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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: 10:01 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**

November 20, 2024

State Real Estate Commission  
November 20, 2024

COMMISSION MEMBERS:

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

COMMISSION PERSONNEL:

Dean F. Picarella, Esquire, Commission Counsel  
Michael Merten, Esquire, Commission Counsel  
Ray J. Michalowski, Esquire, Senior Commission Prosecutor  
Timothy A. Fritsch, Esquire, Commission Prosecution Liaison  
Ashley P. Murphy, Esquire, Commission Prosecutor  
Caroline A. Bailey, Esquire, Commission Prosecutor  
Deon Bowers, Commission Administrator  
Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State  
Andrew LaFratte, MPA, Deputy Policy Director, Department of State  
Jessica Zukoski, Senior Legal Analyst, Department of State

ALSO PRESENT:

Francesca Tracy, Compliance Analyst, The CE Shop  
Lisa Ginsburg, Director of Education, Bucks County Real Estate Institute  
Tracy Matroni, Education & Member Services at Lancaster County Association of Realtors/Keystone Chapter of the Appraisal Institute  
Della Csehoski, Cambria Somerset Association of Realtors

State Real Estate Commission  
November 20, 2024

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ALSO PRESENT: (cont.)

- Christina Valero, Beaver County Association of Realtors
- David Sites, Sites Realty, Inc.
- Dan Moul, State Representative, Pennsylvania House of Representatives
- Henry (Hank) Lerner, Esquire, Chief Legal Officer, Pennsylvania Association of Realtors
- Lisa Aaron, Professional Standards & Education Manager, Pennsylvania Association of Realtors
- Barbara Swider
- L.F.
- Erin Badstuebner, Sargent's Court Reporting Service, Inc.

1 \*\*\*

2 State Real Estate Commission

3 November 20, 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 10:00 a.m.]

12 \*\*\*

13 [Dean F. Picarella, Esquire, Commission Counsel,  
14 informed everyone that the meeting was being  
15 recorded, and voluntary participation constituted  
16 consent to be recorded.

17 Mr. Picarella also noted the Commission entered  
18 into Executive Session for the purpose of conducting  
19 quasi-judicial deliberations on a number of matters  
20 currently pending before the Commission and to  
21 receive the advice of Counsel.]

22 \*\*\*

23 The regularly scheduled meeting of the State Real  
24 Estate Commission was held on Wednesday, November 20,  
25 2024. Kyle Sampson, Vice Chair, Public Member,

1 officially called the meeting to order at 10:01 a.m.

2 Vice Chair Sampson welcomed Mr. Ferrara on his  
3 return to the Commission.

4 \*\*\*

5 Roll Call/Introduction of Attendees

6 [Kyle Sampson, Vice Chair, Public Member, requested a  
7 roll call of Commission members and introduction of  
8 attendees. A quorum of Commission members was  
9 present.]

10 \*\*\*

11 Pledge of Allegiance

12 [The Pledge of Allegiance was recited.]

13 \*\*\*

14 Approval of minutes of the October 1, 2024 meeting

15 VICE CHAIR SAMPSON:

16 Is there a motion to approve the draft  
17 minutes of the last meeting?

18 Is there a motion?

19 MR. SAXTON:

20 So moved.

21 MR. TARANTINO:

22 Second.

23 VICE CHAIR SAMPSON:

24 Madam Administrator, please call the  
25 roll.

1

2

Kyle Sampson, yes; Annie Hanna Cestra,

3

aye; Joseph Tarantino, aye; Jeffrey

4

Johnson, aye; Anne Rubin, aye; Armand

5

Ferrara, abstain; Guy Saxton, yes;

6

Jennifer Thomson, abstain.

7

[The motion carried. Armand Ferrara and Jennifer

8

Thomson abstained from voting on the motion.]

9

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10 Report of Prosecutorial Division

11 [Timothy A. Fritsch, Esquire, Commission Prosecution

12 Liaison, presented the Consent Agreements for Case

13 No. 23-56-018202 and Case Nos. 21-56-007072, 21-56-

14 012929, 22-56-017546 & 22-56-017547.]

