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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 27, 2017

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 June 27, 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 Neal 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
18 William Mohler, Professional Member - Absent
19 Dan Murphy III, Professional Member - Absent
20 Donald Stoy, Public Member
21 Scott Weisser, Professional Member - Absent
22
23 Linda Purcell, Division Chief for the Real
24 Estate/Vehicle Division of Professional and
25 Occupational Affairs, on behalf of Commissioner
26 Harlow
27
28

29 BUREAU PERSONNEL:
30

31 Bridget Guilfoyle, Esquire, Board Counsel
32 Wade Fluck, Esquire, Board Prosecution Liaison
33 Amanda Wojciechowski, Board Prosecutor
34 Glenn Masser, Esquire, Board Prosecutor
35 Monty Batson, Esquire, Board Prosecutor
36 Janice Cline, Board Administrator
37
38 Maria Battista, Esquire, new Board Counsel
39
40

41 ALSO PRESENT:
42

43 Eduardo Guarenghi, Respondent
44 Philip Zulli, Esquire, Counsel for Respondent,
45 Gaurenghi
46 Joseph Wolk
47 Alexander Owens, Intern, Milton Hershey School
48
49
50

1 ***

2 State Board of Vehicle Manufacturers,
3 Dealers and Salespersons

4 June 27, 2017

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers and
8 Salespersons was held on Tuesday, June 27, 2017. Dan
9 Saltzgiver, Chairman, called the meeting to order at
10 9:34 a.m.

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

13 ***

14 Approval of Minutes of the May 23, 2017 meeting

15 CHAIRMAN SALTZGIVER:

16 If we could look at the Minutes from the
17 last meeting.

18 MR. STOY:

19 So moved.

20 MR. DERR:

21 Second.

22 CHAIRMAN SALTZGIVER:

23 It's been moved and second.

24

25 Roll call vote.

1 Richard Lebo, aye; George Mermon, aye;
2 Randall Derr, aye; Kirk Davis, aye; Neal
3 Hufford, aye; Donald Stoy, aye; James
4 Luther, aye; Ian Harlow, aye; Dan
5 Saltzgiver, aye.

6 [The motion carried. James Minor abstained from
7 voting on the motion.]

8 ***

9 Report of Prosecutorial Division

10 [Glenn Masser, Esquire, Board Prosecutor, presented a
11 Consent Agreement for File No. 16-60-13804.]

12 ***

13 [Wade Fluck, Esquire, Board Prosecution Liaison,
14 presented Consent Agreements for File No. 15-60-11795,
15 File No. 17-60-01226, and File Nos. 13-60-08719 and
16 13-60-08720.]

17 ***

18 Report of Board Counsel

19 [Bridget Guilfoyle, Esquire, Board Counsel, noted
20 three formal hearings scheduled for later in the
21 meeting. She referred the Board to the status of
22 cases, both disciplinary and protest, for review.

23 Ms. Guilfoyle noted a case for possible
24 Delegation to a Hearing Examiner, Adjudication and
25 Orders for approval, three proposed Adjudication and

1 Orders from the Hearing Examiners, and three Motion to
2 Enter Default and Deem Facts Admitted to be discussed
3 during Executive Session.

4 Ms. Guilfoyle referred Board members to House
5 Bill 1119, which would extend or amend the current
6 disclosure requirement to include used car dealers
7 with regard to unperformed manufacturer recall
8 defects, and Senate Bill No. 764, which relates to
9 recreational vehicles.

10 Ms. Guilfoyle advised the Board that this will be
11 her last meeting as Board Counsel. She accepted a
12 position with the Prosecutorial Division. She
13 announced her replacement as Maria Battista, Esquire,
14 from the Hearing Examiner's office.

15 Ms. Battista introduced herself to the Board and
16 provided a brief summary of her educational and
17 professional background.]

18 ***

19 [Ian Harlow, Commissioner of Professional and
20 Occupational Affairs, updated the Board on the PALS
21 project, which he noted is "on time and on budget".

22 Commissioner Harlow welcomed Maria Battista to
23 the Board. He introduced Alexander Owens, an intern
24 from Milton Hershey School.

25 Commissioner Harlow extended his gratitude to

1 Daniel Saltzgiver, Chairman, and read a proclamation
2 into the record for his commitment to the high
3 standards of ethics, betterment of the vehicle
4 profession, and responsible acts of a public servant.

