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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: 10:32 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**

February 21, 2023

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State Board of Vehicle Manufacturers,  
Dealers, and Salespersons  
February 21, 2023

BOARD MEMBERS:

- Kirk A. Davis, Chairman
- Irving Stein, Secretary
- 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 - Absent
- Dale J. Yingst, Professional Member
- Mark Baer, Professional Member
- Randall Derr, Secretary, Professional Member
- Joseph Bizzarro, Professional Member

BUREAU PERSONNEL:

- Shawn J. Jayman, Esquire, Board Counsel
- Sean Barrett, Esquire, Board Counsel
- Kayla R.B. Bolan, Esquire, Board Prosecution Liaison
- Amber Lee Czerniakowski, Board Prosecutor
- Paul J. Jarabeck, Esquire, Board Prosecutor
- Timothy J. Henderson, Esquire, Board Prosecutor
- Jason T. Anderson, Esquire, Board Prosecutor
- Janice Cline, Board Administrator
- Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
- Andrew LaFratte, MPA, Executive Policy Specialist, Department of State
- Ryan Dumbroff, Student Intern, Office of General Counsel
- Amanda Richards, Fiscal Chief, Bureau of Finance and Operations, Department of State
- Jennifer Gage, Fiscal Management Specialist, Bureau of Finance and Operations, Department of State
- Tamie Laudenslager, Fiscal Management, Bureau of Finance and Operations, Department of State
- Michelle Witmer, Fiscal Management Specialist, Bureau of Finance and Operations, Department of State

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State Board of Vehicle Manufacturers,  
Dealers, and Salespersons  
February 21, 2023

ALSO PRESENT:

Mark Stine, Executive Vice President, Legislative &  
Public Affairs, Pennsylvania Automotive Association  
Chad Marsar, Esquire, General Counsel, Pennsylvania  
Automotive Association  
Kari Orchard, Democratic Executive Director, House  
Professional Licensure Committee

1 \*\*\*

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

4 February 21, 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, and  
9 Sean Barrett, Esquire, Board Counsel, for the purpose  
10 of conducting quasi-judicial deliberations and to  
11 receive the advice of counsel. The Board returned to  
12 open session at 10:30 a.m.]

13 \*\*\*

14 The regularly scheduled meeting of the State  
15 Board of Vehicle Manufacturers, Dealers, and  
16 Salespersons was held on Tuesday, February 21, 2023.

17 Kirk A. Davis, Chairman, Professional Member, called  
18 the meeting to order at 10:32 a.m.

19 \*\*\*

20 Roll Call/Introduction of Attendees

21 [Chairman Davis requested a roll call of Board  
22 members and introduction of attendees.]

23 \*\*\*

24 [Shawn J. Jayman, Esquire, Board Counsel, noted the  
25 meeting was being recorded, and voluntary

1 participation in the meeting constituted consent to  
2 be recorded.

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

8 \*\*\*

9 Approval of minutes of the January 10, 20232 meeting

10 CHAIRMAN DAVIS:

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

13 MR. STEIN:

14 I will make the motion.

15 MR. DERR:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19

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

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

22 Wolfe, aye; Davis, aye; Claggett, aye.

23 [The motion carried unanimously.]

24 \*\*\*

25 Appointment - Bureau of Finance and Operations

1 Annual Budget Presentation

2 [Amanda Richards, Chief of Fiscal Management, Bureau  
3 of Finance and Operations, Department of State,  
4 referred to licensee population over the past seven  
5 years, noting the Board had 36,907 licensees in FY21-  
6 22 and 40,669 licensees at the time of the report  
7 with an increase of 155 licensees this morning for a  
8 total of 40,824 licensees.

9 Ms. Richards referred to the breakdown of  
10 licensees by license class, noting the Board has  
11 eight license classes.

12 Ms. Richards addressed revenue, noting it is  
13 broken down by renewals, applications, letters of  
14 good standing and certifications, civil penalties,  
15 Act 48 investigations, and licensee list. She stated  
16 BFO reviews revenue on a biennial basis and reported  
17 revenue for FY20-21 around \$4 million and about  
18 \$334,000 in FY21-22 for a biennial total of  
19 \$4,641,193.68. She noted 94 percent of revenue is  
20 from renewals and applications. She stated revenue  
21 is received from other categories but is not a  
22 consistent source of revenue.

23 Ms. Richards mentioned the fee package that was  
24 approved would go into effect in May 2023 with  
25 another increase in May 2025.

