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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

August 6, 2019

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State Board of Vehicle Manufacturers,
Dealers and Salespersons
August 6, 2019

BOARD MEMBERS:

- Dan G. Murphy III, Chairman
- Kirk A. Davis, Secretary
- K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Randall Derr, Professional Member
- Richard LeBlanc, Agent, Office of Attorney General, on behalf of Zachery Everidge, Office of Attorney General
- Steve T. Fretz, Professional Member - Absent
- Neal L. Hufford Jr., Professional Member
- Robert M. Shaffer, Department of Transportation Representative
- George F. Mermon, Professional Member
- William M. Mohler, Professional Member
- Donald J. Stoy, Public Member

BUREAU PERSONNEL:

- Juan A. Ruiz, Esquire, Board Counsel
- Shana M. Walter, Esquire, Board Counsel
- Amanda N. Wojciechowski, Board Prosecution Liaison
- Glenn P. Masser, Esquire, Board Prosecutor
- Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division
- Tara J. Wikhian, Esquire, Board Prosecutor
- Janice Cline, Board Administrator

1 ***

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

4 August 6, 2019

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, August 6, 2019. Dan
9 G. Murphy III, Chairman, called the meeting to order
10 at 9:29 a.m. K. Kalonji Johnson, Acting Commissioner,
11 Bureau of Professional and Occupational Affairs, was
12 not present at the commencement of the meeting.

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

15 ***

16 Approval of minutes of the June 25, 2019 meeting

17 CHAIRMAN MURPHY:

18 Approval of the minutes?

19 MR. SHAFFER:

20 So moved.

21 MR. DAVIS:

22 Second.

23 CHAIRMAN MURPHY:

24 So moved and seconded.

25

1 Roll call.

2

3 Randall Derr, abstain; George Mermon,
4 aye; Kirk Davis, aye; Richard LeBlanc,
5 abstain; Neal Hufford Jr., aye; William
6 Mohler, abstain; Donald Stoy, aye;
7 Robert Shaffer, aye; and Dan Murphy,
8 aye.

9 [The motion carried. Randall Derr, Richard LeBlanc,
10 and William Mohler abstained from voting on the
11 motion.]

12

13 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
14 Chief Counsel, Prosecution Division Presentation
15 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
16 Counsel, Prosecution Division, introduced herself and
17 provided a brief summary of her professional
18 background.

19 Ms. DeLaurentis provided information for the
20 Pennsylvania State Board of Vehicle Manufacturers,
21 Dealers, & Salespersons for FY 2018-2019, noting that
22 1,380 cases were opened with 1,372 open cases as of
23 July 1, 2019.

24 Ms. DeLaurentis noted 158 warning letters, 48
25 suspension, 10 automatic suspensions, 20 reprimands,

1 17 voluntary surrenders, 29 probations, and 17
2 revocations.

3 Ms. DeLaurentis noted 69 immediate temporary
4 suspensions, in general, for the prosecution division
5 in FY 2018-2019 with 11,359 open cases as of July 1,
6 2019. She reviewed the last fiscal year, noting that
7 14,030 cases were opened, which was up from 12,604 the
8 prior fiscal year. She also noted 13,270 closed files
9 the last fiscal year.

10 Ms. DeLaurentis discussed the Office of General
11 Counsel's Mediation Program, which is at no cost to
12 either party. She stated that the consent agreements
13 will reflect whether the case was resolved through
14 mediation.

15 Ms. DeLaurentis addressed the Pennsylvania
16 Justice Network (JNET), where the prosecution division
17 receives an alert when licensees from all of the
18 Boards and Commissions are charged with a crime.

19 Ms. DeLaurentis commended the Bureau of
20 Enforcement and Investigation (BEI) with regard to
21 immediate temporary suspensions (ITS). She also
22 commended the prosecutors for their great work.

23 Ms. DeLaurentis commented that mediation cases
24 are not binding or mandatory and will still go before
25 the Board.

1 Chairman Murphy favored the communication between
2 the departments and the Attorney General's Office over
3 the years and questioned whether there was feedback on
4 the Board's actions. Ms. DeLaurentis noted her work
5 on improving the communications with the Attorney
6 General's Office regarding the status of current
7 cases. As the Attorney General's Office is a criminal
8 justice agency, it cannot share everything. She also
9 noted communications with the Pennsylvania State
10 Police vehicle fraud investigators.

11 Chairman Murphy mentioned a roundtable
12 discussion, possibly started by Richard Lebo, that met
13 monthly or quarterly with the different departments,
14 the Pennsylvania Department of Transportation
15 (PennDOT), and Attorney General's Office to discuss
16 issues. He commented that the discussions helped the
17 interactions between the departments with addressing
18 problems.

