

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 9:38 A.M.

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

January 23, 2018

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 January 23, 2018
4

5 BOARD MEMBERS:
6

7 Dan G. Murphy III, Chairman
8 Kirk Davis, Secretary
9 Ian J. Harlow, Commissioner of Professional and
10 Occupational Affairs - Absent
11 Randall Derr, Professional Member
12 Steve Fretz, Professional Member
13 Neal Hufford Jr., Professional Member
14 David Tully, Attorney General Representative
15 Robert Shaffer, Department of Transportation
16 Representative
17 George Mermon, Professional Member
18 James Minor, Public Member
19 William Mohler, Professional Member
20 Donald Stoy, Public Member
21 Scott Weisser, Professional Member - Absent
22
23

24 BUREAU PERSONNEL:
25

26 Juan Ruiz, Esquire, Board Counsel
27 Wade A. Fluck, Esquire, Board Prosecution Liaison
28 Robert B. Armour, Esquire, Board Prosecutor
29 Glenn P. Masser, Esquire, Board Prosecutor
30 Amanda N. Wojciechowski, Board Prosecutor
31 Monty J. Batson, Esquire, Board Prosecutor
32 Steven A. Mimm, Esquire, Board Prosecutor
33 Janice Cline, Board Administrator
34
35 Kimberly A. Mattis, Director, Bureau of Finance and
36 Operations
37 Kimberly Adams, Chief of Fiscal Management,
38 Bureau of Finance and Revenue
39 Julie Snader, Chief, Division of Procurement, Bureau
40 Of Finance and Operations
41
42
43
44
45
46
47
48
49
50

1 ***

2 State Board of Vehicle Manufacturers,

3 Dealers and Salespersons

4 January 23, 2018

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, January 23, 2018.
9 Dan Murphy III, Chairman, called the meeting to order
10 at 9:38 a.m.

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

13 ***

14 Approval of Minutes of the December 12, 2017 meeting

15 CHAIRMAN MURPHY:

16 Approval of the Minutes?

17 MR. STOY:

18 So moved.

19 MR. SHAFFER:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24

Roll call.

25

1 David Tully, aye; George Mermon, aye;
2 Randall Derr, aye; Kirk Davis, aye; Neal
3 Hufford Jr., aye; Steve Fretz, aye;
4 James Minor, abstained; William Mohler,
5 abstained; Donald Stoy, aye; Robert
6 Shaffer, aye; and Dan Murphy, aye.

7 [The motion carried. James Minor and William Mohler
8 abstained from voting on the motion.]

9 ***

10 Budget Review Presentation

11 [Kimberly A. Mattis, Director, Bureau of Finance and
12 Operations, as well as Kimberly Adams, Chief of Fiscal
13 Management, and Julie Snader, Chief, Division of
14 Procurement, provided information on the Board's
15 license population, as well as compared Fiscal Year
16 2015-2016 and 2017-2018.

17 Ms. Mattis referred to the last biennial renewal
18 period, noting Fiscal Year 2015-2016 and Fiscal Year
19 2016-2017. She attributed 87 percent of the revenue
20 to the licensee population. She noted the Board's
21 approval of a renewal fee increase that will go into
22 effect in May 2021.

23 Ms. Mattis explained the Independent Regulatory
24 Review Commission (IRRC) process. Mr. Shaffer
25 discussed Act 89, which allows incremental fee

1 increases for the department based on the consumer
2 price index.

3 Ms. Mattis explained expenses are incurred from
4 direct charges, timesheet-based charges, and license-
5 based charges.

6 Ms. Mattis reviewed the expenses as a result of
7 administrative and legal costs. She noted the
8 Professional Compliance Office (PCO) categories.

9 Ms. Mattis compared Fiscal Year 2018-2019 to
10 2020-2021.]

11 ***
12 Report of Prosecutorial Division

13 [Wade A. Fluck, Esquire, Board Prosecution Liaison,
14 presented the Consent Agreement for File No. 17-60-
15 03212 and File No. 15-60-13741.]

16 ***
17 [Robert B. Armour, Esquire, Board Prosecutor,
18 presented the Consent Agreement for File No. 15-60-
19 10936.]

20 ***
21 [Glenn Masser, Esquire, Board Prosecutor, presented
22 the Consent Agreement for File No. 17-60-10617.]

23 ***
24 [Amanda N. Wojciechowski, Esquire, Board Prosecutor,
25 presented the Consent Agreement for File No. 15-60-

1 06031.]

2

3 [Monty J. Batson, Esquire, Board Prosecutor, presented
4 the following Consent Agreements: File No. 13-60-
5 07722, File No. 13-60-11893, File No. 14-60-00603,
6 File No. 13-60-08076, and File No. 13-60-07352.]

