

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Metro Auto Sales LLC,	:	
Petitioner	:	
	:	No. 411 C.D. 2025
v.	:	
	:	Submitted: June 16, 2026
Department of Transportation,	:	
Respondent	:	

BEFORE: HONORABLE LORI A. DUMAS, Judge
HONORABLE STELLA M. TSAI, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
JUDGE DUMAS**

FILED: August 31, 2026

Metro Auto Sales LLC (Metro) has petitioned this Court to review an order issued by the Department of Transportation (PennDOT) on February 27, 2025, terminating Metro’s agent services agreement (License). Metro contends that it was entitled to a predetermination hearing before PennDOT suspended its operations, and it challenges PennDOT’s authority to terminate the agreement and the sufficiency of the evidence relied upon in doing so. We affirm.

I. BACKGROUND¹

Metro and PennDOT entered into the License, under which Metro

¹ “Generally, when we state the facts, we view the record in the light most favorable to the prevailing party, including the benefit of all logical and reasonable inferences, unless we determine that material findings of fact are unsupported by substantial evidence of record.” *Four Seasons Logging, LLC v. Dep’t of Lab. & Indus.*, 308 A.3d 345, 347 n.2 (Pa. Cmwlth. 2024) (citation omitted); see *Leon E. Wintermyer, Inc. v. Workers’ Comp. Appeal Bd. (Marlowe)*, 812 A.2d 478, 486-87 (Pa. 2002).

provided services. *See* PennDOT Dkt. No. 040 A.D. 2024, Mot. to Dismiss Pet’r’s Appeal, 7/12/24, Ex. B (License).² Those services included verifying a driver’s identity by reviewing approved identification documents, processing titles, issuing and renewing vehicle registration cards and plates, and timely forwarding documents and fees to PennDOT. *Id.*, ¶ 6; *see also* 75 Pa.C.S. §§ 1318, 7504.1.

Following the parties’ execution of the License, PennDOT issued Metro a separate certificate of authorization, which was subject to suspension or revocation. License, ¶¶ 2-3. The License lists acts and omissions that would justify PennDOT’s suspension or revocation of the certificate. *Id.*, ¶¶ 12-13, 17, 19. For example, one ground for revocation is accepting improper identification documents. *Id.*, Ex. B ¶ 1.7 (listing acceptable identification documents, which excludes non-U.S. documents). Revocation of the certificate is good cause permitting PennDOT to terminate the License. *Id.*, ¶ 13(a) (stating PennDOT may terminate the License “for good cause shown, including but not . . . limited to” revocation of the certificate). Metro, as the agent, agreed that its remedy “for suspension, revocation, or termination” was an administrative appeal. *Id.*, ¶ 14.

As the License also permitted, a PennDOT auditor audited Metro’s operations. *Id.*, Ex. B ¶ 18.1. As a result of violations discovered during the audit, PennDOT issued two notices to Metro. The first notice (Suspension Notice) immediately suspended Metro’s operations under Paragraph 15. Notice to Suspend Immediately, 9/19/22. The second notice (Termination Notice) terminated the License “under Paragraph 13(a) and (c)” for numerous violations, including improperly accepting a non-U.S. identification in violation of Paragraph 19. Notice of Termination, 10/11/22, at 1. Metro separately appealed the Suspension Notice and

² The parties agree that the agreement is a license. *See* PennDOT’s Br. at 14 n.7 (“An Agent Services Agreement is a license.” (citation omitted)).

the Termination Notice to PennDOT and obtained a supersedeas of both notices pending a hearing. Order, 10/5/22; Order, 11/28/22.

At the administrative hearing, PennDOT's auditor, Wenda Sneeringer, testified about the violations discovered during her audit. Her audit revealed missing inventory and fees that Metro had collected but failed to remit to PennDOT. Tr., 2/26/23, at 35, 74. Sneeringer also testified that Metro improperly accepted a non-U.S. identification. *Id.* at 29, 86. On cross-examination, Sneeringer agreed that Metro's operation reflected sloppy business practices and that Metro was attempting to "overcome its sloppiness." *Id.* at 72-73 (agreeing with counsel's question), 75. Sneeringer did not draft the Termination Notice. *Id.* at 64. She nonetheless understood that termination and revocation meant the same thing. *Id.* at 64, 83. In addition to Sneeringer's testimony, PennDOT successfully moved its numerous exhibits into evidence. *Id.* at 87-89. Metro did not present any witnesses or evidence. *Id.* at 89 ("We have no evidence. We rest.").

After the close of evidence, the parties filed post-hearing briefs. Metro's brief raised a due process challenge and argued that PennDOT should have held a predetermination hearing. Metro's Post-Hr'g Br., 5/12/23, at 5 (unpaginated) (arguing "due process deficiencies").

