

Real Estate Commission

NEWSLETTER

Fall 2005

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Message from the Chairman

by Beverly R. Brookes

As a public member of the State Real Estate Commission, I am very privileged to serve as Chairman for the year 2005. Public members are required to attend at least one public training session per year. Our last public session was extremely informative as we reviewed in detail a case that was adjudicated in 1995 by the State Board of Vehicle Dealers, Manufacturers and Salespersons. During the discussion of this case it became very obvious that possessing common sense and applying it to the law is extremely important. Many cases that come before the Real Estate Commission require knowledge of the law tempered with a great deal of common sense.

This year has been busy for the Commission. First, the Commission continued executing reciprocal agreements with other states so that Pennsylvania licensees can practice in those other states without any additional licensure requirements. A list of states that have entered into reciprocal agreements with the Commission appears later in the newsletter. Second, the Commission has been implementing new regulations that allow licensees to take approved continuing education and applicants to take approved pre-licensure education by distance education. While the Commission continues to approve the content of these courses, Association of Real Estate License Law Officials (ARELLO) or certification by another certifying body with similar approval standards approved by the Commission is required for the distance education delivery method. Lastly, the Commission continued to participate in the Pennsylvania Association of Realtors (PAR) forums answering question put forth by its members. A copy of those questions and answers are included on the Commission's web page at www.dos.state.pa.us/estate under "Frequently Asked Questions."

As you may have heard, due to the Commission's increased legal and investigative costs, as well as programmatic costs throughout the Bureau of Professional and Occupational Affairs, we have authorized an increase in licensure fees. No one likes the idea of paying more but without this increase the Commission's deficit would increase dramatically. Our last fee increase was in 1994.

It is the Commission's responsibility to protect consumers of real estate services in this Commonwealth. Every allegation of wrongdoing that is filed with the Commission receives careful review before a decision is rendered. We attempt to have a Commission member attend formal hearings in order to provide the Commission with a first hand perception of the case as well as provide guidance to the hearing examiners on professional matters. This helps in rendering fair decisions.

In addition to working together as a group, the Commission is broken down into many Committees. The Enforcement Committee reviews applications for applicants who have been convicted of crimes. Many applicants are provisionally denied with the right to an informal conference with the Committee to explain prob-

lems they may have had in the past. If the applicant is rejected he or she always has the opportunity to come before the full Commission for a hearing. Our Education Committee reviews courses to assure that the content of the course is acceptable and the educator is qualified. Like the Enforcement and Education Committees, all of the remaining Committees work to make sure that the Commission functions properly and with the interest of the public in mind at all times.

I am very proud to be serving on this Commission, as are all the members. To this extent I believe that we, as a whole, work with great care to protect the public.

PA Licensee Honored by Real Estate Educators Association

by Rita Halverson

The Real Estate Commission extends congratulations to Jim Skindzier, Graduate Realtors Institute (GRI) who was installed as 2005-2006 President of the Real Estate Educators Association (REEA).

Mr. Skindzier is a PA licensee who has devoted his career to the education and professional development of real estate practitioners, business managers and providers of real estate education both in PA and across the country. He has earned national acclaim as a highly respected real estate educator. That reputation extends to federal, state and local fair housing groups for his years of involvement in fair housing education. His leadership roles in education, tax assessment and fair housing endeavors also earned him the Distinguished Service Award from the Realtors® Association of Metropolitan Pittsburgh in 2003.

His own educational background includes both a bachelor and masters degree from Duquesne University and he has completed coursework at Penn State University toward a doctoral degree in adult education. He has also earned the REEA's GRI designation.

Jim owns the Career Growth Real Estate Academy, has served for many years on the Real Estate Commission's Volunteer Education Advisory Committee (VEAC) and he is an author and trainer.

We congratulate Jim on his installation as President of REEA and hope that he accomplishes his goals for the organization during his term in office.

Identity Theft

by Frank Donaghue
Chief Deputy Attorney General and Director of the Bureau of Consumer Protection
Office of Attorney General

Everyone chuckled when the well known television commercials portrayed a big guy on a riding lawn mower talking about his recent purchases in a high pitched female voice. These commercials illustrated the reality that has already hit over 2.4 million people across the United States this year alone. Even those who are careful with their credit cards and social security numbers are still in danger of becoming victims of identity theft. Recent surges of security breaches by large corporate firms have added to the frequency of this fast growing crime.

Identity thieves use another individual's personal information to obtain employment, loans, credit cards, and even a home. They access the information they need to open new accounts or tap into existing accounts using a name and stolen social security, bank, or credit card numbers. Victims can be left in the dark for several years before realizing the damage that has been done. Often a significant amount of time and money must be spent cleaning up records and repairing a damaged name.

It is important to always keep an eye out for warning signs of identity theft. You may already be a victim if you begin to receive credit cards that you did not apply for or calls from debt collectors about merchandise or services you didn't purchase. Keep careful records of your financial accounts and always monitor the balances. What may seem like insignificant errors may actually be indicators that your identity has been stolen. A missing bill could mean an identity thief has taken over your account and changed your billing address to cover his tracks.

There are steps to prevent further damage if you suspect your identity has been stolen or if a company notifies you that your information has been compromised because of a security breach. First, set up a fraud alert on your credit report with any of the three major credit bureaus. This can help prevent an identity thief from opening additional accounts in your name. After setting up fraud alerts, close any accounts that have been tampered with or opened fraudulently. Accounts with banks, credit cards and other lenders, phone companies, utilities, ISPs, and other service providers should be closed immediately if they have been compromised. You should contact the agencies that issue driver's licenses or other government-issued identification that have been stolen and follow their procedures to cancel a document and get a replacement. The credit reporting companies should be immediately notified when a social security number is lost to place fraud alerts on your credit reports.

File a report with your local police or the police in the community where the security breach or identity theft took place, and keep a copy of the report. Be detailed, using copies of your credit reports

and communications with creditors to validate claims. Reportings of fraud are entered into a secure database for law enforcement officials, federal agencies, state and consumer organizations to help stop future identity thieves.

Once you've taken these precautions, continue to watch for signs that your information is being misused and make sure your personal information still remains accurate. Review your reports carefully and look for inquiries you didn't initiate, accounts you didn't open, and unexplained debts on your true accounts. Identity theft is the fastest growing crime in the world. Victims spend thousands of dollars every year cleaning up their name and repairing the damage.

Unfortunately, no one is completely protected from this crime but here are **a few tips to reduce your risks of becoming a victim of identity theft:**

- Only carry the necessary credit cards and forms of identification you will use when going out.
- Treat your mail and trash carefully: contact the postal service when leaving for a vacation and will be unable to pick up your mail in addition to always shredding documents before putting them out to the trash.
- Don't share! Ask financial firms not to trade your personal data with affiliates.
- Keep your virus protection software updated regularly.
- Don't be a phish! Never click on a hot link or e-mails that look unfamiliar. Online banks, brokerages and retailers do not ask for responses with personal information through e-mails.
- Refrain from storing financial information on laptops unless absolutely necessary and be sure to remove all personal data from computers before disposing of them.

