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

FINAL MINUTES

MEETING OF:

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS

TIME: 9:54 A.M.

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

February 18, 2020
State Board of Vehicle Manufacturers,
Dealers and Salespersons
February 18, 2020

BOARD MEMBERS:

Dan G. Murphy III, Chairman
Kirk A. Davis, Secretary
Theodore Stauffer, Executive Assistant, Pennsylvania
   Department of State, on behalf of K. Kalonji
   Johnson, Acting Commissioner, Bureau of Professional
   and Occupational Affairs
Randall Derr, Professional Member
Kyla R. Djannie, Deputy Attorney General, Consumer
   Protection Representative, Office of Attorney
   General
Steve T. Fretz, Professional Member
Neal L. Hufford Jr., Professional Member
Robert M. Shaffer, Department of Transportation
   Representative
George F. Mermon, Professional Member
William M. Mohler, Professional Member
Donald J. Stoy, Public Member
Dale J. Yingst, Professional Member

BUREAU PERSONNEL:

C. William Fritz II, Esquire, Board Counsel
Amanda N. Wojciechowski, Esquire, Board Prosecution
   Liaison
Colby B. Widdowson, Esquire, Board Prosecutor
Glenn P. Masser, Esquire, Board Prosecutor
Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel,
   Prosecution Division
Janice Cline, Board Administrator

ALSO PRESENT:

Wesley J. Rish, Esquire, Rish Law Office, LLC
Bill Schnyder
Jason Waite
State Board of Vehicle Manufacturers,
Dealers, and Salespersons
February 18, 2020

The regularly scheduled meeting of the State
Board of Vehicle Manufacturers, Dealers, and
Salespersons was held on Tuesday, February 18, 2020.
Dan G. Murphy III, Chairman, called the meeting to
order at 9:54 a.m.

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

Approval of minutes of the January 7, 2020 meeting
CHAIRMAN MURPHY:

Approval of the minutes?
MR. DAVIS:

So moved.
MR. MERMON:

Second.
CHAIRMAN MURPHY:

So moved and seconded.
Roll call.
Kyla Djannie, aye; George Mermon, aye;
Kirk Davis, aye; Randall Derr, aye; Neal
Hufford, abstain; Dale Yingst, aye;
Steve Fretz, aye; William Mohler, aye;
Donald Stoy, aye; Robert Shaffer,
abstain; Theodore Stauffer, abstain, Dan
Murphy, aye.

[The motion carried. Mr. Hufford, Mr. Shaffer, and
Mr. Stauffer abstained from voting on the motion.]

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Report of Prosecutorial Division

[Colby B. Widdowson, Esquire, Board Prosecutor,
presented the Consent Agreement for File No. 19-60-
015330.]

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[Amanda N. Wojciechowski, Esquire, Board Prosecution
Liaison, presented the Consent Agreement for File No.
17-60-14017.

Ms. Wojciechowski announced that this would be
her last Board meeting. She also informed the Board
that Mr. Widdowson would be taking over the role of
Prosecution Liaison for the Board.]

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[Carolyn A. DeLaurentis, Esquire, Deputy Chief
Counsel, Prosecution Division, on behalf of Heather J.
McCarthy, Esquire, Board Prosecutor, presented the Consent Agreement for Case No. 19-60-011115.]

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[Glenn P. Masser, Esquire, Board Prosecutor, presented the Consent Agreement for File No. 17-60-13891.]

***

Report of Board Counsel

[C. William Fritz II, Esquire, Board Counsel, noted one hearing scheduled for later in the meeting. He also noted a hearing that had been continued due to the unavailability of the attorney. The matter was delegated to a hearing examiner, and the Board will receive a proposed adjudication to review from the hearing examiner.

Mr. Fritz referred to the Status of Cases Report for the Board’s review and discussion after the hearing. He noted one possible delegation to a hearing examiner, several Adjudications and Orders, and several Motions to Deem Facts Admitted for discussion during Executive Session.

Mr. Fritz referred to 16A-6011 regarding out-of-state RV dealers that the Board discussed in the past and agreed to a $65 fee. He noted the need for a vote later in the meeting.]

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[A Formal Hearing was held from 10:05 a.m. until 10:52 a.m. in the case of the Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs v. Elwood Auto Sales, Inc., File No. 16-60-00290.]

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[George F. Mermon, Professional Member, exited the meeting at 10:37 a.m. and reentered the meeting at 10:38 a.m.]

