

Meeting Summary  
**Transaction Recovery Fund Committee**  
Monday, May 13, 2019

Chairman Chris Maher called the Transaction Recovery Fund Committee meeting to order at 11:15 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, Ron Kody, Geoff Malloy, Matt McQueen and Don Sullivan. (Absent: Maurice Slaughter) Other Board members present: Rick Holcomb, Senior Saghafi, Ted Bailey, David Duncan and Joe Tate. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The March 11, 2019 meeting summary was approved.

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS** – There was no old business.

**Revisit: Saquan J. Branch vs. Lifestyle Motor Group.** Historical Overview: On November 13, 2018, an informal fact-finding conference was conducted to address the alleged violation of VA Code Section 46.2-1527.3 against Lifestyle Motor Group. Based on the information provided at the conference, the hearing officer recommended that the Board deny Mr. Branch's claim of \$4,059.00. Motion was made by Rob Fisher to deny Mr. Branches claim for \$4,059.00 based on Breach of Contract rather than Fraud. Maurice Slaughter seconded. The motion carried unanimously. Counsel wants the opportunity to provide judgment with the basis as being fraud.

Don Scott, attorney for Mr. Branch, spoke on behalf of his client. Mr. Scott indicated that he was able to speak with the judge and was able to amend his order to fraud. Mr. Scott provided a copy of the amended order to the Board, then requested that Mr. Branch's claim be approved.

Motion was made by Michael Bor to approve \$4,059.00 from the Fund to Mr. Branch. Dan Banister seconded. The motion carried unanimously.

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

## **NEW BUSINESS**

### **Review and Action: Informal Fact-Finding Conferences:**

**Ashton See & Kevin Banks vs. Budget Auto Sales, Inc.** – On April 8, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1527.3 against Budget Auto Sales, Inc. Based on the information provided at the conference, the hearing officer recommended approval of the \$9,133.92 claim to Mr. See and Mr. Banks.

Motion was made by Steve Farmer to accept the hearing officer's recommendation approve Mr. See and Mr. Banks' claim in the amount of \$9,133.92. Rob Fisher seconded. The motion carried unanimously.

**Randy Pinocci vs. The Car Man of Richmond, LLC.** – On April 8, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1527.3 against The Car Man of Richmond, LLC. Based on the information provided at the conference, the hearing officer recommended approval of the \$25,000.00 claim to Mr. Pinocci.

Mr. Mark Esposito, attorney for The Car Man of Richmond, was present and spoke on behalf of his clients, Neil and Victor Moes. Both gentlemen spoke as well. Mr. Esposito filed exceptions to the Hearing Officer's report and informed the Board of the intent to challenge the judgment through the court within the next 30 days.

Motion was made by Dan Banister to table this issue to the July Board meeting so that counsel for The Car Man can provide documentation from the court regarding the debtor's intention to vacate the judgment. Matt McQueen seconded. All in favor: 9 (Banister, Bor, Farmer, Fisher, Harris, Kody, Malloy, McQueen, Sullivan). Opposed: 1 (Maher). The motion carried.

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

The next meeting was scheduled for July 8, 2019

The meeting adjourned at 11:50 a.m.