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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  
2601 North Third Street  
Harrisburg, Pennsylvania 17109

September 19, 2017

1                   State Board of Vehicle Manufacturers,  
2                                   Dealers and Salespersons  
3                                   September 19, 2017  
4

5 BOARD MEMBERS:  
6

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

24 BUREAU PERSONNEL:  
25

26 Maria Battista, Esquire, Board Counsel  
27 Wade Fluck, Esquire, Board Prosecution Liaison  
28 Thomas Blackburn, Esquire, Senior Counsel-in-Charge  
29 Amanda Wojciechowski, Esquire, Board Prosecutor  
30 Robert Armour, Board Prosecutor  
31 Monty Batson, Esquire, Board Prosecutor  
32 Glenn Masser, Esquire, Board Prosecutor  
33 Janice Cline, Board Administrator  
34  
35

36 ALSO PRESENT:  
37

38 Robert M. Martin, Jr., Respondent  
39 Philip L. Zulli, Esquire, Counsel for Respondent  
40 Randall F. Guzik, Respondent  
41 Patrick Thomassey, Esquire, Counsel for Respondent  
42  
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1 \*\*\*

2 State Board of Vehicle Manufacturers,  
3 Dealers and Salespersons  
4 September 19, 2017

5 \*\*\*

6 The regularly scheduled meeting of the State Board  
7 of Vehicle Manufacturers, Dealers & Salespersons was  
8 held on Tuesday, September 19, 2017. Dan Murphy,  
9 Chairman, called the meeting to order at 9:46 a.m.

10 The Pledge of Allegiance was recited. A roll call  
11 was taken.

12 \*\*\*

13 Approval of Minutes of August 8, 2017 meeting.

14 CHAIRPERSON MURPHY:

15 Do I have a motion to approve the  
16 minutes?

17 MR. MINOR:

18 Make a motion.

19 MR. DERR:

20 Second.

21 CHAIRPERSON MURPHY:

22 Roll call.

23

24 William Mohler, aye; David Tully, aye;

25 George Mermon, aye; Randall Derr, aye;

1 Larry Hufford, aye; Steve Fretz, aye;  
2 Scott Weisser, aye; James Minor, aye;  
3 Donald Stoy, aye; Robert Shaffer, aye;  
4 Ian Harlow, aye; and Dan Murphy, aye.

5 [The motion carried unanimously.]

6 \*\*\*

7 Report of Prosecutorial Division

8 [Robert Armour, Board Prosecutor, presented a Consent  
9 Agreement for File No. 13-60-40-04146.]

10 \*\*\*

11 [Amanda Wojciechowski, Esquire, Board Prosecutor,  
12 presented a Consent Agreement for File No. 15-60-  
13 14416.]

14 \*\*\*

15 [Glenn Masser, Esquire, Board Prosecutor, presented a  
16 Consent Agreement for File No. 17-60-05555.]

17 \*\*\*

18 Report of Board Counsel

19 [Maria Battista, Esquire, Board Counsel, referred the  
20 Board to the Status of Cases for review. She noted  
21 three hearings scheduled for later in the meeting.  
22 Ms. Battista also noted four Adjudication and Orders  
23 for approval, five Proposed Adjudication and Orders to  
24 be discussed in Executive Session, and two cases to  
25 adjudicate from hearings that took place at the last

1 Board meeting. She also noted one Motion to Deem  
2 Facts Admitted (MDFA) to be discussed in Executive  
3 Session.]

4 \*\*\*

5 Report of Chairperson

6 [Chairperson Murphy discussed the possibility of flood  
7 cars coming into the market due to the washing of car  
8 titles as a result of the hurricanes.]

9 \*\*\*

10 [Mr. Stoy reported on attending a conference in  
11 Virginia. Topics of discussion at the conference  
12 included controversy regarding the Hyundai Genesis in  
13 Louisiana and the Elio plant in Louisiana. He noted  
14 upcoming issues in the industry such as autonomous  
15 vehicles, cyber-situating customer data and selling  
16 cars online.]