1 Ms. Richards noted the two main categories when  
2 reviewing expenses are administrative and legal  
3 costs. She stated expenses are brought in through  
4 direct charges, timesheet-based charges, and license  
5 population. She reported Board expenses in FY20-21  
6 were about \$3 million, FY21-22 about \$2.7 million,  
7 and \$1,312,462.58 at the time of the report. She  
8 noted the budgeted amount of \$2,788,000 is adequate  
9 for the rest of the year.

10 Ms. Richards addressed revenue and expenses  
11 showing a projected balance for FY22-23 of  
12 \$558,550.18. She explained that even though it looks  
13 like they are going in the red that the fee increase  
14 is going into effect for the FY22-23 budget, and in  
15 FY24-25, the Board is anticipated to be at \$1.2  
16 million for the overall balance.

17 Ms. Richards mentioned that the Board is coming  
18 out of the deficit based on the renewal cycle even  
19 though it is showing a \$1.3 million deficit in FY23-  
20 24 because in FY25-26 the deficit would only be  
21 \$688,000.

22 Chairman Davis thanked Ms. Richards for the  
23 presentation.]

24 \*\*\*

25 Report of Prosecutorial Division

1 [Amber Lee Czerniakowski, Esquire, Board Prosecutor,  
2 presented the Consent Agreement for Case No. 20-60-  
3 000816.]

4 \*\*\*

5 [Kayla R.B. Bolan, Esquire, Board Prosecution  
6 Liaison, presented the Consent Agreement for Case No.  
7 20-60-010117.]

8 \*\*\*

9 [Timothy J. Henderson, Esquire, Board Prosecutor,  
10 presented the Consent Agreement for Case No. Case No.  
11 22-60-010084.]

12 MR. JAYMAN:

13 Based on prosecution's presentations,  
14 does any member of the Board wish to go  
15 back into Executive Session for further  
16 discussion on these matters? Hearing  
17 none.

18 Agenda item 2(a). Based on  
19 Executive Session deliberations, I  
20 believe the Chairman would entertain a  
21 motion to approve the Consent Agreement  
22 at Case No. 20-60-000816.

23 MR. STEIN:

24 I will make the motion.

25 MR. DERR:



1 Second.

2 CHAIRMAN DAVIS:

3 Roll call.

4

5 Stein, aye; Derr, aye; Yingst, aye;

6 Baer, aye; Fretz, aye; Bizzarro, aye;

7 Wolfe, aye; Davis, aye; Claggett, aye.

8 [The motion carried unanimously. The Respondent's

9 name is Ahmed N. Khalil aka Ahmad Khalil.]

10

\*\*\*

11 MR. JAYMAN:

12 Agenda item 2(b). Based on Executive

13 Session deliberations, I believe the

14 Chairman would entertain a motion to

15 reject the Consent Agreement at Case

16 No. 20-60-010117 as too lenient.

17 MR. STEIN:

18 I will make the motion.

19 MR. DERR:

20 Second.

21 CHAIRMAN DAVIS:

22 Roll call.

23

24 Stein, aye; Derr, aye; Yingst, aye;

25 Baer, aye; Fretz, aye; Bizzarro, aye;

1 Wolfe, aye; Davis, aye; Claggett, aye.  
2 [The motion carried unanimously.]

3 \*\*\*

4 MR. JAYMAN:

5 Agenda item 2(c). Based on Executive  
6 Session deliberations, I believe the  
7 Chairman would entertain a motion to  
8 approve the Consent Agreement at Case  
9 No. 22-60-010084.

10 MR. STEIN:

11 I will make the motion.

12 MR. DERR:

13 Second.

14 CHAIRMAN DAVIS:

15 Roll call.

16  
17 Stein, aye; Derr, aye; Yingst, aye;  
18 Baer, aye; Fretz, aye; Bizzarro, aye;  
19 Wolfe, aye; Davis, aye; Claggett, aye.

20 [The motion carried unanimously. The Respondent's  
21 name is Scott D. Oshell.]

22 \*\*\*

23 Report of Board Counsel - Formal Hearings/Arguments  
24 [Shawn J. Jayman, Esquire, Board Counsel, reminded  
25 Board members of the formal hearing at 11 a.m. He

1 informed Board members that the hearing scheduled for  
2 noon has been continued.]

3 \*\*\*

4 Report of Board Counsel - Status of Cases

5 [Shawn J. Jayman, Esquire, Board Counsel, provided a  
6 Status of Cases Report as of February 17 for the  
7 Board's review. He asked Board members whether they  
8 need to be recused on any of the cases and did not  
9 hear of any recusals.]

10 \*\*\*

11 Report of Board Counsel - Adjudications and Orders  
12 for

13 Approval

14 MR. JAYMAN:

15 Agenda item 5(a). Based on Executive  
16 Session deliberations, I believe the  
17 Chairman would entertain a motion to  
18 adopt the Final Adjudication and Order  
19 in the matter of Scott M. Bone, Case  
20 No. 18-60-03408.

