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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS**

TIME: 9:44 A.M.

PENNSYLVANIA DEPARTMENT OF STATE  
Board Room B  
One Penn Center  
2601 North Third Street  
Harrisburg, Pennsylvania 17110

September 18, 2018

1                                    State Board of Vehicle Manufacturers,  
2                                    Dealers and Salespersons  
3                                    September 18, 2018  
4  
5

6 BOARD MEMBERS:  
7

8 Dan G. Murphy III, Chairman  
9 Kirk A. Davis, Vice Chairman  
10 Ian J. Harlow, Commissioner of Professional and  
11 Occupational Affairs  
12 Steve T. Fretz, Professional Member - Absent  
13 Neal L. Hufford Jr., Professional Member  
14 David Tully, Attorney General Representative  
15 Robert M. Shaffer, Department of Transportation  
16 Representative - Absent  
17 George F. Mermon, Professional Member  
18 William M. Mohler, Professional Member - Absent  
19 Donald J. Stoy, Public Member - Absent  
20  
21

22 BUREAU PERSONNEL:  
23

24 Juan Ruiz, Esquire, Board Counsel  
25 Shana M. Walter, Esquire, Board Counsel  
26 Amanda N. Wojciechowski, Board Prosecution Liaison  
27 Glenn P. Masser, Esquire, Board Prosecutor  
28 Steven A. Mimm, Esquire, Board Prosecutor  
29 Matthew T. Sniscak, Esquire, Board Prosecutor  
30 Monty J. Batson, Esquire, Board Prosecutor  
31 Janice Cline, Board Administrator  
32  
33

34 ALSO PRESENT:  
35

36 Jacob (Jake) Derrick, Policy Analyst, Office of  
37 PA Governor Tom Wolf  
38 Timothy Gates, Chief Counsel, Office of Chief Counsel  
39 Mary Gaiski, Executive Vice President, Pennsylvania  
40 Manufactured Housing Association  
41 Dale E. Yingst Jr., President, Lebanon Valley Homes  
42 Michael P. Quinn, Esquire, Quinn & Quinn Law Offices  
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1 \*\*\*

2 State Board of Vehicle Manufacturers,  
3 Dealers, and Salespersons  
4 September 18, 2018

5 \*\*\*

6 The regularly scheduled meeting of the State  
7 Board of Vehicle Manufacturers, Dealers, and  
8 Salespersons was held on Tuesday, September 18, 2018.  
9 Dan G. Murphy III, Chairman, called the meeting to  
10 order at 9:44 a.m.

11 The Pledge of Allegiance was recited. Roll call  
12 was taken.

13 \*\*\*

14 Approval of Minutes of the August 7, 2018 meeting

15 CHAIRMAN MURPHY:

16 Approval of the minutes?

17 MR. DAVIS:

18 So moved.

19 MR. MERMON:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24 Roll call.

25

1 David Tully, aye; George Mermon, aye;  
2 Kirk Davis, aye; Neal Hufford Jr., aye;  
3 Ian Harlow, aye; and Dan Murphy, aye.

4 [The motion carried unanimously.]

5 \*\*\*

6 Application Review - Informal Conferences

7 [The Applicant Review Committee made the following  
8 recommendations regarding the following Criminal  
9 Conviction Applications: Jonathan L. Maldonado,  
10 approved without restrictions; Barabbas Sabu Ali,  
11 approved without restrictions; Yancy L. Cupp,  
12 approved; George A. Schubert Jr., approved; Sean M.  
13 Walker, approved without restrictions; Edward John  
14 Barnes, approved with two-year probation; Eddie Boyd,  
15 approved with three-year probation; Nicholas Anthony  
16 Sokalsky, approved without restrictions; Crystal  
17 Nicole Braden, approved concurrent with criminal  
18 probation; Matthew Thomas Neikirk, approved without  
19 restrictions; Jeffrey Hastings, approved without  
20 restrictions; Matthew Paul Calimer, approved  
21 concurrent with criminal probation; Jammie M. Eaton,  
22 no show; Eric M. Vosburg, denied.]

23 CHAIRMAN MURPHY:

24 Is there a motion to approve those  
25 recommendations from the informal

1 conference?

2 MR. TULLY:

3 So moved.

4 MR. MERMON:

5 Second.

6 CHAIRMAN MURPHY:

7 So moved and seconded.

8

9 Roll call.

10

11 David Tully, aye; George Mermon, aye;

12 Kirk Davis, aye; Neal Hufford Jr., aye;

13 Ian Harlow, aye; and Dan Murphy, aye.

14 [The motion carried unanimously.]

15

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16 Report of Prosecutorial Division

17 [Matthew T. Sniscak, Esquire, Board Prosecutor,

18 presented the Consent Agreement for File No. 17-60-

19 04412.]

20

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21 [Glenn P. Masser, Esquire, Board Prosecution Liaison,

22 presented the Consent Agreements for File No. 17-60-

23 08372 and File No. 16-60-10348.]

