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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 MEETING
CONDUCTED VIA TELECONFERENCE**

TIME: 9:00 A.M.

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

May 12, 2020

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 May 12, 2020
4
5

6 BOARD MEMBERS:
7

8 Dan G. Murphy III, Chairman
9 Kirk A. Davis, Secretary
10 K. Kalonji Johnson, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Randall Derr, Professional Member
13 Kyla R. Djannie, Deputy Attorney General, Consumer
14 Protection Representative, Office of Attorney
15 General - Absent
16 Steve T. Fretz, Professional Member
17 Neal L. Hufford Jr., Professional Member
18 Robert M. Shaffer, Department of Transportation
19 Representative
20 George F. Mermon, Professional Member
21 William M. Mohler, Professional Member
22 Donald J. Stoy, Public Member
23 Dale J. Yingst, Professional Member
24
25

26 BUREAU PERSONNEL:
27

28 C. William Fritz II, Esquire, Board Counsel
29 Monty Batson, Esquire, Board Prosecution
30 Liaison
31 Colby B. Widdowson, Esquire, Board Prosecutor Liaison
32 Heather McCarthy, Esquire, Senior Board Prosecutor
33 J. Karl Geschwindt, Esquire, Board Prosecutor
34 Garrett Rine, Esquire, Board Prosecutor
35 Janice Cline, Board Administrator
36
37 Theodore Stauffer, Executive Assistant, Bureau of
38 Professional and Occupational Affairs
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1 ***

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

4 May 12, 2020

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, May 12, 2020. Dan
9 G. Murphy III, Chairman, called the meeting to order
10 at 9:00 a.m.

11 ***

12 Approval of Minutes

13 Approval of minutes of the February 18, 2020 meeting

14 CHAIRMAN MURPHY:

15 Approval of the minutes?

16 MR. STOY:

17 So moved.

18 MR. MERMON:

19 Second.

20 CHAIRMAN MURPHY:

21 So moved and seconded.

22
23 Roll call.

24
25 George Mermon, aye; Neal Hufford, aye;

1 Steve Fretz, aye; William Mohler, aye;
2 Kirk Davis, aye; Donald Stoy, aye;
3 Robert Shaffer, aye; Dale Yingst, aye;
4 Randall Derr, aye; Dan Murphy, aye.

5 [The motion carried unanimously.]

6 ***

7 [Roll call was taken.]

8 ***

9 [The Board recessed from 9:05 a.m. until 9:14 a.m.]

10 ***

11 [Roll call was taken again.]

12 ***

13 Report of Prosecutorial Division

14 [J. Karl Geschwindt, Esquire, Board Prosecutor,
15 presented a Consent Agreement for File No. 19-60-
16 004648.]

17 ***

18 [Board Counsel, Board Prosecution, and others in
19 attendance were asked to identify themselves for the
20 record.]

21 ***

22 Report of Board Counsel

23 [Charles William Fritz, Esquire, Board Counsel,
24 referred Board members to the Status of Cases as of
25 March 20, 2020 for review. He noted there were

1 currently 77 open files, including 7 open protest
2 cases and 1 open active case.

3 Mr. Fritz discussed currently working on the fee
4 increase regulation and the out-of-state fee
5 regulations for dealers coming in for shows. He
6 stated formal hearings scheduled for this meeting
7 were rescheduled for August due to coronavirus.
8 Matters for discussion during Executive Session were
9 noted.]

10 ***

11 Application Review

12 Criminal Conviction Applicants - Informal Hearings

13 [The results of informal interviews were noted as
14 follows: Rose Theresa Samples, provisionally denied;
15 Alexis Andujar Candelario, approved no restrictions;
16 Donald Blake Morman, approved concurrent with
17 criminal probation; and Michael Vazquez, approved
18 with restrictions concurrent with parole.]

19 ***

20 Report of Board Chairman - No Report.

21 ***

22 Report of Acting Commissioner

23 [K. Kalonji Johnson, Acting Commissioner, Bureau of
24 Professional and Occupational Affairs, thanked Board
25 members for attending the meeting via teleconference

1 noting the challenges. He commented that members may
2 be meeting virtually at the next Board meeting and to
3 prepare accordingly. He answered questions from
4 Board members.]

