

Meeting Summary
Motor Vehicle Dealer Board
Monday, January 13, 2020

Vice-Chairman Joe Tate called the Dealer Board meeting to order at 11:26 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Roll was called and 14 Board members were present. Present were Ted Bailey, Dan Banister, Michael Bor, Gardner Britt, David Duncan, Rob Fisher, Randy Harris, Ron Kody, Chris Maher, Geoff Malloy, Senior Saghafi, Maurice Slaughter and Don Sullivan. (Absent: Liza Borches, Steve Farmer, Rick Holcomb, Matt McQueen). Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

PUBLIC COMMENT

There was no public comment.

The November 4, 2019 meeting summary was approved.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee:

Committee Chairman Kody summarized discussions held and actions that were taken during the Committee Meeting.

Dealer Tag Insurance – William Childress summarized his presentation to the Dealer Practices Committee and informed the Board that the Dealer Practices Committee had approved the dealer-tag policy proposal. The policy, developed over a period of months, was coordinated between the Board staff and several Board members. The Board staff worked out the internal processes, which falls in line with the Board's wishes to view dealers with insurance as being "underinsured" or "not insured" or "compliant" and for the field representatives not to be concerned with counting plates. See Dealer Practices Summary for the policy proposal.

Motion was made by Ron Kody to approve the dealer-tag policy proposal as worded in the Dealer Practices Committee. Michael Bor seconded. The motion carried unanimously.

Virgin Ventures and Daniel Edjiman. Committee Chairman 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 Virgin Ventures and Daniel Edjiman for alleged violations of Va. Code Sections §46.2-1575 (6). Based on due consideration, the Board believes that the following action should be taken against Virgin Ventures and Daniel Edjiman: Assessed a civil penalty of \$250.00. The Board mandates that Daniel Edjiman hereby be assessed a civil penalty of \$250.00.

Don Sullivan seconded. The motion carried unanimously.

Wholesale Auto Export and Samei A. Bakheit. Committee Chairman 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 Wholesale Auto Export and Samei Bakheit 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 Wholesale Auto Export and Samei Bakheit: Assessed a civil penalty of \$750.00. The Board mandates that Samei Bakheit hereby be assessed a civil penalty of \$750.00.

Senior Saghafi seconded. The motion carried unanimously.

Contigo Auto Sales, LLC and Rosemarie LeBron. Committee Chairman 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 Contigo Auto Sales and Rosemarie LeBron for alleged violations of Va. Code Sections §46.2-1547. Based on due consideration, the Board believes that the following actions should be taken against Contigo Auto Sales and Rosemarie LeBron: Assessed a civil penalty of \$ 500.00, Contigo Auto Sales shall be inspected by a Motor Vehicle Dealer Board field representative by April 13, 2020 and that inspection shall be satisfactory; and Christopher LeBron shall successfully complete the dealer-operator course by July 13, 2020. The Board mandates that Rosemarie LeBron hereby be assessed a civil penalty of \$ 500.00, the Contigo Auto Sales dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before April 13, 2020, and Christopher LeBron shall successfully complete the dealer-operator course by July 13, 2020. 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 Contigo Auto Sales dealership, and Rosemarie LeBron successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

Universal Motorsports, LLC and Timothy Pulliam. Committee Chairman 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 Universal Motorsports and Timothy Pulliam for alleged violations of Va. Code Sections §46.2-1529 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Universal Motorsports and Timothy Pulliam: Assessed a civil penalty of \$1,000.00, Universal Motorsports shall be inspected by a Motor Vehicle Dealer Board field representative by April 13, 2020 and that inspection shall be satisfactory; and Timothy Pulliam shall successfully complete the dealer-operator course by July 13, 2020. The Board mandates that Timothy Pulliam hereby be assessed a civil penalty of \$1,000.00, Universal Motorsports dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before April 13, 2020, and Timothy Pulliam shall successfully complete the dealer-operator course by July 13, 2020. 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 Universal Motorsports dealership, and Timothy Pulliam successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

Automax of Virginia, Inc. and Barry J. Adenauer. Committee Chairman 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 Automax of Virginia and Barry J. Adenauer 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 Automax of Virginia and Barry Adenauer; Assessed a civil penalty of \$1,500.00 and Automax of Virginia shall be inspected by a Motor Vehicle Dealer Board field representative by March 13, 2020 and that inspection shall be satisfactory. The Board hereby mandates that Barry Adenauer hereby be assessed a civil penalty of \$1,500.00, and the Automax of Virginia dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before March 13, 2020. 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 Automax of Virginia dealership, and Barry Adenauer successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

USAuto Center and Igor Coadă. Committee Chairman 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 USAuto Center and Igor Coadă for alleged violations of Va. Code Sections §46.2-1529, 46.2-1537 and 46.2-1575 (2). Based on due consideration, the Board believes that the following action should be taken against USAuto Center and Igor Coadă: Assessed a civil penalty of \$750.00. The Board mandates that Igor Coadă hereby be assessed a civil penalty of \$750.00.

