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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: 10:40 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

April 17, 2023

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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
April 17, 2023

BOARD MEMBERS:

- Kirk A. Davis, Chairman
- Irving Stein, Secretary - Absent
- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Mark Wolfe, Attorney General Representative
- Steve T. Fretz, Professional Member
- Angel Layton, Department of Transportation Representative
- Dale J. Yingst, Professional Member
- Mark Baer, Professional Member - Absent
- Randall Derr, Secretary, Professional Member
- Joseph Bizzarro, Professional Member - Absent

BUREAU PERSONNEL:

- Dean F. Picarella, Esquire, Senior Counsel, Counsel Division
- Shawn J. Jayman, Esquire, Board Counsel
- Sean C. Barrett, Esquire, Board Counsel
- Jared Hinsey, Esquire, Board Counsel
- Carlton Smith, Deputy Chief Counsel, Prosecution Division
- Paul J. Jarabeck, Esquire, Senior Board Prosecutor
- Julia A. Feld-Caralle, Esquire, Board Prosecution Liaison
- Kayla R.B. Bolan, Esquire, Board Prosecution Liaison
- Amber Lee Czerniakowski, Board Prosecutor
- Timothy J. Henderson, Esquire, Board Prosecutor
- Jason T. Anderson, Esquire, Board Prosecutor
- Janice Cline, Board Administrator

ALSO PRESENT:

- Adam Tarleton, Head of Vehicle Validation, Nikola Motor Company
- Charles (Chachi) Angelo, Director of External Affairs,
Pennie
- Chad Marsar, Esquire, General Counsel, Pennsylvania Automotive Association
- Kari Orchard, Democratic Executive Director, House Professional Licensure Committee

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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
April 17, 2023

ALSO PRESENT:

Jennifer Smeltz, Republican Executive Director,
Senate
Consumer Protection & Professional Licensure
Scott Yeager, Outreach Manager, Pennie
Judith Wechter, Outreach Coordinator, Pennie
Adam Tarleton, Head of Vehicle Validation, Nikola
Motor Company
Benjamin Morrow

1 ***

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

4 April 17, 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 Monday, April 17, 2023.
18 Kirk A. Davis, Chairman, Professional Member, called
19 the meeting to order at 10:40 a.m.

20 ***

21 Roll Call/Introduction of Attendees
22 [Chairman Davis requested a roll call of Board
23 members and introduction of attendees.]

24 ***

25 [Shawn J. Jayman, Esquire, Board Counsel, noted the

1 meeting was being recorded, and voluntary
2 participation constituted consent to be recorded.

3 Mr. Jayman also noted the Board entered into
4 Executive Session for the purposes of conducting
5 quasi-judicial deliberations on a number of matters
6 currently pending before the Board and to receive the
7 advice of counsel.]

8

9 Approval of minutes of the February 21, 2023 meeting

10 CHAIRMAN DAVIS:

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

13 ACTING COMMISSIONER CLAGGETT:

14 So moved.

15 MR. DERR:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19

20 Derr, aye; Yingst, aye; Fretz, aye;
21 Wolfe, aye; Davis, aye; Claggett, aye;
22 Layton, abstain.

23 [The motion carried. Angel Layton abstained from
24 voting on the motion.]

25

1 Appointment - Pennie Health Insurance

2 [Scott Yeager, Outreach Manager, Pennie, stated
3 Pennie was a new commonwealth agency in Pennsylvania
4 that officially launched on November 1, 2020, to help
5 Pennsylvanians with health insurance. He noted the
6 primary mission is to maximize the number of
7 Pennsylvanians who have access to affordable health
8 coverage and to help educate consumers about the
9 value of health insurance.

10 Mr. Yeager reported around 1 in 20 Pennsylvanians
11 are uninsured. He noted Pennie is the official
12 health insurance marketplace for Pennsylvania that
13 provides choice and financial assistance. He stated
14 Pennie helps individuals and families who fall into
15 gray areas, where they do not have access to health
16 care through employer-sponsored coverage and may not
17 qualify for medical assistance.

