

Meeting Summary
Dealer Practices Committee
Monday November 18, 2024

Committee Vice-Chair Andrew Wiley called the Dealer Practices Committee meeting to order at 9:07 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: Alexis Barker-Taplett, Tom Barton, M'Lissa Dunn, Chip Lindsay, Chris Maher, Tim Pohanka and Donald Sullivan. Nick Rush was not able to attend. Other Board members present: Jeff Ballard, Edward Maulbeck and Kevin Reynolds. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 9, 2024 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:

Latest Motors, Inc. and Tanseer Shabbir #57732. On August 20, 2024, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section(s) 46.2-1516, 46.2-1529, 46.2-1529 (1) and 46.2-1537. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,000.00 (\$250.00 for violations of VA Code Section 46.2-1516, \$250.00 for violations of 46.2-1529, \$250.00 for violations of VA Code Section 46.2-1529 (1) and \$250.00 for violations of VA Code Section 46.2-1537, satisfactory inspection and to successfully complete the 2-day Dealer-Operator course.

Tanseer Shabbir was present and spoke on his own behalf.

Chris Maher moved to assess a \$1,000 civil penalty, satisfactory inspection and successfully complete the 2-day Dealer-Operator course. Tim Pohanka seconded. The motion carried unanimously.

All Stars Automotive and Rene E. Carey #47592. On September 11, 2024, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section(s) 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 (\$500.00 for 46.2-1533 and \$250.00 46.2-1575 (2)), satisfactory inspection on or before February 1, 2025 and to successfully complete the 2-day Dealer-Operator course.

M'Lissa Dunn moved to assess a \$750 civil penalty, satisfactory inspection and to successfully complete the 2-day Dealer-Operator course. Alexis Barker-Taplett seconded. The motion carried unanimously.

Street Action Discount Auto Sales and Donald J. Neal #5500. On September 12, 2024, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 46.2-1575 (1). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750.00 (\$500.00 for violations of 46.2-1533 and \$250.00 for violations of 46.2-1575 (2)) and a satisfactory inspection within 90 days.

Donald J. Neal was present and spoke on his own behalf.

Chris Maher moved to waive the \$750 civil penalty and issue a written warning and a follow-up inspection within 90 days. Don Sullivan seconded. All in Favor: 7 (Barker-Taplett, Barton, Dunn, Lindsay, Maher, Pohanka Sullivan). Opposed: 1 (Wiley). The motion carried.

Auto Buying Service and Usman Nasim #49298. On September 25, 2024, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1550 (2), 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 \$18,250.00 (\$17,250 for violations of 45.2-1529 - \$50 for each of the 345 missing records and \$1,000 for violating 46.2-1552 - 131 missing transport records) and a satisfactory inspection within 90 days.

This case has been deferred to the January Board meeting.

Car Zone Inc. and Maroun Chaoul #23119. On September 17, 2024, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1542 (C), 46.2-1550 (2), 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 \$4,000.00 (\$2,500 for violations of 46.2-1529 – 10 records x \$250, \$500 for violations of 46.2-1542 (C), \$750 for violations of 46.2-1552 (2) – 3 records x 4 \$250 and \$250 for violations of 46.2-1575 (2)), satisfactory inspection of dealer records with dealer present and proper use of POD system and to successfully complete the 2-day Dealer-Operator course.

Don Sullivan moved to assess a \$10,000 civil penalty, satisfactory inspection and to successfully complete the 2-day Dealer-Operator course. Tim Pohanka seconded. The motion carried unanimously.

Carvau LLC and Muhammad Usama/Hyder Cheema #56837. On October 2, 2024, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533, 46.2-1529, 46.2-1542 (b) and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,250.00 (\$250 for 46.2-1529, \$250 for 46.2-1533, \$250 for 46.2-1542 (b) and \$500 for 46.2-1575 (2)), a satisfactory inspection and successful completion of the 2-day dealer-operator course within 60 days.

Chris Maher moved to assess a civil penalty of \$2,000 (\$500 for the 4 violations), satisfactory inspection and to successfully complete the 2-day Dealer-Operator. It was also recommended that the Owner and the Dealer-Operator to successfully complete the course. M'Lissa Dunn seconded. The motion carried unanimously.

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

NEXT MEETING – During the Full Board, they agreed to have the meeting January 13, 2025.

The Dealer Practices committee meeting adjourned at 10:00 a.m.

Meeting Summary
Dealer Licensing Committee
Monday, November 18, 2024

Committee Vice-Chair Jeff Ballard called the Dealer Licensing Committee meeting to order at 10:00 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: Alexis Barker-Taplett, Tom Bates, M'Lissa Dunn, Kevin Reynolds and Andrew Wiley. Those absent included Dennis Ellmer and Tim Pohanka. Other Board members present: Tom Barton, Chris Maher, Nick Rush, 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 September 9, 2024 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 13, 2025

The Licensing Committee meeting adjourned at 10:02 a.m.

