



**Pennsylvania
DEPARTMENT OF STATE**

**STATE BUSINESS LICENSING BOARDS
DISCIPLINARY ACTIONS
October 2007**

Secretary of the Commonwealth Pedro A. Cortés and Basil L. Merenda, Commissioner of the Department's Bureau of Professional and Occupational Affairs, announced 67 disciplinary actions taken by the following State Business Licensing Boards: Accountancy; Architects; Auctioneer Examiners; Barber Examiners; Certified Real Estate Appraisers; Cosmetology; Funeral Directors; Landscape Architects; and Professional Engineers, Land Surveyors and Geologists.

Actions were taken against individuals or firms in the following counties: Allegheny (2 actions); Blair (2 actions); Bucks (5 actions); Butler (1 action); Cambria (2 actions); Chester (1 action); Clearfield (1 action); Crawford (2 actions); Cumberland (1 action); Dauphin (1 action); Franklin (2 actions); Lackawanna (3 actions); Lancaster (1 action); Lehigh (2 actions); Luzerne (2 actions); Montgomery (7 actions); Northampton (1 action); Philadelphia (11 actions); Schuylkill (2 actions); Susquehanna (1 action); Westmoreland (3 actions); and York (1 action); Thirteen actions involved Pennsylvania licenses with out-of-state addresses.

BOARD OF ACCOUNTANCY

Blair County

Stephen S. Lewis, license no. CA030321L of Altoona, Blair County, was assessed a \$300 civil penalty and must complete 31 credit hours of continuing education within six months of the effective date of his order. Lewis failed to complete at least 20 hours of continuing education during calendar year 2004 and failed to complete 80 credit hours of continuing education during the biennial period from Jan. 1, 2004, to Dec. 31, 2005. (09-18-07)

Peggy L. Stack, license no. CA030383L of Mars, Butler County, was assessed a \$300 civil penalty and must complete 48 hours of continuing education within six months of the effective date of her order. Stack failed to complete the requisite 20 credit hours of continuing education during calendar year 2004 and failed to complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Bucks County

David D. Obarowski, license no. CA032269L of Trevoise, Bucks County, was assessed a \$150 civil penalty and must complete eight credit hours overall of continuing education. Obarowski failed to complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Chester County

Darrin F. Carroll, license no. CA028968L, of Berwyn, Chester County, was assessed a \$600 civil penalty and must complete 64 hours overall including eight hours of accounting and auditing of continuing education within six months of the effective date of his order. Carroll failed to complete the requisite 16 credit hours of continuing education in accounting and auditing subjects during the biennial period, failed to complete the requisite 20 credit hours of continuing education during calendar years 2004 and 2005, and failed to complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Clearfield County

Joseph B. Bower, license no. CA030708L of Clearfield, Clearfield County, was assessed a \$150 civil penalty and must complete 18 hours overall of continuing education within six months of the effective date of his order. Bower failed to complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Crawford County

McGill, Power, Bell & Associates, LLP, license no. AF000403L and approval no. PX177241, of Meadville, Crawford County, was assessed a \$1,000 civil penalty for presenting continuing professional education programs without current approval as a program sponsor. (09/24/07)

John F. Siegel, certificate no. CA012916L, of Meadville, Crawford County, was assessed a \$2,000 civil penalty and required to complete 16 hours of remedial continuing professional education for preparing a compilation report without a current license to practice public accounting and without complying with professional standards. (09/24/07)

Cumberland County

Stephen P. Gift, license no. CA030459L of Mechanicsburg, Cumberland County, was assessed a \$150 civil penalty and must complete seven credit hours of continuing education in tax subjects within six months of the effective date of his order. Gift failed to complete the requisite eight credit hours of continuing education in tax subjects during the biennial period. (09-18-07)

