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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: 10:29 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

January 11, 2022

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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
January 11, 2022

BOARD MEMBERS:

- Kirk A. Davis, Chairman
- Randall Derr, Secretary, Professional Member
- Arion Claggett, Deputy Commissioner, Bureau of Professional and Occupational Affairs, on behalf of K. Kalonji Johnson, Commissioner
- Mark Wolfe, Office of Attorney General, Consumer Protection Representative
- Angel Layton, Department of Transportation Representative
- 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
- Paul J. Jarabeck, Esquire, Board Prosecutor
- Timothy J. Henderson, Esquire, Board Prosecutor
- Janice Cline, Board Administrator

ALSO PRESENT:

- Charles Hartwell, Esquire, Dethlefs Pykosh & Murphy
- Wesley J. Rish, Esquire, Rish Law Office, LLC

1 ***

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

4 January 11, 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 10:29 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Vehicle Manufacturers, Dealers, and
15 Salespersons was held on Tuesday, January 11, 2022.
16 Kirk K. Davis, Chairman, Professional Member, called
17 the meeting to order at 10:29 a.m.

18 ***

19 Roll Call

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

22 ***

23 Approval of minutes of the December 7, 2021 meeting
24 CHAIRMAN DAVIS:

25 Do we have a motion for approval of the

1 last meeting minutes?

2 MR. YINGST:

3 So moved.

4 MR. DERR:

5 Second.

6 CHAIRMAN DAVIS:

7 Roll call.

8

9 Wolfe, aye; Stein, aye; Bizzaro, aye;

10 Baer, aye; Derr, aye; Yingst, aye;

11 Layton, aye; Davis, aye.

12 [The motion carried unanimously.]

13

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

17 Mr. Fritz also noted the meeting was being
18 recorded, and those who continued to participate were
19 giving their consent to be recorded.]

20

21 Appointment - Prosecution Division Annual Report
22 Presentation

23 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
24 Counsel, Prosecution Division, provided a summary of
25 the prosecution division's caseload during 2021.

1 Ms. DeLaurentis informed the Board that 1,167
2 cases were opened in 2021 for the State Board of
3 Vehicle Manufacturers, Dealers, and Salespersons
4 compared to 872 cases in 2020. She noted closing
5 1,256 cases in 2021 compared to 1,173 in in 2020. She
6 noted that more cases were closed than opened in the
7 calendar year. She reported 890 open cases for the
8 Board as of January 1, 2022.

9 Ms. DeLaurentis addressed enforcement actions,
10 noting 135 cases that resulted in discipline and 360
11 warning letters in 2021 compared to 173 in 2020. She
12 noted being proud of the prosecutors and counsel
13 attorneys.

14 Mr. Derr asked whether the discipline stems from
15 a result of state inspections, dealers, or complaints.
16 Ms. DeLaurentis stated that discipline could be a
17 combination of those. She noted complaints received
18 from the public would be investigated and could result
19 in discipline. She also noted information is received
20 from the Bureau of Enforcement and Investigation
21 (BEI), which could also result in discipline.

22 Mr. Baer asked how many individuals are licensed
23 under the Board. Ms. DeLaurentis explained that
24 fiscal management would have that number but offered
25 to provide that information to Board Counsel.

1 Chairman Davis asked how many inspectors were
2 currently working for the Board. Ms. DeLaurentis
3 stated there are usually roughly 70 investigators and
4 30 inspectors. She mentioned that BEI has vacancies
5 at the current time and deferred to their director
6 regarding their current complement.

7 Mr. Stein asked whether an inspector is sent to a
8 site before doing anything else after receiving a
9 letter about a dealership, whether it is a legality or
10 anything else. He addressed an issue approximately 10
11 years ago, where somebody told the state they were out
12 of business when trying to renew their dealer license
13 and could not find out who wrote the letter.

14 Ms. DeLaurentis explained that she and the
15 attorneys cannot speak to any specific cases, because
16 all investigative information would be confidential.
17 She will make the prosecutors aware of that issue back
18 then but had not heard of that currently being an
19 issue.

20 Mr. Stein stated the issue was resolved quickly
21 because one of the investigators went to the store
22 reported as being closed. He mentioned that it was
23 still somewhat troublesome, where somebody could write
24 a letter and the state can pass judgment without
25 having investigated it. He expressed concern when

1 somebody can write a letter with absolutely no basis
2 and put a black mark against a dealer, noting the
3 state has to be more diligent in how they approach a
4 complaint.

5 Ms. DeLaurentis assured the Board that all cases
6 were being reviewed closely by the prosecutors. It
7 was always good to talk about due diligence to make
8 sure the process works.

