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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 VIDEOCONFERENCE**

TIME: 10:31 A.M.

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

April 12, 2022

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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
April 12, 2022

BOARD MEMBERS:

- Kirk A. Davis, Chairman
- Randall Derr, Secretary, Professional Member
- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Merna T. Hoffman, Esquire, Deputy Attorney General, Office of Attorney General, on behalf of Mark Wolfe
- 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:

- C. William Fritz II, Esquire, Board Counsel
- Peter D. Kovach, Esquire, Board Prosecution Liaison
- Christopher K. McNally, Esquire, Board Prosecutor
- Timothy J. Henderson, Esquire, Board Prosecutor
- Matthew Anderson, Esquire, Board Prosecutor
- Janice Cline, Board Administrator

1 ***

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

4 April 12, 2022

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 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, April 12, 2022.
16 Kirk A. Davis, Chairman, Professional Member, called
17 the meeting to order at 10:31 a.m.

18 ***

19 [C. William Fritz II, Esquire, Board Counsel, noted
20 the Board met in executive session prior to open
21 session and conducted quasi-judicial deliberations.

22 Mr. Fritz also noted the meeting was being
23 recorded, and voluntary participation in the meeting
24 constituted consent to be recorded.]

25 ***

1 Roll Call

2 [Chairman Davis requested a roll call of Board
3 members.]

4 ***

5 Approval of minutes of the February 22, 2022 meeting

6 CHAIRMAN DAVIS:

7 Do we have a motion to approve the
8 minutes from the last meeting in
9 February?

10 MR. FRETZ:

11 So moved.

12 MR. BAER:

13 I second.

14 CHAIRMAN DAVIS:

15 Roll call.

16

17 Stein, aye; Baer, aye; Hoffman, abstain;
18 Derr, aye; Yingst, aye; Bizzarro, aye;
19 Fretz, aye; Claggett, abstain; Davis,
20 aye.

21 [The motion carried. Merna Hoffman and Arion Claggett
22 abstained from voting on the motion.]

23 ***

24 Report of Prosecutorial Division

25 [Christopher K. McNally, Esquire, Board Prosecutor,

1 presented the Consent Agreement for Case No. 17-60-
2 12044.

3 Mr. McNally noted this was his last Board meeting
4 and thanked all of the Board members and Janice Cline
5 for their time and consideration.]

6

7 [Peter D. Kovach, Esquire, Board Prosecution Liaison,
8 on behalf of Heather J. McCarthy, presented the
9 Consent Agreement for Case No. 17-60-04415.]

10

11 [Peter D. Kovach, Esquire, Board Prosecution Liaison,
12 presented the Consent Agreements for Case No. 19-60-
13 011545, Case No. 19-60-011547, Case No. 19-60-012178,
14 Case No. 19-60-011913, and Case No. 19-60-003817.

15 Wesley J. Rish, Esquire, Rish Law Office, LLC,
16 counsel for the respondents, was present and
17 participated in the discussion regarding Case No. 19-
18 60-011545, Case No. 19-60-011547, Case No. 19-60-
19 012178, and Case No. 19-60-011913.]

20

21 [Matthew Anderson, Esquire, Board Prosecutor,
22 presented the Consent Agreement for Case No. 19-60-
23 006659.]

24

25 [Timothy J. Henderson, Esquire, Board Prosecutor,

1 presented the Consent Agreements for Case No. 19-60-
2 005345, Case No. 20-60-007687, Case No. 20-60-010021,
3 Case No. 21-60-007359, and Case No. 21-60-019276.]

4

5 Report of Prosecutorial Division - Consent Agreements

6 MR. FRITZ:

7

The Board would entertain a motion to
8 approve the Consent Agreement at Case
9 No. 17-60-12044.

10 MR. YINGST:

11

Motion to approve.

12 MR. DERR:

13

Second.

14 CHAIRMAN DAVIS:

15

Roll call.

16

17

Stein, aye; Baer, aye; Hoffman, aye;

18

Fretz, aye; Derr, aye; Yingst, aye;

19

Claggett, aye; Bizzarro, aye; Davis,

20

aye.

21 [The motion carried unanimously. The Respondent's
22 name is Frankies Used Cars & Trucks.]

23

24 MR. FRITZ:

25

The Board would entertain a motion to

1 approve the Consent Agreement at Case
2 No. 17-60-04415.

3 MR. STEIN:

4 Motion.

5 MR. DERR:

6 Second.

7 CHAIRMAN DAVIS:

8 Roll call.

9

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

14 [The motion carried unanimously. The Respondent's
15 name is Jay Sam Auto Sales LLC.]

