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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: 9:32 A.M.

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

December 12, 2017

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 December 12, 2017
4

5 BOARD MEMBERS:
6

7 Dan G. Murphy III, Chairman
8 Kirk Davis, Secretary
9 Ian J. Harlow, Commissioner of Professional and
10 Occupational Affairs
11 Randall Derr, Professional Member
12 Steve Fretz, Professional Member
13 Neal Hufford Jr., Professional Member
14 David Tully, Attorney General Representative
15 Robert Shaffer, Department of Transportation
16 Representative
17 George Mermon, Professional Member
18 James Minor, Public Member - Absent
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 Amanda Wojciechowski, Esquire, Board Prosecutor
30 Steven Mimm, Esquire, Board Prosecutor
31 Janice Cline, Board Administrator
32
33

34 ALSO PRESENT:
35

36 Mark Stein, Executive Vice President of Legislative
37 and Public Affairs for the PAA
38 Chad Marsar, Esquire, General Counsel PAA
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1 ***

2 State Board of Vehicle Manufacturers,
3 Dealers and Salespersons
4 December 12, 2017

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, December 12, 2017.
9 Dan Murphy III, Chairman, called the meeting to order
10 at 9:32 a.m.

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

13 ***

14 Approval of Minutes of the October 31, 2017 meeting

15 CHAIRMAN MURPHY:

16 Approval of the Minutes?

17 [The Board discussed corrections to the Minutes.]

18 CHAIRMAN MURPHY:

19 So we'll conditionally approve the
20 Minutes subject to the corrections.

21 MR. STOY:

22 So moved.

23 MR. MERMON:

24 Second.

25 CHAIRMAN MURPHY:

1 So moved and seconded. Roll call?

2

3 Roll call.

4

5 David Tully, aye; George Mermon, aye;
6 Randall Derr, aye; Kirk Davis, aye;
7 Steve Fretz, aye; Neal Hufford Jr., aye;
8 Donald Stoy, aye; Robert Shaffer, aye;
9 Ian Harlow, aye; and Dan Murphy, aye.

10 [The motion carried unanimously.]

11 ***

12 Report of Prosecutorial Division

13 [Glenn Masser, Esquire, Board Prosecutor, presented
14 Consent Agreements for File No. 13-60-12703, File No.
15 16-60-05292, and File No. 16-60-09539.]

16 ***

17 [Amanda Wojciechowski, Esquire, Board Prosecutor,
18 presented a Consent Agreement for File No. 17-60-
19 07122.]

20 ***

21 [Steven Mimm, Esquire, Board Prosecutor, presented a
22 Consent Agreement for File No. 14-60-02102.]

23 ***

24 Report of Board Counsel

25 [Juan Ruiz, Esquire, Board Counsel, noted three

1 Protest Cases, three Proposed Adjudications and
2 Orders, a Motion to Deem Facts Admitted, House Bill
3 1898 and Senate Bill 764 for discussion during
4 Executive Session.]

5

6 [Mark Stein, Executive Vice President of Legislative
7 and Public Affairs, and Chad Marsar, Esquire, General
8 Counsel, Pennsylvania Automotive Association (PAA)
9 presented before the Board to discuss House Bill 1898.

10 Mr. Stein provided background information as well
11 as the latest developments regarding House Bill 1898.
12 He explained the bill amends the Motor Vehicles Act by
13 requiring the disclosure at time of sale of the
14 existence of any open or unremedied recalls. Mr.
15 Stein stated the bill moved out of the House
16 Professional Licensure Committee as amended.

17 Changes were discussed that would affect the
18 Board, including a temporary license provision, which
19 was noted as the Department of State's language. A
20 copy of Amendment A was provided for the Board's
21 review and further discussion.]

22

23 Report of Board Chairman - No Report.

24

25 [The Board recessed from 10:15 a.m. until 10:24 p.m.]

1 ***

2 Report of Commissioner

3 [Ian Harlow, Commissioner, Bureau of Professional and
4 Occupational Affairs, informed the Board that the
5 Department and Administration oppose Bill 1989 unless
6 amended. He previously met with Mr. Stein and Travis
7 Gery regarding the language that would be reasonable.
8 There was a discussion regarding the occupancy permit
9 issue.

