

**Meeting Summary**  
**Motor Vehicle Dealer Board**  
**Monday, November 9, 2015**

Chairman Rick Holcomb called the Dealer Board meeting to order at 10:25 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 Ted Bailey, Gardner Britt, David Duncan, Steve Farmer, David Gripshover, Clay Huber, Brian Hutchens, Ron Kody, Chip Lindsay, Chris Maher, Matt McQueen, Jacques Moore, George Pelton and Joe Tate. (Absent: Roy Boswell and Art Hudgins). Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Eric Fiske represented the Attorney General's Office. Alice Weedon was the recording secretary.

**PUBLIC COMMENT**

There was no public comment.

The September 21, 2015 meeting summary was approved.

**STATUTORY COMMITTEE REPORTS**

**Dealer Practices Committee:**

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

- **TABLED ISSUED FROM THE SEPTEMBER MEETING: American Auto Maxx and Said Tahir Sadat.** 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 American Auto Maxx and Said Tahir Sadat for alleged violations of VA Code Sections 46.2-1509, 46.2-1529, 46.2-1539, 46.2-1574 and 46.2-1575 (9). Based on due consideration, the Board believes a civil penalty should be assessed against American Auto Maxx and Said Tahir Sadat. The Board hereby assesses a \$1,500 civil penalty against American Auto Maxx and Said Tahir Sadat.

Matt McQueen seconded. The motion carried unanimously.

- **Road Trust Automotive, LLC and Morshed Syed.** 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 Road Trust Automotive, LLC and Morshed Syed for alleged violations of VA Code Sections 46.2-1515; 46.2-1516; 46.2-1529; 46.2-1532; 46.2-1539; and 46.2-1575 (1) and (6). Based on due consideration, the Board believes a civil penalty should be assessed against Road Trust Automotive, LLC and Morshed Syed. The Board hereby assesses a \$2,400 civil penalty against Road Trust Automotive, LLC and Morshed Syed; and based on due consideration, the Board believes that Mr. Syed's dealership should be re-inspected and that the inspection must be satisfactory and that all licenses and certificates issued by the Board to Mr. Syed should be suspended until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative. The Board hereby mandates that a Motor Vehicle Dealer Board field representative re-inspect Mr. Syed's dealership and if the inspection is not satisfactory the Board suspends all licenses and certificates issued by the Board to Mr. Syed until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative; and based on due consideration, the Board believes that successfully completing the dealer-operator course would benefit Mr. Syed in running his dealership. The Board mandates that Mr. Syed successfully complete the dealer-operator course by January 9, 2016. Failure to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Mr. Syed by the Board until such time Mr. Syed has successfully completed the course.

Jacques Moore seconded. The motion carried unanimously.

- **Motor Maxx, Inc. and Manuel J. Hirezi.** 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 Motor Maxx, Inc. and Manuel J. Hirezi for alleged violations of VA Code Sections 46.2-1529, 46.2-1539, 46.2-1547, and 46.2-1575 (18). Based on due consideration, the Board believes a civil penalty should be assessed against Motor Maxx, Inc. and Manuel J. Hirezi. The Board hereby assesses a \$4,100 civil penalty against Motor Maxx, Inc. and Manuel J. Hirezi; and based on due consideration, the Board believes that Mr. Hirezi's dealership should be re-inspected by April 9, 2016 and that the inspection must be satisfactory. The Board hereby mandates that a Motor Vehicle Dealer Board field representative re-inspect Mr. Hirezi's dealership by April 9, 2016 and if the inspection is not satisfactory the Board suspends all licenses and certificates issued by the Board to Mr. Hirezi until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative; and based on due consideration, the Board believes that the salesperson license issued by the Board to Mr. Hirezi's dealer operator, Mr. Gabi Manuel Hirezi, should be suspended. The Board hereby suspends Mr. Gabi Manuel Hirezi's salesperson's license for fifteen days.

George Pelton seconded. The motion carried unanimously.

- **A-1 Autos, Inc. and Faramarz Taleb.** 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 A-1 Autos, Inc. and Faramarz Taleb for alleged violations of VA Code Section 46.2-1547. Based on due consideration, the Board believes no action should be taken against A-1 Autos, Inc. and Faramarz Taleb. The Board hereby takes no further action against A-1 Autos, Inc. and Faramarz Taleb.

All members concurred.

