

02-64-CD
COMMONWEALTH OF PENNSYLVANIA -vs- FULLINGTON GMC SALES, INC.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES

v.

FULLINGTON GMC SALES, INC., t/a
FULLINGTON BUICK-OLDSMOBILE-
CADILLAC-GMC TRUCK

No. 02-64-CO

STATUTORY APPEAL
FROM REVOCATION OF FULL AGENT

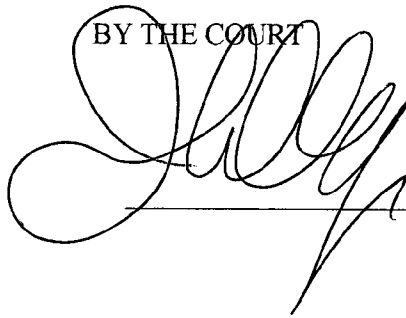
ORDER

AND NOW this 15th day of January, 2002, upon reviewing the Petitioner's Appeal From Revocation of Authority to Issue Temporary Registration Plates and Cards, a hearing de novo is scheduled for February 8, 2002, at 1:30 P. M., in Courtroom Number 1 at the Clearfield County Courthouse, 230 E. Market Street, Clearfield, Pennsylvania 16830.

All proceedings shall stay pending final determination by this Court.

WHEREFORE, it is ORDERED

BY THE COURT



, J.

FILED

JAN 15 2002

01/30/2002
William A. Shaw
Prothonotary



**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY PENNSYLVANIA**

FILED

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES**

v.

**FULLINGTON GMC SALES, INC., t/a
FULLINGTON BUICK-OLDSMOBILE-
CADILLAC-GMC TRUCK**

No. 02-64-CO

JAN 14 2002

William A. Shaw
Prothonotary

**STATUTORY APPEAL
FROM REVOCATION OF FULL AGENT**

APPEAL FROM REVOCATION OF FULL AGENT

FULLINGTON BUICK, OLDS, CAD., GMC, by and through its attorney, Philip L. Zulli, Esquire, hereby files this Appeal and in support thereof avers as follows:

1. Petitioner is Fullington GMC Sales, Inc., t/a Fullington Buick Oldsmobile Cadillac GMC Truck, a Corporation, doing business within the Commonwealth as a used car dealership, at Rt. 879 & Exit 19 of I-80, P.O. Box 211, Clearfield, PA 16830. A true and correct copy of the Certificate of Incorporation is attached as Exhibit A and the Articles of Incorporation are attached hereto and marked as Exhibit B.
2. Petitioner is a licensed dealer of the Commonwealth. A true and correct copy of Petitioner's dealer's license is attached hereto and marked as Exhibit C.
3. Petitioner was issued by the Department of Transportation, Bureau of Motor Vehicles (Department), a dealer identification number, "DIN 85-2478" and is now in possession of dealer registration plates which may be displayed on vehicles being test-driven by potential buyers.
4. Petitioner was issued by the Department, and is now in possession of, a Certificate of Authorization as a Full Agent to issue temporary registration plates and cards to buyers, so they may immediately take possession and legally drive their newly-purchased car on the highways of the Commonwealth. This certificate is issued in the name of Fullington Buick Olds Cadi GMC under Petitioner's dealer identification number, 00852478. A true and correct copy of the Certificate of Authorization is attached hereto and marked as Exhibit D.
5. Both dealer registration plates and temporary registration plates and cards are necessary for Petitioner to conduct its business.

JSCB-20 (Rev. 10-62)

Commonwealth of Pennsylvania

Department of State

3-1-65.2

289



Office of the
Secretary of the Commonwealth

TO ALL TO WHOM THESE PRESENTS COME, GREETING:

WHEREAS, Under the provisions of the Business Corporation Law, approved the 5th day of May, Anno Domini, one thousand nine hundred and thirty-three, P. L. 364, as amended, the Department of State is authorized and required to issue a

CERTIFICATE OF INCORPORATION

evidencing the incorporation of a business corporation organized under the terms of that law.

AND WHEREAS, The stipulations and conditions of that law have been fully complied with by the persons desiring to incorporate as

FULLINGTON GMC SALES, INC.

