

Meeting Summary
Dealer Practices Committee
Monday January 9, 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, David Lynn, Chris Maher, R.J. Robinson, Nick Rush and Andrew Wiley. Those absent included Michael Bor, Gardner Britt, Rob Fisher and Geoff Malloy. Other Board members present: Linda Ford, Jeff Ballard, Trevor Coley, Dennis Ellmer and Maurice Slaughter. Executive Director William Childress and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 14, 2022 meeting summary was approved.

PUBLIC COMMENT – There was no public comment.

OLD BUSINESS – There was no old business.

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

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Xceleration Auto Sales and Joe Abed #44007. On December 1, 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 (failing to maintain business hours) and a satisfactory inspection to be conducted within 30 days.

Mr. Abed spoke on his own behalf.

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750.00 and a satisfactory inspection to be conducted within 30 days. Andrew Wiley seconded. The motion carried unanimously.

Showtime Auto Sales, LLC and Ronnell R. Jenkins #54092. On December 15, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1542.2 and 46.2-1542 (B). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$7,800.00 ($146 \times \$50 = \$7,300$ for missing dealer records and $5 \times \$100 = \500 for failure to provide vehicle titles). This dealer is out of business.

Andrew Wiley moved to accept the hearing officer's recommendation of assessing a civil penalty of \$7,800.00. R. J. Robinson seconded. The motion carried unanimously.

Use of Dealership Space – William Childress indicated that a few field representatives, during their inspections, have come across dealerships that have “games of skill” machines, which could be considered a second business. In Virginia Code Section 46.2-1510, it indicates that 250 square feet of office space should be dedicated to the business only. Some Board members indicated that as long as the machines are not located within the 250 square feet dedicated to the dealership, there should be no problems. If the machines are within the 250 square feet space of the dealership the issue should be reviewed. Mr. Rush informed the Board that these games are not currently regulated and that legislation may come out of this year’s General Assembly concerning games of skill. Mr. Rush requested that this issue be tabled to the March meeting.

Andrew Wiley moved to table this issue until the March 13, 2023 meeting. Nick Rush seconded. The motion carried unanimously.

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

NEXT MEETING – March 13, 2023

The Dealer Practices committee meeting adjourned at 9:31 am

Meeting Summary
Dealer Licensing Committee
Monday, January 9, 2023

Committee Chair Maurice Slaughter called the Dealer Licensing Committee meeting to order at 9:31 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: Jeff Ballard, Trevor Coley, Dennis Ellmer, David Lynn and R.J. Robinson. Those absent included Tom Bates, Gardner Britt, Rob Fisher. Other Board members present: Linda Ford, Dan Banister, Ron Kody, Chris Maher, Geoff Malloy, Nick Rush and Andrew Wiley. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 14, 2022 meeting summary was approved.

PUBLIC COMMENT – No public comment.

OLD BUSINESS – No old business.

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

NEW BUSINESS

Review and Action: Formal Hearing:

Abdul Ahad Nahibkhil and Blue Ridge Auto Sales, Inc. #42194. Historical Overview leading up to the Formal Hearing: On July 19, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1575 (9) and 46.2-1575 (13). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$2,000 and all licenses to be suspended until the dealer has successfully completed the 2-day Dealer-Operator course. At the September 14, 2022 Board meeting, the Board adopted a resolution to assess a civil penalty of \$5,000 and to revoke all licenses and certificates issued by the board to Abdul Ahad Nahibkhil. The dealer had until October 17, 2022 to accept or appeal the Decision. On September 23, 2022, Correy A. Diviney, attorney for Mr. Nahibkhil, appealed the Decision and requested a formal hearing. On December 6, 2022, 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 \$2,000.00 and suspension of all licenses until the dealer has successfully complete the 2-day Dealer-Operator course.

Mr. Nahibkhil and Correy Diviney, attorney for Mr. Nahibkhil, were present and both gentlemen spoke.

Trevor Coley moved to accept the hearing officer's recommendation of assessing a civil penalty of \$2,000.00 and suspension of all licenses until Mr. Nahibkhil has successfully completed the 2-day Dealer-Operator course. Dennis Ellmer seconded. The motion carried unanimously.

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

NEXT MEETING – March 13, 2023

The Licensing Committee meeting adjourned at 9:46 a.m.

Meeting Summary
Advertising Committee
Monday, January 9, 2023

Committee Chair Andrew Wiley called the Advertising Committee meeting to order at 9:46 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: Jeff Ballard, Dan Banister, Trevor Coley, Dennis Ellmer, David Lynn, Geoff Malloy, R. J. Robinson and Nick Rush. Those absent included Michael Bor, Tom Bates. Other Board members present: Linda Ford, Ron Kody, Chris Maher and Maurice Slaughter. Executive Director William Childress and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 14, 2022 meeting summary was approved.

PUBLIC COMMENT – No public comment.

OLD BUSINESS – No old business.

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

NEW BUSINESS – No new business from the floor.

