entertain a motion to adopt the
6 Adjudication and Order in this matter
7 and direct counsel to issue it as the
8 Final Order of the Commission.

9 CHAIR PICCIRILLI:

10 Is there a motion?

11 MR. SAXTON:

12 So moved.

13 CHAIR PICCIRILLI:

14 Is there a second?

15 ACTING COMMISSIONER CLAGGETT:

16 Second.

17 CHAIR PICCIRILLI:

18 Any discussion on the motion? Let's
19 move to a roll call vote.

20
21 Kyle Sampson, aye; Annie Hanna Cestra,
22 aye; Jeffrey Johnson, aye; Anne Rubin,
23 aye; Guy Saxton, aye; Jennifer Thomson,
24 aye; Arion Claggett, aye.

25 [The motion carried. Gaetano Piccirilli's name was

1 not called on the roll call vote.]

2 ***

3 MR. PICARELLA:

4 Item 11, Samuel Florent, Case No. 21-
5 56-000113.

6 Based upon discussions in Executive
7 Session, I believe the Commission Chair
8 would entertain a motion to adopt the
9 Adjudication and Order in this matter
10 and direct counsel to issue it as the
11 Final Order of the Commission.

12 CHAIR PICCIRILLI:

13 Is there a motion?

14 MR. SAXTON:

15 So moved.

16 CHAIR PICCIRILLI:

17 Is there a second?

18 ACTING COMMISSIONER CLAGGETT:

19 Second.

20 CHAIR PICCIRILLI:

21 Any discussion? Let's move to a roll
22 call vote.

23

24 Kyle Sampson, aye; Annie Hanna Cestra,
25 aye; Jeffrey Johnson, aye; Anne Rubin,

1

2

Kyle Sampson, aye; Annie Hanna Cestra,

3

aye; Jeffrey Johnson, aye; Anne Rubin,

4

aye; Guy Saxton, aye; Jennifer Thomson,

5

aye; Arion Claggett, aye.

6

[The motion carried. Gaetano Piccirilli's name was

7

not called on the roll call vote.]

8

9

Report of Commission Counsel - Motions

10 MR. PICARELLA:

11

Item 13, Branly Morel, Case No. 23-56-

12

001671.

13

Based upon deliberations in

14

Executive Session, I believe the

15

Commission Chair would entertain a

16

motion to grant the Commonwealth's

17

Motion to Deem Facts Admitted and

18

direct Commission Counsel to draft a

19

Final Adjudication and Order in

20

accordance with discussions in

21

Executive Session.

22 CHAIR PICCIRILLI:

23

Is there a motion?

24 MR. SAXTON:

25

So moved.

1 CHAIR PICCIRILLI:

2 Is there a second?

3 ACTING COMMISSIONER CLAGGETT:

4 Second.

5 CHAIR PICCIRILLI:

6 Any discussion on the motion? Hearing
7 none. Let's move to a roll call vote.

8

9 Kyle Sampson, nay; Annie Hanna Cestra,
10 aye; Jeffrey Johnson, aye; Anne Rubin,
11 aye; Guy Saxton, aye; Jennifer Thomson,
12 aye; Arion Claggett, aye.

13 [The motion carried. Gaetano Piccirilli's name was
14 not called on the roll call vote. Kyle Sampson
15 opposed the motion.]

16

17 MR. PICARELLA:

18 Item 14, Tammy E. Rivera, Case No. 22-
19 56-010524.

20 Based upon discussions in Executive
21 Session, I believe the Commission Chair
22 would entertain a motion to grant the
23 Commonwealth's Motion to Deem Facts
24 Admitted and direct Commission Counsel
25 to draft a Final A&O in accordance with

1 discussions in Executive Session.

2 CHAIR PICCIRILLI:

3 Is there a motion?

4 MR. SAXTON:

5 So moved.

6 CHAIR PICCIRILLI:

7 Is there a second?

8 ACTING COMMISSIONER CLAGGETT:

9 Second.

10 CHAIR PICCIRILLI:

11 Any discussion on the motion? Hearing
12 none. Let's move to a roll call vote.

13

14 Kyle Sampson, aye; Annie Hanna Cestra,
15 aye; Jeffrey Johnson, aye; Anne Rubin,
16 aye; Guy Saxton, aye; Jennifer Thomson,
17 aye; Arion Claggett, aye.

