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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 17, 2023

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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
October 17, 2023

BOARD MEMBERS:

- Kirk A. Davis, Chairman
- Irving Stein, Secretary
- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
- Mark Wolfe, Attorney General Representative
- Angel Layton, Department of Transportation Representative
- Mark Baer, Professional Member - Absent
- Joseph Bizzarro, Professional Member - Absent
- Steve T. Fretz, Professional Member - Absent
- Daniel Limongelli, Professional Member
- Dale J. Yingst, Professional Member

BUREAU PERSONNEL:

- Shana M. Walter, Esquire, Senior Board Counsel
- Ashley B. Goshert, Esquire, Board Counsel
- Kayla R.B. Bolan, Esquire, Board Prosecution Liaison
- Amber Lee Czerniakowski, Board Prosecutor
- Paul J. Jarabeck, Esquire, Senior Board Prosecutor
- James P. Kushlan, Board Administrator
- Andrew LaFratte, MPA, Deputy Policy Director, Department of State
- Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State

ALSO PRESENT:

- Devin Nunemaker

1 ***

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

4 October 17, 2023

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 9:00 a.m. the Board entered into Executive Session
8 with Ashley B. Goshert, Esquire, Board Counsel, for
9 the purpose of conducting quasi-judicial
10 deliberations and to receive the advice of counsel.
11 The Board returned to open session at 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 17, 2023.
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
21 members and introduction of attendees.]

22 ***

23 [Ashley B. Goshert, Esquire, Board Counsel, noted the
24 meeting was being recorded and voluntary
25 participation constituted consent to be recorded.]

1 Ms. Goshert also noted the Board entered into
2 Executive Session with Board Counsel to discuss
3 matters on the agenda.]

4

5 Approval of minutes of the September 5, 2023 meeting

6 CHAIRMAN DAVIS:

7

The first item is approval of the
8 minutes for the September meeting.

8

9

Do we have a motion to approve
10 those minutes?

11 MR. STEIN:

12

I will make the motion.

13 MR. YINGST:

14

I second the motion.

15 CHAIRMAN DAVIS:

16

Roll call.

17

18

Irving Stein, aye; Mark Wolfe, aye;

19

Angel Layton, aye; Dan Limongelli, aye;

20

Dale Yingst, aye; Kirk Davis, aye.

21 [The motion carried unanimously.]

22

23 Report of Prosecutorial Division

24

[Paul J. Jarabeck, Esquire, Senior Board Prosecutor,

25

on behalf of Kayla R.B. Bolan, Esquire, Board

1 Prosecutor, presented the Consent Agreements for Case
2 No. 21-60-000641 and Case No. 20-60-008652.]

3 ***

4 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
5 presented the Consent Agreement for Case No. 21-60-
6 006928.]

7 ***

8 MS. GOSHERT:

9 For agenda items 2, 3, and 4, based on
10 Executive Session deliberations, I
11 believe the Board Chair would entertain
12 a motion to approve the Consent
13 Agreements at Case No. 21-60-000641,
14 Case No. 20-60-008652, and Case No. 21-
15 60-006928.

16 CHAIRMAN DAVIS:

17 Do we have a motion?

18 MR. STEIN:

19 I will make the motion.

20 MR. YINGST:

21 I second the motion.

22 CHAIRMAN DAVIS:

23 Roll call.

24

25 Irving Stein, aye; Mark Wolfe, aye;

1 Angel Layton, aye; Dan Limongelli, aye;
2 Dale Yingst, aye; Kirk Davis, aye.

3 [The motion carried unanimously. The Respondent's
4 name at Case No. 21-60-000641 is Sean A. Davis; Case
5 No. 20-60-008652, East Shore Auto, Inc.; and Case No.
6 21-60-006928, Marcus Ryan Deringer.]

7

8 Report of Board Counsel - Status of Cases

9 [Ashley B. Goshert, Esquire, Board Counsel, provided
10 a Status of Cases Report as of October 10, 2023, for
11 the Board's review. She asked Board members to
12 review the cases for any recusals or conflicts.]

13

14 Report of Board Counsel - Motion to Deem Facts

15 Admitted

16 MS. GOSHERT:

17 Agenda item 6 is Gary A. Deem. Based
18 on Executive Session deliberations, I
19 believe the Board Chair would entertain
20 a motion to deny the Motion to Deem
21 Facts Admitted in the matter of Gary A.
22 Deem, Case No. 19-60-016767.

23 CHAIRMAN DAVIS:

24 Do we have a motion?

25 MR. STEIN:

1 I will make the motion.

2 MR. YINGST:

3 I second the motion.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Irving Stein, aye; Mark Wolfe, aye;
8 Angel Layton, aye; Dan Limongelli, aye;
9 Dale Yingst, aye; Kirk Davis, aye.

