



June 2022

Issue 144

DEALER TALK

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• Upcoming Events!

Monday 6/20/2022 Closed
Juneteenth Holiday

Monday 7/4/2022 Closed
Independence Day Holiday

Monday 7/11/2022

- Board Meeting

[Get Board Meeting Details](#)

Law Enforcement to crack down on illegal fraudulent temporary tags

In Northern Virginia, Police said they are seeing an increase in fraudulent temporary license plates on cars around the D.C. region, and the temporary tags could be putting others on the roadway at risk being used on unsafe vehicles or to mask other potential criminal activity.

Many of the tags seen around Northern Virginia and Maryland are from the lone Star state of Texas. Officer Sean McKinney with the Montgomery County Maryland Police Department said he first noticed temporary Texas tags five years ago.

[Cont'd on pg. 2](#)

Changes to IDO Recertification Program

New legislation HB316, regarding recertification takes effect July1, 2022. During the 2022 legislative session of the Virginia General Assembly, Delegate Scott Wyatt was the House Patron to introduce HB316 on behalf of the VIADA.

The new law codifies the dealer-operator regulations that dealers have been complying with in the past. The Board wants to reassure independent dealer-operators ...

[Cont'd on pg. 3](#)

Power of Attorney

This article is provided by the DMV.

The Power of Attorney (POA) to sign for Owner when registering and/or transferring ownership of a motor vehicle (VAD 70A) is a triplicate, secure power of attorney form only used by dealerships. **The VAD 70A shall only be used when the title is lost or in the possession of a lienholder.**

On a trade-in, and the... [Cont'd on pg. 4](#)

Everyone in Virginia age 5 and older is eligible for the COVID-19 Vaccine! Schedule an appointment by visiting vaccinate.virginia.gov or calling 877-VAX-IN-VA (877-829- 4682, TTY users call 7-1-1). The call center is available Monday – Friday, from 8 a.m. to 6 p.m.



Law Enforcement to crack down on illegal fraudulent temporary tags

Cont'd from pg. 1

By Law, a driver can only get Texas temporary tags from the licensed dealer they purchased the car from in Texas. Temporary Texas tags have been seen in Montgomery County Maryland for the past five years.

The NBC 4 I-Team hit the road and easily spotted temporary Texas tags through the area. Police say most of the tags are being produced by questionable car dealers and other crooks and sold online.

The Fairfax County Police Department have been focused on the issue since last year, trying to strike a balance between education and enforcement.

Why does somebody have these Texas tags? The answer can vary from convenience to criminal activity. Experts said some might turn to buying the tags, running \$50 to \$100, to avoid getting the vehicle inspected or insured.

Police body cam video obtained by the I-Team showed some drivers stopped in recent months told authorities the tags were already on the vehicle when bought. Others told police they didn't realize they were breaking the law when others thought it was a victimless crime. But multiple law enforcement agencies said some criminals are using them to drive without a license disguise stolen cars or even smuggle drugs making it almost impossible to track these vehicles because they can use any address they choose.

Law enforcement agencies and legislators across the U.S. have caught on and are now working together to stop the use of illegal fraudulent temp tags.

The I-Team spotted tags in Virginia from at least five Texas dealers that were eventually shut down. These five Texas dealers were estimated to have sold over 755,000 temp tags around the country. When officers stop a vehicle with a suspicious tag and confirm it's fraudulent, they normally seize it and cite the driver.

In 2020, Fairfax County did not charge a single person for fraudulent temp tags. But in 2021, officers issued 94 citations, including arresting one person accused of



selling a Texas tag to an undercover detective.

“That individual was charged with a forgery of these public documents”, said Lt. James Curry with the Fairfax County Police Department. The person was found guilty. So far in 2022 there have been more than 40 citations.

“Until we actually put people in jail, the money is too good”, a quote from Cpl. Mike Bradburn with the Travis County Texas Constable.

Last year Texas lawmakers did pass legislation to strengthen dealer security checks and limit the number of temporary tags they can print.

Officer Sean McKinney with the Montgomery County Maryland Police Department said he's seen the paper plates all over his area.

