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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: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

February 22, 2024

1 State Board of Vehicle Manufacturers,
2 Dealers, and Salespersons
3 February 22, 2024
4
5

6 BOARD MEMBERS:
7

8 Kirk A. Davis, Chairman
9 Irving Stein, Secretary - Absent
10 Arion R. Claggett, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Mark Wolfe, Attorney General Representative
13 Angel Layton, Department of Transportation
14 Representative
15 Mark Baer, Professional Member
16 Joseph Bizzarro, Professional Member - Absent
17 Steve T. Fretz, Professional Member
18 Daniel Limongelli, Professional Member - Absent
19 Dale J. Yingst, Professional Member
20 William Heeney, Public Member
21
22

23 BUREAU PERSONNEL:
24

25 Ashley B. Goshert, Esquire, Board Counsel
26 Paul J. Jarabeck, Esquire, Senior Board Prosecutor
27 Gregory S. Liero, Esquire, Board Prosecution
28 James P. Kushlan, Board Administrator
29 Marc Farrell, Esquire, Regulatory Counsel,
30 Office of Chief Counsel, Department of State
31 Andrew LaFratte, MPA, Deputy Policy Director,
32 Department of State
33 Brian, Extern, Department of State
34
35

36 ALSO PRESENT:
37

38 Brandon Prosansky, Esquire, Barack, Ferrazzano,
39 Kirschbaum & Nagelberg LLP
40 Derek Richmond
41
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1 ***

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

4 February 22, 2024

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 Ashley B. Goshert, Esquire, Board Counsel, for
9 the purpose of conducting quasi-judicial
10 deliberations and to receive the advice of counsel.
11 The Board returned to open session at 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 Thursday, February 22, 2024.
16 Kirk A. Davis, Chairman, Professional Member, called
17 the meeting to order at 10:30 a.m.

18 ***

19 [Ashley B. Goshert, Esquire, Board Counsel, noted the
20 meeting was being recorded and voluntary
21 participation constituted consent to be recorded.

22 Ms. Goshert also noted the Board entered into
23 Executive Session with Board Counsel for the purpose
24 of conducting quasi-judicial deliberations and to
25 receive the advice of counsel.]

1 ***

2 Roll Call/Introduction of Attendees

3 [Chairman Davis requested a roll call of Board
4 members and introduction of attendees.]

5 ***

6 Approval of minutes of the January 9, 2023 meeting

7 CHAIRMAN DAVIS:

8 Do we have a motion to approve the
9 minutes from the January 9 meeting?

10 ACTING COMMISSIONER CLAGGETT:

11 So moved.

12 MR. YINGST:

13 I second the motion.

14 CHAIRMAN DAVIS:

15 Roll call.

16
17 Arion Claggett, aye; Mark Wolfe, aye;
18 Angel Layton, abstain; Mark Baer, aye;
19 Steve Fretz, aye; Dale Yingst, aye;
20 William Heeney, aye; Kirk Davis, aye.

21 [The motion carried. Angel Layton abstained from
22 voting on the motion.]

23 ***

24 Report of Prosecutorial Division

25 [Gregory S. Liero, Esquire, Board Prosecutor,

1 presented the Consent Agreement for Case No. 22-60-
2 013510.]

3 MS. GOSHERT:

4 Pursuant to Section 708(a)(5) of the
5 Sunshine Act, the Board did enter into
6 Executive Session at 9 a.m. with
7 counsel for the purpose of conducting
8 quasi-judicial deliberations and to
9 receive advice from counsel.

10 Pursuant to those deliberations, I
11 believe the Board would entertain a
12 motion to approve the Consent Agreement
13 for Case No. 22-60-013510.

14 CHAIRMAN DAVIS:

15 Do we have a motion?

16 ACTING COMMISSIONER CLAGGETT:

17 So moved.

18 MR. YINGST:

19 I second the motion.

20 CHAIRMAN DAVIS:

21 Roll call.

22
23 Arion Claggett, aye; Mark Wolfe, aye;
24 Angel Layton, aye; Mark Baer, aye;
25 Steve Fretz, aye; Dale Yingst, aye;

1 William Heeney, aye; Kirk Davis, aye.
2 [The motion carried unanimously. The Respondent's
3 name is Athanasios Karampoulis.]

4 ***
5 Report of Board Counsel - Status of Cases
6 [Ashley B. Goshert, Esquire, Board Counsel, provided
7 a Status of Cases Report as of February 15, 2024, for
8 the Board's review. She reported a number of new
9 orders to show cause were filed and requested Board
10 members inform her of any recusals.]

11 ***
12 Report of Board Counsel - Motions to Deem Facts

13 Admitted

14 MS. GOSHERT:

15 At items 4 through 9, I believe, based
16 on Executive Session deliberations, the
17 Board would entertain a motion to grant
18 the Motions to Deem Facts Admitted and
19 Enter Default and direct Board Counsel
20 to prepare Adjudications and Orders in
21 accordance with discussions in
22 Executive Session in the Matters of
23 American Tire & Auto, Case No. 20-60-
24 009944; David Colaianni, Case No. 23-
25 60-016542; David Cronin, Case No. 19-

1 60-008321; Lucas L. Dollansky, Case No.
2 19-60-004384; Dashaun Guzman, Case No.
3 20-60-006471; and Brian Peck, Case No.
4 21-61-60-006461.

