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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**

September 4, 2024

1                                    State Board of Vehicle Manufacturers,  
2                                    Dealers, and Salespersons  
3                                    September 4, 2024  
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  
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 Steve T. Fretz, Professional Member - Absent  
19 Daniel Limongelli, Professional Member  
20 Dale J. Yingst, Professional Member  
21 William Heeney, Public Member  
22  
23

24 BUREAU PERSONNEL:  
25

26 Shana M. Walter, Esquire, Acting Senior Board Counsel  
27 Paul J. Jarabeck, Esquire, Senior Board Prosecutor  
28 Timothy J. Henderson, Esquire, Board Prosecution  
29 Liaison  
30 Denice M. Szekely, Esquire, Board Prosecutor  
31 Sarah E. Buhite, Esquire, Board Prosecutor  
32 James P. Kushlan, Board Administrator  
33 Jason C. Giurintano, Deputy Chief Counsel, Counsel  
34 Division, Department of State  
35  
36

37 ALSO PRESENT:  
38

39 Brian Murren, Esquire, Assistant General Counsel,  
40 Pennsylvania Automotive Association  
41 Allison Walker, Sargent's Court Reporting Service,  
42 Inc.  
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1 \*\*\*

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

4 September 4, 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 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Vehicle Manufacturers, Dealers, and  
15 Salespersons was held on Wednesday, September 4,  
16 2024. Kirk A. Davis, Chairman, Professional Member,  
17 called the meeting to order at 10:30 a.m.

18 Angel Layton, Department of Transportation  
19 Representative, was not present at the commencement  
20 of the meeting.

21 \*\*\*

22 Roll Call/Introduction of Attendees

23 [Chairman Davis requested a roll call of Board  
24 members and introduction of attendees. A quorum of  
25 Board members was present.]

1 \*\*\*

2 Approval of minutes of the July 9, 2024 meeting

3 CHAIRMAN DAVIS:

4 The first item on the agenda is the  
5 minutes from the last meeting on July  
6 9.

7 Do we have a motion to approve  
8 those minutes?

9 MR. STEIN:

10 I will make a motion to approve the  
11 minutes.

12 MR. YINGST:

13 I second the motion.

14 CHAIRMAN DAVIS:

15 Roll call.

16  
17 Irving Stein, aye; Arion Claggett, aye;  
18 Mark Wolfe, aye; Mark Baer, aye; Dan  
19 Limongelli, aye; Dale Yingst, aye;  
20 William Heeney, aye; Kirk Davis, aye.

21 [The motion carried unanimously.]

22 \*\*\*

23 [Jason C. Giurintano, Deputy Chief Counsel, Counsel  
24 Division, Department of State, introduced himself and  
25 provided a brief summary of his professional

1 background.]

2

\*\*\*

3 [Shana M. Walter, Esquire, Acting Senior Board  
4 Counsel, noted the meeting was being recorded and  
5 voluntary participation constituted consent to be  
6 recorded.]

7

\*\*\*

8 Report of Prosecutorial Division

9 [Timothy J. Henderson, Esquire, Board Prosecution  
10 Liaison, presented the Consent Agreement for Case No.  
11 22-60-004544.]

12

\*\*\*

13 [Denice M. Szekely, Esquire, Board Prosecutor,  
14 presented the Consent Agreement for Case No. 22-60-  
15 010380.]

16

\*\*\*

17 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,  
18 presented the Consent Agreement for Case No. 20-60-  
19 011211.]

20 MS. WALTER:

21

I believe the Board would entertain a  
22 motion to accept the Consent Agreements  
23 at numbers 2 and 4 on the agenda.

24

Number 2 is Case No. 22-60-004544,

25

and number 4 is Case No. 20-60-011211.

1 CHAIRMAN DAVIS:

2 Do we have a motion?

3 MR. STEIN:

4 I will make a motion to approve as  
5 presented.

6 MR. YINGST:

7 I second the motion.

8 CHAIRMAN DAVIS:

9 Roll call.

10

11 Irving Stein, aye; Arion Claggett, aye;  
12 Mark Wolfe, aye; Angel Layton, aye;  
13 Mark Baer, aye; Dan Limongelli, aye;  
14 Dale Yingst, aye; William Heeney, aye;  
15 Kirk Davis, aye.

16 [The motion carried unanimously. The Respondent's  
17 name at number 2 is Benjamin F. Glass. The  
18 Respondent's name at number 4 is Kevin T. Albright.]

19

\*\*\*

20 MS. WALTER:

21 I believe the Board would entertain a  
22 motion to reject as too lenient the  
23 Consent Agreement at number 3, Case No.  
24 22-60-010380.

