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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: 9:28 A.M.

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

April 24, 2018

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 April 24, 2018
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
19 William Mohler, Professional Member
20 Donald Stoy, Public Member
21 Scott Weisser, Professional Member - Absent
22
23

24 BUREAU PERSONNEL:
25

26 Juan Ruiz, Esquire, Board Counsel
27 Glenn P. Masser, Esquire, Board Prosecutor
28 Amanda N. Wojciechowski, Board Prosecution Liaison
29 Wade Fluck, Esquire, Board Prosecutor
30 Robert B. Armour, Esquire, Board Prosecutor
31 Matthew T. Sniscak, Esquire, Board Prosecutor
32 Monty Batson, Esquire, Board Prosecutor
33 Steven A. Mimm, Esquire, Board Prosecutor
34 Janice Cline, Board Administrator
35
36

37 ALSO PRESENT:
38

39 Sharif M. Aly, Petitioner
40 Ian Gilmartin, BEI Investigator
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1 ***

2 State Board of Vehicle Manufacturers,
3 Dealers and Salespersons

4 April 24, 2018

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, April 24, 2018. Dan
9 Murphy III, Chairman, called the meeting to order at
10 9:28 a.m. Ian J. Harlow, Commissioner of Professional
11 and Occupational Affairs, was not present at the
12 commencement of the meeting.

13 The Pledge of Allegiance was recited. Roll call
14 was taken.

15 ***

16 [Approval of the Minutes of the March 13, 2018 meeting
17 was tabled.]

18 ***

19 Report of Prosecutorial Division
20 [Robert B. Armour, Esquire, Board Prosecutor,
21 presented a Consent Agreement for File No. 13-60-
22 06312.]

23 ***

24 [Matthew T. Sniscak, Esquire, Board Prosecutor,
25 presented a Consent Agreement for File No. 16-60-

1 03664.]

2

3 [Glenn P. Masser, Esquire, Board Prosecutor, presented
4 a Consent Agreement for File No. 16-60-09663.]

5

6 [Monty Batson, Esquire, Board Prosecutor, presented a
7 Consent Agreement for File No. 13-60-08412.]

8

9 Report of Prosecutorial Division

10 [Wade Fluck, Esquire, Board Prosecutor, introduced
11 Amanda Wojciechowski, Esquire, as the new Board
12 Prosecution Liaison.]

13

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 9:45 a.m. the Board entered into Executive Session
16 with Juan Ruiz, Esquire, Board Counsel, for the
17 purpose of conducting quasi-judicial deliberations and
18 to receive advice of Counsel on the matters of which
19 the Board is going to vote. The Board returned to
20 open session at 10:03 a.m.]

21

22 MR. RUIZ:

23

The Board was just in Executive Session
24 conducting quasi-judicial deliberations
25 on Consent Agreements presented earlier

1 this morning.

2 Is there a motion to accept the
3 following Consent Agreements at File No.
4 13-60-06312, File No. 16-60-03664, and
5 File No. 16-60-09663?

6 MR. MOHLER:

7 So moved.

8 MR. MERMON:

9 Second.

10 CHAIRMAN MURPHY:

11 Roll call.

12
13 David Tully, aye; George Mermon, aye;
14 Randall Derr, aye; Kirk Davis, aye; Neal
15 Hufford Jr., aye; Steve Fretz, aye; James
16 Minor, aye; William Mohler, nay; Donald
17 Stoy, aye; Robert Shaffer, aye; and Dan
18 Murphy, aye.

19 [The motion carried. Mr. Mohler opposed the motion.
20 The Respondent's name for File No. 13-60-06312 is
21 Perry M. Brown. The Respondent's name for File No.
22 16-60-03664 is Richard G. McFarland. The Respondent's
23 name for File No. 16-60-09663 is Geoffrey H. Reis.]

24 ***

25 MR. RUIZ:

1 Is there a motion to deny the Consent
2 Agreement for File No. 13-60-08412 as
3 being too lenient?

4 MR. MOHLER:

5 So moved.

6 MR. SHAFFER:

7 Second.

8 CHAIRMAN MURPHY:

9 Roll call.

10

11 David Tully, aye; George Mermon, aye;
12 Randall Derr, aye; Kirk Davis, aye; Neal
13 Hufford Jr., aye; Steve Fretz, aye; James
14 Minor, aye; William Mohler, aye; Donald
15 Stoy, aye; Robert Shaffer, aye; and Dan
16 Murphy, aye.

