

Meeting Summary  
**Motor Vehicle Dealer Board**  
Monday, November 4, 2019

Chairman Rick Holcomb called the Dealer Board meeting to order at 10:43 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 Ted Bailey, Dan Banister, Michael Bor, Gardner Britt, Rob Fisher, Randy Harris, Ron Kody, Chris Maher, Geoff Malloy, Matt McQueen, Senior Saghafi, Maurice Slaughter, Don Sullivan and Joe Tate. (Absent: Liza Borches, David Duncan and Steve Farmer). Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

**PUBLIC COMMENT**

There was no public comment.

**The September 9, 2019 meeting summary was approved.**

**STATUTORY COMMITTEE REPORTS**

**Dealer Practices Committee:**

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

**All City Motors, LLC and Nikita L. Howard.** Committee Chairman Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning All City Motors, LLC and Nikita Howard for alleged violations of Va. Code sections §46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against All City Motors and Nikita Howard: Assessed a civil penalty of \$750.00 and All City Motors shall be inspected by a Motor Vehicle Dealer Board field representative by February 4, 2020 and that inspection shall be satisfactory. The Board mandates that Nikita Howard hereby be assessed a civil penalty of \$250.00 and the All City Motor dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before February 4, 2020. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time the All City Motors dealership and Nikita Howard successfully complies with the Board's mandates.

Chris Maher seconded. The motion carried unanimously.

**Abraham's Autos and Mildred D. Bruce.** Committee Chairman Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning Abraham's Autos and Mildred Bruce for alleged violations of Va. Code sections §46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Abraham's Autos and Mildred Bruce: Assessed a civil penalty of \$1,000.00; and Issued a written warning for VA Code Section §46.2-1533 and 46.2-1575 (2); and Abraham's Autos shall be inspected by a Motor Vehicle Dealer Board field representative by January 4, 2020 and that inspection shall be satisfactory; and Achieving a successful inspection on or before January 4, 2020 will reduce the civil penalty by \$1,000.00. The Board mandates that Mildred Bruce hereby be assessed a civil penalty of \$1,000.00; and issued a written warning for Va. Code sections § 46.2-1533 and 46.2-1575(2); and the Abraham's Autos dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before January 4, 2020; achieving a satisfactory inspection on or before January 4, 2020 will reduce the civil penalty by \$1,000.00. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time Abraham's Autos and Mildred Bruce successfully complies with the Board's mandates.

Ms. Bruce spoke on her own behalf.

Matt McQueen seconded. The motion carried unanimously.

**Jefferson Davis Auto & Tire and Cory D. Brown.** Committee Chairman Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning Jefferson Davis Auto & Tire and Cory Brown for alleged violations of Va. Code sections §46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Jefferson Davis Auto & Tire and Cory Brown: Assessed a civil penalty of \$750.00; and Issued a written warning for VA Code Section §46.2-1575 (2); and Jefferson Davis Auto & Tire shall be inspected by a Motor Vehicle Dealer Board field representative by December 4, 2019 and that inspection shall be satisfactory. The Board mandates that Cory Brown hereby be assessed a civil penalty of \$750.00; and issued a written warning for VA Code Section §46.2-1575 (2); and the Jefferson Davis Auto & Tire dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before December 4, 2019. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time Jefferson Davis Auto & Tire and Cory Brown successfully complies with the Board's mandates.

Joe Tate seconded. The motion carried unanimously.

**All In One Brokers and Finance, LLC and John Henderson.** Committee Chairman Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning All In One Brokers & Finance & Tire and John Henderson for alleged violations of Va. Code sections §46.2-1500, 46.2-1529, 46.2-1547, and 46.2-1575 (1) and (2). Based on due consideration, the Board believes that the following actions should be taken against All In One Brokers & Finance and John Henderson: Assessed a civil penalty of \$8,000.00; and All In One Brokers & Finance shall be inspected by a Motor Vehicle Dealer Board field representative by December 4, 2019 and that inspection shall be satisfactory. The Board mandates that John Henderson hereby be assessed a civil penalty of \$8,000.00; and the All In One Brokers & Finance dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before December 4, 2019. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time All In One Brokers & Finance and John Henderson successfully complies with the Board's mandates.

Rob Fisher seconded. Joe Tate's reasoning for assessing the \$8,000 civil penalty is that Mr. Henderson is not a new dealer and had been a dealer in a prior situation and this presents problems maybe in the future with the Transaction Recovery Fund, and there is already a case with his previous dealership. He felt that the Board needed to send a strong message to Mr. Henderson. The motion carried unanimously.

