

**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, November 5, 2007

Vice-Chairman Vince Sheehy called the Dealer Board meeting to order at 10:02 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. The roll was called and there were 13 Board members present. Present were members Jonathan Blank, Lynn Hooper, Todd Hyman, Henry Jones, David Lacy, Wanda Lewark, Chip Lindsay, Pat Patrick, Kevin Reilly, Vince Sheehy, Larry Shelor, Jimmy Whitten and Robert Woodall. (Absent: D.B. Smit, Todd Haymore, Hugh McCreight, Thomas Moorehead, Frank Pohanka and Tommy Woodson). Executive Director Bruce Gould, Prin Cowan, Peggy Bailey, Wanda Neely and Frank McCormick represented the Dealer Board. Jim Gurney represented DMV. Eric Fiske represented the Attorney General's Office. Alice Weedon acted as Recording Secretary.

The September 10, 2007 meeting summary was approved.

### **PUBLIC COMMENT**

There was no public comment.

### **STATUTORY COMMITTEE REPORTS**

#### **Dealer Practices Committee:**

- **Variance Request: Gem City Iron & Metal Co., Inc.** Chairman Pat Patrick summarized for the Board the discussion held in the Committee meeting regarding Gem City Iron & Metal Co., Inc. Based on that discussion, Mr. Patrick made the following motion: Va. Code Section 46.2-1533 grants authority to the Board to modify the minimum hours requirements as set-out in § 46.2-1533, "for good cause" and the Board has determined that "good cause" has not been established and Mr. Aust, owner of Gem City Iron and Metal. The Board denies the variance request of Mr. Aust t/a Gem City Iron and Metal to be opened only three hours per week between the hours 7:00 am to 10:00 am on Mondays.

David Lacy seconded. The motion carried unanimously.

- **Said R. Masumi and Pan Am Automotive, Inc.** Chairman Pat Patrick summarized for the Board the discussion held in the Committee meeting regarding Said R. Masumi and Pan Am Automotive, Inc. Based on that discussion, Mr. Patrick 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 Said R. Masumi t/a Pan Am Auto for alleged violations of Va. Code §§46.2-1529 and 46.2-1559, related to record keeping requirements and 46.2-1537, compensating an unlicensed individual in connection with the sale of a motor vehicle. Based on due consideration, the Board believes a civil penalty should be assessed against Said R. Masumi t/a Pan Am Auto. The Board hereby assesses a \$2,000 civil penalty against Said R. Masumi t/a Pan Am Auto; and based on due consideration, the Board believes that successfully completing the dealer-operator course would benefit Mr. Masumi in running his dealership. The Board mandates that Mr. Masumi successfully complete the dealer-operator course by May 5, 2008. Failure to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Mr. Masumi by the Board until what time Mr. Masumi has successfully completed the course.

Kevin Reilly seconded. The motion carried unanimously.

**Licensing Committee**

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

- **Andrew S. Gurowitz and Fairfax Motors, Inc.** Chairman Todd Hyman summarized for the Board the discussion held in the Committee meeting regarding Andrew S. Gurowitz and Fairfax Motors, Inc. Based on that discussion, Mr. Hyman 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 Andrew S. Gurowitz t/a Fairfax Motors, Inc for alleged violations of Va. Code §46.2-1537, compensating an unlicensed individual in connection with the sale of a motor vehicle. Based on due consideration, the Board believes a civil penalty should be assessed against Andrew S. Gurowitz t/a Fairfax Motors, Inc. The Board hereby assesses a \$2,000 civil penalty against Andrew S. Gurowitz t/a Fairfax Motors, Inc.

Robert Woodall seconded. The motion carried unanimously.

**Advertising Committee**

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

- **“Bird Dog”: Rewards for Employees.** Vice-Chairman Lynn Hooper summarized for the Board the discussion held in the Committee meeting regarding the subject “Bird Dog rewards for employees. No action was deemed necessary.

