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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: 10:31 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

July 9, 2024

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State Board of Vehicle Manufacturers,
Dealers, and Salespersons
July 9, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

- Ashley B. Goshert, Esquire, Board Counsel
- Paul J. Jarabeck, Esquire, Senior Board Prosecutor
- Timothy J. Henderson, Esquire, Board Prosecution Liaison
- Sarah Buhite, Esquire, Board Prosecutor
- James P. Kushlan, Board Administrator
- Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
- Carlton Smith, Deputy Chief Counsel, Prosecution Division

ALSO PRESENT:

- Holly Kabiru, Exclusive Preowned Motors, LLC
- Autumn Karper, Sargent's Court Reporting Service, Inc.

1 ***

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

4 July 9, 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 Ashley B. Goshert, Esquire, Board Counsel, for
9 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 Tuesday, July 9, 2024. Kirk
16 A. Davis, Chairman, Professional Member, called the
17 meeting to order at 10:31 a.m.

18 ***

19 [Arion R. Claggett, Acting Commissioner, Bureau of
20 Professional and Occupational Affairs, exited the
21 meeting at 10:31 a.m.]

22 ***

23 [Ashley B. Goshert, Esquire, Board Counsel, noted the
24 meeting was being recorded and voluntary
25 participation constituted consent to be recorded.

1 Ms. Goshert also noted the Board entered into
2 Executive Session with Board Counsel to have
3 attorney-client consultation and for the purpose of
4 conducting quasi-judicial deliberations.]

5 ***

6 Roll Call/Introduction of Attendees

7 [Chairman Davis requested a roll call of Board
8 members and introduction of attendees. A quorum of
9 Board members was present.]

10 ***

11 [Arion R. Claggett, Acting Commissioner, Bureau of
12 Professional and Occupational Affairs, reentered the
13 meeting at 10:32 a.m.]

14 ***

15 Approval of minutes of the May 16, 2024 meeting

16 CHAIRMAN DAVIS:

17 Do we have a motion to approve the
18 minutes from the May 16 meeting?

19 MR. STEIN:

20 I will make the motion.

21 MR. YINGST:

22 I second the motion.

23 CHAIRMAN DAVIS:

24 Roll call.

25

1 Irving Stein, aye; Arion Claggett, aye;
2 Mark Wolfe, abstain; Mark Baer,
3 abstain; Dan Limongelli, aye; Dale
4 Yingst, aye; William Heeney, aye; Kirk
5 Davis, aye.

6 [The motion carried. Mark Wolfe and Mark Baer
7 abstained from voting on the motion.]

8 ***

9 Report of Prosecutorial Division

10 [Timothy J. Henderson, Esquire, Board Prosecution
11 Liaison, on behalf of Denice Szekely, Esquire, Board
12 Prosecutor, presented the Consent Agreement for Case
13 No. 23-60-000832.]

14 MS. GOSHERT:

15 I believe, based on Executive Session
16 deliberations, the Board would
17 entertain a motion to approve the
18 Consent Agreement at agenda item 2 for
19 Case No. 23-60-000832.

20 MR. STEIN:

21 I make the motion.

22 MR. YINGST:

23 Second the motion.

24 CHAIRMAN DAVIS:

25 Roll call.

1

2

Irving Stein, aye; Arion Claggett, aye;

3

Mark Wolfe, aye; Mark Baer, aye; Dan

4

Limongelli, aye; Dale Yingst, aye;

5

William Heeney, aye; Kirk Davis, aye.

6

[The motion carried unanimously. The Respondent's

7

name at agenda item 2 is Triumph Motorcycles America

8

Limited.]

9

10

Report of Board Counsel - Status of Cases

11

[Ashley B. Goshert, Esquire, Board Counsel, noted

12

Jared Hinsey provided an updated Status of Cases

13

Report as of July 2, 2024, for the Board's review.

14

Ms. Goshert announced that this was her last

15

meeting as Board Counsel.]