15 MR. PICARELLA:

16

Based upon discussions in Executive

17

Session, I believe the Commission Chair

18

would entertain a motion to approve the

19

Consent Agreements at agenda item 2,

20

Case No. 23-56-018202 and agenda item 3

21

at Case Nos. 21-56-007072, 21-56-01292,

22

22-56-017546, & 22-56-017547.

23 VICE CHAIR SAMPSON:

24

Is there a motion?

25

MR. TARANTINO:

1 So moved.

2 VICE CHAIR SAMPSON:

3 Is there a second?

4 MR. FERRARA:

5 Second.

6 VICE CHAIR SAMPSON:

7 Madam administrator, please call the  
8 roll.

9

10 Kyle Sampson, aye; Annie Hanna Cestra,  
11 aye; Joseph Tarantino, aye; Jeffrey  
12 Johnson, aye; Anne Rubin, aye; Armand  
13 Ferrara, aye; Guy Saxton, yes; Jennifer  
14 Thomson, aye.

15 [The motion carried unanimously. The Respondent's  
16 name at agenda item 2, Case 23-56-018202, is Dustin  
17 R. Cutler. The Respondent at Case Nos. 21-56-007072  
18 & 21-56-012929 is Elisabeth Pennell Hamberger. The  
19 Respondents at Case Nos. 22-56-017546 & 22-56-017547  
20 at agenda item 3 are Carp Hays Diem LLC & Michael  
21 McGavisk.]

22

\*\*\*

23 Report of Commission Counsel - Proposed Adjudication  
24 and Order

25 MR. PICARELLA:

1                   Agenda item 4 is the Proposed  
2                   Adjudication and Order of Sonia  
3                   Alexander Castro trading as Sun Sun  
4                   Corp, Case No. 24-56-001148.

5                   Based upon discussions in Executive  
6                   Session, I believe the Chair would  
7                   entertain a motion to direct Commission  
8                   Counsel to draft and issue a Final  
9                   Order in this matter consistent with  
10                  discussions in Executive Session.

11 VICE CHAIR SAMPSON:

12                   Is there a motion?

13 MS. RUBIN:

14                   So moved.

15 VICE CHAIR SAMPSON:

16                   Is there a second?

17 MR. FERRARA:

18                   Second.

19 VICE CHAIR SAMPSON:

20                   Madam administrator, please call the  
21                   roll.

22  
23                   Kyle Sampson, aye; Annie Hanna Cestra,  
24                   aye; Joseph Tarantino, aye; Jeffrey  
25                   Johnson, aye; Anne Rubin, aye; Armand



1 Ferrara, aye; Guy Saxton, aye; Jennifer  
2 Thomson, aye.

3 [The motion carried unanimously.]

4 \*\*\*

5 MR. PICARELLA:

6 Agenda item 5 is Leonard Destine, Case  
7 No. 23-56-010765. Agenda item 6 is  
8 Susan C. Helm, Case No. 24-56-006671.

9 Based upon discussions in Executive  
10 Session, I believe the Commission Chair  
11 would entertain a motion to adopt the  
12 Proposed Adjudications and Orders in  
13 these two matters and direct counsel to  
14 prepare the Final Commission's Order in  
15 these two matters.

16 VICE CHAIR SAMPSON:

17 Is there a motion?

18 MR. TARANTINO:

19 So moved.

20 VICE CHAIR SAMPSON:

21 Is there a second?

22 MR. SAXTON:

23 Second.

24 VICE CHAIR SAMPSON:

25 Madam administrator, please call the

1 roll.

2

3 Kyle Sampson, aye; Annie Hanna Cestra,  
4 aye; Joseph Tarantino, aye; Jeffrey  
5 Johnson, aye; Anne Rubin, aye; Armand  
6 Ferrara, aye; Guy Saxton, aye; Jennifer  
7 Thomson, aye.

8 [The motion carried unanimously.]

9

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10 Report of Commission Counsel - Final Adjudication  
11 and Order

12 MR. PICARELLA:

13 Item 7 on the agenda is a Final  
14 Adjudication and Order for Pumsu Lim,  
15 Individually and T/D/B/A Cheltenham  
16 Realty, Case No. 22-56-015369.

