

2/17 RE Board Meeting

12:47 pm - 1:44 pm Thursday, February 17, 2022 | (UTC-05:00) Eastern Time (US & Canada)

Paula O'Brien Ernita Gantt Michael Shannon Hayley Alaxanian
Shannon Shannon Maguire Neil Garfinkel Erin Diane M. Ramirez
C.Knight-Miller Emily Lupe alb99-505@dos.ny.gov Ernest Alison Lacy
Edwin Clark TRISHA OCONA Sandhya Espitia David Mossberg Gregory
Weston Mike Kelly Duncan MacKenzie Shenita Daniels David Stern
NYC-231@dos.ny.gov Sandra Erickson Jodi DeLollo

WEBVTT

Duncan MacKenzie

Welcome everybody. Denise, are you going to take an actual roll call or you will just mark their names down from what you see on the screen?

1

Denise Tidings alb99-505@dos.ny.gov 00:00:25.440 --> 00:00:31.705
You can go ahead and go through the attendance as you normally would if you use the updated agenda, that should have the names there. And, maybe we should have the Department staff introduce themselves today since we do have a new member.

2

Duncan MacKenzie 00:00:32.965 --> 00:00:35.005
Okay, very well, then I will run through the board members first.

3

alb99-505@dos.ny.gov 00:00:35.665 --> 00:00:35.965
So.

4

Duncan MacKenzie 00:00:36.715 --> 00:00:41.305
Do our newest member last so they can give us a bit of background so.

5

Duncan MacKenzie 00:00:47.635 --> 00:00:48.865
Edwin Clark?

Ewin Clark
Here.

Duncan MacKenzie
Here. Dherminder Bashin?

6

Duncan MacKenzie 00:00:51.624 --> 00:00:52.584
Sandra Erickson?

7

Sandra Erickson 00:00:54.054 --> 00:00:54.384
Here.

8

Duncan MacKenzie 00:00:55.974 --> 00:00:56.934
Gregory Weston?

9

Duncan MacKenzie 00:00:59.785 --> 00:01:02.185
Think Greg's camera is not on, but he's here with us.

10

Denise Tidings alb99-505@dos.ny.gov 00:01:02.635 --> 00:01:03.175
Yep.

Duncan MacKenzie
Neil Garfinkel?

11

Neil Garfinkel 00:01:04.975 --> 00:01:05.455
Here.

12

Duncan MacKenzie 00:01:07.105 --> 00:01:12.805
Dale Burnett, here? Diane Ramirez?

13

Diane M. Ramirez 00:01:13.525 --> 00:01:14.035
Here.

14

Duncan MacKenzie 00:01:15.685 --> 00:01:16.945
Trisha Oona Francis?

15

Duncan MacKenzie 00:01:19.794 --> 00:01:20.694
And, Dave Dworkin?

16

Duncan MacKenzie 00:01:23.365 --> 00:01:32.095
And then we have joining us today for the first time, and I'm going to
mispronounce your name so I'm going to apologize in advance and you
can correct me afterwards, Sandhya Espitia.

You're muted.

Denise Tidings
We can hear you.

17

John Goldman alb99-505@dos.ny.gov 00:01:43.155 --> 00:01:48.495
No, no I think the new member is muted.

18

Denise Tidings alb99-505@dos.ny.gov 00:01:49.904 --> 00:01:50.114
I just heard her. She said I think I am muted.

19

John Goldman alb99-505@dos.ny.gov 00:01:50.744 --> 00:01:56.264
No, I think it was one of the other members that

Denise Tidings

Oh, okay. I thought she said that.

20

Duncan MacKenzie 00:01:59.924 --> 00:02:00.674
Still muted?

21

John Goldman alb99-505@dos.ny.gov 00:02:00.674 --> 00:02:05.474
Duncan, I think she's muted. If you can, if she can hear us, if you
can let her know.

22

Duncan MacKenzie 00:02:06.404 --> 00:02:06.764
Up.

23

Sandhya Espitia 00:02:07.725 --> 00:02:11.295
I can hear everybody, but can you guys hear me?

24

alb99-505@dos.ny.gov 00:02:11.355 --> 00:02:12.615
Oh, there you are yeah. Yeah.

25

Sandhya Espitia 00:02:12.975 --> 00:02:14.115
Great, thank you.

26

Duncan MacKenzie 00:02:14.325 --> 00:02:15.585
Was I close with your name or no?

27

Jodi DeLollo 00:02:15.585 --> 00:02:16.065
No.

28

Sandhya Espitia 00:02:16.965 --> 00:02:19.635
It is Sandhya, so you were very close.

29

NYC-231@dos.ny.gov 00:02:20.925 --> 00:02:21.435
Um.

30

Sandhya Espitia 00:02:21.435 --> 00:02:22.155
I'm having trouble

31

Sandhya Espitia 00:02:22.425 --> 00:02:23.115
With my camera here, so

32

Jodi DeLollo 00:02:23.115 --> 00:02:23.445
So.

33

Sandhya Espitia 00:02:23.475 --> 00:02:28.815
Hopefully, I will be able to fix that throughout the meeting, but good
afternoon and

34

Sandhya Espitia 00:02:28.845 --> 00:02:49.965
Thank you everyone, it is great to meet you. My name is Sandhya
Espitia. I am the Chief Operating Officer of REBNY here in New York
City. I have served the real estate industry for over a decade, always
on the trade association side of the business. Prior to joining REBNY,
I worked as Global VP at

35

Sandhya Espitia 00:02:50.024 --> 00:02:55.994
ICSC here in New York City, which is the trade association for retail
real estate.

36

NYC-231@dos.ny.gov 00:02:56.054 --> 00:02:56.294
Hey.

37

Sandhya Espitia 00:02:56.294 --> 00:02:56.564
Right.

38

Sandhya Espitia 00:02:56.714 --> 00:03:10.994
At the time I served about 60,000 members, developers, investors, and
brokers in five different continents. So, I joined ICSC about ten
years ago and then I joined REBNY about five years ago.

