

Meeting Summary
Motor Vehicle Dealer Board
Monday, November 5, 2018

Chairman Rick Holcomb called the Dealer Board meeting to order at 10:00 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. The roll was called and there were 11 Board members present. Present were Ted Bailey, Michael Bor, Gardner Britt, David Duncan, Randy Harris, Chris Maher, Geoff Malloy, Matt McQueen, Senior Saghafi and Joe Tate. (Absent: Dan Banister, Liza Borches, Steve Farmer, Rob Fisher, Ron Kody and Maurice Slaughter). Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson 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 September 10, 2018 meeting summary was approved.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee:

Full Board Vice-Chairman Tate summarized discussions held and actions that were taken during the Committee Meeting.

Dixie Motorsports, Inc. and Wendy L. Murray. Full Board Vice-Chairman Joe Tate made the following motion: On August 29, 2018, 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 and a satisfactory inspection.

Matt McQueen seconded. All in favor: 10 (Bailey, Bor, Britt, Duncan, Harris, Malloy, McQueen, Saghafi, Tate, Holcomb). Opposed: 1 (Maher). The motion carried.

******This case will be brought before the Dealer Practices Committee and the Full Board during the January meeting of the Board for review as well as a case discussion, decision and vote due to an issue regarding notification to the individual dealer as to the time of the November 5, 2018 board meeting.***

Xceleration Auto Sales, LLC and Hatim Abed. Full Board Vice-Chairman Joe Tate made the following motion: On August 28, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1547 and 1575 (18). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$500 for violations of 46.2-1547.

Chris Maher seconded. The motion carried unanimously.

******This case will be brought before the Dealer Practices Committee and the Full Board during the January meeting of the Board for review as well as a case discussion, decision and vote due to an issue regarding notification to the individual dealer as to the time of the November 5, 2018 board meeting.***

Kingdom Kars Auto Sales, LLC and Michael B. Hathaway. Full Board Vice-Chairman Joe Tate made the following motion: On October 1, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 1547 and 1575 (1) and (2). Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$4,000 and to complete a satisfactory inspection within 90 days.

Chris Maher seconded. All in favor: 10 (Bailey, Bor, Britt, Duncan, Harris, Majher, Malloy, Saghafi, Tate, Holcomb). Opposed: 1 (McQueen). The motion carried.

NOTE: Matt McQueen made a substitute motion to accept hearing officer's recommendation, plus assess a civil penalty of \$34,000 and to waive \$30,000 upon a satisfactory inspection. The motion failed due to a lack of a second. The original motion stood.

******This case will be brought before the Dealer Practices Committee and the Full Board during the January meeting of the Board for review as well as a case discussion, decision and vote due to an issue regarding notification to the individual dealer as to the time of the November 5, 2018 board meeting.***

17 Auto Sales & Repair, LLC and Derrick W. Washington. Full Board Vice-Chairman Joe Tate made the following motion: On October 2, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1575 (6) and (9). Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$500, to complete a satisfactory inspection and to successfully complete the 2-day Dealer-Operator course.

Senior Saghafi seconded. The motion carried unanimously.

******This case will be brought before the Dealer Practices Committee and the Full Board during the January meeting of the Board for review as well as a case discussion, decision and vote due to an issue regarding notification to the individual dealer as to the time of the November 5, 2018 board meeting.***

Licensing Committee:

Committee Chairman Tate summarized discussions held during the Committee Meeting. No actions were taken due to lack of a quorum.

Franklin A. Valentine, 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 Franklin Valentine for alleged violations of Va. Code §46.2-1575(1). Based on due consideration, the Board believes the following actions shall be taken against Franklin Valentine: Allowed to apply for a salesperson license. The Board mandates that Franklin Valentine is allowed to apply for a salesperson license.

Mr. Valentine spoke on behalf of himself.

Chris Maher seconded. The motion carried unanimously.

Randy Harris expressed concern that Hyman Brothers convinced Mr. Valentine to sign a blank application, trusting the dealership, Mr. Valentine signed it.