Lancaster County

Gary H. Mitchell, certificate no. CA008609L, of Lititz, Lancaster County, had his certificate of certified public accountant suspended and was assessed a \$2,000 civil penalty based on findings that he performed an audit without possessing a current license to practice public accounting and without complying with professional standards. Termination of the suspension is conditioned on Mitchell's payment of the civil penalty and his completion of 80 hours of continuing education required for issuance of a current license, including at least 16 hours on generally accepted auditing standards and generally accepted accounting principles. (09-24-07)

Montgomery County

Gerald V. Behr, license no. CA030683L of Lafayette Hill, Montgomery County, was assessed a \$300 civil penalty and must complete 21 credit hours overall of continuing education within six months of the effective date of his order. Behr failed to complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Thomas James Cotton, license no. CA029790L of Erdenheim, Montgomery County, was assessed a \$150 civil penalty and must complete eight credit hours in accounting and auditing of continuing education within six months of the board's order. Cotton did not complete the requisite 16 credit hours of continuing education in accounting and auditing subjects during the biennial reporting period. (09-18-07)

Maureen P. Mergen, license no. CA023899L of Ft. Washington, Montgomery County, was assessed a \$1,000 civil penalty because Mergen practiced public accounting without a current and active license. (09-18-07)

Bruce C. Weeber, license no. CA006331L of Pottstown, Montgomery County, was assessed a \$1,500 civil penalty and a public reprimand was placed on his permanent board record. Weeber engaged in unprofessional conduct and failed to comply with a standard promulgated by a recognized public or private standard-setting body that is applicable to the professional service being rendered. (09-18-07)

Thomas M. Gaasche, certificate no. CA006716L, of Plymouth Meeting, Montgomery County, was assessed a \$2,000 civil penalty for practicing public accounting without a current license. (09-24-07)

Northampton County

Allison Nicholls, license no. CA-049023 of Nazareth, Northampton County, was ordered to pay a civil penalty of \$1,000 because Nicholls engaged in the practice of public accounting in the commonwealth without a current and active license. (09-18-07)

Philadelphia County

Kimberly A. Burrows, license no. CA029614L of Philadelphia, Philadelphia County, was assessed a \$150 civil penalty and must complete eight credit hours in continuing education. Burrows failed to complete the requisite eight credit hours of continuing education in tax subjects during the biennial reporting period. (09-18-07)

Heffler, Radetich & Saitta, license no. AF000451L of Philadelphia, Philadelphia County, was assessed a \$2,000 civil penalty because it acted and held itself out as a certified public accounting firm without a current and active license. (09-18-07)

Kenneth R. Booth, of Philadelphia, Philadelphia County, was assessed a \$2,000 civil penalty for preparing a compilation report without being licensed to practice public accounting. (09/21/07)

Schuylkill County

Wittig Certified Public Accountants, license no. AF000664L of Tamaqua, Schuylkill County, was assessed a \$1,000 civil penalty because it acted and held itself out as a certified public accounting firm without a current and active license. (09-18-07)

Westmoreland County

Brian D. Berger, license no. CA031020L, of Wexford, Westmoreland County, was assessed a \$150 civil penalty and must complete 40 credit hours overall in non-individual study format of continuing education within six months of the effective date of his order. Berger failed to complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Louis Anthony Esola, certificate no. CA015826L, of Greensburg, Westmoreland County, had the previously imposed suspension of his certificate of certified public accountant extended by 60 days for failing to timely comply with the board's adjudication and order of Sept. 20, 2006, that directed him to surrender his suspended certificate and tender payment of a civil penalty. (09-21-07)

Out of State

Alan P. Brecese, license no. CA032375L of Tarpon Springs, Fla., voluntarily and permanently surrendered his certificate and license. Brecese failed to complete 16 credit hours of continuing education in accounting and auditing and eight hours in tax subjects. He did not complete the requisite 20 credits hours of continuing education during calendar year 2004 and the requisite 80 credits hours of continuing education during the biennial period and misrepresented that he had completed acceptable and timely credit hours overall during the biennial reporting period. (09-18-07)