**Transaction Recovery Fund Committee:**

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

- **Clarence & Gretchen Burkett and Freedom Motors and Masahiro Sato and Field Auto City.** Chairman David Lacy summarized for the Board the discussion held in the Committee meeting regarding Clarence & Gretchen Burkett and Freedom Motors and Masahiro Sato and Field Auto City. Based on that discussion and the recommendation in the case, Mr. Lacy made the following motions: 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 claims submitted for payment from the Fund and based on due consideration and recommendation of the hearing officer, the Board believes the following claims should be payable from the Fund. The Board hereby approves and reaffirms the following claims and payment amounts subject to compliance by the claimant with statutory requirements:

<b>Clarence &amp; Gretchen Burkett and Freedom Motors</b>	<b>\$20,000.00</b>
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Pat Patrick seconded. The motion carried unanimously.

- **Freedom Motors and Masahiro Sato and Field Auto City.** Chairman David Lacy summarized for the Board the discussion held in the Committee meeting regarding Clarence & Gretchen Burkett and Freedom Motors and Masahiro Sato and Field Auto City. Based on that discussion and the recommendation in the case, Mr. Lacy made the following motions: 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 claims submitted for payment from the Fund and based on due consideration and recommendation of the hearing officer, the Board believes the following claims should be denied. The Board hereby denies the following claims subject to compliance by the claimant with statutory requirements:

<b>Masahiro Sato and Field Auto City</b>	<b>\$16,478.78</b>
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Lynn Hooper seconded.

Mr. Willcox was present and spoke on behalf of Mr. Sato. General discussion followed.

Substitution motion was made by Lynn Hooper to table this issue to the January meeting so that Mr. Willcox can take the appropriate steps to correct the process of filing the judgment in a Virginia court and giving the Board the opportunity to intervene. Henry Jones seconded. Mr. Jones withdrew his second for further discussion and possible negotiation with Mr. Willcox.

After further discussion, Mr. Jones seconded the original substitute motion. The motion carried unanimously.

## **OLD BUSINESS**

### **OLD BUSINESS FROM THE FLOOR**

There was no old business from the floor.

## **NEW BUSINESS**

- **Executive Director's Report.** Bruce Gould indicated that the Governor's office has given the green light to pursue curbstoning legislation. Bruce announced that Barbara Hill is retiring the end of the year and a formal announcement will be made to the dealers. Following this meeting, the dealer-operator continuing education committee/task force will meet. Bruce introduced Mr. Henry Jones as the newest member of the Board. A Board Member requested that Bruce talk about how the field representatives conduct their investigations. He indicated that they come about from approximately four different sources. Examples of these sources are random inspections, consumer complaints, other dealers and internal staff when reviewing paperwork and see something that doesn't seem quit right. He extended an invitation to the Board members if they ever would like to ride with a field representative located in their area.

The next meeting will be scheduled for January 14, 2008.

### **NEW BUSINESS FROM THE FLOOR**

There was no new business from the floor.

There being no further business to come before the Motor Vehicle Dealer Board, Vice-Chairman Sheehy adjourned the meeting at 10:42 a.m.

Meeting Summary  
**Dealer Practices Committee**  
Monday, November 5, 2007

Chairman Pat Patrick called the Dealer Practices Committee meeting to order at 8:31 a.m. in Room 702 of the DMV Headquarters Building at 2300 W. Broad Street in Richmond. Present were Committee members Jonathan Blank, Lynn Hooper, Henry Jones, David Lacy, Kevin Reilly, Jimmy Whitten and Robert Woodall. (Absent: Hugh McCreight, Thomas Moorehead, Frank Pohanka). Other board members present: Todd Hyman, Vince Sheehy, Wanda Lewark, Larry Shelor. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Wanda Neely and Frank McCormick represented the Dealer Board. Jim Gurney represented DMV. Eric Fiske was present from the Attorney General's Office.

The September 10, 2007 meeting summary was approved.

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS**

- **Update: September Actions.** Peggy Bailey reported on the actions taken at the Dealer Practices Committee meeting on September 10, 2007.

**OLD BUSINESS FROM THE FLOOR**

There was no old business from the floor.

