

Meeting Summary
Dealer Practices Committee
Monday July 11, 2022

Committee Chair Ron Kody called the Dealer Practices Committee meeting to order at 9:01 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: Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi and Andrew Wiley. Those absent included Michael Bor, Liza Borchers, Gardner Britt and Rob Fisher. Other Board members present: Linda Ford, Ted Bailey, Dan Banister and Don Sullivan. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The May 9, 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

Variance in Hours: Jerry's Auto Service and Sales and Jerry E Farmer. William Childress reported that for the past 20-plus years, Jerry Farmer has requested a variance in hours for his dealership, Jerry's Automotive Service and Sales, because of his teaching schedule. Mr. Farmer is now retired. He is required to be available to substitute teach at his former high school or as needed throughout the county per his contract. Mr. Farmer wishes to continue working from 4 p.m. to 8 p.m., Monday – Friday.

Chris Maher moved to approve the requested variance. Geoff Malloy seconded. The motion carried unanimously.

Review and Action: Informal Fact-Finding Conferences:

Proauto Expo, Inc. and Talha Chaudhry. On April 7, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1537, 46.2-1548, 46.2-1575 (2) and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$27,100.00 and to successfully complete the 2-day Dealer-Operator course.

Nicholas Gehrig, attorney for Mr. Chaudhry and Mr. Chaudhry were present and Mr. Gehrig spoke on behalf of his client. Mr. Chaudhry spoke as well.

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$27,100.00, successfully completion of the 2-day Dealer-Operator course in addition to a satisfactory inspection within 90 days. Mark Riblett seconded. The motion carried unanimously.

DC Motors, LLC and Jacob Haworth. On June 9, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1542, 46.2-1559 and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$14,200.00 and satisfactory inspection before October 1, 2022.

Mr. Todd Roberson, a former employee of DC Motors, spoke and confirmed the alleged violations that the dealership has committed. Mr. Roberson informed the Board the dealership is still committing the same violations, in addition to not paying the employees, issuing bad checks and sharing passwords, nothing has changed.

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$14,200.00, plus \$500 for a violation of deceptive acts and practices, for a total of \$14,700.00 a satisfactory inspection within 30 days and to successfully complete the 2-day Dealer-Operator course. Andrew Wiley seconded. The motion carried unanimously.

Mega Auto Outlet, LLC and Rukhsana Akbar. On June 7, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1539, 46.2-1542 (A), 46.2-1548, 46.2-1550 (2) and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$31,250.00, satisfactory inspection of all records and to successfully complete the 2-day Dealer-Operator course.

Faiz Akbar, General Manager and son of Rukhsana Akbar and Jennifer Harold, Dealer-Operator, were present and Mr. Akbar spoke on behalf of his mother.

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$31,250.00, satisfactory inspection and for Rukhsana Akbar to successfully complete the 2-day Dealer-Operator course. The Board also strongly recommended that Faiz Akbar also complete the 2-day Dealer Operator course. Senior Saghafi seconded. The motion carried unanimously.

Full Circle Automotive Group, LLC and Jerell R. Bailey. On June 9, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1539, 46.2-1559 and 46.2-

1575 (2) and (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$32,200.00 and to suspend Mr. Bailey's licenses until he has successfully complete the 2-day Dealer-Operator course.

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

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$32,200.00 and to suspend all licenses issued by the Board until Jerell Bailey has successfully complete the 2-day Dealer-Operator course with the addition of a satisfactory inspection must be completed within 90 days. Senior Saghafi seconded. The motion carried unanimously.

KP's Cars, LLC and Kevin W. Pollard. On June 16, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1537 and 46.2-1539. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$22,250.00, satisfactory inspection by October 1, 2022 and to successfully complete the 2-day Dealer-Operator course.

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

Andrew Wiley moved to reduce the civil penalty to \$4,800.00, satisfactory inspection by October 1, 2022 and to successfully complete the 2-day Dealer-Operator course. Mark Riblett seconded. The motion carried unanimously.

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

NEXT MEETING – September 12, 2022

The Dealer Practices committee meeting adjourned at 10:13 a.m.

**Meeting Summary
Dealer Licensing Committee
Monday, July 11, 2022**

Full Board Committee Vice-Chair Ron Kody called the Dealer Licensing Committee meeting to order at 10:13 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: Ted Bailey, Dan Banister, Senior Saghafi, Don Sullivan and Andrew Wiley. Those absent included Liza Borchers, Gardner Britt, David Duncan, Dennis Eller, Rob Fisher and Maurice Slaughter. Other Board members present: Linda Ford, Chris Maher, Geoff Malloy and Mark Riblett. Executive Director William Childress, Lisa Mack-Nelson, Ann Majors and Micah Bailey represented the Dealer Board. Christian Parrish represented the Attorney General's office.