39

Sandhya Espitia 00:03:13.660 --> 00:03:17.495

And today I oversee 15,000 members, and all the programs and services that we have in place for them.

40

Jodi DeLollo 00:03:17.495 --> 00:03:17.915

41

Sandhya Espitia 00:03:18.245 --> 00:03:34.775

Here in New York City. Today we're 100% focused on the launch of City Snap, which will be the first consumer site developed by the industry, and for the industry, and we're all about democratizing data, consumer transparency and, of course, compliance with fair housing

42

NYC-231@dos.ny.gov 00:03:35.104 --> 00:03:35.704

43

Sandhya Espitia 00:03:36.094 --> 00:03:48.094

and advertising laws. I'm thrilled to be here. I'm happy to be a part of this Board, and I truly look forward to serving the people of New York, and all the licensees that contribute to our

44

alb99-505@dos.ny.gov 00:03:48.124 --> 00:03:48.694

All right.

45

Sandhya Espitia 00:03:48.694 --> 00:03:49.804

So, thank you.

46

Duncan MacKenzie 00:03:50.974 --> 00:03:55.894

Well, thank you and welcome. All right. Moving along with our agenda. You all received the November minutes.

47

Duncan MacKenzie 00:03:57.334 --> 00:03:58.144

Does anyone have any corrections?

48

Denise Tidings alb99-505@dos.ny.gov 00:03:58.144 --> 00:03:58.924

Corrections?

49

Duncan MacKenzie 00:04:02.674 --> 00:04:04.054

All right, hearing none and seeing none, the minutes are approved as delivered to you. Now, moving to Department and subcommittee reports, the first one is the enforcement report with John Goldman.

John Goldman

Okay, did we need to identify the staff here, Denise, no?

50

Duncan MacKenzie 00:04:20.674 --> 00:04:21.515

Yeah, why don't you? That would be great.

51

Denise Tidings alb99-505@dos.ny.gov 00:04:21.965 --> 00:04:24.605

Yeah, do you want to?

52

Denise Tidings alb99-505@dos.ny.gov 00:04:26.194 --> 00:04:35.074

And, Jodi, do you want to introduce yourself first and then Dave? And, is there anyone else? Emily and Shannon didn't introduce themselves.

53

Jodi DeLollo 00:04:36.514 --> 00:04:42.634

Sure, I'm Jodi DeLollo. I'm the Director of the Division of Licensing Services. Good afternoon, everyone, and welcome.

54

David Mossberg 00:04:45.604 --> 00:04:47.104

Hi, I'm Dave Mossberg.

55

David Mossberg 00:04:47.134 --> 00:04:50.164

I am the Program Attorney for the Division of Licensing.

56

Trisha Ocona 00:04:54.425 --> 00:04:56.735

Tricia Ocona, board member. Good morning.

57

Duncan MacKenzie 00:04:59.465 --> 00:04:59.945

Good morning.

58

Denise Tidings alb99-505@dos.ny.gov 00:04:59.975 --> 00:05:05.015

Okay, great. We're just going through Departmental staff.

59

Jodi DeLollo 00:05:06.065 --> 00:05:08.015

We have Alison Lacy. Alison?

60

Alison Lacy 00:05:11.135 --> 00:05:16.595

Hello, my name is Alison Lacy and I'm a Senior Licensing Examination Specialist.

61

Jodi DeLollo 00:05:18.455 --> 00:05:19.565
We have Emily Lupe.

62

Emily Lupe 00:05:20.735 --> 00:05:27.125
Good afternoon, this is Emily Lupe. I work with the Processing Unit as an Associate License Examination Specialist.

63

Jodi DeLollo 00:05:28.865 --> 00:05:30.095
We have Ernest Delaney.

64

Duncan MacKenzie 00:05:33.844 --> 00:05:35.854
Do you have everybody in Albany identified?

65

Denise Tidings alb99-505@dos.ny.gov 00:05:38.284 --> 00:05:46.924
Just online we have Ernita and Ernest from our New York City office. Um, and we have Paula Brian.

66

Paula O'Brien 00:05:47.944 --> 00:05:48.364
All right.

67

Paula O'Brien 00:05:49.564 --> 00:06:01.804
Yes, this is Paula. I'm the Director of the Division of Consumer Protection. We are a separate division in the Department of State and our role is to serve as the consumer voice on the Board.

68s

Ernita Gantt 00:06:03.454 --> 00:06:10.204
Yes, and good afternoon. My name is Ernita Gantt and I'm Chief Investigator with the Division of Licensing

69

Ernita Gantt 00:06:10.299 --> 00:06:12.934
Services. Thank you.

70

alb99-505@dos.ny.gov 00:06:14.944 --> 00:06:19.864
Denise Tidings
Um, okay, and then if we have everyone there. I'm Denise Tidings.

71

Jodi DeLollo 00:06:19.864 --> 00:06:20.404
Shannon

72

Denise Tidings alb99-505@dos.ny.gov 00:06:23.194 --> 00:06:26.584
Oh sorry, Shannon. Go ahead, Shannon.

73

Shannon Maguire 00:06:27.634 --> 00:06:35.194
Hi, this is Shannon Maguire. I'm an Associate Licenses Exam
Specialist. I'm working with the examination and education. Thank you.

74

Denise Tidings alb99-505@dos.ny.gov 00:06:39.005 --> 00:06:40.085
Denise Tidings
Okay, anyone else?

75

Denise Tidings alb99-505@dos.ny.gov 00:06:42.754 --> 00:07:01.984
Okay, then we'll go around the table here. I'll start. Um, I'm Denise
Tidings. I'm a Senior Licensed Examination Specialist for the
Division, and, also, the Board Coordinator for Licensing Services.

Marcella Rose

My name is Marcella Rose and I'm a Senior License Examination
Specialist with the Division of Licensing Services.