17 \*\*\*

18 [Chairperson Murphy mentioned the GM case reversal and  
19 noted that dealers have requested a reconsideration of  
20 the matter.]

21 \*\*\*

22 Report of Status of Protest Cases

23 [Thomas Blackburn, Esquire, Senior Counsel-in-Charge,  
24 reported on the Wyoming Valley Audi and Contemporary  
25 Motorcar d/b/a Mazda of Erie matter.]

1 \*\*\*

2 Commissioner's Report

3 [Ian J. Harlow, Commissioner of Professional and  
4 Occupational Affairs, reported on four placeholders  
5 for the Board. He will provide an update after a  
6 conference call with the Governor's office. He noted  
7 the out-of-state travel freeze in place as a result of  
8 the impasse on the revenue package.]

9 Commissioner Harlow discussed Senate Bill 764.  
10 There should be some changes regarding disciplinary  
11 provisions, no amendments to the Bill as of yet.  
12 Board members brought up a concern regarding the  
13 classification of conversion vans.]

14 \*\*\*

15 Board Administrator Report

16 [Janice Cline, Board Administrator, reminded Board  
17 members to arrive on time or a little early for  
18 interviews. There was some discussion regarding the  
19 scheduling and assignment of interviews.]

20 \*\*\*

21 Application Review

22 [The committee of Mr. Stoy and Mr. Fretz made the  
23 following recommendations with regard to the following  
24 Criminal Conviction Applications: Theodore  
25 Komorowski, approved without restrictions; Oscar

1 Marks, no show.]

2

\*\*\*

3 [The committee of Commissioner Harlow and Mr. Stoy  
4 made the following recommendations with regard to the  
5 following Criminal Conviction Applications: Jarrad  
6 Minggia, approved without restrictions.]

7

\*\*\*

8 [The committee of Mr. Weisser and Mr. Stoy made the  
9 following recommendations with regard to the following  
10 Criminal Conviction Applications: Steven Jackson,  
11 approved without restrictions.]

12

\*\*\*

13 [The committee of Mr. Hufford and Mr. Weisser made the  
14 following recommendations with regard to the following  
15 Criminal Conviction Applications: Mia Velez, approved  
16 without restrictions; Stefhon Buchanan, approved  
17 concurrent with the one-year of criminal probation.]

18

\*\*\*

19 [The committee of Mr. Derr and Mr. Schaffer made the  
20 following recommendations with regard to the following  
21 Criminal Conviction Applications: Wilfredo Quinones,  
22 approved without restrictions; Evelier Mendoza,  
23 approved without restrictions; Richard Leaper,  
24 approved without restrictions; Desiree Molina, no  
25 show.]

1 \*\*\*

2 [The committee of Mr. Tully and Mr. Fretz made the  
3 following recommendations with regard to the following  
4 Criminal Conviction Applications: Brian Ginter and  
5 Ginter Auto Sales, approved without restrictions; Troy  
6 Brown, approved without restrictions.]

7 \*\*\*

8 [The committee of Mr. Murphy and Mr. Minor made the  
9 following recommendations with regard to the following  
10 Criminal Conviction Applications: Derek Yost,  
11 approved without restrictions; John McCurdy, no show.]

12 \*\*\*

13 [The committee of Mr. Mermon and Mr. Minor made the  
14 following recommendations with regard to the following  
15 Criminal Conviction Applications: Richard Dabney,  
16 approved without restrictions.]

17 \*\*\*

18 [The Board recessed from 10:39 a.m. until 10:45 a.m.]

19 \*\*\*

20 [Ian J. Harlow, Commissioner of Professional and  
21 Occupational Affairs, exited the meeting at 10:45  
22 a.m.]

