

**[J-71-2019] [MO: Dougherty, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

SARA LADD, SAMANTHA HARRIS, AND
POCONO MOUNTAIN VACATION
PROPERTIES, LLC,

Appellants

v.

REAL ESTATE COMMISSION OF THE
COMMONWEALTH OF PENNSYLVANIA
AND DEPARTMENT OF STATE (BUREAU
OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS) OF THE
COMMONWEALTH OF PENNSYLVANIA,

Appellees

: No. 33 MAP 2018
:
: Appeal from the Order of the
: Commonwealth Court at No. 321
: MD 2017 dated June 4, 2018
: sustaining in part and overruling in
: part the preliminary objections and
: dismissing with prejudice the
: Petition for Review.

:
: ARGUED: September 11, 2019
:
:
:
:
:
:
:
:
:

DISSENTING OPINION

JUSTICE MUNDY

DECIDED: May 19, 2020

Appellant Sara Ladd contends that the licensing requirements enacted by the legislature through the Real Estate Licensing and Registration Act (RELRA)¹ are unconstitutional because she wishes only to practice real estate in a limited fashion. I cannot agree with the Majority that, because Ladd operates a smaller-scale business, she has raised a colorable claim that the RELRA's requirements are so unreasonably oppressive as to violate the Pennsylvania Constitution. As noted by the Commonwealth Court in its decision in this matter, "[p]rerequisites to practicing a certain profession, such as a professional license, can be seen across many career fields. We would no sooner

¹ 63 P.S. §§ 4455.101-455.902.

obviate the licensure requirement for an attorney, physical therapist, or any other professional, merely because they have limited clients or only practice part of the year.” *Ladd v. Real Estate Comm’n of Commonwealth*, 187 A.3d 1070, 1078 (Pa. Cmwlth. 2018). As I find the Commonwealth Court’s decision, authored by the Honorable P. Kevin Brobson, correctly concluded the RELRA’s requirements are constitutional, I would affirm its decision in this case. Accordingly, I respectfully dissent.