10 [The motion carried unanimously.]

11

12 MS. GOSHERT:

13 As it relates to agenda items 7 and 8,
14 I believe based on Executive Session
15 deliberations, the Chair would
16 entertain a motion to grant the Motion
17 to Deem Facts Admitted and Enter
18 Default judgment and direct Board
19 Counsel to prepare Adjudications and
20 Orders according to discussions in
21 Executive Session in the matters of
22 Christopher B. Hoon, Case No. 21-60-
23 016479, and Rafael Benito Soto, Case
24 No. 20-60-007814.

25 CHAIRMAN DAVIS:

1 Do we have a motion?

2 MR. STEIN:

3 I will make the motion.

4 MR. YINGST:

5 I second the motion.

6 CHAIRMAN DAVIS:

7 Roll call.

8

9 Irving Stein, aye; Mark Wolfe, aye;

10 Angel Layton, aye; Dan Limongelli, aye;

11 Dale Yingst, aye; Kirk Davis, aye.

12 [The motion carried unanimously.]

13

14 Report of Board Chairman - No Report

15

16 Report of Acting Commissioner - No Report

17

18 Report of Board Administrator

19 [James P. Kushlan, Board Administrator, informed

20 everyone that this meeting would be the Board's last

21 meeting at One Penn Center, and all future meetings

22 would be held at 2525 North 7th Street in Harrisburg

23 starting with the December meeting.

24 Mr. Kushlan mentioned receiving a lot of phone

25 calls regarding a wholesale dealer's license in

1 Pennsylvania, where individuals were asking whether
2 they could buy at auction and sell online and not
3 have a physical facility. He informed Board members
4 that the individuals were told that it is not allowed
5 in Pennsylvania but noted the question is asked
6 regularly.]

7 ***

8 Report of Board Administrator - Board Meeting Dates
9 [Kirk A. Davis, Chairman, Professional Member, noted
10 the next scheduled meeting date is December 5, 2023.
11 He also noted the 2024 meeting dates for the Board's
12 review. He mentioned that the Board would be
13 discussing and voting on the 2025 Board meeting dates
14 at the next meeting.]

15 ***

16 Report of Board Administrator - Board Member Terms
17 [Kirk A. Davis, Chairman, Professional Member,
18 informed everyone that no Board member terms were up
19 anytime soon.]

20 ***

21 Application Review

22 MS. GOSHERT:

23 Based on Executive Session
24 deliberations, I believe the Board
25 would entertain a motion to approve the

1 following Applications: Nicolas Ovidio
2 Lopez, Application No. AA0004378419,
3 and Rebecca VanScoy, Application No.
4 AA0004758937.

5 CHAIRMAN DAVIS:

6 Do we have a motion?

7 MR. STEIN:

8 I will make the motion.

9 MR. YINGST:

10 I second the motion.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Irving Stein, aye; Mark Wolfe, aye;
15 Angel Layton, aye; Dan Limongelli, aye;
16 Dale Yingst, aye; Kirk Davis, aye.

17 [The motion carried unanimously.]

18

19 MS. GOSHERT:

20 Based on Executive Session
21 deliberations, I believe the Board
22 would entertain a motion to approve the
23 following Applications on the condition
24 that the applicants agree to a two-year
25 probation and any accompanying

1 condition: Chad Brassel, Application
2 No. AA0004668781; Dylan J. Dodson,
3 Application No. AA0004734161; and
4 Rayland Monroe Smith, Application No.
5 AA0004843382.

6 CHAIRMAN DAVIS:

7 Do we have a motion?

8 MR. STEIN:

9 I will make the motion.

10 MR. YINGST:

11 I second the motion.

12 CHAIRMAN DAVIS:

13 Roll call.

14

15 Irving Stein, aye; Mark Wolfe, aye;
16 Angel Layton, aye; Dan Limongelli, aye;
17 Dale Yingst, aye; Kirk Davis, aye.

18 [The motion carried unanimously.]

19

20 MS. GOSHERT:

21 Based on Executive Session
22 deliberations, I believe the Board
23 would entertain a motion to approve the
24 following Applications on the condition
25 that the applicants agree to no less

1 than five years' probation and any
2 accompanying condition: Kevin
3 Lonegran, Application No. AA0004820206,
4 and Robert Lee Albro Jr., Application
5 No. AA0004148567.

6 CHAIRMAN DAVIS:

7 Do we have a motion?

8 MR. STEIN:

9 I will make the motion.

10 MR. YINGST:

11 I second the motion.

12 CHAIRMAN DAVIS:

13 Roll call.

14
15 Irving Stein, aye; Mark Wolfe, aye;
16 Angel Layton, aye; Dan Limongelli, aye;
17 Dale Yingst, aye; Kirk Davis, aye.