Motion was made by Randy Harris to research the business practices of Hyman Brothers. Matt McQueen seconded. The motion carried unanimously.

Advertising Committee:

Committee Chairman Duncan summarized discussions held during the Committee Meeting. No actions were taken due to lack of a quorum.

A2Z Autos and Amir Zandinejad – Committee Chairman Duncan 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 A2Z Autos and Amir Zandinejad for alleged violations of Va. Code sections §§46.6-1535, 46.2-1575 (7), 46.2-1581(8) and 24 VAC 22-30-10. Based on due consideration, the Board believes that the following actions should be taken against A2Z Autos and Amir Zandinejad: Assessed a civil penalty of \$1,600.00. The Board mandates that Amir Zandinejad hereby be assessed a civil penalty of \$1,600.00.

Geoff Malloy seconded. The motion carried unanimously.

Transaction Recovery Fund Committee:

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

OLD BUSINESS

* **Legislative Proposal: Transaction Recovery Fund – William Childress.** William reported that the proposed Transaction Recovery Fund legislation did not make it out of the Governor’s policy office. William thanked the representatives from the VADA, the VIADA, and Christian Parrish for their efforts regarding the submission. He also thanked the DMV Legislative staff for their assistance in drafting the proposed legislation and participation in the meetings. Chairman Holcomb added that this is not unusual (proposed legislation not going forward) and reminded the Board that this is the first opportunity for the Governor to focus on his legislative agenda for the Commonwealth.

OLD BUSINESS FROM THE FLOOR

There was no old business from the floor.

NEW BUSINESS

EXECUTIVE DIRECTOR’S REPORT: William Childress thanked the Board members for allowing him to attend the Virginia Executive Institute training which took place in September and October. William briefly outlined the valuable lessons learned and a few of the benefits to the Board regarding the vast network that he is now a part of.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next Full Board meeting will be January 14, 2019. In the event of inclement weather, meeting will be moved to January 28, 2019

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the meeting at 10:43 a.m.

Meeting Summary
Dealer Practices Committee
Monday November 5, 2018

Full Board Vice-Chairman Joe Tate called the Dealer Practices Committee meeting to order at 9:00 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members Ted Bailey, Michael Bor, Gardner Britt, Geoff Malloy, Chris Maher, Matt McQueen, Senior Saghafi. (Absent: Ron Kody, Liza Borches, Steve Farmer, Rob Fisher). Other Board members present: Rick Holcomb, David Duncan, Randy Harris. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 10, 2018 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

Review and Action: Informal Fact-Finding Conferences:

Dixie Motorsports, Inc. and Wendy L. Murray – On August 29, 2018, 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 and a satisfactory inspection.

Motion was made by Chris Maher to assess a civil penalty of \$750 and suspension of all licenses. Gardner Britt seconded. All in favor: 6 (Bor, Britt, Chris Maher, Malloy, McQueen, Saghafi and Tate). Opposed: 1 (Maher). The motion carried.

******This case will be brought before the Dealer Practices Committee and the Full Board during the January meeting of the Board for review as well as a case discussion, decision and vote due to an issue regarding notification to the individual dealer as to the time of the November 5, 2018 board meeting.***

Xceleration Auto Sales, LLC and Hatim Abed – On August 28, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1547 and 1575 (18). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$500 for violations of 46.2-1547.

Motion was made by Chris Maher to assess a civil penalty of \$500. Senior Saghafi seconded. The motion carried unanimously.

******This case will be brought before the Dealer Practices Committee and the Full Board during the January meeting of the Board for review as well as a case discussion, decision and vote due to an issue regarding notification to the individual dealer as to the time of the November 5, 2018 board meeting.***

Kingdom Kars Auto Sales, LLC and Michael B. Hathaway – On October 1, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1529, 1547 and 1575 (1) and (2). Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$4,000 and to complete a satisfactory inspection within 90 days.

