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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
VIA VIDEOCONFERENCE**

TIME: 10:32 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

February 23, 2021

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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
February 23, 2021

BOARD MEMBERS:

- Dan G. Murphy III, Chairman
- Kirk A. Davis, Vice Chairman
- K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs
- Randall Derr, Professional Member
- Steve T. Fretz, Professional Member
- Angel Layton, Department of Transportation Representative
- George F. Mermon, Professional Member - Absent
- William M. Mohler, Professional Member - Absent
- Mark Wolfe, Office of Attorney General, Consumer Protection Representative
- Dale J. Yingst, Professional Member

BUREAU PERSONNEL:

- C. William Fritz II, Esquire, Board Counsel
- Colby B. Widdowson, Esquire, Board Prosecution Liaison
- J. Karl Geschwindt, Esquire, Board Prosecutor
- Janice Cline, Board Administrator
- Theodore Stauffer, Executive Secretary, Bureau of Professional and Occupational Affairs

1 ***

2 State Board of Vehicle Manufacturers,
3 Dealers, and Salespersons
4 February 23, 2021

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 9:00 a.m. the Board entered into Executive Session
8 with C. William Fritz II, Esquire, Board Counsel, for
9 the purpose of conducting quasi-judicial deliberations
10 and to receive advice of counsel. The Board returned
11 to open session at 10:32 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Vehicle Manufacturers, Dealers, and
15 Salespersons was held on Tuesday, February 23, 2021.
16 Dan G. Murphy III, Chairman, called the meeting to
17 order at 10:32 a.m.

18 ***

19 Roll Call

20 [A roll call of Board members was taken by Mr. Fritz.]

21 ***

22 [Theodore Stauffer, Executive Secretary, Bureau of
23 Professional and Occupational Affairs, noted the
24 meeting was being recorded, and those who remained on
25 the line were giving their consent to be recorded.]

1 ***

2 Approval of minutes of the January 12, 2021 meeting

3 CHAIRMAN MURPHY:

4 Could I get an approval of the minutes?

5 MR. DAVIS:

6 So moved.

7 CHAIRMAN MURPHY:

8 How about a second?

9 COMMISSIONER JOHNSON:

10 Second.

11 CHAIRMAN MURPHY:

12 So moved and seconded. Roll call.

13

14 Mark Wolfe, aye; Randall Derr, aye; Kirk

15 Davis, aye; Steve Fretz, aye; Angel

16 Layton, aye; Commissioner Johnson, aye;

17 Dan Murphy, aye; Dale Yingst, aye.

18 [The motion carried unanimously.]

19

20 Report of Prosecutorial Division

21 [J. Karl Geschwindt, Esquire, Board Prosecutor,

22 presented the Consent Agreement for Case No. 19-60-

23 006482.]

24

25 [Colby B. Widdowson, Esquire, Board Prosecution

1 Liaison, presented the Consent Agreement for Case No.
2 18-60-004718.]

3 ***

4 MR. FRITZ:

5 The Board would entertain a motion to
6 approve the Consent Agreement at Case
7 No. 19-60-006482.

8 CHAIRMAN MURPHY:

9 Motion to approve?

10 MR. DERR:

11 So moved.

12 COMMISSIONER JOHNSON:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded. Roll call.

16
17 Mark Wolfe, aye; Randall Derr, aye; Kirk
18 Davis, aye; Steve Fretz, aye; Angel
19 Layton, aye; K. Kalonji Johnson, aye;
20 Dan Murphy, aye; Dale Yingst, aye.

21 [The motion carried unanimously. The name of the
22 Respondent is Richard P. Katilius.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion to

1 approve the Consent Agreement at Case
2 No. 18-60-004718.

3 CHAIRMAN MURPHY:

4 Motion to approve?

5 MR. DERR:

6 So moved.

7 MR. FRETZ:

8 Second.

9 CHAIRMAN MURPHY:

10 So moved and seconded. Roll call.

11

12 Mark Wolfe, aye; Randall Derr, aye; Kirk
13 Davis, aye; Steve Fretz, aye; Angel
14 Layton, aye; K. Kalonji Johnson, aye;
15 Dan Murphy, aye; Dale Yingst, aye.

