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NOTE: We make every effort to ensure information in *Dealer Talk* is accurate, but it is not a substitute for legal advice.

Motor Vehicle Dealer Board Mission Statement

The Motor Vehicle Dealer Board will administer sections of the Commonwealth's Motor Vehicle Dealer Laws and regulations as charged; while providing a high level of customer service for the automotive consumer and dealer community.

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GOVERNOR KAINE APPOINTS NEW BOARD MEMBERS

Recently, Governor Kaine appointed three new members to the Motor Vehicle Dealer Board:

T.K. Hughes is the owner of T.K. Hughes Auto Sales, an independent dealership on Brook Road in Richmond. T.K. Hughes Auto Sales was established in November of 1983. T.K. Hughes Auto Sales is a family run business with just one salesperson.

Sally Woodson Spigle, is the owner of Rick Woodson Honda on Peters Creek Road in Roanoke, Sally assumed the position of owner and dealer-operator of Rick Woodson Honda in 2005. This family owned and operated business was established in 1988.

The consumer representative on the Board is now Mr. Matthew Queen, Vice President of Industry and Government Relations for Northrop Grumman Corporation.

All three of these new members were at their seats at the July Board meeting. We welcome them aboard. Reappointed to the Board for a second term were independent dealers Lynn Hooper, Wanda Lewark, and Thomas Woodson (No relationship to Sally Woodson Spigle.) Also reappointed to another four year term were franchise dealers Thomas Moorehead, Kevin Reilly and James "Jimmy" Whitten. The term of appointment for both the first time appointees and those reappointed is July 1, 2009 through June 30, 2013.

Those Board members with two years left on their current term include Henry Jones, David Lacy, Chip Lindsay, William "Pat" Patrick, Frank Pohanka, Larry Shelor, Joe Tate and Robert Woodall. Rounding out the nineteen member Board are D.B. Smit, Commissioner of the Department of Motor Vehicles and Todd Haymore, Commissioner of the Department of Agriculture and Consumer Services.



Calendar of Events

All Meetings held at DMV
Headquarters
2300 W. Broad Street, Room
702 Richmond, VA

Monday, September 14, 2009
Time: 8:30 a.m.
Dealer Practices Committee Meeting

Monday, September 14, 2009
Time: Immediately following
Dealer Practices
Licensing Committee Meeting

Monday, September 14, 2009
Time: 9:30 a.m.
Advertising Committee Meeting

Monday, September 14, 2009
Time: Immediately following
Advertising
Transaction Recovery Fund
Committee Meeting

Monday, September 14, 2009
Time: 10:00 a.m.
Full Board Meeting

NOTE: Meetings may begin later,
but not earlier than
scheduled.

BOARD ACTIONS

John Donovan and Extreme Suzuki. In November of 2008, Mr. Donovan was convicted in Hanover District Court of 12 misdemeanors for selling vehicles without titles (46.2-617). The convictions were related to sales from Extreme Suzuki which closed the end of November of 2008. On March 10, 2009, an informal fact-finding conference was conducted to address the alleged violation(s) of VA Code Sections 46.2-1575(4) (Defrauding any retail buyer), (6) (having used deceptive acts or practices and (9) (having been convicted of any criminal act involving the business of selling vehicles). At the May Dealer Board meeting, it was decided to table this case to allow Mr. Donovan time to provide evidence to the Board that he obtained titles and submitted fees to DMV that he collected on behalf of his customers. On June 30, 2009, the Board received sufficient evidence that Mr. Donovan made the customers whole. Given this fact, the Board decided to take no further action.

