

NEW YORK STATE REAL ESTATE BOARD
MEETING SUMMARY
July 22, 2021

The meeting was held at the Department of State, Division of Licensing Services, 99 Washington Avenue, Albany, NY; 123 William Street, New York City, NY; and 276 Waring Street, Rochester, NY.

I. CALL TO ORDER, INTRODUCTIONS and OFFICIAL ATTENDANCE

The meeting was called to order at 1:08 p.m. A. Penzabene performed roll call and D. Mossberg announced that a quorum was not present. The official attendance was as follows:

BOARD MEMBERS

Duncan MacKenzie
Edwin Clark
David Dworkin
Neil Garfinkel
Diane Ramirez

Excused:

Dherminder Bhasin
Dale Burnett
Sandra Erickson
Trisha Ocona
Gregory Weston

DEPARTMENT OF STATE STAFF

Amy Penzabene, representing Secretary of State
Jodi DeLollo
David Mossberg
Ernest Delaney
Emily Lupe
Marcy Rose
Shannon Maguire
Denise Tidings
Alison Lacy

VISITORS

Kristin Cohen, NYSAR
*Other online public members

- A. Approval of 3-11-21 Meeting Summary – This item was tabled due to a lack of quorum.

II. ACTION ITEMS

- A. Enforcement Report – E. Delaney provided an enforcement update. He mentioned that his reporting would contain a follow-up on the alleged pattern of discriminatory behavior with minority homebuyers that was reported by Newsday in Fall 2019. He stated that DOS conducted complaint investigations which included interviewing the involved salespersons and brokers and collecting statements and documents from them. E. Delaney mentioned that as a result, Enforcement forwarded some of these complaint investigations to our counsel's office recommending a disciplinary hearing. He reported that there currently are a total of 12 hearings completed with 10 hearings pending (2 complaints are awaiting to be scheduled for a hearing, 3 complaints resulted in warnings being issued to the licensee rather than taking the complaints to hearing, and 5 complaints remain under review by our counsel's office). He added that there have been no findings or decisions on these cases.

- B. Processing Report** – E. Lupe stated that the license statistical information from June 2020 and June 2021 was provided to board members. She explained that the total number of licensees are listed by county and that the figures only include active licensees as EO 202.11 allows individuals to extend their license term during the current State of Emergency.
- C. Education/Examination Report** - M. Rose stated that on July 1, 2021, a new law regarding continuing education went into effect for real estate salespersons and brokers. She explained that all licensees with a license expiring on or after July 1, 2021, will be required to successfully complete 22.5 hours of approved continuing education. She added that the education must include at least 2.5 hours on the subject of ethical business practices, at least 1 hour of recent legal matters, at least 3 hours of instruction pertaining to fair housing and/or discrimination in the sale or rental of real property or an interest in real property and at least 1 hour of instruction pertaining to the law of agency except in the case of the initial two-year licensing term for real estate salespersons, 2 hours of agency related instruction must be completed within the two-year period immediately preceding a renewal.
- M. Rose reported that 27 organizations have received approval to offer the new topics, which allows licensees to successfully locate courses. She added that the change also removes the 15-year real estate broker continuing education exemption and now requires all brokers to complete continuing education.
- D. Examination Report**- S. Maguire provided the licensing examination pass rates for the first quarter of 2021, reporting that 58 percent passed the real estate salespersons exam and 58 percent passed the broker exam. She reported that 6,251 individuals (of the 9,423 scheduled) took the real estate salespersons exam and 451 (of the 764 scheduled) individuals took the broker exam.

III. NEW BUSINESS

- A. Executive Order Update** – D. Mossberg reported that the Executive Orders which extended the expiration date of licenses, and allowed electronic notarization and virtual public meetings, have expired as of June 24, 2021, and are no longer in effect.
- B. DOS Website Update** – A. Penzabene reported that the Department of State’s website has been recently redesigned, giving it a similar look to other New York State government agency websites. She stated that the update should make the website easier to navigate and that the Department is still working on fixing some of the content and broken links. A. Penzabene mentioned that any concerns regarding the new website should be brought to her attention.

C. Next Meeting Date – D. Tidings announced that the next meeting of the NYS Board of Real Estate is scheduled for Thursday, November 18, 2021, at 1 p.m. She mentioned that Board members should submit (email) potential agenda items or topics of discussion for the next meeting to her attention.

IV. ADJOURNMENT

A.Penzabene made a motion to adjourn the meeting and the motion was seconded by D. MacKenzie; all were in favor. The meeting was adjourned at 1:18 p.m.

V. PUBLIC HEARING SESSION (ALBANY)

D.Mossberg announced the public hearing session (Albany) and asked if there was anyone wishing to address the Board. There were no public members in Albany, New York City, Rochester, or online interested in participating in the public hearing session. After verifying that no public hearing members were present, D. Mossberg announced that the session was now closed.