76

John Goldman alb99-505@dos.ny.gov 00:07:03.934 --> 00:07:25.024
Hi, my name is John Goldman. I'm the Supervisor of Licensing Services.
I also serve as the Deputy Chief Investigator under Chief Gantt.
Ernest Delaney, who didn't speak up, I believe. He is my counterpart
Downstate.

Craig Evans

I'm Craig Evans. I'm an investigator for the Department of State.

Jenna Berschwinger

I'm Jenna Berschwinger. I'm also an investigator for the Division of
Licensing.

Laura VanEpp

I'm an investigator for the Division of Licensing.

77

Duncan MacKenzie 00:07:35.435 --> 00:07:37.355
Ed Clark has joined us as well.

78

Duncan MacKenzie 00:07:41.885 --> 00:07:45.455
All right, I think everybody is introduced. John, go ahead with your
report.

79

John Goldman alb99-505@dos.ny.gov 00:07:46.625 --> 00:08:00.725
Okay, the enforcement report that I prepared for you is kind of in two components. I'm going to first, kind of give you some statistics on complaints received since the last meeting, which I have as November 18th of '21. So, this is

80

John Goldman alb99-505@dos.ny.gov 00:08:00.730 --> 00:08:17.045
November 19th '21 through yesterday was when these numbers were prepared. The second component is, um, I was asked to talk a little bit about the Newsday cases, which I think most of us are somewhat familiar with, and the progression of those cases through the Department's

81

Jodi DeLollo 00:08:17.405 --> 00:08:18.215
Uh, uh

82

John Goldman alb99-505@dos.ny.gov 00:08:18.425 --> 00:08:20.735
Uh, enforcement and hearing process.

83

John Goldman alb99-505@dos.ny.gov 00:08:22.475 --> 00:08:33.034
As far as statistics are concerned, uh, the, uh, the time period is a little bit less than three months from November 19th to yesterday. Um, we have opened 80 enforcement

84

Ernita Gantt 00:08:33.065 --> 00:08:33.695
And for.

85

John Goldman alb99-505@dos.ny.gov 00:08:33.695 --> 00:08:43.025
Cases, 80, um, those are comprised of both complaint-based investigations as well as state-initiated investigations. In that same

86

John Goldman alb99-505@dos.ny.gov 00:08:43.029 --> 00:09:04.174
time period, we've completed 111 investigations. Um, 12 of those have been referred for administrative hearing, um, for the significant, uh, degrees of malpractice or, at least the investigation led us to believe there was significant malpractice warranting a hearing.

87

John Goldman alb99-505@dos.ny.gov 00:09:04.179 --> 00:09:25.324
Uh, money issues, money being misappropriated, et cetera, fair housing violations, criminal charges, uh, convictions, et cetera. Um, we, um, we otherwise closed 99 cases again in a three-month period. I'll just give you a breakdown as to how.

88

John Goldman alb99-505@dos.ny.gov 00:09:25.354 --> 00:09:46.474
those were closed, uh, 24 of those 99 were closed as instruct resolved
or warning. Um, as I, I'm not certain whether the members know but, of
course, uh, you know, we assess our cases at completion of
investigation and make a determination whether they warrant, uh,
involvement of our

89

John Goldman alb99-505@dos.ny.gov 00:09:46.480 --> 00:10:07.625
Legal staff and hearings. There are other instances where we issue
letters of reprimand and warning and educate the industry if we feel
that's appropriate. Um, eight of those cases were closed with a hold,
uh, by that what I mean is the license was expired. It's a relatively
minor violation. We were not able to get any resolution from the
licensee

90

John Goldman alb99-505@dos.ny.gov 00:10:07.629 --> 00:10:28.774
they, uh, we're expired, uh, contact was unable to be made, et cetera,
but because their licenses expired, we put a hold on their record,
which amounts to an attempt. But, when they renew the license, it
gives us the opportunity to complete that process and address that
issue that we were not able to resolve with them, uh, because of a
lack of communication.

91

Jodi DeLollo 00:10:28.779 --> 00:10:29.109
Page.

92

John Goldman alb99-505@dos.ny.gov 00:10:29.764 --> 00:10:49.924
Five of the cases were deemed to be civil in nature, that it was more
appropriate for the matter to be resolved in the civil courts. Um, 34
of the cases were marked. There's a couple of different categories
that run similar in terms of what they mean: no violation, no merit,
no jurisdiction, insufficient evidence--they kind of all speak

93

John Goldman alb99-505@dos.ny.gov 00:10:49.954 --> 00:11:11.074
for themselves. We felt the, uh, the investigation, uh, did not
warrant any action in essence. And, so we closed those 34. We had 13
that were withdrawn, meaning the complainant for any number of
different reasons did not want us to pursue the investigation after
they filed it. Uh, we had ten that were abandoned, meaning the
complainant

94

John Goldman alb99-505@dos.ny.gov 00:11:11.104 --> 00:11:32.224
was not cooperative--did not supply the information we needed, was
not, uh, you know, communicating with us so the case was closed as

abandoned. Two were marked as duplicates--speaks for itself. Sometimes we have complainants that, uh, repeat themselves. They'll file a complaint more than once, and we identified two of those. And then we have three that were closed

95

John Goldman alb99-505@dos.ny.gov 00:11:32.254 --> 00:11:53.374
for marked other, which is a, a variety of different, uh, dispositions that are kind of odd or unusual but that's what makes up the 99 that were closed. And those are the statistics with time periods since the last meeting. Um, as far as the new state cases are concerned.

96

John Goldman alb99-505@dos.ny.gov 00:11:53.380 --> 00:12:14.075
Um, we have had, uh, in excess of a dozen, uh, dispositions, um, on the individuals named in the Newsday, expose. We have had several licensed suspensions and several replications.

