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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
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

June 30, 2021

1 State Board of Vehicle Manufacturers,
2 Dealers, and Salespersons
3 June 30, 2021
4
5

6 BOARD MEMBERS:
7

8 Kirk A. Davis, Chairman
9 Randall Derr, Professional Member, Secretary - Absent
10 K. Kalonji Johnson, Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Mark Wolfe, Office of Attorney General, Consumer
13 Protection Representative
14 Steve T. Fretz, Professional Member
15 Angel Layton, Department of Transportation
16 Representative
17 George F. Mermon, Professional Member
18 Dale J. Yingst, Professional Member
19 Mark Baer, Professional Member
20 Irving Stein, Professional Member
21
22

23 BUREAU PERSONNEL:
24

25 C. William Fritz II, Esquire, Board Counsel
26 Peter D. Kovach, Esquire, Board Prosecution Liaison
27 Kayla R. Bolan, Esquire, Board Prosecutor
28 Colby B. Widdowson, Esquire, Board Prosecutor
29 Christopher K. McNally, Esquire, Board Prosecutor
30 Janice Cline, Board Administrator
31 Theodore Stauffer, Executive Secretary, Bureau of
32 Professional and Occupational Affairs
33
34

35 ALSO PRESENT:
36

37 Justin D. Okun, Esquire, Farrell & Associates
38
39
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1 ***

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

4 June 30, 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 Wednesday, June 30, 2021.
16 Kirk K. Davis, Chairman, Professional Member, called
17 the meeting to order at 10:30 a.m.

18 ***

19 Approval of minutes of the May 11, 2021 meeting

20 CHAIRMAN DAVIS:

21 Do we have a motion to approve the
22 minutes from last month's meeting?

23 MR. STEIN:

24 I make a motion to approve.

25 CHAIRMAN DAVIS:

1 Do we have a second?

2 MR. WOLFE:

3 Second

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Wolfe, aye; Yingst, aye; Fretz, abstain;

8 Davis, aye; Layton, aye.

9 [The motion carried. Mr. Fretz abstained from voting
10 on the motion.]

11

12 [C. William Fritz II, Esquire, Board Counsel, noted
13 the Board met in executive session prior to the
14 meeting for the purpose of conducting quasi-judicial
15 deliberations.

16 He also noted the meeting was being recorded, and
17 those who remained were giving their consent to be
18 recorded.]

19

20 Roll Call

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

22

23 Report of Prosecutorial Division

24 [Christopher K. McNally, Esquire, Board Prosecutor,
25 presented the Consent Agreements for Case No. 21-60-

1 000090, Case No. 21-60-005050, Case No. 21-60-005051.
2 He noted for the record the respondent had been
3 cooperative and responsive to communications and has
4 signed for himself and the two dealerships the consent
5 agreements to surrender all three licenses.

6 He also presented the Consent Agreement for Case
7 No. 19-60-008024.]

8 ***
9 [Colby B. Widdowson, Esquire, Board Prosecutor,
10 presented the Consent Agreement for Case No. 20-60-
11 001613.]

12 ***
13 [Peter D. Kovach, Esquire, Board Prosecutor, Board
14 Prosecution Liaison, presented the Consent Agreements
15 for Case No. 20-60-008895 and Case No. 21-60-005877.]

16 ***
17 [Kayla R. Bolan, Esquire, Board Prosecutor, presented
18 the Consent Agreements for Case No. 20-60-002191 and
19 Case No. 20-60-007687.]

20 MR. FRITZ:

21 The Board would entertain a motion to
22 approve the following Consent Agreements
23 at Case No. 21-60-005050, Case No. 21-
24 60-005051, and Case No. 21-60-000090.

25 MR. WOLFE:

1 So moved.

2 MR. YINGST:

3 Second.

4 MR. FRITZ:

5 We need to vote.

6

7 Wolfe, aye; aye; aye; aye; Yingst, aye;
8 Layton, aye; and Davis, aye.

9

10 Any opposed?

11 [The motion carried unanimously. The Respondent is
12 Lakeside Chevrolet Buick, Lakeside Auto Sales Inc.,
13 and Andrew T. Gabler, respectively.]

14

15 MR. FRITZ:

16 The Board would entertain a motion to
17 approve the Consent Agreement at Case
18 No. 19-60-008024.

19 MS. LAYTON:

20 So moved.

21 MR. BAER:

22 Second.

23 CHAIRMAN DAVIS:

24 Roll call.

25

1 Wolfe, aye; Stein, aye; Baer, aye;
2 Yingst, aye; Layton, aye; Fretz, aye;
3 and Davis, aye.

4 [The motion carried unanimously. The Respondent's
5 name is Harry Bailey aka Harry E. Bailey DBA R & J
6 Auto Sales.]

