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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: 9:26 A.M.

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

January 7, 2020

1                                   State Board of Vehicle Manufacturers,  
2                                   Dealers and Salespersons  
3                                   January 7, 2020  
4  
5

6 BOARD MEMBERS:  
7

8 Dan G. Murphy III, Chairman  
9 Kirk A. Davis, Secretary  
10 K. Kalonji Johnson, Acting Commissioner, Bureau of  
11 Professional and Occupational Affairs  
12 Randall Derr, Professional Member  
13 Kyla R. Djannie, Deputy Attorney General, Consumer  
14 Protection Representative, Office of Attorney  
15 General - Absent  
16 Steve T. Fretz, Professional Member  
17 Neal L. Hufford Jr., Professional Member - Absent  
18 Robert M. Shaffer, Department of Transportation  
19 Representative - Absent  
20 George F. Mermon, Professional Member  
21 William M. Mohler, Professional Member  
22 Donald J. Stoy, Public Member  
23 Dale J. Yingst, Professional Member  
24  
25

26 BUREAU PERSONNEL:  
27

28 C. William Fritz II, Esquire, Board Counsel  
29 Amanda N. Wojciechowski, Esquire, Board Prosecution  
30 Liaison  
31 Heather J. McCarthy, Esquire, Board Prosecutor  
32 James R. E. Ostman, Esquire, Board Prosecutor  
33 Janice Cline, Board Administrator  
34  
35

36 ALSO PRESENT:  
37

38 Brady Divins  
39  
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41  
42  
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1 \*\*\*

2 State Board of Vehicle Manufacturers,  
3 Dealers, and Salespersons

4 January 7, 2020

5 \*\*\*

6 The regularly scheduled meeting of the State  
7 Board of Vehicle Manufacturers, Dealers, and  
8 Salespersons was held on Tuesday, January 7, 2020.  
9 Dan G. Murphy III, Chairman, called the meeting to  
10 order at 9:26 a.m. K. Kalonji Johnson, Acting  
11 Commissioner, Bureau of Professional and Occupational  
12 Affairs, was not present at the commencement of the  
13 meeting.

14 The Pledge of Allegiance was recited. Roll call  
15 was taken.

16 \*\*\*

17 Election of Officers

18 CHAIRMAN MURPHY: Election of officers.

19 MR. MERMON:

20 I nominate you to stay where you are.

21 MR. DERR:

22 Second.

23 CHAIRMAN MURPHY:

24 Roll call.

25

1 George Mermon, aye; Kirk Davis, aye;  
2 Randall Derr, aye; Dale Yingst, aye;  
3 Steve Fretz, aye; William Mohler, aye;  
4 Donald Stoy, aye.

5 [The motion carried unanimously.]

6 \*\*\*

7 CHAIRMAN MURPHY: Secretary.

8 MR. STOY:

9 We nominate Kirk Davis.

10 MR. DERR:

11 Second.

12 CHAIRMAN MURPHY:

13 Roll call.

14

15 George Mermon, aye; Kirk Davis, aye;  
16 Randall Derr, aye; Dale Yingst, aye;  
17 Steve Fretz, aye; William Mohler, aye;  
18 Donald Stoy, aye; Dan Murphy, aye.

19 [The motion carried unanimously.]

20 \*\*\*

21 Approval of minutes of the December 10, 2019 meeting

22 CHAIRMAN MURPHY:

23 Approval of the minutes?

24 MR. MERMON:

25 So moved.

1 MR. DERR:

2                   Second.

3 CHAIRMAN MURPHY:

4                   So moved and seconded.

5

6                   Roll call.

7

8                   George Mermon, aye; Kirk Davis, aye;  
9                   Randall Derr, aye; Dale Yingst, abstain;  
10                  Steve Fretz, abstain; William Mohler,  
11                  abstain; Donald Stoy, aye; Dan Murphy,  
12                  aye.

13 [The motion carried. Mr. Yingst, Mr. Fretz, and Mr.  
14 Mohler abstained from voting on the motion.]

