

Meeting Summary
Dealer Practices Committee
Monday November 14, 2022

Vice-Committee Chair Andrew Wiley called the Dealer Practices Committee meeting to order at 9:03 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 Committee members being present: Dan Banister, Gardner Britt, David Lynn, Chris Maher, Geoff Malloy, R.J. Robinson and Nick Rush. Those absent included Michael Bor, Ron Kody, Rob Fisher. Other Board members present: Linda Ford, Jeff Ballard, Tom Bates, Trevor Coley, Dennis Ellmer, Maurice Slaughter. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 12, 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:

540 Auto and Wali Baluch #50439. On August 30, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,150.00 (\$650.00 for 13 files not available for inspection at \$50.00 each and \$500 for unlawful issuance of temporary plates for the same vehicle) and a satisfactory inspection by December 1, 2022.

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

Motion was made by Dan Banister to accept the hearing officer's recommendation of \$1,150 civil penalty, satisfactory inspection on or before December 14, 2022. Gardner Britt seconded. All in favor: 6 (Banister, Britt, Lynn, Malloy Robinson, Wiley). Opposed: 2 (Maher, Rush). The motion carried.

Auto City and Wali Baluch #49427. On September 8, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$3,700.00 (\$3,200 for failing to maintain dealer records for inspection of 64 records at \$50.00 each and \$500 for deceptive practices used to generate

unauthorized PoD tags and temporary tags on multiple occasions for the same sale or customer) and satisfactory inspection within 30 days.

Chris Maher moved to issue a written warning and to successful completion of the 2-day Dealer-Operator course and a follow-up dealership inspection. Nick Rush seconded. All in favor: 2 (Maher, Rush). Opposed: 6 (Banister, Britt, Lynn, Malloy, Robinson, Wiley). The motion failed.

Geoff Malloy moved to accept the hearing officer's recommendation of assessing a civil penalty of \$3,700.00 and a satisfactory inspection. Dan Banister seconded. All in favor: 6 (Banister, Britt, Lynn, Malloy, Robinson, Wiley). Opposed: 2 (Maher, Rush). The motion carried.

Advantage Auto Sale, Inc. and Mohammad Elahi-Mohassel #39039. On October 26, 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 and a satisfactory inspection by February 15, 2023.

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750.00 and a satisfactory inspection on or before February 15, 2023. R. J. Robinson seconded. The motion carried unanimously.

Enterprise Automotive Financial, LLC and Jassam M. Sarhan #45985. On October 18, 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 \$1,000 and satisfactory inspection within 30 days.

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

Nick Rush moved to accept the hearing officer's recommendation of assessing a civil penalty of \$1,000.00 and a satisfactory inspection within 30 days. Dan Banister seconded. The motion carried unanimously.

El Shaddai Motors and Jose M. Trigueros #38557. On October 25, 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 and satisfactory inspection within 90 days.

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

Dan Banister moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750 and a satisfactory inspection within 90 days. Nick Rush seconded. The motion carried unanimously.

Royal Motors and Shane Pardis #23678. On October 25, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1510, 46.2-1529, 46.2-1537, 46.2-1539, 46.2-1575 (2) and 46.2-1575 (3). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$2,000 and satisfactory inspection of dealer records with dealer present.

Chris Maher moved to assessing a civil penalty of \$2,000, a satisfactory inspection of dealer records with dealer present and successful completion of the 2-day Dealer-Operator course. R. J. Robinson seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Mega Auto Outlet, LLC and Rukhsana Akbar #52929. Historical Overview leading up to the Formal Hearing: 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. At the July 11, 2022 Board meeting, the Board adopted a resolution to assess a civil penalty of \$31,250.00, satisfactory inspection on or before October 11, 2022 and to successfully complete the 2-day Dealer-Operator course on or before January 11, 2023. The dealer had until August 15, 2022 to accept or appeal the Decision. On July 18, 2022, Mega Auto Outlet appealed the Decision and requested a Formal Hearing. On August 30, 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 \$28,000.00, satisfactory inspection of dealer records and PoD records and for the General Manager to successfully complete the 2-day Dealer-Operator course.

Fiaz Akbar, General Manager and son of Rukhsana Akbar, spoke on behalf of the dealership. Jennifer Harold (Dealer-Operator) was present.

Motion was made by Nick Rush to accept the hearing officer's recommendation of assessing a civil penalty of \$28,000, satisfactory inspection of dealer records and PoD records and for the General Manager (Fiaz Akbar) to successfully complete the 2-day Dealer-Operator course. Gardner Britt seconded. The motion carried unanimously.

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

NEXT MEETING – January 9, 2023

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

Meeting Summary
Dealer Licensing Committee
Monday, November 14, 2022

Committee Chair Maurice Slaughter called the Dealer Licensing Committee meeting to order at 10:10 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, Tom Bates, Gardner Britt, Trevor Coley, Dennis Ellmer, David Lynn and R.J. Robinson. Those absent included Rob Fisher. Other Board members present: Linda Ford, Dan Banister, 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 September 12, 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.

