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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  
VIA TELECONFERENCE**

TIME: 10:31 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

December 8, 2020

1                   State Board of Vehicle Manufacturers,  
2                   Dealers, and Salespersons  
3                   December 8, 2020  
4  
5

6 BOARD MEMBERS:  
7

8 Dan G. Murphy III, Chairman  
9 Kirk A. Davis, Secretary  
10 K. Kalonji Johnson, 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  
16 Steve T. Fretz, Professional Member  
17 Neal L. Hufford Jr., Professional Member - Absent  
18 Angel Layton, Department of Transportation  
19 Representative  
20 George F. Mermon, Professional Member  
21 William M. Mohler, Professional Member - Absent  
22 Dale J. Yingst, Professional Member  
23  
24

25 BUREAU PERSONNEL:  
26

27 C. William Fritz II, Esquire, Board Counsel  
28 Heather McCarthy, Esquire, Senior Prosecution  
29 Colby B. Widdowson, Esquire, Board Prosecution Liaison  
30 James Ostman, Esquire, Board Prosecutor  
31 Garrett A. Rine, Esquire, Board Prosecutor  
32 Janice Cline, Board Administrator  
33 Cynthia K. Montgomery, Esquire, Deputy Chief Counsel,  
34 Department of State  
35 Carolyn DeLaurentis, Esquire, Deputy Chief Counsel,  
36 Prosecution Division  
37 Marc Farrell, Deputy Policy Director, PA Department of  
38 State  
39 Theodore Stauffer, Executive Secretary, Bureau of  
40 Professional and Occupational Affairs  
41

42 ALSO PRESENT:  
43

44 Kimberly Adams, Chief of Fiscal Management, Bureau of  
45 Finance and Operations, PA Department of State  
46 Amanda Richards, Fiscal Management Specialist 2,  
47 Bureau of Finance and Operations  
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State Board of Vehicle Manufacturers,  
Dealers, and Salespersons  
December 8, 2020

J.J. Livingston, Democratic Executive Director, Senate  
Consumer Protection and Professional Licensure  
Committee  
Michelle Witmer, PA Department of State  
Shannon Boop, Fiscal Management Specialist 1, Bureau  
of Finance and Operations Shannon  
Shannon Snell, Research Analyst, House Democratic  
Professional Licensure Committee  
Thomas Olek  
Ian Gilmartin

1 \*\*\*

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

4 December 8, 2020

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 9:00 a.m. the Board entered into Executive Session  
7 with C. William Fritz II, Esquire, Board Counsel, for  
8 the purpose of conducting quasi-judicial deliberations  
9 and to receive advice of Counsel. The Board returned  
10 to open session at 10:30 a.m.]

11 \*\*\*

12 The regularly scheduled meeting of the State  
13 Board of Vehicle Manufacturers, Dealers, and  
14 Salespersons was held on Tuesday, December 8, 2020.  
15 Dan G. Murphy III, Chairman, called the meeting to  
16 order at 10:31 a.m. Roll call was taken.

17 Kirk Davis, Secretary, was not present at the  
18 commencement of the meeting.

19 \*\*\*

20 [Audience members were identified for the record.]

21 \*\*\*

22 Approval of Minutes of the October 29, 2020 meeting

23 CHAIRMAN MURPHY:

24 Could I get an approval of the Minutes  
25 from the last meeting?

1 MR. DERR:

2 So moved.

3 MR. FRETZ:

4 Second.

5 CHAIRMAN MURPHY:

6 Motion and then seconded.

7

8 Roll call.

9

10 Kyla Djannie, aye; George Mermon, aye;  
11 Randall Derr, aye; Dale Yingst, aye; K.  
12 Kalonji Johnson, aye; Steve Fretz, aye;  
13 Donald Stoy, aye; Angel Layton, aye; and  
14 Dan Murphy, aye.

15 [The motion carried unanimously.]