23 \*\*\*

24 [A Formal Hearing was held from 10:45 a.m. to 12:56  
25 p.m. in matter of Commonwealth of Pennsylvania Bureau



1 of Professional and Occupational Affairs v. Robert M.  
2 Martin Jr., File No. 12-60-07254, Docket No. 0741-60-  
3 16.]

4 \*\*\*

5 [The Board recessed for lunch from 12:56 p.m. until  
6 1:38 p.m.]

7 \*\*\*

8 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
9 1:38 p.m. the Board entered into Executive Session  
10 with Maria Battista, Esquire, for the purpose of  
11 conducting quasi-judicial deliberations and to receive  
12 advice of Counsel. The Board returned to open session  
13 at 2:08 p.m.]

14 \*\*\*

15 [A Formal Hearing was held from 2:09 p.m. to 3:16 p.m.  
16 on the Application of Randall F. Guzik, File No. 17-  
17 60-06013, Docket No. 1145-60-17. Mr. Murphy was  
18 recused.]

19 \*\*\*

20 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
21 3:16 p.m. the Board entered into Executive Session  
22 with Maria Battista, Esquire, for the purpose of  
23 conducting quasi-judicial deliberations and to receive  
24 advice of Counsel. The Board returned to open session  
25 at 4:22 p.m.]

\*\*\*

1  
2 MOTIONS:

3 MS. BATTISTA:

4 Pursuant to Section 708(a)(5) of the  
5 Sunshine Act, the Board met in Executive  
6 Session for the purpose of conducting  
7 quasi-judicial deliberations and to  
8 receive advice of Counsel.

9 The last hearing we had In the  
10 Application of Randall F. Guzik, File No.  
11 17-60-06013, Docket No. 1145-60-17, will  
12 be continued for further deliberations at  
13 the next Board meeting once the  
14 transcript is received.

15 Based on discussions in Executive  
16 Session, I recommend a motion to accept  
17 the three Consent Orders at the following  
18 cases: Bureau of Professional and  
19 Occupational Affairs v. Jason E. Ziegler,  
20 File 13-60-04146, Docket No. 2114-16-15;  
21 Bureau of Professional and Occupational  
22 Affairs v. Michael Joe Kozuch, III, File  
23 No. 15-60-14416, Docket No. 0994-60-16;  
24 and Bureau of Professional and  
25 Occupational Affairs v. Stanley L.

1                   Gulack, corrected File No. 17-60-05555,  
2                   Docket No. 1324-60-17.

3 MR. STOY:

4                   Motion.

5 MR. TULLY:

6                   Second.

7 CHAIRPERSON MURPHY:

8                   Roll call.

9

10                   William Mohler, aye; David Tully, aye;

11                   George Mermon, aye; Randall Derr, aye;

12                   Larry Hufford, aye; Steve Fretz, aye;

13                   Scott Weisser, aye; James Minor, aye;

14                   Donald Stoy, aye; Robert Shaffer, aye;

15                   and Dan Murphy, aye.

16 [The motion carried unanimously.]

17

\*\*\*

18 MS. BATTISTA:

19                   The next matters for discussion in  
20                   Executive Session were Adjudication and  
21                   Orders that were written for the Board's  
22                   Final approval on.

23                   I make a recommendation to approve  
24                   the following Adjudication and Orders:  
25                   Commonwealth of Pennsylvania, Bureau of

1                   Professional and Occupational Affairs v.  
2                   James Tegethoff, File No. 14-60-07986,  
3                   Docket No. 2359-60-16; Commonwealth of  
4                   Pennsylvania, Bureau of Professional and  
5                   Occupational Affairs v. Douglas Grooms,  
6                   File No. 16-60-02372, Docket No. 0113-60-  
7                   17; and Commonwealth of Pennsylvania,  
8                   Bureau of Professional and Occupational  
9                   Affairs v. James McCauley, File No. 15-  
10                   60-05495, Docket No. 0111-60-17.

