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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: 10:31 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

June 6, 2023

1 State Board of Vehicle Manufacturers,
2 Dealers, and Salespersons
3 June 6, 2023
4
5

6 BOARD MEMBERS:
7

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

22 BUREAU PERSONNEL:
23

24 Dean F. Picarella, Esquire, Senior Counsel, Counsel
25 Division
26 Shawn J. Jayman, Esquire, Board Counsel
27 Sean C. Barrett, Esquire, Board Counsel
28 Jared Hinsey, Esquire, Board Counsel
29 Kayla R.B. Bolan, Esquire, Board Prosecution Liaison
30 Paul J. Jarabeck, Esquire, Senior Board Prosecutor
31 Amber Lee Czerniakowski, Board Prosecutor
32 Timothy J. Henderson, Esquire, Board Prosecutor
33 James Kushlan, Board Administrator
34 Amanda Li, Department of State
35
36

37 ALSO PRESENT:
38

39 Aaron Rawdin
40 Derek Richmond
41
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1 ***

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

4 June 6, 2023

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 Shawn J. Jayman, Esquire, Board Counsel; Sean C.
9 Barrett, Esquire, Board Counsel; and Jared Hinsey,
10 Esquire, Board Counsel, for the purpose of conducting
11 quasi-judicial deliberations and to receive the
12 advice of counsel. The Board returned to open
13 session at 10:30 a.m.]

14 ***

15 The regularly scheduled meeting of the State
16 Board of Vehicle Manufacturers, Dealers, and
17 Salespersons was held on Tuesday, June 6, 2023. Kirk
18 A. Davis, Chairman, Professional Member, called the
19 meeting to order at 10:31 a.m.

20 ***

21 [Shawn J. Jayman, Esquire, Board Counsel, noted the
22 meeting was being recorded, and voluntary
23 participation constituted consent to be recorded.

24 Mr. Jayman also noted the Board entered into
25 Executive Session for the purposes of conducting

1 quasi-judicial deliberations on a number of matters
2 currently pending before the Board and to receive the
3 advice of counsel.]

4 ***

5 Roll Call/Introduction of Attendees

6 [Chairman Davis requested a roll call of Board
7 members and introduction of attendees.]

8 ***

9 Approval of minutes of the April 17, 2023 meeting

10 CHAIRMAN DAVIS:

11 Do we have a motion to approve the
12 minutes from the April meeting?

13 MR. YINGST:

14 I make a motion.

15 MR. DERR:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19

20 Yingst, aye; Derr, aye; Bizzarro, aye;

21 Baer, aye; Fretz, aye; Stein, aye;

22 Layton, aye; Wolfe, aye; Davis, aye.

23 [The motion carried unanimously.]

24 ***

25 Report of Prosecutorial Division

1 [Amber Lee Czerniakowski, Esquire, Board Prosecutor,
2 presented the Consent Agreement for Case No. 20-60-
3 001613. She requested items 3 and 4 be tabled until
4 the next meeting.]

5

6 [Kayla R.B. Bolan, Esquire, Board Prosecution
7 Liaison, presented the Consent Agreements for Case
8 No. 20-60-010117 and Case No. 21-60-009628.]

9

10 [Timothy J. Henderson, Esquire, Board Prosecutor,
11 requested Case No. 22-60-006445 at item 8 be tabled
12 until the next meeting.]

13 Mr. Henderson presented the Consent Agreement for
14 Case No. 20-60-008320.]

15

16 MR. HINSEY:

17 Based on the presentation of the
18 prosecution division, does any Board
19 member wish to reenter Executive
20 Session for deliberations on any of
21 these matters? Hearing none.

22

23 Based on the presentations, I
24 believe the Chair would entertain a
25 motion to table the Consent Agreements
at items 3, 4, and 8. Item 3 is Case

1 No. 21-60-001909; item 4, Case No. 22-
2 60-018396; and item 8, Case No. 22-60-
3 006445.

4 CHAIRMAN DAVIS:

5 Do we have a motion?

6 MR. YINGST:

7 I make a motion.

8 MR. DERR:

9 Second.

10 CHAIRMAN DAVIS:

11 Roll call.

12

13 Yingst, aye; Derr, aye; Stein, aye;
14 Bizzarro, aye; Fretz, aye; Layton, aye;
15 Wolfe, aye; Baer, aye; Davis, aye.

16 [The motion carried unanimously.]

17

18 MR. HINSEY:

19 Based on Executive Session
20 deliberations, I believe the
21 Chair would entertain a motion to
22 approve the Consent Agreements for
23 items 2, Case No. 22-60-001613; item 5,
24 Case No. 20-60-010117; item 6, Case No.
25 21-60-009628; and item 7, Case No. 20-

1 60-008320.

