

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

La Moca Auto Service, LLC,	:	
Appellant	:	
	:	
v.	:	
	:	
Commonwealth of Pennsylvania,	:	
Department of Transportation,	:	No. 161 C.D. 2024
Bureau of Motor Vehicles	:	Submitted: June 3, 2025

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION

BY JUDGE FIZZANO CANNON¹

FILED: December 8, 2025

La Moca Auto Service, LLC (La Moca) appeals from the January 17, 2024 order of the Court of Common Pleas of Lehigh County (Trial Court) that denied La Moca's appeal of the Department of Transportation, Bureau of Motor Vehicles' (DOT) suspension of its Certificate of Appointment as an Official Safety Inspection Station. Upon review, we affirm.

I. Background

The facts underlying this matter are straightforward and not in dispute. La Moca, a corporation, is an auto service shop that employs mechanics who conduct enhanced inspections of motor vehicles for customers. During an audit conducted in February of 2023, DOT personnel learned that mechanics employed by La Moca had previously conducted enhanced inspections on two vehicles owned by La Moca.

¹ This opinion was reassigned to the author on November 3, 2025.

See 1925(A) Opinion filed April 29, 2024 (Trial Court Opinion) at 1-2. On March 1, 2023, DOT then issued an Order of Suspension of Official Inspection Station (Suspension Order) that suspended La Moca's privilege to conduct motor vehicle safety and emissions inspections for a period of two months as a result of having conducted enhanced inspections on La Moca-owned vehicles. See Trial Court Opinion at 1-2; see also Suspension Order at 1. La Moca timely appealed to the Trial Court (Suspension Appeal), which conducted a *de novo* hearing on November 20, 2023. See Trial Court Opinion at 2-3; see also Notes of Testimony, November 20, 2023 (N.T.) and Exhibits, Reproduced Record (R.R.) at 4a-84a. By order dated January 17, 2024 (Trial Court Order), the Trial Court denied the Suspension Appeal and reinstated² the Suspension Order. See Trial Court Opinion at 3; see also Trial Court Order. La Moca timely appealed to this Court.

II. Issues

Before this Court,³ La Moca argues⁴ that the Trial Court erred by denying the Suspension Appeal because DOT failed to satisfy its burden to prove

² The Trial Court had granted a supersedeas of the suspension pending the Suspension Appeal.

³ This Court's "review in a license suspension case is to determine whether the factual findings of the trial court are supported by [substantial] evidence and whether the trial court committed an error of law or an abuse of discretion." *Stevens v. Dep't of Transp., Bureau of Driver Licensing*, 309 A.3d 193, 200 n.11 (Pa. Cmwlth. 2024) (quoting *Gammer v. Dep't of Transp., Bureau of Driver Licensing*, 995 A.2d 380, 383 n.3 (Pa. Cmwlth. 2010)). As the factfinder in license suspension appeals, the trial court determines both witness credibility and the weight of the evidence, which determinations will not be second-guessed by this Court on appeal. See *Sahara Auto Sales & Serv. v. Dep't of Transp., Bureau of Motor Vehicles* (Pa. Cmwlth., No. 409 C.D. 2023, filed Oct. 7, 2025) (quoting *Park v. Dep't of Transp., Bureau of Driver Licensing*, 178 A.3d 274, 284 (Pa. Cmwlth. 2018)).

⁴ Prior to its substantive discussion of the matter, the Trial Court Opinion concluded that La Moca waived its issues on appeal. See 1925(A) Opinion (Trial Court Opinion) at 4-5. La Moca

that La Moca improperly conducted an enhanced inspection of a vehicle it owned. *See* Appellant's Br. at 11-12. Specifically, La Moca argues that Section 211 of Chapter 175 of the Pennsylvania Administrative Code, 67 Pa. Code § 175.211 (Section 211), does not preclude an employee from conducting an enhanced vehicle inspection of an employer-owned vehicle.

DOT, on the other hand, argues that the Trial Court properly concluded that DOT established a Section 211 violation because it proffered evidence that a mechanic employed by La Moca conducted an enhanced inspection on a La Moca-owned vehicle. *See* DOT's Br. at 8-10.