17 Based upon discussions in Executive  
18 Session, I believe the Commission Chair  
19 would entertain a motion to approve the  
20 Final Adjudication and Order in this  
21 matters and direct counsel to issue it  
22 as the Final Order of the Commission.

23 VICE CHAIR SAMPSON:

24 Is there a motion?

25 MR. TARANTINO:

1 So moved.

2 VICE CHAIR SAMPSON:

3 Is there a second?

4 MR. SAXTON:

5 Second.

6 VICE CHAIR SAMPSON:

7 Madam administrator, please call the  
8 roll.

9

10 Kyle Sampson, aye; Annie Hanna Cestra,  
11 aye; Joseph Tarantino, aye; Jeffrey  
12 Johnson, aye; Anne Rubin, aye; Armand  
13 Ferrara, aye; Guy Saxton, aye; Jennifer  
14 Thomson, aye.

15 [The motion carried unanimously.]

16

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17 Report of Commission Counsel - Motion to Deem Facts  
18 Admitted

19 MR. PICARELLA:

20 Item 8 on the agenda is Michel Lee  
21 Kaluanine Muradyn, Case No. 22-56-  
22 000060. This is a Motion to Deem Facts  
23 Admitted.

24 Based upon deliberations in  
25 Executive Session, I believe the

1 Commission Chair would entertain a  
2 motion to grant the Commonwealth's  
3 Motion to Deem Facts Admitted and  
4 direct Commission Counsel to draft the  
5 Final Adjudication and Order in  
6 accordance with discussions in  
7 Executive Session.

8 VICE CHAIR SAMPSON:

9 Is there a motion?

10 MR. FERRARA:

11 So moved.

12 VICE CHAIR SAMPSON:

13 Is there a second?

14 MR. SAXTON:

15 Second.

16 VICE CHAIR SAMPSON:

17 Madam administrator, please call the  
18 roll.

19

20 Kyle Sampson, aye; Annie Hanna Cestra,  
21 aye; Joseph Tarantino, aye; Jeffrey  
22 Johnson, aye; Anne Rubin, aye; Armand  
23 Ferrara, aye; Guy Saxton, aye; Jennifer  
24 Thomson, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 \*\*\*

3 Report of Commission Counsel - Regulatory Report  
4 [Marc Farrell, Esquire, Regulatory Counsel, Office of  
5 Chief Counsel, Department of State, provided a  
6 Regulatory Status Report showing three open  
7 regulatory matters. He referred to the general  
8 revisions package at 16A-5616. He informed the  
9 Commission that he was still making changes to the  
10 annex after discussion at the October 28, 2024  
11 meeting and hoped to have that completed for its  
12 review at the January meeting.

13 Mr. Farrell referred to 16A-5625 regarding  
14 licensure by endorsement under Act 41 and informed  
15 the Commission that he hoped to resume working on  
16 that after the first of the year.

17 Mr. Farrell addressed 16A-5626 regarding broker  
18 price opinion, noting that the Commission will be  
19 provided with comments received on the proposed  
20 rulemaking for discussion at the January 8, 2025  
21 meeting, along with discussing moving that forward  
22 into the final rulemaking stage.]

23 \*\*\*

24 Report of Commission Chairperson - No Report

25 \*\*\*

1 Report of Acting Commissioner - No Report

2 \*\*\*

3 Report of Commission Administrator

4 [Deon Bowers, Commission Administrator, noted  
5 promotional properties renewal has opened. She  
6 reported that no license has renewed yet but will be  
7 open until December 31, 2024.]

8 \*\*\*

9 Report of Committees - Education/Examination

10 Committee

11 [Annie Hanna Cestra, Secretary, Industry Member,  
12 reviewed proposed items during Executive Session and  
13 requested Mr. Picarella make those into motions.]