18 [The motion carried unanimously.]

19 ***

20 MS. GOSHERT:

21 Based on Executive Session
22 deliberations, I believe the Board
23 would entertain a motion to approve the
24 Applications of Jared Snyder,
25 Application No. AA0004835184, and

1 Andrew Sussman, Application No.
2 AA0004817124, on the condition that
3 those applicants agree to no less than
4 one year's probation and any
5 accompanying terms.

6 CHAIRMAN DAVIS:

7 Do we have a motion?

8 MR. STEIN:

9 I will make the motion.

10 MR. YINGST:

11 I second the motion.

12 CHAIRMAN DAVIS:

13 Roll call.

14
15 Irving Stein, aye; Mark Wolfe, aye;
16 Angel Layton, aye; Dan Limongelli, aye;
17 Dale Yingst, aye; Kirk Davis, aye.

18 [The motion carried unanimously.]

19 ***

20 MS. GOSHERT:

21 Based on Executive Session
22 deliberations, I believe the Board
23 would entertain a motion to approve the
24 Application of Tyriek Bond, Application
25 No. AA0004776199, on the condition that

1 the applicant agrees to no less than
2 three years' probation and any
3 accompanying terms.

4 CHAIRMAN DAVIS:

5 Do we have a motion?

6 MR. STEIN:

7 I will make the motion.

8 MR. YINGST:

9 I second the motion.

10 CHAIRMAN DAVIS:

11 Roll call.

12

13 Irving Stein, aye; Mark Wolfe, aye;
14 Angel Layton, aye; Dan Limongelli, aye;
15 Dale Yingst, aye; Kirk Davis, aye.

16 [The motion carried unanimously.]

17

18 MS. GOSHERT:

19 The Board agreed to table item 20,
20 Steven Lee Watts, Application No.
21 AA0004817758, for the next Board
22 meeting.

23

24 [The Board recessed from 10:46 a.m. until 11:32 a.m.]

25

1 [A Formal Hearing was held from 11:35 a.m. until
2 11:58 a.m. in the Matter of Metro Auto Sales, Inc.,
3 et al. v. Kia America, Inc., Case No. 23-60-010545.]

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 11:58 a.m. the Board entered into Executive
7 Session with Ashley B. Goshert, Esquire, Board
8 Counsel, for the purpose of conducting quasi-judicial
9 deliberations and to receive the advice of counsel.
10 The Board returned to open session at 12:11 p.m.]

11 ***

12 MS. GOSHERT:

13 The Board did have the opportunity to
14 deliberate and had the opportunity to
15 review the motions that were filed and
16 the pending briefs that were filed with
17 those motions.

18 Based on deliberations during
19 Executive Session, I believe the Board
20 would entertain a motion to direct
21 counsel to enter dispositions in the
22 two pending motions before the Board in
23 accordance with the Board's discussions
24 in Executive Session in the protest
25 matter at Case No. 23-60-010545.

1 CHAIRMAN DAVIS:

2 Do we have a motion?

3 MR. STEIN:

4 I will make the motion.

5 MR. YINGST:

6 I second the motion.

7 CHAIRMAN DAVIS:

8 Roll call.

9

10 Irving Stein, aye; Mark Wolfe, aye;

11 Angel Layton, aye; Dan Limongelli, aye;

12 Dale Yingst, aye; Kirk Davis, aye.

13 [The motion carried unanimously.]

14 ***

15 Adjournment

16 CHAIRMAN DAVIS:

17 Do we have a motion for adjournment?

18 MR. STEIN:

19 I make the motion.

20 CHAIRMAN DAVIS:

21 We are adjourned.

22 ***

23 [The State Board of Vehicle Manufacturers, Dealers,
24 and Salespersons Meeting adjourned at 12:11 p.m.]

25 ***

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.



Devin Nunemaker,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

October 17, 2023

	TIME	AGENDA
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10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:30	Official Call to Order
14		
15	10:30	Roll Call/Introduction of Attendees
16		
17	10:34	Approval of Minutes
18		
19	10:35	Report of Prosecutorial Division
20		
21	10:38	Report of Board Counsel
22		
23	10:40	Report of Board Administrator
24		
25	10:43	Application Review
26		
27	10:46	Recess
28	11:32	Return to Open Session
29		
30	11:35	Formal Hearing - Metro Auto Sales,
31	11:58	Inc., et al. v. Kia America, Inc.
32		
33	11:58	Executive Session
34	12:10	Return to Open Session
35		
36	12:11	Adjournment
37		
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