

1 NEW YORK STATE DEPARTMENT OF STATE
2 DIVISION OF LICENSING SERVICES
3
4 REAL ESTATE APPRAISAL BOARD MEETING
5 Minutes of meeting, held via Webex on
6 Wednesday, February 5, 2025, commencing at
7 1:04 p.m.

8 A P P E A R A N C E S:

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BOARD MEMBERS:

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Neil Garfinkle, Secretary
11 David Dworkin, Board member
Thomas Grzebinski, Board member
12 Sandhya Espitia, Board member
Caroline Burton, Board member

13

DEPARTMENT OF STATE:

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Jodi DeLollo
15 Candice Burchett
Jack Bilello
16 Emily Lupe
Shannon Maguire
17 Rholda Ricketts
Matthew Wolf, Esq.
18 David Mossberg, Esq.

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21 Imani Hayes, Transcriber

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1 MR. GARFINKLE: It is approximately
2 1:05. I'm going to do a quick roll call. By the
3 way, my name is Neil Garfinkel. I am the Board
4 secretary. I guess we can start here. We're
5 just going to go around the room real quickly.

6 We have got -- let's see. If you'll
7 just introduce yourself, Matt.

8 MR. WOLF: Matthew Wolf, Associate
9 Attorney with the Department of State.

10 MR. GARFINKLE: Hi. Jack.

11 MR. BILELLO: Jack Bilello, Department
12 of State, Deputy Chief Investigator.

13 MR. GARFINKLE: Thank you.

14 Sandhya?

15 MS. ESPITIA: Sandhya Espitia, Chief
16 Operating Officer at REBNY.

17 MR. GARFINKLE: All right, Neil
18 Garfinkel -- (indiscernible) Garfinkel.

19 (Indiscernible), Carolyn?

20 MS. BURTON: Carolyn Burton, General
21 Manager at StreetEasy.

22 MR. GARFINKLE: Rholda?

23 MS. RICKETTS: Rholda Ricketts, New
24 York State DFS, representing Superintendent
25 Adrienne Harris.

1 MR. GARFINKLE: Okay, thank you. If we
2 could go to -- I see we have David Mossberg via
3 Zoom. We can go to Albany. If you could
4 introduce yourselves, please.

5 MS. BURCHETT: Candice Burchett,
6 Department of State.

7 MS. DELOLLO: Jodi DeLollo, Department
8 of State.

9 MS. LUPE: Emily Lube, Department of
10 State.

11 MS. MAGUIRE: Shannon McGuire,
12 Department of State.

13 MR. GARFINKLE: Okay. Do you have
14 anyone else with you today?

15 MS. MAGUIRE: Not in Albany.

16 MR. GARFINKLE: Okay. We're in
17 Buffalo. Do we have anyone in Buffalo?

18 MR. GRZEBINSKI: Yes, sir. Good
19 afternoon all. Tom Grzebinski from Buffalo.
20 Board Member.

21 MR. GARFINKLE: Great. Thank you, Tom.
22 And anyone in Rochester?

23 MR. DWORKIN: David Dworkin in
24 Rochester.

25 MR. GARFINKLE: Oh hey, David.

1 MR. DWORKIN: Thank you.

2 MR. GARFINKLE: Okay.

3 MR. DWORKIN: Thank you.

4 MR. GARFINKLE: Thanks.

5 We might have a quorum, then, although
6 I don't know that we have anything to vote on
7 today. So first order of business is to accept
8 the previous meeting Board minutes from September
9 10th, 2024.

10 All Board members in favor, please say
11 aye.

12 IN UNISON: Aye.

13 MR. GARFINKLE: Anyone object or have
14 any changes that they would like to make?

15 Okay. So we've approved the meeting --
16 the meeting minutes from September 10th, 2024.

17 We will now go to Department and
18 subcommittee reports. Jack, please do the
19 enforcement report for us.

20 MR. BILELLO: Yes, sir.

21 Hello, this is Jack Bilello. So for
22 the first part of my report, we want to report
23 that the number of active real estate cases as of
24 today's date is 628. The number of active real
25 estate cases that were active on September 10th,

1 2024, the date of the last Board meeting, was
2 687. Therefore, since the last Board meeting,
3 there has been about a nine percent decrease in
4 the amount of open real estate cases assigned to
5 Department investigators.