- **Dash Motors, Inc. and Tom K. Dashtaray.** 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 Dash Motors, Inc. and Tom K. Dashtaray for alleged violations of VA Code Sections 46.2-1542; and 46.2-1575 (4) and (6). Based on due consideration, the Board believes a civil penalty should be assessed against Dash Motors, Inc. and Tom K. Dashtaray. The Board hereby assesses a \$2,500 civil penalty against Dash Motors, Inc. and Tom K. Dashtaray; and based on due consideration, the Board believes that Mr. Dashtaray must reimburse all of his customers who were charged a \$250 "on-line systems filing fee". The Board hereby mandates that by January 9, 2016 Mr. Dashtaray refund the \$250 "on-line systems filing fee" he collected from his customers and if the \$250 is not refunded to all of these customers by this date, the Board suspends all licenses and certificates issued by the Board to Mr. Dashtaray until such time as he has refunded all of his customers; and based on due consideration, the Board believes that successfully completing the dealer-operator course would benefit Mr. Dashtaray in running his dealership. The Board mandates that either Mr. Tom K. Dashtaray or Arash Dashtaray successfully complete the dealer-operator course by January 9, 2016. Failure for either Mr. Tom K. Dashtaray or Arash Dashtaray to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Mr. Tom K. Dashtaray by the Board until such time either Mr. Tom K. Dashtaray or Arash Dashtaray has successfully completed the course. If Mr. Arash Dashtaray completes the course, he must be designated as the dealer-operator for this dealership by January 9, 2016.

Chris Maher seconded. The motion carried unanimously. For the record, the son, Arash Dashtaray volunteered to take the dealer-operator course.

- **Trust Auto, Inc. and Fahriddin Kurbanov.** 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 Trust Auto, Inc. and Fahriddin Kurbanov for alleged violations of VA Code Sections 46.2-1529; 46.2-1530; 46.2-1532; 46.2-1539; 46.2-1542; 46.2-1550; 46.2-1574; and 46.2-1575 (1), (2), (6) and (12). Based on due consideration, the Board believes a civil penalty should be assessed against Trust Auto, Inc. and Fahriddin Kurbanov. The Board hereby assesses a \$5,000 civil penalty against Trust Auto, Inc. and Fahriddin Kurbanov; and based on due consideration, the Board believes that Mr. Kurbanov's dealership should be re-inspected by February 9, 2016 and that the inspection must be satisfactory. The Board hereby mandates that a Motor Vehicle Dealer Board field representative re-inspect Mr. Kurbanov's dealership by February 9, 2016 and if the inspection is not satisfactory the Board suspends all licenses and certificates issued by the Board to Mr. Kurbanov until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative.

Steve Farmer seconded. Jacques Moore suggested that their "cash price" advertising should be investigated. Rick Holcomb indicated that the Board will contact Title Tech on the issue of their temporary tag problems. The motion carried unanimously.

### **Licensing Committee**

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

### **Advertising Committee**

Chairman Chip Lindsay summarized discussions that were held during the Committee Meeting.

### **Transaction Recovery Fund Committee:**

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

Rick Holcomb indicated that when the Attorney General spoke during the Dealer Practices Committee meeting, he was addressing the whole Board.

### **OLD BUSINESS**

**Executive Director Position.** Rick Holcomb announced the Board members who will serve on the Committee to find a successor for the Executive Director's position: Ron Kody (Chair), Joe Tate (Vice-Chair), Jacques Moore, Steve Farmer, Clayton Huber and Matt McQueen. First order of business can be handled over the phone, which will consist of creating the job description and how broadly to advertise. DMV Human Resources will provide assistance.

- **Legislation from the Trade Associations:** VADA: Looking at legislation related to recalls, which is an issue between the Franchise dealer and the manufacturer. This should not impact the Dealer Board. Rick Holcomb indicated that DMV wants to be part of that discussion. VIADA: Looking at legislation related to dealers driving without a state inspection from the auctions. Rick Holcomb indicated that DMV is looking into legislation, cleared by State Police, now before the Governor's policy office to decide if it goes forward or not, that if a dealer takes a car with an expired decal, do not fail that vehicle; the dealer is not to perform the inspection. Another issue that will be handled administratively is that State Police will issue tickets to those license plates holders that obscure the plate or if the plate is damaged. He encouraged the members to ensure that their license plate holders do not obscure any of the plate. He also recommended that they inform the customer, by leaving them a note, recommending that they may want to update or replace their plates if they are damaged or illegible.

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

There was no old business from the floor.

### **NEW BUSINESS**

**Update: HB-2189.** Bruce Gould indicated that a couple of Sundays ago conversion was performed. Conversion addressed dealers who had two dealer numbers at the same location: one issued by DMV and one by MVDB. Now they have one certificate number which is the one currently issued by MVDB.

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

There was no new business from the floor.

**EXECUTIVE DIRECTOR'S REPORT:** Bruce Gould indicated that new dealers will be re-inspected within 4 to 6 months after opening, to ensure that everything is going smooth. Also, staff is looking at developing a self-audit sheet that would out with renewals. This will ensure that the dealers are providing the correct information when they renew. A study group will be formed to determine what should go on the audit sheet. Governor's transportation meeting was held in Virginia Beach and the Dealer Board put together a presentation.

