

NOTE: Appearing first is the Full Board summary which is the last meeting of the day. The committees will follow in the order of which time they were conducted. The Dealer Board staff felt it would benefit our readers to have the last meeting of the day appear first on the website.

~ **FINAL** ~

Meeting Summary
Motor Vehicle Dealer Board
Monday, May 9, 2011

Chairman Rick Holcomb called the Dealer Board meeting to order at 11:08 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. The roll was called and there were 15 Board members present. Present were members Frank Pohanka, Wanda Lewark, Lynn Hooper, T.K. Hughes, Henry Jones, David Lacy, Thomas Moorehead, Pat Patrick, Matt Queen, Kevin Reilly, Larry Shelor, Joe Tate, Jimmy Whitten and Robert Woodall. (Absent: Matt Lohr, Chip Lindsay, Sally Woodson and Tommy Woodson). Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Wanda Neely, Ann Majors and Frank McCormick represented the Dealer Board. Eric Fiske represented the Attorney General's Office. Alice Weedon acted as Recording Secretary.

PUBLIC COMMENT

There was no public comment.

The March 14, 2011 meeting summary was approved.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee:

Chairman Kevin Reilly summarized discussions held and actions that were taken during the Committee Meeting. Chairman Reilly also indicated that the motion of William Myers and American Classics failed; therefore, no motion is needed for Full Board.

- **Car Authority, LLC and Michael T. Calderone.** Chairman Kevin Reilly summarized for the Board the discussion held in the committee meeting regarding Car Authority, LLC and Michael T. Calderone. Based on that discussion, Mr. Reilly 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 Car Authority, LLC and Michael T. Calderone for alleged violations of Va. Code Sections 46.2-1533 (failing to maintain posted business hours) and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning from the Department or the Board). Based on due consideration, the Board believes a civil penalty should be assessed against Car Authority, LLC and Michael T. Calderone. The Board hereby assesses a \$1,250 civil penalty against Car Authority, LLC and Michael T. Calderone. Based on due consideration, the Board believes that Mr. Calderone's dealership should be re-inspected and that the inspection must be satisfactory. The Board hereby mandates that a Motor Vehicle Dealer Board field representative re-inspect Mr. Calderone's dealership within 30 days of Mr. Calderone accepting the Board's decision. If the inspection is not satisfactory the Board suspends for 60 days or until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative, whichever is longer, all licenses issued by the Board to Mr. Calderone.

Joe Tate seconded. The motion carried unanimously.

- **T. Call Auto Sales, Inc. and William T. Call.** Chairman Kevin Reilly summarized for the Board the discussion held in the committee meeting regarding T. Call Auto Auto Sales, Inc. and William T. Call. Based on that discussion, Mr. Reilly 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 Call Auto Sales, Inc. and William T. Call for alleged violations of Va. Code Section 46.2-1575.9 (having been convicted of any criminal act involving the business of selling vehicles). Based on due consideration, the Board believes a civil penalty should be assessed against William T. Call. The Board hereby assesses a \$100 civil penalty against William T. Call. Mr. Call has volunteered to surrender his dealer operator certificate of qualification. The Board hereby accepts the surrender of William T. Call's dealer operator certificate of qualification.

Henry Jones seconded. Jimmy Whitten abstained. The motion carried.

Licensing Committee

Vice-Chairman Lynn Hooper summarized discussions held and actions that were taken during the Committee Meeting. Full Chairman Rick Holcomb indicated that he would like to incorporate the following update into the Full Board summary:

- **Update: Independent Dealer-Operator (IDO) Recertification Program.** Ann Majors indicated that total number of dealers due for Recertification by May 31, 2011 is 103. Of these, 86 are registered or recertified. The balances of 94 recertified IDO's are from the April-July Mailing. For April-June the Board sent 105 letters, For July the Board sent 643 letters, For August the Board sent 358 letters, For September the Board sent 204 letters. On average, the Dealer Board receives 10-20 calls and 2-3 e-mails, per day from dealers requesting clarification on the program. "Testing" is the obviously the most frequent question. Ms. Majors is currently creating a project management map for program execution and looking for efficiencies moving forward.

