

1 NEW YORK STATE DEPARTMENT OF STATE

2 DIVISION OF LICENSING SERVICES

3 -----X
4

5 REAL ESTATE APPRAISAL BOARD MEETING

6 Minutes of meeting, held at the office of the New
7 York State Department of State, Division of
8 Licensing Services, 99 Washington Avenue, Room
9 1510, Albany, New York, 123 William Street, Room
10 231, New York City, New York, and 295 Main
11 Street, Suite 821, Room 803, Buffalo, New York on
12 Tuesday, September 10, 2024, commencing at 1:00
13 p.m.
14

15 A P P E A R A N C E S:
16

- 17 Neil Garfinkel, Secretary
- 18 Jodi DeLollo, Department of State
- 19 Candace Burchett, Department of State
- 20 Emily Lupe, Department of State
- 21 Shannon Maguire, Department of State
- 22 Caroline Burton, Board Member
- 23 Jack Bilello, Department of State
- 24 Mathew Wolf, Associate Attorney
- 25 Heather Mitchell, Dept. of Financial Services

22
23
24 Transcriber: Pearl E. Grandmont
25

1 MR. GARFINKEL: My name is Neil
2 Garfinkel. I am the secretary of the New York
3 State Real Estate Board. I would like to call
4 this meeting to order. The first thing that I'd
5 like to do is just have quick introductions. So
6 I believe we just -- we had Buffalo introduce
7 themselves. So maybe if Albany could introduce
8 themselves, who is present at this meeting.

9 MS. DELOLLO: Jodi DeLollo, Department
10 of State.

11 MS. BURCHETT: Candace Burchett,
12 Department of State.

13 MS. LUPE: Emily Lupe, Department of
14 State.

15 MS. MAGUIRE: Shannon Maguire,
16 Department of State.

17 MR. GARFINKEL: Okay. Thank you,
18 Albany. Thank you for always attending.

19 We're going to go to New York now.

20 So Caroline?

21 MS. BURTON: Yeah. Caroline Burton,
22 Board member.

23 MR. BILELLO: Jack Bilello, Department
24 of State.

25 MR. WOLF: Matthew Wolf, associate

1 attorney with General Counsel with the Department
2 of State.

3 MS. MITCHELL: Heather Mitchell from
4 the Department of Financial Services.

5 MR. GARFINKEL: Okay. Thank you,
6 everyone.

7 Our next order of business -- well,
8 Duncan MacKenzie is not going to be present today
9 so I've been asked to fill in for him.

10 Our next order of business is to take a
11 look at the meeting summary from June 11th. I do
12 notice two things that will change. Duncan was
13 not present. I welcomed the Board members and
14 performed the roll call, and we did have a
15 quorum.

16 So we'll make sure that we change this
17 for purposes of the meeting summary. We don't
18 have a quorum so I don't even know if we can
19 actually approve the meeting summary, but we will
20 take care of that either the next -- we'll take
21 care of it and do that next meeting.

22 We do have subcommittee reports. So
23 I'm going to ask Jack Bilello to do the
24 enforcement report.

25 MR. BILELLO: Sure. This is Jack

1 Bilello. So the first part of my report, we want
2 to report that the number of real estate cases
3 opened during the period of September 4th, 2022
4 to September 4th, 2023 was 522. The number of
5 real estate cases opened during the period of 9/4
6 '23 to 9/4 '24 was 631, which is about a twenty-
7 one percent increase in the number of real estate
8 cases opened in the last year.

9 The next piece of information is that
10 the number of real estate cases closed during the
11 period of 9/4 '22 to 9/4 '23 was 614. The number
12 of real estate cases closed during the period of
13 9/4 '23 to 9/4 '24 was 493, which is about a
14 twenty percent decrease in real estate cases
15 closed during the last year.

16 The number of active real estate cases
17 as of today's date is 687. And in 2024 -- from
18 January '24 to the present the Department of
19 State has revoked three real estate licenses.
20 And these all took place after a hearing before
21 an administrative law judge.

22 MR. GARFINKEL: Okay. Thank you, Jack.

23 MR. BILELLO: You're welcome.

24 MR. GARFINKEL: Emily, if -- Emily
25 Lupe, if you could do the processing report,

1 please?

