

Meeting Summary
Motor Vehicle Dealer Board
Monday, January 11, 2021

Vice-Chairman Ron Kody called the Dealer Board meeting to order at 10:30 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 Dan Banister, Liza Borches (left half way through Full Board), Gardner Britt, David Duncan, Dennis Ellmer, Steve Farmer, Rob Fisher, Randy Harris, Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi, Maurice Slaughter, Don Sullivan and Andrew Wiley. (Absent: Rick Holcomb, Ted Bailey, Michael Bor). 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 comment.

The November 9, 2020 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:

Virginia Auto Sales and Muhammad Junaid Bashir. 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 Virginia Auto Sales and Muhammad Bashir for alleged violations of Va. Code sections §46.2-1500 and 46.2-1529. Based on due consideration, the Board believes that the following actions should be taken against Virginia Auto Sales and Muhammad Bashir; Assessed a civil penalty of \$250.00; and Virginia Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative by April 11, 2021 and that inspection shall be satisfactory. The Board mandates that Muhammad Basir hereby be assessed a civil penalty of \$250.00, and the Virginia Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before April 11, 2021. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses, certificates issued by the Board until such time the Virginia Auto Sales dealership, and Muhammad Bashir successfully complies with the Board's mandates.

Chris Maher seconded. The motion carried unanimously.

D & S Imports, LLC and Diego S. Canzobre. 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 D & S Imports and Diego Canzobre for alleged violations of Va. Code sections §46.2-1510, 46.2-1529, 46.2-1547, 46.2-1548, and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against D & S Imports and Diego Canzobre; D & S Imports shall be inspected by a Motor Vehicle Dealer Board field representative by March 11, 2021 and that inspection shall be satisfactory; and Failure to achieve a satisfactory inspection will result in the revocation of all licenses and certificates issued to Diego Canzobre and D & S Imports LLC. The Board mandates that the D & S Imports dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before March 11, 2021. Failure to comply with the Board's mandates by the required date will result in the revocation of all licenses and certificates issued by the Board to Diego Canzobre and D & S Imports LLC.

Mr. Canzobre participated and spoke on his own behalf.

Rob Fisher seconded. The motion carried unanimously.

Licensing Committee

Committee Vice-Chairman Slaughter reported quorum in place. The meeting summary from the November 2020 meeting was approved. With no old business or new business to discuss, the meeting ended. The committee will meet again on March 8, 2021.

Advertising Committee

Committee Chairman Duncan reported committee quorum in place. The meeting summary from the November 2020 meeting was approved. With no old business or new business to discuss, the meeting ended. The committee will meet again on March 8, 2021.

Transaction Recovery Fund Committee:

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

Review and Action: Informal Fact-Finding Conferences:

Anthony R. McDaniel and Washington Motorcars (OB). Committee Chairman Maher summarized for the Board the discussion held in the committee meeting regarding Anthony R. McDaniel and Washington Motorcars. Based on that discussion and the recommendations in this case, Chairman Maher 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 claim in the amount of \$22,162.54 should be denied.

Colin Smith, Esq., represented Anthony McDaniel.

Don Sullivan seconded. The motion carried unanimously.

Jonas Ebwele & Arlette Engoue and Car Line. Committee Chairman Maher summarized for the Board the discussion held in the committee meeting regarding Jonas Ebwele and Arlette Engoue and Car Line. Based on that discussion and the recommendations in this case, Chairman Maher 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 claim in the amount of \$13,246.50 should be denied.

Leonard Myers, Esq., who represented Jonas Ebwele during the Committee meeting, did not participate in the Full Board meeting.

Rob Fisher seconded. The motion carried unanimously.

OLD BUSINESS

Civil Penalties For Unlicensed Salesperson. Chairman Holcomb appointed this sub-committee during the November 2020 meeting. Ron Kody informed the Board that the sub-committee met on December 18, 2020 to discuss civil penalties for unlicensed salespersons. Other participants included Chris Maher, Dan Banister, Christian Parrish and both dealer associations. The meeting focused on the current criteria and formula used by the Board staff when reviewing potential violations and when determining civil penalties. Willful disregard and administrative errors by dealerships were discussed in detail as was a maximum civil penalty amount (cap) to charge a dealership. If dealership made an administrative error, staff should not apply the per occurrence penalty. The consensus of the sub-committee was that \$25,000 would be the maximum amount for a civil penalty. General discussion followed concerning the amount being too high or too low.

Chris Maher moved to approve \$25,000 as the maximum amount for a civil penalty involving unlicensed salespersons. Dan Banister seconded. All in favor: 14 (Banister, Britt, Duncan, Ellmer, Farmer, Fisher, Harris, Kody, Malloy, Maher, Riblett, Saghafi, Sullivan, Wiley). Opposed: 1 (Slaughter). The motion carried.

2 Day Dealer-Operator Course Updates. William Childress requested to table this matter until the March meeting since Chairman Holcomb specifically requested the update.

Salesperson Licensing Update. Ron Kody informed the Board that discussions with the Executive Director, and representatives of the dealer association, uncovered no complaints and all seems to be running smoothly with the salesperson testing across the state. Ron Kody stressed the importance of dealerships making sure that their applicants keep their appointments and take the proper steps to cancel the appointment if unable to honor the appointment.

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

NEW BUSINESS

NEW BUSINESS FROM THE FLOOR – Gardner Britt brought up the Test Drive Bill. Gardner believes it should be denied as it is written. At the request of Ron Kody, Anne Gambardella described the bill as “In the Manassas City Park area, prohibiting test drives on residential streets, when an alternate route is available.” William Childress informed the Board that he had a virtual meeting with Del. Roem (patron), her administrative staff, and the Mayor of Manassas City Park regarding the bill. After further discussion, the Board requested that the Executive Director oppose the bill in its current form.

EXECUTIVE DIRECTOR’S REPORT – William Childress updated the Board on the Dealer Portal. He indicated that the Board staff is actively canvassing software developers that have a licensing solution in place (Virginia and other states), especially those companies already authorized by VITA to do business in the Commonwealth. He briefed the Board concerning a software developer that he, Lana Shelley (DMV CIO), Ron Kody, and John Saul (MVDB IT) had met with on Friday, January 8, 2021. He indicated that Board staff would continue to seek out vendors that are under state contract with VITA. Lastly, he indicated that he was hopeful that a demo with the developer from the January 8 meeting would take place within the next month.

William announced that the VIADA was moving its office from Virginia Beach to the Richmond area (Chesterfield County). Alvin Melendez, VIADA Executive Director, provided details of why VIADA was moving and announced that they hoped to be in their new facilities by February 1, 2021.

William introduced Richard (Rick) Sipe as Peggy Bailey’s replacement as the Operations Manager and gave a brief background of Rick’s work experience and accomplishments.

The Board will meet again on March 8, 2021.

There being no further business to come before the Motor Vehicle Dealer Board, Vice-Chairman Kody adjourned the meeting at 11:46 a.m.