

Meeting Summary
Dealer Practices Committee
Monday May 9, 2022

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: Michael Bor, Rob Fisher, Chris Maher, Geoff Malloy, Mark Riblett, Senior Saghafi and Andrew Wiley. Those absent included Liza Borches and Gardner Britt. Other Board members present: Linda Ford, Ted Bailey, Dan Banister, Dennis Ellmer, Maurice Slaughter and Don Sullivan. Executive Director William Childress, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The March 14, 2022 meeting summary was approved.

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:

6 Euclid Auto, LLC and Raymond G. Lafon. On March 3, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1559 and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$500.00. Board discussion focused on the recommendation from the hearing officer and is the penalty enough based on the consistent violations committed? Linda Ford indicated that the DMV held a PoD hearing on March 1, 2022 and the dealer's was suspended from using the DMV's PoD system for one year.

Chris Maher moved to assess a \$6,650 civil penalty and for the dealer to successfully complete the 2-day Dealer-Operator course. Mark Riblett seconded. The motion carried unanimously.

Kar Mart, LLC and Dennis J. Rogers. On March 15, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1539, 46.2-1559 and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$38,050.00 and suspension of all licenses pending

payment of the \$38,050.00, satisfactory inspection and successfully complete the 2-day Dealer-Operator course.

Linda Ford indicated that the DMV conducted a PoD hearing on April 27th, but they are still waiting on those results.

Motion was made by Rob Fisher to assess a civil penalty of \$38,050 and revocation of licenses since the dealer failed to participate in any of the hearings (MVDB and DMV's), including the Board Committee and Board meetings. Michael Bor seconded. The motion carried unanimously.

Carplug Automotives, Inc. and Gerald M. Carper. On April 7, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1539, 46.2-1550, 46.2-1559 and 46.2-1575(6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$51,000, satisfactory inspection within 90 days and successful completion of the 2-day Dealer-Operator course.

Gerald Carper was present and spoke on his own behalf. Also in attendance was Matthew McDaniel, an employee of Carplug Automotives, who was hired to help Mr. Carper resolve his issues. Mr. McDaniel indicated he was going to do his best in the assistance of bettering Mr. Carper's business.

Motion was made by Chris Maher to accept the hearing officer's recommendation of assessing a \$51,000 civil penalty and to successfully complete the 2-day Dealer Operator course; however, in addition to a satisfactory inspection within 90 days, he added a follow-up inspection 6 months after the first inspection and a third inspection 9 months after the second inspection. Senior Saghafi seconded. The motion carried unanimously.

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

NEXT MEETING – July 11, 2022

The Dealer Practices committee meeting adjourned at 10:00 a.m.