16 ***

17 MR. FRITZ:

18 The Board would entertain a motion to
19 approve the Consent Agreement at Case
20 No. 19-60-006659.

21 MR. STEIN:

22 Motion.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

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

7 [The motion carried unanimously. The Respondent's
8 name is James Patrick Biller.]

9

10 MR. FRITZ:

11 The Board would entertain a motion to
12 approve the Consent Agreement at Case
13 No. 19-60-011545.

14 MR. STEIN:

15 Motion.

16 MR. DERR:

17 Second.

18 CHAIRMAN DAVIS:

19 Roll call.

20

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

25 [The motion carried unanimously. The Respondent's

1 name is Anthony F. Matacchiero.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion to
5 approve the Consent Agreement at Case
6 No. 19-60-011547.

7 MR. STEIN:

8 Motion.

9 MR. DERR:

10 Second.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Stein, aye; Baer, aye; Hoffman, aye;
15 Fretz, aye; Derr, aye; Yingst, aye;
16 Claggett, aye; Bizzarro, aye; Davis,
17 aye.

18 [The motion carried unanimously. The Respondent's
19 name is Pye Auto Sales d/b/a Hamlin Motorsports.]

20 ***

21 MR. FRITZ:

22 The Board would entertain a motion to
23 approve the Consent Agreement at Case
24 No. 19-60-012178.

25 MR. STEIN:

1 Motion.

2 MR. DERR:

3 Second.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Stein, aye; Baer, aye; Hoffman, aye;

8 Fretz, aye; Derr, aye; Yingst, aye;

9 Claggett, aye; Bizzarro, aye; Davis,

10 aye.

11 [The motion carried unanimously. The Respondent's
12 name is Carl Robins.]

13 ***

14 MR. FRITZ:

15 The Board would entertain a motion to
16 approve the Consent Agreement at Case
17 No. 19-60-011913.

18 MR. STEIN:

19 Motion.

20 MR. DERR:

21 Second.

22 CHAIRMAN DAVIS:

23 Roll call.

24

25 Stein, aye; Baer, aye; Hoffman, aye;

1 Fretz, aye; Derr, aye; Yingst, aye;
2 Claggett, aye; Bizzarro, aye; Davis,
3 aye.

4 [The motion carried unanimously. The Respondent's
5 name is Lance Mirkin.]

6 ***

7 MR. FRITZ:

8 The Board would entertain a motion to
9 deny the Consent Agreement at too
10 lenient at Case No. 19-60-003817.

11 MR. STEIN:

12 Motion.

13 MR. DERR:

14 Second.

15 CHAIRMAN DAVIS:

16 Roll call.

17

18 Stein, aye; Baer, aye; Hoffman, aye;
19 Fretz, aye; Derr, aye; Yingst, aye;
20 Claggett, aye; Bizzarro, aye; Davis,
21 aye.

22 [The motion carried unanimously.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion to

1 approve the Consent Agreement at Case
2 No. 19-60-005345.

3 MR. STEIN:

4 Motion.

5 MR. DERR:

6 Second.

7 CHAIRMAN DAVIS:

8 Roll call.

9

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

14 [The motion carried unanimously. The Respondent's
15 name is Antoinette T. Kester.]

16

17 MR. FRITZ:

18 The Board would entertain a motion to
19 approve the Consent Agreement at Case
20 No. 20-60-007687.

21 MR. STEIN:

22 Motion.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

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

7 [The motion carried unanimously. The Respondent's
8 name is Joseph Michael Arciuolo.]

9

10 MR. FRITZ:

11 The Board would entertain a motion to
12 approve the Consent Agreement at Case
13 No. 20-60-010021.

14 MR. STEIN:

15 Motion.

16 MR. DERR:

17 Second.

18 CHAIRMAN DAVIS:

19 Roll call.

20

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

25 [The motion carried unanimously. The Respondent's

1 name is Angel Pagan.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion to
5 approve the Consent Agreement at Case
6 No. 20-60-007359.

7 MR. STEIN:

8 Motion.

9 MR. DERR:

10 Second.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Stein, aye; Baer, aye; Hoffman, aye;
15 Fretz, aye; Derr, aye; Yingst, aye;
16 Claggett, aye; Bizzarro, aye; Davis,
17 aye.

18 [The motion carried unanimously. The Respondent's
19 name is Hoa Quoc Lu.]

