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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: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

October 4, 2022

1 State Board of Vehicle Manufacturers,
2 Dealers, and Salespersons
3 October 4, 2022
4
5

6 BOARD MEMBERS:
7

8 Kirk A. Davis, Chairman
9 Randall Derr, Secretary, Professional Member
10 Arion R. Claggett, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Mark Wolfe, Attorney General Representative
13 Steve T. Fretz, Professional Member
14 Angel Layton, Department of Transportation
15 Representative
16 Dale J. Yingst, Professional Member
17 Mark Baer, Professional Member - Absent
18 Irving Stein, Professional Member
19 Joseph Bizzarro, Professional Member - Absent
20
21

22 BUREAU PERSONNEL:
23

24 Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
25 Division
26 C. William Fritz II, Esquire, Board Counsel
27 Peter D. Kovach, Esquire, Board Prosecution Liaison
28 Timothy J. Henderson, Esquire, Board Prosecutor
29 Kayla R. Bolan, Esquire, Board Prosecutor
30 Paul J. Jarabeck, Esquire, Board Prosecutor
31 Gregory Liero, Esquire, Board Prosecutor
32 Janice Cline, Board Administrator
33
34

35 ALSO PRESENT:
36

37 Evguenia Michetti, Weidner University Commonwealth Law
38 School
39 Michele Ann McGinnis
40
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1 ***

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

4 October 4, 2022

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 Tuesday, October 4, 2022.
16 Kirk A. Davis, Chairman, Professional Member, called
17 the meeting to order at 10:30 a.m.

18 ***

19 Roll Call/Introduction of Attendees

20 [Chairman Davis requested a roll call of Board members
21 and introduction of attendees.]

22 ***

23 [C. William Fritz II, Esquire, Board Counsel, noted
24 the Board met in Executive Session prior to open
25 session and conducted quasi-judicial deliberations.]

1 Mr. Fritz also noted the meeting was being
2 recorded, and voluntary participation in the meeting
3 constituted consent to be recorded.]

4 ***

5 Approval of minutes of the August 23, 2022 meeting

6 CHAIRMAN DAVIS:

7 Do we have a motion to approve the
8 meeting minutes from the August meeting?

9 MR. STEIN:

10 So moved.

11 MR. DERR:

12 Second.

13 CHAIRMAN DAVIS:

14 Roll call.

15

16 Stein, aye; Derr, aye; Layton, aye;
17 Yingst, aye; Fretz, aye; Wolfe, aye;
18 Davis, aye; Claggett, aye.

19 [The motion carried unanimously.]

20 ***

21 Report of Prosecutorial Division

22 [Kayla R. Bolan, Esquire, Board Prosecutor, presented
23 the Consent Agreements for Case No. 19-60-012972 and
24 Case No. 20-60-002098.]

25 ***

1 [Peter D. Kovach, Esquire, Board Prosecution Liaison,
2 presented the Consent Agreement for Case No. 21-60-
3 006400.]

4 ***

5 [Timothy J. Henderson, Esquire, Board Prosecutor,
6 presented the Consent Agreement for Case No. 18-60-
7 012065.]

8 ***

9 Report of Prosecutorial Division - Consent Agreements

10 MR. FRITZ:

11 The Board would entertain a motion to
12 approve the Consent Agreement at Case
13 No. 19-60-012972.

14 MR. STEIN:

15 I make a motion.

16 MR. DERR:

17 Second.

18 CHAIRMAN DAVIS:

19 Roll call.

20
21 Stein, aye; Derr, aye; Layton, recuse;
22 Yingst, recuse; Fretz, aye; Davis, aye;
23 Claggett, aye; Wolfe, aye.

24 [The motion carried. Angel Layton and Dale Yingst
25 recused themselves from deliberations and voting on

1 the motion. The Respondent's name is Bobby Ervin.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion to
5 approve the Consent Agreement at Case
6 No. 20-60-002098.