III. Discussion

Regarding enhanced inspections,⁵ Section 211 provides:

A vehicle shall be inspected by a certified inspection mechanic to insure the vehicle conforms to Vehicle Code and this title prior to titling. **The vehicle owner shall not be the inspecting mechanic.** A certificate of inspection shall not be issued upon initial inspection. After the title and registration have been issued, an inspection station shall reinspect the vehicle to make certain the vehicle still

raised the Trial Court's waiver determination as a point of error before this Court. *See* La Moca's Br. at 9-10. In its brief, DOT concurred with La Moca's argument and conceded that La Moca did not waive its issues for appeal. *See* DOT's Br. at 6-7. Accordingly, we proceed to the substantive issue underlying the matter.

⁵ We observe that "[t]he equipment standards set forth in [] subchapter [K of DOT's vehicle equipment and inspection regulations] apply to all street rods, specially constructed vehicles and reconstructed vehicles being driven on highways." 67 Pa. Code § 175.201. We further observe that other subchapters of the Pennsylvania Code pertaining to vehicles of different types do not contain the ownership prohibition contained in Section 211 and discussed herein. *See* 67 Pa. Code Chapter 175, Subsections E (Passenger Cars and Light Trucks), F (Medium and Heavy Trucks, and Buses); G (Recreational, Semi and Utility Trailers); H (Motorcycles); I (Motor-Driven Cycles and Motorized Pedalcycles); L (Animal-Drawn Vehicles, Implements of Husbandry and Special Mobile Equipment).

complies with this chapter and only then shall a certificate of inspection be issued. Failure to follow proper inspection procedures in either of the two inspections listed in this chapter will be reasonable grounds to suspend the station and mechanic under Subchapter D (relating to schedule of penalties and suspensions: official inspection stations and certified mechanics).

67 Pa. Code § 175.211 (emphasis provided). Thus, the text of Section 211 unambiguously prevents a vehicle owner from acting as the inspecting mechanic for an enhanced inspection. Further, Section 211 provides no exceptions from this rule.

It is well-established that corporations, as legal entities, can act only through officers, agents, employees, and representatives. As Pennsylvania Courts have observed,

[a] corporation is a creature of legal fiction, which can act or “speak” only through its officers, directors, or other agents. Where a representative for a corporation acts within the scope of his or her employment or agency, the representative and the corporation are one and the same entity, and the acts performed are binding on the corporate principal.

Bousamra v. Excelsa Health, 167 A.3d 728, 736 (Pa. Super. 2017),⁶ *aff’d in part, rev’d in part on other grounds*, 210 A.3d 967 (Pa. 2019) (quoting *Yocabet v. UPMC Presbyterian*, 119 A.3d 1012, 1028 (Pa. Super. 2015)); *N. Strabane Twp. v. Majestic Hills LLC*, 329 A.3d 87, 102 (Pa. Cmwlth 2024) (“It is well settled law that a corporation acts only through its officers, agents, representatives and employees.”)

⁶ While not binding on this Court, decisions of the Superior Court of Pennsylvania may provide persuasive authority where they address analogous issues. See *Young v. City of Scranton*, 291 A.3d 1245, 1251 n.11 (Pa. Cmwlth. 2023); *Lerch v. Unemployment Comp. Bd. of Rev.*, 180 A.3d 545, 550 (Pa. Cmwlth. 2018).

(quoting *Americans be Independent v. Commonwealth by Creamer*, 321 A.2d 721, 727 (Pa. Cmwlth. 1974) (internal quotation marks and brackets omitted)); *Weatherly Area Sch. Dist. v. Whitewater Challengers, Inc.*, 616 A.2d 620, 621 (Pa. 1992) (“[A] private corporation [] can only act or carry out its duties through real people—its agents, servants or employees.”) (quoting *Moon Area Sch. Dist. v. Garzony*, 560 A.2d 1361, 1366 (Pa. 1989)); *see also* 1 Pa.C.S. § 1991 (defining “Person” for purposes of statutory interpretation, as, *inter alia*, “a corporation”).

The testimony and documents admitted into evidence at the hearing before the Trial Court in this matter made clear that mechanics who were employees of La Moca conducted enhanced inspections on vehicles owned by La Moca. *See* N.T. at 24-28 & 41-45, R.R. at 27a-31a & 44a-48a; *see also* DOT Exhibit C-1, R.R. at 56a-67a. DOT Quality Assurance Supervisor Mark Zmiejko testified that he discovered during an audit that Arcelis Morales, a mechanic employed by La Moca, had conducted an enhanced inspection of a La Moca-owned Chevrolet. *See* N.T. at 9, 24, 28, R.R. at 12a, 27a, 31a. La Moca mechanic, Meiling Sicard, then confirmed that Morales had performed an enhanced inspection of the Chevrolet, and further testified that she herself had conducted an enhanced inspection of a La Moca-owned Honda. *See* N.T. at 41-45, R.R. at 44a-48a. The documentary evidence submitted at the hearing further confirmed the testimony regarding the enhanced inspections of La Moca-owned vehicles being performed by La Moca’s employees. *See* N.T. at 15-17 & 19-20, R.R. at 18a-20a & 22a-23a; *see also* DOT Exhibit C-1, R.R. at 56a-67a.