24

\*\*\*

25 [Steven A. Mimm, Esquire, Board Prosecutor, presented

1 the Consent Agreements for File No. 16-60-14650 and  
2 File No. 16-60-06465.]

3

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4 [Chairman Murphy requested a Bureau of Enforcement and  
5 Investigation presentation to be scheduled for the  
6 next Board meeting.]

7

\*\*\*

8 Governor's Policy Office Presentation

9 [Jacob (Jake) Derrick, Policy Analyst, Office of PA  
10 Governor Tom Wolf, discussed reducing the barriers to  
11 licensure and reducing unnecessary burdens on the  
12 Boards. He noted inappropriate licensure and  
13 unnecessary costs for both time and money for  
14 professionals.

15 Mr. Derrick noted Executive Order 2017-03, which  
16 was a created to review data benchmarking every  
17 profession licensed in Pennsylvania against other  
18 states.

19 Mr. Derrick commented on recommendations from  
20 that report, including a statutory change to change  
21 vehicle factory representatives from a license to a  
22 registration. He noted that Rhode Island was the only  
23 other state in the region that licenses vehicle  
24 factory representatives.

25 Mr. Derrick stated that there are 1,173 vehicle

1 factory representative licenses in Pennsylvania. He  
2 noted that the smaller the population of licensees the  
3 higher the cost to cover the administrative functions  
4 to regulate the profession. He commented on the  
5 public safety concerns in the profession and suggested  
6 this was an area that is overregulated.

7 Chairman Murphy noted his concerns regarding  
8 turnaround time in the Governor's office for  
9 appointees. He also discussed the significant length  
10 of time to change licensing fees.

11 Chairman Murphy noted the Board's recommendations  
12 being ignored on a couple of bills. He specifically  
13 mentioned the burden of temporary licensing that went  
14 through after the Board recommended against it.

15 Chairman Murphy discussed reestablishing  
16 roundtable meetings. He noted the need for the  
17 Governor's office to get involved so that all of the  
18 agencies could talk to each other and communicate on  
19 similar subjects.

20 Mr. Derrick agreed to work with Mr. Harlow on the  
21 Board's vacancies.

22 Mr. Derrick reviewed the licensing fee process,  
23 noting that it is a two-year process with special  
24 vetting for fees ahead of that. He referred to the  
25 nature of the regulatory structure and the difficulty

1 to lower that.

2 Mr. Derrick expressed an appreciation of the  
3 Board's feedback and input, along with stakeholder and  
4 industry information, and was open to all levels of  
5 communication. He will investigate reestablishing the  
6 roundtable meetings.

7 Chairman Murphy noted complaints and his concern  
8 concerning online auctions.

9 Commissioner Harlow stated the Bureau of  
10 Professional and Occupational Affairs (BPOA) was aware  
11 of these practices, which are being investigated by  
12 the State.

13 Chairman Murphy commented on the Attorney  
14 General, PennDOT, and the Board communicating on  
15 similar topics.

16 Commissioner Harlow noted the need to encourage  
17 better communication with BPOA, the Governor's office,  
18 and committees.]

19 \*\*\*

20 Report of Board Counsel

21 [Juan Ruiz, Esquire, Board Counsel, noted the  
22 rescheduling of one of the two hearings for the  
23 January Board meeting. He also noted four final  
24 Adjudications and Orders for approval and two Motions  
25 to Enter Default and Deem Facts Admitted for



1 discussion in Executive Session.]

2 \*\*\*

3 Report of Commissioner - No Report

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 10:19 a.m. the Board entered into Executive Session  
7 with Juan Ruiz, Esquire, Board Counsel, and Shana M.  
8 Walter, Esquire, Board Counsel, for the purpose of  
9 conducting quasi-judicial deliberations and to receive  
10 advice of Counsel. The Board returned to open session  
11 at 10:31 a.m.]

12 \*\*\*

13 MOTIONS

14 MR. RUIZ:

15 The Board was just in Executive Session  
16 conducting quasi-judicial deliberations  
17 on a number of matters currently pending  
18 before the Board.

19 Is there a motion to approve the  
20 Consent Agreements at File No. 17-60-  
21 004412, File No. 17-60-08372, File No.  
22 16-60-10348, File No. 16-60-06465, File  
23 No. 16-60-14650?

24 MR. DAVIS:

25 So moved.

1 MR. MERMON:

2 Second.

3 CHAIRMAN MURPHY:

4 So moved and seconded.

5

6 Roll call.

7

8 David Tully, aye; George Mermon, aye;  
9 Kirk Davis, aye; Neal Hufford Jr., aye;  
10 Ian Harlow, aye; and Dan Murphy, aye.

