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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

September 17, 2019

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State Board of Vehicle Manufacturers,
Dealers and Salespersons
September 17, 2019

BOARD MEMBERS:

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

BUREAU PERSONNEL:

- Juan A. Ruiz, Esquire, Board Counsel
- Charles Fritz, Esquire, Board Counsel
- Amanda N. Wojciechowski, Esquire Board Prosecution Liaison
- Angela Lucci, Esquire, Board Prosecutor
- Heather McCarthy, Esquire, Board Prosecutor
- Tara Wikhian, Esquire, Board Prosecutor
- Colby Widdowson, Esquire, Board Prosecutor
- Glenn Masser, Esquire, Board Prosecutor
- Janice Cline, Board Administrator

ALSO PRESENT:

- Wesley Rish, Esquire, Rish Law Office, LLC
- Barbara Darkes, Esquire, McNeese Law
- Evan Pappas, Esquire, Tucker & Arensburg, PC

1 ***

2 State Board of Vehicle Manufacturers,
3 Dealers and Salespersons
4 September 17, 2019

5 ***

6 The regularly scheduled meeting of the State Board
7 of Vehicle Manufacturers, Dealers, and Salespersons
8 was held on Thursday, September 17, 2019. Dan G.
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 August 6, 2019 meeting.

15 CHAIRMAN MURPHY:

16 Approval of the minutes?

17 MR. SHAFFER:

18 So moved.

19 MR. DAVIS:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded. Roll call.

23

24 Richard LeBlanc, aye; George Mermon, aye;

25 Neal Hufford Jr., aye; Kirk Davis, aye;

1 Steve Fretz, abstain; William Mohler,
2 aye; Donald J. Stoy, aye; Robert Shaffer,
3 aye; and Dan Murphy, aye.

4 {The motion carried. Steve Fretz abstained from
5 voting on the motion.]

6 ***

7 Report of Prosecutorial Division

8 [Angela Lucci, Esquire, Board Prosecutor, presented
9 the Consent Agreement for File No. 16-60-14530.

10 Ms. Lucci noted that this was her final
11 presentation to the Board.]

12 ***

13 [Heather McCarthy, Esquire, Board Prosecutor presented
14 the Consent Agreement for File No. 19-60-007042.]

15 ***

16 [Tara Wikhian, Esquire, Board Prosecutor, presented
17 Consent Agreements for File No. 16-60-03212, File No.
18 19-60-004615, File No. 15-60-07008, File No. 19-60-
19 008483, and File No. 17-60-06060.]

20 ***

21 [Colby Widdowson, Esquire, Board Prosecutor, presented
22 the Consent Agreements for File No. 19-60-008245.]

23 ***

24 [Mr. Widdowson presented the Consent Agreement for
25 File No. 18-60-011022. Wesley Rish, Esquire, Counsel

1 for the Respondent, was also present and participated
2 in the discussion.]

3 ***

4 [Amanda N. Wojciechowski, Esquire, Board Prosecution
5 Liaison, presented the Consent Agreement for File No.
6 17-60-04410.

7 Board Member Shaffer recused from the discussion
8 on the matter.]

9 ***

10 [Katelin Lambert, Deputy Commissioner, introduced
11 herself to the Board.]

12 ***

13 Report of Board Counsel

14 [Juan A. Ruiz, Esquire, Board Counsel, noted three
15 hearings scheduled for later in the meeting, also
16 noting the noon hearing was continued. He also noted
17 three final Adjudication and Orders, six proposed
18 Adjudication and Orders, and three Motions to Deem
19 Facts Admitted for discussion during Executive
20 Session.]

21 ***

22 Application Review - Informal Conference

23 [The Application Review Committee made the following
24 recommendations regarding the following Applications:
25 Victor Davis, approved; Ryan Cali, approved; Jordan

1 Madrid, approved with probation to follow current
2 probation; Dallas Oliver, approved concurrent with
3 probation; William Flemister, no-show; Kathleen
4 Enders, approved; Sadika Thompson, approved; Sean
5 Bork, no-show; Hayden Bauver, approved concurrent with
6 probation; Mustafa Cunningham, no-show; Ira Moody,
7 approved; Bogdan Isayenko, denied; Monica Montez
8 Doeca, no-show; Ronnie Carl Smith, no-show; and Dorian
9 Veney, approved.]

10 ***

11 MR. RUIZ:

12 Is there a motion to approve the
13 recommendations from the informal
14 conference?

15 MR. HUFFORD:

16 So moved.

17 MR. DAVIS:

18 Second.

19 CHAIRMAN MURPHY:

20 So moved and seconded.

21

22 Roll call.

23

24 Richard LeBlanc, aye; George Mermon, aye;

25 Neal Hufford Jr., aye; Kirk Davis, aye;

1 Steve Fretz, aye; William Mohler, aye;
2 Donald J. Stoy, aye; Robert Shaffer, aye;
3 Katelin Lambert, aye; and Dan Murphy,
4 aye.

