

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

February 22, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

State Board of Vehicle Manufacturers,
Dealers, and Salespersons
February 22, 2022

BOARD MEMBERS:

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

BUREAU PERSONNEL:

- C. William Fritz II, Esquire, Board Counsel
- Peter D. Kovach, Esquire, Board Prosecution Liaison
- Christopher K. McNally, Esquire, Board Prosecutor
- Timothy J. Henderson, Esquire, Board Prosecutor
- Gregory Liero, Esquire, Board Prosecutor
- Janice Cline, Board Administrator

1 ***

2 State Board of Vehicle Manufacturers,
3 Dealers, and Salespersons
4 February 22, 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, February 22, 2022.
16 Kirk A. Davis, Chairman, Professional Member, called
17 the meeting to order at 10:30 a.m.

18 ***

19 Roll Call

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

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 their voluntary participation in the
3 meeting constitutes consent to be recorded.]

4 ***

5 Approval of minutes of the January 11, 2022 meeting

6 CHAIRMAN DAVIS:

7 Do we have a motion to approve the
8 minutes of January 11?

9 MR. STEIN:

10 I'll make a motion.

11 MR. FRETZ:

12 I second.

13 CHAIRMAN DAVIS:

14 Roll call.

15

16 Wolfe, aye; Stein, aye; Derr, aye;

17 Yingst, aye; Layton, aye; Fretz, aye;

18 Davis, aye.

19 [The motion carried unanimously.]

20 ***

21 Report of Prosecutorial Division

22 [Christopher K. McNally, Esquire, Board Prosecutor,
23 presented the Consent Agreement for Case No. 21-60-
24 018698.]

25 ***

1 [Gregory Liero, Esquire, Board Prosecutor, presented
2 the Consent Agreement for Case No. 20-60-003430.]

3 ***

4 [Peter D. Kovach, Esquire, Board Prosecution Liaison,
5 presented the Consent Agreements for Case No. 19-60-
6 005953, Case No. 19-60-008771, and Case No. 21-60-
7 017005.]

8 ***

9 [Timothy J. Henderson, Esquire, Board Prosecutor,
10 presented the Consent Agreements for Case No. 19-60-
11 017068, Case No. 21-60-015438, Case No. 22-60-002566,
12 and Case No. 20-60-011881.]

13 ***

14 Report of Prosecutorial Division - Consent Agreements

15 MR. FRITZ:

16 The Board would entertain a motion to
17 approve the Consent Agreement at Case
18 No. 21-60-018698.

19 MR. STEIN:

20 Moves.

21 MR. FRETZ:

22 Second.

23 CHAIRMAN DAVIS:

24 Roll call.

25

1 Wolfe, aye; Stein, aye; Yingst, aye;

2 Layton, aye; Fretz, aye; Davis, aye.

3 [The motion carried unanimously. The Respondent's
4 name is Angela Marie Bronson.]

5 ***

6 MR. FRITZ:

7 The Board would entertain a motion to
8 approve the Consent Agreement at Case
9 No. 20-60-003430.

10 MR. WOLFE:

11 Moves.

12 MR. DERR:

13 Second.

14 CHAIRMAN DAVIS:

15 Roll call.

16

17 Wolfe, aye; Stein, aye; Derr, aye;

18 Yingst, aye; Layton, aye; Fretz, aye;

19 Davis, aye.

20 [The motion carried unanimously. The Respondent's
21 name is Neal Thomas.]

22 ***

23 MR. FRITZ:

24 The Board would entertain a motion to
25 approve the Consent Agreement at Case

1 No. 19-60-005953.

2 MR. STEIN:

3 Moves.

4 MR. YINGST:

5 Second.

6 CHAIRMAN DAVIS:

7 Roll call.

8

9 Wolfe, aye; Stein, aye; Derr, aye;

10 Yingst, aye; Layton, aye; Fretz, aye;

11 Davis, aye.

12 [The motion carried unanimously. The Respondent's
13 name is Jeremy L. Caskey.]