No quorum present – Committee did not meet

The May 9, 2022 meeting summary will be approved during the September 2022 Committee meeting.

PUBLIC COMMENT

OLD BUSINESS

OLD BUSINESS FROM THE FLOOR

NEW BUSINESS

NEW BUSINESS FROM THE FLOOR

NEXT MEETING – September 12, 2022

Meeting Summary
Advertising Committee
Monday, July 11, 2022

Vice-Committee Ted Bailey called the Advertising Committee meeting to order at 10:15 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, Ron Kody, Geoff Malloy, Mark Riblett and Don Sullivan. Those absent included Liza Borchers, David Duncan, Dennis Ellmer and Maurice Slaughter. Other Board members present: Linda Ford, Chris Maher, Senior Saghafi and Andrew Wiley. 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 May 9, 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 – September 12, 2022

The Advertising committee meeting adjourned at 10:16 a.m.

Transaction Recovery Fund Committee

Monday, July 11, 2022

Committee Chair Chris Maher called the Transaction Recovery Fund Committee meeting to order at 10:17 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, Ron Kody, Geoff Malloy, Mark Riblett, Don Sullivan and Andrew Wiley. Those absent included Michael Bor, Dennis Ellmer, Rob Fisher and Maurice Slaughter. Other Board members present: Linda Ford, Ted Bailey and Senior Saghafi. 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 May 9, 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

Review and Action: Informal Fact-Finding Conferences:

Amesia Franklin vs. Autovision LLC – On April 25, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1527.3 against Autovision, LLC. Based on the information provided at the conference, the hearing officer recommended approval of payment to Amesia Franklin in the amount of \$25,000.00 from the Recovery Fund.

Andrew Wiley moved to accept the hearing officer's recommendation of approving payment from the fund in the amount of \$25,000.00 to Amesia Franklin. Dan Banister seconded. The motion carried unanimously.

Samuel A. Pierre, II vs. Motor Maxx, Inc. and Morgan McCarthy – On April 25, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1527.3 against Motor Maxx, Inc.

and Morgan McCarthy. Based on the information provided at the conference, the hearing officer recommended approval of payment to Samuel A. Pierre in the amount of \$12,855.90 from the Recovery Fund.

Ms. Morgan McCarthy was present and spoke on her own behalf. Ms. McCarthy was the salesperson who conducted the deal for Mr. Pierre, whose attorney, Thomas Breeden included Ms. Morgan and the dealership in the judgement. The dealer closed the business, defaulted on an agreement with Mr. Breeden and that left Ms. McCarthy solely responsible.

Board members discussed having never heard of a salesperson being held accountable for a judgement against a dealership. However, Christian Parrish reminded the Board members that the code does speak to dealers or salespersons in the Transaction Recovery Fund statutes.

Andrew Wiley moved to approve the hearing officer's recommendation of approving payment from the fund of \$12,855.90 to Samuel A. Pierre. Ron Kody seconded. The motion carried unanimously.

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

NEXT MEETING – September 12, 2022

The Transaction Recovery Fund committee meeting adjourned at 10:43 a.m.

Meeting Summary
Motor Vehicle Dealer Board
Monday, July 11, 2022

Board Chair Linda Ford called the Dealer Board meeting to order at 11:01 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: Ted Bailey, Dan Banister, Ron Kody, Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi, Don Sullivan and Andrew Wiley. Those absent included Michael Bor, Liza Borches, Gardner Britt, David Duncan, Dennis Ellmer, Rob Fisher and Maurice Slaughter. Executive Director William Childress, Lisa Mack-Nelson, Ann Majors and Micah Bailey represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

The May 9, 2022 meeting summary was approved.

PUBLIC COMMENT – No public comment.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee

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

Request for Variance in Hours:

Jerry's Auto Service and Sales and Jerry E. Farmer.

Motion was made by Ron Kody to allow Mr. Farmer's request for a variance in hours. Geoff Malloy seconded. The motion carried unanimously.