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

NEXT MEETING – March 13, 2023

The Advertising committee meeting adjourned at 9:48 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, January 9, 2023

Committee Chair Chris Maher called the Transaction Recovery Fund Committee meeting to order at 9:48 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: Jeff Ballard, Dan Banister, Dennis Ellmer, Ron Kody, Geoff Malloy, Nick Rush, Maurice Slaughter and Andrew Wiley. Those absent included Michael Bor, Rob Fisher. Other Board members present: Linda Ford, Trevor Coley, David Lynn and R.J. Robinson. Executive Director William Childress and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 14, 2022 meeting summary was approved.

PUBLIC COMMENT

OLD BUSINESS

There was no old business.

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

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

NEXT MEETING – March 13, 2023

The Transaction Recovery Fund committee meeting adjourned at 9:49 a.m.

Meeting Summary
Motor Vehicle Dealer Board
Monday, January 9, 2023

Board Chair Linda Ford called the Dealer Board meeting to order at 10:03 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, Dan Banister, Trevor Coley, Dennis Ellmer, Ron Kody, David Lynn, Chris Maher, Geoff Malloy, R. J. Robinson, Nick Rush, Maurice Slaughter and Andrew Wiley. Those absent included Tom Bates, Michael Bor, Gardner Britt, Rob Fisher. Executive Director William Childress and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

The November 14, 2022 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 – Ron Kody indicated that the issue was discussed in Committee and a decision was made to table the matter until the March 13, 2023 meetings.

Review and Action: Informal Fact-Finding Conferences:

Xceleration Auto Sales and Joe Abed #44007. 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 Xceleration Auto Sales and Joe Abed 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 Xceleration Auto Sales and Hatim “Joe” Abed: Assessed a civil penalty of \$750.00; and Xceleration Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative within 30 days and that inspection shall be satisfactory. The Board mandates that Joe Abed hereby be assessed a civil penalty of \$750.00, and the Xceleration Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 11, 2023. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses, certificates issued by the Board until such time the Xceleration Auto Sales and Joe Abed successfully comply with the Board's mandates.

Mr. Abed spoke on his own behalf and requested a reduced penalty.

Nick Rush seconded. The motion carried unanimously.

Showtime Auto Sales, LLC and Ronnell Jenkins #54092. 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 Showtime Auto Sales and Ronnell Jenkins 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 action should be taken against Showtime Auto Sales and Ronnell Jenkins: Assessed a civil penalty of \$7,800.00. The Board mandates that Ronnell Jenkins hereby be assessed a civil penalty of \$7,800.00.

Chris Maher seconded. The motion carried unanimously.

Licensing Committee

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

Review and Action: Formal Hearing:

Abdul Ahad Nahibkhil and Blue Ridge Auto Sales, Inc. #42194. Committee Chair Slaughter 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 \$5,000.00 civil penalty against Blue Ridge Auto Sales and Abdul Nahibkhil and revoked all licenses issued to Abdul Nahibkhil by the Board during its November 2022 meeting. Abdul Nahibkhil appealed the Board's decision and requested a formal hearing, which was conducted on December 6, 2022. The Board has reviewed and considered the facts and evidence and the report of a Formal hearing as prepared by the hearing officer concerning Blue Ridge Auto Sales and Abdul Nahibkhil for alleged violations of VA Code sections §46.2-1575 (9) and 46.2-1575 (13). Based on due consideration, the Board believes that the following actions should be taken against Blue Ridge Auto Sales and Abdul Nahibkhil: Assessed a civil penalty of \$2,000 and suspension of all licenses and certificates until Abdul Nahibkhil successfully completes the 2-day dealer-operator course. The Board mandates that Blue Ridge Auto Sales and Abdul Nahibkhil hereby be assessed a civil penalty of \$2,000.00; and that all licenses and certificates issued to Abdul Nahibkhil by the Board hereby be suspended until Abdul Nahibkhil successfully completes the 2-day dealer-operator course. 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 Blue Ridge Auto Sales dealership and Abdul Nahibkhil successfully comply with the Board's mandates.

Trevor Coley seconded. The motion carried unanimously.

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 the System Automation project visited the MVDB on November 21, 2022. The visit last approximately 5 hours and was very productive. The project team left town having a better feeling and understanding of how our licensing process works and the laws we must comply with.

Legislative Updates – VADA and VIADA

VADA: Ralston King indicated that the General Assembly session starts Wednesday, and he looks forward to working the session.

VIADA: Alvin Melendez indicated one of the bills the VIADA is looking at concerns the repeal of the highway use tax which has caused many problems for his membership.

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

NEW BUSINESS:

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

EXECUTIVE DIRECTOR'S REPORT – As required by Board policy, William Childress informed the Board members of a decision he regarding Pete's Custom Auto Service and Donald Medlin #1166 for the alleged violations of VA Code Section 46.2-1529, 46.2-1539 and 46.2-1575 (2). He agreed with the hearing officer's recommendation of giving the dealer a written warning. William concurred with the hearing officer's recommendation and explained to the Board that the matter involves more training for our field representatives to understand a salvage transaction when they see one and training for the dealers to understand that they can't conduct a salvage transaction with their dealer license. Many of these dealers have both licenses (Salvage and Dealer), but they need to conduct the business at hand under the proper license and file the paperwork accordingly.

The next Dealer Board meeting will be on March 13, 2023.

There being no further business to come before the Motor Vehicle Dealer Board, Chair Linda Ford adjourned the Board meeting at 10:22 a.m.