16

17

Report of Board Counsel - Motions to Deem Facts

18

Admitted (MDFA)

19

MS. GOSHERT:

20

I believe, based on Executive Session

21

deliberations, the Board would

22

entertain a motion to grant the Motion

23

to Deem Facts Admitted and Enter

24

Default and direct Board Counsel to

25

prepare Adjudications and Orders in

1 accordance with discussions in
2 Executive Session in the Matters of
3 Shawn Bridges, Case No. 22-60-003281;
4 Frontline Marques, Inc., Case No. 21-
5 60-012435; Bryan Green, Case No. 18-60-
6 03338; Cristian Inzillo, Case No. 23-
7 60-006077; Anthony Palandro, Case No.
8 19-60-006725; David Rivera, Case No.
9 22-60-014462; Edward Rock, Case Nos.
10 21-60-001421 & 22-60-018025; and Scott
11 Wiley, Case No. 19-60-004589.

12 CHAIRMAN DAVIS:

13 Do we have a motion?

14 MR. STEIN:

15 I make the motion.

16 MR. YINGST:

17 Second the motion.

18 CHAIRMAN DAVIS:

19 Roll call.

20
21 Irving Stein, aye; Arion Claggett, aye;
22 Mark Wolfe, aye; Mark Baer, recuse; Dan
23 Limongelli, recuse; Dale Yingst, aye;
24 William Heeney, aye; Kirk Davis, aye.

25 [The motion carried. Mark Baer and Daniel Limongelli

1 recused themselves from deliberations and voting on
2 the motion.]

3 ***

4 Report of Board Counsel - Final Adjudications

5 MS. GOSHERT:

6 At agenda item 12, we have one Final
7 Adjudication and Order.

8 Based on Executive Session
9 deliberations, I believe the Board
10 would entertain a motion to direct
11 Board Counsel to issue the Final
12 Adjudication and Order in the matter of
13 item 12, Kelly Motor Cars, Case No. 21-
14 60-015311.

15 CHAIRMAN DAVIS:

16 Do we have a motion?

17 MR. STEIN:

18 I will make the motion.

19 MR. YINGST:

20 Second the motion.

21 CHAIRMAN DAVIS:

22 Roll call.

23
24 Irving Stein, aye; Arion Claggett, aye;
25 Mark Wolfe, aye; Mark Baer, aye; Dan

1 Limongelli, aye; Dale Yingst, aye;
2 William Heeney, aye; Kirk Davis, aye.

3 [The motion carried unanimously.]

4 ***

5 Report of Board Counsel - Proposed Adjudications

6 MS. GOSHERT:

7 At agenda item 13, I believe, based on
8 Executive Session deliberations, the
9 Board would entertain a motion to
10 direct Board Counsel to draft an
11 Adjudication and Order consistent with
12 discussions in Executive Session for
13 Joseph Lokuta, Case No. 20-60-012290.

14 CHAIRMAN DAVIS:

15 Do we have a motion?

16 MR. STEIN:

17 I make the motion.

18 MR. YINGST:

19 Second the motion.

20 CHAIRMAN DAVIS:

21 Roll call.

22
23 Irving Stein, aye; Arion Claggett, aye;
24 Mark Wolfe, aye; Mark Baer, aye; Dan
25 Limongelli, recuse; Dale Yingst, aye;

1 William Heeney, aye; Kirk Davis, aye.
2 [The motion carried. Daniel Limongelli recused
3 himself from deliberations and voting on the motion.]

4 ***

5 MS. GOSHERT:

6 At agenda item 14, I believe, based on
7 Executive Session deliberations, the
8 Board would entertain a motion to adopt
9 the Proposed Adjudication and Order for
10 Mark Shoemaker, Case No. 23-60-005567.

11 CHAIRMAN DAVIS:

12 Do we have a motion?

13 MR. STEIN:

14 I make the motion.

15 MR. YINGST:

16 Second the motion.

17 CHAIRMAN DAVIS:

18 Roll call.

19
20 Irving Stein, aye; Arion Claggett, aye;
21 Mark Wolfe, aye; Mark Baer, aye; Dan
22 Limongelli, aye; Dale Yingst, aye;
23 William Heeney, aye; Kirk Davis, aye.

24 [The motion carried unanimously.]

25 ***

1 Report of Board Counsel - Expired Probationary
2 License Offers

3 MS. GOSHERT:

4 Agenda items 15 through 20 were
5 individuals who submitted applications
6 to the Board and were offered
7 probationary license offers, and those
8 folks did not respond to this offer.

