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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: 9:33 A.M.

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

February 19, 2019

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 February 19, 2019

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5
6 BOARD MEMBERS:

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

21
22 BUREAU PERSONNEL:

23
24 Juan A. Ruiz, Esquire, Board Counsel
25 Shana M. Walter, Esquire, Board Counsel
26 Amanda N. Wojciechowski, Board Prosecution Liaison
27 Matthew T. Sniscak, Esquire, Board Prosecutor
28 Glenn P. Masser, Esquire, Board Prosecutor
29 Colby B. Widdowson, Esquire, Board Prosecutor
30 Janice Cline, Board Administrator
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32
33 ALSO PRESENT:

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35 Nicholas Ermolovich, Esquire
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1 ***

2 State Board of Vehicle Manufacturers,
3 Dealers, and Salespersons
4 February 19, 2019

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, February 19, 2019.
9 Dan G. Murphy III, Chairman, called the meeting to
10 order at 9:33 a.m.

11 The Pledge of Allegiance was recited.

12 ***

13 Approval of Minutes of the January 8, 2019 meeting
14 CHAIRMAN MURPHY:

15 Approval of the minutes?

16 MR. DAVIS:

17 So moved.

18 MR. SHAFFER:

19 Second.

20 CHAIRMAN MURPHY:

21 So moved and seconded.

22

23 Roll call.

24

25 George Mermon, aye; Neal Hufford Jr.,

1 aye; Kirk Davis, aye; Steve Fretz, aye;
2 Donald Stoy, aye; Robert Shaffer, aye;
3 and Dan Murphy, aye.

4 [The motion carried unanimously.]

5 ***

6 Report of Prosecutorial Division

7 [Matthew T. Sniscak, Esquire, Board Prosecutor,

8 presented the Consent Agreement for File No. 15-60-
9 04839.]

10 ***

11 [Colby B. Widdowson, Esquire, Board Prosecutor,

12 presented the Consent Agreement for Case No. 17-60-
13 09411.]

14 ***

15 [Amanda N. Wojciechowski, Esquire, Board Prosecution

16 Liaison, presented the Consent Agreement for File No.
17 15-60-03789.]

18 ***

19 Report of Board Counsel

20 [Shana M. Walter, Esquire, Board Counsel, noted two

21 hearings, four Adjudications and Orders, three
22 proposed Adjudications and Orders, and four Motions to
23 Deem Facts Admitted for discussion during Executive
24 Session.]

25 ***

1 Report of Board Chairman

2 [Dan G. Murphy III, Chairman, provided the 2020 Board
3 meeting dates of January 7, February 8, March 31, May
4 12, June 23, August 4, September 15, October 27, and
5 December 8.]

6 CHAIRMAN MURPHY:

7 Is there a motion to approve?

8 MR. DAVIS:

9 So moved.

10 MR. MERMON:

11 Second.

12 CHAIRMAN MURPHY:

13 So moved and seconded.

14

15 Roll call.

16

17 George Mermon, aye; Neal Hufford Jr.,
18 aye; Kirk Davis, aye; Steve Fretz, aye;
19 Donald Stoy, aye; Robert Shaffer, aye;
20 and Dan Murphy, aye.

21 [The motion carried unanimously.]

22

23 [Dan G. Murphy III, Chairman, stated Brian Bentley
24 declined his request to come back to the Board due to
25 his personal business venture.

1 Chairman Murphy noted the open vacancies and
2 encouraged members to seek interested individuals.]

3 ***

4 Election of Officers

5 MR. MERMON:

6 I'll nominate Dan.

7 MR. SHAFFER:

8 Second.

9 CHAIRMAN MURPHY:

10 Anybody else?

11

12 Take a vote.

13

14 George Mermon, aye; Neal Hufford Jr.,
15 aye; Kirk Davis, aye; Steve Fretz, aye;
16 Donald Stoy, aye; Robert Shaffer, aye;
17 and Dan Murphy, aye.