14 ***

15 MR. FRITZ:

16 The Board would entertain a motion to
17 approve the Consent Agreement at Case
18 No. 19-60-008771.

19 MR. WOLFE:

20 Moves.

21 MR. DERR:

22 Second.

23 CHAIRMAN DAVIS:

24 Roll call.

25

1 Wolfe, aye; Stein, aye; Derr, aye;
2 Yingst, aye; Layton, aye; Fretz, aye;
3 Davis, aye.

4 [The motion carried unanimously. The Respondent's
5 name is Santiago Ramirez.]

6 ***

7 MR. FRITZ:

8 The Board would entertain a motion to
9 approve the Consent Agreement at Case
10 No. 21-60-017005.

11 MR. STEIN:

12 Motion.

13 MR. WOLFE:

14 Second.

15 CHAIRMAN DAVIS:

16 Roll call.

17

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

21 [The motion carried unanimously. The Respondent's
22 name is Alec Timberman.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion to

1

2

Wolfe, aye; Stein, aye; Derr, aye;

3

Yingst, aye; Layton, aye; Fretz, aye;

4

Davis, aye.

5

[The motion carried unanimously. The Respondent's

6

name is Roundhouse Powersports.]

7

8

MR. FRITZ:

9

The Board would entertain a motion to

10

approve the Consent Agreement at Case

11

No. 22-60-002566.

12

MR. WOLFE:

13

Moves.

14

MR. YINGST:

15

Second.

16

CHAIRMAN DAVIS:

17

Roll call.

18

19

Wolfe, aye; Stein, aye; Derr, aye;

20

Yingst, aye; Layton, aye; Fretz, aye;

21

Davis, aye.

22

[The motion carried unanimously. The Respondent's

23

name is MMCO Auto, LLC d/b/a Audi Wynnewood.]

24

25

MR. FRITZ:

1 The Board would entertain a motion to
2 approve the Consent Agreement at Case
3 No. 20-60-011881.

4 MR. STEIN:

5 Motion.

6 MR. FRETZ:

7 Second.

8 CHAIRMAN DAVIS:

9 Roll call.

10

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

14 [The motion carried unanimously. The Respondent's
15 name is Ronald J. Grazier Jr.]

16

17 Report of Board Counsel

18 [C. William Fritz II, Esquire, Board Counsel, noted
19 that one of the hearings scheduled for this meeting
20 was continued and the other hearing would begin at 11
21 a.m.]

22

23 Report of Board Counsel - Adjudications and Orders for
24 Approval

25 MR. FRITZ:

1 The Board would entertain a motion to
2 approve the following Adjudications and
3 Orders: Commonwealth v. Kyle Christian
4 Burkey, Case No. 21-60-000696;
5 Commonwealth v. Alexandr Chervinchik,
6 Case No. 20-60-011274; Commonwealth v.
7 Dylan Thomas McRoberts, Case No. 20-60-
8 011601; Commonwealth v. Charles Strait,
9 Case No. 21-60-017927.

10 MR. WOLFE:

11 So moved.

12 MR. DERR:

13 Second.

14 CHAIRMAN DAVIS:

15 Roll call.

16

17 Wolfe, aye; Stein, aye; Derr, aye;

18 Yingst, aye; Layton, aye; Fretz, aye;

19 Davis, aye.

20 [The motion carried unanimously.]

21

22 Report of Board Counsel - Motions to Deem Facts

23 Admitted

24 MR. FRITZ:

25 The Board would entertain a motion to

1 grant the following motions and direct
2 Board counsel to draft an Adjudication
3 and Order in the matters of the
4 Commonwealth v. Muhammad Abdul Hadi,
5 Case No. 19-60-006619 and Commonwealth
6 v. Dennis Dischinger, Case No. 19-60-
7 010029.

8 MR. DERR:

9 So moved.

10 MR. WOLFE:

11 Second.

12 CHAIRMAN DAVIS:

13 Roll call.

14

15 Wolfe, aye; Stein, aye; Derr, aye;

16 Yingst, aye; Layton, aye; Fretz, aye;

17 Davis, aye.

18 [The motion carried unanimously.]

