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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: 9:46 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

October 31, 2017

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 October 31, 2017
4

5 BOARD MEMBERS:
6

7 Dan Murphy III, Chairman
8 Kirk Davis, Vice Chairman
9 Ian J. Harlow, Commissioner of Professional and
10 Occupational Affairs
11 Randall Derr, Professional Member
12 Steve Fretz, Professional Member - Absent
13 Neal Hufford Jr., Professional Member - Absent
14 David Tully, Attorney General Representative
15 Robert Shaffer, Department of Transportation
16 Representative
17 George Mermon, Professional Member
18 James Minor, Public Member
19 William Mohler, Professional Member - Absent
20 Donald Stoy, Public Member
21 Scott Weisser, Professional Member - Absent
22
23

24 BUREAU PERSONNEL:
25

26 Juan Ruiz, Esquire, Board Counsel
27 Wade Fluck, Esquire, Board Prosecution Liaison
28 Glenn Masser, Esquire, Board Prosecutor
29 Steven A. Mimm, Esquire, Board Prosecutor
30 Thomas Blackburn, Esquire, Senior Counsel in Charge
31 Linda Purcell, Division Chief, Department of State,
32 Present on behalf of Janice Cline, Board
33 Administrator
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36 ALSO PRESENT:
37

38 Robert Miller, Esquire, Counsel for Respondent
39 Francis Manna, Respondent
40 Ernest Manna
41 Tetyana Manna
42 Darren Alston
43 Elizabeth McNellie, Esquire
44 John Mizner, Esquire
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1 ***

2 State Board of Vehicle Manufacturers,

3 Dealers and Salespersons

4 October 31, 2017

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, October 31, 2017.
9 Dan Murphy III, Chairman, called the meeting to order
10 at 9:46 a.m.

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

13 ***

14 Approval of Minutes of the September 19, 2017 meeting

15 CHAIRMAN MURPHY:

16 Approval of the Minutes?

17 [The Board discussed corrections to the Minutes.]

18 MR. MERMON:

19 So moved.

20 MR. SHAFFER:

21 Second.

22 CHAIRMAN MURPHY:

23 So moved and seconded. Thank you.

24 [The motion carried unanimously.]

25 ***

1 Report of Commissioner

2 [Ian Harlow, Commissioner of Professional and
3 Occupational Affairs, updated the Board on the PALS
4 project, which was on time and on budget.

5 Commissioner Harlow addressed Governor Wolf's
6 Executive Order requiring a review of the licensing
7 requirements and fees for state comparison. He stated
8 an Advisory Committee will consist of two chairman or
9 vice chairman from a business-related Board and two
10 from a health-related Board, a representative from the
11 governor's office in addition to himself, and
12 representation from the House and Senate Professional
13 Licensure Committees with both democrats and
14 republicans.

15 Once the committee is established and data
16 compiled, Commissioner Harlow will issue a report
17 within 180 days to Governor Wolf and the Board for
18 review and comment.]

19 ***

20 Report of Prosecutorial Division

21 [Glenn Masser, Esquire, Board Prosecutor, presented
22 the Consent Agreement for File No. 16-60-01634.]

23 ***

24 [Wade Fluck, Esquire, Board Prosecution Liaison, on
25 behalf of Amanda Wojciechowski, Esquire, Board

1 Prosecutor, presented the Consent Agreement for File
2 No. 16-60-12753.]

3 ***

4 Report of Board Counsel

5 [Juan Ruiz, Esquire, Board Counsel, informed the Board
6 that the hearing scheduled for 10:00 a.m. in the
7 matter of Massimo Motor Sports, LLC, had been
8 continued. He also noted the Application hearing for
9 File No. 17-60-06073 scheduled for 11:00 a.m.

10 Mr. Ruiz mentioned protest matters that Tom
11 Blackburn, Esquire, Senior Counsel in Charge, would
12 discuss with the Board later in the meeting.

13 He noted the Commonwealth Court Opinion in the
14 Parks Superior Sales case for discussion in Executive
15 Session.

16 Mr. Ruiz also noted three Proposed Adjudication
17 and Orders, two cases for deliberation, and two cases
18 of Motion to Deem Facts Admitted for discussion in
19 Executive Session.

20 Mr. Ruiz provided a brief summary of his
21 professional background.]

22 ***

23 Application Review

24 [The committee of Mr. Stoy and Mr. Fretz made the
25 following recommendations with regard to the following

1 Criminal Conviction Application: Andrea Virginia
2 Vannucci, approved probation concurrent with his
3 criminal probation.]

4

5 [The committee of Mr. Tully and Mr. Minor made the
6 following recommendations with regard to the following
7 Criminal Conviction Application: Jesus Delgado
8 Marcano, denied; Jonathan Stec, no show.]