THEREFORE, KNOW YE, That subject to the Constitution of this Commonwealth and under the authority of the Business Corporation Law, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, create, erect, and incorporate the incorporators of and the subscribers to the shares of the proposed corporation named above, their associates and successors, and also those who may thereafter become subscribers or holders of the shares of such corporation, into a body politic and corporate in deed and in law by the name chosen and hereinbefore specified, which shall exist perpetually and shall be invested with and have and enjoy all the powers, privileges, and franchises incident to a business corporation and be subject to all the duties, requirements, and restrictions specified and enjoined in and by the Business Corporation Law and all other applicable laws of this Commonwealth.

GIVEN under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 29th day of December in the year of our Lord one thousand nine hundred and sixty-four and of the Commonwealth the one hundred and eighty-ninth

George Bloom

Secretary of the Commonwealth sh

Exhibit A

3-1-65.2 287

DSOB-1 (Rev. 12-60)

Articles
of
IncorporationCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
CORPORATION BUREAU

In compliance with the requirements of the Business Corporation Law, approved the 5th day of May, A. D. 1933, P. L. 364, as amended, the undersigned, all of whom are of full age and at least two-thirds of whom are citizens of the United States or its territories or possessions, desiring that they may be incorporated as a business corporation, do hereby certify:

1. The name of the corporation is:

FULLINGTON OMC SALES, INC.

2. The location and post office address of its initial registered office in this Commonwealth is:

(Number)	(Street)	(City)	(County)
314	Cherry Street	Clearfield	Clearfield

3. The purpose or purposes of the corporation are:*

To buy, sell, lease and deal in personal property of every class and description; to buy, sell, lease, mortgage and develop real estate as principal and not as agent or broker.

4. The term of its existence is: Perpetual

5. The aggregate number of shares which the corporation shall have authority to issue is:**

1,000 shares of Class A Voting Common Stock, with a par value of \$10.00 per share, amounting to \$10,000.00, and 4,000 shares of Class B Non-Voting Common Stock, with a par value of \$10.00 per share, amounting to \$40,000.00, for a aggregate authorized capitalization of \$50,000.00.

The right to vote shall be vested exclusively in the holders of Class A Voting Common Stock, except where otherwise provided by law. The Board of Directors shall have the power to declare dividends on either the Class A Voting Common Stock or the Class B Non-Voting Common Stock, payable in either Class A Voting Common Stock or Class B Non-Voting Common Stock. In all other respects, the Class A Voting Common Stock and the Class B Non-Voting Common Stock shall be on a parity.

*Do not recite Powers set forth in Section 302 of the Act.

** There should be set forth the number and par value of all shares having par value, the number of shares without par value, and the stated capital applicable thereto. If the shares are to be divided into classes, a description of each class and a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights granted to, or imposed upon, the shares of each class.

FILING FEE - \$40.00

NOTE - Excise Tax at the rate of 1/5 of 1% (\$2.00 per \$1000.00) will be due and payable at the time of filing of the Articles, computed by multiplying the number of authorized shares having par value by their par value or if shares of no par stock are authorized, then on the stated capital applicable thereto as well.

Exhibit B

Commonwealth of Pennsylvania
Department of State
Bureau of Professional and Occupational Affairs
P.O. BOX 2649, Harrisburg, PA 17105-2649


Classification

VEHICLE DEALER

Certificate Number	Certification Date	Issued	Expires
VD-005623-L	FEB 18 1975	MAY 24 2001	MAY 31 2003

DIN: 85-02478

THIS LICENSE IS VALID ONLY FOR THE NAME/ADDRESS SHOWN



Signature
Richard Fullington
Commissioner of Professional and Occupational Affairs

Issued To:

FULLINGTON BUICK OLDS CADILLAC
FULLINGTON GMC SALES INC
RT 879 & EXIT 19 OF I-80
P O BOX 211
CLARFIELD PA 16830

FEB 18 1975

Jan 11 02 05:10p

Finance Department

18147681005

p.1

(788)

Commonwealth of Pennsylvania

DEPARTMENT OF TRANSPORTATION

FULL AGENT

CERTIFICATE OF AUTHORIZATION

FULLINGTON BUICK OLDS
CADI GMC
RT 879 & EXIT 19 OF
P O BOX 211
CLEARFIELD PA 16830

00852478

AGENT NO.

has been duly authorized to issue temporary registration in accordance
with Section 1310 of the Vehicle Code.

