

Meeting Summary
Motor Vehicle Dealer Board
Monday, November 8, 2021

Chairman Rick Holcomb called the Dealer Board meeting to order at 9:23 a.m. This meeting was conducted at the Virginia Science Museum, 2500 W. Broad Street, 1st floor – RF&P Forum room. The roll was called and there were 13 Board members present. Roll call confirmed the following Committee members being present: Dan Banister, David Duncan, Dennis Ellmer, Steve Farmer, Ron Kody, Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi, Maurice Slaughter, Don Sullivan and Andrew Wiley. Those absent included Ted Bailey, Michael Bor, Liza Borches, Gardner Britt and Rob Fisher. Executive Director William Childress and Lisa Mack-Nelson represented the Dealer Board. Christian Parrish represented the Attorney General’s Office. Alice Weedon was the recording secretary.

The September 13, 2021 meeting summary was approved.

PUBLIC COMMENT – No public comment.

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

DLM Auto, Inc. and Darian J. Hunter. 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 DLM Auto and Darian Hunter for alleged violations of Va. Code sections §46.2-1529, 46.2-1542 (B), 46.2-1559 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against DLM Auto and Darian Hunter: Assessed a civil penalty of \$234,650.00; and Suspend all licenses and certificates issued by the Board to Darian Hunter until the Department of Motor Vehicles’ Law Enforcement Division conducts an investigation into DLM Auto and provides a report from that investigation to the Motor Vehicle Dealer Board during a regularly scheduled meeting. The Board mandates that Darian Hunter hereby be assessed a civil penalty of \$234,650.00, and all licenses and certificates issued to Darian Hunter are suspended until the Board has been provided and reviewed a report submitted by the Department of Motor Vehicles’ Law Enforcement Division during a future meeting. 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 DLM Auto dealership and Darian Hunter successfully complies with the Board’s mandates.

Mr. Darian Hunter was present for the Full Board portion of the meeting and spoke for his dealership.

Christian Parrish introduced himself to Mr. Hunter as counsel for the Motor Vehicle Dealer Board and informed Mr. Hunter that he (Mr. Parrish) cannot advise Mr. Hunter. Mr. Parrish did inform Mr. Hunter that he had every right to have counsel and wanted Mr. Hunter to be aware of his rights. Mr. Holcomb indicated that, due to this matter, there will be no questions posed by the members.

Mr. Hunter informed the Board that he takes full responsibility for the actions of his dealership and his only request is that he is allowed to keep his license. He wants the opportunity to pay that money back. There were no questions of the members.

Chris Maher seconded. The motion carried unanimously.

Licensing Committee

Committee Vice-Chairman Slaughter reported quorum in place; however, no discussions or action items were on the agenda for the committee to consider.

Advertising Committee

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

Transaction Recovery Fund Committee

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

OLD BUSINESS

Dealer Portal Update - William Childress updated the Board of the staff's progress with the dealer portal since the September meeting. He informed the Board that the staff was working with VITA and had a signed contract with the vendor on October 23, 2021. A copy of the projected fees and system deliverables were presented to the all Board members. The contract is still going through VITA's approval processes. An update will be provided to the Board at the January 2022 Board meeting.

Millennial Automotive, LLC and Kayana Murray – Barbara Arkwright (DMV Law Enforcement) updated the Board regarding Millennial Automotive and Kayana Murray. During the September 2021 Board meeting, the Board requested a DMV Law Enforcement investigation of the Millennial Dealership and Kayana Murray. Agent Arkwright informed the Board that a search warrant of the Millennial Automotive dealership was executed and the dealership's computer was confiscated. The computer is in the custody of the Virginia State Police undergoing a forensic investigation. DMV Law Enforcement is awaiting the results of the State Police investigation.

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

NEW BUSINESS

Legislative Updates – VADA and VIADA

VADA: Anne Gambardella indicated there is nothing to discuss at this time.

VIADA: Gonzalo Aida concurred with Anne with nothing to report at this time.

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

At this time, Chairman Holcomb handed out certificates and pins for appointments and reappointments to Mark Riblett, Dan Banister, Dennis Ellmer, Chris Maher, Steve Farmer, David Duncan, Maurice Slaughter, Andrew Wiley and Don Sullivan.

Chairman Holcomb informed the Board that he is comfortable in allowing the Dealer Board meetings return to the DMV. He instructed the Board's Executive Director to look into returning to the DMV meeting location beginning with the January 2022 meeting.

The next meeting will be on January 10, 2022.

EXECUTIVE DIRECTOR'S REPORT – There was no report at this time.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the Full Board meeting at 9:53 a.m.