18 Mr. Yeager mentioned that Pennie has a good
19 relationship with the Department of Human Services
20 and operates a no wrong door policy to help
21 individuals who may not be eligible for medical
22 assistance or find themselves making a little too
23 much.

24 Mr. Yeager reported enrolling over 371,000
25 Pennsylvanians during open enrollment in January and

1 about 280,000 customers migrated from HealthCare.gov
2 to Pennie.com. He reported 9 out of 10 Pennie
3 customers qualify for some form of financial
4 assistance.

5 Mr. Yeager stated the advanced premium tax credit
6 helps reduce the monthly premium and cost-sharing
7 reductions that are aligned with silver plans to
8 reduce copays, deductibles, and coinsurance. He
9 mentioned that Pennie has gold, silver, and bronze
10 as options through Pennie with multiple insurance
11 plan options and carriers.

12 Mr. Yeager commented that the number one reason
13 the majority of people claim bankruptcy is because
14 they have unmanageable medical debt. He provided a
15 scenario, where an individual making about \$20,000 a
16 year would typically pay \$395 a month but zero
17 dollars with the financial assistance available
18 through Pennie. He explained that some of their
19 plans are quality health insurance at zero dollars
20 and some with zero-dollar deductibles. He noted that
21 36 percent of the 371,000 customers are between the
22 ages of 55 and 64.

23 Mr. Yeager provided another scenario of a couple
24 who retired one year ahead of qualifying for Medicare
25 and Medicare options, where their monthly net premium

1 would normally be about \$2,633 a month is \$549
2 through Pennie. Mr. Yeager explained that a family
3 of four making about \$50,000 a year would normally be
4 around \$702 a month but only \$92 a month through
5 Pennie.

6 Mr. Yeager stated the open enrollment period is
7 from November 1 through January 15 with a special
8 enrollment period for a qualifying life event.

9 Mr. Yeager addressed the continuous coverage
10 requirement through the pandemic, where thousands of
11 Pennsylvanians were protected under medical
12 assistance. He noted that the Department of Human
13 Services started the annual determination process on
14 April 1, where a number of individuals may no longer
15 qualify for medical assistance or the Children's
16 Health Insurance Program (CHIP) coverage and is where
17 the no wrong door that Pennie and DHS have together
18 come into play.

19 Mr. Yeager addressed the importance of informing
20 individuals who may be impacted by the loss of
21 medical assistance. He stated Pennie and DHS have
22 resource sites to help guide individuals who may
23 think they have no options. He stated a qualifying
24 life event was established at Pennie in 2022 for
25 individuals at or below 150 percent of the federal

1 poverty limit who do not qualify for medical
2 assistance, where they could go to Pennie at any time
3 during the year for financial assistance.

4 Mr. Yeager addressed the Path to Pennie, which is
5 a partnership between Pennie and the Department of
6 Revenue in the Commonwealth of Pennsylvania for
7 uninsured tax filers, where individuals who attach
8 Form REV-1882 to their income tax return receive
9 information about how to claim their Pennie account.

10 He encouraged everyone to inform uninsured
11 individuals to call Pennie at 844-844-8040 or go to
12 pennie.com.]

13 ***

14 Report of Prosecution

15 [Amber Lee Czerniakowski, Esquire, Board Prosecutor,
16 presented the Consent Agreements for Case No. 20-60-
17 001171 and Case No. 22-60-013664.]

18 ***

19 [Gregory S. Liero, Esquire, Board Prosecutor,
20 presented the Consent Agreements for Case Nos. 22-60-
21 014504 & 22-60-007145.

22 Chairman Davis commented that it did not make
23 sense that tags were being issued for a location that
24 was out of business.

25 Mr. Liero stated prosecution is actively looking

1 at that because it looked like the business was
2 closed based on the affidavit but business operations
3 were going on recently, and there would
4 potentially be more information.

5 Mr. Jayman asked Board members whether they
6 wished to return to Executive Session for further
7 discussion.]

8 ***
9 [Gregory S. Liero, Esquire, Board Prosecutor,
10 presented the Consent Agreements for Case No. 19-60-
11 010625 and Case No. 21-60-003786.]

