

Meeting Summary  
**Motor Vehicle Dealer Board**  
Monday, July 11, 2022

Board Chair Linda Ford called the Dealer Board meeting to order at 11:01 a.m. This meeting was conducted at the Department of Motor Vehicles, 2300 W. Broad Street, Executive Conference Room 702, Richmond, Virginia. Roll call confirmed the following members being present: Ted Bailey, Dan Banister, Ron Kody, Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi, Don Sullivan and Andrew Wiley. Those absent included Michael Bor, Liza Borches, Gardner Britt, David Duncan, Dennis Ellmer, Rob Fisher and Maurice Slaughter. Executive Director William Childress, Lisa Mack-Nelson, Ann Majors and Micah Bailey represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

**The May 9, 2022 meeting summary was approved.**

**PUBLIC COMMENT** – No public comment.

**STATUTORY COMMITTEE REPORTS**

**Dealer Practices Committee**

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

**Request for Variance in Hours:**

**Jerry's Auto Service and Sales and Jerry E. Farmer.**

Motion was made by Ron Kody to allow Mr. Farmer's request for a variance in hours. Geoff Malloy seconded. The motion carried unanimously.

**Review and Action: Informal Fact-Finding Conferences:**

**Proauto Expo, Inc. and Talha Chaudhry.** 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 Proauto Expo and Talha Chaudhry for alleged violations of Va. Code Sections 46.2-1529, 46.2-1537, 46.2-1548, 46.2-1575 (2) and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Proauto Expo and Talha Chaudhry: Assessed a civil penalty of \$27,100.00; and Proauto Expo shall be inspected by a Motor Vehicle Dealer Board field representative by October 11, 2022 and that inspection shall be satisfactory; and Talha Chaudhry shall successfully complete the dealer-operator course by January 11, 2023. The Board mandates that Talha Chaudhry hereby be assessed a civil penalty of \$27,100.00; and the Proauto Expo dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 11, 2022, and Talha Chaudhry shall successfully complete the dealer-operator course by January 11, 2023. 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 Proactive Expo dealership and Tahla Chaudhry successfully complies with the Board's mandates.

Nichols Gehrig, attorney, spoke on behalf of his client, Mr. Chaudhry.

Chris Maher seconded. All in favor: 9 (Bailey, Banister, Kody, Maher, Malloy, Riblett, Saghafi, Wiley, Ford). Opposed: 1 (Sullivan). The motion carried.

**DC Motors, LLC and Jacob Haworth.** 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 DC Motors and Jacob Haworth for alleged violations of Va. Code Sections 46.2-1529, 46.2-1542, 46.2-1559 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against DC Motors and Jacob Haworth: Assessed a civil penalty of \$14,700.00; and DC Motors shall be inspected by a Motor Vehicle Dealer Board field representative by August 11, 2022 and that inspection shall be satisfactory; and Jacob Haworth shall successfully complete the dealer-operator course by January 11, 2023. The Board mandates that Jacob Haworth hereby be assessed a civil penalty of \$14,700.00, and issued a written warning regarding 46.2-1575 (6); and the DC Motors dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before August 11, 2022; and Jacob Haworth shall successfully complete the dealer-operator course by January 11, 2023. 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 DC Motors dealership and Jacob Haworth successfully complies with the Board's mandates.

Todd Roberson, former employee, again spoke on the illegal issues that were still going on at DC Motors, LLC.

Linda Ford, DMV Commissioner informed the members that DMV criminal charges are pending from their investigation and a DMV PoD hearing is scheduled to shut off their access of the system.

Don Sullivan seconded. The motion carried unanimously.

**Mega Auto Outlet, LLC and Rukhsana Akbar.** 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 Mega Auto Outlet and Rukhsana Akbar for alleged violations of Va. Code Sections 46.2-1529, 46.2-1539, 46.2-1542 (A), 46.2-1548, 46.2-1550 (2) and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Mega Auto Outlet and Rukhsana Akbar: Assessed a civil penalty of \$31,250.00; and Mega Auto Outlet shall be inspected by a Motor Vehicle Dealer Board field representative by October 11, 2022 and that inspection shall be satisfactory; and Rukhsana Akbar shall successfully complete the dealer-operator course by January 11, 2023; and Strongly recommends that Faiz Akbar attends and completes the dealer-operator course. That the Board mandates that Rukhsana Akbar hereby be assessed a civil penalty of \$31,250.00; and the Mega Auto Outlet dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 11, 2022; and Rukhsana Akbar shall successfully complete the dealer-operator course by January 11, 2023; and strongly recommended that Faiz Akbar successfully complete the dealer-operator course. 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 Mega Auto Outlet dealership and Rukhsana Akbar successfully complies with the Board's mandates.

Don Sullivan seconded. The motion carried unanimously.

**Full Circle Automotive Group, LLC and Jerell Bailey.** 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 Full Circle Automotive Group and Jerell Bailey for alleged violations of VA. Code Sections 46.2-1529, 46.2-1539, 46.2-1559 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Full Circle Automotive Group and Jerell Bailey: Assessed a civil penalty of \$32,200.00; and Full Circle Automotive Group shall be inspected by a Motor Vehicle Dealer Board field representative by October 11, 2022 and that inspection shall be satisfactory; and Suspension of all licenses and certificates issued to Jerell Bailey and the Full Circle Automotive Group by the Board until Jerell Bailey successfully completes the dealer-operator course. The Board mandates that Jerell Bailey hereby be assessed a civil penalty of \$32,200.00; and the Full Circle Automotive Group dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 11, 2022; and all licenses and certificates issued by the Board to Jerell Bailey and the Full Circle Automotive dealership shall be suspended until Jerell Bailey successfully completes the dealer-operator course. 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 Full Circle Automotive Group dealership and Jerell Bailey successfully complies with the Board's mandates.