7 MR. STEIN:

8 I make a motion to approve.

9 MR. DERR:

10 Second.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Stein, aye; Derr, aye; Layton, aye;
15 Yingst, aye; Fretz, aye; Wolfe, aye;
16 Davis, aye; Claggett, aye.

17 [The motion carried unanimously. The Respondent's
18 name is David B. Stellfox.]

19 ***

20 MR. FRITZ:

21 The Board would entertain a motion to
22 deny the Consent Agreement as too
23 lenient at Case No. 21-60-004600.

24 MR. STEIN:

25 I make a motion.

1 MR. DERR:

2 Second.

3 CHAIRMAN DAVIS:

4 Roll call.

5

6 Stein, aye; Derr, aye; Layton, aye;

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

8 Davis, aye; Claggett, aye.

9 [The motion carried unanimously.]

10

11 MR. FRITZ:

12 The Board would entertain a motion to

13 approve the Consent Agreement at Case

14 No. 18-60-012065.

15 MR. STEIN:

16 I make a motion.

17 MR. DERR:

18 Second.

19 CHAIRMAN DAVIS:

20 Roll call.

21

22 Stein, aye; Derr, aye; Layton, aye;

23 Yingst, aye; Fretz, aye; Wolfe, aye;

24 Davis, aye; Claggett, aye.

25 [The motion carried unanimously. The Respondent's

1 name is Daniel Reese IV.]

2 ***

3 Report of Board Counsel - Formal Hearings/Arguments
4 [C. William Fritz II, Esquire, Board Counsel, noted
5 the hearing scheduled for today had been continued.
6 He informed Board members of one hearing scheduled for
7 the next Board meeting and possibly another one. He
8 stated there would be a few hearings at the following
9 Board meeting if there as not another hearing in
10 November 2022.]

11 ***

12 Report of Board Counsel - Status of Cases

13 [C. William Fritz II, Esquire, Board Counsel, provided
14 a Status of Cases Report as of September 22, 2022, for
15 the Board's review and requested Board members notify
16 him of any recusals. He reported receiving the
17 transcripts from the two hearings last month and is
18 hoping to have those adjudications completed for the
19 next Board meeting.

20 Mr. Fritz reported 62 open files and 6 open
21 protest cases. He noted scheduling Wasko Automotive
22 for a hearing in December 2022 and asked Board members
23 to notify him if anyone wished to attend. He stated
24 Car Vision Mitsubishi was still an active matter but
25 had not gotten to the point where mediation had failed

1 yet. The matter would be scheduled for a hearing.]

2 ***

3 Report of Board Counsel - Regulations

4 [C. William Fritz II, Esquire, Board Counsel, informed
5 Board members that he will revise some language in the
6 fee increase regulation, and then the regulation would
7 go to the Office of Budget, Office of Policy and
8 Planning, and the Independent Regulatory Review
9 Commission (IRRC) for completion hopefully within the
10 next 60 days.]

11 ***

12 Report of Board Counsel - Adjudications and Orders for
13 Approval

14 MR. FRITZ:

15 The Board would entertain a motion to
16 approve the following Adjudication and
17 Order: Commonwealth v. Chad Dale, Case
18 No. 19-60-015905; Commonwealth v.
19 Charles Gorman, Case No. 19-60-015486;
20 Commonwealth v. Melissa Kovalewski, Case
21 No. 20-50-001880.

22 MR. STEIN:

23 I make a motion to approve those three

24 MR. DERR:

25 Second.

1 CHAIRMAN DAVIS:

2 Roll call.

3

4 Stein, aye; Derr, aye; Layton, aye;
5 Yingst, aye; Fretz, aye; Wolfe, aye;
6 Davis, aye; Claggett, aye.

7 [The motion carried unanimously.]