97

John Goldman alb99-505@dos.ny.gov 00:12:15.245 --> 00:12:35.675
I was asked to mention that the first case that was, uh, came out where there was a disposition on the case, um, in which the judge felt that the state did not meet their burden. We, we appealed and successfully appealed in that case, resulting in a suspension. Um, it was somewhat

98

John Goldman alb99-505@dos.ny.gov 00:12:35.704 --> 00:12:56.824
widely circulated in the media, that the first case that came out, uh, was dismissed, and we thought it was worth mentioning that we appealed that decision. We disagreed with that outcome and were successful in our appeal and obtain the suspension of the licensee name. I will, um, I will mention to everybody that, uh,

99

John Goldman alb99-505@dos.ny.gov 00:12:57.334 --> 00:13:17.974
you can obtain all kinds of different details on the Newsday cases as well as any administrative hearing that we hold by utilizing our search engine, uh, Newsday in particular. Simply type the word Newsday and you'll get, uh, hits on all of the cases on referencing. Um, and I'll also encourage you to use that engine to search for anything you can think of.

100

John Goldman alb99-505@dos.ny.gov 00:13:18.004 --> 00:13:34.294
Any sort of legal concept or matter, you can look up your competitors if you'd like, uh, but it's a, it's a great tool. If you're not familiar with it, we can certainly talk about where to find that on our website and that's the extent of, uh, the enforcement report.

101

Sandra Erickson 00:13:38.915 --> 00:13:39.575
You're on mute, Duncan.

102

Duncan MacKenzie 00:13:42.575 --> 00:13:43.115
Thank you.

103

Duncan MacKenzie 00:13:45.094 --> 00:13:47.584
Thank you, John. Does anyone have any questions for John?

104

Duncan MacKenzie 00:13:50.435 --> 00:13:55.205
All right, I'm not seeing any, so thank you. All right, our processing report with Emily Lupe, please.

105

Emily Lupe 00:13:57.604 --> 00:14:18.604
Good afternoon. Included in the materials you were provided is a report of the number of current real estate licenses for January of 2021 and January of 2022. The report groups licenses into broker and branch office licenses and salesperson licenses. The totals are listed by county.

106

Emily Lupe 00:14:18.609 --> 00:14:34.504
The 2021 numbers include only licensees and do not include those licensees whose licenses may have expired, but were covered by Executive Order 202.11, which allowed individuals licensed by the Department of State to extend the expiration of their license during the State of Emergency. And, that concludes the Processing report.

107

alb99-505@dos.ny.gov 00:14:35.854 --> 00:14:36.724
Processing.

108

Duncan MacKenzie 00:14:38.524 --> 00:14:39.754
Thank you, Emily. Does anyone

109

Duncan MacKenzie 00:14:39.784 --> 00:14:48.244
have any questions for Emily? Alright. Seeing on that, thank you, Emily. The educational report, please, by Marcella Rose.

110

Marcella Rose alb99-505@dos.ny.gov 00:14:49.804 --> 00:15:00.904
Good afternoon. In consideration of the COVID-19 pandemic, a new regulation went into effect on December 7, 2021.

111

Marcella Rose alb99-505@dos.ny.gov 00:15:00.909 --> 00:15:20.674
Section 159.1 allows schools approved by the department to offer
qualifying and continuing education versus virtually the live remote
programs, subject to reasonable restrictions. This is significant for
schools approved to offer the real estate qualifying courses

112

Marcella Rose alb99-505@dos.ny.gov 00:15:22.060 --> 00:15:34.235
for education as it allows for the schools to now apply for live
distance education delivery method. This concludes my report. Thank
you. Are there any questions?

113

Trisha Ocona 00:15:55.020 --> 00:15:57.895
I have a question. This is Trisha Ocona, good morning. In the past,
in order to do distant learning, you had to be Arello approved. Is
that still or has that been eliminated as part of the approvals to do
distant learning?

114

Marcella Rose alb99-505@dos.ny.gov 00:15:58.885 --> 00:16:16.165
You do need an ARELLO approval for asynchronous courses, which are
computer based, and they do not happen at the same time. Um, the
instructor is not live with the students, but for live distance.

115

Marcella Rose alb99-505@dos.ny.gov 00:16:16.194 --> 00:16:29.364
Education that's synchronous education where, even though they're
separated, they're, there's live technology where they're using video
and audio at the same time. So that

116

Trisha Ocona 00:16:29.364 --> 00:16:29.604
That.

117

Marcella Rose alb99-505@dos.ny.gov 00:16:29.604 --> 00:16:32.064
That is not. You're welcome.

118

Duncan MacKenzie 00:16:34.854 --> 00:16:36.414
Any other questions from Marcella?

119

Duncan MacKenzie 00:16:38.784 --> 00:16:42.384
Thank you very much. The examination report, please, by Shannon
Maguire.

120

Shannon Maguire 00:16:44.274 --> 00:16:59.694

Good afternoon. The following examination statistics cover the period of January through December 2021. The real estate salesperson exam was administered to 25,575 applicants with a pass rate of 52%.

121

Shannon Maguire 00:17:00.595 --> 00:17:09.775

The real estate broker exam was administered to 1,984 applicants with a pass rate of 58%. Thank you.

122

Duncan MacKenzie 00:17:12.053 --> 00:17:14.813

Thank you, Shannon. Does anyone have any questions for Shannon?

123

Duncan MacKenzie 00:17:18.265 --> 00:17:22.944

We'll move onto new business. Legislative update with Dave Mossberg.

