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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: 10:31 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

April 6, 2021

1 State Board of Vehicle Manufacturers,
2 Dealers, and Salespersons
3 April 6, 2021
4
5

6 BOARD MEMBERS:
7

8 Dan G. Murphy III, Chairman
9 Kirk A. Davis, Vice Chairman
10 Theodore Stauffer, Executive Secretary, Bureau of
11 Professional and Occupational Affairs, on behalf of
12 K. Kalonji Johnson, Commissioner, Bureau of
13 Professional and Occupational Affairs
14 Randall Derr, Professional Member
15 Mark Wolfe, Office of Attorney General, Consumer
16 Protection Representative
17 Steve T. Fretz, Professional Member
18 Angel Layton, Department of Transportation
19 Representative
20 George F. Mermon, Professional Member
21 William M. Mohler, Professional Member - Absent
22 Dale J. Yingst, Professional Member
23
24

25 BUREAU PERSONNEL:
26

27 C. William Fritz II, Esquire, Board Counsel
28 Colby B. Widdowson, Esquire, Board Prosecution Liaison
29 Kayla R. Bolan, Esquire, Board Prosecutor
30 Janice Cline, Board Administrator
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2 State Board of Vehicle Manufacturers,
3 Dealers, and Salespersons

4 April 6, 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
10 deliberations. The Board returned to open session at
11 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Vehicle Manufacturers, Dealers, and
15 Salespersons was held on Tuesday, April 6, 2021. Dan
16 G. Murphy III, Chairman, called the meeting to order
17 at 10:31 a.m.

18 ***

19 Approval of minutes of the February 23, 2021 meeting

20 CHAIRMAN MURPHY:

21 Could I have an approval of the minutes?

22 MR. DAVIS:

23 So moved.

24 MR. YINGST:

25 Second

1 CHAIRMAN MURPHY:

2 So moved and seconded. Roll call.

3

4 Mark Wolfe, aye; Kirk Davis, aye; Dale
5 Yingst, aye; Steve Fretz, aye; Angel
6 Layton, aye; Dan Murphy, aye.

7 [The motion carried unanimously.]

8

9 [Theodore Stauffer, Executive Secretary, Bureau of
10 Professional and Occupational Affairs, noted the
11 meeting was being recorded, and those who remained on
12 the line were giving their consent to be recorded.]

13

14 [C. William Fritz II, Esquire, Board Counsel, noted
15 the Board met in executive session prior to the
16 meeting for the purpose of conducting quasi-judicial
17 deliberations.]

18

19 Roll Call

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

21

22 Report of Prosecutorial Division

23 [Colby B. Widdowson, Esquire, Board Prosecution
24 Liaison, informed the Board of recent changes in the
25 prosecution division, stating that Peter Kovach will

1 be the new prosecution liaison for the Board.

2 Mr. Widdowson thanked the Board for their work,
3 noting they will be in great hands moving forward.]

4 ***

5 [Colby B. Widdowson, Esquire, Board Prosecution
6 Liaison, presented the Consent Agreement for Case No.
7 20-60-003304.]

8 ***

9 [Kayla R. Bolan, Esquire, Board Prosecutor, presented
10 the Consent Agreement for Case No. 19-60-018364.]

11 MR. FRITZ:

12 The Board would entertain a motion to
13 approve the Consent Agreement at Case
14 No. 19-60-018364.

15 MR. DAVIS:

16 So moved.

17 CHAIRMAN MURPHY:

18 Second. So moved and seconded. Roll
19 call.

20
21 Mark Wolfe, aye; George Mermon, aye;
22 Randall Derr, aye; Kirk Davis, aye; Dale
23 Yingst, aye; Steve Fretz, aye; Angel
24 Layton, aye; Dan Murphy, aye.

25 [The motion carried unanimously. The Respondent's

1 name is Lawrence Paul Walsh.]