Michael Bor seconded. The motion carried unanimously.

Silver Motors, LLC and Amare S. Awoke. Committee Chairman 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 Silver Motors and Amare Awoke 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 Silver Motors and Amare Awoke: Assessed a civil penalty of \$1,750.00, Silver Motors shall be inspected by a Motor Vehicle Dealer Board field representative by April 13, 2020 and that inspection shall be satisfactory and Amare Awoke shall successfully complete the dealer-operator course by July 13, 2020. The Board mandates that Amare Awoke hereby be assessed a civil penalty of \$1,750.00, Silver Motors dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before April 13, 2020 and Amare Awoke shall successfully complete the dealer-operator course by July 13, 2020. 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 Silver Motors dealership, and Amare Awoke successfully complies with the Board's mandates.

Chris Maher seconded. All in favor: 13 (Kody, Tate, Bailey, Banister, Bor, Britt, Duncan, Fisher, Maher, Malloy, Saghafi, Slaughter, Sullivan). Opposed: 1 (Harris). The motion carried.

TJ Auto Sales, LLC and Taimur Khan. Committee Chairman 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 TJ Auto Sales and Taimur 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 TJ Auto Sales and Taimur Khan: Assessed a civil penalty of \$750.00. The Board mandates that Taimur Khan hereby be assessed a civil penalty of \$750.00.

David Duncan seconded. The motion carried unanimously.

Select Imports, LLC and William Gurdin. Committee Chairman 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 Select Imports and William Gurdin 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 Select Imports and William Gurdin: Select Imports shall be inspected by a Motor Vehicle Dealer Board field representative by April 13, 2020 and that inspection shall be satisfactory. The Board mandates that the Select Imports dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before April 13, 2020. 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 Select Imports dealership, and William Gurdin successfully complies with the Board's mandates.

Don Sullivan seconded. All in favor: 12 (Tate, Bailey, Banister, Bor, Britt, Duncan, Fisher, Maher, Malloy, Saghafi, Slaughter, Sullivan). Opposed: 2 (Kody, Harris). The motion carried.

Kingdom Automotive, LLC and Edward C. Kamande. Committee Chairman 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 Kingdom Automotive and Edward Kamande 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 Kingdom Automotive and Edward Kamande: Assessed a civil penalty of \$1,000.00 and Kingdom Automotive shall be inspected by a Motor Vehicle Dealer Board field representative by April 13, 2020 and that inspection shall be satisfactory. The Board mandates that Edward Kamande hereby be assessed a civil penalty of \$1,000.00 and the Kingdom Automotive dealership shall satisfactorily pass an inspection conducted by

a Motor Vehicle Dealer Board field representative on or before April 13, 2020. 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 Kingdom Automotive dealership, and Edward Kamande successfully complies with the Board's mandates.

Senior Saghafi seconded. The motion carried unanimously.

Mike and Rand, LLC and Majed Kasem. Committee Chairman 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 Mike and Rand and Majed Kasem for alleged violations of Va. Code sections §46.2-1547. Based on due consideration, the Board believes that the following action should be taken against Mike and Rand and Majed Kasem: Issued a written warning for violating VA Code Section §46.2-1547. The Board mandates that Majed Kasem hereby be issued a written warning regarding 46.2-1547 of the Virginia Code.

Don Sullivan seconded. All in favor: 10 (Tate, Banister, Bor, Duncan, Fisher, Maher, Malloy, Saghafi, Slaughter, Sullivan). Opposed: 4 (Bailey, Britt, Kody, Harris). The motion carried.

FORMAL HEARING for Thomas K. Maad, Goldstar Motor Company (OB). Committee Chairman Kody made the motion that this matter be tabled until the September 2020 Board meeting.

Geoff Malloy seconded. The motion carried unanimously.