124

David Mossberg 00:17:24.235 --> 00:17:38.665

Good morning. Sorry, good afternoon everybody. So, on in December, I'm sure most of the board is aware, the governor signed nine new fair housing bills into law that had

125

David Mossberg 00:17:39.504 --> 00:17:48.954

Implemented various changes, including, uh, requirements for implicit bias training, increasing fees and fines

126

David Mossberg 00:17:49.374 --> 00:18:10.374

Things for standardizing operating procedures for a broker. So, what I was going to explain today was, um, the purpose of some of these bills and also, to the extent that I can, about the effective dates

127

David Mossberg 00:18:10.380 --> 00:18:31.255

of those bills. All, but one of them, were signed with an approval memo that contains a chapter amendment, which means that the bill that was signed by the Governor is not the final bill and that's not what the final law is going to be. So, if at any point, anyone has any questions, you know

128

David Mossberg 00:18:31.554 --> 00:18:46.494

Feel free to interrupt and let me know. So, the first bill from the prior session was 538 B that required licensees to receive something that the legislature specifies which is

129

alb99-505@dos.ny.gov 00:18:46.494 --> 00:18:47.334

130

David Mossberg 00:18:47.724 --> 00:18:52.674
Implicit bias training. It was originally set to take effect

131

David Mossberg 00:18:52.704 --> 00:19:07.524
On the 180th day after the Bill was signed in December. That Bill was approved with a chapter that would extend that effective date to nine months, as opposed to 180 days and

132

alb99-505@dos.ny.gov 00:19:07.974 --> 00:19:08.154
And.

133

David Mossberg 00:19:08.154 --> 00:19:13.704
it also provided a definition of the term implicit bias to be used in the statute.

134

alb99-505@dos.ny.gov 00:19:13.944 --> 00:19:14.274
That.

135

David Mossberg 00:19:15.534 --> 00:19:34.944
The chapter for that bill is chapter 7769. I just checked a little while ago, according to the Senate's website, it passed both houses, but it's not yet been delivered to the Governor. So, therefore, it's neither the chapter nor the original.

136

David Mossberg 00:19:34.979 --> 00:19:56.124
are in effect. The second bill was in the last session, 945 B, that would increase the statutory fine with a provision that 50% of those funds go to a special allocated fund to basically administer fair housing programs

137

David Mossberg 00:19:56.364 --> 00:20:16.944
and to come back for discrimination issues. The original law was supposed to take effect 60 days thereafter. The chapter was going to accelerate that by dropping the 60 day to 30 day. That chapter in the current session is 7, 7, 2, 8.

138

David Mossberg 00:20:17.515 --> 00:20:37.675
Again, I just checked recently today, that bill has passed both houses, but it's not yet been delivered to the Governor so, therefore, it hasn't been signed. The third bill from the last chapter was 215 7 a, that one changed the statutory definition of office managers

139

David Mossberg 00:20:38.635 --> 00:20:59.545

to require sensibly that the managers have 2 years of experience prior to becoming the designated office manager, for example, and also specifies clearly that the office manager, though, really for all practical purposes, is the salesperson is not the salesperson for

140

David Mossberg 00:20:59.604 --> 00:21:20.664

provision requirements for issues involved in that office. That bill was actually the only bill that didn't come with a chapter. So, therefore, it became effective immediately once it was signed by the Governor in December. So, anyone who's looking at, for example, the current

141

David Mossberg 00:21:20.729 --> 00:21:35.904

statutory provision, which is New York Real Property Law, Section 440, the definition of office manager from that bill is now in effect. It's been in effect since December 21st when the Governor first signed that bill.

142

David Mossberg 00:21:39.685 --> 00:21:40.045

The.

143

alb99-505@dos.ny.gov 00:21:40.045 --> 00:21:40.495

The next.

144

David Mossberg 00:21:40.495 --> 00:22:00.055

bill from the last session was 797 a, which required additional education, different than implicit bias, which was the prior bill I discussed. This one discusse or requires

145

David Mossberg 00:22:00.235 --> 00:22:21.355

specific training on cultural competency. Um, there was a chapter proposed to bring the effective date for that one from 9 months. The chapter also defined cultural competency to be used in the statute

146

David Mossberg 00:22:21.384 --> 00:22:41.334

as understanding cultural norms, preferences, and challenges within the community. As of today, that bill has passed both houses, but it's not yet been delivered to the government for signature. The chapter is current bill S770, but that's not yet in effect.

147

David Mossberg 00:22:43.254 --> 00:22:50.034

The next bill...sorry uh, the next bill was, um

148

David Mossberg 00:22:52.494 --> 00:23:13.524

2132 B, from the last session, which required, uh, special fair housing, uh, training on the initial application for salespeople and brokers. Basically increased the training for brokers to 152.

149

David Mossberg 00:23:13.555 --> 00:23:34.675

Increased the education for sales to 77 hours with 6 hours in fair housing training. It also included faculty for the schools to create affirmation, basically confirming that the appropriate

150

David Mossberg 00:23:34.680 --> 00:23:35.040

education is taught.

151

David Mossberg 00:23:38.635 --> 00:23:45.295

So, that bill was again subject to a chapter amendment.

152

David Mossberg 00:23:47.694 --> 00:24:04.764

The chapter is somewhat technical in what it changed, but as of today, that chapter for that bill has passed both houses but hasn't yet been delivered to the Governor and it's currently under Bill 7, 7, 3, 0.

153

David Mossberg 00:24:08.574 --> 00:24:09.684

Next bill was from the last session.

154

alb99-505@dos.ny.gov 00:24:09.684 --> 00:24:10.374

It was.

155

David Mossberg 00:24:11.394 --> 00:24:14.214

In 21, 3, 3 a, that one added

156

alb99-505@dos.ny.gov 00:24:14.484 --> 00:24:14.694

And.

157

David Mossberg 00:24:16.104 --> 00:24:28.254

increased the licensing fees to become a broker and salesperson by \$30 for the broker and \$10 for the salesperson. The interesting thing about that bill, is that bill was originally

158

David Mossberg 00:24:28.259 --> 00:24:28.649

Originally

159

David Mossberg 00:24:31.284 --> 00:24:51.114
upposed to go into effect upon signing, which would have been back in
December 2021. The proposed chapter for that bill only changed the
effective date to a date that is actually already passed. The, the
effective date for the chapter has passed.