9 Paul J. Jarabeck, Esquire, Senior Board
10 Prosecutor, stated the prosecutors cannot comment on
11 individual cases. He mentioned that information is
12 received from all types of sources. He noted that
13 phone contacts, inspections, and investigations are
14 all part of the process to confirm the complaints are
15 valid and there is a basis to prosecute.

16 Mr. Jarabeck commented that complaints are
17 protected information across all boards unless there
18 is some type of consumer issue or something else that
19 would come to light to have that type of discussion,
20 whether it be to look in a particular file. He noted
21 trying to do their best to make sure the final result
22 is based upon the evidence.

23 Mr. Baer asked whether the Board has the
24 authority to change the rules on how you get a
25 license, like having a picture of a desk with a

1 telephone on it, that kind of thing.

2 Ms. DeLaurentis commented that looking at
3 regulations was good and recommended working with
4 counsel to change any rules.

5 Ms. DeLaurentis provided an overview of the
6 office as a whole and reported opening 1,223 COVID
7 cases in 2020 with 20 of those cases for the Board.
8 She noted 543 COVID-related cases were opened in 2021
9 with only 1 of those for the Board.

10 Ms. DeLaurentis reported 18,363 cases were opened
11 in 2021, which was up from 2020 at 13,394. She also
12 reported closing 15,994 cases for 2021 and 13,274 in
13 2020.

14 Ms. DeLaurentis noted the total number of open
15 cases for the office as of January 1, 2022, is 15,141.
16 She mentioned being very proud of the work of the
17 prosecution division and counsel.

18 Mr. Fritz referred to Mr. Baer's earlier question
19 regarding how many individuals are licensed under the
20 Board. He provided information from the November
21 budget presentation, where the total licensee count
22 was just under 37,000 licensees with 28,746
23 salespersons and 6,252 dealers.]

24 ***

25 Report of Prosecutorial Division

1 [Peter D. Kovach, Esquire, Board Prosecution Liaison,
2 on behalf of Kayla R. Bolan, Esquire, Board
3 Prosecutor, presented the Consent Agreement for Case
4 No. 20-60-002191.

5 Charles J. Hartwell, Esquire, Dethlefs Pykosh &
6 Murphy, counsel for the respondent, was present and
7 participated in the discussion.]

8 ***

9 [Peter D. Kovach, Esquire, Board Prosecution Liaison,
10 presented the Consent Agreement for Case No. 20-60-
11 001172.]

12 ***

13 [Timothy J. Henderson, Esquire, Board Prosecutor,
14 presented the Consent Agreements for Case No. 19-60-
15 014222 and Case No. 20-60-004125.

16 Wesley J. Rish, Esquire, Rish Law Office, LLC,
17 counsel for the respondent, was present and
18 participated in the discussion regarding Case No. 20-
19 60-004125.

20 Mr. Fritz asked whether any of the Board members
21 wished to go back into Executive Session to further
22 discuss any of the consent agreements.]

23 ***

24 Report of Prosecutorial Division - Consent Agreements
25 MR. FRITZ:

1 The Board would entertain a motion to
2 approve the Consent Agreement at Case
3 No. 20-60-002191.

4 MR. WOLFE:

5 Moves.

6 MR. STEIN:

7 Second.

8 CHAIRMAN DAVIS:

9 Roll call.

10

11 Wolfe, aye; Stein, aye; Bizzaro, aye;
12 Baer, aye; Derr, aye; Yingst, aye;
13 Layton, aye; Davis, aye.

14 [The motion carried unanimously. The Respondent's
15 name is Spanky's Auto Group, LLC.]

16

17 MR. FRITZ:

18 The Board would entertain a motion to
19 approve the Consent Agreement at Case
20 No. 20-60-001172.

21 MR. WOLFE:

22 Moves.

23 MR. STEIN:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Wolfe, aye; Stein, aye; Bizzaro, aye;

4 Baer, aye; Derr, aye; Yingst, aye;

5 Layton, aye; Davis, aye.

6 [The motion carried unanimously. The Respondent's
7 name is Michael L. Lake II.]

8 ***

9 MR. FRITZ:

10 The Board would entertain a motion to
11 approve the Consent Agreement at Case
12 No. 19-60-014222.

13 MR. YINGST:

14 So moved.

15 MR. DERR:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19

20 Wolfe, aye; Stein, aye; Bizzaro, aye;

21 Baer, aye; Derr, aye; Yingst, aye;

22 Layton, aye; Davis, aye.

23 [The motion carried unanimously. The Respondent's
24 name is Amy M. Ercole.]