Meeting Summary
Advertising Committee
Monday, November 18, 2024

Committee Chair Tim Pohanka called the Advertising Committee meeting to order at 10:02 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, Chris Maher, Kevin Reynolds and Nick Rush. Those absent included Dennis Ellmer, Chip Lindsay, Tim Pohanka. Other Board members present: Alexis Barker-Taplett, Tom Barton, M'Lissa Dunn 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 9, 2024 meeting summary was approved.

PUBLIC COMMENT – No public comment.

OLD BUSINESS

Advertising Requirements: William Childress informed the Board that beginning next week of November 25 that Board staff will begin monitoring advertising closely. A Send Pulse communique was sent to all licensed dealers (email address on file with the Board) identifying the common advertisement violations and informing the dealer community of stepped up enforcement plans.

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

NEW BUSINESS

NEW BUSINESS FROM THE FLOOR

Power Sport Dealer: Edward Maulbeck expressed concern to the Board regarding power sport dealers, websites and their vague advertising practices, which appears to be out of compliance.

NEXT MEETING – January 13, 2025

The Advertising committee meeting adjourned at 10:21 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, November 18, 2024

Committee Chair Chris Maher called the Transaction Recovery Fund Committee meeting to order at 10:21 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 Barton, Tom Bates, M'Lissa Dunn, Nick Rush, Don Sullivan and Andrew Wiley. Those absent included Chip Lindsay. Other Board members present: Gerald Lackey and Timothy Pohanka. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 9, 2024 meeting summary was approved.

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 13, 2025

The Transaction Recovery Fund committee meeting adjourned at 10:22 a.m.

Meeting Summary
Motor Vehicle Dealer Board
Monday, November 18, 2024

Board Chair Gerald Lackey called the Dealer Board meeting to order at 10:42 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, Alexis Barker-Taplett, Tom Barton, M'Lissa Dunn, Chris Maher, Edward Maulbeck, Timothy Pohanka, Kevin Reynolds, Don Sullivan and Andrew Wiley. Those absent included Tom Bates, Dennis Ellmer, Nick Rush. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. LaTasha Hill was the recording secretary.

The September 9, 2024 meeting summary was approved.

PUBLIC COMMENT – No public comment.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee

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

Review and Action: Informal Fact-Finding Conferences:

Latest Motors, Inc. and Tanseer Shabbir #57732. 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 Latest Motors and Tanseer Shabbir for alleged violations of VA Code sections §46.2-1516, 46.2-1529, 46.2-1529 (1) and 46.2-1537. Based on due consideration, the Board believes that the following actions should be taken against Latest Motors and Tanseer Shabbir: Assessed a civil penalty of \$1,000.00; and Latest Motors shall be inspected by a Motor Vehicle Dealer Board field representative and that inspection shall be satisfactory; and Tanseer Shabbir shall successfully complete the 2-day dealer-operator course. The Board mandates that Tanseer Shabbir hereby be assessed a civil penalty of \$1,000.00 and the Latest Motors dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 18, 2025, and Tanseer Shabbir shall successfully complete the 2-day dealer-operator course on or before May 18, 2025. 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 Latest Motors dealership and Tanseer Shabbir successfully complies with the Board's mandates.

Tim Pohanka seconded. The motion carried unanimously.

All Stars Automotive and Rene E. Carey #47592. 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 All Stars Automotive and Rene Carey for alleged violations of Va. Code sections §46.2-1533, 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against All Stars Automotive and Rene Carey: Assessed a civil penalty of \$750.00; and All Stars Automotive shall be inspected by a Motor Vehicle Dealer Board field representative and that inspection shall be satisfactory; and Rene Carey shall successfully complete the 2-day dealer-operator course. The Board mandates that Rene Carey a civil penalty of \$750.00 and the All Stars Automotive dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 18, 2025, and Rene Carey shall successfully complete the dealer-operator course on or before May 18, 2025 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 All Stars Automotive dealership and Rene Carey successfully complies with the Board's mandates.

M'Lissa Dunn seconded. The motion carried unanimously

Street Action Discount Auto Sales and Donald J. Neal #5500. 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 Street Action Discount Auto Sales and Donald Neal 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 Street Action Discount Auto Sales and Donald Neal: Issued a written warning for VA Code Section §46.2-1533; and Street Action Discount Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative and that inspection shall be satisfactory. The Board mandates that Donald Neal hereby be issued a written warning regarding 46.2-1533 and the Street Action Discount Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 18, 2025. 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 Street Action Discount Auto Sales dealership and Donald Neal successfully complies with the Board's mandates.

Donald J. Neal spoke on his own behalf and thanked all the Board members.

Chris Maher seconded. The motion carried unanimously.

Auto Buying Service and Usman Nasim #49298. Committee Vice-Chair Wiley informed the Board that this issue was deferred to the January 2025 meeting.

