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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: 9:34 A.M.

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

May 23, 2017

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 May 23, 2017
4

5 BOARD MEMBERS:
6

7 Dan Saltzgiver, Chairman
8 Kirk Davis, Vice Chairman
9 Ian Harlow, Commissioner of Professional and
10 Occupational Affairs
11 Randall Derr, Professional Member
12 Larry Hufford, Jr., Professional Member
13 Richard Lebo, Attorney General Representative
14 James Luther, Department of Transportation
15 Representative
16 George Mermon, Professional Member
17 James Minor, Public Member - Absent
18 William Mohler, Professional Member
19 Dan Murphy, III, Professional Member
20 Donald Stoy, Public Member
21 Scott Weisser, Professional Member - Absent
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24 BUREAU PERSONNEL:
25

26 Bridget Guilfoyle, Esquire, Board Counsel
27 Wade Fluck, Esquire, Board Prosecution Liaison
28 Glenn Masser, Esquire, Board Prosecutor
29 Monty Batson, Esquire, Board Prosecutor
30 Matt Sniscak, Esquire, Board Prosecutor
31 Janice Cline, Board Administrator
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2 State Board of Vehicle Manufacturers,
3 Dealers and Salespersons

4 May 23, 2017

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers and
8 Salespersons was held on Tuesday, May 23, 2017. Dan
9 Saltzgiver, Chairman, called the meeting to order at
10 9:34 a.m.

11 Larry Hufford, Jr. was welcomed as the newest
12 member of the Board.

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

15 ***

16 Approval of Minutes of the April 4, 2017 meeting

17 CHAIRMAN SALTZGIVER:

18 If we could move on to the approval of
19 Minutes from our last meeting.

20 MR. MURPHY:

21 So moved.

22 MR. LEBO:

23 Second.

24 CHAIRMAN SALTZGIVER:

25 Roll call vote.

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Richard Lebo, aye; Randall Derr, aye;
Kirk Davis, aye; Dan Murphy III, aye;
Donald Stoy, aye; Ian Harlow, aye; Dan
Saltzgiver, aye.

[The motion carried. George Mermon, William Mohler,
Larry Hufford, and James Luther abstained from voting
on the motion.]

Report of Prosecutorial Division

[Glenn Masser, Esquire, presented Consent Agreements
for File No. 16-60-11717 and File No.
15-60-08750.]

[Bridget Guilfoyle, Esquire, Board Counsel, reminded
Board members that settlement agreements reached
between the prosecutor's office and the responding
party will be discussed during Executive Session.]

[Monty Batson, Esquire, presented a Consent Agreement
for File No. 13-60-01562.]

[Wade Fluck, Esquire, Board Prosecutor, presented
Consent Agreements for File No. 16-60-04550 and File
No. 15-60-09952.]

1 ***

2 [Mr. Fluck introduced, Matt Sniscak, Esquire, a new
3 Board Prosecutor.]

4 ***

5 [Richard Lebo, Attorney General Representative, exited
6 the meeting at 9:44 a.m. and re-entered the meeting at
7 9:47 a.m.]

8 ***

9 Report of Board Counsel

10 [Bridget Guilfoyle, Esquire, Board Counsel, noted
11 several hearings scheduled to be heard by the Board
12 settled or were continued at the request of counsel
13 for the parties.

14 Ms. Guilfoyle noted cases for possible Delegation
15 to the Hearing Examiner, cases for Proposed
16 Adjudication and Orders, cases to adjudicate, and
17 Motions to Enter Default and Deem Facts Admitted to be
18 reviewed during Executive Session.]

19 ***

20 Application Review

21 [The committee of Mr. Stoy, and Commissioner Harlow
22 made the following recommendations with regard to the
23 following informal applicant interviews: Joseph
24 Agnoni, approved with probation concurrent with
25 criminal probation; Jesse Collier approved with no

1 restrictions; Francis Manna, not approved.]

2

3 [The committee of Mr. Davis and Mr. Derr made the
4 following recommendations with regard to the following
5 informal applicant interviews: Wayde Weisleder,
6 approved without restriction; Michael Dozier approved
7 concurrent with his criminal probation; and Stephen
8 Guadagnino, III approved without restriction.]