160

David Mossberg 00:24:52.554 --> 00:25:13.284
And, according to the website, did pass both houses, but hasn't yet
been delivered to the Governor for signature yet. Um, so, in order to
sort of give meaning to either the original or the chapter, we,
because the original bill is still

161

David Mossberg 00:25:13.404 --> 00:25:34.524
technically law, we waited until the chapter was supposed to go into
effect before actually increasing the statutory surcharge--the
statutory increase. And, so it currently, I believe, it's on our
website. There's a notice that those fees have increased, and it
defensively really pursuant to the original

162

David Mossberg 00:25:34.530 --> 00:25:38.035
bill, not pursuant to the chapter. The chapter hasn't been delivered.

163

David Mossberg 00:25:41.635 --> 00:25:56.455
The next bill is, uh, Senate bill 538 B, um, again required implicit
bias training on part of broker and salespeople renewals.

164

Duncan MacKenzie 00:25:56.455 --> 00:25:57.175
You know.

165

David Mossberg 00:25:57.865 --> 00:25:59.095
The original bill from the

166

Jodi DeLollo 00:25:59.095 --> 00:25:59.515
Hello.

167

David Mossberg 00:25:59.515 --> 00:26:01.315
last session had an 180-day

168

David Mossberg 00:26:01.344 --> 00:26:22.464
effective date that was subject to a chapter amendment; chapter amendment is under Senate bill, 7769. As of today, passed both houses but hasn't yet been delivered to the Governor, not yet. Um, the next bill, which is related to

169

Jodi DeLollo 00:26:22.469 --> 00:26:22.919
Do you.

170

David Mossberg 00:26:24.054 --> 00:26:43.614
I guess item C under new business, relates to standard operating procedures for real estate brokers. That bill required, in part, that real estate brokers adopt certain standardized operating procedures, file them with the Department of

171

David Mossberg 00:26:43.644 --> 00:27:04.764
State, um, those specific procedural requirements was or possibly subject to amendment by regulation of the Department of State for public hearing. That bill is subject to a chapter. The chapter is Senate bill

172

David Mossberg 00:27:04.794 --> 00:27:25.914
7729. When I last checked earlier today, according to website, it indicates it has only passed the Senate. So, it obviously it hasn't been provided yet for signature. The key parts of that provision would be that, unlike the original,

173

alb99-505@dos.ny.gov 00:27:25.944 --> 00:27:26.484
A bill.

174

David Mossberg 00:27:26.694 --> 00:27:47.064
a bill that required the broker essentially file those standard operating procedures with the Secretary of State's office. It implemented differently by requiring the brokers to basically affirm on renewals that they have these standard operating procedures and make those standard operating procedures publicly available for members of public by posting the same on their website.

175

David Mossberg 00:27:47.094 --> 00:28:08.214
So, it will no longer be required that they have to be filed with the Department, um, it still allows for amendment but it would require, unlike some of the other regulatory provisions, that we do at the Department, that in order to do it, it requires a public hearing first, to hear basically

176

David Mossberg 00:28:08.244 --> 00:28:15.954
public comment before the proposal, and then even go through the
normal regulatory process.

177

David Mossberg 00:28:20.124 --> 00:28:40.644
The interesting thing with that bill, to some degree, is that it is
currently law that the brokers are required to develop standardized
procedures with respect to specific enumerated provisions that the
original bill outlined, but it just, under the chapter, doesn't
require that it be

178

David Mossberg 00:28:40.675 --> 00:29:01.795
filed with the Department of State. So, and obviously because the
chapter isn't signed, and we don't have a mechanism for an enforcement
at the Department currently, as it stands, I can't imagine there'd be
a situation where there would be like an enforcement action

179

David Mossberg 00:29:01.824 --> 00:29:22.944
taken by the Department. However, I've spoken to some practitioners.
It's my understanding that some in the industry have already went
through and created these standardized procedures because the existing
law, which is an interesting issue, I think, for, you know,

180

David Mossberg 00:29:22.949 --> 00:29:43.614
practitioners and private practice, perhaps for civil liability, but
for Departmental liability, obviously, they can't file it with the
Department because there's no filing system yet, and, under the
chapter, that's not designed to be part of a final proposal. So, as I
said,

181

David Mossberg 00:29:44.274 --> 00:29:52.734
that one, the only person, then it hasn't yet been delivered to the
Governor so I can't really speak to timing or effective dates or
anything like that.

182

David Mossberg 00:29:54.354 --> 00:30:04.494
That is the update, um, with respect to the legislative proposals
right now. If anyone has any questions, please let me know.

183

Duncan MacKenzie 00:30:05.754 --> 00:30:08.304
Thank you, Dave. Any questions for, for Dave?

184

Neil Garfinkel 00:30:09.264 --> 00:30:15.114

David, Neil Garfunkel. With respect to the cultural competency bill and the addition of

185

Neil Garfinkel 00:30:15.204 --> 00:30:35.484

a definition, is the Department of State going to provide any further guidance? My concern is that when we teach fair housing, we talk about the idea that everyone should be treated equally regardless of any protected characteristic, and, um, it seems to me that that a class that focuses on cultural competency and, potentially, the

186

Neil Garfinkel 00:30:36.269 --> 00:30:52.194

differences amongst various groups is potentially problematic and that it goes against what we're trying to accomplish when we, when we talk about fair housing. So, I would hope that that we'd have clarity as to what we're trying to accomplish with respect to that bill and that class.

187

David Mossberg 00:30:53.124 --> 00:30:57.414

Well, I would say, certainly, you know, where the legislature has provided a

188

David Mossberg 00:30:57.444 --> 00:31:18.564

clear statutory definition, you know, obviously we're bound by that clear statutory definition. I don't disagree that, you know, the department has a role toward clarity where there's ambiguity and I think we would be able to do that in the course curriculum and the approval and, you know, all of the materials provided

189

David Mossberg 00:31:18.570 --> 00:31:19.615

Hello.

190

Jodi DeLollo 00:31:19.615 --> 00:31:20.425

Material.

191

David Mossberg 00:31:20.965 --> 00:31:23.035

when providers teach this course.

192

David Mossberg 00:31:25.644 --> 00:31:38.934

But I think, you know, at this point, considering all these chapters are pending, it would be a little bit premature to speculate on like

how we might address that, but I definitely agree that I think that that is a valid point.

