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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: 9:59 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

January 14, 2025

1 State Board of Vehicle Manufacturers,
2 Dealers, and Salespersons
3 January 14, 2025
4
5

6 BOARD MEMBERS:
7

8 Irving Stein, Chairman
9 William Heeney, Secretary
10 Arion R. Claggett, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Mark W. Wolfe, Deputy Attorney General, Attorney
13 General Representative
14 Angel Layton, Department of Transportation
15 Representative
16 Mark Baer, Professional Member
17 Joseph Bizzarro, Professional Member - Absent
18 Kirk Davis, Professional Member
19 Jeffrey Foster, Professional Member
20 Steve T. Fretz, Professional Member
21 Daniel Limongelli, Professional - Absent
22 Dale J. Yingst, Professional Member
23
24

25 BUREAU PERSONNEL:
26

27 Shana M. Walter, Esquire, Acting Senior Board Counsel
28 Marc Farrell, Esquire, Regulatory Counsel,
29 Office of Chief Counsel, Department of State
30 Paul J. Jarabeck, Esquire, Senior Board Prosecutor
31 (virtual)
32 Carey Orchard, Esquire, Board Prosecutor
33 Sarah E. Buhite, Esquire, Board Prosecutor
34 Mark Zogby, Esquire, Board Prosecutor (virtual)
35 James Kushlan, Board Administrator
36 Andrew LaFratte, MPA, Deputy Policy Director,
37 Department of State
38 Carlton Smith, Esquire, Deputy Chief Counsel
39 (virtual)
40 Deena Parmelee, Legal Office Administrator 1,
41 Department of State
42 Michael Merten, Esquire, Board Counsel, State Board
43 of Barber Examiners
44 Mark Calor, Legal Department (virtual)
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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
January 14, 2025

ALSO PRESENT:

Brian J. Murren, Esquire, Assistant General Counsel,
Pennsylvania Automotive Association
Erin Badstuebner, Sargent's Court Reporting Service,
Inc.

1 ***

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

4 January 14, 2025

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 9:59 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Vehicle Manufacturers, Dealers, and
15 Salespersons was held on Thursday, January 14, 2025.

16 Irving Stein, Chairman, Professional Member,
17 called the meeting to order at 9:59 a.m.

18 ***

19 Roll Call/Introduction of Attendees

20 [Chairman Stein requested a roll call of Board
21 members and introduction of attendees. A quorum of
22 Board members was present.]

23 ***

24 Approval of minutes of the November 21, 2024 meeting
25 CHAIRMAN STEIN:

1 Approval of the minutes from the
2 November meeting.

3 Can I have a motion?

4 COMMISSIONER CLAGGETT:

5 So moved.

6 MR. HEENEY:

7 Second.

8 CHAIRMAN STEIN:

9 Roll call.

10

11 Stein aye; Claggett, aye; Wolfe, aye;
12 Layton, aye; Baer, aye; Foster, aye;
13 Fretz, aye; Yingst, aye; Heeney, aye;
14 Davis, aye.

15 [The motion carried unanimously.]

16

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

21

22 Report of Annual Prosecutorial Division

23 [Carlton Smith, Esquire, Deputy Chief Prosecutor,
24 presented the annual caseload for the year 2024. The
25 caseload presentation consisted of an overall view of

1 total complaints received by the Prosecutorial
2 Division in 2024.

3 Mr. Smith advised the Board that 22,900
4 complaints were processed in 2024, and this number
5 represented all of the Boards cumulatively. The
6 number of complaints was slightly up from 2023 in
7 which 19,000 complaints were processed. Mr. Smith
8 stated that the current number of open cases for the
9 Board in 2024 were 929 as opposed to 933 open cases
10 for 2023.

11 Mr. Smith then stated that there were about
12 42,000 active licensees with 868 cases opened under
13 the Board in 2024, the current number of open cases
14 totaling 933 and cases closed by the prosecution
15 totaled 873.

16 Mr. Smith informed the Board that the average
17 time it takes to close a case is approximately 371
18 days; however, he added that the staff would be
19 attempting to shorten reduced the number of days it
20 takes to close a case.

21 Mr. Smith continued by stating that the majority
22 of the disciplinary cases in 2024 were citations that
23 had been issued. The Fine Act 48 screenshot was
24 shown to the Board representing a total of 31
25 citations for them in 2024.