Licensing Committee

Committee Chairman Tate summarized discussions held and actions that were taken during the Committee Meeting.

Supplemental Sales – William Childress summarized his earlier presentation to the Licensing Committee for the Board. He informed the Board that Board staff would continue with the Board approved process regarding Supplemental Sales licenses for off-site sales.

Gaby A. Touma, GN Auto, LLC (OB). Committee Chairman Tate 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 Gaby Touma for alleged violations of Va. Code Sections §46.2-1574 and 46.2-1575 (4). Based on due consideration, the Board believes that the following actions should be taken against Gaby Touma: Assessed a civil penalty of \$5,000.00 and revoke all licenses and qualifications issued by the Board to Gaby Touma. The Board mandates that Gaby Touma hereby be assessed a civil penalty of \$5,000.00 and revoke all licenses and qualifications issued by the Board to Gaby Touma.

Rob Fisher seconded. The motion carried unanimously.

Jacob M. Brown, Sales Applicant. Committee Chairman Tate 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 Jacob Brown for alleged violations of Va. Code Section §46.2-1575 (6). Based on due consideration, the Board believes the following action shall be taken against Jacob Brown: Denied the opportunity to apply for a salesperson license. The Board mandates that Jacob Brown be denied the opportunity to apply for a salesperson license.

Michael Bor seconded. The motion carried unanimously.

Advertising Committee

Committee Chairman Duncan summarized discussions held and actions that were taken during the Committee Meeting.

Transaction Recovery Fund Committee:

Committee Chairman Maher summarized discussions held and actions that were taken during the Committee Meeting.

Christopher E. Tyree vs. Timberlake Auto Emporium/Dwayne Hicks. Committee Chairman Maher summarized for the Board the discussion held in the committee meeting regarding Christopher E. Tyree vs. Timberlake Auto Emporium. Based on that discussion and the recommendations in this case, Chairman Maher made the following motion: Pursuant to Section §46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the following claim should be denied.

Christopher Tyree vs. Timberlake Auto Emporium/Dwayne Hicks \$1,319.93

Rob Fisher seconded. The motion carried unanimously.

Kenny Parrott vs. Shines International, LLC/Yin Xiang. Committee Chairman Maher summarized for the Board the discussion held in the committee meeting regarding Kenny Parrott vs. Shines International, LLC/Yin Xiang. Based on that discussion and the recommendations in this case, Committee Chairman Maher made the following motion: Pursuant to Section §46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the following claim should be payable from the Fund:

Kenny Parrott vs. Shines International, LLC/Yin Xiang
\$12,960.00

Ted Bailey seconded. The motion carried unanimously.

OLD BUSINESS

Don Sullivan took a moment to thank the Dealer Board at looking into an issue that involved a franchise dealer charging a \$2,000 reconditioning fee, which is in violation of the Motor Vehicle Dealer Advertising Laws and Regulations. The issue was addressed and resolved in a timely fashion and he is very appreciative.

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

Periodic Renew/Approval of Regulations – Ann Majors presented the periodic review process for regulations to the Board. She briefly discussed the four regulations owned by the Board and recommended that approve the review completed by the Board staff. If approved, the next review will take place in four years (as required).

Motion was made by Rob Fisher to approve the periodic review with no changes to the current regulations. Senior Saghafi seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

Randy Harris questioned the effectiveness of our process as it relates to repeated violations against VA Code Section 46.2-1533. Don Sullivan echoed Mr. Harris' feelings, and asked the Board if other ideas or actions were possible. Mr. Harris indicated that maybe suspending dealers (30 days), as well as a civil penalty would get their attention. Ron Kody indicated that the current process is a written warning for the first offense, a \$750 CP (appealable) for the second offense, and \$1,000 CP and appearance before the Board for a third offense. Mr. Kody also felt that if this matter is revisited that adding a suspension may prove to be effective in deterring 1533 violations.

EXECUTIVE DIRECTOR'S REPORT: William Childress took this opportunity to allow the dealer associations to introduce any legislation they have the General Assembly.