16 \*\*\*

17 [It was noted that the meeting was being recorded, and  
18 those who remained on the line were giving their  
19 consent to being recorded.]

20 \*\*\*

21 Report of Prosecutorial Division - No Report

22 \*\*\*

23 Appointment - Budget Review

24 [Kimberly Adams, Chief of Fiscal Management, Bureau of  
25 Finance and Operations, PA Department of State,

1 presented before the Board to provide a budget review.  
2 She referred Board members to information regarding  
3 licensee population; definitions of the different  
4 categories of Board revenue, expenses; Actuals for  
5 2018, 2019; and the current 2020 budget. Ms. Adams  
6 commented that at the present time expenses were  
7 outweighing revenues.

8 Ms. Adams discussed the category definitions for  
9 actual Board member expenses. She noted the budgeted  
10 figures for fiscal year 2020, which carried out to  
11 2021-2022. Board members had questions.]

12 \*\*\*

13 Report of Board Counsel

14 Status of Cases

15 [C. William Fritz, Esquire, Board Counsel, referred  
16 Board members to the Status of Cases as of November  
17 25, 2020, for further review. He noted a total of 54  
18 open files and 8 open protest matters. The matter  
19 that Neal Hufford had recused was put on an indefinite  
20 hold due to COVID.

21 Mr. Fritz stated the fee increase regulation was  
22 with the Senior Regulatory Counsel, and the out-of-  
23 state RV fee regulation was moving forward.

24 He noted two hearings would be held later in the  
25 meeting, and a hearing rescheduled from October would

1 be held in January 2021.]

2 MR. FRITZ:

3           The Board would entertain a motion to  
4           approve the Final Adjudication and Order  
5           for Commonwealth of Pennsylvania, Bureau  
6           of Professional and Occupational Affairs  
7           vs. Michael J. Papp, Case No. 17-60-  
8           12723.

9 CHAIRMAN MURPHY:

10           Motion to approve?

11 MR. YINGST:

12           So moved.

13 MR. DERR:

14           Second.

15 CHAIRMAN MURPHY:

16           Roll call.

17  
18           Kyla Djannie, aye; George Mermon, aye;  
19           Randall Derr, aye; Dale Yingst, aye;  
20           Steve Fretz, aye; Donald Stoy, aye; Angel  
21           Layton, aye; K. Kalonji Johnson, aye; and  
22           Dan Murphy, aye.

23 [The motion carried unanimously.]

24   \*\*\*

25 MR. FRITZ:

1 Looking at the Proposed Adjudications and  
2 Orders, the Board would entertain a  
3 motion to adopt the Proposed  
4 Adjudications and Orders for Commonwealth  
5 of Pennsylvania, Bureau of Professional  
6 and Occupational Affairs vs. Javier Diaz,  
7 Case No. 19-60-009325 and Commonwealth of  
8 Pennsylvania, Bureau of Professional and  
9 Occupational Affairs vs. Melanie Justice,  
10 Case No. 18-60-01994.

11 CHAIRMAN MURPHY:

12 Motion?

13 MR. DERR:

14 So moved.

15 MR. FRETZ:

16 Second.

17 CHAIRMAN MURPHY:

18 So moved and seconded. Roll call.

19

20 Kyla Djannie, aye; George Mermon, aye;

21 Randall Derr, aye; Dale Yingst, aye;

22 Steve Fretz, aye; Donald Stoy, aye; Angel

23 Layton, aye; K. Kalonji Johnson, aye; and

24 Dan Murphy, aye.

25 [The motion carried unanimously.]



1 \*\*\*

2 MR. FRITZ:

3 Based on the Motion for Deem Facts  
4 Admitted filed by Prosecution, the Board  
5 would entertain a motion granting the  
6 Motion for Deem Facts Admitted and to  
7 Enter Default and direct the Board  
8 Counsel to draft an Adjudication and  
9 Order in the matter of Commonwealth of  
10 Pennsylvania, Bureau of Professional and  
11 Occupational Affairs vs. Daniel Reese,  
12 Case No. 18-60-012065.