11/30/99

This license shall be prominently displayed in the place of business



Director, Bureau of Motor Vehicles

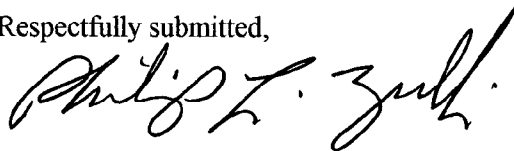
Exh. b. t D

6. By Official Notice dated December 17, 2001, the Department revoked Petitioner's Certificate of Authorization as a Full Agent to issue temporary registration plates and cards pursuant to 67 Pa. Code §43.11(a)(6) (relating to "The agent has been convicted of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees for a vehicle"), (emphasis added). (A true and correct copy of the Notice is attached hereto and marked as Exhibit E.)
7. The Full Agent, Fullington Buick Olds Cadillac GMC was not convicted of any crime warranting the revocation of its authority to issue temporary registration plates and cards.
8. Petitioner and Petitioner's employees will suffer irreparable harm if Petitioner's privileges are revoked without a due process review of the Department's revocation, and Petitioner therefore requests a supersedeas and stay of all proceedings pending appeal.
9. Petitioner has provided notice to the Department of its request for a supersedeas by directing a letter to its assigned counsel, Matthew Haeckler, Assistant Counsel in Charge, Motor Vehicle Section, Office of Chief Counsel, Riverfront Office Center- 3rd Floor, 1101 South Front Street, Harrisburg, Pennsylvania 17104. (A true and correct copy of the letter is attached hereto and marked as Exhibit F.)
10. Pursuant to Section 1377 of the Vehicle Code, 75 Pa. C.S. §1377, Petitioner has a Statutory Right to appeal the revocation imposed by the Department.
11. This court has jurisdiction of this matter pursuant to Section 1377 of the Vehicle Code, 75 Pa. C.S. §1377, and Section 933 of the Judicial Code, 42 Pa. C.S. §933.

WHEREFORE, Petitioner invokes its statutory right of appeal, and requests a supersedeas pending a hearing *de novo* of Petitioner's appeal .

DATE: January 11, 2002

Respectfully submitted,



Philip L. Zulli, Esquire
Attorney for Fullington Buick Olds Cad GMC

Attorney ID. No. 47499

1501 North Front Street
Harrisburg, Pennsylvania 17102

(717) 238-9004



COMMONWEALTH OF PENNSYLVANIA

Department of Transportation
Bureau of Motor Vehicles
Harrisburg, Pennsylvania
17104-2516

IN REPLY REFER TO

Dealer/Agent Service
P. O. Box 68283
Harrisburg, PA 17106-8283
Phone: (717) 705-1161
Din:85-2478
Certified Mail:
70001670001277975335
Mail Date:December 17, 2001

Fullington Buick
Olds Cadi GMC
Rt 879 & Exit 19 of
P. O. Box 211
Clearfield, PA 16830

Dear Agent:

ORDER OF REVOCATION OF FULL AGENT

As a result of the hearing held on October 9, 2001, your authorization to act as a Full Agent is revoked pursuant to Title 67, PA Code Section 43.11(a)I(6).

The revocation will be effective 30 days from the mail date of this Order. A representative of the Department will retrieve your temporary registration plates and cards on or soon after that date.

You have the right to appeal this revocation to the Court of Common Pleas in the county in which your business is located within 30 days of the mail date of this Order. If you choose to exercise this right, after you have filed the appeal in the Court of Common Pleas, you must obtain from the court and submit to the Department a certified, time-and -date-stamped copy of the appeal and supersedeas to the following address: Department

Exhibit E

of Transportation, Riverfront Office Center, Office of Chief
Counsel, 1101 South Front Street,
3rd Floor, Harrisburg, PA 17104-2516.

Sincerely,

A handwritten signature in dark ink, appearing to be 'KJ Myers', written in a cursive style.

