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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**

TIME: 9:29 A.M.

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

May 14, 2019

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 May 14, 2019
4
5

6 BOARD MEMBERS:
7

8 Dan G. Murphy III, Chairman
9 Kirk A. Davis, Secretary
10 Kalonji Johnson, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Randall Derr, Professional Member
13 Zachery Everidge, Office of Attorney General
14 Representative
15 Steve T. Fretz, Professional Member
16 Neal L. Hufford Jr., Professional Member
17 Robert M. Shaffer, Department of Transportation
18 Representative
19 George F. Mermon, Professional Member
20 William M. Mohler, Professional Member - Absent
21 Donald J. Stoy, Public Member - Absent
22
23

24 BUREAU PERSONNEL:
25

26 Juan A. Ruiz, Esquire, Board Counsel
27 Shana M. Walter, Esquire, Board Counsel
28 Amanda N. Wojciechowski, Board Prosecution Liaison
29 Angela B. Lucci, Esquire, Board Prosecutor
30 Glenn P. Masser, Esquire, Board Prosecutor
31 Heather J. McCarthy, Esquire, Senior Prosecutor
32 Monty J. Batson, Esquire, Board Prosecutor
33 Colby B. Widdowson, Esquire, Board Prosecutor
34 Janice Cline, Board Administrator
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1 ***

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

4 May 14, 2019

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, May 14, 2019. Dan
9 G. Murphy III, Chairman, called the meeting to order
10 at 9:29 a.m.

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

13 ***

14 Approval of minutes of the April 2, 2019 meeting

15 CHAIRMAN MURPHY:

16 Approval of the minutes?

17 MR. MERMON:

18 So moved.

19 MR. DAVIS:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24 Roll call.

25

1 Zachery Everidge, aye; George Mermon,
2 aye; Kirk Davis, abstain; Neal Hufford
3 Jr., aye; Randall Derr, aye; Steve
4 Fretz, aye; Robert Shaffer, aye; Dan
5 Murphy, aye.

6 [The motion carried. Kirk Davis abstained from voting
7 on the motion.]

8 ***

9 Report of Prosecutorial Division

10 ***

11 [Glenn P. Masser, Esquire, Board Prosecutor, presented
12 the Consent Agreements for File No. 16-60-15040 & File
13 No. 17-60-02512.]

14 ***

15 [Angela B. Lucci, Esquire, Board Prosecutor, stated
16 File No. 15-60-05411 had been withdrawn and will be
17 presented at a later date. She also presented the
18 Consent Agreement for File No. 18-60-03333.]

19 ***

20 [Colby B. Widdowson, Esquire, Board Prosecutor, stated
21 File No. 18-60-011816 had been withdrawn.]

22 ***

23 Report of Board Counsel

24 [Juan A. Ruiz, Esquire, Board Counsel, noted 3
25 hearings, a motion to reopen a record for additional

1 testimony in light of evidence, 7 final Adjudications
2 and Orders, 5 proposed Adjudications and Orders, and 4
3 Motions to Deem Facts Admitted for discussion during
4 executive session.

5 Ms. Walter noted that a Commonwealth Court appeal
6 has been filed.

7 Ms. Walter referred to the Board's decision to
8 increase the application and renewal fees based on
9 information provided from the Bureau of Finance and
10 Operations (BFO) indicating a deficit in FY 2023-2024.
11 She provided an update of the numbers indicating the
12 Board was not projected to have a deficit through
13 FY 2027-2028.

14 Mr. Ruiz recommended not proceeding with the fee
15 increase due to the new numbers.]

16 ***

17 MR. RUIZ:

18 Is there a motion to discontinue the fee
19 regulation?

20 MR. JOHNSON:

21 So moved.

22 MR. FRETZ:

23 Second.

24 CHAIRMAN MURPHY:

25 Roll call.

1

2

Zachery Everidge, aye; George Mermon,

3

aye; Kirk Davis, aye; Neal Hufford Jr.,

4

aye; Randall Derr, aye; Steve Fretz,

5

aye; Robert Shaffer, aye; Kalonji

6

Johnson, aye; Dan Murphy, aye.

7

[The motion carried unanimously.]

8

9

Report of Board Chairman - No Report

10

11

Report of Acting Commissioner - No Report

12

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Application Review - Informal Conferences

14

[The Applicant Review Committee made the following

15

recommendations regarding the following Criminal

16

Conviction Applications: Cassandra Csaszar, no show;

17

Donald Newell, approved with no restrictions; Brian

18

Widmayer, approved with no restrictions; Jason

19

Trinkle, approved concurrent with probation.]

20

21

MR. RUIZ:

22

Is there a motion to approve the

23

recommendations from the informal

24

conferences as read?

25

MR. MERMON:

1 So moved.

2 MR. DAVIS:

3 Second.

4 CHAIRMAN MURPHY:

5 Roll call.

6
7 Zachery Everidge, aye; George Mermon,
8 aye; Kirk Davis, aye; Neal Hufford Jr.,
9 aye; Randall Derr, aye; Steve Fretz,
10 aye; Robert Shaffer, aye; Kalonji
11 Johnson, aye; Dan Murphy, aye.

