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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: 9:30 A.M.

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

June 25, 2019

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 June 25, 2019
4
5

6 BOARD MEMBERS:
7

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

26
27 BUREAU PERSONNEL:
28

29 Juan A. Ruiz, Esquire, Board Counsel
30 Shana M. Walter, Esquire, Board Counsel
31 Monty J. Batson, Esquire, Board Prosecution Liaison
32 Angela B. Lucci, Esquire, Board Prosecutor
33 Glenn P. Masser, Esquire, Board Prosecutor
34 Colby B. Widdowson, Esquire, Board Prosecutor
35 Janice Cline, Board Administrator
36

37
38 ALSO PRESENT:
39

40 Barbara A. Darkes, Esquire, McNees Wallace
41 & Nurick LLC
42 Andrew J. Katsock III, Esquire
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1 ***

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

4 June 25, 2019

5 ***

6 The regularly scheduled meeting of the State
7 Board of Vehicle Manufacturers, Dealers, and
8 Salespersons was held on Tuesday, June 25, 2019. Dan
9 G. Murphy III, Chairman, called the meeting to order
10 at 9:30 a.m.

11 The Pledge of Allegiance was recited. Roll call
12 was taken.

13 ***

14 Approval of minutes of the May 14, 2019 meeting

15 CHAIRMAN MURPHY:

16 Approval of the minutes?

17 MR. SHAFFER:

18 So moved.

19 MR. DAVIS:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24 Roll call.

25

1 Zachery Everidge, aye; George Mermon,
2 aye; Kirk Davis, aye; Neal Hufford Jr.,
3 aye; Donald Stoy, abstain; Robert
4 Shaffer, aye; Ted Stauffer, abstain; Dan
5 Murphy, aye.

6 [The motion carried. Donald Stoy and Ted Stauffer
7 abstained from voting on the motion.]

8 ***

9 [Theodore Stauffer, Legal Assistant/Executive
10 Secretary, Bureau of Professional and Occupational
11 Affairs, introduced himself to the Board.]

12 ***

13 Report of Prosecutorial Division

14 [Colby B. Widdowson, Esquire, presented the Consent
15 Agreement for File No. 17-60-02764.]

16 ***

17 [Glenn P. Masser, Esquire, Board Prosecutor, presented
18 the Consent Agreements for File No. 17-60-07959, File
19 No. 16-60-12030, and File No. 16-60-10367.]

20 ***

21 [Angela B. Lucci, Esquire, Board Prosecutor, presented
22 the Consent Agreement for File No. 15-60-05411.

23 Barbara A. Darkes, Esquire, McNees Wallace &
24 Nurick, was present for the discussion.]

25 ***

1 Report of Board Counsel

2 [Juan A. Ruiz, Esquire, Board Counsel, noted a hearing
3 scheduled for 10:00 a.m. He also noted 11 final
4 Adjudications and Orders, 3 proposed Adjudications and
5 Orders, 7 Motions to Enter Default and Deem Facts
6 Admitted, and 2 citation appeals for discussion during
7 Executive Session.

8 Mr. Ruiz provided information regarding House
9 Bill 1443 for the Board's information. He stated the
10 bill had been introduced and would allow Sunday sales,
11 but there had not been any movement.

12 Chairman Murphy commented that the same person
13 brings that up every year in the House or Senate and
14 goes nowhere every year, because it has been proven
15 that sales do not increase by being open Sunday in
16 states that have tried.]

17

18 Application Review - Informal Conferences

19 [The Applicant Review Committee made the following
20 recommendations regarding the following Criminal
21 Conviction Applications: Erin Ketterman, no show;
22 Felipe Santiago II, approved; Joseph Valentin Rosario,
23 approved; Jose Nunez, no show; Christopher James
24 DiPaola, approved with no restrictions; Bobby L.
25 Turner II, no show; Chad Jason Numbers, approved on

1 the dealership concurrent with probation; Scott J.
2 Ferrozzo, no show; Raymond Richard Thomas Jr.,
3 approved with one-year probation; Joseph Pierre
4 Robinson, denied.]

5 ***

6 MR. RUIZ:

7 Is there a vote to approve the
8 recommendations from the informal
9 conferences?

10 MR. SHAFFER:

11 So moved.

12 MR. MERMON:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded.

16

17 Roll call.

18 Zachery Everidge, aye; George Mermon,
19 aye; Kirk Davis, aye; Neal Hufford Jr.,
20 aye; Donald Stoy, aye; Robert Shaffer,
21 aye; Ted Stauffer, aye; Dan Murphy, aye.

22 [The motion carried unanimously.]

23 ***

24 Report of Board Chairman - No Report

25 ***

1 Report of Acting Commissioner - No Report

2 ***

3 Report of Board Administrator

4 [Janice Cline, Board Administrator, stated the
5 renewals were almost complete. She commented on many
6 calls regarding the Pennsylvania Licensing System
7 (PALS) not accepting credit cards and identification.]