Kurt J. Myers, Director
Bureau of Motor Vehicles

Law Offices of Philip L. Zulli, Esquire

1501 North Front Street
Harrisburg, Pennsylvania 17102

Fax (717) 238 - 9010

Phone (717) 238 - 9004

January 10, 2002

Via Fax: 717-705-1122
and U.S. 1st Class Mail

Matthew X. Haeckler
Assistant Counsel in Charge
Department of Transportation
Riverfront Office Center
1101 South Front Street
Harrisburg, Pennsylvania 17104

Re: Notice of Request for Supersedeas
Bureau of Motor Vehicles v. Fullington Buick, Olds, Cadillac, GMC, Inc.
DIN #: 85-2478

Dear Matt:

I hope that you are recovering well from your recent injury. I am writing to give you notice that I am filing an Appeal and requesting the Clearfield County Court of Common Pleas to grant a supersedeas to Fullington Buick, Olds, Cadillac, GMC, Inc., pending appeal from revocation. The request will be presented on Monday, January 14, 2002. A courtesy copy is enclosed.

On December 17, 2001, the Department issued an Order Revoking Fullington Buick, Olds, Cadillac, GMC, Inc.'s authorization as a Full Agent, pursuant to 67 Pa. Code 43.11(a)(6) (relating to "The agent has been convicted of a felony or misdemeanor relating to the titling, registration or collection of sales tax and fees"). Please note that "the Agent" in this case is the corporation, not the individual Richard Fullington, Jr., and the corporation is a separate legal entity under Pennsylvania law, with all the rights of a person under the Pennsylvania and United States Constitutions. A review of the Department's records will reveal that this corporation has not been convicted of any misdemeanor or felony. Therefore, the Department's action in this case is not supported by law.

I believe that the law respecting a corporation's separate legal status is well settled, and that my client is likely to prevail on appeal. I therefore would appreciate if you would kindly agree to a supersedeas pending appeal. If there is a way to resolve this matter, I am certainly willing to entertain any suggestion that you or your client may have.

Very truly yours,



Philip L. Zulli, Esquire

Enclosures: (1)

cc: John Achille, Esq.

1-877-TRUKLAW

1-877-878-5529

Zulli@msn.com

1-877-4-CARLAW

1-877-422-7529

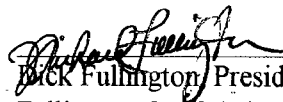
Exhibit F

VERIFICATION

The undersigned having read the foregoing Statutory Appeal From License Suspension states that the language therein is true and correct to the best of the undersigned signer's knowledge, information and belief.

This Verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 of the Crimes Code (relating to unsworn falsification to authorities).

January 14, 2002


Rick Fullington, President
Fullington GMC Sales, Inc. t/a
Fullington Buick Olds Cad GMC

**IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY PENNSYLVANIA**

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF MOTOR VEHICLES**

v.

**FULLINGTON GMC SALES, INC., t/a
FULLINGTON BUICK-OLDSMOBILE-
CADILLAC-GMC TRUCK**

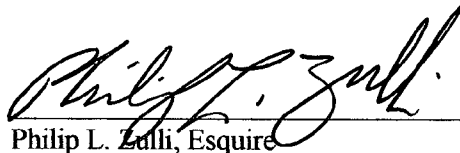
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:
:
: No. _____
:
:
: **STATUTORY APPEAL**
: **FROM REVOCATION OF FULL AGENT**
:
:

CERTIFICATE OF SERVICE

I, PHILIP L. ZULLI, ESQUIRE, certify that I have served a copy of the Appeal From
Revocation of Authority to Issue Temporary Registration Plates, on this date by U.S. first class mail, to
the following parties:

Department of Transportation
Office of Chief Counsel
Riverfront Office Center-- 3rd Floor
1101 South Front Street
Harrisburg, PA 17104-2516

Dated: January 12, 2002



Philip L. Zulli, Esquire
Attorney for Fullington Buick Olds Cad GMC

Attorney Id. No. 47499

1501 North Front Street
Harrisburg, Pennsylvania 17102

(717) 238-9004

FILED

JAN 14 2002

01/11/55/city
William A. Shaw
Proprietary

mulgrubpd \$80.00
Dec city

Philip L. Zulli, Esquire
1501 North Front Street
Harrisburg, Pennsylvania 17102
Telephone (717) 238 - 9004
Fax (717) 238 - 9010

CA

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
BUREAU OF MOTOR VEHICLES :

vs.