**NEW BUSINESS**

- **Variance Request: Gem City Iron & Metal Co., Inc.** Douglas Aust, President of Gem City Iron & Metal Co., Inc. wrote Mr. Gould a letter on August 6, 2007, requesting a variance in hours to allow them to be on site for only three hours per week on Monday mornings from seven to ten. Mr. Aust indicated that he sold the scrap recycling operations but wants to keep the dealers license to sell used vehicles.

Motion was made by Lynn Hooper to deny Mr. Aust's request because he failed to show good cause. Kevin Reilly seconded. The motion carried unanimously.

**Review and Action: Informal Fact-Finding Conference:**

- **Said R. Masumi and Pan Am Auto.** On August 14, 2007, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 (failure to maintain all dealer records on the premises of the licensed location), 46.2-1537 (Prohibited solicitation and compensation) and 46.2-1559 (Records to be kept by dealers; inspection). Based on the information provided at the conference, the hearing officer recommended that Pan Am be assessed a single civil penalty of \$1,500 for the 19 unlicensed sales for violation of 1537, a civil penalty of \$100 for the violation of 1529 and a civil penalty of \$100 for the violation of 1559 for a total civil penalty of \$1,700.

Motion was made by Kevin Reilly to modify the hearing officer's recommendation and assess a civil penalty of \$2,000 (\$1,000 for 1559, \$500 for 1537 and \$500 for 1529) and to take the Dealer-Operator course within 6 months. Mr. Reilly indicated that the violations of 1559 and 1529 were too severe to ignore. Lynn Hooper seconded. The motion carried unanimously.

**Report on Variance Requests (Dealer Hours and Storage of Dealer Records).** Bruce Gould indicated that since the change of the policy, he didn't have any requests. He did report that since the change, the feedback from the dealer community has been positive.

**NEW BUSINESS FROM THE FLOOR**

There was no new business from the floor.

The next meeting was scheduled for January 14, 2008.

The meeting adjourned at 8:45 a.m.

Meeting Summary  
**Dealer Licensing Committee**  
Monday, November 5, 2007

Chairman Todd Hyman called the Dealer Licensing Committee meeting to order at 8:46 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members Wanda Lewark, Chip Lindsay, Kevin Reilly, Vince Sheehy, Larry Shelor, Jimmy Whitten and Robert Woodall. (Absent: Tommy Woodson.) Other Board members present: Lynn Hooper, Henry Jones, David Lacy, Pat Patrick, Jonathan Blank. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Wanda Neely and Frank McCormick represented the Dealer Board. Jim Gurney represented DMV. Eric Fiske represented the Attorney General's Office.

The September 10, 2007 meeting summary was approved.

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS**

**OLD BUSINESS FROM THE FLOOR**

- **Update: September Actions.** Peggy Bailey reported on the actions taken at the Dealer Licensing Committee meeting on September 10, 2007.

**NEW BUSINESS**

**Review and Action: Informal Fact-Finding Conference:**

- **Andrew S. Gurowitz and Fairfax Motors, Inc.** On July 18, 2007, an informal fact-finding conference was conducted to address the alleged violation of Virginia Code Section 46.2-1537 (Allowing the sale of vehicles by an unlicensed individual and also compensating them). Based on the information provided at the conference, the hearing officer recommended that a civil penalty of \$75 be assessed for each of the 116.5 violations of 1537, for a total civil penalty of \$8,737.50.

Motion was made by Vince Sheehy to modify the hearing officer's recommendation and assess a total civil penalty of \$2,000. Kevin Reilly seconded. Mr. Sheehy indicated that maybe the Board's hearing officers should have some sort of guidance on what cases should be assessed a severe penalty compared to penalties assessed against first time offenders. Eric Fiske suggested that maybe presenting some previous hearing officer's recommendations would help educate the current hearing officers on their final decisions. The motion carried unanimously.

**NEW BUSINESS FROM THE FLOOR**

The next meeting was scheduled for January 14, 2008

The meeting adjourned at 9:07 a.m.