### **Licensing Committee**

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

**Jerome F. Schmitt, 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 Jerome F. Schmitt, for alleged violations of Va. Code section §46.2-1575 (1) and (13). Based on due consideration, the Board believes the following action shall be taken against Jerome F. Schmitt: Assessed a \$250.00 civil penalty; and allowed to apply for a salesperson license. The Board mandates that Jerome Schmitt be assessed a civil penalty of \$250.00 and allowed to apply for a salesperson license.

Mr. Schmitt spoke on his own behalf.

Chris Maher seconded. The motion carried unanimously.

**Robyn C. Gray, 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 Robyn C. Gray for alleged violations of Va. Code section §46.2-1575 (13). Based on due consideration, the Board believes the following action shall be taken against Robyn C. Gray: Denied a salesperson license. The Board mandates that Robyn C. Gray be denied a salesperson license.

Rob Fisher seconded. The motion carried unanimously.

**Hafez K. Gaballah, 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 Hafez K. Gaballah for alleged violations of Va. Code sections §46.2-1575 (1), (6) and (13). Based on due considerations, the Board believes the following actions shall be taken against Hafez K. Gaballah; Allowed to apply for a salesperson license. This motion was seconded by Senior Saghafi. Full Board Member Maher made the following substitute 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 Hafez K. Gaballah for alleged violations of Va. Code section §46.2-1575 (1), (6) and (13). Based on due consideration, the Board believes the following action shall be taken against Hafez K. Gaballah: Assessed a \$250.00 civil penalty; and allowed to apply for a salesperson license. The Board mandates that Hafez K. Gaballah be assessed a civil penalty of \$250.00 and allowed to apply for a salesperson license.

Dan Banister seconded. All in favor: 14 (Holcomb, Kody, Tate, Bailey, Banister, Bor, Fisher, Harris, Maher, Malloy, McQueen, Saghafi, Slaughter, Sullivan). Opposed: 1 (Britt). The motion carried.

### **Advertising Committee**

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

**Call Committee Meeting Report** – Committee Vice-Chair Ted Bailey reported on the committee's discussion and actions. Mr. Bailey motioned that the Virginia Code only gives the Board the authority to regulate advertising as it deals with deceptive or misleading information and facts in advertising and that the Board does not have jurisdiction to review content otherwise. Randy Harris seconded the motion. The motion carried unanimously. Christian Parrish (Attorney General's Office) concurred with the language used in the motion and supported the discussions held in the earlier meetings. VADA and VIADA also supported the language in the motion. Mr. Bailey also informed the Board that legislation and policy development was discussed, but the committee was not in favor of either action. Additionally, Mr. Bailey informed the Board that the committee was not in favor of the Attorney General's Office providing a formal opinion at this time.

**Reconditioning Fees** – Don Sullivan raised the issue of reconditioning fees, which are not allowed. Mr. Sullivan wanted to know if this could be discussed within the dealer community. Chairman Holcomb suggested that the Board staff put an article in Dealer Talk. William Childress indicated that this issue has been in Dealer Talk before, but will gladly do it again. There was discussion of possibly using secret shoppers (Ron Kody) to visit dealerships to potentially uncover this type of activity at dealerships.

**Transaction Recovery Fund Committee:**

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

**Randy Pinocci vs. The Car Man of Richmond, LLC.** Historical Overview: On April 8, 2019, an informal fact-finding conference was conducted to address the alleged violation of VA Code Section 46.2-1527.3 against The Car Man of Richmond, LLC. Based on the information provided at the conference, the hearing officer recommended approval of the \$25,000 claim to Mr. Pinocci. Mr. Mark Esposito, attorney for The Car Man or Richmond, filed exceptions to the Hearing Officer's report and informed the Board of the intent to challenge the judgment through the court within the next 30 days. Motion was made by Dan Banister to table this issue to the July Board meeting so that counsel for The Car Man can provide documentation from the court regarding the debtor's intention to vacate the judgment. Matt McQueen seconded. All in favor: 9 (Banister, Bor, Farmer, Fisher, Harris, Kody, Malloy, McQueen, Sullivan). Opposed: 1 (Maher). The motion carried. At the July 8, 2019 Full Board Meeting, motion was made by Steve Farmer to table this issue to the September Board Meeting. This issue has been re-submitted to court. Dan Banister seconded. The motion carried unanimously. The court date was scheduled the same day as the September 9, 2019 Board meeting. This issue will be presented at the November 4<sup>th</sup> Board Meeting. On September 9, 2019, the judge signed the order dismissing the motion with prejudice. The original recommendation is to pay Mr. Pinocci \$25,000 from the Fund.