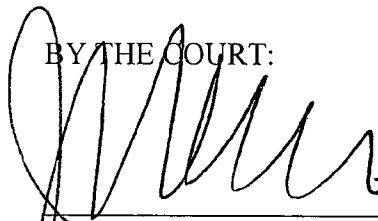
No. 02-64-CD

FULLINGTON GMC SALES, INC., t/a :
FULLINGTON BUICK-OLDSMOBILE- :
CADILLAC-GMC TRUCK :

ORDER

NOW, this 15th day of January, 2002, upon consideration of
recusal of both Judges sitting in the 46th Judicial District, it is the ORDER of this
Court that the Court Administrator of Clearfield County refer the above-captioned
civil matter to Administrative Regional Unit II for assignment of a specially presiding
judicial authority.

BY THE COURT:



JOHN K. REILLY, JR.
President Judge

FILED

JAN 15 2002

William A. Shaw
Prothonotary

FILED

1cc c/A

0/3:40 ~~281~~

1cc Atty Milgrob

JAN 15 2002

1cc Atty P. Zulli

W

1cc ~~Atty~~ Judge Williams

William A. Shaw
Prothonotary

230 E. Water St.

Lock Haven, PA 17745

1cc Comm of PA

Matthew Haeckler, Assistant
Counsel in Charge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

J. RICHARD FULLINGTON, SR. and
FULLINGTON AUTO BUS COMPANY

VS.

NO. 01-1996-CD

J. RICHARD FULLINGTON JR.,
FULLINGTON GMC SALES, INC.,
JOSEPH F. DELLANTONIO,
RVG MANAGEMENT and
DEVELOPMENT COMPANY

AND

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF MOTOR VEHICLES

VS.

NO. 02-64-CD

FULLINGTON GMC SALES, INC. t/a
FULLINGTON BUICK-OLDSMOBILE-
CADILLAC-GMC TRUCK


INTERIM ORDER

NOW, this 8th day of February, 2002, J. Richard Fullington, Jr., and Fullington GMC Sales, Inc., are enjoined from disposing of any corporate assets or taking any further action with respect to the DuBois property until further order.

2. The request for additional bonds is denied.

3. The Court Administrator shall be prepared to set a further full-day hearing at a time convenient to the Court and the parties.

BY THE COURT,


J. MICHAEL WILLIAMSON
Specially Presiding

FILED

FEB 14 2002

William A. Shaw
Prothonotary 

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF MOTOR VEHICLES

vs.

FULLINGTON GMC SALES, INC., t/d/b/a
FULLINGTON BUICK—OLDSMOBILE-
CADILLAC-GMC TRUCK

:
: No. 02-64-CD
:
:
: Issuing Agent Revocation Appeal
:
:
: MOTION FOR POSTPONEMENT
:
: Filed on Behalf of:
:
: COMMONWEALTH OF PENNSYLVANIA
: DEPARTMENT OF TRANSPORTATION
:
: Counsel of Record:
:
: William A. Kuhar, Jr., Esquire
: Assistant Counsel
: Pa.I.D. No. 38885
:
: Department of Transportation
: Office of Chief Counsel
: Firm No. 052
:
: 1209 State Office Building
: 300 Liberty Avenue
: Pittsburgh, PA 15222
: (412) 565-7555

FILED

FEB 07 2002

0/2:11 was

William A. Shaw
Prothonotary

(Signature)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
BUREAU OF MOTOR VEHICLES :
:
vs. : No. 02-64-CD
:
FULLINGTON GMC SALES, INC., t/d/b/a :
FULLINGTON BUICK-OLDSMOBILE- :
CADILLAC-GMC TRUCK :

MOTION FOR POSTPONEMENT

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicles, by its attorney, William A. Kuhar, Jr., Esquire, and files the following Motion for Postponement and, in support thereof, avers as follows:

1. This is a statutory appeal by the petitioner, Fullington GMC Sales-Inc., t/d/b/a Fullington Buick-Oldsmobile-Cadillac-GMC Truck, from a revocation of its authorization as a full issuing agent pursuant to 67 Pa.Code §43.11(a)I(6).