Common Errors, Renewal Reminders and Professional Tips

by Deborah Misheck, Administrator and Judith Pachter Schulder, Counsel

COMMON ERRORS

Broker Applicants

- When completing an application for a corporation or sole proprietorship, be sure to list the business telephone, not a cell phone number.
- When checking the status of an application, use the legal name of the entity, not the “doing business as” name.
- Before submitting a corporation or sole proprietorship application to the Commission, first obtain approval from the Corporation Bureau. Then submit a copy of the Corporation Bureau approval along with your application to the Commission. (Remember: approval by both the Corporation Bureau AND the Commission is required in order to begin using the name.)
- Fictitious names may not be false, misleading or deceptive. (Example: A sole proprietor may not use a group name, such as Inc. or Associates.)
- A change application is necessary when an office address is being changed or when the entity name is being changed. Before the change can be implemented, the entity must pass inspection.

Salesperson Applications

- In order to speed processing, the broker’s RB or SB number, not the RM number, is required. Failure to include this information delays application reviews.
- The employing broker must sign and date the application.

Broker and Salesperson Applications

- Convictions—When an applicant has been convicted/pled guilty or nolo contendere to a crime other than a summary offense, the applicant must include copies of all criminal documents in addition to those outlined on the application. Upon receipt of all required information, the application is reviewed by the Enforcement Committee of the Commission. Where there are questions, the applicant may be provided an opportunity for an informal conference with the Committee. These applications take several months to process.

- To receive the most up-to-date applications, please log onto the Commissions website at www.dos.state.pa.us/estate. Completing old applications may delay processing if additional/alternative information is required on the new application.
- When completing initial applications please read the instructions carefully. Many applicants submit the wrong fees since amounts differ depending on the date the application is submitted.
- Nicknames: An applicant must use his/her legal name and not a nickname when registering for the examination. The licensure application permits applicants to register a nickname for the legal first name. Although this registered nickname may be used in advertising, all documents must be signed using the legal name on the license.

License Holders

- Convictions—All misdemeanor and felony convictions must be reported to the Commission within 30 days of the verdict.
- Licenses may only be kept in escrow for five years (from the expiration date or the escrow date – whichever comes first). Licensees whose license has been in escrow for more than five years are required by law to *retake* the examination before obtaining a license and resuming practice. Licensees are responsible for monitoring when their license expires. The Commission does not notify licensees that a license is about to expire. (Please see “Attention Licensee Who are on the Inactive Status” article on page 14.)
- The Commission’s website at www.dos.state.pa.us/estate includes a list of approved real estate educational providers as well as approved continuing education courses. Contact the educational providers directly to obtain date, time and cost information.

RENEWAL AND REACTIVATION REMINDERS

Renewals

- Licensees will not receive renewal notices by mail for the 2006-2008-renewal period. Instead, the Commission will be sending licensees a letter with instructions about this renewal. An online renewal identification number will also be provided in the letter. (For more information about the upcoming renewal, see the article on page 15.)

Common Errors, Renewal Reminders and Professional Tips...con't

- Because all continuing education records are being electronically transferred to the Commission, licensees SHOULD NOT submit continuing education transcripts to the Commission.
- Licensees are encouraged to renew online. Based on the Bureau's experience with other licensing boards, turn around time for on-line renewals, where all requirements are met (i.e. there has not been a criminal conviction, all questions have been answered, and 14 hours of continuing education has been transferred), is generally about two days. Salespersons may complete their online renewal before their brokers; however, the Commission will not release the renewed salesperson licenses until the broker has renewed.
- If there is a discrepancy between the number of hours of continuing education that a licensee has completed and the information transferred by the education provider, the licensee should contact the education provider DIRECTLY. The Commission's records cannot be changed without documentation from the provider.
- Licensees are required to complete 14 hours of continuing education before May 31, 2006 in order to renew licenses. These courses must have been taken AFTER June 1, 2004.
- There will not be a required course this renewal period; therefore, all continuing education credits will be in elective topics.
- Licensees may take their continuing education through traditional (instructor-led) or distance education (instructor or independent) learning methods.
- Course content for all continuing education courses must be pre-approved by the Commission. The Association of Real Estate License Law Officials (ARELLO) (or another Commission approved certifying body with similar approved standards) approval is required for the delivery method for distance education courses.
- Accepted real estate courses include the following:
 - *Real estate ethics
 - *Laws affecting real estate
 - *Real estate financing and mathematics
 - *Real estate valuation and evaluation
 - *Property management
 - *Land use and zoning
 - *Income taxation as applied to real property
 - *Ad valorem tax assessment and special assessments
 - *Consumer protection and disclosures
 - *Agency regulations
 - *Landlord-tenant laws
 - *Environmental issues in real estate
 - *Antitrust issues in real estate
 - *Current litigation related to real estate
 - *Legal instruments related to real estate transactions
 - *Legalities of real estate advertising
 - *Developments in building construction techniques, materials and mechanical systems.
 - *Real estate investment analysis
 - *Management of real estate brokerage operations
 - *Property development
 - *Real estate securities and syndication
 - *Real property exchange
 - *Broker courses encompassing supervisory duties and standards of conduct and practice
 - *Marketing promotion and advertising of real estate inventory
 - *Use of technology in delivering real estate services
- The following course topics are UNACCEPTABLE 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 operations and office management and related internal operations procedures that do not have a bearing on the public interest.
- The following licensing classes do NOT require continuing education. All other licensure classes must complete the continuing education in order to renew.
 - * Cemetery Associate Broker
 - * Cemetery Broker
 - * Cemetery Broker (multi-license)
 - * Cemetery Salesperson
 - * Rental Listing Referral Agent
 - * Campground Membership Salespersons
 - * Builder-owner Salesperson
 - * Timeshare Salesperson
 - * All reciprocal licensure classes
- Continuing education credits may be accrued in a minimum of 2-hour increments.

Common Errors, Renewal Reminders and Professional Tips...con't

In order to receive credit, the courses must be obtained from:

* An accredited college, university or institute of higher learning, whether in this Commonwealth or outside this Commonwealth.

* A real estate education provider in this Commonwealth approved by the Commission.

* A real estate education provider outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the provider is located.

Continuing education waiver requests must be received by the Commission by MARCH 31, 2006. These waiver requests will be reviewed at the April 2006 Commission meeting. Waiver requests received after March 31, 2006 will not be presented to the Commission before the renewal expiration and the licensee will not have a license to practice.

Waiver requests must include: (1) a letter detailing the reason(s) for the request and an explanation why the licensee could not complete the requirement by traditional or distance education methods and (2) a current letter from a medical or osteopathic physician outlining the medical condition and the prognosis, if a medical condition is the reason for the waiver request.

If the continuing education is not completed by May 31, 2006 OR the license is not renewed by May 31, 2006, a licensee may NOT practice real estate.

Reactivation

Licensees who desire to reactivate an expired license must complete 14 hours of continuing education, submit a reactivation application, submit the correct fees as well as provide this office with a criminal record check dated within 90 days of submission. Documentation verifying completion of the continuing education will be electronically transferred by the provider.

A licensee who reactivates an expired license between December 1, 2005 and May 31, 2006, is not required to complete an additional 14 hours of continuing education in order to renew the license by May 31, 2006. Licensees have proved compliance with the continuing education requirement at the time of reactivation.

Licensees who reactivate an expired license before December 1, 2005 would need to complete 14 hours of continuing education to reactivate their license. Further, an ADDITIONAL 14 hours of continuing education would be required to renew the license before the May 31, 2006 expiration date. (Documentation verifying completion of the continuing education will be electronically transferred by the provider.)

Licenses that have been in escrow for more than five years may not be reactivated until the licensee has passed the real estate examination. Licensees who desire to take an expired license out of escrow must submit Application 2102 (available on the Commission's web site) in order to take and pass the appropriate real estate examination. (Please see "Attention Licensee Who are on Inactive Status" article on page 14.)

