

Meeting Summary
Dealer Practices Committee
Monday March 13, 2023

Committee Chair Ron Kody called the Dealer Practices Committee meeting to order at 9:00 a.m. This meeting was conducted at the Department of Motor Vehicles, 2300 W. Broad Street, Executive Conference Room 702, Richmond, Virginia. Roll call confirmed the following Committee members being present: Rob Fisher, David Lynn, Chris Maher, Geoff Malloy and Andrew Wiley. Those absent included Dan Banister, Michael Bor, Gardner Britt, R.J. Robinson and Nick Rush. Other Board members present: Linda Ford, Jeff Ballard, Trevor Coley and Maurice Slaughter. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The January 9, 2023 meeting summary was approved.

PUBLIC COMMENT – There was no public comment.

OLD BUSINESS

Use of Dealership Space – William Childress indicated that it was discussed at the last Board meeting about dealership space and games of skill. There is still a pending Lawsuit that has not been held yet. Legislation was proposed; however, it did not pass. In the meantime, board staff will enforce that only dealer business is to be conducted within the mandated 250 square feet. The machines can be in a different area of business, if it is separate from the mandated 250 square feet, under a separate entrance with locks. If the machines are within those 250 square feet, then that would be classified as a violation of the Motor Vehicle Dealer Board Licensing Laws.

OLD BUSINESS FROM THE FLOOR – No old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Maraton Motors and Martin Onyirimba #49343. On December 20, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section(s) 46.2-1529, 46.2-1539, 46.2-1542 (B) and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$27,800 (\$26,800 536 x \$50 46.2-1529, \$250 for 46.2-1539, \$250 for 46.2-1542 (B) and \$500 46.2-1575 (6)), satisfactory inspection of dealer records with dealer present and proper use of POD system and to successfully complete the 2-day Dealer-Operator course.

Rob Fisher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$27,800.00, satisfactory inspection of dealer records with the dealer present and to successfully complete the 2-day Dealer-Operator course. Andrew Wiley seconded. The motion carried unanimously.

Saint Auto Sales, LLC and Treyvond Lockhart & Domonique Jones #54960.

On December 22, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,000.00 (\$750 for 46.2-1533 and \$250 for 46.2-1575 (2)), a satisfactory inspection of dealer records with dealer present and successfully complete the 2-day Dealer-Operator course.

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$1,000.00, satisfactory inspection with dealer present and to successfully complete the 2-day Dealer-Operator course. Rob Fisher seconded. The motion carried unanimously.

Billys Auto and Equipment, Inc. and William P. Moore, Jr. #8741. On January 17, 2023, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750.00 for 46.2-1533, no action taken for 46.2-1575 (2) and a satisfactory inspection within 90 days.

Rob Fisher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750.00 and a satisfactory inspection within 90 days. Andrew Wiley seconded. The motion carried unanimously.

Cry Babies Auto Sales, LLC and Stanford C. Jones #54952. On January 26, 2023, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a \$750 civil penalty (\$250 x 2 for VA Code Section 46.2-1533 and \$250 for VA Code Section 46.2-1575 (2)).

Andrew Wiley moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750.00, plus a satisfactory inspection and to successfully complete the 2-day Dealer-Course. Chris Maher seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Advantage Auto Sales and Mohammad Elahi-Moshassel #39039. Historical Overview leading up to the Formal Hearing: On October 26, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750.00 and a satisfactory inspection by February 15, 2023. At the November 14, 2022 Board meeting, the Board adopted a resolution to assess a civil penalty of \$750, a satisfactory inspection on or before February 15, 2023 and to successfully complete the 2-day Dealer-Operator course on or before May 14, 2023. The dealer had until December 19, 2022 to accept or appeal the Decision. On December 22,

2022, Mohammad Elahi-Moshassel appealed the Decision and requested a Formal Hearing. On February 9, 2023, a formal hearing was conducted to address the alleged violations. Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$750.00 (\$500 for VA Code Section 46.2-1533 and \$250 for VA Code Section 46.2-1575 (2)), satisfactory inspection and to successfully complete the 2-day Dealer-Operator course.

Mr. Moshassel was present and spoke on his own behalf.

Andrew Wiley moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750.00, satisfactory inspection and successfully complete the 2-day DO course. Rob Fisher seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR – No new business from the floor.

NEXT MEETING – May 8, 2023

The Dealer Practices committee meeting adjourned at 9:40 a.m.