

P E N N S Y L V A N I A

REAL ESTATE COMMISSION

NEWSLETTER

WINTER 2007-08



COMMONWEALTH
OF PENNSYLVANIA

Edward G. Rendell
Governor

Pedro A. Cortés
Secretary of the Commonwealth

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Bureau of Professional and
Occupational Affairs*

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Governor's Newsletter

Sign up now at www.governor.state.pa.us
to receive the weekly e-newsletter from
Governor Rendell on important issues facing Pennsylvania.

Message from the Chairman

by Joseph J. McGettigan, Sr.

One of the most frequently asked questions of a real estate commissioner concerns the number of complaints the commission receives and how many disciplinary actions it orders. The answer is a lot. The *Legal Office Report* beginning on page 16 reflects the complaint and disciplinary action information that was provided to the commission by the legal office at its June 2007 meeting.

To summarize: between July 1, 2006, and May 31, 2007, the Bureau of Professional and Occupational Affairs received 1,218 complaints associated with real estate licensees, an increase of more than 200 complaints from the prior fiscal year. During that same time, the commission imposed 231 disciplinary sanctions, including revocations, suspensions, Act 48 citations, reprimands and civil penalties. This also represented an increase from the prior fiscal year.

The complaints that the commission received ran the gamut of statutory and regulatory violations, from incompetence and unlicensed or lapsed licensed practice, to escrow violations, sexual misconduct and substantial

misrepresentations. Table 5 on page 20 provides a list of violations, based on the initial complaints, for which the commission imposed a disciplinary sanction. (Note that the number of violations in the table exceeded the number of disciplinary sanctions actually taken because multiple complaints contained multiple violations.)

In addition to reviewing cases based on complaints, the commission also reviewed almost 200 criminal convictions for real estate applicants. These convictions ranged from driving under the influence, criminal mischief and harassment to aggravated assault, vehicular homicide and involuntary manslaughter. As in the disciplinary matters, the commission provided an opportunity for applicants to explain their criminal convictions to the commission, in these cases, through the enforcement committee. In 63 instances, the commission held informal conferences.

On a different topic, the commission would like to welcome new commissioners Alexis Barbieri, Esquire, Jeffrey Johnson, John McGarry and Jack Sommer, new commission administrator Patricia Ridley and new commission education administrator Katie Douglas.

2007 Real Estate Commission



Seated, left to right:

Michael Weiss, Joseph McGettigan,
Anne Hanna Cestra and Mark Vessella

Standing, left to right:

Beverly Brookes, Jeffrey Johnson, Alexis Barbieri,
John McGarry, Judith Pachter Schulder,
Joseph Tarantino, Patricia Ridley,
Jack Sommer and Katie Douglas

Application Recommendations

by Patricia A. Ridley, Commission Administrator

Within the last 11 months, commission staff received almost 50,000 telephone calls and processed more than 10,000 applications, including initial applications and changes to name, address, and broker. A great number of the calls relate to application questions: What form do I use? How much money do I send? What is the status of my application?

The following are some recommendations that should assist with completing the application and should reduce discrepancies.

General information

- Before beginning any application, check the commission's Web site at www.dos.state.pa.us/estate to make sure that you are using the most up-to-date form.
- Read the instructions carefully and complete the entire application. Many applicants submit the wrong fees, or fail to include the required documents. Others omit portions of the application.
- Make sure your birth date and Social Security number are listed on the criminal background check that you receive from the Pennsylvania State Police.
- Copies of all criminal documents, as well as any other documents specified on the application, must be included with the application if you have been convicted or pled guilty or *nolo contendere* to a crime other than a summary offense. Once all of the required documentation is received, it can be reviewed by the commission's enforcement committee. Because the committee only meets monthly and a conference may be needed after an initial paper review, this process could take several months.
- Use your legal name on all applications, even if you are commonly known by a nickname and have registered that nickname (for your first name only) with the commission.
- Unless an application specifically asks for the broker's multi-license number, ALWAYS use the

brokerage (RB or SB) number and ALWAYS use the broker's full name, not its trade or "d/b/a" name.

- On initial licensure applications, copies of transcripts must accompany the application. PSI, the examination vendor, does not forward that documentation to the commission.
- The criminal background check from the Pennsylvania State Police (or the State Police where the licensee resides) must be dated within three months of the application date.
- Certifications of licensure for reciprocal applicants/licensees must also be dated within three months of the application date.
- A license may only be kept in escrow for five years (from the expiration date or the escrow date – whichever comes first). Beyond the five years, licensees are required by law to retake the examination before obtaining a license and resuming practice. Licensees are responsible for monitoring when the license expires.
- To check the status of an application for individuals who are applying for an initial license, go to www.mylicense.state.pa.us. Individuals who are currently licensed can check the status of their license at www.licensepa.state.pa.us.

Brokers

- Obtain approval from the Corporation Bureau before submitting an application for licensure as a corporation or sole proprietorship using a fictitious name. A copy of that approval must be attached to the licensure application.
- Sole proprietorships may not use a group name (such as Inc. or Associates).
- Form SPOA 2108A must be submitted whenever an office address or entity name is being changed. Before the change goes into effect, the entity must pass inspection.

Profile of New Board Members

Alexis L. Barbieri

Alexis L. Barbieri is an executive deputy attorney general with the Pennsylvania Office of Attorney General (OAG) and the director of the Public Protection Division, which includes the Bureau of Consumer Protection and the Health Care, Charitable Trusts



and Organizations, Antitrust, Civil Rights Enforcement and Tobacco Enforcement Sections. In addition, she is the director of the elder abuse unit and the designated representative of the OAG on the Pennsylvania Real Estate Commission.

Barbieri started her legal career as a law clerk for the Honorable Vincent A. Cirillo, a judge of the Superior Court of Pennsylvania. She has held positions in the Torts Litigation Section of the OAG; staff counsel for Continental Insurance Company; office of chief counsel for the Pennsylvania Department of Transportation; and has represented plaintiffs and defendants in Pennsylvania and New Jersey in private practice.

Barbieri received her Juris Doctor degree from the Widener University School of Law, where she was a member of the Moot Court Honor Society, the Student Bar Association, Phi Alpha Delta and was a contributor to the Law Forum. She was the recipient of the AmJur Award for the highest grade in torts. She received her A.B. in French from the University of Pennsylvania and was a member of the National French Honor Society.

Barbieri is admitted to practice in Pennsylvania, New Jersey, California and Missouri. She is a member of the Philadelphia Bar Association, Pennsylvania Bar Association, the Justinian Society of Philadelphia, Dauphin County Bar Association, and is a past president of the Lawyers' Club of Philadelphia. She is an instructor for the Pennsylvania Bar Institute and has presented in the areas of trial techniques and trial practice, sovereign immunity, health care, consumer protection and charitable trusts. In addition to her professional activities, Barbieri has been a volunteer attorney for the Philadelphia Volunteers for the Indigent Program and has served on the boards of other educational and civic organizations.

John A. (Jack) Sommer

John A. (Jack) Sommer first became involved in the cemetery industry in the early 1970's in the Pittsburgh area as a memorial counselor at Forest Lawn Gardens in Peters Twp. In 1975, he was hired by Matthews Bronze as a territory manager serving more than one hundred cemeteries in eastern Pennsylvania and central New York. In 1978, he purchased Mount Rose Cemetery in York and operated the cemetery until 1997, when it was sold to SCI of Houston, Texas. In 2004, he became the general manager of Prospect Hill and Greenmount Cemeteries. Trinity United Church of Christ of York owns both cemeteries. Jack has been licensed as a cemetery broker since 1978. He served for more than 20 years on the board of what is now The Pennsylvania Cemetery, Cremation and Funeral Association and was president of the predecessor organization, the Cemetery Association of Pennsylvania, for two years in the early 1990's.

In his community, Sommer has a long history of civic involvement serving on numerous boards including the Children's Home of York, Rehabilitation and Industrial Training Center (sheltered workshop), the South-Central Regional board and York chapter board of The Second Mile, York County Chamber of Commerce and he was elected a director of the Dallastown Area School District, among others. Sommer and his wife of 32 years, Linda, live in York Township.

Jeffrey Johnson

Jeffrey Johnson was appointed by Governor Ed Rendell to the Pennsylvania Real Estate Commission in September 2006. Johnson owns and operates Jeffrey Johnson & Associates in Erie.



He has 29 years of experience in the business and specializes in commercial and industrial real estate.

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New Licensees

The Real Estate Commission issued 7,899 new licenses from Jan. 1, 2007, through Nov. 14, 2007, in the following categories:

Associate Broker (AB) - Reciprocal	25
Associate Broker (AB) - Standard	232
Branch Office	114
Broker (Corp LLC Partner) - Standard	270
Broker (Sole Proprietor) - Reciprocal	14
Broker (Sole Proprietor) - Standard	22
Broker Exam (BE)	361
Broker Multi-Licensee - Reciprocal	42
Broker Multi-Licensee - Standard	325
Builder/Owner Salesperson - Reciprocal	1
Builder/Owner Salesperson - Standard	126
Builder-Owner Registration	22
Campground Membership Salesperson-STD	8
Cemetery Broker of Record - Standard	3
Cemetery Registration - Standard	1
Cemetery Salesperson - Standard	201
Promotional Property	12
Promotional Property Developer	11
RE Satellite Education Provider	106
Real Estate Course	572
Real Estate Education Provider (RE)	1
Real Estate Education Provider (RU)	2
Real Estate Instructor	267
Real Estate Salesperson - Reciprocal	249
Real Estate Salesperson - Standard	4,813
Time Share Salesperson - Standard	99

Profile of New Board Members

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Johnson is a past Realtors Political Action Committee trustee and District 7 vice president for the Pennsylvania Association of Realtors. Johnson is the current chairman of the City of Erie Zoning Board, treasurer of the Erie Western PA Port Authority, past president of the Greater Erie Board of Realtors, past member of the County of Erie Board of Assessment Appeals, member of the Greater Erie Industrial Development Authority Corp. Real Estate Committee, a member of the board of corporators of Saint Vincent Health Center and a past member of the City of Erie School District local tax study commission, past member of the City of Erie Local Economic Revitalization Tax Abatement revitalization committee, member of the Erie Children's Museum and past president of the Erie Maennerchor Club. Johnson is a graduate of Edinboro University of Pennsylvania. He and his wife Wendy have four children.

Renewal Responsibilities

Whose duty is it to renew a salesperson's/associate broker's/campground salesperson's/cemetery salesperson's license ... the broker's or the individual licensee's?