Andrew Wiley seconded. The motion carried unanimously.

Linda Ford, DMV Commissioner indicated that this dealership has been referred for a DMV PoD hearing to shut off their access of the system.

**KP's Cars, LLC and Kevin W. Pollard.** 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 KP's Cars and Kevin Pollard for alleged violations of VA. Code Sections 46.2-1529, 46.2-1537 and 46.2-1539. Based on due consideration, the Board believes that the following actions should be taken against KP's Cars and Kevin Pollard: Assessed a civil penalty of \$4,800.00; and KP's Cars shall be inspected by a Motor Vehicle Dealer Board field representative by October 11, 2022 and that inspection shall be satisfactory; and Kevin Pollard shall successfully complete the dealer-operator course by January 11, 2023. The Board mandates that Kevin Pollard hereby be assessed a civil penalty of \$4,800.00; and the KP's Cars dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 11, 2022; and Kevin Pollard shall successfully complete the dealer-operator course by January 11, 2023. 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 KP's Cars dealership and Kevin Pollard successfully complies with the Board's mandates.

Senior Saghafi seconded. The motion carried unanimously.

### **Licensing Committee**

Full Board Vice-Committee Chair Kody reported that a quorum was not in place. Committee will meet again on September 12, 2022.

### **Advertising Committee**

Vice-Committee Chair Bailey reported quorum in place; however, no discussions or actions were on the agenda for the committee to discuss or consider.

## **Transaction Recovery Fund Committee**

Committee Chair Maher summarized discussions held and actions taken during the Committee Meeting.

### **Review and Action: Informal Fact-Finding Conferences:**

**Amesia Franklin vs. Autovision, LLC.** Committee Chair Maher summarized for the Board the discussion held in the committee meeting regarding Amesia Franklin vs. Autovision, LLC. Based on that discussion and the recommendations in this case, Chairman Maher made the following motion: Pursuant to Section 46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the claim in the amount of \$25,000 should be payable from the Fund.

Dan Banister seconded. The motion carried unanimously.

**Samuel A. Pierre, II vs. Motor Maxx, Inc. and Morgan McCarthy.** Committee Chair Maher summarized for the Board the discussion held in the committee meeting regarding Samuel A. Pierre, II vs. Motor Maxx, Inc. and Morgan McCarthy. Based on that discussion and the recommendations in this case, Chairman Maher made the following motion: Pursuant to Section 46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the claim in the amount of \$12,855.90 should be payable from the Fund.

Geoff Malloy seconded. The motion carried unanimously.

### **OLD BUSINESS:**

**UPDATE: Dealer Portal Update.** William Childress briefed the Board members regarding the May kick-off meeting with the Dealer Portal vendor (System Automation). The kick-off meeting was ceremonial and allowed System Automation the opportunity to introduce their project team to MVDB staff, DMV IT staff and Board members (those able to participate). An unknown glitch in the system prevented many from participating in the meeting, especially those outside of state government. The kickoff meeting was successful. William will provide the Board with status updates. The portal is scheduled to be operational by September/October 2023, but could be sooner.

**UPDATE: HB 316** – William Childress briefed the Board members that the Board staff approved the VIADA’s independent dealer-operator recertification application on May 23, 2022. The Board approved Compass Systems’ and JTZ’s applications during the May Board meeting. This legislation went into effect July 1, 2022 and during the May Board meeting, the Board delegated the authority to William to approve the VIADA application upon the application meeting all requirements. William reminded Board members that this recertification program is for independent dealers only.

### **Legislative Updates – VADA and VIADA**

**VADA:** Anne Gambardella offered no input at this time.

**VIADA:** Alvin Melendez offered no input at this time.

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

**NEW BUSINESS**

Deficiency Provision Acknowledgment Form – William Childress briefed the Board of his annual requirement to ensure that the Board does not spend beyond its means. A copy of the document was provided to all Board members and will be presented to all incoming members.

NAMVBC Fall Workshop, Nashville TN – William Childress requested approval to attend this Fall Workshop of his peers.

Motion was made by Chris Maher approving funding and allow William to attend the workshop in Nashville, TN. Ted Bailey seconded. The motion carried unanimously.

**NEW BUSINESS FROM THE FLOOR** – Andrew Wiley informed the Board that Chris Maher was elected to serve on the Board of the National Independent Automobile Dealers Association. Mr. Maher’s accomplishment was celebrated by the Board.

**EXECUTIVE DIRECTOR’S REPORT** – William Childress updated the Board members that the price increase authorized by the Board in September 2021, that went into effect on December 2021. The price increase is being used to offset the agency’s increase in rent (20%) and help pay the 5% increase in employee salaries. The increase in fees is funding the dealer portal and will also fund the maintenance of the dealer portal once the system is in place and paid for.

The next meeting will be on September 12, 2022.

There being no further business to come before the Motor Vehicle Dealer Board, Full Board Chair Linda Ford adjourned the Full Board meeting at 11:58 a.m.