10 Commissioner Harlow commented that PALS was
11 moving forward without issue. He discussed the
12 formation of the Advisory Committee with regard to
13 Governor Wolf's Executive Order as signed on October
14 24, 2017, that relates to the licensing processes.
15 Mr. Harlow noted a research partnership with St.
16 Francis University in Cambria County regarding its
17 program specifically designed on professional
18 licensure.]

19 ***

20 Application Review

21 [The committee of Mr. Shaffer made the following
22 recommendations with regard to the following Criminal
23 Conviction Applications: Carlos Rivera, granted, no
24 restrictions; Colt Varner, granted, no restrictions.]

25 ***

1 [The committee of Mr. Davis made the following
2 recommendations with regard to the following Criminal
3 Conviction Application: Kirk Kerr, approved.]

4 ***

5 [The committee of Mr. Derr made the following
6 recommendations with regard to the following Criminal
7 Conviction Applications: Joseph Troutman, approved,
8 no restrictions; Joshua Lobelsohn, approved with
9 probation concurrent with probation.]

10 ***

11 [The committee of Mr. Shaffer made the following
12 recommendations with regard to the following Criminal
13 Conviction Application: John Michael McCurdy,
14 approved, no restrictions.]

15 ***

16 [The committee of Mr. Hufford made the following
17 recommendations with regard to the following Criminal
18 Conviction Application: Samuel Myers, approved, no
19 restrictions.]

20 ***

21 [The committee of Mr. Davis made the following
22 recommendations with regard to the following Criminal
23 Conviction Application: Silvio Condomina, approved.]

24 ***

25 [The committee of Mr. Harlow made the following

1 recommendations with regard to the following Criminal
2 Conviction Applications: Ronald Jones, approved, no
3 restrictions; Jonathan Carpenter, approved, no
4 restrictions.]

5 ***

6 [The committee of Mr. Derr made the following
7 recommendations with regard to the following Criminal
8 Conviction Application: Jamiee Brown, approved, no
9 restrictions.]

10 ***

11 [The committee of Mr. Harlow made the following
12 recommendations with regard to the following Criminal
13 Conviction Application: Arealus Lee, Jr., approved,
14 no restrictions.]

15 ***

16 [The committee of Mr. Derr made the following
17 recommendations with regard to the following Criminal
18 Conviction Application: Brad Ross, approved,
19 concurrent with probation.]

20 ***

21 [The committee of Mr. Shaffer made the following
22 recommendations with regard to the following Criminal
23 Conviction Application: Andrew Kang, approved, no
24 restrictions.]

25 ***

1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
2 10:41 a.m. the Board entered into Executive Session
3 with Juan Ruiz, Esquire, Board Counsel, and Wade Fluck
4 Board Prosecution Liaison, for the purpose of
5 conducting quasi-judicial deliberations and to receive
6 advice of Counsel on the matters of which the Board is
7 going to vote. The Board returned to open session at
8 11:28 a.m.]

9

10 MOTIONS

11 MR. RUIZ:

12 Is there a motion to approve the Consent
13 Agreements at File Nos. 13-60-12703,
14 File No. 16-60-05292, File No. 16-60-
15 09539, File No. 17-60-07122, and File
16 No. 14-60-02102?

17 MR. TULLY:

18 So moved.

19 MR. DAVIS:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24 Roll call.

25

1 David Tully, aye; George Mermon, aye;
2 Randall Derr, aye; Kirk Davis, aye;
3 Steve Fretz, aye; Neal Hufford Jr., aye;
4 Donald Stoy, aye; Robert Shaffer, aye;
5 Ian Harlow, aye; Dan Murphy, aye.

6 [The motion carried unanimously. The Respondent's
7 name for File No. 13-60-12703 is Robert Kayal, t/d/b/a
8 Auto Pro Depot. The Respondent's name for File No.
9 16-60-05292 is Herbert B. Keller. The Respondent's
10 name for File No. 16-60-09539 is John Natalie. The
11 Respondent's name for File No. 17-60-07122 is Benjamin
12 J. Drusko. The Respondent's name for File No. 14-60-
13 02120 is Kyle E. Heidelbaugh.]