9

10 [The committee of Mr. Mermon and Mr. Derr made the
11 following recommendations with regard to the following
12 Criminal Conviction Application: Jose Luis Laboy,
13 Jr., approved with probation concurrent with his
14 criminal probation.]

15

16 [The committee of Mr. Hufford and Mr. Minor made the
17 following recommendations with regard to the following
18 Criminal Conviction Application: Joshua E. Alger,
19 approved with no restrictions.]

20

21 [The committee of Mr. Mermon and Mr. Stoy made the
22 following recommendations with regard to the following
23 Criminal Conviction Application: Lane E. Landsberg,
24 approved with no restrictions.]

25

1 [The committee of Mr. Stoy and Mr. Shaffer made the
2 following recommendations with regard to the following
3 Criminal Conviction Application: Laura A. Riddick,
4 approved with no restrictions.]

5 ***

6 [The committee of Mr. Derr made the following
7 recommendations with regard to the following Criminal
8 Conviction Application: Matthew Lee McDonald,
9 approved with no restrictions; Michael L. Carson, no
10 show.]

11 ***

12 [The committee of Mr. Mermon made the following
13 recommendations with regard to the following Criminal
14 Conviction Application: Leonard Kim Iacono & Car
15 Masters, LLC, approved.]

16 ***

17 [The committee of Mr. Mermon and Mr. Derr made the
18 following recommendations with regard to the following
19 Criminal Conviction Application: Ricky Bracey &
20 Playmakers Auto Sales, LLC, approved.]

21 ***

22 [The committee of Mr. Stoy and Mr. Shaffer made the
23 following recommendations with regard to the following
24 Criminal Conviction Application: Sean P. Fitzherbert,
25 approved probation until renewal.]

1 ***

2 [The committee of Mr. Tully and Mr. Derr made the
3 following recommendations with regard to the following
4 Criminal Conviction Application: Jeremy Caskey,
5 approved with a probation period of two years; Justin
6 Dane Brown, no show.]

7 ***

8 [The committee of Mr. Shaffer made the following
9 recommendations with regard to the following Criminal
10 Conviction Application: Gregory Ayala Jr., approved
11 with no restrictions.]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 10:08 a.m. the Board entered into Executive Session
15 with Juan Ruiz, Esquire, Board Counsel, for the
16 purpose of conducting quasi-judicial deliberations and
17 to receive advice of Counsel on the matters of which
18 the Board is going to vote. The Board returned to
19 open session at 11:02 a.m.]

20 ***

21 [Ian Harlow exited the meeting at 11:03 a.m.]

22 ***

23 [A Formal Hearing was held from 11:02 a.m. until 11:40
24 a.m. In the Matter of the Commonwealth of Pennsylvania
25 Bureau of Professional and Occupational Affairs vs.

1 Francis Manna; File No. 17-60-06073, Docket No. 1285-
2 60-17.]

3 ***

4 MOTIONS

5 MR. RUIZ:

6 Is there a motion to approve the Consent
7 Agreements of File Nos. 16-60-01634 and
8 File No. 16-60-12753?

9 MR. MERMON:

10 So moved.

11 MR. DERR:

12 Second.

13 CHAIRMAN MURPHY:

14 So moved and seconded.

15

16 Roll call.

17

18 David Tully, aye; George Mermon, aye;
19 Randall Derr, aye; Neal Hufford Jr.,
20 aye; James Minor, aye; Donald Stoy, aye;
21 Robert Shaffer, aye; and Dan Murphy,
22 aye.

23 [The motion carried unanimously. The Respondent's
24 name for File No. 16-60-001634 is Lee M. Lishka. The
25 Respondent's name for File No. 16-60-12753 is Gerald

1 J. Cookus.]

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3 MR. RUIZ:

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12 MR. STOY:

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14 MR. DERR:

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16 CHAIRMAN MURPHY:

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24 [The motion carried unanimously.]

25

1 MR. RUIZ:

2 Is there a motion to grant the Motions
3 to Deem Facts Admitted in the cases of
4 Grigori V. Abalov, File No. 16-60-04044,
5 and Matthew W. Myers, File No. 16-60-
6 12106?

7 MR. TULLY:

8 So moved.

9 MR. MERMON:

10 Second.

11 CHAIRMAN MURPHY:

12 Roll call.

13

14 David Tully, aye; George Mermon, aye;
15 Randall Derr, aye; Neal Hufford Jr.,
16 aye; James Minor, aye; Donald Stoy, aye;
17 Robert Shaffer, aye; and Dan Murphy,
18 aye.

19 [The motion carried unanimously.]