17 [The motion carried unanimously.]

18

19 Board Meeting Dates

20 [There was discussion regarding the 2019 Board meeting
21 calendar. It was suggested, starting January 8, 2019,
22 the Board hold its meetings every six weeks. The
23 following dates were noted: February 19, 2019; April
24 2, 2019; May 14, 2019; June 25, 2019; August 6, 2019;
25 September 17, 2019; October 29, 2019; December 10,

1 2019.]

2

3 Report of Board Counsel

4 [Juan Ruiz, Esquire, Board Counsel, noted two
5 hearings, two Final Adjudications and Orders, and
6 three Motions to Deem Facts Admitted for discussion
7 during Executive Session.

8 Mr. Ruiz indicated that oral argument was held
9 with regard to the appeal case of Eric C. Levengood.
10 The matter would be discussed further during Executive
11 Session.]

12

13 [A Formal Hearing was held from 10:11 a.m. until 10:24
14 a.m. in the matter of Commonwealth of Pennsylvania,
15 Bureau of Professional and Occupational Affairs vs.
16 Hanover Motor Sales, Inc., File No. 13-60-08412,
17 Docket No. 0715-60-17.]

18

19 [The Board recessed from 10:24 a.m. until 10:40 a.m.]

20

21 Approval of Minutes of the March 13, 2018 Draft
22 Minutes

23 [The Board discussed corrections to the Minutes.]

24 CHAIRMAN MURPHY:

25

Motion to approve the Minutes with

1 corrections.

2 MR. STOY:

3 So moved.

4 MR. SHAFFER:

5 Second.

6 CHAIRMAN MURPHY:

7 So moved and seconded. Roll call.

8

9 David Tully, aye; George Mermon, aye;

10 Randall Derr, aye; Kirk Davis, aye; Neal

11 Hufford Jr., aye; Steve Fretz, aye; James

12 Minor, aye; William Mohler, abstain;

13 Donald Stoy, aye; Robert Shaffer, aye;

14 and Dan Murphy, aye.

15 [The motion carried. Mr. Mohler abstained from voting
16 on the motion.]

17

18 Application Review - Criminal Conviction Applicants -
19 Informal Hearings

20 [The Applicant Review Committee made the following
21 recommendations with regard to the following Criminal
22 Conviction Applications: Glenn Twyman, no show; Hadi
23 Assi, no show; Ryan Lauer, approved with no
24 restrictions; Victor Gonzalez, approved with no
25 restrictions; Rabee Ramadan, approved with no

1 restrictions; Alfred Johnson, approved with one-year
2 probation; Dominic Cook, approved with no
3 restrictions; Nicholas Eckert, approved with no
4 restrictions; Sami Misja, approved concurrent with
5 criminal probation; Daryle Mousley, no show; Eric
6 Wong, approved with no restrictions; and David Cole,
7 no show.]

8 CHAIRMAN MURPHY:

9 Is there a motion to approve those
10 recommendations as final?

11 MR. DAVIS:

12 So moved.

13 MR. TULLY:

14 Second.

15 CHAIRMAN MURPHY:

16 Roll call.

17
18 David Tully, aye; George Mermon, aye;
19 Randall Derr, aye; Kirk Davis, aye; Neal
20 Hufford Jr., aye; Steve Fretz, aye; James
21 Minor, aye; William Mohler, aye; Donald
22 Stoy, aye; Robert Shaffer, aye; and Dan
23 Murphy, aye.

24 [The motion passed unanimously.]

25

1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
2 10:42 a.m. the Board entered into Executive Session
3 with Juan Ruiz, Esquire, Board Counsel, for the
4 purpose of conducting quasi-judicial deliberations and
5 to receive advice of Counsel on the matters of which
6 the Board is going to vote. The Board returned to
7 open session at 11:02 a.m.]