14 MR. PICARELLA:

15 Agenda item 9 is the Broker Examination  
16 of Emily Zigterman.

17 Based upon discussions in Executive  
18 Session, I believe the Commission Chair  
19 would entertain a motion to  
20 provisionally deny the Application of  
21 Emily Zigterman to Sit for the Broker  
22 Sole Proprietor Licensure by  
23 Examination and direct counsel to draft  
24 a letter to the Applicant in accordance  
25 with discussions in Executive Session.

1 VICE CHAIR SAMPSON:

2 Is there a motion?

3 MR. FERRARA:

4 So moved.

5 VICE CHAIR SAMPSON:

6 Is there a second?

7 MS. RUBIN:

8 Second.

9 VICE CHAIR SAMPSON:

10 Madam administrator, please call the  
11 roll.

12

13 Kyle Sampson, aye; Annie Hanna Cestra,  
14 aye; Joseph Tarantino, aye; Jeffrey  
15 Johnson, aye; Anne Rubin, aye; Armand  
16 Ferrara, aye; Guy Saxton, aye; Jennifer  
17 Thomson, aye.

18 [The motion carried unanimously.]

19

\*\*\*

20 MR. PICARELLA:

21 Item 10 on the agenda is the  
22 Salesperson Examination of Andrew  
23 Koller.

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

1                   would entertain a motion to  
2                   provisionally deny the Application for  
3                   Licensure as a Real Estate Salesperson  
4                   of Andrew Koller and direct counsel to  
5                   draft a letter to the Applicant in  
6                   accordance with discussions in  
7                   Executive Session.

8 VICE CHAIR SAMPSON:

9                   Is there a motion?

10 MS. RUBIN:

11                   So moved.

12 VICE CHAIR SAMPSON:

13                   Is there a second?

14 MS. CESTRA:

15                   Second.

16 VICE CHAIR SAMPSON:

17                   Madam administrator, please call the  
18                   roll.

19

20                   Kyle Sampson, aye; Annie Hanna Cestra,

21                   aye; Joseph Tarantino, aye; Jeffrey

22                   Johnson, aye; Anne Rubin, aye; Armand

23                   Ferrara, aye; Guy Saxton, aye; Jennifer

24                   Thomson, aye.

25 [The motion carried unanimously.]



1 \*\*\*

2 Report of Committees - Enforcement Committee -  
3 Application Review

4 MR. PICARELLA:

5 Agenda item 11 is Brendan Herbetko.  
6 Based upon discussions in Executive  
7 Session, I believe the Commission Chair  
8 would entertain a motion to approve the  
9 Application of Brendan Herbetko for  
10 Licensure as a Real Estate Salesperson.

11 VICE CHAIR SAMPSON:

12 Is there a motion?

13 MR. SAXTON:

14 So moved.

15 VICE CHAIR SAMPSON:

16 Is there a second?

17 MR. JOHNSON:

18 Second.

19 VICE CHAIR SAMPSON:

20 Madam administrator, please call the  
21 roll.

22  
23 Kyle Sampson, aye; Annie Hanna Cestra,  
24 aye; Joseph Tarantino, no; Jeffrey  
25 Johnson, aye; Anne Rubin, aye; Armand

1 Ferrara, no; Guy Saxton, aye; Jennifer  
2 Thomson, aye.

3 [The motion carried. Joseph Tarantino and Armand  
4 Ferrara opposed the motion.]

5 \*\*\*

6 MR. PICARELLA:

7 Agenda item 12 is Thomas Corso. Based  
8 upon discussions in Executive Session,  
9 I believe the Commission Chair would  
10 entertain a motion to approve the  
11 Application of Thomas Corso for  
12 Licensure as a Real Estate Salesperson.

13 VICE CHAIR SAMPSON:

14 Is there a motion?

15 MR. TARANTINO:

16 So moved.

17 VICE CHAIR SAMPSON:

18 Is there a second?

19 MR. FERRARA:

20 Second.

21 VICE CHAIR SAMPSON:

22 Madam administrator, please call the  
23 roll.

24

25 Kyle Sampson, aye; Annie Hanna Cestra,



1

2

Kyle Sampson, aye; Annie Hanna Cestra,

3

aye; Joseph Tarantino, aye; Jeffrey

4

Johnson, aye; Anne Rubin, aye; Armand

5

Ferrara, aye; Guy Saxton, aye; Jennifer

6

Thomson, aye.