Pete Iarraci, of VIADA, indicated that last month the association held its 55<sup>th</sup> convention and Bruce Gould was in attendance. He indicated that Bruce was presented the "Free Enterprise Award" for his accomplishments and dedication to the principles of Free Enterprise. He said that Bruce established a strong foundation for the operation of the regulatory body for both franchise and independent dealers in the Commonwealth and that businesses and government can work together for a common goal. He closed by indicating that Bruce has been exemplary and he is very deserving of this prestigious award.

The next meeting will be scheduled for January 11, 2016

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Rick Holcomb adjourned the meeting at 11:16 a.m.

**Meeting Summary**  
**Dealer Practices Committee**  
**Monday, November 9, 2015**

Chairman Ron Kody called the Dealer Practices Committee meeting to order at 9:02 a.m. in Room 702 of the DMV Headquarters Building at 2300 W. Broad Street in Richmond. Present were Committee members Gardner Britt, Steve Farmer, Clay Huber, Brian Hutchens, Chip Lindsay, Chris Maher, Matthew McQueen, George Pelton and Joe Tate. (Absent: Roy Boswell). Other Board members present: David Duncan Rick Holcomb, David Gripshover and Jacques Moore. Executive Director Bruce Gould, Peggy Bailey, Prin Cowan, Ann Majors and Lisa Mack-Nelson represented the Dealer Board. Eric Fiske represented the Attorney General's office.

**The July 13 and September 21, 2015 meeting summaries were approved.**

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS**

- **TABLED ISSUED FROM THE SEPTEMBER MEETING: American Auto Maxx and Said Tahir Sadat.** On June 24, 2015, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1509 (Sales license required), 46.2-1529 (Dealer records) and 46.2-1539 (Inspection of vehicles required), 46.2-1574 (Acts of officers and salespersons) and 46.2-1575 (9) (Having been convicted of a crime involving selling a vehicle). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$3,000 and a one year suspension. The hearing officer also recommended a warning for the violation of failure to maintain business records during inspection.

Ms. Shakila Sada, Dealer-Operator of American Auto Maxx, was present and spoke on behalf of Said Tahir Sadat and American Auto Maxx.

Motion was made by Joe Tate to assess a civil penalty of \$1,500, with no suspension. Brian Hutchens 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:**

- **Road Trust Automotive, LLC and Morshed Syed.** On September 15, 2015, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1515 (Location to be specified, display of license; change of location), 46.2-1516 (Supplemental sales locations), 46.2-1529 (Dealer records), 46.2-1532 (Odometer disclosure), 46.2-1539 (Failure to inspect vehicle prior to retail sale) and 46.2-1575 (1) (Material misstatement) and (6) (Having used deceptive acts or practices). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$2,400.

Motion was made by Matt McQueen to assess a civil penalty of \$2,400, satisfactory inspection, if not satisfactory, then a suspension until it is satisfactory (there will be no suspension if the inspection can be conducted within 30 days of the Decision) and to successfully complete the Dealer-Operator course within 60 days. Chris Maher seconded. The motion carried unanimously.

- **Motor Maxx, Inc. and Manuel J. Hirezi.** On September 29, 2015, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 (Dealer records), 46.2-1539 (Inspection of vehicles required), 46.2-1547 (Insurance required on dealer tags), and 46.2-1575 (18) (Failing to maintain automobile liability insurance). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$4,100, suspension of Mr. Gabi Hirezi's sales license for 15 days and a satisfactory inspection of all dealer records within six months.

Motion was made by Joe Tate to assess a civil penalty of \$4,100, suspend Gabi Hirezi, dealer-operator sales license for 15 days and a satisfactory inspection. George Pelton seconded. The motion carried unanimously.

- **A-1 Autos, Inc. and Faramarz Taleb.** On September 29, 2015, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1547 (Insurance required on dealer tags). Based on the information provided at the conference, the hearing officer recommended a written warning be placed in his file for the oversight for being underinsured.

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

Motion was made by George Pelton to take no further action. Chris Maher seconded. All in favor: 9 (Britt, Farmer, Huber, Hutchens, Lindsay, Maher, McQueen, Pelton and Tate). Opposed: 1 (Kody). The motion carried.

At this point of the meeting, Attorney General Mark R. Herring spoke to the members of the Board regarding Advertising prices on the internet that reference rebates for which not all consumers qualify. He encouraged the members to continue monitoring the issue, so that there is a level playing field so that all consumers qualify for the rebates being advertised on the internet. He further stated that if dealers in boarding states are running misleading ads, he would be glad to contact the AG in those states.