5 Richard Lebo, Attorney General Representative,
6 announced that this could also be his last Board
7 meeting. James Luther, Department of Transportation
8 representative, stated his last Board meeting will be
9 in October.]

10 ***

11 Application Review

12 [The committee of Mr. Davis and Commissioner Harlow
13 made the following recommendations with regard to the
14 following Criminal Conviction Applications: Wezir
15 Muhammad, approved without restrictions; Jessica
16 McKim, approved without restrictions; and Juan
17 Cintron, approved without restrictions.]

18 ***

19 [The committee of Mr. Saltzgiver and Mr. Derr made the
20 following recommendations with regard to the following
21 Criminal Conviction Applications: Liam Stewart,
22 approved; Malcon Robinson, approved; and William
23 Gauger, approved without restriction.]

24 ***

25 [The committee of Mr. Stoy and Mr. Mermom made the

1 following recommendations with regard to the following
2 Criminal Conviction Applications: Jonathan Barney,
3 approved with no restrictions; Jonathan Jeffries,
4 approved with no restrictions; and Robert Evermon did
5 not show.]

6

7 [The committee of Mr. Lebo and Mr. Hufford made the
8 following recommendations with regard to the following
9 Criminal Conviction Applications: Shaun Evans was
10 denied; Kofi Reeves did not show, and Application of
11 1st Stop Auto Sales, LLC, to add member Robert
12 Trimmer, Jr., was approved subject to probation while
13 Mr. Trimmer is under court supervision for his
14 criminal probation in York County.]

15

16 [The committee of Mr. Luther and Mr. Minor made the
17 following recommendations with regard to the following
18 Criminal Conviction Applications: Brendan Costello,
19 approved with no restrictions, Christopher Taylor,
20 approved with no restrictions, and Ryan Quaid is also
21 approved with no restrictions.]

22

23 [The Board discussed the Criminal Conviction
24 Applications of Shaun Evans and Wezir Muhammad. The
25 Board agreed to approve Mr. Muhammad for a salesperson

1 license and provisionally deny Mr. Evans for a
2 salesperson license. The Board agreed to also
3 provisionally deny the dealership application of 1 of
4 1 Auto, Inc. due to the criminal record of Mr. Evans.]

5 MS. GUILFOYLE:

6 Make a motion to approve the
7 recommendations of the informal
8 applicant committee regarding the
9 applicants that we discussed today?

10 MR. MINOR:

11 So moved.

12 MR. MERMON:

13 Second.

14 CHAIRMAN SALTZGIVER:

15 It's been moved and seconded.

16

17 Roll call vote.

18 Richard Lebo, aye; George Mermon, aye;
19 Randall Derr, aye; Kirk Davis, aye; Neal
20 Hufford Jr., aye; James Minor, aye;
21 Donald Stoy, aye; James Luther, aye; Ian
22 Harlow, aye; and Dan Saltzgiver, aye.

23 [The motion carried unanimously.]

24

25 Report of Board Administrator

1 [Janice Cline, Board Administrator, updated the Board
2 with regard to dealer applications and renewals.]

3 ***

4 [Ian Harlow, Commissioner of Professional and
5 Occupational Affairs, exited the meeting at 10:16
6 a.m.]

7 ***

8 [A Formal Hearing was held from 10:25 a.m. until 11:31
9 a.m. In the Matter of the Commonwealth of Pennsylvania
10 Bureau of Professional and Occupational Affairs vs.
11 Eduardo Guarenghi; File No. 14-60-02316, Docket No.
12 1769-60-16.]

13 ***

14 [The Board recessed from 11:31 a.m. to 11:40 a.m.]

15 ***

16 [A Formal Hearing was held from 11:40 a.m. until 11:42
17 a.m. In the Matter of the Commonwealth of Pennsylvania
18 Bureau of Professional and Occupational Affairs vs.
19 Richard M. LaRussa; File No. 17-60-09376, Docket No.
20 336-60-17. It was noted that Mr. LaRussa was not
21 present for the hearing. James Luther and Donald Stoy
22 were recused and were not present for the hearing.]

23 ***

24 [The Board recessed for lunch from 11:43 a.m. to 12:30
25 p.m.]

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 12:30 p.m. the Board entered into Executive Session
4 with Bridget Guilfoyle, Esquire, Board Counsel, for
5 the purpose of conducting quasi-judicial deliberations
6 and to receive advice of Counsel on the matters of
7 which the Board is going to vote. The Board returned
8 to open session at 1:00 p.m.]