1 He explained that the cases deemed non-
2 disciplinary are cases designated for prosecution but
3 not warranted for prosecution. A not warranted for
4 prosecution matter means that no discipline is
5 enforced for that case. Often this occurs when the
6 evidence used to prosecute a case is not strong
7 enough to meet the criteria for active prosecution.
8 Evidence too weak to prosecute, he offered, would
9 include cases where filing citations, sending warning
10 letters or giving the licensee a chance to correct a
11 violation would be considered prosecution, not
12 warranted. A lack of jurisdiction would also
13 represent a non-prosecutable case.]

14

15 Consent Agreements

16 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
17 on behalf of Mark Zogby, Esquire, advised the Board
18 that Case No. 23-60-06557 will be tabled and not
19 presented.

20 Mr. Jarabeck presented the Consent Agreements for
21 Case No. 23-60-005072, Case No. 23-60-017655, and
22 Case Nos. 22-60-001687 and 22-60-001689.]

23

24 MS. WALTER:

25

I believe the Board would entertain a

1 motion to approve the Consent
2 Agreements at the following item
3 numbers on the Agenda: Number 3, Case
4 No. 23-60-005072; Number 4, Case No.
5 23-60-017655; and Number 5, Case Nos.
6 22-60-001687 and 22-60-001689.

7 CHAIRMAN STEIN:

8 Do I have a motion?

9 COMMISSIONER CLAGGETT:

10 So moved.

11 MR. HEENEY:

12 Second.

13 CHAIRMAN STEIN:

14 Roll call.

15
16 Stein, aye; Claggett, aye; Wolfe, aye;
17 Layton, abstain; Baer, aye; Foster,
18 aye; Yingst, aye; Fretz, aye; Heeney,
19 aye; Davis, aye.

20 [The motion carried. Ms. Layton abstained from voting
21 on the motion. The Respondent's name at Number 3,
22 Case No. 23-60-005072, is Artie E. Smethers. The
23 Respondent's name at Number 4, Case No. 23-60-017655,
24 is One Stop Auto Workshop, LLC. The Respondent's name
25 at Number 5, Case Nos. 22-60-001687 and 22-60-001689,

1 is Carvana.]

2

3 Report of Board Counsel-Final Adjudications and
4 Orders

5 MS. WALTER:

6 I believe the Board would entertain a
7 motion to issue the final Adjudications
8 and Orders at Number 7, Markley Motors,
9 Case No. 21-60-001150; Number 8, Great
10 Auto Deals, Case No. 21-60-011743;
11 Number 9, Yuriy Klimin, Case No. 22-60-
12 007284; Number 10, A Impuls Auto, Inc.,
13 Case No. 22-60-00723; and Number 11,
14 Shawn M. Bridges, Case No. 22-60-
15 003281.

16 CHAIRMAN STEIN:

17 Do I have a motion?

18 COMMISSIONER CLAGGETT:

19 So moved.

20 MR. HEENEY:

21 Second.

22 CHAIRMAN STEIN:

23 Roll call.

24

25 Stein, aye; Claggett, aye; Wolfe, aye;

1 Layton, aye; Baer, aye; Fretz, aye;
2 Foster, aye; Yingst, aye; Heeney, aye;
3 Davis, aye.

4 [The motions carried unanimously.]

5 ***

6 MS. WALTER:

7 I believe the Board would entertain a
8 motion to direct Board Counsel to issue
9 a final Adjudication and Order as
10 discussed in Executive Session for
11 Number 12, Kyle E. Heidlebaugh, Case
12 No. 22-60-017810.

13 CHAIRMAN STEIN:

14 Do I have a motion?

15 COMMISSIONER CLAGGETT:

16 So moved.

17 MR. HEENEY:

18 Second.

19 CHAIRMAN STEIN:

20 Roll call.

21

22 Stein aye; Claggett, aye; Wolfe, aye;
23 Layton, aye; Fretz, aye; Baer, aye;
24 Foster, aye; Yingst, aye; Heeney, aye;
25 Davis, aye.

1 [The motions carried unanimously.]

