

**Meeting Summary
Motor Vehicle Dealer Board
Monday, July 9, 2018**

Chairman Rick Holcomb called the Dealer Board meeting to order at 10:21 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. The roll was called and there were 15 Board members present. Present were Ted Bailey, Dan Banister, Michael Bor, Liza Borchers, Gardner Britt, David Duncan, Steve Farmer, Rob Fisher, Randy Harris, Geoff Malloy, Matt McQueen, Senior Saghafi, Maurice Slaughter and Joe Tate. (Absent: Ron Kody, Chris Maher). Executive Director William Childress, Peggy Bailey, Prin Cowan, Lisa Mack-Nelson, Wanda Neely and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

PUBLIC COMMENT

There was no public comment.

The May 14, 2018 meeting summary was approved.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee:

Vice-Committee Chairman Farmer summarized discussions held and actions that were taken during the Committee Meeting.

Cub Run Auto, LLC and Shane Moran – Vice-Committee Chairman Farmer 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 Cub Run Auto and Shane Moran for alleged violations of Va. Code §§ 46.2-1510, 46.2-1529, 46.2-1529(1), 46.2-1533, 46.2-1537, 46.2-1539 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Cub Run Auto and Shane Moran: Revoke all licenses and certificates issued by the Board. The Board mandates that all licenses and certificates issued by the Board to Shane Moran and Cub Run Auto be revoked.

Mr. Moran spoke on his own behalf.

Joe Tate seconded. The motion carried unanimously.

Rosser Sales and David C. Rosser, 3rd – Vice-Committee Chairman Farmer 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 Rosser Sales and David Rosser for alleged violations of Va. Code §§ 46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Rosser Sales and David Rosser: Assess a civil penalty in the amount of \$1,000.00; Rosser Sales dealership shall be inspected by a Motor Vehicle Dealer Board field representative by October 9, 2018 and that inspection

shall be satisfactory. The Board mandates that David Rosser is hereby be assessed a civil penalty of \$1,000.00, and the Rosser Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 9, 2018. Failure to pass the inspection October 9, 2018 will result in suspension of all licenses and certificates issued by the Board until such time David Rosser successfully complies with the Board's mandate

Matt McQueen seconded. The motion carried unanimously.

FESCO Emergency Sales and Peter W. Laake, Sr. – Vice-Committee Chairman Farmer 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 FESCO Emergency Sales and Peter Laake for alleged violations of Va. Code §§ 46.2-1528, 46.2-1529, 46.2-1548, 46.2-1550, and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against FESCO Emergency Sales and Peter Laake: Assess a civil penalty in the amount of \$1,250.00; and FESCO Emergency Sales shall be inspected by a Motor Vehicle Dealer Board field representative by October 9, 2018 and that inspection shall be satisfactory. The Board mandates that Peter Laake is hereby be assessed a civil penalty of \$1,250.00, and FESCO Emergency Sales shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 9, 2018. Failure to pass the inspection by October 9, 2018 will result in suspension of all licenses and certificates issued by the Board until such time Peter Laake successfully complies with the Board's mandates.

Steve Laake spoke on behalf of FESCO and Peter Laake. (For the record, the hearing officer recommended \$2,500 and the Board cut this amount in half).

Senior Saghafi seconded. The motion carried unanimously.

Zero Down Auto and Nisar Haidery – Vice-Committee Chairman Farmer 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 Zero Down Auto and Nisar Haidery for alleged violations of Va. Code §§ 46.2-1547 and 46.2-1575 (18). Based on due consideration, the Board believes that the following actions should be taken against Zero Down Auto and Nisar Haidery: Assess a civil penalty in the amount of \$1,000.00. The Board mandates that Nisar Haidery hereby be assessed a civil penalty of \$1,000.00.

Joe Tate seconded. The motion carried unanimously.

J & M Used Auto Sales and Marinda A. Vess-Pritchard – Vice-Committee Chairman Farmer 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 J & M Used Auto Sales and Marinda Vess-Pritchard for alleged violations of Va. Code §§ 46.2-1529, 46.2-1533, 46.2-1547 and 46.2-1575 (2) and (18). Based on due consideration, the Board believes that the following actions should be taken against J & M Used Auto Sales and Marinda Vess-Pritchard: J&M Used

Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative by October 9, 2018 and that inspection shall be satisfactory; and John Pritchard has volunteered to take the two day dealer-operator course and the Board has accepted his offer to attend this class in place of Marinda Vess-Pritchard and shall successfully complete the dealer-operator course by January 9, 2019. The Board mandates that J & M Used Auto Sales shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 9, 2018, and John Pritchard must successfully complete this course by January 9, 2019. Failure to pass the inspection by October 9, 2018 and/or successfully complete the dealer-operator course by January 9, 2019 will result in suspension of all licenses and certificates issued by the Board until such time Marinda Vess-Pritchard successfully complies with the Board's mandates.