25 ***

1 MR. FRITZ:

2 The Board would entertain a motion to
3 approve the Consent Agreement at Case
4 No. 20-60-004125.

5 MR. WOLFE:

6 Moves.

7 MR. DERR:

8 Second.

9 CHAIRMAN DAVIS:

10 Roll call.

11

12 Wolfe, aye; Stein, aye; Bizzaro, aye;

13 Baer, aye; Derr, aye; Yingst, aye;

14 Layton, aye; Davis, aye.

15 [The motion carried unanimously. The Respondent's
16 name is Brittney Lynn Royer.]

17 ***

18 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
19 presented the information requested during Ms.

20 DeLaurentis' presentation regarding the total number
21 of inspectors, noting approximately 20 inspectors

22 statewide with multiple vacancies for those

23 positions.]

24 ***

25 [A Formal Hearing was held from 11:03 a.m. until

1 11:57 a.m. in the matter of the Petition for
2 Reinstatement of the Vehicle Salesperson License of
3 Charles A. Strait, Case No. 21-60-017927.]

4 ***
5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 11:58 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
9 deliberations. The Board returned to open session at
10 12:12 p.m.]

11 ***
12 Report of Board Counsel - Formal Hearings/Arguments

13 MR. FRITZ:

14 The Board met in Executive Session and
15 conducted quasi-judicial deliberations.

16 The Board would entertain a motion
17 to direct Board counsel to draft the
18 Final Order in the Matter of Charles A.
19 Strait, Case No. 21-60-017927.

20 CHAIRMAN DAVIS:

21 Do we have a motion?

22 MR. WOLFE:

23 Moves.

24 MR. YINGST:

25 Second.

1 CHAIRMAN DAVIS:

2 Roll call.

3

4 Wolfe, aye; Bizzaro, aye; Yingst, aye;

5 Layton, aye; Baer, aye; Stein, aye;

6 Derr, aye; Davis, aye.

7 [The motion carried unanimously.]

8

9 Report of Board Counsel - Status of Cases

10 [C. William Fritz II, Esquire, Board Counsel, asked
11 whether Board members had any questions regarding the
12 status of cases as of December 28, 2021, noting the
13 status of cases is currently at 69. He complimented
14 prosecution for doing a great job with a lot of filing
15 and moving of cases. He reported six open protest
16 cases with one protest case, Transteck, Inc., DBA
17 Freightliner of Harrisburg v. Daimler, which is going
18 to hearing January 24, 25, 26 and possibly 27. He
19 thanked Mr. Stein for joining him at the hearing.

20 Mr. Fritz noted working on 16A-6015 regarding the
21 fee increase.

22 Mr. Fritz referred to 16A-6011 regarding the out-
23 of-state RV fee, noting it had been approved and would
24 soon be published. He informed the Board that the fee
25 for out-of-state RV dealers coming into shows in

1 Pennsylvania could be charged.

2 Mr. Fritz informed the Board of two hearings
3 scheduled for the next meeting and reminded Chairman
4 Davis he would need to recuse himself from one of the
5 cases.]

6 ***

7 Report of Board Counsel - Adjudications and Orders for
8 Approval

9 MR. FRITZ:

10 The Board would entertain a motion to
11 approve the following Adjudication and
12 Order for Commonwealth v. Fareed Anwari,
13 Case No. 20-60-003836; Commonwealth v.
14 Brandon M. Kile & Kiles Auto Sales, Case
15 No. 19-60-005799; Commonwealth v. David
16 Sadlowski, Case No. 19-60-004496;
17 Commonwealth v. Brett A. Seibert, Case
18 No. 19-60-004896; Commonwealth v. Scott
19 A. Wilson, Case No. 18-60-005111; and
20 Commonwealth v. Robert Wommer, Case No.
21 18-60-03422.

22 CHAIRMAN DAVIS:

23 Do we have a motion?

24 MR. STEIN:

25 I'll make the motion.

1 MR. DERR:

2 Second.

3 CHAIRMAN DAVIS:

4 Roll call.

5

6 Wolfe, aye; Stein, aye; Derr, aye; Baer,
7 aye; Yingst, aye; Layton, aye; Davis,
8 aye; Bizzaro, aye.

9 [The motion carried unanimously.]

10

11 Discussion

12 [C. William Fritz II, Esquire, Board Counsel, provided
13 an updated to Act 53 regarding crimes related to the
14 profession. He noted that crimes inadvertently
15 omitted from the list on the website could be added by
16 a vote.]

17 MR. FRITZ:

18 I would recommend to add theft from a
19 motor vehicle to the Act 53 list as a
20 crime related to the profession.

21 MR. STEIN:

22 So moved.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Wolfe, aye; Stein, aye; Derr, aye;

4 Yingst, aye; Baer, aye; Layton, aye;

5 Bizzaro, aye; Davis, aye.

6 [The motion carried unanimously.]