Licensees practicing in another jurisdiction while a license has been on inactive status may submit a certificate of licensure (dated within 90 days) from the other jurisdiction and take/pass the State portion of the examination.

If a license has been revoked, the licensee must write a letter to the Commission requesting that the license be reinstated. (In most cases, the Commission will hold a hearing to determine whether to grant reinstatement.) If the Commission grants the reinstatement request, the licensee would have to retake all the initial licensure education, as well as take and pass the real estate examination in addition to any other requirements the Commission may require.

PROFESSIONAL TIPS

Records

All records pertaining to a real estate transaction must be maintained for at least three years following consummation or termination of the transaction. An example of necessary records include: agency relationship agreements (if any), business relationship agreements (if any), Consumer Notices, Agreements of Sale and all addendums, listing agreements, signed and dated Seller Disclosure Forms, Settlement Sheets, Inspection Reports, and copies of telephone notes.

While neither the RELRA nor the Commission's regulations specify the storage method, Sections 286(b)(1) and 246 of the regulations, 49 Pa. Code §§35.286(b)(1) and 35.246, require brokers to produce records for the Commission or its

Common Errors, Renewal Reminders and Professional Tips...con't

representatives upon written request or as part of an office inspection. Therefore, the storage method must allow the broker to retrieve the records when requested. Brokers should consult their attorneys for information about the legal affect of electronic files in a civil action.

Escrow

A common question is whether or not a broker may place escrow monies in one account or must the monies be placed in separate accounts. Section 321 of the Commission's regulations, 49 Pa. Code §35.321, requires that the broker deposit monies belonging to another in an escrow account. While the regulation does not address the number of accounts necessary to accomplish this requirement, the Commission believes that either alternative is acceptable as long as the funds are accounted for in accordance with Section 328 of the regulations, 49 Pa. Code §35.328.

Payment to Unlicensed Persons

Section 301 of the Real Estate Licensing and Registration Act (RELRA), 63 P.S. §455.301, prohibits an unlicensed person from receiving a fee commission or other valuable consideration for introducing a buyer or seller for real property located in the Commonwealth. In addition, a licensee who pays a commission or other valuable consideration to anyone other than his licensed employees or another broker may be subject to disciplinary action under Section 604(a)(12.1) of the Act, 63 P.S. §455.604(a)(12.1)

Unlicensed Assistants

Unlicensed assistants may not perform any duties which require licensure. They may not, for example: (1) host an open house to be attended by the general public; (2) explain or interpret information on the listing sheets to licensees or the general public, whether in person, over the telephone or over the Internet; (3) provide information on the style of the home, location of the home, lifestyle or amenities available, (4) tour/show a model or home to the general public; (5) discuss prices, price ranges or mortgage rates with the general public.

Unlicensed assistants MAY, for example: (1) furnish information from listing sheets to other real estate offices; (2) host an open house to be attended by other licensees; (3) prepare and distribute brochures about listed properties to other real estate offices; (4) erect a "for sale" sign;

(5) maintain lock boxes; and (6) open the house for a home inspector.

Broker Responsibilities

- Section 604(a)(16) of the RELRA subjects a broker to discipline for failing to exercise adequate supervision over the activities of his/her salesperson or associate brokers.

Is a broker even responsible for the property management or other activities of his/her salespersons? A broker is responsible for anyone whose license he holds. Therefore, if the property management activities constitute licensed activities, the broker would be responsible for the property management activities. The fact that the broker would not receive any compensation from the property management company is irrelevant.

Minimum Services

- Can a licensee and a consumer negotiate away all licensee duties? There are 12 duties listed that are owed to all consumers under Section 606.1 of the RELRA and Section 35.292 of the regulations. Under these laws, these duties cannot be waived—even if a consumer enters into a contract waiving these duties. Further, these duties are in addition to those required where the consumer and the licensee enters into a business relationship. Included in the list of 12 are: keeping the consumer informed about the transaction and the tasks to be completed, presenting all offers within a reasonably practicable period of time, advising the consumer about compliance with laws pertaining to real estate practice and providing assistance with document preparation. Licensees often ignore the language in Section 606.1(a)(3) which allows the presentation of offers and counteroffers to be waived *only* where the property is subject to an existing contract for sale.

Writing Requirement

- Section 281 of the Commission's regulations, 49 Pa. Code §35.281, requires a licensee to ensure that sale or lease contracts, commitments and agreements are in writing.

Closure or Change of Office

- A broker may continue to serve his/her current transactions following closure of this broker's office until settlement occurs. A broker may also hang his/her license with another real estate office while retaining responsibility for the escrow accounts of the soon-to-be defunct office.

Common Errors, Renewal Reminders and Professional Tips

Home Offices

Licensees may perform duties incidental to their real estate business, e.g., phone work, computer work, document preparation, correspondence, research and scheduling of appointments, out of a home office. The following restrictions apply: (1) No sign designating the name and telephone number of the licensee or the business name and telephone number of the employing broker is permissible at the home office; (2) licensees may not advertise a separate address for a home office; and (3) all correspondence must be addressed to the licensee at the main office or branch office address out of which the licensee is affiliated. Note that the broker of record is responsible for all activities of licensees at their home offices.

Payment of Commissions to Salespersons/Associate Brokers

Section 604(a)(12) of the Act, 63 P.S. §455.604(a)(12), prohibits a salesperson or associate broker from accepting a commission or any valuable consideration from anyone other than the licensed real estate broker with whom he/she is affiliated. Therefore, a salesperson/associate broker may not accept a commission check written directly from the closing company.

A broker may still pay a commission to a salesperson who has placed his/her license in escrow provided that the salesperson was properly licensed at the time the commission was earned.

Referral Fees

A broker may pay a referral fee to a broker licensed in another jurisdiction provided that the acceptance of the fee is permitted in the other jurisdiction. Reminder: the broker in another jurisdiction may not provide any real estate services in this Commonwealth unless licensed in this Commonwealth.

New Commission Members

Frank T. Donaghue

Chief Deputy Attorney General

Mr. Donaghue is the Chief Deputy Attorney General and the Director of the Bureau of Consumer Protection with the Office of Attorney General. Mr. Donaghue oversees seven statewide regional consumer protection offices within the Office of Attorney General. Previously, Mr. Donaghue was the Director of the Office of Legislative Affairs where he advised the Attorney General on legislative and policy matters. He also represented the Office of Attorney General in negotiations with the Tobacco Industry which resulted in the national Master Settlement Agreement. Mr. Donaghue was a Judicial Law Clerk for the Honorable Ronald D. Castille, a Justice of the Pennsylvania Supreme Court. Mr. Donaghue received his J.D. from the Widener University School of Law and his B.A. in Political Science from the Catholic University of America.

Michael Weiss

Public Member

Mr. Weiss is a native of Philadelphia and graduated from Lincoln High School. He attended Philadelphia Community College for two terms then went into the automobile business. While in the automobile business, Mr. Weiss made his way from a salesperson to owner of a Toyota dealership.

After selling the dealership, he went into the hospitality business, owning and operating restaurants, nightclubs and bars both in Philadelphia and San Diego. Mr. Weiss is currently in his 6th year on the Philadelphia Police Advisory Board which he was appointed to by then Mayor Rendell and then re-appointed by Mayor Street. Mr. Weiss currently serves as co-chair of that Board. He was also appointed to the LGBT Police Liaison Group by Police Commissioner Johnson and the Pennsylvania Liquor Control Board Transition Team for Governor Rendell.