7

8 [Chairman Murphy informed the Board that the 10:00
9 a.m. hearing was continued, and the 1:30 p.m. hearing
10 was rescheduled to 10:00 a.m.]

11

12 Report of Board Counsel

13 [Juan Ruiz, Esquire, Board Counsel, noted a protest
14 file Adjudication and Order that Mr. Blackburn will be
15 discussing in Executive Session. Mr. Ruiz noted five
16 final Adjudications and Orders, three proposed
17 Adjudications and Orders, and four Motions to Enter
18 Default and Deem Facts Admitted to be discussed in
19 Executive Session.]

20

21 [The Board recessed from 10:13 a.m. until 10:20 a.m.]

22

23 [A Formal Hearing was held from 10:20 a.m. until 10:53
24 a.m. In the Matter of the Petition for Reinstatement
25 of the Vehicle Salesperson's License of Arman G.

1 Shirazi; File No. 17-60-13114, Docket No. 2466-60-17.]

2 ***

3 [The Board recessed from 10:53 a.m. until 11:01 a.m.]

4 ***

5 [A Formal Hearing was held from 11:01 a.m. until 11:33

6 a.m. In the Matter of the Petition for Reinstatement

7 of the Vehicle Salesperson's License of Sean M. Casey;

8 File No. 17-60-06030, Docket No. 1009-60-17.]

9 ***

10 Application Review - Criminal Conviction Applicants

11 [The Applicant Interview Committee made the following

12 recommendations with regard to the following Criminal

13 Conviction Applications: Allan Miller, approved;

14 Joseph Ruedy, no show; Michael Beilenson, approved;

15 Danielle Brickey, approved; Jose Diaz, no show;

16 Darnell Graham, denied; Burton Kaufman, approved with

17 no restrictions; Olivia Orkowski, approved with no

18 restrictions; Michael Savani, approved; Robert Smith,

19 approved; Tolentino Vazquez, approved with no

20 restrictions; Anthony Pollaro, approved with two

21 years' probation; Dorian Veney, denied; Jason

22 Yavorski, approved with probation concurrent with

23 criminal probation; Quincy Sloan, no show; Michael

24 John Bozzi, approved with probation concurrent with

25 criminal probation, Matthew Kupiec, approved, Evinci

1 Dixon, okay; Alexander Adams, approved with no
2 restrictions; Darien Grady, approved with no
3 restrictions; Clark Signo, denied; Patrick LaRose,
4 denied; Aaron Ford, approved with no restrictions;
5 Khalfani Lassiter, approved with no restrictions;
6 Edward Hanson, okay; Daniel Brinkworth, approved with
7 no restrictions; Edward Kim, approved; Jordan Wright,
8 approved with no restrictions; Farhaan Jaffer,
9 approved; Michael Ketterer, no show; Ricardo Knight,
10 approved with probation concurrent with criminal
11 probation; and Curtis Fuhrman, approved with probation
12 concurrent with criminal probation.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 11:40 a.m. the Board entered into Executive Session
16 with Juan Ruiz, Esquire, Board Counsel, for the
17 purpose of conducting quasi-judicial deliberations and
18 to receive advice of Counsel on the matters of which
19 the Board is going to vote. The Board returned to
20 open session at 12:27 p.m.]

21 ***

22 MOTIONS

23 MR. RUIZ:

24 Is there a motion to accept the Consent
25 Agreements at File No. 17-60-03212, File

1 No. 15-60-13741, File No. 15-60-10936,
2 File No. 17-60-10617, File No. 15-60-
3 06031, File No. 13-60-07722, File No.
4 13-60-11893, File No. 14-60-00603, File
5 No. 13-60-08076, and File No. 13-60-
6 07352?

7 MR. STOY:

8 So moved.

9 MR. DERR:

10 Second.

11 CHAIRMAN MURPHY:

12 So moved and seconded.

13

14 Roll call.

15 David Tully, aye; George Mermon, aye;

16 Randall Derr, aye; Kirk Davis, aye; Neal

17 Hufford Jr., aye; Steve Fretz, aye;

18 James Minor, aye; William Mohler, aye;

19 Donald Stoy, aye; Robert Shaffer, aye;

20 and Dan Murphy, aye.