14 ***

15 MR. RUIZ:

16 Is there a motion to deny the Motion to
17 Lift the Stay in the protest matter of
18 Wyoming Valley Audi vs. Volkswagen Group
19 of America, Incorporated?

20 MR. STOY:

21 So moved.

22 MR. MERMON:

23 Second.

24 CHAIRMAN MURPHY:

25 So moved and seconded.

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Roll call.

David Tully, aye; George Mermon, aye;
Randall Derr, aye; Kirk Davis, aye;
Steve Fretz, aye; Neal Hufford Jr., aye;
Donald Stoy, aye; Robert Shaffer, aye;
Ian Harlow, aye; Dan Murphy, aye.

[The motion carried unanimously.]

MR. RUIZ:

Is there a motion to approve the Proposed
Adjudication and Orders as the Board's
Final Orders in the cases of Nathan
Kreigler, File No. 13-60-07794; Justin
Johnson, File No. 16-60-11046; and
Crystal Spreng, File No. 16-60-11809?

MR. DERR:

So moved.

MR. DAVIS:

Second.

CHAIRMAN MURPHY:

Moved and seconded.

Roll call.

1

2

David Tully, aye; George Mermon, aye;

3

Randall Derr, aye; Kirk Davis, aye; Steve

4

Fretz, aye; Neal Hufford Jr., aye; Donald

5

Stoy, aye; Robert Shaffer, aye; Ian

6

Harlow, aye; Dan Murphy, aye.

7

[The motion carried unanimously.]

8

9 MR. RUIZ:

10

Is there a motion to grant the Motion to

11

Deem Facts Admitted in the case of Thomas

12

Schiavoni, File No. 13-60-01390?

13 MR. STOY:

14

So moved.

15 MR. HUFFORD:

16

Second.

17 CHAIRMAN MURPHY:

18

So moved and seconded.

19

20

Roll call.

21

22

David Tully, aye; George Mermon, aye;

23

Randall Derr, aye; Kirk Davis, aye; Steve

24

Fretz, aye; Neal Hufford Jr., aye; Donald

25

Stoy, aye; Robert Shaffer, aye; Ian

1 Harlow, aye; and Dan Murphy, aye.

2 [The motion carried unanimously.]

3 ***

4 MR. RUIZ:

5 Is there a motion to approve the
6 recommendations concerning the informal
7 conferences with the Applicants earlier
8 today?

9 MR. DERR:

10 So moved.

11 MR. DAVIS:

12 Second.

13 CHAIRMAN MURPHY:

14 Moved and seconded.

15

16 Roll call.

17

18 David Tully, aye; George Mermon, aye;

19 Randall Derr, aye; Kirk Davis, aye;

20 Steve Fretz, aye; Neal Hufford Jr., aye;

21 Donald Stoy, aye; Robert Shaffer, aye;

22 Ian Harlow, aye; and Dan Murphy, aye.

23 [The motion carried unanimously.]

24 ***

25 Adjournment

1 CHAIRMAN MURPHY:

2 Is there a motion to adjourn?

3 MR. SHAFFER:

4 So moved.

5 MR. TULLY:

6 Second.

7 CHAIRMAN MURPHY:

8 That's it. Merry Christmas. Happy
9 Holiday.

10 ***

11 [There being no further business the State Board of
12 Vehicle Manufacturers, Dealers and Salespersons
13 meeting was adjourned at 11:32 a.m.]

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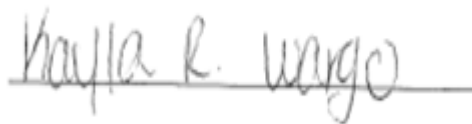
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CERTIFICATE

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.



Kayla Wargo,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX
December 12, 2017

TIME	AGENDA
9:35	Official Call to Order
9:35	Pledge of Allegiance
9:35	Roll Call
9:36	Approval of Minutes
9:37	Report of Prosecutorial Division
9:43	Report of Board Counsel
10:15	Recess
10:24	Return to Open Session
10:24	Report of Commissioner
10:38	Application Review
10:41	Executive Session
11:28	Return to Open Session
11:28	Motions
11:32	Adjournment