



MAURA HEALEY
GOVERNOR

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LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Real Estate Brokers
and Salespersons**

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LAYLA R. D'EMILIA
UNDERSECRETARY, CONSUMER
AFFAIRS AND BUSINESS
REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

July 24, 2024

Public Minutes

Members in attendance:

Peter Ruffini, *Chairman*

Linda Kody, *Board Member*

Kathy Condon, *Board Member*

Robert Jones, *Board Member*

Administrative Staff in attendance:

Jenna Hentoff, *Board Counsel*

Kristin Mitchell, *Executive Director*

Colleen Cavanaugh, *Associate Executive Director*

Colleen Maloney, *Associate Commissioner of Policy and Boards*

Call to Order – Peter Ruffini opened the meeting at 10:19 a.m.

Vote on Minutes:

June 26, 2024 Public minutes

June 26, 2024 Executive minutes

A motion was made by Linda Kody and seconded by Kathy Condon to approve the public and executive minutes as drafted and presented.

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

Roll Call vote.

In favor: Linda Kody, Kathy Condon, Peter Ruffini

Executive Director Report

Kristin Mitchell informed the Board of the following information:



Since the Board's last meeting (6/24/24), the Board has received 267 applications for exam.

Since the Board's last meeting, the Board has issued 252 licenses:

- 184 Salesperson by exam
- 18 Broker by exam
- 11 Attorney Brokers
- 17 Businesses
- 3 Reciprocal Brokers
- 19 Reciprocal Salespersons
- 1 Instructors
- 0 Schools

Peter Ruffini informed the Board that he was notified that an real estate instructor had discovered that PSI's address is incorrect on the application. It lists the Nevada address and 2 other addresses. He also informed the Board that this real estate instructor tested PSI's response time based on email and regular mail. The mailed applications received a quicker response time. Colleen Maloney has a call with PSI later this week and will add these issues to that call's agenda.

Board Counsel Report

Jenna Hentoff notified the Board that she has no further updates on the draft regulations. She also notified the Board she is leaving the agency after the Board's August meeting. The Board wished her well.

Application Review

Jon Archiabile – Mr. Archiabile appeared before the Board to discuss discipline which he disclosed on an application to sit for the salesperson exam. He disclosed that he was disciplined by the Ohio Appraiser licensing board. He settled this case by paying a fine and completing continuing education. His Ohio Real Estate Appraiser license is current and active. He also holds a Real Estate license in Ohio and a Real Estate Appraiser license in Massachusetts. Regarding the OH case, he stated that he appraised a property for a couple who filed a complaint because he didn't report a commercial building on the property. He wasn't aware of the mistakes he made. He states it was a novice mistake that occurred over 20 years ago. He noted that he was approved previously by the Board but then Covid happened. He said that he has learned from his mistakes and now reports everything about the properties he appraises.

A motion was made by Kathy Condon and seconded by Robert Jones:

To allow the candidate to continue with the application process

Roll call vote.

In favor: Kathy Condon, Linda Kody, Robert Jones, Peter Ruffini

Discussion

Education Subcommittee Report

Linda Kody provided the report for the Education Subcommittee's July's meeting. The minutes from the June 2024 Subcommittee meeting were approved. The Subcommittee reviewed proposed FAQ's for real estate schools, instructors and students. Most of the meeting was spent discussing the proposed FAQ's. There was a brief mention of putting together a packet for new schools. One course was submitted for review, but it was tabled because the submitter was unable to attend the meeting as requested.

A motion was made by Kathy Condon and seconded by Robert Jones:
To accept the Education Subcommittee Report

Roll call vote.

In favor: Kathy Condon, Linda Kody, Robert Jones, Peter Ruffini

Correspondence

Regarding NAR – The Board reviewed correspondence from The Reagent Inc. regarding the NAR settlement. The Board noted it as read and filed.

Francis Elliott- Mr. Elliott submitted an appeal of the Board's decision during its June meeting to deny Mr. Elliot's request for an exemption to the requirement for instructors to have a minimum of two years of work experience as a real estate broker. He was issued the broker license in May 2024. He appeared before the Board at last month's meeting. Mr. Elliott told the Board that he loves teaching. He has a passion for education. He stated that he wants the ability to continue his job as a real estate instructor and that he did not believe that having the instructor authorization stripped from him was warranted. The Chair explained that it is the Board's job to uphold the regulations which require that real estate instructors hold a broker's license first for a minimum of two years. Ms. Mitchell noted that everyone in his situation received a letter and were given 6 months to upgrade their license and apply for a waiver. If there was any reason this couldn't happen, the individuals were instructed to reach out and notify the Board. Mr. Elliott said he never received that letter or he would have responded right away.

No new action was taken.

Matters not reasonably anticipated 48 hours in advance of the meeting

Nothing to report.

At 11:12a.m., a motion was made by Robert Jones and seconded by Kathy Condon and it was so

Voted: To Exit Open Session and enter Closed Executive Session to discuss individuals' character rather than competence pursuant to G.L. c. 112, § 30A, § 21(a)(1) and to comply with the public records law pursuant to G.L. c. 66, § 10 and G.L. c. 4, § 7, ¶ 26(c) to protect highly personal information relating to a named individual pursuant to G.L. c. 30A, § 21(a)(7).

Roll call vote.

In favor: Kathy Condon, Linda Kody, Robert Jones, Peter Ruffini

At 11:52 a.m., the Board exited Closed Executive Session and entered Closed Quasi-Judicial Session for the purpose of conducting adjudicatory conferences pursuant to G. L. c. 30A, § 18, ¶ 5(d).

At 12:13 p.m., a motion was made by Robert Jones and seconded by Linda Kody and it was so

Voted: To Exit Closed Quasi-Judicial Session and entered Closed Session pursuant to G.L. c. 112, § 65C for the purpose of conducting investigatory conferences.

Roll call vote.

In favor: Kathy Condon, Linda Kody, Robert Jones, Peter Ruffini

During closed session, the Board took the following actions:

- 2024-000706-IT ENF – refer to Prosecutions
- 2024-000123-IT-ENF – dismiss with advisory
- 2024-000163-IT-ENF – refer to Prosecutions, open new complaint
- 2024-000168-IT-ENF – dismiss
- 2024-000193-IT-ENF – refer to Prosecutions
- 2024-000205-IT-ENF – dismiss
- 2024-000206-IT-ENF – dismiss
- 2024-000246-IT-ENF – refer to Prosecutions
- 2024-000256-IT-ENF – dismiss with advisory
- 2024-000260-IT-ENF – dismiss
- 2024-000275-IT-ENF- dismiss
- 2024-000278-IT-ENF- refer to Prosecutions
- 2024-000279-IT-ENF- refer to Prosecutions
- 2024-000325-IT-ENF- refer to Prosecutions

At 2:59 p.m., a motion was made by Linda Kody and seconded by Kathy Condon and after roll call it was so

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

Roll call vote.

In favor: Kathy Condon, Robert Jones, Linda Kody, Peter Ruffini

Respectfully Submitted by:



Kristin Mitchell, Executive Director

9/23/2024

Date

List of documents used during the Public Meeting:

- July 24, 2024 meeting agenda
- June 26, 2024 Executive minutes
- June 26, 2024 Public minutes
- Jon Archiabile salesperson exam application and related documents
- Correspondence from The Reagent Inc.
- Francis Elliott appeal of Board decision