2 ***

3 MR. FRITZ:

4 The Board would also entertain a motion
5 to approve the Consent Agreement at Case
6 No. 20-60-003304.

7 MR. DAVIS:

8 So moved.

9 MR. DERR:

10 Second

11 CHAIRMAN MURPHY:

12 So moved and seconded. Roll call.

13

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

18 [The motion carried unanimously. The Respondent's
19 name is Dennis Reynolds.]

20 ***

21 Report of Board Counsel

22 [C. William Fritz II, Esquire, Board Counsel, noted
23 the status of cases as of March 24, 2021, for the
24 Board's review.

25 Mr. Fritz requested Board members inform him on

1 any matters where they would need to recuse themselves
2 after reviewing the status of cases.

3 Mr. Fritz updated the status of cases, noting 42
4 open files as of today. He mentioned that protests
5 have been stable with no new protests.

6 Mr. Fritz informed the Board that regulations are
7 moving. He noted the recreation vehicle (RV) fee
8 regulation and fee increase regulation are moving
9 along. He mentioned that there are a few hearings
10 scheduled for the next meeting.]

11 ***

12 Report of Board Counsel - Motion to Deem Facts

13 Admitted

14 MR. FRITZ:

15 Based on discussions held in executive
16 session, the Board would entertain a
17 motion to grant the Motion to Deem Facts
18 Admitted and direct Board counsel to
19 draft and Adjudication and Order.

20 CHAIRMAN MURPHY:

21 Would someone make a motion?

22 MR. DERR:

23 So moved.

24 MR. YINGST:

25 Second.

1 CHAIRMAN MURPHY:

2 So moved and seconded. Roll call.

3

4 Mark Wolfe, aye; George Mermon, aye;
5 Randall Derr, aye; Kirk Davis, aye; Dale
6 Yingst, aye; Steve Fretz, aye; Angel
7 Layton, aye; Dan Murphy, aye.

8 [The motion carried unanimously. The Respondent's
9 name is Stephen J. Shimko, Case No. 19-60-012647.]

10

11 [C. William Fritz II, Esquire, Board Counsel, informed
12 the Board of potential scams happening at the current
13 time, where someone pretends to be from the Bureau of
14 Enforcement and Investigation (BEI) and supposedly
15 working with the Federal Bureau of Investigation (FBI)
16 and the Drug Enforcement Administration (DEA).

17 Mr. Fritz stated the licensees of all boards were
18 being contacted, but the incidents seemed to be
19 focused more toward the health boards, where there was
20 a reporting of BEI investigating an individual and
21 requesting payment of a fine over the phone.

22 Mr. Fritz read an email from the Department
23 concerning the scam. He mentioned that those who were
24 the subject of an investigation or disciplinary action
25 would receive notice by certified mail and/or personal

1 service and provided with a contact name and phone
2 number. He informed all to contact their local police
3 department or the State Police if they had been a
4 victim of the scam. He noted that the information is
5 located on the Department of State Boards and
6 Commissions' website.

7 Mr. Fritz informed the Board that he provided the
8 Pennsylvania Automotive Association (PAA) with the
9 email and will send it to the Pennsylvania Independent
10 Automobile Dealers Association (PIADA) today and
11 probably the Pennsylvania Recreation Vehicle and
12 Camping Association (PRVCA) as well.]

13

14 Report of Board Chairman - No Report

15

16 Report of Commissioner - No Report

17 [Theodore Stauffer, Executive Secretary, Bureau of
18 Professional and Occupational Affairs, on behalf of K.
19 Kalonji Johnson, Commissioner, did not have an
20 official report but offered to take questions or
21 concerns to the Commissioner.]

22

23 Report of Board Administrator

24 [Janice Cline, Board Administrator, informed the Board
25 that renewals started.

1 Chairman Murphy mentioned a meeting date change,
2 noting the next meetings were scheduled for May 11 and
3 June 30. He requested approval of the 2022 meeting
4 dates.]