7 ***

8 MR. FRITZ:

9 The Board would entertain a motion to
10 approve the Consent Agreement at Case
11 No. 20-60-001613.

12 MR. STEIN:

13 I make the motion.

14 MR. YINGST:

15 Second.

16 CHAIRMAN DAVIS:

17 Roll call.

18
19 Wolfe, aye; Baer, aye; Stein, aye;
20 Yingst, aye; Layton, aye; Fretz, aye;
21 Layton, aye; and Davis, aye.

22 [The motion carried unanimously. The Respondent's
23 name is Renee M. Delauter.]

24 ***

25 MR. FRITZ:

1 The Board would entertain a motion to
2 approve the Consent Agreement at Case
3 No. 20-60-008895.

4 MR. WOLFE:

5 So moved.

6 MR. YINGST:

7 Second.

8 CHAIRMAN DAVIS:

9 Roll call.

10

11 Wolfe, aye; Stein, aye; Baer, aye;
12 Yingst, aye; Fretz, aye; Layton, aye;
13 and Davis, aye.

14 [The motion carried unanimously. The Respondent's
15 name is John E. Kurtz.]

16

17 MR. FRITZ:

18 The Board would entertain a motion to
19 approve the Consent Agreement at Case
20 No. 21-60-005877.

21 MR. YINGST:

22 So moved.

23 MR. STEIN:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Wolfe, aye; Stein, aye; Baer, aye;
4 Yingst, aye; Fretz, aye; Layton, aye;
5 and Davis, aye.

6 [The motion carried unanimously. The Respondent's
7 name is Jeffrey John Ohm.]

8 ***

9 MR. FRITZ:

10 The Board would entertain a motion to
11 deny the Consent Agreement as too
12 lenient at Case No. 20-60-002191.

13 MR. YINGST:

14 Motion.

15 MR. STEIN:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19

20 Wolfe, aye; Stein, aye; Yingst, aye;
21 Fretz, aye; Layton, aye; and Davis, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion to

1 deny the Consent Agreement as too
2 lenient at Case No. 20-60-007687.

3 MR. YINGST:

4 Motion.

5 MR. STEIN:

6 Second.

7 CHAIRMAN DAVIS:

8 Roll call.

9

10 Wolfe, no; Stein, aye; Yingst, aye;
11 Fretz, aye; Layton, aye; Davis, aye; and
12 Baer, aye.

13 [The motion carried. Mr. Wolfe opposed the motion.]

14

15 Report of Board Counsel

16 [C. William Fritz II, Esquire, Board Counsel, provided
17 a Status of Cases Report for the Board's review. He
18 requested Board members inform him on any matters
19 where they would need to recuse themselves.]

20

21 Report of Board Counsel - Adjudications and Orders

22 MR. FRITZ:

23 The Board would entertain a motion to
24 approve the Adjudications and Orders of
25 the Commonwealth v. Joel Paugh, Case No.

1 19-60-07068 and Commonwealth v. Stephen
2 Shimko, Case No. 19-60-012647.

3 MR. YINGST:

4 Motion to approve.

5 MR. BAER:

6 Second.

7 CHAIRMAN DAVIS:

8 Roll call.

9

10 Wolfe, aye; Stein, aye; Yingst, aye;
11 Baer, aye; Fretz, aye; Layton, aye; and
12 Davis, aye.

13 [The motion carried unanimously.]

14

15 Report of Board Counsel - Motions to Deem Facts

16 Admitted

17 MR. FRITZ:

18 The Board would entertain a motion to
19 grant the following Motions to Deem
20 Facts Admitted and direct Board counsel
21 to draft an Adjudication and Order for
22 the Commonwealth v. Chad Bednarski, Case
23 No. 21-60-000092 and Commonwealth v.
24 Allyse M. Hauser, Case No. 18-60-01600.

25 MR. YINGST:

1 Motion to admit.

2 MR. WOLFE:

3 Second.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Wolfe, aye; Baer, aye; Stein, aye;

8 Yingst, aye; Fretz, aye; Layton, aye;

9 and Davis, aye.

10 [The motion carried unanimously.]

11

12 Application Review - Criminal Conviction

13 Applicants - Informal Hearings

14 MR. FRITZ:

15 The Board would entertain a motion to
16 approve the following applicants without
17 restriction: Joshua Cline, Adam
18 Goldstein, and Alexander Torres.