18 [The motion carried. Gaetano Piccirilli's name was
19 not called on the roll call vote.]

20

21 MR. PICARELLA:

22 Item 15, Michael John Baxter, Michael
23 Baxter and Associates, Inc., and
24 Michael Baxter and Associates Property
25 Management LLC, Case Nos. 22-56-018371,

1 23-56-000711, 23-56-002829, 23-56-
2 002930, 23-56-003957, 23-56-003958, 23-
3 56-004324, and 23-56-005360.

4 Based upon deliberations in
5 Executive Session, I believe the
6 Commission Chair would entertain a
7 motion to grant the Commonwealth's
8 Motion to Deem Facts Admitted and
9 direct Commission Counsel to draft a
10 Final A&O in accordance with
11 discussions in Executive Session.

12 CHAIR PICCIRILLI:

13 Is there a motion?

14 MR. SAXTON:

15 So moved.

16 CHAIR PICCIRILLI:

17 Is there a second?

18 ACTING COMMISSIONER CLAGGETT:

19 Second.

20 CHAIR PICCIRILLI:

21 Any discussion on the motion? Hearing
22 none. Let's do a roll call vote.

23

24 Kyle Sampson, aye; Annie Hanna Cestra,
25 aye; Jeffrey Johnson, aye; Anne Rubin,

1 aye; Guy Saxton, aye; Jennifer Thomson,
2 aye; Arion Claggett, aye.

3 [The motion carried. Gaetano Piccirilli's name was
4 not called on the roll call vote.]

5 ***

6 Report of Commission Counsel - Other

7 MR. PICARELLA:

8 Item 16, Danielle Benson, Case No. 22-
9 56-008730.

10 Based upon deliberations in
11 Executive Session, I believe the
12 Commission Chair would entertain a
13 motion to direct Commission Counsel to
14 draft an order remanding this matter
15 back to the hearing examiner to conduct
16 a hearing.

17 CHAIR PICCIRILLI:

18 Is there a motion?

19 MR. SAXTON:

20 So moved.

21 CHAIR PICCIRILLI:

22 Is there a second?

23 ACTING COMMISSIONER CLAGGETT:

24 Second.

25 CHAIR PICCIRILLI:

1 Any discussion on the motion? Hearing
2 none. Let's do a roll call vote.

3
4 Kyle Sampson, aye; Annie Hanna Cestra,
5 aye; Jeffrey Johnson, aye; Anne Rubin,
6 aye; Guy Saxton, aye; Jennifer Thomson,
7 aye; Arion Claggett, aye.

8 [The motion carried. Gaetano Piccirilli's name was
9 not called on the roll call vote.]

10 ***

11 MR. PICARELLA:

12 Item 17, Daniel F. Parson, Case No. 22-
13 56-018620.

14 Based upon deliberations in
15 Executive Session, I believe the
16 Commission Chair would entertain a
17 motion directing Commission Counsel to
18 draft an order remanding this matter
19 back to the hearing examiner to conduct
20 a hearing.

21 CHAIR PICCIRILLI:

22 Correct. Is there a motion?

23 MR. SAXTON:

24 So moved.

25 ACTING COMMISSIONER CLAGGETT:

1 Second.

2 CHAIR PICCIRILLI:

3 Any discussion on the motion? Roll
4 call vote.

5

6 Kyle Sampson, aye; Annie Hanna Cestra,
7 aye; Jeffrey Johnson, aye; Anne Rubin,
8 aye; Guy Saxton, aye; Jennifer Thomson,
9 aye; Arion Claggett, aye.

10 [The motion carried. Gaetano Piccirilli's name was
11 not called on the roll call vote.]

12

13 Report of Commission Counsel - Other

14 [Dean F. Picarella, Esquire, Commission Counsel, read
15 a notice concerning the United States Department of
16 Education. Effective July 1, 2024, new United States
17 Department of Education rules relating to eligibility
18 to receive Title IV of the Higher Education Act funds
19 will go into effect. These changes may impact new
20 students who enroll in educational programs that
21 exceed the minimum number of hours required by
22 statute and/or the Commission's regulation to obtain
23 licensure by this board or commission.