5 [The motion carried unanimously.]

6 ***

7 Report of Board Administrator - No Report

8 ***

9 [The Board recessed from 9:50 a.m. until 9:59 a.m.]

10 ***

11 [A formal hearing was held from 10:01 a.m. until 11:02
12 a.m. In the Matter of the Petition for Reinstatement
13 of the Vehicle Salesperson License of Alex Jones, File
14 No. 19-60-009172.]

15 ***

16 [Dan G. Murphy III, Chairman, exited the meeting at
17 10:15 a.m. for recusal purposes.]

18 ***

19 [Dan G. Murphy III, Chairman, re-entered the meeting
20 at 11:02 a.m.]

21 ***

22 [The Board recessed from 11:02 a.m. until 11:11 a.m.]

23 ***

24 [A formal hearing was held from 11:12 a.m. until 11:47
25 a.m. In the Matter of BPOA vs. Robert Craig Gulack,

1 File No. 17-60-0557.]

2

3 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
4 11:47 a.m. the Board entered into Executive Session
5 with Juan A. Ruiz, Esquire, Board Counsel, for the
6 purpose of conducting quasi-judicial deliberations.
7 The Board returned to open session at 12:53 p.m.]

8

9 MOTIONS:

10 MR. RUIZ:

11

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

12

13

14

15

Is there a motion to approve the
Consent Agreement at File No. 16-60-
14530?

16

17

18 MR. MERMON:

19

So moved.

20 MR. DAVIS:

21

Second.

22 CHAIRMAN MURPHY:

23

So moved and seconded.

24

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Roll call.

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Richard LeBlanc, aye; George Mermon, aye;
Neal Hufford Jr., aye; Kirk Davis, aye;
Steve Fretz, aye; William Mohler, no;
Donald J. Stoy, aye; Robert Shaffer, aye;
and Dan Murphy, aye.

[The motion carried. William Mohler opposed the
motion. The Respondent's name is Luxury Unlimited
Auto Sales, Inc.]

MR. RUIZ:

Is there a motion to approve the
following Consent Agreements: File No.
19-60-007042, File No. 160-60-03212, File
No. 19-60-004615, File No. 19-60-008483,
File No. 17-60-06060, File No. 19-60-
008245, and File No. 18-60-011022?

MR. STOY:

So moved.

MR. SHAFFER:

Second.

CHAIRMAN MURPHY:

So moved and seconded.

Roll call.

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Richard LeBlanc, aye; George Mermon, aye;
Neal Hufford Jr., aye; Kirk Davis, aye;
Steve Fretz, aye; William Mohler, aye;
Donald J. Stoy, aye; Robert Shaffer, aye;
and Dan Murphy, aye.

[The motion carried unanimously. The Respondents'
names are as follows: File No. 19-60-007042, Clarence
A. Yates; File No. 16-60-03212, Daniel J. Kostinsky;
File No. 19-60-004615, Patsy M. Marano; File No. 19-
60-008483, Terry L. Gordon; File No. 17-60-06060,
William H. Julius; File No. 19-60-008245, Christopher
A. Maguda; and File No. 18-60-011022, Robert F. Otto,
Jr.]

MR. RUIZ:

Is there a motion to approve the Consent
Agreement at File No. 15-60-07008?

MR. SHAFFER:

So moved.

MR. DAVIS:

Second.

CHAIRMAN MURPHY:

So moved and seconded.

1 Roll call.

2

3 Richard LeBlanc, aye; George Mermon, aye;
4 Neal Hufford Jr., aye; Kirk Davis, aye;
5 Steve Fretz, aye; William Mohler, no;
6 Donald J. Stoy, no; Robert Shaffer, aye;
7 and Dan Murphy, aye.

8 [The motion carried. William Mohler and Donald Stoy
9 opposed the motion. The Respondent's name is Jeffrey
10 M. Huey.]

11 ***

12 MR. RUIZ:

13 Is there a motion to approve the Consent
14 Agreement at File No. 17-60-04410?

15 Board member Shaffer has been recused
16 in this matter.

17 MR. STOY:

18 So moved.

19 MR. MERMON:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24 Roll call.

25

1 Richard LeBlanc, aye; George Mermon, aye;
2 Neal Hufford Jr., aye; Kirk Davis, aye;
3 Steve Fretz, aye; William Mohler, aye;
4 Donald J. Stoy, aye; Robert Shaffer,
5 recuse; and Dan 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 direct Board Counsel
11 to draft an Adjudication and Order
12 consistent with discussions in Executive
13 Session in the Reinstatement case of Alex
14 Jones at File No. 19-60-009172?