16 [The motion carried unanimously. The name of the
17 Respondent is Martino Auto Sales & Service LLC.]

18

19 Report of Board Counsel

20 [C. William Fritz II, Esquire, Board Counsel, noted
21 the status of cases as of February 9, 2021, for the
22 Board's review.

23 Mr. Fritz requested Board members inform him on
24 any matters where they would need to recuse themselves
25 after reviewing the status of cases.]

1 ***

2 Report of Board Counsel - Adjudications and Orders for
3 Approval

4 MR. FRITZ:

5 The Board would entertain a motion to
6 approve the Adjudication and Order, the
7 Commonwealth v. John J. Farley, Case No.
8 15-60-14245.

9 CHAIRMAN MURPHY:

10 Somebody want to move?

11 MR. FRETZ:

12 So moved.

13 MS. LAYTON:

14 Second.

15 CHAIRMAN MURPHY:

16 So moved and seconded. Roll call.

17
18 Mark Wolfe, aye; Randall Derr, aye; Kirk
19 Davis, aye; Steve Fretz, aye; Angel
20 Layton, aye; K. Kalonji Johnson, aye;
21 Dan Murphy, aye; Dale Yingst, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion to

1 approve the Adjudication and Order, the
2 Commonwealth v. William R. Havlik, Case
3 No. 18-60-003956.

4 CHAIRMAN MURPHY:

5 Motion?

6 MR. DAVIS:

7 So moved.

8 COMMISSIONER JOHNSON:

9 Second.

10 CHAIRMAN MURPHY:

11 So moved and seconded. Roll call.

12

13 Mark Wolfe, aye; Randall Derr, aye; Kirk
14 Davis, aye; Steve Fretz, aye; Angel
15 Layton, aye; K. Kalonji Johnson, aye;
16 Dan Murphy, aye; Dale Yingst, aye.

17 [The motion carried unanimously.]

18

19 Report of Board Counsel - Proposed Adjudications and
20 Orders

21

22 MR. FRITZ:

23 Based on discussions held in executive
24 session, the Board would entertain a
25 motion to adopt the proposed

1 Adjudications and Orders of Neil Mark
2 Delafuente, Case No. 19-60-003415 and
3 Commonwealth v. Mark A. Nelson, Case No.
4 17-60-06980.

5 CHAIRMAN MURPHY:

6 Motion?

7 MR. YINGST:

8 So moved.

9 MR. DERR:

10 Second.

11 CHAIRMAN MURPHY:

12 Roll call.

13

14 Mark Wolfe, aye; Randall Derr, aye; Kirk
15 Davis, aye; Steve Fretz, aye; Angel
16 Layton, aye; K. Kalonji Johnson, aye;
17 Dan Murphy, aye; Dale Yingst, aye.

18 [The motion carried unanimously.]

19

20 Report of Board Counsel - Regulations

21 [C. William Fritz II, Esquire, Board Counsel,

22 addressed regulation 16A-6011 regarding the out-of-
23 state recreational vehicle dealer registration fee.

24 He referred to the annex, noting the addition of the
25 out-of-state recreational vehicle dealer registration

1 fee of \$65. He addressed comments from the
2 Independent Regulatory Review Commission (IRRC) to
3 replace "registration" fee with "participation" fee.
4 He stated the Board of Vehicles Act currently requires
5 out-of-state RV dealers to register with the Board to
6 participate in a show in Pennsylvania.

7 Mr. Fritz explained that a participation fee in
8 the Board of Vehicles Act is meant to be part of the
9 package of information to be sent to the Board as
10 proof that the participate took part in a show in
11 Pennsylvania, which is the reason to keep
12 participation fee separate from registration fee.

13 Mr. Fritz recommended keeping the regulation as
14 is and informing IRRC of the Board's interpretation of
15 participation until another regulation could be
16 drafted to clarify and define participation.