9 ***

10 [Linda Purcell, Division Chief for the Real Estate/
11 Vehicle Division of Professional and Occupational
12 Affairs, on behalf of Commissioner Harlow, entered the
13 meeting at 1:00 p.m.]

14 ***

15 MOTIONS

16 MS. GUILFOYLE:

17 Is there a motion to approve the
18 Consent Agreements in the following
19 files: File No. 16-60-13804, File No.
20 15-60-11795, File No. 17-60-01226, File
21 No. 13-60-08719, and 13-60-08720?

22 MR. DERR:

23 So moved.

24 MR. LUTHER:

25 Second.

1 CHAIRMAN 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; Neal

7 Hufford Jr., aye; James Minor, aye;

8 Donald Stoy, aye; James Luther, aye;

9 Linda Purcell, abstain; and Dan

10 Saltzgiver, aye.

11 [The motion carried. Linda Purcell abstained from
12 voting on the motion. The Respondent's name for File
13 No. 16-60-13804 is Whitney W. Stack. The Respondent's
14 name for File No. 15-60-11795 is Annette Ramos t/d/b/a
15 Ramos Auto Workz Sales & Service. The Respondent's
16 name for File No. 17-60-01226 is Juan A. Ramos. The
17 Respondents' names for File Nos. 13-60-08719 and 13-
18 60-08720 is Spankys Auto Group LLC and Donald Brian
19 Leggett.]

20

21 MS. GUILFOYLE:

22 Is there a motion to approve, as final,
23 the Draft Adjudication and Order in the
24 following case: Commonwealth of
25 Pennsylvania Bureau of Professional and

1 Occupational Affairs vs. Eric C.
2 Levengood? The File Number is 15-60-
3 05492.

4 MR. DERR:

5 So moved.

6 MR. MERMON:

7 Second.

8 CHAIRMAN SALTZGIVER:

9 It's been moved and seconded.

10

11 Roll call vote.

12 Richard Lebo, aye; George Mermon, aye;
13 Randall Derr, aye; Kirk Davis, aye; Neal
14 Hufford Jr., aye; James Minor, aye;
15 Donald Stoy, aye; James Luther, aye;
16 Linda Purcell, abstain; and Dan
17 Saltzgiver, aye.

18 [The motion carried. Linda Purcell abstained from
19 voting on the motion.]

20

21 MS. GUILFOYLE:

22 Is there a motion to approve, as final,
23 the Draft Adjudication and Order in the
24 following case for which members Luther
25 and Minor are recused: In the Matter

1 of the Application for Vehicle
2 Salesperson License of Freddy Bravo?

3 The File Number is 16-60-12744.

4 MR. DERR:

5 So moved.

6 MR. MERMON:

7 Second.

8 CHAIRMAN SALTZGIVER:

9 It's been moved and seconded.

10

11 Roll call vote.

12 Richard Lebo, aye; George Mermon, aye;
13 Randall Derr, aye; Kirk Davis, aye; Neal
14 Hufford Jr., aye; James Minor, recuse;
15 Donald Stoy, aye; James Luther, recuse;
16 Linda Purcell, abstain; and Dan
17 Saltzgiver, aye.

18 [The motion carried. Linda Purcell abstained from
19 voting on the motion. James Minor and James Luther
20 recused from deliberations and voting on the motion.]

21

22 MS. GUILFOYLE:

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

1 Pennsylvania Bureau of Professional and
2 Occupational Affairs vs. Frank B.
3 Gladstone, File No. 14-60-00133;
4 Commonwealth of Pennsylvania Bureau of
5 Professional and Occupational Affairs
6 vs. Gregory A. Madrzykowski, File No.
7 15-60-01162; and lastly, Commonwealth
8 of Pennsylvania Bureau of Professional
9 and Occupational Affairs vs. Stonewell
10 Auto, File No. 15-60-11196?

11 MR. DERR:

12 So moved.

13 MR. MERMON:

14 Second.

15 CHAIRMAN SALTZGIVER:

16 It's been moved and seconded.

17

18 Roll call vote.

19 Richard Lebo, aye; George Mermon, aye;
20 Randall Derr, aye; Kirk Davis, aye; Neal
21 Hufford Jr., aye; James Minor, aye;
22 Donald Stoy, aye; James Luther, aye;
23 Linda Purcell, abstain; and Dan
24 Saltzgiver, aye.