8 ***

9 [A Formal Hearing was held from 11:02 a.m. until 11:21
10 a.m. In the Matter of the Petition for Reinstatement
11 of the Vehicle Salesperson License of Sharif M. Aly,
12 File No. 18-60-01887, Docket No. 0688-60-18.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 11:21 a.m. the Board entered into Executive Session
16 with Juan Ruiz, Esquire, Board Counsel, for the
17 purpose of conducting quasi-judicial deliberations and
18 to receive advice of Counsel on the matters of which
19 the Board is going to vote. The Board returned to
20 open session at 11:34 a.m.]

21 ***

22 MOTIONS

23 MR. RUIZ:

24 The Board was just in Executive Session
25 conducting deliberations on the two

1 hearings that were held today prior to
2 Executive Session.

3 Is there a motion to approve the
4 Final Adjudication and Order for the case
5 of Commonwealth of Pennsylvania, Bureau
6 of Professional and Occupational Affairs
7 vs. David Coughlin and Car Connections
8 USA, Inc., File No. 15-60-07434 and 15-
9 60-07438 and the Final Adjudication and
10 Order for the case of Commonwealth of
11 Pennsylvania, Bureau of Professional and
12 Occupational Affairs vs. Creative Auto
13 Traders, Inc., File No. 13-60-06996,
14 Docket No. 2279-60-15.

15 MR. MERMON:

16 So moved.

17 MR. DAVIS:

18 Second.

19 CHAIRMAN MURPHY:

20 So moved and seconded. Roll call.

21

22 David Tully, aye; George Mermon, aye;
23 Randall Derr, aye; Kirk Davis, aye; Neal
24 Hufford Jr., aye; Steve Fretz, aye; James
25 Minor, aye; William Mohler, aye; Donald

1 Stoy, aye; Robert Shaffer, aye; and Dan
2 Murphy, aye.

3 [The motion carried unanimously.]

4 ***

5 MR. RUIZ:

6 Is there a motion to approve the Proposed
7 Adjudication and Order in the case of
8 Robert Augustitus, File No. 14-60-03543
9 and have Counsel address the Exceptions
10 that were filed?

11 MR. STOY:

12 So moved.

13 MR. SHAFFER:

14 Second.

15 CHAIRMAN MURPHY:

16 So moved and seconded. Roll call.

17
18 David Tully, aye; George Mermon, aye;
19 Randall Derr, aye; Kirk Davis, aye; Neal
20 Hufford Jr., aye; Steve Fretz, aye; James
21 Minor, aye; William Mohler, aye; Donald
22 Stoy, aye; Robert Shaffer, aye; and Dan
23 Murphy, aye.

24 [The motion carried unanimously.]

25 ***

1 MR. RUIZ:

2 Is there a motion to grant the following
3 Motions to Deem Facts Admitted in the
4 cases of Thomas Bailey, File No. 13-60-
5 11569; Kerry Freedman, File No. 16-60-
6 04201?

7 MR. TULLY:

8 So moved.

9 MR. MERMON:

10 Second.

11 CHAIRMAN MURPHY:

12 So moved and seconded. Roll call.

13

14 David Tully, aye; George Mermon, aye;
15 Randall Derr, aye; Kirk Davis, aye; Neal
16 Hufford Jr., aye; Steve Fretz, aye; James
17 Minor, aye; William Mohler, aye; Donald
18 Stoy, aye; Robert Shaffer, aye; and Dan
19 Murphy, aye.

20 [The motion carried unanimously.]

21

22 MR. RUIZ:

23 Is there a motion to deny the Motion to
24 Deem Facts Admitted in the case of
25 Jonathan Taylor, File No. 17-60-06835 for

1 lack of service?

2 MR. DAVIS:

3 So moved.

4 MR. DERR:

5 Second.

6 CHAIRMAN MURPHY:

7 So moved and seconded. Roll call.

8

9 David Tully, aye; George Mermon, aye;

10 Randall Derr, aye; Kirk Davis, aye; Neal

11 Hufford Jr., aye; Steve Fretz, aye; James

12 Minor, aye; William Mohler, aye; Donald

13 Stoy, aye; Robert Shaffer, aye; and Dan

14 Murphy, aye.

15 [The motion carried unanimously.]

16

17 MR. RUIZ:

18 Is there a motion to Grant Reinstatement

19 to Sharif Aly at File No. 18-60-01887?