2 MS. LUPE: Good afternoon. Included in
3 the material you received are reports of the
4 number of real estate licensees for July of 2023
5 and July of 2024. These are broken down by
6 broker and branch office licenses and then
7 salesperson licenses. And they're further broken
8 down by county.

9 An analysis of the total indicates that
10 the 2024 totals are slightly lower than the 2023
11 total licensees at the same time. However, the
12 overall change is small, about two and a half
13 percent.

14 MR. GARFINKEL: Okay. Thank you,
15 Emily.

16 And Shannon, if you could give the
17 examination report?

18 MS. MAGUIRE: Good afternoon. The
19 following statistics cover the first half of
20 2024, the real estate salesperson examination
21 which was administered to 10,087 individuals with
22 a pass rate fifty-one percent. The real estate
23 broker exam was administered to 669 individuals
24 with a pass rate of 52. Compared to the last
25 half of 2023 the pass rate and attendance has

1 remained fairly consistent with an average change
2 of three percent. Thank you.

3 MR. GARFINKEL: Thank you. So Shannon,
4 is it fair to say that roughly 20,000 people take
5 the salespersons licensing class -- between
6 18,000 to 20,000 a year?

7 MS. MAGUIRE: The State exam, yes.

8 MR. GARFINKEL: The State -- yeah,
9 just -- okay. Great. Thank you.

10 Okay. Lets go on to new business. I
11 have two things that I wanted to just bring to
12 the Board's attention and the Department of
13 State's attention.

14 The first deals with the Property
15 Condition Disclosure Law. New York State has a
16 law that requires a seller to deliver a property
17 condition disclosure form in connection with one
18 to four family transactions. That law has been
19 in effect for, I believe, at least twenty years.
20 It was recently amended.

21 Previous -- prior to the amendment a
22 seller could make a decision not to fill out the
23 form and give the prospective buyer a \$500
24 credit. That law was changed and the \$500 credit
25 was removed. The issue that we're finding is

1 that there's still come confusion about whether a
2 seller is required to fill out the form, and
3 we're seeing attorneys interpret that statute
4 differently.

5 Because the Department of State
6 obviously oversees licensees and licensees are
7 required under the law to inform the buyer and
8 seller of the existence of the form and so on, we
9 wanted to call to the attention of the Department
10 of State the concern or the question about
11 whether there should be any question whether the
12 seller has to fill out the form.

13 And so I don't know what the next step
14 would be, but we'd like for the Department of
15 State potentially to speak to the State
16 legislature or try to gain some clarity so that
17 we have an understanding. What my belief is is
18 that a seller is required to fill out the form.

19 So that would be point one. I don't
20 know if anyone has any questions or comments on
21 that.

22 The second thing that I wanted to bring
23 to the Board's attention is the issue of Buyer
24 Broker Agreements. And there is currently --
25 there has been a settlement in the National

1 Association of Realtors lawsuit. And one of the
2 requirements that that settlement does now
3 require is that Buyer Broker Agreements be
4 entered into between buyers -- brokers and
5 buyers.

6 And so there has been a discussion at
7 the state level amongst the Real Estate Board of
8 New York, the New York State Association of
9 Realtors whether that should be a New York State
10 law. And there are other states that have
11 enacted that law, so there's an ongoing
12 discussion. It will be a legislative issue.

13 But we wanted to call to the Board and
14 the Department of State's attention that we are
15 having these ongoing discussions. And when I say
16 myself, I -- "we", I'm referring to, again, the
17 Real Estate Board of New York in that case, and
18 New York State Association of Realtors, and other
19 interested parties.

20 So I wanted to bring those two points
21 of business to the Board's attention. Happy to
22 speak to any Board member at any time about that,
23 as well as the Department of State.

24 Do we have any other items of new
25 business that any Board member would like to

1 discuss?

2 Okay. With that, then we are going to
3 adjourn this portion of the State Board meeting.
4 And we are required to have a public hearing
5 session. We do not have anyone, it looks like,
6 in Albany, Buffalo, or New York, but Matthew, if
7 we can just go through the procedural part of
8 that I would appreciate that.

9 MR. WOLF: Yes. This is announcement
10 to the public that this is available to the
11 public to make any comments pursuant to Real
12 Property Law, Section 442-I, subsection 6, which
13 states the Board shall meet no fewer than three
14 times per year at the call of the Secretary of
15 State or a majority of the Board.

