

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

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

October 16, 2024

State Board of Vehicle Manufacturers,
Dealers, and Salespersons
October 16, 2024

BOARD MEMBERS:

Kirk A. Davis, Chairman
Irving Stein, Secretary
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Merna T. Hoffman, Senior Deputy Attorney General,
Attorney General Representative, on behalf of Mark
W. Wolfe
Angel Layton, Department of Transportation
Representative
Mark Baer, Professional Member
Joseph Bizzarro, Professional Member - Absent
Steve T. Fretz, Professional Member - Absent
Daniel Limongelli, Professional Member - Absent
Dale J. Yingst, Professional Member
William Heeney, Public Member
Jeffrey Foster

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Acting Senior Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Sarah E. Buhite, Esquire, Board Prosecutor
James P. Kushlan, Board Administrator
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Michael P. Merten, Esquire, Board Counsel, State
Board of Barber Examiners

ALSO PRESENT:

Ian Weeber, Sargent's Court Reporting Service, Inc.

1 ***

2 State Board of Vehicle Manufacturers,

3 Dealers, and Salespersons

4 October 16, 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 Shana M. Walter, Esquire, Acting Senior Board
9 Counsel, for the purpose of conducting quasi-judicial
10 deliberations and to receive the advice of counsel.
11 The Board returned to open session at 10:00 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Vehicle Manufacturers, Dealers, and
15 Salespersons was held on Wednesday, October 16, 2024.
16 Kirk A. Davis, Chairman, Professional Member, called
17 the meeting to order at 10:31 a.m.

18 ***

19 [Shana M. Walter, Esquire, Acting Senior Board
20 Counsel, noted the meeting was being recorded and
21 voluntary participation constituted consent to be
22 recorded.

23 Ms. Walter also noted the Board entered into
24 Executive Session this morning for the purpose of
25 conducting quasi-judicial deliberations to discuss

1 matters on the agenda and to receive the advice of
2 counsel.]

3 ***

4 Roll Call/Introduction of Attendees

5 [Chairman Davis requested a roll call of Board
6 members and introduction of attendees. A quorum of
7 Board members was present.

8 Mr. Kushlan noted Michael Mermen was in
9 attendance to observe the meeting.]

10 ***

11 Approval of minutes of the September 4, 2024 meeting

12 CHAIRMAN DAVIS:

13 The first item on the agenda at item 1
14 is the minutes from the September
15 meeting.

16 Do we have a motion to approve
17 those minutes?

18 MR. STEIN:

19 I will make the motion to approve the
20 minutes.

21 MR. YINGST:

22 I second the motion.

23 CHAIRMAN DAVIS:

24 Roll call.

25

1 Irving Stein, aye; Arion Claggett, aye;
2 Merna Hoffman, abstain; Angel Layton,
3 aye; Mark Baer, aye; Dale Yingst, aye;
4 William Heeney, aye; Jeffrey Foster,
5 aye; Kirk Davis, aye.

6 [The motion carried. Merna Hoffman abstained from
7 voting on the motion.]

8 ***

9 Report of Prosecutorial Division

10 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
11 on behalf of Amber Lee Czerniakowski, Esquire, Board
12 Prosecutor, presented the Consent Agreement for Case
13 Nos. 23-60-004308, 23-60-008233, 23-60-004310, 23-60-
14 006242, & 23-60-004311.]

15 ***

16 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
17 on behalf of Timothy J. Henderson, Esquire, Board
18 Prosecution Liaison, presented the Consent Agreements
19 for Case No. 24-60-006571 and Case No. 21-60-012003.]

20 MS. WALTER:

21 I believe the Board would entertain a
22 motion to accept the Consent Agreement
23 at item 2 on the agenda, Case Nos. 23-
24 60-004308, 23-60-008233, 23-60-004310,
25 23-60-006242, & 23-60-004311.

1 MR. STEIN:

2 I will make the motion.

3 MR. YINGST:

4 I second the motion.

5 CHAIRMAN DAVIS:

6 Roll call.

7

8 Irving Stein, yes; Arion Claggett, nay;

9 Merna Hoffman, aye; Angel Layton, aye;

10 Mark Baer, aye; Dale Yingst, aye;

11 William Heeney, nay; Jeffrey Foster,

12 aye; Kirk Davis, nay.

13 [The motion carried. Arion Claggett, Kirk Davis, and
14 William Heeney opposed the motion. The Respondent's
15 name at item 2 is RV Value Mart.]

16 ***

17 MS. WALTER:

18 Items 3 and 4 on the agenda. I believe
19 the Board would entertain a motion to
20 approve the Consent Agreements at Case
21 No. 24-60-006571 and Case No. 21-60-
22 012003.