19 MR. STEIN:

20 I make the motion.

21 MR. YINGST:

22 Second.

23 CHAIRMAN DAVIS:

24 Roll call.

25

1 Wolfe, aye; Baer, aye; Stein, aye;
2 Yingst, aye; Layton, aye; and Davis,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 MR. FRITZ:

7 The Board would entertain a motion to
8 approve the following applicants based
9 upon a period of probation for Kody
10 Kirkland, Tyler Stonge, Corey Schuster
11 and Eric Lukens.

12 MR. YINGST:

13 Motion to approve

14 MR. BAER:

15 Second.

16 CHAIRMAN DAVIS:

17 Roll call.

18

19 Wolfe, aye; Baer, aye; Stein, aye;
20 Yingst, aye; Fretz, aye; Layton, aye;
21 and Davis, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion to

1 provisionally deny the Application of
2 Matthew Patrick.

3 MS. LAYTON:

4 So moved.

5 MR. BAER:

6 Second.

7 CHAIRMAN DAVIS:

8 Roll call.

9

10 Wolfe, aye; Baer, aye; Stein, aye;
11 Yingst, aye; Fretz, aye; and Layton,
12 aye.

13 [The motion carried unanimously.]

14

15 [A Formal Hearing was held from 11:11 a.m. until
16 12:10 p.m. in the matter of the Petition for
17 Reinstatement of the Vehicle Salesperson License of
18 Chris A. Neal, Case No. 21-60-004004.]

19

20 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
21 12:11 p.m. the Board entered into executive session
22 with C. William Fritz II, Esquire, Board Counsel, for
23 the purpose of conducting quasi-judicial
24 deliberations. The Board returned to open session at
25 12:28 p.m.]

1 ***

2 [Mark Baer, Professional Member, exited the meeting at
3 12:28 p.m.]

4 ***

5 MOTIONS

6 MR. FRITZ:

7 The Board just met in executive session
8 and conducted quasi-judicial
9 deliberations in the following matter.

10 The Board would entertain a motion
11 directing Board counsel to draft an
12 Adjudication and Order in the matter of
13 the Commonwealth v. Chris A. Neal, Case
14 No. 21-60-004004.

15 CHAIRMAN DAVIS:

16 So moved

17 MR. WOLFE:

18 Second.

19 MR. FRITZ:

20 All in favor?

21
22 Wolfe, aye; Stein, aye; Stauffer, aye;
23 Fretz, aye; Yingst, aye; Layton, aye;
24 and Davis, aye.

25 Any opposed?

1 [The motion carried unanimously.]

2 ***

3 Report of Board Chairman - No Report

4 ***

5 Report of Commissioner - No Report

6 ***

7 Report of Board Administrator

8 [C. William Fritz II, Esquire, Board Counsel, noted
9 remaining 2021 and 2022 Board meeting dates and
10 encouraged everyone to contact Ms. Cline with any
11 conflicts.

12 Mr. Fritz also reminded everyone to be cognizant
13 of their terms and to contact their legislator if
14 their first term was almost up.

15 Mr. Fritz announced a new Board member would be
16 starting at the next Board meeting.]

17 ***

18 Adjournment

19 CHAIRMAN DAVIS:

20 Do we have a motion for adjournment?

21 MR. STAUFFER:

22 I'll make that motion.

23 MR. STEIN:

24 Second the motion.

25 CHAIRMAN DAVIS:

1 We are adjourned.

2 [The motion carried unanimously.]

3 ***

4 [The State Board of Vehicle Manufacturers, Dealers,
5 and Salespersons Meeting adjourned at 12:28 p.m.]

6

7

CERTIFICATE

8

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

16

17

18

19


Evan Bingaman,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

24

25

26

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS, AND SALESPERSONS
REFERENCE INDEX

June 30, 2021

	TIME	AGENDA
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7		
8		
9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:30	Official Call to Order
14		
15	10:30	Approval of Minutes
16		
17	10:32	Roll Call
18		
19	10:33	Report of Prosecutorial Division
20		
21	11:03	Report of Board Counsel
22		
23	11:05	Application Review
24		
25	11:11	Formal Hearing - Chris A. Neal
26	12:10	
27		
28	12:11	Executive Session
29	12:28	Return to Open Session
30		
31	12:29	Motions
32		
33	12:30	Report of Board Administrator
34		
35	10:32	Adjournment
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