6 For the second part of my report, I am
7 reporting that during the period of September
8 10th, 2023 to February 3rd, 2024, the
9 Department's Enforcement Unit closed 150 real
10 estate cases. During the period of September
11 10th, 2024 to February 3rd, 2025, the
12 Department's Enforcement Unit closed 284 real
13 estate cases. That is about an eighty-nine
14 percent increase in the amount of closed real
15 estate cases.

16 For the final part of my report, I am
17 reporting that in the time frame subsequent to
18 the last Board meeting on September 10th, 2024,
19 the Department suspended the licenses of three
20 different real estate licensees. Two of those
21 licensees were suspended by way of a consent
22 order signed by the licensee and the DOS
23 attorney. One license was suspended by an
24 administrative law judge after a hearing had been
25 conducted.

1 And that concludes my report for today.
2 Thank you.

3 MR. GARFINKLE: Okay. Thank you, Jack.
4 Processing report, Emily Lupe?

5 MS. LUPE: Good afternoon.

6 Included in the meeting materials you
7 were provided is a report of licensees from
8 January of 2024 and January of 2025. The report
9 breaks down the licensees into brokers and branch
10 offices and salesperson licenses. And there are
11 further broken down by county.

12 The report indicates that the total
13 number of licensees is similar to the same time
14 the prior year. There was a slight decrease, but
15 about 2.5 percent. And that concludes my report.

16 MR. GARFINKLE: Thank you, Emily.
17 Shannon, for an examination report?

18 MS. MAGUIRE: Good afternoon.

19 The following statistics cover January
20 to December 2024. The real estate salesperson
21 exam was administered to 19,558 applicants, with
22 a pass rate of fifty-three. Compared to 2024,
23 looking at an overall less than three percent
24 change.

25 For the real estate broker, we

1 administered that exam to 1,346 applicants, with
2 a pass rate of fifty-two percent. Compared to
3 2024, we're looking at an overall one percent
4 change there.

5 Any questions?

6 MR. GARFINKLE: None. I will tell you
7 it's extremely busy outside. So there are a lot
8 of people outside waiting to take the exam, so I
9 think that's a good thing.

10 We're going to move to our new business
11 portion of our meeting. David Mossberg,
12 discussion on proposed regulatory changes?

13 MR. MOSSBERG: So good afternoon, and
14 thank you, everyone.

15 Just to confirm, because I was a
16 little -- I'm not sure if I heard Neil. If you
17 thought we did have a quorum or did not? I only
18 counted seven Board members or representatives.
19 So I just want to make sure that we actually
20 don't have a quorum, because if we do, we would
21 be asking for a vote of the Board on the proposed
22 regulatory change.

23 MR. GARFINKLE: So David, I'm going to
24 let you do the math. I'm a lawyer --

25 MR. MOSSBERG: All right.

1 MR. GARFINKLE: -- not a mathematician.
2 So I'm going to -- even though you're a lawyer,
3 but you're better at this than I am. So I'm
4 going to defer to you to tell us if we have a
5 quorum or not.

6 MR. MOSSBERG: Well, I just want to
7 make sure that there's only seven members
8 present. I see everybody in Albany shaking their
9 heads. So they're --

10 MS. DELOLLO: Yes, you're correct.

11 MR. MOSSBERG: -- much better than math
12 than me also. So I'll agree with --

13 MS. DELOLLO: We're all lawyers.

14 MR. MOSSBERG: -- the number.

15 That's why you can do math, you're not
16 lawyers. Okay.

17 MR. GARFINKLE: I was shooting from the
18 hip a little bit there, so I -- apparently, we do
19 not have a quorum. I apologize.

20 But thank you for correcting me, David.

21 MR. MOSSBERG: Okay. So since we don't
22 have a quorum, we can't actually do a vote.
23 However at, I believe, our last meeting, or maybe
24 even the meeting prior to that, we had discussed
25 a proposal that was made by the Governor in a

1 prior State of the State to remove the mailing
2 requirements for our educational providers to
3 give us the roster of students that, you know,
4 matriculated through the course.

