

Meeting Summary
Motor Vehicle Dealer Board
Monday, March 13, 2023

Board Chair Linda Ford called the Dealer Board meeting to order at 9:55 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 members being present: Jeff Ballard, Tom Bates, Trevor Coley, Rob Fisher, Ron Kody, David Lynn, Chris Maher, Geoff Malloy, Maurice Slaughter and Andrew Wiley. Those absent included Dan Banister, Michael Bor, Gardner Britt, Dennis Ellmer, R.J. Robinson and Nick Rush. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

The January 9, 2023 meeting summary was approved.

PUBLIC COMMENT – No public comment.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee

Committee Chair Ron Kody summarized discussions held and actions taken during the Committee Meeting.

Use of Dealership Space – William Childress indicated that during the Committee meeting they discussed the tabled issue regarding Games of Skill. He indicated that Legislation did not pass and there is still a pending lawsuit; however, staff will enforce the 250 square feet of space as they have always done and will take it by a case by case situation and will watch for the pending lawsuit.

Review and Action: Informal Fact-Finding Conferences:

Maraton Motors and Martin Onyirimba #49343. Committee Chair Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact-finding conference as prepared by the hearing officer concerning Maraton Motors and Martin Onyirimba for alleged violations of VA. Code sections §46.2-1529, 46.2-1539 and 46.2-1542 (B) and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Maraton Motors and Martin Onyirimba: Assessed a civil penalty of \$27,800.00; and Maraton Motors shall be inspected by a Motor Vehicle Dealer Board field representative no later than June 13, 2023 and that inspection shall be satisfactory; and Martin Onyirimba shall successfully complete the 2-day dealer-operator course on or before September 13, 2023. The Board mandates that Martin Onyirimba hereby be assessed a civil penalty of \$27,800.00 and the Maraton Motors dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before June 13, 2023, and Martin Onyirimba shall successfully complete the dealer-operator course on or before September 13, 2023 Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time the Maraton Motors dealership and Martin Onyirimba successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

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

Committee Chair Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact-finding conference as prepared by the hearing officer Saint Auto Sales and Treyvond Lockhart & Domonique Jones for alleged violations of Va. Code sections §46.2-1533 and 46.2-1575(2). Based on due consideration, the Board believes that the following actions should be taken against Saint Auto Sales and Treyvond Lockhart & Dominique Jones: Assessed a civil penalty of \$1,000.00; and Saint Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative no later than June 13, 2023 and that inspection shall be satisfactory; and Treyvond Lockhart shall successfully complete the 2-day dealer-operator course by September 13, 2023. The Board mandates that Treyvond Lockhart & Domonique Jones hereby be assessed a civil penalty of \$1,000.00 and the Saint Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before June 13, 2023, and Treyvond Lockhart shall successfully complete the dealer-operator course on or before September 13, 2023. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time the Saint Auto Sales dealership, Treyvond Lockhart and Domonique Jones successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

Billys Auto and Equipment, Inc. and William Moore, Jr. #8741. Committee Chair Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact-finding conference as prepared by the hearing officer concerning Billy's Auto and Equipment and William Moore Jr. for alleged violations of Va. Code sections §46.2-1533, 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Billy's Auto and Equipment and William Moore Jr.: Assessed a civil penalty of \$750.00; and Billys Auto and Equipment shall be inspected by a Motor Vehicle Dealer Board field representative no later than June 13, 2023 and that inspection shall be satisfactory; and William Moore Jr. shall successfully complete the 2-day dealer-operator course by September 13, 2023. The Board mandates that William Moore Jr. hereby be assessed a civil penalty of \$750.00, and Billy's Auto and Equipment dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before June 13, 2023, and William Moore Jr. shall successfully complete the 2-day dealer-operator course on or before September 13, 2023. The Board that failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time Billys Auto and Equipment dealership and William Moore Jr. successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

FYI: Andrew Wiley amended Chairman Kody's original motion to add the 2-day Dealer-Operator course because the Hearing Officer only recommended a \$750.00 civil penalty and a satisfactory inspection. Rob Fisher seconded. The motion carried unanimously.

