

## GOOD NEWS!

For the past three years the Motor Vehicle Dealer Board has voted to suspend most dealer and salesperson payments into the Transaction Recovery Fund. As the Fund is in good shape, the Board has voted to continue suspension of these fees for year 2001 renewals. This will mean a savings of \$100 per dealer for all dealers who have been in business for over three years and a savings of \$10 per salesperson at the time of renewal. The \$250 assessment on dealers in business three years or less as well as the \$10 assessment on first year salespersons will continue to be collected.

## COMING SOON!

Soon you will have the option to renew your Motor Vehicle Dealer Board license, registration and certificate as well as submit an application for a new salesperson on-line. We are very close to going "live" with a system that will allow dealers to conduct nearly all of their transactions with the Dealer Board on-line. In addition, you will be able to check the driving records of your employees and applicants for employment and obtain a vehicle history record – all on-line. Several dealers have tested these new service options and the feedback has been positive. We anticipate that the next issue of Dealer Talk will include information on how you can sign-up for this new service option.

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**State Holidays for the Month of  
December & January  
Closing at Noon December 22, 2000  
Closed: December 25 & 26, 2000**

In Observance of:



**CHRISTMAS**

**Closed: January 1 & 2, 2001**

In Observance of:



**NEW YEARS**

**Closed: January 12 & 15, 2001**

In Observance of:

**Lee-Jackson Holiday & Martin Luther King Day**

## REMINDERS & USEFUL TIPS

- **Toll Free Telephone Numbers.** If you need to call the Board Headquarters, and you are calling from outside the Richmond metropolitan area, you may do so on our toll free telephone number: 1-877-270-0203. If you need to call the Department of Motor Vehicles (DMV), you can call on their toll free number that can be used from anywhere in the United States: 1-866-368-5463.
- **Field Representatives now have email addresses.** All of our field representatives have computers and can be reached by email. For your information, here are their email addresses. (The email address for Board Headquarters is [dboard@mvb.state.va.us](mailto:dboard@mvb.state.va.us))

### DISTRICT 1:

Glen Marshall [gmarshall@mvb.state.va.us](mailto:gmarshall@mvb.state.va.us)  
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### DISTRICT 2:

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## DEALER TALK

A Bi-monthly newsletter of The Virginia Motor Vehicle Dealer Board

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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.

## Calendar of Events

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

Monday, January 8, 2001  
Time: 9:00 a.m.  
Dealer Practices Committee Meeting

Monday, January 8, 2001  
Time: 10:00 a.m.  
Franchise Law Committee Meeting

Monday, January 8, 2001  
Time: 10:45 a.m.  
Licensing Committee Meeting

Monday, January 8, 2001  
Time: 1:30 p.m.  
Transaction Recovery Fund Committee Meeting

Monday, January 8, 2001  
Time: 2:15 p.m.  
Advertising Committee Meeting

Monday, January 8, 2001  
Time: 3:00 p.m.  
Personnel Committee Meeting

Tuesday, January 9, 2001  
Time: 8:30 a.m.  
Finance Committee Meeting

Tuesday, January 9, 2001  
Time: 9:30 a.m.  
Full Board Meeting

**NOTE:** Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate.

## ACTIONS FROM THE NOVEMBER BOARD MEETING

- **Maintaining Posted Hours.** The Dealer Board agenda included making a determination on three different dealers concerning allegations that they were not maintaining their minimum, posted hours of business. Below, is a summary of each of these determinations:

1. After considering the evidence and reviewing the hearing officer's report, the Motor Vehicle Dealer Board determined that a civil penalty of \$250 should be levied on a Northern Virginia Dealer.

A Dealer Board field representative had made at least two attempts to visit the dealer during his posted hours; however, the dealership was not opened on each occasion. A letter, explaining the minimum hours requirements, was sent to the dealer after the first failed attempt. A second failed attempt resulted in the assessment of a civil penalty. The dealer requested an informal fact finding conference. The conference was scheduled, however the dealer failed to appear at the conference. The hearing officer recommended that the Board assess a \$250 civil penalty.

2. In November of 1999 a Danville area dealer paid a \$250 civil penalty for a number of minimum hours violations. In June of this year, a Dealer Board field representative attempted to visit the dealership during its posted business hours, only to find the dealer closed. The Board staff assessed the dealer with a \$500 civil penalty. The dealer requested an informal conference in front of a hearing officer.

Based on the evidence and the hearing officer's recommendation, the Board levied a civil penalty of \$500 on the dealer

3. After carefully reviewing the evidence and the recommendation of a hearing officer, the Board assessed a \$250 civil penalty on a Franklin area dealer for not maintaining posted hours.

Each of the three dealers will have 33 days to either pay the civil penalty or appeal the decision to circuit court. If the dealer takes no action, the Board has the authority to suspend or revoke the dealer's license.

