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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: 10:36 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

July 25, 2023

1 State Board of Vehicle Manufacturers,
2 Dealers, and Salespersons
3 July 25, 2023
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 - Absent
12 Mark Wolfe, Attorney General Representative
13 Steve T. Fretz, Professional Member
14 Angel Layton, Department of Transportation
15 Representative
16 Dale J. Yingst, Professional Member
17 Mark Baer, Professional Member
18 Randall Derr, Secretary, Professional Member
19 Daniel Limongelli, Professional Member
20 Joseph Bizzarro, Professional Member - Absent
21
22

23 BUREAU PERSONNEL:
24

25 Dean F. Picarella, Esquire, Senior Counsel, Counsel
26 Division
27 Ashley B. Goshert, Esquire, Board Counsel
28 Sean C. Barrett, Esquire, Board Counsel
29 Kayla R.B. Bolan, Esquire, Board Prosecution Liaison
30 Paul J. Jarabeck, Esquire, Senior Board Prosecutor
31 Amber Lee Czerniakowski, Board Prosecutor
32 Timothy J. Henderson, Esquire, Board Prosecutor
33 James P. Kushlan, Board Administrator
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35

36 ALSO PRESENT:
37

38 Mary Gaiski, EVP, Pennsylvania Manufactured Housing
39 Association
40 Derek Richmond
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1 ***

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

4 July 25, 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 Ashley B. Goshert, Esquire, Board Counsel, and
9 Sean C. Barrett, Esquire, Board Counsel, for the
10 purpose of conducting quasi-judicial deliberations
11 and to receive the advice of counsel. The Board
12 returned to 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, July 25, 2023.
17 Kirk A. Davis, Chairman, Professional Member, called
18 the meeting to order at 10:36 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 Approval of minutes of the June 6, 2023 meeting

25 CHAIRMAN DAVIS:

1 The first item on the agenda is
2 approval of the minutes from the June
3 meeting.

4 Do we have a motion?

5 MR. STEIN:

6 I will make a motion.

7 MR. DERR:

8 Second.

9 CHAIRMAN DAVIS:

10 Roll call.

11

12 Kirk Davis, aye; Irving Stein, aye;
13 Mark Wolfe, aye; Angel Layton, aye;
14 Mark Baer, aye; Randy Derr, aye; Steve
15 Fretz, aye; Dale Yingst, aye; Dan
16 Limongelli, aye.

17 [The motion carried unanimously.]

18

19 Appointment - Introduction

20 [Michael McDonald, Policy Director, Department of
21 State, introduced himself and provided a brief
22 history of his professional background. He informed
23 everyone that the policy office works with all of the
24 licensing boards and commissions, with the secretary,
25 and also with contacts in the governor's office to

1 implement policy agendas and ideas.

2 Mr. McDonald noted working closely with Board
3 counsel to review and draft regulations and provide
4 guidance. He offered to be a resource for the Board
5 concerning research and questions regarding other
6 jurisdictions. He also offered to help with the
7 licensing population and consumer safety in the
8 Commonwealth of Pennsylvania.

9 Mr. McDonald thanked Board members for their
10 service to the licensees and the citizens of
11 Pennsylvania.

12 Chair Davis thanked Mr. McDonald for the
13 presentation.]

14 ***

15 Report of Prosecutorial Division

16 [Amber Lee Czerniakowski, Esquire, Board Prosecutor,
17 presented the Consent Agreements for Case No. 22-60-
18 003070 and Case Nos. 21-60-001909 & 22-60-018396.]

19 ***

20 [Kayla R.B. Bolan, Esquire, Board Prosecution
21 Liaison, presented the Consent Agreement for Case No.
22 21-60-012431.]

23 ***

24 [Timothy J. Henderson, Esquire, Board Prosecutor,
25 presented the Consent Agreement for Case No. 22-60-

1 006445.]

2 MR. BARRETT:

3 Based on the presentation of
4 prosecution, does any Board member wish
5 to reenter executive session for
6 further deliberation. Hearing none.

7 Based on executive session
8 deliberation, I believe the Board Chair
9 would entertain a motion to approve the
10 Consent Agreements at item 3, Case No.
11 22-60-003070; item 4, Case No. 21-60-
12 001909; item 5, Case No. 22-60-018396;
13 item 6, Case No. 21-60-012431; and item
14 7, Case No. 22-60-006445.