5 So what we would have presented, what
6 should be in the Board packages for, you know,
7 consideration at the next meeting, is language to
8 basically repeal that requirement for the
9 educational providers to provide those rosters.
10 It is -- one, two, three, four, five. It is a
11 proposal consisting of five regulatory basic
12 repeals.

13 And you know, I don't know if there's
14 any questions. It's pretty straightforward, I
15 think, in terms of the purpose of the rule and
16 the actual rule text -- what the revision is that
17 we would be proposing and be seeking a vote for.
18 But unfortunately, because of the quorum,
19 obviously, we'll have to do that at a later time.

20 But I'm sure Matt Wolf, who's there in
21 New York City, who was the attorney that did most
22 of the heavy lifting on the draft, could answer
23 any questions. Or I can certainly try to help if
24 there's any questions as well.

25 MR. GARFINKLE: A procedural question.

1 Can we have a special meeting to vote on this or
2 any other proposal, or does it require us to wait
3 until we have our next Board meeting? And if you
4 get back, that's fine. I don't know if you know
5 that off the top of your head, but I am
6 concerned.

7 We did not have a quorum. I do not
8 believe that we had a -- I do not think we had a
9 quorum last time, so I am concerned about that
10 and I -- you know, there's, I guess, two
11 different issues, which is attendance. But then,
12 the issue of we actually have something that we
13 need to consider and how do we -- you know, how
14 do we get those things done?

15 MR. MOSSBERG: So I mean, with respect
16 to holding a special meeting just for advancing
17 this rule, obviously, subject to the availability
18 of the Board members, you know, and resources of
19 the Department, including, you know, physical
20 space, that's something that could certainly be,
21 you know, addressed.

22 You know, this isn't a rule that, you
23 know, for example, the Department is proposing as
24 an emergency rulemaking. So you know, in all
25 fairness to everyone's time and being

1 considered -- and in consideration of that, you
2 know, we wouldn't need to move with, you know,
3 undue urgency on this one. It's something that,
4 you know, certainly could be accomplished at the
5 next regularly scheduled Board meeting, but you
6 know that could occur basically at any time.

7 MR. GARFINKLE: Sure. Okay.

8 MR. MOSSBERG: With respect to the
9 quorum issues, that's a little bit beyond my
10 capabilities to address or respond.

11 MR. GARFINKLE: Okay. Thank you,
12 David.

13 MR. MOSSBERG: Um-hum.

14 MR. GARFINKLE: Does anyone have any
15 questions or comments about this proposal?

16 MS. RICKETTS: So I do. I don't want
17 to prolong everyone's meeting, so I know I'm the
18 new person here. But I'm just a little bit
19 curious because it seems that you're eliminating
20 the receipt of, I guess, information relating to
21 whether people have completed a course or have
22 taken a course. Is there like a substitute?
23 There was something substituted for it?

24 MR. WOLF: Well, they should have their
25 own records of who completed the class. And

1 then, if we do an investigation or an audit, then
2 we'll be requesting that from the schools.

3 MS. RICKETTS: Okay.

4 MR. MOSSBERG: Well, and to be clear,
5 there are preexisting regulations that require
6 the schools to maintain these records for three
7 years. So that regulatory provision for all of
8 the licensees is remaining intact. The only
9 thing that we're no longer requiring is that the
10 school affirmatively mail to us, you know, the
11 roster after every single course.

12 We think that it would add efficiency
13 to the schools. Obviously, there's environmental
14 reasons. And because those other preexisting
15 requirements for their record maintain will
16 exist, the Department, as Matt said, could always
17 go back to the school. And the school would be
18 required to maintain that and produce that to us.
19 So that part is not being changed by this
20 proposal at all.

21 MS. RICKETTS: Okay, thank you. I
22 understand.

23 MR. MOSSBERG: Um-hum.

24 MS. RICKETTS: Okay, thank you.

25 MR. GARFINKLE: Okay. Do we have any

1 other new business that we would like to consider
2 today?