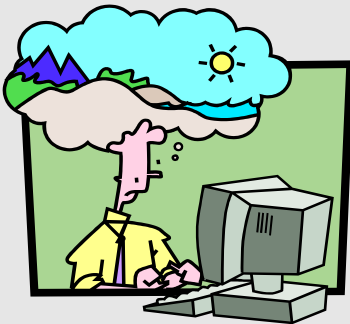
George W. Hillman and Porky's Auto Sales A February 2008 inspection revealed a number of problems related to record keeping; completing required sale related documents and failure to maintain liability insurance. An educational/warning letter was sent to Mr. Hillman after the inspection. A follow-up inspection in December of 2008 revealed that most of the problems had not been corrected. On January 30, 2009 Mr. Hillman pled guilty and was convicted of altering a license plate and for failing to issue a dealer permission to use dealer plate form. These convictions coupled with the failed inspections, resulted in convening an informal fact-finding conference to address the alleged violation(s) of VA Code Sections 46.2-1531 (failure to have in his possession a properly executed and signed consignment contract); 46.2-1532 (odometer disclosure statements); 46.2-1542 (improper issuance of 30 day tags); 46.2-1547/1575(18), (failure to maintain liability insurance); 46.2-1550 (improper use of or permitting the improper use dealer's license plates); 46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply); and 46.2-1575(9) (having been convicted of a crime related to the business of selling motor vehicles). At its July meeting, the Board voted to suspend all licenses issued by the Board to Mr. Hillman until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative and until such time he successfully completes the dealer-operator class.

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HOLIDAYS HOURS

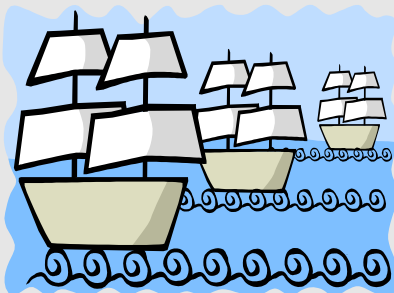
In observance of the upcoming holidays, all state agencies, including the Dealer Board, will be closed on the following dates:

**SEPTEMBER 7, 2009
LABOR DAY!**



AND

**OCTOBER 12, 2009
COLUMBUS DAY!**



BOARD ACTIONS

(Continued from page 2)

Robert D. Weatherman and Galax Auto Sales. From May of 2004 to November 2008, this dealer was the subject of at least six inspections of which five were unsatisfactory. On June 4, 2009, an informal fact-finding conference was conducted to address the alleged violation(s) of VA Code Sections 46.2-1529 (failure to maintain all dealer records on the premises of the licensed location); 46.2-1548/1550 (improper use of or permitting the improper use dealer's license plates); and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply). Based on the information provided at the conference, the hearing officer recommended that Mr. Weatherman attend the Dealer-Operator Course and within 30 days of the successful completion of the course, an inspection of Galax Auto Sales should be conducted. At its July meeting, the Board voted to suspend all licenses issued by the Board to Mr. Weatherman until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative and until such time he successfully completes the dealer-operator class.

Mohammad Mohassel and Advantage Auto Sales. From May 2005 to March 2009 Dealer Board field representative Smith attempted to inspect this dealership six times. Each time the dealership was closed. Each inspection caused a letter to be sent to the dealer. The dealer has paid two \$250 civil penalties and one \$500 civil penalty. The sixth failed attempt resulted in the assessment of a \$1,000 civil penalty. Mr. Mohassel appealed this penalty. On June 10, 2009, an informal fact-finding conference was conducted to address the alleged violation(s) of VA Code Sections 46.2-1533 (failure to maintain posted business hours) and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply). At its July meeting, the Board voted to assess a \$1,000 civil penalty and to suspend all licenses issued by the Board to Mr. Mohassel until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative. Lastly the Board gave Mr. Mohassel until January 13, 2010 to successfully complete the dealer-operator class.

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THREE BOARD MEMBERS STEP DOWN

Vince Sheehy was appointed to the Motor Vehicle Dealer Board in 2001 and reappointed in 2005. Having served two full terms - the maximum allowed by law - Vince "retired" from the Board as of June 30, 2009. During his eight years as a Board member, Vince chaired and co-chaired several committees and became the "go-to-guy" when it came to advertising issues.

Hugh B. McCreight was appointed to the Board in 2003 and reappointed in 2007. Hugh resigned from the Board when he retired from the automobile sales business and closed his Henrico dealership that he established in 1994. Previous to opening his independent dealership, Hugh was a franchise dealer. Hugh has entered a new career in the digital capture and reproduction of fine art (www.myartcaptures.com).