13 MR. FRETZ:

14 Motion.

15 MR. MERMON:

16 Second.

17 CHAIRMAN MURPHY:

18 Moved and seconded. Roll call.

19  
20 Kyla Djannie, aye; George Mermon, aye;  
21 Randall Derr, aye; Dale Yingst, aye;  
22 Steve Fretz, aye; Donald Stoy, aye; Angel  
23 Layton, aye; K. Kalonji Johnson, aye; and  
24 Dan Murphy, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 Application Review

3 MR. FRITZ:

4 The Board would entertain a motion  
5 approving the following applications and  
6 placing those licenses on probation  
7 concurrent with criminal probation for  
8 Applicants Stephen Ciavardini and Jamie  
9 McNamara.

10 MR. MERMON:

11 So moved.

12 MR. MURPHY:

13 Second.

14 CHAIRMAN MURPHY:

15 So moved and seconded. Roll call.

16

17 Kyla Djannie, aye; George Mermon, aye;  
18 Randall Derr, aye; Dale Yingst, aye;  
19 Steve Fretz, aye; Donald Stoy, aye; Angel  
20 Layton, aye; K. Kalonji Johnson, aye; and  
21 Dan Murphy, aye.

22 [The motion carried unanimously.]

23

\*\*\*

24 MR. FRITZ:

25 For the third application, the Board

1 would entertain a motion approving the  
2 application of Brenan Burch subject to  
3 two years' probation.

4 MR. YINGST:

5 So moved.

6 MR. FRETZ:

7 Second.

8 CHAIRMAN MURPHY:

9 Roll call.

10

11 Kyla Djannie, aye; George Mermon, aye;  
12 Randall Derr, aye; Dale Yingst, aye;  
13 Steve Fretz, aye; Donald Stoy, aye; Angel  
14 Layton, aye; K. Kalonji Johnson, aye; and  
15 Dan Murphy, aye.

16 [The motion carried unanimously.]

17

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18 MR. FRITZ:

19 The Board would entertain a motion  
20 provisionally denying the application of  
21 Jason Chepress.

22 MR. FRETZ:

23 Motion.

24 MR. DERR:

25 Second.

1 CHAIRMAN MURPHY:

2 Roll call.

3

4 Kyla Djannie, aye; George Mermon, aye;  
5 Randall Derr, aye; Dale Yingst, aye;  
6 Steve Fretz, aye; Donald Stoy, aye; Angel  
7 Layton, aye; K. Kalonji Johnson, aye; and  
8 Dan Murphy, aye.

9 [The motion carried unanimously.]

10 \*\*\*

11 2021 Board Meeting Dates

12 CHAIRMAN MURPHY:

13 Motion to change the date of the June 22,  
14 2021 meeting to June 30, 2021. Motion  
15 and second, please.

16 MS. DJANNIE:

17 So moved.

18 MR. MERMON:

19 Second.

20 CHAIRMAN MURPHY:

21 Roll call.

22

23 Kyla Djannie, aye; George Mermon, aye;  
24 Randall Derr, aye; Dale Yingst, aye;  
25 Steve Fretz, aye; Donald Stoy, aye; Angel



1 being published directly implicates one's ability to  
2 receive a license or maintain a license. This  
3 information will be made public and memorialized in  
4 the Best Practices Guide. Commissioner Johnson  
5 explained that a crime not on the list would fall on  
6 the Commonwealth to make the connection between that  
7 criminal history and that individual's ability to  
8 safely practice the profession. He asked the Board to  
9 approve the list and also to open it up for further  
10 discussion by the effective date of the legislation,  
11 which is December 27, 2020.

12 Chairman Murphy thanked Commissioner Johnson for  
13 acknowledging the hard work of the people on the Board  
14 previously and those currently on the Board.]