21 [The motion carried unanimously. The Respondent's
22 name for File No. 17-60-03212 is Thomas G. Ristics.
23 The Respondent's name for File No. 15-60-13741 is
24 Sunright International, Inc. The Respondent's name
25 for File No. 15-60-10936 is Debra A. Waid. The

1 Respondent's name for File No. 17-60-10617 is Corey J.
2 Kaiser. The Respondent's name for 15-60-06031 is
3 Stuart W. Van Nosdeln. The Respondent's name for File
4 No. 13-60-07722 is Jason L. Oquendo. The Respondent's
5 name for File No. 13-60-11893 is Christopher Allen
6 Burhans. The Respondent's name for File No. 14-60-
7 00603 is Miguel A. Marrero. The Respondent's name for
8 File No. 13-60-08076 is Quality Trailer Enterprises,
9 Inc. The Respondent's name for File No. 13-60-07352
10 is Robert C. Bolus Jr.]

11 ***

12 MR. RUIZ:

13 Is there a motion to grant reinstatement
14 in the matter of Sean M. Casey and
15 placing him on a probationary license
16 for at least five years upon his filing
17 of a proper application?

18 MR. STOY:

19 So moved.

20 MR. MERMON:

21 Second.

22 CHAIRMAN MURPHY:

23 So moved and seconded.

24

25 Roll call.

1 David Tully, aye; George Mermon, aye;
2 Randall Derr, aye; Kirk Davis, aye; Neal
3 Hufford Jr., aye; Steve Fretz, aye;
4 James Minor, aye; William Mohler, aye;
5 Donald Stoy, aye; Robert Shaffer, aye;
6 and Dan Murphy, aye.

7 [The motion carried unanimously.]

8 ***

9 MR. RUIZ:

10 Is there a motion to grant reinstatement
11 of Arman G. Shirazi?

12 MR. STOY:

13 So moved.

14 MR. MERMON:

15 Second.

16 CHAIRMAN MURPHY:

17 So moved and seconded.

18

19 Roll call.

20 David Tully, aye; George Mermon, aye;
21 Randall Derr, aye; Kirk Davis, aye; Neal
22 Hufford Jr., aye; Steve Fretz, aye;
23 James Minor, aye; William Mohler, aye;
24 Donald Stoy, aye; Robert Shaffer, aye;
25 and Dan Murphy, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. RUIZ:

4 Is there a motion to approve the final
5 Adjudication and Order in the protest
6 matter of Mazda of Erie vs. Mazda North
7 American Operations, Inc., File No. 17-
8 60-06428?

9 MR. STOY:

10 So moved.

11 MR. MERMON:

12 Second.

13 CHAIRMAN MURPHY:

14 So moved and seconded.

15

16 Roll call.

17 David Tully, aye; George Mermon, aye;
18 Randall Derr, aye; Kirk Davis, aye; Neal
19 Hufford Jr., aye; Steve Fretz, aye;
20 James Minor, aye; William Mohler,
21 opposed; Donald Stoy, aye; Robert
22 Shaffer, aye; and Dan Murphy, aye.

23 [The motion carried. William Mohler opposed the
24 motion.]

25 ***

1 MR. RUIZ:

2 Is there a motion to approve the final
3 Adjudication and Order in the following
4 cases: Corrine Ann Lipka, File No. 12-
5 60-07421; Marin Markoch Jr., File No.
6 17-60-01962; Joseph A. Portalatin, File
7 No. 15-60-07138; Shawn L. Stanbro, File
8 No. 13-60-04185; Francis Manna, File No.
9 17-60-06073?

10 MR. MERMON:

11 So moved.

12 MR. DERR:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded.

16

17 Roll call.

18 David Tully, aye; George Mermon, aye;
19 Randall Derr, aye; Kirk Davis, aye; Neal
20 Hufford Jr., aye; Steve Fretz, aye;
21 James Minor, aye; William Mohler, aye;
22 Donald Stoy, aye; Robert Shaffer, aye;
23 and Dan Murphy, aye.

24 [The motion carried unanimously.]

25

1 MR. RUIZ:

2 Is there a motion to approve the
3 proposed Adjudications and Orders in the
4 case of Junior H. Gonzalez at File No.
5 13-60-10318 and Mark Shoemaker at File
6 No. 16-60-13132?

7 MR. STOY:

8 So moved.

9 MR. MERMON:

10 Second.

11 CHAIRMAN MURPHY:

12 So moved and seconded.

13

14 Roll call.

15 David Tully, aye; George Mermon, aye;
16 Randall Derr, aye; Kirk Davis, aye; Neal
17 Hufford Jr., aye; Steve Fretz, aye;
18 James Minor, aye; William Mohler, aye;
19 Donald Stoy, aye; Robert Shaffer, aye;
20 and Dan Murphy, aye.

21 [The motion carried unanimously.]