The answer is the licensee's. While it has become commonplace in many real estate offices for the office to renew all of the licenses for everyone associated/employed by the office at the same time, the duty to renew a license actually rests with the licensee.

Section 301 of the Real Estate Licensing and Registration Act (RELRA) requires licensees to obtain initial licenses in order to practice. Thereafter, Section 604(a)(21) requires that licensees keep that license current in order to continue practicing. Failure to do so can result in disciplinary action against the licensee for unlicensed practice.

Before on-line renewal, having the office collecting and mailing all of the renewal applications together was not a problem. Each licensee completed and signed the renewal application and provided it to the office to mail to the commission for renewal. However, with the advent of online renewal, having one person in the office renew each licensee is a problem. The reason is that each licensee is responsible for answering specific questions, such as: Have you been convicted of a crime since your last renewal? Have you completed the required continuing education?

Therefore, for this renewal cycle, it is advisable for all real estate licensees to change the way they renew:

1. Instead of renewing as a company, brokers should renew their own licenses as soon as they receive their renewal application. (It is expected that broker renewal applications will be mailed out a few weeks before the salespersons applications.) That would allow the rest of the licensees in the office to renew throughout the renewal period rather than having licenses wait in the computer system until the broker has renewed.

2. Salespersons should also renew their own licenses.

One last note: while licensees have an individual duty to renew, brokers still have the duty to ensure that all licensees associated/employed with the office have a current license, as part of their duty to supervise imposed by Section 604(a)(16) of the RELRA.

Reminder... Renew Your License Online

You are eligible to renew online if:

- You are currently in your license renewal period
- Your license is delinquent by no more than 30 days

First-time users need the following information:

- Pennsylvania License Number
- Registration Code
- Current mailing address
- Credit Card information
- E-mail address
- Continuing Education information

Go to the Department's Web site at
www.dos.state.pa.us

Click on **RENEW a Professional License**
(www.myLicense.state.pa.us).

Then simply follow the instructions
to renew your license online.

Broker Price Opinion

by **Daniel A. Bradley, Vice Chairman**
State Board of Real Estate Appraisers

Recently, many companies have been asking licensed real estate brokers and salespersons in Pennsylvania to provide what are known as “broker price opinions” for a variety of purposes, including mortgage lending, pre-foreclosure, and litigation. These assignments typically involve researching comparable sales and listings, and developing a value opinion (or a range of value), which is then reported on a form provided by the company requesting the service.

The term “broker price opinion,” or BPO, is not referenced in the Real Estate Licensing and Registration Act (RELRA), the Real Estate Appraisers Certification Act (REACA), or the rules and regulations of the State Real Estate Commission and the State Board of Certified Real Estate Appraisers. Depending on its purpose, a BPO assignment requires either a comparative market analysis, or CMA, under the RELRA or a real estate appraisal under the REACA.

Section 201 of the RELRA defines “comparative market analysis” as follows:

“A written analysis, opinion or conclusion by a contracted buyer’s agent, transactional licensee, or an actual or potential seller’s agent relating to the probable sale price of a specified piece of real estate in an identified real estate market at a specified time, offered either for the purpose of determining the asking / offering price for the property by a specific actual or potential consumer or for the purpose of securing a listing agreement with a seller.”

Section 2 of the REACA defines “appraisal” as follows:

“A written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation.”

Accordingly, if a licensed real estate broker or salesperson who is not a certified real estate appraiser receives a request for a BPO, he or she may lawfully perform the assignment only if it requires a service that qualifies as a comparative

market analysis. The only acceptable purposes of a comparable market analysis are to secure a listing agreement or to determine an asking or offering price for an actual or potential client. If the BPO assignment is for other purposes, such as mortgage lending, litigation, or private mortgage insurance removal, then the assignment requires an appraisal, which can only be performed by a certified real estate appraiser and must be in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

A licensed real estate broker or salesperson who performs a comparative market analysis is required under Section 608.3 of the RELRA to include the following verbatim statement in a conspicuous manner on the first page of the analysis:

“This analysis has not been performed in accordance with the Uniform Standards of Professional Appraisal Practice which require valuers to act as unbiased, disinterested third parties with impartiality, objectivity and independence and without accommodation of personal interest. It is not to be construed as an appraisal and may not be used as such for any purpose.”

A licensed associate real estate broker or salesperson may not receive compensation for performing a comparative market analysis directly from the client that requested it; rather, the compensation must be paid through the employing real estate broker.

Companies and others that engage the services of real estate licensees may not be familiar with the requirements of the RELRA and the commission’s rules and regulations because they are not subject to these requirements. Real estate licensees, on the other hand, are subject to these requirements, and it is the licensees’ responsibility to be aware of and comply with them. Just because a potential client requests a service does not mean that it is legal or ethical for a real estate licensee to provide it.

Renewal Reminders

With the renewal only months away, the commission tried to anticipate licensee questions and provide responses.

Q How will licensees know when to renew?

The commission will be sending a notice to active licensees telling them that it is time to renew and providing instructions about how to renew. Upon receipt of that notice, licensees will be able to renew.

Q When should licensees expect that notice?

About the beginning of March 2008.

Q What should a licensee do if he or she does not get a renewal notice?

It depends upon whether the license is active or inactive.

If the license is active but the licensee has not received the renewal, perhaps because the notice went to a prior address, the licensee can either print a renewal notice from the commission's Web site or renew online using the registration code mentioned below.

If the license is inactive or expired, the licensee will need to reactivate the license. Information about reactivation is available on the commission's Web site at www.dos.state.pa.us/estate.

Q How can licensees access the online renewal system?

The renewal notice will include a licensee-specific registration code that will allow each active licensee access to the online renewal system.

Q What should a licensee do if he or she loses the renewal letter with the registration code? Can the licensee still renew online?

Yes. The same registration code that is included in the renewal notice is printed on every wallet card immediately below the license expiration date.

Q Which is the faster renewal method: online or by mail?

Renewing online is much faster than renewing by mail. Where the broker has already renewed, the turnaround time for online renewal — from the electronic submission to receipt of an actual license — is about 10 days. Renewal by mail takes a minimum of several weeks.

Q If a licensee does not choose to renew online, how can a licensee renew by mail?

Licensees can either print a renewal notice from the commission's Web site using their registration code or send the commission a written request to be mailed a paper application.

Q Does online renewal actually work?

Yes. Last renewal period about 80 percent of all real estate licensees renewed online.

Q Do brokers have to renew in order for salespersons or associate brokers to renew?

No. Salespersons and associate brokers are permitted to renew their licenses online prior to their brokers renewing, however, the salespersons and associate brokers' licenses will not be issued until after the broker renews. As a result, the 10-day turnaround time mentioned above would not apply.

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Renewal Reminders

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Q May licensees who have had criminal convictions or been disciplined in another state since the last renewal renew online?

Yes. These licensees are permitted to renew their licenses online, however, these licenses will not be issued until after the licensees supply the required documentation about the conviction. As a result, the 10-day turnaround time mentioned above would not apply.

Q If a licensee has not completed the required 14 hours of continuing education, will the licensee be permitted to renew?

No. Licensees must certify, under penalty of perjury and potential disciplinary action, that they have completed the required continuing education. If a licensee answers that he or she has not completed the education, the license will not be renewed until the licensee provides proof that he or she has in fact completed the required hours.

Q Are licensees who fail to renew by May 31, 2008, permitted to practice on or after June 1, 2008?

No. Licensees who fail to renew are not permitted to practice after their licenses expire. Further, after the renewal deadline, they are required to reactivate their licenses, by providing proof that they have completed their continuing education.

Q Must reciprocal licensees complete continuing education in order to renew?

No. A reciprocal licensee is required to complete the continuing education in the state where he/she holds his/her standard licenses but must provide the commission with proof of current licensure in that state.

Prosecution's Charging Unit Celebrates One-Year Anniversary

by Basil Merenda, Commissioner, Bureau of Professional and Occupational Affairs

The charging unit hit the ground running in August 2006. It has been quite successful in saving time and resources for the prosecution department under the direction of Peter Marks, executive deputy chief counsel, and C.A.L. Shields, Bureau of Enforcement and Investigation (BEI) director and a former four-term elected district attorney from Schuylkill County.

This unit consists of four prosecutors, BEI's director and deputy director. It meets daily to review and analyze complaints and investigations of professional misconduct on behalf of the 27 boards and commissions. The unit makes prosecutorial decisions, including dismissals, reinvestigations, negotiated consent agreements, re-reviews, and recommendations for formal action by trial prosecutors. It allows decision-making at a much earlier time in the process and subjects each case to analysis by at least two or more experienced prosecutors. The result is quicker, better and more efficient decision-making and processing of professional complaints.

The charging unit is a concept that Governor Edward G. Rendell used while he was district attorney of Philadelphia. As district attorney, Gov. Rendell used the charging unit to reduce the criminal case backlog in Philly. In fact, most, if not all, of the district attorneys in Pennsylvania use a charging unit of some sort to process criminal complaints and to control the criminal case backlog in their counties. Based on my experience as an intern with the Philly DA's office during that time, I wanted to adapt a "charging" unit to what we do here at BPOA.

As you see, the charging unit solves two problems: it coordinates the legal office, compliance department and BEI under a single unit; and it brings a legal analysis into the complaint review process as soon as a consumer files a complaint with BPOA.

Keep up the great work streamlining the processes and saving time and resources to better serve the citizens of Pennsylvania.

REMINDERS

Licensees must contact the board office with any changes in name or address.

Name changes require a copy of a court order, marriage certificate, divorce decree or other official document.

Licensees must also notify the board within 90 days if another state board takes disciplinary action against them.

Criminal convictions must be reported to the board within 30 days.

Mail information to:

Real Estate Commission, PO Box 2649, Harrisburg PA 17105-2649

State Emergency Registry of Volunteers in Pennsylvania (SERVPA)

Every one of us can immediately recall where we were on Sept. 11, 2001. Most of us can recall our response in the days, weeks and months after those terrorist attacks. We did not need the pictures in our papers or the video on our televisions because the evidence was in our own communities — everyday individuals lending a hand. Whether it was donating blood or making journeys to help remove the rubble, people were volunteering. No one needed an academic degree or years of experience. All that was needed was the desire to help and the time to do so.

Sept. 11 taught us so much, including the necessity for volunteers during times of emergency. More states continue to understand the importance of emergency preparedness in times of disaster, and Pennsylvania is no different. We now have an even greater way to come together as Pennsylvanians and volunteer: SERVPA.