21 MR. STEIN:

22 I will make the motion.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Stein, aye; Derr, aye; Yingst, aye;  
4 Baer, aye; Fretz, aye; Bizzarro,  
5 recuse; Wolfe, aye; Davis, aye;  
6 Claggett, aye.

7 [The motion carried. Joseph Bizzarro recused himself  
8 from deliberations and voting on the motion.]

9

\*\*\*

10 MR. JAYMAN:

11 Agenda item 5(b). Based on Executive  
12 Session deliberations, I believe the  
13 Chairman would entertain a motion to  
14 adopt the Final Adjudication and Order  
15 in the matter of Harry Laughman, Case  
16 No. 21-60-000068.

17 MR. STEIN:

18 I will make the motion.

19 MR. DERR:

20 Second.

21 CHAIRMAN DAVIS:

22 Roll call.

23

24 Stein, aye; Derr, aye; Yingst, aye;  
25 Baer, aye; Fretz, aye; Bizzarro, aye;

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

2 [The motion carried unanimously.]

3 \*\*\*

4 MR. JAYMAN:

5 Agenda item 5(c). Based on Executive  
6 Session deliberations, I believe the  
7 Chairman would entertain a motion to  
8 adopt the Final Adjudication and Order  
9 in the matter of New Kingstown Auto  
10 LLC, Case No. 21-60-000067.

11 MR. STEIN:

12 I will make the motion.

13 MR. DERR:

14 Second.

15 CHAIRMAN DAVIS:

16 Roll call.

17  
18 Stein, aye; Derr, aye; Yingst, aye;  
19 Baer, aye; Fretz, aye; Bizzarro, aye;  
20 Wolfe, aye; Davis, aye; Claggett, aye.

21 [The motion carried unanimously.]

22 \*\*\*

23 Report of Board Chairman - No Report

24 \*\*\*

25 Report of Acting Commissioner

1 [Arion R. Claggett, Acting Commissioner, Bureau of  
2 Professional and Occupational Affairs, informed  
3 everyone of new functionality being added to the  
4 Pennsylvania Licensing System (PALS) in May to notify  
5 licensees by email that their actual license has  
6 expired.]

7

\*\*\*

8 Report of Board Administrator - No Report

9 [Kirk A. Davis, Chairman, Professional Member, noted  
10 the next scheduled Board meeting date is April 17,  
11 2023.]

12 CHAIRMAN DAVIS:

13 Do we have a motion to vote on the  
14 approval of the 2024 meeting dates?

15 MR. STEIN:

16 I make the motion.

17 MR. DERR:

18 Second.

19 CHAIRMAN DAVIS:

20 Roll call.

21

22 Stein, aye; Derr, abstain; Yingst, aye;  
23 Baer, aye; Fretz, aye; Bizzarro, aye;  
24 Wolfe, aye; Davis, aye; Claggett, aye.

1 [The motion carried. Randy Derr recused himself from  
2 deliberations and voting on the motion.]

3 \*\*\*

4 Report of Board Administrator - Board Member Terms  
5 [Kirk A. Davis, Chairman, Professional Member,  
6 informed everyone that today is Mr. Derr's last  
7 official meeting and reminded Board members to be  
8 aware of their term dates.]

9 \*\*\*

10 Application Review - Criminal Conviction Applicants -  
11 Informal Hearings

12 MR. JAYMAN:

13 Agenda item 8(a). Based on Executive  
14 Session deliberations, I believe the  
15 Chair would entertain a motion to  
16 approve the Application with no  
17 restrictions at AA000440161 for Robert  
18 Mowry.

19 CHAIRMAN DAVIS:

20 Do we have a motion?

21 MR. STEIN:

22 I'll make the motion.

23 MR. DERR:

24 Second.

25 CHAIRMAN DAVIS:

1 Roll call.

2

3 Stein, aye; Derr, aye; Yingst, aye;  
4 Baer, aye; Fretz, aye; Bizzarro, aye;  
5 Wolfe, aye; Davis, aye; Claggett, aye.

6 [The motion carried unanimously.]

7

\*\*\*

8 MR. JAYMAN:

9 Agenda item 8(b). Based on Executive  
10 Session deliberations, I believe the  
11 Chairman would entertain a motion to  
12 approve the initial Application of Ryan  
13 Sprenkle, Application No. AA0004431367.

14 MR. STEIN:

15 I make the motion.

16 MR. DERR:

17 Second.

18 CHAIRMAN DAVIS:

19 Roll call.

20

21 Stein, aye; Derr, aye; Yingst, aye;  
22 Baer, aye; Fretz, aye; Bizzarro, aye;  
23 Wolfe, aye; Davis, aye; Claggett, aye.