24 In addition, schools offering educational
25 programs to prepare students for gainful employment

1 in a recognized occupation, including those regulated
2 by this Commission, will be required to provide
3 specific information to the Department of Education
4 about the educational program and the Commission's
5 requirements for licensure. The Commission is unable
6 to provide specific general legal advice regarding
7 the new rules to potential students or institutions
8 offering these programs.

9 Potential students are encouraged to visit the
10 Department of Education's website at www.ed.gov and
11 speak with their schools or educational institutions
12 for additional information about how the new rules
13 may affect their educational goals and ability to
14 qualify for Title IV of the Higher Education Act
15 (HEA) funds. Educational institutions are encouraged
16 to visit the Department of Education's (DOE) website
17 in conjunction with their legal counsel for
18 information specific to the information and its
19 educational programs.]

20 ***

21 Report of Regulatory Report

22 [Marc Farrell, Esquire, Regulatory Counsel, Office of
23 Chief Counsel, noted the Commission continues to have
24 three ongoing regulatory packages. He reported
25 movement on 16A-5626 regarding the Broker Price

1 Opinions package. He noted responding to comments
2 and questions received from the Governor's Office of
3 General Counsel and subsequent approval. He informed
4 Commission members that it currently awaited approval
5 from the Attorney General's Office to be able to
6 deliver the regulation to the Independent Regulatory
7 Review Commission (IRRC). He mentioned the Attorney
8 General's Office has until April 26, 2024, to
9 complete their review.

10 Mr. Farrell addressed 16A-5616 regarding the
11 General Revisions package, noting the staff is on
12 track to have a unified set of rulemaking documents
13 for the Commission's review at the May 22, 2024
14 meeting.

15 Mr. Farrell had nothing new to report on 16A-5625
16 regarding the Act 41 Licensure by Endorsement
17 package. He noted it continues to make its way
18 through the various levels of internal review. He
19 mentioned their main focus will be on their General
20 Revisions package until 16A-5625 is moving.]

21

22 Report of Commission Chairperson - No Report

23

24 Report of Acting Commissioner

25 [Arion R. Claggett, Acting Commissioner, Bureau of

1 Professional and Occupational Affairs, thanked the
2 Pennsylvania Association of Realtors (PAR) for their
3 invitation to attend the Executives Summit, where he
4 and his team presented on the renewal process.

5 Michael McGee, CAE, Chief Executive Officer,
6 Pennsylvania Association of Realtors, thanked Acting
7 Commissioner Claggett and his team for attending. He
8 reported roughly 20 local association executives
9 discussed the licensure renewal process. He stated
10 PAR knows how stressful renewal is for members and
11 staff. He appreciated the great dialogue.]

12 ***

13 Report of Commission Administrator

14 [Deon Bowers, Commission Administrator, informed
15 everyone that the renewal period opened, and anyone
16 who needs to renew can now log into their accounts to
17 renew their licenses.]

18 ***

19 Report of Committees - Education/Examination

20 MS. CESTRA:

21 We had one application sent to us. It
22 was the application of Dov Goldschmidt.
23 It was to review. This person received
24 their law degree from Temple
25 University, and they were asking for

1 their experience as an attorney
2 relating to real estate to sit for the
3 Broker's Exam.

4 I would like to make a motion that
5 Dov Goldschmidt's real estate
6 experience presented on his application
7 is sufficient to take the Broker's
8 Exam.

9 CHAIR PICCIRILLI:

10 Is there a second on the motion?

11 ACTING COMMISSIONER CLAGGETT:

12 Second.

13 CHAIR PICCIRILLI:

14 Any discussion on the motion? Hearing
15 none. Let's move to a roll call vote.

16
17 Kyle Sampson, aye; Annie Hanna Cestra,
18 aye; Jeffrey Johnson, aye; Anne Rubin,
19 aye; Guy Saxton, aye; Jennifer Thomson,
20 aye; Arion Claggett, aye.

21 [The motion carried. Gaetano Piccirilli's name was
22 not called on the roll call vote.]

23 ***

24 Report of Committees - Education/Examination -

25 Discussion - Mandatory Topics for 2024-2026 CE

1 Cycle

2 [Arion R. Claggett, Acting Commissioner, Bureau of
3 Professional and Occupational Affairs, asked
4 Commission members to explain mandatory topics for
5 the 2024-2026 continuing education (CE) cycle.