SERVPA is a comprehensive program to manage the recruitment, registration, vetting and potential deployment of volunteers. It allows for online:

1. Registration of individuals interested in serving during an emergency, including the collection and validation of identity, credentials, licenses and other key information.
2. Coordination of preparedness planning, including the analysis of the size and composition of the volunteer workforce.
3. Activation and deployment of volunteer, including the initial notification, polling for availability, assignment, and tracking of participation.

Asking yourself, “How can I commit when I do not know if I will be available when an emergency occurs?” Not a problem. Registration in SERVPA does not commit a volunteer to respond to an emergency. Instead, it reflects your interest in being contacted as needs arise. You get to decide. When the time is right, we know you will answer the call.

To give you some background on SERVPA, Congress authorized the development of an Emergency System for the Advanced Registration of Volunteer Health Professionals (ESAR-VHP) in 2005. SERVPA is Pennsylvania’s response both to the federal initiative and to Pennsylvania’s own need for a single database of volunteers across the state. This allows for advancing enrollment and credentialing of volunteers which aids in the deployment of needed people like you during an emergency.

Pennsylvania knows it takes a variety of skill sets to respond adequately to an emergency. This is why any resident of the commonwealth, age 16 or older, is welcome to register in SERVPA. We are on our way to making SERVPA the single registry used to activate volunteers for a state-declared emergency. It will also be the source used to respond to requests for emergency assistance from other states. Since the SERVPA registry was designed in coordination with response partners at all levels of state and local governments, along with the existing network of community service groups and Pennsylvania’s special emergency response teams in mind, SERVPA’s software and registry can be used effectively at the local community level.

Register to be a volunteer today at www.serv.pa.gov. Be Prepared. Be Aware. Volunteer.

2008 Commission Meeting Dates

Jan. 15-16

Feb. 12-13

March 18-19

April 15-16

May 13-14 (Pittsburgh)

June 17-18

July 15-16 (Philadelphia)

Aug. 12-13

Sept. 16-17 (Erie)

Oct. 16

Nov. 18-19

Dec. 16-17

Commission meetings held in Harrisburg unless otherwise noted.

The Real Estate Commission Citation Civil Penalty Schedule

The following is an updated schedule of the Act 48 citation penalties.

Violation under 63 P.S.	Title/Description	Civil Penalty
Section 455.301	Acting in capacity of cemetery broker or cemetery salesperson without a license	1st offense: \$250 per violation 2nd offense: \$500 per violation
Section 455.601(a)	Failure of licensee to notify commission of change of location of office of broker or cemetery broker within 10 days	1st offense: \$125 2nd offense: \$250
Section 455.601(a)	Failure of broker or cemetery broker to maintain sign with licensed name outside office	1st offense: \$250 2nd offense: \$500
Section 455.603	Failure of licensee to notify commission of change of employing broker within 10 days	1st offense: \$125 2nd offense: \$250
Section 455.604(a)(4)	Use of any trade names or insignia or membership in any real estate association or organization of which the licensee is not a member	1st offense: \$250 2nd offense: \$500
Section 455.604(a)(8)	Placing a "for sale" or "for rent" sign or advertising property without the written consent of the owner	1st offense: \$250 2nd offense: \$500
Section 455.604(a)(16)	Failure to exercise adequate supervision of licensed salesperson or associate broker (when subordinate violates §455.601(a), 455.603 or 455.604(a)(21))	Same as penalty for underlying offense of subordinate
Section 455.604(a)(21)	Failure of licensee to have current license when performing licensed activity	1st offense: \$250 per month up to \$1,000 2nd offense: Formal action
Section 455.604(a)(25)	Failure to include right-of-cancellation information in a timeshare or campground membership	1st offense: \$500 2nd offense: \$1,000
Section 2205(b)(2)	Aiding and abetting cemetery or real estate sales activities by unlicensed individuals	1st offense: \$250 per individual 2nd offense: \$500 per individual
Section 35.242(a)	Failure of broker or cemetery broker to devote office to transaction of real estate business in privacy	1st offense: \$125 2nd offense: \$250
Section 35.242(b)	Failure of broker or cemetery broker to maintain separate entrance to office located in private residence	1st offense: \$125 2nd offense: \$250
Section 35.242(c)	Failure of broker or cemetery broker to display business name prominently and in permanent fashion outside office	1st offense: \$250 2nd offense: \$500
Section 35.243(a)	Failure of broker or cemetery broker to obtain license before opening branch office	1st offense: \$250 2nd offense: \$500

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Civil Penalty Schedule

Continued from previous page

Violation under 63 P.S.	Title/Description	Civil Penalty
Section 35.245(a)	Failure of broker, cemetery broker or rental listing referral agent to maintain the current license of employed or affiliated licensees at main office	1st offense: \$125 2nd offense: \$250
Section 35.245(b)	Failure of associate broker, salesperson, associate cemetery broker or cemetery salesperson to conspicuously display current license at office out of which licensee works	1st offense: \$100 2nd offense: \$250
Section 35.245(c)	Failure of broker or cemetery broker to maintain a list of licensees employed at or affiliated with the broker or cemetery broker at the branch office out of which each licensee works	1st offense: \$125 2nd offense: \$250
Section 35.285	Failure to provide commission or its representative with information regarding a franchisor, network or other parent real estate company with which the licensee may become affiliated	1st offense: \$250 2nd offense: \$500
Section 35.286(a)	Failure of broker to retain a copy of the written estimate of reasonably foreseeable expenses required under 49 Pa. Code §35.334 (relating to statements of estimated cost and return)	1st offense: \$250 2nd offense: \$500
Section 35.286(a)(1)	Failure of broker, associate broker or salesperson to retain a copy of the acknowledgement portion of the Consumer Notice	1st offense: \$250 2nd offense: \$500
Section 35.286(b)	Failure of a licensed entity other than an individual to produce its corporate, partnership or association records for examination by the commission or its authorized representative	1st offense: \$250 2nd offense: \$500
Section 35.290(b)	Failure of a licensee to notify the commission of disciplinary action taken against the licensee by the real estate licensing authority of another jurisdiction within 30 days of receiving notice of the disciplinary action	1st offense: \$500 2nd offense: \$1,000
Section 35.292(a)(6)	Failure of broker, associate broker or salesperson to provide a copy of the Consumer Notice as required under 63 P.S. §455.608 (relating to information to be given at initial interview)	1st offense: \$250 2nd offense: \$500
Section 35.301(a)	Advertising the sale or lease of real estate without the authority of the seller or lessor or its agent	1st offense: \$250 2nd offense: \$500
Section 35.301(b)	Publishing information about a rental property if the lessor or property manager expressly stated that the property was not to be included in lists prepared by rental listing referral agents	1st offense: \$250 2nd offense: \$500
Section 35.304	Failure of licensee who sells or leases his own real estate to disclose in ads for the property that he is a licensee	1st offense: \$250 2nd offense: \$500

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Civil Penalty Schedule

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Violation under 63 P.S.	Title/Description	Civil Penalty
Section 35.305(a)	Failure of broker, cemetery broker or rental listing referral agent to advertise or hold himself out to public under business name designated on license	1st offense: \$250 2nd offense: \$500
Section 35.305(b)	Advertising or using a nickname that has not been registered with the commission	1st offense: \$250 2nd offense: \$500
Section 35.305(c)	Failure of salesperson or associate broker to include the business name and telephone number of the broker in at least equal size as the salesperson's or associate broker's name and telephone number on an advertisement	1st offense: \$250 2nd offense: \$500
Section 35.334	Failure of broker to provide a written estimate of reasonably foreseeable expenses	1st offense: \$250 2nd offense: \$500
Section 35.361(a)	Failure of real estate school to prominently display certificate of approval at main location and copy at satellite location	1st offense: \$125 2nd offense: \$250
Section 35.361(b)	Failure of real estate school to prominently display school's approved name outside each school location	1st offense: \$250 2nd offense: \$500
Section 35.361(c)	Failure of real estate school to prominently display school director's letter of approval at main location and copy at satellite locations	1st offense: \$125 2nd offense: \$250
Section 35.361(d)	Failure of real estate school to prominently display alphabetical list of courses and instructors at each location	1st offense: \$125 2nd offense: \$250

Right to Know Law and Home Addresses

The Bureau of Professional and Occupational Affairs is sensitive to its licensees' concerns about personal privacy. However, the Pennsylvania Right to Know Law, 65 P.S. § 66.1, mandates release of information contained in a "public record" stored by that agency if a member of the public requests it.

The bureau will take all reasonable steps to safeguard personal information contained in your licensure records. We realize that many of you use your home address on the licensure records maintained by the bureau. However, given the uncertainty over what the Right to Know Law requires, neither the bureau nor the commission can guarantee the confidentiality of the address shown on your licensing record. Therefore, we recommend that if you have a personal security concern, you might want to consider what many of our licensees have already done: use a business address or box number as the official address on licensure records.

Also, with the License 2000 computer system, you may indicate to the commission an address for release to the public that may be different from your home address.

To further protect your privacy and identity, the bureau will only accept a request to change a licensee's address if it is submitted in writing and includes the licensee's Social Security number, license number and the old and new addresses.

Consumer Notice Changes

by Judith Pachter Schulder, Commission Counsel

Since the commission's last newsletter, there is one change and one pending change to the consumer notice requirement in the Real Estate Licensing and Registration Act (RELRA) and the commission's regulations. This article outlines those changes.

Commercial Property exception — On Oct. 27, 2006, the Pennsylvania Legislature amended Section 608 of the RELRA by carving out an exception from the general requirement that real estate licensees provide a written, and where applicable, oral consumer notice to all consumers prior to engaging in substantive discussions about the consumer's real estate needs. Under the amendment, known as Act 125, these disclosures are not required for transactions involving the sale or lease of commercial property to consumers who are not individuals. Commercial property is defined in Section 201 of the RELRA, 63 P. S. § 455.201, as:

(1) Any property, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufacturing facility or any public accommodation. This paragraph does not include property which consists of less than five residential units.

(2) Any vacant land offered for sale or lease, or held, for the purpose of constructing or locating thereon a building, structure or facility, or portion thereof, which is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufacturing facility or any public accommodation. This paragraph does not include vacant land suitable only for construction or location of less than five residential dwelling units.

The amendment to the RELRA became effective on Jan. 25, 2007. As a result of Act 125, the commission amended Section 35.284 of its regulations on May 19, 2007, as follows:

§ 35.284. Disclosures of business relationships.