8 ***

9 [The Board recessed from 9:47 a.m. until 9:52 a.m.]

10 ***

11 Report of Prosecutorial Division (Continued)

12 [Colby B. Widdowson, Esquire, presented the Consent
13 Agreement for File No. 18-60-011816.]

14 ***

15 [The Board recessed from 9:53 a.m. until 10:01 a.m.]

16 ***

17 [A Formal Hearing was held from 10:01 a.m. until
18 10:04 a.m. in the matter of the Commonwealth of
19 Pennsylvania vs. Hanover Motor Sales, Inc., Case No.
20 13-60-08412.]

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 10:04 a.m. the Board entered into Executive Session
24 with Juan A. Ruiz, Esquire, Board Counsel, and Shana
25 M. Walter, Esquire, Board Counsel, for the purpose of

1 conducting quasi-judicial deliberations and to receive
2 advice of Counsel. The Board returned to open session
3 at 11:03 a.m.]

4 ***

5 MOTIONS

6 MR. RUIZ:

7 The Board was just in Executive Session
8 conducting quasi-judicial deliberations
9 on a number of matters currently pending
10 before the Board.

11 Is there a motion to approve the
12 Consent Agreements at File No. 17-60-
13 07959, File No. 16-60-12030, File No.
14 16-60-10367, File No. 17-60-02764, File
15 No. 18-60-011816, and File No. 156-
16 05411?

17 MR. STOY:

18 So moved.

19 MR. MERMON:

20 Second.

21 CHAIRMAN MURPHY:

22 So moved and seconded.

23

24 Roll call.

25 Zachery Everidge, aye; George Mermon,

1 aye; Kirk Davis, aye; Neal Hufford Jr.,
2 aye; Donald Stoy, aye; Robert Shaffer,
3 aye; Ted Stauffer, aye; Dan Murphy, aye.
4 [The motion carried unanimously. The Respondent's
5 name for File No. 17-60-07959 is Vladislav Feldman;
6 File No. 16-60-12030, Car Expo US Inc; File No. 16-60-
7 10367, Morales Auto Sales; File No. 17-60-02764, Budd
8 Baer Inc.; File No. 18-60-011816, Heather I. Snyder;
9 and File No. 15-60-05411, Dwight B. Rine t/d/b/a Rines
10 Auto Sales.]

11

12 MR. RUIZ:

13 Is there a motion to approve the
14 following final Adjudications and
15 Orders: Heather Lyn Wolters, Case No.
16 15-60-12771; Mark Romanowski t/d/b/a
17 Back Mountain Motors, Case No. 16-60-
18 04884; David A. Roller Jr., Case No. 16-
19 60-03754; Kurt B. Eichert, Case No. 16-
20 60-08309; Mena A. Dous, Case No. 16-60-
21 02920; Grigori V. Abalov, Case No. 16-
22 60-04044; Kerry L. Freedman, Case No.
23 16-60-04201; Hugh C. Daley, Case No. 17-
24 60-12135; Dee M. George, Case No. 17-60-
25 12256; Jason M. Walters, Case No. 15-60-

1 01291; Autotrader LLC, Case No. 15-60-
2 01678?

3 MR. STOY:

4 So moved.

5 MR. DAVIS:

6 Second.

7 CHAIRMAN MURPHY:

8 Roll call.

9

10 Zachery Everidge, aye; George Mermon,
11 aye; Kirk Davis, aye; Neal Hufford Jr.,
12 aye; Donald Stoy, aye; Robert Shaffer,
13 aye; Ted Stauffer, aye; Dan Murphy, aye.

14 [The motion carried unanimously.]

15

16 MR. RUIZ:

17 Is there a motion to approve the
18 proposed Adjudications and Orders as the
19 Board's final orders in the case of
20 Christopher M. Farbo, File No. 16-60-
21 05541; Mohammad Y. Hashamy, File No. 13-
22 60-00123; and David Zaniewski, Case No.
23 17-60-13272?

24 MR. SHAFFER:

25 So moved.

1 MR. DAVIS:

2 Second.

3 CHAIRMAN MURPHY:

4 So moved and seconded.

5

6 Roll call.

7 Zachery Everidge, aye; George Mermon,
8 aye; Kirk Davis, aye; Neal Hufford Jr.,
9 aye; Donald Stoy, aye; Robert Shaffer,
10 aye; Ted Stauffer, aye; Dan Murphy, aye.

11 [The motion carried unanimously.]

12

13 MR. RUIZ:

14 Is there a motion to grant the Motions
15 to Deem Facts Admitted in the cases of
16 Julian S. Carabello, File No. 15-60-
17 10869; Chestnuthill Powersports, File
18 No. 15-60-08233; Keith R. Smith, File
19 No. 16-60-14566; Valley Auto Sales, File
20 No. 15-60-02130; Zators Auto Sales, File
21 No. 16-60-07071; Cyrus R. Scott Jr.,
22 File No. 17-60-09803; and Douglas
23 McArthur, File No. 15-60-02931?

