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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
CONDUCTED VIA VIDEOCONFERENCE**

TIME: 9:10 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

June 24, 2020

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

3
4 June 24, 2020

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7 BOARD MEMBERS:

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

27
28
29 BUREAU PERSONNEL:

30
31 C. William Fritz II, Esquire, Board Counsel
32 Monty J. Batson, Esquire, Board Prosecution Liaison
33 Colby B. Widdowson, Esquire, Board Prosecution Liaison
34 Dean F. Picarella, Esquire, Board Counsel
35 Heather J. McCarthy, Esquire, Board Prosecutor
36 Garrett A. Rine, Esquire, Board Prosecutor
37 Janice Cline, Board Administrator
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1 ***

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

4 June 24, 2020

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Wednesday, June 24, 2020.
9 Dan G. Murphy III, Chairman, called the meeting to
10 order at 9:10 a.m. Roll call was taken.

11 ***

12 Approval of minutes of the May 12, 2020 meeting

13 CHAIRMAN MURPHY:

14 Approval of the minutes?

15 MR. DAVIS:

16 So moved.

17 MR. STOY:

18 Second.

19 CHAIRMAN MURPHY:

20 So moved and seconded.

21
22 Roll call.

23
24 Kyla Djannie, aye; George Mermon, aye;

25 Kirk Davis, aye; Dale Yingst, aye;

1 Donald Stoy, aye; Dan Murphy, aye.

2 [The motion carried unanimously.]

3 ***

4 Report of Prosecutorial Division

5 [Colby B. Widdowson, Esquire, Board Prosecution
6 Liaison, requested Board prosecution introduce
7 themselves.]

8 ***

9 [Garrett A. Rine, Esquire, Board Prosecutor, presented
10 the Consent Agreement for Case No. 20-60-002952.]

11 ***

12 Report of Board Counsel

13 [C. William Fritz II, Esquire, Board Counsel, noted
14 the status of cases for the Board's review. He stated
15 there would be no in-person hearings due to COVID-19.
16 He mentioned two hearings scheduled for the next Board
17 meeting and was hopeful things would change by then.

18 Mr. Fritz noted working on policies and
19 procedures for reinstating hearings if COVID-19 does
20 go on longer. He commented that the first type of
21 hearings would be reinstatements for applications and
22 for application denials, where somebody appeals.

23 Mr. Fritz announced the case of CW Cars of
24 Shamokin, LLC dba Chevrolet Buick of Shamokin v.
25 General Motors, LLC had been dismissed.

1 Mr. Fritz informed the Board that Transteck Inc.
2 dba Freightliner of Harrisburg v. Daimler Trucks of
3 North American, LLC (Freightliner Trucks Division) was
4 the only other active protest but would not be on for
5 a while.

6 Mr. Fritz noted the fee increase regulation was
7 in progress and sent to regulatory counsel. He also
8 stated the out-of-state RV dealer registration fee was
9 also moved forward and would update the Board of any
10 feedback.

11 Mr. Fritz noted two adjudications and orders and
12 one proposed adjudication and orders for discussion
13 during executive session.

14 Mr. Fritz requested members of the Probable Cause
15 Screening Committee, Mr. Stoy or Mr. Shaffer, notify
16 him when they have contact with prosecution concerning
17 matters as a member of the Probable Cause Screening
18 Committee. He explained that any member of the
19 Probable Cause Screening Committee who receives
20 information from prosecution and makes a decision on
21 those matters would be recused from later discussions
22 that come before the Board for discipline.]

23

24 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
25 9:24 a.m. the Board entered into Executive Session

1 with C. William Fritz II, Esquire, Board Counsel, for
2 the purpose of conducting quasi-judicial deliberations
3 and to receive advice of Counsel. The Board returned
4 to open session at 9:56 a.m.]

5 ***

6 MOTIONS

7 MR. FRITZ:

8 The Board met in executive session and
9 conducted quasi-judicial deliberations
10 in the following matter:

11 The Board would entertain a motion
12 to approve the Consent Agreement at Case
13 No. 20-60-002952.

14 MR. DAVIS:

15 So moved.

16 MR. STOY

17 Second.

18 CHAIRMAN MURPHY:

19 So moved and seconded.

20

21 Roll call.

22

23 Kyla Djannie, aye; George Mermon, aye;
24 Randall Derr, aye; Kirk Davis, aye; Dale
25 Yingst, aye; Donald Stoy, aye; Dan

1 Murphy, aye.

2 If you say aye, raise your hand.

3 Count nine.

4 [The motion carried unanimously. The Respondent's
5 name is Joe V. Sullenberger.]