Motion was made by Chris Maher to approve the payment of \$25,000 to Mr. Pinocci from the Transaction Recovery Fund. Matt McQueen seconded. The motion carried unanimously.

**Diogenes A. Hernandez vs. Martin Riley Auto Outlet and David MacLaury** – Committee Chairman Maher summarized for the Board the discussion held in the committee meeting regarding Diogenes A. Hernandez vs. Martin Riley Auto Outlet and David MacLaury. Based on that discussion and the recommendations in this case, Chairman Maher made the following motion: Pursuant to Section §46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund ("Fund"), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the following claim should be paid from the Transaction Recovery Fund in the amount of \$25,000 to Diogenes A. Hernandez.

Rob Fisher seconded. The motion carried unanimously.

**Tajah Mitchell vs. H&W Auto Finance** – Committee Chairman Maher summarized for the Board the discussion held in the committee meeting regarding Tajah Mitchell vs. H&W Auto Finance. Based on that discussion and the recommendations in this case, Chairman Maher made the following motion: Pursuant to Section §46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the following claim should be paid from the Transaction Recovery Fund in the amount of \$9,137 to Tajah Mitchell.

Joe Tate seconded. The motion carried unanimously.

**OLD BUSINESS** – There was no old business

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

**NEW BUSINESS:** – Rick Holcomb spoke on the issue of Real ID. He indicated that there are over 800,000 credentials so far that have been completed and many more to process before the October 2020 deadline. He then introduced Millicent Ford, Driver, Assistant Commissioner and Tonya Blaine, Director, Vehicle Services to speak more on this topic.

Millicent Ford informed the Board that the implementation of Real ID would have an effect on dealerships if they were not online dealers and used the CSCs to process their dealer work. She also informed the Board that dealerships will have the option of mailing their work to one of three vehicle auctions (Manheim Harrisonburg, Manheim Fredericksburg and America’s Auto Auction - Virginia Beach), taking the work to one of the DMV Selects, or mailing the work to DMV Headquarters (Titling Work Center). Millicent reminded the Board that the DMV CSCs will accept dealer work until the end of the year, but starting January 1, 2020, the CSCs will not be processing or accepting dealer work.

Tonya Blaine echoed the information offered by Millicent Ford. Tonya did provide more historical information to include the letter that was sent out all dealers explaining the upcoming changes, options and background why DMV was making these changes effective January 1, 2020. Tonya also informed the Board that several transactions could not be performed on the online system at this time for various reasons. Tonya further explained that DMV was reviewing those processes for possible inclusion on the online system and the dealer community would be notified of any changes to the online system. Lastly Tonya reminded informed the Board that dealers could become an online dealer and process their transaction through their vendor’s system. This option provided the dealerships with 4 options other than taking their work into the CSCs to be processed.

**Dealer Portal** – William Childress spoke on the current electronic dealer renewal system that only 17 licensed dealers currently use. William informed the Board that the Board staff and DMV IT personnel have been working since February to identify the deficiencies with the current system. After months of meetings and discussions, it was determined that it was not cost effective or a good investment to repair and update the existing system, which by IT standards is antiquated. William informed the Board that the new system will allow the dealer community to conduct most of their MVDB business, i.e., dealer renewals, sales license renewals/transfers/terminations, change of business hours, etc., through the automated system. William informed the Board that he did not have any real cost, or timeline, but wanted to get the Board’s approval to move forward and explore the concept and bring detailed information back to the Board once uncovered.

Motion was made by Rob Fisher to proceed with this update and come back with a scope and pricing. Chris Maher seconded. Motion carried unanimously. No time- frame was given on when to report back to the Board. Michael Bor strongly recommended that the user group have dealership personnel involved to get their input.

**NEW BUSINESS FROM THE FLOOR:**

There was no new business from the floor. The next Full Board meeting will be January 13, 2020.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the meeting at 12:14 p.m.

Meeting Summary  
**Dealer Practices Committee**  
Monday November 4, 2019

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

**The September 9, 2019 meeting summary was approved.**

**PUBLIC COMMENT** – There was no public comment.

**OLD BUSINESS** – There was no old business.

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

**NEW BUSINESS**

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

**All City Motors, LLC and Nikita L. Howard** – On August 26, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$250 and a required a satisfactory inspection.

Motion was made by Michael Bor to assess a \$750 civil penalty and satisfactory inspection. Joe Tate seconded. The motion carried unanimously.

**Abraham's Autos and Mildred D. Bruce** – On September 17, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended a formal warning for the violations of VA Code Sections 46.2-1533 and 1575 (2) and a satisfactory inspection within 60 days, if the inspection is not satisfactory, a \$1,000.00 civil penalty will be assessed.