Advertising Committee

Chairman Lynn Hooper summarized discussions that were held during the Committee Meeting.

Transaction Recovery Fund Committee:

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

- **Jaime Weinberg and Alexandria Buick-Pont-GMC-Saturn.** Chairman Larry Shelor summarized for the Board the discussion held in the committee meeting regarding Jaime Weinberg and Alexandria Buick-Pont-GMC-Saturn. Based on that discussion and the recommendations in these cases, Mr. Shelor made the following motion: Pursuant to § 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 a claim submitted for payment from the Fund and based on due consideration and recommendation of the hearing officer, the Board believes the claim should not be payable from the Fund.

Joe Tate seconded. The motion carried unanimously.

- **Discussion of Attorney Fees:** Commissioner Holcomb suggested that the Board might want to re-look at the compensability of the claim in light of comments by counsel for the Board. There was discussion by the Board with counsel about its decision to deny the claim, and determined that no change in that decision was needed.
- **Willie C. Jones and Newton Motors/Ronald M. Newton, Jr. and Jamal Daniel and Alexandria Chevrolet.** Chairman Larry Shelor summarized for the Board the discussion held in the committee meeting regarding Willie C. Jones and Newton Motors/Ronald M. Newton, Jr. and Jamal Daniel and Alexandria Chevrolet. Based on that discussion and the recommendations in these cases, Mr. Shelor made the following motion: Pursuant to VA Code 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 the claims submitted for payment from the Fund and based on due consideration and recommendation of the hearing officer, the Board believes the claims should be payable from the Fund.

Willie C. Jones and Newton Motors/Ronald M. Newton, Jr.	\$10,425.23
Jamal Daniel and Alexandria Chevrolet	\$2,110.90

Henry Jones seconded. The motion carried unanimously.

OLD BUSINESS

General Assembly Update: Bruce indicated that a study mandate came from this session regarding the Transaction Recovery Fund. A meeting will be convened at 1:00 p.m. on 05/09/11 to discuss the Transaction Recovery Fund. One of the changes to be discussed in this meeting is to up the limit on the Fund from \$20,000 to \$50,000. Mr. Gould invited all those who are interested in attending this meeting.

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

NEW BUSINESS FROM THE FLOOR

Rick Holcomb indicated that Joe Tate received a resolution for being a quality dealer nominee. Rick also reminded the board members on plate holders that cannot obscure any part of the plates. May 1, 2011 was the deadline for the Print on Demand. As long as you are signed up for a PoD vendor, you will be able to purchase paper tags. However, hoarding tags are not refundable once you become on-line with PoD. The time frame on how DMV is processing dealer work has become an issue. He is hoping to resolve where the work will be processed in a more timely fashion. Lastly, several Board members terms are expiring July 1, 2011. He has requested that those members who do not have to attend the July Board meeting, to please attend because there is a chance that the new members may not be in place.

The next meeting will be scheduled for July 11, 2011.

Executive Director’s Report. Bruce Gould invited the Board members to submit to him any legislative ideas for the next General Assembly session. He discussed the success of the Recertification of Dealer Operator course. He also discussed the field representative inspections and that the Code reads that the dealers can be charged for failed inspections. He will update the members once he has had the opportunity to look further into this process.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the meeting at 11:58 a.m.

Meeting Summary
Dealer Practices Committee
Monday, May 9, 2011

Chairman Kevin Reilly called the Dealer Practices Committee meeting to order at 8:59 a.m. in Room 702 of the DMV Headquarters Building at 2300 W. Broad Street in Richmond. Present were Committee members T.K. Hughes, David Lacy, Wanda Lewark, Thomas Moorehead, Matt Queen, Larry Shelor and Robert Woodall. (Absent: Tommy Woodson, Chip Lindsay and Sally Woodson). Other Board members present: Joe Tate, Pat Patrick, Frank Pohanka, Rick Holcomb, Lynn Hooper, Jimmy Whitten, Henry Jones. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Ann Majors, Frank McCormick and Wanda Neely represented the Dealer Board. Eric Fiske represented the Attorney General's office.