7

[The motion carried unanimously.]

8

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9

MR. PICARELLA:

10

Item 14 on the agenda is the

11

Application of Joshua T. D'Ambrosio.

12

Based upon discussions in Executive

13

Session, I believe the Commission Chair

14

would entertain a motion to approve the

15

Application of Joshua T. D'Ambrosio for

16

Licensure as a Real Estate Salesperson.

17

VICE CHAIR SAMPSON:

18

Is there a motion?

19

MR. TARANTINO:

20

So moved.

21

VICE CHAIR SAMPSON:

22

Is there a second?

23

MR. FERRARA:

24

Second.

25

VICE CHAIR SAMPSON:

1 Madam administrator, please call the  
2 roll.

3  
4 Kyle Sampson, aye; Annie Hanna Cestra,  
5 aye; Joseph Tarantino, aye; Jeffrey  
6 Johnson, aye; Anne Rubin, aye; Armand  
7 Ferrara, aye; Guy Saxton, aye; Jennifer  
8 Thomson, aye.

9 [The motion carried unanimously.]

10 \*\*\*

11 Old/New Business - Election of Officers

12 MR. PICARELLA:

13 I'd like to open the floor to any  
14 nominations for the position of  
15 Commission Chair for next year.

16 MR. TARANTINO:

17 I would like to make a motion that we  
18 nominate Kyle Sampson to be the  
19 Commission Chair for 2025.

20 VICE CHAIR SAMPSON:

21 Is there a second?

22 MR. SAXTON:

23 Second.

24 MR. PICARELLA:

25 Any other nominations? The nomination

1 is closed. If elected to serve, would  
2 you serve, Commissioner Sampson?

3 VICE CHAIR SAMPSON:

4 Yes.

5 MR. PICARELLA:

6 I believe we need a vote to approve.

7 VICE CHAIR SAMPSON:

8 Madam administrator, please call the  
9 roll.

10

11 Kyle Sampson, aye; Annie Hanna Cestra,  
12 aye; Joseph Tarantino, aye; Jeffrey  
13 Johnson, aye; Anne Rubin, abstain;  
14 Armand Ferrara, aye; Guy Saxton, aye;  
15 Jennifer Thomson, aye.

16 [The motion carried. Anne Rubin abstained from  
17 voting on the motion.]

18

\*\*\*

19 MR. PICARELLA:

20 I would now open the floor for any  
21 nominations for the position of Vice  
22 Chair for the Commission.

23 VICE CHAIR SAMPSON:

24 I nominate Annie Hanna Cestra.

25 MR. TARANTINO:

1 I'll second that motion.

2 MR. PICARELLA:

3 Any other nominations for Vice Chair?  
4 Commissioner Annie Hanna Cestra, if  
5 elected, would you serve?

6 MS. CESTRA:

7 I will.

8 MR. PICARELLA:

9 I believe we need a vote to approve Ms.  
10 Cestra as our new Vice Chair.

11

12 Kyle Sampson, aye; Annie Hanna Cestra,  
13 aye; Joseph Tarantino, aye; Jeffrey  
14 Johnson, aye; Anne Rubin, aye; Armand  
15 Ferrara, aye; Guy Saxton, aye; Jennifer  
16 Thomson, aye.

17 [The motion carried unanimously.]

18

\*\*\*

19 MR. PICARELLA:

20 I would now open the floor to any  
21 nominations for the position of  
22 Commission Secretary.

23 MR. TARANTINO:

24 I make a motion that we appoint Guy  
25 Saxton as Commission Secretary for

1 2025.

2 VICE CHAIR SAMPSON:

3 Second.

4 MR. PICARELLA:

5 Any other nominations? Commissioner  
6 Saxton, if so elected, would you be  
7 willing to serve that position?

8 MR. SAXTON:

9 Yes.

10 MR. PICARELLA:

11 Nominations are closed. I believe we  
12 need a vote to elect Mr. Saxton as the  
13 Secretary.

14

15 Kyle Sampson, aye; Annie Hanna Cestra,  
16 aye; Joseph Tarantino, aye; Jeffrey  
17 Johnson, aye; Anne Rubin, aye; Armand  
18 Ferrara, aye; Guy Saxton, aye; Jennifer  
19 Thomson, aye.