15 Chairman Murphy has been recused from
16 the matter.

17 MR. MERMON:

18 So moved.

19 MR. DAVIS:

20 Second.

21 CHAIRMAN MURPHY:

22 Roll call.

23

24 Richard LeBlanc, aye; George Mermon, aye;
25 Neal Hufford Jr., aye; Kirk Davis, aye;

1 Steve Fretz, aye; William Mohler, aye;
2 Donald J. Stoy, aye; Robert Shaffer, aye;
3 and Dan Murphy, recuse.]

4 [The motion carried. Dan Murphy recused himself from
5 deliberations and voting on the motion.]

6 ***

7 MR. RUIZ:

8 Is there a motion to direct Board Counsel
9 to draft an Adjudication and Order
10 consistent with discussions in Executive
11 Session concerning the case of
12 Commonwealth of Pennsylvania vs. Robert
13 Craig Gulack at File No. 17-60-05557?

14 MR. DAVIS:

15 So moved.

16 MR. SHAFFER:

17 Second.

18 CHAIRMAN MURPHY:

19 So moved and seconded.

20

21 Roll call.

22

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

1 Donald Stoy, aye; Robert Shaffer, ayes;
2 and Dan Murphy, aye.]

3 [The motion carried unanimously.]

4 ***

5 MR. RUIZ:

6 Is there a motion to approve the
7 following final Adjudication and Orders:
8 Gerald Munsch, File No. 17-60-11449;
9 Wesley Middleton, File No. 16-60-10280;
10 and Robert Morris, File No. 15-60-06526?

11 MR. SHAFFER:

12 So moved

13 MR. FRETZ:

14 Second

15 CHAIRMAN MURPHY:

16 So moved and seconded.

17

18 Roll call.

19

20 Richard LeBlanc, aye; George Mermon, aye;
21 Neal Hufford Jr., aye; Kirk Davis, aye;
22 Steve Fretz, aye; William Mohler, aye;
23 Donald Stoy, aye; Robert Shaffer, aye;
24 and Dan Murphy, aye.]

25 [The motion carried unanimously.]

1 ***

2 MR. RUIZ:

3 Is there a motion to approve the
4 following proposed Adjudication and
5 Orders as the Board's Final orders:
6 Herbert Gillner, File No. 18-60-11674;
7 Christopher Jevin, File No. 18-60-001740;
8 Timothy Long, File No. 17-60-07385; and
9 Daniel Lucas, File No. 15-60-11494;
10 Joseph Mallozzi, File No. 17-60-09402;
11 and Schiavoni Motors, File No. 18-60-
12 008843?

13 MR. MURPHY:

14 So moved.

15 MR. STOY:

16 Second.

17 CHAIRMAN MURPHY:

18 So moved and seconded.

19

20 Roll call.

21

22 Richard LeBlanc, aye; George Mermon, aye;
23 Neal Hufford Jr., aye; Kirk Davis, aye;
24 Steve Fretz, aye; William Mohler, aye;
25 Donald J. Stoy, aye; Robert Shaffer, aye;

1 and Dan Murphy, aye.

2 [The motion passed unanimously.]

3 MR. RUIZ:

4 Is there a motion to grant the following
5 Motions to Deem Facts Admitted in the
6 cases of Shamaar Gandy, File No. 18-60-
7 011651; Roy Shaulis, File no. 15-60-
8 08699; and William Warren, File No. 16-
9 60-10206?

10 MR. DAVIS:

11 So moved.

12 MR. STOY:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded.

16

17 Roll call.

18

19 Richard LeBlanc, aye; George Mermon, aye;

20 Neal Hufford Jr., aye; Kirk Davis, aye;

21 Steve Fretz, aye; William Mohler, aye;

22 Donald J. Stoy, aye; Robert Shaffer, aye;

23 and Dan Murphy, aye.

24 [The motion passed unanimously.]

25

1 Adjournment

2 CHAIRMAN MURPHY:

3 Motion to adjourn?

4 MR. STOY:

5 So moved.

6 CHAIRMAN MURPHY:

7 Adjourned.

8 ***

9 [The State Board of Vehicle manufacturers, Dealers,
10 and Salespersons meeting adjourned at 12:59 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.



Evan Bingaman,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS, AND SALESPERSONS
REFERENCE INDEX
September 17, 2019

	TIME	AGENDA
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2		
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6		
7		
8	9:30	Official Call to Order
9		
10	9:30	Roll Call
11		
12	9:30	Pledge of Allegiance
13		
14	9:31	Adoption of Minutes
15		
16	9:31	Report of Prosecutorial Division
17		
18	9:50	Recess
19	9:59	Return to Public Session
20		
21	10:01	Formal Hearing - <u>In the Matter of the</u>
22		<u>Petition for Reinstatement of the Vehicle</u>
23		<u>Salesperson License of Alex Jones</u>
24		
25	11:02	Recess
26	11:11	Return to Public Session
27		
28	11:12	Formal Hearing - <u>BPOA vs. Robert Craig</u>
29		<u>Gulack</u>
30		
31	11:47	Executive Session
32	12:53	Return to Public Session
33		
34	12:53	Motions
35		
36	12:59	Adjournment
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