23 MR. STEIN:

24 I will make the motion.

25 MR. YINGST:

1 I second the motion.

2 CHAIRMAN DAVIS:

3 Roll call.

4

5 Irving Stein, aye; Arion Claggett, aye;

6 Merna Hoffman, aye; Angel Layton, aye;

7 Mark Baer, aye; Dale Yingst, aye;

8 William Heeney, aye; Jeffrey Foster,

9 abstain; Kirk Davis, yes.

10 [The motion carried. Jeffrey Foster abstained from
11 voting on the motion. The Respondent's name at item
12 3 on the agenda is Samantha M. Glawinski. The
13 Respondent's name at item 4 on the agenda is Freddy
14 C. Strein.]

15 ***

16 Report of Board Counsel - Status of Cases

17 [Shana M. Walter, Esquire, Acting Senior Board

18 Counsel, noted the status of cases as of October 11,
19 2024, for the Board's review.]

20 ***

21 Report of Board Counsel - Motions to Deem Facts

22 Admitted (MDFA)

23 MS. WALTER:

24 I believe the Board would entertain a

25 motion to direct Board Counsel to grant

1 the Motion to Deem Facts Admitted and
2 direct Board Counsel to draft the Final
3 Adjudication in accordance with
4 Executive Session deliberations for
5 item 6 on the agenda, Michael Dimauro,
6 Case No. 23-60-010793.

7 CHAIRMAN DAVIS:

8 Do we have a motion?

9 MR. STEIN:

10 I will make the motion.

11 MR. YINGST:

12 I second the motion.

13 CHAIRMAN DAVIS:

14 Roll call.

15
16 Irving Stein, aye; Arion Claggett, aye;
17 Merna Hoffman, aye; Angel Layton, aye;
18 Mark Baer, aye; Dale Yingst, aye;
19 William Heeney, aye; Jeffrey Foster,
20 abstain; Kirk Davis, aye.

21 [The motion carried. Jeffrey Foster abstained from
22 voting on the motion.]

23 ***

24 MS. WALTER:

25 Item 7 on the agenda. I believe the

1 Board would entertain a motion to grant
2 the Motion to Deem Facts Admitted at
3 Case No. 22-60-014219, David Roscos,
4 and direct Board Counsel to draft a
5 Final Adjudication and Order in
6 accordance with Executive Session
7 deliberations.

8 CHAIRMAN DAVIS:

9 Do we have a motion?

10 MR. STEIN:

11 I will make the motion.

12 MR. YINGST:

13 I second the motion.

14 CHAIRMAN DAVIS:

15 Roll call.

16
17 Irving Stein, aye; Arion Claggett, aye;
18 Merna Hoffman, aye; Angel Layton, aye;
19 Mark Baer, aye; Dale Yingst, aye;
20 William Heeney, aye; Jeffrey Foster,
21 abstain; Kirk Davis, aye.

22 [The motion carried. Jeffrey Foster abstained from
23 voting on the motion.]

24 ***

25 [Item 8 on the agenda was not mentioned.]

Report of Board Counsel - Final Adjudications and
Orders

MS. WALTER:

I believe the Board would entertain a motion to direct Board Counsel to issue the Final Adjudications and Orders in the following matters: Item 9, Scott Wiley, Case No. 19-60-004589; item 10, Victoria Longenbach, Case No. 20-60-013536; item 11, Anthony Palandro, Case No. 19-60-006725.

CHAIRMAN DAVIS:

Do we have a motion?

MR. STEIN:

I will make the motion.

MR. YINGST:

I second the motion.

CHAIRMAN DAVIS:

Roll call.

Irving Stein, aye; Arion Claggett, aye;
Merna Hoffman, aye; Angel Layton, aye;
Mark Baer, aye; Dale Yingst, aye;
William Heeney, aye; Jeffrey Foster,

1 abstain; Kirk Davis, aye.

2 [The motion carried. Jeffrey Foster abstained from
3 voting on the motion.]

4 ***

5 Report of Board Counsel - Miscellaneous

6 [Shana M. Walter, Esquire, Acting Senior Board
7 Counsel, noted as of October 16, 2024, Probable Cause
8 Screening Committee (PCSC) members will be Dale
9 Yingst, Irving Stein, and Angel Layton.

10 Mr. Jarabeck informed Board members that
11 petitions are rare occurrences. He noted the Board
12 had an immediate temporary suspension maybe one or
13 two times over a 15-year period.

14 Mr. Jarabeck explained that a petition for
15 appropriate relief follows a violation of a Board
16 Order, and the committee would have an opportunity to
17 review the petition to accept or reject with regard
18 to the suspension being enacted.

19 Mr. Jarabeck noted the suspension would then be
20 placed in full force, noting committee members would
21 not be able to participate in the adjudication of the
22 case and the final ruling.

23 Mr. Jarabeck mentioned that a petition for
24 appropriate relief is also rare for the Board. He
25 provided an overview of the process, where committee

1 members would be notified via their personal email
2 account to visit their state account to access the
3 record. He mentioned the committee members should
4 not have individual conversations on the matter but
5 could have a committee meeting.