5 CHAIRMAN MURPHY:

6 Could we get a motion and a second to
7 approve?

8 MS. LAYTON:

9 So moved.

10 MR. DAVIS:

11 Second.

12 CHAIRMAN MURPHY:

13 So moved and seconded. Roll call.

14

15 Mark Wolfe, aye; George Mermon, aye;
16 Kirk Davis, aye; Randall Derr, aye; Dale
17 Yingst, aye; Steve Fretz, aye; Angel
18 Layton, aye; Dan Murphy, aye.

19 [The motion carried unanimously.]

20

21 Application Review - Criminal Conviction

22 Applicants - Informal Hearings

23 Report of Board Counsel - Motion to Deem Facts

24 Admitted

25 MR. FRITZ:

1 The Board would entertain a motion to
2 approve the following Application
3 subject to 2 years' probation of Stephen
4 Lamar Blackston.

5 MR. DAVIS:

6 So moved.

7 MR. MERMON:

8 Second.

9 CHAIRMAN MURPHY:

10 So moved and seconded. Roll call.

11

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

16 [The motion carried unanimously.]

17

18 MR. FRITZ:

19 The Board would entertain a motion to
20 approve the following applicants for
21 licensure without restriction: Brad
22 Varner and David C. Hollenbach.

23 MR. DAVIS:

24 So moved.

25 MR. DERR:

1 Second.

2 CHAIRMAN MURPHY:

3 So moved and seconded. Roll call.

4

5 Mark Wolfe, aye; George Mermon, aye;

6 Randall Derr, aye; Kirk Davis, aye; Dale

7 Yingst, aye; Steve Fretz, aye; Angel

8 Layton, aye; Dan Murphy, aye.

9 [The motion carried unanimously.]

10

11 MR. FRITZ:

12 The Board would entertain a motion to

13 approve the following application for

14 licensure subject to probation

15 concurrent to criminal probation for

16 Wilson Martin and Eli R. Lyles.

17 MR. DAVIS:

18 So moved.

19 MR. DERR:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded. Roll call.

23

24 Mark Wolfe, aye; George Mermon, aye;

25 Randall Derr, aye; Kirk Davis, aye; Dale

1 Yingst, aye; Steve Fretz, aye; Angel
2 Layton, aye; Dan Murphy, aye.

3 [The motion carried unanimously.]

4 ***

5 MR. FRITZ:

6 The Board would entertain a motion to
7 provisionally deny the Application of
8 Stephen Jones.

9 MR. YINGST:

10 So moved.

11 MR. DERR:

12 Second.

13 CHAIRMAN MURPHY:

14 So moved and seconded. Roll call.

15
16 Mark Wolfe, aye; George Mermon, aye;
17 Randall Derr, aye; Kirk Davis, aye; Dale
18 Yingst, aye; Steve Fretz, aye; Angel
19 Layton, aye; Dan Murphy, aye.

20 [The motion carried unanimously.]

21 ***

22 [Randall Derr, Professional Member, questioned whether
23 there would be in-person meetings soon.

24 Mr. Fritz suggested Mr. Stauffer present that
25 question to the commissioner for an update at the next

1 meeting.]

2 ***

3 Adjournment

4 CHAIRMAN MURPHY:

5 Motion to adjourn.

6 MR. DAVIS:

7 Second.

8 CHAIRMAN MURPHY:

9 We are adjourned.

10 [The motion carried unanimously.]

11 ***

12 [The State Board of Vehicle Manufacturers, Dealers,
13 and Salespersons Meeting adjourned at 10:52 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

April 6, 2021

	TIME	AGENDA
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2		
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7		
8		
9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:31	Official Call to Order
14		
15	10:31	Approval of Minutes
16		
17	10:32	Roll Call
18		
19	10:35	Report of Prosecutorial Division
20		
21	10:40	Report of Board Counsel
22		
23	10:47	Report of Board Administrator
24		
25	10:49	Application Review
26		
27	10:52	Adjournment
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