5 CHAIRMAN DAVIS:

6 Do we have a motion?

7 ACTING COMMISSIONER CLAGGETT:

8 So moved.

9 MR. YINGST:

10 I second the motion.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Arion Claggett, aye; Mark Wolfe, aye;

15 Angel Layton, aye; Mark Baer, aye;

16 Steve Fretz, aye; Dale Yingst, aye;

17 William Heeney, aye; Kirk Davis, aye.

18 [The motion carried unanimously.]

19

20 Report of Board Counsel - Appeal of Citation

21 MS. GOSHERT:

22 Item 10 is an Appeal of Citation by C&A

23 Auto Sales. I believe after Executive

24 Session deliberations that the Board

25 would entertain a motion to grant the

1 Appeal of C&A Auto Sales and remand the
2 matter for a hearing before the
3 designated hearing examiner.

4 CHAIRMAN DAVIS:

5 Do we have a motion?

6 ACTING COMMISSIONER CLAGGETT:

7 So moved.

8 MR. YINGST:

9 I second the motion.

10 CHAIRMAN DAVIS:

11 Roll call.

12

13 Arion Claggett, aye; Mark Wolfe, aye;

14 Angel Layton, aye; Mark Baer, aye;

15 Steve Fretz, aye; Dale Yingst, aye;

16 William Heeney, aye; Kirk Davis, aye.

17 [The motion carried unanimously.]

18 ***

19 Report of Board Chairman - No Report

20 ***

21 Report of Acting Commissioner - No Report

22 ***

23 Report of Board Administrator

24 [James P. Kushlan, Board Administrator, stated the

25 Pennsylvania Human Resources Service Center sent out

1 a notice recently informing public officials of their
2 requirement to present an annual financial disclosure
3 form. He noted the form can be completed online, and
4 an email will be sent explaining how to submit the
5 form. He offered to distribute physical forms for
6 those who prefer to submit the financial disclosure
7 in that manner. He mentioned that the financial
8 disclosure form is mandatory and must be filed before
9 May 1.

10 Acting Commissioner Claggett recommended everyone
11 complete the form online.]

12 ***

13 Report of Board Administrator - Scheduled Board
14 Meeting Dates

15 [Kirk A. Davis, Chairman, Professional Member, noted
16 the 2024 and 2025 Board meeting dates and encouraged
17 Board members to notify Mr. Kushlan of any
18 conflicts.]

19 ***

20 Report of Board Administrator - Board Member Terms

21 [Kirk A. Davis, Chairman, Professional Member, did
22 not believe any Board member terms were ending for
23 the balance of the year.]

24 ***

25 Application Review - Informal Conference

1 [Kirk A. Davis, Chairman, Professional Member, noted
2 the applicant for the informal conference was not
3 present, and no vote would be taken.]

4 ***

5 Application Review - Applications with Criminal
6 Convictions

7 MS. GOSHERT:

8 Agenda items 15 and 18. Based on
9 Executive Session deliberations, I
10 believe the Board would entertain a
11 motion to grant Licenses without
12 Restriction to Michael Covello and
13 Rashira Lewis.

14 CHAIRMAN DAVIS:

15 Do we have a motion?

16 ACTING COMMISSIONER CLAGGETT:

17 So moved.

18 MR. YINGST:

19 I second the motion.

20 CHAIRMAN DAVIS:

21 Roll call.

22
23 Arion Claggett, aye; Mark Wolfe, aye;
24 Angel Layton, aye; Mark Baer, aye;
25 Steve Fretz, aye; Dale Yingst, aye;

1 William Heeney, aye; Kirk Davis, aye.

2 [The motion carried unanimously.]

3 ***

4 MS. GOSHERT:

5 Agenda items 16, 17, and 19. Based on
6 Executive Session deliberations, I
7 believe the Board would entertain a
8 motion to grant Licenses to the
9 following Applicants provided they
10 agree to a two-year term of probation
11 for Rene W. Deville, Rachel Yana Jones,
12 and Joseph Lindermuth.

13 CHAIRMAN DAVIS:

14 Do we have a motion?

15 ACTING COMMISSIONER CLAGGETT:

16 So moved.

17 MR. YINGST:

18 I second the motion.

19 CHAIRMAN DAVIS:

20 Roll call.

21

22 Arion Claggett, aye; Mark Wolfe, aye;

23 Angel Layton, aye; Mark Baer, aye;

24 Steve Fretz, aye; Dale Yingst, aye;

25 William Heeney, aye; Kirk Davis, aye.

1 [The motion carried unanimously.]