The March 14, 2011 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

Variance Request in Hours: American Classics and William Myers. Bruce Gould indicated that at the March Dealer Practices and Full Board meeting, Mr. Myers stated his case for requesting that the Board grant him a variance to be open on an "appointment only" basis. After some discussion it was decided that the Board staff should draft a tightly worded resolution for consideration at the May meeting. Events that resulted from the March meeting are as follows:

- On March 17, 2011, a letter was sent to Mr. Myers summarizing decisions made at the March Committee meeting. The letter reminded Mr. Myers that he must maintain his business hours pending whatever action the Board takes at its May meeting. The letter also stated that a MVDB field representative would be visiting his dealerships soon as the last time they were inspected was October, 2008.
- On March 28, 2011, Mr. Myers faxed a letter to the MVDB Office that he would be operating "outside of normal business hours" per his doctor's advice. On that same day a letter was sent to Mr. Myers from the Board's executive director stating that he must maintain his hours or at his option, he could temporarily surrender his licensing items. Mr. Myers did not respond. Several attempts were made to fax the letter to Mr. Myers. All fax attempts failed.
- On April 1, 2011, Mr. Myers faxed a letter to the MVDB Office stating that due to a family emergency that he had to leave town and would therefore be closed until April 11.
- On April 4, 2011, MVDB staff responded to Mr. Myer's April 1 letter, stating that the Board stated that he must maintain hours pending the Board's decision at its May meeting.
- On April 5, 2011, MVDB field representative Garrett attempted to visit both dealerships. Both were closed. In addition, the Prince George dealership did not have a sign identifying the name of the dealership.
- On April 12, Mr. Myers faxed a letter to the MVDB Office stating that he "will continue to be open by appt. only" due to VDOT road closure.
- On April 18, 2011, Mr. Myers Faxed a letter to the MVDB Office stating that he would be closed through April 25 for vacation.
- MVDB sent a letter to Mr. Myers on April 20 in reference to the lack of a sign at this Prince George dealership.
- Letters were sent to Mr. Myers on April 21, assessing a civil penalty for not maintaining hours.

Mr. Myers was present and spoke on his own behalf. He explained that since he sells antique cars and his customers make an appointment to view the cars, he does not believe he should be made to keep regular business hours.

Motion was made by Matthew Queen to accept the variance. Wanda Lewark seconded. All in favor: 0. Opposed: 8 (Reilly, Hughes, Lewark, Lacy, Moorehead, Queen, Shelor and Woodall). The motion failed unanimously.

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

Review and Action: Informal Fact-Finding Conferences:

- **Car Authority, LLC and Michael T. Calderone.** On March 3, 2011, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section(s) 46.2-1528 (examination or audit of licensee; costs), 46.2-1533 (failing to maintain posted business hours) and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning from the Department or the Board). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$500 for violating 1533, \$250 for violating 1528 and \$500 for violating 1575(2) for a total civil penalty of \$1,250.00. He also recommended that Mr. Calderone's license be suspended for a period of 60 days and before he can reapply, he should complete the Dealer Operator course.

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

Motion was made by Robert Woodall to accept the hearing officer's recommendation; however with the amendment of having a satisfactory inspection in 30 days, if he fails the inspection, his license should be suspended for a minimum of 60 days and should remain suspended until he has a satisfactory inspection. David Lacy seconded. The motion carried unanimously.

- **T. Call Auto Sales, Inc. and William T. Call.** On February 1, 2011, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1575(9) (having been convicted of any criminal act involving the business of selling vehicles). Based on the information provided at the conference, the hearing officer recommended that Mr. Call be assessed a civil penalty of \$1,000 and that he also complete the Dealer Operator course.

NOTE: On April 7, 2011, Mr. Call visited Mr. Gould at the Dealer Board's office with a letter indicating that he would like to close his dealership, T. Call Auto Sales, Inc., but would like to maintain his salesperson's license and work for someone else. He also indicated that he would like to voluntarily give up his dealer-operator certificate of qualification.

T.K. Hughes felt that because Mr. Call volunteered to close his business, the civil penalty should not be so harsh. Therefore, Mr. Hughes made a motion to assess a civil penalty of \$100.00 and accept his voluntary surrender of his dealer-operator certificate of qualification. Robert Woodall seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for July 11, 2011.