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[The Board recessed from 10:53 a.m. until 10:58 a.m.]

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 10:58 a.m. the Board entered into Executive Session with C. William Fritz II, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations and to receive advice of Counsel. The Board returned to open session at 11:24 a.m.]

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MOTIONS

MR. FRITZ:

The Board met in Executive Session and conducted quasi-judicial deliberations in the following matter:

The Board would entertain a motion
approving the Consent Agreement at Case No. 19-60-015330.

MR. DAVIS:
So moved.

MR. MOHLER:
Second.

CHAIRMAN MURPHY:
So moved and seconded.

Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

(The motion carried unanimously. The Respondent’s name is Juan M. Bodden.)

***

MR. FRITZ:
The Board would entertain a motion approving the Consent Agreement at Case No. 17-60-14017.

MR. MERMON:
So moved.

MR. MOHLER:

Second.

CHAIRMAN MURPHY:

So moved and seconded.

Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried unanimously. The Respondent’s name is Brian Santo Bruni.]

***

MR. FRITZ:

The Board would entertain a motion approving the Consent Agreement at Case No. 19-60-011115.

MR. MERMON:

So moved.

MR. MOHLER:

Second.
CHAIRMAN MURPHY:

So moved and seconded.

Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried unanimously. The Respondent’s name is Galen A. Benedict.]

***

MR. FRITZ:

The Board would entertain a motion approving the Consent Agreement at Case No. 17-60-13891.

MR. MERMON:

So moved.

MR. DAVIS:

Second.

CHAIRMAN MURPHY:

So moved and seconded.
Roll call.

Kyla Djannie, aye; George Mermon, no; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, no; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried. Mr. Mermon and Mr. Mohler opposed the motion. The Respondent’s name is A to Z Motors.]

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MR. FRITZ:

The Board would entertain a motion directing Board counsel to draft an Adjudication and Order in the matter of the Commonwealth v. Elmwood Auto Sales, Inc., Case No. 16-60-000290.

MR. FRETZ:

So moved.

MR. MOHLER:

Second.

CHAIRMAN MURPHY:

So moved and seconded.
Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried unanimously.]

***

MR. FRITZ:

The Board would entertain a motion delegating the following matter to the office of Hearing Examiners for conducting a hearing and drafting a proposed Adjudication and Order for the Commonwealth v. Charles Strait, Case No. 17-60-02372.

MR. MOHLER:

So moved.

MR. STOY:

Second.

CHAIRMAN MURPHY:

So moved and seconded.
Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried unanimously.]

***

MR. FRITZ:

The Board would entertain a motion
approving the following Adjudications
and Orders: Commonwealth v. Craig A. Davis, Case No. 16-60-088881;
Commonwealth v. Robert Crain Gulack, Case No. 17-60-05557; Commonwealth v. Ryan Vergotz, Case No. 17-60-02756;
Commonwealth v. Nicholas Martin Bufano, Case No. 19-60-008762; Commonwealth v. Adam Brayton Coover, Case No. 17-60-02755; Commonwealth v. Hensels Auto Sales, Case No. 17-60-02872;
Commonwealth v. Hunting Park Motors, Case No. 17-60-12189; Commonwealth v.
Michael J. Miller, Case No. 19-60-008293; Commonwealth v. Jennifer K. Morrison, Case No. 18-60-00347; Commonwealth v. Michael Pegher, Case No. 18-60-006499; Commonwealth v. Bradley J. Russell, Case No. 19-60-004519; Commonwealth v. Alex Jones, Case No. 19-60-009172; Commonwealth v. Kirsten Javonne Gaskins, Case No. 19-60-007849; Davin L. Kane, Case No. 19-60-006813.

CHAIRMAN MURPHY:

Motion?

MR. MERMON:

So moved.

MR. MOHLER:

Second.

CHAIRMAN MURPHY:

So moved and seconded.

Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald
Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried unanimously.]

***

MR. FRITZ:

The Board would entertain a motion granting the following Motions to Deem Facts Admitted and directing Board counsel to draft an Adjudication and Order for Patrick D. Davis, Case No. 19-60-005022; Commonwealth v. Tommy Lee Horner, Case No. 19-60-012599; Commonwealth v. Mark W. Slagle, Case No. 19-60-007346; Commonwealth v. Chukwudubem A. Okafor, Case No. 19-60-011489; Commonwealth v. Mikhail Bukh, Case NO. 18-60-011644; and Commonwealth v. Robert E. Luptak, Case No. 15-60-06519.