Anne Gambardella informed the body that the VADA was supporting a bill that would allow dealers to get specialty dealer plates (combo), as long as Commissioner of DMV approved the design and issuance of the plate. This plate will have limited characters because of the dealer and specialty logos (emblems). Ms. Gambardella mentioned spoke to another bill, which deals with advertising the mileage on a vehicle. If the vehicle is beyond 100 miles of the advertise mileage that dealer could be charged with a false and misleading ad. Gardner Britt asked Ms. Gambardella to address the State Vehicle Safety Inspection issue. Ms. Gambardella informed the Board that, as part of the Governor's Transportation package, the Governor is purposing the elimination of the

State Vehicle Safety Inspection Program. The VADA does not support the elimination of the safety inspection program and expressed concern about highway safety. The VADA feels that eliminating this program is not good for consumer protection or for the state. VADA has information (statistics) to show the highways and roads are safer in states with a vehicle safety inspection program. Board members feel the Vehicle Safety Inspection Program is a consumer protectant and the program provides the consumer with a sense of confidence regarding the vehicle's roadworthiness.

A motion was made by Gardner Britt that the Governor should know that the MVDB supports the current Vehicle Safety Inspection Program and wants to keep this program in place. The motion also requires the Executive Director to relay this message to the Governor/Secretary of Transportation. Geoff Malloy seconded. All in favor: 13 (Kody, Tate, Bailey, Banister, Britt, Duncan, Fisher, Harris, Maher, Malloy, Saghafi, Slaughter, Sullivan). Opposed: 1 (Bor). The motion carried. Mr. Bor indicated that he would like to see the supporting documents that is involved in the removal of the State Inspection before he could support keeping this law.

William introduced Sadie Mitchell, who will be handling consumer and advertising issues as well as basic license issuance. The position vacated by Prin Cowan was used to create Sadie's position.

The next Full Board meeting will be March 9, 2020.

There being no further business to come before the Motor Vehicle Dealer Board, Vice-Chairman Tate adjourned the meeting at 12:28 p.m.

Meeting Summary
Dealer Practices Committee
Monday January 13, 2020

Chairman Ron Kody called the Dealer Practices Committee meeting to order at 9:01 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Michael Bor, Gardner Britt, Rob Fisher, Geoff Malloy, Chris Maher, Senior Saghafi, Joe Tate. (Absent: Liza Borches, Steve Farmer, Matt McQueen). Other Board members present: Ted Bailey, Dan Banister, David Duncan, Randy Harris, Maurice Slaughter, Don Sullivan. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 4, 2019 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

Dealer Tag Insurance – William Childress – William presented, for consideration, the dealer-tag policy proposal:

1. Field Representatives will continue to request a copy of the dealer's Certificate of Liability Insurance document as part of their inspection for the dealer records requirement, generally.
2. Field Representatives will not "count tags" regarding liability insurance, and they will not initiate contact with insurance companies to verify insurance of the quantity of dealer tags on the Certificate of Liability Insurance.
3. From the information in the Field Inspection report, MVDB main office staff will review the Insurance for compliance.
 - a. If the Certificate of Liability Insurance does not cover all dealer tags assigned to the dealership, a written warning will issued to the dealer to come into compliance. The warning will instruct the dealer to contact their insurance representative and update the policy to reflect the correct number of dealer tags in the possession of the dealer.
 - b. A dealer will receive no more than two written warnings regarding underinsurance before the Board Staff will initiate a graduated civil penalty (starting with \$250) process for future underinsurance violations. A minimum of 30 days will elapse between the warnings. At the conclusion of the second warning, at least 30 days will lapse before the Board staff takes action (civil penalty) against the dealer.
4. If the dealer has **NO** insurance or a gap (more than 1 month/30 days) in their coverage, this will result in civil penalties of \$600 per dealer tag.
5. A copy of the dealer's Certificate of Liability Insurance must be submitted with each MVDB-9 DEALER PLATE APPLICATION Board staff receives.
 - a. Dealer tags will not be issued until liability insurance is compliant.

6. The MVDB-9 DEALER PLATE APPLICATION form will be revised to reflect the new requirements.

Motion was made by Joe Tate to approve the dealer-tag policy proposal. Chris Maher seconded. The motion carried unanimously.

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

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Virgin Ventures and Daniel Edjiman – On October 21, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$250.

Motion was made by Chris Maher to accept the hearing officer's recommendation of assessing a civil penalty of \$250. Rob Fisher seconded. The motion carried unanimously.

Wholesale Auto Export and Samei A. Bakheit – On October 23, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750.

Motion was made by Joe Tate to accept the hearing officer's recommendation of assessing a civil penalty of \$750. Michael Bor seconded. The motion carried unanimously.

Contigo Auto Sales, LLC and Rosemarie LeBron – On November 12, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1547. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,000.

