

Meeting Summary
Dealer Practices Committee
Monday March 8 2021

Chairman Ron Kody called the Dealer Practices Committee meeting to order at 9:00 a.m. This meeting was conducted virtually using the GoToMeeting video conferencing application. Present were Committee members: Gardner Britt, Steve Farmer, Rob Fisher, Randy Harris, Geoff Malloy, Chris Maher, Mark Riblett, Senior Saghafi and Andrew Wiley. (Absent: Michael Bor, Liza Borches). Other Board members present: Rick Holcomb, Ted Bailey, Dan Banister, David Duncan, Randy Harris, Maurice Slaughter, Don Sullivan. Executive Director William Childress, Rick Sipe, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The January 11, 2021 meeting summary was approved.

PUBLIC COMMENT

No public comment.

OLD BUSINESS

There was no old business.

OLD BUSINESS FROM THE FLOOR

No old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

301 Auto Sales & Service and Victor L. Carter. On December 10, 2020, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$500 and a satisfactory inspection.

Mr. Carter participated and spoke on his own behalf.

Steve Farmer moved to accept the hearing officer's recommendation of assessing a \$500 civil penalty and a satisfactory inspection. Rob Fisher seconded. The motion carried unanimously.

Abraham's Autos and Mildred Bruce. On February 23, 2021, an informal fact-finding conference was conducted to address the alleged violations of VA Code

Sections 46.2-1529, 46.2-1537, 46.2-1539 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$4,750 and revocation of all licenses and certificates.

Ms. Bruce participated and spoke on her own behalf.

Chris Maher moved to table this issue until the May meeting so that Ms. Bruce could submit an action plan to the Board detailing actions she plans to take to ensure her dealership will comply with the Motor Vehicle Dealer laws. The action plan is due to the Executive Director within 45 days. The Board will consider this plan when they review Abraham's Autos' case in May. Rob Fisher seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Midtown Motors, Inc. and John Forney. Historical Overview leading up to the formal hearing: On July 23, 2020, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1550. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$250. At the September 14, 2020 Committee and Full Board Meetings, the Board adopted a resolution, per your request, to table your issue to the November Board Meeting, due to unforeseen circumstances on your behalf. On October 15, 2020 and November 5, 2020, staff emailed Mr. Forney a reminder of the November 9, 2020 Board Meeting and offered assistance on how to participate in GoToMeeting.com. At the November 9, 2020 Committee and Full Board Meetings, the Board adopted a resolution assessing a civil penalty of \$250. On December 22, 2020, Mr. Forney appealed for a formal hearing. On January 28, 2021, 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 \$500.

Motion was made by Chris Maher to accept the hearing officer's recommendation of assessing a \$500 civil penalty. Rob Fisher seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

No new business from the floor.

NEXT MEETING

The next meeting is on May 10, 2021.

The meeting adjourned at 9:49 a.m.

Meeting Summary
Dealer Licensing Committee
Monday, March 8, 2021

Vice-Chairman Maurice Slaughter called the Dealer Licensing Committee meeting to order at 9:51 a.m. This meeting was conducted virtually using the GoToMeeting video conferencing application. Present were Committee members: Ted Bailey, Dan Banister, Gardner Britt, David Duncan, Rob Fisher, Randy Harris, Senior Saghafi, Don Sullivan and Andrew Wiley. (Absent: Liza Borches, Dennis Ellmer) Other Board members present: Rick Holcomb, Steve Farmer, Ron Kody, Geoff Malloy, Chris Maher, Mark Riblett. Executive Director William Childress, Rick Sipe, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The January 11, 2021 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 – There was no new business.

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

NEXT MEETING

The next meeting is scheduled for May 10, 2021

The meeting adjourned 9:53 a.m.

Meeting Summary
Advertising Committee
Monday, March 8, 2021

Chairman David Duncan called the Advertising Committee meeting to order at 9:53 a.m. This meeting was conducted virtually using the GoToMeeting video conferencing application. Present were Committee members: Ted Bailey, Dan Banister, Randy Harris, Ron Kody, Geoff Malloy, Mark Riblett, Maurice Slaughter and Don Sullivan. (Absent: Michael Bor, Liza Borches, Dennis Ellmer). Other Board members present: Rick Holcomb, Gardner Britt, Steve Farmer, Rob Fisher, Chris Maher, Senior Saghafi, Andrew Wiley. Executive Director William Childress, Rick Sipe, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The January 11, 2021 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.

NEW BUSINESS FROM THE FLOOR

No new business from the floor.

NEXT MEETING

The next meeting is on May 10, 2021

The meeting adjourned at 9:55 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, March 8, 2021

Chairman Chris Maher called the Transaction Recovery Fund Committee meeting to order at 9:55 a.m. This meeting was conducted virtually using the GoToMeeting video conferencing application. Present were Committee members: Dan Banister, Steve Farmer, Rob Fisher, Ron Kody, Geoff Malloy, Mark Riblett, Maurice Slaughter, Don Sullivan and Andrew Wiley. (Absent: Michael Bor, Dennis Ellmer) Other Board members present: Rick Holcomb, Ted Bailey, Gardner Britt, David Duncan, Randy Harris, Senior Saghafi. Executive Director William Childress, Lisa Mack-Nelson, Rick Sipe, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The January 11, 2021 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.

NEW BUSINESS FROM THE FLOOR

Chairman Maher questioned when the Board would resume "in person" meetings. Chairman Holcomb indicated that the Governor's social distancing orders are still intact and at this point, no Board meetings will be allowed in the DMV for the safety of state employees, customers and all visitors.