20 [The motion carried unanimously.]

21

\*\*\*

22 Old/New Business - Pennsylvania Association of  
23 Realtors Triple Play Convention

24 MR. PICARELLA:

25 Item 16 on the agenda is approval to



1 send two Commissioners and counsel to  
2 the Pennsylvania Association of  
3 Realtors Triple Play Convention  
4 December 9-12 in Atlantic City.

5 This will be a vote to approve  
6 paying for sending two Commissioners  
7 and Commission Counsel to that  
8 convention.

9 MR. TARANTINO:

10 So moved.

11 MS. RUBIN:

12 Second.

13 VICE CHAIR SAMPSON:

14 Madam administrator, please call the  
15 roll.

16  
17 Kyle Sampson, aye; Annie Hanna Cestra,  
18 aye; Joseph Tarantino, aye; Jeffrey  
19 Johnson, aye; Anne Rubin, aye; Armand  
20 Ferrara, aye; Guy Saxton, aye; Jennifer  
21 Thomson, aye.

22 [The motion carried unanimously.]

23 \*\*\*

24 Old/New Business - Pennsylvania Association of  
25 Realtors Inauguration

1 MR. PICARELLA:

2 Item 17 on the agenda is approval to  
3 send two Commissioners to the  
4 Pennsylvania Association of Realtors  
5 Inauguration on Monday, January 27.

6 That would be to pay for any  
7 expenses for the Commissioners to  
8 attend that inauguration.

9 Do we have a motion to approve  
10 that?

11 MR. TARANTINO:

12 I make a motion to send two  
13 Commissioners to that inauguration.

14 MS. RUBIN:

15 Second.

16 VICE CHAIR SAMPSON:

17 Madam administrator, please call the  
18 roll.

19  
20 Kyle Sampson, aye; Annie Hanna Cestra,  
21 aye; Joseph Tarantino, aye; Jeffrey  
22 Johnson, aye; Anne Rubin, aye; Armand  
23 Ferrara, aye; Guy Saxton, aye; Jennifer  
24 Thomson, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 Old/New Business - Review and Approval of Tentative  
3 Commission Meeting Schedule for 2026

4 [Deon Bowers, Commission Administrator, provided 2026  
5 Commission meeting dates for approval.]

6 VICE CHAIR SAMPSON:

7 Is there a motion to approve the  
8 calendar dates?

9 MR. TARANTINO:

10 So moved.

11 VICE CHAIR SAMPSON:

12 Is there a second?

13 MR. FERRARA:

14 Second.

15 VICE CHAIR SAMPSON:

16 Madam administrator, please call the  
17 roll.

18  
19 Kyle Sampson, aye; Annie Hanna Cestra,  
20 aye; Joseph Tarantino, aye; Jeffrey  
21 Johnson, aye; Anne Rubin, aye; Armand  
22 Ferrara, aye; Guy Saxton, aye; Jennifer  
23 Thomson, aye.

24 [The motion carried unanimously.]

25 \*\*\*

1 Public Comment

2 [Michael McGee, CAE, Chief Executive Officer,  
3 Pennsylvania Association of Realtors, informed  
4 Commission members that Act 52 is going to take  
5 effect on January 4, 2025, which is the new law  
6 amending the Real Estate Licensing and Registration  
7 Act to address wholesaling activities.

8 Mr. McGee asked whether the Commission has had  
9 any discussion regarding what process they are going  
10 to follow and when they are going to look at starting  
11 the regulatory process. He noted Mr. Lerner is more  
12 than happy to offer any assistance as they go through  
13 that process.

14 David Sites, Sites Realty, Inc., stated there is  
15 currently a coalescence of their associations and  
16 Multiple Listing Service (MLS) systems and provided  
17 the Commission with documentation. He noted  
18 utilizing Bright in their area, which was adopted by  
19 their local board of realtors. He referred to a  
20 protocol called "coming soon," noting it to be a way  
21 to provide insider trading mainly for the listing  
22 agents using the protocol.