5

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 9:28 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 and to receive advice of Counsel. The
11 Board returned to open session at 10:23 a.m.]

12

13 MOTIONS

14 MR. FRITZ:

15

16

17

The Board met in Executive Session and
conducted quasi-judicial deliberations
in the following matters:

18

19

20

The Board would entertain a motion
approving the Consent Agreement at Case
No. 19-60-004648.

21 MR. MERMON:

22

So moved.

23 MR. STOY:

24

Second.

25 CHAIRMAN MURPHY:

1 So moved and seconded.

2

3 George Mermon, aye; Kirk Davis, aye;
4 Randall Derr, aye; Neal Hufford, aye;
5 Yingst, aye; Steve Fretz, aye; William
6 Mohler, aye; Donald Stoy, aye; Robert
7 Shaffer, aye; Acting Commissioner
8 Johnson, aye; Dan Murphy, aye.

9 [The motion carried unanimously. The Respondent's
10 name is Benjamin Douglas Muchmore.]

11

12 MR. FRITZ:

13 The Board would entertain a motion
14 approving the following Adjudications
15 and Orders:

16 Commonwealth vs. Mikhail Bukh,
17 Case No. 18-60-011644; Commonwealth vs.
18 Hanover Motor Sales, Inc., Case No. 13-
19 60-08412; Commonwealth vs. Albert
20 Hippert, Sr. & Tylersburg Motors, LLC,
21 Case Nos. 17-60-013061 & 17-60-013071;
22 Commonwealth vs. Jean Pierre Larue,
23 Case No. 18-60-012010; Commonwealth vs.
24 Robert Luptak, Case No. 15-60-06519;
25 Commonwealth vs. Justin Shanley, Case

1 No. 16-60 04371; Commonwealth vs.
2 Patrick Davis, Case No. 19-60-005022;
3 Commonwealth vs. Elmwood Auto Sales,
4 Inc., Case No. 16-60-00290;
5 Commonwealth vs. Tommy Lee Horner, Case
6 No. 19-60-12559; Commonwealth vs.
7 Chukwuduben Okafor, Case No. 19-60-
8 011489; and Commonwealth vs. Mark
9 Slagle, Case No. 19-60-007346.

10 MR. MERMON:

11 So moved.

12 MR. STOY:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded.

16

17 Roll call.

18

19 George Mermon, aye; Kirk Davis, aye;
20 Randall Derr, aye; Neal Hufford, aye;
21 Yingst, aye; Steve Fretz, aye; William
22 Mohler, aye; Donald Stoy, aye; Robert
23 Shaffer, aye; Acting Commissioner
24 Johnson, aye; Dan Murphy, aye.

25 [The motion carried unanimously.]

1 ***

2 MR. FRITZ:

3 The Board would entertain a motion to
4 adopt the Proposed Adjudication and
5 Order in the matter of Commonwealth vs.
6 Denise Dreyer, Case No. 19-60-006686.

7 MR. MERMON:

8 So moved.

9 MR. STOY:

10 Second.

11 CHAIRMAN MURPHY:

12 So moved and seconded.

13
14 Roll call.

15
16 George Mermon, aye; Kirk Davis, aye;
17 Randall Derr, aye; Neal Hufford, aye;
18 Yingst, aye; Steve Fretz, aye; William
19 Mohler, aye; Donald Stoy, aye; Robert
20 Shaffer, aye; Acting Commissioner
21 Johnson, aye; Dan Murphy, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion

1 directing Board Counsel to draft a
2 Final Adjudication and Order in the
3 matter of Commonwealth vs. Jason
4 Layton, Case No. 14-60-13310

5 MR. DAVIS:

6 So moved.

7 MR. MERMON:

8 Second.

9 CHAIRMAN MURPHY:

10 So moved and seconded.

11

12 Roll call.

13

14 George Mermon, aye; Kirk Davis, aye;
15 Randall Derr, recused; Neal Hufford,
16 aye; Yingst, aye; Steve Fretz, aye;
17 William Mohler, aye; Donald Stoy, aye;
18 Robert Shaffer, recused; Acting
19 Commissioner Johnson, aye; Dan Murphy,
20 aye.

21 [The motion carried. Mr. Derr and Mr. Shaffer
22 recused from deliberations and voting on the motion.]