9

10 [The committee of Mr. Luther and Mr. Mermon made the
11 following recommendations with regard to the following
12 informal applicant interviews: Elizabeth Crawley,
13 approved without restriction; and David Williams
14 approved without restriction. It was noted that Scott
15 Samoyan did not appear for his interview.]

16

17 [The committee of Mr. Lebo, Mr. Mohler and Mr. Hufford
18 made the following recommendation with regard to the
19 following informal applicant interviews: Iziah
20 Knighton approved with three years of probation; and
21 Charles Banks approved with three years of probation.]

22

23 [The committee of Mr. Saltzgiver and Mr. Murphy made
24 the following recommendations with regard to the
25 following informal applicant interviews: Matthew

1 Gotwalt approved without restriction; Matthew Lee
2 approved without restriction; and Randall Guzik not
3 approved.]

4 MS. GUILFOYLE:

5 Is there a motion to approve all of the
6 recommendations made by the Applicant
7 Interview Committees for the
8 applicants that were just discussed?

9 MR. LEBO:

10 I move.

11 MR. MURPHY:

12 Second.

13 CHAIRMAN SALTZGIVER:

14 It's been moved and seconded.

15

16 Roll call vote.

17 Richard Lebo, aye; George Mermon, aye;

18 Randall Derr, aye; Kirk Davis, aye;

19 William Mohler, aye; Dan Murphy, aye;

20 Donald Stoy, aye; James Luther, aye; Ian

21 Harlow, aye; and Dan Saltzgiver, aye.

22 [The motion carried unanimously.]

23

24 Report of Board Administrator

25 [Janice Cline, Board Administrator, updated the Board

1 with regard to renewals.]

2 ***

3 Report of Commissioner

4 [Ian Harlow, Commissioner of Professional and
5 Occupational Affairs, updated the Board on the PALS
6 project. Mr. Harlow indicated the PCs were in the
7 process of being upgraded and new chairs being
8 purchased as a result of available money in the
9 budget.]

10 Commissioner Harlow discussed an expedited
11 processing service whereby consumers would pay a fee
12 for processing an item within a certain expedited
13 timeframe.]

14 ***

15 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
16 10:00 a.m. the Board entered into Executive Session
17 with Bridget Guilfoyle, Esquire, Board Counsel, for
18 the purpose of conducting quasi-judicial deliberations
19 and to receive advice of Counsel. The Board returned
20 to open session at 11:24 a.m.]

21 ***

22 [Ian Harlow, Board Commissioner, exited the meeting at
23 11:24 a.m.]

24 ***

25 [The Board recessed from 11:24 a.m. until 11:35 a.m.]

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2 MOTIONS

3 MS. GUILFOYLE:

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15 MR. DERR:

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18 MS. GUILFOYLE:

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22 MR. LEBO:

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24 MR. MURPHY:

25

Immediately following the Executive Session, one of the applicants scheduled for an informal conference this morning appeared in the lobby, so the committee members graciously agreed to meet with him. The gentleman's name is Christopher Fisher.

Mr. Lebo, Mr. Mohler, and Mr. Hufford met with Mr. Fisher. Do you have a recommendation in terms of his application?

Yes, to approve three years of probation.

Is there a motion to adopt the recommendation of the committee regarding Mr. Fisher's application?

So moved.

Second it.

1 CHAIRPERSON SALTZGIVER:

2 It's been moved and seconded.

3

4 Roll call vote.

5 Richard Lebo, aye; George Mermon, aye;

6 Randall Derr, aye; Kirk Davis, aye;

7 Larry Hufford, aye; William Mohler, aye;

8 Dan Murphy III, aye; Donald Stoy, aye;

9 James Luther, aye; Dan Saltzgiver, aye.

10

11 MS. GUILFOYLE:

12 Pursuant to Section 708(a)(5) of the

13 Sunshine Act, the Board met in

14 Executive Session for the purpose of

15 conducting quasi-judicial deliberations

16 and received advice of Counsel in the

17 matters about which the Board is about

18 to vote.

19 Is there a motion to approve the

20 Consent Agreements in the following

21 files: File No. 16-60-11717, File No.