Matt McQueen seconded. The motion carried unanimously.

Rick Holcomb wanted the record to reflect that he is requesting DMV law enforcement to work with the Pritchard's to help secure, if possible, their records that were allegedly confiscated by Roanoke County law enforcement officials.

Variance Request – Jerry's Auto Service and Sales and Jerry Farmer – Vice-Committee Chairman Farmer made the following motion: Grant Mr. Farmer's variance request in hours.

Rob Fisher seconded. The motion carried unanimously.

Licensing Committee

Committee Chairman Tate summarized discussions held and actions that were taken during the Committee Meeting.

Curtis A. Bryant, Sales Applicant – Committee Chairman Tate 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 Curtis Bryant for alleged violations of Va. Code § 46.2-1575 (1). Based on due consideration, the Board believes the following actions shall be taken against Curtis Bryant: Allowed to apply for a salesperson license. The Board mandates that Curtis Bryant is allowed to apply for a salesperson license.

Steve Farmer seconded. Dan Banister abstained because Mr. Bryant had previously worked for Mr. Banister. The motion carried.

Advertising Committee

Committee Chairman Duncan summarized discussions held and actions that were taken during the Committee Meeting.

Transaction Recovery Fund Committee:

Vice-Committee Chairman Malloy summarized discussions held and actions that were taken during the Committee Meeting.

Luz D. Banol vs. GN Auto, LLC and Gaby Touma, and Kimberly Suberias vs. Triple Z Motors, Inc. and Salim Zamani – Vice-Committee Chairman Malloy summarized for the Board the discussion held in the committee meeting regarding Luz D. Banol vs. GN Auto, LLC and Gaby Touma and Kimberly Suberias vs. Triple Z Motors, Inc. and Salim Zamani. Based on that discussion and the recommendations in this case, Vice-Committee Chairman Malloy 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 following claim should be payable from the Fund:

Luz D. Banol vs. GN Auto, LLC	\$ 9,235.51
Kimberly Suberias vs. Triple Z Motors, Inc.	\$25,000.00

Joe Tate seconded. The motion carried unanimously.

Casey Aylor vs. Victory Lane Motors, Inc. Vice-Chairman Malloy made a motion to refer this issue back to the hearing officer because the committee felt the hearing officer recommended approval based on a breach of contract and not fraud as required by Virginia law.

Matt McQueen seconded. The motion carried unanimously.

OLD BUSINESS

Rick Holcomb informed the Board and guess that legislation had passed the 2018 General Assembly that increased the title fee from \$10 to \$15. All dealer transactions originating prior to July 1, 2018 had until September 30 to finalize the transaction and pay \$10 title fee. Transactions finalized after September 30 will pay the \$15 title fee as will all transactions originating on July 1 and after.

Legislative Proposal – William Childress. William reminded the Board that during the March Board meeting, the Transaction Recovery Fund Committee had a case where an individual filed a claim against the fund, which the Board approved, and the claimant was keep the vehicle. Several Board members felt that the claimant received a windfall by keeping the vehicle and receiving payment from the fund. After much discussion, Chairman Holcomb instructed William to look into options to address the Board’s concerns. William informed the Board that he had talked to several agencies and the AG’s office about the Board obtaining a dealer’s license (suggested in May meeting). Research revealed this would be a conflict of interest and burdensome on the Board staff. As a result of conversations with the AG’s Office and the DMV Legislative Services Division, the best course of action to address the Board’s concerns was

through legislation. Board members supported this concept and Chairman Holcomb asked the VADA and VIADA to participate and help craft this potential legislation.

Deficit Provision Acknowledgment Form – William Childress. William informed the Board that every July he is required to sign a Deficit Provision Acknowledgement Form signifying that he was responsible to ensure that the Board did not exceed their authorized spending for the year. In addition, he had to provide a copy of this acknowledgement to each Board member. William told the Board members that they would be receiving their copy of this acknowledgement electronically.

Rick Holcomb reminded the Board that William will be applying to participate in the 2018 Fall Virginia Executive Institute class, which is scheduled to start on September 17. Rick highly recommends this training for William and will be endorsing William's application for this class.