The meeting adjourned 10:06 a.m.

**Meeting Summary
Dealer Licensing Committee
Monday, May 9, 2011**

Vice-Chairman Lynn Hooper called the Dealer Licensing Committee meeting to order at 10:06 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members Lynn Hooper, T.K. Hughes, Henry Jones, Pat Patrick, Frank Pohanka, Joe Tate, Jimmy Whitten and Robert Woodall. (Absent: Chip Lindsay). Other Board members present: Thomas Moorehead, David Lacy, Larry Shelor, Kevin Reilly, Rick Holcomb, Wanda Lewark, Matthew Queen. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Frank McCormick, Ann Majors and Wanda Neely represented the Dealer Board. Eric Fiske represented the Attorney General's office.

The March 14, 2011 meeting summary was approved.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

Update: Independent Dealer-Operator (IDO) Recertification Program. Ann Majors indicated that the total number of dealers due for Recertification by May 31, 2011 is 103. Of these, 86 are registered or recertified. The balances of 94 recertified IDO's are from the April-July Mailing. For April-June the Board sent 105 letters, For July the Board sent 643 letters, For August the Board sent 358 letters, For September the Board sent 204 letters. On average, the Dealer Board receives 10-20 calls and 2-3 e-mails per day from dealers requesting clarification on the program. "Testing" is obviously the most frequent question. Ms. Majors is currently creating a project management map for program execution and looking for efficiencies moving forward.

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 July 11, 2011.

The meeting adjourned at 10:21 a.m.

Meeting Summary
Advertising Committee
Monday, May 9, 2011

Chairman Lynn Hooper called the Advertising Committee meeting to order at 10:22 a.m. in Room 702, at DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members Matt Queen, Kevin Reilly, Larry Shelor, Joe Tate, Jimmy Whitten. (Absent: Matt Lohr, Sally Woodson, Tommy Woodson). Other Board members present: Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Frank McCormick, Ann Majors and Wanda Neely represented the Dealer Board. Eric Fiske represented the Attorney General's office.

The March 14, 2011 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

Lynn Hooper reviewed and discussed the Advertising Report with the Committee members. It was discussed that maybe Advertising should only meet on an "as needed" basis, as Franchise Law, however, Mr. Hooper indicated that it should stay as it is.

The next meeting was scheduled for July 11, 2011.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The meeting adjourned at 10:25 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, May 9, 2011

Chairman Larry Shelor called the Transaction Recovery Fund Committee meeting to order at 10:25 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Henry Jones, David Lacy, Wanda Lewark, Pat Patrick, Frank Pohanka, Matt Queen and Joe Tate. (Absent: Matt Lohr). Other Board members present: Thomas Moorehead, T.K. Hughes, Kevin Reilly, Rick Holcomb, Lynn Hooper, Jimmy Whitten, Robert Woodall. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Frank McCormick, Ann Majors and Wanda Neely represented the Dealer Board. Eric Fiske represented the Attorney General's office.

The March 14, 2011 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 Conference Results:

- **Jamie W. Weinberg and Alexandria Buick-Pont-GMC-Saturn.** On November 1, 2008, Mr. Weinberg purchased and financed a 2009 Pontiac Vibe from Alexandria Buick-Pont-GMC-Saturn for a total purchase price of \$21,181.50. Alexandria Pontiac executed the Buyer's Order and an Odometer Disclosure indicating 29 miles, and the Vibe as being new. Mr. Weinberg was told by the dealership the vehicle would have the full three year/35,000 mile warranty. It was also told to Mr. Weinberg that the vehicle had no previous repairs.

After taking delivery of the 2009 Pontiac, Mr. Weinberg contacted General Motors and the dealership to inform them of numerous defects in the vehicle. In February 2010, Mr. Weinberg learned that Alexandria Pontiac was no longer in business. Then in March 2010, Mr. Weinberg discovered that the vehicle's warranty start date from General Motors began on February 22, 2008, eight months prior to his purchase. Further, he discovered that the odometer reading that had been reported by the dealership indicated that April 23, 2008, six months prior to his purchase, reflected 846 miles.