Christopher LeBron was present and spoke on behalf of Contigo Auto Sales, LLC. Rosemarie and Miquel LeBron were present as well.

Motion was made by Chris Maher to reduce the civil penalty to \$500 and successfully complete the 2-day Dealer-Operator course within 6 months and a satisfactory inspection within 90 days. Joe Tate seconded. All in favor: 6 (Kody, Fisher, Malloy, Maher, Saghafi and Tate). Opposed: 2 (Bor and Britt). The motion carried.

Universal Motorsports, LLC and Timothy Pulliam – On October 28, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a \$750 civil penalty for violations of VA Code Section 46.2-1529 and \$250 civil penalty for violations of VA Code Section 46.2-1575 (2) for a total civil penalty assessed of \$1,000.

Motion was made by Joe Tate to assess a civil penalty of \$1,000, successfully complete the 2-day Dealer-Operator course and satisfactory inspection. Rob Fisher seconded. The motion carried unanimously.

Automax of Virginia, Inc. and Barry J. Adenauer – On November 21, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,500 and a satisfactory inspection within 60 days.

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

Motion was made by Rob Fisher to accept the hearing officer's recommendation of assessing a civil penalty of \$1,500 and a satisfactory inspection within 60 days. Senior Saghafi seconded. The motion carried unanimously.

USAuto Center and Igor Coadá – On November 20, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 1537, 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750.

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

Motion was made by Chris Maher to accept the hearing officer's recommendation of assessing a civil penalty of \$750. Rob Fisher seconded. The motion carried unanimously.

Silver Motors, LLC and Amare Awoke – On December 12, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,250 (\$750 for 46.2-1533, \$500 for 46.2-1575 {2}), satisfactory inspection and to successfully complete the Dealer-Operator course.

Motion was made by Chris Maher to assess a civil penalty of \$1,750, satisfactory inspection and the 2-day Dealer-Operator course. Rob Fisher seconded. The motion carried unanimously.

TJ Auto Sales, LLC and Taimur Khan – On December 17, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750 for 46.2-1533.

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

Motion was made by Joe Tate to accept the hearing officer's recommendation of assessing a civil penalty of \$750. Rob Fisher seconded. The motion carried unanimously.

Select Imports, LLC and William J. Gurdin – On December 16, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended a satisfactory inspection within 90 days.

Mr. Gurdin was present and spoke on his own behalf. Carol Williams was present and spoke on behalf of Mr. Gurdin. Ms. Williams be the Dealer-Operator for Select Imports, while Mr. Gurdin will be stepping back.

Motion was made by Chris Maher to accept the hearing officer's recommendation of a satisfactory inspection within 90 days. Rob Fisher seconded. All in favor: 7 (Kody, Bor, Britt, Fisher, Malloy, Maher, Saghafi). Opposed: 1 (Tate). The motion carried.

Kingdom Automotive, LLC and Edward C. Kamande – On November 26, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,000 and a satisfactory inspection.

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

Motion was made by Rob Fisher to accept the hearing officer's recommendation of assessing a civil penalty of \$1,000 and a satisfactory inspection. Michael Bor seconded. The motion carried unanimously.

Mike and Rand, LLC and Majed Kasem – On December 3, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1547. Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$1,000.

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

Motion was made by Chris Maher to issue a written warning regarding 46.2-1547. Senior Saghafi seconded. All in favor: 6 (Bor, Fisher, Malloy, Maher, Saghafi, Tate). Opposed: 2 (Kody, Britt). The motion carried.

Review and Action: Formal Hearing:

Thomas K. Maad, Goldstar Motor Company (OB) – Historical Overview leading up to the formal hearing: On March 5, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 1539, 1542 (B), 1547, 1550 and 1575 (2) and (6). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$9,000, written warning for violations of VA Code Section 46.2-1539 and revocation of his dealer-operator qualification. At the July 8, 2019 Committee and Full Board Meetings, the Board adopted a resolution agreeing with the hearing officer's recommendation of assessing a civil penalty of \$9,000, revocation of his dealer-operator qualification and written warning for violations of VA Section Code 46.2-1539. On September 27, 2019, Mr. Maad appealed for a formal hearing, but prior to appealing the decision, Mr. Maad made a payment of \$1,000 on the \$9,000 civil penalty. On November 6, 2019, a formal hearing was conducted to address the above-alleged violations. Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$9,000, written warning for violations of VA Section Code 46.2-1539 and revocation of his dealer-operator qualification.

