

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  
VIA VIDEOCONFERENCE**

TIME: 10:31 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

May 11, 2021

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  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

State Board of Vehicle Manufacturers,  
Dealers, and Salespersons  
May 11, 2021

BOARD MEMBERS:

- Kirk A. Davis, Chairman
- Theodore Stauffer, Executive Secretary, Bureau of Professional and Occupational Affairs, on behalf of K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs
- Randall Derr, Professional Member, Secretary
- Mark Wolfe, Office of Attorney General, Consumer Protection Representative
- Steve T. Fretz, Professional Member - Absent
- Angel Layton, Department of Transportation Representative
- George F. Mermon, Professional Member
- William M. Mohler, Professional Member - Absent
- Dale J. Yingst, Professional Member
- Mark Baer, Professional Member
- Irving Stein, Professional Member

BUREAU PERSONNEL:

- C. William Fritz II, Esquire, Board Counsel
- Peter D. Kovach, Esquire, Board Prosecution Liaison
- Kayla R. Bolan, Esquire, Board Prosecutor
- Paul J. Jarabeck, Esquire, Board Prosecutor
- Christopher K. McNally, Esquire, Board Prosecutor
- Janice Cline, Board Administrator

1 \*\*\*

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

4 May 11, 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, May 11, 2021. C.  
16 William Fritz II, Esquire, Board Counsel, called the  
17 meeting to order at 10:31 a.m.

18 \*\*\*

19 [C. William Fritz II, Esquire, Board Counsel, informed  
20 everyone that he called the meeting to order due to  
21 the current Board Chair vacancy. He also noted the  
22 Board met in Executive Session prior to the meeting  
23 for the purpose of conducting quasi-judicial  
24 deliberations.]

25 \*\*\*

1 Election of Board Chairperson

2 MR. FRITZ:

3 I believe the Board would be open to  
4 nominations for a new Board chair and  
5 will leave it open right now for  
6 nominations.

7 MR. YINGST:

8 I would nominate Kirk Davis.

9 MR. DERR:

10 I'll second that.

11 MR. FRITZ:

12 Are there any other nominations?

13 Hearing no other nominations at this  
14 time.

15 All those in favor of Kirk Davis  
16 for Board chair, say aye. Opposed?

17 Congratulations, Mr. Davis, as the  
18 new Board chair.

19 The motion carried unanimously.]

20 \*\*\*

21 MR. FRITZ:

22 With Mr. Davis' election to Board chair,  
23 that now leaves a vacancy with Board  
24 secretary. At this time, I would open  
25 the floor to nominations for secretary

1 for the Board.

2 MR. MERMON:

3 I'll nominate Randy Derr.

4 MR. YINGST:

5 I'll second that.

6 MR. FRITZ:

7 Mr. Derr nominated and seconded. Are  
8 there any other nominations for  
9 secretary? Hearing none.

10 All those in favor of Mr. Derr as  
11 the new secretary, say aye. Opposed?

12 Congratulations, Mr. Derr.

13 The motion carried unanimously.]

14 \*\*\*

15 Roll Call

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

17 \*\*\*

18 Approval of minutes of the April 6, 2021 meeting

19 MR. FRITZ:

20 The first item on the agenda would be  
21 approval of minutes.

22 MR. DERR:

23 So moved.

24 MR. WOLFE:

25 Second

1 MR. FRITZ:

2 All in favor? Opposed?

3 [The motion carried unanimously.]

4 \*\*\*

5 Report of Prosecutorial Division

6 [Kayla R. Bolan, Esquire, Board Prosecutor, presented  
7 the Consent Agreement for Case No. 20-60-000761.]

8 \*\*\*

9 [Peter D. Kovach, Esquire, Board Prosecutor, Board  
10 Prosecution Liaison, presented the Consent Agreement  
11 for Case No. 20-60-000892.]

12 \*\*\*

13 MR. FRITZ:

14 The Board would entertain a motion to  
15 approve the Consent Agreement at Case  
16 No. 20-60-000761.

17 MR. DERR:

18 So moved.

19 MR. YINGST:

20 Second.

21 MR. FRITZ:

22 All in favor? Any opposed?

23 [The motion carried unanimously. The Respondent's  
24 name is Xtreme Outdoors, LLC.]

25 \*\*\*

1 MR. FRITZ:

2 The Board would also entertain a motion  
3 to approve the Consent Agreement at Case  
4 No. 20-60-000892.

5 MR. YINGST:

6 So moved.

7 MR. DERR:

8 Second

9 MR. FRITZ:

10 All those in favor? Opposed?

11 [The motion carried unanimously. The Respondent's  
12 name is Larry J. Butts.]

13 \*\*\*

14 Report of Board Counsel

15 [C. William Fritz II, Esquire, Board Counsel, informed  
16 the Board that the hearing scheduled for this meeting  
17 had been continued.

18 Mr. Fritz noted the status of cases as of April  
19 30, 2021, for the Board's review. He requested Board  
20 members inform him of any cases where they would need  
21 to recuse themselves.]

22 \*\*\*

23 Report of Board Counsel - Proposed Adjudication and  
24 Order

25 MR. FRITZ:

1                   Number 6 on the agenda. The Board would  
2                   entertain a motion to adopt the proposed  
3                   Adjudication and Order in the following  
4                   matter: Commonwealth v. Roy N. Shaulis,  
5                   Case No. 15-60-08699.

6 MR. YINGST:

7                   So moved.

8 MR. DERR:

9                   Second.

10 MR. FRITZ:

11                   All in favor? Any Opposed?

12 [The motion carried unanimously.]

