



**Pennsylvania
DEPARTMENT OF STATE**

**STATE LICENSING BOARDS
DISCIPLINARY ACTIONS
March 2007**

Secretary of the Commonwealth Pedro A. Cortés and Basil L. Merenda, Commissioner of the Department's of Professional and Occupational Affairs, announced 23 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 (4 actions); Bucks (2 actions); Cambria (1 action); Chester (1 action); Greene (1 action); Lackawanna (1 action); Lawrence (1 action); Lehigh (1 action); Luzerne (1 action); Montgomery (3 actions); Northampton (1 action); Perry (1 action); Philadelphia (1 action); Somerset (1 action); Westmoreland (1 action); and York (1 action). One action involved a Pennsylvania licensee with an out-of-state address.

REAL ESTATE COMMISSION

Allegheny County

Howard Novick, license no. RS220897L, of Pittsburgh, Allegheny County, had his real estate license suspended for no less than six years. Based on findings he violated the terms of his probation, Novick must, at the conclusion of his suspension, provide documentary evidence that he no longer suffers from an impairment and pass both portions of the real estate examinations. (01-30-07)

Bucks County

Steven R. Simmons and Erling R. Salvesen, Jr., license nos. RS221470L and RS221539L of Doylestown and Sellersville, Bucks County, had a reprimand placed on their permanent board records and were jointly assessed a \$2,000 civil penalty. Simmons and Salvesen failed to provide a consumer notice to a prospective buyer at an initial interview; failed to disclose to the buyer in writing that Simmons and Salvesen had an ownership interest in the property being sold; failed to, in a timely manner, disclose to the consumer any conflicts of interest; and failed to disclose to the buyer any material defects with the property known to the seller by completing all applicable items in a property disclosure statement. (02-14-07)

Bucks and Montgomery Counties

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

Montgomery County

Jeffrey Clemens, license no. RS141059A, of Schwenksville, Montgomery County, had his real estate license suspended, immediately stayed in favor of probation, and was assessed a \$5,000 civil penalty based on findings he failed to disclose to sellers that he had a business relationship with buyers; failed to be loyal to sellers; acted for more than one party in a transaction without the knowledge and consent of all parties for whom he acted; and demonstrated bad faith, dishonesty, untrustworthiness or incompetency in a real estate transaction. (01-26-07)

Laverne Clemens and Clemrock Realty Group, license nos. RM020251 and RB062002P, respectively, of Harleysville, Montgomery County, were each assessed a \$2,000 civil penalty, totaling \$4,000, based on findings they failed to exercise adequate supervision over the activities of their licensed salesperson and failed to provide information and records when requested by a commission representative. (01-26-07)

BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Allegheny County

Michael S. Eger, license no. MV064997L, of Jefferson Hills, Allegheny County, was assessed a \$1,000 civil penalty based upon his unprofessional conduct. (01-29-07)

Robert M. Morris, license no. MV139389L, of Pittsburgh, Allegheny County, was suspended by the Allegheny County Court of Common Pleas on Jan. 18, 2007. The court issued the suspension, which was effective immediately, under section 4355 of the Domestic Relations Code. (01-24-07)

Martin V. Simms, license no. MV201667, of Pittsburgh, Allegheny County, was suspended by the Allegheny County Court of Common Pleas on Feb. 2, 2007. The court issued the suspension, which was effective immediately, under section 4355 of the Domestic Relations Code. (02-15-07)

Cambria County

Richard T. Miller, license nos. VD025406 and MV179333 of Portage, Cambria County, voluntarily and permanently surrendered his dealer license and salesperson license. Miller failed to produce business records when reasonably requested by an authorized agent; failed to timely process PennDOT title work; and failed to post business hours all of which amounts to having committed acts or engaged in conduct in connection with the sale of vehicles which clearly demonstrates unprofessional conduct or incompetency to operate as a licensee. (02-15-07)

Chester County

Robert Heim, license no. MV183521, of Glenmoore, Chester County, was suspended for one year, stayed in favor of probation, based upon his conviction for a crime involving moral turpitude. (01-29-07)

Greene County

Jacquelyn L. Staley, license no. MV115497L of Waynesburg, Greene County, voluntarily and permanently surrendered her vehicle salesperson license. Staley pled guilty, *nolo contendere*, or was found guilty of crimes involving moral turpitude. (01-25-07)

Lackawanna County

Bernard Capitano t/d/b/a Bernie Caps Auto Sales, Inc., license nos. MV143754L and VD026208 of Old Forge, Lackawanna County, was assessed a \$2,500 civil penalty. Capitano failed to sign two vehicle titles and failed to transfer six vehicle titles to the dealer's name within six months, which amounts to conduct in connection with the sales of vehicles that clearly demonstrates unprofessional conduct or incompetence. (02-15-07)

Lawrence County

Gary George Crivelli, license no. MV051784L, of New Castle, Lawrence County, was suspended for at least three years, retroactive to May 11, 2005, based upon his failure to remit a civil penalty, in violation of a board order staying suspension of his license so long as he complied with the terms of the order. (01-11-07)

Lehigh County

Philip A. Simonetta, license no. MV140406L, of Whitehall, Lehigh County, had his license revoked and was assessed a \$2,000 civil penalty based upon his criminal conviction. (02-22-07)

Luzerne County

Michael C. Wideman, license no. MV168357, of Wilkes-Barre, Luzerne County, had his vehicle salesperson license suspended for three years, stayed in favor of probation, based upon his convictions for crimes involving moral turpitude. (01-25-07)

Montgomery County

Saul H. Kun, license no. MV030075L, of Pottstown, Montgomery County, was suspended for two years, stayed in favor of probation, based upon his criminal convictions and material misrepresentations to the board. (02-15-07)

Northampton County

William Joshua Alston, license no. MV198592, of Easton, Northampton County, was assessed a \$600 civil penalty for failing to pay a civil penalty previously imposed. (01-29-07)

Perry County

Tyler W. Elhadj, license no. MV190217, of Marysville, Perry County, was suspended for two years and fined \$1,000 based upon his criminal convictions. (02-22-07)

Philadelphia County

My Cash Auto Inc., license no. VD025119, of Philadelphia, Philadelphia County, was assessed a \$1,000 civil penalty for violating a lawful disciplinary order of the board by failing to pay a civil penalty previously imposed. (01-29-07)

Somerset County

Donald A. Bixler, license no. MV157302-L of Somerset, Somerset County, permanently and voluntarily surrendered his salesperson's license. Bixler pled guilty in a court of this commonwealth to a crime involving moral turpitude when he pled guilty to the criminal charges of Delivery of a Controlled Substance and Possession of a Controlled Substance and Possession of a Controlled Substance with Intent to Deliver, and was convicted of felonies in courts of the commonwealth. (02-15-07)

Westmoreland County

Kirk E. Rettger of Harrison City, Westmoreland County, was granted reinstatement of his vehicle salesperson's license, license no. MV147840L, and his license was placed on probation based on findings that he had been convicted of crimes of moral turpitude. (02-15-07)

York County

Calvin Robinson, license no. MV098336L, of York County, was suspended for one year based upon his criminal conviction. The suspension was stayed in favor of probation. (12-14-06)

Out of State

American LaFrance Corporation, license no. VM000979L of Cleveland, N.C., was assessed a \$500 civil penalty because it engaged in the business of a vehicle manufacturer at a time when it did not possess a current license. (03-06-07)

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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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