18 [The motion carried unanimously.]

19 ***

20 CHAIRMAN MURPHY:

21 Vice Chair nomination, the same, Kirk.

22 MR. MERMON:

23 So moved.

24 CHAIRMAN MURPHY:

25 So moved. Second?

1 MR. SHAFFER:

2 Second.

3 CHAIRMAN MURPHY:

4 Roll call.

5

6 George Mermon, aye; Neal Hufford Jr.,
7 aye; Kirk Davis, aye; Steve Fretz, aye;
8 Donald Stoy, aye; Robert Shaffer, aye;
9 and Dan Murphy, aye.

10 [The motion carried unanimously.]

11

12 Application Review - Informal Conferences

13 [The Applicant Review Committee made the following
14 recommendations regarding the following Criminal
15 Conviction Applications: Donald J. Roberts Jr.,
16 approved; Jeremy T. Gianoutsos, approved with two-year
17 probation; Austin John Lipus, no show; Kenrick David
18 Patterson, approved; William Christopher Butler,
19 approved on probation concurrent with parole; Justin
20 Joseph Holiday, approved; and Harry Victor Nelson III,
21 approved.]

22

23 Report of Commissioner - No Report

24

25 Report of Board Administrator - No Report

1 ***

2 MR. RUIZ:

3 Is there a motion to approve the
4 informal conferences?

5 MR. MERMON:

6 So moved.

7 MR. SHAFFER:

8 Second.

9 CHAIRMAN MURPHY:

10 So moved and seconded.

11

12 Roll call.

13

14 George Mermon, aye; Neal Hufford Jr.,
15 aye; Kirk Davis, aye; Steve Fretz, aye;
16 Donald Stoy, aye; Robert Shaffer, aye;
17 and Dan Murphy, aye.

18 [The motion carried unanimously.]

19

20 [The Board recessed from 9:49 a.m. until 9:54 a.m.]

21

22 [A Formal Hearing was held from 9:54 a.m. until
23 9:57 a.m. in the case of the Commonwealth of
24 Pennsylvania Bureau of Professional and Occupational
25 Affairs vs. David E. Layton, Case No. 15-60-10724.]

1 Nicholas Ermolovich, Esquire, asked for a motion
2 to continue the matter pending the execution of a
3 Consent Agreement and Order consistent with the terms
4 with the Commonwealth.]

5

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 9:58 a.m. the Board entered into Executive Session
8 with Juan A. Ruiz, Esquire, Board Counsel, and Shana
9 M. Walter, Esquire, Board Counsel, for the purpose of
10 conducting quasi-judicial deliberations and to receive
11 advice of Counsel. The Board returned to open session
12 at 10:41 a.m.]

13

14 MOTIONS

15 MR. RUIZ:

16 The Board was just in executive session
17 conducting quasi-judicial deliberations
18 on a number of matters currently pending
19 before the Board.

20 Is there a motion to approve the
21 Consent Agreements at File No. 15-60-
22 04839, File No. 17-60-09411, and File
23 No. 15-60-03789?

24 MR. DAVIS:

25 So moved.

1 MR. STOY:

2 Second.

3 CHAIRMAN MURPHY:

4 So moved and seconded.

5

6 Roll call.

7

8 George Mermon, aye; Neal Hufford Jr.,
9 aye; Kirk Davis, aye; Steve Fretz, aye;
10 Donald Stoy, aye; Robert Shaffer, aye;
11 and Dan Murphy, aye.

12 [The motion carried unanimously. The Respondent's
13 name for File No. 15-60-04839 is Virtual Paradise Auto
14 Sales. The Respondent's name for File No. 17-60-09411
15 is Aqib Khan. The Respondent's name for File No. 15-
16 60-03789 is Lexus, a Division of Toyota Motor Sales
17 USA, Inc.]

