

Meeting Summary
Motor Vehicle Dealer Board
Monday, May 10, 2021

Chairman Rick Holcomb called the Dealer Board meeting to order at 9:21 a.m. This meeting was conducted virtually using the GoToMeeting video conferencing application. The roll was called and there were 15 Board members present. Present were Dan Banister, David Duncan, Dennis Ellmer, Steve Farmer, Rob Fisher, Randy Harris, Ron Kody, Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi, Maurice Slaughter, Don Sullivan and Andrew Wiley. (Absent: Ted Bailey, Michael Bor, Liza Borches, Gardner Britt). Executive Director William Childress, Rick Sipe, Lisa Mack-Nelson 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 March 8, 2021 meeting summary was approved.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee:

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

Tabled Issue: Abraham's Autos and Mildred Bruce. 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 Abraham's Autos and Mildred Bruce for alleged violations of Va. Code sections §§ 46.2-1529, 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 Abraham's Autos and Mildred Bruce: Assessed a civil penalty of \$2,375.00; and revoke all licenses, certificates and qualifications issued by the Board to Abraham's Autos and Mildred Bruce. The Board mandates that Mildred Bruce hereby be assessed a civil penalty of \$2,375.00, and all licenses, certificates and qualifications issued by the Board to Abraham's Autos and Mildred Bruce are hereby revoked.

Rob Fisher seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Virginia Auto Sales, LLC and Muhammad Junaid Bashir. 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 and a satisfactory inspection against Virginia Auto Sales, LLC and Muhammad Bashir. Muhammad Bashir appealed the Board's decision and requested a formal hearing that was conducted on March 3, 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 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 Motor Vehicle Dealer Board field representative by August 10, 2021 and that inspection shall be satisfactory. The Board mandates that Virginia Auto Sales and Muhammad Bashir 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 August 10, 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 and Muhammad Bashir successfully comply with the Board's mandates.

Rob Fisher 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 action items were on the agenda for the committee to consider.

Transaction Recovery Fund Committee

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

OLD BUSINESS

2-Day Dealer-Operator Course Contract. William Childress reported that he had made revisions to the contract as directed by the Board during the March 2021 meeting. A summary of the changes follows:

1. Increased the registration fee for the course to **\$385.00** (old fee \$325.00) when registering at least two weeks or more before the course start date
2. Increased the registration fee for the course to **\$435.00** (old fee \$375.00) when registered within two weeks of the course start date
3. In addition to the course registration fee, each registrant will pay an additional **\$50.00** (old fee \$35.00) at the time of registration, which will go to the MVDB
4. In section D (Course Specifics)
 - a. D-1, removed the word "**exclusively**"
 - b. D-2 , added language that requires compliance with any applicable Executive Order issued by the Governor
 - c. D-2, established maximum class size of **50** when **two instructors** are teaching the class, and a maximum of **30** with one **instructor**

- d. D-3, increased the maximum number of times the class can be taught in year from 24 to **28** times
- 5. In Section G (Contract Term and Termination)
 - a. G-1, changed the expiration date of the upcoming to June 30, 2023
 - b. G-1 change allows the Board until March 31 to advise the VIADA whether or not it accept VIADA's intent to renew the contract once properly notified of their intent to renew

Motion was made by Andrew Wiley to approve the changes in the 2-Day Dealer-Operator Course Contract as written. David Duncan seconded. The motion carried unanimously.

Salesperson Licensing Update. Committee Chair Ron Kody informed the Board that salesperson licensing testing is keeping up with the demand and he expressed his appreciation for the support provided by the DMV. He informed the Board that starting on May 12, 2021 salesperson testing at the old Sterling CSC will take place between 1:00 and 5:00 pm.

Diversity - Different Languages for MVDB Testing. Chairman Holcomb reminded the Board that that the DMV offers various test to customer is approximately 26 different languages. He would like the Board to explore the possibility of offering tests in different languages. Chairman Holcomb appointed Ron Kody to lead a study of offering test in different languages. Dan Banister and William Childress were designated to work with Ron Kody.

Dealer Portal Update. William Childress informed the Board that Vendor E's proposal was received and that he wanted to the Board to consider a separate meeting to review all of the dealer portal proposals, and discuss the Board's budget since the portal will have an effect on the budget. Chairman Holcomb mentioned an Executive Session may be the proper protocol parts of the discussion. Chairman Holcomb tasked Christian Parrish and William Childress to review the administrative process and take the appropriate steps to ensure the proper protocols are in place for July's meeting. Christian indicated that he and William will discuss the upcoming July meeting and decide whether or not an Executive Session is needed.

Legislative Updates – VADA and VIADA

VADA: Anne Gambardella informed the Board that recently passed legislation made some significant changes to the overtime rules in Virginia that will impact dealerships. The auto specific exemptions for salespersons, parts men and mechanics were not included in the Virginia Overtime Wage Act. As of July 1, 2021 they will not have those automatic exemptions.

VIADA: Alvin Melendez echoed Ann Gambardella's comments on behalf of the VIADA. He is gathering more information for his dealership community.

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

NEW BUSINESS

NEW BUSINESS FROM THE FLOOR – Chairman Holcomb informed the Board that Governor Northam had announced that COVID-19 infections were down and vaccinations are up. If this continues, he will lift all restrictions by June 15; therefore, the Board could possibly meet in person at the July meeting. Depending on distancing requirements, the Board may have to meet in one of the large training rooms. Chairman Holcomb discussed vaccinations the fact that Board members may feel more comfortable knowing the ratio of those vaccinated versus those not vaccinated. Christian Parrish will check on the legality of Board members providing their vaccination status. If legal, William Childress will work with Vivian Cheatham (Chairman Holcomb's Executive Secretary) to anonymously collect the data. With the possibility of the Governor lifting restrictions by June 15, William Childress asked the Board when the Board staff will resume enforcing posted operating hours for dealerships. After some discussion Chairman Holcomb deferred this matter until the July meeting.

EXECUTIVE DIRECTOR'S REPORT – William Childress informed the Board that during the pandemic, two part-time field reps retired, and one full-time field rep is retiring effective July 1, and one main office full-time position was vacant as of April 2, 2021. He also informed the Board that some good administrative changes put in place during the pandemic would continue. Electronic salesperson applications, administrative hearings (dealer has option to request in person hearing) and electronic inspections are a few of the items.

UPDATE: DMV'S NEW NORMAL – Chairman Holcomb informed the Board that 78% of DMV's customers liked the appointment system, and appointments will be continue when things return to normal. He also informed the Board that more windows will open, thus allowing DMV to provide more appointment opportunities.

The next meeting will be on July 12, 2021.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the meeting at 10:18 a.m.