Meeting Summary  
**Advertising Committee**  
Monday, November 5, 2007

Vice-Chairman Lynn Hooper called the Advertising Committee meeting to order at 9:08 a.m. in Room 702, at DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members Jonathan Blank, Henry Jones, Chip Lindsay, Pat Patrick and Larry Shelor. (Absent: Frank Pohanka, Hugh McCreight, Thomas Moorehead) Other Board members present: Kevin Reilly, Robert Woodall, Todd Hyman, David Lacy, Vince Sheehy, Wanda Lewark and Jimmy Whitten. Executive Director Bruce Gould, Prin Cowan, Peggy Bailey, Wanda Neely and Frank McCormick represented the Dealer Board. Jim Gurney represented DMV. Eric Fiske represented the Attorney General's Office.

The September 10, 2007 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**

- **"Bird Dog" Rewards for Employees.** Bruce Gould indicated that he had been told that GM is encouraging dealers to offer rewards in the form of prizes such as trips and televisions to all employees of GM dealerships for referring customers. These rewards do not come from the manufacturer, but rather from the dealer. The programs sponsored by GM dealers (But encouraged by GM) fall into four broad categories:
  1. Each time an employee refers a customer to the dealership and that customer buys a motor vehicle, the employee (Even if they are not licensed salespersons), receives an award.
  2. The dealership tracks the number of referrals made per department. All employee of the department with the most referrals receives rewards
  3. A series of rewards are offered given at the end of each month. The number of referrals determines the reward level.
  4. All employees receive a reward if the dealer sells over a certain number of vehicles in a given time period.

***§46.2-1537. Prohibited solicitation and compensation.***

*It shall be unlawful for any motor vehicle dealer or salesperson licensed under this chapter, directly or indirectly, to solicit the sale of a motor vehicle through a pecuniarily interested person, or to pay, or cause to be paid, any commission or compensation in any form whatsoever to any person in connection with the sale of a motor vehicle, unless the person is duly licensed as a*

*salesperson employed by the dealer. It shall also be unlawful for any motor vehicle dealer to compensate, in any form whatsoever, any person acting in the capacity of a salesperson as defined in §46.2-1500 unless that person is licensed as required by this chapter.*

Bruce has not been able to substantiate the allegation that GM is pushing dealers to offer rewards as described above or if any Virginia dealers have implemented these types of programs. Question presented by Mr. Gould was, "Are members of the Board aware of such programs?" He indicated that it appeared to him that the first three are contrary to §46.2-1537 and the 4<sup>th</sup> is not.

Consensus of the Committee was to take no action at this time.

The next meeting was scheduled for January 14, 2008.

### **NEW BUSINESS FROM THE FLOOR**

There was no new business from the floor.

The meeting adjourned at 9:14 a.m.

Meeting Summary  
**Transaction Recovery Fund Committee**  
Monday, November 5, 2007

Chairman David Lacy called the Transaction Recovery Fund Committee meeting to order at 9:15 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Jonathan Blank, Lynn Hooper, Wanda Lewark, Vince Sheehy and Larry Shelor. (Absent: Tommy Woodson). Other Board members present: Kevin Reilly, Robert Woodall, Todd Hyman, Henry Jones, Pat Patrick, Chip Lindsay, Jimmy Whitten. Executive Director Bruce Gould, Prin Cowan, Peggy Bailey, Wanda Neely and Frank McCormick represented the Dealer Board. Jim Gurney represented DMV. Eric Fiske represented the Attorney General's Office.

The September 10, 2007 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:**

- **Clarence & Gretchen Burkett and Freedom Motors.** On January 30, 2006, the Burketts went to Freedom Motors as they were interested in purchasing a 1996 Dodge Caravan for the purchase price of \$3,500.00. The owner (Mark Puckett) indicated that the vehicle was in great running condition and that nothing was wrong with it, except for an air conditioning belt and it needed spark plugs. Based on this information, the Burkett's made a deposit of \$1,000 and signed a credit contract for the remainder.

