



**Pennsylvania
DEPARTMENT OF STATE**

**STATE LICENSING BOARDS
DISCIPLINARY ACTIONS
January 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 28 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); Beaver (1 action); Bucks (1 action); Cambria (1 action); Crawford (1 action); Dauphin (3 actions); Forest (2 actions); Huntingdon (1 action); Lancaster (1 action); Lehigh (1 action); Lycoming (1 action); McKean (1 action); Philadelphia (7 actions); Westmoreland (1 action); and York (2 actions). One action involved a Pennsylvania licensee with an out-of-state address.

REAL ESTATE COMMISSION

Allegheny County

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

Connie Rusek-Lichok, license nos. RM044233A and RM063561, of Springdale, Allegheny County, has voluntarily and permanently surrendered license no. RM063561, agreed to the suspension, for 60 days, of license no. RM044233A, paid a \$5,000 civil penalty and an additional \$3,600 civil penalty. Rusek-Lichok practiced real estate on a lapsed license, failed to ensure that Century 21 Premier Homes, in which she was the broker of record, was holding itself out to the public only under the business name designated on Century 21 Premier Homes' license, failed to display her license in a conspicuous place at the main office, failed to display the license of a real estate salesperson in a conspicuous place at the office out of which they worked, failed to obtain a license for Century 21 Premier Homes before opening an office, aided and abetted the unlicensed practice of a salesperson as a broker/broker of record at Century 21 Premier Homes, failed to ensure that each office of a standard broker was under the direction and supervision of a manager who was either a broker or an associate

broker, failed to exercise adequate supervision over the activities of her licensed salespersons and/or associate brokers, allowed a salesperson to commingle funds and make unauthorized personnel expense withdrawals from the Century 21 Premier Homes escrow account and demonstrated incompetency in the practice of real estate. (12-12-06)

Beaver County

Lonnie W. Williford, license no. LS141596L, of Beaver Falls, Beaver County, was suspended for 30 days immediately upon the reactivation of his license, assessed a \$4,000 civil penalty to be paid within 30 days. Williford did not disclose information regarding guilty pleas on a summary offense, a misdemeanor, and a felony, and ordered to complete a 30 hour pre-licensure law course within six months. (11-17-06)

Bucks County

Boris Fishman, unlicensed, of Feasterville and Trevoise, Bucks County, is denied his request for licensure as a salesperson for failure to provide any evidence proving that he bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a salesperson. (11-17-06)

Dauphin County

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

Lehigh County

Steven Blakesley, license no. RS224501A, of Allentown, Lehigh County, was suspended for three months and assessed a \$5,000 civil penalty based on findings he acted in the capacity of a real estate broker without possessing a real estate broker's license and worked through an unlicensed entity, accepted commission for acts from someone other than the licensed real estate broker he was affiliated with, used advertisements in the form of a business card and a Web site which did not contain the business name and telephone of his employing broker, and acted in bad faith, dishonesty, untrustworthiness or incompetency. (12-18-06)

Philadelphia County

Ernest R. Arthur, Jr., and Arthur Realty, Inc., license nos. RM028571A, AB028570A, and RB029017A, of Philadelphia, Philadelphia County, were revoked and assessed each an \$8,000 civil penalty, totaling \$16,000, based on findings they made substantial misrepresentations, commingled security deposits with other funds they had on deposit, failed to deposit rents received into a rental management account separate from the broker's escrow and general business accounts, failed to deposit money received from others into an escrow account to be held pending consummation of the transaction, misappropriated money that is required to be held in escrow for business, personal or other expenses, and

engaged in conduct which demonstrates bad faith, dishonesty, untrustworthiness or incompetency. (11-27-06)

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

York County

Joanne M. Seeley, license no. RS219508L of East Berlin, York County, permanently and voluntarily surrendered any and all licenses to practice real estate in PA. Seeley made substantial misrepresentations; pursued a continued and flagrant course of misrepresentation; 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; engaged in conduct during a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness, or incompetence; and violated commission regulations which require all contracts, commitments and agreements between a licensee employed by a broker and a principal or consumer who is required to pay a fee, commission or other valuable consideration be in writing; by knowingly being a party to a material false or inaccurate representation in writing regarding a real estate transaction in which she was acting in a representative capacity. (12-12-06)

Out of State

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

BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Allegheny County

John C. Vaughan, license no. MV185166, of Pittsburgh, Allegheny County, was suspended by the Allegheny County Court of Common Pleas on Oct. 2, 2006. The court issued the suspension, which was effective immediately, under section 4355 of the Domestic Relations Code. (12-04-06)

Cambria County

Charles Hockenberry and C&C Used Cars, license nos. VD020748L and MV138046L of Nanty Glo, Cambria County, have voluntarily and permanently surrendered both licenses. Hockenberry failed to timely process PennDot paperwork, altered forms and provided false information pertaining to vehicle sales, which amounts to committing acts or engaging in conduct in connection

with the sale of vehicles which clearly demonstrates unprofessional conduct or incompetency to operate as a licensee. (12-14-06)