Terry M. Chisholm, license no. 003001 of Wellsville, N.Y., was assessed a \$3,000 civil penalty because Chisholm held himself out as, or otherwise used the abbreviation, "CPA" without receiving a certificate of certified public accountant, and because he engaged in the practice of public accounting when he did not hold a current or valid license to do so, and because his actions, regarding a client, brought the profession of public accounting into disrepute or lowered public esteem for the profession. (09-18-07)

Anthony F. Dannible, license no. CA031364R, of Syracuse, N.Y., was assessed a \$150 civil penalty and must complete eight credit hours in accounting and auditing of continuing education within six months of the effective date of his order. Dannible failed to complete the requisite 16 credit hours of continuing education in accounting and auditing subjects during the biennial reporting period. (09-18-07)

Mark B. Falloon, license no. CA032293L, of Southlake, TX, was assessed a \$2,000 civil penalty. Also, a formal reprimand is placed on his licensure record, and Falloon must complete 80 credit hours overall, including 16 hours of accounting and auditing and eight hours of tax of continuing education. Falloon did not complete the requisite 16 credit hours of continuing education in accounting and auditing subjects, the requisite eight hours of continuing education in tax subjects, the requisite 20 credit hours of continuing education during calendar years 2004 and 2005, and the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Edward McCarron, license no. CA030881L, of Haddonfield, N.J., was assessed a \$450 civil penalty and must complete 28 credit hours overall, including eight in tax subjects of continuing education within six months of the effective date of his order. McCarron did not complete the requisite eight credit hours of continuing education in tax subjects during the biennial period and did not complete the requisite 20 hours of CPE during calendar year 2004 in the biennial period. He also did not complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Kathryn H. Minter, license no. CA031304L, of Winchester, Va., was assessed a \$300 civil penalty and, within six months, must complete 25 hours of continuing education. Minter failed to complete the requisite 20 hours of continuing education during calendar year 2004 in the biennial period and did not complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

William Chester Mummert, license no. CA031740L, of Boynton Beach, Fla., was assessed a \$3,000 civil penalty and must complete 24 credit hours overall of continuing education, in addition to the hours that Mummert must take in this or subsequent reporting periods, within six months of the effective date of his order. Mummert failed to complete the requisite 20 credit hours of continuing education

during calendar year 2004 in the biennial period and failed to complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Elizabeth Jane Vanderbeek, license no. CA031408L, of Franklin Lakes, N.J., was assessed a \$2,000 civil penalty, had a formal reprimand placed on her licensing record and, within six months, must complete 45 credit hours of continuing education overall, including three in accounting and auditing and four in tax. Vanderbeek failed to complete the requisite 16 credit hours of continuing education in accounting and auditing subjects during the biennial period, failed to complete the requisite eight credit hours of continuing education in tax subjects during the biennial period, failed to complete the requisite 20 credit hours of continuing education during calendar year 2005 in the biennial period and failed to complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Xena R. Vandewark, license no. CA047172, of Jamestown, N.Y., was assessed a \$300 civil penalty and, within six months of the effective date of his order, must complete 16 credit hours overall, including eight hours of tax of continuing education, in addition to the hours that Vandewark shall take in this or subsequent reporting periods for the renewal of his license. Vandewark did not complete the requisite eight credit hours of continuing education in tax subjects during the biennial period and did not complete the requisite 80 credit hours of continuing education during the biennial period. (09-18-07)

Carlta May Witthar, license no. CA029602L of Riverton, Wyo., was assessed a \$150 civil penalty and must complete 24 credit hours of continuing education within six months of the effective date of the board's order. Witthar did not complete the requisite 80 credit hours of continuing education during the biennial reporting period of Jan. 1, 2004, to Dec. 31, 2005. (09-18-07)

C. Michael Rainbolt, certificate no. CA048660, of Medford, N.J., was assessed a \$1,000 civil penalty for holding himself out as a certified public accountant without possessing a certificate of certified public accountant from the board. (09/24/07)

BOARD OF ARCHITECTS LICENSURE

Out of State

William C. Kirsch, license no. RA009510B, of Montgomery, Ala., voluntarily and permanently surrendered his license to practice architecture in this commonwealth. Kirsch has been convicted of a felony or a crime involving moral turpitude, has been convicted of a misdemeanor which relates to the profession and had his license revoked or suspended or had other disciplinary action taken by the licensing authority of another state. (09-20-07)

BOARD OF AUCTIONEER EXAMINERS

No disciplinary actions taken.