2 CHAIRMAN DAVIS:

3 Do we have a motion?

4 MR. YINGST:

5 I make a motion.

6 MR. DERR:

7 Second.

8 CHAIRMAN DAVIS:

9 Roll call.

10

11 Yingst, aye; Derr, aye; Stein, aye;

12 Bizzarro, aye; Fretz, aye; Baer, aye;

13 Layton, aye; Wolfe, aye; Davis, aye.

14 [The motion carried unanimously. The Respondent's
15 name at item 2 is Mike Crown; item 5, Franklin Amaury
16 Sanchez; item 6, Jerry Lee Koezeno Sr.; and item 7,
17 Dustin Crooks.]

18

19 Report of Board Counsel - Status of Cases

20 [Shawn J. Jayman, Esquire, Board Counsel, provided a
21 Status of Cases Report as of May 30 for the Board's
22 review.]

23

24 Report of Board Counsel - Final Adjudication and
25 Order

1 MR. JAYMAN:

2 Item 10 on the agenda. Based on
3 Executive Session deliberations, I
4 believe the
5 Chair would entertain a motion to
6 accept the Final Adjudication and Order
7 in the matter of Nerik Borukhov, Case
8 No. 20-60-010543.

9 CHAIRMAN DAVIS:

10 Do we have a motion?

11 MR. YINGST:

12 I make a motion.

13 MR. DERR:

14 Second.

15 CHAIRMAN DAVIS:

16 Roll call.

17

18 Yingst, aye; Derr, aye; Stein, aye;

19 Bizzarro, aye; Fretz, aye; Baer, aye;

20 Layton, aye; Wolfe, aye; Davis, aye.

21 [The motion carried unanimously.]

22

23 Report of Board Counsel - Motion to Deem Facts

24 Admitted

25 MR. JAYMAN:

1 Item 11 on the agenda. Based on
2 Executive Session deliberations, I
3 believe the Chair would entertain a
4 motion to grant the Motion to Deem
5 Facts Admitted and Enter Default and
6 direct Board Counsel to prepare an
7 Adjudication and Order in accordance
8 with discussions in Executive Session
9 in the matter of Thomas Boneta, Case
10 No. 21-60-006129.

11 CHAIRMAN DAVIS:

12 Do we have a motion?

13 MR. YINGST:

14 I make a motion.

15 MR. DERR:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19

20 Yingst, aye; Derr, aye; Stein, aye;

21 Bizzarro, aye; Fretz, aye; Baer, aye;

22 Layton, aye; Wolfe, aye; Davis, aye.

23 [The motion carried unanimously.]

24

25 MR. HINSEY:

1 Based on Executive Session
2 deliberations, I believe the Chair
3 would entertain a motion to grant the
4 Motion to Deem Facts Admitted and Enter
5 Default and direct Board Counsel to
6 prepare an Adjudication and Order in
7 accordance with discussions in
8 Executive Session in the matter of item
9 12, Donte Rahene Manning, Case No. 21-
10 60-000060.

11 CHAIRMAN DAVIS:

12 Do we have a motion?

13 MR. YINGST:

14 I make a motion.

15 MR. DERR:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19

20 Yingst, aye; Derr, aye; Stein, aye;

21 Bizzarro, aye; Fretz, aye; Baer, aye;

22 Layton, aye; Wolfe, aye; Davis, aye.

23 [The motion carried unanimously.]

24

25 Report of Board Chairman - No Report

1 ***

2 Report of Acting Commissioner - No Report

3 ***

4 Report of Board Administrator

5 [James Kushlan, Board Administrator, informed Board
6 members of the completion of the renewal cycle for
7 licensure and noted a good turnaround with 100
8 percent renewal for the vehicle manufacturer branch.
9 He reported vehicle auction, vehicle licenses, and
10 vehicle dealers were pretty high, noting
11 approximately 11 percent of vehicle dealers were
12 reactivating due to not making the deadline.

13 Mr. Kushlan mentioned that counsel looked at many
14 applications that would need Board review because of
15 criminal convictions and informed Board members that
16 he would continue scheduling those to get caught up a
17 bit.

18 Chair Davis noted the next scheduled Board
19 meeting date is July 25, 2023. He encouraged
20 everyone to put the 2024 meeting dates on their
21 calendars as soon as possible.

22 Chair Davis addressed Board terms, noting Mr.
23 Derr's term would be ending fairly soon in
24 September.]

25 ***

1 Application Review - Informal Conferences

2 MR. HINSEY:

3 At item 15 on the list, based on
4 Executive Session deliberations, I
5 believe the Chair would entertain a
6 motion to offer the Application of Cody
7 Albritton a Vehicle Salesperson License
8 on two years of probation.

9 CHAIRMAN DAVIS:

10 Do we have a motion?

11 MR. YINGST:

12 I make a motion.

13 MR. DERR:

14 Second.

15 CHAIRMAN DAVIS:

16 Roll call.

17

18 Yingst, aye; Derr, aye; Stein, aye;

19 Bizzarro, aye; Fretz, aye; Baer, aye;

20 Layton, aye; Wolfe, aye; Davis, aye.

21 [The motion carried unanimously.]

