

Meeting Summary  
**Motor Vehicle Dealer Board**  
Monday, March 8, 2021

Chairman Rick Holcomb called the Dealer Board meeting to order at 10:00 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 Ted Bailey, Dan Banister, Gardner Britt, David Duncan, Steve Farmer, Rob Fisher, Randy Harris, Ron Kody, Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi, Maurice Slaughter, Don Sullivan and Andrew Wiley. (Absent: Michael Bor, Liza Borches and Dennis Ellmer). 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 comments.

**The January 11, 2021 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:**

**301 Auto Sales & Service and Victor L. Carter.** 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 301 Auto Sales and Victor Carter for alleged violations of Va. Code sections §§ 46.2-1529 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against 301 Auto Sales and Victor Carter: Assessed a civil penalty of \$500.00; and The 301 Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative by June 8, 2021 and that inspection shall be satisfactory. The Board mandates that Victor Carter hereby be assessed a civil penalty of \$500.00, and the 301 Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before June 8, 2021. 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 301 Auto Sales dealership and Victor Carter successfully complies with the Board's mandates.

Chris Maher seconded. The motion carried unanimously.

**Abraham's Autos and Mildred Bruce.** Ron Kody moved to table this matter until the May 10, 2021 Board Meeting.

Rob Fisher seconded. The motion carried unanimously.

### **Review and Action: Formal Hearing:**

**Midtown Motors, Inc. and John D. Forney.** Ron Kody made the following motion: Based on the evidence and a report of an informal fact finding conference as prepared by a hearing officer, the Motor Vehicle Dealer Board assessed a \$250.00 civil penalty against Midtown Motors and John Forney. John Forney appealed the Board's decision and requested a formal hearing that was conducted on January 28, 2021. The Board has reviewed and considered the facts and evidence and the report of a formal hearing as prepared by the hearing officer concerning Midtown Motors and John Forney for alleged violation of Va. Code section § 46.2-1550. Based on due consideration, the Board believes that the following action should be taken against Midtown Motors and John Forney: Assessed a civil penalty of \$500.00. The Board mandates that Midtown Motors and John Forney hereby be assessed a civil penalty of \$500.00. Failure to comply with the Board's mandate by April 12, 2021 will result in the suspension of all licenses and certificates issued by the Board until such time the Midtown Motors dealership and John Forney successfully comply with the Board's mandate.

Rob Fisher seconded. The motion carried unanimously.

### **Licensing Committee**

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

### **Advertising Committee**

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

### **OLD BUSINESS**

**Salesperson Licensing Update.** Ron Kody informed the Board that there were no known issues with testing and that all was going well. In addition, more testing applicants were testing at the Sterling CSC. Ron thanked Chairman Holcolmb for his agency's (DMV) cooperation and assistance in providing the testing opportunities at the Sterling CSC.

**Dealer Portal Update.** William Childress informed the Board of progress with the dealer portal since the last meeting. Vendor E gave a demo of their product on February 22, 2021. Lana Shelley (DMV CIO), Rosie Turner (DMV IT Director of Systems Development), Ron Kody, John Saul (MVDB IT), and William Childress. Vendor E's demo clearly demonstrated that they have the ability to produce a dealer portal for Virginia. Vendor E has a COTS software which several licensing agencies across the country, including several within Virginia, have modified to meet their business licensing needs. Vendor E is targeting the middle of March as the timeframe to provide the Board with multiple pricing estimates.

**Tabled Issue: 2 Day Dealer-Operator Course Updates.** William Childress updated the Board on the two-day in-person dealer-operator contract with the VIADA. The contract expires June 30, 2021. VIADA has notified the Board of their intent to renew the contract. By contract, the Board has 14 days from date of notification (March 2) to respond to the VIADA. William recommended that the Board renew the contract with the VIADA, with modifications to the contract. The recommended modifications were as follows: 1. In Section C (2) Course price adjustments (must be approved by the Board); 2., In section D (1) remove the word “exclusively”; and 3., In section D (2) insert language to allow for Governor’s Executive Orders, which mandated allowable gatherings in smaller numbers than what the contract allowed; and 3. Class price adjustments (requires approval of the Board). Other changes to the contract are associated with the leadership changes at the VIADA.

Andrew Wiley moved to give William Childress and Christian Parrish the authority to negotiate (with VIADA) and make the necessary changes to the contract as discussed during the meeting. Don Sullivan seconded. The motion carried unanimously.

**Legislative Updates – VADA and VIADA**

**VADA:** Anne Gambardella with the VADA updated the Board concerning legislation to support the adoption of electric vehicles (EVs), including EV mandates and incentives for EV purchases. She also noted that the test drive bill, sponsored by Delegate Danica Roem, was amended to address the concerns the Board had discussed at its January meeting. She thanked Delegate Roem for working with the dealers on the bill.

**VIADA:** Alvin Melendez indicated that the “VIADA considers the test drive bill to be discriminatory against auto dealers. Alvin further stated that, “If a locality is having issues with speeders, they should install traffic cameras and conduct a study to see who the speeders are and then come to a more reasonable solution.”

**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.

**EXECUTIVE DIRECTOR’S REPORT** – No report.

The next meeting will be on May 10, 2021.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the meeting at 11:06 a.m.