

Meeting Summary
Dealer Practices Committee
Monday March 8 2021

Chairman Ron Kody called the Dealer Practices Committee meeting to order at 9:00 a.m. This meeting was conducted virtually using the GoToMeeting video conferencing application. Present were Committee members: Gardner Britt, Steve Farmer, Rob Fisher, Randy Harris, Geoff Malloy, Chris Maher, Mark Riblett, Senior Saghafi and Andrew Wiley. (Absent: Michael Bor, Liza Borches). Other Board members present: Rick Holcomb, Ted Bailey, Dan Banister, David Duncan, Randy Harris, Maurice Slaughter, Don Sullivan. Executive Director William Childress, Rick Sipe, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The January 11, 2021 meeting summary was approved.

PUBLIC COMMENT

No public comment.

OLD BUSINESS

There was no old business.

OLD BUSINESS FROM THE FLOOR

No old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

301 Auto Sales & Service and Victor L. Carter. On December 10, 2020, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$500 and a satisfactory inspection.

Mr. Carter participated and spoke on his own behalf.

Steve Farmer moved to accept the hearing officer's recommendation of assessing a \$500 civil penalty and a satisfactory inspection. Rob Fisher seconded. The motion carried unanimously.

Abraham's Autos and Mildred Bruce. On February 23, 2021, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1537, 46.2-1539 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$4,750 and revocation of all licenses and certificates.

Ms. Bruce participated and spoke on her own behalf.

Chris Maher moved to table this issue until the May meeting so that Ms. Bruce could submit an action plan to the Board detailing actions she plans to take to ensure her dealership will comply with the Motor Vehicle Dealer laws. The action plan is due to the Executive Director within 45 days. The Board will consider this plan when they review Abraham's Autos' case in May. Rob Fisher seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Midtown Motors, Inc. and John Forney. Historical Overview leading up to the formal hearing: On July 23, 2020, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1550. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$250. At the September 14, 2020 Committee and Full Board Meetings, the Board adopted a resolution, per your request, to table your issue to the November Board Meeting, due to unforeseen circumstances on your behalf. On October 15, 2020 and November 5, 2020, staff emailed Mr. Forney a reminder of the November 9, 2020 Board Meeting and offered assistance on how to participate in GoToMeeting.com. At the November 9, 2020 Committee and Full Board Meetings, the Board adopted a resolution assessing a civil penalty of \$250. On December 22, 2020, Mr. Forney appealed for a formal hearing. On January 28, 2021, a formal hearing was conducted to address the alleged violations. Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$500.

Motion was made by Chris Maher to accept the hearing officer's recommendation of assessing a \$500 civil penalty. Rob Fisher seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

No new business from the floor.

NEXT MEETING

The next meeting is on May 10, 2021.

The meeting adjourned at 9:49 a.m.