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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: 9:35 A.M.

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

October 29, 2019

1 State Board of Vehicle Manufacturers,
2 Dealers and Salespersons
3 October 29, 2019
4

5 BOARD MEMBERS:
6

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

24 BUREAU PERSONNEL:
25

26 Charles Fritz, Esquire, Board Counsel
27 Amanda N. Wojciechowski, Esquire Board Prosecution
28 Liaison
29 Colby Widdowson, Esquire, Board Prosecutor
30 Steven Mimm, Esquire, Board Prosecutor
31 Tara Wikhian, Esquire, Board Prosecutor
32 J. Karl Geschwindt, Esquire, Board Prosecutor
33 James Ostman, Esquire, Board Prosecutor
34 Janice Cline, Board Administrator
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State Board of Vehicle Manufacturers,
Dealers and Salespersons
October 29, 2019
(Continued)

ALSO PRESENT:

- Craig A. Davis, Respondent
- Charles Brooking
- Donald G. Meuzio
- Kara Davis
- Robert Brown, Respondent
- Jack Bernard, Esquire, Counsel for Respondent
- Mark Dinger
- Maurice Furtick
- Uniquee Bryant
- Christopher Brousseau
- Jeremy Raines
- Christopher Walters
- William Flemsto
- Kyle Geesuman
- Jamie Robinson

1 ***

2 State Board of Vehicle Manufacturers,

3 Dealers and Salespersons

4 October 29, 2019

5 ***

6 The regularly scheduled meeting of the State Board
7 of Vehicle Manufacturers, Dealers, and Salespersons
8 was held on Thursday, October 29, 2019. Dan G. Murphy
9 III, Chairman, called the meeting to order at 9:35
10 a.m.

11 The Pledge of Allegiance was recited. Chairman
12 Murphy welcomed Randall Derr to the Board. He also
13 recognized the appointment of Dale J. Yingst to the
14 Board, who was unable to attend this meeting. Roll
15 call was taken.

16 ***

17 Approval of Minutes of September 17, 2019 meeting.

18 CHAIRMAN MURPHY:

19 Approval of the minutes?

20 MR. STOY:

21 So moved.

22 MR. HUFFORD:

23 Second.

24 CHAIRMAN MURPHY:

25 So moved and seconded. Roll call.

1 Kyla Djannie, abstain; George Mermon,
2 aye; Randall Derr, abstain; Neal Hufford,
3 Jr., aye; William Mohler, aye; Donald J.
4 Stoy, aye; Robert Shaffer, aye; Katelin
5 Lambert, aye; and Dan Murphy, aye.

6 {The motion carried. Kyla Djannie and Randall Derr
7 abstained from voting on the motion.]

8 ***

9 Report of Prosecutorial Division

10 [Colby Widdowson, Board Prosecutor, presented the
11 Consent Agreement for File No. 19-60-008362 and File
12 No. 15-60-09865.]

13 ***

14 [Steven Mimm, Esquire, Board Prosecutor presented the
15 Consent Agreement for File No. 14-60-080857.]

16 ***

17 [Tara Wikhian, Esquire, Board Prosecutor, presented
18 Consent Agreements for File No. 19-60-009537.]

19 ***

20 [Amanda Wojciechowski, Esquire, Board Prosecution
21 Liaison, presented the Consent Agreements for File No.
22 19-60-008934 and File No. 15-60-08238.]

23 ***

24 [J. Karl Geschwindt, Esquire, Board Prosecutor,
25 presented the Consent Agreement for File No. 19-60-

1 004139 and File No. 19-60-006815.]

2 ***

3 Report of Board Counsel

4 [Charles Fritz, Esquire, Board Counsel, noted two
5 hearings scheduled for later in the meeting, as well
6 as the continuance of one hearing until the January
7 Board meeting. He also noted six final Adjudication
8 and Orders and six Motions to Deem Facts Admitted for
9 discussion during Executive Session.

10 Mr. Fritz provided information to the Board on the
11 Pennsylvania Justice Network (JNET), where the
12 prosecutorial division receives alerts when licensees
13 are charged with a crime.]

14 ***

15 Miscellaneous

16 [Dan G. Murphy III, Chairman, noted a Memorandum
17 regarding Clean Slate Requirements (HB 1419). Mr.
18 Fritz explained HB 1419 allows for the automatic
19 record sealing of certain low-level criminal records.
20 He will obtain additional information on the bill in
21 order to determine its impact on this Board and report
22 back to the Board. Mr. Fritz provided scenarios where
23 the bill will protect the Board's staff in conducting
24 background checks.

