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Attorney loses civil fraud case in termite-infested house case

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By [Mark Gokavi](#)

Staff Writer

DAYTON — Dayton-area attorney Anne C. Harvey was ordered by a Montgomery County Common Pleas Court to pay more than \$68,000 for fraudulent conduct related to her selling her termite-damaged Kettering home to a young military family in 2011.

A civil jury in visiting Judge James W. Luse's courtroom unanimously found Harvey committed fraudulent misrepresentation, fraudulent concealment and fraudulent disclosure regarding termite damage when Harvey and her mother, Billie Harvey, sold the house to Andrew and Sarah Seitz.

Sarah Seitz, who said she's a disabled veteran whose husband is still in the Air Force, testified that the only items left in the Kettering home when they saw it were a couch in a living room, a spare tile in one bedroom closet and some window coverings on the floor of another bedroom closet. All were found to be concealing massive termite damage, which extended through some walls and much of the sub-flooring.

"I was very emotional," Sarah Seitz said of when the bailiff read the decision. "It was like the biggest weight was lifted off our shoulders, like we were vindicated. After two year of fighting this woman for what we believed she owed us and then finally we were given what we were fighting for. We finally won."

Testimony showed the home's owner before Harvey indicated on the residential disclosure form that the home had termite damage. But a few years later when she first put the home on the market, Harvey did not check the box indicating such damage.

"She knew, but she tried to claim she didn't know about it," said Seitz's attorney, Craig Matthews. "And the jury didn't believe her."

Harvey referred Dayton Daily News requests for comment to her attorney, David Greer, who could not be reached by press time.

During her testimony, Harvey said what she saw as blemishes on the wood floors were "part of its charm" and that she and her mother wouldn't hide such damage because "we're not those kinds of people."

Sarah Seitz said during her testimony: "This is not a minor blemish when there are holes in your floor," she said. "How could anybody in their right mind do that to somebody? This has been a

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nightmare.”

Harvey’s attorneys, David Greer and Thomas Replogle, tried to keep the fact Harvey was an attorney out of the trial, but were denied.

On her website, Harvey said she was an acting judge in Miamisburg from 1997 to 2003 and a past member of the Greene County Ethics Committee. Harvey’s specialty is divorce and family law.

The Seitz family hasn’t decided if they will file a grievance against the Dayton Bar Association regarding Harvey’s conduct. Such a grievance could eventually reach the Ohio Supreme Court’s Board of Commissioners on Grievances and Discipline.

Richard Dove, that board’s secretary, said the Ohio Rules of Professional conduct govern situations outside of an attorney’s practice that prohibit a lawyer engaging in “conduct involving dishonest, fraud, deceit or misrepresentation and other conduct that adversely reflects on the lawyer’s fitness to practice.”

Despite the fact Judge Luse didn’t allow punitive damages — something Matthews is considering appealing — the Seitzes plan on fixing the termite damages with the award money.

“We’re going to make this house the house we thought we bought and them some,” Sarah Seitz said. “This was our dream house.”

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