8

9 Report of Board Counsel - Motions to Deem Facts

10 Admitted (MDFA)

11 MR. FRITZ:

12 The Board would entertain a motion to
13 grant the following Motions to Deem
14 Facts Admitted and directing Board
15 Counsel to draft a Final Adjudication
16 and Order in the Matters of Commonwealth
17 v. J's Auto Center, Case No. 20-60-
18 005220; Commonwealth v. Max Levitskiy,
19 Case No. 20-60-000039; Commonwealth v.
20 Robert Shultz II, Case No. 19-60-015327.

21 MR. STEIN:

22 I make a motion to approve those three.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Stein, aye; Derr, aye; Layton, aye;

4 Yingst, aye; Fretz, aye; Wolfe, aye;

5 Davis, aye; Claggett, aye.

6 [The motion carried unanimously.]

7

8 MR. FRITZ:

9 The Board would entertain a motion to
10 grant the following Motion to Deem Facts
11 Admitted and directing Board Counsel to
12 draft an Adjudication and Order in the
13 Matter of Commonwealth v. Gregory M.
14 Mulju, Case No. 19-60-008836.

15 MR. STEIN:

16 I make a motion.

17 MR. DERR:

18 Second.

19 CHAIRMAN DAVIS:

20 Roll call.

21

22 Stein, aye; Derr, aye; Layton, aye;

23 Yingst, aye; Fretz, aye; Wolfe, recuse;

24 Davis, aye; Claggett, aye.

25 [The motion carried. Mark Wolfe recused himself from

1 deliberations and voting on the motion.]

2 ***

3 Application Review - Criminal Conviction Applicants -
4 Informal Hearings

5 MR. FRITZ:

6 The Board would entertain a motion to
7 approve the following Applications
8 without Restriction of Kyle Cherkas,
9 John Kenneth Davidovich, and Sean Allen
10 Jamrose.

11 MR. STEIN:

12 I make a motion to approve.

13 MR. DERR:

14 Second.

15 CHAIRMAN DAVIS:

16 Roll call.

17
18 Stein, aye; Derr, aye; Layton, aye;
19 Yingst, aye; Fretz, aye; Wolfe, aye;
20 Davis, aye; Claggett, aye.

21 [The motion carried unanimously.]

22 ***

23 MR. FRITZ:

24 The Board would entertain a motion to
25 approve the following Applications for

1 Licensure Subject to a Period of
2 Probation for Itani Motors and Nader
3 Itani, Caleb Edward Pearce, and James
4 Silcox.

5 MR. STEIN:

6 I make a motion to approve.

7 MR. DERR:

8 Second.

9 CHAIRMAN DAVIS:

10 Roll call.

11

12 Stein, aye; Derr, aye; Layton, aye;
13 Yingst, aye; Fretz, aye; Wolfe, aye;
14 Davis, aye; Claggett, aye.

15 [The motion carried unanimously.]

16

17 Report of Board Chairman - No Report

18

19 Report of Acting Commissioner - No Report

20

21 Report of Board Administrator - No Report

22

23 [C. William Fritz II, Esquire, Board Counsel, noted
24 several Board vacancies and informed anyone who may be
25 interested to contact the Board or other respective

1 association.]

2 ***

3 Adjournment

4 CHAIRMAN DAVIS:

5 Do we have a motion to adjourn?

6 MR. STEIN:

7 Motion to adjourn.

8 MR. DERR:

9 Second.

10 CHAIRMAN DAVIS:

11 We're adjourned.

12 ***

13 [The State Board of Vehicle Manufacturers, Dealers,
14 and Salespersons Meeting adjourned at 10:49 a.m.]

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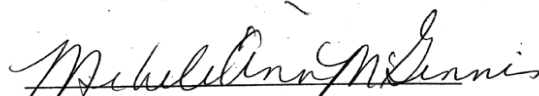
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CERTIFICATE

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.



Michele Ann McGinnis,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call/Introduction of Attendees
10:31	Approval of Minutes
10:32	Report of Prosecutorial Division
10:41	Report of Board Counsel
10:44	Application Review
10:49	Adjournment