25 Katelin Lambert, Deputy Commissioner, explained

1 that operationally the Bureaus has made adjustments in
2 its systems. Sealed records will not show up on the
3 Pennsylvania background checks, but may on the FBI
4 background checks.

5 Mr. Fritz explained the Clean Slate Requirements
6 will make it easier for applicants with low-level
7 crime charges to obtain licenses.]

8 ***

9 Report of Board Chairman

10 [Dan G. Murphy III, Chairman, noted the receipt of an
11 email from a dealer regarding a market rep. He
12 advised all Board member to forward such emails to
13 Board Counsel. Mr. Fritz reiterated that any
14 complaints received by a Board member should be
15 directed to Board Counsel.

16 Mr. Murphy noted the new security for the Penn
17 Center Complex. He also noted a change to be
18 implemented with the Board's online dashboard. Ms.
19 Lambert discussed the planned rollout of the system in
20 the next calendar year for all Boards. The dashboards
21 for the Cosmetology, Nursing, and Osteopathic Medicine
22 Boards include links for Guides and Timelines for the
23 application process for the Board.

24 Mr. Murphy inquired as to any updated licensing
25 comparison reports from St. Francis University. Ms.

1 Lambert will follow up to obtain the status on the
2 University's report.]

3 ***

4 Report of Commissioner

5 [Katelin Lambert, Deputy Commissioner, Bureau of
6 Professional and Occupational Affairs, provided
7 additional information regarding the new security at
8 the Penn Center Complex. Commencing November 1, 2019,
9 the customer service hours will be from 8:30 a.m.
10 until 4:00 p.m. The security will be maintained by
11 Capitol Police. Board members will be able to access
12 the building earlier, if necessary, with their
13 badges.]

14 ***

15 Report of Board Administrator

16 [Janice Cline, Board Administrator, referred to
17 Emergency Awareness information provided to Board
18 members. She also noted updated guidelines for
19 informal conferences.

20 Ms. Cline encouraged all Board members to attend
21 the Board seminar in March.

22 Mr. Murphy inquired as to the possibility of
23 reconvening prior meetings of all Board Chairmen to
24 discuss similar Board issues. Mr. Lambert agreed to
25 propose the subject with Acting Commissioner Johnson.]

1 ***

2 [The Board briefly recessed from 10:05 a.m. until
3 10:07 a.m.]

4 ***

5 [Mr. Fritz discussed the enactment of the Act,
6 amending the Vehicle Code, on October 24, 2019. He
7 noted the language regarding recreational vehicles.]

8 ***

9 Application Review - Informal Conference

10 [The Application Review Committee made the following
11 recommendations regarding the following Applications:
12 Maurice Furtick, approved; Jamie Robinson, approved;
13 Justin Moreno, no-show; Kyle Geesaman, approved;
14 Christopher Brousseau, approved with probation;
15 Tiandria Stevens, no-show; Uniquee Bryant, approved;
16 William Flemister, approved with probation; Trevor
17 Bollhorst, no-show; Christopher Walters, approved;
18 Ronnie Carl Smith, no-show; Jeremey Raines, approved;
19 and Rudolph Bartee, no-show.]

20 ***

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 10:14 a.m. the Board entered into Executive Session
23 with Charles Fritz, Esquire, Board Counsel, for the
24 purpose of conducting quasi-judicial deliberations.
25 The Board returned to open session at 11:03 a.m.]

1 ***

2 [A formal hearing was held from 11:04 a.m. until 12:34
3 p.m. In the Matter of BPOA vs. Craig A. Davis, File
4 No. 16-60-08881.]

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 12:42 p.m. the Board entered into Executive Session
8 with Charles Fritz, Esquire, Board Counsel, for the
9 purpose of conducting quasi-judicial deliberations.
10 The Board returned to open session at 12:48 p.m.]

11 ***

12 MOTIONS:

13 MR. FRITZ:

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

17 The Board would entertain a motion to
18 approve the Consent Agreement at File No.
19 19-60-008362.

20 MR. MERMON:

21 So moved.

22 MR. DERR:

23 Second.

24 CHAIRMAN MURPHY:

25 So moved and seconded.

1 Roll call.

2

3 Kyla Djannie, aye; George Mermon, aye;
4 Randall Derr, aye; Neal Hufford, Jr.,
5 aye; William Mohler, aye; Donald J. Stoy,
6 aye; Robert Shaffer, aye; Katelin
7 Lambert, aye; and Dan Murphy, aye.