19 Chairman Murphy also mentioned an article in the
20 Philadelphia paper that talked about the deal the
21 Attorney General was after, where the Attorney General
22 would be able to help expedite any discipline.

23 Ms. DeLaurentis agreed to inquire about the
24 roundtable with the prosecutors who have been with the
25 Board at that time.

1 Chairman Murphy addressed an email from
2 Ms. Walter in reference to the budget, where too much
3 money will be coming into the Board. He commented
4 that too much money coming in is because of licensees,
5 which means it will put a further burden on the staff.
6 He suggested putting money into staffing, which would
7 give the Board the ability to touch more people with
8 inspections and prosecution.

9 Ms. Walter stated that the Board was expecting
10 new numbers from the Bureau of Finance at the next
11 meeting. She noted a significant adjustment in the
12 licensee population, specifically a decrease by about
13 2,000 with a net decrease of about 6,000 licensees
14 since the October numbers. She mentioned that the
15 Board will have more information after the Bureau of
16 Finance and Operations (BFO) presentation.

17 Ms. DeLaurentis addressed the Pennsylvania
18 Licensing System (PALS) regarding the ability to
19 generate different reports. She suggested the Board
20 advise counsel of any desired aggregate information,
21 so she could gather those reports.]

22

23 Report of Prosecutorial Division

24 [Glenn P. Masser, Esquire, Board Prosecutor, informed
25 the Board of his departure and expressed his gratitude

1 with working with the Board.

2 Mr. Masser presented the Consent Agreement for
3 File No. 17-60-012140.]

4 ***

5 Report of Board Counsel

6 [Juan A. Ruiz, Esquire, Board Counsel, noted three
7 hearings scheduled for later in the day, noting the
8 11:00 a.m. and 12:00 noon hearings were continued. He
9 mentioned the remaining hearing was scheduled for
10 10:00 a.m. He also noted seven final Adjudications
11 and Orders, one proposed Adjudication and Order, a
12 case for deliberation, seven Motions to Enter Default
13 and Deem Facts Admitted, and a petition for review for
14 discussion during Executive Session.

15 Mr. Ruiz stated House Bill 1172 was signed into
16 law, now Act 41 of 2019. That act allows licensure by
17 endorsement and provisional licenses. He explained
18 that the bill applies to people from out of state with
19 a license who come to Pennsylvania to obtain a
20 license.

21 Mr. Ruiz stated the bill does not really apply to
22 this Board as the Board has no educational or
23 experience requirements. He explained that the bill's
24 intent is to open the door to more licensees coming
25 into Pennsylvania. He commented that every Board has

1 to create regulations concerning this. As it does not
2 apply to the Board and completely unnecessary, he will
3 try to circumvent drafting a regulation to save the
4 Board money.

5 Mr. Ruiz addressed provisional licenses that
6 would only deal with a salesperson for the Board. He
7 stated an applicant must sign the application and
8 submit a background check to the Board. He also does
9 not think the provisional license aspect applies to
10 the Board as it concerns qualifications of those from
11 other states. He noted the Board to be unique and
12 will address the Board's regulations to be in
13 compliance.]

14

15 [The Board recessed from 9:59 a.m. until 10:07 a.m.]

16

17 Report of Board Chairman

18 [Dan G. Murphy III, Chairman, referred to a notice
19 from the United States District Court for the Southern
20 District of Florida Court regarding a class-action
21 lawsuit over the oil consumption and engine that
22 includes certain persons who purchased or leased new
23 or used Chevy Equinox or GMC Terrain vehicles equipped
24 with a 2.4-liter Ecotec engine in 2010, 2011, and 2012
25 as well as a certain model in 2015.

1 Chairman Murphy addressed the Pennsylvania suit
2 regarding faulty cars sold in Pennsylvania, noting
3 that the Attorney General contends the dealer on
4 Frankford Avenue did not even own the vehicles and was
5 involved in that case.

6 Chairman Murphy referred to the Pennsylvania
7 Automotive Association (PAA) article, explaining in
8 more detail their assessment of the Supreme Court
9 ruling on the General Motors warranty lawsuit that was
10 overturned by the court and has returned in the
11 complainants' favor for the Board's review.]

12 ***

13 [Juan A. Ruiz, Esquire, Board Counsel, noted that Dean
14 A. Rhone, Case No. I9-60-005628, regarding a Petition
15 for Reinstatement of the Vehicle Salesperson's License
16 did not appear for the hearing.]

17 ***

18 Application Review - Informal Conferences

19 [The Applicant Review Committee made the following
20 recommendations regarding the following Criminal
21 Conviction Applications: David Mascari, approved with
22 one-year probation; Bailey M. Lobel, denied; Zachary
23 T. Broome, approved with one-year probation; and Dylan
24 Michalek, approved.]