20 ***

21 MR. FRITZ:

22 The Board would entertain a motion to
23 approve the Consent Agreement at Case
24 No. 20-60-019276.

25 MR. STEIN:

1 Motion.

2 MR. DERR:

3 Second.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Stein, aye; Baer, aye; Hoffman, aye;

8 Fretz, aye; Derr, aye; Yingst, aye;

9 Claggett, aye; Bizzarro, aye; Davis,

10 aye.

11 [The motion carried unanimously. The Respondent's
12 name is Neil H. Goldstein.]

13 ***

14 Report of Board Counsel - Status of Cases

15 [C. William Fritz II, Esquire, Board Counsel, provided
16 a Status of Cases Report as of April 4, 2022, for the
17 Board's review. He requested Board members contact
18 him with any questions and inform him of recusals from
19 any of the cases.]

20 Mr. Fritz noted he is still working on the fee
21 increase. He mentioned that there is nothing active
22 with any of the protests but would inform the Board of
23 any changes.]

24 ***

25 Report of Board Counsel - Adjudications and Orders for

1 Approval

2 MR. FRITZ:

3 The Board would entertain a motion to
4 approve the following Final
5 Adjudications and Orders: Commonwealth
6 v. Muhammad Abdul Hadi, Case No. 19-60-
7 006619; Commonwealth v. Dennis
8 Dischinger, Case No. 19-60-010029.

9 MR. STEIN:

10 Motion.

11 MR. DERR:

12 Second.

13 CHAIRMAN DAVIS:

14 Roll call.

15

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

20 [The motion carried unanimously.]

21

22 Report of Board Counsel - Motions to Deem Facts

23 Admitted

24 MR. FRITZ:

25 The Board would entertain a motion to

1 grant the following Motions to Deem
2 Facts Admitted and direct Board counsel
3 to draft an Adjudication and Order in
4 the following matters: Commonwealth v.
5 Car Farm Auto Group, LLC, Case No. 19-
6 60-000547; Commonwealth v. Justin
7 Cutler, Case No. 21-60-013818;
8 Commonwealth v. Anthony Frattaroli, Case
9 No. 19-60-012207; Commonwealth v. Ruth
10 Gonzalez aka Ruth Hutchinson aka Ruth
11 Berrios aka Ruth Berrios-Gonzalez, Case
12 No. 20-60-002011; Commonwealth v. Cush
13 Johnson, Case No. 20-60-002114;
14 Commonwealth v. JV Motors, LLC, Case No.
15 19-60-015297; Commonwealth v. Brian
16 Keffer, Case No. 20-60-011075;
17 Commonwealth v. Glenn Reimer, Case No.
18 18-60-001863.

19 CHAIRMAN DAVIS:

20 Do we have a motion?

21 MR. YINGST:

22 Motion.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

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

7 [The motion carried unanimously.]

8

9 Report of Board Counsel - Applications to
10 Ratify - February 22, 2022 Informal Conferences

11 MR. FRITZ:

12 We are going to vote to ratify the
13 decisions made by the Board at the last
14 Board meetings.

15 The Board would entertain a motion
16 to approve the Applications of the
17 following Applicants: Orel Denzel
18 Cohen, Bryan Fowler, Tyshawn Greenlove,
19 and Hollman Vega.

20 MR. STEIN:

21 Motion.

22 MR. DERR:

23 Second.

24 CHAIRMAN DAVIS:

25 Roll call.

1

2

Stein, aye; Baer, aye; Hoffman, abstain;

3

Fretz, aye; Derr, aye; Yingst, aye;

4

Claggett, aye; Bizzarro, aye; Davis,

5

aye.

6

[The motion carried. Merna Hoffman abstained from

7

voting on the motion.]

8

9

MR. FRITZ:

10

The Board would entertain a motion to

11

provisionally deny the Application of

12

Joshua Antonio DeJesus.

13

MR. STEIN:

14

Motion.

15

MR. DERR:

16

Second.

17

CHAIRMAN DAVIS:

18

Roll call.

19

20

Stein, aye; Baer, aye; Hoffman, abstain;

21

Fretz, aye; Derr, aye; Yingst, aye;

22

Claggett, aye; Bizzarro, aye; Davis,

23

aye.

24

[The motion carried. Merna Hoffman abstained from

25

voting on the motion. Joshua Antonio DeJesus already

1 appealed that provisional denial, and the hearing may
2 be at the next Board meeting.]

3 ***

4 Application Review - Criminal Conviction

5 Applicants - Informal Hearings

6 MR. FRITZ:

7 The Board would entertain a motion to
8 approve the following Applications
9 without restriction for Applicants
10 Nicole Curtis, Christopher Degnan,
11 Rachel Farrell, Robert Poff, and Heather
12 Walker.