8 [The motion carried unanimously. The Respondent's
9 name is Whitehall Auto Sales, LLC.]

10 ***

11 MR. FRITZ:

12 The Board would entertain a motion to
13 approve the Consent Agreement at File No.
14 15-60-09865.

15 MR. DERR:

16 So moved.

17 MR. STOY:

18 Second.

19 CHAIRMAN MURPHY:

20 So moved and seconded.

21 Roll call.

22

23 Kyla Djannie, aye; George Mermon, aye;
24 Randall Derr, aye; Neal Hufford, Jr.,
25 aye; William Mohler, aye; Donald J. Stoy,

1 MR. FRITZ:

2 The Board would entertain a motion to
3 approve the Consent Agreement at File No.
4 19-60-009537.

5 MR. SHAFFER:

6 So moved.

7 MR. DJANNIE:

8 Second.

9 CHAIRMAN MURPHY:

10 So moved and seconded.

11 Roll call.

12

13 Kyla Djannie, aye; George Mermon, aye;
14 Randall Derr, aye; Neal Hufford, Jr.,
15 aye; William Mohler, aye; Donald J. Stoy,
16 aye; Robert Shaffer, aye; Katelin
17 Lambert, aye; and Dan Murphy, aye.

18 [The motion carried unanimously. The Respondent's
19 name is Timothy Allen Hoffman.]

20

21 MR. FRITZ:

22 The Board would entertain a motion to
23 approve the Consent Agreement at File No.
24 19-60-008934.

25 MR. MERMON:

1 Roll call.

2

3 Kyla Djannie, aye; George Mermon, aye;
4 Randall Derr, aye; Neal Hufford, Jr.,
5 aye; William Mohler, aye; Donald J. Stoy,
6 aye; Robert Shaffer, aye; Katelin
7 Lambert, aye; and Dan Murphy, aye.

8 [The motion carried unanimously. The Respondent's
9 name is Frank M. Burrell, Jr.]

10 ***

11 MR. FRITZ:

12 The Board would entertain a motion to
13 approve the Consent Agreement at File No.
14 19-60-004139.

15 MR. STOY:

16 So moved.

17 MR. DERR:

18 Second.

19 CHAIRMAN MURPHY:

20 So moved and seconded.

21 Roll call.

22

23 Kyla Djannie, aye; George Mermon, aye;
24 Randall Derr, aye; Neal Hufford, Jr.,
25 aye; William Mohler, aye; Donald J. Stoy,

1 MR. FRITZ:

2 The Board would entertain a motion
3 directing Board Counsel to draft an
4 Adjudication and Order in the following
5 matter: Craig A. Davis, File No. 16-60-
6 08881.

7 MR. STOY:

8 So moved.

9 MR. SHAFFER:

10 Second.

11 CHAIRMAN MURPHY:

12 So moved and seconded.

13 Roll call.

14

15 Kyla Djannie, aye; George Mermon, aye;
16 Randall Derr, aye; Neal Hufford, Jr.,
17 aye; William Mohler, aye; Donald J. Stoy,
18 aye; Robert Shaffer, aye; Katelin
19 Lambert, aye; and Dan Murphy, aye.

20 [The motion carried unanimously.]

21

22 MR. FRITZ:

23 The Board would entertain a motion
24 approving the following Adjudications and
25 Orders: Commonwealth vs. Julian

1 Carabello, File No. 15-60-10869;
2 Commonwealth v. Chestnuthill Powersports,
3 File No. 15-60-08233; Commonwealth vs.
4 Ralph Ruprecht, File No. 17-60-09767;
5 Commonwealth vs. Matthew Sean Skalican,
6 File No. 15-60-00598; Commonwealth vs.
7 Marcus Dedan Tolbert, File No. 19-60-
8 002057; and Commonwealth vs. Valley Auto
9 Sales, File No. 15-60-02130 & 15-60-
10 005078.

11 MR. SHAFFER:

12 So moved.

13 MR. DERR:

14 Second.

15 CHAIRMAN MURPHY:

16 So moved and seconded.

17 Roll call.

18
19 Kyla Djannie, abstain; George Mermon,
20 aye; Randall Derr, aye; Neal Hufford,
21 Jr., aye; William Mohler, aye; Donald J.
22 Stoy, aye; Robert Shaffer, aye; Katelin
23 Lambert, aye; and Dan Murphy, aye.