11 MR. MINOR:

12                   Motion.

13 MR. STOY:

14                   Second.

15 CHAIRPERSON MURPHY:

16                   Roll call.

17

18                   William Mohler, aye; David Tully, aye;

19                   George Mermon, aye; Randall Derr, aye;

20                   Larry Hufford, aye; Steve Fretz, aye;

21                   Scott Weisser, aye; James Minor, aye;

22                   Donald Stoy, aye; Robert Shaffer, aye;

23                   and Dan Murphy, aye.

24 [The motion carried unanimously.]

25

\*\*\*

1 MS. BATTISTA:

2                   And the other Adjudication and Order,  
3                   Bureau of Professional and Occupational  
4                   Affairs v. Glen Reimer, at File No. 15-  
5                   60-01146; Docket No. 1945-60-16, the  
6                   Board has ordered Counsel to make one  
7                   amendment to the Order so that the  
8                   indefinite suspension is no less than one  
9                   year and \$1,000 fine and would be  
10                  approved with that minor revision.

11 MR. MINOR:

12                   Make a motion.

13 MR. STOY:

14                   Second.

15 CHAIRPERSON MURPHY:

16                   Roll call.

17

18                   William Mohler, aye; David Tully, aye;

19                   George Mermon, aye; Randall Derr, aye;

20                   Larry Hufford, aye; Steve Fretz, aye;

21                   Scott Weisser, aye; James Minor, aye;

22                   Donald Stoy, aye; Robert Shaffer, aye;

23                   and Dan Murphy, aye.

24 [The motion carried unanimously.]

25

\*\*\*

1 MS. BATTISTA:

2           Based on discussions in Executive  
3           Session, I make a motion to adopt three  
4           of the five Hearing Examiner proposed  
5           Adjudication and Orders as follows:  
6           Commonwealth of Pennsylvania, Bureau of  
7           Professional and Occupational Affairs v.  
8           Patrick J. Donnelly, File No. 12-60-  
9           01143, Docket No. 0641-60-16;  
10          Commonwealth of Pennsylvania, Bureau of  
11          Professional and Occupational Affairs v.  
12          Shawn R. Stoll, File No. 14-60-11766,  
13          Docket No. 2366-60-16; and Commonwealth  
14          of Pennsylvania, Bureau of Professional  
15          and Occupational Affairs v. Andrew K.  
16          Cychowski, File No. 14-60-06586, Docket  
17          No. 0098-60-17.

18 MR. MINOR:

19           Make a motion.

20 MR. STOY:

21           Second.

22 CHAIRPERSON MURPHY:

23           Roll call.

24

25           William Mohler, aye; David Tully, aye;

1 George Mermon, aye; Randall Derr, aye;  
2 Larry Hufford, aye; Steve Fretz, aye;  
3 Scott Weisser, aye; James Minor, aye;  
4 Donald Stoy, aye; Robert Shaffer, aye;  
5 and Dan Murphy, aye.

6 [The motion carried unanimously.]

7 \*\*\*

8 MS. BATTISTA:

9 And then with the proposed Adjudication  
10 and Order of Commonwealth of  
11 Pennsylvania, Bureau of Professional and  
12 Occupational Affairs v. Stephen Michael  
13 Heidler, File No. 15-60-08531, Docket No.  
14 2358-60-16, I recommend a motion to adopt  
15 the Hearing Examiner's proposed  
16 Adjudication and Order with the exception  
17 of the addition of the \$1,000 fine.

18 MR. MINOR:

19 So moved.

20 MR. STOY:

21 Second.

22 CHAIRPERSON MURPHY:

23 Roll call.

24

25 William Mohler, aye; David Tully, aye;

1 George Mermon, aye; Randall Derr, aye;  
2 Larry Hufford, aye; Steve Fretz, aye;  
3 Scott Weisser, aye; James Minor, aye;  
4 Donald Stoy, aye; Robert Shaffer, aye;  
5 and Dan Murphy, aye.

6 [The motion carried unanimously.]

