

Meeting Summary
Motor Vehicle Dealer Board
Monday, January 9, 2023

Board Chair Linda Ford called the Dealer Board meeting to order at 10:03 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 members being present: Jeff Ballard, Dan Banister, Trevor Coley, Dennis Ellmer, Ron Kody, David Lynn, Chris Maher, Geoff Malloy, R. J. Robinson, Nick Rush, Maurice Slaughter and Andrew Wiley. Those absent included Tom Bates, Michael Bor, Gardner Britt, Rob Fisher. Executive Director William Childress and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

The November 14, 2022 meeting summary was approved.

PUBLIC COMMENT – No public comment.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee

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

Use of Dealership Space – Ron Kody indicated that the issue was discussed in Committee and a decision was made to table the matter until the March 13, 2023 meetings.

Review and Action: Informal Fact-Finding Conferences:

Xceleration Auto Sales and Joe Abed #44007. Committee Chair 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 Xceleration Auto Sales and Joe Abed for alleged violations of VA 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 Xceleration Auto Sales and Hatim “Joe” Abed: Assessed a civil penalty of \$750.00; and Xceleration Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative within 30 days and that inspection shall be satisfactory. The Board mandates that Joe Abed hereby be assessed a civil penalty of \$750.00, and the Xceleration Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 11, 2023. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses, certificates issued by the Board until such time the Xceleration Auto Sales and Joe Abed successfully comply with the Board's mandates.

Mr. Abed spoke on his own behalf and requested a reduced penalty.

Nick Rush seconded. The motion carried unanimously.

Showtime Auto Sales, LLC and Ronnell Jenkins #54092. Committee Chair 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 Showtime Auto Sales and Ronnell Jenkins for alleged violations of VA Code sections §46.2-1533, and 46.2-1575 (2). Based on due consideration, the Board believes that the following action should be taken against Showtime Auto Sales and Ronnell Jenkins: Assessed a civil penalty of \$7,800.00. The Board mandates that Ronnell Jenkins hereby be assessed a civil penalty of \$7,800.00.

Chris Maher seconded. The motion carried unanimously.

Licensing Committee

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

Review and Action: Formal Hearing:

Abdul Ahad Nahibkhil and Blue Ridge Auto Sales, Inc. #42194. Committee Chair Slaughter 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 \$5,000.00 civil penalty against Blue Ridge Auto Sales and Abdul Nahibkhil and revoked all licenses issued to Abdul Nahibkhil by the Board during its November 2022 meeting. Abdul Nahibkhil appealed the Board's decision and requested a formal hearing, which was conducted on December 6, 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 Blue Ridge Auto Sales and Abdul Nahibkhil for alleged violations of VA Code sections §46.2-1575 (9) and 46.2-1575 (13). Based on due consideration, the Board believes that the following actions should be taken against Blue Ridge Auto Sales and Abdul Nahibkhil: Assessed a civil penalty of \$2,000 and suspension of all licenses and certificates until Abdul Nahibkhil successfully completes the 2-day dealer-operator course. The Board mandates that Blue Ridge Auto Sales and Abdul Nahibkhil hereby be assessed a civil penalty of \$2,000.00; and that all licenses and certificates issued to Abdul Nahibkhil by the Board hereby be suspended until Abdul Nahibkhil successfully completes the 2-day dealer-operator course. 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 Blue Ridge Auto Sales dealership and Abdul Nahibkhil successfully comply with the Board's mandates.

Trevor Coley seconded. The motion carried unanimously.

Advertising Committee

Committee Chair 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 reported quorum in place; however, no discussions or actions were on the agenda for the committee to consider.

OLD BUSINESS:

UPDATE: Dealer Portal Update. William Childress updated the Board members and informed them that the System Automation project visited the MVDB on November 21, 2022. The visit last approximately 5 hours and was very productive. The project team left town having a better feeling and understanding of how our licensing process works and the laws we must comply with.

Legislative Updates – VADA and VIADA

VADA: Ralston King indicated that the General Assembly session starts Wednesday, and he looks forward to working the session.

VIADA: Alvin Melendez indicated one of the bills the VIADA is looking at concerns the repeal of the highway use tax which has caused many problems for his membership.

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

NEW BUSINESS:

NEW BUSINESS FROM THE FLOOR – There was no new business from the floor.

EXECUTIVE DIRECTOR'S REPORT – As required by Board policy, William Childress informed the Board members of a decision he regarding Pete's Custom Auto Service and Donald Medlin #1166 for the alleged violations of VA Code Section 46.2-1529, 46.2-1539 and 46.2-1575 (2). He agreed with the hearing officer's recommendation of giving the dealer a written warning. William concurred with the hearing officer's recommendation and explained to the Board that the matter involves more training for our field representatives to understand a salvage transaction when they see one and training for the dealers to understand that they can't conduct a salvage transaction with their dealer license. Many of these dealers have both licenses (Salvage and Dealer), but they need to conduct the business at hand under the proper license and file the paperwork accordingly.

The next Dealer Board meeting will be on March 13, 2023.

There being no further business to come before the Motor Vehicle Dealer Board, Chair Linda Ford adjourned the Board meeting at 10:22 a.m.