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

Discuss the November Board Meeting – William Childress. William Childress informed the Board that the November Board meeting is scheduled for the 12th, which is observed as Veteran's Day this year. Veteran's day falls on Sunday this year, but is being observed on Monday. After much discussion, the Board agreed to have the November meeting on November 5, 2018.

EXECUTIVE DIRECTOR'S REPORT: William Childress reported that each year, the Board is asked to approve the cost of staff to participate in the National Association of Motor Vehicle Boards and Commissions (NAMVBC) Fall Conference. This year's conference will be in New Orleans, LA. William will not be able to attend this conference this year due. However, he asked the Board to approve Prin Cowan to represent our agency at this conference.

Motion was made by Liza Borchers to authorize Prin Cowan to attend the NAMVBC Fall Conference in New Orleans, LA. Rob Fisher seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for September 10, 2018

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the meeting at 11:21 a.m.

**Meeting Summary
Dealer Practices Committee
Monday July 9, 2018**

Vice-Chairman Steve Farmer called the Dealer Practices Committee meeting to order at 9:00 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members Ted Bailey, Michael Bor, Liza Borchers, Rob Fisher, Geoff Malloy, Matt McQueen, Senior Saghafi and Joe Tate. (Absent: Ron Kody, Chris Maher). Other Board members present: Rick Holcomb, Dan Banister, David Duncan, Randy Harris, Gardner Britt and Maurice Slaughter. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Prin Cowan, Wanda Neely and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The May 14, 2018 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS – No old Business

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

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Cub Run Auto, LLC and Shane Moran - On April 23, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-613 (A), 1510, 1529, 1529 (1), 1533, 1537, 1539 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended revocation of all licenses and certificates issued to Cub Run Auto, LLC and Shane Moran.

Motion was made by Joe Tate to accept the hearing officer's recommendation of revocation of licenses and certificates. Matt McQueen seconded. The motion carried unanimously.

Motion was made by Joe Tate to reconvene this issue because Mr. Moran arrived to the meeting late. Motion carried unanimously.

Mr. Moran spoke on his own behalf.

Motion was made by Joe Tate to accept the hearing office's recommendation of revocation of all licenses and certificates. Matt McQueen seconded. The motion carried unanimously.

Rosser Sales and David C. Rosser, 3rd – On April 10, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750 for violation of §46.2-1533 and \$250 for violation of §46.2-1572 (2) for a total civil penalty of \$1,000.

Michael Ware, attorney for Mr. Rosser was present and spoke on behalf of his client.

Motion was made by Joe Tate to accept the hearing officer's recommendation of assessing a civil penalty of \$1,000 plus the dealership must complete a satisfactory inspection within 90 days. Rob Fisher seconded. The motion carried unanimously.

Fesco Emergency Sales and Peter W. Laake, Sr. – On May 2, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1528, 1529, 1548, 1550 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$2,500 and a satisfactory inspection within 6 months.

Steve Laake and Doug DeLawter were present and Mr. Laake spoke on behalf of FESCO.

Motion was made by Joe Tate to reduce the civil penalty to \$1,250 and the dealership must complete a satisfactory inspection within 90 days. Rob Fisher seconded. The motion carried unanimously.

Zero Down Auto and Nisar Haidery – On May 23, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1547 and 1575 (18). Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$1,000.

Motion was made by Joe Tate to accept the hearing officer's recommendation of assessing a civil penalty of \$1,000. Rob Fisher seconded. The motion carried unanimously.

J & M Used Auto Sales and Marinda A. Vess-Pritchard – On May 16, 2018 an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1529, 1533, 1547, 1575 (2) and (18). Based on the information provided at the hearing, the hearing officer recommended a satisfactory inspection and to successfully complete the Dealer-Operator 2-day Course.

Marinda A. Vess-Pritchard and John Pritchard were present and they both spoke on behalf of the dealership.

Motion was made by Joe Tate to accept the hearing officer's recommendation that the dealership must have a satisfactory inspection within 90 days; however, John Pritchard volunteered to take the Dealer-Operator course in place of Marinda Vess-Pritchard and the Board accepted his offer. Rob Fisher seconded. The motion carried unanimously.

Variance Request – Jerry's Auto Service and Sales and Jerry Farmer – William Childress reported that for the past 20 years, Jerry Farmer has requested a variance in hours for his dealership, Jerry's Automotive Service and Sales, because of his teaching schedule. Even though Mr. Farmer is currently retired, he is required to be available to substitute teach at his former high school or as needed throughout the county per his contract.