15 CHAIRMAN DAVIS:

16 Do we have a motion?

17 MR. STEIN:

18 I will make a motion.

19 MR. DERR:

20 Second.

21 CHAIRMAN DAVIS:

22 Roll call.

23

24 Irving Stein, approve; Mark Wolfe, aye;

25 Angel Layton, aye; Mark Baer, approve;

1 Randy Derr, aye; Steve Fretz, approve;
2 Dale Yingst, aye; Dan Limongelli,
3 approve; Kirk Davis, aye.

4 [The motion carried unanimously. The Respondent's
5 name at item 3, Case No. 22-60-003070 is Kerry L.
6 Bonsell Jr.; item 4, Case No. 21-60-001909, Frontier
7 Auto Sales Inc.; item 5, Case No. 22-60-018396, John
8 Madilia; item 6, Case No. 21-60-012431, Yamaha Motor
9 Corp USA; and item 7, Case No. 22-60-006445, Pavel
10 Bourtsev.]

11 ***
12 Report of Board Counsel - Status of Cases
13 [Sean C. Barrett, Esquire, Board Counsel, provided a
14 Status of Cases Report as of July 10, 2023, for the
15 Board's review.

16 Chair Davis requested an update regarding Lucid
17 Group USA and Carvana.

18 Mr. Barrett noted there was another request for a
19 continuance for Lucid Group USA. He was unsure of
20 the status of Carvana and whether Mr. Jayman
21 submitted a list at this time because he is on
22 vacation.]

23 ***
24 Report of Board Counsel - Final Adjudication and
25 Orders

1 MR. BARRETT:

2 Based on executive session
3 deliberation, I believe the Board Chair
4 would entertain a motion to adopt the
5 Final Adjudication and Orders at item
6 9, Jonathan P. Davey, Case No. 22-60-
7 004458; item 10, Thomas B. Serfass,
8 Case No. 20-60-004030; item 11, Donte
9 Rahene Manning, Case No. 21-60-00060;
10 and item 12, James G. Kasperowski, Case
11 No. 20-60-002823.

12 CHAIRMAN DAVIS:

13 Do we have a motion?

14 MR. STEIN:

15 I will make a motion to approve.

16 MR. DERR:

17 Second.

18 CHAIRMAN DAVIS:

19 Roll call.

20
21 Irving Stein, aye; Mark Wolfe, aye;
22 Angel Layton, aye; Mark Baer, aye;
23 Randy Derr, aye; Steve Fretz, aye; Dale
24 Yingst, aye; Dan Limongelli, aye; Kirk
25 Davis, 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 deliberation, I believe the Board Chair
8 would entertain a motion to adopt the
9 Proposed Adjudication and Order at item
10 13, Francesco Spinelli, Case No. 19-60-
11 008386.

12 CHAIRMAN DAVIS:

13 Do we have a motion?

14 MR. STEIN:

15 I will make the motion to approve.

16 MR. DERR:

17 Second.

18 CHAIRMAN DAVIS:

19 Roll call.

20

21 Irving Stein, aye; Mark Wolfe, aye;
22 Angel Layton, aye; Mark Baer, aye;
23 Randy Derr, aye; Steve Fretz, aye; Dale
24 Yingst, aye; Dan Limongelli, aye; Kirk
25 Davis, aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Board Counsel - Provisional Denial Appeal

4 MR. BARRETT:

5 Based on executive session
6 deliberation, I believe the Board Chair
7 would entertain a motion to approve the
8 Application of Barrett Glodzik at Case
9 No. 23-60-005638, subject to three
10 years of probation.

11 CHAIRMAN DAVIS:

12 Do we have a motion?

13 MR. STEIN:

14 I will make the motion to approve.

15 MR. DERR:

16 Second.

17 CHAIRMAN DAVIS:

18 Roll call.

19
20 Irving Stein, aye; Mark Wolfe, aye;
21 Angel Layton, aye; Mark Baer, aye;
22 Randy Derr, aye; Steve Fretz, aye; Dale
23 Yingst, aye; Dan Limongelli, aye; Kirk
24 Davis, aye.

25 [The motion carried unanimously.]