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

NEXT MEETING – January 9, 2023

The Licensing Committee meeting adjourned at 10:11 a.m.

Meeting Summary
Advertising Committee
Monday, November 14, 2022

Committee Chair Andrew Wiley called the Advertising Committee meeting to order at 10:12 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, Tom Bates, Trevor Coley, Dennis Ellmer, David Lynn, Geoff Malloy, R. J. Robinson and Nick Rush. Those absent included Michael Bor. Other Board members present: Linda Ford, Gardner Britt, Chris Maher and Maurice Slaughter. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 12, 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 – January 9, 2023

The Advertising committee meeting adjourned at 10:12 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, November 14, 2022

Committee Chair Chris Maher called the Transaction Recovery Fund Committee meeting to order at 10:12 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, Geoff Malloy, Nick Rush, Maurice Slaughter and Andrew Wiley. Those absent included Michael Bor, Rob Fisher and Ron Kody. Other Board members present: Linda Ford, Tom Bates, Gardner Britt, Trevor Coley, David Lynn and R.J. Robinson. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 12, 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 – January 9, 2023

The Transaction Recovery Fund committee meeting adjourned at 10:13 a.m.

Meeting Summary
Motor Vehicle Dealer Board
Monday, November 14, 2022

Full Board Chair Linda Ford called the Dealer Board meeting to order at 10:34 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, Tom Bates, Gardner Britt, Trevor Coley, Dennis Ellmer, David Lynn, Chris Maher, Geoff Malloy, R. J. Robinson, Nick Rush, Maurice Slaughter and Andrew Wiley. Those absent included Michael Bor, Rob Fisher and Ron Kody. 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 September 12, 2022 meeting summary was approved.

PUBLIC COMMENT – No public comment.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee

Vice-Committee Chair Andrew Wiley summarized discussions held and actions taken during the Committee Meeting.

Review and Action: Informal Fact-Finding Conferences:

540 Auto and Wali Baluch #50439. Vice-Committee Chair Andrew Wiley 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 540 Auto and Wali Baluch for alleged violations of Va. Code sections §46.2-1529 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against 540 Auto and Wali Baluch: Assessed a civil penalty of \$1,150.00. 540 Auto shall be inspected by a Motor Vehicle Dealer Board field representative by December 14, 2022, and that inspection shall be satisfactory. The Board mandates that Wali Baluch hereby be assessed a civil penalty of \$1,150.00 and the 540 Auto dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before December 14, 2022. 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 540 Auto dealership and Wali Baluch successfully complies with the Board's mandates.

Nick Rush seconded. The motion carried unanimously.

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

NOTE: Mr. Maher requested a substitute motion, not to find Mr. Balach in violation of 46.2-15775 (6). Board's motion based solely on 46.2-1529, no financial assessment of or warning issued regarding 46.2-1575 (6).

Auto City and Wali Baluch #49427. Vice-Committee Chair Andrew Wiley 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 Auto City and Wali Baluch for alleged violations of Va. Code sections §46.2-1529 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Auto City and Wali Baluch: Assessed a civil penalty of \$3,700.00. Auto City shall be inspected by a Motor Vehicle Dealer Board field representative within 30 days and that inspection shall be satisfactory. The Board mandates that Wali Baluch hereby be assessed a civil penalty of \$3,700.00 and the Auto City dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before December 14, 2022. 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 Auto City dealership and Wali Baluch successfully complies with the Board's mandates.

Nick Rush seconded. All in favor: 12 (Ford, Maher, Ballard, Banister, Bates, Coley, Ellmer, Lynn, Malloy, Robinson, Rush, Wiley). Opposed: 2 (Britt, Slaughter). The motion carried.

NOTE: Mr. Maher requested a substitute motion, not to find Mr. Baluch in violation of 46.2-15775 (6). Board's motion based solely on 46.2-1529, no financial assessment of or warning issued regarding 46.2-1575 (6).

Advantage Auto Sale, Inc. and Mohammad Elahi-Mohassel #39039. Board Committee Vice-Chair Wiley 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 Advantage Auto Sale and Mohammad Elahi-Mohassel 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 Advantage Auto Sale and Mohammad Elahi-Mohassel: Assessed a civil penalty of \$750.00. Advantage Auto Sale shall be inspected by a Motor Vehicle Dealer Board field representative by February 15, 2023, and that inspection shall be satisfactory. Mohammad Elahi-Mohassel shall successfully complete the two-day dealer operator class by May 14, 2023. The Board mandates that Mohammad Elahi-Mohassel hereby be assessed a civil penalty of \$750.00; and the Advantage Auto Sale dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 15, 2023; and Mohammad Elahi-Mohassel shall successfully complete the two-day dealer operator class on or before May 14, 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 Sale dealership and Mohammad Elahi-Mohassel successfully complies with the Board's mandates.

