

02-64-CD  
COMMONWEALTH OF PENNSYLVANIA -vs- PULLINGTON 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

:  
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:  
: No. 02-64-CO  
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:  
: STATUTORY APPEAL  
: FROM REVOCATION OF FULL AGENT  
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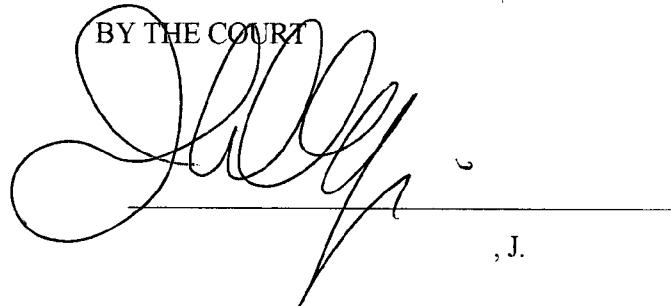
ORDER

AND NOW this 15<sup>th</sup> 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

013.0012ccatty  
William A. Shaw  
Prothonotary Mulgrew



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

FILED

JAN 14 2002

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: No. 02-64-CO  
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: STATUTORY APPEAL  
: FROM REVOCATION OF FULL AGENT  
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William A. Shaw  
Prothonotary

**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.

DSCB-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 E. Bloom*

Secretary of the Commonwealth sh  
2011/12/11

Exhibit A

3-1-65.2

287

DSCB-1 (Rev. 12-60)

Articles  
of  
Incorporation

COMMONWEALTH 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 GMC SALES, INC.

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

<u>314</u> (Number)	<u>Cherry Street</u> (Street)	<u>Clearfield</u> (City)	<u>Clearfield</u> (County)
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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

DISPLAY THIS CARD UPON REQUEST AND FOR 10 DAYS OF ANY CHANCE

## Commonwealth of Pennsylvania

Department of State

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

प्राचीन ग्रन्थ

## VEHICLE DEALER

Centrifugal Number

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פְּנֵי צָהָל 31 2001

111

DTN: 8E-02178

THIS AGREEMENT IS MADE ONLY FOR THE TERM / PERIODS SHOWN

Commissioner of Professional and Occupational Affairs

PULLINGTON BUICK OLDS CADILLAC  
PULLINGTON GMC SALES INC  
RT 879 & EXIT 19 OFF I-80  
P O BOX 211  
CLIBARFIELD PA 16810

## THE NATION'S NEEDS AND THE POSITION OF THE LOGIQUES IN THE PRACTICAL FIELD

PAGE 01/01

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Jan 11 02 05:10p

Finance Department

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p.1

(750)

## 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.

1/30/99

This license shall be prominently displayed in the place of business



Director, Bureau of Motor Vehicles

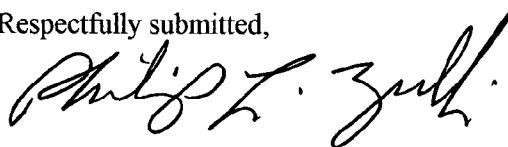
Exh.b.t D

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- 3<sup>rd</sup> 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.

Respectfully submitted,

DATE: January 11, 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



## 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,



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. 1<sup>st</sup> Class Mail

Matthew X. Haekler  
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.

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1-877-TRUKLAW

1-877-878-5529

Zulli@msn.com

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1-877-4-CARLAW

1-877-422-7529

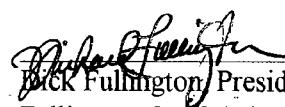
Exhibit F

## 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

  
\_\_\_\_\_  
Dick 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

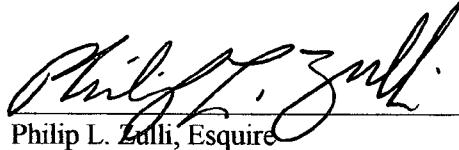
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: No. \_\_\_\_\_  
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: STATUTORY APPEAL  
: FROM REVOCATION OF FULL AGENT  
:  
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**CERTIFICATE OF SERVICE**

