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

Minutes of meeting, held via Webex on

Tuesday, August 25, 2026, commencing at

10:00 a.m.

A P P E A R A N C E S:
(All present by video or telephone)

BOARD MEMBERS:

Duncan MacKenzie, Chairman
Neil Garfinkel, Board Member
Thomas Grzebinski, Board Member
Caroline Burton, Board Member
Trisha Ocona, Board Member
Natisha Alexander, Board Member
Jacqlene Rose, Board Member
Rasheedah Brown, Board Member

DEPARTMENT OF STATE:

Jack Bilello
Jenna Berschwinger
Shannon Maguire
David Mossberg

Emily Lupe, Esq.

Heather Mitchell, Esq

PUBLIC COMMENTS BY:

David Mossberg

Barrington Moxie, Reporter

MR. MACKENZIE: All right. Good morning, everyone. My name is Duncan McKenzie and I'm the vice chair of the New York State Real Estate Board. Welcome to our meeting. I will begin with calling the roll call.

Emily Lupe?

MS. LUPE: Present.

MR. MACKENZIE: Thank you.

Heather Mitchell?

MS. MITCHELL: Present.

MR. MACKENZIE: Neil Garfinkel?

MR. GARFINKEL: Present.

MR. MACKENZIE: And Neil is the board secretary.

Tom, I'm not even going to try to say your last name. If you would say it for me, then I'll know going forward.

MR. GRZEBINSKI: Tom Grzebinski.

MR. MACKENZIE: Thank you.

Caroline Burton?

MS. BURTON: Present.

MR. MACKENZIE: Trisha Ocona?

MS. OCONA: Present.

MR. MACKENZIE: Natisha Alexander?

MS. ALEXANDER: Present.

MR. MACKENZIE: Miriam Gonzalez? Jacqlene Rose?
MS. ROSE: Present.
MR. MACKENZIE: Rasheedah Brown?
MS. BROWN: Rasheedah. Present.
MR. MACKENZIE: All right. I believe we do have a quorum, and we can proceed. We need approval of -- I don't know how many meeting minutes we have stacked up here.
UNIDENTIFIED SPEAKER: Just one.
MR. MACKENZIE: Just one? Outstanding. And what was the date of that meeting?
UNIDENTIFIED SPEAKER: May 13th, 2025.
MR. MACKENZIE: All right. I need a motion to approve the meeting summary from our May meeting, please.
MR. GRZEBINSKI: Motion to approve the meeting.
MR. MACKENZIE: Second?
MS. ALEXANDER: Second.
MR. MACKENZIE: All right. All those in favor -- Oh, no. I'm sorry. Any -- so there's no changes then? All right. All those in favor?
(A chorus of ayes)

MR. MACKENZIE: Any opposed?
(No response)
MR. MACKENZIE: All right. The meeting summaries are approved. We now move to the second part of our agenda. The Department Subcommittee reports, and we'll start with Jack Bilello.
MR. BILELLO: Hello and good morning. I'm Jack Bilello. So for the first part of my report, we want to report that the current number of open real estate cases in the Department's enforcement unit is 226. The amount of open real estate cases at the time of our last meeting, which was May 13th, 2025, was 479. Therefore, since the last board meeting, there has been about a 53 percent decrease in the amount of real estate cases assigned to department investigators.
We also want to report that we are essentially up to date with our real estate investigations, and that all open real estate cases correspond to investigations commenced in 2026. Thus, we do not have any substantial backlog of real estate cases at this time. For the final part of my report, I'm reporting that

in 2025, the Department closed 596 real estate cases. In 2026, the Department has closed thus far 421 real estate cases. Since there are over four months left in this year, it is anticipated that many of the remaining 226 open cases will be closed this year.

That concludes my report for today. Thank you for your time.

MR. MACKENZIE: Does anyone have any questions for Jack?

MR. GRZEBINSKI: This is Tom Grabinski. Just out of curiosity, is there a general topic that keeps coming up within these cases. Most recently, is there anything that we should be aware of as far as new hot buttons or new topics that consistently are being brought up as cases?

MR. BILELLO: Right now, we don't have that type of data today. I mean, that's something that we can, in future meetings -- future board meetings, we could pinpoint hot topics, so to speak, or we could provide more information about the types of investigations and share that information with the board.

MR. GRZEBINSKI: I'd appreciate that. It's almost 600 cases last year. It'd be

interesting to see if there's 500 of them being of a similar topic.

MR. BILELLO: Okay. We can, we can we can definitely try to put something together for the next board meeting.

MR. GRZEBINSKI: Thanks, Jack.

MR. MACKENZIE: Any other questions for Jack? Thank you, Jack. All right.

The processing report. Jenna Berschwinger. How'd I do that?

MS. BERSCHWINGER: You nailed it. I was going to say great job. Good morning, everyone. I'm Jenna Berschwinger, supervisor of Licensing Services. Not a lot to report on for our processing report, but the total number of licenses issued through June of '25 to June of '26 decreased by approximately 2.9 percent. So nothing significant to report on that end.

MR. MACKENZIE: Are there any questions for Jenna?

MS. BROWN: Do we have an idea of what the decrease is attributed to, at all, like, any data?

MS. BERSCHWINGER: I don't.

MR. MACKENZIE: Any further questions?

Jenna, thank you.

The examination report. Shannon McGuire.

MS. MAGUIRE: Shannon McGuire. Supervisor of Licensing Services. The following statistics are for exams that were administered between January and June of 2026. The Real Estate Salesperson exam was administered to approximately 9,370 candidates, with a pass rate of 48 percent. This is approximately a 4 percent change in the pass rate compared to all of 2025.

The real estate broker exam was administered to 745 candidates, with an overall pass rate of 52 percent, and this is approximately a 5 percent change compared to the pass rate in 2025. Any questions?

MS. ALEXANDER: When you say a change in the pass rate, is that an increase or decrease?

MS. MAGUIRE: Both of them are a decrease.

MR. MACKENZIE: Are there any other questions for Shannon? All right. Thank you, Shannon. Is there any other business to come before the Board? All right. Hearing none, this

meeting is adjourned, and I will turn it over to Dave for the public hearing.

MR. MOSSBERG: Thank you. So this part of the meeting is a special component part of New York Real Property Law Section 442-I, paragraph 6, which states, in part, that in addition to the regular scheduled board meetings, the Department shall hold at least one public hearing in New York, Buffalo, and in Albany. The purpose of these hearings shall be to solicit from members of the public suggestions, comments, and observations about real estate practice in the State of New York.

I'll ask if there are any public members in New York City, that wish to provide public comment about their observations in real estate in New York. Okay. Any public members up in Albany?

MR. MACKENZIE: There are none.

MR. MOSSBERG: Okay. And I don't believe we are -- we are in Buffalo today, right?

MR. MACKENZIE: Yes, sir.

MR. MOSSBERG: Any public members from Buffalo with you?

MR. MACKENZIE: Go Bills is the only

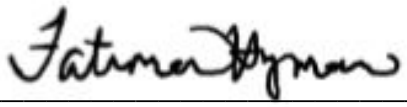
comment that I would make. And nobody has shown up for the public portion of this meeting.

MR. MOSSBERG: Okay. And so being that there are no public members wishing to make public comments, suggestions, or observations about real estate practice, in either New York City, Albany, or Buffalo, this public meeting pursuant to New York Real Property Law Section 442-I, paragraph 6, is adjourned. End quote. Thank you, everyone.

(Proceedings concluded at 10:15 AM)

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

I, Fatima Hyman, 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 01, 2026

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