19

20 Report of Board Counsel - Status of Cases

21 [C. William Fritz II, Esquire, Board Counsel,

22 addressed status of cases, noting 57 open files. He

23 reported the Transteck case is the only active protest

24 case and is waiting for their attorneys to contact him

25 with acceptable dates for a hearing.

1 Mr. Fritz informed Board members that he is still
2 working on the fee increase regulation but is hoping
3 to have that done by the end of the year.

4 Mr. Fritz reminded Board members to notify him of
5 any recusals.]

6 ***
7 [A Formal Hearing was held from 10:56 a.m. until
8 12:36 p.m. in the matter of the Commonwealth of
9 Pennsylvania Bureau of Professional and Occupational
10 Affairs v. Auto Buyers Consultants, Case No. 21-60-
11 000052.]

12 ***
13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 12:36 p.m. the Board entered into Executive Session
15 with C. William Fritz II, Esquire, Board Counsel, for
16 the purpose of conducting quasi-judicial
17 deliberations. The Board returned to open session at
18 1:09 p.m.]

19 ***
20 Formal Hearings/Arguments

21 MR. FRITZ:

22 The Board met in Executive Session and
23 conducted quasi-judicial deliberations.
24 Based on discussions held in Executive
25 Session, the Board would entertain a

1 motion directing Board counsel to draft
2 an Adjudication and Order in the matter
3 of Commonwealth v. Auto Buyers
4 Consultants, Case No. 21-60-000052.

5 MR. WOLFE:

6 Moves.

7 MR. STEIN:

8 Second.

9 CHAIRMAN DAVIS:

10 Roll call.

11

12 Wolfe, aye; Stein, aye; Derr, aye;

13 Yingst, aye; Layton, aye; Fretz, aye;

14 Davis, recuse.

15 [The motion carried. Kirk Davis recused himself from
16 deliberations and voting on the motion.]

17

18 Report of Board Chairman

19 [Kirk A. Davis, Chairman, Professional Member,

20 addressed the proposed legislation legalizing

21 recreational use of marijuana. He mentioned that 1 of

22 the top 10 issues for dealers in 2021 into 2022 was

23 legislation regarding how marijuana use will affect

24 dealership policies.

25 Chairman Davis mentioned dealers not wanting

1 somebody under the influence of alcohol in their
2 dealerships and this would be similar if recreational
3 marijuana is legalized. He suggested Board members
4 talk to their congressmen in terms of individual
5 policies within their dealerships.

6 Chairman Davis noted everybody should have
7 received an email regarding filling out the Financial
8 Disclosure forms but to contact Ms. Cline if anyone
9 has any questions.]

10 ***

11 Report of Acting Commissioner - No Report

12 ***

13 Report of Board Administrator - No Report

14 [C. William Fritz II, Esquire, Board Counsel, referred
15 to 2022 and 2023 meeting dates and reminded Board
16 members to inform Ms. Cline of any meetings they would
17 not be attending.

18 Mr. Fritz also reminded Board members to watch
19 their terms and to contact their legislators if they
20 wish to be reappointed. He noted the department is
21 trying to fill vacant Board seats.]

22 ***

23 Adjournment

24 CHAIRMAN DAVIS:

25 Motion to adjourn.

1 MR. DERR:

2 So moved.

3 MR. WOLFE:

4 I'll second that.

5 CHAIRMAN DAVIS:

6 We don't have a meeting next month, so
7 we'll see you guys in April.

8 [The motion carried unanimously.]

9 ***

10 [The State Board of Vehicle Manufacturers, Dealers,
11 and Salespersons Meeting adjourned at 1:14 p.m.]

12 ***

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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.



Lori A. Behe,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

February 22, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9		
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
16		
17	10:31	Approval of Minutes
18		
19	10:32	Report of Prosecutorial Division
20		
21	10:51	Report of Board Counsel
22		
23	10:56	Formal Hearing - Auto Buyers Consultants
24	12:36	
25		
26	12:36	Executive Session
27	1:09	Return to Open Session
28		
29	1:10	Report of Board Chairman
30		
31	1:14	Adjournment
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		