15   \*\*\*

16 [Chairman Murphy introduced Dale Yingst as a new  
17 member to the Board.

18                  Mr. Yingst provided a brief summary of his  
19 professional background.]

20   \*\*\*

21 Report of Prosecutorial Division

22 [Heather J. McCarthy, Esquire, Board Prosecutor,  
23 presented the Consent Agreement for File No. 19-60-  
24 006580.]

25   \*\*\*

1 Report of Board Counsel

2 [C. William Fritz II, Esquire, Board Counsel, noted  
3 two hearings scheduled for later in the meeting were  
4 continued and one hearing was scheduled for 11:00 a.m.

5 Mr. Fritz referred to the Status of Cases report,  
6 noting one hearing as of January 7, 2020, with two  
7 scheduled for next month's meeting and one for March.  
8 He mentioned the Board was down to six protests with  
9 two settled and 84 open files.

10 Mr. Fritz stated there were no other current  
11 regulations other than to correct Act 48 regarding  
12 citations, which went as a group with three or four  
13 other Boards correcting their Act 48.

14 Mr. Fritz noted one case for possible delegation  
15 to a hearing examiner, six adjudications, one proposed  
16 adjudication, and two MDFAs for discussion during  
17 Executive Session. He also noted one MDFA had been  
18 tabled until the next meeting.]

19 \*\*\*

20 Report of Board Chairman - No Report

21 \*\*\*

22 Report of Board Administrator

23 [C. William Fritz II, Esquire, Board Counsel, noted  
24 Ms. Cline will send the proposed 2021 meeting dates  
25 for the Board's review.]

1 \*\*\*  
2 [K. Kalonji Johnson, Acting Commissioner, Bureau of  
3 Professional and Occupational Affairs, entered the  
4 meeting at 9:38 a.m.]

5 \*\*\*  
6 Application Review - Informal Conferences  
7 [The Applicant Review Committee made the following  
8 recommendations regarding the following Criminal  
9 Conviction Applications: Justin Laboy, no show; Brady  
10 Cole Divins, approved with no restrictions; and  
11 Brandon Scott Helm, denied.]

12 \*\*\*  
13 CHAIRMAN MURPHY:  
14 Motion to approve the informal  
15 conferences?

16 MR. STOY:  
17 So moved.

18 MR. DAVIS:  
19 Second.

20 CHAIRMAN MURPHY:  
21 So moved and seconded.

22  
23 Roll call.

24  
25 George Mermon, aye; Kirk Davis, aye;

1                   Randall Derr, aye; Dale Yingst, aye;  
2                   Steve Fretz, aye; William Mohler, aye;  
3                   Donald Stoy, aye; K. Kalonji Johnson,  
4                   aye; Dan Murphy, aye.

5 [The motion carried unanimously.]

6   \*\*\*

7 Report of Acting Commissioner

8 [K. Kalonji Johnson, Acting Commissioner, announced  
9 recent changes by the United States General Services  
10 Administration regarding mileage reimbursement rates  
11 for the use of personally-owned vehicles. He stated  
12 effective January 1, 2020, the standard rate had been  
13 changed slightly from \$0.58 per mile to \$0.575 per  
14 mile and other vehicle available rate decreased from  
15 \$0.20 per mile to \$0.17 per mile.]

16   \*\*\*

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
18 9:47 a.m. the Board entered into Executive Session  
19 with C. William Fritz II, Esquire, Board Counsel, for  
20 the purpose of conducting quasi-judicial deliberations  
21 and to receive advice of Counsel. The Board returned  
22 to open session at 10:22 a.m.]

23   \*\*\*

24 MOTIONS

25 MR. FRITZ:



1                   The Board met in Executive Session and  
2                   conducted quasi-judicial deliberations on  
3                   the following matters:

4                   The Board would entertain a motion  
5                   approving the Consent Agreement at File  
6                   No. 19-60-006580.

