

FOR IMMEDIATE RELEASE

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**State Licensing Boards Release Actions - (4Q 2004)**

HARRISBURG (January 11, 2005) – Secretary of Commonwealth, Pedro A. Cortés and Basil L. Merenda, Commissioner of the State Department’s Bureau of Professional and Occupational Affairs today announced 51 disciplinary actions taken by State Licensing Boards between October and December of 2004.

Actions were taken against individuals or firms in the following counties: Adams (1 action); Allegheny (8 actions); Berks (1 action); Blair (1 action); Bucks (2 actions); Cambria (1 action); Chester (1 action); Clinton (1 action); Columbia (1 action); Cumberland (1 action); Dauphin (7 actions); Delaware (2 actions); Franklin (1 action); Lackawanna (2 actions); Lancaster (1 action); Lebanon (1 action); Lycoming (2 actions); Monroe (2 actions); Montgomery (6 actions); Northampton (1 action); Philadelphia (1 action); Susquehanna (1 action); Tioga (1 action); Wayne (1 action); Westmoreland (1 action) and York (2 actions). One action also involved a Pennsylvania license with an out-of-state address.

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2005

**STATE LICENSING BOARDS AND COMMISSIONS RELEASE ACTIONS**

**The State Real Estate Commission imposed the following sanctions:**

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 RM-047359-A, RM-047359-B, AB-047359-L, and RS-139283-A, of Cheltenham, Montgomery County, was revoked for (1) failing to account for monies deposited in an escrow account at the time of consummation or termination of the transaction; (2) failing to keep records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)

Michael A. Kusenko, license nos. RM-062313-A & AB-062313-L, of Lower Burrell, Westmoreland County, was ordered to pay a civil penalty of \$500.00, because 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 by the Pennsylvania State Real Estate Commission to pay a \$1000 civil penalty, because he placed or caused to be placed an advertisement in which his name was larger than that of his employing broker. In addition, a public reprimand will be placed on his permanent Commission record.  
(10-5-04)

Rubin-Montgomery Realty, Inc., d/b/a Rubin-Montgomery Realty, license No. RB-051309-P, of Philadelphia, Philadelphia County, was reprimanded and assessed a civil penalty of \$1,000 and James Montgomery, license no. RM-049674-B, of Philadelphia, Philadelphia County, was reprimanded and assessed a civil penalty of \$600 for demonstrating bad faith, dishonesty, untrustworthiness and incompetency in the practice of real estate. (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 \$2,000 civil penalty 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)

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)

Bryan K. McClaine, license no. RS-217165-L of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of two thousand dollars (\$2,000.00), because McClaine failed 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 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 E Stroudsburg, Monroe County, was ordered to pay a civil penalty of seven hundred fifty dollars (\$750.00), because 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 two thousand dollars (\$2,000.00), because they 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 as required by law (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 Five Hundred Dollars (\$500.00), because she failed to preserve for three years following its consummation records relating to any real estate transaction (11-17-04)

Brad L. Tinkham, license no. RS-203607-L of Hummelstown, Dauphin County, was ordered to pay a civil penalty of five hundred dollars (\$500.00), because Tinkham published an advertisement in which his own name was of larger size than the name of his employing broker (11-17-04)

John F. Wachter, Jr., license no. RB-040733-C of Yardley, Bucks County was ordered to pay a \$1,000 civil penalty because Wachter engaged in conduct, in a real estate transaction, which demonstrated incompetence; and failed to adequately supervise the activities of his licensed associate broker within the scope of the Act. (11-17-04)

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

Gregory A. Vannatta, license nos. RM-050361-F & RM-050361-E of Hawley, Wayne County was ordered by the Pennsylvania State Real Estate Commission to pay a \$1,250 civil penalty because Mr. Vannatta engaged in misleading advertisements and opened a branch office without first obtaining a branch office license for that location as required. (11-17-04)



Michael L. McAndrews, license no. RS-208153-L of Gibsonia, Allegheny County was ordered to pay a \$1,000 civil penalty and \$500 for costs of investigation because 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 five hundred dollars (\$500.00), because Lechleitner failed to exercise adequate supervision over the activities of his licensed salesperson within the scope of the Act. (11-17-04)

Maureen C. Ingelsby, license no. RS-194186-L of Havertown, Delaware County, was ordered to pay a civil penalty of five thousand dollars (\$5,000.00), because Ingelsby failed to exercise reasonable professional skill and care (11-17-04)