Mr. Weiss also served on a blue ribbon panel for Mayor Street for better city government. Some of the other organizations he belongs to are the International Elected and Appointed Gay and Lesbian Officials (INIGLO) and Liberty PA.

Mr. Weiss currently lives in center city Philadelphia with his long term partner of 21 years.

Disciplinary Actions

The following is the disciplinary actions taken by the Commission from March 9, 2004 through June 30, 2005. Each entry includes the name, license or registration 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.

Connie M. Knight, license no. **RS-156624-A**, of Coudersport, Potter County, was assessed a civil penalty of \$2,000, costs of investigation of \$500 and a received a reprimand. Knight failed to provide disclosures required by the Act, failed to provide a Seller Disclosure Statement to the buyer, failed to include mandatory language with regard to the mortgage, engaged in conduct during a real estate transaction that demonstrated bad faith, dishonesty, untrustworthiness, or incompetency, and failed to deal honestly and in good faith. (3-9/10-04)

Richard L. Tickner and Robert W. McConnell, Jr., license nos. **RM-060302-A and RS214028-L**, of Harrisburg, Dauphin County, were reprimanded and Respondent Tickner was assessed a civil penalty of \$500 and Respondent McConnell was assessed a civil penalty of \$1,000. McConnell was disciplined for failing to provide buyers with a copy of the Consumer Notice during the first substantive discussion and the Agreement and Addendum to Agreement of Sale at the time he signed it and failing to disclose to buyer that he and his broker were acting as agents for the seller. Respondent Tickner failed to adequately supervise Mr. McConnell in the transaction. (3-24-04)

George J. Cahill, license no. **AB-044684-A**, of Philadelphia, Philadelphia County, was assessed a

civil penalty of \$500. Cahill failed to provide a Consumer Notice to a buyer as required by the Act and regulations. (4-14/15-04)

Constance H. Gravina, license no. **RS-207439-L** of Blakeslee, Monroe County, and **G. & S. Family Enterprises d/b/a Century 21 Kimax**, license no. **RB-060625-P** of Blakeslee, Monroe County, were jointly and severally assessed a civil penalty of \$4,000. Gravina also received a reprimand and was ordered to complete 14 hours of real estate education because Gravina engaged in conduct during a real estate transaction that demonstrates bad faith, dishonesty, untrustworthiness, or incompetency and acted in the capacity of a broker without first being licensed or registered. G & S Family Enterprises d/b/a Century 21 Kimax, by and through its licensed salesperson, failed 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; failed 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 records are maintained; failed to immediately deposit money belonging to another in a separate custodial or trust fund account maintained by the broker until the transaction involved is consummated or terminated; failed to provide a seller or lessor with a written memorandum stating the terms of the agreement and by aiding and abetting the unlicensed practice of a real estate broker. (4-14/15-04)

Sharon D. Moore, license no. **RS-213783-L**, of Spring Grove, York County, was suspended for ninety days, ordered to pay a civil penalty of \$2,000, and received a reprimand. Moore induced eight consumers to break their respective agreements for the purpose of substitution of a new contract which was motivated by personal gain and she engaged in conduct during real estate transactions, which demonstrated bad faith, dishonesty, untrustworthiness or incompetency. (4-14/15-04)

Carol A. Sevacko, license no. **RS-075406-A**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$2,000. Sevacko executed leases on behalf of lessors; **Sandra Learish**, license no. **AB-046862-L**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$1,000. Learish failed to provide adequate supervision over her licensed salesperson. (4-14-04)

George A. Hackett, license nos. **RM-040060-A and RM-040060-C**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$2,000. Hackett utilized an exclusive right-to-lease agree-

ment containing authority of the broker to execute a signed lease for the lessor and failed to provide adequate supervision over his licensed salesperson and associate broker. (4-14-04)

Coldwell Banker Real Estate, Inc., license no. **RB-023583-A**, of Pittsburgh, Allegheny County, was ordered to pay costs of investigation of \$1,000 and to cease and desist from utilizing exclusive right-to-lease agreements containing authority of the broker to execute a signed lease for the lessor for improperly using an exclusive right to lease agreement and failed to provide adequate supervision over its licensed salesperson and associate broker. (4-14-04)

Margaret A. Levkulich, license no. **RS-085026-A**, of Pittsburgh, Allegheny County, was suspended for six months to be stayed in favor of probation, assessed a civil penalty of \$1,000 and ordered to take and pass a 30 hour pre-licensure course on real estate at an approved education provider within an 8 month period for demonstrating bad faith, dishonesty, untrustworthiness or incompetency for having failed to disclose water problems. (4-21-04)

Bruce M. Sherman, license no. **RM-052293-A**, of Philadelphia, Philadelphia County, was revoked. Sherman failed to retain all rental monies collected and failed to account for the rental money in the full amount at the time of termination; failing to account for the full amount at the time of termination; failing to account for the full amount of escrowed money upon consummation of the transaction; misappropriating money that is required to be held in escrow for business, personal and/or other purposes; and engaging in conduct which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency. (4-21-04)

Anthony Michael Argento, license no. **RS-213142-L**, of York, York County, was suspended for a period to run concurrent with his criminal probation, stayed in favor of probation during that period, based on his criminal conviction. (4-29-04)

Geraldine Crino, license no. **RS-203643-L**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$1,000. Crino charged an undisclosed commission, rebate, compensation or profit or expenditure for a principal or in violation of the Act and performed a service for a consumer of real estate services for a fee, commission or other valuable consideration paid by or on behalf of the consumer when the nature of the service and the fee to be charged was not set

Disciplinary Actions

forth in a written agreement between the broker and the consumer that was signed by the consumer. (5-24&25-04)

Stephen J. Horn, license no. **AB-050083-L**, of East Stroudsburg, Monroe County, was ordered to pay a civil penalty of \$500. Horn failed to have the telephone number of his employing broker on his "For Sale" sign. (5-25-04)

George G. Gayman, license no. **RC-130370-L**, of Oakdale, Allegheny County, was ordered to pay a civil penalty of \$1,000. Gayman conducted the practice of real estate as a builder-owner salesperson without possessing an active license. (5-26-04)

Thomas R. Wilkins, license no. **RM-418912 and RM-048502-A and RM-048502-D and RM-048502-E**, of Stroudsburg, Monroe County, was ordered to pay a civil penalty of \$250. Wilkins used misleading or untruthful advertising. (5-26-04)

John J. O'Connor, license no. **RB-021497-A**, of Aliquippa, Beaver County, was assessed a civil penalty of \$2,000. O'Connor failed to maintain escrow records in accordance with the RELRA and the regulations. (5-27-04)

Stephen E. Sisman, license no. **RS-218928-L**, of West Chester, Chester County, was ordered to pay a civil penalty of \$1,000. Sisman failed to present all written offers, written notices, and/or other written communications to and from parties to a real estate transaction in a timely manner. (6-29-04)

Kristin Young, license no. **RS-276198**, of Hagerstown, Maryland, was suspended for a period of no less than 2 years. Young violated a lawful disciplinary order of the Pennsylvania State Real Estate Commission. (6-29-04)

Rosemary E. Kuperstein, license no. **RS-178997-L**, of Coatesville, Chester County, was ordered to pay a civil penalty of \$250. Kuperstein failed to obtain a signed Consumer Notice prior to beginning substantive discussions regarding a real estate transaction. (6-29&30-04)