6 Ms. Cestra stated the committee recommended
7 mandatory topics based on where there were many
8 complaints filed for the past number of renewals,
9 including advertising. She mentioned PAR also
10 recommended fair housing, et cetera. She reported
11 not being required to have a mandatory topic, but
12 there has been for the past number of cycles. She
13 asked whether a mandatory topic was desired for the
14 next renewal period. She noted the mandatory topic
15 for this renewal period involved broker supervision
16 and oversight.

17 Ms. Rubin noted the topics in the most recent
18 cycle were advertising, broker supervision, and
19 property management.

20 Ms. Cestra noted the topics in the previous cycle
21 were unconscious bias and fair housing, property
22 management, and advertising. She asked whether the
23 prosecutorial division was addressing many violations
24 on a particular topic.

25 Mr. Michalowski mentioned that the committee

1 covered the most common one, which is advertising.
2 He noted the Commission requires 14 elective hours,
3 unless the Commission designates a topic prior to the
4 start of the next cycle. He believed the topics were
5 the Pennsylvania Human Relations Commission (PHRC)
6 fair housing, rules and regulations, supervision,
7 advertising, and one previously mentioned.

8 Mr. Michalowski stated property management and
9 advertising would be the two most common areas where
10 there was a lack of knowledge. He mentioned the
11 State Board of Real Estate Appraisers will be
12 implementing a larger PHRC fair housing module, which
13 will become standard in their role based on the
14 federal requirement.

15 Mr. Michalowski recommended revisiting fair
16 housing every three to four years given the large
17 turnover in their licensee population, noting it
18 would not require the creation of a new course
19 because many individuals are teaching that topic
20 already.

21 Ms. Thomson agreed that fair housing is always a
22 good space, because their civil rights section still
23 sees redlining, particularly in Philadelphia. She
24 suggested a topic on antitrust, noting a tremendous
25 amount of work done in that space with the Department

1 of Justice and the 6% fees.

2 Ms. Thomson stated antitrust is one of the
3 mandatory topics by statute due to activity that
4 occurred years ago but seemed to be flaring up. She
5 noted it may not warrant a 3-hour course, but may
6 possibility warrant a 1-hour course because of the
7 repeated spotlight over the past month or two in that
8 area. She also mentioned that it is already on the
9 mandatory list.

10 Henry (Hank) Lerner, Esquire, Chief Legal
11 Officer, Pennsylvania Association of Realtors,
12 informed Commission members that the Commission's
13 regulations only allow continuing education in
14 minimum 2-hour blocks, so anything for 1 hour would
15 have to be in conjunction with another topic.

16 Mr. Lerner commented that antitrust as a
17 mandatory course worried him simply from the level of
18 expertise of instructors. He noted many schools
19 could put together an hour or 2 discussing antitrust,
20 but was not sure there were enough well-qualified
21 instructors to teach this.

22 Mr. Lerner pointed out that many individuals have
23 been talking about refocusing on agency-related
24 issues because of the settlement cases. Individuals
25 may be reviewing contracts and agency relationships

1 in a way that they had not in the past. There is
2 discussion on how this would work clients,
3 particularly on the buyer side.

4 Mr. Lerner mentioned that issues involving the
5 agency and along those lines may feed into the idea
6 of reflecting happenings in the marketplace over the
7 next few years. He clarified that it was not an
8 official PAR recommendation, but may be a way of
9 addressing this particular issue coming up in the
10 next few years. Schools are more used to teach
11 agency than antitrust.

12 Ms. Cestra thanked Mr. Lerner for bringing up the
13 topic of agency relationships and agreed with a
14 review of the Consumer Notice, which will include all
15 of the relationships, and then a focus on the buyer
16 agency. She commented, even though it is in the law,
17 the actual reminder to be in writing, the
18 presentation of it, and when it has to happen is
19 important.

20 Ms. Cestra noted often receiving agreements of
21 sale as an agent, along with a copy of their Consumer
22 Notice and their buyer agency agreement when a
23 package is received. She noted all have the same
24 date on it, which is not how the Consumer Notice law
25 reads and is not how buyer agencies should be

1 handled. She suggested it be made a mandatory topic.

2 Mr. Michalowski commented that buyer agency is
3 most likely to change, and agency issues are the ones
4 to arise from the settlement most likely, along with
5 other future litigation that might be out there and
6 changes in the area. He mentioned it had been done
7 in the past 20 years ago for buyer agency and dual
8 agency.