Based on this evidence, the Trial Court found that “[DOT’s evidence demonstrated that an inspector at La Moca performed an improper enhanced inspection on the Chevy identified in the Suspension Order[,],” and that “La Moca

did not rebut any of the evidence presented by []DOT concerning the improper enhanced inspection of the La Moca-owned Chevy.” Trial Court Opinion at 6. The Trial Court continued, noting that “[]DOT presented uncontradicted expert testimony and documentary evidence demonstrating that a La Moca employee performed an enhanced inspection on the La Moca-owned Chevy. La Moca’s sole witness, [] Sicard, admitted that an employee of La Moca, [] Morales, performed an enhanced inspection on the Chevy.” *Id.* at 7. Ultimately, the Trial Court concluded that DOT established a Section 211 violation on La Moca’s part. *See id.*

We find no error in the Trial Court’s determination. The evidence presented establishes that La Moca violated Section 211 by conducting inspections of its own vehicles through its employees, the mechanics Morales and Sicard. These mechanics conducted the enhanced inspections as La Moca employees and in the scope of their employment as mechanics. Because a corporate employer and its employees are one and the same, the actions of La Moca’s employee mechanics are those of La Moca itself. *Bousamra*. Thus, where its employee mechanics conducted enhanced inspections of La Moca-owned vehicles, La Moca itself, as owner of the vehicles and corporate employer of the mechanics, conducted the inspections in violation of Section 211.

That mechanics Morales and Sicard themselves did not personally own the vehicles in question does not excuse La Moca’s violations. As noted above, mechanics Morales and Sicard did not conduct the enhanced inspections in a personal capacity, but instead as employees of, and in the course of their duties for, their employer, La Moca, which, as a corporation of course cannot actually physically conduct enhanced vehicle inspections. As such, the inspections of La Moca-owned vehicles conducted by Morales and Sicard were inspections conducted

by La Moca itself. *Bousamra*. Therefore, these inspections violated Section 211's prohibition against a vehicle owner conducting enhanced inspections on its own vehicles.

IV. Conclusion

For the reasons above, we affirm the Trial Court Order.

CHRISTINE FIZZANO CANNON, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

La Moca Auto Service, LLC,	:	
Appellant	:	
	:	
v.	:	
	:	
Commonwealth of Pennsylvania,	:	
Department of Transportation,	:	No. 161 C.D. 2024
Bureau of Motor Vehicles	:	

ORDER

AND NOW, this 8th day of December, 2025, the January 17, 2024 order of the Court of Common Pleas of Lehigh County is AFFIRMED.

CHRISTINE FIZZANO CANNON, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

La Moca Auto Service, LLC,	:	
Appellant	:	
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Commonwealth of Pennsylvania,	:	
Department of Transportation,	:	
Bureau of Motor Vehicles	:	Submitted: June 3, 2025

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

DISSENTING OPINION BY
JUDGE WOLF

FILED: December 8, 2025

67 Pa. Code § 175.211 provides:

A vehicle shall be inspected by a *certified inspection mechanic* to insure the vehicle conforms to Vehicle Code and this title prior to titling. *The vehicle owner shall not be the inspecting mechanic.* A certificate of inspection shall not be issued upon initial inspection. After the title and registration have been issued, an inspection station shall reinspect the vehicle to make certain the vehicle still complies with this chapter and only then shall a certificate of inspection be issued. Failure to follow proper inspection procedures in either of the two inspections listed in this chapter will be reasonable grounds to suspend the station and mechanic under Subchapter D (relating to schedule of penalties and suspensions: official inspection stations and certified mechanics).

(Emphasis added.)

In this case, a violation of Section 211 was found by the trial court¹ and the Majority affirms even though the certified inspection mechanic in this case did not own the vehicle in question. On its face, clearly, there is no violation. The Majority interprets the regulatory prohibition against certified inspection mechanics inspecting their own vehicles so as to add a prohibition against the certified inspection mechanic inspecting a vehicle owned by its employer.