The hearing officer rejected Metro's arguments in a proposed decision. Proposed R., 7/21/23. The hearing officer found that Metro had committed numerous violations of the License, including accepting improper identification (*e.g.*, a non-U.S. identification) in violation of Paragraph 19. *Id.* at 12-13. The hearing officer held that sufficient grounds existed to revoke Metro's certificate and terminate the License. *Id.* at 18. The hearing officer noted that because Metro "chose not to present any substantive mitigating evidence" at the hearing, Metro could not

establish a due process violation. *See id.* at 20-21 (reasoning that, unlike driver’s license suspensions, no statutory right of appeal exists for License terminations, and that Metro, “in practical effect,” received predetermination due process because of the supersedeases).

Metro filed exceptions, which PennDOT denied. Order, 2/27/25. Metro timely filed a petition for review in this Court.³

II. ISSUES

Metro raises two issues. First, Metro contends that PennDOT violated its right to due process by failing to hold a predetermination hearing before penalizing Metro. Metro’s Br. at 4. Second, Metro asserts that PennDOT lacked authority to terminate the License and failed to prove a violation. *Id.*

III. DISCUSSION⁴

A. Due Process Right to a Predetermination Hearing

In support of its first issue, Metro argues that the Suspension Notice imposed “a severe sanction without any right to be heard at all.” Metro’s Br. at 13. A “predetermination hearing should have been held,” Metro contends, before “it was served with an immediate notice of suspension.” *Id.* at 9 (reasoning that “the authorization to process titles constitutes a license to which due process protections apply”). At a predetermination hearing, Metro maintains, it would have “had an

³ Because the appeal deadline fell over a weekend, Metro timely filed its appeal the following Monday. *See* 1 Pa.C.S. § 1908 (excluding the last day of a time period that falls on a weekend). We construe PennDOT’s final order as implicitly vacating the supersedeases.

⁴ When reviewing the merits of an agency’s decision, we resolve “whether the findings below are supported by substantial evidence, whether an error of law has been committed, or whether an abuse of discretion has occurred.” *Gary Barbera Dodge, Inc. v. Dep’t of Transp. (Dodge)*, 700 A.2d 922, 923 (Pa. 1997) (citations omitted). “Whether a due process violation has occurred raises a question of law for which this Court’s standard of review is *de novo* and scope of review is plenary.” *Pascal v. City of Pittsburgh Zoning Bd. of Adjustment*, 259 A.3d 375, 382 (Pa. 2021) (citation modified).

opportunity to present evidence . . . to argue for a [lesser] or no penalty at all.” *Id.* at 13. In Metro’s view, had PennDOT conducted a hearing before sanctioning Metro, PennDOT “could have determined that mitigating circumstances existed such that these first offense charges should not have resulted in what might be considered a lifetime ban,” *i.e.*, the absence of a predetermination hearing demonstrably prejudiced Metro. *Id.* at 16.

PennDOT counters that Metro received sufficient due process under the License: notice and a prompt post-deprivation hearing. PennDOT’s Br. at 12-14. PennDOT also points out that after it served the Suspension Notice, Metro successfully obtained a supersedeas. *Id.* at 15. Because the supersedeas preserved Metro’s operations, PennDOT reasons, Metro cannot establish “demonstrable prejudice.” *Id.* (citation modified).⁵

Recently, this Court rejected a nearly identical due process argument for lack of demonstrable prejudice. *Red Notary & Tags Multiservice, Inc. v. Dep’t of Transp. (Red)* (Pa. Cmwlth., No. 460 C.D. 2025, filed August 3, 2026). In *Red*, PennDOT audited the licensee, found that the licensee improperly accepted non-U.S. identification in violation of Paragraph 19(2) of the License, and suspended the License. *Id.*, slip op. at 3-4. PennDOT also advised the licensee that it would terminate the License. *Id.* at 4.

The licensee appealed, successfully obtained a supersedeas, and participated in an evidentiary hearing before a hearing officer, at which the licensee’s owner testified. *Id.* PennDOT eventually revoked the licensee’s certificate but did not terminate the License. *Id.* at 6-8. The licensee then appealed to this Court.

⁵ PennDOT also asserts that Metro has waived any due process challenge to the Suspension Notice for failure to preserve the issue in its post-submission brief. PennDOT’s Br. at 11. We reject the assertion because Metro did brief the issue. Metro’s Post-Hr’g Br. at 5 (unpaginated).

The *Red* licensee argued, *inter alia*, that because PennDOT failed to hold a predetermination hearing before sanctioning the licensee, PennDOT violated the licensee’s procedural due process rights. *Id.* at 8. Specifically, per the *Red* licensee, if a predetermination hearing had been held, then PennDOT “could have determined that mitigating circumstances existed such that these first offense charges should not have resulted in what might be considered a lifetime ban.” *Id.* at 8. *Red* rejected the licensee’s argument because the licensee failed to establish demonstrable prejudice. *Id.* at 9 (citing *Pa. State Police v. Big D Rests., LLC (Big)*, 149 A.3d 890, 897 (Pa. Cmwlth. 2016)).⁶ Per *Red*, the licensee did not explain how it was demonstrably prejudiced by the absence of any predetermination hearing given that it participated in a hearing before the imposition of any sanction. *Id.* at 9-10.

