

Meeting Summary
Transaction Recovery Fund Committee
Monday, July 12, 2021

Chairman Chris Maher called the Transaction Recovery Fund Committee meeting to order at 9:10 a.m. This meeting was held at the DMV Headquarters Building in Conference Room 702, 2300 W. Broad St., Richmond, Virginia 23220. Roll call confirmed the following Committee members being present: Steve Farmer, Rob Fisher, Geoff Malloy, Mark Riblett, Maurice Slaughter, Don Sullivan and Andrew Wiley. Those absent included Dan Banister, Michael Bor, Dennis Ellmer and Ron Kody. Other Board members present: Rick Holcomb, Ted Bailey, Gardner Britt, Randy Harris, Senior Saghafi. Executive Director William Childress, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

9:11 a.m. Steve Farmer moved, pursuant to Virginia Code Section 2.2-3712, for this committee to go into closed session to discuss matters exempt under 2.2-3711(A)(7) and (8), specifically to receive legal advice from counsel regarding legal requirements and board obligations pursuant to Virginia Code Section 46.2-1527.3 regarding legal requirements related to the Motor Vehicle Transaction Recovery Fund as well as the boards legal obligation as to the payment of such funds. Mark Riblett seconded. The motion carried unanimously.

10:40 a.m. Steve Farmer moved to bring the Transaction Recovery Committee out of closed session. Mark Riblett seconded. The motion carried unanimously. Roll call of committee members unanimously confirmed that only business matters identified in the motion were heard, discussed or considered in the closed meeting.

The May 10, 2021 meeting summary was approved.

PUBLIC COMMENT – No public comment.

OLD BUSINESS – No old business.

OLD BUSINESS FROM THE FLOOR – No old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Aaron Osei-Amoah vs. Leckner Cars, LLC. On June 15, 2021, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1527.3 against Leckner Cars, LLC. Based on the information provided at the conference, the hearing officer recommended approval of payment to Aaron Ose-Amoah in the amount of \$21,757.60 from the Recovery Fund. Christian Parrish verified that the claim meets all the statutory requirements.

Steve Farmer moved to accept the hearing officer's recommendation. Rob Fisher seconded. The motion carried unanimously.

Christopher Garmer vs. Easy Motors. On June 15, 2021, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1527.3 against Easy Motors. Based on the information provided at the conference, the hearing officer recommended approval of payment to Christopher Garmer in the amount of \$25,000.00 from the Recovery Fund.

Rob Fisher moved to pay Christopher Garmer \$19,862.84 (25,000.00 - 5,137.16 (punitive damages and lost wages)) from the Transaction Recovery Fund. Christian Parrish verified that the fund does not cover punitive damages and lost wages. Don Sullivan seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Anthony R. McDaniel and Washington Motorcars – Historical Overview leading up to the formal hearing: On December 29, 2020, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1527.3 against Washington Motorcars. Based on the information provided at the conference, the hearing officer recommended denial of payment to Anthony R. McDaniel in the amount of \$22,162.54 from the Recovery Fund. Colin F. Smith, Esq., spoke on behalf of Mr. McDaniel. A motion was made by Dan Banister to accept the hearing officer's recommendation and deny Mr. McDaniel's claim of \$22,162.54. Maurice Slaughter seconded. The motion carried unanimously. On February 3, 2021, Mr. McDaniel's attorney, Colin F. Smith, Esquire, appealed for a formal hearing. On June 9, 2021, a formal hearing was conducted to address the above alleged violations against Washington Motorcars. Based on the information provided at the hearing, the hearing officer recommended denial of payment to Anthony R. McDaniel in the amount of \$22,162.54 from the Recovery Fund. The claim does not meet the statutory conditions for payment from the Fund.

Colin Smith, Esquire, attorney for Mr. McDaniel, spoke on behalf of his client.

Andrew Wiley moved to approve the hearing officer's recommendation and deny Mr. McDaniel's claim of \$22,162.54. Steve Farmer seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR – No new business from the floor.

NEXT MEETING

September 13, 2021

The Transaction Recovery Fund committee meeting adjourned at 11:29 a.m.