Kathryn M. Bollman, license no. **RS-185135-L**, of Bedford, Bedford County, was ordered to pay a civil penalty of \$6000, to complete a 30 hour real estate law course from an approved real estate education provider, and received a reprimand. Bollman engaged in conduct, or advertised, or held herself out as engaging in or conducting the business or acting in the capacity of

a salesperson in this Commonwealth without first being licensed or registered by the Commission as provided in the Act; failed to pay a deposit to her broker; accepted a commission for the performance of any acts specified in the Act, from any person, except the licensed real estate broker with whom he/she is affiliated, and performed any act for which an appropriate real estate license is required and is not currently in effect. (7-27-04)

Joyce Kimble, license no. **RS-114265-A**, of Bedford, Bedford County, was ordered to pay a civil penalty of \$1,500 and received a reprimand. Kimble engaged in conduct, or advertised, or held herself out as engaging in or conducting the business or acting in the capacity of a salesperson in this Commonwealth without first being licensed or registered by the Commission as provided in the Act. Kimble also failed to pay over a deposit to a broker; accepted a commission for the performance of any acts specified in the act, from any person, except the licensed real estate broker with whom he/she is affiliated, and performed any act for which an appropriate real estate license is required and is not currently in effect. (7-27-04)

Fox and Roach and Charles G. Roach, Jr., license no. **RB-061717-C and RM-024824-K**, of Devon, Chester County, was ordered to pay a \$500 civil penalty. Respondents failed to exercise adequate supervision over the activities of a licensed salesperson. (07-27-04)

Richard K. Anstey and Fox and Roach, license no. **RS-165148-L and RB-061717C**, of Devon, Chester County, was ordered to pay a civil penalty of \$500. Anstey engaged in misleading advertising by placing a picture of an unlicensed person in a real estate advertisement. Respondent also failed to include the telephone number of the employing broker for each of the employees pictured and described on the last page of the advertisement. (07-27&28-04)

Nancy J. Braun, license no. **RS-153436-A**, of McKees Rocks, Allegheny County, was ordered to pay a civil penalty of \$750. Braun failed to voluntarily furnish a copy of a lease to all signatories thereof at the time of execution, and failed to provide the disclosures required by 63 P.S. 455.608 and 49 Pa. Code 35.284(a). (07-27-28-04)

John G. Holloway, license nos. **RB-028876-A and AB-028876-L**, of Harrisburg, Dauphin County, was suspended for one year of which six months is active, and assessed a civil pen-

alty of \$4,000 and required to take and pass a 30 hour real estate law course for violating the Commission's escrow requirements. (7-29-04)

Arnold J. Bolden/Tri-State Real Estate Services/William T. Leibowitz, license nos. **AB-048287-L and RS-148759-A**, of Philadelphia, Philadelphia County, were assessed civil penalties totally \$5,000 for aiding and abetting an unlicensed person, unlicensed practice, incompetency, inappropriate conduct and failure to submit the education credits necessary to renew his license. (7-30-04)

Gregory R. Hartigan, unlicensed, of Philadelphia, Philadelphia County, was assessed a \$1,000 civil penalty for acting as a real estate broker or salesperson when he was not currently licensed as such. (7-30-04)

Gary Kubovcsak, license no. **RS-223025-L**, of Harrisburg, Dauphin County, was placed on probation for pleading guilty to two counts of delivery of a controlled substance and conspiracy to deliver a controlled substance pursuant to Section 604(a)(14) of the RELRA, 63 P.S. § 455.604(a)(14). (7-30-04)

Donald F. Perry, license no. **RS-194925-L**, of Temple, Berks County, permanently and voluntarily surrendered his license. Perry made substantial misrepresentations, made false promises of a character likely to influence or persuade a person to enter into a contract, acted for more than one party to a transaction without the knowledge and consent of all parties, and demonstrated bad faith, dishonesty, untrustworthiness and incompetency. (9-14-04)

Vicki Lee Laspina, license no. **RS-163380-A**, of Milford, Pike County, was ordered to pay a civil penalty of \$250. Laspina failed to obtain a signed Consumer Notice prior to beginning substantive discussions regarding a real estate transaction. (9-14&15-04)

Peter G. Weindorfer, Sr., license no. **RB-047732-L**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$2,000, and received a public reprimand. Weindorfer advertised or otherwise held himself out to the public under a business name not designated on his license. (9-14-04)

Salvatore Calabro, license no. **RS-271218**, of Newtown Square, Delaware County, consented to the revocation of his license as a result of his conviction in Federal Court of a felony. (9-14-04)

Disciplinary Actions

Thomas R. Schickling, license nos. **RM-047359-A, RM-047359-B, AB-047359-L, and RS-139283-A**, of Cheltenham, Montgomery County, was revoked for (1) failing to account for monies deposited in an escrow account at the time of consummation or termination of the transaction; (2) failing to keep records of all funds deposited in the escrow account; (3) failing to preserve records relating to any real estate transaction for three years following consummation; (4) failing to produce the records for examination by the Commission's representative upon request; (5) failing to pay over a security deposit to a tenant at the end of the tenancy; (6) failing to provide information to the Commission as a result of a complaint; (7) engaging in conduct in a real estate transaction with demonstrated bad faith, dishonesty, untrustworthiness or incompetency; (8) failing to exercise reasonable professional skill and care; (9) failing to deal honestly and in good faith; and (10) failing to account in a timely manner for all money and property received from or on behalf on any consumer to a transaction. (9-15-04)

David H. Kennedy, license no. **RS-196524-L**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$1,500. Kennedy engaged in conduct during a real estate transaction, which demonstrated bad faith, dishonesty, untrustworthiness or in competency. (9-16-04)

Michael A. Kusenko, license nos. **RM-062313-A & AB-062313-L**, of Lower Burrell, Westmoreland County, was ordered to pay a civil penalty of \$500. Kusenko prepared a Comparative Market Analysis that did not include the mandatory disclosure on the first page. (10-5-04)

Dean Rossi, license no. **RS-223507-L**, of Warminster, Bucks County, was ordered to pay a civil penalty of \$1,000 and received a reprimand. Rossi placed or caused to be placed an advertisement in which his name was larger than that of his employing broker. (10-5-04)

Rubin-Montgomery Realty, Inc., license no. **RB-051309-P**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$1,000 and received a reprimand. **James Montgomery**, license no. **RM-049674-B**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$600 and received a reprimand. Respondents demonstrated bad faith, dishonesty, untrustworthiness and incompetency. (10-15-04)

Angela Devers, license no. **RS-210896-L**, of Harrisburg, Dauphin County, was reprimanded for using the title "real estate consultant" without being a broker. (10-15-04)

Robert S. Hamilton, license no. **RM-028870-A**, of Harrisburg, Dauphin County, was reprimanded for failing to adequately supervise Angela Devers, license no. RS-210896L, in connection with her advertisement. (10-15-04)

Charles E. Bruce, license no. **RB-028078-A**, of Coatesville, Chester County, was suspended for three years, one of which shall be active and assessed a civil penalty of \$2,000 for (1) failing to hold money belonging to another in an escrow account pending consummation or termination of the transaction and (2) paying money out of his escrow account. (10-15-04)

Thomas R. Schickling, license nos. **RM-047359-A, RM-047359-B, AB-047359-L, and RS-139283-A**, of Cheltenham, Montgomery County, was revoked for failing to provide information and records requested by the Commission's authorized representative as a result of a Complaint; (2) failing to use reasonable skill and care which meets practice standards; (3) failing to deal honestly and in good faith; and (4) engaged in dishonesty, untrustworthiness, or incompetency. (10-26-04)

