NEW YORK STATE REAL ESTATE BOARD
MEETING SUMMARY

December 16, 2019

The meeting was held at the Department of State, Division of Licensing Services, 99 Washington Avenue, Albany, 123 William Street, NYC and 65 Court Street Buffalo, NY.

I. CALL TO ORDER, INTRODUCTIONS and OFFICIAL ATTENDANCE

The meeting was called to order at 10:47 a.m. W. Clark performed roll call and D. Mossberg announced there was a quorum. The official attendance was as follows:

BOARD MEMBERS
Dale Burnett
Edwin Clark
Sandra Erickson
Neil Garfinkel
Diane Ramirez
Raquel Vazquez

Excused:
Dherminder Bhasin
David Dworkin
Duncan McKenzie
Trisha Ocona
Gregory Weston

DEPARTMENT OF STATE STAFF
Whitney Clark
Amy Penzabene
Jodi DeLollo
David Mossberg
Ernita Gantt
Ernest Delaney
Mary Jo Moore
Marc Mastrobuono
Denise Tidings
Marcy Rose
Alison Lacy
Erin McCarthy
Paula O'Brien

VISITORS

A. New Board Appointments - W. Clark welcomed three new board members (D. Bhasin, E. Clark, and R. Vazquez).

B. Approval of Meeting Summaries - W. Clark asked for a motion to approve three meeting summaries (12/10/18, 5/31/19, and 9/17/19). N. Garfinkel made a motion to approve the meeting summaries; D. Ramirez seconded the motion. The Board was in favor and approved the meeting summaries.

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II. DEPARTMENT/SUBCOMMITTEE REPORTS

A. Enforcement – E. Delaney provided a report for the enforcement unit that covered enforcement activity since the Board's last meeting. N. Garfinkel requested that brokers receive notification of complaint status; E. Gantt explained that the broker is generally notified as part of an investigation.

B. Processing Report **–** J. DeLollo provided a licensing statistical report. She mentioned that the statistics provided to the board members are broken down by number of licensees (by county) and by license type. She pointed out that the 2018 and 2019 statistics remain steady. She reported that in the prior month (November), the Processing Unit approved 877 new sales applications and 227 new broker applications. She also provided information on application rejection rates and reasons for same.

C. Education/Examination Report **–** M. Mastrobuono reported on the qualifying audit program, which verifies that the applicant completed the initial 75-hour course. He provided audit results from the beginning of 2019 to date. M. Mastrobuono stated that annual statistics for 2019 will be available at the next meeting.

He also provided a report on the continuing education audit program. He explained that, since the Department communicates with licensees being audited by email, licensees are encouraged to keep their email address current.

M. Mastrobuono also reported examination statistics covering the period of September 2019 to date. He explained that exam pass rates have remained consistent. He added that a complete 2019 examination statistical report will be provided at the next meeting.

III. ACTION ITEMS

A. Fair Housing Regulation- W. Clark provided information regarding the November 17 Newsday report. She stated that the Department takes acts of discriminatory practices very seriously, and that the Department will work vigorously to ensure that all Fair Housing laws are enforced. As a result of the Newsday report and at the Governor's direction, we have launched over 50 investigations into identified subjects and are investigating allegations of housing discrimination on Long Island and are also looking into violations of course content of these regulations by instructors and schools. In addition, we will be increasing unannounced, undercover audits of continuing education courses moving forward. She mentioned that the Department is also working in collaboration with the Division of Consumer Protection, the Office of New Americans, and our interagency partners at the Division for Human Rights and the Department of Homes and Community Renewal to conduct outreach to real estate licensees and consumers on fair housing, laws, and protections. She explained that these efforts, combined with new regulations that we will cover and vote on today, will help ensure that real estate licensees comply with fair housing laws.

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Fair Housing regulations were proposed by D. Mossberg. He explained that the proposal would enact three separate provisions to Title 19 of the NYCRR:

- ***Notification of Fair Housing Laws*** – to require a new disclosure form containing substantive provisions of the NYS Human Rights Law be provided to prospective buyers and tenants.
- ***Posting of Fair Housing Laws*** – to require brokers to display at the broker office and at open houses, a notice furnished by the Department, indicting provisions of the NYS Human Rights law relative to housing accommodations.
- ***Video Recording and Record Preservation***- to require real estate schools to create a recording containing both video and audio of each fair housing and/or housing discrimination course and provide the recording, on demand, to the Department.

It was explained by D. Mossberg that upon Board approval, the proposed regulations will be published in the State Register for public comment and any substantive comments to the proposed regulations may be brought back to the Board for potential changes and another vote.

Following discussion by the board, D. Mossberg asked for a motion to propose the regulations and, also, specifically, authorize the Department to take all appropriate measures to adopt the regulations as proposed. S. Erickson made a motion to accept, and D. Ramirez seconded the motion. All members were in favor and W. Clark announced that the motion passed.

IV. NEW BUSINESS

A. Continuing Education Legislation - D. Mossberg explained new CE legislation. He mentioned that the Governor signed into law a bill (Chapter Bill 392) that amends the current CE requirements for all real estate licensees. He stated that this law will go into effect on July 1, 2021. He reported that the bill has two significant provisions: 1) added to the minimum requirements at least 2 ½ hours of instruction pertaining to ethical business practices and also added at least 1 hour of instruction pertaining to legal matters (laws, rules, regulations, codes, decisions court orders, etc.) governing the practice of real estate brokers and salespersons. 2) The second major provision removed the grandfathering for real estate brokers licensed for 15 consecutive years. All real estate salespersons and brokers will need to comply with the new requirements starting July 1, 2021. He clarified that the rule will be applied based on the date printed on the license; therefore, submitting an early renewal (during the renewal period) would not exclude a licensee from the new provisions. D. Mossberg mentioned that subsection 3 of Section 441 was the specific section that was amended with topics that must be covered. W. Clark stated that the Department will be sending a notification to licensees explaining the new requirements.

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B. Vice Chair Nomination and Election – W. Clark explained that the statute allows the Board to vote on and select a Vice Chair and Secretary. She mentioned that if any members are interested in the vacant Vice Chair position, they should submit a resume to D. Tidings (Board Coordinator), and she will distribute them to the board members for review. She stated that the board will vote on these positions at their next meeting.

V. 2020 ADVISORY BOARD MEETINGS

A. Tentatively Scheduled Meeting Dates – D. Tidings provided tentative meeting dates/times for 2020.

B. Agenda Items – D. Tidings (Board Coordinator) stated that members are encouraged to submit agenda items to her for consideration.

C. Contact Information – D. Tidings mentioned that she would follow-up with an email and would also be asking members to verify their contact information.

VI. PUBLIC COMMENT

There were no comments from the public addressed to the Board or the Division.

The Board was prompted by W. Clark to make a motion to adjourn the meeting; D. Ramirez made a motion to adjourn and it was seconded by D. Burnett. The meeting was adjourned at 11:44 a.m.

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