9 Based on Executive Session
10 deliberations, I believe the Board
11 would entertain a motion to
12 provisionally deny the Applications for
13 a Vehicle Salesperson's License at
14 agenda items 15 through 20.

15 Those individuals are Tyrone Adair,
16 Case No. 23-60-012792; Edward Beale,
17 Case No. 23-60-018538; Matthew Johnson,
18 Case No. 23-60-018537; Erika Ricker,
19 Case No. 23-60-010585; Travis Sprow,
20 Case No. 23-60-010586; and Tyler
21 Thompson, Case No. 23-60-012796.

22 CHAIRMAN DAVIS:

23 Do we have a motion?

24 MR. STEIN:

25 I make the motion.

1 MR. YINGST:

2 Second the motion.

3 CHAIRMAN DAVIS:

4 Roll call.

5

6 Irving Stein, aye; Arion Claggett, aye;

7 Mark Wolfe, aye; Mark Baer, aye; Dan

8 Limongelli, aye; Dale Yingst, aye;

9 William Heeney, aye; Kirk Davis, aye.

10 [The motion carried unanimously.]

11

12 Report of Board Counsel - Approval of Amended Order

13 MS. GOSHERT:

14 Agenda item 21 is matters against Holly

15 Nichole Kabiru & Executive Preowned

16 Motors, LLC. Ms. Kabiru on behalf of

17 herself and her dealership is seeking a

18 payment plan.

19 Based on Executive Session

20 deliberations, I believe the Board

21 would entertain a motion to direct

22 counsel to draft and issue an amended

23 order to include a payment plan for

24 Respondent's civil penalty obligation

25 pursuant to our discussion in Executive

1 Session at Case Nos. 19-60-013685 & 19-
2 60-008587.

3 CHAIRMAN DAVIS:

4 Do we have a motion?

5 MR. STEIN:

6 I make the motion.

7 MR. YINGST:

8 Second the motion.

9 CHAIRMAN DAVIS:

10 Roll call.

11

12 Irving Stein, aye; Arion Claggett, aye;

13 Mark Wolfe, aye; Mark Baer, aye; Dan

14 Limongelli, aye; Dale Yingst, aye;

15 William Heeney, aye; Kirk Davis, aye.

16 [The motion carried unanimously.]

17 ***

18 Report of Board Chairman - No Report

19 ***

20 Report of Acting Commissioner - No Report

21 ***

22 Report of Board Administrator

23 [James P. Kushlan, Board Administrator, informed

24 Board members that the Board started receiving a lot

25 of applications from dealerships and manufacturers

1 who were creating a device that was a low-speed on-
2 road device. He stated Board Counsel determined the
3 low-speed on-road vehicles to be under the Act and
4 could be granted licenses. He noted the vehicle type
5 is not yet available in the Pennsylvania Licensing
6 System (PALS) but will be inserted at some point as a
7 low-speed on-road vehicle, NEV, which stands for
8 neighborhood electric vehicle (NEV), modified golf
9 cart, etc.

10 Mr. Kushlan noted the vehicles have a maximum of
11 25 mph and conform to the federal transportation
12 definition of low-speed vehicle (LSV). He further
13 explained that Board Counsel determined that the
14 vehicles should be licensed with all of the same
15 requirements for manufacturers, distributors, and
16 dealerships, along with their salespersons and
17 representatives.

18 Mr. Kushlan reported Honor LSV was the first
19 company to receive a manufacturer's license, noting
20 they strictly manufacture low-speed electric vehicles
21 that have a maximum of 25 mph. He mentioned that
22 they are on-road vehicles with all of the safety
23 features.

24 Mr. Kushlan mentioned working on another
25 application for Mantis Corporation, noting the

1 company makes modified golf carts that are made for
2 driving on the road and not for golf course use.

3 Mr. Kushlan informed Board members that Board
4 Counsel looked at the definition of highway and other
5 parts of the Pennsylvania code, where the definition
6 was broad enough that it includes public roads in
7 general. He noted the vehicles cannot go on roads
8 that have a high posted speed limit.

9 Chair Davis commented that it is not a highway
10 vehicle and is for driving on city streets.

11 Mr. Kushlan stated normal golf carts do not fall
12 under this because they are not considered vehicles.
13 He mentioned that he could not speak to the
14 Pennsylvania Department of Transportation's (PennDOT)
15 requirements but that they did meet the definition of
16 vehicle according to Board Counsel.