9 Mr. Moore agreed with Mr. Lerner concerning
10 antitrust, but mentioned that new agent training
11 might be a good place to have an antitrust section,
12 because they have a larger module. He stated, once
13 their license is granted, their first training, which
14 is different from the rest, is another block where
15 time could be devoted to antitrust.

16 Chair Piccirilli asked whether there is a
17 timeline by which a mandatory course must be
18 approved.

19 Ms. Cestra explained that it should be done as
20 soon as possible, because the current cycle is ending
21 in May, and schools will begin seeking approval for
22 their coursework for the next cycle.

23 Chair Piccirilli noted discussion about a
24 mandatory course being centered around the topic of
25 agency, including buyer agency, and asked whether

1 anyone had any other suggested topics for
2 consideration.

3 Acting Commissioner Claggett suggested fair
4 housing as a topic.

5 Chair Piccirilli asked whether it is possible to
6 have two mandatory subjects.

7 Mr. Lerner commented that there were courses in
8 advertising and property management two or three
9 sessions ago. He reported it to be very awkward to
10 have two unrelated topics in one class, and the
11 schools had difficulty making that work in an
12 effective way. He also noted 3-hour courses work
13 well, and some schools have gone to 2 or 4-hour
14 modules because it is easier as far as scheduling.

15 Mr. Michalowski noted that his thought would be
16 to do fair housing this time. He mentioned that they
17 may have difficulties with raising the subject now a
18 few months beforehand and trying to work with the
19 providers to get a course that is appropriate for
20 this reporting period. He noted the Commission may
21 see cases coming out of the settlements and the way
22 practices are going to change to have a comprehensive
23 course. It may be better to start working on it now
24 for the next cycle.

25 Mr. Michalowski stated they could teach the

1 existing laws, but how the existing laws would go
2 with the new paradigms is not something to rush into
3 or emphasize. He mentioned that there may be some
4 changes in the law suggested during that time as
5 well.

6 Ms. Cestra commented that the courts have not yet
7 approved it, but it was pretty clear that they have
8 to be good with buyer agency moving forward. She
9 noted that things might change somewhat in terms of
10 their approach to commissions but is not what their
11 interest is as a Commission. She stated their
12 interest is making sure the public is aware of their
13 options and has the proper form to be completed.

14 Ms. Cestra again noted that the Consumer Notice
15 is often not presented as it should be as well as the
16 agency forms for buyers. She believed there is a
17 strong need now even if they take away the litigation
18 for them to do that, because they have not focused on
19 that since the law went into effect nearly 20 years
20 ago.

21 Ms. Cestra mentioned that fair housing was done
22 more recently, and it is important but maybe they can
23 go together in terms of disclosing an agency
24 relationship. She noted strongly supporting the
25 topic of agency relationships. She mentioned that 2

1 hours of agency and 2 hours of fair housing would
2 seem from this discussion to be something that could
3 work out.

4 Mr. Lerner noted it would be a bad idea to do an
5 either/or course from the Commission's end and
6 recommended they speak with prosecution or whoever
7 takes care of the audits. He noted that doing 2
8 hours on topic A and 2 hours on topic B needed to be
9 made clear that it is essentially two different
10 courses, so a school does not feel compelled to do a
11 4-hour course with two totally different topics.

12 Mr. Moore stated NAR and Pennsylvania have
13 mandatory courses, noting it is sometimes the same
14 course, where they would receive credit twice.

15 Ms. Cestra suggested checking to see if NAR would
16 accept a Pennsylvania course, because the Commission
17 is focused on licensees and not all licensees are
18 members of NAR and required to take their course.
19 She commented it would be a discussion to have with
20 NAR if they decide to do the fair housing course.]

21

22 [Pursuant to Section 708(a)(5) of the Sunshine Act,
23 at 12:07 p.m. the Commission entered into Executive
24 Session with Dean F. Picarella, Esquire, Commission
25 Counsel, for the purpose of conducting quasi-judicial

1 deliberations on matters currently pending before the
2 Commission that are listed on the agenda. The
3 Commission returned to open session at 12:25 p.m.]

