

Meeting Summary
Dealer Practices Committee
Monday March 14, 2022

Before the meeting started Executive Director William Childress introduced Linda Ford as the new Board Chair. She provided those in attendance with a brief background of herself. William had the Board members introduce themselves and share their background.

Committee Chair Ron Kody called the Dealer Practices Committee meeting to order at 9:00 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 Committee members being present: Steve Farmer, Rob Fisher, Chris Maher, Geoff Malloy, Senior Saghafi and Andrew Wiley. Those absent included Michael Bor, Liza Borches, Gardner Britt and Mark Riblett. Other Board members present: Linda Ford (Chair), Dan Banister, David Duncan, Dennis Ellmer, Maurice Slaughter. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 8, 2021 meeting summary was approved. NOTE: There was no January 2022 Board meeting.

PUBLIC COMMENT – There was no public comment.

OLD BUSINESS – There was no old business.

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

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Harding's Auto Sales, LLC and Brent Harding. On November 4, 2021, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 and 1575(2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750.00, satisfactory inspection and successfully complete the 2-day Dealer-Operator course.

Mr. Harding was present and indicated that he agreed with the hearing officer's recommendation. He stated he has hired an additional employee to help where needed to ensure the business runs correctly.

Motion was made by Rob Fisher to accept the hearing officer's recommendation of assessing a civil penalty of \$750.00, a satisfactory inspection and to successfully complete the 2-day Dealer-Operator course. Andrew Wiley seconded. The motion carried unanimously.

ABC Motors, LLC and Naftali Lev. On January 25, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 1537 and 1559. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$60,000.00 and a satisfactory follow-up inspection. Should that inspection not be satisfactory, suspension is warranted.

Mr. Lev was present and spoke on his own behalf. Mr. Hollis Parker spoke on behalf of Mr. Lev as well.

Motion was made by Chris Maher to accept the hearing officer's recommendation of assessing a \$60,000.00 civil penalty and a satisfactory follow-up inspection. Steve Farmer seconded. The motion carried unanimously.

South America Motors, Inc. and Elva Benites. On January 11, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 1559 and 1575(2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$7,750.00, satisfactory inspection and successfully complete the 2-day Dealer-Operator course.

Motion was made by Rob Fisher to accept the hearing officer's recommendation of assessing a civil penalty of \$7,750.00, satisfactory inspection and to successfully complete the 2-day Dealer-Operator course. Andrew Wiley seconded. The motion carried unanimously.

E and E Auto Sales, LLC and Markeese Johnson. On January 19, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 1537 and 1559. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$6,100.00, satisfactory inspection within 90 days and successfully complete the 2-day Dealer-Operator course.

Mr. Johnson was present and agreed with the hearing officer's recommendation.

Motion was made by Chris Maher to accept the hearing officer's recommendation of assessing a civil penalty of \$6,100.00, satisfactory inspection within 90 days and to successfully complete the 2-day Dealer-Operator course. Steve Farmer seconded. All in favor: 6 (Farmer, Fisher, Maher, Malloy, Saghafi and Wiley). Opposed: 1 (Kody) Mr. Kody indicated that he will explain during Full Board why he opposed. The motion carried.

CarOfMine and Amalfi M. Arias. On January 26, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,000.00.

Mr. Arias was present and spoke on his own behalf. He informed with the Board that times are tough for him and asked the civil penalty be waived.

Motion was made by Chris Maher to reduce the civil penalty to \$500 and to successfully complete the 2-day Dealer-Operator course. Rob Fisher seconded. The motion carried unanimously.

NOTE: Amended motion by Senior Saghafi to add satisfactory inspection. The motion failed due to lack of a second.

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

NEXT MEETING – May 9, 2022

The Dealer Practices committee meeting adjourned at 9:50 a.m.