CHAIRMAN MURPHY:

Motion?

MR. MERMON:

So moved.

MR. MOHLER:

Second.
CHAIRMAN MURPHY:

So moved and seconded.

Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried unanimously.]

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MR. FRITZ:

I note for the record that Commonwealth v. Jason Waite, Case No. 16-60-00288 will be tabled for discussion at the next Board meeting.

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[C. William Fritz II, Esquire, Board Counsel, addressed status of cases and asked the Board to let him know if anyone needs to recuse on any items not already indicated.

Mr. Fritz noted he is working on yellow areas, and areas not highlighted are hearings scheduled...}
before the hearing examiner’s office.

Mr. Fritz mentioned that Mr. Murphy volunteered to attend the active protest hearing scheduled for March 16 and 17. He stated all other protests are awaiting results of mediation.}

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Application Review – Informal Conferences

MR. FRITZ:

The Board would entertain a motion approving the applicants for licensure of the following individuals: Adam Quick, Sean Abbott, Kevin Ryan, Christopher Mitchell, Robert Evermon, David Zimmerman, Matthew Arnold, and Lev Kozorovsky.

MR. MERMON:

So moved.

MR. DAVIS:

Second.

CHAIRMAN MURPHY:

So moved and seconded.

Roll call.

Kyla Djannie, aye; George Mermon, aye;
Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried unanimously.]

***

Report of Board Counsel (Continued)

[C. William Fritz II, Esquire, Board Counsel, referred to 16A-6011 regarding charging a $65 registration fee for out-of-state RV dealers. He stated the majority of those dealers were going to shows in Hershey and Erie. He commented that BFO felt $65 to be a reasonable registration fee for the amount of work done by the Board. He questioned whether the Board would like to pursue the matter.

Mr. Fretz questioned whether the salespeople were required to pay a fee.

Ms. Cline stated the dealer provides a list of salespeople, which is kept with the registration approval.

Mr. Fritz explained that individuals employed by the registered dealer do not have to be licensed because the registration is only good for the time period given during the show.
Mr. Fritz stated the Bureau of Enforcement and Investigation (BEI) visits the area about a week before the show to verify legitimacy. He also mentioned that records are kept in case the public wanted to file a complaint against an RV dealer.

Chairman Murphy stated $65 was good and suggested assessing the amount again in the coming months.

Mr. Fritz mentioned that Ms. Cline could inform the Board of an increase in the dealer volume, which would indicate the need to raise the fee.]

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MR. FRITZ:

I need you to approve the regulation as written. I will get all of the other paperwork together and get it sent up the chain.

MR. MURPHY:

Motion to approve?

MR. FRETZ:

So moved.

MR. MOHLER:

Second.

CHAIRMAN MURPHY:

So moved and seconded.
Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, aye; Donald Stoy, aye; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried unanimously.]

***

CHAIRMAN MURPHY:

Approval of the Schedule for 2021.
January 12; February 23; March 30; April, no meeting; May 11; June 22; August 3; September 14; October 26, November 30; December, no meeting.

Motion to approve?

MR. MOHLER:

So moved.

CHAIRMAN MURPHY:

Second?

MR. STOY:

Second.

CHAIRMAN MURPHY:

So moved and seconded.
Roll call.

Kyla Djannie, aye; George Mermon, aye; Kirk Davis, aye; Randall Derr, aye; Neal Hufford, aye; Dale Yingst, aye; Steve Fretz, aye; William Mohler, no; Donald Stoy, abstain; Robert Shaffer, aye; Theodore Stauffer, aye, Dan Murphy, aye.

[The motion carried. Mr. Stoy abstained from voting on the motion. Mr. Mohler opposed the motion.]

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Report of Board Chairman – No Report

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Report of Board Administrator – No Report

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Report of Acting Commissioner – No Report

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Adjournment

CHAIRMAN MURPHY:

Motion to adjourn?

MR. FRETZ:

So moved.

MR. STOY:

Second.
CHAIRMAN MURPHY:

We are adjourned.

[The motion carried unanimously.]

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[The State Board of Vehicle Manufacturers, Dealers, and Salespersons Meeting adjourned at 11:42 a.m.]

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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.

Sarah LaMaster,
Minute Clerk
Sargent’s Court Reporting Service, Inc.
STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
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February 18, 2020

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