Car Zone and Maroun Chaoul #23119. 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 Car Zone and Maroun Chaoul for alleged violations of VA Code sections §46.2-1529, 46.2-1542(C), 46.2-1552(2) and 46.2-1575(2). Based on due

consideration, the Board believes that the following actions should be taken against Car Zone and Maroun Chaoul: Assessed a civil penalty of \$10,000.00; and with Maroun Chaoul present, Car Zone shall be inspected by a Motor Vehicle Dealer Board field representative and that inspection shall be satisfactory; and Maroun Chaoul shall successfully complete the 2-day dealer-operator course. The Board mandates that Maroun Chaoul hereby be assessed a civil penalty of \$10,000.00 and the Car Zone dealership, with Maroun Chaoul present, shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 18, 2025, and Maroun Chaoul shall successfully complete the dealer-operator course by May 18, 2025. 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 Car Zone dealership and Maroun Chaoul successfully complies with the Board's mandates.

M'Lissa Dunn seconded. The motion carried unanimously.

Carvau and Muhammad Usama/Hyder Cheema #56837. 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 Carvau LLC and Muhammad Usama/Hyder Cheema for alleged violations of VA. Code sections §46.2-1529, 46.2-1533, 46.2-1542(B) and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Carvau and Hyder Cheema: Assessed a civil penalty of \$2,000.00; and Carvau shall be inspected by a Motor Vehicle Dealer Board field representative and that inspection shall be satisfactory; and Muhammad Usama and Hyder Cheema shall successfully complete the 2-day dealer-operator course within 60 days. The Board mandates that Naftali Lev hereby be assessed a civil penalty of \$2,000.00 and the Carvau dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 18, 2025, and both Muhammad Usama and Hyder Cheema shall successfully complete the two-day dealer-operator course on or before January 18, 2025. 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 Carvau dealership, Muhammad Usama and Hyder Cheema successfully complies with the Board's mandates.

Kevin Reynolds seconded. The motion carried unanimously.

Licensing Committee

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

Advertising Committee

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

Committee Chair Pohanka informed the Board that Ed Maulbeck shared with the committee his concerns that Power Sports Dealers may not be aware of Virginia advertising laws and requirements. This discussion will be tabled for a future meeting. Ed Maulbeck would like to take the 2 day dealer-operator class first.

Discussions took place regarding franchise dealers (all) being exempt from dealer-operator recertification requirements. Edward Maulbeck explained that he as a Power Sports dealer had not received any training from the manufacturers and was told to comply with the laws of the state. William Childress added that the Board staff operated under the premises that all franchise dealers received extensive training similar to that received by car/truck franchise dealers, from the manufacturers they represented. This matter will be tabled to a future meeting.

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 informed the Board that Systems Automation was going to sunset the MLO system within the next 2-4 years. William recommended that the Board strongly consider moving towards the Revoke platform that is replacing the MLO package. Given the current climate, the MLO system will not be deployed until mid-year 2025 at the earliest. By the time MLO is deployed, users trained and all are comfortable with the system, it will be sunset. This topic garnered much discussion, primarily around sunken cost to date and problems getting the system deployed.

Valley View Motors – Karen Munns – William Childress informed the Board that Ms. Munns had not received a satisfactory inspection and is required to a \$1,000.00 civil penalty for not doing so. The Board staff had DMV run an ad hoc report that showed Ms. Munns' dealership had 6 retail sales during a specific time period. Ms. Munns acknowledges only 4 retail sales during the established period. Board staff will take actions available to them. This was an update to the Board since Ms. Munns has come before the Board on at least two occasions.

Legislative Updates – VADA and VIADA

VADA: Anne Gambardella introduced Mimi Perka, Director of Legislative and Legal Affairs. On behalf of the VADA Anne thanked and recognized William for all his work and contributions to the dealer community.

VIADA: Alvin Melendez thanked William for all of his hard work and due diligence while serving as the Executive Director of the Board. He then presented William with a gift.

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

NEW BUSINESS:

NEW BUSINESS FROM THE FLOOR – Chris Maher wants the Board to recognize William as well. He moved to recognize William with a plaque. Don Sullivan seconded; the motion carried unanimously.

Chris Maher moved to empower Chairman Lackey to appoint an interim Executive Director until the position is filled. Andrew Wiley seconded. The motion carried unanimously.

Criminal Background Providers Report – William informed the Board that we currently have 9 vendors to complete the criminal background checks, too many. He recommended that number should be no more than 4 given the volume of business. Board staff will bring recommendations to the Board in the future for the Board to consider.

Board Chairman Lackey announced that the next Board meeting will take place on January 13, 2025.

EXECUTIVE DIRECTOR'S REPORT – William Childress thanked the Board itself for appointing him as the Executive Director. He indicated that this position has been the highlight of his career. He's enjoyed meeting all the people that has crossed his path. He complemented the VADA and VIADA for their commitment and service to their members and their work with the Board. William complemented his staff and was very happy with how they worked with him over the years.

There being no further business to come before the Motor Vehicle Dealer Board, Board Chairman Lackey adjourned the meeting at 1:48 p.m.