24 [The motion carried. Kyla Djannie abstained from the
25 motion.]

1 ***

2 MR. FRITZ:

3 The Board would entertain a motion to
4 grant the following Motions to Deem Facts
5 Admitted and directing Board Counsel to
6 draft Adjudications and Orders:

7 Commonwealth vs. Nicholas Bufano, File
8 No. 19-60-008762; Commonwealth vs. Craig
9 Holland, File No. 19-60-007532;
10 Commonwealth vs. Michael Miller, File No.
11 19-60-008293; Commonwealth vs. Michael
12 Pegher, File No. 18-60-006499;
13 Commonwealth vs. Bradley Russell, File
14 No. 19-60-004519; and Commonwealth vs.
15 Christopher Wagner, File No. 15-60-13045.

16 MR. MERMON:

17 So moved.

18 MR. DERR:

19 Second.

20 CHAIRMAN MURPHY:

21 So moved and seconded.

22 Roll call.

23
24 Kyla Djannie, aye; George Mermon, aye;
25 Randall Derr, aye; Neal Hufford, Jr.,

1 aye; William Mohler, aye; Donald J. Stoy,
2 aye; Robert Shaffer, aye; Katelin
3 Lambert, aye; and Dan Murphy, aye.

4 [The motion carried unanimously.]

5 ***

6 [A formal hearing was held from 12:54 p.m. until 1:25
7 p.m. In the Matter of BPOA vs. Hunting Park Motors,
8 LLC, and Robert Brown, File No. 17-60-12189.]

9 ***

10 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
11 1:25 p.m. the Board entered into Executive Session
12 with Charles Fritz, Esquire, Board Counsel, for the
13 purpose of conducting quasi-judicial deliberations.
14 The Board returned to open session at 1:34 p.m.]

15 ***

16 MOTIONS

17 MR. FRITZ:

18 The Board met in Executive Session and
19 conducted quasi-judicial deliberations on
20 the following matter:

21 The Board would entertain a motion
22 directing Board Counsel to draft an
23 Adjudication and Order in the matter of
24 Hunting Park Motors, LLC, and Robert
25 Brown, File No. 17-60-12189.

1 MR. STOY:

2 So moved.

3 MR. DERR:

4 Second.

5 CHAIRMAN MURPHY:

6 So moved and seconded.

7 Roll call.

8

9 Kyla Djannie, aye; George Mermon, aye;
10 Randall Derr, aye; Neal Hufford, Jr.,
11 aye; William Mohler, aye; Donald J. Stoy,
12 aye; Robert Shaffer, aye; Katelin
13 Lambert, aye; and Dan Murphy, aye.

14 [The motion carried unanimously.]

15 ***

16 Adjournment

17 CHAIRMAN MURPHY:

18 Motion to adjourn?

19 MR. SHAFFER:

20 So moved.

21 MR. DERR:

22 Second.

23 CHAIRMAN MURPHY:

24 Adjourned.

25 ***

1 [The State Board of Vehicle manufacturers, Dealers,
2 and Salespersons meeting adjourned at 1:35 p.m.]

3 ***

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6
7 CERTIFICATE

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

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19 Derek Richmond,
20 Minute Clerk
21 Sargent's Court Reporting
22 Service, Inc.
23
24
25
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STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS, AND SALESPERSONS
REFERENCE INDEX
October 29, 2019

	TIME	AGENDA
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2		
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7		
8	9:35	Official Call to Order
9		
10	9:35	Roll Call
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12	9:35	Pledge of Allegiance
13		
14	9:36	Adoption of Minutes
15		
16	9:37	Report of Prosecutorial Division
17		
18	9:47	Report of Board Counsel
19		
20	9:51	Miscellaneous
21		
22	9:54	Report of Board Chairman
23		
24	10:01	Report of Commissioner
25		
26	10:03	Report of Board Administrator
27		
28	10:14	Executive Session
29	11:03	Return to Public Session
30		
31	11:04	Formal Hearing - <u>BPOA v. Craig A. Davis</u>
32		
33	12:42	Executive Session
34	12:48	Return to Public Session
35		
36	12:48	Motions
37		
38	12:54	Formal Hearing - <u>BPOA vs. Hunting Park</u>
39		<u>Motors, LLC, and Robert Brown</u>
40		
41	1:25	Executive Session
42	1:34	Return to Public Session
43		
44	1:34	Motions
45		
46	1:35	Adjournment
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