



MAURA HEALEY
GOVERNOR

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LIEUTENANT GOVERNOR

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Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Real Estate Broker
and Salesperson

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EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

March 17, 2023

Public Minutes

Members in attendance:

Peter Ruffini, Chairman

Linda Kody, Member

Robert Jones, Member

Administrative Staff in attendance:

Jenna Hentoff, Board Counsel

Kristin Mitchell, Executive Director

Colleen Cavanaugh, Associate Executive Director

Britte McBride, Chief of Staff

Andrew Bridges, Chief of Investigations

James Reed, Chief of Prosecutions

Call to Order – Peter Ruffini opened the meeting at 10:21 a.m.

Vote on Minutes:

February 22, 2023 Public minutes

February 22, 2023 Executive minutes

A motion was made by Linda Kody and seconded by Robert Jones to approve the minutes as drafted and presented.

Voted: To unanimously approve the public and executive minutes listed above as presented.



Executive Director Report

Kristin Mitchell informed the Board of the following information:

Since our last meeting (2/22/23), the Board has received 404 applications for exam.

Since our last meeting, the Board has issued 374 licenses:

- 279 Salesperson by exam
- 20 Broker by exam
- 9 Businesses
- 20 Attorney Brokers
- 34 Reciprocal Salespersons
- 12 Reciprocal Brokers

Kristin Mitchell informed the Board that the letter regarding the affiliation changes were sent to all licensed real estate businesses. The system update was scheduled for the evening of March 17, and the new process will go into effect on March 18, 2023.

There are three hearings coming up, two in June and one in August, for which the Hearings Officer is seeking Board member participation. Peter Ruffini will tentatively attend the two June hearings and Linda Kody will attend the August hearing.

The decision on the date of the September Board meeting will be tabled until Cliff Ponte is available to discuss.

Kristin Mitchell reminded the members and public attendees that the Board is still accepting resumes and cover letters for the Educational Subcommittee with an explanation as to why they are qualified to serve on this committee. The deadline for applications is April 30, 2023.

Board Counsel Report

Jenna Hentoff reported that as of now and until further notice, all Board meetings held after March 31, 2023 will need to be in person.

Application Review

Stacy Susi – When asked why she does not hold a broker's license, Ms. Susi stated she was currently taking classes and is almost ready to schedule the exam. Since she obtained the instructor certificate, she has been managing a real estate office, helping with the books, and knows everything about being a broker. She has also assisted in managing, recruiting and training other employees.

A motion was made by Linda Kody and seconded by Robert Jones:
To deny the request for exemption of the instructor certificate

Roll call vote.

In favor: Linda Kody, Robert Jones, Peter Ruffini

Ms. Susi was notified her application will be closed and she can reapply for an instructor certificate when she has obtained a broker's license at which time the Board may consider an exemption from the requirement to hold the broker's license for two (2) years.

Lorna Rush – Ms. Rush failed to appear and was previously advised that the Board may make a decision without her in attendance. Based upon the documents submitted, the Chair noted that most of what she indicated she was doing did not require an instructor certificate.

A motion was made by Linda Kody and seconded by Robert Jones:
To deny the request for exemption of the instructor certificate

Roll call vote.

In favor: Linda Kody, Robert Jones, Peter Ruffini

Sandra Carroll – tabled until April

Jean Rogers – When asked why she does not hold a broker's license, Ms. Rogers stated she doesn't do real estate and has no interest in that side of the business. She wants to teach real estate appraisal courses. She was advised that she may want to seek approval from the Board of Registration of Real Estate Appraisers as she did not need a real estate instructor certificate to teach appraisers.

A motion was made by Linda Kody and seconded by Robert Jones:
To deny the request for exemption of the instructor certificate

Roll call vote.

In favor: Linda Kody, Robert Jones, Peter Ruffini

Bryce Christopher – reinstatement – Mr. Christopher appeared in connection with his application to reinstate his license which was revoked by default in 2018. He moved and didn't notify the Board of his address change, so he was unaware of the revocation until he moved back to MA and tried to reinstate his license. He has been licensed since 1999 and became a broker in 2005. He moved away in 2016. He addressed the complaint which was filed around the time he moved out of state. It had to do with rentals and fee disclosure forms. He would have been ahead of this if he knew about it. He has had no other complaints.

A motion was made by Linda Kody and seconded by Peter Ruffini:
To allow him to move forward with the reinstatement process

Roll call vote.

In favor: Linda Kody, Peter Ruffini

Opposed: Robert Jones

Discussion

The Board reviewed correspondence which asked whether someone can offer an approved course in a different language? The Board stated that courses can be taught in any language, but the exam will only be in English.

~~Andrew Bridges gave the Board a draft form to review which included a list of~~ typical real estate related documents with the intent for it to be used by investigators in connection with complaints. The Board members stated they would review and discuss further at the next meeting with any questions/comments/concerns.

Andrew Bridges also notified the Board of an updated inspection process for real estate brokerages. The Board members were all in favor of the updated process.

Matters Not Anticipated by the Board

Expert witness recommendations. Peter Ruffini will forward some names to the staff.

At 11:50 a.m., a motion was made by Robert Jones and seconded by Linda Kody and it was so

Voted: To exit Open session and enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1) to discuss individuals' character, rather than competence

Roll call vote. In favor: Robert Jones, Linda Kody, Peter Ruffini

At 12:14p.m., the Board exited Executive Session and entered Closed Session pursuant to G.L. c. 112, § 65C for the purposes of conducting settlement and investigatory conferences.

During closed session, the Board took the following actions:

2022-000794-IT-ENF- tabled

2022-000824-IT-ENF- dismiss

2022-000822-IT-ENF- dismiss

2022-000924-IT-ENF- dismiss

2022-000943-IT-ENF- dismiss

2022-000950-IT-ENF- refer back to Office of Investigations

2022-000959-IT-ENF- dismiss
2022-000973-IT-ENF- refer to Prosecutions
2022-000981-IT-ENF- dismiss
2022-000996-IT-ENF – dismiss
2022-001034-IT-ENF- dismiss
2022-001043-IT-ENF- dismiss
2022-001047-IT-ENF- dismiss and open complaint
2022-001058-IT-ENF- dismiss
2022-001108-IT-ENF- refer to Prosecutions
2022-001109-IT-ENF- refer to Prosecutions
2022-001110-IT-ENF- dismiss and open complaint
2022-001111-IT-ENF-refer to Prosecutions
2022-001112-IT-ENF- refer to Prosecutions
2022-001113-IT-ENF- refer to Prosecutions
2022-001114-IT-ENF- refer to Prosecutions
2022-001115-IT-ENF-refer to Prosecutions
2022-001116-IT-ENF- dismiss

At 2:46 p.m., a motion was made by Linda Kody and seconded by Robert Jones and after roll call it was so

Voted: To exit closed session and enter open session for the purpose of adjourning the meeting

In favor: Robert Jones, Linda Kody, Peter Ruffini

Respectfully Submitted by:


Kristin Mitchell, Executive Director


Date

List of documents used during the Public Meeting:

- March 17, 2023 meeting agenda
- February 22, 2023 Public minutes
- February 22, 2023 Executive minutes
- Stacey Susi– instructor application documents
- Lorna Rush – instructor application documents
- Jean Rogers – instructor application documents
- Bryce Christopher –reinstatement application documents
- Email correspondence re: offering approved course(s) in second language
- Real estate inventory form
- Updated draft real estate inspection documents