22 16-60-04550, File No. 13-60-01562, File

23 No. 15-60-08750, and File No.

24 15-60-09952?

25 MR. MERMON:

1 So moved.

2 MR. STOY:

3 Second.

4 CHAIRMAN SALTZGIVER:

5 It's been moved and seconded.

6

7 Roll call vote.

8 Richard Lebo, aye; George Mermon, aye;

9 Randall Derr, aye; Kirk Davis, aye;

10 Larry Hufford, aye; William Mohler, aye;

11 Dan Murphy III, aye; Donald Stoy, aye;

12 James Luther, aye; and Dan Saltzgiver,

13 aye.

14 [The motion carried unanimously. The Respondent's
15 name for File No. 16-60-11717 is Apolinar Rodriguez,
16 t/d/b/a as City Manor Auto Sales. The Respondent's
17 name for File No. 16-60-04550 is Hugh R. Jones. The
18 Respondent's name for File No. 13-60-01562 is Donte M.
19 Vannicola. The Respondent's name for File No. 15-60-
20 08750 is Matthew J. Wilson. The Respondent's name for
21 File No. 15-60-09952 is Richard Kramer.]

22 ***

23 MS. GUILFOYLE:

24 Is there a motion to approve as final

25 the draft Adjudication and Order

1 prepared by Counsel in the matter of
2 Commonwealth of Pennsylvania Bureau of
3 Professional and Occupational Affairs
4 vs. Michael J. Urbanick III, File No.
5 13-60-08134, Docket No. 0280-60-17.

6 MR. MERMON:

7 So moved.

8 MR. STOY:

9 Second.

10 CHAIRMAN SALTZGIVER:

11 It's been moved and seconded.

12

13 Roll call vote.

14 Richard Lebo, aye; George Mermon, aye;

15 Randall Derr, aye; Kirk Davis, aye;

16 Larry Hufford, aye; William Mohler, aye;

17 Dan Murphy III, aye; Donald Stoy, aye;

18 James Luther, aye; and Dan Saltzgiver,

19 aye.

20 [The motion carried unanimously.]

21

22 MS. GUILFOYLE:

23 Is there a motion to adopt as final the
24 proposed Adjudication and Orders in the
25 following matters: Commonwealth of

1 Pennsylvania Bureau of Professional and
2 Occupational Affairs vs. Richard G.
3 Allen, File No. 15-60-07612, Docket No.
4 1785-60-16; Commonwealth of Pennsylvania
5 Bureau of Professional and Occupational
6 Affairs vs. Krishna Ramdeo, File No. 16-
7 60-05079, Docket No. 1540-60-16?

8 MR. MURPHY:

9 So moved.

10 MR. STOY:

11 Second.

12 CHAIRMAN SALTZGIVER:

13 It's been moved and seconded.

14

15 Roll call vote.

16 Richard Lebo, aye; George Mermon, aye;

17 Randall Derr, aye; Kirk Davis, aye;

18 Larry Hufford, aye; William Mohler, aye;

19 Dan Murphy III, aye; Donald Stoy, aye;

20 James Luther, aye; and Dan Saltzgiver,

21 aye.

22 [The motion carried unanimously.]

23 ***

24 MS. GUILFOYLE:

25 Is there a motion to adopt as final the

1 proposed Adjudication and Order in the
2 matter of Commonwealth of Pennsylvania
3 Bureau of Professional and Occupational
4 Affairs vs. Luke A. Cimbala, File No.
5 16-60-12402, Docket No. 2028-60-16 for
6 which members Lebo, Luther and Stoy are
7 recused?

8 MR. MERMON:

9 So moved.

10 MR. MURPHY

11 Second.

12 CHAIRMAN SALTZGIVER:

13 It's been moved and seconded.

14

15 Roll call vote.

16 George Mermon, aye; Randall Derr, aye;
17 Kirk Davis, aye; Larry Hufford, aye; Dan
18 Murphy III, aye; and Dan Saltzgiver,
19 aye.

20 [The motion carried. Richard Lebo, Donald Stoy, and
21 James Luther recused themselves from voting on the
22 motion. William Mohler opposed the motion.]