193

Neil Garfinkel 00:31:39.384 --> 00:31:40.374
I thank you, David.

194

David Mossberg 00:31:40.854 --> 00:31:41.094
Sure.

195

Duncan MacKenzie 00:31:43.674 --> 00:31:45.534
Any more questions for Dave?

196

Duncan MacKenzie 00:31:48.864 --> 00:31:51.354
Alright, thank you. We will move on.

197

Duncan MacKenzie 00:31:52.495 --> 00:31:53.335
License application fee increases.

198

alb99-505@dos.ny.gov 00:31:53.395 --> 00:31:54.205
Increases.

199

Jodi DeLollo 00:31:56.994 --> 00:32:06.504
Hi, good afternoon. So, um, thank you, Dave, for that comprehensive review of all the legislation. Um, as Dave mentioned, uh, one of the

200

alb99-505@dos.ny.gov 00:32:06.504 --> 00:32:06.864
Yes.

201

Jodi DeLollo 00:32:06.864 --> 00:32:17.784
pieces of legislation increases the licensing fees for brokers and salespersons. So that, um, increase did go into effect January 21st.

202

Jodi DeLollo 00:32:18.805 --> 00:32:38.905
You may, most of you may already be aware that the new fee for salespersons went up by 10 dollars. So, it's a 65 dollar fee. The broker and branch office applications went from 155 to 185 dollars. So, it's a 30 dollar increase and these increases

203

Jodi DeLollo 00:32:38.964 --> 00:32:44.724
apply to both initial and renewal applications. That's it.

204

Duncan MacKenzie 00:32:46.524 --> 00:32:57.144

Thank you, Jodi. Any questions for Jodi? Jodi, I just have a quick question. I thought I heard Dave say that it was a surcharge. Is it a surcharge or is it a fee increase?

205

Jodi DeLollo 00:32:58.074 --> 00:33:07.074

They well, it's, to us, it's a fee increase, but the additional, the additional cost is technically.

206

Jodi DeLollo 00:33:07.139 --> 00:33:15.864

I won't speak for Dave, but it's technically a surcharge for that money. Um, the additional money collected is

207

Jodi DeLollo 00:33:16.194 --> 00:33:25.194

to Be deposited into the anti-discrimination and housing fund used for testing. Dave, correct me if that's not accurate.

208

David Mossberg 00:33:27.924 --> 00:33:28.284

Yes, that's accurate. Okay.

209

David Mossberg 00:33:28.290 --> 00:33:49.435

So, it's basically the, there was the current fee, the statute added, the additional money that was added is being diverted by the department to the newly statutorily created fund. So, I referred to it as the surcharge because it's allocated.

210

David Mossberg 00:33:49.464 --> 00:33:50.694

by statute for something else.

211

David Mossberg 00:33:53.034 --> 00:33:53.514

212

Duncan MacKenzie 00:33:55.134 --> 00:34:10.013

Very good. It's very helpful. Thank you. Any questions for Jodi? Alright, thank you. Jodi, uh, we next have, uh, Denise uh, Tidings the, uh, oh, I'm sorry the standard operating procedures. That's Jodi again.

213

Jodi DeLollo 00:34:10.704 --> 00:34:13.194

Yeah, so that's me again. So.

214

Jodi DeLollo 00:34:13.524 --> 00:34:34.315

as Dave also mentioned, um, soon to be effective, we anticipate is that the brokers will have to establish standard operating procedures and part of the legislation leaves the department the option to file additional regulations. So.

215

Jodi DeLollo 00:34:34.560 --> 00:34:55.315

what we'd like to do is to form a subcommittee from, from the board members, form a subcommittee to discuss this legislation and make recommendations for any regulations that the department should consider that would be, you know, relevant. Um, so, we

216

Jodi DeLollo 00:34:55.974 --> 00:35:15.534

just wanted to ask if any of the board members were interested in serving on the committee, either let us know you can let us know now, or you can email Denise and I know I think Neil, you already, you know, Neil volunteered. So, anyone else that's interested. You don't have to.

217

Jodi DeLollo 00:35:17.274 --> 00:35:19.584

make a decision now, but if you can email Denise

218

Jodi DeLollo 00:35:21.865 --> 00:35:26.125

Um, that would be great. I don't know if you have any further questions.

219

Duncan MacKenzie 00:35:29.844 --> 00:35:30.744

Let's go ahead. Diane?

220

Diane M. Ramirez 00:35:31.074 --> 00:35:34.254

I was going to say, I'm happy to help on that committee if needed.

221

Jodi DeLollo 00:35:36.624 --> 00:35:37.044

Okay.

222

Jodi DeLollo 00:35:41.364 --> 00:35:49.494

Okay, and we could, um, perhaps get, um, someone from DOS as well.

223

Jodi DeLollo 00:35:51.474 --> 00:36:05.064

Um, but Denise can Denise after the meeting, if you can maybe send an email out to the board members. And then that way they can respond to you if they're interested provide your email address.

224

Denise Tidings alb99-505@dos.ny.gov 00:36:05.064 --> 00:36:05.784
Will do.

225

Jodi DeLollo 00:36:08.754 --> 00:36:09.114
Thank you.

226

Duncan MacKenzie 00:36:11.304 --> 00:36:17.094
Are there any further questions for Jodi? All right, Denise, the next meeting date.

227

Denise Tidings alb99-505@dos.ny.gov 00:36:18.204 --> 00:36:31.524
Okay, um, so I want to announce the next meeting date, which will be Thursday, July 21st at 1 PM. If you find that you have any conflicts, please let us know sooner, rather than later. Um, as, you know, we like

228

Denise Tidings alb99-505@dos.ny.gov 00:36:31.590 --> 00:36:43.015
To achieve a quorum. And, if you have any topics that you'd like us to discuss at a future meeting, you can email that to me at any time. Thank you.