7 \*\*\*

8 MS. BATTISTA:

9 Based upon discussions in Executive  
10 Session, I recommend a motion adopt the  
11 Hearing Examiner's proposed Adjudication  
12 and Order and issue a Final Adjudication  
13 in Commonwealth of Pennsylvania, Bureau  
14 of Professional and Occupational Affairs  
15 v. Sean Kane, File No. 15-60-08752,  
16 Docket No. 0099-60-17, with the changes  
17 as recommended in Executive Session  
18 dealing with the wrong criminal  
19 conviction being cited.

20 MR. MINOR:

21 So moved.

22 MR. DERR:

23 Second.

24 CHAIRPERSON MURPHY:

25 Roll call.



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William Mohler, aye; David Tully, aye;  
George Mermon, aye; Randall Derr, aye;  
Larry Hufford, aye; Steve Fretz, aye;  
Scott Weisser, aye; James Minor, aye;  
Donald Stoy, aye; Robert Shaffer, aye;  
and Dan Murphy, aye.

[The motion carried unanimously.]

\*\*\*

MS. BATTISTA:

And last, I recommend a motion to grant  
the default Adjudication In the matter of  
Edward C. Kelso a/k/a Edward C. Allen,  
Respondent. That was the case that was  
brought by the Commonwealth of  
Pennsylvania at File No. 14-60-03491 and  
File No. 14-60-03492, Docket No. 0513-60-  
17.

MR. MINOR:

Make a motion.

MR. STOY:

Second.

CHAIRPERSON MURPHY:

Roll call.

1 William Mohler, aye; David Tully, aye;  
2 George Mermon, aye; Randall Derr, aye;  
3 Larry Hufford, aye; Steve Fretz, aye;  
4 Scott Weisser, aye; James Minor, aye;  
5 Donald Stoy, aye; Robert Shaffer, aye;  
6 and Dan Murphy, aye.

7 [The motion carried unanimously.]

8 \*\*\*

9 MS. BATTISTA:

10 And those are all the matters that were  
11 discussed in Executive Session. And I  
12 just again want to thank the public and  
13 the Board for allowing me to be their  
14 Board Counsel for the last Board meeting.  
15 It's been my pleasure and my honor and I  
16 thank you very much for allowing me to  
17 represent you.

18 \*\*\*

19 Adjournment

20 CHAIRPERSON MURPHY:

21 Make a motion to adjourn.

22 MR. MINOR:

23 So moved


24 MR. STOY:

25 Second.

1 [There being no further business, the State Board of  
2 Vehicle Manufacturers, Dealers and Salesperson meeting  
3 adjourned at 4:30 p.m.]

4  
5 CERTIFICATE

6  
7 I hereby certify that the foregoing summary  
8 minutes of the State Board of Vehicle Manufacturers,  
9 Dealers and Salespersons meeting, was reduced to  
10 writing by me or under my supervision, and that the  
11 minutes accurately summarize the substance of the  
12 State Board of Vehicle Manufacturers, Dealers and  
13 Salespersons meeting.

14  
15 

16 Corey Elizabeth Summers,

17 Minute Clerk

18 Sargent's Court Reporting

19 Service, Inc.  
20  
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STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS  
REFERENCE INDEX  
September 19, 2017

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TIME	AGENDA
9:46	Official Call to Order
9:47	Pledge of Allegiance
9:47	Roll Call
9:48	Approval of Minutes
9:48	Report of Prosecutorial Division
9:54	Report Of Board Counsel
9:56	Report of Board Chairman
10:09	Report of Regulatory Counsel
10:13	Report of Commissioner
10:22	Report of Board Administrator
10:45	Formal Hearing - Martin
12:56	Lunch Break
1:38	Return to Open Session
1:38	Executive Session
2:08	Return to Open Session
2:09	Formal Hearing - Guzik
3:16	Executive Session
4:22	Return to Open Session
4:22	Motions
4:30	Adjournment