23

24 MS. GUILFOYLE:

25 Is there a motion to adopt as final the

1 proposed Adjudication and substitute a
2 Board Order decreasing the Civil Penalty
3 from \$5,000 to \$2,500 in the matter of
4 Commonwealth of Pennsylvania Bureau of
5 Professional and Occupational Affairs
6 vs. Darryle S. James, File No.
7 12-60-07691.

8 MR. MURPHY:

9 So moved.

10 MR. MERMON:

11 Second.

12 CHAIRMAN SALTZGIVER:

13 It's been moved and seconded.

14

15 Roll call vote.

16 Richard Lebo, aye; George Mermon, aye;

17 Randall Derr, aye; Kirk Davis, aye;

18 Larry Hufford, aye; William Mohler, aye;

19 Dan Murphy III, aye; Donald Stoy, aye;

20 James Luther, aye; and Dan Saltzgiver,

21 aye.

22 [The motion carried unanimously.]

23 ***

24 MS. GUILFOYLE:

25 Is there a motion to grant a Motion to

1 Enter Default and Deem Facts admitted
2 and authorize Board Counsel to draft
3 Adjudication and Orders in accordance
4 with deliberations in Executive Session
5 in the following matters: Commonwealth
6 of Pennsylvania Bureau of Professional
7 and Occupational Affairs vs. Desmond T.
8 Cummings, File No. 16-60-06445, Docket
9 No. 1970-60-16; Commonwealth of
10 Pennsylvania Bureau of Professional and
11 Occupational Affairs vs. Louis Domiano
12 III, File No. 15-60-05413, Docket No.
13 0770-60-16; Commonwealth of Pennsylvania
14 Bureau of Professional and Occupational
15 Affairs vs. Douglas A. Grooms, File No.
16 16-60-02372, Docket No. 0113-60-17;
17 Commonwealth of Pennsylvania Bureau of
18 Professional and Occupational Affairs
19 vs. Wayne E. Swingle, File No. 15-60-
20 05640, Docket No. 0134-60-17;
21 Commonwealth of Pennsylvania Bureau of
22 Professional and Occupational Affairs
23 vs. James J. Tegethoff, File No. 14-60-
24 07986, Docket No. 2359-60-16; and
25 Commonwealth of Pennsylvania Bureau of

1 Professional and Occupational Affairs
2 vs. Zachary R. Williams, File No. 15-60-
3 13318, Docket No. 2095-60-16.

4 MR. MURPHY:

5 So moved.

6 MR. MERMON:

7 Second.

8 CHAIRMAN SALTZGIVER:

9 Roll call vote.

10 Richard Lebo, aye; George Mermon, aye;
11 Randall Derr, aye; Kirk Davis, aye;
12 Larry Hufford, aye; William Mohler, aye;
13 Dan Murphy III, aye; Donald Stoy, aye;
14 James Luther, aye; and Dan Saltzgiver,
15 aye.

16 [The motion carried unanimously.]

17 ***

18 CHAIRMAN SALTZGIVER:

19 Looking for a motion to adjourn?

20 MR. LUTHER:

21 You got it.

22 MR. LEBO:

23 Second.

24 CHAIRMAN SALTZGIVER:

25 Thank you, everyone.

1 [The meeting adjourned at 11:41 a.m.]

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CERTIFICATE

5

6 I hereby certify that the foregoing summary
7 minutes of the State Board of Vehicle Manufacturers,
8 Dealers and Salespersons meeting, was reduced to
9 writing by me or under my supervision, and that the
10 minutes accurately summarize the substance of the
11 State Board of Vehicle Manufacturers, Dealers and
12 Salespersons meeting.

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15


Chasity Barshinger

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Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX
May 23, 2017

	TIME	AGENDA
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7		
8	9:34	Official Call to Order/Roll Call
9		
10	9:34	Pledge of Allegiance
11		
12	9:35	Approval of Minutes
13		
14	9:36	Report of Prosecutorial Division
15		
16	9:45	Report of Board Counsel
17		
18	9:52	Report of Administrator
19		
20	9:54	Report of Commissioner
21		
22	10:00	Executive Session
23	11:24	Return to Open Session
24		
25	11:24	Recess
26	11:35	Return to Open Session
27		
28	11:37	Motions
29		
30	11:41	Adjournment
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