Consumer member Jonathan Blank, Esquire served on the Board for four years and because another member of his law firm represented a car dealer, was not eligible to serve a second term. Jonathan provided great insight and his knowledge of the law was invaluable.

We thank these three fine individuals for their service to the Board and wish them well in all of their future endeavors.

BOARD ACTIONS

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John W. Hawk and Auto Wholesalers of Orange. In July of 2002 Mr. Hawk paid a \$3,000 civil penalty and in March of 2004, a \$200 civil penalty for compensating an unlicensed individual in connection of the sale of a motor vehicle. There were at least eight failed attempts to inspect this dealership between September 2005 and April 2008 either because the dealership was closed or there was no one at the dealership who had knowledge of where records were kept. Also, several alleged violations were detected during other inspections. The most flagrant alleged violation was not having all of his dealer tags insured. Of the 60 tags issued to Mr. Hawk, seven carried insurance. On June 9, 2009, an informal fact-finding conference was conducted to address the alleged violation(s) of VA Code Sections 46.2-1515 (failure to display current dealer certificate); 46.2-1516 (Supplemental sales location); 46.2-1529 (Failure to maintain all dealer required records); 46.2-1539 (inspections of vehicles required, in specific, safety inspection requirements); 46.2-1547/46.2-1575(18) (failure to have liability insurance on his dealer plates); 46.2-1548/1550 (improper use of or permitting the improper use dealer's license plates); 46.2-1559 (Record keeping); 46.2-1574 (failure to be responsible for the acts of the dealer's salespersons) and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply), (4) (Defrauding any retail buyer to the buyer's damage), (6) (having used deceptive acts or practices), and (7) (knowingly advertising any assertion, representation, or statement of fact which is untrue, misleading, or deceptive). The Board voted to revoke all licenses issued to Mr. Hawk and assess a civil penalty of \$9,500.00.

Enaytullah Babe and Titan Motors, Inc. Previously, this dealer paid civil penalties of \$250 and \$1,000 for failing to maintain posted business hours. Continuing problems maintaining hours resulted in the assessment of a \$3,000 civil penalty. Mr. Babe appealed this decision and on June 1, 2009, an informal fact-finding conference was conducted to address not only the failure to maintain hours, but also the alleged violation(s) of VA Code Sections 46.2-1515 (failure to display current dealer certificate); 46.2-1516 (Supplemental sales location); 46.2-1529 (Failure to maintain all dealer required records); 46.2-1550 (permit the illegal use of dealer's plates) and 46.2-1575(2) (failure to comply with a written warning/failure to comply and (18) (failure to maintain liability insurance). At its July meeting, the Board voted to assess a \$1,000 civil penalty and to suspend all licenses issued by the Board to Mr. Babe until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative.

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ROANOKE DMV CUSTOMER SERVICE CENTER RELOCATING

To better serve DMV customers, the Roanoke Customer Service Center (CSC) in Crossroads Mall is relocating to 5220 Valleypark Drive, at the corner of Valleypointe Parkway, in Roanoke County.

Service is available at Crossroads Mall until 5:00 p.m. on Thursday, August 13. The Valleypark location will open Monday, August 17 at 8:00 a.m. Customers needing service on August 14 or 15, can conduct transactions online at www.dmvNOW.com or visit the Bedford CSC, 1629 Forest Road, or the Rocky Mount CSC, 305 Tanyard Road.

SALESPERSON TERMINATION FORM

The law requires that you notify the Board when a salesperson is no longer employed by your dealership. Notifying the Board also protects you since you may be held responsible for actions that salesperson take using the license issued to him/her in the name of your dealership.

We have developed a new form (MVDB-41 that you may use to notify the Board that a sales person is no longer working for you. For a PDF version of the form click here: [\(PDF\)](#). For a WORD version, click here: [\(Word\)](#). The form is available from our WEB site at www.mvdb.virginia.gov and click on "Forms" in the left hand column and then slide down to MVDB-41.

You may also see a list of your licensed salesperson by going to our WEB site and clicking on [Search Active Dealers](#) on the left hand column.