Review and Action: Informal Fact-Finding Conferences:

Proauto Expo, Inc. and Talha Chaudhry. Ron 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 Proauto Expo and Talha Chaundhry for alleged violations of Va. Code Sections 46.2-1529, 46.2-1537, 46.2-1548, 46.2-1575 (2) and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Proauto Expo and Talha Chaundhry: Assessed a civil penalty of \$27,100.00; and Proauto Expo shall be inspected by a Motor Vehicle Dealer Board field representative by October 11, 2022 and that inspection shall be satisfactory; and Talha Chaundhry shall successfully complete the dealer-operator course by January 11, 2023. The Board mandates that Talha Chaundhry hereby be assessed a civil penalty of \$27,100.00; and the Proauto Expo dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 11, 2022, and Talha Chaundhry shall successfully complete the dealer-operator course by January 11, 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 Proactive Expo dealership and Tahla Chaundhry successfully complies with the Board's mandates.

Nichols Gehrig, attorney, spoke on behalf of his client, Mr. Chaudhry.

Chris Maher seconded. All in favor: 9 (Bailey, Banister, Kody, Maher, Malloy, Riblett, Saghafi, Wiley, Ford). Opposed: 1 (Sullivan). The motion carried.

DC Motors, LLC and Jacob Haworth. Ron 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 DC Motors and Jacob Haworth for alleged violations of Va. Code Sections 46.2-1529, 46.2-1542, 46.2-1559 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against DC Motors and Jacob Haworth: Assessed a civil penalty of \$14,700.00; and DC Motors shall be inspected by a Motor Vehicle Dealer Board field representative by August 11, 2022 and that inspection shall be satisfactory; and Jacob Haworth shall successfully complete the dealer-operator course by January 11, 2023. The Board mandates that Jacob Haworth hereby be assessed a civil penalty of \$14,700.00, and issued a written warning regarding 46.2-1575 (6); and the DC Motors dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before August 11, 2022; and Jacob Haworth shall successfully complete the dealer-operator course by January 11, 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 DC Motors dealership and Jacob Haworth successfully complies with the Board's mandates.

Todd Roberson, former employee, again spoke on the illegal issues that were still going on at DC Motors, LLC.

Linda Ford, DMV Commissioner informed the members that DMV criminal charges are pending from their investigation and a DMV PoD hearing is scheduled to shut off their access of the system.

Don Sullivan seconded. The motion carried unanimously.

Mega Auto Outlet, LLC and Rukhsana Akbar. Ron 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 Mega Auto Outlet and Rukhsana Akbar for alleged violations of Va. Code Sections 46.2-1529, 46.2-1539, 46.2-1542 (A), 46.2-1548, 46.2-1550 (2) and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Mega Auto Outlet and Rukhsana Akbar: Assessed a civil penalty of \$31,250.00; and Mega Auto Outlet shall be inspected by a Motor Vehicle Dealer Board field representative by October 11, 2022 and that inspection shall be satisfactory; and Rukhsana Akbar shall successfully complete the dealer-operator course by January 11, 2023; and Strongly recommends that Faiz Akbar attends and completes the dealer-operator course. That the Board mandates that Rukhsana Akbar hereby be assessed a civil penalty of \$31,250.00; and the Mega Auto Outlet dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 11, 2022; and Rukhsana Akbar shall successfully complete the dealer-operator course by January 11, 2023; and strongly recommended that Faiz Akbar successfully complete the 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 Mega Auto Outlet dealership and Rukhsana Akbar successfully complies with the Board's mandates.

Don Sullivan seconded. The motion carried unanimously.

Full Circle Automotive Group, LLC and Jerell Bailey. Ron 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 Full Circle Automotive Group and Jerell Bailey for alleged violations of VA. Code Sections 46.2-1529, 46.2-1539, 46.2-1559 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Full Circle Automotive Group and Jerell Bailey: Assessed a civil penalty of \$32,200.00; and Full Circle Automotive Group shall be inspected by a Motor Vehicle Dealer Board field representative by October 11, 2022 and that inspection shall be satisfactory; and Suspension of all licenses and certificates issued to Jerell Bailey and the Full Circle Automotive Group by the Board until Jerell Bailey successfully completes the dealer-operator course. The Board mandates that Jerell Bailey hereby be assessed a civil penalty of \$32,200.00; and the Full Circle Automotive Group dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 11, 2022; and all licenses and certificates issued by the Board to Jerell Bailey and the Full Circle Automotive dealership shall be suspended until Jerell Bailey successfully completes the 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 Full Circle Automotive Group dealership and Jerell Bailey successfully complies with the Board's mandates.

Andrew Wiley seconded. The motion carried unanimously.