12 ***
13 [Jason T. Anderson, Esquire, Board Prosecutor,
14 presented the Consent Agreement for Case No. 22-60-
15 013192.]

16 ***
17 [Julia A. Feld-Caralle, Esquire, Board Prosecutor,
18 presented the Consent Agreements for Case No. 20-60-
19 010354 & 21-60-009823.

20 Mr. Jayman asked Board members whether they
21 wished to return to Executive Session for further
22 discussion.]

23 ***
24 [Kayla R.B. Bolan, Esquire, Board Prosecution
25 Liaison, presented the Consent Agreement for Case No.

1 21-60-007461.]

2

3 [Timothy J. Henderson, Esquire, Board Prosecutor,
4 presented the Consent Agreements for Case No. Case
5 Nos. 22-60-014334 & 20-60-000435, Case No. 20-60-
6 008320, and Case No. 19-60-006549.]

7 MR. BARRETT:

8 Based on Executive Session
9 deliberations, I believe the Chair
10 would entertain a motion to approve the
11 Consent Agreements at Case No. 22-60-
12 013664, Case No. 22-60-014504, Case No.
13 19-60-010625, Case No. 21-60-003786,
14 Case No. 22-60-007145, Case No. 22-60-
15 013192, Case No. 20-60-010354, Case No.
16 21-60-009823, Case No. 21-60-007461,
17 Case No. 22-60-014334, Case No. 20-60-
18 000435, and Case No. 19-60-006549.

19 CHAIRMAN DAVIS:

20 Could we have a motion?

21 MS. LAYTON:

22 So moved.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Derr, aye; Yingst, aye; Fretz, aye;
4 Layton, aye; Wolfe, aye; Davis, aye;
5 Claggett, aye.

6 [The motion carried unanimously. The Respondent's
7 name at Case No. 22-60-013664 is Barbara A. Tollinger;
8 Case No. 22-60-014504, Automotion Unlimited, Inc.;
9 Case No. 19-60-010625, Diana P. Garcia-Segura; Case
10 No. 21-60-003786, Anthony Jeffrey Lucas; Case No. 22-
11 60-007145, David Palermo; Case No. 22-60-013192,
12 Joseph C. Czarkowski; Case No. 20-60-010354, Sean E.
13 Gahagen; Case No. 21-60-009823, Selective Wheels Auto
14 Sales; Case No. 21-60-007461, Joseph W. Hong; Case
15 No. 22-60-014334, Appalachian Trailer Ohio, Inc.,
16 a/k/a Appalachian Manufacturing, Inc.; Case No. 20-
17 60-000435, Appalachian Trailer Sales, Inc. t/d/b/a
18 Appalachian Trailer Sales; and Case No. 19-60-006549,
19 Jeanine Cahill d/b/a Falcon Auto II.]

20

21 MR. BARRETT:

22

23

24

25

Based on Executive Session
deliberations, I believe the Board
Chair would entertain a motion to
reject the Consent Agreements at Case

1 No. 20-60-001171 and Case No. 20-60-
2 008320 as too lenient.

3 CHAIRMAN DAVIS:

4 Could we have a motion?

5 MS. LAYTON:

6 So moved.

7 MR. DERR:

8 Second.

9 CHAIRMAN DAVIS:

10 Roll call.

11

12 Derr, aye; Yingst, aye; Layton, aye;

13 Fretz, aye; Wolfe, no; Davis, aye;

14 Claggett, aye.

15 [The motion carried. Mark Wolfe opposed the motion.]

16

17 Report of Board Counsel - Formal Hearings/Arguments

18 [Shawn J. Jayman, Esquire, Board Counsel, informed

19 Board members that Frontier Auto Sales, Inc., and

20 John Madilia at Case Nos. 21-60-001909 & 22-60-018396

21 and Lucid Group USA, Inc., at Case No. 22-60-013203

22 have been continued.]