16 In addition to regularly scheduled
17 meetings of the Board there shall be at least one
18 public hearing each year in New York City, one
19 public hearing each year in Buffalo, and one
20 public hearing each year in Albany.

21 At least fifteen days prior to the
22 holding of these (audio interference) division,
23 the Board shall give public notice of the hearing
24 in a newspaper of general circulation in each
25 area where the public meeting is to be held. The

1 purpose of these hearings shall be to solicit
2 from members of the public suggestions, comments,
3 and observations about real estate practice in
4 New York State.

5 So now I'll hand it over to the members
6 of the Board. I will start with you, Mr.
7 Garfinkel. Would you have anything that you
8 would like to announce?

9 MR. GARFINKEL: No, we have nothing to
10 announce. I don't believe we have any members of
11 the public here.

12 Caroline, do you have anything that --

13 MS. BURTON: No. Can I just -- on the
14 written agreement is the goal there to come back
15 with a proposal of how to handle this at the New
16 York level? Like, is there a next step there, or
17 is that, like, a conversation when there is more
18 in the room?

19 MR. GARFINKEL: No, it's -- I mean,
20 we're happy -- so circling back --

21 MS. BURTON: Yes.

22 MR. GARFINKEL: That's okay. I think
23 the intent was to formalize at the state level
24 certain basic requirements that buyer broker
25 agreements would have. But for example, they

1 don't have to be exclusive, for example.

2 MS. BURTON: Yes.

3 MR. GARFINKEL: But to require that if
4 a buyer wanted to work with a licensee they would
5 need to enter into an agreement. We believe that
6 it creates transparency --

7 MS. BURTON: Yeah.

8 MR. GARFINKEL: -- as well as certainty
9 and a level playing field. So some -- and so
10 that's the -- happy to talk to you more about it.

11 MS. BURTON: Yeah. No, I was just
12 thinking, like, the next step.

13 MR. GARFINKEL: Yeah. The next step
14 would be a legislative issue. So --

15 MS. BURTON: Okay.

16 MR. GARFINKEL: -- it would be a
17 proposal -- a draft bill that would be circulated
18 and then it would be subject to comment --

19 MS. BURTON: Yes.

20 MR. GARFINKEL: -- and so on and so
21 forth. Yeah.

22 MS. BURTON: Okay. No other questions.

23 MR. GARFINKEL: I'm sorry. Is there --

24 THE COURT REPORTER: I'm sorry.

25 MR. GARFINKEL: -- anyone else --

1 THE COURT REPORTER: Court reporter
2 here. What's her name that just spoke?

3 MS. BURTON: Caroline Burton.

4 THE COURT REPORTER: Thank you.

5 MR. GARFINKEL: With that, and since
6 there is no further public comment we will
7 adjourn the public hearing portion of this
8 meeting.

9 I thank everyone for attending. And
10 I'm not sure -- do we have the schedule for the
11 next meeting?

12 MS. BURCHETT: We don't have one
13 scheduled yet. I'm looking at the beginning of
14 2025 and --

15 MR. GARFINKEL: Okay.

16 MS. BURCHETT: -- will let you know as
17 soon as I get it.

18 MR. GARFINKEL: I appreciate that.
19 Thank you very much, everyone.

20 (Simultaneous speaking).

21 MR. GARFINKEL: Take care. Bye.

22 (Proceedings concluded)

23


24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Pearl E. Grandmont, certify that the foregoing transcript of proceedings was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: 