In June 2010, Mr. Weinberg sought legal counsel (Stephen Swann, Esquire) in order to pursue the dealership civilly in court. Due to the material facts, concerning the specific omissions regarding the 2009 Pontiac, it was actually "used" with a reduced factory warranty coverage, with an inaccurate odometer reading and with risk of prior damage and undisclosed defects which would have been known by Alexandria Pontiac, has diminished the vehicles value, reliability and marketability to Mr. Weinberg.

On July 13, 2010, the Dealer Board was served Notice of the "Complaint" that was filed in the Circuit Court for Fairfax County. Allegations of the Complaint consisted of Deceit and Fraud, violations of Consumer Protection Act and Breach of Warranties. On November 19, 2010, the Circuit Court of Fairfax County awarded a default judgment to Jaime Weinberg against Alexandria Pontiac for fraud and multiple violations of the Motor Vehicle Dealers Acts. Judgment awarded was for \$21,831.50 actual damages; \$43,663.00 in violation of the Va. Consumer Act; \$9,320.90 in attorney fees and \$168.00 in costs.

On December 23, 2010, Mr. Swann, on behalf of Mr. Weinberg, submitted to the Dealer Board documentation and exhibits for consideration of payment from the Fund. After preliminary review, Board staff determined that Mr. Weinberg's claim met the requirement of filing a claim. However, due to the complexity of the claim, there are still some issues of concerns regarding Mr. Weinberg's actual out of pocket loss. The DMV records reflect that Mr. Weinberg has retained ownership of the vehicle and recently renewed the registration.

On March 21, 2011, an informal fact-finding conference was conducted and on the date of the original conference, new information and possible exhibits were discovered by staff. This new information was germane to the case and was needed for the Board to make an informed decision as to the facts of this case. A follow-up conference was conducted on April 18, 2011 to obtain the new information. On March 16, 2011, GM provided a check to Mr. Weinberg for the amount of \$18,000.00 for the repurchase of the 2009 Vibe and another check in the amount of \$14,626.80 was sent to PNC Bank to satisfy the lien for a total of \$32,626.80 being paid referencing the 2009 Vibe. Ms. Neely mailed a clarification letter to Mr. Swann regarding the new information, prior to the April 18, 2011. In response, it was counsel's argument that the settlement with GM is separate and stands alone from the judgment of the Circuit Court of Fairfax County. He also indicted that the filing under the "lemon law" was over a year ago against General Motors. This filing is not a part of any fraud as pursued in the claim against the Fund, nor was it any part of the judgment ordered by Fairfax County. Mr. Swann believes that his client is entitled by the code to the full \$20,000.00 amount from the Fund, which is a part of the court's judgment.

Based on the information provided at the April 18, 2011 conference, the hearing officer recommended that the Board should take into consideration that GM has settled with Mr. Weinberg for the amount of \$18,000.00 and \$14,626.80 financing for a total amount of \$32,626.80. Mr. Weinberg has had use of the 2009 Vibe during this time period and even though he did not have the full warranty he did enjoy the use of the vehicle and limited warranty on some repairs. Mr. Weinberg has been made whole, his collections far exceed the \$20,000.00. Therefore the hearing officer recommended that the Fund may be used to pay attorney fees of \$9,320.90 and court costs of \$168.00. Such fees are not in the settlement with GM. The hearing officer also noted that there was a ruling by the court in this case; however, it was his belief this ruling would only apply when there are no other sources available. Would the court have made its judgment the same if it was aware of the GM settlement?

Motion was made by Joe Tate to deny the claim because he felt the consumer was already made whole by GM. Matthew Queen seconded. The motion carried unanimously.

There were comments offered by counsel for the Board about the compensability of the claim, including the issue of attorney's fees and about the defense of the Board's decision if appealed to a court. Further comments were made by Commissioner Richard Holcomb about the purpose of the Fund and trying to compensate the claimant for his actual loss and how this claim compares to that purpose.