20 MR. SHAFFER:

21 So moved.

22 MR. DAVIS:

23 Second.

24 CHAIRMAN MURPHY:

25 So moved and seconded. Roll call.

1

2

David Tully, aye; George Mermon, aye;

3

Randall Derr, aye; Kirk Davis, aye; Neal

4

Hufford Jr., aye; Steve Fretz, aye; James

5

Minor, aye; William Mohler, aye; Donald

6

Stoy, aye; Robert Shaffer, aye; and Dan

7

Murphy, aye.

8

[The motion carried unanimously.]

9

10 MR. RUIZ:

11

Is there a motion to direct Counsel to

12

draft an Adjudication and Order in the

13

case of Commonwealth of Pennsylvania,

14

Bureau of Professional Affairs vs.

15

Hanover Motor Sales, Inc., File No. 13-

16

60-08412 consistent with discussions in

17

Executive Session?

18 MR. MERMON:

19

So moved.

20 MR. SHAFFER:

21

Second.

22 CHAIRMAN MURPHY:

23

So moved and seconded. Roll call.

24

25

David Tully, aye; George Mermon, aye;

1 Randall Derr, aye; Kirk Davis, aye; Neal
2 Hufford Jr., aye; Steve Fretz, aye; James
3 Minor, aye; William Mohler, aye; Donald
4 Stoy, aye; Robert Shaffer, aye; and Dan
5 Murphy, aye.

6 [The motion carried unanimously.]

7 ***

8 [Ian J. Harlow, Commissioner of Professional and
9 Occupational Affairs, entered the meeting at
10 11:38 a.m.]

11 ***

12 Report of Commissioner

13 [Ian Harlow, Commissioner, Bureau of Professional and
14 Occupational Affairs, reported that the Pennsylvania
15 Automotive Association (PAA) contacted him regarding
16 processing times. Initial vehicles were six and a
17 half weeks, a change in reactivation were about seven
18 and a half weeks, and inactives were about ten weeks.
19 With regard to the dealers, initials and reactivations
20 were approximately four weeks, and change applications
21 were about three weeks. Commissioner Harlow noted the
22 hiring of three temporary employees and temporarily
23 reassigning four staff members to assist with the
24 backlog.

25 Commissioner Harlow stated that the Executive

1 Order will be completed for the May 25 deadline.

2 Mr. Minor questioned whether expenses were not
3 being paid due to the backlog. Ms. Cline explained
4 the process for approval for payment of expenses,
5 which has nothing to do with the application process.
6 Commissioner Harlow noted the delay to be six to eight
7 weeks for approval of expenses.]

8 ***

9 Adjournment

10 CHAIRMAN MURPHY:

11 If nobody has anything else, I think we
12 can adjourn. Is there a motion to
13 adjourn?

14 MR. MINOR:

15 I make a motion to adjourn.

16 [There was no second to the motion.]

17 ***

18 [There being no further business, the State Board of
19 Vehicle Manufacturers, Dealers, and Salespersons
20 Meeting adjourned at 11:42 a.m.]

21 ***

22

23

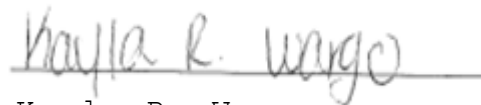
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CERTIFICATE

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 R. Wargo,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX
April 24, 2018

	TIME	AGENDA
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2		
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4		
5		
6		
7		
8	9:28	Official Call to Order/Roll Call
9		
10	9:29	Report of Prosecutorial Division
11		
12	9:45	Executive Session
13	10:03	Return to Open Session
14		
15	10:08	Report of Board Counsel
16		
17	10:11	Formal Hearing - Hanover Motor Sales,
18	10:24	Inc.
19		
20	10:24	Recess
21	10:40	Return to Open Session
22		
23	10:41	Application Review
24		
25	10:42	Executive Session
26	11:02	Return to Open Session
27		
28	11:02	Formal Hearing - Sharif M. Aly
29	11:20	
30		
31	11:21	Executive Session
32	11:34	Return to Open Session
33		
34	11:34	Motions
35		
36	11:38	Report of Commissioner
37		
38	11:42	Adjournment
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