2. A *de novo* hearing on this statutory appeal is currently scheduled for Friday, February 8, 2002, at 1:30 p.m.

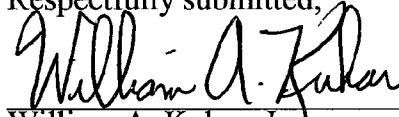
3. The Bureau requests a postponement of the hearing on this statutory appeal for the following reasons:

- a. The order scheduling the hearing on this statutory appeal for February 8, 2002 was signed on January 15, 2002, such that the Bureau was not given the 30 days advance notice of hearing required by Section 1377 of the Vehicle Code; and
- b. The Bureau's Dealer Unit can not have a set of certified documents supporting its action assembled, typed and copied prior to the current hearing date.

4. Phillip L. Zulli, Esquire, counsel for the petitioner, consents to the granting of this Motion for Postponement.

WHEREFORE, the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicle, respectfully requests that this Honorable Court postpone the *de novo* hearing on this issuing agent revocation appeal to the next statutory appeal session at which this Court would be able to hear this appeal.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William A. Kuhar, Jr.", written over a horizontal line.

William A. Kuhar, Jr.
Assistant Counsel

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
BUREAU OF MOTOR VEHICLES :

vs. :

No. 02-64-CD

FULLINGTON GMC SALES, INC., t/d/b/a :
FULLINGTON BUICK-OLDSMOBILE :
CADILLAC-GMC TRUCK :

ORDER OF COURT

AND NOW, to-wit: this ____ day of _____, 2002, upon
consideration of the foregoing Motion for Postponement, it is hereby ORDERED that the
de novo hearing on this issuing agent revocation appeal is postponed from
Friday, February 8, 2002 at 1:30 p.m. to _____,
2002 at _____ .m. in Courtroom No. ____ of the Clearfield County Courthouse.

BY THE COURT:

J.

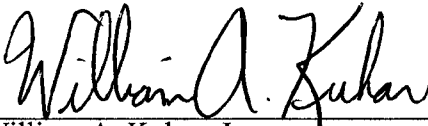
CERTIFICATE OF SERVICE

The undersigned does hereby certify that, on the date set forth below, he served a true and correct copy of the foregoing document upon counsel for the petitioner by regular United States first class mail, postage prepaid, addressed as follows:

Phillip L. Zulli, Esquire
1501 North Front Street
Harrisburg, PA 17102

Date: _____

1/29/2002



William A. Kuhar, Jr.

WILLIAM A. KUCHAR, JR.
1/29/2002

FILED

FEB 07 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF TRANSPORTATION,)
BUREAU OF MOTOR VEHICLES,)
Plaintiff)

v.)

NO. 02 - 64 - CD

FULLINGTON GMC SALES, INC., t/d/b/a)
FULLINGTON BUICK-OLDSMOBILE-)
CADILLAC-GMC TRUCK,)
Defendant)

ORDER

NOW, this 8th day of February, 2002, per agreement of the parties, this matter is remanded to the Department of Transportation, Bureau of Motor Vehicles, and the revocation of the certificate of authorization as a full agent, imposed by the Department upon Fullington Buick-Olds-Cadillac for a violation of 67 Pa. Code § 43.11(a)(I)(6), is reduced to a six (6) month suspension for a violation of 67 Pa. Code § 43.11(a)(I)(1) (fraudulent completion of applications). The suspension shall be effective August 1, 2002.

BY THE COURT:



J. Michael Williamson, Judge
Specially Presiding
25th Judicial District of Pennsylvania

xc: William Kuhar, Esquire
Matthew Haeckler, Esquire
Philip L. Zulli, Esquire
Court Administrator

FILED

FEB 08 2002

0/12:15/02
William A. Shaw
Prothonotary

FILED

FEB 08 2002

William A. Shaw
Prothonotary

CERT COPY W/LETTER

TO KUNAR
HAECKLER

ZULLI
COURT ADM.

~~22~~

Law Offices of Philip L. Zulli, Esquire
1501 North Front Street
Harrisburg, Pennsylvania 17102
Fax 717 - 238 - 9010
Phone(717) 234 - 5911
FAX TRANSMISSION

February 7, 2002

Via 1-570-893-4126

1 pages including this cover sheet

The Hon. J. Michael Williamson
Judge, Court of Common Pleas
Clinton County Courthouse
230 E. Water Street
Lock Haven, PA 17745

Re: *Department of Transportation v. Fullington GMC Sales, Inc.*
t/a Fullington Buick Olds Cadillac, No. 02-64 CD

Dear Judge Williamson:

I am writing to inform the Court that the above matter scheduled before your Honor tomorrow, February 8, 2002, 1:30 p.m., has been resolved by the parties. I am authorized by Department counsel, William Kuhar, counsel of record for the Department, and his supervisor, Matthew Haeckler, Assistant Counsel in Charge, Motor Vehicle Section, Bureau of Motor Vehicles, to make this representation to the Court. The agreed upon Order, if acceptable to the Court, is as follows:

AND NOW, this 8th day of February, 2002, per agreement of the parties, this matter is remanded to the Department of Transportation, Bureau of Motor Vehicles, and the revocation of the certificate of authorization as a full agent, imposed by the Department upon Fullington Buick Olds Cadillac for a violation of 67 Pa. Code, Section 43.11(a)(1)(6), is reduced to a six-month suspension for a violation of 67 Pa. Code, Section 43.11(a)(1)(1) (fraudulent completion of applications). The suspension shall be effective August 1, 2002.

By the Court:

The Hon. J. Michael Williamson

I would be happy to forward a proposed order for the Court's signature, or the Court may proceed to enter the Order as of record, if the Court deems the above language acceptable. Although I appreciate the beauty of Clinton and Clearfield Counties, if I could be excused from making the journey to Clearfield County tomorrow (given that an agreed disposition has been reached by the parties), I certainly would appreciate the Court's indulgence if the parties may be excused from appearing in person before your Honor tomorrow.

Very truly yours,



Philip L. Zulli, Esquire

cc: William Kuhar, Assistant Counsel, via fax
Matthew Haeckler, Assistant Counsel in charge, via fax
J. Richard Fullington, Jr., Pres., Fullington GMC Sales, Inc., via fax

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

J. RICHARD FULLINGTON, SR. and :
FULLINGTON AUTO BUS COMPANY :

VS. : NO. 01-1996-CD

J. RICHARD FULLINGTON JR., :
FULLINGTON GMC SALES, INC., :
JOSEPH F. DELLANTONIO, :
RVG MANAGEMENT and :
DEVELOPMENT COMPANY :
AND

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
BUREAU OF MOTOR VEHICLES :

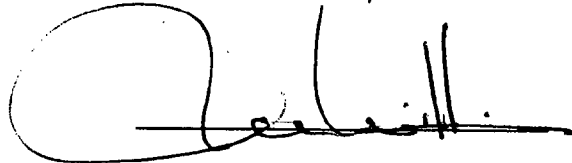
VS. : ~~NO. 02-64-CD~~

FULLINGTON GMC SALES, INC. t/a :
FULLINGTON BUICK-OLDSMOBILE- :
CADILLAC-GMC TRUCK :

O R D E R

NOW, this 8th day of February, 2002, based upon the agreement of counsel, Joseph F. Dellantonio is dismissed as a Defendant in these matters and the Court will not consider any evidence with respect to the Clearfield Borough properties sold to Defendant Dellantonio.

BY THE COURT,



J. MICHAEL WILLIAMSON
Specially Presiding

FILED

FEB 11 2002

William A. Shaw
Prothonotary

Date: 02/08/2002

Clearfield County Court of Common Pleas

User: MKELLEY

Time: 11:37 AM

ROA Report

Page 1 of 1

Case: 2002-00064-CD

Current Judge: J. Michael Williamson

Commonwealth of Pennsylvania vs. Fullington GMC Sales, Inc.

Civil Other

Date		Judge
01/14/2002	Filing: Appeal From Revocation of Full Agent's Paid by: Richard Milgrub, Esquire Receipt number: 1836724 Dated: 01/14/2002 Amount: \$80.00 (Check)	No Judge
01/15/2002	ORDER, AND NOW, this 15th day of Jan. 2002, re: Hearing de novo is scheduled for Feb. 8, 2002, at 1:30 p.m. by the Court, s/JKR, JR., P.J. 2 cc Atty Milgrub	J. Michael Williamson
	ORDER, NOW, this 15th day of January, 2002, re: Request for a specially presiding judicial authority. by the Court, s/JKR, JR., P.J. 2 cc CA, Atty Milgrub, Zulli, Judge Williamson and Comm of Penna	J. Michael Williamson
02/07/2002	Motion For Postponement, filed by Atty. Kuhar, no cert. copies.	J. Michael Williamson