17 Mr. Kushlan announced that the state implemented
18 an e-license certificate that allows licensees to
19 download a fully official certificate that is
20 identical to what would be printed. He mentioned
21 that printing is still continuing, although
22 downloading the certificate alleviates postal
23 delivery issues. He noted the certificate has a
24 quick response (QR) code for instant verification and
25 Acting Commissioner Claggett's signature.]

1 ***

2 Report of Board Administrator - Scheduled Board
3 Meeting Dates

4 [Kirk A. Davis, Chairman, Professional Member,
5 mentioned that no Board meeting will be held in
6 August. He noted the next Board meetings are in
7 September, October, and November. He also noted 2025
8 meeting dates are listed on the agenda. He again
9 encouraged Board members to notify Mr. Kushlan as
10 soon as possible if they have any conflicts with any
11 of the the meeting dates.]

12 ***

13 Application Review - Applications with Criminal
14 Convictions

15 MS. GOSHERT:

16 Agenda items 23 and 25. I believe,
17 based on Executive Session
18 deliberations, the Board would
19 entertain a motion to provisionally
20 deny the Vehicle Salesperson
21 Application for Nyfeere Evans,
22 Application No. AA0005433103, and Roger
23 Nehring, Application No. AA0005408313.

24 CHAIRMAN DAVIS:

25 Do we have a motion?

1 MR. STEIN:

2 I make the motion.

3 MR. YINGST:

4 Second the motion.

5 CHAIRMAN DAVIS:

6 Roll call.

7

8 Irving Stein, aye; Arion Claggett, aye;

9 Mark Wolfe, aye; Mark Baer, aye; Dan

10 Limongelli, aye; Dale Yingst, aye;

11 William Heeney, aye; Kirk Davis, aye.

12 [The motion carried unanimously.]

13

14 MS. GOSHERT:

15 Agenda items 24 and 26. I believe the

16 Board would entertain a motion to

17 direct Board Counsel to Extend an Offer

18 for Probationary Vehicle Salesperson

19 Licenses for Gabriel Alexander Kalbach,

20 Application No. AA0005380277, and

21 Francis M. Spaid, Application No.

22 AA0005383638.

23 CHAIRMAN DAVIS:

24 Do we have a motion?

25 MR. STEIN:

1 I will make the motion.

2 MR. YINGST:

3 Second the motion.

4 CHAIRMAN DAVIS:

5 Roll call.

6

7 Irving Stein, aye; Arion Claggett, aye;

8 Mark Wolfe, aye; Mark Baer, aye; Dan

9 Limongelli, aye; Dale Yingst, aye;

10 William Heeney, aye; Kirk Davis, aye.

11 [The motion carried unanimously.]

12

13 Appointment - Formal Hearing - Lucid Group USA, Inc.

14 [Ashley B. Goshert, Esquire, Board Counsel, informed

15 Board members that the Board received a continuance

16 request at agenda item 27 from Lucid Group USA, Inc.,

17 Case No. 22-60-013203, and it will be continued until

18 a later date.]

19

20 Adjournment

21 CHAIRMAN DAVIS:

22 Do we have a motion for adjournment?

23 MR. STEIN:

24 I make a motion.

25 CHAIRMAN DAVIS:

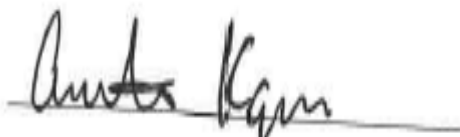
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We're adjourned.

[The State Board of Vehicle Manufacturers, Dealers,
and Salespersons Meeting adjourned at 10:54 a.m.]

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.



Autumn Karper,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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

July 9, 2024

	TIME	AGENDA
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10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:31	Official Call to Order
14		
15	10:32	Roll Call/Introduction of Attendees
16		
17	10:34	Approval of Minutes
18		
19	10:35	Report of Prosecutorial Division
20		
21	10:37	Report of Board Counsel
22		
23	10:45	Report of Board Administrator
24		
25	10:51	Application Review
26		
27	10:53	Appointment - Hearing - Lucid Group
28		USA, Inc. - Continued
29		
30	10:54	Adjournment
31		
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