24 MR. MERMON:

25 So moved.

1 MR. DAVIS:

2 Second.

3 CHAIRMAN MURPHY:

4 So moved and seconded.

5

6 Roll call.

7 Zachery Everidge, aye; George Mermon,

8 aye; Kirk Davis, aye; Neal Hufford Jr.,

9 aye; Donald Stoy, aye; Robert Shaffer,

10 aye; Ted Stauffer, aye; Dan Murphy, aye.

11 [The motion carried unanimously.]

12

13 MR. RUIZ:

14 Is there a motion to dismiss the
15 citation appeals in the cases of Richard
16 B. Mersky, File No. 17-60-09506 and
17 Toyota Scion of Scranton at File No. 16-
18 60-13394?

19 MR. STOY:

20 So moved.

21 MR. MERMON:

22 Second.

23 CHAIRMAN MURPHY:

24 So moved and seconded.

25

1 Roll call.
2 Zachery Everidge, aye; George Mermon,
3 aye; Kirk Davis, aye; Neal Hufford Jr.,
4 aye; Donald Stoy, aye; Robert Shaffer,
5 aye; Ted Stauffer, aye; Dan Murphy, aye.

6 [The motion carried unanimously.]

7 ***

8 Report of Board Counsel (Continued)

9 [Juan A. Ruiz, Esquire, Board Counsel, again referred
10 to House Bill 1443, noting that the Board would not be
11 in favor of this bill that would allow for Sunday
12 sales of vehicles.

13 Mr. Ruiz reminded the Board when speaking to
14 individuals of the legislature that members can speak
15 on their own individual capacity but cannot represent
16 the Board's position in public.]

17 ***

18 [The Board recessed from 11:09 a.m. until 11:18 a.m.]

19 ***

20 Report of Prosecutorial Division

21 [Monty J. Batson, Esquire, Board Prosecutor, presented
22 the Consent Agreement for Case No. 13-60-08412.

23 Andrew J. Katsock III, Esquire, was present and
24 participated in the discussion.]

25 ***

1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
2 11:24 a.m. the Board entered into Executive Session
3 with Juan A. Ruiz, Esquire, Board Counsel, and Shana
4 M. Walter, Esquire, Board Counsel, for the purpose of
5 conducting quasi-judicial deliberations and to receive
6 advice of Counsel. The Board returned to open session
7 at 11:34 a.m.]

8

9 MOTION

10 MR. RUIZ:

11 The Board was just in Executive Session
12 conducting deliberations on a consent
13 agreement that was just presented prior
14 to the Executive Session.

15 Is there a motion to deny the
16 Consent Agreement at Case No. 13-60-
17 08412 as being too lenient?

18 MR. STOY:

19 So moved.

20 MR. DAVIS:

21 Second.

22 CHAIRMAN MURPHY:

23 So moved and seconded.

24

25 Roll call.

1 Zachery Everidge, aye; George Mermon,
2 aye; Kirk Davis, aye; Neal Hufford Jr.,
3 aye; Donald Stoy, aye; Robert Shaffer,
4 aye; Ted Stauffer, aye; Dan Murphy, aye.

5 [The motion carried unanimously.]

6 ***

7 Adjournment

8 CHAIRMAN MURPHY:

9 Motion to adjourn.

10 MR. STOY:

11 So moved.

12 CHAIRMAN MURPHY:

13 Adjourned.

14 ***

15 [The State Board of Vehicle Manufacturers, Dealers,
16 and Salespersons Meeting adjourned at 11:34 a.m.]

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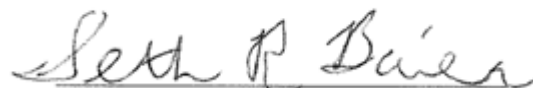
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CERTIFICATE

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

June 25, 2019

	TIME	AGENDA
1		
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8		
9		
10	9:30	Official Call to Order
11		
12	9:30	Pledge of Allegiance
13		
14	9:31	Roll Call
15		
16	9:31	Approval of Minutes
17		
18	9:31	Report of Prosecutorial Division
19		
20	9:40	Report of Board Counsel
21		
22	9:47	Recess
23	9:52	Return to Open Session
24		
25	9:52	Report of Prosecutorial Division (cont.)
26		
27	9:53	Recess
28	10:01	Return to Open Session
29		
30	10:00	Formal Hearing - Hanover Motor Sales, Inc.
31		
32		
33	10:04	Executive Session
34	11:03	Return to Open Session
35		
36	11:03	Motions
37		
38	11:08	Report of Board Counsel (cont.)
39		
40	11:09	Recess
41	11:18	Return to Open Session
42		
43	11:19	Report of Prosecutorial Division (cont.)
44		
45	11:24	Executive Session
46	11:34	Return to Open Session
47		
48	11:34	Motion
49		
50	11:34	Adjournment