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- 3<sup>rd</sup> 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

01155/Atty/Insured \$80.00  
William A. Shaw  
Prothonotary  
Dec 2002

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 :

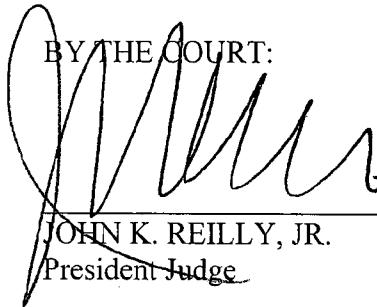
vs. : No. 02-64-CD

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

O R D E R

NOW, this 15<sup>th</sup> day of January, 2002, upon consideration of  
recusal of both Judges sitting in the 46<sup>th</sup> 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

01340761

1cc Attn: Mr. Zulli

JAN 15 2002

William A. Shaw  
Prothonotary

1cc ~~Attn:~~ Judge Williamson

230 E. Water St.

Lock Haven, PA 17745

1cc Comm of PA

Matthew Haerter, 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



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  
01/21/11 was  
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 :  
vs. : No. 02-64-CD  
FULLINGTON GMC SALES, INC., t/d/b/a :  
FULLINGTON BUICK-OLDSMOBILE- :  
CADILLAC-GMC TRUCK :  
:

**MOTION FOR POSTPONEMENT**

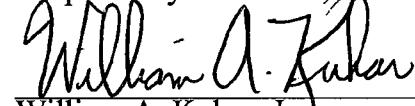
AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicles, by its attorney, William A. Kuhar, Jr., Esquire, and files the following Motion for Postponement and, in support thereof, avers as follows:

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,



\_\_\_\_\_  
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:

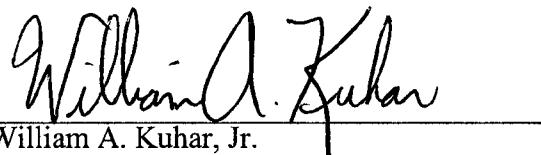
\_\_\_\_\_.J.

**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.

WMA  
1/29/2002

**FILED**

**FEB 07 2002**

**William A. Shaw  
Prothonotary**

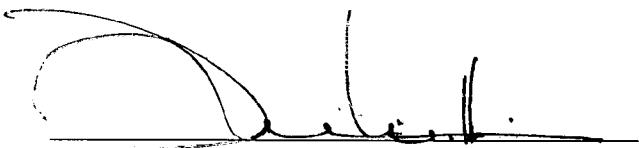
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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)(6), is reduced to a six (6) month suspension for a violation of 67 Pa. Code § 43.11(a)(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 Haekler, Esquire  
Philip L. Zulli, Esquire  
Court Administrator

**FILED**

FEB 08 2002  
o / 12:15 (was  
William A. Shaw  
Prothonotary

J. MICHAEL WILLIAMSON  
JUDGE  
COURT OF COMMON PLEAS  
25TH JUDICIAL DISTRICT  
OF PENNSYLVANIA  
COURT HOUSE  
LOCK HAVEN, PA 17745

**FILED**

FEB 08 2002

William A. Shaw  
Prothonotary

CERT COPY W/LETTER

TO KUHN  
HAECKER  
ZULLI  
COWART AOM.

CR  
TEX

**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.  
v/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 8<sup>th</sup> 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 :

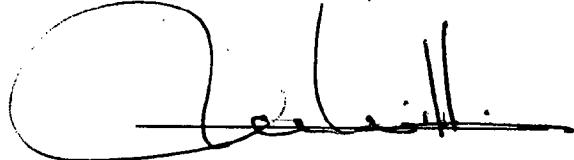
VS. : NO. 02-64-CD

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

Page 1 of 1

**ROA Report**

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 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