23

24 Report of Board Counsel - Status of Cases

25 [Shawn J. Jayman, Esquire, Board Counsel, provided a

1 Status of Cases Report as of April 10, 2023, for the
2 Board's review and asked Board members to bring
3 recusals to his attention.]

4 ***

5 Report of Board Counsel - Adjudication and Orders for
6 Approval

7 MR. HINSEY:

8 Based on Executive Session
9 deliberations, I believe the Chair
10 would entertain a motion to approve the
11 Final Adjudication and Order at Case
12 No. 20-60-000337, Michael Vasilik.

13 CHAIRMAN DAVIS:

14 Could we have a motion?

15 MS. LAYTON:

16 So moved.

17 MR. DERR:

18 Second.

19 CHAIRMAN DAVIS:

20 Roll call.

21

22 Derr, aye; Yingst, aye; Layton, aye;

23 Fretz, aye; Wolfe, aye; Davis, aye;

24 Claggett, aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Board Counsel - Proposed Adjudication and
4 Order

5 MR. BARRETT:

6 Based on Executive Session
7 deliberations, I believe the Board
8 Chair would entertain a motion to
9 direct Board Counsel to draft an
10 Adjudication and Order consistent with
11 discussions in Executive Session in the
12 matter of Joseph L. Lokuta III, Case
13 No. 20-60-012290.

14 CHAIRMAN DAVIS:

15 Could we have a motion?

16 MS. LAYTON:

17 So moved.

18 MR. DERR:

19 Second.

20 CHAIRMAN DAVIS:

21 Roll call.

22

23 Derr, aye; Yingst, aye; Layton, aye;

24 Fretz, aye; Wolfe, aye; Davis, aye;

25 Claggett, aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Board Counsel - Motion to Deem Facts

4 Admitted

5 MR. JAYMAN:

6 Based on Executive Session
7 deliberations, I believe the Chair
8 would entertain a motion to grant the
9 Motion to Deem Facts Admitted and Enter
10 Default and direct Board Counsel to
11 prepare an Adjudication and Order in
12 accordance with discussions in
13 Executive Session in the matter of
14 Colin Michael Charley, Case No. 20-60-
15 009520.

16 CHAIRMAN DAVIS:

17 Could we have a motion?

18 MS. LAYTON:

19 So moved.

20 MR. DERR:

21 Second.

22 CHAIRMAN DAVIS:

23 Roll call.

24

25 Derr, aye; Yingst, aye; Layton, aye;

1 Fretz, aye; Wolfe, aye; Davis, aye;
2 Claggett, aye.

3 [The motion carried unanimously.]

4 ***

5 Report of Board Counsel - Legislation

6 [Shawn J. Jayman, Esquire, Board Counsel, informed
7 Board members that the Pennsylvania Independent
8 Automobile Dealers Association (PIADA) requested
9 input on a draft bill to amend the Pennsylvania Board
10 of Vehicles Act to provide for web-based salesperson,
11 new license, and renewal education requirements
12 approved by the Board of Vehicle Manufacturers,
13 Dealers, and Salespersons for independent motor
14 vehicle dealers upon initial application licensure or
15 renewal of an applicant's license less than 10 years
16 from their initial and continued licensure as a
17 salesperson or sole provider.

18 Mr. Jayman noted the draft bill affects all new
19 independent motor vehicle license applicants and
20 renewal applicants licensed less than 10 years. He
21 stated the Board would need to develop or approve
22 web-based pre-licensing and renewal education course
23 criteria.

24 Mr. Jayman stated the bill is to make sure people
25 selling vehicles understand Pennsylvania laws and

1 regulations and wanted the Board to be aware of the
2 bill.]

3 ***

4 Report of Board Counsel - Miscellaneous

5 [Shawn J. Jayman, Esquire, Board Counsel, reviewed
6 the Sunshine Act and Recusal Guidelines with Board
7 members during Executive Session.]

8 ***

9 Report of Board Chairman - No Report

10 ***

11 Report of Acting Commissioner - No Report

12 ***

13 Report of Board Administrator - No Report

14 [Kirk A. Davis, Chairman, Professional Member,
15 informed everyone that this would be Janice Cline's
16 last meeting. He noted the next scheduled Board
17 meeting date is June 6, 2023, and also noted 2024
18 dates for the Board's review.