7 MR. MERMON:

8                   So moved.

9 MR. DAVIS:

10                   Second.

11 CHAIRMAN MURPHY:

12                   So moved and seconded.

13

14                   Roll call.

15

16                   George Mermon, aye; Kirk Davis, aye;  
17                   Randall Derr, aye; Dale Yingst, aye;  
18                   Steve Fretz, aye; William Mohler, aye;  
19                   Donald Stoy, aye; K. Kalonji Johnson,  
20                   aye; Dan Murphy, aye.

21 [The motion carried unanimously. The Respondent's  
22 name is Martin Joseph Homola.]

23

\*\*\*

24 MR. FRITZ:

25                   The Board would entertain a motion to

1 schedule the following matter for a  
2 hearing before the Board: Commonwealth  
3 vs. Michael J. Papp, Case No. 17-60-  
4 12723.

5 MR. STOY:

6 So moved.

7 MR. MERMON:

8 Second.

9 CHAIRMAN MURPHY:

10 So moved and seconded.

11

12 Roll call.

13

14 George Mermon, aye; Kirk Davis, aye;  
15 Randall Derr, aye; Dale Yingst, aye;  
16 Steve Fretz, aye; William Mohler, no;  
17 Donald Stoy, aye; K. Kalonji Johnson,  
18 aye; Dan Murphy, aye.

19 [The motion carried. Mr. Mohler opposed the motion.]

20

\*\*\*

21 MR. FRITZ:

22 The Board would entertain a motion  
23 approving the following Adjudications  
24 and Orders: Commonwealth vs. Lawrence  
25 B. Laken, Case No. 17-60-13131;

1 Commonwealth vs. Francis W. Smith  
2 t/d/b/a D & F Auto, Case No. 15-60-  
3 09241; Commonwealth vs. Christopher T.  
4 Wagner, Case No. 15-60-13045;  
5 Commonwealth vs. Lamar S. West, Case No.  
6 16-60-13699; Commonwealth vs. Jason Lee  
7 Wissinger, Case No. 16-60-13572; and  
8 Commonwealth vs. Brian Estrella, Case  
9 No. 17-60-04411.

10 MR. STOY:

11 So moved.

12 MR. MERMON:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded.

16

17 Roll call.

18

19 George Mermon, aye; Kirk Davis, aye;  
20 Randall Derr, aye; Dale Yingst, aye;  
21 Steve Fretz, aye; William Mohler, aye;  
22 Donald Stoy, aye; K. Kalonji Johnson,  
23 aye; Dan Murphy, aye.

24 [The motion carried unanimously.]

25

\*\*\*

1 MR. FRITZ:

2                   The Board would entertain a motion  
3                   adopting the following proposed  
4                   Adjudication and Order: Commonwealth  
5                   vs. Timothy J. Denver, Case No. 18-60-  
6                   011803.

7 MR. MERMON:

8                   So moved.

9 MR. DAVIS:

10                   Second.

11 CHAIRMAN MURPHY:

12                   So moved and seconded.

13

14                   Roll call.

15

16                   George Mermon, aye; Kirk Davis, aye;  
17                   Randall Derr, aye; Dale Yingst, aye;  
18                   Steve Fretz, aye; William Mohler, aye;  
19                   Donald Stoy, aye; K. Kalonji Johnson,  
20                   aye; Dan Murphy, aye.

21 [The motion carried unanimously.]

22

\*\*\*

23 MR. FRITZ:

24                   The Board would entertain a motion  
25                   granting the following Motions to Deem

1 Facts Admitted and directing Board  
2 counsel to draft an Adjudication and  
3 Order in the matters of Commonwealth vs.  
4 Kirsten Javonne Gaskins, Case No. 19-60-  
5 007849; and Commonwealth vs. Jean Pierre  
6 Larue, Case No. 18-60-012010.

7 MR. STOY:

8 So moved.

9 MR. JOHNSON:

10 Second.

11 CHAIRMAN MURPHY:

12 So moved and seconded.

13

14 Roll call.

15

16 George Mermon, aye; Kirk Davis, aye;  
17 Randall Derr, aye; Dale Yingst, aye;  
18 Steve Fretz, aye; William Mohler, aye;  
19 Donald Stoy, aye; K. Kalonji Johnson,  
20 aye; Dan Murphy, aye.