15 \*\*\*

16 MR. FRITZ:

17 The Board would entertain a motion to  
18 approve the list of Act 53 crimes as  
19 currently written.

20 MS. DJANNIE:

21 So moved.

22 MR. MERMON:

23 Second.

24 CHAIRMAN MURPHY:

25 So moved and seconded. Roll call.

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Kyla Djannie, aye; George Mermon, aye;  
Randall Derr, aye; Dale Yingst, aye;  
Steve Fretz, aye; Donald Stoy, aye; Angel  
Layton, aye; K. Kalonji Johnson, aye; Dan  
Murphy, aye.

[The motion carried unanimously.]

\*\*\*

[Kirk Davis, Secretary, entered the meeting at 11:10  
a.m.]

\*\*\*

[A Formal Hearing was held from 11:12 a.m. until  
11:28 a.m. in the matter of the Commonwealth of  
Pennsylvania, Bureau of Professional and Occupational  
Affairs vs. John Farley, Case No. 15-60-14245.]

\*\*\*

[A Formal Hearing was held from 11:42 a.m. until 12:27  
p.m. in the matter of Commonwealth of Pennsylvania,  
Bureau of Professional and Occupational Affairs vs.  
William Havlik, Case No. 18-60-003956.]

\*\*\*

[Pursuant to Section 708(a)(5) of the Sunshine Act, at  
12:28 p.m. the Board entered into Executive Session  
with C. William Fritz II, Esquire, Board Counsel, for  
the purpose of conducting quasi-judicial deliberations

1 and to receive advice of Counsel. The Board returned  
2 to open session at 12:48 p.m.]

3 \*\*\*

4 MOTION:

5 MR. FRITZ:

6 We just met in Executive Session and  
7 conducted quasi-judicial deliberations  
8 which we also did prior to Open Session,  
9 conducted an Executive Session and  
10 conducted quasi-judicial deliberations on  
11 matters on the agenda. There were  
12 deliberations that were held in the  
13 matter of the hearing just held.

14 Board members are voting on the need  
15 to draft an Adjudication and Order that  
16 will be on the next agenda for the Board  
17 to approve as final.

18 The Board would entertain a motion  
19 directing Board Counsel to draft as  
20 Adjudication and Order in the matter of  
21 Commonwealth of Pennsylvania, Bureau of  
22 Professional and Occupational Affairs vs.  
23 William R. Havlik, Case No. 18-60-003956.

24 MS. DJANNIE:

25 Motion.



1 MR. DERR:

2                   Second.

3 CHAIRMAN MURPHY:

4                   Motion and second. Roll call.

5

6                   Kyla Djannie, aye; George Mermon, aye;  
7                   Randall Derr, aye; Kirk Davis, aye; Dale  
8                   Yingst, aye; Steve Fretz, aye; Donald  
9                   Stoy, aye; Angel Layton, aye; K. Kalonji  
10                  Johnson, aye; Dan Murphy, aye.

11 [The motion carried unanimously.]

12   \*\*\*

13 Adjournment

14 [The State Board of Vehicle Manufacturers, Dealers,  
15 and Salespersons Meeting adjourned at 12:51 p.m.]

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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.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

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

December 8, 2020

	TIME	AGENDA
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8		
9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:31	Official Call to Order
14		
15	10:38	Approval of Minutes
16		
17	10:39	Appointment - Budget Review
18		
19	10:51	Report of Board Counsel
20		
21	10:55	Motions
22		
23	11:00	2021 Board Meeting Dates
24		
25	11:01	Report of Commissioner
26		
27	11:02	Miscellaneous
28		
29	11:12	Formal Hearing Commonwealth of
30		Pennsylvania, Bureau of Professional and
31		Occupational Affairs vs. John Farley
32		
33	11:42	Formal Hearing Commonwealth of
34		Pennsylvania, Bureau of Professional and
35		Occupational Affairs vs. William Havlik
36		
37	12:28	Executive Session
38	12:48	Return to Open Session
39		
40	12:48	Motion
41		
42	12:51	Adjournment
43		
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