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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: 10:34 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

November 22, 2022

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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
November 22, 2022

BOARD MEMBERS:

- Kirk A. Davis, Chairman
- Randall Derr, Secretary, Professional Member
- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Mark Wolfe, Attorney General Representative
- Steve T. Fretz, Professional Member
- Angel Layton, Department of Transportation Representative - Absent
- Dale J. Yingst, Professional Member
- Mark Baer, Professional Member
- Irving Stein, Professional Member
- Joseph Bizzarro, Professional Member

BUREAU PERSONNEL:

- Dean F. Picarella, Esquire, Senior Board Counsel
- C. William Fritz II, Esquire, Board Counsel
- Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division
- Peter D. Kovach, Esquire, Board Prosecution Liaison
- Amber Lee Czerniakowski, Board Prosecutor
- Julia A. Feld-Caralle, Esquire, Board Prosecutor
- Kayla R. Bolan, Esquire, Board Prosecutor
- Timothy J. Henderson, Esquire, Board Prosecutor
- Paul J. Jarabeck, Esquire, Board Prosecutor
- Gregory Liero, Esquire, Board Prosecutor
- Janice Cline, Board Administrator
- Andrew LaFratte, MPA, Executive Policy Specialist, Department of State
- Danie Bendesky, Director of Intergovernmental Affairs, Department of State

ALSO PRESENT:

- Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Matthew McGeehan, Esquire, Norstar Industries
- Michele Ann McGinnis

1 ***

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

4 November 22, 2022

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 9:00 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. The Board returned to open session at
11 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Vehicle Manufacturers, Dealers, and
15 Salespersons was held on Tuesday, November 22, 2022.

16 Kirk A. Davis, Chairman, Professional Member, called
17 the meeting to order at 10:34 a.m.

18 ***

19 Roll Call/Introduction of Attendees

20 [Chairman Davis requested a roll call of Board
21 members and introduction of attendees.]

22 ***

23 [C. William Fritz II, Esquire, Board Counsel, noted
24 the Board met in Executive Session prior to open
25 session and conducted quasi-judicial deliberations.

1 Mr. Fritz also noted the meeting was being
2 recorded, and voluntary participation in the meeting
3 constituted consent to be recorded.]

4 ***

5 Approval of minutes of the October 4, 2022 meeting

6 CHAIRMAN DAVIS:

7 Can we have a motion to approve the
8 meeting minutes from the October 4
9 meeting?

10 MR. STEIN:

11 I will make the motion.

12 MR. DERR:

13 Second.

14 CHAIRMAN DAVIS:

15 Roll call.

16

17 Stein, aye; Derr, aye; Wolfe, aye;

18 Baer, aye; Bizzarro, aye; Fretz, aye;

19 Davis, aye; Claggett, aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Prosecutorial Division

23 [Julia A. Feld-Caralle, Esquire, Board Prosecutor,

24 presented the Consent Agreement for Case No. 19-60-

25 016610.]

1 ***

2 [Kayla R. Bolan, Esquire, Board Prosecutor, presented
3 the Consent Agreement for Case No. 20-60-014920.

4 Matthew McGeehan, Esquire, Norstar Industries,
5 counsel for the respondent, was present.]

6 ***

7 [Peter D. Kovach, Esquire, Board Prosecution Liaison,
8 informed Board members that he would no longer be the
9 prosecuting attorney after the meeting and Paul
10 Jarabeck would be the interim prosecution liaison.

11 Mr. Kovach presented the Consent Agreements for
12 Case No. 21-60-004600, Case No. 21-60-011166, Case
13 No. 21-60-012518, Case Nos. 21-60-019802 & 22-60-
14 014655, and Case Nos. 21-60-017538 & 22-60-009432.]

15 ***

16 [Timothy J. Henderson, Esquire, Board Prosecutor,
17 presented the Consent Agreement for Case No. 20-60-
18 007799.]

19 MR. FRITZ:

20 The Board would entertain a motion to
21 deny the Consent Agreement at Case No.
22 19-60-016610 as too lenient.

23 MR. STEIN:

24 I will make a motion.

25 MR. DERR:

1 Second.

2 CHAIRMAN DAVIS:

3 Roll call.

4

5 Stein, aye; Derr, aye; Baer, aye;

6 Bizzarro, aye; Fretz, aye; Wolfe, no;

7 Davis, aye; Claggett, no.

8 [The motion carried. Mark Wolfe and Arion Claggett
9 opposed the motion.]