“We've seen a rise recently in fraudulent tags from Virginia, Maryland, New Jersey, Delaware, West Virginia and Pennsylvania”

The rise in use and production of fraudulent temp tags has lawmakers across the country taking steps to crack down on those selling temp tags and the drivers who fake it to make it on the road.

Training of law enforcement agencies across the country aid in the spotting fraudulent temp tags that result in confiscating vehicles as evidence and prosecution of those involved.

Fraudulent use of temp tags impact the traffic safety of everyone on the roadways.



Changes to IDO Recertification Program

[Cont'd from pg. 1](#) that this new legislation makes small changes to the program that Independent dealer-operators are already accustomed to.

Below outlines the main changes of the new law effective July 1, 2022 vs. the prior regulation.

- Independent dealer-operators will recertify every 24 months instead of every 36 months.
- The dealer-operator recertification course will be instructor-led (in person or virtual) for 4 hours in duration instead of 6 hours digitally.
- An exam will be given at the conclusion of the course instead of each “chapter”
- The Motor Vehicle Dealer Board fee for recertification is \$50 instead of \$25, and will be collected by the vendor at time of registration.

As in the past, the Board will continue to notify the independent dealer-operator of their recertification requirement multiple times prior to the dealer-operator’s recertification deadline to ensure dealers have plenty of opportunity to remain compliant. To see if you need to recertify, please go to the MVDB website [HERE](#) to view the

complete listing of dealer-operators who need to recertify before December 31, 2022.

The authorized vendors are listed below.

If you need further assistance, please contact Ann Majors at ann.majors@mvdb.virginia.gov.

You can find the full text of the new law [HERE](#).

| | | |
|-----------------------|---------------------|--|
| Compass Systems, Inc. | 800-296-5585 | www.eProlearn.com |
| JTZ Enterprise. | 540-286-0801 ext. 4 | www.recertifymydealership.com |
| VIADA | 800-394-1960 | www.vadealerrecertification.com |

DMV System Access Online Dealers

This article is provided by the DMV.

The Department of Motor Vehicles’ (DMV) customer records are privileged, and the access, use, or release of information contained in these records is restricted by the Federal Driver’s Privacy Protection Act (1 USC §§ 2721-2725) and by Virginia Code §§ 46.2-208 through 214. Online Dealer participants cannot, for any reason, under any circumstance share a username and password for any online program offered by DMV including the Online Dealer Program and the Print on Demand Program. Each person authorized to access customer information must be approved and must have completed the annual Awariety training. Non-compliance may result in termination or suspension of your dealership’s access to DMV records and possible law enforcement action.

REMINDERS.....

§ 46.2-1559 requires all dealers to maintain a permanent record of all temporary license plates (PoD) issued.

§ 46.2-1529 requires dealers to keep dealer records for 5 years. As one of many required dealer records, please note that the Board Field Representatives may ask to see your records regarding PoD usage. The Board recommends dealers retain in the vehicle folder, one of the registrations that are printed as part of the PoD tag. This includes transport tags, and temporary registrations for vehicle sales to customers.

Power of Attorney

[Cont'd from pg. 1](#) title is not available, use the VAD 70A to handle all DMV transactions necessary to complete the transfer of ownership including any required owner signatures. The customer will need to complete Part A of the VAD 70A to disclose the odometer reading on their vehicle and assign power of attorney to you. Part B of the same VAD 70A is used when you sell the vehicle before you secure the title.

If there is not a lien or any other DMV held on the trade-in title and you just need to request a replacement title for your customer, have the customer complete the VAD 70A and also have them sign the Application for Replacement and Substitute Titles (DMV form VSA67). The VSA67 gives a representative from your dealership permission to obtain the title by completing the Authorized Representative Designation section (section 6 on the application).

Note: Power of Attorney VAD 70A is a federal legal requirement (49 CFR Part 580). It is federal law that determines the limited circumstances for when a VAD 70A may be used. DMV understands the limited usage of the VAD 70A and, we must comply with federal law. Dealers and DMV often refer to the VAD 70A as the “pink PoA” to distinguish it from the VSA 70, “Power of Attorney to Sign for Owner”, which is often called the “white PoA” or “short PoA”. **The VSA 70 is not for dealer use.**

Changes to the law regarding Compensation for recall, warranty, and maintenance

This law was introduced by Delegate Scott Wyatt, and Senator McPike on behalf of the VADA, and signed into law in the 2022 Virginia Legislative session.