2 ***

3 MS. GOSHERT:

4 Agenda item 20. Based on Executive
5 Session deliberations, I believe the
6 Board would entertain a motion to
7 provisionally deny the License
8 Application of Christopher Spencer.

9 CHAIRMAN DAVIS:

10 Do we have a motion?

11 ACTING COMMISSIONER CLAGGETT:

12 So moved.

13 MR. YINGST:

14 I second the motion.

15 CHAIRMAN DAVIS:

16 Roll call.

17
18 Arion Claggett, aye; Mark Wolfe, aye;

19 Angel Layton, aye; Mark Baer, aye;

20 Steve Fretz, aye; Dale Yingst, aye;

21 William Heeney, aye; Kirk Davis, aye.

22 [The motion carried unanimously.]

23 ***

24 Report of Regulatory Counsel

25 [Marc Farrell, Esquire, Regulatory Counsel, Office of

1 Chief Counsel, stated the Board continues to not have
2 any of its own regulations ongoing in the works. He
3 provided an update on the consideration of criminal
4 convictions regulation package, noting it is the
5 Commissioner's regulation but applies to all boards.
6 He stated the final-form rulemaking was delivered to
7 the Independent Regulatory Review Commission (IRRC)
8 and the legislative standing committees of the House
9 and Senate on February 14, 2024.

10 Mr. Farrell noted that all parties who submitted
11 comments were notified of the delivery and
12 availability of the final-form rulemaking. He
13 informed Board members that it is posted on IRRC's
14 website and is expected to be on IRRC's agenda for
15 its public meeting on March 21 when they will
16 consider either a vote to approve or disapprove.]

17 ***

18 [The Board recessed from 10:46 a.m. until 11:22 a.m.]

19 ***

20 Appointment - Oral Argument

21 [An oral argument was held from 11:30 a.m. until
22 12:08 p.m. in the Matter of the B&B Sales & Service
23 Inc. v. Triumph Motorcycles America Ltd., Case Nos.
24 22-60-018725, 23-60-000219, and 23-60-0009142.]

25 ***

1 [Pursuant to Section 708(a)(5) of the Sunshine Act,
2 at 12:08 p.m. the Board entered into Executive
3 Session with Ashley B. Goshert, Esquire, Board
4 Counsel, for the purpose of conducting quasi-judicial
5 deliberations and to receive the advice of counsel.
6 The Board returned to open session at 12:14 p.m.]

7 ***

8 MOTION

9 MS. GOSHERT:

10 As it relates to agenda item 21, B&B
11 Sales & Service Inc. v. Triumph
12 Motorcycles Ltd., after the Board
13 reviewed the party filings and after
14 hearing oral argument and after further
15 discussion in Executive Session, I
16 believe the Board would entertain a
17 motion directing Board Counsel to issue
18 an order of disposition for the pending
19 motion to dismiss consistent with
20 discussions and Executive Session.

21 CHAIRMAN DAVIS:

22 Do we have a motion?

23 ACTING COMMISSIONER CLAGGETT:

24 So moved.

25 MR. YINGST:

1 I second the motion.

2 CHAIRMAN DAVIS:

3 Roll call.

4

5 Arion Claggett, aye; Mark Wolfe, no;

6 Angel Layton, aye; Mark Baer, aye;

7 Steve Fretz, aye; Dale Yingst, aye;

8 William Heeney, no; Kirk Davis, yes.

9 [The motion carried. Mark Wolfe and William Heeney
10 opposed the motion.]

11 ***

12 Adjournment

13 CHAIRMAN DAVIS:

14 Do we have a motion for adjourn?

15 MR. YINGST:

16 Motion to adjourn.

17 MR. WOLFE:

18 Second.

19 CHAIRMAN DAVIS:

20 We're adjourned.

21 ***

22 [The State Board of Vehicle Manufacturers, Dealers,
23 and Salespersons Meeting adjourned at 12:17 p.m.]

24 ***

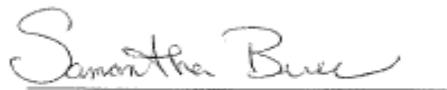
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CERTIFICATE

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.



Samantha Bruer,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

February 22, 2024

	TIME	AGENDA
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2		
3		
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5		
6		
7		
8		
9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:30	Official Call to Order
14		
15	10:30	Roll Call/Introduction of Attendees
16		
17	10:32	Approval of Minutes
18		
19	10:34	Report of Prosecutorial Division
20		
21	10:36	Report of Board Counsel
22		
23	10:39	Report of Board Administrator
24		
25	10:41	Application Review
26		
27	10:44	Report of Regulatory Counsel
28		
29	10:46	Recess
30	11:22	Return to Open Session
31		
32	11:30	Appointment - Oral Argument - B&B Sales
33	12:08	& Service Inc. v. Triumph
34		Motorcycles America Ltd.
35		
36	12:08	Executive Session
37	12:14	Return to Open Session
38		
39	12:14	Motion
40		
41	12:17	Adjournment
42		
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