23

24 MR. FRITZ:

25 The Board would entertain a motion to

1 adopt the Proposed Adjudication and
2 Order in the matter of Commonwealth vs.
3 Robert Rothermel, Case No. 15-60-09074.

4 MR. MERMON:

5 So moved.

6 MR. DAVIS:

7 Second.

8 CHAIRMAN MURPHY:

9 So moved and seconded.

10

11 Roll call.

12

13 George Mermon, aye; Kirk Davis, aye;
14 Randall Derr, aye; Neal Hufford, aye;
15 Yingst, aye; Steve Fretz, aye; William
16 Mohler, aye; Donald Stoy, aye; Robert
17 Shaffer, aye; Acting Commissioner
18 Johnson, aye; Dan Murphy, aye.

19 [The motion carried unanimously.]

20

21 MR. FRITZ:

22 The Board would entertain a motion to
23 grant the following Motions to Deem
24 Facts Admitted and direct Board Counsel
25 to draft an Adjudication and Order in

1 the matters of Commonwealth vs. Barry
2 Clapper ton, Case No. 19-60-009145;
3 Commonwealth vs. Juan Antonio Gumbs,
4 Case No. 19-60-007555; Commonwealth vs.
5 Jason Waite, Case No. 16-60-00288;
6 Commonwealth vs. Francis Benditt, III,
7 Case No. 19-60-007070; Commonwealth vs.
8 Keith Colebank, Case No. 19-60-005787;
9 and Commonwealth vs. Mark Nelson, Case
10 No. 17-60-06980.

11 MR. DAVIS:

12 So moved.

13 MR. STOY:

14 Second.

15 CHAIRMAN MURPHY:

16 So moved and seconded.

17

18 Roll call.

19

20 George Mermon, aye; Kirk Davis, aye;
21 Randall Derr, aye; Neal Hufford, aye;
22 Yingst, aye; Steve Fretz, aye; William
23 Mohler, opposed; Donald Stoy, aye;
24 Robert Shaffer, aye; Acting
25 Commissioner Johnson, aye; Dan Murphy,

1 aye.

2 [The motion carried. Mr. Mohler opposed the motion.]

3 ***

4 MR. DAVIS:

5 The Board would entertain a motion
6 denying the application for Rose Theresa
7 Samples; to approve the application of
8 Alexis Andujar Candelario; to approve
9 the application concurrent with criminal
10 probation of Donald Morman; and to
11 approve the application concurrent with
12 parole for Michael Vazquez.

13 MR. SHAFFER:

14 So moved.

15 MR. DERR:

16 Second.

17 CHAIRMAN MURPHY:

18 So moved and seconded.

19

20 Roll call.

21

22 George Mermon, aye; Kirk Davis, aye;
23 Randall Derr, aye; Neal Hufford, aye;
24 Yingst, aye; Steve Fretz, aye; William
25 Mohler, opposed; Donald Stoy, aye;

1 Robert Shaffer, aye; Acting
2 Commissioner Johnson, aye; Dan Murphy,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 Report of Board Administrator

7 Board Meeting Dates

8 [Janice Cline, Board Administrator, noted the Board
9 meeting dates were previously approved for 2021.

10 There was discussion regarding a change to the
11 meeting date in May 2021.]

12 ***

13 Adjournment

14 [The State Board of Vehicle Manufacturers, Dealers,
15 and Salespersons Meeting adjourned at 10:35 a.m.]

16 ***

17 [The next Board meeting is scheduled for June 23,
18 2020.]

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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.



Sarah LaMaster,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS
REFERENCE INDEX
May 12, 2020

	TIME	AGENDA
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6		
7	TIME	AGENDA
8		
9	9:00	Official Call to Order
10		
11	9:01	Approval of Minutes
12		
13	9:01	Roll Call
14		
15	9:05	Recess
16	9:14	Return to Open Session
17		
18	9:14	Roll Call
19		
20	9:15	Report of Prosecutorial Division
21		
22	9:16	Introductions
23		
24	9:17	Report of Board Counsel
25		
26	9:22	Application Review
27		
28	9:24	Report of Acting Commissioner
29		
30	9:28	Executive Session
31	10:23	Return to Open Session
32		
33	10:23	Motions
34		
35	10:33	Report of Board Administrator
36		
37	10:35	Adjournment
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