12 [The motion carried unanimously.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 9:41 a.m. the Board entered into Executive Session
16 with Juan A. Ruiz, Esquire, Board Counsel, and Shana
17 M. Walter, Esquire, Board Counsel, for the purpose of
18 conducting quasi-judicial deliberations and to receive
19 advice of Counsel. The Board returned to open session
20 at 10:05 a.m.]

21 ***

22 [A Formal Hearing was held from 10:07 a.m. until
23 10:15 a.m. in the matter of the Petition for
24 Reinstatement of Licensure as a Vehicle Salesperson of
25 Anthony P. Odoneic, File No. 19-60-006425.]

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 10:16 a.m. the Board entered into Executive Session
4 with Juan A. Ruiz, Esquire, Board Counsel, and Shana
5 M. Walter, Esquire, Board Counsel, for the purpose of
6 conducting quasi-judicial deliberations and to receive
7 advice of Counsel. The Board returned to open session
8 at 10:51 a.m.]

9 ***

10 MOTIONS

11 MR. RUIZ:

12 The Board was just in executive session
13 conducting quasi-judicial deliberations
14 on a number of matters currently pending
15 before the Board, including deliberation
16 on the reinstatement hearing that was
17 held at 10:00 this morning.

18 Is there a motion to grant
19 reinstatement to Anthony P. Odroneic?

20 MR. MERMON:

21 So moved.

22 MR. DAVIS:

23 Second.

24 CHAIRMAN MURPHY:

25 So moved and seconded.

1

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Roll call.

3

Zachery Everidge, aye; George Mermon,

4

aye; Kirk Davis, aye; Neal Hufford Jr.,

5

aye; Randall Derr, aye; Steve Fretz,

6

aye; Robert Shaffer, aye; Kalonji

7

Johnson, aye; Dan Murphy, aye.

8

[The motion carried unanimously.]

9

10 MR. RUIZ:

11

Is there a motion to approve the Consent

12

Agreements at File Nos. 16-60-15040 &

13

17-60-02512 and File No. 18-60-03333?

14 MR. MERMON:

15

So moved.

16 MR. JOHNSON:

17

Second.

18 CHAIRMAN MURPHY:

19

So moved and seconded.

20

21

Roll call.

22

Zachery Everidge, aye; George Mermon,

23

aye; Kirk Davis, aye; Neal Hufford Jr.,

24

aye; Randall Derr, aye; Steve Fretz,

25

aye; Robert Shaffer, aye; Kalonji

1 Johnson, aye; Dan Murphy, aye.
2 [The motion carried unanimously. The Respondent for
3 File Nos. 16-60-15040 & 17-60-02512 is Platinum Auto
4 Sales, LLC. The Respondent for File No. 18-60-03333
5 is Prime Auto Group Inc.]

6 ***

7 MR. RUIZ:

8 Is there a motion to grant a motion to
9 reopen the record for additional
10 testimony as evidence in the case of
11 Robert Gulack at File No. 17-60-05557?

12 MR. JOHNSON:

13 So moved.

14 MR. EVERIDGE:

15 Second.

16 CHAIRMAN MURPHY:

17 So moved and seconded.

18

19 Roll call.

20

21 Zachery Everidge, aye; George Mermon,
22 aye; Kirk Davis, aye; Neal Hufford Jr.,
23 aye; Randall Derr, aye; Steve Fretz,
24 aye; Robert Shaffer, aye; Kalonji
25 Johnson, aye; Dan Murphy, aye.

1 [The motion carried unanimously]

2 ***

3 MR. RUIZ:

4 Is there a motion to approve the final
5 Adjudications and Orders consistent with
6 discussions in executive session for the
7 following cases: Louis Domiano III,
8 File No. 15-60-05413; Rafael Martinez,
9 File No. 15-60-05867; Lawrence Mercurio,
10 File No. 15-60-05433; David Pfeiffer,
11 File No. 15-60-08917; Tyler Ramaley,
12 File No. 15-60-12566; Scott Wesner, File
13 No. 14-60-08223; and Zachary Williams,
14 File No. 15-60-13318?

15 MR. DAVIS:

16 So moved.

17 MR. MERMON:

18 Second.

19 CHAIRMAN MURPHY:

20 So moved and seconded.

21

22 Roll call.

23

24 Zachery Everidge, aye; George Mermon,
25 aye; Kirk Davis, aye; Neal Hufford Jr.,

1 aye; Randall Derr, aye; Steve Fretz,
2 aye; Robert Shaffer, aye; Kalonji
3 Johnson, aye; Dan Murphy, aye.

4 [The motion carried unanimously]

5 ***

6 MR. RUIZ:

7 Is there a motion to approve the
8 proposed Adjudications and Orders for
9 the following cases: Joseph Croftcheck,
10 File No. 16-60-10209; Aaron Heidenthal,
11 File No. 15-60-06281; Justin Hill, File
12 No. 17-60-06982; Kyle Rivera, File No.
13 16-60-14743; Kevin Wylie, File No. 17-
14 60-06078?