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Report of Board Counsel - Motions to Deem Facts
Admitted

MR. BARRETT:

Based on executive session
deliberation, I believe the Chair would
entertain a motion to grant the Motion
to Deem Facts Admitted and Enter
Default and direct Board counsel to
prepare an Adjudication and Order in
accordance with the discussions in
executive session in the matters of
item 15, Herbert Christian DBA Half a
Mill Autos, LLC, Case No. 20-60-007810;
item 16, James R. Reed, Case No. 19-60-
010720; item 17, Ethan R. Potts, Case
No. 21-60-008378; item 18, Michael G.
Ricci, Case No. 20-60-013272; item 19,
Stephen K. Merry Jr., Case No. 20-60-
003910; and item 20, Victoria L.
Longenbach, Case No. 20-60-013536.

CHAIRMAN DAVIS:

Do we have a motion?

MR. STEIN:

I make the motion.

1 MR. DERR:

2 Second.

3 CHAIRMAN DAVIS:

4 Roll call.

5

6 Irving Stein, aye; Mark Wolfe, aye;

7 Angel Layton, aye; Mark Baer, aye;

8 Randy Derr, aye; Steve Fretz, aye; Dale

9 Yingst, aye; Dan Limongelli, aye; Kirk

10 Davis, aye.

11 [The motion carried unanimously.]

12

13 Board Counsel - Miscellaneous

14 MR. BARRETT:

15 Based on executive session

16 deliberation, I believe the Chair would

17 entertain a motion to delegate the

18 matters of item 21, Sean Davis/East

19 Shore Auto, Inc., Case Nos. 20-60-

20 008652 & 21-60-000641, to a hearing

21 examiner for a hearing on those Orders

22 to Show Cause.

23 CHAIRMAN DAVIS:

24 Do we have a motion?

25 MR. STEIN:

1 I make the motion.

2 MR. DERR:

3 Second.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Irving Stein, aye; Mark Wolfe, aye;
8 Angel Layton, aye; Mark Baer, aye;
9 Randy Derr, aye; Steve Fretz, aye; Dale
10 Yingst, aye; Dan Limongelli, aye; Kirk
11 Davis, aye.

12 [The motion carried unanimously.]

13 ***

14 Report of Board Chairman - No Report

15 ***

16 Report of Acting Commissioner - No Report

17 ***

18 Report of Board Administrator

19 [James Kushlan, Board Administrator, noted the
20 renewal period ended but is currently working on the
21 reactivation period for anyone who did not complete
22 the renewals. He mentioned that keeping up with
23 application volume has been difficult but new staff
24 members are being trained.]

25 ***

1 Report of Board Administrator - Board Meeting Dates
2 [Kirk A. Davis, Chairman, Professional Member, noted
3 the next scheduled meeting date is September 5, 2023,
4 and encouraged Board members to inform Mr. Kushlan of
5 their unavailability to attend.]

6 ***

7 Report of Board Administrator - Board Member Terms
8 [Kirk A. Davis, Chairman, Professional Member,
9 announced that this was Randy Derr's last Board
10 meeting because his term ends in September.]

11 ***

12 Application Review

13 MR. BARRETT:

14 Based on executive session
15 deliberations, I believe the Board
16 Chair would entertain a motion to
17 provisionally deny the Application of
18 Jennifer Michelle Benson, Application
19 No. AA0004595427.

20 CHAIRMAN DAVIS:

21 Do we have a motion?

22 MR. STEIN:

23 Motion.

24 MR. DERR:

25 Second.

1 CHAIRMAN DAVIS:

2 Roll call.

3

4 Irving Stein, aye; Mark Wolfe, aye;

5 Angel Layton, aye; Mark Baer, aye;

6 Randy Derr, aye; Steve Fretz, aye; Dale

7 Yingst, aye; Dan Limongelli, aye; Kirk

8 Davis, aye.

9 [The motion carried unanimously.]

10

11 MR. BARRETT:

12 Based on executive session

13 deliberations, I believe the Board

14 Chair would entertain a motion to

15 approve the Applications of item 25,

16 Christine Cupp, Application No.

17 AA0004524269; item 26, Barry Joe Horn

18 Jr., Application No. AA0004512908; and

19 item 29, Alexis L. Ault, Application

20 No. AA0004572965.

21 CHAIRMAN DAVIS:

22 Do we have a motion?

23 MR. STEIN:

24 I make the motion.

25 MR. DERR:

1 Second.

2 CHAIRMAN DAVIS:

3 Roll call.

4

5 Irving Stein, aye; Mark Wolfe, aye;

6 Angel Layton, aye; Mark Baer, aye;

7 Randy Derr, aye; Steve Fretz, aye; Dale

8 Yingst, aye; Dan Limongelli, aye; Kirk

9 Davis, aye.

10 [The motion carried unanimously.]