William T. Morrison, P.T.A., license no. TE-005704-L of Newtown Square, Delaware County, agreed to a voluntary revocation of his physical therapist assistant license because he engaged in a consensual sexual relationship with a patient during the course of their professional relationship. (11-18-04)

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 complete 30-hours of remedial education within six month evidencing a passing grade as a result of their failure to use a disclosure form that complies with the Real Estate Seller Disclosure Act. (11-19-04)

Martin D. Ezra, license no. RS-217870-L of Haverford, Montgomery County, was ordered to pay a civil penalty of five hundred dollars (\$500.00), because the name of the employing broker was not of equal size as that of the Respondent on an advertisement (12-15-04)

**The State Board of Vehicle Manufacturers, Dealers and Salespersons imposed the following sanctions:**

Alvin B. Balis, license no. MV-012381-L, of Bala Cynwyd, Montgomery County, was denied reinstatement. (9-15-04)

Lionel B. Dolphin, license No. MV-081197-L, of Highspire, Dauphin County, was suspended for two years, based upon his criminal convictions. The entire period of suspension was stayed in favor of probation. (9-15-04)

Raymond Mills, III, license no. MV-029508-L, of Ardmore, Montgomery County, was suspended for failing to pay a previously imposed civil penalty. Mills last practiced in Delaware County. (10-4-04)

Bay Head Investments, Inc. t/a VCI Emergency Vehicle Specialists, no license, of Berlin, New Jersey and John E. Heffner, license no. MV-148475-L of Gettysburg, Adams County, were jointly assessed a civil penalty of ten thousand dollars (\$10,000.00) and both were ordered to cease and desist from the practice of selling emergency vehicles because VCI did not hold a Pennsylvania dealer's license and because Mr. Heffner's salesperson's license was not current. (10-7/8-04)

Gander Mountain Company, of Harrisburg, Dauphin County was ordered by the Pennsylvania State Board of Vehicle Manufacturers, Dealers and Salespersons to pay a \$7000 civil penalty because they engaged in the business of a vehicle dealer prior to obtaining a license as required by the Act. (10-8-04)

Gander Mountain Company, of Harrisburg, Dauphin County was ordered by the Pennsylvania State Board of Vehicle Manufacturers, Dealers and Salespersons to pay a \$3000 civil penalty because they engaged in the business of a vehicle dealer prior to obtaining a license as required by the Act. (10-8-04)

Joe W. Kolesar, Jr., license number MV-018795-L, and B and F Custom Used Car Sales, license number VD-008330-L, of Westfield, Tioga County, were each ordered to pay a civil penalty of \$2000 and suspended for six months, for making substantial misrepresentations of material fact and committing acts in connection with sale of vehicles that clearly demonstrated unprofessional conduct. (10-14-04)

Chandler A. Kazor, license number MV-096941-L, of Chambersburg, Franklin County, was ordered to pay a civil penalty of \$1000 and suspended for 3 years, based upon his criminal conviction. The entire period of suspension was stayed in favor of probation. (10-14-04)

Carl E. Cain, license no. VD-005521-L and MV-010775-L of Bloomsburg, Columbia County, voluntarily and permanently surrendered his licenses and had a Public Reprimand placed on his permanent Board record, because Cain violated the terms and conditions of the Consent Agreement and Order adopted by the Board on July 10, 2003 (11-4-04)

Honesdale Tire of Scranton, Lackawanna County, was ordered to pay a civil penalty of one thousand dollars (\$1000.00), because Honesdale Tire violated the Act in that Respondent acted as a broker in the advertising, buying or selling of any new or used vehicle without a valid license (11-4-04)

McCafferty Ford of Mechanicsburg, Inc., license no. VD-022951-L of Mechanicsburg, Cumberland County, was ordered to pay a civil penalty of one thousand dollars (\$1,000.00), because Respondent violated the Act by employing a salesperson who was not licensed as required. (11-4-04)

David M. Ivins, license no. MV-149535-L of Bartonsville, Monroe County, was assessed a civil penalty of two hundred fifty dollars (\$250.00) because he engaged in the business of selling and dealing vehicles when he was not properly licensed to do so. (11-4/5-04)

Reinhart Flynn, Inc. d/b/a Reinhart Ford, license no. VD-021493-L of Penn Argyl, Northampton County, was assessed a civil penalty of five hundred dollars (\$500.00) because it employed an unlicensed salesperson. (11-4/5-04)

Saturn of Pleasant Hills, Inc., license no. VD-020673-L of Pleasant Hills, Allegheny County, was assessed a civil penalty of one thousand dollars (\$1000.00) because it employed a salesperson whose license was lapsed. (11-4/5-04)