On February 17, 2006, before the Burkett's received their permanent tags and title to the vehicle, the transmission began to malfunction. They contacted the dealership and Mr. Puckett indicated that he would have the vehicle repaired. On March 3, 2006, Ms. Burkett and Debbie Clatterbuck, with the Family Educational Services, returned the vehicle to Freedom and requested the refund of their money, but Mr. Puckett refused. Mr. Puckett indicated to Ms. Clatterbuck that he was rescinding a prior agreement to take the vehicle back. He then told them to take the vehicle to Cottman's Transmission for the repair and promised that Freedom would pay for it. On March 6, 2006, Cottman's informed Ms. Clatterbuck that it was unable to diagnose all the problems with the van and that it was in bad condition. They indicated that the vehicle will need to go to Meineke for all the problems to be identified. Meineke completed a diagnostic inspection and determined that the van was unsafe to drive and could not be repaired.

On behalf of the Burkett's, Ms. Clatterbuck went to Freedom Motors and informed Mr. Puckett of Meineke's determination. Mr. Puckett agreed to take the van back and that Freedom would release the Burkett's from the contract. The van was returned to Freedom and they were told to call Mr. Puckett regarding the Burkett's released from the contract. Ms. Clatterbuck spoke with Mr. Puckett

about the return of the Burkett's \$1,000 down payment. Mr. Puckett stated he would not return any of the down-payment and indicated he would sell the van at auction and hold the Burkett's responsible for any difference left owing on the contract.

Later, Freedom Motors sent a Notice of Sale to the Burkett's that indicated they had the right to redeem the said collateral and terminate the contract by payment in the amount of \$2,752.92 within 10 days. In the event that the repossessed collateral is not redeemed, it would be sold on March 29, 2006 at the Harrisonburg Auto Auction and that they would be held liable for any deficiency resulting from the sale. The Burkett's believe that Freedom later sold the van for \$1,300 and whether the unsafe nature of the van was revealed to that purchaser is unknown.

On March 13, 2007, Brian Blake, Attorney for the Burketts, submitted a prior notification to the Dealer Board, the Complaint that was filed against Mark Puckett and Freedom Motors in the Circuit Court for Rockingham County. On May 25, 2007, the Circuit Court of Rockingham awarded a Default Judgment against Freedom Motors for the total amount of \$47,438.78. Upon considering the Complaint and evidence of damages, the Court did find that Freedom Motors had committed fraud. On July 5, 2007, Mr. Brake submitted to the Dealer Board a complete and notarized Judgment Claim request form and all appropriate documentation for consideration of payment from the Fund.

After carefully reviewing all documentation, staff recommended that the Recovery Fund Committee and Full Board approve the Burkett's judgment in the amount of \$11,051.50. The amount is based on compensatory damages on the \$1,000 down payment, \$216 on payments, \$45 for towing, \$850 non use of vehicle, Lenhart Obenshair attorney fees of \$5,000, Tom Domonoske attorney fees for \$4,687.50 and court costs of \$103. On October 10, 2007, an informal fact-finding conference was conducted and based on the information presented at the conference, the hearing officer conducting the conference recommended that the Transaction Recovery Fund Committee and the Full Board members consider approving the adjusted amount of \$11,171.50 (\$120 Tag and title fees), the hearing officer believes the tag and title fees paid by the Burkett's were factual losses and are legitimate claims for reimbursement.

Motion was made by Lynn Hooper to modify the claim to \$20,000, rather than the recommended \$11,171.50 because of the Court ordered a Compensatory judgment of \$10,000. Vince Sheehy seconded. The motion carried unanimously.

- **Masahiro Sato and Field Auto City.** On July 10, 2004, Mr. Sato entered into an agreement with Field Auto City to purchase a 1998 Jeep Cherokee for a total purchase price of \$7,524.61. Mr. Sato made a down payment of \$2,000 and he was issued a 30-day temporary certificate to the vehicle. At that time, Field Auto City did not provide Mr. Sato with the certificate of title, but promised through one of its agents they would deliver title to him. On July 13, 2004, Mr. Sato went to the Department of Motor Vehicles (Government of the District of Columbia) to have the vehicle inspected. The vehicle passed the safety inspection, however, the Emission Inspection failed on the vehicle because of a safety point failure that made the emissions unsafe.

