

Meeting Summary  
**Motor Vehicle Dealer Board**  
Monday, September 12, 2022

Board Vice Chair Ron Kody called the Dealer Board meeting to order at 10:30 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: Jeff Ballard, Dan Banister, Michael Bor, Gardner Britt, Trevor Coley, Dennis Ellmer, Rob Fisher, David Lynn, Chris Maher, R. J. Robinson, Maurice Slaughter and Andrew Wiley. Those absent included Full Board Chair Linda Ford, Tom Bates, Geoff Malloy and Nick Rush. 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.

Ron Kody welcomed the new members - Jeff Ballard, Trevor Coley, David Lynn and R. J. Robinson. All members introduced themselves and shared their backgrounds (position, dealership, number of years in the business).

**The July 11, 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.

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

**Econo Auto, Inc. and Rasoul G. Paykar #35329.** 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 Econo Auto and Rasoul Paykar for alleged violations of Virginia Code sections §46.2-1529, 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Econo Auto and Rasoul Paykar: Assessed a civil penalty of \$4,850.00; and Econo Auto shall be inspected by a Motor Vehicle Dealer Board field representative and that inspection shall be satisfactory. The Board mandates that Rasoul Paykar hereby be assessed a civil penalty of \$4,850.00, and the Econo Auto dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before December 14, 2022. 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 Econo Auto dealership and Rasoul Paykar successfully complies with the Board's mandates.

Rob Fisher seconded. All in favor: 12 (Kody, Ballard, Banister, Bor, Britt, Coley, Ellmer, Fisher, Lynn, Robinson, Slaughter and Wiley). Opposed: 1 (Maher). The motion carried.

**Car Web and Farshad Fakhriyazdi #53460.** 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 Car Web and Farshad Fakhriyazdi for alleged violations of Virginia Code sections §46.2-1529, 46.2-1539, 46.2-1542 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Car Web and Farshad Fakhriyazdi: Assessed a civil penalty of \$4,150.00; and Farshad Fakhriyazdi shall successfully complete the dealer-operator course by March 12, 2023. The Board mandates that Farshad Fakhriyazdi hereby be assessed a civil penalty of \$4,150.00 and Farshad Fakhriyazdi shall successfully complete the dealer-operator course by March 12, 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 Farshad Fakhriyazdi successfully complies with the Board's mandates.

Mr. Melendez (VIADA) spoke on behalf of Mr. Fakhriyazdi.

Rob Fisher seconded. All in favor: 0. Opposed: (Kody, Maher, Ballard, Banister, Bor, Britt, Coley, Ellmer, Fisher, Lynn, Robinson, Slaughter and Wiley). The motion failed.

Chris Maher moved to accept the hearing officer's recommendation (a civil penalty of \$4,150.00) and to successfully complete the Dealer-Operator course. Dennis Ellmer seconded. The motion carried unanimously.

**Auto Alvand Imports, LLC and Hossein Maghsoudi #44881.** 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 Auto Alvand Imports and Hossein Maghsoudi for alleged violations of Virginia Code sections §46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Auto Alvand Imports and Hossein Maghsoudi: Assessed a civil penalty of \$1,250.00; and Auto Alvand Imports shall be inspected by a Motor Vehicle Dealer Board field representative and that inspection shall be satisfactory; and Hossein Maghsoudi shall successfully complete the dealer-operator course by March 12, 2023. The Board mandates that Hossein Maghsoudi hereby be assessed a civil penalty of \$1,250.00; and the Auto Alvand Imports dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before December 12, 2022; and Hossein Maghsoudi shall successfully complete the dealer-operator course by March 12, 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 Auto Alvand Imports dealership and Hossein Maghsoudi successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

**Review and Action: Formal Hearing:**

**South America Motors, Inc. and Elva Benites #51706.** 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 \$7,750.00 civil penalty to Elva Benites, a satisfactory inspection of the South America Motors dealership, and required Elva Benites to successfully complete the 2-day dealer operator course during the March 14, 2022 Board meeting. Elva Benites appealed the Board's decision on April 5, 2022 and requested a formal hearing that was conducted on June 28, 2022. The Board has reviewed and considered the facts and evidence and the report of the Formal Hearing as prepared by the hearing officer

concerning South America Motors and Elva Benites for alleged violations of Virginia Code sections § 46.2-1529, 46.2-1559 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against South America Motors and Elva Benites: Assessed a civil penalty of \$8,000; and the South America Motors dealership shall be inspected by Motor Vehicle Dealer Board field representative by December 12, 2022 and that inspection shall be satisfactory; and Elva Benites shall successfully complete the 2 day dealer-operator course by March 12, 2023. The Board mandates that South American Motors and Elva Benites hereby be assessed a civil penalty of \$ 8,000.00; and the South America Motors dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before December 12, 2022; and Elva Benites shall successfully complete the dealer-operator course by March 12, 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 South America Motors dealership and Elva Benites successfully complies with the Board's mandates.

R. J. Robinson seconded. The motion carried unanimously.

**ABC Motors and Naftali Lev #53162.** 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, during its March 14, 2022 Board meeting, the Motor Vehicle Dealer Board assessed a \$60,000.00 civil penalty against ABC Motors and Naftali Lev, in addition to requiring a satisfactory inspection of the ABC Motors dealership and requiring that Naftali Lev successfully complete the 2-day dealer-operator class. Naftali Lev appealed the Board's decision on April 12, 2022 and requested a formal hearing that was conducted on June 28, 2022. The Board has reviewed and considered the facts and evidence and the report of a formal hearing as prepared by the hearing officer concerning ABC Motors and Naftali Lev for alleged violations of Virginia Code sections 46.2-1529, 46.2-1537, 46.2-1542 (B), 46.2-1559 and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against ABC Motors and Naftali Lev: Assessed a civil penalty of \$10,000; and The ABC Motors dealership shall be inspected by Motor Vehicle Dealer Board field representative by October 18, 2022 and that inspection shall be satisfactory. The Board mandates that ABC Motors and Naftali Lev hereby be assessed a civil penalty of \$10,000; and the ABC Motors dealership shall be inspected by Motor Vehicle Dealer Board field representative on or before October 18, 2022 and that inspection shall be satisfactory. 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 ABC Motors dealership and Naftali Lev successfully complies with the Board's mandates.