17 Mr. Fritz addressed IRRC's other issue regarding
18 a conflict with existing regulations, where IRRC
19 suggested a separate regulation at some point to make
20 sure everything matches between Act 90 and what the
21 Board proposed with the RV fee. He attached Act 90,
22 which is what evolved as far as all the additions to
23 the act related to RV dealers, for the Board's
24 review.]

25

1 Report of Board Chairman - No Report

2 ***

3 Report of Board Administrator

4 [Dan G. Murphy III, Chairman, noted meeting dates
5 would be discussed at the next meeting due to
6 conflicts.

7 Ms. Cline reminded everyone renewals would be
8 starting within a few weeks. She noted all renewals
9 would be online and notifications via email.

10 Ms. Cline also reminded everyone to complete the
11 financial disclosure and ethics forms.

12 Mr. Fritz stated the general fee increase
13 regulation was on the move, and noted his goal to
14 complete the draft by the next renewal cycle.]

15 ***

16 Report of Commissioner - No Report

17 [K. Kalonji Johnson, Commissioner, Bureau of
18 Professional and Occupational Affairs, welcomed Mark
19 Wolfe to the Board.

20 Chairman Murphy commented that there have been
21 some inquiries as far as vetting future Board members
22 and thanked Commissioner Johnson.]

23 ***

24 Application Review -Criminal Conviction

25 Applicants - Informal Hearings

1 MR. FRITZ:

2 The Board would entertain a motion to
3 approve the following applicants for
4 licensure: Mary Anne Sgrignuolo, Joshua
5 LaChance, Michael Hasbrouck, David
6 Gouldsmith, Felix Davila, and Ashley
7 Bodkins.

8 CHAIRMAN MURPHY:

9 Motion to approve?

10 MR. DERR:

11 So moved.

12 MR. YINGST:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded. Roll call.

16
17 Mark Wolfe, aye; Randall Derr, aye; Kirk
18 Davis, aye; Steve Fretz, aye; Angel
19 Layton, aye; K. Kalonji Johnson, aye;
20 Dan Murphy, aye; Dale Yingst, aye.

21 [The motion carried unanimously.]

22 ***

23 MR. FRITZ:

24 The Board would entertain a motion
25 approving the following applicants for

1 licensure subject to a period of
2 probation: Daniel Dettore, Brittany
3 Kuttrubis, Alen Beganovic, and Jacob
4 Warrington.

5 MR. DERR:

6 So moved.

7 MR. YINGST:

8 Second.

9 CHAIRMAN MURPHY:

10 Roll call.

11

12 Mark Wolfe, aye; Randall Derr, aye; Kirk
13 Davis, aye; Steve Fretz, aye; Angel
14 Layton, aye; K. Kalonji Johnson, aye;
15 Dan Murphy, aye; Dale Yingst, aye.

16 [The motion carried unanimously.]

17

18 MR. FRITZ:

19 The Board would entertain a motion to
20 provisionally deny the Application of
21 Matthew McMichael.

22 MR. DERR:

23 So moved.

24 MR. YINGST:

25 Second.

1 CHAIRMAN MURPHY:

2 Roll call.

3

4 Mark Wolfe, aye; Randall Derr, aye; Kirk

5 Davis, aye; Steve Fretz, aye; Angel

6 Layton, aye; K. Kalonji Johnson, aye;

7 Dan Murphy, aye; Dale Yingst, aye.

8 [The motion carried unanimously.]

9

10 Adjournment

11 CHAIRMAN MURPHY:

12 Motion to adjourn.

13 MR. DERR:

14 Second.

15 CHAIRMAN MURPHY:

16 Have a good day everyone.

17 [The motion carried unanimously.]

18

19 [The State Board of Vehicle Manufacturers, Dealers,

20 and Salespersons Meeting adjourned at 11:03 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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS, AND SALESPERSONS
REFERENCE INDEX

February 23, 2021

	TIME	AGENDA
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9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:32	Official Call to Order
14		
15	10:33	Roll Call
16		
17	10:34	Approval of Minutes
18		
19	10:35	Report of Prosecutorial Division
20		
21	10:41	Report of Board Counsel
22		
23	10:55	Report of Board Administrator
24		
25	11:00	Application Review
26		
27	11:03	Adjournment
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