(a) Disclosure to consumers seeking to sell or purchase residential or commercial real estate.

(1) Except as provided in subsection (e), a licensee shall provide the disclosure summary in § 35.336 (relating to disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of

residential or commercial real estate when the licensee is working on behalf of the tenant) to consumers seeking to purchase or sell real estate at the initial interview if the interview occurs in person.

(2) If the initial interview does not occur in person, the licensee shall provide the oral disclosure in § 35.339 (relating to the oral disclosure) at the initial interview and the written disclosure statement in § 35.336 no later than the earlier of:

(i) The first meeting that the licensee has in person with the consumer after the initial interview.

(ii) The time the licensee or any person working with the licensee first shows a property to the consumer.

(b) Disclosure to tenants seeking to lease residential or commercial real estate.

(1) Except as provided in subsection (e), a licensee who is working on behalf of the tenant shall provide the disclosure summary in § 35.336 as required in subsection (a).

(2) Except as provided in subsection (e), a licensee who is working on behalf of the owner shall provide the disclosure summary in § 35.337 (relating to disclosure summary for the lease of residential or commercial real estate when the licensee is working on behalf of the owner) to tenants seeking to lease residential or commercial property at the initial interview.

(c) Disclosure to consumers seeking to sell time-shares. A licensee shall provide the disclosure summary in § 35.338 (relating to disclosure summary for time-share estates) to consumers seeking to purchase time-share estates at the initial interview.

(d) Signed disclosure. A licensee shall provide a copy of the signed disclosure to the consumers referenced in subsections (a)—(c) and retain the signed acknowledgment under § 35.286 (relating to retention and production of records). If a consumer refuses to sign the acknowledgment, the refusal shall be noted on the acknowledgment.

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Table 1: OPENED AND CLOSED CASE HISTORY
FY 97-98 through 5/31/07

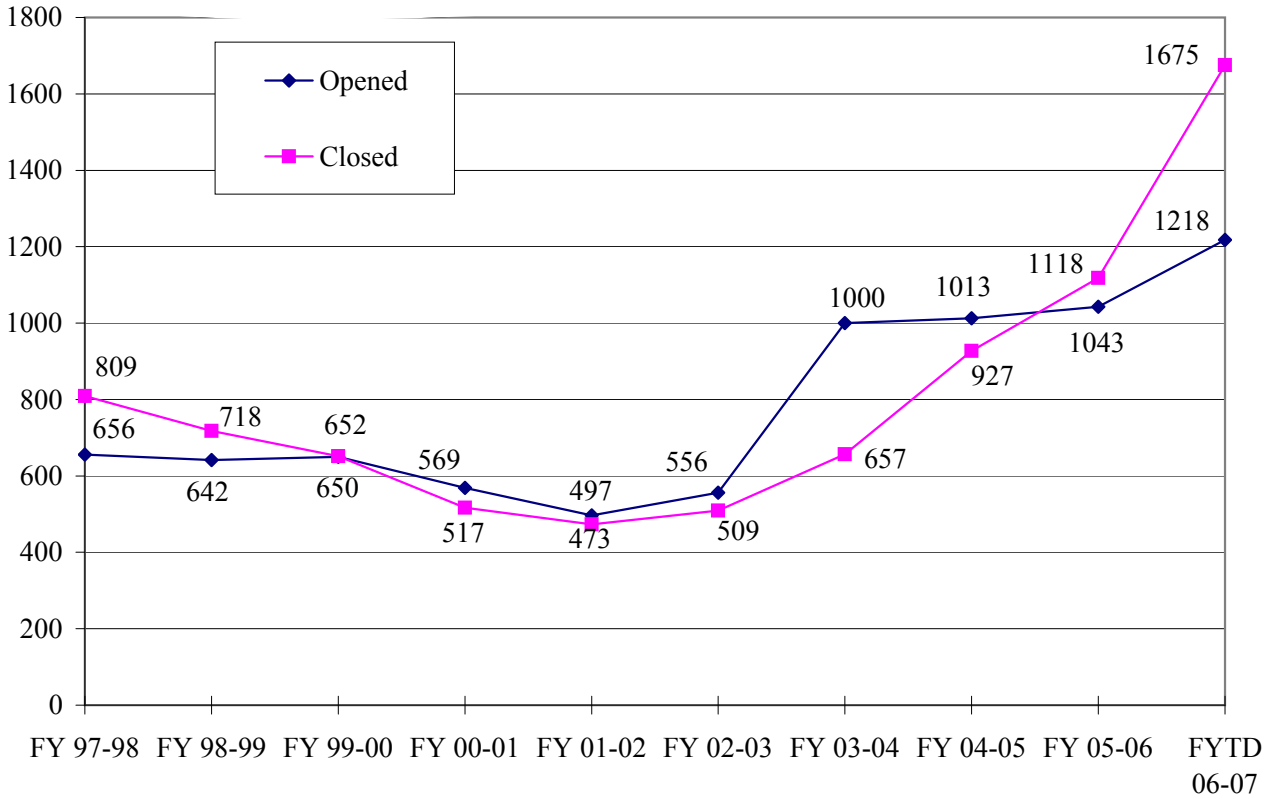


Table 2: SUMMARY, PAST TWO YEARS

As of 5/31/07: 614 cases currently were open;
as of 5/31/06: 1,036 were open

Year	# cases opened	# cases closed	Active Suspensions	Revocations	Act 48	Other Sanctions	Total Sanctions	Licenses Granted	Licenses Reinstated	Warning letter	Cases Dismissed by A&O	Other
FY 05-06	1,043	1,118	37	19	64	89	209	5	24	190	0	690
FY TD 06-07	1,218	1,675	26	8	98	99	231	7	27	401	0	1,009

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TABLE 3: DISCIPLINARY SANCTION HISTORY
FY 97-98 through 5/31/07

Type/ Fiscal Year	FY 97- 98	FY 98- 99	FY 99- 00	FY 00- 01	FY 01- 02	FY 02- 03	FY 03- 04	FY 04- 05	FY 05- 06	7/1/06- 5/31/07
Revocation	13	13	9	18	11	11	2	6	19	8
Stayed Revocation	0	0	0	0	0	0	0	0	0	0
Suspension	33	6	11	33	12	16	13	31	37	26
Stayed Suspension	5	4	1	0	5	2	3	1	3	0
Voluntary Suspension	0	0	2	3	7	4	4	5	1	11
Restricted Licensure	0	0	0	0	0	0	0	0	0	0
Probation	1	3	1	3	7	12	24	29	32	29
Reprimand	3	9	11	29	20	25	7	12	7	17
Civil Penalty	43	15	62	39	44	37	33	53	45	39
Act 48	13	21	55	16	30	38	17	40	64	98
Other	1	1	2	5	3	6	4	10	1	3
Total Actions	112	72	154	146	139	151	107	187	209	231
Total Serious	52	26	24	57	42	45	46	72	92	74
Serious Sanctions as Percentage of Total	46.43%	36.11%	15.58%	39.04%	30.22%	29.80%	42.99%	38.50%	44.02%	32.03%
Revocations as Percentage of Total	11.61%	18.06%	5.84%	12.33%	7.91%	7.28%	1.87%	3.21%	9.09%	3.46%
Percent of Licensees Who are Subject of Complaints	0.26%	0.19%	0.44%	0.33%	0.32%	0.32%	0.23%	0.36%	0.31%	0.40%

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Education Q & A

by **Katie Douglas, Education Administrator**

Q Where can I find a list of approved providers and a list of approved courses?

The list of approved providers can be accessed at www.dos.state.pa.us/estate by clicking on *Licensure Information*, then *Approved Education Providers*. Course information is available from the provider.

Q Are all appraisal courses that are approved by the State Board of Certified Real Estate Appraisers (CREA) automatically approved by the commission?

No, they require separate approval. However, many courses that are acceptable to the commission are acceptable to CREA.

Q Once a course has been approved for broker credit does it also need to be approved for continuing education credit?

No. However, to ensure that licensees receive the appropriate credit for these courses, providers are required to advise the commission on their course approval application that the course is being used for both pre-licensure and continuing education.

Q If a licensee cannot complete the continuing education because of active military service, illness, emergency or hardships, may the licensee receive either a waiver of the requirement or an extension of time to complete the requirement?

Depending on the circumstances involved in each of these categories, the commission has either granted waivers or extended the timeframe for licensees to complete the requirements.

Q How does a licensee obtain a waiver or extension? Is there a deadline?

Licensees who are unable to complete their continuing education requirements by either instructor-led or distance education learning must provide the commission with (1) a letter detailing the reason(s) the waiver is needed, and (2) in the case of an illness, a current letter from the licensee's medical or osteopathic physician outlining the medical condition and prognosis and explaining why it is not

possible for the licensee to complete either education alternative.

Waiver letters and attachments must be received by March 31, 2008. Requests received after March 31, 2008, may not be considered before the renewal deadline and may result in the inability to practice.

Q Are all real estate licensees required to complete continuing education in order to renew or reactivate their licenses?

No. The following real estate licensees are not required to submit continuing education:

- a. cemetery association broker
- b. cemetery broker
- c. cemetery broker (multi-license)
- d. cemetery salesperson
- e. rental listing referral agent
- f. campground membership salesperson
- g. builder-owner salesperson
- h. timeshare salesperson
- g. reciprocal licensees

Q Are reciprocal licensees required to provide any documentation with their applications?

Yes. Reciprocal licensees must submit a Certificate of Licensure from the state in which they hold an active standard license dated within 90 days of the renewal.

Q Is there a "required course" this renewal period?

No. Licensees may take 14 hours of commission-approved continuing education elective courses OR a broker course that is at least 15 hours in length. Either must have been taken on or after June 1, 2006.

Q Are there any topics that are unacceptable for continuing education credit?

Like in the last renewal period, while these courses may be helpful to licensees practice, the

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Education Q&A

Continued from previous page

following courses are not approved for continuing education credit: mechanical office and business skills; for example, typing, speed writing, preparation of advertising copy, development of sales promotional devices, word processing, calculator and computer operation and office management and related internal operations procedures that do not have a bearing on the public interest.

Q May courses be taken from any real estate education provider?

Courses may be taken from an accredited college, university or institute of higher learning or a commission-approved provider.

Q If a licensee reactivated a license during this two-year renewal period is any additional continuing education required to renew by May 31, 2008?

It depends on when the license was reactivated.