Jeff Ballard seconded. All in favor: 7 ((Ballard Banister, Bor, Coley, Maher, Robinson, Slaughter). Opposed: 6 (Britt, Ellmer, Fisher, Kody, Lynn, Wiley). The motion carried.

**Kar Mart, LLC and Dennis J. Rogers #54886.** 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, during its May 9, 2022 Board meeting, the Motor Vehicle Dealer Board assessed a \$38,050.00 civil penalty revocation of all licenses and certificates issued by the Board to Kar Mart, LLC and Dennis Rogers. Dennis Rogers appealed the Board's decision on June 6, 2022 and requested a formal hearing that was conducted on July 27, 2022. The Board has reviewed and considered the facts and evidence and the report of a formal hearing as prepared by the hearing officer concerning Kar Mart and Dennis Rogers for alleged violations of Virginia 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 Kar Mart LLC and Dennis Rogers: Assessed a

civil penalty of \$38,050.00. The Board mandates that Kar Mart and Dennis Rogers hereby be assessed a civil penalty of \$38,050.00.

Rob Fisher seconded. The motion carried unanimously.

### **Licensing Committee**

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

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

**Abdul A. Nahibkhal, Owner/Operator, Blue Ridge Auto Sales #42194.** Maurice Slaughter 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 Abdul Ahad Nahibkhal for alleged violations of Virginia Code sections §46.2-1575 (6) and (13). Based on due consideration, the Board believes that the following actions should be taken against Abdul Ahad Nahibkhal: Assessed a civil penalty of \$5,000.00; and revoke all licenses and certificates issued by the Board to Abdul Ahad Nahibkhal. The Board mandates that Abdul Ahad Nahibkhal be assessed a civil penalty of \$5,000.00, and revoke all licenses and certificates issued by the Board to Abdul Ahad Nahibkhal.

Rob Fisher seconded. All in favor: 12 (Kody, Ballard, Banister, Bor, Britt, Coley, Ellmer, Fisher, Lynn, Robinson, Slaughter and Wiley). Opposed: 1 (Maher). The motion carried.

### **Advertising Committee**

Committee Andrew Wiley reported quorum in place; however, no discussions or actions were on the agenda for the committee to 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:**

**Margie S. Stewart vs. Mahmoud Rezaassa, Easy Motors #38437.** Committee Chair Maher made the following motion: Pursuant to Virginia Code § 46.2-1527.1 et seq. which is known as the Motor Vehicle Transaction Recovery Fund (Fund), the Board has reviewed and considered claims for payment from the Fund, and the recommendations of the Hearing Officer on the claims. Based on due consideration and the recommendation of the Hearing Officer, the Board approves and acknowledges that Margie S. Stewart's claim should be payable from the fund. The Board hereby approves and reaffirms the payment in the amount of \$4,369.00 to Margie S. Stewart from the fund.

Rob Fisher seconded. The motion carried unanimously.

## **OLD BUSINESS:**

**UPDATE: Dealer Portal Update.** For the knowledge of the new members, William Childress provided a brief history of the dealer portal and emphasized that the dealer portal will help bring the MVDB and dealer community into the technology era. It is envisioned that the portal will reduce the use of mail services (U.S. and overnight), allow for many same day transactions and will be more efficient. The system is scheduled to go live during the last quarter of calendar year 2023.

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

**VADA:** Ann Gambardella indicated that there was nothing at this time.

**VIADA:** Alvin Melendez indicating nothing at this time; however, he did speak on the civil penalty assessed against Mr. Rasoul G. Paykar of Econo Auto, Inc. He indicated he thought it was too harsh of a penalty.

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

## **NEW BUSINESS:**

**NEW BUSINESS FROM THE FLOOR** – Dennis Ellmer brought up the subject of holding Board meetings on a Tuesday rather a Monday due to certain holidays, such as Mother's Day in particular. A few members agreed and a general discussion followed. Roll was taken to determine who wanted a Monday meeting and who wanted a Tuesday meeting. Monday 8 (Ballard, Banister, Bor, Coley, Fisher, Lynn, Maher, Robinson). Tuesday: 4 (Britt, Ellmer, Kody, Wiley). Abstained: 1 (Slaughter). Monday will continue to be the meeting day. William Childress promised that the Board's meeting schedule for 2023 will be provided at the November meeting. William also will schedule future meetings that follow Sunday holidays like Mother's Day to the third Monday.

**EXECUTIVE DIRECTOR'S REPORT** – William Childress spoke to Tabs 9 and 10, which involved 2 salespersons cases referencing violations of VA Code Section 45.2-1575 (13) (Tab 9) and 46.2-1550 (Tab 10). William reminded Board members that he has the authority (as delegated by the Board) to make decisions based on the hearing officer's recommendations. When such decisions are made, William is required to share them with the Board. In these two cases, the information presented clearly warranted no action be taken against the dealer or salesperson.

The next meeting will be on November 14, 2022.

There being no further business to come before the Motor Vehicle Dealer Board, Full Board Vice Chair Ron Kody adjourned the Board meeting at 11:34 a.m.