Chapter 175 of the regulations promulgated by the DOT pursuant to the Vehicle Code² governs vehicle inspection. *See* 67 Pa. Code §§ 175.1-175.261 (Chapter 175). Chapter 175 defines “certified inspection mechanic”³ as: “A person who holds a valid certification card issued by the Bureau [of Motor Vehicles] certifying that the person is qualified, has passed all requirements to inspect specific vehicles and holds a valid driver's license for the correct class of vehicle.”

Thus, Chapter 175 is very specific and descriptive regarding the definition of who can be a certified inspection mechanic; critically, they must be “a person” and they must also have the described qualifications. The Majority goes to

¹ During the trial in the Court of Common Pleas of Lehigh County (trial court), the Department of Transportation (DOT) called Mark Zmiejko to testify as an expert in the DOT’s safety inspection program. On the ultimate issue in the case, he testified, without objection:

Q. Mr. Zmiejko, as an expert in the safety inspection program, can a station inspect its own vehicles?

A. It cannot, not enhanced inspect.

Q. Okay. And is that a regulation or is that found in the statute?

A. That is in the statute I believe, part of their contract.

Q. Can a station direct its employees to inspect its own vehicle?

A. No.

Reproduced Record 18a-19a. Despite the lack of an objection, I give no regard to this testimony at all. Expert testimony interpreting the law is not admissible because it calls for a legal conclusion, which is “within the province of the trial judge,” not an expert witness. *Browne v. Commonwealth*, 843 A.2d 429, 433 n.1 (Pa. Cmwlth. 2004).

² 75 Pa.C.S. §§ 101-9805.

³ 67 Pa. Code § 175.2. Neither the trial court nor the Majority reference this definition.

great lengths to explain how corporations can only act through individuals to arrive at finding a violation.⁴

I rely on the plain language of Section 211. It says that the certified inspection mechanic cannot own the vehicle they inspect. That prohibition cannot be applied to a corporation which, while it may be compelled to act through persons, it is beyond peradventure that corporations are not “persons” which is a word used in the clear definition of “certified inspection mechanic.” The actual actor contemplated by Section 211 is the inspecting mechanic. To accept the DOT’s argument that the station committed a violation under Section 211 requires an illogical leap that, despite the clear language of the regulation, the term “certified inspection mechanic” is inclusive of “inspection station.”

This is not the first time this Court has had cause to review the definition of a “certified inspection mechanic.” In *Marvin v. Department of Transportation, Bureau of Motor Vehicles* (Pa. Cmwlth., No. 884 C.D. 2018, filed Aug. 3, 2021), 2021 WL 3355004,⁵ the DOT sought to assess a violation based on an expansive interpretation of the definition of certified inspection mechanic because the mechanic at issue in that case had inspected a vehicle which required a road test and the vehicle in question would have required a commercial driver’s license (also known as a Class A license), something the certified inspection mechanic in that case did not have. After reviewing the definition of a certified inspection mechanic, this Court found:

⁴ This concept of corporations necessarily acting through individuals was not raised by the DOT nor was it anywhere in the Pa.R.A.P. 1925(a) opinion of the trial court.

⁵ Unreported opinions of this Court filed after January 15, 2008, may be cited for their persuasive value. Pa.R.A.P. 126(b); 210 Pa. Code § 69.414(a).

While the Court cannot condone the illegal conduct of operating a vehicle on the roads for which Mechanic lacks the proper endorsements, and notes that the [DOT] might wish to amend its regulations to address this apparent oversight, it is not proper for us to impute a requirement that the [DOT] has omitted from its regulations or redefine a term for which the [DOT] itself has promulgated the definition.

Id., slip op. at 5.

While the Court in *Marvin* would not “impute a requirement that the [DOT] has omitted from its regulations or redefine a term for which the [DOT] itself has promulgated the definition,” that is precisely what the Majority is doing in this case.⁶

The DOT’s regulations do not just proscribe certain kinds of inspections. Those regulations, and the Vehicle Code, contain numerated violations for a broad swath of conduct, both statutory and regulatory, from vehicle condition requirements, speeding, driving while intoxicated, and many other provisions. For this Court to ascribe liability to a corporation by imputing a requirement and redefining a term is too slippery a slope. Therefore, I dissent.

MATTHEW S. WOLF, Judge

⁶ To be clear, the Majority seeks to add language to the proscriptive regulation which currently states: “The vehicle owner shall not be the inspecting mechanic.” The Majority imputes that the vehicle owner shall not be the inspecting mechanic **or their employer**, language which is not present.