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NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES
-----X
NEW YORK STATE REAL ESTATE BOARD MEETING
-----X

Minutes of Hearing, held virtually, on
Tuesday, May 13, 2025, commencing at 10:04
AM.

Reported by
Cecelia Baptiste



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

2

3 Duncan MacKenzie, Vice Chair

4 Thomas Grzebinski, board member

5 Trisha Ocona, board member

6 Sandhya Espitia, board member

7 Dherminder Bhasin, board member

8 Natisha Alexander, board member

9 Neil Garfinkel, board member

10 Caroline Burton, board member

11 Jack Bilello, Dept. of State

12 Emily Lupe, Dept. of State

13 Shannon Maguire, Dept. of State

14 Matthew Wolf, Dept. of State

15 Candance Burchett, Dept. of State

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1 MR. MACKENZIE: All right. Good
2 morning, everybody. My name is Duncan MacKenzie,
3 and I am the Vice Chair of the Board. What I
4 think we'll do is -- out of respect for
5 everyone's time -- is we'll go forward with all
6 of the items that don't require a quorum, and
7 once -- or if we have a quorum -- then we can go
8 back to the action items of approving the
9 previous meeting minutes and of the -- and on to
10 new business. So what I will do is go through
11 the roster, and I'm going to apologize in advance
12 for the mispronunciation of names, particularly
13 our first new gentleman who I've not met yet. So
14 Thomas Grzebinski, am I close?

15 MR. GRZEBINSKI: Gold star for the day,
16 Duncan. Attaboy.

17 MR. MACKENZIE: Thank you. Sandhya
18 Espitia?

19 MS. ESPITIA: [Sand-ee'-ya]. Hi, good
20 morning.

21 MR. MACKENZIE: Sandhya. Thank you.
22 Dherminder Bhasin? Shawna Meniffee?

23 MS. BAPTISTE: Oh, are you on the --
24 oh, sorry.

25 MR. MACKENZIE: Gregory Weston? Neil



1 Garfinkel?

2 MR. GARFINKEL: Present.

3 MR. MACKENZIE: I see Diane has been
4 excused. Chrystalia King? Caroline Burton?

5 MS. BURTON: Present.

6 MR. MACKENZIE: Thank you. Trisha
7 Ocona? Natisha Alexander?

8 MS. ALEXANDER: [Nat-ee'-sha].
9 Present.

10 MR. MACKENZIE: Natisha. Oh, I'm
11 sorry. Natisha.

12 All right. Well, we do not yet have a
13 quorum, but we'll go forward, work with the
14 agenda as far as we can go. So we'll begin with
15 the enforcement report, Jack Bilello?

16 MR. BILELLO: Yes, good morning. This
17 is Jack Bilello. So for the first part of my
18 report, we want to report that the current number
19 of open real estate cases in the department's
20 enforcement unit is 479. The amount of open real
21 estate cases at the time of our last meeting,
22 which was February 5th, '25, was 628. Therefore,
23 since the last board meeting, there's been about
24 a twenty-four percent decrease in the amount of
25 real estate cases assigned to department



1 investigators.

2 For the second part of my report, I'm
3 reporting that during the period of February 5th,
4 '24 to May 12th, '24, the department's
5 enforcement unit closed 127 real estate cases. A
6 year later, during the period of February 5th,
7 '25 to May 12th, '25, the department's
8 enforcement unit closed 302 real estate cases.
9 That's about 138 percent increase in the amount
10 of closed real estate cases.

11 For the final part of my report, I'm
12 reporting that, subsequent to our last board
13 meeting, there was a real estate licensee who was
14 the subject of several consumer complaints. That
15 licensee elected to surrender his license to the
16 department, and such surrender is being treated
17 by department as a revocation. And that
18 concludes my report for today. Thank you.

19 MR. MACKENZIE: All right. Thank you,
20 Jack. Does anyone have any questions for Jack?
21 All right. Seeing none. Thank you, Jack. The
22 processing report, Emily?

23 MS. LUPE: Good morning. Included in
24 the materials you were provided is a report of
25 the number of current real estate licensees. In



1 April of 2024 and April of 2025 there were four
2 groups of these licensees into broker and branch
3 offices and salesperson licenses, and then there
4 are totals listed by county. The total number of
5 licensees in 2025 is slightly lower than in 2024
6 at the same time, but the overall change is
7 small, about two or three quarter percent. And
8 that concludes the processing report.

