

Transaction Recovery Fund Committee

Monday, July 11, 2022

Committee Chair Chris Maher called the Transaction Recovery Fund Committee meeting to order at 10:17 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, Ron Kody, Geoff Malloy, Mark Riblett, Don Sullivan and Andrew Wiley. Those absent included Michael Bor, Dennis Ellmer, Rob Fisher and Maurice Slaughter. Other Board members present: Linda Ford, Ted Bailey and Senior Saghafi. Executive Director William Childress, Lisa Mack-Nelson, Ann Majors and Micah Bailey represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The May 9, 2022 meeting summary was approved.

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:

Amesia Franklin vs. Autovision LLC – On April 25, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1527.3 against Autovision, LLC. Based on the information provided at the conference, the hearing officer recommended approval of payment to Amesia Franklin in the amount of \$25,000.00 from the Recovery Fund.

Andrew Wiley moved to accept the hearing officer's recommendation of approving payment from the fund in the amount of \$25,000.00 to Amesia Franklin. Dan Banister seconded. The motion carried unanimously.

Samuel A. Pierre, II vs. Motor Maxx, Inc. and Morgan McCarthy – On April 25, 2022, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1527.3 against Motor Maxx, Inc.

and Morgan McCarthy. Based on the information provided at the conference, the hearing officer recommended approval of payment to Samuel A. Pierre in the amount of \$12,855.90 from the Recovery Fund.

Ms. Morgan McCarthy was present and spoke on her own behalf. Ms. McCarthy was the salesperson who conducted the deal for Mr. Pierre, whose attorney, Thomas Breeden included Ms. Morgan and the dealership in the judgement. The dealer closed the business, defaulted on an agreement with Mr. Breeden and that left Ms. McCarthy solely responsible.

Board members discussed having never heard of a salesperson being held accountable for a judgement against a dealership. However, Christian Parrish reminded the Board members that the code does speak to dealers or salespersons in the Transaction Recovery Fund statutes.

Andrew Wiley moved to approve the hearing officer's recommendation of approving payment from the fund of \$12,855.90 to Samuel A. Pierre. Ron Kody seconded. The motion carried unanimously.

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

NEXT MEETING – September 12, 2022

The Transaction Recovery Fund committee meeting adjourned at 10:43 a.m.