The law provides that manufacturer or distributor compensated parts, service, diagnostic work, and updates to a vehicle accessory or function are subject to

compensation related to recall and warranty. The bill excludes certain parts and services from consideration in calculating recall and warranty compensation and clarifies what is required of manufacturers and dealers in compensating motor vehicle dealers for recall and warranty parts and service. The bill addresses the continued struggles new car and truck dealerships face when seeking warranty reimbursement at retail amounts.

The legislation also addresses reimbursement for dealers for customer rental vehicles while warranty/recall repairs are made. The bill also requires that technicians be compensated for their time when assisting in software updates at the dealership. Finally, the bill will protect consumers from unknown software upgrade charges. These subscription fees have become a frequent target by manufacturers, and consumers should be made aware by manufacturers.

For the full text of the bill, click [HERE](#)



Fee Calculator

This article is provided by the DMV.

DMV has updated the fee calculator on their website. It includes the ability to differentiate between individual and dealer/business. If you enter the full VIN of the vehicle, DMV will provide the highway use fee for that specific vehicle and also search available records to find vehicle information that will be used to pre-fill some of the required fields. By providing the VIN and other details about the vehicle's sale you can get an accurate calculation of all fees, including the highway use fee, if it applies, that will be owed to DMV at the time of titling and registering. Find the fee calculator at

<https://www.dmv.virginia.gov/apps/feecalc>.

Board Staff Changes

Retirement:

In our main office, **JeAnne Marshall-Robinson** retired from the Commonwealth after 45 years of service, seven with the Motor Vehicle Dealer Board (MVDB) and 38 with the Department of Motor Vehicles (DMV). In retirement, which was effective May 1, 2022, JeAnne plans to volunteer more at her Assembly, and hopes to visit Israel again.

Best wishes to JeAnne in her retirement!

New Hires:

Joy Shepperson was selected to fill the position vacated by JeAnne Marshall-Robinson. Joy comes to the Motor Vehicle Dealer Board from the Department of Wildlife Resources (formerly Game and Inland Fisheries) where she has been employed since June 2012. Her prior work experience includes several years with the DMV.

Omar Hamidi is filling a MVDB Field Representative position in Northern Virginia and will be responsible for all the dealerships in Alexandria, Arlington, Fairfax City, Fairfax County, Falls Church, Fauquier, Manassas City, Manassas Park, and Prince William County. Prior to accepting this position, Omar was employed with the District of Columbia Department of Motor Vehicles as a CDL/NCD examiner. He also served as a Compliance Safety officer and Customer Service Generalist with the Virginia DMV in Fairfax.



Lastly, **Jama Smith** is joining the MVDB Field Representative staff and will be responsible for all the dealerships in Fluvanna, Goochland, Hanover, Henrico, and Richmond City (north of the James River). Jama's previous experience includes working for over 24 years with the Virginia Alcohol Beverage Control, where she retired as the Special Agent in Charge.

Congratulations to all!

REMINDERS.....

§ 46.2-1533 of the Virginia Code states that each motor vehicle dealer must be open a minimum of 20 hours per week of which 10 hours shall be between the hours of 9:00 am – 5:00 pm, Monday through Friday.

The Board and the general public expect dealerships to maintain their posted business hours. If a dealership will be closed during its posted business hours, the dealer has a responsibility to notify the MVDB by email at dboard@mvdb.virginia.gov by completing the MVDB 40 (Dealership Notice of Temporary Closing). The MVDB 40 should be posted in close proximity to the dealership's front entrance so that it is visible to the public. Dealers are encouraged to text or call their local field representative in addition to submitting the required information to the MVDB.