6 ***

7 MR. FRITZ:

8 I entertain a motion to approve the
9 following Adjudications and Orders:
10 Barry P. Clapperton, Case No. 19-60-
11 009145; Commonwealth v. Juan Antonio
12 Gumbs, Case No. 19-60-007555.

13 MR. STOY:

14 So moved.

15 MR. DAVIS:

16 Second.

17 CHAIRMAN MURPHY:

18 So moved and seconded.

19

20 Roll call.

21

22 Kyla Djannie, aye; George Mermon, aye;
23 Randall Derr, aye; Kirk Davis, aye; Dale
24 Yingst, aye; Donald Stoy, aye; Dan
25 Murphy, aye.

1 MR. FRITZ:

2 Mr. Mohler, are you okay with the two
3 adjudications and orders?

4 [The motion carried unanimously.]

5 ***

6 MR. FRITZ:

7 The Board would entertain a motion to
8 adopt the proposed adjudication and
9 order for Javid a. Mohmand, Case No. 16-
10 60-04879.

11 MR. MERMON:

12 So moved.

13 CHAIRMAN MURPHY:

14 Somebody want to second it?

15 MR. DERR:

16 Second.

17 CHAIRMAN MURPHY:

18 So moved and seconded.

19

20 Roll call.

21

22 Kyla Djannie, aye; George Mermon, aye;
23 Randall Derr, aye; Kirk Davis, aye; Dale
24 Yingst, aye; Donald Stoy, aye; William
25 Mohler, aye; Dan Murphy, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion to
5 approve the application of Orlando
6 Michael Valentin.

7 MR. MERMON:

8 So moved.

9 MR. DAVIS:

10 Second.

11 CHAIRMAN MURPHY:

12 So moved and seconded.

13

14 Roll call.

15

16 Kyla Djannie, aye; George Mermon, aye;
17 Randall Derr, aye; Kirk Davis, aye; Dale
18 Yingst, aye; Steve Fretz, aye; Donald
19 Stoy, aye; William Mohler, aye.

20 [The motion carried unanimously.]

21 ***

22 MR. FRITZ:

23 The Board would entertain a motion to
24 approve the application subject to
25 probation current with criminal

1 probation of Tawny Kay Butler.

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 Kyla Djannie, aye; George Mermon, aye;
12 Randall Derr, aye; Kirk Davis, aye; Dale
13 Yingst, aye; Steve Fretz, aye; William
14 Mohler, aye; Murphy, aye.

15 [The motion carried unanimously.]

16

17 MR. FRITZ:

18 The other applications for Timothy
19 Randolph Obarr and Erica L. Falcon are
20 going to tabled because they did not
21 show for their informal conference. We
22 were unable to get ahold of them. The
23 Board administrator will send a letter
24 to those two applicants to see if they
25 wish to reschedule their application

1 interview.

2 ***

3 Report of Board Chairman

4 [Dan G. Murphy III, Chairman, congratulated
5 Commissioner Johnson on his permanent appointment.]

6 ***

7 Report of Commissioner - No Report

8 ***

9 Report of Board Administrator - No Report

10 ***

11 [C. William Fritz II, Esquire, Board Counsel, noted
12 the remaining Board meeting dates for 2020 and 2021.
13 He requested Board members inform Ms. Cline of any
14 conflicts to avoid quorum issues.]

15 ***

16 Adjournment

17 CHAIRMAN MURPHY:

18 Motion to adjourn?

19 MR. DAVIS:

20 Second.

21 CHAIRMAN MURPHY:

22 We are adjourned.

23 [The motion carried unanimously.]

24 ***

25 [The State Board of Vehicle Manufacturers, Dealers,

1 and Salespersons Meeting adjourned at 10:04 a.m.]

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CERTIFICATE

7

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

15

16



17

18

Sarah LaMaster,

19

Minute Clerk

20

Sargent's Court Reporting

21

Service, Inc.

22

23

24

25

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS, AND SALESPERSONS
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TIME	AGENDA
9:10	Official Call to Order
9:11	Roll Call
9:12	Approval of Minutes
9:14	Report of Prosecutorial Division
9:16	Report of Board Counsel
9:24	Executive Session
9:56	Return to Open Session
9:56	Motions
10:03	Report of Board Chairman
10:04	Adjournment