



**Pennsylvania
DEPARTMENT OF STATE**

**STATE LICENSING BOARDS
DISCIPLINARY ACTIONS
February 2007**

Secretary of the Commonwealth Pedro A. Cortés and Basil L. Merenda, Acting Deputy Secretary for Regulatory Programs and Commissioner of the Department's of Professional and Occupational Affairs, announced 15 disciplinary actions taken by the State Real Estate Commission and the State Board of Vehicle Manufacturers, Dealers and Salespersons.

Actions were taken against individuals or firms in the following counties: Allegheny (3 actions); Berks (1 action); Blair (1 action); Cumberland (1 action); Greene (1 action); Montgomery (1 action); Philadelphia (5 actions); Schuylkill (1 action); and Washington (1 action).

REAL ESTATE COMMISSION

Allegheny County

James Bronder, license no. RS279171 of Pittsburgh, Allegheny County, was assessed a \$1,000 civil penalty and a public reprimand was placed on Bronder's permanent record. Bronder engaged in conduct during a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness, or incompetence and failed to advise the consumer regarding the status of the transaction. (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 a public reprimand was placed on their permanent records. Herron and Howard Hanna Company failed to keep the consumer informed about a transaction and tasks to be completed, failed to exercise adequate supervision over the activities of licensed salespersons within the scope of the Act, and failed to exercise reasonable professional skill and care which meets the practice standards required by the Act. (01-23-07)

Blair County

Cheryl Lynn Wright, license no. RS227205L of Altoona, Blair County, was put on probation to run concurrent with her criminal probation. Wright was convicted in a court of competent jurisdiction of a felony. (01-23-06)

Cumberland County

Jeremy S. Christian, license no. RS274049 of Mechanicsburg, Cumberland County, was assessed a \$250 civil penalty. Christian performed an act for which an appropriate real estate license is required and is not currently in effect. (01-23-07)

Montgomery County

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

Philadelphia County

CBPA, Inc d/b/a Coldwell Banker Diamond, license no. RB062350C of Philadelphia, Philadelphia County, was assessed a \$5,000 civil penalty and a public reprimand was placed on its permanent record. CBPA, Inc. failed 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., engaged in conduct during a real estate transaction, which demonstrated incompetency; failed to retain records pertaining to a real estate transaction for at least three years following consummation; and failed 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. Elfant and Elfant violated 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)

BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Allegheny County

Richard D. Mack, license no. MV176283L of McDonald, Allegheny County, voluntarily and permanently surrendered his license because he failed to obey a Nov. 18, 2003 order of the board by engaging in the business as a vehicle salesperson while his license was suspended. (01-25-07)

Berks County

Continental Community Sales, license no. VD023040 of Reading, Berks County, was assessed a \$650 civil penalty because it engaged in business as a vehicle dealer without a current or valid license. (01-25-07)

Greene County

Jacquelyn L. Staley, license no. MV115497L of Waynesburg, Greene County, voluntarily, permanently surrendered her vehicle salesperson license because Staley was a vehicle salesperson who, while her license was in force, pleaded guilty, entered a *nolo contendere* or was found guilty in a court of competent jurisdiction of a crime involving moral turpitude. (01-25-07)

Philadelphia County

Benjamin W. Johnson, Sr., license number MV145638L, of Philadelphia, Philadelphia County, was revoked and assessed a \$1,000 civil penalty based upon his criminal conviction. (12-19-06)

Michael Frost, license no. MV-065569-L of Philadelphia, Philadelphia County, was assessed a \$2,500 civil penalty because Frost engaged in the business as a vehicle dealer without a valid license. (01-25-07)

Livenson Clark Gabriel, license no. MV165366L, of Philadelphia, Philadelphia County, was suspended by the Erie Court of Common Pleas on Dec. 29, 2006. The court issued the suspension, which was effective immediately, under section 4355 of the Domestic Relations Code. (01-12-07)

Schuylkill County

183 Auto Sales, license no. VD023198L of Schuylkill Haven, Schuylkill County, was assessed a \$1,250 civil penalty because it engaged in the business as a dealer with a lapsed or expired license. (01-25-07)

Washington County

Rebecca A. Hoberek, license no. VD025078 of Washington, Washington County, voluntarily, permanently surrendered her dealer license because she pleaded guilty, entered a *nolo contendere* or was found guilty in court of competent jurisdiction of a crime involving moral turpitude constituting grounds for disciplinary proceedings. (01-25-07)

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A complete list of sanctions is available online at

www.state.pa.us

Keyword: licensing disciplinary actions.

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