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

Motion was made by Michael Bor to table this issue until the September Board Meeting. Joe Tate seconded. Senior Saghafi abstained due to a working relationship with Mr. Maad. The motion carried.

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

NEXT MEETING

The next meeting is scheduled for March 9, 2020

The meeting adjourned at 10:39 a.m.

Meeting Summary
Dealer Licensing Committee
Monday, January 13, 2020

Chairman Joe Tate called the Dealer Licensing Committee meeting to order at 10:39 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Ted Bailey, Dan Banister, David Duncan, Rob Fisher, Randy Harris, Senior Saghafi and Maurice Slaughter. (Absent: Liza Borches) Other Board members present: Michael Bor, Gardner Britt, Ron Kody, Chris Maher, Geoff Malloy, Don Sullivan. Executive Director William Childress, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 4, 2019 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

Supplemental Sales – William Childress updated the Board members regarding off-site supplemental sales since the May 2019 Board meeting and the implementation of guidelines approved by the Board. The purpose of the update related directly to a complaint placed by 2 franchise dealers against Nelson Honda and Nelson's projected expenses to host the off-site sale. After some discussion about the projected expenses and the supplemental sales process, the Board decided not take any actions since neither of the complainants attended the meeting. Both were invited and were unable to attend. Board staff was encouraged to continue process in place.

OLD BUSINESS FROM THE FLOOR:

There was no old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Gaby A. Touma, GN Auto, LLC (OB) – On October 17, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1574 and 1575 (4). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty and revocation of both dealer-operator and salesperson licenses.

Motion was made by Maurice Slaughter to assess a civil penalty of \$5,000 and revocation of all licenses. David Duncan seconded. The motion carried unanimously.

Jacob M. Brown, Sales Applicant. On November 13, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1575 (6). Based on the information provided at the conference, the hearing officer recommended approving a sales license and that Mr. Brown provide affidavits for tracking purposes, should Mr. Brown leave the dealership.

Motion was made by Gardner Britt to reject the hearing officer's recommendation and deny Mr. Brown a salesperson's license. Maurice Slaughter seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for March 9, 2020

The meeting adjourned at 11:05 a.m.

Meeting Summary
Advertising Committee
Monday, January 13, 2020

Chairman David Duncan called the Advertising Committee meeting to order at 11:05 a.m. in Room 702, DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members: Ted Bailey, Dan Banister, Michael Bor, Ron Kody, Geoff Malloy and Maurice Slaughter. (Absent: Liza Borches, Matt McQueen). Other Board members present: Gardner Britt, Rob Fisher, Randy Harris, Chris Maher, Senior Saghafi, Don Sullivan and Joe Tate. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 4, 2019 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

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for March 9, 2020.

The meeting adjourned at 11:07 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, January 13, 2020

Chairman Chris Maher called the Transaction Recovery Fund Committee meeting to order at 11:07 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Dan Banister, Michael Bor Rob Fisher, Ron Kody, Maurice Slaughter and Don Sullivan. (Absent: Steve Farmer, Matt McQueen) Other Board members present: Senior Saghafi, Gardner Britt, Ted Bailey, David Duncan, Randy Harris, Geoff Malloy, Joe Tate. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The November 4, 2019 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

Christopher E. Tyree vs. Dwayne Hicks, Timberlake Auto Emporium – On December 27, 2019, an informal fact-finding conference was conducted to address the alleged violation of VA Code Section 46.2-1527.3 against Dwayne Hicks, Timberlake Auto Emporium. Based on the information provided at the conference, the hearing officer recommended that the Board defer Mr. Tyree's claim of \$1,319.93 to the Board, as the hearing officer was unable to approve due to lack of finding of Fraud in the Court Judgment.

Motion was made by Dan Banister to deny Mr. Tyree's claim for \$1,319.93. Rob Fisher seconded. The motion carried unanimously.

Kenny Parrott vs. Shines International, LLC and Yin Xiang – On December 27, 2019, an informal fact-finding conference was conducted to address the alleged

violation of VA Code Section 46.2-1527.3 against Shines International, LLC and Yin Xiang. Based on the information provided at the conference, the hearing officer recommended that the Board approve Mr. Parrott's claim of \$12,960.00.

Motion was made by Ron Kody to approve Mr. Parrott's claim for \$12,960.00. Rob Fisher seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for March 9, 2020

The meeting adjourned at 11:12 a.m.