John E. Scalzitti, license no. MV-017318-L of Loretto, Cambria County, voluntarily surrendered his license and had a Public Reprimand placed on his permanent Board record based on a criminal conviction involving moral turpitude. (11-4/5-04)

Greg Barto Motors, license no. VD-021230-A of Muncy, Lycoming County was ordered by the Pennsylvania State Board of Vehicle Manufacturers, Dealers and Salespersons to pay a \$500 civil penalty because Greg Barto Motors engaged in the business of a vehicle dealer at a time when it did not possess a current license as required by the Act. (11-5-04)

Steven Noel Hetrick, license no. MV-079975-L of Hollidaysburg, Blair County, was ordered to pay a civil penalty of one thousand dollars (\$1,000.00) and a public reprimand is placed on Respondent's permanent Board record, because Hetrick pled guilty in a court of competent jurisdiction in this Commonwealth to four crimes involving moral turpitude (11-5-04)

Amber L. Barto, license no. MV-165454-L of Muncy, Lycoming County was ordered by the Pennsylvania State Board of Vehicle Manufacturers, Dealers and Salespersons to pay a \$100 civil penalty because Ms. Barto engaged in the business of vehicle salesperson at a time when she did not possess a current license as required by the Act. (11-5-04)


Eric David Marmo, license number MV-184295, of Aspinwall, Allegheny County, was suspended for a minimum of two years and ordered to pay a civil penalty of \$3,500, based upon his criminal convictions and his having made a material misstatement in his application for licensure. Marmo last practiced in Allegheny County. (11-9-04)

Richard Wodarek, unlicensed, of Coraopolis, Allegheny County, was levied a civil penalty of \$40,000 for having engaged in the business of vehicle dealer without license to do so. (11-9-04)


Mill Run Motors, of Spring Grove, York County, was ordered to pay a civil penalty of One Thousand Dollars (\$1,000.00), because Respondent engaged in dealership activity by operating as a vehicle dealership without first obtaining a vehicle dealership license (12-8-04)


Classi Consignments, of E Petersburg, Lancaster County, was ordered to pay a Civil Penalty of one thousand dollars (\$1,000.00), because Consignments engaged in dealership activity by operating as a vehicle dealership without first obtaining a vehicle dealership license (12-9/10-04)

Central Garage, Inc., license no. VD-008158-L of Womelsdorf, Berks County was ordered by the Pennsylvania State Board of Vehicle Manufacturers, Dealers and Salespersons to pay a five hundred dollar (\$500.00) civil penalty because Central Garage, Inc. engaged in the business of a vehicle dealer at a time when it did not possess a current license as required. (12-10-04)

Damon C. Myers, license no. MV-116002-L of Dillsburg, York County, was ordered to pay a civil penalty of two hundred and fifty dollars (\$250.00), and a public reprimand is placed on Respondent's permanent Board record, because Myers pled guilty to a crime of moral turpitude (12-1 )

French's Auto Inc. t/d/b/a French's Used Cars, license no. VD-002063-A of Susquehanna, Susquehanna County was ordered by the Pennsylvania State Board of Vehicle Manufacturers, Dealers and Salespersons to pay a six thousand dollar (\$6000.00) civil penalty because French's Auto Inc. t/d/b/a French's Used Cars engaged in the business of vehicle dealer at a time when it did not possess a current license as required. (12-10-04)

Kleinfelter Used Cars, license no. BR-002272-A of Jonestown, Lebanon County was ordered by the Pennsylvania State Board of Vehicle Manufacturers, Dealers and Salespersons to pay a three thousand five hundred llar (\$3,500.00) civil penalty because Kleinfelter Used Cars engaged in the business of vehicle dealer at a time when it did not possess a current license as required by the Act. (12-10-04)

Loganton Auto Sales, license no. VD-019680-L of Loganton, Clinton County, was ordered to pay a civil penalty of one thousand dollars (\$1,000.00), because they engaged in the business of a vehicle dealer at a time when it did not possess a current license as required by the Act (12 -04)

South Park Auto Sales, license no. VD-021914-L of Pittsburgh, Allegheny County was ordered by the Pennsylvania State Board of Vehicle Manufacturers, Dealers and Salespersons to pay a five hundred dollar (\$500.00) civil penalty because South Park Auto Sales engaged in the business of vehicle dealer at a time when it did not possess a current license as required. (12-10-04)