## ACTIONS FROM THE NOVEMBER BOARD MEETING

- **License Application.** In February of this year, a hearing officer conducted an informal fact-finding conference for an individual whose application for a salesperson license had been denied. The license application had been denied based on 1997 felony convictions. After conducting the conference, the hearing officer recommended that the application be denied. Staff, based on the hearing officer's recommendation, denied the license application. The individual then appealed this decision and requested a formal hearing.

The hearing officer who conducted the formal hearing recommended to the Board that the application be approved. After careful review of the hearing officer's report and considering the evidence, the Board voted to approve the license application.

- **Advertising.** Board staff had levied a civil penalty on a Williamsburg area dealer for alleged repeated violations of several advertising laws and regulations including (1) the requirement to fully identify the year, make and model of a vehicle when credit terms are advertised, (2) that when terms, conditions and disclaimers are used, they are clearly and conspicuously stated and (3) that all advertisements comply with the Federal Trade Commission Truth in Lending Act Requirements. The dealer requested an informal fact finding conference.

After carefully reviewing the hearing officer's report and evidence, the Board agreed with the hearing officer's recommendation to levy a \$500 civil penalty. The dealer will have 33 days to either pay the civil penalty or appeal the decision to circuit court. If the dealer takes no action, the Board has the authority to suspend or revoke the dealer's license.

- **Advertising.** A hearing officer conducted an informal fact-finding conference for a large central Virginia dealer group for eighteen alleged violations of the dealer advertising laws and regulations over approximately a two year period.

After carefully reviewing the hearing officer's report and evidence, the Board agreed with the hearing officer's recommendation to levy a \$4,000 civil penalty. The owner will have 33 days to either pay the civil penalty or appeal the decision to circuit court. If the owner takes no action, the Board has the authority to suspend or revoke the licenses of the dealerships.

# CURBSTONING REPORT

Since the last Dealer Board Meeting, DMV Special Agents and Dealer Board Representatives have issued 101 curbstoning notices.

In Rockingham County, A Customer Service Center clerk grew suspicious of irregularities during an attempted transfer of ownership. She alerted a DMV Agent who began an investigation of the matter. The vehicle had originated from a dealership, the dealer operator provided the purchaser with a title and a re-assignment of title by dealer addendum. The purchaser never titled the vehicle in his name. He then sold the vehicle to purchaser #2, who also never titled the vehicle in his name and sold it to purchaser #3. Through each sale, the dealer arrived at a CSC to title it, he had only the original title, the dealer re-assignment addendum had been discarded in an attempt to hide the prior two owner transfers. The original purchaser was identified, charged and convicted of the following:

1. Failure to secure registration and certificate of title within 30 days of purchase.
2. Altering a Virginia Certificate of Title.
3. Sale of a vehicle without first having secured a certificate of title.
4. Possession of a title by a person other than the holder.
5. Engaging in business as a motor vehicle dealer without first obtaining a license.

The original purchaser was fined \$1,000.00 and sentenced to 30 days in jail, suspended.

In the City of Salem, an individual had purchased 13 Chrysler PT Cruisers since April 2000. The individual was warned by a Dealer Board Representative and a DMV Special Agent about the number of vehicles on display at his antique business. Despite the warnings, the individual continued to display and sell the vehicles. A warrant was obtained and served on 10/26/00.

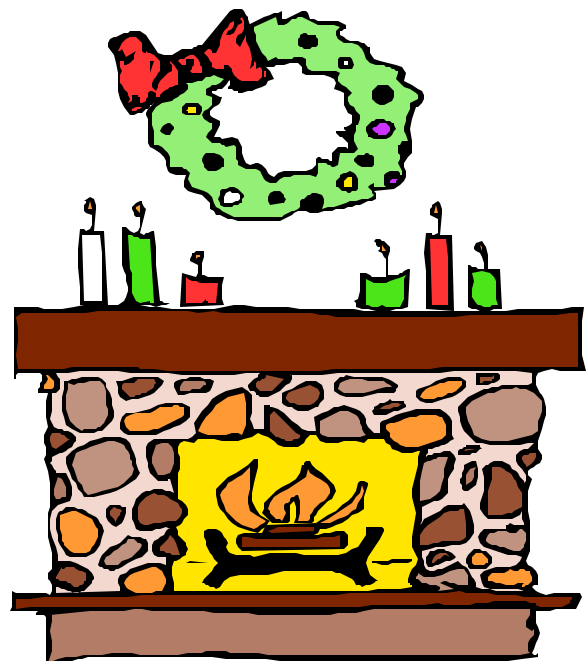
In the Richmond District, a repeat offender was found guilty of curbstoning. The individual had been charged previously and failed to attend the first court date. At a previous court date, a *capias* had been issued for this individual on these charges.

# SALES & USE TAX EXEMPTION

The 2000 General Assembly adopted legislation that exempts payment of the sales and use tax (SUT) for the sale of a leased vehicle to the lessee when the lessee previously paid the tax. Recently, the Department of Motor Vehicles clarified how and under what conditions this exemption would be applied.