Board Actions

Dealer Practices

Informal Hearings:

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 failure to maintain dealer records, misuse of PoD, and deceptive acts and practices. Based on the information provided at the conference, the Board assessed a civil penalty of \$6,650, a satisfactory inspection, and passing the 2-day course. Linda Ford, DMV Commissioner, indicated that DMV held a hearing on March 1, 2022 and it was decided to suspend the dealer's PoD privileges for one year. **Mr. Lafon may appeal to a formal hearing.**

Kar Mart, LLC and Dennis J. Rogers

On March 15, 2022, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain dealer records, provide proof of safety inspection prior to retail sale, misuse of PoD tags, and deceptive acts and practices. Based on the information provided at the conference, the Board assessed a civil penalty of \$38,050 and revocation of all licenses and certificates issued by the Board. Linda Ford, DMV Commissioner indicated that a DMV conducted a hearing on misuse of PoD on April 27th.

Dennis J. Rogers appealed to a Formal Hearing.

Carplug Automotives, Inc. and Geral M. Carper Jr.

On April 7, 2022, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain dealer records, proof of safety inspection prior to retail sale, misuse of PoD tags, and deceptive acts and practices. Based on the information provided at the conference, the Board assessed a civil penalty of \$51,000, inspections within 90 days, 9 months, and 18 months. All three inspections must be satisfactory. The dealer must also successfully complete the 2-day Dealer-Operator course. **Mr. Carper agreed to the Board's decision.**

E and E Auto Sales, LLC and Markees Johnson

On January 19, 2022, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain dealer records, unlicensed salespersons, and misuse of PoD tags. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$30,500.00, satisfactory inspection within 90 days and another 6 months after; and successfully complete the 2-day Dealer-Operator course.

Mr. Johnson may appeal to a Formal Hearing.

Administrative Actions:

SCYU Auto Sales LLC and Stacy M. Ward.

Was suspended for failure to pay a \$3,100 civil penalty for failure to maintain dealer records, missing PoD plate records, and failure to maintain liability insurance on each dealer tag.

Car Zone Inc., and Maroun G. Chaoul.

Paid a \$750 civil penalty for failure to maintain dealer records, proof of safety inspection prior to retail sale, and salespersons paid on a W-2.

World Class Auto LLC and Herbert Hoover Bolling 3rd.

Paid a \$3,450 civil penalty for failure to maintain dealer records, proof of salespersons paid on W-2, and records of PoD plates.

Romero Cars & Trucks, LLC and Manuel Romero Ortega and Albina Pinzon Diaz.

Paid a \$500 civil penalty for failure to maintain dealer records, and proof of safety inspection prior to retail sale.

Country Motor Sales, and David Hall.

Paid a \$250 civil penalty for failure to provide proof of safety inspection prior to retail sale, and failure to provide PoD records.

Tri City Auto Service and Reyad Mohammad.

Paid a \$2,100 civil penalty for failure to maintain dealer and PoD records, and unlicensed salespersons.

Board Actions

Dealer Practices

Administrative Actions: continued from page 6

First Choice Cars LLC and Cecelia Lee.

Paid a \$3,350 civil penalty for failure to maintain dealer records, copies of titles, proof of safety inspection prior to retail sale, failure to maintain dealer PoD records, and failure to comply with previous warnings.

High Sky Auto Sales, and Gulsoom Hussaini.

Paid a \$500 civil penalty for failure to maintain dealer records, and proof of safety inspection prior to retail sale.

Harrisonburg Motors and Travis W. Armstrong.

Paid a \$500 civil penalty for failure to maintain dealer records, misuse of D-tags, and proof of salespersons paid on W-2.

All American Auto Sales and Charles Clark.

Paid a \$250 civil penalty for failure to maintain dealer records, and proof of safety inspection prior to retail sale.

Swope Enterprises Inc. and Nelson P. Swope.

Paid a \$250 civil penalty for failure to maintain dealer records, proof of safety inspection prior to retail sale, and failure to comply with previous warnings.

Crown Automotive LLC and Aaron Leon Harley.

Paid a \$250 civil penalty for failure to maintain dealer records, and salespersons paid on W-2.

Capitol Motors of Central Park LLC and Katty Karina Aponte.

Paid a \$250 civil penalty for failure to maintain dealer plate usage records, and salespersons paid on W-2.

Maraton Motors and Martin U Onyirimba.

Suspended for failure to pay a \$6,100 civil penalty for failure to provide proof of liability insurance on each D-tag, and salespersons paid on a W-2.