23 Mr. Sites believed "coming soon" is egregious to  
24 sellers and did not promote competition. He referred  
25 to his letter of August 6, 2024, that was sent to the

1 Commission concerning the issues. He explained that  
2 a property could go on the market "coming soon" and  
3 believed it gives the listing agent an advantage  
4 because they have insider knowledge of what the  
5 property is like, what is in it, and the condition.

6 Mr. Sites requested information regarding what  
7 oversight department or commission regulates "coming  
8 soon," because their local board cannot do anything  
9 about it, noting they have an equitable interest in  
10 Bright. They have paid to be a member and Bright  
11 does not want to do anything about it. He commented  
12 that it is egregious to the seller and other agents,  
13 and oversight should be implemented on this policy.

14 Mr. Sites noted having correspondence with Mr.  
15 Lerner. He mentioned joining the real estate  
16 industry around 1980 and being required to join his  
17 local board of realtors. He noted that he has no  
18 issues with his local or state board but has an issue  
19 with having to belong to the national association.

20 Mr. Sites believed the national association let  
21 them down and did not believe that they actually  
22 sustain them and are taking dues for their  
23 legislative government affairs issues. He reported  
24 paying his local and PAR dues but not paying national  
25 dues. He explained that he received correspondence

1 stating that the dues must be paid by January or he  
2 is no longer a member of the board of realtors.

3 Mr. Sites further explained that they lose their  
4 rights to PAR forms and to a SentiLock, along with  
5 agents in their firm affiliated with them. He stated  
6 they are independent contractors, which he believed  
7 is also violating antitrust and restraining trade.  
8 He mentioned that they are independent contractors  
9 and should be allowed to be a member of NAR  
10 regardless of whether he does or not, because it is  
11 personal as an agent.

12 Mr. Sites commented that the system needed  
13 changed and recommended the Commissioners of the Real  
14 Estate Commission form some type of oversight and  
15 compliance committee to oversee the associations and  
16 MLS systems.

17 Mr. Picarella stated the Real Estate Commission's  
18 Counsel's role is to strictly enforce their  
19 regulations and have no jurisdiction at all over  
20 national. He noted a complaint could be filed if  
21 someone believes there are currently violations of  
22 the Real Estate Licensing and Registration Act  
23 (RELRA). He explained that the Commission cannot  
24 give any advisory opinions or hypotheticals.

25 Mr. Sites stated the Commission is the head of

1 the pinnacle for real estate rules and regulations  
2 and asked where it is governed when the utilization  
3 of something like "coming soon" is basically  
4 unethical, utilized, and actually is detrimental to  
5 the consumer.

6 Ms. Thomson noted working in the Antitrust  
7 Section of the Pennsylvania Office of Attorney  
8 General. She explained that they are charged by the  
9 Commonwealth with enforcing antitrust laws in  
10 Pennsylvania. She further explained that it is the  
11 Federal Trade Commission or the U.S. Department of  
12 Justice at the federal level. She stated they do not  
13 have a set of regulations that covers this and  
14 basically intake complaints and review this.

15 Ms. Thomson encouraged Mr. Sites to file a  
16 complaint with the antitrust section on their website  
17 at attorney general.gov if he thinks that there are  
18 violations of the antitrust laws. She noted they  
19 will reach out to him after the complaint is  
20 reviewed. She mentioned that she will not be any  
21 part of that review because she is a member of the  
22 Commission. She also encouraged him to look at the  
23 federal agency websites and file a complaint if  
24 appropriate.

25 Ms. Rubin stated the Commission and private

1 associations and membership organizations are two  
2 separate things. She noted that professional  
3 organizations and memberships set their rules and  
4 guidelines. She mentioned that they do have to  
5 comply with the rules and regulations of RELRA but  
6 they can have their own bylaws and qualifications.

7 Ms. Rubin noted Bright and the association has  
8 done that, and there is no place in the Real Estate  
9 Commission unless they are in violation as far as the  
10 Commission having a play in any of that. She stated  
11 she represents bank foreclosures and has utilized  
12 "coming soon" on personal listings.