18

19 MR. RUIZ:

20 Is there a motion to approve the final
21 Adjudications and Orders in the cases of
22 Cody L. Arnold at File No. 16-60-13297;
23 Damyon L. Corradini at File No. 13-60-
24 04408; Samuel Nelson Jr. at File No. 14-
25 60-08223; and James L. Tucker at File

1 No. 15-60-07729?

2 MR. MERMON:

3 So moved.

4 MR. DAVIS:

5 Second.

6 CHAIRMAN MURPHY:

7 So moved and seconded.

8

9 Roll call.

10

11 George Mermon, aye; Neal Hufford Jr.,
12 aye; Kirk Davis, aye; Steve Fretz, aye;
13 Donald Stoy, aye; Robert Shaffer, aye;
14 and Dan Murphy, aye.

15 [The motion carried unanimously.]

16

17 MR. RUIZ:

18 Is there a motion to approve the
19 proposed Adjudication and Order in the
20 case of Robert Blasso at File No. 14-60-
21 06143?

22 MR. STOY:

23 So moved.

24 MR. DAVIS:

25 Second.

1 CHAIRMAN MURPHY:

2 So moved and seconded.

3

4 Roll call.

5

6 George Mermon, aye; Neal Hufford Jr.,
7 aye; Kirk Davis, aye; Steve Fretz, aye;
8 Donald Stoy, aye; Robert Shaffer, aye;
9 and Dan Murphy, aye.

10 [The motion carried unanimously.]

11

12 MR. RUIZ:

13 Is there a motion to direct Counsel to
14 draft final Adjudications and Orders of
15 the cases of Thomas A. Baily at File No.
16 13-60-11569 and Rafael A. Martinez at
17 File No. 15-60-05867?

18 MR. SHAFFER:

19 So moved.

20 MR. MERMON:

21 Second.

22 CHAIRMAN MURPHY:

23 So moved and seconded.

24

25 Roll call.

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George Mermon, aye; Neal Hufford Jr.,
aye; Kirk Davis, aye; Steve Fretz, aye;
Donald Stoy, aye; Robert Shaffer, aye;
and Dan Murphy, aye.

[The motion carried unanimously.]

MR. RUIZ:

Is there a motion to grant the Motions
to Deem Facts Admitted in the following
cases: Autotrader LLC at File No. 15-
60-01678; David A. Roller Jr. at File
No. 16-60-03754; Jason M. Walters at
File No. 15-60-01291; and Heather Lyn
Wolters at File No. 15-60-12771?

MR. STOY:

So moved.

MR. DAVIS:

Second.

CHAIRMAN MURPHY:

So moved and seconded.

Roll call.

George Mermon, aye; Neal Hufford Jr.,

1 matter of BPOA vs. Mena S. Dous, Case
2 No. 16-60-02920. The Board discussed
3 this matter and the evidence that was
4 presented during the hearing.

5 ***

6 Adjournment

7 CHAIRMAN MURPHY:

8 Motion to adjourn.

9 MR. SHAFFER:

10 So moved.

11 MR. FRETZ:

12 Second.

13 CHAIRMAN MURPHY:

14 We are adjourned. Thank you.

15 [The motion carried unanimously.]

16 ***

17 [The State Board of Vehicle Manufacturers, Dealers,
18 and Salespersons Meeting adjourned at 11:25 a.m.]

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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.



Seth R. Baier,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX

February 19, 2019

TIME	AGENDA
9:33	Official Call to Order
9:34	Pledge of Allegiance
9:34	Approval of Minutes
9:35	Report of Prosecutorial Division
9:40	Report of Board Counsel
9:41	Report of Board Chairman
9:49	Recess
9:54	Return to Open Session
9:54	Formal Hearing - David E. Layton
9:57	
9:58	Executive Session
10:41	Return to Open Session
10:41	Motions
10:44	Recess
11:15	Return to Open Session
11:15	Formal Hearing - Mena S. Dous
11:20	
11:20	Executive Session
11:25	Return to Open Session
11:25	Adjournment