Agency Name: eScribers, LLC

Address of Agency: 7227 North 16th Street
Suite 207
Phoenix, AZ 85020

Date: September 11, 2024

<hr/> \$ <hr/>	<hr/> 9 <hr/>	Bilello 2:23 3:23,25 4:1,23
\$500 6:23,24	9/4 4:5,6,11,13	bill 11:17
<hr/> 1 <hr/>	<hr/> A <hr/>	Board 2:3,22 3:13 8:7,13,17,22,25 9:3,13,15,17,23 10:6
10,087 5:21	active 4:16	Board's 6:12 7:23 8:21
11th 3:11	addition 9:16	branch 5:6
18,000 6:6	adjourn 9:3 12:7	bring 6:11 7:22 8:20
<hr/> 2 <hr/>	administered 5:21,23	broken 5:5,7
20,000 6:4,6	administrative 4:21	broker 5:6,23 7:24 8:3 10:24
2022 4:3	afternoon 5:2,18	brokers 8:4
2023 4:4 5:4,10,25	agreement 10:14 11:5	Buffalo 2:6 9:6,19
2024 4:17 5:5,10,20	agreements 7:24 8:3 10:25	Burchett 2:11 12:12,16
2025 12:14	Albany 2:7,18 9:6,20	Burton 2:21 10:13,21 11:2,7,11,15, 19,22 12:3
22 4:11	amended 6:20	business 3:7,10 6:10 8:21,25
23 4:6,11,13	amendment 6:21	buyer 6:23 7:7,23 8:3 10:24 11:4
24 4:6,13,18	analysis 5:9	buyers 8:4,5
<hr/> 4 <hr/>	announce 10:8,10	Bye 12:21
442-I 9:12	announcement 9:9	<hr/> C <hr/>
493 4:13	approve 3:19	call 2:3 3:14 7:9 8:13 9:14
4th 4:3,4	area 9:25	Candace 2:11
<hr/> 5 <hr/>	associate 2:25	care 3:20,21 12:21
52 5:24	Association 8:1,8,18	Caroline 2:20,21 10:12 12:3
522 4:4	attendance 5:25	case 8:17
<hr/> 6 <hr/>	attending 2:18 12:9	cases 4:2,5,8,10,12,14,16
6 9:12	attention 6:12,13 7:9,23 8:14,21	certainty 11:8
614 4:11	attorney 3:1	change 3:12,16 5:12 6:1
631 4:6	attorneys 7:3	changed 6:24
669 5:23	audio 9:22	circling 10:20
687 4:17	average 6:1	circulated 11:17
<hr/> B <hr/>		circulation 9:24
back 10:14,20		City 9:18
basic 10:24		clarity 7:16
beginning 12:13		class 6:5
belief 7:17		closed 4:10,12,15
		comment 11:18 12:6

comments 7:20 9:11 10:2

Compared 5:24

concern 7:10

concluded 12:22

condition 6:15,17

confusion 7:1

connection 6:17

consistent 6:1

conversation 10:17

Counsel 3:1

county 5:8

Court 11:24 12:1,4

cover 5:19

creates 11:6

credit 6:24

D

date 4:17

days 9:21

deals 6:14

decision 6:22

decrease 4:14

deliver 6:16

Delollo 2:9

Department 2:9,12,13,16,23 3:1,4
4:18 6:12 7:5,9,14 8:14,23

differently 7:4

disclosure 6:15,17

discuss 9:1

discussion 8:6,12

discussions 8:15

division 9:22

draft 11:17

Duncan 3:8,12

E

effect 6:19

Emily 2:13 4:24 5:15

enacted 8:11

enforcement 3:24

enter 11:5

entered 8:4

estate 2:3 4:2,5,7,10,12,14,16,19
5:4,20,22 8:7,17 10:3

exam 5:23 6:7

examination 5:17,20

exclusive 11:1

existence 7:8

F

fair 6:4

fairly 6:1

family 6:18

fewer 9:13

field 11:9

fifteen 9:21

fifty-one 5:22

fill 3:9 6:22 7:2,12,18

Financial 3:4

finding 6:25

form 6:17,23 7:2,8,12,18

formalize 10:23

G

gain 7:16

Garfinkel 2:1,2,17 3:5 4:22,24 5:14
6:3,8 10:7,9,19,22 11:3,8,13,16,20,
23,25 12:5,15,18,21