Jeff Ballard seconded. The motion carried unanimously.

Enterprise Automotive Financial, LLC and Jassam M. Sarhan #45985. Vice-Committee Chair Wiley 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 Enterprise Automotive Financial and Jassam Sarhan 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 Enterprise Automotive Financial and Jassam Sarhan: Assessed a civil penalty of \$1,000.00. Enterprise Automotive Financial shall be inspected by a Motor Vehicle Dealer Board field representative within 30 days and that inspection shall be satisfactory. The Board mandates that Jassam Sarhan hereby be assessed a civil penalty of \$1,000.00, and the Enterprise Automotive Financial dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before Dec 14, 2022. 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 Enterprise Automotive Financial dealership and Jassam Sarhan successfully complies with the Board's mandates.

Gardner Britt seconded. The motion carried unanimously.

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

El Shaddai Motors and Jose M. Trigueros #38557. Vice-Committee Chair Wiley 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 El Shaddai Motors and Jose Trigueros for alleged violations of Va. Code sections §46.2-1529, 46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against El Shaddai Motors and Jose Trigueros: Assessed a civil penalty of \$750.00. El Shaddai Motor shall be inspected by a Motor Vehicle Dealer Board field representative by February 14, 2023, and that inspection shall be satisfactory. The Board mandates that Jose Trigueros hereby be assessed a civil penalty of \$750.00 and the El Shaddai Motors dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 14, 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 El Shaddai Motors dealership and Jose Trigueros successfully complies with the Board's mandates.

Mr. Trigueros was present and requested that the civil penalty be waived, reinspection and to take the 2-day Dealer-Operator course.

Tom Bates seconded. The motion carried unanimously.

Royal Motors and Shane Pardis #23678. Vice-Committee Chair Wiley 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 Royal Motors and Shane Pardis for alleged violations of Va. Code sections §46.2-1510, 46.2-1529, 46.2-1537, 46.2-1575 (2) and (3). Based on due consideration, the Board believes that the following actions should be taken against Royal Motors and Shane Pardis: Assessed a civil penalty of \$2,000.00. Royal Motors shall be inspected by a Motor Vehicle Dealer Board field representative by February

14, 2023, and that inspection shall be satisfactory. The Board mandates that Shane Pardis hereby be assessed a civil penalty of \$2,000.00 and the Royal Motors dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 14, 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 Royal Motors dealership and Shane Pardis successfully complies with the Board's mandates.

R. J. Robinson seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Mega Auto Outlet, LLC and Rukhsana Akbar #52929. Vice-Committee Chair Wiley 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 \$31, 250.00 civil penalty against Rukhsana Akbar; required a satisfactory inspection of the Mega Auto Outlet dealership; and required Rukhsana Akbar to successfully complete the two-day dealer operator class; and strongly recommended that Faiz Akbar successfully complete the two-day dealer operator class. Rukhsana Akbar appealed the Board's decision and requested a formal hearing that was conducted on August 30, 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 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 \$28,000.00. Mega Auto Outlet shall be inspected by Motor Vehicle Dealer Board field representative by February 14, 2023, and that inspection shall be satisfactory. Faiz Akbar (General Manager) shall successfully complete the dealer-operator course by May 14, 2023. The Board mandates that Mega Auto Outlet and Rukhsana Akbar hereby be assessed a civil penalty of \$28,000.00; and the Mega Auto Outlet dealership shall be inspected by Motor Vehicle Dealer Board field representative by February 14, 2023, and that inspection shall be satisfactory; and Faiz Akbar shall successfully complete the dealer-operator course on or before May 14, 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 Mega Auto Outlet dealership and Rukhsana Akbar successfully complies with the Board's mandates.

Faiz Akbar was present and spoke on his own behalf.

Jeff Ballard seconded. The motion carried unanimously.

Licensing Committee

Committee Chair Slaughter reported 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 provided the Board with an update on the Dealer Portal (Dealer Licensing System). The vendor and MVDB staff have been involved in detailed conversations recently regarding dealer plate issuance and fee calculations. System Automation's project team is visiting with the MVDB staff on November 21, 2022. During this meeting, the MVDB team will walk System's automation through our current processes. The visit will help the vendor better understand the business needs of the MVDB and dealer community.

Legislative Updates – VADA and VIADA

VADA - Anne Gambardella reported that the VADA will have several bills, but they will not impact the Dealer Board.

VIADA - Alvin Melendez reported that the VIADA is not proposing any legislation this session and has nothing to report at this time.

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 – No report.

The next meeting will be on January 9, 2023

There being no further business to come before the Motor Vehicle Dealer Board, Chair Linda Ford adjourned the Full Board meeting at 11:42 a.m.