Yes. If the license was reactivated BEFORE Dec. 1, 2007, an additional 14 hours must be completed by May 31, 2008.

No, if the license was reactivated ON or AFTER Dec. 1, 2007, additional continuing education is NOT due so long as the license is renewed by May 31, 2008.

Consumer Notice Changes

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(e) Exception. The disclosures required under subsections (a) and (b) do not apply to transactions involving the sale or lease of commercial property, as defined in section 201 of the act (63 P. S. § 455.201), to consumers who are not individuals.

Because the commission will not be reprinting its regulation booklet yet, it recommends that you either keep a copy of this change in your current booklet or consult the commission's Web site for the most up-to-date regulations at www.pacode.com/secure/data/049/chapter35/chap35toc.html.

Amendments to the written consumer notice disclosure — Additionally, the commission is in the final stages of revising the written consumer notice in Section 35.336 of its regulations and the definition of “initial interview” in Section 201 of the regulations.

In this revision, the commission proposes to delete the current consumer notice and insert a simplified and condensed version. The revised consumer notice explains: 1) the various relationships available to the consumer, 2) the duties required of all licensees, as set out in Section 606.1 of the RELRA, 63 P.S. §455.606a, and 3) the contractual terms that must be contained in all agreements. It is followed by a caution against disclosing confidential information until an agreement selecting a relationship has been executed and an acknowledgement.

Currently, the definition of “initial interview” includes any conversation between a broker or salesperson and a consumer about the consumer's personal, business or financial needs and motivations. With the passage of time, the commission has found that this definition is too broad because information about a consumer's personal or business needs is often aspirational and not relevant to the consumer's actual purchasing ability. Therefore, the commission also proposes amending this definition by limiting “initial interview” to financial discussions. These proposed changes were published in the Pennsylvania Bulletin at 37 Pa. B. 1499 on April 7, 2007 and may be viewed at:

www.pabulletin.com/secure/data/vol37/37-14/597.html.

The commission anticipates the proposed changes will be finalized by spring.

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**Table 4: ACT 48 HISTORY
FY 97 - 98 through 5/31 07
ACT 48 CIVIL PENALTIES IMPOSED**

Board	FY 97-98	FY 98-99	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	7/1/06 -5/31/07	Total
Accountancy	N/A	N/A	117	243	5	51	105	11	5	10	547
Architect	N/A	N/A	N/A	N/A	4	5	1	8	2	3	23
Auctioneer	N/A	N/A	N/A	N/A	2	0	4	0	0	9	15
Barber*	35	66	59	66	71	57	59	66	61	56	596
Cosmetology*	328	289	268	310	298	311	529	461	392	506	3,692
Dental	N/A	N/A	N/A	N/A	N/A	N/A	3	5	11	17	36
Engineer	N/A	N/A	N/A	2	N/A	0	0	0	1	5	8
Funeral*	9	19	20	15	14	9	5	104	93	57	345
Medicine	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	0	1
Nurse	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12	45	15	72
OT	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	4	5
Pharmacy*	30	147	80	53	69	24	40	45	26	43	557
Real Estate*	13	21	55	16	30	38	17	40	64	79	373
SLH	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3	2	5
Vehicle*	23	47	90	51	35	39	88	26	55	86	540
Total sanctions	438	589	689	756	528	534	851	778	760	892	6,815

**These boards have participated in the Act 48 citation program from its inception in 1996.*

**Table 5: STATE REAL ESTATE COMMISSION
BASIS FOR SANCTIONS BASED ON INITIAL COMPLAINT
FY 97 - 98 through 5/31 07**

Post-Adjudication & Order enforcement: 2	Misleading or fraudulent advertising: 31
Incompetence: 7	Failure to pay monies to another: 3
Failure to keep adequate records: 2	Fraud in the practice of profession: 2
Violation of board order: 4	Failure to provide consumer notice: 3
Failure to establish escrow acct.: 10	Unlicensed practice activity: 8
Failure to satisfy continuing education: 2	Aiding/abetting unlicensed practice: 1
Failure to supervise employees: 6	Practicing on lapsed/suspended license: 52
Improper handling of escrow fund: 6	Employing unlicensed individuals: 2
Unprofessional conduct: 32	Practicing outside scope of license: 1
Sexual misconduct: 1	Facility violation: 3
Conviction of a crime: 7	Disciplinary action in another state: 1
Conviction of felony/misdemeanor: 2	Real estate recovery fund claim: 2
Driving Under the Influence: 1	Cemetery violation: 1
Fraud/undefined: 4	Appl. case other than reinstatement: 25
Fraud/deceit in obtaining/renewing lic: 4	Act 62-automatic susp-delinquent parent: 4
Misrepresentation: 9	Citation (Act 48): 80

Disciplinary Actions

The following is a chronological listing of disciplinary actions taken by the commission from Jan. 20, 2006, through Sept. 25, 2007. Each entry includes the name, certification number (if any), and last known address of the respondent; the disciplinary sanction imposed; a brief description of the basis of the disciplinary sanction; and the effective date of the disciplinary sanction.

Every effort has been made to ensure that the following information is correct. However, this information should not be relied on without verification from the Prothonotary's Office of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed below may be similar to the names of persons who have not been disciplined by the commission.

The abbreviation USPAP refers to the Uniform Standards of Professional Appraisal Practice.

Barbara Ann Cahill, license no. RS191559L, of Maple Glen, Montgomery County, was reprimanded and assessed a \$2,000 civil penalty for failing to provide seller with a statement of estimated costs prior to execution of an agreement of sale and charging an undisclosed coordination fee to seller at the time of settlement. (01-20-06)

Marie G. Delaney, license no. RS-094446A, of Lake Harmony, Carbon County, was suspended

for failing to pay a civil penalty. (04-26-06)

James M. Dwyer, license nos. RB042167A and RS097291A, of Philadelphia, Philadelphia County, was revoked based on his being found guilty of committing wire fraud, bank fraud, and bankruptcy fraud. (05-22-06)

James Platts, license no. RS224562L, of Pittsburgh, Allegheny County, was revoked for having pled guilty to 12 counts of theft by failure to make disposition. (05-22-06)

Janet M. Reidler, license nos. RB042924L and RS095423A, of Ottsville, Bucks County, was revoked for having conducted a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness or incompetency. (05-22-06)

Jean A. Cleary, license no. RS220821L, of Telford, Montgomery County, was suspended for 60 days and assessed a \$3,000 civil penalty for engaging in conduct in a real estate transaction demonstrating bad faith, dishonesty, untrustworthiness or incompetence. (06-09-06)

Arthur J. Kane, license no. RB012645A, of Philadelphia, Philadelphia County, was suspended for five years, with the suspension to be actively served for three years and the remaining two years stayed in favor of probation, and ordered to complete a board approved 30 hour real estate law pre-licensure course for making a substantial misrepresentation and engaged in conduct in a real estate transaction which

demonstrated bad faith, dishonesty, untrustworthiness, or incompetence. (06-09-06)

Randy McKinney, license no. RS211004L, of Conover, N.C., was indefinitely suspended for a minimum of four and a half years because he pled guilty to corrupt organizations, a crime involving fraud. (06-09-06)

William T. Tunstall, license no. RS213718L, of Indian Lake, Somerset County, was revoked for having been convicted of insurance fraud, theft by deception and tampering with public records. (06-22-06)

Lionel Yates, license no. RS212462L, of Norristown, Montgomery County, was suspended by the Montgomery County Court of Common Pleas on June 12, 2006, under section 4355 of the Domestic Relations Code. (06-30-06)

Mary Jean Guido, license no. RS181577L, of Harrisburg, Dauphin County, was suspended based on findings that she did not pay the full amount of the \$5,000 civil penalty levied against her. (07-12-06)

David C. Ashe, license no. AB048783L, of Exton, Chester County, was assessed a \$500 civil penalty for failing to exercise adequate supervision over activities of his licensed salesperson. (07-18-06)

Miriam K. Churchwell, license nos. RB062140L, RM062140A and RS182851L, of Upper Darby, Delaware County, has voluntarily surrendered real estate licenses for engaging in conduct in a real estate transaction which

Disciplinary Actions

demonstrated bad faith, dishonesty, untrustworthiness or incompetency in that she failed to account for the full amount of a deposit upon termination of a transaction and failed to provide information requested by the commission. (07-18-06)

Dennis F. Lamarr, license nos. RB01697L, AB060907L, RS192626L, RB013241A and RB060907L, of Upper Darby, Delaware County, was assessed a \$1,250 civil penalty and a reprimand was placed on Lamarr's permanent record for having failed, within a reasonable time, to provide information requested by the commission as the result of a formal or informal complaint to the commission. (07-18-06)

Mona R. Anastasi, license no. RS187492L, of Lewistown, Mifflin County, was assessed an \$8,250 civil penalty and a reprimand was placed on her permanent record for performing an act for which an appropriate real estate license is required and is not currently in effect. (07-18-06)

Richard Kit Anstey, license no. RS165148L, of West Chester, Chester County, was assessed a \$250 civil penalty for failing, within a reasonable time, to provide information requested by the commission as the result of a formal or informal complaint to the commission. (07-18-06)

Joseph W. Gorman, license no. RS171313L, of Philadelphia, Philadelphia County, was required to pay a \$5,400 civil penalty for practicing real estate on a lapsed real estate salesperson's license for more than two years. (07-18-06)

Brian G. Hoch, license nos. RS188412L and RC128846L, of Dover, York County, immediately and permanently, voluntarily surrendered his licenses for having pled guilty to conspiracy to defraud HUD. (07-18&19-06)

Charles Howlett, license no. RS223194L, of Doylestown, Bucks County, permanently and voluntarily surrendered any and all real estate licenses for: making a substantial misrepresentation; pursuing a continued and flagrant course of misrepresentation; engaging in conduct during a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency; failing to deal honestly and in good faith; violating the commission's regulations which: prohibit a licensee from knowingly being a party to a material false or inaccurate representation in a writing regarding a real estate transaction in which he is acting in a representative capacity; require a licensee to deal honestly and in good faith; and provides that a buyer's agent be loyal to and act in the buyer's best interest. (07-18 & 19-06)

Meryl Kramer, license no. RS224765L, of Dresher, Montgomery County, was assessed a \$1,000 civil penalty for failing to advise the consumer of tasks that must be completed to satisfy an agreement and advise the consumer regarding compliance with laws pertaining to real estate transactions. (07-18-06)