11

12 MR. BARRETT:

13 Based on executive session

14 deliberations, I believe the Board

15 Chair would entertain a motion to

16 approve the Applications at item 27,

17 Katie McDonald, Application No.

18 AA0004603892; item 28, Shanelia Allen,

19 Application No. AA0004658861; and item

20 34, Erikia Lynn Ricker, Application No.

21 AA0004573702, subject to one year of

22 probation.

23 CHAIRMAN DAVIS:

24 Do we have a motion?

25 MR. STEIN:

1 I make the motion to approve.

2 MR. DERR:

3 Second.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Irving Stein, aye; Mark Wolfe, aye;

8 Angel Layton, aye; Mark Baer, aye;

9 Randy Derr, aye; Steve Fretz, aye; Dale

10 Yingst, aye; Dan Limongelli, aye; Kirk

11 Davis, aye.

12 [The motion carried unanimously.]

13

14 MR. BARRETT:

15 Based on executive session

16 deliberations, I believe the Board

17 Chair would entertain a motion to

18 invite the following Applicants for an

19 Informal Conference before the Board at

20 item 30, Hector Avilez, Application No.

21 AA0004524082; item 31, Marlon Cortney

22 Brantley, Application No. AA0004639756;

23 and item 32, Chad Brassel, Application

24 No. AA0004668781.

25 CHAIRMAN DAVIS:

1 Do we have a motion?

2 MR. STEIN:

3 I make a motion.

4 MR. DERR:

5 Second.

6 CHAIRMAN DAVIS:

7 Roll call.

8

9 Irving Stein, aye; Mark Wolfe, aye;

10 Angel Layton, aye; Mark Baer, aye;

11 Randy Derr, aye; Steve Fretz, aye; Dale

12 Yingst, aye; Dan Limongelli, aye; Kirk

13 Davis, aye.

14 [The motion carried unanimously.]

15

16 MR. BARRETT:

17 Based on executive session

18 deliberations, I believe the Board

19 Chair would entertain a motion to grant

20 the Applications of item 33, Angel Cub

21 Brewton, Application No. AA0004665504

22 and item 35, Travis Michael Sprow,

23 Application No. AA0004418652, subject

24 to two years of probation.

25 CHAIRMAN DAVIS:

1 Do we have a motion?

2 MR. STEIN:

3 I make the motion.

4 MR. DERR:

5 Second.

6 CHAIRMAN DAVIS:

7 Roll call.

8

9 Irving Stein, aye; Mark Wolfe, aye;

10 Angel Layton, aye; Mark Baer, aye;

11 Randy Derr, aye; Steve Fretz, aye; Dale

12 Yingst, aye; Dan Limongelli, aye; Kirk

13 Davis, aye.

14 [The motion carried unanimously.]

15 ***

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

17 thanked Randy Derr for his service and wished him the

18 best.]

19 ***

20 Adjournment

21 CHAIRMAN DAVIS:

22 Do we have a motion for adjournment?

23 MR. STEIN:

24 I make the motion.

25 MR. DERR:

1 Second.

2 CHAIRMAN DAVIS:

3 We are adjourned.

4 ***

5 [The State Board of Vehicle Manufacturers, Dealers,
6 and Salespersons Meeting adjourned at 11:08 a.m.]

7 ***

8
9 CERTIFICATE

10
11 I hereby certify that the foregoing summary
12 minutes of the State Board of Vehicle Manufacturers,
13 Dealers and Salespersons meeting, was reduced to
14 writing by me or under my supervision, and that the
15 minutes accurately summarize the substance of the
16 State Board of Vehicle Manufacturers, Dealers, and
17 Salespersons meeting.

18
19
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21 Derek Richmond,

22 Minute Clerk

23 Sargent's Court Reporting
24 Service, Inc.

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

July 25, 2023

	TIME	AGENDA
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8		
9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:36	Official Call to Order
14		
15	10:36	Roll Call/Introduction of Attendees
16		
17	10:39	Approval of Minutes
18		
19	10:40	Appointment - Michael McDonald
20		
21	10:43	Report of Prosecutorial Division
22		
23	10:53	Report of Board Counsel
24		
25	11:01	Report of Board Administrator
26		
27	11:03	Application Review
28		
29	11:08	Adjournment
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