



**Pennsylvania
DEPARTMENT OF STATE**

**STATE LICENSING BOARDS
DISCIPLINARY ACTIONS
September 2007**

Secretary of the Commonwealth Pedro A. Cortés and Basil L. Merenda, Commissioner of the Department's Bureau of Professional and Occupational Affairs, announced eight 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 County (1 action); Beaver County (1 action); Luzerne County (1 action); Philadelphia County (1 action); Schuylkill County (1 action); Westmoreland County (1 action); and York County (2 actions). No actions involved licensees with out-of-state addresses.

REAL ESTATE COMMISSION

Luzerne County

Gerald W. McGuire, d/b/a Jerry McGuire, license no. RB042749A of Hazelton, Luzerne County, was assessed a \$1,000 civil penalty and ordered to complete seven hours of remedial education in commission-approved courses covering management of real estate brokerage operations and/or brokers courses encompassing supervisory duties and standards of conduct and practice within one year of the effective date of his order. McGuire violated the regulations which state that, when a dispute arises between the parties to a real estate transaction over entitlement to money that is being held in escrow by a broker, the broker shall retain the money in escrow until the dispute is resolved. If the resolution of the dispute appears remote without legal action, the broker may, following 30 days' notice to the parties, petition the county court having jurisdiction in the matter to interplead the rival claimants. (08-14-07)

Philadelphia County

Aaron Oseroff, d/b/a Philly 1st Real Estate, license nos. RB051212L, RM051212A, AB051212L and RS148938A of Philadelphia, Philadelphia County, was assessed a \$10,000 civil penalty, a public reprimand was placed on his permanent commission record, was prohibited from and will never again engage

in property management services for a third party; and was placed on probation for one year, subject to terms and conditions set forth in the order. Oseroff made a substantial misrepresentation; engaged in a flagrant course of misrepresentation; failed to preserve, for three years following its consummation, records relating to any real estate transaction; engaged in conduct during a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency; aided and abetted an individual in the unlicensed practice of real estate; violated the act which requires a licensee to deal honestly and in good faith; violated the regulation which requires a broker to retain records pertaining to a real estate transaction for at least three years following its consummation; violated the regulation which prohibits a licensee from knowingly being a party to a material false or inaccurate representation in writing regarding a real estate transaction in which he is acting in a representative capacity; violated the regulation which requires that a written agreement between a broker and a principal include specific language regarding the Real Estate Recovery Fund; violated the regulation which requires language stating that the broker's commission and the duration of the agreement have been determined as a result of negotiations; violated the regulation which requires 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, made, including the owner; violated the regulation which provides that an exclusive listing agreement may not contain an automatic renewal clause; and violated the regulation which provides that an exclusive listing agreement may not contain a cancellation notice to terminate the agreement at the end of the listing period set forth in the agreement. (08-14-07)

Westmoreland County

CMS East, Inc., license no. LB042077C and branch office license no. RO010025A of Greensburg, Westmoreland County, was assessed a \$1,165 civil penalty because CMS East, Inc. practiced as a cemetery broker without proper licensure by operating its Greenwood Road office on a lapsed license. (08-14-07)

York County

Frank N. Shaffer, license no. RM-045352-A, of Red Lion, York County, was suspended for two years and assessed a \$4,000 civil penalty for making a substantial misrepresentation; knowingly being a party to a false or inaccurate misrepresentation in writing regarding a real estate transaction; failing to be loyal to the seller by taking action that was not consistent with the seller's interests in a written transaction and for engaging in conduct in a real estate transaction demonstrating bad faith, dishonesty, untrustworthiness or incompetency. (07-19-07)

BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Allegheny County

Mark J. Engel, license no. MV145340L, of McKeesport, Allegheny County, was suspended, stayed in favor of probation, and ordered to pay a \$1,000 civil penalty based upon his multiple criminal convictions for felony crimes of moral turpitude. (07-10-07)

Beaver County

Ronald E. Jones, of Aliquippa, Beaver County was assessed a \$5,000 civil penalty because he engaged in the business of vehicle dealer when he did not possess a license as required. Jones has been ordered to cease and desist from engaging in the business of vehicle dealer until such time as he's issued the appropriate license by the board. (09-11-07)

Schuylkill County

Robert D. Schappell, license no. MV123923L, of Pottsville, Schuylkill County, was revoked and assessed an \$83,000 civil penalty based upon his criminal convictions for crimes of moral turpitude. (08-10-07)

York County

Chad Allen Baker, license no. MV121316L, of York, York County, was revoked and assessed a \$3,000 civil penalty based upon his criminal convictions for crimes of moral turpitude. (08-10-07)

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A complete list of sanctions is available online at

www.state.pa.us

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