Here, Metro advances the same argument about mitigating evidence that the *Red* licensee advanced. *See* Metro’s Br. at 16; *Red*, slip op. at 8. As in *Red*, Metro had the opportunity to present mitigating evidence before the imposition of any sanction. *See generally* Hr’g Tr., 2/16/23. Unlike the *Red* licensee, however, Metro declined to present any testimony or evidence. *Id.* at 89 (“We have no evidence. We rest.”). Metro cannot articulate demonstrable prejudice from any purported failure to hold a predetermination hearing when it presented no mitigating evidence at the actual hearing. *See Red*, slip op. at 9-10; *Big*, 149 A.3d at 897. Metro

⁶ *See State Dental Council & Examining Bd. v. Pollock*, 318 A.2d 910, 916 (Pa. 1974) (explaining that because the appellant failed to allege demonstrable prejudice, a “key factor in assessing” the existence of a procedural due process violation, the appellant was due no relief); *Pa. Bankers Ass’n v. Dep’t of Banking*, 981 A.2d 975, 996 (Pa. Cmwlth. 2009) (“Demonstrable prejudice is a key factor in assessing whether procedural due process was denied. An order of an administrative agency will not be disturbed for harmless error.” (citations omitted)); *see also McKenna v. Pa. Bd. of Prob. & Parole*, 782 A.2d 1105, 1107 (Pa. Cmwlth. 2001) (explaining that a parolee must establish demonstrable prejudice from an untimely preliminary hearing to prove a procedural due process violation).

is due no relief.

B. Termination Authority and Substantial Evidence

In support of its second issue, Metro raises several interrelated arguments. Metro argues that the License distinguishes between “revocation” and “termination.” Metro’s Br. at 14-15 (citing “Black Letter Law”). Per Metro, before termination can occur, PennDOT must issue a notice of revocation and then the certificate must be revoked. *Id.* Metro alternatively contends that the License is ambiguous and any ambiguity should be construed against PennDOT as the scrivener. *Id.* at 15. Finally, Metro maintains that PennDOT should have issued a lesser sanction because although Metro was “sloppy,” no “real harm” occurred. *Id.* at 16.

PennDOT responds that it properly terminated the License and that substantial evidence supports the termination. PennDOT’s Br. at 15-16. In support, PennDOT points to Sneeringer’s credited testimony and the admitted evidence. *Id.*

Initially, to “the extent a party’s claims fail to contain developed argument or citation to supporting authorities[,] they are waived.” *Toland v. Pa. Bd. of Prob. & Parole*, 311 A.3d 649, 670 (Pa. Cmwlth. 2024) (citation modified); *accord S.M. v. Dep’t of Hum. Servs.*, 355 A.3d 993, 1003 (Pa. Cmwlth. 2026) (holding the appellant waived the issue by failing to cite and discuss pertinent authorities).

Here, because Metro cited no legal authorities whatsoever, it waived this issue. *See, e.g., Toland*, 311 A.3d at 670; *S.M.*, 355 A.3d at 1003.⁷ In any event, on the merits, we agree with *Red*’s disposition of the arguments Metro raises here: “even if the notices were somehow lacking, [*i.e.*, ambiguous,] it is well settled that a party’s full participation in a hearing, as was the case here, will cure a prior notice

⁷ Metro’s sole reference to “Black Letter Law” is insufficient citation. *See* Metro’s Br. at 14.

deficiency.” *Red*, slip op. at 10 (citation modified).

We also reject Metro’s remaining arguments challenging the sufficiency of the evidence. The hearing officer credited Sneeringer’s testimony that Metro accepted a non-U.S. identification, could not account for its inventory, and failed to remit fees it had collected for PennDOT. Proposed R. at 12-13; Tr. at 29, 35, 74, 86. Metro did not present any mitigating testimony or evidence. Tr. at 89. Because substantial evidence of record exists supporting the good cause required to terminate the License, Metro is due no relief. *See* License, ¶ 13.

IV. CONCLUSION

For these reasons, we affirm. Metro failed to establish demonstrable prejudice from the absence of a predetermination hearing and waived its remaining arguments.

LORI A. DUMAS, Judge

Judge Wolf did not participate in this decision.

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Metro Auto Sales LLC,	:	
Petitioner	:	
	:	No. 411 C.D. 2025
v.	:	
	:	
Department of Transportation,	:	
Respondent	:	

ORDER

AND NOW, this 31st day of August, 2026, we affirm the Department of Transportation's February 27, 2025 order.

LORI A. DUMAS, Judge