25 ***

1 MR. RUIZ:

2 Is there a motion to approve the
3 recommendations from the informal
4 conferences?

5 MR. MERMON:

6 So moved.

7 MR. STOY:

8 Second.

9 CHAIRMAN MURPHY:

10 So moved and seconded.

11

12 Roll call.

13

14 Richard LeBlanc, aye; George Mermon,
15 aye; Kirk Davis, aye; Randall Derr, aye;
16 Neal Hufford Jr., aye; William Mohler,
17 aye; Donald Stoy, aye; Robert Shaffer,
18 aye; and Dan Murphy, aye.

19 [The motion carried unanimously.]

20

21 Report of Board Administrator - No Report

22

23 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
24 10:20 a.m. the Board entered into Executive Session
25 with Juan A. Ruiz, Esquire, Board Counsel, and Shana

1 M. Walter, Esquire, Board Counsel, for the purpose of
2 conducting quasi-judicial deliberations and to receive
3 advice of Counsel. The Board returned to open session
4 at 11:03 a.m.]

5 ***

6 [K. Kalonji Johnson, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs, entered the
8 meeting at during Executive Session.]

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.

16 Is there a motion to approve the
17 Consent Agreement at File No. 17-60-
18 012140?

19 MR. MERMON:

20 So moved.

21 MR. DAVIS:

22 Second.

23 CHAIRMAN MURPHY:

24 So moved and seconded.

25

1 Roll call.

2

3 Richard LeBlanc, aye; George Mermon,
4 aye; Kirk Davis, aye; Randall Derr, aye;
5 Neal Hufford Jr., aye; William Mohler,
6 aye; Donald Stoy, aye; Robert Shaffer,
7 aye; K. Kalonji Johnson, aye; and Dan
8 Murphy, aye.

9 [The motion carried unanimously. The Respondent's
10 name is NFI Empire Custom Built Jeeps.]

11

12 MR. RUIZ:

13 Is there a motion to deny the Petition
14 for Reinstatement for Dean A. Rhone at
15 Case No. 19-60-005628?

16 MR. SHAFFER:

17 So moved.

18 MR. DERR:

19 Second.

20 CHAIRMAN MURPHY:

21 So moved and seconded.

22

23 Roll call.

24

25 Richard LeBlanc, aye; George Mermon,

1 aye; Kirk Davis, aye; Randall Derr, aye;
2 Neal Hufford Jr., aye; William Mohler,
3 aye; Donald Stoy, aye; Robert Shaffer,
4 aye; K. Kalonji Johnson, aye; and Dan
5 Murphy, aye.

6 [The motion carried unanimously.]

7 ***

8 MR. RUIZ:

9 Is there a motion to approve the
10 following final Adjudications and
11 Orders: Grigori V. Abalov, Case No. 16-
12 60-04044; Douglas McArthur, Case No. 15-
13 60-02931; Felix Ortiz, Case No. 17-60-
14 04364; Cyrus R. Scott Jr., Case No. 17-
15 60-09803; Zators Auto Sales, Case No.
16 16-60-07071; Frank P. Fricchione, Case
17 No. 16-60-00127; Donald R. Reed, Case
18 No. 14-60-05609?

19 MR. STOY:

20 So moved.

21 MR. DERR:

22 Second.

23 CHAIRMAN MURPHY:

24 So moved and seconded.

25

1 Roll call.

2

3 Richard LeBlanc, aye; George Mermon,
4 aye; Kirk Davis, aye; Randall Derr, aye;
5 Neal Hufford Jr., aye; William Mohler,
6 aye; Donald Stoy, aye; Robert Shaffer,
7 aye; K. Kalonji Johnson, aye; and Dan
8 Murphy, aye.

9 [The motion carried unanimously.]

10

11 MR. RUIZ:

12 Is there a motion to approve the
13 proposed Adjudication and Order as the
14 Board's final order in the case of
15 Rodney A. Harris, File No. 15-60-05672?

16 MR. MERMON:

17 So moved.

18 MR. DAVIS:

19 Second.

20 CHAIRMAN MURPHY:

21 So moved and seconded.

22

23 Roll call.

24

25 Richard LeBlanc, aye; George Mermon,

1 aye; Kirk Davis, aye; Randall Derr, aye;
2 Neal Hufford Jr., aye; William Mohler,
3 aye; Donald Stoy, aye; Robert Shaffer,
4 aye; K. Kalonji Johnson, aye; and Dan
5 Murphy, aye.

6 [The motion carried unanimously.]

7 ***

8 MR. RUIZ:

9 Is there a motion to direct counsel to
10 draft the final Adjudication and Order
11 consistent with discussions in Executive
12 Session in the case of Brian A. Vergotz
13 at File No. 17-60-02756?