Paragon Automotive and Afaq Ahmed Aziz.

Paid a \$1,500 civil penalty for failure to maintain dealer records, and salespersons paid on W-2.

Hurt's Motors and David Hurt.

Suspended for failure to pay a \$500 civil penalty for failure to maintain dealer records and proof of safety inspection prior to retail sale.

Enterprise Automotive Financial LLC and Jassam M Sarhan.

Paid a \$750 civil penalty for failure to maintain posted business hours.

Prestige Auto Group LLC and Martin P. Hernandez.

Suspended for nonpayment after agreeing to pay a \$23,300 civil penalty for failure to maintain dealer records, misuse of PoD tags, and failure to maintain liability insurance on each D-tag.

Select Cars of Thornburg and Wilmer A Nunez Villatoro.

Agreed to pay a \$21,200 civil penalty for failure to maintain dealer records, and misuse of PoD tags.

Prosperity Auto Sales and Faisal Chaudhry.

Paid a \$250 civil penalty for failure to maintain dealer records, and salespersons paid on a W-2.

Basic Auto Sales and Kory Burt Hummer.

Paid a \$1,000 civil penalty for failure to maintain dealer records, and D-tag records.

Urban Auto Connection LLC and Mohamed B. Nimaga.

Paid a \$3,200 civil penalty for failure to maintain dealer records, D-tag records, proof of safety inspection prior to retail sale, and misuse of PoD tags.

All-N-One Auto Sales and William D. Bulerin.

Paid a \$1,200 civil penalty for failure to maintain liability insurance on each dealer plate.

Independent Dealer Operator Course Schedules

The Following Courses are Registered Through VIADA

2022 Course Schedules

June 7-8 : Chantilly

Home 2Suites by Hilton (43340 Defender Drive, Chantilly, VA 20152)

June 14-15 : Richmond/Midlothian

(1525 Huguenot Road, Suite 200, Midlothian, VA 23113)

July 12-13 : Danville

Courtyard By Marriott (2136 Riverside Drive, Danville, VA 24540)

July 19-20 : Richmond/Midlothian

(1525 Huguenot Road, Suite 200, Midlothian, VA 23113)

August 16-17 : Fredericksburg/Stafford

Holiday Inn Conference Center (20 Sanford Drive, Fredericksburg, VA 22406)

August 23-24 : Charlottesville

Double Tree Charlottesville (990 Hilton Heights Road, Charlottesville, VA, 22901)

September 13-14 : Hampton

HYATT Place Hampton (1905 Coliseum Drive, Hampton, VA 23666)

September 20-21 : Richmond/Midlothian

(1525 Huguenot Road, Suite 200, Midlothian, VA 23113)

October 20-21 : Roanoke

The Hotel Roanoke & Conference Center (110 Shenandoah Avenue Roanoke, VA, 24016-2025)

November 8-9 : Fredericksburg/Stafford

Holiday Inn Conference Center (20 Sanford Drive, Fredericksburg, VA 22406)

November 15-16 : Hampton

HYATT Place Hampton (1905 Coliseum Drive, Hampton, VA 23666)

December 6-7 : Chantilly

Home 2Suites by Hilton (43340 Defender Drive, Chantilly, VA 20152)

December 13-14 : Richmond/Midlothian

(1525 Huguenot Road, Suite 200, Midlothian, VA 23113)

****You can register for your IDO Course on the VIADA website [HERE](#) ****

Or call 800-394-1960

MVDB Mission Statement

The Motor Vehicle Dealer Board will administer sections of the Commonwealth's Motor Vehicle Dealer Laws and Regulations as charged; promote the best interest of both the automotive consumer and dealer community; while providing a high level of customer service.

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What's Wrong With This Picture?



Not for use on the family trip!

In this season of vacations and boating, you may **not** pull your boats and RV's with a vehicle using a dealer tag. § 46.2-1550 states in part; "It shall be unlawful for any dealer to cause or permit dealer's license plates to be used on: 2. Vehicles used to deliver or transport (i) other vehicles; (ii) portions of vehicles; (iii) vehicle components, parts, or accessories; or (iv) fuel;..."



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