Crawford County

Shawn R. Sparks & Keystone Building Systems, license no. MV109229L of Atlantic, Crawford County, were assessed a \$1,000 civil penalty, Sparks' vehicle salesperson license was permanently and voluntarily surrendered, Keystone Building Systems was ordered to cease and desist from the sale of vehicles, and Sparks & Keystone Building Systems agreed to pay a \$3,000 civil penalty per vehicle for failure to comply with this order in the future. Sparks engaged in unprofessional conduct in connection with the sale of a vehicle, Sparks engaged in the business of vehicle sales, through Keystone Building Systems, in 2003, 2004 and 2005, including advertising manufactured homes for purchase or sale, while Sparks was not properly licensed to sell vehicles for Keystone Building Systems and Keystone Building Systems was not a licensed vehicle dealer. (12-14-06)

Dauphin County

All in the Family Auto Sales/Rental Cars Inc. t/d/b/a All in the Family Auto Sales, license no. VD025980 of Harrisburg, Dauphin County, was assessed an \$800 civil penalty because it failed to display its license as required and failed to comply with the board's regulations regarding vehicle dealerships. (12-14-06)

Troy L. Lojak, license no. MV114796L, of Harrisburg, Dauphin County, was revoked and assessed a \$20,000 civil penalty based upon his criminal convictions. (12-20-06)

Forest County

Frank Kaputa Used Cars, license no. VD025478, of Tionesta, Forest County, was revoked and assessed a \$4,000 civil penalty, in that Garry Kaputa, owner of Frank Kaputa Used Cars, committed crimes of moral turpitude that related to the vehicle trade. (12-19-06)

Garry P. Kaputa, license no. MV035700L, of West Hickory, Forest County, was revoked and assessed a \$6,000 civil penalty for committing crimes of moral turpitude that related to the vehicle trade. (12-19-06)

Huntingdon County

Darrell R. Moore, license no. MV096479L of Three Springs, Huntingdon County, was assessed a \$500 civil penalty because Moore practiced on a lapsed license and sold nine vehicles during that time. (12-14-06)

Lancaster County

William J. Winter, license no. MV088684L, of Lancaster, Lancaster County, was suspended for 30 months, with the first six months to be served on active suspension and the remainder of the suspension stayed in favor of 24 months

probation, and assessed a \$1,000 civil penalty, based upon his pleading guilty to two misdemeanor counts of defrauding secured creditors. Winter last worked in Tioga County. (11-16-06)

Lycoming County

Richard E. Kaiser, license no. MV0473280L, of Muncy, Lycoming County, was denied reinstatement based on his failure to pay a civil penalty previously assessed by the board. (12-05-06)

McKean County

Bidwell Auto, license no. VD020564L of Port Allegany, McKean County, was assessed a \$1,000 civil penalty because Bidwell Auto committed acts demonstrating incompetency (failed to correctly complete and/or forward vehicle titles) and conducted business on an expired license. (12-14-06)

Philadelphia County

Randolph James Ford, license no. MV085941L, of Philadelphia, Philadelphia County, was revoked based upon his criminal convictions. (11-28-06)

Vincent F. Froio, license no. MV143652L of Philadelphia, Philadelphia County, has voluntarily, permanently surrendered his license because Froio failed to disclose his criminal conviction and he made a material misstatement in his application for licensure. (12-14-06)

Ilyas Inc. Quick Auto Sale, license no. VD014864L of Philadelphia, Philadelphia County, was assessed a \$500 civil penalty because it failed to display its license at its place of business, failed to post its regular business hours in a conspicuous place for the visiting public, and failed to maintain a vehicle display area that did not include wrecked or damaged vehicles that are otherwise not being offered for sale. (12-14-06)

Benjamin W. Johnson, Sr., license no. MV145638L, of Philadelphia, Philadelphia County, was revoked and assessed a \$1,000 civil penalty based upon his criminal conviction. (12-19-06)

Reginald Levins, license no. MV208560, of Philadelphia, Philadelphia County, was suspended by the Philadelphia County Court of Common Pleas on Dec. 11, 2006. The court issued the suspension, which was effective immediately, under section 4355 of the Domestic Relations Code. (12-20-06)

Westmoreland County

Barkley Motorsports, license no. VD026561 of Latrobe, Westmoreland County, was assessed a \$1,250 civil penalty because it employed two unlicensed salespersons and conducted business from an unlicensed location. (12-14-06)

York County

Queen Street Auto Center, Inc., license no VD025011, of York, York County, was assessed an \$8,500 civil penalty. Queen Street Auto Center, Inc. engaged in the business as a dealer while its license was lapsed or expired. (12-14-06)

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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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