Peter L. Hopkins, license no. **RS-283111**, of Buck Hill Falls, Monroe County, was suspended pursuant to the Order of the Court of Common Pleas of Philadelphia County dated October 25, 2004, which the Court issued under section 4355 of the Domestic Relations Code. The suspension remains in effect until the Court orders reinstatement. (11-10-04)

Larry B. Hull, license no. **MS-000814-L**, of Palmyra, Lebanon County, was suspended pursuant to the Order of the Court of Common Pleas of Adams County dated October 15, 2004, which the Court issued under section 4355 of the Domestic Relations Code. The suspension remains in effect until the Court orders reinstatement. (11-10-04)

Roderick S. Cook, license no. **RS-225968-L**, of Philadelphia, Philadelphia County, was suspended pursuant to the Order of the Court of Common Pleas of Philadelphia County dated October 25, 2004, which the Court issued under section 4355 of the Domestic Relations Code. The suspension remains in effect until the Court orders reinstatement. (11-10-04)

Marcus Burns, license no. **RS-223302-L**, of Philadelphia, Philadelphia County, was suspended pursuant to the Order of the Court of Common Pleas of Philadelphia County dated October 25, 2004, which the Court issued under section 4355 of the Domestic Relations Code. The suspension remains in effect until the Court orders reinstatement. (11-16-04)

Bryan K. McClaine, license no. **RS-217165-L**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$2,000. McClaine failed to voluntarily furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories at the time of execution and engaged in conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency. (11-16-04)

Helen Scavo Lancia, license no. **RS-137164-A**, of East Stroudsburg, Monroe County, was ordered to pay a civil penalty of \$750. Lancia used a nickname in an advertisement that was not included on her licensure application or biennial renewal application and used an advertisement that did not contain the telephone number of her employing broker. (11-16-04)

Classic Real Estate Services, Inc., license no. **RB-051364-C**, of White Oak, Allegheny County, was ordered to pay a civil penalty of \$2,000. Respondent failed to deposit rents received into a rental management account that is separate from the broker's escrow accounts and failed to maintain escrow records. (11-17-04)

Karen Lee Smith, license no. **RB-050473-L and AB-050473-L**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$500. Smith failed to preserve records for three years following consummation. (11-17-04)

Brad L. Tinkham, license no. **RS-203607-L**, of Hummelstown, Dauphin County, was ordered to pay a civil penalty of \$500. Tinkham published an advertisement in which his own name was of a larger size than the name of his employing broker. (11-17-04)

John F. Wachter, Jr., license no. **AB-065487**, of Yardley, Bucks County, was ordered to pay a \$1,000 civil penalty. Wachter engaged in conduct, in a real estate transaction, which demonstrated incompetence; and failed to adequately supervise the activities of his licensed associate broker. (11-17-04)

Disciplinary Actions

MIK, Inc., license no. **RB-061758-C**, of Hawley, Wayne County, was ordered to pay a civil penalty of \$1,250. MIK, Inc. engaged in misleading advertisements and opened a branch office without first obtaining a branch office license for that location. (11-17-04)

Gregory A. Vannatta, license nos. **RM-050361-F & RM-050361-E**, of Hawley, Wayne County, was ordered to pay a civil penalty of \$1,250. Vannatta engaged in misleading advertisements and opened a branch office without first obtaining a branch office license for that location. (11-17-04)

Michael L. McAndrews, license no. **RS-208153-L**, of Gibsonia, Allegheny County, was ordered to pay a civil penalty of \$1,000 and costs of investigation of \$500. McAndrews engaged in conduct, in a real estate transaction, which demonstrated incompetence; he failed to exercise reasonable professional skill and care and he also failed to be loyal to the buyer, by taking action that was inconsistent with the buyers interest. (11-17-04)

Donald A. Lechleitner, license no. **RM-024151-D and RM-024151-E**, of Hummelstown, Dauphin County, was ordered to pay a civil penalty of \$500. Lechleitner failed to exercise adequate supervision over the activities of his licensed salesperson. (11-17-04)

Maureen C. Ingelsby, license no. **RS-194186-L**, of Havertown, Delaware County, was ordered to pay a civil penalty of \$5,000. Ingelsby failed to exercise reasonable professional skill and care. (11-17-04)

Katherine Skillman, Gloria A. Perna, Transamerica Realty, Co. and Frank J. Martin, license nos. **AB-062145-L, AB-052163-L, RB-046487-C and RM-018974-B**, of Scranton, Lackawanna County, were all ordered to take and pass 30-hours of remedial education within six month as a result of their failure to use a disclosure form that complies with the Real Estate Seller Disclosure Act. (11-19-04)

Leroy Ritter, Jr., license no. **RB-028876-A**, of Wilkensburg, Allegheny County, was suspended for 90 days, assessed a civil penalty of \$1,000 and required to take and pass 30 hours of remedial education credits approved by the Commission, for (1) holding himself out to the public under a business name not designated on his license, (2) failing to display his business name prominently in permanent fashion outside

his office, (3) failing to display his current license in a conspicuous place at the office where he worked, (4) failing to maintain a real estate escrow account with Respondent designate as trustee, (5) commingling the money that was required to be held in escrow with business, personal or other funds, and (6) failing to maintain proper record keeping for the escrow account. (11-22-04)

Martin D. Ezra, license no. **RS-217870-L**, of Haverford, Montgomery County, was ordered to pay a civil penalty of \$500. The name of the employing broker was not of equal size as that of the Respondent on an advertisement (12-15-04)

Richard William Lewis, Sr., license no. **RS-138694-A**, of Harrisburg, Dauphin County, was suspended for six months, assessed a civil penalty of \$2,000 and ordered to take and pass 30 hours of remedial education in real estate law from an approved education provider based on his (1) failure to promptly pay over a deposit to his broker, (2) gave assurances which he knew or should have known are incorrect, (3) knowingly being a party to a material false or inaccurate representation in writing, (4) failure to exercise reasonable professional skill and care which meets the practice standards, (5) failure to ensure that all services that are to be provided to the consumer are provided in a reasonable, professional and competent manner, (6) demonstration of bad faith, dishonesty, untrustworthiness, incompetency and, (7) failure to deal honestly and in good faith. (12-22-04)

John J. Varrato, license no. **RS-216965-L**, of Ellwood City, Lawrence County, was suspended pursuant to the Order of the Court of Common Pleas of Lawrence County dated December 10, 2004, which the Court issued under section 4355 of the Domestic Relations Code. The suspension remains in effect until the Court orders reinstatement. (1-05-05)

Coldwell Banker Landis Homesale Services, license no. **RB-050790-C**, of Wyomissing, Berks County, agreed to a reprimand and assessed a civil penalty of \$5,000. Its broker of record failed to exercise adequate supervision over the activities of its licensed salespersons or associate brokers. (1-25&26-05)

Jerome Robert Guerrisi, license nos. **RB-063599, RB-052108-L and RS-127957-A**, of Lebanon, Lebanon County, was revoked based on misrepresentation of his relationship with each of the parties and the property, failing to provide required disclosures, failing to return escrow monies, and failing to provide a properly written Agreement of Sale. (1-27-05)

Eva M. Johnson, license no. **RS-202032-L**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$1,000. Johnson performed any act for which an appropriate real estate license is required and is not currently in effect. (2-23-05)

