

Meeting Summary
Dealer Practices Committee
Monday September 11, 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: Dan Banister, Gardner Britt, Chris Maher, Geoff Malloy, R.J. Robinson, Don Sullivan and Andrew Wiley. Those absent included Rob Fisher, David Lynn and Nick Rush. Other Board members present: Gerald Lackey, Jeff Ballard, Thomas Bates, Trevor Coley. Executive Director William Childress, Lisa Mack-Nelson, Ann Majors and Micah Bailey represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The July 10, 2023 meeting summary was approved.

PUBLIC COMMENT – There was no public comment.

OLD BUSINESS

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

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Bavarian Auto Sales and Mohammad Stwodah #26184. On August 8, 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 (\$500 for 46.2-1533 and \$250 for 46.2-1575 (2)) and a random inspection be conducted.

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

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750 and a satisfactory inspection. Dan Banister seconded. The motion carried unanimously.

Carisma Motors, LLC and Husan Abdelaziz #52939. On August 22, 2023, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 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 (\$750 for 46.2-1529 and \$250 for 46.2-1575 (2)), satisfactory inspection of dealer records and the successfully completed the 2-day Dealer-Operator course.

Andrew Wiley moved to accept the hearing officer's recommendation of assessing a civil penalty of \$1,000 and a satisfactory inspection. Don Sullivan seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

ESR Auto and Kevin Johnson # 56331. Historical Overview leading up to the Formal Hearing: On May 9, 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 \$750 civil penalty for violations of VA Code Sections 46.2-1533 and 46.2-1575 (2) and a satisfactory inspection within 30 days. At the July 10, 2023 Board meeting, the Board adopted a resolution to assess a civil penalty of \$750 and satisfactory inspection on or before September 10, 2023. The dealer had until August 14, 2023 to accept or appeal the Decision. On July 17, 2023, Mr. Johnson appealed the Decision and requested a Formal Hearing. On August 10, 2023, a formal hearing 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 (\$500 for violations of 46.2-1533 and \$250 for violations of 46.2-1575 (2)) and a satisfactory inspection within 30 days.

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

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750 and a satisfactory inspection within 30 days. R. J. Robinson seconded. The motion carried unanimously.

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

NEXT MEETING – November 13, 2023

The Dealer Practices committee meeting adjourned at 9:26 a.m.