- **Willie C. Jones and Newton Motors and Ronald M. Newton, Jr.** On August 12, 2008, Mr. Jones purchased a 2002 Lincoln from Newton Motors. Mr. Jones made a deposit of \$1,633.20 towards to purchase. Previously, Mr. Jones had purchased a 2002 Cadillac from Newton Motors and prior to purchasing the Lincoln, Mr. Jones was in an accident and the insurance company declared the vehicle a total loss. The insurance company paid the market value of the Cadillac which was \$7,443 leaving Mr. Jones liable for the balance on his loan to CitiFinancial in the amount of \$5,702.73. Newton Motors agreed to include that amount in with the new financing on the purchase price of the Lincoln and pay off the loan on the Cadillac. The purchasing price of the Lincoln was \$11,000.00, the Buyer's Order reflects the purchase price of \$16,307.00 minus \$5,702.73 equaling \$10,605.00 plus \$492.00 sales tax equaling \$11,097.00 as the purchase price of the Lincoln.

Newton Motors included the \$5,702.73 on the new loan amount; however they never paid off the pre-existing loan to CitiFinancial. Mr. Jones is now liable on two loans to CitiFinancial for \$5,702.73 that was applied to the new loan for the Lincoln and the old loan for the balance owed in the amount of \$5,702.73 on the Cadillac. When Mr. Jones learned that Newton had not paid off the loan to CitiFinancial he obtained legal counsel (Patty Anderson) in order to pursue Newton Motors civilly in court. When counsel first confronted Ronald Newton Jr., of Newton Motors regarding pay-off on the Cadillac loan, they indicated they had written a check to CitiFinancial. However, CitiFinancial has verified that the Cadillac account was not paid off.

On November 10, 2010, the Hopewell General District Court awarded Willie Jones judgment against Newton Motors and Ronald M. Newton, Jr. in the amount of \$15,000.00 plus \$140.00 court costs. On January 6, 2011, Ms. Anderson submitted documentation to the Dealer Board for consideration of payment from the Motor Vehicle Transaction Recovery Fund. After a careful preliminary review, Board staff determined that the Cadillac was not shown on the Buyer's Order or on the Retail Installment Contract, however there is supporting documentation as evidence that reflects that Newton Motors included the amount owed (\$5,702.73) on the Cadillac in with the financing for the purchase of the Lincoln.

On April 15, 2011, an informal fact-finding conference was conducted and based on the information provided at the conference, the hearing officer recommended that the Board should consider Mr. Jones request to pay the claim of \$5,842.73.

Motion was made by Pat Patrick to accept the hearing officer's recommendation. Matthew Queen seconded. The motion carried unanimously.

- **Jamal Daniel and Alexandria Chevrolet.** On September 5, 2009, Mr. Daniel entered into a contract to purchase and obtain financing for a 2006 Saturn from Alexandria Chevrolet for \$8,191.83. In addition, Mr. Daniel purchased an Extended Service Contract for \$1,665.63 making the total net balance due at settlement of \$9,857.43. Later, Mr. Daniel learned that Alexandria Chevrolet had been sold and that the dealership had never submitted the Extended Service Contract or money to the GM Protection Plan, nor did they refund the \$1,665.63 which was included in the financing of the vehicle.

On August 2, 2010, Mr. Daniel filed a "Bill of Particulars" with the Fairfax County General District Court for a judgment against Niswander, Inc. On September 13, 2011, the Fairfax County General District Court awarded Mr. Daniel a default judgment against Niswander, Inc. in the amount of \$2,384.00 plus \$53.00 in court costs. On January 26, 2011 Mr. Daniel submitted to the Dealer Board documentation for consideration of payment from the Motor Vehicle Transaction Recovery Fund.

On April 18, 2011, an informal fact-finding conference was conducted and based on the information provided at the conference, the hearing officer recommended that the Board should consider Mr. Daniel's request to pay the claim of \$1,718.00 (\$1,665.00, the price of the Extended Service Contract and \$53.00 in court costs).

Motion was made by Henry Jones to accept the hearing officer's recommendation. Joe Tate seconded. The motion carried unanimously.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for July 11, 2011.

The meeting adjourned at 10:51 a.m.