15 MR. MERMON:

16 So moved.

17 MR. JOHNSON:

18 Second.

19 CHAIRMAN MURPHY:

20 So moved and seconded.

21

22 Roll call.

23

24 Zachery Everidge, aye; George Mermon,
25 aye; Kirk Davis, aye; Neal Hufford Jr.,

1 aye; Randall Derr, aye; Steve Fretz,
2 aye; Robert Shaffer, aye; Kalonji
3 Johnson, aye; Dan Murphy, aye.

4 [The motion carried unanimously]

5 ***

6 MR. RUIZ:

7 Is there a motion to grant the Motion to
8 Deem Facts Admitted and direct Board
9 counsel to draft Adjudications and
10 Orders consistent with discussions in
11 executive session in the cases of Dave
12 Kufro, File No. 17-60-05456; Jennifer
13 Morrison, File No. 18-60-00347; Felix
14 Ortiz-Montijo, File No. 17-60-04364; and
15 Timothy Michael Watson, File No. 16-60-
16 06466?

17 MR. EVERIDGE:

18 So moved.

19 MR. JOHNSON:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24 Roll call.

25

1 Zachery Everidge, aye; George Mermon,
2 aye; Kirk Davis, aye; Neal Hufford Jr.,
3 aye; Randall Derr, aye; Steve Fretz,
4 aye; Robert Shaffer, aye; Kalonji
5 Johnson, aye; Dan Murphy, aye.

6 [The motion carried unanimously]

7 ***

8 MR. RUIZ:

9 Is there a motion to authorize counsel
10 to have settlement authority consistent
11 with discussions in executive session in
12 the Commonwealth Court case regarding
13 the appeal of Thomas Bailey?

14 MR. JOHNSON:

15 So moved.

16 MR. MERMON:

17 Second.

18 CHAIRMAN MURPHY:

19 So moved and seconded.

20

21 Roll call.

22

23 Zachery Everidge, aye; George Mermon,
24 aye; Kirk Davis, aye; Neal Hufford Jr.,
25 aye; Randall Derr, aye; Steve Fretz,

1 aye; Robert Shaffer, aye; Kalonji
2 Johnson, aye; Dan Murphy, aye.

3 [The motion carried unanimously]

4 ***

5 [A Formal Hearing was held from 10:59 a.m. until
6 11:25 a.m. in the matter of the Commonwealth of
7 Pennsylvania Bureau of Professional and Occupational
8 Affairs vs. Matthew Sean Skalican, File No. 15-60-
9 00598.]

10 ***

11 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
12 11:25 a.m. the Board entered into Executive Session
13 with Juan A. Ruiz, Esquire, Board Counsel, and Shana
14 M. Walter, Esquire, Board Counsel, for the purpose of
15 conducting quasi-judicial deliberations and to receive
16 advice of Counsel. The Board returned to open session
17 at 11:36 a.m.]

18 ***

19 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
20 11:37 a.m. the Board entered into Executive Session
21 with Juan A. Ruiz, Esquire, Board Counsel, and Shana
22 M. Walter, Esquire, Board Counsel, for the purpose of
23 conducting quasi-judicial deliberations and to receive
24 advice of Counsel. The Board returned to open session
25 at 1:14 a.m.]

1 ***

2 [A Formal Hearing was held from 1:14 p.m. until
3 1:52 p.m. in the matter of the Commonwealth of
4 Pennsylvania Bureau of Professional and Occupational
5 Affairs vs. Brian A. Vergotz, File No. 17-60-02756.]

6 ***

7 Adjournment

8 CHAIRMAN MURPHY:

9 Motion to adjourn.

10 MR. SHAFFER:

11 So moved.

12 MR. EVERIDGE:

13 Second.

14 CHAIRMAN MURPHY:

15 Adjourned.

16 [The motion carried unanimously.]

17 ***

18 [The State Board of Vehicle Manufacturers, Dealers,
19 and Salespersons Meeting adjourned at 1:54 p.m.]

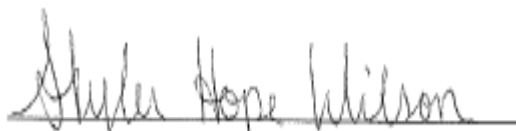
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CERTIFICATE

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.



Skyler Hope Wilson,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX

May 14, 2019

	TIME	AGENDA
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10	9:29	Official Call to Order
11		
12	9:29	Pledge of Allegiance
13		
14	9:30	Roll Call
15		
16	9:30	Approval of Minutes
17		
18	9:30	Report of Prosecutorial Division
19		
20	9:33	Report of Board Counsel
21		
22	9:41	Executive Session
23	10:05	Return to Open Session
24		
25	10:07	Formal Hearing - Anthony P. Odroneic
26	10:15	
27		
28	10:16	Executive Session
29	10:51	Return to Open Session
30		
31	10:51	Motions
32		
33	10:59	Formal Hearing - Matthew Sean Skalican
34	11:25	
35		
36	11:25	Executive Session
37	11:36	Return to Open Session
38		
39	11:37	Executive Session
40	1:14	Return to Open Session
41		
42	1:14	Formal Hearing - Brian A. Vergotz
43	1:52	
44		
45	1:54	Adjournment
46		
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