10 ***

11 MR. FRITZ:

12 The Board would entertain a motion to
13 approve the Consent Agreement at Case
14 No. 20-60-014920.

15 MR. STEIN:

16 I will make a motion.

17 MR. DERR:

18 Second.

19 CHAIRMAN DAVIS:

20 Roll call.

21

22 Stein, aye; Derr, aye; Baer, aye;

23 Bizzarro, aye; Fretz, aye; Davis, aye;

24 Claggett, aye.

25 [The motion carried unanimously. The Respondent's

1 name is Norstar Industries, LLC, d/b/a Iron Bull.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion to
5 approve the Consent Agreement at Case
6 No. 21-60-004600.

7 MR. STEIN:

8 I will make a motion.

9 MR. DERR:

10 Second.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Stein, aye; Derr, aye; Baer, aye;
15 Bizzarro, aye; Fretz, aye; Wolfe, aye;
16 Davis, aye; Claggett, aye.

17 [The motion carried unanimously. The Respondent's
18 name is Bradley Anecki t/d/b/a Brad's MC and ATV
19 Repair.]

20 ***

21 MR. FRITZ:

22 The Board would entertain a motion to
23 approve the Consent Agreement at Case
24 No. 21-60-011166.

25 MR. STEIN:

1 I make a motion.

2 MR. DERR:

3 Second.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Stein, aye; Derr, aye; Baer, aye;

8 Bizzarro, aye; Fretz, aye; Wolfe, aye;

9 Davis, aye; Claggett, aye.

10 [The motion carried unanimously. The Respondent's
11 name is Carter T. McCue.]

12 ***

13 MR. FRITZ:

14 The Board would entertain a motion to
15 approve the Consent Agreement at Case
16 No. 21-60-012518.

17 MR. STEIN:

18 I make the motion.

19 MR. DERR:

20 Second.

21 CHAIRMAN DAVIS:

22 Roll call.

23

24 Stein, aye; Derr, aye; Baer, aye;

25 Bizzarro, aye; Fretz, aye; Wolfe, aye;

1 Davis, aye; Claggett, aye.

2 [The motion carried unanimously. The Respondent's
3 name is William Roy Waite.]

4 ***

5 MR. FRITZ:

6 The Board would entertain a motion to
7 approve the Consent Agreement at Case
8 Nos. 21-60-019802 & 22-60-014655.

9 MR. STEIN:

10 I'll make the motion.

11 MR. DERR:

12 Second.

13 CHAIRMAN DAVIS:

14 Roll call.

15

16 Stein, aye; Derr, aye; Baer, aye;
17 Bizzarro, aye; Fretz, aye; Wolfe, aye;
18 Davis, aye; Claggett, aye.

19 [The motion carried unanimously. The Respondent's
20 name is Michael Dudak and Madcos Raceway Auto Sales.]

21 ***

22 MR. FRITZ:

23 The Board would entertain a motion to
24 approve the Consent Agreement at Case
25 Nos. 21-60-017538 & 22-60-009432.

1 MR. STEIN:

2 I'll make the motion.

3 MR. DERR:

4 Second.

5 CHAIRMAN DAVIS:

6 Roll call.

7

8 Stein, aye; Derr, aye; Baer, aye;

9 Bizzarro, aye; Fretz, aye; Wolfe, aye;

10 Yingst, aye; Davis, aye; Claggett, aye.

11 [The motion carried unanimously. The Respondent's
12 name is Rubys Rides.]

13

14 MR. FRITZ:

15 The Board would entertain a motion to
16 approve the Consent Agreement at Case
17 No. 20-60-007799.

18 MR. STEIN:

19 I'll make the motion.

20 MR. DERR:

21 Second.

22 CHAIRMAN DAVIS:

23 Roll call.

24

25 Stein, aye; Derr, aye; Baer, aye;

1 Bizzarro, aye; Yingst, aye; Wolfe, aye;
2 Fretz, aye; Davis, aye; Claggett, aye.

3 [The motion carried unanimously. The Respondent's
4 name is Juan Yurnet, Jr.]

5

6 Report of Board Counsel - Formal Hearings/Arguments
7 [C. William Fritz II, Esquire, Board Counsel, noted
8 the hearing scheduled for 11 a.m. has been continued
9 and rescheduled for the January Board meeting.]

10

11 Report of Board Counsel - Status of Cases
12 [C. William Fritz II, Esquire, Board Counsel,
13 provided a Status of Cases Report and requested Board
14 members notify him of any recusals. He noted one
15 protest was dismissed but received another one. He
16 also noted no protests are scheduled for a hearing.