Cry Babies Auto Sales, LLC and Stanford C. Jones #54952. Committee Chair Kody made the follow motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact-finding conference as prepared by the hearing officer concerning Cry Babies Auto Sales and Stanford Jones for alleged violations of Va. Code sections §46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Cry Babies Auto Sales and Stanford Jones: Assessed a civil penalty of \$750.00; and Cry Babies Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative on or before June 13, 2023 and that inspection shall be satisfactory; and Stanford Jones shall successfully complete the 2-day dealer-operator course no later than September 13, 2023. The Board mandates that Stanford Jones hereby be assessed a civil penalty of \$750.00 and issued a written warning regarding 46.2-1575 (2); and the Cry Babies Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before June 13, 2023, and Stanford Jones shall successfully complete the dealer-operator course on or before September 13, 2023. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time the Cry Babies Auto Sales dealership and Stanford Jones successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Advantage Auto Sales and Mohammad Elahi-Moshassel #39039. Committee Chair Kody made the following motion: Based on the evidence and a report of an informal fact-finding conference as prepared by a hearing officer, the Motor Vehicle Dealer Board assessed a \$750.00 civil penalty, a satisfactory inspection by February 15, 2023 and completion of the two-day dealer operator course by May 14, 2023 against Advantage Auto Sales and Mohammad Elahi-Moshassel during its November 14, 2022 meeting for violating Virginia Code sections 46.2-1533 and 46.2-1575 (2); and WHEREAS Mohammad Elahi-Moshassel appealed the Board's decision and requested a Formal hearing that was conducted on February 9, 2023; and WHEREAS, the Board has reviewed and considered the facts and evidence and the report of a Formal hearing as prepared by the hearing officer concerning Advantage Auto Sales and Mohammad Elahi-Moshassel for violations of VA. Code sections §46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Advantage Auto Sales and Mohammad Elahi-Moshassel: Assessed a civil penalty of \$750.00; and Advantage Auto Sales dealership shall be inspected by a Motor Vehicle Dealer Board field representative by June 13, 2023 and that inspection shall be satisfactory; and Mohammad Elahi-Moshassel shall successfully complete the 2-day dealer-operator course by September 13, 2023. The Board mandates that Advantage Auto Sales and Mohammad Eliahi-Moshassel hereby be assessed a civil penalty of \$750.00; and the Advantage Auto Sales dealership shall satisfactory pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before June 13, 2023; and Mohammad Elahi-Moshassel shall successfully complete the 2-day dealer-operator course by September 13, 2023. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time the Advantage Auto Sales dealership and Mohammad Elahi-Moshassel successfully complies with the Board's mandates.

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

Rob Fisher seconded. The motion carried unanimously.

Licensing Committee

Committee Chair Slaughter reported a quorum in place; however, no discussions or actions were on the agenda for the committee to consider.

Advertising Committee

Committee Chair Wiley reported quorum in place; however, no discussions or actions were on the agenda for the committee to consider.

Transaction Recovery Fund Committee

Committee Chair Maher reported quorum in place; however, no discussions or actions were on the agenda for the committee to consider.

OLD BUSINESS:

UPDATE: Dealer Portal Update. William Childress updated the Board members and informed them that John Saul, IT Manager, is the IT lead on this project and can answer any questions you may have on this. Things are still going steady and a lot of testing is going on with staff and the vendor. It is still slated to have the system up and running this Fall. Things are progressing very well with the budget still on point.

Legislative Updates – VADA and VIADA

VADA: Ralston King indicated that there was nothing at this time.

VIADA: Alvin Melendez indicated that there was nothing at this time.

OLD BUSINESS FROM THE FLOOR – There was no old business from the floor.

NEW BUSINESS:

24VAC22-40-10 through 70 (Repeal). William Childress indicated that this is something that is required and goes as far back as the July board meeting. The recertification renewal process use to be a 6-hour, over the phone, process and must be renewed every 3 years. Now the new process, via approved through Legislation, effective July 1, 2022, consists of a 4-hour instructor led course either in person or through a meeting app on electronic devices and must be renewed every 2 years. Fees increase from \$250 to \$350 and the Board will receive \$25. He requested that the members approved this new process, so that Town Hall can be notified of the approval by our Board members.

Chris Maher moved to support the newly added regulations. Maurice Slaughter seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR – There was no new business from the floor.

EXECUTIVE DIRECTOR'S REPORT – William Childress indicated that staff was informed about a month ago that MVDB will be reviewed by the Auditor of Public Accounts, which takes place about every 3 years. They will begin sometime in April. William Childress, Lisa Mack-Nelson, Ann Majors, John Saul and Rick Sipe will deal with those auditors.

William also spoke on VA Code Section 46.2-1528. He indicated that the authorized representatives of the Board may examine, during the posted business hours, the records required to be maintained by this chapter. If a licensee is found to have violated this chapter or any order of the Board, the actual cost of the examination shall be paid by the licensee so examined within thirty days after demand therefore by the Board. He indicated that staff has not done this, but by law they can do that, and this may be something to look at. The members seem to be on board to start looking at charging an administrative fee each time a dealer is not present for an inspection. It was suggested that this issue be placed as an agenda item for the next meeting.

The next meeting will be on May 8, 2023

There being no further business to come before the Motor Vehicle Dealer Board, Chair Linda Ford adjourned the Board meeting at 10:51 a.m.