Linda Ford, DMV Commissioner indicated that this dealership has been referred for a DMV PoD hearing to shut off their access of the system.

KP's Cars, LLC and Kevin W. Pollard. Ron 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 KP's Cars and Kevin Pollard for alleged violations of VA. Code Sections 46.2-1529, 46.2-1537 and 46.2-1539. Based on due consideration, the Board believes that the following actions should be taken against KP's Cars and Kevin Pollard: Assessed a civil penalty of \$4,800.00; and KP's Cars shall be inspected by a Motor Vehicle Dealer Board field representative by October 11, 2022 and that inspection shall be satisfactory; and Kevin Pollard shall successfully complete the dealer-operator course by January 11, 2023. The Board mandates that Kevin Pollard hereby be assessed a civil penalty of \$4,800.00; and the KP's Cars dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 11, 2022; and Kevin Pollard shall successfully complete the dealer-operator course by January 11, 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 KP's Cars dealership and Kevin Pollard successfully complies with the Board's mandates.

Senior Saghafi seconded. The motion carried unanimously.

Licensing Committee

Full Board Vice-Committee Chair Kody reported that a quorum was not in place. Committee will meet again on September 12, 2022.

Advertising Committee

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

Transaction Recovery Fund Committee

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

Review and Action: Informal Fact-Finding Conferences:

Amesia Franklin vs. Autovision, LLC. Committee Chair Maher summarized for the Board the discussion held in the committee meeting regarding Amesia Franklin vs. Autovision, LLC. Based on that discussion and the recommendations in this case, Chairman Maher made the following motion: Pursuant to Section 46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the claim in the amount of \$25,000 should be payable from the Fund.

Dan Banister seconded. The motion carried unanimously.

Samuel A. Pierre, II vs. Motor Maxx, Inc. and Morgan McCarthy. Committee Chair Maher summarized for the Board the discussion held in the committee meeting regarding Samuel A. Pierre, II vs. Motor Maxx, Inc. and Morgan McCarthy. Based on that discussion and the recommendations in this case, Chairman Maher made the following motion: Pursuant to Section 46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the claim in the amount of \$12,855.90 should be payable from the Fund.

Geoff Malloy seconded. The motion carried unanimously.

OLD BUSINESS:

UPDATE: Dealer Portal Update. William Childress briefed the Board members regarding the May kick-off meeting with the Dealer Portal vendor (System Automation). The kick-off meeting was ceremonial and allowed System Automation the opportunity to introduce their project team to MVDB staff, DMV IT staff and Board members (those able to participate). An unknown glitch in the system prevented many from participating in the meeting, especially those outside of state government. The kickoff meeting was successful. William will provide the Board with status updates. The portal is scheduled to be operational by September/October 2023, but could be sooner.

UPDATE: HB 316 – William Childress briefed the Board members that the Board staff approved the VIADA’s independent dealer-operator recertification application on May 23, 2022. The Board approved Compass Systems’ and JTZ’s applications during the May Board meeting. This legislation went into effect July 1, 2022 and during the May Board meeting, the Board delegated the authority to William to approve the VIADA application upon the application meeting all requirements. William reminded Board members that this recertification program is for independent dealers only.

Legislative Updates – VADA and VIADA

VADA: Anne Gambardella offered no input at this time.

VIADA: Alvin Melendez offered no input at this time.

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

NEW BUSINESS

Deficiency Provision Acknowledgment Form – William Childress briefed the Board of his annual requirement to ensure that the Board does not spend beyond its means. A copy of the document was provided to all Board members and will be presented to all incoming members.

NAMVBC Fall Workshop, Nashville TN – William Childress requested approval to attend this Fall Workshop of his peers.

Motion was made by Chris Maher approving funding and allow William to attend the workshop in Nashville, TN. Ted Bailey seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR – Andrew Wiley informed the Board that Chris Maher was elected to serve on the Board of the National Independent Automobile Dealers Association. Mr. Maher's accomplishment was celebrated by the Board.

EXECUTIVE DIRECTOR'S REPORT – William Childress updated the Board members that the price increase authorized by the Board in September 2021, that went into effect on December 2021. The price increase is being used to offset the agency's increase in rent (20%) and help pay the 5% increase in employee salaries. The increase in fees is funding the dealer portal and will also fund the maintenance of the dealer portal once the system is in place and paid for.

The next meeting will be on September 12, 2022.

There being no further business to come before the Motor Vehicle Dealer Board, Full Board Chair Linda Ford adjourned the Full Board meeting at 11:58 a.m.