13   \*\*\*

14 Report of Board Counsel - Motion to Deem Facts

15       Admitted

16 MR. FRITZ:

17                   Next is the Motion to Deem Facts  
18                   Admitted. The Board would entertain a  
19                   motion to grant a Motion to Deem Facts  
20                   Admitted and direct Board counsel to  
21                   draft an Adjudication and Order in the  
22                   following matter: Commonwealth v. Joel  
23                   M. Paugh, Case No. 19-60-07068.

24 MR. YINGST:

25                   So moved.



1 MR. DERR:

2 Second.

3 MR. FRITZ:

4 All in favor? Any Opposed?

5 [The motion carried unanimously.]

6 \*\*\*

7 Report of Board Counsel - Scam Alert

8 [C. William Fritz II, Esquire, Board Counsel, notified  
9 the Board of a scam alert pertaining to licensees,  
10 where the Bureau of Professional and Occupational  
11 Affairs (BPOA) received reports of persons pretending  
12 to be from one of the health-related boards and  
13 contacting licensees regarding the status of their  
14 license.

15 Mr. Fritz noted scammers were threatening license  
16 suspension for failure to act and falsely claiming  
17 involvement with the Federal Bureau of Investigation  
18 (FBI) and the Drug Enforcement Administration (DEA).

19 Mr. Fritz stated scammers were threatening  
20 license suspension for failure to provide personal  
21 information. He provided reminders from the Bureau of  
22 Professional and Occupational Affairs (BPOA)  
23 concerning contact and personal information for  
24 licensees.

25 Mr. Fritz mentioned that those who were the

1 subject of an investigation or disciplinary action  
2 would receive notice by certified mail and/or personal  
3 service and provided with a contact name and phone  
4 number. He informed everyone to contact their local  
5 police department or the state police if they have  
6 been a victim of the scam.]

7 \*\*\*

8 Report of Board Chairman - No Report

9 [Kirk Davis, Chairman, Professional Member, had no  
10 formal report for the Board but requested information  
11 concerning loosening of restrictions at the end of the  
12 month and how that might affect the Board's ability to  
13 meet in person.

14 Mr. Fritz reported hearing no official word  
15 concerning returning to in-person meetings.]

16 \*\*\*

17 Report of Commissioner - No Report

18 [Theodore Stauffer, Executive Secretary, Bureau of  
19 Professional and Occupational Affairs, on behalf of K.  
20 Kalonji Johnson, Commissioner, had no official report  
21 but offered to take any questions or concerns to the  
22 commissioner.

23 Mr. Stauffer informed everyone the department is  
24 still awaiting word from higher up regarding returning  
25 to in-person meetings. He noted some boards are

1 limited in their practice act and must meet in person.  
2 He mentioned a hybrid model, where boards would be  
3 meeting in person but still have an online component  
4 for people to join online as well.]

5 \*\*\*

6 Report of Board Administrator - No Report

7 \*\*\*

8 Discussion

9 [C. William Fritz II, Esquire, Board Counsel, reported  
10 a conflict with two Board meeting dates in September  
11 and October. He offered the option of moving the  
12 meeting dates to September 27 and October 29, 2021, or  
13 moving the September meeting and canceling the October  
14 meeting. The Board agreed to move the September 14  
15 meeting to September 27, cancel the October meeting,  
16 and schedule one for November 15, 2021.

17 Mr. Fritz requested Board members review the 2022  
18 meeting dates and contact Ms. Cline with any conflicts  
19 to ensure a quorum.

20 Ms. Cline noted Board member terms had not been  
21 updated but would place those on the next eAgenda.]

22 \*\*\*

23 Application Review - Criminal Conviction

24 Applicants - Informal Hearings

25 MR. FRITZ:

1 The Board would entertain a motion to  
2 approve the following Applications for  
3 Licensure of Dana Page; Joshua W.  
4 Sowers; Cody M. Chronister; Collin  
5 Cashau; Troy Michael Beinhauer; and  
6 Nuruzzaman Rahman.

7 MR. MERMON:

8 So moved.

9 MR. YINGST:

10 Second.

11 MR. FRITZ:

12 All in favor? Any opposed?

13 [The motion carried unanimously.]

14 \*\*\*

15 Miscellaneous

16 [C. William Fritz II, Esquire, Board Counsel, referred  
17 to the Veterans' Licensure Survey for the Board's  
18 review.

19 Mr. Fritz congratulated Mr. Davis and Mr. Derr  
20 and noted Ms. Cline will be contacting Mr. Davis  
21 concerning a signature stamp.

22 Mr. Stauffer, on behalf of the Commissioner's  
23 Office, welcomed Irving Stein and Mark Baer to the  
24 Board.

25 Chairman Davis thanked Mr. Murphy for his service

1 on the Board and wished him the best.]

2 \*\*\*

3 Adjournment

4 CHAIRMAN DAVIS:

5 Motion for adjournment.

6 MR. DERR:

7 So moved.

8 MR. YINGST:

9 Second.

10 CHAIRMAN DAVIS:

11 That's it.

12 [The motion carried unanimously.]

13 \*\*\*

14 [The State Board of Vehicle Manufacturers, Dealers,  
15 and Salespersons Meeting adjourned at 10:56 a.m.]

16 \*\*\*

17

18

19

20

21

22

23

24

25

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

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

May 11, 2021

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  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:32	Election of Board Chair
10:33	Roll Call
10:35	Approval of Minutes
10:35	Report of Prosecutorial Division
10:39	Report of Board Counsel
10:47	Discussion
10:54	Application Review
10:55	Miscellaneous
10:56	Adjournment