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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: 9:30 A.M.

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

June 5, 2018

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 June 5, 2018
4
5

6 BOARD MEMBERS:
7

8 Dan G. Murphy III, Chairman
9 Kirk Davis, Secretary
10 Ian J. Harlow, Commissioner of Professional and
11 Occupational Affairs - Absent
12 Randall Derr, Professional Member
13 Steve Fretz, Professional Member
14 Neal Hufford Jr., Professional Member
15 David Tully, Attorney General Representative
16 Robert Shaffer, Department of Transportation
17 Representative
18 George Mermon, Professional Member
19 James Minor, Public Member
20 William Mohler, Professional Member - Absent
21 Donald Stoy, Public Member
22
23

24 BUREAU PERSONNEL:
25

26 Juan Ruiz, Esquire, Board Counsel
27 Amanda N. Wojciechowski, Board Prosecution Liaison
28 Glenn P. Masser, Esquire, Board Prosecutor
29 Monty J. Batson, Esquire, Board Prosecutor
30 Anthony Cox Jr., Esquire, Board Prosecutor
31 Erin Fure, Esquire, Board Prosecutor
32 Janice Cline, Board Administrator
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1 ***

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

4 June 5, 2018

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, June 5, 2018. Dan
9 Murphy III, Chairman, called the meeting to order at
10 9:30 a.m.

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

13 ***

14 Approval of Minutes of the April 24, 2018 meeting

15 CHAIRMAN MURPHY:

16 Approval of the minutes?

17 MR. STOY:

18 So moved.

19 MR. DERR:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded. Roll call.

23

24 David Tully, aye; George Mermon, aye;

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

1 Hufford Jr., aye; Steve Fretz, aye;
2 James Minor, aye; Donald Stoy, aye;
3 Robert Shaffer, aye; and Dan Murphy,
4 aye.

5 [The motion carried unanimously.]

6 ***

7 Report of Prosecutorial Division

8 [Amanda N. Wojciechowski, Esquire, Board Prosecution
9 Liaison, noted Wade Fluck's last meeting. She then
10 introduced Anthony Cox, Esquire, and Erin Fure,
11 Esquire, as new Board Prosecutors.]

12 ***

13 [Monty J. Batson, Esquire, Board Prosecutor, presented
14 the Consent Agreement for File No. 14-60-07510.]

15 ***

16 [Amanda N. Wojciechowski, Esquire, Board Prosecution
17 Liaison, presented the Consent Agreement for File No.
18 17-60-03801.]

19 ***

20 Glenn P. Masser, Esquire, Board Prosecutor, presented
21 the Consent Agreement for File No. 16-60-14474.]

22 ***

23 Report of Board Counsel

24 [Juan Ruiz, Esquire, Board Counsel, noted matters for
25 discussion in Executive Session.]

1 Application Review - Informal Hearings

2 [The Applicant Review Committee made the following
3 recommendations with regard to the following Criminal
4 Conviction Applications: Alexis Rivas Colon,
5 approved; Antonio Valentine; approved with probation;
6 Christopher Peifer, approved with no restrictions;
7 James Arrigo, approved with restrictions concurrent
8 with his parole; John David Hocking, approved with no
9 restrictions; Ryan Rich, approved with probation;
10 Trevor Bromley, approved with probation concurrent
11 with criminal probation; Willard Brunning, no show;
12 Marlon Brown, approved with no restrictions; Gregory
13 Panatieri, approved with no restrictions; Brad Wilber
14 dba Wilber Auto Sales & Service, approved with no
15 restrictions.]

16 MR. RUIZ:

17 Is there a motion to approve those
18 recommendations?
19

20 MR. SHAFFER:

21 So moved.

22 MR. STOY:

23 Second.

24 CHAIRMAN MURPHY:

25 Roll call.

1 David Tully, aye; George Mermon, aye;
2 Randall Derr, aye; Kirk Davis, aye; Neal
3 Hufford Jr., aye; Steve Fretz, aye;
4 James Minor, aye; Donald Stoy, aye;
5 Robert Shaffer, aye; and Dan Murphy,
6 aye.

7 [The motion carried unanimously.]

8 ***

9 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
10 9:42 a.m. the Board entered into Executive Session
11 with Juan Ruiz, Esquire, Board Counsel, for the
12 purpose of conducting quasi-judicial deliberations and
13 to receive advice of Counsel. The Board returned to
14 open session at 10:34 a.m.]

15 ***

16 MOTIONS

17 MR. RUIZ:

18

19 The Board was just in Executive Session
20 conducting quasi-judicial deliberations
21 on a number of matters currently pending
22 before the Board.

23 Is there a motion to approve the
24 Consent Agreements at File No. 14-60-
25 07510, File No. 17-60-03801, and File

1 No. 16-60-14474?

2 MR. DAVIS:

3 So moved.

4 MR. TULLY:

5 Second.

6 CHAIRMAN MURPHY:

7 So moved and seconded. Roll call.

8

9 David Tully, aye; George Mermon, aye;
10 Randall Derr, aye; Kirk Davis, aye; Neal
11 Hufford Jr., aye; Steve Fretz, aye;
12 James Minor, aye; Donald Stoy, aye;
13 Robert Shaffer, aye; and Dan Murphy,
14 aye.

15 [The motion carried unanimously. The Respondent's
16 name for File No. 14-60-07510 is Maxim Baryshnikov dba
17 as Infinite Auto Leasing. The Respondent's name for
18 File No. 17-60-03801 is Trostle Used Cars. The
19 Respondent's name for File No. 16-60-14474 is Joseph
20 Anthony Chicola.]