Joseph Rondolet, license no. RS225883L, of Stroudsburg, Monroe County, was assessed

a \$1,000 civil penalty for failing to exercise reasonable skill and care which meets the practice standards of the act; ensure that all services are provided in a reasonable, professional and competent manner; keep the consumer informed about the transaction and the tasks to be completed; and engaging in conduct during a real estate transaction, which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency. (07-18-06)

Donna C. Coleman a/k/a Donna M. Coln, a/k/a Donna Marie Watts, a/k/a Donna Coen, a/k/a Donna McNew, a/k/a Donna Marie Green, license no. RS275911L, of Philadelphia, Philadelphia County, was revoked for lying on her application for licensure and pleading guilty to forgery, tampering with public records, criminal conspiracy, perjury, theft by deception and Medicaid fraud. (07-24-06)

Mark Conway, license no. RS228327L, of Norristown, Montgomery County, and Sumerville, S.C., was revoked for obtaining a real estate salesperson's license by false misrepresentation and being convicted of forgery. (07-26-06)

Christopher Santarelli, license no. RS272560, of Leesport, Berks County, was suspended for at least three years and until he can prove he is fit to practice for violating the terms of his agreement. (07-26-06)

Joseph Hurst, license no. RS276424, of Southampton, Bucks County, was assessed a \$1,000 civil penalty for violating the advertising regulations

Disciplinary Actions

by causing to be printed an advertisement in which his telephone number was larger than his employing broker's, advertising as a team without listing all licensed team members, and offering to give unlicensed individuals valuable consideration for referrals. (09-12-06)

Eugene O. Hatton, Sr., license nos. RM024390A, RM024390B, RM024390C and RM024390D, of Philadelphia, Philadelphia County, permanently voluntarily surrendered his licenses to practice for engaging in conduct in a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness or incompetency. (9-12-06)

Daniel Paul Lacey, license no. RS143692A, of Wyncombe, Bucks County, was assessed a \$1,500 civil penalty for failing to include the telephone number of an employing broker in an advertisement. (09-12-06)

Randolph A. Freed, Jr., license no. RS181523L, of York, York County, was revoked for having pled guilty to forgery and theft by failure to make required dispositions of funds. (09-15-06)

Thomas B. Cessna, license no. RS069256A, of Bedford, Bedford County, was suspended for one year and assessed a \$10,500 civil penalty for holding himself out as engaging in or conducting the business or acting in the capacity of a broker or salesperson without first being licensed or registered; engaging

in misleading or untruthful advertising; performed an act for which an appropriate real estate license is required and not currently in effect; pursuing a continued and flagrant course of misrepresentation; accepting a commission from a person other than the licensed real estate broker with whom he was affiliated; engaging in conduct which demonstrated bad faith, dishonesty, untrustworthiness or incompetency; failing to turn over deposit money in a timely manner to his broker-employer; aided and abetted in the unlicensed practice of real estate and assisting in property management without being supervised and controlled by his employing broker. (09-21-06)

Leonard Harris, license no. RB018694A, of Sewickley, Allegheny County, was revoked for placing a for sale sign on a property without the written consent of the owner; failing to provide the seller with a written memorandum stating the terms of an oral open listing agreement; and failing to maintain copies of records pertaining to real estate transactions for three years. (09-21-06)

Doug E. Arnold, license no. RS279869, of Liverpool, Perry County, voluntarily surrendered his real estate salesperson license for having been convicted of 25 felony counts of sexual abuse of children. (10-10-06)

Anthony A. Alam, license no. RS065736A, of Aliquippa, Beaver County, was assessed a \$2,000 civil penalty for engaging in conduct, or advertising,

or holding himself out as engaging in or conducting the business or acting in the capacity of a broker or salesperson without first being licensed or registered. (10-17-06)

James R. Babcock, license no. RB015685A, of Mahanoy City, Schuylkill County, was assessed a \$3,000 civil penalty and his license was suspended for 30 days as of Nov. 1, 2006, for failing to maintain proper records for the deposit and withdrawal of money into or from his escrow account and failing to identify the persons to whom the

UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or out of the scope of the profession; or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

In Pennsylvania:
1-800-822-2113

Out of State:
1-717-783-4854

A complaint form is available at www.dos.state.pa.us to file an online complaint, or to print and mail.

Disciplinary Actions

escrow monies belonged, and commingling monies received from real estate transactions with other monies belonging to either himself or other parties. (10-17-06)

Donald L. Harmon, license no. RS156133A, of New Bethlehem, Clarion County, was assessed a \$500 civil penalty for failing to provide a disclosure required by the act or any other federal or state law imposing a disclosure obligation on licensees in connection with real estate transactions and failing to comply with those obligations imposed upon a licensee by the Real Estate Seller Disclosure Act. (10-17-06)

Cherie G. Jones, license nos. RM-045456A, RM-045456B and AB-045456A, of Meadville, Crawford County, was assessed a \$250 civil penalty and reprimanded for performing an act for which an appropriate real estate license is required and is not currently in effect. (10-17-06)

McQuarter's Realty Co., Inc., license no. RB027098A, of Pittsburgh, Allegheny County, was assessed a \$4,080 civil penalty for managing real estate without a current and active real estate license. (10-17-06)

Gerald B. Pilgrim and The Pilgrim Team LLC, d/b/a Professional Realty Associates, license nos. RS187618L and RM419364 and RB065414, of York, York County, was assessed a \$1,000 civil penalty for engaging in conduct during a real estate transaction

which demonstrated untrustworthiness, or incompetency. (10-17-06)

Mary A. Brettell, license no. RS216305L, of Gibsonia, Allegheny County, was assessed a \$1,250 civil penalty for demonstrating bad faith, dishonesty, untrustworthiness, or incompetence in a real estate transaction by giving the key to buyers without a licensee present against the specific direction of sellers and giving buyers access to seller's property to remove carpeting without seller's permission. (10-24-06)

Madeline L. Hamel, license no. RS-158146A, of Alison Park, Allegheny County, was assessed a \$1,000 civil penalty for demonstrating bad faith, dishonesty, untrustworthiness or incompetence in a real estate transaction by giving the key to buyers without a licensee present against the specific direction of sellers. (10-24-06)

Howard Novick, license no. RS220897L, of Pittsburgh, Allegheny County, was suspended for at least one year for failing to comply with the terms of his probation, failing to cooperate with PHMP in monitoring his compliance with the consent agreement. (10-24-06)

Elaine T. Brodi, license no. RM052252C, and American Realty Services of Pottstown, license no. RB063092P, of Pottstown, Montgomery County, were each assessed a \$2,000 civil penalty for acting in the capacity of a real estate

broker without possessing a broker's license, and before the commission licensed American Realty Services. (10-30-06)

Kevin W. Grayes, license no. RS219354L, of Philadelphia, Philadelphia County, was suspended by the Philadelphia County Court of Common Pleas on Oct. 23, 2006, under section 4355 of the Domestic Relations Code. (11-03-06)

Linda L. Cox-Tobin, license no. RS126840A, of Valley Forge, Philadelphia County, was assessed a \$500 civil penalty for neglecting to put an extension to a listing agreement in writing. (11-14-06)

Lonnie W. Williford, license no. LS141596L, of Beaver Falls, Beaver County, was suspended for 30 days immediately upon the reactivation of his license, assessed a \$4,000 civil penalty and ordered to complete a 30 hour pre-licensure law course within six months for failing to disclose on his initial and subsequent employment application information regarding guilty pleas. (11-17-06)

Ernest R. Arthur, Jr., and Arthur Realty, Inc., license nos. RM028571A, AB028570A, and RB029017A, of Philadelphia, Philadelphia County, were each revoked and assessed an \$8,000 civil penalty for making substantial misrepresentations,

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commingled security deposits with other funds they had on deposit, failing to deposit rents received into a rental management account separate from the broker's escrow and general business accounts, failing to deposit money received from others into an escrow account to be held pending consummation of the transaction, misappropriating money required to be held in escrow for business, personal or other expenses, and engaging in conduct which demonstrates bad faith, dishonesty, untrustworthiness or incompetency. (11-27-06)

D&C Hospitality Investments, d/b/a HREC Investment and Advisors of Englewood, Colo., was assessed a \$2,500 civil penalty for engaging in conduct, or advertised, or held itself out as engaging in or conducting the business or acting in the capacity of a broker or salesperson without first being licensed or registered. (12-12-06)

Jennifer R. DeProspero, license no. RS190506L of Lebanon, Lebanon County, was assessed a \$200 civil penalty and voluntarily surrendered her real estate license for practicing real estate while her license was inactive. (12-12-06)

Anthony J. Piviroto, of Pittsburgh, Allegheny County, was assessed a \$1,000 civil penalty for practicing as a real estate broker or salesperson while unlicensed. (12-12-06)

Connie Rusek-Lichok, license nos. RM044233A and RM063561, of Springdale, Allegheny County, voluntarily and permanently surrendered license no. RM063561, was suspended, for 60 days, on license no. RM044233A, paid a \$8,600 civil penalty for practicing real estate on a lapsed license, failing to ensure that Century 21 Premier Homes, held itself out to the public only under the business name designated on its license, failing to display her license and those of the salespersons in a conspicuous place, failing to obtain a license for Century 21 Premier Homes before opening an office, aiding and abetting the unlicensed practice of a salesperson as a broker/ broker of record at Century 21 Premier Homes, failing to ensure that each office of a standard broker was under the direction and supervision of a manager who was either a broker or an associate broker, failing to exercise adequate supervision over the activities of her licensed salespersons and/ or associate brokers, allowing a salesperson to commingle funds and making unauthorized personnel expense withdrawals from the Century 21 Premier Homes escrow account and demonstrating incompetency in the practice of real estate. (12-12-06)

Joanne M. Seeley, license no. RS219508L of East Berlin, York County, permanently and voluntarily surrendered any and all licenses for

making substantial misrepresentations; pursuing a continued and flagrant course of misrepresentation; failing to voluntarily furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution; engaging in conduct during a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness, or incompetence; and violating commission regulations which require all contracts, commitments and agreements between a licensee employed by a broker and a principal or consumer who is required to pay a fee, commission or other valuable consideration be in writing; by knowingly being a party to a material false or inaccurate representation in writing regarding a real estate transaction in which she was acting in a representative capacity. (12-12-06)

Myrna C. Stolker, license no. AB042782A and RM042782A of Philadelphia, Philadelphia County, was assessed a \$1,250 civil penalty for violating a disciplinary order of the board. (12-12-06)