BOARD OF BARBER EXAMINERS

Montgomery County

Todd A. Phillips, license no. BL050196L, of Pottstown, Montgomery County, was suspended by the Berks County Court of Common Pleas on Sept. 6, 2007. The court issued the suspension, which was effective immediately, under section 4355 of the Domestic Relations Code. (09-12-07)

Philadelphia County

Shawn T. Munson, license no. BL050700L, of Philadelphia, Philadelphia County, was suspended by the Philadelphia County Court of Common Pleas on Sept. 5, 2007. The court issued the suspension, which was effective immediately, under section 4355 of the Domestic Relations Code. (09-12-07)

BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Cambria County

Philip J. Barbera, Jr., license no. RL001046L, of Johnstown, Cambria County, was assessed a \$2,000 civil penalty and Barbera's certificate was suspended for two years. After a minimum of three months active suspension, such suspension will be stayed in favor of probation subject to the board terms and conditions. Barbera prepared appraisal reports that did not comply with the minimum requirements of the Uniform Standards of Professional Appraisal Practice (USPAP), as were in effect in 2002 and/or 2003. (09-13-07)

Susquehanna County

Rowland Sharp, license no. GA000822L of Kingsley, Susquehanna County, permanently and voluntarily surrendered his certificate. Sharp prepared two appraisal reports that did not comply with the requirements of the USPAP; failed or refused to exercise reasonable diligence in developing two appraisals, prepared two appraisal reports, or communicating two appraisals; and negligently or incompetently developed two appraisals, prepared two appraisal reports, or communicated two appraisals. (09-13-07)

Out of State

David J. Wilk, license no. GA000606L of Wilmington, Del., permanently and voluntarily surrendered his certificate. Wilk performed an appraisal which was required to be performed by a state-certified real estate appraiser when he did not hold a current certification, and failed to meet the minimum qualifications established by the Act in that he allowed his certificate to lapse and prepared an appraisal report while such certificate was lapsed. (09-13-07)

BOARD OF COSMETOLOGY

Allegheny County

Georgia Donifero, license no. CO112579L and CB091776L of Pittsburgh, Allegheny County, was assessed a \$1,100 civil penalty because she rented booth space, did not maintain equipment in a sanitary condition at all times and did not have covered waste containers. (10-01-07)

Bucks County

Richard Pizzuto t/d/b/a Dimensions, license nos. CB093799 and CO091642L of Langhorne, Bucks County, was assessed a \$1,000 civil penalty because Pizzuto's cosmetology salon employed a licensed cosmetologist whose license had expired and employed an unlicensed cosmetologist. (10-01-07)

Michael F. Wycheck and Carol Suder, t/d/b/a Salon @ 532, license no. CB106588 of Holland, Bucks County, was assessed a \$1,300 civil penalty because Wycheck and Suder, while doing business as Salon @ 532, practiced cosmetology unethically or with gross incompetence by the possession and/or use of neck dusters and metal razors, did not immediately notify the board in writing of a change in the controlling ownership of the shop, and did not keep a complete first aid kit in the cosmetology shop. (10-01-07)

Diakon Social Ministries, t/d/b/a Twining Village, license no. CB119507, of Holland, Bucks County, was assessed a \$500 civil penalty because Twining Village was open and operating prior to a new business inspection. (10-01-07)