25 [The motion carried. Linda Purcell abstained from

1 voting on the motion.]

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3 MS. GUILFOYLE:

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Is there a motion to grant the Motions to Enter Default and Deem Facts Admitted and authorize Board Counsel to draft Adjudication and Orders in accordance with the deliberations in Executive Sessions in the following matters: Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs vs. Kurt B. Eichert, File No. 16-60-08309; Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs vs. Mark Romanowski d/b/a Back Mountain Motors, File No. 16-60-04884; and lastly, Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs vs. Scott M. Wesner, File No. 16-60-00371?

MR. DERR:

So moved.

MR. MERMON:

Second.

1 CHAIRMAN SALTZGIVER:

2 Moved and seconded.

3

4 Roll call vote.

5 Richard Lebo, aye; George Mermon, aye;

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

7 Hufford Jr., aye; James Minor, aye;

8 Donald Stoy, aye; James Luther, aye;

9 Linda Purcell, abstain; and Dan

10 Saltzgiver, aye.

11 [The motion carried. Linda Purcell abstained from
12 voting on the motion.]

13 ***

14 [The Board recessed from 1:05 p.m. to 1:15 p.m.]

15 ***

16 [A Formal Hearing was held from 1:15 a.m. until 1:19
17 p.m. In the Matter of the Application for a License as
18 a Vehicle Salesperson of Todd Andrew Herstine, File
19 No. 16-60-11021, Docket No. 2031-60-16. It was noted
20 that Mr. Herstine was not present at the hearing.

21 Kirk Davis and James Minor were recused and were
22 not present for the hearing.]

23 ***

24 MOTIONS (Continued)

25 MS. GUILFOYLE:

1 I am going to make a motion that Mr.
2 Herstine's Application for a Vehicle
3 Salesperson License be deemed withdrawn
4 due to his failure to appear at the
5 second scheduled hearing, and again, I
6 would remind the members that Mr. Davis
7 and Mr. Minor are recused from voting
8 on this case.

9 CHAIRMAN SALTZGIVER:

10 Do I have a motion?

11 MR. STOY:

12 So moved.

13 MR. MERMON:

14 Second.

15 CHAIRMAN SALTZGIVER:

16 It's been moved and seconded.

17

18 Roll call vote.

19 Richard Lebo, aye; George Mermon, aye;
20 Randall Derr, aye; Kirk Davis, recused;
21 Neal Hufford Jr., aye; James Minor,
22 recused; Donald Stoy, aye; James Luther,
23 aye; Linda Purcell, abstain; and Dan
24 Saltzgiver, aye.

25 [The motion carried. Kirk Davis and James minor

1 recused from deliberations and voting on the motion.
2 Linda Purcell abstained from voting on the motion.]

3 ***

4 CHAIRMAN SALTZGIVER:

5 Looking to adjourn.

6 MR. MINOR:

7 Make a motion to adjourn.

8 MR. DERR:

9 Second.

10 CHAIRMAN SALTZGIVER:

11 That's good. We're adjourned.

12 [The meeting adjourned at 1:20 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.



Chasity Barshinger,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX
June 27, 2017

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:34	Official Call to Order
9		
10	9:34	Pledge of Allegiance
11		
12	9:35	Roll Call
13		
14	9:35	Approval of Minutes
15		
16	9:36	Report of Prosecutorial Division
17		
18	9:41	Report of Board Counsel
19		
20	9:44	Miscellaneous/Discussion
21		
22	9:51	Report of Commissioner
23		
24	9:59	Application Review
25		
26	10:14	Report of Administrator
27		
28	10:25	Formal Hearing - <u>Eduardo Guarenghi</u>
29		
30	11:31	Recess
31	11:40	Return to Open Session
32		
33	11:40	Formal Hearing - <u>Richard M. LaRussa</u>
34		- Not Present
35		
36	11:43	Lunch Break
37	12:30	Return to Open Session
38		
39	12:30	Executive Session
40	1:00	Return to Open Session
41		
42	1:00	Motions
43		
44	1:05	Recess
45	1:15	Return to Open Session
46		
47	1:15	Formal Hearing - <u>Todd Andrew</u>
48		- Not Present
49		
50	1:20	Adjournment