Ms. Bruce was present and spoke on her own behalf.

Motion was made by Chris Maher to accept the hearing officer's recommendation of a formal warning for violations of VA Code Section 46.2-1533 and 1575 (2) and a satisfactory inspection within 60 days, if the inspection is not satisfactory, a \$1,000.00 civil penalty will be assessed. Senior Saghafi seconded. The motion carried unanimously.

**Jefferson Davis Auto & Tire and Cory D. Brown** – On October 3, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1533 and 1575 (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$750 for violations of VA Code Section 46.2-1533, a written warning for violations of VA Code Section 46.2-1575 (2) and a satisfactory inspection.

Motion was made by Joe Tate to accept the hearing officer's recommendation of assessing a civil penalty of \$750 for violations of VA Code Section 46.2-1533, a written warning for violations of VA Code Section 46.2-1575 (2) and a satisfactory inspection within 30 days. Rob Fisher seconded. The motion carried unanimously.

**All In One Brokers and Finance, LLC and John Henderson** – On October 8, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1500, 1529, 1547 and 1575 (1) and (2). Based on the information provided at the conference, the hearing officer recommended assessing a civil penalty of \$4,250 and a satisfactory inspection within 90 days.

Motion was made by Rob Fisher to accept the hearing officer's recommendation of assessing a civil penalty of \$4,250 and a satisfactory inspection within 90 days. No one seconded the motion. The motion failed.

Due to the seriousness of the violations and perceived disregard of previous warnings, Joe Tate moved to assess a civil penalty of \$8,000 and a satisfactory inspection within 30 days, if failed, immediate suspension. Chris Maher seconded. The motion carried unanimously.

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

**NEXT MEETING:**

The next meeting was scheduled for January 13, 2020.

The meeting adjourned at 9:33 a.m.

Meeting Summary  
**Dealer Licensing Committee**  
Monday, November 4, 2019

Chairman Joe Tate called the Dealer Licensing Committee meeting to order at 9:33 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Ted Bailey, Dan Banister, Gardner Britt, Rob Fisher, Randy Harris, Senior Saghafi, Maurice Slaughter and Don Sullivan. (Absent: Liza Borches, David Duncan) Other Board members present: Rick Holcomb, Michael Bor, Ron Kody, Chris Maher, Geoff Malloy and Matt McQueen. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

**The September 9, 2019 meeting summary was approved.**

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS** – There was no old business.

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

**NEW BUSINESS**

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

**Jerome F. Schmitt, Sales Applicant:** On July 15, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1575 (1) and (13). Based on the information provided at the conference, the hearing officer recommended denial of a salesperson's license.

Mr. Schmitt was present and spoke on his own behalf. (**NOTE:** Mr. Schmitt arrived late and due to his lateness the committee members originally voted to deny his license as recommended by the hearing officer).

Motion was made by Dan Banister to assess a \$250 civil penalty and allow Mr. Schmitt to apply for a license. Rob Fisher seconded. The motion carried unanimously.

**Robyn C. Gray, Sales Applicant:** On September 16, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1575 (13). Based on the information provided at the conference, the hearing officer recommended denial of a salesperson's license.

Motion was made by Rob Fisher to accept the hearing officer's recommendation and deny Robyn Gray a salesperson's license. Maurice Slaughter seconded. The motion carried unanimously.

**Hafez K. Gaballah, Sales Applicant:** On September 10, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1575 (1), (6) and (13). Based on the information provided at the conference, the hearing officer recommended denial of a salesperson's license.

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

Motion was made by Dan Banister to approve Mr. Gaballah's application, with the stipulation that Mr. Gaballah and his perspective employer sign affidavits. Mr. Gaballah's affidavit is required upon being employed and when he leaves a dealership and his employer will complete an affidavit acknowledging Mr. Gaballah's felony background. Rob Fisher seconded. All in favor: 6 (Tate, Slaughter, Bailey, Banister, Fisher, Saghafi). Opposed: 3 (Sullivan, Harris, Britt). The motion carried.

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

The next meeting was scheduled for January 13, 2020

The meeting adjourned at 10:11 a.m.

Meeting Summary  
**Advertising Committee**  
Monday, November 4, 2019

Vice-Chairman Ted Bailey called the Advertising Committee meeting to order at 10:11 a.m. in Room 702, DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members: Dan Banister, Michael Bor, Randy Harris, Ron Kody, Geoff Malloy, Matt McQueen, Maurice Slaughter and Don Sullivan. (Absent: Liza Borches, David Duncan). Other Board members present: Rick Holcomb, Gardner Britt, Rob Fisher, Chris Maher, Senior Saghafi and Joe Tate. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

**The September 9, 2019 meeting summary was approved.**

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS** – There was no old business.