4 ***

5 MR. PICARELLA:

6 The Commission has returned from
7 Executive Session, during which the
8 Commission conducted quasi-judicial
9 deliberations and received advice of
10 counsel on several matters before the
11 Commission.

12 CHAIR PICCIRILLI:

13 Turning back to the Report of the
14 Education Committee, we had a
15 discussion about a mandatory topic for
16 the 2024 through 2026 CE cycle. I
17 understand that Commissioner Hanna
18 Cestra has a motion to make.

19 MS. CESTRA:

20 The Executive Committee makes a motion
21 to have two separate mandatory courses.
22 One of them being a 2-hour fair housing
23 course and the other being a 3-hour
24 agency relationship course. More
25 information will be given as to the

1 guidance and what will be included in
2 that agency course at our next meeting.

3 MS. RUBIN:

4 Second.

5 CHAIR PICCIRILLI:

6 Any discussion on the motion? Hearing
7 none. We'll turn to a roll call vote.

8

9 Kyle Sampson, aye; Annie Hanna Cestra,
10 aye; Jeffrey Johnson, aye; Anne Rubin,
11 aye; Guy Saxton, aye; Jennifer Thomson,
12 aye; Arion Claggett, aye.

13 [The motion carried. Gaetano Piccirilli's name was
14 not called on the roll call vote. Chair Piccirilli
15 noted the goal will be to get general requirements at
16 the next meeting so that it will be easy to apply for
17 the agency course.]

18

19 Report of Committees - Enforcement - Application

20 Review

21 MR. PICARELLA:

22 Item 21 on the agenda, Mohamed Elkisas.

23 Based upon discussions in Executive
24 Session, I believe the Commission Chair
25 would entertain a motion to direct

1 Commission Counsel to draft a letter to
2 the Applicant in accordance with
3 discussions in Executive Session.

4 CHAIR PICCIRILLI:

5 Is there a motion?

6 MS. RUBIN:

7 So moved.

8 CHAIR PICCIRILLI:

9 Is there a second?

10 ACTING COMMISSIONER CLAGGETT:

11 Second.

12 CHAIR PICCIRILLI:

13 Any discussion? Roll call vote.

14

15 Kyle Sampson, aye; Annie Hanna Cestra,
16 aye; Jeffrey Johnson, aye; Anne Rubin,
17 aye; Guy Saxton, aye; Jennifer Thomson,
18 aye; Arion Claggett, aye.

19 [The motion carried. Gaetano Piccirilli's name was
20 not called on the roll call vote.]

21

22 MR. PICARELLA:

23 Item 22 on the agenda, Jacob Moore.

24 Based upon discussions in Executive
25 Session, I believe the Commission Chair

1 would entertain a motion to approve the
2 Application of Jacob Moore.

3 CHAIR PICCIRILLI:

4 Is there a motion?

5 MS. RUBIN:

6 So moved.

7 CHAIR PICCIRILLI:

8 Second?

9 MR. SAXTON:

10 Second.

11 CHAIR PICCIRILLI:

12 Any discussion? Roll call vote.

13

14 Kyle Sampson, aye; Annie Hanna Cestra,
15 aye; Jeffrey Johnson, aye; Anne Rubin,
16 aye; Guy Saxton, aye; Jennifer Thomson,
17 aye; Arion Claggett, aye.

18 [The motion carried. Gaetano Piccirilli's name was
19 not called on the roll call vote.]

20

21 MR. PICARELLA:

22 Item 23 on the agenda, Felix Aguila.

23 Based upon discussions in Executive
24 Session, I believe the Commission Chair
25 would entertain a motion to approve the

1 Application of Felix Aguila.

2 CHAIR PICCIRILLI:

3 Is there a motion?

4 MS. RUBIN:

5 So moved.

6 CHAIR PICCIRILLI:

7 Is there a second?

8 ACTING COMMISSIONER CLAGGETT:

9 Second.

10 CHAIR PICCIRILLI:

11 Roll call vote.

12

13 Kyle Sampson, aye; Annie Hanna Cestra,
14 aye; Jeffrey Johnson, aye; Anne Rubin,
15 aye; Guy Saxton, aye; Jennifer Thomson,
16 aye; Arion Claggett, aye.

17 [The motion carried. Gaetano Piccirilli's name was
18 not called on the roll call vote.]