17 Mr. Fritz informed Board members that the only
18 active regulation is 16A-6015 regarding the fee
19 increase, which he would be presenting that to the
20 Independent Regulatory Review Commission (IRRC) next
21 month and hopefully go into effect at the end of May
22 2023.]

23

24 Report of Board Counsel - Adjudications and Orders
25 for

1 Approval

2 MR. FRITZ:

3 The Board would entertain a motion to
4 approve the following Adjudications and
5 Orders: Commonwealth v. Clear Choice
6 Auto Sales, Case No. 20-60-001607;
7 Commonwealth v. Christopher Cleary,
8 Case No. 20-60-000779; Commonwealth v.
9 Holly Kabiru & Exclusive Preowned
10 Motors LLC, Case Nos. 19-60-013685 &
11 19-60-008587; Commonwealth v. Martino
12 Motors, Case No. 20-60-008846;
13 Commonwealth v. Donald Martino, Case
14 No. 20-60-006169; Commonwealth v.
15 Gregory Mulju, Case No. 19-60-008836;
16 Commonwealth v. Robert Shultz, Case No.
17 19-60-015327.

18 MR. STEIN:

19 I'll make the motion.

20 MR. DERR:

21 Second.

22 CHAIRMAN DAVIS:

23 Roll call.

24

25 Stein, aye; Derr, aye; Baer, aye;

1 Fretz, aye; Yingst, aye; Wolfe, aye but
2 recused on Mulju; Davis, aye; Claggett,
3 aye.

4 [The motion carried. Mark Wolfe recused himself from
5 deliberations and voting on the motion for Gregory
6 Mulju, Case No. 19-60-008836.]

7 ***

8 MR. FRITZ:

9 The Board would entertain a motion to
10 approve the Final Adjudication and
11 Order in the Matter of the
12 Reinstatement of Kevin Drake, Case No.
13 22-60-007313.

14 MR. STEIN:

15 I make the motion.

16 MR. DERR:

17 Second.

18 CHAIRMAN DAVIS:

19 Roll call.

20
21 Stein, aye; Derr, aye; Baer, aye;
22 Fretz, aye; Yingst, aye; Wolfe, aye;
23 Bizzarro, aye; Davis, aye; Claggett,
24 aye.

25 [The motion carried unanimously.]

1 ***

2 Report of Board Counsel - Proposed Adjudication and
3 Order

4 MR. FRITZ:

5 The Board would entertain a motion to
6 adopt the Proposed Adjudication and
7 Order in the Matter of the Commonwealth
8 v. Gerald A. Sterling II, Case No. 19-
9 60-004188.

10 MR. STEIN:

11 I make the motion.

12 MR. DERR:

13 Second.

14 CHAIRMAN DAVIS:

15 Roll call.

16
17 Stein, aye; Derr, aye; Baer, aye;
18 Bizzarro, aye; Fretz, aye; Yingst, aye;
19 Wolfe, aye; Davis, aye; Claggett, aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Board Counsel - Motions to Deem Facts
23 Admitted (MDFA)

24 MR. FRITZ:

25 The Board would entertain a motion to

1 grant the following Motions to Deem
2 Facts Admitted directing Board Counsel
3 to draft an Adjudication and Order in
4 the Matters of the Commonwealth v.
5 Aaron Brown, Case No. 19-60-009787;
6 Commonwealth v. Harry Laughman, Case
7 No. 21-60-000068; and Commonwealth v.
8 New Kingstown Auto LLC, Case No. 21-60-
9 000067.

10 MR. STEIN:

11 I make the motion.

12 MR. DERR:

13 Second.

14 CHAIRMAN DAVIS:

15 Roll call.

16

17 Stein, aye; Derr, aye; Baer, aye;

18 Bizzarro, aye; Fretz, aye; Yingst, aye;

19 Wolfe, aye; Davis, aye; Claggett, aye.

20 [The motion carried unanimously.]

21

22 Application Review - Criminal Conviction Applicants -
23 Informal Hearings

24 MR. FRITZ:

25 The Board would entertain a motion to

1 approve Joseph Amabile for a
2 Probationary License.

3 MR. STEIN:

4 I make the motion.

5 MR. DERR:

6 Second.

7 CHAIRMAN DAVIS:

8 Roll call.

9

10 Stein, aye; Derr, aye; Baer, aye;
11 Bizzarro, aye; Fretz, aye; Yingst, aye;
12 Wolfe, aye; Davis, aye; Claggett, aye.