21 ***

22 MR. RUIZ:

23 Is there a motion to approve the final
24 Adjudications and Orders in the cases of
25 Nicholas Anzelmi, File No. 12-60-00735;

1 Clifford Corum, File No. 14-60-04592;
2 Eduardo Guarenghi, File No. 14-60-02316;
3 Randall Guzik, File No. 17-60-06013; and
4 Wayne Swingle, File No. 15-60-05640?

5 MR. SHAFFER:

6 So moved.

7 MR. DAVIS:

8 Second.

9 CHAIRMAN MURPHY:

10 Roll call.

11

12 David Tully, aye; George Mermon, aye;
13 Randall Derr, aye; Kirk Davis, aye; Neal
14 Hufford Jr., aye; Steve Fretz, aye;
15 James Minor, aye; Donald Stoy, aye;
16 Robert Shaffer, aye; and Dan Murphy,
17 aye.

18 [The motion carried unanimously.]

19

20 MR. RUIZ:

21 Is there a motion to deny the Motion for
22 Summary Relief in the protest matter of
23 Wyoming Valley Motors vs Audi?

24 MR. STOY:

25 So moved.

1 MR. DAVIS:

2 Second.

3 CHAIRMAN MURPHY:

4 So moved and seconded. Roll call.

5

6 David Tully, aye; George Mermon, aye;
7 Randall Derr, aye; Kirk Davis, aye; Neal
8 Hufford Jr., aye; Steve Fretz, aye;
9 James Minor, aye; Donald Stoy, aye;
10 Robert Shaffer, aye; and Dan Murphy,
11 aye.

12 [The motion carried unanimously.]

13

14 MR. RUIZ:

15 Is there a motion to adopt and approve
16 the proposed Adjudications and Orders in
17 the cases of Shiny Cars, File No. 14-60-
18 05082; and Nathaniel Williams, File No.
19 17-60-02783?

20 MR. DERR:

21 So moved.

22 MR. MERMON:

23 Second.

24 CHAIRMAN MURPHY:

25 So moved and seconded. Roll call.

1

2

David Tully, aye; George Mermon, aye;

3

Randall Derr, aye; Kirk Davis, aye; Neal

4

Hufford Jr., aye; Steve Fretz, aye;

5

James Minor, aye; Donald Stoy, aye;

6

Robert Shaffer, aye; and Dan Murphy,

7

aye.

8

[The motion carried unanimously.]

9

10 MR. RUIZ:

11

Is there a motion to grant the Motion to

12

Deem Facts Admitted in the cases of

13

Tyler Ramaley, File No. 15-60-12566;

14

Ralph Ruprecht, File No. 17-60-09767;

15

and Jonathan Taylor, File No. 17-60-

16

06835?

17 MR. MERMON:

18

So moved.

19 MR. DERR:

20

Second.

21 CHAIRMAN MURPHY:

22

So moved and seconded. Roll call.

23

24

David Tully, aye; George Mermon, aye;

25

Randall Derr, aye; Kirk Davis, aye; Neal

1 Hufford Jr., aye; Steve Fretz, aye;
2 James Minor, aye; Donald Stoy, aye;
3 Robert Shaffer, aye; and Dan Murphy,
4 aye.

5 [The motion carried unanimously.]

6 ***

7 MR. RUIZ:

8 Is there a motion to allow Counsel to
9 have discussions with Toyota Scion of
10 Scranton in the Citation Appeal of File
11 No. 16-60-13394, consistent with
12 discussions in Executive Session?

13 MR. MERMON:

14 So moved.

15 MR. FRETZ:

16 Second.

17 CHAIRMAN MURPHY:

18 Moved and seconded. Roll call.

19
20 David Tully, aye; George Mermon, aye;
21 Randall Derr, aye; Kirk Davis, aye; Neal
22 Hufford Jr., aye; Steve Fretz, aye;
23 James Minor, aye; Donald Stoy, aye;
24 Robert Shaffer, aye; and Dan Murphy,
25 aye.

1 [The motion carried unanimously.]

2

3 MR. RUIZ:

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8

Is there a motion to direct Counsel to draft an Adjudication and Order in the case of Eric Levengood, File No. 15-60-05492, consistent with discussions in Executive Session?

9 MR. SHAFFER:

10

So moved.

11

MR. DAVIS:

12

Second.

13

CHAIRMAN MURPHY:

14

Moved and seconded. Roll call.

15

16

David Tully, aye; George Mermon, aye;

17

Randall Derr, aye; Kirk Davis, aye; Neal

18

Hufford Jr., aye; Steve Fretz, aye;

19

James Minor, aye; Donald Stoy, aye;

20

Robert Shaffer, aye; and Dan Murphy,

21

aye.

22

[The motion carried unanimously.]

23

24

Adjournment

25

CHAIRMAN MURPHY:

1 If there is no other business, motion to
2 adjourn?

3 MR. MINOR:

4 I make a motion.

5 MR. DERR:

6 Second.

7 CHAIRMAN MURPHY:

8 So moved.

9 [The motion carried unanimously.]

10 ***

11 [There being no further business, the State Board of
12 Vehicle Manufacturers, Dealers, and Salespersons
13 Meeting adjourned at 10:41 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.



Amy L. Warehime,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
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TIME	AGENDA
9:30	Official Call to Order
9:30	Pledge of Allegiance
9:31	Roll Call
9:31	Approval of Minutes
9:32	Report of Prosecutorial Division
9:38	Report of Board Counsel
9:42	Executive Session
10:34	Return to Open Session
10:34	Motions
10:41	Adjournment