22

23 MR. RUIZ:

24 Is there a motion to approve the
25 proposed Adjudication and substitute the

1 Board's Order in the case of Brad A.
2 Marks at File No. 15-60-05370?

3 MR. STOY:

4 So moved.

5 MR. MERMON:

6 Second.

7 CHAIRMAN MURPHY:

8 So moved and seconded.

9

10 Roll call.

11 David Tully, aye; George Mermon, aye;
12 Randall Derr, aye; Kirk Davis, aye; Neal
13 Hufford Jr., aye; Steve Fretz, aye;
14 James Minor, aye; William Mohler, aye;
15 Donald Stoy, aye; Robert Shaffer, aye;
16 and Dan Murphy, aye.

17 [The motion carried unanimously.]

18 ***

19 MR. RUIZ:

20 Is there a motion to grant the following
21 Motions to Deem Facts Admitted and Enter
22 Default in the cases of Victor Berkey,
23 File No. 14-60-06254; Douglas Paul
24 Gross, File No. 13-60-07434; Felix V.
25 Ozuna, File No. 13-60-11147; Josue T.

1 Vega, File No. 14-60-05174?

2 MR. DERR:

3 So moved.

4 MR. STOY:

5 Second.

6 CHAIRMAN MURPHY:

7 So moved and seconded.

8

9 Roll call.

10 David Tully, aye; George Mermon, aye;
11 Randall Derr, aye; Kirk Davis, aye; Neal
12 Hufford Jr., aye; Steve Fretz, aye;
13 James Minor, aye; William Mohler, aye;
14 Donald Stoy, aye; Robert Shaffer, aye;
15 and Dan Murphy, aye.

16 [The motion carried unanimously.]

17 ***

18 MR. RUIZ:

19 Is there a motion to approve the
20 recommendations concerning the informal
21 conferences with the applications that
22 were admitted earlier in our meeting?

23 MR. MERMON:

24 So moved.

25 MR. DERR:

1 Second.

2 CHAIRMAN MURPHY:

3 So moved and seconded.

4

5 Roll call.

6 David Tully, aye; George Mermon, aye;

7 Randall Derr, aye; Kirk Davis, aye; Neal

8 Hufford Jr., aye; Steve Fretz, aye;

9 James Minor, aye; William Mohler, aye;

10 Donald Stoy, aye; Robert Shaffer, aye;

11 and Dan Murphy, aye.

12 [The motion carried unanimously.]

13 ***

14 Adjournment

15 CHAIRMAN MURPHY:

16 Any other business. If not, motion to
17 adjourn?

18 MR. MINOR:

19 I make a motion.

20 MR. STOY:

21 Second.

22 CHAIRMAN MURPHY:

23 Moved and we'll adjourn.

24 [The motion carried unanimously.]

25 ***

1 [There being no further business, the State Board of
2 Vehicle Manufacturers, Dealers, and Salespersons
3 meeting adjourned at 12:36 p.m.]

4 ***

5
6
7
8 CERTIFICATE

9
10 I hereby certify that the foregoing summary
11 minutes of the State Board of Vehicle Manufacturers,
12 Dealers and Salespersons meeting, was reduced to
13 writing by me or under my supervision, and that the
14 minutes accurately summarize the substance of the
15 State Board of Vehicle Manufacturers, Dealers and
16 Salespersons meeting.

17
18
19 *Corey Elizabeth Fake*

20 Corey Elizabeth Fake,

21 Minute Clerk

22 Sargent's Court Reporting

23 Service, Inc.
24
25

STATE BOARD OF VEHICLE MANUFACTURERS,
 DEALERS AND SALESPERSONS
 REFERENCE INDEX
 January 23, 2018

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:38	Official Call to Order
9		
10	9:38	Pledge of Allegiance
11		
12	9:39	Roll Call
13		
14	9:40	Approval of Minutes
15		
16	9:40	Appointment - Budget Review Presentation
17		
18	9:56	Report of Prosecutorial Division
19		
20	10:12	Report of Board Counsel
21		
22	10:13	Recess
23	10:20	Return to Open Session
24		
25	10:20	Formal Hearing - <u>In the Matter of the</u>
26	10:53	<u>Petition for Reinstatement of the</u>
27		<u>Vehicle Salesperson's License of Arman</u>
28		<u>G. Shirazi</u>
29		
30	10:53	Recess
31	11:01	Return to Open Session
32		
33	11:01	Formal Hearing - <u>In the Matter of the</u>
34	11:33	<u>Petition for Reinstatement of the</u>
35		<u>Vehicle Salesperson's License of</u>
36		<u>Sean M. Casey</u>
37		
38	11:35	Application Review
39	11:40	
40		
41	11:40	Executive Session
42	12:27	Return to Open Session
43		
44	12:27	Motions
45		
46	12:36	Adjournment
47		
48		
49		
50		