general 3:1 9:24

give 5:16 6:23 9:23

goal 10:14

Good 5:2,18

Great 6:9

H

half 5:12,19,25

hand 10:5

handle 10:15

happy 8:21 10:20 11:10

hearing 4:20 9:4,18,19,20,23 12:7

hearings 10:1

Heather 3:3

held 9:25

holding 9:22

I

Included 5:2

increase 4:7

individuals 5:21,23

inform 7:7

information 4:9

intent 10:23

interested 8:19

interference 9:22

interpret 7:3

introduce 2:6,7

introductions 2:5

issue 6:25 7:23 8:12 11:14

items 8:24

J

Jack 2:23 3:23,25 4:22

January 4:18

Jodi 2:9

judge 4:21

July 5:4,5

June 3:11

<hr/> L <hr/>	number 4:2,4,7,10,11,16 5:4	purpose 10:1
law 4:21 6:15,16,18,24 7:7 8:10,11 9:12	<hr/> O <hr/>	purposes 3:17
lawsuit 8:1	observations 10:3	pursuant 9:11
legislative 8:12 11:14	office 5:6	<hr/> Q <hr/>
legislature 7:16	ongoing 8:11,15	question 7:10,11
Lets 6:10	opened 4:3,5,8	questions 7:20 11:22
level 8:7 10:16,23 11:9	order 2:4 3:7,10	quick 2:5
licensee 11:4	oversees 7:6	quorum 3:15,18
licensees 5:4,11 7:6	<hr/> P <hr/>	<hr/> R <hr/>
licenses 4:19 5:6,7	part 4:1 9:7	rate 5:22,24,25
licensing 6:5	parties 8:19	real 2:3 4:2,5,7,10,12,14,16,19 5:4, 20,22 8:7,17 9:11 10:3
lower 5:10	pass 5:22,24,25	Realtors 8:1,9,18
Lupe 2:13 4:25 5:2	people 6:4	received 5:3
<hr/> M <hr/>	percent 4:7,14 5:13,22 6:2	recently 6:20
Mackenzie 3:8	performed 3:14	referring 8:16
Maguire 2:15 5:18 6:7	period 4:3,5,11,12	regularly 9:16
majority 9:15	piece 4:9	remained 6:1
make 3:16 6:22 9:11	place 4:20	removed 6:25
material 5:3	playing 11:9	report 3:24 4:1,2,25 5:17
Matthew 2:25 9:6	point 7:19	reporter 11:24 12:1,4
meet 9:13	points 8:20	reports 3:22 5:3
meeting 2:4,8 3:11,17,19,21 9:3,25 12:8,11	portion 9:3 12:7	require 8:3 11:3
meetings 9:17	potentially 7:15	required 7:2,7,18 9:4
member 2:22 8:22,25	practice 10:3	requirements 8:2 10:24
members 3:13 10:2,5,10	present 2:8 3:8,13 4:18	requires 6:16
Mitchell 3:3	Previous 6:21	revoked 4:19
<hr/> N <hr/>	prior 6:21 9:21	roll 3:14
National 7:25	procedural 9:7	room 10:18
Neil 2:1	proceedings 12:22	roughly 6:4
newspaper 9:24	processing 4:25	<hr/> S <hr/>
notice 3:12 9:23	property 6:14,16 9:12	salesperson 5:7,20
	proposal 10:15 11:17	salespersons 6:5
	prospective 6:23	
	public 9:4,10,11,18,19,20,23,25 10:2,11 12:6,7	

schedule 12:10
scheduled 9:16 12:13
secretary 2:2 9:14
Section 9:12
seller 6:16,22 7:2,8,12,18
September 4:3,4
Services 3:4
session 9:5
settlement 7:25 8:2
Shannon 2:15 5:16 6:3
simultaneous 12:20
slightly 5:10
small 5:12
solicit 10:1
speak 7:15 8:22
speaking 12:20
spoke 12:2
start 10:6
state 2:3,10,12,14,16,24 3:2 4:19
 6:7,8,15 7:5,10,15 8:7,8,9,18,23 9:3,
 15 10:4,23
State's 6:13 8:14
states 8:10 9:13
statistics 5:19
statute 7:3
step 7:13 10:16 11:12,13
subcommittee 3:22
subject 11:18
subsection 9:12
suggestions 10:2
summary 3:11,17,19

T

talk 11:10
thing 2:4 7:22
things 3:12 6:11
thinking 11:12

time 5:11 8:22
times 9:14
today 3:8
today's 4:17
total 5:9,11
totals 5:10
transactions 6:18
transparency 11:6
twenty 4:14 6:19
twenty- 4:6

U

understanding 7:17

W

wanted 6:11 7:9,22 8:13,20 11:4
welcomed 3:13
Wolf 2:25 9:9
work 11:4
written 10:14

Y

year 4:8,15 6:6 9:14,18,19,20
years 6:19
York 2:2,19 6:15 8:8,9,17,18 9:6,18
 10:4,16