22

23 MR. HINSEY:

24 At item 16, based on Executive Session
25 deliberations, I believe the Chair

1 would entertain a motion to
2 provisionally deny the Vehicle
3 Salesperson Application of Salah
4 Tinsley.

5 CHAIRMAN DAVIS:

6 Do we have a motion?

7 MR. YINGST:

8 I make a motion.

9 MR. DERR:

10 Second.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Yingst, aye; Derr, aye; Bizzarro, aye;

15 Fretz, aye; Stein, aye; Baer, aye;

16 Layton, aye; Wolfe, aye; Davis, aye.

17 [The motion carried unanimously.]

18

19 MR. HINSEY:

20 At item 17, based on Executive Session

21 deliberations, I believe the Chair

22 would entertain a motion to table the

23 Application of Jennifer Michelle Benson

24 for a Vehicle Salesperson License.

25 CHAIRMAN DAVIS:

1 Motion?

2 MR. YINGST:

3 I make a motion.

4 MR. DERR:

5 Second.

6 CHAIRMAN DAVIS:

7 Roll call.

8

9 Yingst, aye; Derr, aye; Bizzarro, aye;

10 Stein, aye; Fretz, aye; Baer, aye;

11 Layton, aye; Wolfe, aye; Davis, aye.

12 [The motion carried unanimously.]

13

14 MR. HINSEY:

15 At item 18, based on Executive Session

16 deliberations, I believe the Chair

17 would entertain a motion to offer Jacob

18 Edward Aharonian a Vehicle Salesperson

19 License condition to probation

20 concurrent to his criminal probation.

21 CHAIRMAN DAVIS:

22 Do we have a motion?

23 MR. YINGST:

24 I make a motion.

25 MR. DERR:

1 Second.

2 CHAIRMAN DAVIS:

3 Roll call.

4

5 Yingst, aye; Derr, aye; Bizzarro, aye;

6 Stein, aye; Fretz, aye; Baer, aye;

7 Layton, aye; Wolfe, aye; Davis, aye.

8 [The motion carried unanimously.]

9

10 MR. HINSEY:

11 At item 19, based on Executive Session

12 deliberations, I believe the Chair

13 would entertain a motion to

14 provisionally deny the Vehicle

15 Salesperson Application of Christine

16 Cupp.

17 CHAIRMAN DAVIS:

18 Do we have a motion?

19 MR. YINGST:

20 I make a motion.

21 MR. DERR:

22 Second.

23 CHAIRMAN DAVIS:

24 Roll call.

25

1 [The motion carried unanimously.]

2 ***

3 MR. HINSEY:

4 At items 21 and 22 on the list, based
5 on Executive Session deliberations, I
6 believe the Chair would entertain a
7 motion to approve the Vehicle
8 Salesperson Applications of Chad R.
9 Camp and Sonny M. Banks.

10 CHAIRMAN DAVIS:

11 Do we have a motion?

12 MR. YINGST:

13 I make a motion.

14 MR. DERR:

15 Second.

16 CHAIRMAN DAVIS:

17 Roll call.

18

19 Yingst, aye; Derr, aye; Stein, aye;

20 Bizzarro, aye; Fretz, aye; Baer, aye;

21 Layton, aye; Wolfe, aye; Davis, aye.

22 [The motion carried unanimously.]

23 ***

24 MR. HINSEY:

25 At items 23 and 24, based on Executive

1 Session deliberations, I believe the
2 Chair would entertain a motion to
3 invite the Applicants, Barry Joe Horn
4 Jr. and Katie McDonald to the next
5 Board meeting for an informal
6 conference.

7 CHAIRMAN DAVIS:

8 Do we have a motion?

9 MR. YINGST:

10 I make a motion.

11 MR. DERR:

12 Second.

13 CHAIRMAN DAVIS:

14 Roll call.

15

16 Yingst, aye; Derr, aye; Stein, aye;

17 Bizzarro, aye; Fretz, aye; Baer, aye;

18 Layton, aye; Wolfe, aye; Davis, aye.

19 [The motion carried unanimously.]

20

21 Adjournment

22 CHAIRMAN DAVIS:

23 Do we have a motion for adjournment?

24 MR. YINGST:

25 Motion for adjournment.

1 MR. DERR:

2 Second.

3 CHAIRMAN DAVIS:

4 We are adjourned.

5 ***

6 [The State Board of Vehicle Manufacturers, Dealers,
7 and Salespersons Meeting adjourned at 10:55 a.m.]

8 ***

9

10 CERTIFICATE

11

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

19

20

21



22

Derek Richmond,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

26

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

June 6, 2023

	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	10:31	Roll Call/Introduction of Attendees
16		
17	10:34	Approval of Minutes
18		
19	10:35	Report of Prosecutorial Division
20		
21	10:45	Report of Board Counsel
22		
23	10:48	Report of Board Administrator
24		
25	10:49	Application Review
26		
27	10:55	Adjournment
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