Butler County

Capelli's, Inc., license no. CB106007L, of Mars, Butler County, was assessed a \$1,500 civil penalty because Capelli's, Inc. was found to be using three metal razor scraper tools near the pedicure area of the shop and was thereby practicing cosmetology in a grossly incompetent or unethical manner. (10-01-07)

Cambria County

Cindy Vallery, Dorothy Martz, and Theresa Younkin, t/d/b/a Mane Trio Hair Designs, license no. CB098874L, of Carrolltown, Cambria County, were assessed a \$1,000 civil penalty because they practiced cosmetology or manicuring in a grossly incompetent and unethical manner. (10-01-07)

Dauphin County

Thu V. Tran, license no. CY103688L, of Harrisburg, Dauphin County, was assessed a \$1,100 civil penalty. Tran possessed a metal razor tool and replacement blades for the metal razor tool and failed to keep an accurate record of the date and time of each cleaning and disinfecting of the pedicure basins. (10-01-07)

Franklin County

Tina P. Nguyen and Phat T. Ngo, t/d/b/a Fancy Nails, license no. CY193459, of Chambersburg, Franklin County, were assessed a \$1,000 civil penalty because they aided and abetted unlicensed individuals, and practiced in a grossly incompetent and/or unethical manner by allowing the use of razor tools. (10-01-07)

Darcy Plank and Cathy Cunningham, t/d/b/a The Avenue Salon, license no. CB089295L, of Chambersburg, Franklin County, was assessed a \$1,600 civil penalty because they practiced cosmetology in a grossly incompetent and unethical manner by having a metal razor tool and rasps; and the salon did not have the required equipment and/or supplies as required by the board. (10-01-07)

Lackawanna County

Lox Unlimited Total Body Salon, license no. CB084356L, of Dunmore, Lackawanna County, was assessed a \$500 civil penalty because it practiced nail technology in a grossly incompetent and/or unethical manner because there was a metal rasp in the salon. (10-01-07)

Dolores A. Moyles, license no. CO0252612 and CB117457, of Dunmore, Lackawanna County, was assessed a \$600 civil penalty because Moyles practiced cosmetology in a grossly incompetent and/or unethical manner and did not maintain equipment in a sanitary condition at all times. (10-01-07)

Vivian Pham, license no. CL182218 of Dickson City, Lackawanna County, was assessed a \$1,100 civil penalty because Pham practiced the profession in a grossly incompetent and unethical manner and the salon did not comply with the board's sanitation, disinfection and safety requirements. (10-01-07)

Lehigh County

Young La, t/d/b/a LA Nails, license no. CY106786, of Allentown, Lehigh County, was assessed a \$1,000 civil penalty because La, as the owner, practiced cosmetology in a grossly incompetent or an unethical manner. (10-01-07)

Luat Pham and Lien Ngoc Pham, license no. CY104708L of Whitehall, Lehigh County, were assessed a \$900 civil penalty because they practiced cosmetology without having a license, failed to comply with the required equipment and supplies needed for a nail technology salon, did not maintain the salon in a safe, orderly, or sanitary condition, and failed to comply with the required amount of square footage sufficient for the number of nail technicians employed at the salon. (10-01-07)

Luzerne County

Gwendolyn Hufford, t/d/b/a Gwen's Avenue Salon, license nos. CM-007290-L and CB-117221, of Kingston, Luzerne County, was assessed a \$1,600 civil penalty because Hufford practiced cosmetology in a grossly incompetent or unethical manner and did not maintain the salon in a safe, orderly and sanitary fashion. (10-01-07)

Bich P. Nguyen t/d/b/a Nancy's Nails, license no. CY105374L of Larksville, Luzerne County, was assessed a \$600 civil penalty because she was practicing cosmetology unethically or with gross incompetence by the possession and/or use of a metal rasp tool and did not keep clean unused towels in a closed cabinet. (10-01-07)

Montgomery County

Nycolette M. Blanks, license no. CO223740L, of Jeffersonville, Montgomery County, was assessed a \$500 civil penalty because she violated a lawful disciplinary order of the board. (10-01-07)