24 [The motion carried unanimously.]

25

\*\*\*



1 MR. JAYMAN:

2                   Agenda item 8(c). Based on Executive  
3                   Session deliberations, I believe the  
4                   Chairman would entertain a motion to  
5                   approve the Application that would run  
6                   concurrent with the applicant's  
7                   criminal probation that runs through  
8                   2027 for Kyle Taylor, Application No.  
9                   AA0000436981.

10 MR. STEIN:

11                   I make the motion.

12 MR. DERR:

13                   Second.

14 CHAIRMAN DAVIS:

15                   Roll call.

16  
17                   Stein, aye; Derr, aye; Yingst, aye;  
18                   Baer, aye; Fretz, aye; Bizzarro, aye;  
19                   Wolfe, aye; Davis, aye; Claggett, aye.

20 [The motion carried unanimously.]

21   \*\*\*

22 Application Review

23 MR. BARRETT:

24                   Agenda item 9. Based upon Executive  
25                   Session deliberation, I believe the

1 Board Chair would entertain a motion to  
2 approve the Application of Tesla Motors  
3 PA, Inc., Application No. AA000447387.

4 CHAIRMAN DAVIS:

5 Do we have a motion?

6 ACTING COMMISSIONER CLAGGETT:

7 So moved.

8 MR. DERR:

9 Second.

10 CHAIRMAN DAVIS:

11 Roll call.

12

13 Stein, nay; Derr, yea; Yingst, yea;

14 Baer, nay; Fretz, nay; Bizzarro, yea;

15 Wolfe, abstain; Davis, yes; Claggett,

16 aye.

17 [The motion carried. Irving Stein, Mark Baer, and  
18 Steve Fretz opposed the motion. Mark Wolfe abstained  
19 from voting on the motion.]

20 \*\*\*

21 [A Formal Hearing was held from 11:00 a.m. until

22 11:43 a.m. in the Matter of the Petition for

23 Reinstatement of the Vehicle Salesperson License of

24 Kyle E. Heidlebaugh, Case No. 22-60-017810.]

25 \*\*\*

1 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
2 at 11:44 a.m. the Board entered into Executive  
3 Session with Shawn Jayman, Esquire, Board Counsel,  
4 and Sean Barrett, Esquire, Board Counsel, for the  
5 purpose of conducting quasi-judicial deliberations  
6 and to receive advice of counsel. The Board returned  
7 to open session at 12:17 p.m.]

8 \*\*\*

9 MOTION

10 MR. BARRETT:

11 Based on Executive Session  
12 deliberations, I believe the Board  
13 Chair would entertain a motion to deny  
14 the Petition for Reinstatement of Kyle  
15 Heidlebaugh, Case No. 22-60-017810 and  
16 would have counsel draft an  
17 Adjudication and Order outlining the  
18 Order of the Board.

19 CHAIRMAN DAVIS:

20 Do we have a motion?

21 MR. STEIN:

22 I will make a motion to deny the  
23 reinstatement of the applicant's  
24 license.

25 MR. DERR:

1                   Second.

2 CHAIRMAN DAVIS:

3                   Roll call.

4

5                   Stein, aye; Derr, aye; Yingst, aye;

6                   Baer, aye; Fretz, aye; Bizzarro, aye;

7                   Wolfe, aye; Davis, aye; Claggett, aye.

8 [The motion carried unanimously.]

9

\*\*\*

10 Adjournment

11 CHAIRMAN DAVIS:

12                   Do we have a motion for adjournment?

13 MR. STEIN:

14                   I make the motion.

15 CHAIRMAN DAVIS:

16                   We are adjourned.

17

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18 [The State Board of Vehicle Manufacturers, Dealers,  
19 and Salespersons Meeting adjourned at 12:19 p.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.



Amber Garbinski,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

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

February 21, 2023

	TIME	AGENDA
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9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:32	Official Call to Order
14		
15	10:32	Roll Call/Introduction of Attendees
16		
17	10:34	Approval of Minutes
18		
19	10:34	Appointment - Bureau of Finance and
20	10:40	Operations Annual Budget Presentation
21		
22	10:40	Report of Prosecutorial Division
23		
24	10:48	Report of Board Counsel
25		
26	10:51	Report of Acting Commissioner
27		
28	10:51	Report of Board Administrator
29		
30	10:53	Application Review
31		
32	11:00	Formal Hearing - Kyle E. Heidlebaugh
33	11:43	
34		
35	11:44	Executive Session
36	12:17	Return to Open Session
37		
38	12:19	Motion
39		
40	12:19	Adjournment
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