Joanna Killinger, license no. **RS-220599-L**, of Enola, Cumberland County, voluntarily and permanently surrendered any and all licenses to practice real estate in the Commonwealth of Pennsylvania. Killinger failed to exercise reasonable professional skill and care; failed to ensure that all services were provided in a reasonable, professional and competent manner; failed to keep the consumer advised about the transaction and the tasks to be completed; and engaged in conduct during a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency. (2-23-05)

Robert McCauley Baxter, license nos. **RM-040730-E, RS-060721-A and AB-040730-A**, of Pocono Pines, Monroe County, was ordered to pay a civil penalty of \$500. Baxter failed to adequately supervise activities. (2-23-05)

James G. Gravatt, license nos. **RM-061419-A, RS-100987-A and AB-061419-L**, of Harrisburg, Dauphin County, was assessed a civil penalty of \$1,000. Gravatt signed the name of his client to a contract and submitting the contract to a multiple-list service. (2-24-05)

Elaine C. Punchello, license no. **RS-213185-L**, of Harrisburg, Dauphin County, was suspended for two years, thirty days active and the remainder stayed in favor of probation based upon her guilty plea to possession of a controlled substance with intent to deliver, possession of a small amount of marijuana and possession of drug paraphernalia. (2-24-05)

City View Real Estate LLC and Sophia R. Avery, license nos. **RB065079 and RS-217396-L**, of Philadelphia, Philadelphia County, were assessed penalties in the following amounts: \$2,000 and \$1,000. Avery was actively suspended for 3 months with the remainder of 2 years probatiobn. City View Real Estate LLC engaged

Disciplinary Actions

in substantial misrepresentation and engaged in conduct during a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness or incompetency. Avery engaged in substantial misrepresentation during a real estate transaction and engaged in conduct demonstrating bad faith, dishonesty, untrustworthiness or incompetency. (3-02-05)

Timothy Patrick Scully, license nos. **AB-051092-L** and **RS-169638-L**, of Allentown, Lehigh County, permanently voluntarily surrendered his licenses. Scully's conduct constituted bad faith, dishonesty or misrepresentation in a real estate transaction (3-16-05)

David M. Doheny, license no. **RS-216022-L**, of Bethlehem, Lehigh County, was suspended until he pays a fine of \$5,000 and restitution in the amount of \$1,163,719.22 for pleading guilty to engaging in fraud. (3-21-05)

Robert Bremner and Property Management Group, license nos. **RM-046153-A** and **RB-043179-C**, of Narberth, Montgomery County, had their licenses suspended and were each assessed a civil penalty of \$4,000, for misrepresenting a management agreement, accepting a commission, rebate or profit in expenditures made for the lessor without the lessor's written permission, demonstrating bad faith, dishonesty, untrustworthiness or incompetency due to fees charged that were not agreed upon. (3-21-05)

Ronald D. Hall, license no. **RM-419317**, of Chester, Delaware County, was suspended pursuant to the Order of the Court of Common Pleas of Philadelphia County dated April 11, 2005, which the Court issued under section 4355 of the Domestic Relations Code. The suspension remains in effect until the Court orders reinstatement. (4-11-05)

Nicholas M. Albanese, license no. **RM-418997**, of Limerick, Montgomery County, was ordered to pay a civil penalty of \$2,000. Albanese engaged in conduct during a real estate transaction, which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency. (4-13-05)

Jack J. Harris, license no. **RM-06101-A**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$500. Harris failed to prominently display the current license of an affiliate. (4-13-05)

Jeffrey D. Storch, license no. **RS-11907-A**, of Doylestown, Bucks County, was ordered to pay a civil penalty of \$10,000. Storch performed acts

for which an appropriate real estate license is required and is not currently in effect. (4-13-05)

Walter Butler, license no. **RS-212535-L**, of Philadelphia, Philadelphia County, was suspended pursuant to the Order of the Court of Common Pleas of Philadelphia County dated April 1, 2005, which the Court issued under section 4355 of the Domestic Relations Code. The suspension remains in effect until the Court orders reinstatement. (4-14-05)

Ronald D. Freedman, license no. **RM-048756-A**, of Camp Hill, Cumberland County, was ordered to pay a civil penalty of \$1,000. Freedman failed 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 records are maintained. (5-24-05)

ReMax Realty Associates, Inc., license no. **RB-050715-C**, of Camp Hill, Cumberland County, was ordered to pay a civil penalty of \$1,000. ReMax Realty, by and through its agents and/or employees, failed 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 records are maintained. (5-24-05)

Kevin Blose, license no. **RS-281341**, of Doylestown, Bucks County, agreed to the permanent voluntary surrender of his license. Blose obtained his license by false representation or by fraudulent act or conduct. (5-25-05)

Rachel Gart, license no. **RS-228888**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$500. Gart published an advertisement in which her name was larger than that of her employing broker, and in which her employing broker's telephone number did not appear. (5-25-05)

Bruce R. Griffith, license no. **RS-193807-L**, of Lansdale, Montgomery County was ordered to pay a civil penalty of \$2000. Mr. Griffith engaged in misleading advertising and published an advertisement that did not contain the business name and telephone number of his employing broker. (5-25-05)

Douglas A. Kriebel, license no. **RM-041727-D**, of Lansdale, Montgomery County, was twice ordered to pay civil penalties totaling \$1,750. Mr. Kriebel failed to exercise adequate supervision over the activities of his licensed salesperson. (5-25-05)

Realty Corp. Brokerage, Inc., t/d/b/a Coldwell Banker Realty Corp. Associates, license no. **RB-042155-C**, of Lansdale, Montgomery County, was ordered twice to pay civil penalties totaling \$1,750. Realty Corp Brokerage, Inc. advertised under a business name not designated on its license. (5-25-05)

Frank J. Renaldi, license nos. **RM-061309-B**, **RM-061309-A**, & **RS-178578-L**, of Easton, Northampton County, was ordered to pay a civil penalty of \$2,000. Renaldi was a party, through one of his agents, to a false or inaccurate statement in a writing regarding a real estate transaction, and because Renaldi failed to adequately supervise the activities of his licensed salesperson. (6-28-05)

University Realtors, Inc., license no. **RB-043088-C**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$2,000 and received a reprimand. University Realtors, Inc. failed to exercise adequate supervision over the activities of its licensed salespersons or associate brokers. (6-29-05)

Cynthia Saxe Schmidt, license no. **RM-062772-A**, of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$10,000. Schmidt failed to exercise adequate supervision over the activities of her licensed salespersons or associate brokers. (6-29-05)

Jeffrey V. Boyer, license no. **RM-043832-A**, of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$2000 and received a reprimand. Boyer failed to exercise adequate supervision over the activities of his licensed salespersons or associate brokers. (6-29-05)

UNETHICAL OR

UNLICENSED ACTIVITY

If you believe the service provided by a real estate licensee is 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 on the Department of State's website.
www.dos.state.pa.us

Brokers Beware

by Joseph Tarantino, Vice-Chairman

Many brokers and salespersons are under the misconception that salespersons can receive their commission payment at settlement directly from the Title Company thereby bypassing the broker.

Under section 604 (a) (12), of RELRA, a salesperson or associate broker may only accept a commission for the performance of any acts specified in the act from the licensed real estate broker with whom he is affiliated. Acceptance of a commission from anyone else is prohibited.

The Commission has disciplined both brokers and salespersons for violating this provision of RELRA to the tune of thousands of dollars and fines.