13 CHAIRMAN DAVIS:

14 Do we have a motion?

15 MR. STEIN:

16 Motion.

17 MR. DERR:

18 Second.

19 CHAIRMAN DAVIS:

20 Roll call.

21

22 Stein, aye; Baer, aye; Hoffman, aye;

23 Fretz, aye; Derr, aye; Yingst, aye;

24 Claggett, aye; Bizzarro, aye; Davis,

25 aye.

1 [The motion carried unanimously.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion to
5 approve the following Applications for
6 licenses to be placed on probation to
7 run concurrent with criminal probation
8 of Paul John Dignam and Jarrett Lavan.

9 MR. STEIN:

10 Motion.

11 MR. DERR:

12 Second.

13 CHAIRMAN DAVIS:

14 Roll call.

15
16 Stein, aye; Baer, aye; Hoffman, aye;
17 Fretz, aye; Derr, aye; Yingst, aye;
18 Claggett, aye; Bizzarro, aye; Davis,
19 aye.

20 [The motion carried unanimously.]

21 ***

22 MR. FRITZ:

23 The Board would entertain a motion to
24 approve the Application of Heather Kush
25 subject to a 2-year period of probation.

1 MR. STEIN:

2 Motion.

3 MR. DERR:

4 Second.

5 CHAIRMAN DAVIS:

6 Roll call.

7

8 Stein, aye; Baer, aye; Hoffman, aye;

9 Fretz, aye; Derr, aye; Yingst, aye;

10 Claggett, aye; Bizzarro, aye; Davis,

11 aye.

12 [The motion carried unanimously.]

13 ***

14 Report of Board Chairman

15 [Kirk A. Davis, Chairman, Professional Member, thanked

16 Board members who are present and is looking forward

17 to meeting the rest of the Board members at future

18 meetings. He mentioned it has been over 2 years since

19 the Board met in person and thanked everybody for

20 their work during the pandemic. He welcomed everyone

21 to the first face-to-face meeting.]

22 ***

23 Report of Acting Commissioner

24 [Arion R. Claggett, Acting Commissioner, Bureau of

25 Professional and Occupational Affairs, informed Board

1 members that the department is currently in the
2 process of replacing the Pennsylvania Licensing System
3 (PALS) and should have that up and running by the end
4 of 2023.

5 Mr. Fritz reminded Board members who are planning
6 to attend national association meetings to make that
7 known well in advance. He also mentioned two Board
8 members can be approved for the national meeting.]

9

10 Report of Board Administrator - No Report

11 [Kirk A. Davis, Chairman, Professional Member,
12 referred to 2022 and 2023 Board meeting dates and
13 requested Board members inform Ms. Cline of any
14 conflicts as soon as possible.

15 Chairman Davis asked Board members to keep an eye
16 on their terms. He stated nobody is near the end of
17 their term at this time.

18 Mr. Derr mentioned he is done after two terms.

19 Mr. Fritz informed Mr. Derr that he can only
20 serve two consecutive terms but could come back at a
21 later date.]

22

23 Discussion

24 [Kirk A. Davis, Chairman, Professional Member, asked
25 whether Board members had any other matters for

1 discussion.

2 Chairman Davis commented that one person showed
3 up for an informal conference and asked whether
4 applicants are being told it is virtual or just a
5 phone call.

6 Ms. Cline explained that the informal conferences
7 will start to be scheduled in May.

8 Mr. Fritz commented that the Board always had
9 face-to-face informal conferences in the past but
10 COVID changed things. He noted applicants could
11 request informal conferences by phone or virtually but
12 applicants can also be scheduled to come in if the
13 Board agrees.

14 Chairman Davis mentioned the informal conferences
15 used to be done in teams and was not sure whether to
16 do 100 percent in person based on the number of
17 informal conferences and Board members completing
18 them.

19 Mr. Fritz commented that the Board would work on
20 that for the next meeting and see how it works out.]

21 ***

22 Adjournment

23 CHAIRMAN DAVIS:

24 Do we have a motion to adjourn?

25 MR. YINGST:

1 Motion to adjourn.

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 11:12 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

Derek Richmond,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

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

April 12, 2022

	TIME	AGENDA
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10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:31	Official Call to Order
14		
15	10:32	Roll Call
16		
17	10:33	Approval of Minutes
18		
19	10:34	Report of Prosecutorial Division
20		
21	10:59	Report of Board Counsel
22		
23	11:06	Report of Board Chairman
24		
25	11:07	Report of Acting Commissioner
26		
27	11:09	Discussion
28		
29	11:12	Adjournment
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