9 MR. MACKENZIE: Thank you, Emily. Does
10 anyone have any questions for Emily? All right.
11 Seeing none. We'll have the examination report,
12 please. Shannon Maguire?

13 MS. MAGUIRE: Good morning. The
14 following statistics cover January through April
15 of 2025: Real estate salesperson exam was
16 administered to 6,966 applicants with a pass rate
17 of fifty-one percent. This is a two percent pass
18 rate increase from January to April 2024 and an
19 increase of 439 exam applicants.

20 The real estate broker exam was
21 administered to 497 applicants with a pass rate
22 of fifty-two percent. This is a four percent
23 increase from January to April 2024 on the pass
24 rate, and an increase of fifty-eight applicants
25 from that same time period. Any questions?



1 MR. MACKENZIE: Any questions for
2 Shannon? Thank you. Dave (Ph.), how would you
3 like to proceed with the action item?

4 MR. DAVE: Unfortunately, without a
5 quorum -- although -- just got the quorum.

6 MS. OCONA: Good morning.

7 MR. MACKENZIE: Is that eight?

8 UNIDENTIFIED SPEAKER: That's eight.

9 MR. MACKENZIE: All right.

10 UNIDENTIFIED SPEAKER: Nick of time.

11 UNIDENTIFIED SPEAKER: Wow. That was
12 quite venturous.

13 MS. BAPTISTE: Trisha?

14 MS. OCONA: Yes.

15 MS. BAPTISTE: Okay. Hi.

16 MR. MACKENZIE: All right, then. Item
17 three on your agenda is new business, and Matthew
18 Wolf has the regulatory proposal that you've all
19 received previously.

20 MR. WOLF: So I'm going to actually be
21 presenting that, but before we do that, did you
22 want to go back to do approval of the past
23 minutes? The first item we missed?

24 MR. MACKENZIE: Yeah, thank you. Yes.
25 All right. So I would like a motion to approve



1 the minutes from February 5th, 2025?

2 UNIDENTIFIED SPEAKER: So moved.

3 MR. GRZEBINSKI: Second.

4 MR. GARFINKEL: Second.

5 MR. MACKENZIE: Are there any
6 amendments to the minutes? Seeing none. The
7 minutes are approved as presented. All right.
8 We can move on to item number three.

9 UNIDENTIFIED SPEAKER: Can we also do
10 September of 2024 and June of 2024?

11 MR. MACKENZIE: Oh. Okay. Hold on.
12 We got lots of (indiscernible) first one we've
13 had since, well, apparently since last June. All
14 right. May I please have a motion for -- to
15 approve the minutes of June 11th, 2024? Make the
16 motion to approve the minutes?

17 UNIDENTIFIED SPEAKER: I can.

18 MR. MACKENZIE: Okay. And a second,
19 please?

20 UNIDENTIFIED SPEAKER: I can.

21 MR. MACKENZIE: Okay. Thank you. Does
22 anyone have any amendments to the minutes? All
23 right. The minutes are approved as presented. I
24 need a motion to approve the minutes from
25 September 10th, 2024 please.



1 UNIDENTIFIED SPEAKER: Motion to
2 approve the minutes from September 2024.

3 MR. MACKENZIE: I need a second,
4 please.

5 MS. OCONA: Just my name is spelled
6 wrong.

7 MS. BAPTISTE: Oh. In September?

8 MS. OCONA: Yes. T-R-I-S-H-A.

9 MS. BAPTISTE: I see that. I'll fix
10 that. Thank you.

11 MR. MACKENZIE: Are there any
12 amendments to the minutes? The minutes are
13 approved as presented. All right. Now we can
14 return to the original order. New business, the
15 floor is yours.