Philadelphia County

Monique E. Anderson and Terra Johnson, t/d/b/a Nadirah, license no. CB103644L, of Philadelphia, Philadelphia County, was assessed a \$500 civil penalty because they violated a lawful disciplinary order of the board. (10-01-07)

My Nguyen and Thao Ngo t/d/b/a Oxford Nails, license no. CY193428, of Philadelphia, Philadelphia County, was assessed a \$600 civil penalty because Nguyen and Ngo were practicing cosmetology unethically or with gross incompetence by the possession and/or use of a metal razor scraper tool and the pedicure basins were not being maintained in a sanitary manner. (10-01-07)

Patricia Pedrick, license no. CT017403L, of Philadelphia, Philadelphia County, was assessed a \$500 civil penalty because she practiced as a cosmetologist when she was not currently licensed and registered. (10-01-07)

Dung A. Nguyen, t/d/b/a Tic Tac Nail Salon, license no. CY194691, of Philadelphia, Philadelphia County, was assessed a \$500 civil penalty because Nguyen practiced nail technology in a grossly incompetent and/or unethical manner because he allowed the use of razor tools. (10-01-07)

Tho T. Vo, t/d/b/a Todd Hair and Nail Salon, license no. CL018391L and CB117688, of Philadelphia, Philadelphia County, was assessed a \$1,700 civil penalty because he did not have current licenses available on the premises, and practiced cosmetology in a grossly incompetent and/or unethical manner. (10-01-07)

Hien Truong, t/d/b/a Unique Nail Salon, license nos. CQ111760 and CY102800L, of Philadelphia, Philadelphia County, was assessed a \$500 civil penalty because Truong was maintaining an unlicensed cosmetology salon. (10-01-07)

Muoi-Thi Phan, license no. CY-109434, of Philadelphia, Philadelphia County, was assessed a \$500 civil penalty because Phan was performing waxing services in a nail technology salon, thereby maintaining an unlicensed cosmetology salon. (10-01-07)

Schuylkill County

Dolores A. Wagner, t/d/b/a Wagner Beauty Shop, license no. CB068112L, of Mahanoy City, Schuylkill County, was assessed a \$1,500 civil penalty because it did not display the salon licenses in a conspicuous place; did not have covered waste containers; did not immediately place soiled linen in a closed container; did not maintain the floors in a safe, orderly or sanitary condition; did not maintain the waxing area of the salon in a safe, orderly or sanitary condition; used the salon for other purposes; did not maintain the stations in a safe, orderly or sanitary condition; and engaged in the rental of booth space. (10-01-07)

Westmoreland County

Nicole Mercurio, license no. CO229102L of Tarentum, West Moreland County, was assessed a \$500 civil penalty because Mercurio violated a lawful disciplinary order of the board. (10-01-07)

STATE BOARD OF FUNERAL DIRECTORS

No disciplinary actions taken.

STATE BOARD OF LANDSCAPE ARCHITECTS

No disciplinary actions taken.

STATE BOARD OF PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

Allegheny County

John P. Perkun, P.E., license no. PE035302E of South Park, Allegheny County, was assessed a \$1,000 civil penalty because Perkun practiced engineering when he was not currently licensed and registered. (09-19-07)

Bucks County

Edward G. Aldin, PG, license no. PG-000536-G of Point Pleasant, Bucks County, was assessed a \$2,800 civil penalty because Aldin offered, implied, and/or represented he could provide professional geology services through the use of the title "P.G." during the two-year period his certificate of registration was expired. (09-19-07)

York County

Bradley E. Peters, license no. PE048290E of Jacobus, York County, was assessed a \$3,200 civil penalty because used the designation "P.E.", or used the title "professional engineer," or offered to practice professional engineering without having a valid, unexpired license certificate. Further, his actions violated the act by four counts in that he affixed his seal and/or signature to documents after the expiration of his licensure certificate. (09-19-07)

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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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