NEXT MEETING

The next meeting will be on May 10, 2021

The meeting adjourned at 9:59 a.m.

Meeting Summary
Motor Vehicle Dealer Board
Monday, March 8, 2021

Chairman Rick Holcomb called the Dealer Board meeting to order at 10:00 a.m. This meeting was conducted virtually using the GoToMeeting video conferencing application. The roll was called and there were 16 Board members present. Present were Ted Bailey, Dan Banister, Gardner Britt, David Duncan, Steve Farmer, Rob Fisher, Randy Harris, Ron Kody, Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi, Maurice Slaughter, Don Sullivan and Andrew Wiley. (Absent: Michael Bor, Liza Borches and Dennis Ellmer). Executive Director William Childress, Rick Sipe, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

PUBLIC COMMENT

No public comments.

The January 11, 2021 meeting summary was approved.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee:

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

Review and Action: Informal Fact-Finding Conferences:

301 Auto Sales & Service and Victor L. Carter. 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 301 Auto Sales and Victor Carter for alleged violations of Va. Code sections §§ 46.2-1529 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against 301 Auto Sales and Victor Carter: Assessed a civil penalty of \$500.00; and The 301 Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative by June 8, 2021 and that inspection shall be satisfactory. The Board mandates that Victor Carter hereby be assessed a civil penalty of \$500.00, and the 301 Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before June 8, 2021. 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 301 Auto Sales dealership and Victor Carter successfully complies with the Board's mandates.

Chris Maher seconded. The motion carried unanimously.

Abraham's Autos and Mildred Bruce. Ron Kody moved to table this matter until the May 10, 2021 Board Meeting.

Rob Fisher seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Midtown Motors, Inc. and John D. Forney. Ron 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 \$250.00 civil penalty against Midtown Motors and John Forney. John Forney appealed the Board's decision and requested a formal hearing that was conducted on January 28, 2021. The Board has reviewed and considered the facts and evidence and the report of a formal hearing as prepared by the hearing officer concerning Midtown Motors and John Forney for alleged violation of Va. Code section § 46.2-1550. Based on due consideration, the Board believes that the following action should be taken against Midtown Motors and John Forney: Assessed a civil penalty of \$500.00. The Board mandates that Midtown Motors and John Forney hereby be assessed a civil penalty of \$500.00. Failure to comply with the Board's mandate by April 12, 2021 will result in the suspension of all licenses and certificates issued by the Board until such time the Midtown Motors dealership and John Forney successfully comply with the Board's mandate.

Rob Fisher seconded. The motion carried unanimously.

Licensing Committee

Committee Vice-Chairman Slaughter reported committee quorum in place, however, no discussions or actions were on the agenda for the committee to consider.

Advertising Committee

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

Transaction Recovery Fund Committee:

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

OLD BUSINESS

Salesperson Licensing Update. Ron Kody informed the Board that there were no known issues with testing and that all was going well. In addition, more testing applicants were testing at the Sterling CSC. Ron thanked Chairman Holcolmb for his agency's (DMV) cooperation and assistance in providing the testing opportunities at the Sterling CSC.

Dealer Portal Update. William Childress informed the Board of progress with the dealer portal since the last meeting. Vendor E gave a demo of their product on February 22, 2021. Lana Shelley (DMV CIO), Rosie Turner (DMV IT Director of Systems Development), Ron Kody, John Saul (MVDB IT), and William Childress. Vendor E's demo clearly demonstrated that they have the ability to produce a dealer portal for Virginia. Vendor E has a COTS software which several licensing agencies across the country, including several within Virginia, have modified to meet their business licensing needs. Vendor E is targeting the middle of March as the timeframe to provide the Board with multiple pricing estimates.

Tabled Issue: 2 Day Dealer-Operator Course Updates. William Childress updated the Board on the two-day in-person dealer-operator contract with the VIADA. The contract expires June 30, 2021. VIADA has notified the Board of their intent to renew the contract. By contract, the Board has 14 days from date of notification (March 2) to respond to the VIADA. William recommended that the Board renew the contract with the VIADA, with modifications to the contract. The recommended modifications were as follows: 1. In Section C (2) Course price adjustments (must be approved by the Board); 2., In section D (1) remove the word “exclusively”; and 3., In section D (2) insert language to allow for Governor’s Executive Orders, which mandated allowable gatherings in smaller numbers than what the contract allowed; and 3. Class price adjustments (requires approval of the Board). Other changes to the contract are associated with the leadership changes at the VIADA.

Andrew Wiley moved to give William Childress and Christian Parrish the authority to negotiate (with VIADA) and make the necessary changes to the contract as discussed during the meeting. Don Sullivan seconded. The motion carried unanimously.

Legislative Updates – VADA and VIADA

VADA: Anne Gambardella with the VADA updated the Board concerning legislation to support the adoption of electric vehicles (EVs), including EV mandates and incentives for EV purchases. She also noted that the test drive bill, sponsored by Delegate Danica Roem, was amended to address the concerns the Board had discussed at its January meeting. She thanked Delegate Roem for working with the dealers on the bill.

VIADA: Alvin Melendez indicated that the “VIADA considers the test drive bill to be discriminatory against auto dealers. Alvin further stated that, “If a locality is having issues with speeders, they should install traffic cameras and conduct a study to see who the speeders are and then come to a more reasonable solution.”

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

NEW BUSINESS – There was no new business

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

EXECUTIVE DIRECTOR’S REPORT – No report.

The next meeting will be on May 10, 2021.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the meeting at 11:06 a.m.