25 CHAIRMAN DAVIS:

1 Do we have a motion?

2 MR. STEIN:

3 I will make the motion.

4 MR. YINGST:

5 I second the motion.

6 CHAIRMAN DAVIS:

7 Roll call.

8

9 Irving Stein, aye; Arion Claggett, aye;  
10 Mark Wolfe, no; Angel Layton, aye; Mark  
11 Baer, aye; Dan Limongelli, aye; Dale  
12 Yingst, aye; William Heeney, aye; Kirk  
13 Davis, aye.

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

15 \*\*\*

16 [Shana M. Walter, Esquire, Acting Senior Board  
17 Counsel, noted the Board entered into Executive  
18 Session this morning for the purpose of conducting  
19 quasi-judicial deliberations and to receive the  
20 advice of counsel.]

21 \*\*\*

22 Report of Board Counsel - Status of Cases

23 [Shana M. Walter, Esquire, Acting Senior Board  
24 Counsel, informed Board members of her position as  
25 Acting Counsel for the Board at this time. She

1 provided a Status of Cases Report as of July 2, 2024,  
2 for the Board's review. She informed Board members  
3 that the report will be updated for the October  
4 meeting.]

5

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6 Report of Board Counsel - Motions to Deem Facts  
7 Admitted (MDFA)

8 MS. WALTER:

9 Numbers 6 and 7 on the agenda are  
10 Motions to Deem Facts Admitted.

11 I believe the Board would entertain  
12 a motion to grant the Motions to Deem  
13 Facts Admitted and direct Board Counsel  
14 to draft a Final Adjudication and Order  
15 consistent with Executive Session  
16 deliberations in the matters of numbers  
17 6 and 7 on the agenda.

18 Number 6 is Brian J. Marchini, Case  
19 No. 21-60-000213. Number 7 is Kurtis  
20 Kofi Danquah DBA Ultra Ridez, LLC, Case  
21 No. 20-60-007808.

22 CHAIRMAN DAVIS:

23 Do we have a motion?

24 MR. STEIN:

25 I will make the motion.



1 MR. YINGST:

2 I second the motion.

3 CHAIRMAN DAVIS:

4 Roll call.

5

6 Irving Stein, aye; Arion Claggett, aye;

7 Mark Wolfe, aye; Angel Layton, aye;

8 Mark Baer, aye; Dan Limongelli, aye;

9 Dale Yingst, aye; William Heeney, aye;

10 Kirk Davis, aye.

11 [The motion carried unanimously.]

12

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13 Report of Board Counsel - Final Adjudications

14 MS. WALTER:

15 I believe the Board would entertain a  
16 motion to issue the Final Adjudications  
17 and Orders of the following agenda  
18 items: Number 8, Bryan A. Green, Case  
19 No. 18-60-03338; number 9, Daniel A.  
20 Pikel, Case No. 19-60-016610; number  
21 10, Gary A. Deem, Case No. 19-60-  
22 016767; number 11, American Tire &  
23 Auto, Case No. 20-60-009944; number 12,  
24 Diana Zapata, Case No. 20-60-014435.

25 CHAIRMAN DAVIS:

1 Do we have a motion?

2 MR. STEIN:

3 I will make the motion.

4 MR. YINGST:

5 I second the motion.

6 CHAIRMAN DAVIS:

7 Roll call.

8

9 Irving Stein, aye; Arion Claggett, aye;

10 Mark Wolfe, aye; Angel Layton, aye;

11 Mark Baer, aye; Dan Limongelli, aye;

12 Dale Yingst, aye; William Heeney, aye;

13 Kirk Davis, aye.

14 [The motion carried unanimously.]

15

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16 Report of Board Counsel - Proposed Adjudications

17 MS. WALTER:

18 Number 13 on the agenda is the Proposed

19 Adjudication and Order prepared by the

20 hearing examiner in the matter of Dean

21 Michael Lake, Case No. 20-60-007717.

22 I believe the Board would entertain

23 a motion to adopt the Proposed

24 Adjudication and Order and direct Board

25 Counsel to substitute the Final Board

1 Order consistent with Executive Session  
2 deliberations.

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 Mark Wolfe, aye; Angel Layton, aye;

14 Mark Baer, aye; Dan Limongelli, aye;

15 Dale Yingst, aye; William Heeney, aye;

16 Kirk Davis, aye.

17 [The motion carried unanimously.]