- **Dash Motors, Inc. and Tom K. Dashtaray.** On October 9, 2015, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1542 (Failure to provide title within 30 days) and 46.2-1575 (4) (Defrauding any retail buyer) and (6) (Deceptive acts or practices). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$2,500, a satisfactory inspection and that Dash be required to refund the money illegally charged for an "online systems filing fee" in the amount of \$250 to each of the 43 customers involved in the sales transactions. The hearing officer recommended that this needs to be accomplished within a 30 day period if not done, all licenses be suspended until such time all customers are made whole.

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

Motion was made by Joe Tate to assess a civil penalty of \$2,500, satisfactory inspection, Mr. Dash to refund customers the \$250 online systems filing fee within 30 days. Suspension if not completed within the 30 days. Clay Huber seconded. The motion carried unanimously.

- **Trust Auto, Inc. and Fahriddin Kurbanov.** On September 16, 2015, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529 (Dealer records), 46.2-1530 (Buyers orders not being signed), 46.2-1532 (Odometer disclosure {open titles}), 46.2-1539 (Inspection of vehicles required), 46.2-1542 (Failure to provide title within 30 days), 46.2-1550 (Misuse of D-tags), 46.2-1574 (Acts of officers and salespersons) and 46.2-1575 (1) (Material misstatement-PoD), (2) (Failure to comply with previous warnings), (6) (Deceptive acts and practices) and (12) (Leasing, renting, or lending of dealer plates-PoD). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$5,000 and a satisfactory inspection within 6 months.

Mr. Kurbanov and Ruslan Yapparov were present and they both spoke on behalf of Trust Auto.

Motion was made by Gardner Britt to assess a civil penalty of \$5,000 and a satisfactory inspection within 90 days. Joe Tate seconded. The motion carried unanimously.

Rick Holcomb directed Bruce Gould to contact Title Tech to find out if there is an issue with the programming of temporary tags. Requested a report by the January Board Committee meeting.

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

There was no new business from the floor.

The next meeting was scheduled for January 11, 2016

The meeting adjourned at 10:21 a.m.

Meeting Summary  
**Dealer Licensing Committee**  
Monday, November 9, 2015

Chairman Joe Tate called the Dealer Licensing Committee meeting to order at 10:21 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members Ted Bailey, David Duncan, David Gripshover, Chip Lindsay, Jacques Moore and George Pelton. (Absent: Art Hudgins). Other Board members present: Rick Holcomb, Gardner Britt, Steve Farmer, Clayton Huber, Brian Hutchens, Ron Kody, Chris Maher, Matt McQueen. Executive Director Bruce Gould, Peggy Bailey, Lisa Mack-Nelson, Prin Cowan and Ann Majors represented the Dealer Board. Eric Fiske represented the Attorney General's office.

The September 21, 2015 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**

**NEW BUSINESS FROM THE FLOOR**

There was no new business from the floor.

The next meeting was scheduled for January 11, 2016

The meeting adjourned at 10:22 a.m.

Meeting Summary  
**Advertising Committee**  
Monday, November 9, 2015

Chairman Chip Lindsay called the Advertising Committee meeting to order at 10:22 a.m. in Room 702, DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members David Duncan, Clay Huber, Brian Hutchens, Ron Kody and Matt McQueen. (Absent: Roy Boswell and Art Hudgins). Other Board members present: Gardner Britt, Jacques Moore, Steve Farmer, Rick Holcomb, David Gripshover, George Pelton, Chris Maher, Ted Bailey and Joe Tate. Executive Director Bruce Gould, Peggy Bailey, Lisa Mack-Nelson, Prin Cowan and Ann Majors represented the Dealer Board. Eric Fiske represented the Attorney General's office.

**The May 11, July 13 and September 21, 2015 meeting summaries were 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**

The next meeting was scheduled for January 11, 2016.

**NEW BUSINESS FROM THE FLOOR**

There was no new business from the floor.

The meeting adjourned at 10:22 a.m.

Meeting Summary  
**Transaction Recovery Fund Committee**  
Monday, November 9, 2015

Chairman Ted Bailey called the Transaction Recovery Fund Committee meeting to order at 10:23 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Steve Farmer, David Gripshover, Brian Hutchens, Rod Kody and Matt McQueen. (Absent: Art Hudgins). Other Board members present: Rick Holcomb, David Duncan, Gardner Britt, Clay Huber, Chip Lindsay, Chris Maher, Jacques Moore, George Pelton and Joe Tate. Executive Director Bruce Gould, Peggy Bailey, Lisa Mack-Nelson, Prin Cowan and Ann Majors represented the Dealer Board. Eric Fiske represented the Attorney General's office.

The September 21, 2015 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**

**NEW BUSINESS FROM THE FLOOR**

The next meeting was scheduled for January 11, 2016

The meeting adjourned at 10:24 a.m.