Steven Blakesley, license no. RS224501A, of Allentown, Lehigh County, was suspended for three months and assessed a

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\$5,000 civil penalty for acting in the capacity of a real estate broker without possessing a real estate broker's license and worked through an unlicensed entity, accepting commission for acts from someone other than the licensed real estate broker he was affiliated with, using advertisements in the form of a business card and a Web site which did not contain the business name and telephone of his employing broker, and acting in bad faith, dishonesty, untrustworthiness or incompetency. (12-18-06)

Anthony T. Alston, license no. RS-150958-A of North Wales, Montgomery County, was assessed a \$1,000 civil penalty for engaging in conduct in a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness or incompetency. (01-23-07)

James Bronder, license no. RS279171 of Pittsburgh, Allegheny County, was assessed a \$1,000 civil penalty and reprimanded for engaging in conduct during a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness, or incompetence and failing to advise the consumer regarding the status of the transaction. (01-23-07)

Jeremy S. Christian, license no. RS274049 of Mechanicsburg, Cumberland County, was assessed a \$250 civil penalty for performing an act for which an appropriate

real estate license is required and is not currently in effect. (01-23-07)

CBPA, Inc d/b/a Coldwell Banker Diamond, license no. RB062350C of Philadelphia, Philadelphia County, was assessed a \$5,000 civil penalty and reprimanded for failing to exercise adequate supervision over the activities of its licensed salesperson within the scope of the act; by and through its licensed agent, Kenneth W. Lewis, Jr., engaging in conduct during a real estate transaction, which demonstrated incompetency; failing to retain records pertaining to a real estate transaction for at least three years following consummation; and failing to ensure that all services provided to the consumer are provided in a responsible, professional and competent manner in accordance with the practice standards of the act. (01-23-07)

Robert J. Elfant and Martin Elfant, Inc., license nos. RM029361A and RM029361B and RS084410A, of Philadelphia, Philadelphia County, were assessed a \$3,000 civil penalty for violating the commission's regulations which require that a written agreement between a broker and a principal include specific language regarding the Real Estate Recovery Fund; notification that the broker's commission and the duration of an agreement have been determined as a result of negotiations between the broker, or a licensee

employed by the broker, and the seller/landlord or buyer/tenant; and that an exclusive right-to-lease agreement, state in bold print that the broker earns a commission on the lease of the property during the listing period by whomever, including the owner. (01-23-07)

Gretchen A. Herron and Howard Hanna Company, license nos. AB061490L and RB049340C of Pittsburgh, Allegheny County, were assessed a \$3,000 civil penalty and reprimanded for failing to keep the consumer informed about a transaction and tasks to be completed, failing to exercise adequate supervision over the activities of licensed salespersons within the scope of the act, and failing to exercise reasonable professional skill and care which meets the practice standards required by the act. (01-23-07)

Cheryl Lynn Wright, license no. RS227205L of Altoona, Blair County, was placed on probation to run concurrent with her criminal probation for having been convicted in a court of aggravated assault. (01-23-06)

Jeffrey Clemens, license no. RS141059A, of Schwenksville, Montgomery County, had his real estate license suspended, immediately stayed in favor of probation, and was assessed a \$5,000 civil penalty for failing to disclose to sellers that he had a business relationship with buyers; failing to be loyal to sellers; acting for more than one party in a transaction without the knowledge and consent of all parties for whom he acted; and demonstrating bad faith,

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dishonesty, untrustworthiness or incompetency in a real estate transaction. (01-26-07)

Laverne Clemens and Clemrock Realty Group, license nos. RM020251 and RB062002P, respectively, of Harleysville, Montgomery County, were each assessed a \$2,000 civil penalty for failing to exercise adequate supervision over the activities of their licensed salesperson and failed to provide information and records when requested by a commission representative. (01-26-07)

Valentina Panda, license no. RS185455L, of Telford, Bucks and Montgomery Counties, was assessed a \$5,000 civil penalty for making a substantial misrepresentation; failing to deal honestly and in good faith; failing to comply with the Seller Disclosure Act; failing to ensure that all services were provided in a reasonable, professional and competent manner in accordance with practice standards; and engaging in conduct in a real estate transaction which demonstrated bad faith, untrustworthiness or incompetency. (01-26-07)

Howard Novick, license no. RS220897L, of Pittsburgh, Allegheny County, had his real estate license suspended for no less than six years for violating the terms of his probation. (01-30-07)

Steven R. Simmons and Erling R. Salvesen, Jr., license nos. RS221470L and RS221539L of Doylestown and Sellersville, Bucks County, was reprimanded and were jointly assessed a \$2,000 civil penalty for failing to provide a consumer notice to

a prospective buyer at an initial interview; failing to disclose to the buyer in writing that Simmons and Salvesen had an ownership interest in the property being sold; failing to, in a timely manner, disclose to the consumer any conflicts of interest; and failing to disclose to the buyer any material defects with the property known to the seller by completing all applicable items in a property disclosure statement. (02-14-07)

Richard W. Lewis, Sr., license no. RS138694L, Harrisburg, Dauphin County, was assessed a \$3,000 civil penalty and required to complete an approved continuing education course limited solely to agency for failing to put all contracts, commitments, or agreements with a client in writing, failing to provide a client with a consumer notice, failing to exercise reasonable professional skill and care in his dealings with a client, engaging in conduct in a real estate transaction that demonstrated incompetency, and attempting to obtain commission from a client in the absence of a signed agreement with all owners of the property. (02-27-07)

Carol Nguyen, license no. RS217956L, Duncannon, Perry County, was assessed a \$2,000 civil penalty and required to complete an approved 30-hour pre-licensure real estate law course for failing to put all contracts, commitments, or agreements with a client in writing, failing to provide a client with a consumer notice, failing to exercise reasonable professional skill and care in her dealings with a client, engaging in conduct in a real estate transaction that demonstrated incompetency, and attempting to obtain commission

from a client in the absence of a signed agreement with all owners of the property. (02-27-07)

John F. Gavin, license no. RS205487L of Drexel Hill, Delaware County, was assessed a \$500 civil penalty for failing to provide accurate and truthful information in connection with an application for licensure, registration or approval. (03-13-07)

Eugene C. LaManna, license no. RS293064 of Reading, Berks County, was placed on probation to run concurrent with his criminal probation for having been convicted of filing false income taxes. (03-13-07)

Metropolitan Management Corporation, license no. RB043196C of Narberth, Montgomery County, was assessed a \$500 civil penalty for utilizing exclusive listing agreements that did not comply with the commission's regulations. (03-13-07)

Leon Jay Rosenthal, license no. RM419512, AB065101, and RS175304L of Elkins Park, Montgomery County, was assessed a \$500 civil penalty for failing to ensure that all contracts, commitments and agreements between himself and his principal were in writing and failing to deposit rents received into a rental management account separate from his broker escrow and general business accounts. (03-13-07)

Kenneth W. Lewis, Jr., license no. RS272918, of Newtown, Bucks County, was revoked for making a substantial misrepresentation, acted for more than one party in a transaction without the knowledge and written consent

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of all parties for whom he acted; participating in a real estate transaction involving property in which he has an ownership interest but failing to disclose his interest in writing to all parties concerned; failing to disclose in a reasonably practicable period of time all conflicts of interests and financial interests; engaging in conduct during a real estate transaction that demonstrates bad faith, dishonesty, untrustworthiness, or incompetency; failing to deal honestly and in good faith; failing to timely disclose to the consumer any conflicts of interest; failing to promptly on receipt of a deposit or other moneys on any transaction in which he is engaged on behalf of his broker-employer, pay over the deposit to the broker; failing to account for escrow and deposit funds; failing to account in a timely manner for all money and property received from or on behalf of the consumer to a transaction; pursuing a continued and flagrant course of misrepresentation; and failing, within a reasonable amount of time, to provide information requested by the commission. (03-16-07)

Coldwell Banker Bainbridge Kauffman Real Estate, Inc., license nos. RB060649C & RO015970L of Meadville, Crawford County, was assessed a \$1,000 civil penalty for failing to deposit money belonging to another into an escrow account by the end of the next business day following its receipt in the real

estate office where the escrow account records are maintained. (04-10-07)

Carole A. Domasco, license no. RS-095923-A, AB-061355-L, and RM-163150 of Pittsburgh, Allegheny County, was reprimanded and assessed a \$1,500 civil penalty for performing an act for which an appropriate license is required and was not in effect. (04-11-07)

David Wright, license no. RS221781L of Newtown Square, Delaware County, was assessed a \$5,800 civil penalty for participated in at least 29 transactions while his license was inactive. (04-11-07)

Lorrie Molchany, license no. RS213942L, of Allentown, Lehigh County, was revoked for having pled guilty to theft by deception. (04-16-07)

Michael Gerard Netzel, Sr., license no. RS164764L, of Pittsburgh, Allegheny County, was reprimanded and assessed a \$2,000 civil penalty for accepting a commission from someone other than his employing broker and engaged in conduct in a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness or incompetency. (04-16-07)

Lavinia T. Maguire, license no. RS280199, of Collegeville, Montgomery County, was suspended for one year, with the remainder of five years on probation, and assessed a \$12,500 civil penalty for acting in the capacity of a real estate broker by engaging in unsupervised real property management, accepting a fee or commission from someone

other than her employing broker, and demonstrating bad faith, dishonesty, untrustworthiness or incompetency in a real estate transaction. (05-01-07)

Andrea Lamazza, license no. RS273335, of Plymouth Meeting, Montgomery County, was revoked for having pled guilty to theft by unlawful taking or disposition. (05-04-07)

Louis M. Perna, license no. RS220099L, of Tobyhanna, Monroe County, was indefinitely suspended for a minimum of three months, followed by a minimum of 33 months of probation for having pled guilty to perjury. (05-04-07)

Susan A. Sevier, license no. RS172973L, of Hanover, York County, was suspended for three years followed by probation until such time as restitution is repaid for having been found guilty of theft. (05-04-07)

Mary Lane Wark, license no. RS169576L, of Coatesville, Chester County, was assessed a \$2,600 civil penalty for performing an act or acts for which an appropriate real estate license is required and was not currently in effect. (05-04-07)

Orlando T. Anderson, license no. RM043200B, of Burlington, N.J., was reprimanded and assessed a \$3,000 civil penalty for failing to exercise adequate supervision over his licensed salespersons, aiding and abetting Arnold Bolden (referenced below) in an unlicensed practice as an associate broker, failing to have his Haverford office under the direction and supervision of a manager who is either the broker or an associate broker, and failing to have his salespersons