18

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19 Report of Board Counsel - Appeal for Reinstatement

20 MS. WALTER:

21 Number 14 in the matter of Appeal for  
22 Reinstatement of a License to Practice  
23 as a Salesperson of Kyle K.

24 Heidlebaugh, Case No. 22-60-017810.

25 I believe the Board would entertain

1 a motion to direct Board Counsel to  
2 issue a Final Adjudication and Order  
3 consistent with Executive Session  
4 deliberations.

5 CHAIRMAN DAVIS:

6 Do we have a motion?

7 MR. STEIN:

8 I will make the motion.

9 MR. YINGST:

10 I second the motion.

11 CHAIRMAN DAVIS:

12 Roll call.

13

14 Irving Stein, aye; Arion Claggett, nay;  
15 Mark Wolfe, no; Angel Layton, no; Mark  
16 Baer, aye; Dan Limongelli, aye; Dale  
17 Yingst, aye; William Heeney, aye; Kirk  
18 Davis, aye.

19 [The motion carried. Arion Claggett, Mark Wolfe, and  
20 Angel Layton opposed the motion.]

21

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22 Report of Board Counsel - Expired Probationary

23 License Offers

24 MS. WALTER:

25 Number 15 on the agenda is the

1 Probationary License Offer issued to  
2 Jasmine D. Seals at Case No. 24-60-  
3 009036.

4 Ms. Seals accepted the probation  
5 offer and her license has been granted  
6 subject to the period of probation  
7 previously approved by the Board, so  
8 that matter has moved.

9 \*\*\*

10 MS. WALTER:

11 Numbers 16 and 17 on the agenda, the  
12 Applications of Kailyne D. Thomas, Case  
13 No. 24-60-009037 and Athena L. Tompai,  
14 Case No. 24-60-009042.

15 I believe the Board would entertain  
16 a motion to provisionally deny the  
17 Application for Kailyne D. Thomas and  
18 Athena L. Tompai.

19 CHAIRMAN DAVIS:

20 Do we have a motion?

21 MR. STEIN:

22 I will make the motion.

23 MR. YINGST:

24 I second the motion.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Irving Stein, aye; Arion Claggett, aye;  
4 Mark Wolfe, aye; Angel Layton, aye;  
5 Mark Baer, aye; Dan Limongelli, aye;  
6 Dale Yingst, aye; William Heeney, aye;  
7 Kirk Davis, aye.

8 [The motion carried unanimously.]

9

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10 Application Review - Applications with Criminal  
11 Convictions

12 MS. WALTER:

13 Number 20 on the agenda, Eric E.  
14 Hoffman. The Application was  
15 erroneously on the agenda. There is no  
16 need for a vote on that item.

17

\*\*\*

18 MS. WALTER:

19 Number 21. I believe the Board would  
20 entertain a motion to provisionally  
21 deny the Application of Jamall Lewis,  
22 Application No. AA0005584426.

23 CHAIRMAN DAVIS:

24 Do we have a motion?

25 MR. STEIN:

1 I will make the motion.

2 MR. YINGST:

3 I second the motion.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Irving Stein, aye; Arion Claggett, aye;

8 Mark Wolfe, aye; Angel Layton, aye;

9 Mark Baer, aye; Dan Limongelli, aye;

10 Dale Yingst, aye; William Heeney, aye;

11 Kirk Davis, aye.

12 [The motion carried unanimously.]

13

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14 MS. WALTER:

15 I believe the Board would entertain a  
16 motion to offer a license on probation  
17 to Ryan Price, Application No.  
18 AA0005557271, at number 22 on the  
19 agenda.

20 CHAIRMAN DAVIS:

21 Do we have a motion?

22 MR. STEIN:

23 I will make the motion.

24 MR. YINGST:

25 I second the motion.

1 CHAIRMAN DAVIS:

2 Roll call.

3

4 Irving Stein, aye; Arion Claggett, aye;

5 Mark Wolfe, aye; Angel Layton, aye;

6 Mark Baer, aye; Dan Limongelli, aye;

7 Dale Yingst, aye; William Heeney, aye;

8 Kirk Davis, aye.

9 [The motion carried unanimously.]

10

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11 MS. WALTER:

12 I believe the Board would entertain a

13 motion to grant the Applications at

14 numbers 23 through 26 on the agenda.

15 Number 23 is Zyairrea Walls,

16 Application No. AA0005550207; number

17 24, Zachary Cribbs, Application No.

18 AA0005536795; number 25, Francis X.

19 Heron Jr., Application No.

20 AA0005538709; and 26, Michael S. Bugs,

21 Application No. AA0005275855.

22 CHAIRMAN DAVIS:

23 Do we have a motion?

24 MR. STEIN:

25 I will make the motion.



1 MR. YINGST:

2 I second the motion.

3 CHAIRMAN DAVIS:

4 Roll call.

5

6 Irving Stein, aye; Arion Claggett, aye;

7 Mark Wolfe, aye; Angel Layton, aye;

8 Mark Baer, aye; Dan Limongelli, aye;

9 Dale Yingst, aye; William Heeney, aye;

10 Kirk Davis, aye.

11 [The motion carried unanimously.]