3 MR. GRZEBINSKI: This is Tom
4 Grzebinski. I have a question regarding the
5 third proposed change. This is to 177.4. And
6 it's only recognizing the continuing ed as credit
7 based on attendance, not any kind of performance.
8 When I do my continuing ed, the school that
9 requires a certain amount -- sixty percent or
10 seventy percent pass rate within the test. Is
11 that spelled out somewhere else in a different
12 section?

13 MR. MOSSBERG: Well, I mean we would
14 have to get back to you on that one. For the
15 purposes of the regulatory proposal, as part of
16 the Governor's prior State of the State, the only
17 thing that the Department is recommending to
18 change is the actual mailing requirement that the
19 course provider send in these -- this roster
20 information within fifteen days of everyone who
21 completed the course.

22 If, you know, there's a different
23 section that mandates like what constitutes, you
24 know, successful completion, those preexisting
25 standards are not in any way impacted by this

1 proposal that we're making. But we could
2 certainly look into the question, you know, about
3 those other requirements and get back to you.
4 Unless somebody in the program --

5 MS. DELOLLO: Yes.

6 MR. MOSSBERG: -- can --

7 MS. DELOLLO: So for continuing
8 education, there's no exam requirement, so -- and
9 the attendance requirement is set forth in the
10 regulation. I can't cite it for you right now.
11 But yeah, like Dave said, this doesn't impact
12 that. And there's no exam requirement for
13 continuing education, only for the qualifying
14 education. If that helps.

15 MR. GARFINKLE: Did you have any other
16 questions about that?

17 MR. GRZEBINSKI: No, I'm going to read
18 the law and then we'll talk next quarter, or if I
19 have something, I'll put it in email, as far as a
20 question. I just think from an integrity
21 perspective, this -- we're not stopping someone
22 from just hitting the next button all the way
23 through their continuing ed, and then, that's
24 satisfying the fact that they attended the class.
25 I just want to see what that language looks like

1 in terms of are they truly doing the work.

2 MR. MOSSBERG: So again, that --

3 MS. DELOLLO: So that's separate.

4 MR. MOSSBERG: Right, that isn't
5 part --

6 MS. DELOLLO: And that's a distance
7 learning -- that's a distance learning
8 regulation, specific to just the distance
9 learning. And they're required to have default
10 mechanisms built into the program to make sure
11 that that doesn't happen. But it is -- you know,
12 you can see -- you probably want to take a look
13 at the regulations. And it is covered in there
14 by regulation.

15 MR. GRZEBINSKI: Thank you.

16 MS. DELOLLO: Yep.

17 MR. GARFINKLE: Okay. Thank you, Tom.
18 Any other new business? Okay. Then,
19 I'm going to adjourn this meeting.

20 We do have a public hearing session,
21 which I'm going to either --

22 Matthew, you're going to take care of
23 that?

24 MR. WOLF: That's fine.

25 MR. GARFINKLE: Thank you, Matthew.

1 MR. WOLF: Pursuant to 442 -- or Real
2 Property Law Section 442-I, Subsection 6, the
3 Board is required to meet no fewer than three
4 times per year and at the call of the Secretary
5 of State or a majority of the Board.

6 In addition to the regularly scheduled
7 meetings of the Board, there shall be at least
8 one meeting in New York City, one in Buffalo, and
9 one in Albany. The purpose of these hearings is
10 to solicit comments -- or comments from members
11 of the public -- suggestions, comments, and
12 observations concerning the real estate practice
13 in New York State.

14 So now, I'm opening the floor. Are
15 there any members of the public wanting to make a
16 comment, suggestion, observation?

17 MS. DELOLLO: There's no one in Albany.

18 MR. DWORKIN: There's no one in
19 Rochester.

20 MR. WOLF: There's no public officials
21 here in New York City.

22 MR. GRZEBINSKI: None in Buffalo.

23 MR. GARFINKLE: Okay.

24 MR. WOLF: All right. As there are no
25 members of the public present, then I'll call the

1 meeting closed.

2 MR. GARFINKLE: Okay. To the Board
3 members who participated, thank you very much.
4 Really, we appreciate that.

5 Albany, as always, thank you for
6 setting this up and for all that you do for us.

7 And for everyone else, thank you very
8 much. I appreciate it.

9 (Proceedings concluded)

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

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