Motion was made by Joe Tate to grant Mr. Farmer's request for a variance in hours. Rob Fisher seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

Next Meeting

The next meeting is scheduled for September 10, 2018

The meeting adjourned at 9:55 a.m.

**Meeting Summary
Dealer Licensing Committee
Monday, July 9, 2018**

Chairman Joe Tate called the Dealer Licensing Committee meeting to order at 9:55 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members Ted Bailey, Dan Banister, Liza Borchers, David Duncan, Rob Fisher, Randy Harris, Senior Saghafi and Maurice Slaughter. Other Board members present: Rick Holcomb, Michael Bor, Steve Farmer, Gardner Britt, Geoff Malloy, Matt McQueen. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Prin Cowan, Wanda Neely and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The May 14, 2018 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:

Curtis A. Bryant, Sales Applicant – On May 16, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1575 (1). Based on the information provided at the conference, the hearing officer recommended approving a salesperson license.

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

Motion was made by David Duncan to accept the hearing officer's recommendation of approving Mr. Bryant a salesperson license. Maurice Slaughter seconded. Dan Bannister abstained due to the fact that Mr. Bryant was employed by him in the past. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for September 10, 2018

The meeting adjourned at 10:00 a.m.

Meeting Summary
Advertising Committee
Monday, July 9, 2018

Chairman David Duncan called the Advertising Committee meeting to order at 10:00 a.m. in Room 702, DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members Ted Bailey, Dan Banister, Michael Bor, Liza Borches, Geoff Malloy, Matt McQueen and Maurice Slaughter. (Absent: Ron Kody). Other Board members present: Rick Holcomb, Steve Farmer, Rob Fisher, Randy Harris, Senior Saghafi, Joe Tate, and Gardner Britt. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Prin Cowan, Ann Majors and Wanda Neely represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The March 12, 2018 and May 14, 2018 meeting summaries were 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.

The next meeting was scheduled for September 10, 2018.

The meeting adjourned at 10:01 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, July 9, 2018

Vice-Chairman Geoff Malloy called the Transaction Recovery Fund Committee meeting to order at 10:01 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Dan Banister, Michael Bor, Steve Farmer, Rob Fisher, Randy Harris, Matt McQueen and Maurice Slaughter. (Absent: Chris Maher, Ron Kody). Other Board members present: Rick Holcomb, Liza Borchers, David Duncan, Senior Saghafi, Joe Tate, Gardner Britt and Ted Bailey. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Prin Cowan, Wanda Neely and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The May 14, 2018 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:

Luz D. Banol vs. GN Auto, LLC and Gaby Touma – On June 25, 2018, an informal fact-finding conference was conducted to address the alleged violation of VA Code Section 46.2-1527.3 against GN Auto, LLC and Gaby Touma. Based on the information provided at the conference, the hearing officer recommended that the Board should consider a payment of \$9,235.51 to Luz D. Banol.

Motion was made by Rob Fisher to accept the hearing officer's recommendation and pay Mr. Banol \$9,235.51 from the Recovery Fund. Steve Farmer seconded. The motion carried unanimously.

Casey Aylor vs. Victory Lane Motors, Inc. – On June 1, 2018, an informal fact-finding conference was conducted to address the alleged violation of VA Code Section 46.2-1527.3 against Victory Lane Motors, Inc. Based on the information provided at the conference, the hearing officer recommended that the Board should consider a payment of \$6,249.56 to Casey Aylor.

Motion was made by Steve Farmer to refer this hearing back to the hearing officer to review the information available. Committee concerned that hearing officer recommendation was based on breach of contract agreement and not fraud as required by Virginia law. Dan Banister seconded. The motion carried unanimously.

Kimberly Suberias vs. Triple Z Motors, Inc. and Salim Zamani – On June 11, 2018, an informal fact-finding conference was conducted to address the alleged violation of VA Code Section 46.2-1527.3 against Triple Z Motors, Inc. and Salim Zamani. Based on the information provided at the conference, the hearing officer recommended that the Board should consider a payment of \$25,000.00 to Kimberly Suberias.

Leonard Myers, III, attorney for Ms. Suberias, was present and spoke on behalf of his client.

Motion was made by Steve Farmer to accept the hearing officer's recommendation and pay Ms. Suberias \$25,000 from the Recovery Fund. Rob Fisher seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for September 10, 2018

The meeting adjourned at 10:10 a.m.