19 Mr. Derr noted September would be his last
20 meeting.]

21 ***

22 Application Review - Criminal Conviction Applicants -
23 Informal Hearings

24 [Jared Hinsey or Sean C. Barrett, Esquire, Board
25 Counsel, noted (a) and (h) have been tabled for

1 further discussion.]

2 MR. BARRETT:

3 Based on Executive Session
4 deliberations, I believe the Board
5 Chair would entertain a motion to
6 approve the Application of Timothy Fry,
7 Application No. AA0004509461; Byron
8 Hurd, Application No. AA00523075;
9 Nicholas Longstreet, Application No.
10 AA0004566947.

11 CHAIRMAN DAVIS:

12 Could we have a motion?

13 MS. LAYTON:

14 So moved.

15 MR. DERR:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19

20 Derr, aye; Yingst, aye; Layton, aye;

21 Fretz, aye; Wolfe, aye; Davis, aye;

22 Claggett, aye.

23 [The motion carried unanimously.]

24

25 MR. BARRETT:

1 Based on Executive Session
2 deliberations, I believe the Board
3 Chair would entertain a motion to
4 approve the Application of Donte
5 Harden, Application No. AA0004535573 on
6 the condition that he have no less than
7 2 years of probation.

8 CHAIRMAN DAVIS:

9 Could we have a motion?

10 MS. LAYTON:

11 So moved.

12 MR. DERR:

13 Second.

14 CHAIRMAN DAVIS:

15 Roll call.

16
17 Derr, aye; Yingst, aye; Layton, aye;
18 Fretz, aye; Wolfe, aye; Davis, aye;
19 Claggett, aye.

20 [The motion carried unanimously.]

21 ***

22 MR. HINSEY:

23 Based on Executive Session
24 deliberations, I believe the Board
25 Chair would entertain a motion to

1 CHAIRMAN DAVIS:

2 Could we have a motion?

3 MS. LAYTON:

4 So moved.

5 MR. DERR:

6 Second.

7 CHAIRMAN DAVIS:

8 Roll call.

9

10 Derr, aye; Yingst, aye; Layton, aye;

11 Fretz, aye; Wolfe, aye; Davis, aye;

12 Claggett, aye.

13 [The motion carried unanimously.]

14

15 Application Review - Board Review

16 MR. BARRETT:

17 I believe the Board Chair would
18 entertain a motion to approve the
19 Application of Negretes Auto Service,
20 Inc., Application No. AA0004511524.

21 CHAIRMAN DAVIS:

22 Could we have a motion?

23 MS. LAYTON:

24 So moved.

25 MR. DERR:

1 Second.

2 CHAIRMAN DAVIS:

3 Roll call.

4

5 Derr, aye; Yingst, aye; Layton, aye;

6 Fretz, aye; Wolfe, aye; Davis, aye;

7 Claggett, aye.

8 [The motion carried unanimously.]

9

10 [Kirk A. Davis, Chairman, Professional Member,

11 thanked Ms. Cline for all of her work on behalf of

12 the Board.]

13

14 Adjournment

15 CHAIRMAN DAVIS:

16 Do we have a motion for adjournment?

17 MR. YINGST:

18 So moved.

19 CHAIRMAN DAVIS:

20 We are adjourned.

21

22 [The State Board of Vehicle Manufacturers, Dealers,

23 and Salespersons Meeting adjourned at 11:38 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.



Benjamin Morrow,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

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

April 17, 2023

	TIME	AGENDA
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10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:40	Official Call to Order
14		
15	10:41	Roll Call/Introduction of Attendees
16		
17	10:43	Approval of Minutes
18		
19	10:44	Appointment - Pennie Health Insurance
20		
21	10:58	Report of Prosecution
22		
23	11:23	Report of Board Counsel
24		
25	11:33	Application Review
26		
27	11:38	Adjournment
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