12

\*\*\*

13 Report of Board Counsel - Miscellaneous

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

15 Counsel, referred to the document provided by the

16 Office of Attorney General that was published in the

17 *Pennsylvania Bulletin* related to automotive industry

18 practice.

19 Mr. Wolfe explained that the amendments are to

20 the automotive industry trade practices regulations

21 promulgated pursuant to the Unfair Trade Practices

22 and Consumer Protection Law effective Monday, August

23 19, 2024. He stated the definition of advertisement

24 had been amended to include electronic means.

25 Mr. Wolfe referred to § 301.2(5), which was an

1 existing provision that required a motor vehicle  
2 dealer to disclose if they knew or should know that  
3 the following six conditions were present in the  
4 motor vehicle, including frame bent, cracked, or  
5 twisted; engine block or head cracked; vehicle unable  
6 to pass state inspection; transmission damaged,  
7 defective, or so deteriorated as to require  
8 replacement; vehicle flood damaged; and differential  
9 damaged, defective, or so deteriorated as to require  
10 replacement. He reported § 301.2(5) was amended to  
11 require those disclosures to be made in writing.

12 Mr. Wolfe noted § 301.2(5.1) was added to the  
13 advertising requirements that requires a certified  
14 inspection mechanic designated by the selling motor  
15 vehicle dealer inspect a motor vehicle not more than  
16 30 days after the vehicles comes into inventory.

17 Mr. Wolfe explained that the language "inspect"  
18 as it is used in this section is meant in its  
19 ordinary sense and not to convey or connote a  
20 Pennsylvania Department of Transportation (PennDOT)  
21 inspection but inspecting for the six conditions.

22 Mr. Wolfe noted subsection (b) is an additional  
23 look for certain vehicles that accumulate 500 or more  
24 miles while in inventory to look over the vehicle not  
25 more than 30 days prior to sale for all conditions

1 listed in § 301.2(5). He also noted exemptions  
2 include sale of a vehicle to another dealer pursuant  
3 to a vehicle option license, cars bearing  
4 certificates of salvage or nonrepairable certificates  
5 or both, and vehicles located outside the  
6 Commonwealth at all times during which they are  
7 advertised for sale.

8 Mr. Wolfe noted (9.1) was added to § 301.4  
9 clarifying that a car being sold "AS IS" would still  
10 be subject to the advertising and disclosure  
11 requirements of § 301.2(5) related to the disclosures  
12 of the six conditions, where the consumer still must  
13 be told in writing of those conditions.

14 Mr. Wolfe stated the Office of Attorney General's  
15 current priority is education but cannot provide  
16 legal advice. He encouraged anyone with questions to  
17 contact him. He also mentioned that the Pennsylvania  
18 Automotive Association (PAA) has also been  
19 instrumental in helping craft this regulation.]

20 \*\*\*  
21 Report of Board Chairman - No Report

22 \*\*\*  
23 Report of Acting Commissioner - No Report

24 \*\*\*  
25 Report of Board Administrator

1 [James P. Kushlan, Board Administrator, reported the  
2 administering of license applications is going well.]

3 \*\*\*

4 Report of Board Administrator - Scheduled Board  
5 Meeting Dates

6 [Kirk A. Davis, Chairman, Professional Member, noted  
7 upcoming Board meeting dates are on the agenda. He  
8 again encouraged Board members to notify Mr. Kushlan  
9 as soon as possible if they have a conflict with any  
10 of the meeting dates.]

11 \*\*\*

12 Adjournment

13 CHAIRMAN DAVIS:

14 Do we have a motion for adjournment?

15 MR. STEIN:

16 I make a motion.

17 CHAIRMAN DAVIS:

18 We are adjourned.

19 \*\*\*

20 [The State Board of Vehicle Manufacturers, Dealers,  
21 and Salespersons Meeting adjourned at 10:56 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.



Allison Walker,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

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

September 4, 2024

	TIME	AGENDA
1		
2		
3		
4		
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	10:35	Approval of Minutes
18		
19	10:37	Report of Prosecutorial Division
20		
21	10:41	Report of Board Counsel
22		
23	10:47	Application Review
24		
25	10:49	Report of Board Counsel (cont.)
26		
27	10:55	Report of Board Administrator
28		
29	10:56	Adjournment
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