In addition to discipline by the Commission, brokers should also be aware that this act may also be a criminal violation if it is proven that the broker was avoiding payment of income or other taxes.

States That Have Reciprocal Agreements with Pennsylvania

The Commission has entered into reciprocal agreements with:

Arkansas
Colorado
Georgia
Louisiana
Massachusetts
Nebraska
New York
Oklahoma
West Virginia
Wyoming

Terms of the agreements can be found on the Commission's website at www.dos.state.pa.us/estate.

Reactivation Procedure

ATTENTION LICENSEES

WHO ARE ON INACTIVE STATUS:

Under Section 501 of the Real Estate Licensing and Registration Act a license may only remain inactive for a five year period from the date that the license was placed in escrow or expired **whichever is sooner**. After that date, a license may only be reactivated once the licensee passes both portions of the examination. Please note the following:

- The Commission is unable to notify licensees that the five-year period is about to expire. Therefore, the Commission encourages you to monitor this period. You may check the status of your license online at www.mylicense.state.pa.us.
- Completed applications must be **received** in the Commission Office **BEFORE** the 5-year deadline. Because this is a statutory deadline, the Commission does not have the authority to extend this deadline. Incomplete or untimely applications will be returned to you. The date the Commission initially received this incomplete application will not be preserved.
- A complete application includes:
 - o Answering all of the questions asked on the reactivation application. Check the Commission's web site at www.dos.state.pa.us/estate to ensure that you have the most up to date application.
 - o A criminal history background check completed by the State Police within 90 days of submission of the reactivation application. Please note that it takes approximately two weeks to receive this background check by mail and up to three days to receive it online.
 - o A check or money order made payable to "Commonwealth of Pennsylvania" in the amount listed in the application.
 - o Evidence that you completed 14-hours of continuing education. Your real estate education provider may have electronically transferred this information. If you have any questions about whether your information was transferred, contact your provider directly.
 - o In the event that you have had a criminal conviction during the time that your license was escrowed or expired, certified copies of your conviction documents as listed on the application. Please note that this may take many weeks to obtain from the Court of Common Pleas where the conviction occurred.
- You may resume practice upon mailing the **completed** application to the Commission. A copy of the completed application must be kept on file in the broker's office.

Meet Deputy Commissioner Marks

Peter V. Marks, Sr. was appointed Deputy Commissioner of the Bureau of Professional and Occupational Affairs by Governor Edward G. Rendell on January 31, 2005.

As Deputy Commissioner, he is primarily responsible for the day-to-day administrative oversight of the Bureau. The administrative responsibilities include Bureau staffing, budget and training. Other responsibilities include supervising Commissioner office staff, the Professional Health Monitoring Program (PHMP) as well as the Revenue Office. Deputy Marks assists the Commissioner in all relevant licensing board issues and acts as the Commissioner's designee on various boards and commissions.

Peter has served as Trustee on various Health, Welfare, Pension and Pre-Paid Legal Funds. He also functioned as lobbyist at the Pennsylvania State Legislature. Two notable successes in lobbying were the Pennsylvania Public Employee Collective Bargaining Act and the Pennsylvania Anti-Polygraph Law.

Deputy Marks has also served as Director of Organizing, Director of Education and as Director of Collective Bargaining (dealing with approximately 250 Collective Bargaining Agreements and supervising a staff of Representatives).

Peter designed and implemented a pre-paid dental program for approximately 14,000 people. He served as Arbitrator for the Philadelphia Court system and was President of the Philadelphia Municipal Court Association of Arbitrators. He has been a New Jersey Superior Court Arbitrator and Arbitrator for the United States District Court of New Jersey.

Deputy Marks is a member of the American Bar Association, Labor and Employment Law Section and the Alternative Dispute Resolution Committee.

A native of Philadelphia, Peter earned a bachelor's degree in personnel and labor relations from LaSalle University and a law degree from Delaware Law School.

Peter has eight children, 10 grandchildren and currently resides in Dauphin County.

Full Online License Renewal

The Bureau of Professional and Occupational Affairs is now capable of offering licensees full online renewal of licenses. The online renewal process makes renewing licenses faster, more effective and efficient.

Approximately 90 days prior to your license expiration, the Commission will notify you by mail that it is now time to renew your license online. This reminder will include instructions and your unique renewal code which will be required to complete your online renewal.

You may download, complete and submit your renewal application directly from our website. Licensees will still be permitted to mail their renewal application to our office for processing, however processing time could be lengthy depending upon volume. If you do not have access to the Internet, you will be required to make a written request via mail or fax for an application after you receive the renewal notice. Due to anticipated high call volume during the renewal period, Commission staff will be unable to accommodate telephone requests for paper renewal applications.

Licensees can verify a license and renew their present licenses at <https://www.mylicense.state.pa.us>.

Remaining 2005 Meeting Dates

October 10-11
Public Meeting in Philadelphia

* November 15-16

* December 13-14

*Meetings are located at Penn Center at
2601 North 3rd Street Harrisburg.

Commissioner Members and Staff

Beverly R. Brookes, *Chairman*

Joseph Tarantino, Jr., *Vice-Chairman*

Frances A. Mansberger, *Secretary*

Annie Hanna Cestra

Frank T. Donaghue, Esq., *Office of Attorney General*

Rita M. Halverson

Joseph J. McGettigan

George E. Meagher, III

Sandrina J. Taraszki

Michael Weiss

Basil L. Merenda, *Commissioner*

Bureau of Professional and Occupational Affairs

Judith Pachter Schulder, Esq., *Commission Counsel*

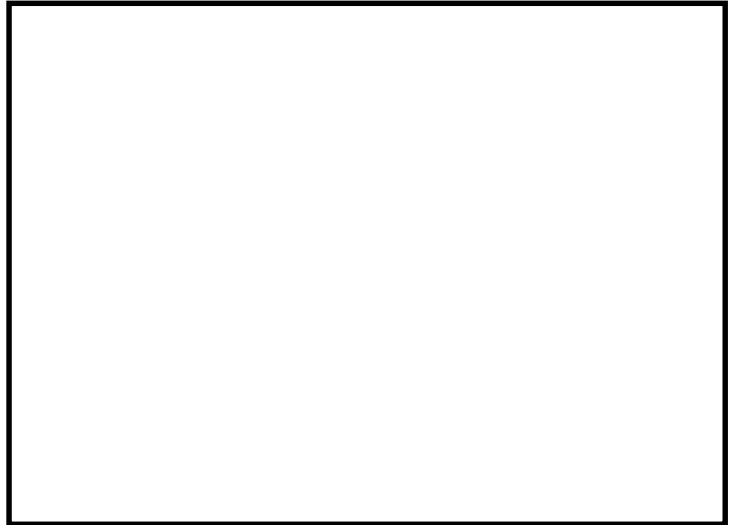
Deborah A. Misheck, *Commission Administrator*

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

Real Estate Commission

P.O. Box 2649
Harrisburg, PA 17105-2649

2005 Commission Photo



Front (left to right): Sandrina J. Taraszki; Rita M. Halverson; Beverly R. Brookes; Judith Pachter Schulder; Deborah A. Misheck

Back (left to right): Peter V. Marks, Sr.; Michael Weiss; Basil L. Merenda; Joseph J. McGettigan; Joseph Tarantino, Jr.; George E. Meagher, III

**The following Commissioners are absent from the photo:
Annie Hanna Cestra; Frances A. Mansberger; and
Frank T. Donaghue**

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