11 [The motion carried unanimously. The Respondent's  
12 name for File No. 17-60-04412 is Habib Kbabieh. The  
13 Respondent's name for File No. 17-60-08372 is Sue  
14 Ellen Leonhard. The Respondent's name for File No.  
15 16-60-10348 is Anthony C. Roy. The Respondent's name  
16 for File No. 16-60-06465 is Douglas T. Lesniak. The  
17 Respondent's name for File No. 16-60-14650 is John D.  
18 Paolella.]

19

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20 MR. RUIZ:

21 Is there a motion to approve the final  
22 Adjudications and Orders in the case of  
23 Hanover Motor Sales, Inc., File No. 13-  
24 60-08412; Robert M. Martin Jr., File No.  
25 12-60-07254; Matthew W. Myers, File No.

1 16-60-12106; and Michael C. Schuler,  
2 File No. 14-60-91750?

3 MR. DAVIS:

4 So moved.

5 MR. MERMON:

6 Second.

7 CHAIRMAN MURPHY:

8 So moved and seconded.

9

10 Roll call.

11

12 David Tully, aye; George Mermon, aye;  
13 Kirk Davis, aye; Neal Hufford Jr., aye;  
14 Ian Harlow, aye; and Dan Murphy, aye.

15 [The motion carried unanimously.]

16

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17 MR. RUIZ:

18 Is there a motion to grant the Motions  
19 to Deem Facts Admitted in the case of  
20 Damyon L. Corradini, File No. 13-60-  
21 04408 and James L. Tucker, File No. 15-  
22 60-07729?

23 MR. TULLY:

24 I'll make the motion.

25 MR. MERMON:

1 Second.

2 CHAIRMAN MURPHY:

3 So moved and seconded.

4

5 Roll call.

6

7 David Tully, aye; George Mermon, aye;

8 Kirk Davis, aye; Neal Hufford Jr., aye;

9 Ian Harlow, aye; and Dan Murphy, aye.

10 [The motion carried unanimously.]

11

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12 [Chairman Murphy expressed his appreciation of the  
13 Governor's office presentation, stating that the Board  
14 is supportive of discontinuing the manufacturer and  
15 sales representative license, as it saves a burden of  
16 work for the staff.]

17

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18 [Ian J. Harlow, Commissioner of Professional and  
19 Occupational Affairs, updated the Board on the  
20 Pennsylvania Licensing System (PALS). He discussed  
21 concerns regarding submitting applications on behalf  
22 of employees or associations submitting applications  
23 on behalf of their membership. He informed the Board  
24 that those applications can now be submitted by those  
25 who have an association with an account or a

1 dealership with an account on behalf of their  
2 employees. He noted the importance of ensuring that  
3 gaps are closed and employees or future employees are  
4 doing what they need to do for initial licensure  
5 and/or renewal.

6 Chairman Murphy informed Commissioner Harlow that  
7 he prefers electronic communication to all dealerships  
8 because of the challenges of the website.

9 Commissioner Harlow commented that PALS webpage,  
10 homepage, and some common screens will be reviewed to  
11 make them more user-friendly. He also noted an  
12 upcoming contract with the Center for Civic Design to  
13 review the usability of the system in its entirety.]

14

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15 [Neal L. Hufford Jr., Professional Member; George F.  
16 Mermon, Professional Member; David Tully, Attorney  
17 General Representative; and Kirk A. Davis, Vice  
18 Chairman, exited the meeting at 10:39 a.m.]

19

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20 [The Board recessed from 10:39 a.m. until 1:36 p.m.]

21

\*\*\*

22 [A Formal Hearing was held from 1:36 p.m. until  
23 2:12 p.m. In the Matter of the Commonwealth of  
24 Pennsylvania Bureau of Professional and Occupational  
25 Affairs vs. Donald R. Reed; File No. 14-60-05609,

1 Docket No. 0706-60-18.]

2 \*\*\*

3 Adjournment

4 CHAIRMAN MURPHY:

5 Adjourned.

6 MR. HARLOW:

7 So moved.

8 \*\*\*

9 [The State Board of Vehicle Manufacturers, Dealers,  
10 and Salespersons Meeting adjourned at 2:15 p.m.]

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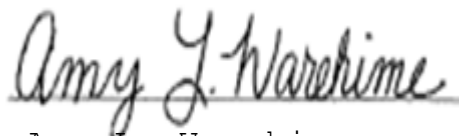
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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Vehicle Manufacturers, Dealers and Salespersons meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Vehicle Manufacturers, Dealers and Salespersons meeting.



Amy L. Warehine,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS  
REFERENCE INDEX  
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TIME	AGENDA
9:44	Official Call to Order
9:44	Pledge of Allegiance
9:44	Roll Call
9:45	Approval of Minutes
9:47	Report of Prosecutorial Division
9:52	Governor's Policy Office Presentation
10:17	Report of Board Counsel
10:18	Report of Commissioner
10:19	Executive Session
10:31	Return to Open Session
10:31	Motions
10:39	Recess
1:36	Return to Open Session
1:36	Formal Hearing - Donald R. Reed
2:12	
2:15	Adjournment