BOARD ACTIONS

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Issmail Alchaleh and M & I Auto Sales, Inc. In December of 2004 this dealer paid a \$250 civil penalty for not maintaining hours. In September of 2005 he was assessed a \$500 civil penalty for not maintaining hours. He appealed this penalty and had an informal fact finding conference where the hearing officer and the Board agreed to uphold the civil penalty which he then paid. From April of 2006 through August 2008 there were eight additional attempts to inspect this dealership. These failed attempts resulted in a \$250, \$500 and \$1,000 civil penalties all of which were paid. The last failed attempt resulted in the Board convening another informal conference. Under the authority granted to the executive director by the Board and for the recommendation of the hearing officer, the executive director assessed a \$2,000 civil penalty and revoked the dealer's license. The dealer appealed this decision to a formal hearing. On April 7, 2009, a formal hearing was conducted to address the alleged violation(s) of VA Code Sections 46.2-1533 (failure to maintain posted business hours) and 46.2-1575(2) (failure to comply subsequent to receipt of a written warning/willful failure to comply). At its July meeting, the Board voted to assess a \$1,000 civil penalty and to suspend all licenses issued by the Board to Mr. Alchaleh until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative. Lastly the Board gave Mr. Alchaleh until January 13, 2010 to successfully complete the dealer-operator class.

EDUCATION AWARDS

Recently, Governor Timothy M. Kaine joined the Virginia Department of Education (VDOE) to announce the winners of the Governor's career and technical education (CTE) Exemplary Standards Awards.

"The educators, business partners, and programs honored with these awards are setting a standard of excellence for career and technical education in the Commonwealth," Governor Kaine said. "They are helping young people reach their goals while developing the crucial skills needed for success in the 21st-century workplace.

Three automotive technology related programs were recognized at the ceremony held in Richmond at the *Creating Excellence Awards* presentation.

The Automotive Technology Program at the Virginia Beach Technical and Career Education Center under the direction of Virginia Beach Public Schools teachers Mark Maund and Wayne Champigny received one of the three Governor's CTE Exemplary Standards Award. This award, which includes \$5,000 and a display banner, was established through Virginia's National Governors Association (NGA) grant.

Two programs received *Creating Excellence Awards*: Mike McGhee of Arlington County Public Schools' Arlington Career Center for the "Dual Enrollment with the Automotive Technology Program" through the Governor's Career and Technical Academy of Arlington. Automotive Program Advisory Committee at Tidewater Community College.

Dealer-Operator Course

The Virginia Community College System and the Virginia Independent Automobile Dealers Association (VIADA) have teamed up to present a two-day Dealer-Operator course. The following is a list of up-coming classes. The list is regularly updated on our WEB site at <http://www.mvdb.virginia.gov/licensingprocess.htm>.

2009

August 18 & 19 - Blue Ridge Community College, Weyers Cave

Contact: Registration; 540-453-2215; www.brcc.edu

September 7 & 8 - Germanna Community College, Fredericksburg

Contact: Susan Brown; 540-891-3012; www.gcc.vccs.edu/workforce

October 6 & 7 - Community College Workforce Alliance at J. Sargeant Reynolds - Community College, North Run Campus, Henrico, County

Contact: Sandy or Lisa; 804-523-2292;

www.ccwa.vccs.edu

October 20 & 21 – New River Community College, Dublin

Contact: Patricia Ryan and Kathy Ridpath at 540-674-3633; <http://www2.nr.edu/admissions/>

November 10 & 11 - Tidewater Community College, Norfolk

Contact: Registration; 757-822-1234; www.tcc.edu/wd

November 17 & 18 - Piedmont Community College, Charlottesville

Contact: Maggie Myers; 434-961-5495 or mmmyers@pvcc.edu; www.pvcc.edu

December 8 & 9 - Lord Fairfax Community College, Middletown

Contact: Registration; 540-868-7021; www.lfccworkforce.com

Registration materials and information are available from each of the Community Colleges' WEB site or by calling the individual college.

The cost is \$300 and must be submitted by check or credit card, payable to the college, and submitted with the registration.