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licenses and current branch office license displayed in a conspicuous place in the branch office. (05-07-07)

Arnold J. Bolden, license no. RS148759A, of Philadelphia, Philadelphia County, was suspended for one year and assessed a \$2,000 civil penalty for failing to promptly on receipt of a deposit or other moneys on any transaction in which he is engaged on behalf of his broker-employer pay over the deposit to the broker; failing to account for escrow funds; was conducting, advertising or holding himself out as engaging in or conducting the business or acting in the capacity of an associate broker without being so licensed; and making a substantial misrepresentation regarding his licensure status. (05-07-07)

Fulginiti & Associates, Inc. a/k/a Fulginiti and Associates Inc. d/b/a ReMax First, license no. RB048711C, of Philadelphia, Philadelphia County, was reprimanded and assessed a \$2,000 civil penalty for aiding and abetting Arnold Bolden (referenced above) in an unlicensed practice as an associate broker; failing to have the Haverford branch office under the direction and supervision of a manager who is either the broker or an associate broker; and failing to have his salespersons' licenses and current branch office license displayed in a conspicuous place in the branch office. (05-07-07)

Jane L. Walker, license no. NS131041A, of Philadelphia, Philadelphia County, was

suspended for one year and assessed a \$3,000 civil penalty for failing to promptly, on receipt of a deposit or other moneys on a transaction in which she engaged on behalf of her broker-employer, pay over the deposit to the broker, failing to deal honestly and in good faith, failing to account for escrow funds, and engaging in bad faith, dishonesty, untrustworthiness or incompetency. (05-07-07)

Thomas J. Beeler, Sr., license no. RS288238, of Elizabeth, Allegheny County, was suspended by the Westmoreland County Court of Common Pleas on May 4, 2007, under section 4355 of the Domestic Relations Code. (05-15-07)

Francine C. Davis and Blanchard Assocs. Inc. d/b/a Century 21 Davis Assoc., license nos. RS102044A, RM042616A, AB065872, and RB040876A of Levittown, Bucks County, were each assessed a \$1,000 civil penalty and Davis was reprimanded for engaging in misleading or untruthful advertising; knowingly a party to a material false or inaccurate representation in writing regarding a real estate transaction; failing to provide a disclosure required by the act or any other federal or state law imposing a disclosure obligation on licenses in connection with real estate transactions; and failing to exercise adequate supervision over the activities of its licensed salesperson within the scope of the act. (06-05-07)

Albert Tupone, license no. RS281299, of Coplay, Lehigh County, was assessed a \$500

civil penalty and reprimanded for having been convicted of making false statements. (06-05-07)

Montefiore Cemetery Company, license no. CE000069A of Jenkintown, Montgomery County, was assessed a \$11,255 civil penalty for practicing without a current and valid registration in at least 2,251 circumstances. (06-05-07)

Diemhang Nguyen, license no. RS273004 of Elkins Park, Montgomery County, was assessed a \$3,000 civil penalty and reprimanded for failing to exercise reasonable professional skill and care and failing to ensure that all services were provided to the consumer in a reasonable, professional and competent manner. (06-05-07)

Andrea Skowronski, license no. RS288687 of Collegeville, Montgomery County, was suspended for a minimum period of three months for accepting a commission or other valuable consideration from anyone other than her employing broker. (06-05-07)

Kelly Sue Skuta, unlicensed, of New Castle, Lawrence County, was assessed a \$2,000 civil penalty and ordered to cease and desist from holding herself out and practicing as a real estate broker or salesperson until properly licensed for holding herself out as engaging in or conducting the business, or acting in the capacity of a real estate salesperson without being licensed or registered, and attempting to obtain a real estate salesperson license by false representation, fraudulent act, or conduct. (06-08-07)

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Lourdes Terreforte, unlicensed, of Philadelphia, Philadelphia County, was assessed a \$2,000 civil penalty and ordered to cease and desist from practicing as a real estate broker or salesperson unless properly licensed for holding herself out to the public as a rental manager and engaging in the practice of a real estate broker or salesperson without a license. (06-08-07)

Earl J. Gray, license no. RS296377, of Philadelphia, Philadelphia County, was suspended by the Philadelphia County Court of Common Pleas on June 19, 2007, under section 4355 of the Domestic Relations Code. (06-26-07)

Thomas McGill, III, license no. RS271839, of Philadelphia, Philadelphia County, was suspended by the Philadelphia County Court of Common Pleas on July 10, 2007, under section 4355 of the Domestic Relations Code. (07-16-07)

Campground Membership Outlet, Inc., of Clermont, Fla., was assessed a \$1,000 civil penalty for engaging in conduct, or advertised, or holding itself out as engaging in or conducting the business or acting in the capacity of a broker or campground membership salesperson within this commonwealth without being licensed or registered by the commission. (07-17-07)

R. Dale Hirschbock, license no. RS198079L of Wyomissing, Berks County, was assessed a \$6,600 civil

penalty for performing at least 33 acts for which an appropriate real estate license was required but not currently in effect. (07-17-07)

Elwood Howell, license no. RS213973L of Allentown, Lehigh County, was assessed a \$500 civil penalty and was ordered to complete at least four hours of remedial professional education for failing to comply with the Real Estate Seller Disclosure Act; failing to disclose his licensed status to a prospective buyer before the buyer entered into an Agreement of Sale; demonstrating bad faith, dishonesty, untrustworthiness and/or incompetence in a real estate transaction; and failing to comply with those obligations imposed upon a licensee by the Real Estate Seller Disclosure Act. (07-17-07)

Daniel Loza, license no. RS271793 and AB066145 of Philadelphia, Philadelphia County, was assessed a \$1,600 civil for penalty. engaging in eight real estate transactions without a current license. (07-17-07)

Frank N. Shaffer, license no. RM-045352-A, of Red Lion, York County, was suspended for two years and assessed a \$4,000 civil penalty for making a substantial misrepresentation; knowingly being a party to a false or inaccurate misrepresentation in writing regarding a real estate transaction; failing to be loyal to the seller by taking action that was not consistent with the seller's

interests in a written transaction and for engaging in conduct in a real estate transaction demonstrating bad faith, dishonesty, untrustworthiness or incompetency. (07-19-07)

Barbara Thomas of Philadelphia, Philadelphia County, was assessed a \$1,000 civil penalty for acting in the capacity of a real estate broker or real estate salesperson without the required license. (07-17-07)

Travel Resorts of Gettysburg, LLC and Paul Rauch, license nos. RM028200D, AB028200L, RB028200A, RM028200A, RM028200B, and RM028200C of Gettysburg, Adams County, was assessed a \$1,700 civil penalty for aiding and abetting the unlicensed practice of real estate. (07-17-07)

CMS East, Inc., license no. LB042077C and branch office license no. RO010025A of Greensburg, Westmoreland County, was assessed a \$1,165 civil penalty for practicing as a cemetery broker without proper licensure by operating its Greenwood Road office on a lapsed license. (08-14-07)

Gerald W. McGuire, d/b/a Jerry McGuire, license no. RB042749A of Hazelton, Luzerne County, was assessed a \$1,000 civil penalty and ordered to complete seven hours of courses covering management of real estate brokerage operations and/or brokers courses encompassing supervisory duties and standards of conduct and practice for governing the proceeding when escrow monies are held in dispute. (08-14-07)

Disciplinary Actions

Aaron Oseroff, d/b/a Philly 1st Real Estate, license nos. RB051212L, RM051212A, AB051212L and RS148938A of Philadelphia, Philadelphia County, was assessed a \$10,000 civil penalty, reprimanded, was prohibited from engaging in property management services for a third party; and was placed on probation for one year for making a substantial misrepresentation; engaging in a flagrant course of misrepresentation; failing to preserve, for three years following its consummation, records relating to any real estate transaction; engaging in conduct during a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency; aiding and abetting an individual in the unlicensed practice of real estate; violating the act which requires a licensee to deal honestly and in good faith; and violating the regulation which requires a broker to retain records pertaining to a real estate transaction for at least three years following its consummation; prohibits a licensee from knowingly being a party to a material false or inaccurate representation in writing regarding a real estate transaction in which he is acting in a representative capacity; and regarding mandatory provisions in a contract. (08-14-07)

Joy A. Augustus, license no. RS281074L of Allentown, Lehigh County, was assessed

a \$1,000 civil penalty for inducing a party to a contract to break such contract for the purpose of substitution in lieu thereof of a new contract, where such substitution was motivated by the personal gain of licensee and demonstrating bad faith, dishonesty, untrustworthiness or incompetency in a real estate transaction. (09-25-07)

Paul C. Berdiner, license no. RS224496L of Lancaster, Lancaster County, was placed on probation for two years and assessed a \$500 civil penalty for failing to notify the commission of being convicted of driving under the influence and failing to abide by traffic control signals. (09-25-07)

Dorothy A. Lee, license no. AB048918L, of Jermyn, Lackawanna County, was assessed a \$1,000 civil penalty and was reprimanded for demonstrating bad faith, dishonesty, untrustworthiness or incompetency; failing to exercise reasonable professional skill; and failing to deal honestly and in good faith when she knowingly listed a property for sale and placed a "for sale" sign on property without the written consent of the owner. (09-25-07)

Sally A. Loftus, license no. RS155479A of Erie, Erie County, was assessed a \$250 civil penalty for failing to provide a disclosure required by the act or any other federal or state law imposing a disclosure obligation on licensees in connection with real estate transactions. (09-25-07)

Triple Crown Corporation, license no. RB049826C of Harrisburg,

Dauphin County, was assessed a \$1,000 civil penalty for offering to pay a referral fee to unlicensed individuals. (09-25-07)

Walter M. Wolff, license no. RS294972, of Greenville Del., Jeffrey R. Algatt, license nos., RM043589A, RM043589B, RM043589C, RM043589D, RM043589E, RM043589F, RM043589G, RM043589H, AB043589A and RS105320A, of Philadelphia, Philadelphia County, and Marcus Millichap Re Invs. Broker Co Phila., license no. RB062197C, of Philadelphia, Philadelphia County, were jointly and severally ordered to pay a \$10,000 civil penalty for having paid a commission or any valuable consideration to someone other than licensed employees or another broker for the performance of any acts specified in the act; and aiding and abetting the unlicensed practice of real estate. Wolff engaged in conduct, or advertised, or held himself out as engaging in or conducting the business or acting in the capacity of a broker or salesperson without first being licensed or registered. (09-25-07)

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