16 MR. WOLF: Yes. Thank you, Duncan. So
17 as the board is aware, from past discussion
18 several years ago, during a prior State of the
19 State, the governor made a recommendation to ease
20 paperwork burdens on schools by no longer
21 requiring real estate schools to automatically
22 submit the individual student roster names
23 following completion of every course.
24 Unfortunately, due to the quorum issues and
25 scheduling issues, we weren't able to present the



1 governor's State of the State proposal until now.
2 So thank you, board members, for being here. So
3 in the board packets, there is a proposed
4 regulatory change to five different regulations
5 that currently relate to real estate schools,
6 both qualifying and continuing education. The
7 purpose of the rule making, as I said, is simply
8 to remove the mandate that each of the schools
9 send the student lists. What is not changing is
10 the current retention schedule of schools. So
11 schools, based on the current retention policy,
12 are still required to keep those student lists
13 with the student names, the dates of the
14 completion, all of those records are still
15 subject to department inspection, have to be
16 available to the department. However, simply,
17 they're just no longer being submitted to the
18 Department of State.

19 One thing that I wanted to address with
20 the board and clarify is that as part of the 2022
21 legislative session, there was an amendment to
22 RPL 441 which required the schools to still
23 submit the faculty affirmation regarding course
24 completion. Some of the schools are aware that
25 when the -- after they provide the coursework,



1 the faculty is still required to submit the
2 affirmation electronically to the Department of
3 State, attesting to the fact that the curriculum
4 was taught basically correctly, as approved by
5 the department. Because that is a statutory
6 requirement, that is not being changed. So in
7 some of the proposals, it got a little bit
8 awkward where that's still -- that language is
9 still there. That can't be repealed or amended
10 regulatorily, because that is a statutory rule.
11 So in the rule packet materials, you'll see that
12 that requirement, for example, still exists, and
13 the proposed change to 176.20, we're still
14 keeping the requirement that the approved entity
15 submit the affirmed penalty -- under the penalty
16 of perjury. Again, we're just removing, in each
17 one of these sections, the mandate that they
18 submit within the fifteen days the actual student
19 list. So for the board, I just want to go
20 through each one of the changes so that they're
21 on the record, and then we'll ask the board if
22 they agree, so we can have a vote. So the first
23 change is going to be to subdivision (b) of
24 section 176.20. Specifically, we're going to be
25 deleting the portion of the sentence that says



1 the student list shall be submitted to the
2 department within fifteen days of completion, and
3 we're changing that to just being maintained by
4 the approved entity. And again, confirming that
5 the approved entity must still submit that
6 affirmed statement under the penalty of perjury.

7 Second change would be to repeal, in
8 its entirety, subdivision (b) of section 176.25.
9 That section currently says a list of names of
10 students who successfully complete each course of
11 study must be submitted to the department within
12 fifteen days. So that will be deleted or
13 repealed.

14 Third, changes to subdivision (a) of
15 section 177.4, concerning continuing education,
16 going to delete the last sentence, "The course
17 administrator must submit to the department,
18 within fifteen days, the names and license
19 registration numbers of all individuals who
20 successfully completed the approval course."

21 And the fourth change is to amend
22 subdivision (b) of 177.8, again, concerning
23 continuing education providers. We're adding in
24 there that the person or organization conducting
25 the course shall certify to the department upon



1 demand. So that way, it's no longer required
2 that they submit it to it. It's now going to be
3 on demand.

4 And then we also made a pronoun change,
5 changing his or hers to theirs.

6 The last change is to repeal
7 subdivision (i) of 177.22. Again, concerning
8 continuing education providers, we are going to
9 delete or repeal, in its entirety, the
10 requirement that the school or the person
11 offering program must submit to the Department of
12 State, within fifteen days, the names and license
13 registration numbers of all individuals who
14 successfully completed the approved course.
15 Again, the other -- all other existing
16 requirements for each of the providers remain,
17 including the mandate under RPL 441, that they
18 submit the affirmation under the penalty of
19 perjury requiring course completion. And so that
20 is the proposal as part of the prior governor
21 State of the State. I don't know if any of the
22 board members have any questions before we go to
23 a vote, but that is the proposal.

24 UNIDENTIFIED SPEAKER: When does it go
25 into --



1 MR. MACKENZIE: (Indiscernible)
2 process, could we get a motion to approve?

3 UNIDENTIFIED SPEAKER: There was
4 actually a question first. I don't know if I'm
5 going to answer that. So the -- the - once --
6 assuming the board votes to approve this, it goes
7 through the traditional regulatory process.