Motion was made by Chris Maher to assess a civil penalty of \$4,000 and to complete a satisfactory inspection within 90 days. Michael Bor seconded. The motion carried unanimously.

******This case will be brought before the Dealer Practices Committee and the Full Board during the January meeting of the Board for review as well as a case discussion, decision and vote due to an issue regarding notification to the individual dealer as to the time of the November 5, 2018 board meeting.***

17 Auto Sales & Repair, LLC and Derrick W. Washington – On October 2, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1575 (6) and (9). Based on the information provided at the hearing, the hearing officer recommended assessing a civil penalty of \$500, to complete a satisfactory inspection and to successfully complete the 2-day Dealer-Operator course.

Motion was made by Chris Maher to assess a civil penalty of \$500, a satisfactory inspection and to successfully complete the 2-day Dealer-Operator course. Michael Bor seconded. The motion carried unanimously.

******This case will be brought before the Dealer Practices Committee and the Full Board during the January meeting of the Board for review as well as a case discussion, decision and vote due to an issue regarding notification to the individual dealer as to the time of the November 5, 2018 board meeting.***

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

NEXT MEETING

The next meeting is scheduled for January 14, 2019

The meeting adjourned at 9:19 a.m.

Meeting Summary
Dealer Licensing Committee
Monday, November 5, 2018

Chairman Joe Tate called the Dealer Licensing Committee meeting to order at 9:19 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, Randy Harris, Senior Saghafi. (Absent: Dan Banister, Liza Borches, Rob Fisher, Maurice Slaughter) Other Board members present: Rick Holcomb, Michael Bor, Gardner Britt, Chris Maher, Geoff Malloy and Matt McQueen. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 10, 2018 meeting summary could not be approved; there was not a quorum present.

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

Review and Action: Informal Fact-Finding Conferences:

Franklin A. Valentine, Sales Applicant – On September 4, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-1575 (1). Based on the information provided at the conference, the hearing officer recommended approving a Salesperson's license.

Informal Fact Finding Conference not reviewed due to lack of quorum.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for January 14, 2019

The meeting adjourned at 9:28 a.m.

Meeting Summary
Advertising Committee
Monday, November 5, 2018

Chairman David Duncan called the Advertising Committee meeting to order at 9:28 a.m. in Room 702, DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members: Ted Bailey, Michael Bor, Geoff Malloy, and Matt McQueen. (Absent: Dan Banister, Liza Borches, Ron Kody and Maurice Slaughter). Other Board members present: Rick Holcomb, Gardner Britt, Randy Harris, Chris Maher, Senior Saghafi and Joe Tate. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 10, 2018 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

Review and Action: Informal Fact-Finding Conferences:

A2Z Autos and Amir Zandinejad – On September 17, 2018, an informal fact-finding conference was conducted to address the alleged violations of VA Code Section 46.2-35, 1575 (7), 1581 (8) and 24 VAC 22-30-10. Based on the information provided at the conference, the hearing officer recommended reducing the original \$4,000 civil penalty to assessing \$1,600.

Motion was made by Matt McQueen to assess a civil penalty of \$1,600. Geoff Malloy seconded. The motion carried unanimously.

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

The next meeting was scheduled for January 14, 2019.

The meeting adjourned at 9:31 a.m.

Meeting Summary
Transaction Recovery Fund Committee
Monday, November 5, 2018

Chairman Chris Maher called the Transaction Recovery Fund Committee meeting to order at 9:31 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Michael Bor, Randy Harris, Geoff Malloy, and Matt McQueen. (Absent: Dan Banister, Steve Farmer, Rob Fisher, Ron Kody and Maurice Slaughter). Other Board members present: Rick Holcomb, Gardner Britt, David Duncan, Chris Maher, Senior Saghafi and Joe Tate. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

The September 10, 2018 meeting summary was not approved. There was not a quorum.

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

There was no new business.

NEW BUSINESS FROM THE FLOOR

There was no new business from the floor.

The next meeting was scheduled for January 14, 2019

The meeting adjourned at 9:32 a.m.