**Called Committee Meeting Report.** Committee Vice-Chair Ted Bailey reported that the committee met at 8:15 am. A quorum was present. The purpose of the called meeting was to discuss content/language in advertisement deemed offensive to some. Discussions also included policies and potential legislation that would give the Board the authority to regulate content in advertisements. Several committee members expressed strong opposition to the Board having the authority to regulate content in advertisements. When asked by the committee members, the Attorney General's Office representative concurred with the committee's reading of the statutes.

Ron Kody moved that the Virginia Code only gives the Board the authority to regulate advertising as it deals with deceptive or misleading information and facts in advertising and that the Board does not have jurisdiction to review content otherwise. Dan Banister seconded the motion. The motion carried unanimously. The committee also decided not to pursue legislative or policy actions to grant the Board the authority regulate content in advertisements. Finally, the committee did not want to seek a formal opinion from the Attorney General's Office at this time. Chairman Holcomb asked if the Attorney General's Office representative concurred with the committee's actions, which is fact.

**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 13, 2020.

The meeting adjourned at 10:15 a.m.

Meeting Summary  
**Transaction Recovery Fund Committee**  
Monday, November 4, 2019

Chairman Chris Maher called the Transaction Recovery Fund Committee meeting to order at 10:15 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Dan Banister, Michael Bor, Rob Fisher, Ron Kody, Randy Harris, Geoff Malloy, Matt McQueen, Maurice Slaughter and Don Sullivan. (Absent: Steve Farmer) Other Board members present: Rick Holcomb, Gardner Britt, Senior Saghafi, David Duncan and Joe Tate. Executive Director William Childress, Peggy Bailey, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's office.

**The September 9, 2019 meeting summary was approved.**

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS**

**Tabled Issue:**

**Randy Pinocci vs. The Car Man of Richmond, LLC [Tab 8]** - Historical Overview: On April 8, 2019, an informal fact-finding conference was conducted to address the alleged violation of VA Code Section 46.2-1527.3 against The Car Man of Richmond, LLC. Based on the information provided at the conference, the hearing officer recommended approval of the \$25,000 claim to Mr. Pinocci. Mr. Mark Esposito, attorney for The Car Man of Richmond filed exceptions to the Hearing Officer's report and informed the Board of the intent to challenge the judgment through the legal system within the next 30 days. Motion was made by Dan Banister to table this issue to the July Board meeting so that counsel for The Car Man can provide documentation from the court regarding the debtor's intention to vacate the judgment. Matt McQueen seconded. All in favor: 9 (Banister, Bor, Farmer, Fisher, Harris, Kody, Malloy, McQueen, Sullivan). Opposed: 1 (Maher). The motion carried. At the July 8, 2019 Full Board Meeting, motion was made by Steve Farmer to table this issue to the September Board Meeting. Dan Banister seconded. The motion carried unanimously. The court date was scheduled the same day as the September 9, 2019 Board meeting. This issue will be presented at the November 4<sup>th</sup> Board Meeting. On September 9, 2019, the judge signed the order dismissing the motion with prejudice. The original recommendation is to pay Mr. Pinocci \$25,000 from the Fund.

Motion was made by Matt McQueen to accept the hearing officer's recommendation of paying the \$25,000 to Randy Pinocci. Rob Fisher 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:**

**Diogenes Antonio Hernandez vs. Martin Riley Motorcars and David MacLaury [Tab 9]** – On October 4, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1527.3 against Martin Riley Motors and David MacLaury. Based on the information provided at the conference, the hearing officer recommended approval of a payment to Diogenes Antonio Hernandez in the amount of \$25,000.00 should be considered from the Recovery Fund.

Motion was made by Rob Fisher to accept the hearing officer's recommendation of paying \$25,000 to Diogenes Hernandez. Dan Banister seconded. The motion carried unanimously.

**Tajah Mitchell vs. H&W Auto Finance (new name All In One Brokers & Finance, LLC) [Tab 10]** – On October 17, 2019, an informal fact-finding conference was conducted to address the alleged violations of VA Code Sections 46.2-1527.3 against H&W Auto Finance. Based on the information provided at the conference, the hearing officer recommended approval of a payment to Tajah Mitchell in the amount of \$9,137.00 should be considered from the Recovery Fund.

Motion was made by Rob Fisher to accept the hearing officer's recommendation of paying \$9,137 to Tajah Mitchell. Matt McQueen seconded. The motion carried unanimously.

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

The next meeting is scheduled for January 13, 2020

The meeting adjourned at 10:25 a.m.