14 MR. MERMON:

15 So moved.

16 MR. DAVIS:

17 Second.

18 CHAIRMAN MURPHY:

19 So moved and seconded.

20

21 Roll call.

22

23 Richard LeBlanc, aye; George Mermon,
24 aye; Kirk Davis, aye; Randall Derr, aye;
25 Neal Hufford Jr., aye; William Mohler,

1 aye; Donald Stoy, aye; Robert Shaffer,
2 aye; K. Kalonji Johnson, aye; and Dan
3 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 in the cases of
9 Brian Estrella, File No. 17-60-04411;
10 Lawrence B. Laken, Case No. 17-60-13131;
11 William J. Maguire, File No. 16-60-
12 12082; Jason Lee Wissinger, File No. 16-
13 60-13572; Marcus Dedan Tolbert, File No.
14 19-60-002057; and Robert M. Morris, File
15 No. 15-60-06526?

16 MR. MERMON:

17 So moved.

18 MR. STOY:

19 Second.

20 CHAIRMAN MURPHY:

21 So moved and seconded.

22

23 Roll call.

24

25 Richard LeBlanc, aye; George Mermon,

1 aye; Kirk Davis, aye; Randall Derr, aye;
2 Neal Hufford Jr., aye; William Mohler,
3 aye; Donald Stoy, aye; Robert Shaffer,
4 aye; K. Kalonji Johnson, aye; and Dan
5 Murphy, aye.

6 [The motion carried unanimously.]

7 ***

8 MR. RUIZ:

9 Is there a motion to grant the Motion to
10 Enter Default and Deem Facts Admitted in
11 the case of Rafael Levi at File No. 17-
12 60-04410?

13 Robert Shaffer has been recused
14 from all deliberations and voting on
15 this matter.

16 MR. MERMON:

17 So moved.

18 MR. DAVIS:

19 Second.

20 CHAIRMAN MURPHY:

21 So moved and seconded.

22

23 Roll call.

24

25 Richard LeBlanc, aye; George Mermon,

1 aye; Kirk Davis, aye; Randall Derr, aye;
2 Neal Hufford Jr., aye; William Mohler,
3 aye; Donald Stoy, aye; Robert Shaffer,
4 recuse; K. Kalonji Johnson, aye; and Dan
5 Murphy, aye.

6 [The motion carried. Robert Shaffer recused himself
7 from deliberations and voting on the motion.]

8 ***

9 MR. RUIZ:

10 Is there a motion to grant counsel the
11 authority to settle the Petition for
12 Review in the case of Kurt B. Eichert
13 vs. the State Board of Vehicle
14 Manufactures, Dealers, & Salespersons
15 consistent with discussions in Executive
16 Session?

17 MR. MERMON:

18 So moved.

19 MR. JOHNSON:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24 Roll call.

25

1 Richard LeBlanc, aye; George Mermon,
2 aye; Kirk Davis, aye; Randall Derr, aye;
3 Neal Hufford Jr., aye; William Mohler,
4 aye; Donald Stoy, aye; Robert Shaffer,
5 aye; K. Kalonji Johnson, aye; and Dan
6 Murphy, aye.

7 [The motion carried unanimously.]

8 ***

9 Report of Acting Commissioner

10 [K. Kalonji Johnson, Acting Commissioner, addressed
11 Act 41 of 2019 and how it relates to the Board. He
12 recommended a letter of intent from the Board to
13 Governor Wolf's office stating why the Board is unique
14 compared to other Boards regarding Act 41 of 2019.

15 Acting Commissioner Johnson commented that it
16 would send a good message to the Governor's Office and
17 would be a good public affirmation of the Governor's
18 intent, showing that the Board had been doing it all
19 along.]

20 ***

21 Adjournment

22 CHAIRMAN MURPHY:

23 Motion to adjourn.

24 MR. JOHNSON:

25 I move to adjourn.

1 CHAIRMAN MURPHY:

2 Adjourned.

3 ***

4 [The State Board of Vehicle Manufacturers, Dealers,
5 and Salespersons Meeting adjourned at 11:10 a.m.]

6 ***

7

8

9

CERTIFICATE

10

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

18

19

20



21

Amber Garbinski,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX

August 6, 2019

	TIME	AGENDA
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9		
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	Appointment - Carolyn A. DeLaurentis,
19	9:45	Deputy Chief Counsel, Prosecution
20		Division Presentation
21		
22	9:45	Report of Prosecutorial Division
23		
24	9:45	Report of Board Counsel
25		
26	9:59	Recess
27	10:07	Return to Open Session
28		
29	10:07	Report of Board Chairman
30		
31	10:20	Executive Session
32	11:03	Return to Open Session
33		
34	11:03	Motions
35		
36	11:08	Report of Acting Commissioner
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38	11:10	Adjournment
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