19

20 MR. PICARELLA:

21 Item 24 on the agenda, Kyra Hornsby.

22 Based upon discussions in Executive
23 Session, I believe the Commission Chair
24 would entertain a motion to approve the
25 Application of Kyra Hornsby.

1 CHAIR PICCIRILLI:

2 Is there a motion?

3 MS. RUBIN:

4 So moved.

5 CHAIR PICCIRILLI:

6 Second?

7 ACTING COMMISSIONER CLAGGETT:

8 Second.

9 CHAIR PICCIRILLI:

10 Roll call vote.

11

12 Kyle Sampson, aye; Annie Hanna Cestra,
13 aye; Jeffrey Johnson, aye; Anne Rubin,
14 aye; Guy Saxton, aye; Jennifer Thomson,
15 aye; Arion Claggett, aye.

16 [The motion carried. Gaetano Piccirilli's name was
17 not called on the roll call vote.]

18 ***

19 MR. PICARELLA:

20 Item 25 on the agenda, Stephen Harry
21 Minton.

22 Based upon discussions in Executive
23 Session, I believe the Commission Chair
24 would entertain a motion to direct
25 Commission Counsel to draft a letter to

1 the Applicant in accordance with
2 discussions in Executive Session.

3 CHAIR PICCIRILLI:

4 Is there a motion?

5 MS. RUBIN:

6 So moved.

7 CHAIR PICCIRILLI:

8 Is there a second?

9 ACTING COMMISSIONER CLAGGETT:

10 Second.

11 CHAIR PICCIRILLI:

12 Roll call vote.

13

14 Kyle Sampson, aye; Annie Hanna Cestra,
15 aye; Jeffrey Johnson, aye; Anne Rubin,
16 aye; Guy Saxton, aye; Jennifer Thomson,
17 aye; Arion Claggett, aye.

18 [The motion carried. Gaetano Piccirilli's name was
19 not called on the roll call vote.]

20 ***

21 MR. PICARELLA:

22 Item 26 on the agenda, Carlif Green.

23 Based upon discussions in Executive
24 Session, I believe the Commission Chair
25 would entertain a motion to approve the

1 Application of Carlif Green.

2 CHAIR PICCIRILLI:

3 Is there a motion?

4 MS. RUBIN:

5 So moved.

6 CHAIR PICCIRILLI:

7 Is there a second?

8 ACTING COMMISSIONER CLAGGETT:

9 Second.

10 CHAIR PICCIRILLI:

11 Roll call vote.

12

13 Kyle Sampson, no; Annie Hanna Cestra,
14 aye; Jeffrey Johnson, aye; Anne Rubin,
15 aye; Guy Saxton, aye; Jennifer Thomson,
16 aye; Arion Claggett, aye.

17 [The motion carried. Gaetano Piccirilli's name was
18 not called on the roll call vote. Kyle Sampson
19 opposed the motion.]

20

21 MR. PICARELLA:

22 Item 27 on the agenda, Sixto Justin
23 Gavilanes.

24 Based upon discussions in Executive
25 Session, I believe the Commission Chair

1 would entertain a motion to direct
2 Commission Counsel to draft a letter to
3 the Applicant in accordance with
4 discussions in Executive Session.

5 CHAIR PICCIRILLI:

6 Is there a motion?

7 MS. RUBIN:

8 So moved.

9 CHAIR PICCIRILLI:

10 Is there a second?

11 ACTING COMMISSIONER CLAGGETT:

12 Second.

13 CHAIR PICCIRILLI:

14 Roll call vote.

15
16 Kyle Sampson, aye; Annie Hanna Cestra,
17 aye; Jeffrey Johnson, aye; Anne Rubin,
18 aye; Guy Saxton, aye; Jennifer Thomson,
19 aye; Arion Claggett, aye.

20 [The motion carried. Gaetano Piccirilli's name was
21 not called on the roll call vote.]

22 ***

23 MR. PICARELLA:

24 Item 28 on the agenda. I believe the
25 Commission is going to table this

1 matter in order to allow the Commission
2 administrator to obtain more
3 information from the Applicant.

4 CHAIR PICCIRILLI:

5 Correct.

6 ***

7 Old/New Business

8 [Ray J. Michalowski, Esquire, Senior Commission
9 Prosecutor, introduced Tyesha Miley as the newest
10 member of the prosecution team to the State Real
11 Estate Commission. Commission members welcomed Ms.
12 Miley.