On July 24, 2004, Mr. Sato spent \$132.58 on repairs and an additional \$147.14 on August 10, 2004 for repairs on the vehicle in order for the vehicle to pass inspection. On August 19, 2004, Mr. Sato spent \$25.00 to have the vehicle re-inspected and for a registration sticker. On August 20, September 16 and November 19, 2004, Mr. Sato visited Field Auto City and obtained more temporary tags. On January 14, 2005 and February 11, 2005, Mr. Sato obtained yet two more sets of temporary tags. On March 10, 2005, Mr. Sato visited Field City Auto again to inquire about permanent license plates and he was informed that the ownership of the dealership had changed and that the new company could not provide him with any assistance regarding his transactions with Field City Auto.

On September 28, 2005, Thomas Willcox, attorney for Mr. Sato, filed a Complaint and Demand for Jury Trial in the District of Columbia Superior Court/Civil Division for breach of title and breach of the Virginia Consumer Protection Act against Field Auto City. On June 27, 2006, the District of Columbia Superior Court/Civil Division awarded Mr. Sato judgment against Field City Auto in the amount of \$17,000 plus an award of attorney fees in the amount of \$2,775.00. On April 4, 2007, Mr. Willcox submitted all the appropriate paperwork and documentation for consideration of payment from the Fund. On May 31, 2007, the Dealer Board staff contacted Mr. Willcox regarding the disposition of the vehicle and whether or not he had received the Virginia title that had been issued in Mr. Sato's name of September 7, 2006.

Mr. Willcox indicated they had received the title and that on behalf of Mr. Sato later sold the vehicle in April of 2007 for \$4,100. Additionally, the Dealer Board staff inquired on whether he was planning to have the judgment from the District of Columbia recognized in a court of competent jurisdiction in the Commonwealth. On September 6, 2007, Mr. Willcox via facsimile submitted to the Dealer Board a copy of the Praecepte Requesting Entry of Foreign Judgment, in which shows Judgment was filed on August 2, 2007, with Clerk of the Circuit Court Fairfax County.

After carefully reviewing all documentation, staff must rely on the expertise of the Recovery Fund Committee and Full Board in determining whether to approve or deny the claim. Although it is apparent the dealer was in violation of the Licensing Laws for the issuance of (7) temporary tags and not obtaining title within the 30 day requirement, there are some concerns that need to be considered regarding Mr. Sato's claim:

- The Dealer Board was not given any prior notification, pursuant to §46.2-1527.4
- The Buyer's Order reflects that the vehicle was purchased "As Is"
- Judgment amount of \$17,000 plus attorney fees \$2,775.00
- Mr. Sato's actual damages total \$13,703.78, the Recovery Fund Committee and Board will need to determine what amounts are compensable for payment from the Fund.
  1. Payment to Field Auto City: \$7,524.61
  2. DC DMV Inspection: \$50.00
  3. Repairs: \$567.93
  4. Parking lot charges: \$1,500.00
  5. Car Rental: \$4,061.24
- On September 7, 2006, approximately, 2 years later, a Virginia title was issued to Mr. Sato.
- In April of 2007, Mr. Willcox confirmed that the vehicle has since been sold for \$4,100.

On October 10, 2007, an informal fact-finding conference was conducted and based on the information presented at the conference, the hearing officer conducting the conference supports the recommendation of the Dealer Board staff to defer this matter to the expertise of the Recovery Fund Committee and Full Board to determine approval or denial of the claim.

Motion was made by Lynn Hooper to deny the claim. Mr. Hooper's rationale was that Mr. Willcox failed to serve the Dealer Board so that staff could have the opportunity to intervene and this issue was not presented in a court of competent jurisdiction in Virginia. Larry Shelor seconded. The motion carried unanimously.

### **NEW BUSINESS FROM THE FLOOR**

There was no old business from the floor.

The next meeting was scheduled for January 14, 2008.

The meeting adjourned at 9:54 a.m.