6 Mr. Jarabeck further explained that the matter
7 would be sent back to the attorney if there were no
8 questions on the acceptance or rejection, where an
9 order would be filed with the Board giving the
10 licensee a right to a hearing or file an answer,
11 which would go to the Board with committee members'
12 recusals.

13 Mr. Jarabeck stated Board Counsel is not involved
14 in the process because prosecution is working with
15 committee members on a very small offshoot of cases.
16 He explained that it is not a final ruling by the
17 Board but an intermediary ruling to suspend a license
18 and start the process before the Board.

19 Mr. Jarabeck mentioned that prosecution tries to
20 shield the full Board with the exception of the
21 members of the committee and shield counsel because
22 the Board members would have to sit with the full
23 Board later to review the matter.]

24 ***

25 Report of Board Chairman - No Report

Report of Acting Commissioner

[Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational, informed Board members that a vendor was selected for replacement of the Pennsylvania Licensing System (PALS), and System Automation will be implemented at the end of 2025.]

Report of Board Administrator

[James P. Kushlan, Board Administrator, requested Board member approval for 2026 meeting dates on January 27, March 10, April 21, June 9, July 28, September 15, October 27, and December 15.

Chairman Davis encouraged Board members to notify Mr. Kushlan of any conflicts with the 2026 meeting dates.]

CHAIRMAN DAVIS:

Do we have a motion to approve those dates?

MR. STEIN:

I will make a motion to approve those dates.

MR. YINGST:

I second the motion.

CHAIRMAN DAVIS:

1 Roll call.

2

3 Irving Stein, aye; Arion Claggett, aye;
4 Merna Hoffman, aye; Angel Layton, aye;
5 Mark Baer, aye; Dale Yingst, aye;
6 William Heeney, aye; Jeffrey Foster,
7 abstain; Kirk Davis, aye.

8 [The motion carried. Jeffrey Foster abstained from
9 voting on the motion.]

10 ***

11 [Kirk A. Davis, Chairman, Professional Member, noted
12 the remaining 2024 meeting date on November 21.

13 Chairman Davis also noted the 2025 meeting dates
14 on the agenda for the Board's review. He again
15 encouraged Board members to notify Mr. Kushlan as
16 soon as possible if they are unable to attend any of
17 the meetings.]

18 ***

19 Application Review - Applications with Criminal
20 Convictions

21 MS. WALTER:

22 I believe the Board would entertain a
23 motion to provisionally deny the
24 Application for Licensure as a
25 Salesperson of Kason Nadir Lewis,

1 Application No. AA0005537005, at item
2 14 on the agenda.

3 CHAIRMAN DAVIS:

4 Do we have a motion?

5 MR. STEIN:

6 I will make the motion.

7 MR. YINGST:

8 I second the motion.

9 CHAIRMAN DAVIS:

10 Roll call.

11

12 Irving Stein, aye; Arion Claggett, aye;
13 Merna Hoffman, aye; Angel Layton, aye;
14 Mark Baer, aye; Dale Yingst, aye;
15 William Heeney, aye; Jeffrey Foster,
16 abstain; Kirk Davis, aye.

17 [The motion carried. Jeffrey Foster abstained from
18 voting on the motion.]

19 ***

20 MS. WALTER:

21 Item 15. I believe the Board would
22 entertain a motion to grant the
23 Application for Licensure as a
24 Salesperson of Jason Gruver,
25 Application No. AA0005485534.

1 CHAIRMAN DAVIS:

2 Do we have a motion?

3 MR. STEIN:

4 I will make the motion.

5 MR. YINGST:

6 I second the motion.

7 CHAIRMAN DAVIS:

8 Roll call.

9

10 Irving Stein, aye; Arion Claggett, aye;

11 Merna Hoffman, aye; Angel Layton, aye;

12 Mark Baer, aye; Dale Yingst, aye;

13 William Heeney, aye; Jeffrey Foster,

14 abstain; Kirk Davis, aye.

15 [The motion carried. Jeffrey Foster abstained from
16 voting on the motion.]

17 ***

18 Adjournment

19 CHAIRMAN DAVIS:

20 Motion for adjournment.

21 ACTING COMMISSIONER CLAGGETT:

22 So moved for adjournment.

23 ***

24 [The State Board of Vehicle Manufacturers, Dealers,
25 and Salespersons Meeting adjourned at 10:57 a.m.]

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.



Ian Weeber,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

October 16, 2024

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:35	Roll Call/Introduction of Attendees
10:35	Approval of Minutes
10:36	Report of Prosecutorial Division
10:44	Report of Board Counsel
10:53	Report of Acting Commissioner
10:53	Report of Board Administrator
10:57	Application Review
10:57	Adjournment