13 Mr. Sampson mentioned that he was the first
14 African-American appointed to the Commission and
15 congratulated Preston Moore, who recently made
16 history by becoming the first African-American
17 president of the Pennsylvania Association of
18 Realtors. Commission members also congratulated Mr.
19 Moore.]

20 ***

21 Public Comment

22 [Preston Moore, President, Pennsylvania Association
23 of Realtors, thanked Commission members for the
24 opportunity to represent nearly 40,000 members. He
25 stated the National Associates of Realtors (NAR)

1 recently announced a settlement agreement that would
2 end litigation of claims brought on behalf of home
3 sellers related to buyer agent commissions being paid
4 by the seller.

5 Mr. Moore noted the settlement is subject to
6 court approval, and the agreement would resolve
7 claims against NAR, over 1 million NAR members, all
8 state and local realtor associations in the
9 Commonwealth, all association-owned multiple listing
10 services (MLSs), and all brokerages with an NAR
11 member as principal that had residential transaction
12 volume in 2022 of \$2 billion or less. He mentioned
13 that some brokers headquartered in Pennsylvania are
14 not covered by the agreement.

15 Mr. Moore reported NAR would pay \$418 million
16 over four years under the terms of the agreement, in
17 addition to agreeing to put a new MLS rule in place
18 that prohibits offers of broker compensation on the
19 MLS to the buyer agent. He explained that the offers
20 can continue to be an option for consumers but must
21 be negotiated outside of the MLS.

22 Mr. Moore noted working with their Standard Forms
23 Committee to determine what changes will be needed to
24 their forms once the new rules go into effect, which
25 is anticipated to be mid-July 2024. He noted further

1 information and updates could be found on NAR's
2 competition.realtor website.

3 Mr. Moore addressed the license renewal deadline
4 that is less than two months away. He noted PAR is
5 working to ensure members have information to renew
6 their licenses through emails to both their member
7 brokers and agents reminding all that the renewal
8 process has opened through the Pennsylvania Licensing
9 System (PALS). He mentioned that PAR will be posting
10 renewal reminders on their social media outlets and
11 have posted their first article on the renewal
12 process on their JustListed blog.

13 Mr. Moore expressed his appreciation for the
14 opportunity to speak with everyone and looked forward
15 to working together in the future.]

16 ***

17 Miscellaneous

18 [Dean F. Picarella, Esquire, Commission Counsel,
19 referred to the letter from Senator Art Haywood
20 regarding home appraisal bias for the Commission's
21 review. He noted the letter was more appropriately
22 directed to the State Board of Real Estate
23 Appraisers, and their counsel has addressed it and
24 responded appropriately.]

1 ***

2 Next Meeting Dates

3 [Gaetano P. Piccirilli, Esquire, Chair, Public
4 Member, noted the next scheduled 2024 Commission
5 meeting dates are May 22 and then July 10.]

6 ***

7 Adjournment

8 CHAIR PICCIRILLI:

9 I'll entertain a motion to adjourn.

10 MR. SAXTON:

11 So moved.

12 CHAIR PICCIRILLI:

13 Is there a second?

14 MR. SAMPSON:

15 Second.

16 CHAIR PICCIRILLI:

17 Thank you everyone.

18 ***

19 [There being no further business, the State Real
20 Estate Commission Meeting adjourned at 12:39 p.m.]

21 ***

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Real Estate Commission meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Real Estate Commission meeting.



Rachel Wilbur-Adams,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE REAL ESTATE COMMISSION
REFERENCE INDEX

April 9, 2024

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TIME	AGENDA
9:00	Executive Session
11:00	Return to Open Session
11:01	Official Call to Order
11:01	Roll Call
11:02	Introduction of Attendees
11:04	Pledge of Allegiance
11:05	Approval of Minutes
11:06	Report of Prosecutorial Division
11:30	Report of Commission Counsel
11:43	Report of Regulatory Counsel
11:45	Report of Acting Commissioner
11:45	Report of Commission Administrator
11:45	Report of Committees
12:07	Executive Session
12:25	Return to Open Session
12:27	Report of Committees
12:33	Old/New Business
12:35	Public Comment
12:36	Miscellaneous
12:38	Next Meeting Dates
12:39	Adjournment