13 Ms. Rubin believed "coming soon" to be a great  
14 tool when a seller is not ready to put their property  
15 on the market, and anybody has the ability to do that  
16 if the seller is willing to enter into visiting an  
17 agreement. She also believed there are agents who  
18 are not necessarily following the bylaws and the  
19 rules that Bright sets up for "coming soon" and has  
20 notified Bright because they have a mechanism for  
21 filing an ethics complaint through the Association of  
22 Realtors.

23 Ms. Rubin commented that the Real Estate  
24 Commission has no play in this unless one of the  
25 offenses has been in violation of their rules and



1 regulations. She also informed Mr. Sites that he can  
2 go online and file a complaint against the licensee  
3 through the Real Estate Commission if he determines  
4 there was unprofessional behavior that should be  
5 looked at or reprimanded.

6 Dan Moul, State Representative, Pennsylvania  
7 House of Representatives, asked whether the  
8 regulations are done in statute or in regulation and  
9 who makes the regulation.

10 Mr. Picarella explained that the Commission makes  
11 the regulations but can only base regulations on what  
12 is in their statute, which is the RELRA, which is the  
13 legislature's realm. He noted the legislature makes  
14 the law and the Commission administers it through  
15 their regulations.

16 Representative Moul commented that tweaks may in  
17 there where suggestion could be made in the future.

18 Mr. Picarella stated the Commission will always  
19 listen to what stakeholders have to say regarding  
20 changes in their regulations.

21 Vice Chair Sampson, along with Commissioner Annie  
22 Hanna Cestra and Commissioner Guy Saxon, thanked  
23 everyone for the trust they put in them for 2025. He  
24 wished everyone a Happy Thanksgiving, Merry  
25 Christmas, blessed Hanukkah, and a happy, healthy new

1 year.]

2

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3 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
4 at 10:51 a.m. the Commission entered into Executive  
5 Session with Dean F. Picarella, Esquire, Commission  
6 Counsel, for the purpose of conducting quasi-judicial  
7 deliberations on matters currently pending before the  
8 Commission and to receive the advice of Counsel. The  
9 Commission returned to open session at 11:04 a.m.]

10

\*\*\*

11 Adjournment

12 VICE CHAIR SAMPSON:

13 I entertain a motion to adjourn this  
14 meeting of the Pennsylvania Real Estate  
15 Commission until January 8, 2025.

16

Is there a motion?

17 MR. SAXTON:

18

So moved.

19 MR. TARANTINO:

20

Second.

21 VICE CHAIR SAMPSON:

22

Thank you.

23

\*\*\*

24 [There being no further business, the State Real  
25 Estate Commission Meeting adjourned at 11:05 a.m.]

1 \*\*\*

2  
3 CERTIFICATE

4  
5 I hereby certify that the foregoing summary  
6 minutes of the State Real Estate Commission meeting,  
7 was reduced to writing by me or under my supervision,  
8 and that the minutes accurately summarize the  
9 substance of the State Real Estate Commission  
10 meeting.

11  
12  
13  
14 Erin Badstuebner,  
15 Minute Clerk  
16 Sargent's Court Reporting  
17 Service, Inc.  
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STATE REAL ESTATE COMMISSION  
REFERENCE INDEX

November 20, 2024

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| TIME  | AGENDA                              |
|-------|-------------------------------------|
| 9:00  | Executive Session                   |
| 10:00 | Return to Open Session              |
| 10:01 | Official Call to Order              |
| 10:01 | Roll Call/Introduction of Attendees |
| 10:03 | Pledge of Allegiance                |
| 10:04 | Approval of Minutes                 |
| 10:05 | Report of Prosecutorial Division    |
| 10:12 | Report of Commission Counsel        |
| 10:19 | Report of Commission Administrator  |
| 10:20 | Report of Committees                |
| 10:25 | Old/New Business                    |
| 10:35 | Public Session                      |
| 10:51 | Executive Session                   |
| 11:04 | Return to Open Session              |
| 11:05 | Adjournment                         |