8 There's a bit of paperwork that Mr.
9 Wolf will be taking care of. Once the paperwork
10 is done, it gets submitted to what's called the
11 state register. There's a two-week lag period
12 from when we submit it, and then following that
13 two-week lag period, then there's the public
14 comment period. Following the public comment,
15 which is sixty days, then the department would be
16 able to move forward with the adoption. One
17 other -- so it's not like immediate, and it's
18 going to take some time.

19 The other thing, actually, is also that
20 for the board vote, we would request that, if the
21 board agrees, that the proposal should
22 specifically be to propose the rulemaking and
23 authorize that Department of State's taken all
24 necessary action to file a notice of adoption of
25 the same, because we plan on proposing this by



1 what's called the consensus rulemaking.

2 We don't anticipate any person or
3 entity is likely to object. And so assuming
4 there's no public comment, if the board
5 authorizes specifically, at this time, proposal
6 and adoption, we can just file the paperwork
7 necessary to implement the rule. Whereas, if
8 it's just a proposal, we have to come back after
9 the public comment just to make sure the board
10 wants us now to adopt it. So we would ask that
11 the proposal be specifically to authorize the
12 Department of State to propose and adopt the
13 attached rulemaking.

14 MR. MACKENZIE: All right. May I have
15 a motion to approve as presented?

16 UNIDENTIFIED SPEAKER: So moved.

17 MR. MACKENZIE: Second please?

18 UNIDENTIFIED SPEAKER: Second.

19 UNIDENTIFIED SPEAKER: Second.

20 MR. MACKENZIE: Is there any comment?
21 Questions? Seeing none, hearing none. All those
22 in favor, say aye.

23 UNIDENTIFIED SPEAKERS: Aye.

24 MR. MACKENZIE: Those opposed, say nay.
25 Are there any extensions? All right. The



1 proposal is approved. Is there any other
2 business to come before the board? Hearing none,
3 seeing none.

4 The next meeting is September 23rd at
5 10 a.m. And now we can move to the public
6 hearing section. I assume, Dave, you're taking
7 care of that?

8 MR. DAVE: Nope, that will be Mr. Wolf.

9 MR. WOLF: It's just me reading
10 something, but yeah, so, pursuant to the Real
11 Property Law, section 442-i, subsection 6, the
12 Board shall meet no fewer than three times per
13 year, and at the call of the Secretary of State
14 or a majority of the board, in addition to the
15 regularly scheduled meetings of the board, there
16 shall be at least one public hearing each year in
17 the New York City, one public hearing in each
18 year in Buffalo, one public hearing each year in
19 Albany. At least fifteen days prior to the
20 holding of any these public hearings pursuant to
21 this subdivision, Board shall give public notice
22 of the hearing in a newspaper of general
23 circulation in each area where the public meeting
24 is to be held. The purpose of these meetings
25 shall be to solicit, from members of the public,



1 suggestions, comments, and observations about
2 real estate practice in New York State. Is there
3 any comments, suggestions from the public, or
4 observations?

5 MR. MACKENZIE: There's no one in
6 Albany representing the public.

7 MR. WOLF: No public members in New
8 York City, either.

9 MR. MACKENZIE: Nobody in Buffalo.

10 UNIDENTIFIED SPEAKER: There are no
11 members of the public present to offer comments,
12 or suggestions, or observations. And I --

13 UNIDENTIFIED SPEAKER: Actually, you
14 know -- sorry, go ahead.

15 UNIDENTIFIED SPEAKER: I announce the
16 meeting's closed.

17 UNIDENTIFIED SPEAKER: That's fine.
18 I'm just going to make a comment that on
19 September 23rd, it looks like it's the Jewish
20 holiday of Rosh Hashanah, so if we could
21 reschedule the board meeting. We have plenty of
22 time to do that, but I'd like to request to do
23 that.

24 UNIDENTIFIED SPEAKER: I'll send out
25 some dates to the board to see what would work



1 best for the business.

2 UNIDENTIFIED SPEAKER: All right.

3 Thank you.

4 UNIDENTIFIED SPEAKER: You're welcome.

5 MR. MACKENZIE: All right. There being
6 no further business before the board, we are
7 adjourned.

8 UNIDENTIFIED SPEAKERS: Thank you.

9 (Time Noted 10:21 a.m.)

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