7

8 Application Review

9 MR. FRITZ:

10 The Board would entertain a motion to
11 approve the Application submitted by
12 Cody Bernard Hauber subject to a one-
13 year period of probation.

14 CHAIRMAN DAVIS:

15 Do we have a motion?

16 MR. YINGST:

17 I'll make the motion.

18 MR. STEIN:

19 Second.

20 CHAIRMAN DAVIS:

21 Roll call.

22

23 Wolfe, aye; Stein, aye; Derr, aye;

24 Yingst, aye; Baer, aye; Layton, aye;

25 Bizzaro, aye; Davis, 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 Raymond Homerich and Christopher Jones.

7 MR. WOLFE:

8 I'll move the motion.

9 MR. DERR:

10 Second.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Wolfe, aye; Stein, aye; Derr, aye;

15 Yingst, aye; Baer, aye; Layton, aye;

16 Bizzaro, aye; Davis, aye.

17 [The motion carried unanimously.]

18 ***

19 MR. FRITZ:

20 The Board would entertain a motion to
21 provisionally deny the Application for
22 Devacio Bessell McGowen.

23 MS. LAYTON:

24 So moved.

25 MR. DERR:

1 Second.

2 CHAIRMAN DAVIS:

3 Roll call.

4

5 Wolfe, aye; Stein, aye; Derr, aye;

6 Yingst, aye; Baer, aye; Layton, aye;

7 Bizzaro, aye; Davis, aye.

8 [The motion carried unanimously.]

9

10 Report of Board Chair - No Report

11

12 Report of Board Administrator

13 [Janice Cline, Board Administrator, noted 2023 Board
14 meeting dates for the Board's review and would check
15 on the February and November dates due to Chairman
16 Davis not being able to attend.

17 Mr. Fritz informed Ms. Cline that the meetings
18 can take place if there are no other dates as long as
19 there is a quorum, noting that Mr. Derr would be in
20 charge of the meeting as secretary.

21 Mr. Fritz noted Board members are permitted to
22 attend national association meetings with some
23 restrictions for in-person attendance and advised
24 everyone to let Ms. Cline know well in advance because
25 of the new process for approval.

1 Chairman Davis recommended Board members contact
2 Ms. Cline as soon as possible with any conflicts to
3 the 2023 Board meeting dates.

4 Chairman Davis encouraged everyone to be mindful
5 of Board member terms. He also noted the
6 reappointment of Steve Fretz is going through its
7 process.]

8 ***

9 Report of Commissioner

10 [Arion Claggett, Deputy Commissioner, Bureau of
11 Professional and Occupational Affairs, announced
12 Commissioner Johnson resigned from the Bureau of
13 Professional and Occupational Affairs (BPOA) and his
14 last day would this Friday, January 15, 2022. He
15 informed the Board of being appointed by the
16 Governor's Office to take over the Commissioner's
17 position and would become the Acting Commissioner on
18 January 15, 2022.]

19 ***

20 Adjournment

21 CHAIRMAN DAVIS:

22 If anybody does not have anything for
23 the agenda, then I will that we adjourn?

24 MR. STEIN:

25 Motion to adjourn.

1 MR. DERR:

2 I'll second.

3 CHAIRMAN DAVIS:

4 We're adjourned.

5 [The motion carried unanimously.]

6 ***

7 [The State Board of Vehicle Manufacturers, Dealers,
8 and Salespersons Meeting adjourned at 12:23 p.m.]

9 ***

10

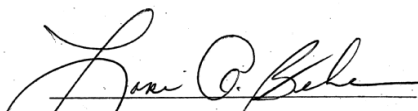
11 CERTIFICATE

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

Lori A. Behe,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

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

January 11, 2022

	TIME	AGENDA
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8		
9		
10	9:00	Executive Session
11	10:29	Return to Open Session
12		
13	10:29	Official Call to Order
14		
15	10:29	Roll Call
16		
17	10:29	Approval of Minutes
18		
19	10:30	Appointment - Carolyn A. DeLaurentis,
20		Esquire, Deputy Chief Counsel,
21		Prosecution Division Annual Report
22		Presentation
23		
24	10:49	Report of Prosecutorial Division
25		
26	11:03	Formal Hearing - Charles A. Strait
27	11:57	
28		
29	11:58	Executive Session
30	12:12	Return to Open Session
31		
32	12:12	Report of Board Counsel
33		
34	12:17	Discussion
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36	12:18	Application Review
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38	12:19	Report of Board Administrator
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40	12:22	Report of Commissioner
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42	12:23	Adjournment
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