13 [The motion carried unanimously.]

14

15 MR. FRITZ:

16 The Board would entertain a motion to
17 approve the following Vehicle
18 Salesperson License Applications
19 without restrictions: Edward Kulikov,
20 Noah Skelley, Wayne Wilson.

21 MR. STEIN:

22 I make the motion.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Stein, aye; Derr, aye; Baer, aye;
4 Bizzarro, aye; Fretz, aye; Yingst, aye;
5 Wolfe, aye; Davis, aye; Claggett, aye.

6 [The motion carried unanimously.]

7

8 MR. FRITZ:

9 The Board would entertain a motion to
10 approve the following Vehicle
11 Salesperson License Application subject
12 to a period of one year of probation
13 for Peno Michael Lucini.

14 MR. STEIN:

15 I make the motion.

16 MR. DERR:

17 Second.

18 CHAIRMAN DAVIS:

19 Roll call.

20

21 Stein, aye; Derr, aye; Baer, aye;
22 Bizzarro, aye; Fretz, aye; Yingst, aye;
23 Wolfe, aye; Davis, aye; Claggett, aye.

24 [The motion carried unanimously.]

25

1 Report of Board Chairman - No Report

2 ***

3 Report of Acting Commissioner - No Report

4 ***

5 Report of Board Administrator - No Report

6 ***

7 Report of Board Administrator - Meeting Dates

8 [Kirk A. Davis, Chairman, Professional Member, noted
9 the 2023 meeting dates and encouraged Board members
10 to notify Ms. Cline of any conflicts for those dates
11 as soon as possible.]

12 ***

13 Report of Board Administrator - Board Member Terms

14 CHAIRMAN DAVIS:

15 We will do Chairman, if somebody wants
16 to make a nomination.

17 MR. STEIN:

18 I'd like nominate you to continue as
19 Chair.

20 MR. FRITZ:

21 Any other nominations? Hearing none.
22 We'll have a roll call vote.

23

24 Stein, aye; Derr, aye; Baer, aye;

25 Bizzarro, aye; Fretz, aye; Yingst, aye;

1 Wolfe, aye; Claggett, aye.

2 [The motion carried unanimously.]

3 ***

4 CHAIRMAN DAVIS:

5 Do we have a nomination for secretary?

6 MR. DERR:

7 I nominate Irving Stein.

8 MR. FRITZ:

9 Do we have a second?

10 ACTING COMMISSIONER CLAGGETT:

11 Second?

12 MR. FRITZ:

13 Any other nominations?

14 CHAIRMAN DAVIS:

15 Roll call, please.

16

17 Derr, aye; Baer, aye; Bizzarro, aye;

18 Fretz, aye; Yingst, aye; Wolfe, aye;

19 Davis, aye; Claggett, aye.

20 [The motion carried unanimously.]

21 ***

22 Adjournment

23 CHAIRMAN DAVIS:

24 Do we have a motion for adjournment?

25 MR. STEIN:

1 So moved.

2 MR. DERR:

3 Second.

4 CHAIRMAN DAVIS:

5 We're adjourned.

6 ***

7 [The State Board of Vehicle Manufacturers, Dealers,
8 and Salespersons Meeting adjourned at 11:07 a.m.]

9 ***

10

11

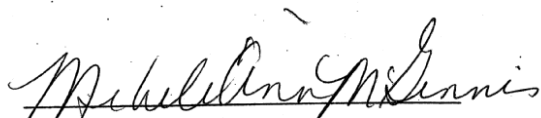
CERTIFICATE

12

13 I hereby certify that the foregoing summary
14 minutes of the State Board of Vehicle Manufacturers,
15 Dealers and Salespersons meeting, was reduced to
16 writing by me or under my supervision, and that the
17 minutes accurately summarize the substance of the
18 State Board of Vehicle Manufacturers, Dealers and
19 Salespersons meeting.

20

21



22

Michele Ann McGinnis,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

26

STATE BOARD OF VEHICLE MANUFACTURERS,
DEALERS, AND SALESPERSONS
REFERENCE INDEX

November 22, 2022

	TIME	AGENDA
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10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:34	Official Call to Order
14		
15	10:34	Roll Call/Introduction of Attendees
16		
17	10:36	Approval of Minutes
18		
19	10:37	Report of Prosecutorial Division
20		
21	10:58	Report of Board Counsel
22		
23	11:04	Application Review
24		
25	11:06	Report of Board Administrator
26		
27	11:07	Adjournment
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