20

21 MR. RUIZ:

22 Is there a motion to accept the
23 recommendations that were made earlier
24 concerning the applications listed on
25 your agenda under Application Review

1 items 1(a) through 1(o)?

2 MR. STOY:

3 So moved.

4 MR. MERMON:

5 Second.

6 CHAIRMAN MURPHY:

7 Roll call.

8 David Tully, aye; George Mermon, aye;
9 Randall Derr, aye; Neal Hufford Jr.,
10 aye; James Minor, aye; Donald Stoy, aye;
11 Robert Shaffer, aye; and Dan Murphy,
12 aye.

13 [The motion carried unanimously.]

14 ***

15 [The Board recessed from 11:45 a.m. until 11:53 a.m.]

16 ***

17 49:01 STARTS TALKING DEAD SPACE 56:08 BACK IN SESSION

18 [Thomas Blackburn, Esquire, informed the Board of a
19 scheduled oral argument in the protest matter of
20 Contemporary Motorcar d/b/a Mazda of Erie vs. Mazda
21 North American Operations, File No. 17-60-06428.]

22 ***

23 [The Board held Oral Augment on a motion In the Matter
24 of Contemporary Motorcar, LTD d/b/a Mazda of Erie and
25 AutoExpress Mazda Erie, Inc., vs. Mazda North American

1 Operations, Inc.; File No. 17-60-06428, Docket No.
2 1041-60-2017 at 11:53 a.m. until 12:14 p.m.]

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 12:14 p.m. the Board entered into Executive Session
6 with Juan Ruiz, Esquire, Board Counsel, and Thomas
7 Blackburn, Esquire, for the purpose of conducting
8 quasi-judicial deliberations and to receive advice of
9 Counsel on the matters of which the Board is going to
10 vote. The Board returned to open session at 12:42
11 p.m.]

12 ***

13 MR. BLACKBURN:

14 The Board was just in Executive Session
15 conducting deliberations on the hearing
16 that was scheduled at 11:00 and on the
17 oral argument protest matter that was
18 scheduled for 12:00.

19 Based upon discussions in Executive
20 Session, I recommend a motion to deny
21 the motion for partial dismissal In the
22 Matter of Contemporary Motorcar d/b/a
23 Mazda of Erie vs. Mazda North American
24 Operations, File No. 17-60-06428.

25 MR. STOY:

1 So moved.

2 MR. MERMON:

3 Second.

4 CHAIRMAN MURPHY:

5 Roll call.

6

7 David Tully, aye; George Mermon, aye;
8 Randall Derr, aye; Neal Hufford Jr.,
9 aye; James Minor, aye; Donald Stoy, aye;
10 Robert Shaffer, aye; and Dan Murphy,
11 aye.

12 [The motion carried unanimously.]

13 ***

14 Adjournment

15 CHAIRMAN MURPHY:

16 If there's nothing more, motion to
17 adjourn?

18 MR. SHAFFER:

19 So moved.

20 MR. TULLY:

21 Second.

22 CHAIRMAN MURPHY:

23 So moved.

24 [The motion carried unanimously.]

25 ***

1 [There being no further business, the State Board of
2 Vehicle Manufacturers, Dealers, & Salespersons meeting
3 adjourned at 12:43 p.m.]

4 ***

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8 CERTIFICATE

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

17
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19 Adam Beck,

20 Minute Clerk

21 Sargent's Court Reporting

22 Service, Inc.
23
24
25

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX
October 31, 2017

	TIME	AGENDA
1		
2		
3		
4		
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6		
7		
8	9:46	Official Call to Order
9		
10	9:46	Pledge of Allegiance
11		
12	9:46	Roll Call
13		
14	9:46	Approval of Minutes
15		
16	9:47	Report of Commissioner
17		
18	9:53	Report of Prosecutorial Division
19		
20	10:01	Report of Board Counsel
21		
22	10:08	Executive Session
23	11:02	Return to Open Session
24		
25	11:02	Formal Hearing - <u>In the Matter of the</u>
26	11:40	<u>Commonwealth of Pennsylvania Bureau of</u>
27		<u>Professional and Occupational Affairs</u>
28		<u>vs. Francis Manna</u>
29		
30	11:40	Motions
31		
32	11:45	Recess
33	11:53	Return to Open Session
34		
35	11:53	Oral Hearing - <u>In the Matter of</u>
36	12:14	<u>Contemporary Motorcar, LTD d/b/a Mazda</u>
37		<u>of Erie and AutoExpress Mazda Erie,</u>
38		<u>Inc., vs. Mazda North American</u>
39		<u>Operations, Inc.</u>
40		
41	12:14	Executive Session
42	12:42	Return to Open Session
43		
44	12:43	Adjournment
45		
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