2 ***

3 Motions to Deem Facts Admitted (MDFA)

4 MS. WALTER:

5 I believe the Board would entertain a
6 motion to grant the Motions to Deem
7 Facts Admitted and direct Board Counsel
8 to draft a final Adjudication and Order
9 consistent with Executive Session
10 deliberations at Number 13, Alvin S.
11 Ross, Case No. 21-60-001199; and Number
12 14, Richard J. Neelan, Case No. 21-60-
13 002347.

14 CHAIRMAN STEIN:

15 Motion.

16 COMMISSIONER CLAGGETT:

17 So moved.

18 MR. HEENEY:

19 Second.

20 CHAIRMAN STEIN:

21 Roll call.

22
23 Stein aye; Claggett, aye; Wolfe, aye;
24 Layton, aye; Fretz, aye; Baer, aye;
25 Foster, aye; Yingst, aye; Heeney, aye;

1 Davis, aye.

2 [The motion carried unanimously.]

3 ***

4 Miscellaneous

5 MS. WALTER:

6 I believe the Board would entertain a
7 motion to delegate to the office of the
8 Hearing Examiner for issuance of a
9 proposed Adjudication and Order the
10 following Agenda items: Number 15,
11 Terrence L. Newmeyer, Case No. 21-60-
12 018508; Number 16, N & G Towing, Case
13 No. 22-60-015146; Luis Fermin Salazar,
14 Case No. 20-60-015155; and Salazar Auto
15 Sales and Multiservices, Case No. 24-
16 16-008759; Number 17, Joey Ariel
17 Benjamini, Case No. 23-60-007252;
18 Collectible Classics, Case No. 23-60-
19 007253; and Number 18, Nicholas Kirby,
20 Case No. 23-60-017208.

21 CHAIRMAN STEIN:

22 Do I have a motion.

23 COMMISSIONER CLAGGETT:

24 So moved.

25 MR. HEENEY:

1 Second.

2 CHAIRMAN STEIN:

3 Roll call.

4

5 Stein aye; Claggett, aye; Wolfe, aye;
6 Layton, aye; Fretz, aye; Baer, aye;
7 Foster, aye; Yingst, aye; Heeney, aye;
8 Davis, aye.

9

10 MS. WALTER:

11 Items 21 and 22, Applications with
12 Criminal Convictions, I believe the
13 Board would entertain a motion to grant
14 the applications for licensure for
15 Number 21, Harrisburg Auto Enterprises,
16 LLC; and Number 22, Jason Warsaw.

17 CHAIRMAN STEIN:

18 Do I have a motion.

19 COMMISSIONER CLAGGETT:

20 So moved.

21 MR. HEENEY:

22 Second.

23 CHAIRMAN STEIN:

24 Roll call.

25

1 Stein aye; Claggett, aye; Wolfe, aye;
2 Layton, aye; Fretz, aye; Baer, aye;
3 Foster, aye; Yingst, aye; Heeney, aye;
4 Davis, aye.

5 [The motion carried unanimously.]

6 ***

7 Presentation

8 [Shana Walter, Esquire, Acting Board Counsel,
9 presented on the Pennsylvania Sunshine Act. The
10 Pennsylvania Sunshine Act is a yearly review of the
11 Act given to all the Boards.

12 Ms. Walter explained that this Act gives the
13 public access to any and all meetings, thereby
14 providing the ability to witness the process of how
15 corporate policy is formulated and the decisions
16 leading up to the policy formation. By encouraging
17 public access to these meetings, democratic
18 functioning of our government is assured.

19 Ms. Walter further reminded the Board that each
20 agency is responsible for holding deliberations in
21 public, with access to the agency by the public, and
22 after public notice. An agency consists of the board
23 and all committees within it that offer advice within
24 the spectrum of agency business. Agency business is
25 defined as an agency recommendation based on a

1 statute or any other legal precedent. Additionally,
2 agency business would include policy decisions made
3 by the agency or a vote taken by the agency
4 concerning any outstanding agency business.

5 She then explained that each agency is
6 responsible for issuing a public notice advising the
7 public as to what date and time the agency meeting
8 will take place. Ms. Walter set forth the additional
9 criteria for the obligations that an agency has in
10 order to comply with the Pennsylvania Sunshine Act.

11 Ms. Walter continued the presentation with
12 advising the Board that all meetings must contain
13 written minutes, the names of members and the public
14 citizens present, and the substance of all official
15 action taken at a meeting. She then voiced a
16 recitation of additional responsibilities each agency
17 was tasked with in regards to same. Ms. Walter noted
18 that applicable exceptions to these Open Meeting
19 requirements were for Conference and Executive
20 sessions only.

