

Meeting Summary
Dealer Practices Committee
Monday November 14, 2022

Vice-Committee Chair Andrew Wiley called the Dealer Practices Committee meeting to order at 9:03 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: Dan Banister, Gardner Britt, David Lynn, Chris Maher, Geoff Malloy, R.J. Robinson and Nick Rush. Those absent included Michael Bor, Ron Kody, Rob Fisher. Other Board members present: Linda Ford, Jeff Ballard, Tom Bates, Trevor Coley, 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 September 12, 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:

540 Auto and Wali Baluch #50439. On August 30, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,150.00 (\$650.00 for 13 files not available for inspection at \$50.00 each and \$500 for unlawful issuance of temporary plates for the same vehicle) and a satisfactory inspection by December 1, 2022.

Mr. Baluch was present and spoke on his own behalf.

Motion was made by Dan Banister to accept the hearing officer's recommendation of \$1,150 civil penalty, satisfactory inspection on or before December 14, 2022. Gardner Britt seconded. All in favor: 6 (Banister, Britt, Lynn, Malloy Robinson, Wiley). Opposed: 2 (Maher, Rush). The motion carried.

Auto City and Wali Baluch #49427. On September 8, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$3,700.00 (\$3,200 for failing to maintain dealer records for inspection of 64 records at \$50.00 each and \$500 for deceptive practices used to generate

unauthorized PoD tags and temporary tags on multiple occasions for the same sale or customer) and satisfactory inspection within 30 days.

Chris Maher moved to issue a written warning and to successful completion of the 2-day Dealer-Operator course and a follow-up dealership inspection. Nick Rush seconded. All in favor: 2 (Maher, Rush). Opposed: 6 (Banister, Britt, Lynn, Malloy, Robinson, Wiley). The motion failed.

Geoff Malloy moved to accept the hearing officer's recommendation of assessing a civil penalty of \$3,700.00 and a satisfactory inspection. Dan Banister seconded. All in favor: 6 (Banister, Britt, Lynn, Malloy, Robinson, Wiley). Opposed: 2 (Maher, Rush). The motion carried.

Advantage Auto Sale, Inc. and Mohammad Elahi-Mohassel #39039. On October 26, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750.00 and a satisfactory inspection by February 15, 2023.

Chris Maher moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750.00 and a satisfactory inspection on or before February 15, 2023. R. J. Robinson seconded. The motion carried unanimously.

Enterprise Automotive Financial, LLC and Jassam M. Sarhan #45985. On October 18, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,000 and satisfactory inspection within 30 days.

Mr. Sarhan was present and spoke on his own behalf.

Nick Rush moved to accept the hearing officer's recommendation of assessing a civil penalty of \$1,000.00 and a satisfactory inspection within 30 days. Dan Banister seconded. The motion carried unanimously.

El Shaddai Motors and Jose M. Trigueros #38557. On October 25, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 46.2-1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750 and satisfactory inspection within 90 days.

Mr. Trigueros was present and spoke on his own behalf.

Dan Banister moved to accept the hearing officer's recommendation of assessing a civil penalty of \$750 and a satisfactory inspection within 90 days. Nick Rush seconded. The motion carried unanimously.

Royal Motors and Shane Pardis #23678. On October 25, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1510, 46.2-1529, 46.2-1537, 46.2-1539, 46.2-1575 (2) and 46.2-1575 (3). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$2,000 and satisfactory inspection of dealer records with dealer present.

Chris Maher moved to assessing a civil penalty of \$2,000, a satisfactory inspection of dealer records with dealer present and successful completion of the 2-day Dealer-Operator course. R. J. Robinson seconded. The motion carried unanimously.

Review and Action: Formal Hearing:

Mega Auto Outlet, LLC and Rukhsana Akbar #52929. Historical Overview leading up to the Formal Hearing: On June 7, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 46.2-1539, 46.2-1542 (A), 46.2-1548, 46.2-1550 (2) and 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$31,250.00, satisfactory inspection of all records and to successfully complete the 2-day Dealer-Operator course. At the July 11, 2022 Board meeting, the Board adopted a resolution to assess a civil penalty of \$31,250.00, satisfactory inspection on or before October 11, 2022 and to successfully complete the 2-day Dealer-Operator course on or before January 11, 2023. The dealer had until August 15, 2022 to accept or appeal the Decision. On July 18, 2022, Mega Auto Outlet appealed the Decision and requested a Formal Hearing. On August 30, 2022, a formal hearing was conducted to address the alleged violations. Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$28,000.00, satisfactory inspection of dealer records and PoD records and for the General Manager to successfully complete the 2-day Dealer-Operator course.

Fiaz Akbar, General Manager and son of Rukhsana Akbar, spoke on behalf of the dealership. Jennifer Harold (Dealer-Operator) was present.

Motion was made by Nick Rush to accept the hearing officer's recommendation of assessing a civil penalty of \$28,000, satisfactory inspection of dealer records and PoD records and for the General Manager (Fiaz Akbar) to successfully complete the 2-day Dealer-Operator course. Gardner Britt seconded. The motion carried unanimously.

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

NEXT MEETING – January 9, 2023

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