229

Duncan MacKenzie 00:36:44.665 --> 00:36:48.265
Thank you, Denise. Is there any other new business?

230

Neil Garfinkel 00:36:51.329 --> 00:37:11.604
Duncan, I apologize, I meant to ask Shannon earlier, I was just wondering if, um, if exams are back to full attendance. In other words, I know for a while the Department of State was limited on the amount of examinations they could offer and the locations.

231

Neil Garfinkel 00:37:12.479 --> 00:37:18.324
Way back to an opportunity for all those that want to take their test to be able to take them.

232

Shannon Maguire 00:37:20.094 --> 00:37:33.624
So, all locations are open and have been since August of 2020. Um, we are in the process of exploring increasing our capacity to get us closer to what we were before to accommodate the reduced capacities we continue

233

Shannon Maguire 00:37:33.654 --> 00:37:36.744
To offer additional exam dates at our exam locations.

234

Neil Garfinkel 00:37:40.674 --> 00:37:41.034
Okay.

235

Neil Garfinkel 00:37:42.715 --> 00:38:00.475
I'm sorry, Shannon, just based on the numbers. So, it looks like there were a lot of exams offered. How does that compare with previous periods if you know that? I'm just trying to get an idea of, you know, is there anything else that we could do to, uh, to give people who want to get tested an opportunity to do.

236

Shannon Maguire 00:38:02.215 --> 00:38:03.235
So, we are.

237

Shannon Maguire 00:38:03.264 --> 00:38:21.504
Right now, in New York City, giving all of our exams five days a week. So, we're using every opportunity that we have. We are looking to increase capacity, which will help the backlog in that area. We aren't seeing a backlog in the upstate regions, it's mostly, at this point, in the New York City and Long Island areas due to the reduced capacity.

238

Jodi DeLollo 00:38:24.774 --> 00:38:45.534
And I'll add, this is Jodi. I'll add to that. Um, so, as Shannon mentioned, we are increasing capacity, we added exam dates. We used to have the real estate exam, what, twice, 2 or 3 days a week in New York City. And now it's, you know, we're using, we're offering exam five days a week in the New York City.

239

Jodi DeLollo 00:38:45.565 --> 00:39:06.415
So, we were at less than half capacity during, you know, when we came back after Covid, we're increasing. That should be what, the end of March, Shannon, we discussed? We may be able to increase the capacity. One of our big and then we're going to go out from. We'll increase it a little bit and then increase it to 100.

240

Jodi DeLollo 00:39:06.714 --> 00:39:27.834
Move towards increasing it to 100%, but one of our biggest struggles, particularly in New York, is the individuals that, you know, book an exam and don't show up. That also interferes with our ability to, to reduce the wait time.

241

alb99-505@dos.ny.gov 00:39:27.865 --> 00:39:28.255
Time.

242

Jodi DeLollo 00:39:29.215 --> 00:39:40.015

So, there's not, I don't know what more we can do on that side. Um, but, yeah, so increasing the capacities will definitely help.

243

Sandhya Espitia 00:39:42.805 --> 00:39:48.985

I just want to add if we need any help finding square footage and space in New York City, we're happy to reach out

244

Sandhya Espitia 00:39:49.014 --> 00:39:55.404

To our members and provide that. So, let us know if space is an issue. Uh, we're happy to support that.

245

Jodi DeLollo alb99-505@dos.ny.gov 00:39:57.474 --> 00:39:57.864

Thank you.

246

Neil Garfinkel 00:39:59.154 --> 00:39:59.844

Thank you, Jodi.

247

Jodi DeLollo 00:40:01.254 --> 00:40:01.524

Yeah.

248

Duncan MacKenzie 00:40:03.504 --> 00:40:06.534

Thank you. Is there any other new business to come before the board?

249

Duncan MacKenzie 00:40:09.834 --> 00:40:17.754

I'm seeing that there is a hearing. Now this meeting is adjourned. I'll move into the public hearing session. I'll turn it over to, you, Dave.

250

David Mossberg 00:40:19.554 --> 00:40:19.794

You.

251

David Mossberg 00:40:21.324 --> 00:40:40.884

Pursuant to New York Real Property Law, Section 442, paragraph 6, to the regularly scheduled meetings of the real estate board. The Department is required to hold three separate public hearings each year, one in New York, one in Buffalo, and one in Albany.

252

David Mossberg 00:40:41.159 --> 00:40:54.114

The purpose of these hearings is listening to members of public suggestions, comments, and observations about real estate practices.

253

alb99-505@dos.ny.gov 00:40:54.114 --> 00:40:54.294
Well.

254

David Mossberg 00:40:54.294 --> 00:41:00.294
Looks like there isn't anyone here in our here in our city office. Um,
we do have like, visitors in Albany?

255

David Mossberg 00:41:02.485 --> 00:41:12.925
So, I'll get I'll ask if there are any public members in our Albany
office that wish you speak and provide public comments on observations
about real estate. Um, please.

256

David Mossberg 00:41:17.574 --> 00:41:18.774
Anyone there in Albany?

257

Denise Tidings alb99-505@dos.ny.gov 00:41:19.434 --> 00:41:21.624
There's no one here at Albany Dave, just our staff.

258

David Mossberg 00:41:24.414 --> 00:41:35.994
Okay, well there being no public members in our Albany office, this
public hearing pursuant to New York Real Property Law, Section 442
paragraph 6.

259

David Mossberg 00:41:36.924 --> 00:41:37.404
Thank you, everybody.

260

Duncan MacKenzie 00:41:38.754 --> 00:41:42.564
Well, thank you, David, and thank you to the staff. You guys can go,
you're doing a wonderful job.

261

Denise Tidings alb99-505@dos.ny.gov 00:41:46.134 --> 00:41:46.884
Thank you.

262

Edwin Clark 00:41:46.914 --> 00:41:48.444
Thank you, thank you.

263

Jodi DeLollo 00:41:49.704 --> 00:41:50.484
Good-bye everyone.