21 Ms. Walter commented on subject matters to be
22 addressed only in executive sessions. Items such as
23 conducting quasi-judicial deliberations or reviewing
24 agency business, that is subject to either privilege
25 or confidentiality, were just two of the examples

1 mentioned. A grouping of additional items for use
2 only in executive sessions were stated as well. She
3 further advised that legal challenges could be
4 forthcoming if executive session rules were not
5 followed.

6 Ms. Walter informed the Board on the basics of
7 filing a legal challenge under the Sunshine Act. She
8 advised the Board that a legal challenge must be
9 filed within 30 days from the date of the meeting or
10 date of discovery. One year is the statute of
11 limitation for a legal challenge to be filed. She
12 continued by stating that a violation of the Sunshine
13 Act constitutes a summary offense and, potentially,
14 criminal sanctions. Possible penalties for a
15 violation incurred could include the nullification of
16 all meeting minutes and actions having taken place on
17 the date of the violation in question. It is
18 possible that the agency involved with the violation
19 could be accountable for paying court costs and
20 attorney fees.

21 Ms. Walter provided suggestions and reminders to
22 the Board for expectations under the Sunshine Act
23 with regard to the general conduct of its members
24 while in meetings. A short and general review of
25 basic rules to adhere to was given to the Board

1 including the how of business deliberations,
2 discussion of executive session matters, formulating
3 policy, et cetera.

4 She also addressed the subject of mandatory
5 recusal. Mandatory recusal becomes necessary if and
6 when a Board member feels that he or she cannot hear
7 and dispose of case or participate in a decision on a
8 subject fairly and without prejudice. Should this
9 occur, a Board member must recuse themselves from the
10 case. It is discretionary. Additional suggestions
11 were provided by her.

12 Ms. Walter concluded the Sunshine Act
13 presentation by informing the Board of the various
14 statutory requirements for Board membership
15 eligibility. She concluded the presentation by
16 verbalizing certain criteria needed to meet
17 membership eligibility.]

18 ***
19 Report of Acting Commissioner - No report

20 ***
21 Report of Board Administrator
22 [James Kushlan, Board Administrator, informed the
23 Board that there were still ongoing discussions with
24 the PennDOT Dealer Service Unit. He suggested there
25 would be a larger face-to-face encounter with

1 inspection and enforcement agencies participating, as
2 well as prosecution and legal counsel. Mr. Kushlan
3 expressed his desire to see this participation as a
4 way to get a better overall handle on how to better
5 serve the customers that are coming to us.]

6 ***

7 Report of Board Chairman - No Report

8 ***

9 Report of Acting Commissioner - No Report

10 ***

11 Report of Board Administrator

12 [James Kushlan, Board Administrator, reported that
13 continuing discussions with the PennDOT Dealer
14 Service Unit will be expanding to include inspection
15 and enforcement agencies as well as prosecution and
16 legal counsel. The purpose of this, he stated, was
17 to learn more about the requirements set for them as
18 well as to better serve their customers.]

19 ***

20 [Chair Stein then stated that the next meeting of PA
21 State Board of Vehicle Manufactures was on March 5,
22 2025. He also asked if there was any other business
23 for discussion. Hearing none the meeting was
24 adjourned.]

25 ***

1 Adjournment

2 CHAIRMAN STEIN:

3 We need a motion to adjourn.

4 MR HEENEY:

5 I move to adjourn.

6 ***

7 [There being no further business, the Pennsylvania
8 State Board of Vehicle Manufacturers, Dealers and
9 Salespersons adjourned at 10:39 a.m.]

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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.



Erin Badstuebner,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

January 14, 2025

	TIME	AGENDA
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9		
10	9:00	Executive Session
11	9:59	Return to Open Session
12		
13	9:59	Official Call to Order
14		
15	10:00	Roll Call/Introduction of Attendees
16		
17	10:02	Approval of Minutes
18		
19	10:03	Report of Prosecutorial Division
20		
21	10:10	Report of Board Counsel
22		
23	10:37	Report of Chairperson/Chairman
24		
25	10:37	Report of Acting Commissioner
26		
27	10:38	Report of Board Administrator
28		
29	10:39	Adjournment
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