21 [The motion carried unanimously.]

22

\*\*\*

23 MR. FRITZ:

24 As we said earlier, one of the Motions  
25 to Deem Facts Admitted will be tabled

1                   until next meeting.

2   \*\*\*

3 [The Board recessed from 10:26 a.m. until 11:05 a.m.]

4   \*\*\*

5 [A Formal Hearing was held from 11:06 a.m. until  
6 11:55 a.m. in the case of the Commonwealth of  
7 Pennsylvania Bureau of Professional and Occupational  
8 Affairs vs. Albert E. Hippert Sr./Commonwealth of  
9 Pennsylvania Bureau of Professional and Occupational  
10 Affairs vs. Tylersburg Motors LLC, File No. 17-60-  
11 013071.]

12   \*\*\*

13 [K. Kalonji Johnson, Acting Commissioner, Bureau of  
14 Professional and Occupational Affairs, exited the  
15 meeting at 11:16 a.m.]

16   \*\*\*

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
18 11:55 a.m. the Board entered into Executive Session  
19 with C. William Fritz II, Esquire, Board Counsel, for  
20 the purpose of conducting quasi-judicial deliberations  
21 and to receive advice of Counsel. The Board returned  
22 to open session at 12:07 p.m.]

23   \*\*\*

24 MR. FRITZ:

25   The Board met in executive session and

1 conducted quasi-judicial deliberations  
2 in the following matter:

3 The Board would entertain a motion  
4 to direct Board counsel to draft an  
5 Adjudication and Order in the matter of  
6 the Commonwealth vs. Albert E. Hippert  
7 Sr., Case No. 17-60-013061/Commonwealth  
8 vs. Tylersburg Motors LLC, Case No. 17-  
9 60-031071.

10 MR. MERMON:

11 So moved.

12 MR. DAVIS:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded.

16

17 Roll call.

18

19 George Mermon, aye; Kirk Davis, aye;  
20 Randall Derr, aye; Dale Yingst, aye;  
21 Steve Fretz, aye; William Mohler, aye;  
22 Donald Stoy, aye; Dan Murphy, aye.

23 [The motion carried unanimously.]

24

\*\*\*

25 Adjournment

1 CHAIRMAN MURPHY:

2 Motion to adjourn?

3 MR. DAVIS:

4 So moved.

5 MR. MOHLER

6 Second.

7 CHAIRMAN MURPHY:

8 We are adjourned.

9 [The motion carried unanimously.]

10 \*\*\*

11 [The State Board of Vehicle Manufacturers, Dealers,  
12 and Salespersons Meeting adjourned at 12:08 p.m.]

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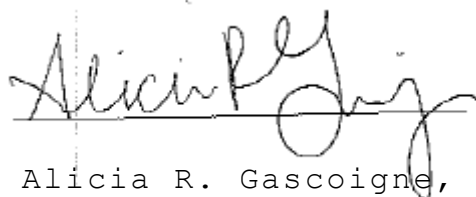
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CERTIFICATE

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.



Alicia R. Gascoigne,  
Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS  
REFERENCE INDEX

January 7, 2020

	TIME	AGENDA
1		
2		
3		
4		
5		
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7		
8		
9		
10	9:26	Official Call to Order
11		
12	9:26	Pledge of Allegiance
13		
14	9:26	Roll Call
15		
16	9:27	Election of Officers
17		
18	9:27	Approval of Minutes
19		
20	9:28	Report of Prosecutorial Division
21		
22	9:30	Report of Board Counsel
23		
24	9:36	Report of Board Administrator
25		
26	9:41	Report of Acting Commissioner
27		
28	9:47	Executive Session
29	10:22	Return to Open Session
30		
31	10:22	Motions
32		
33	10:26	Recess
34	11:05	Return to Open Session
35		
36	11:06	Formal Hearing - Albert E. Hippert Sr.
37	11:55	& Tylersburg Motors LLC
38		
39	11:55	Executive Session
40	12:07	Return to Open Session
41		
42	12:07	Motion
43		
44	12:08	Adjournment
45		
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