In order to qualify for the sales and use tax exemption, the lessee must provide a copy of the lease agreement showing the assigned dealer's name as the lessor and that the lessee was responsible for payment of the SUT upon the initial leasing of the vehicle. If the reassigning dealer's name on the title does not match the dealer's name on the lease agreement, the exemption does not apply.

For those individuals who were charged the SUT in error, DMV will authorize a refund. This exemption went into effect as of July 1, 2000.



## WELCOME NEW DEALERS!

The Motor Vehicle Dealer Board formally welcomes the following new dealers for July & August! Should you have comments, suggestions or questions, please do not hesitate to contact the staff of the Dealer Board. Our telephone and FAX numbers, mailing address and e-mail address are all listed on Page 2.

<b>SEPTEMBER</b>	
Import Express Arlington 1031 North Highland Street Arlington, Virginia 22201	Haley of Farmville, Inc. 1906 South Main Street Farmville, Virginia 23901
Pomoco Lincoln Mercury of Hampton 4206 W. Mercury Boulevard Hampton, Virginia 23666	Flashback Street Rod, Company 1062 Huell Matthews Highway South Boston, Virginia 24592
Helvey's The Dealership 1599 Virginia Avenue Rich Creek, Virginia 24147	Affordable Auto Sales Wholesale Division 10741 Jefferson Avenue Newport News, Virginia 23601
A T M Motors 806 North Memorial Boulevard Martinsville, Virginia 24112	Latino Auto Sales, Inc. 1200 North Irving Street Arlington, Virginia 22201
Wrights Automotive 3234 Virginia Avenue Collinsville, Virginia 24078	Car Plus Auto Sales, Inc. 9917 Jefferson Avenue Newport News, Virginia 23605
The Car Source 3212 Lee Highway Arlington, Virginia 22201	301 Auto Sales & Service 32330 Richmond Turnpike Hanover, Virginia 23069
Import Service Sales 3642 Holland Road, Suite 103 Virginia Beach, Virginia 23452	Lebanon Motorsports 505 Regional Park Road Lebanon, Virginia 24266
Wood's Body Shop, LLC 5421 Pocahontas Trail Providence Forge, Virginia 23140	Super Motors of Arlington 4715 South King Street Arlington, Virginia 22206
Blue Ridge Motors 11209 Ararat Highway Claudville, Virginia 24076	Keen Auto Sales 1909 Jefferson Davis Highway Richmond, Virginia 23224
Platinum Motors 5900 Warwick Boulevard Newport News, Virginia	The Van Man 2372 Berryville Pike Winchester, Virginia 22603
Easterns Mega Center 9075 Euclid Avenue Manassas, Virginia 20110	Jason Farneth Auto Sales 10 Truslow Road Fredericksburg, Virginia 22405

Charlie Falk's Auto Wholesale, Inc. Post Office Box 11328 Norfolk, Virginia 23517	Purcell's Used Cars Route 1, Box 1432 Spout Spring, Virginia 24593
Michael J's Auto Sales 9711 Jefferson Avenue Newport News, Virginia 23605	A & T Auto Sales #2 16701 Jefferson Davis Highway Colonial Heights, Virginia 23834
Ed and Ted Auto Sales 9330 Jefferson Davis Highway Richmond, Virginia 23237	U S A Auto 4107 Williamson Road Roanoke, Virginia 24012
Premier Sales 305 Grayson Avenue Richlands, Virginia 24641	Chandler's Auto Sales 26356 Constitution Highway Rhoadesville, Virginia 22542
Alan's Auto Body 115 Crenel Drive Madison Heights, Virginia 24572	Greystone Motors, LTD 4703 S. Valley Pike Harrisonburg, Virginia 22801
Thrifty Car Sales 1500 North Shenandoah Avenue Front Royal, Virginia 22630	Enterprise Leasing Company of Norfolk/RMD 7436 N. Military Highway Norfolk, Virginia 23518
Auto Center 8 W. 14 <sup>th</sup> Street Front Royal, Virginia 22630	Signature Auto Sales 7401-B Midlothian Turnpike Richmond, Virginia 23236
Student Cars 1528 W. Cary Street Richmond, Virginia 23220	EEE Auto Sales, Inc. 1800 Wilson Boulevard Arlington, Virginia 22201
Richmond Express Auto Sales, Inc. 342 East Belt Boulevard Richmond, Virginia 23224	Wholesale Direct, LLC 14220-B Midlothian Turnpike Midlothian, Virginia 23113
Church Lane Auto Service Center 1005 Church Lane Tappahannock, Virginia 22560	Ace Auto Sales 5421 Brook Road Richmond, Virginia 23227
Power Truck and Equipment 294 Kelly Road Fancy Gap, Virginia 24328	

## OCTOBER

Motor Mile Outdoors 4941 State Park Road Dublin, Virginia 24084	Automobiles of Lynchburg, Inc. 360 Alleghany Avenue Lynchburg, Virginia 24501
Copsetta's Auto Sales 1403 W. Third Street Farmville, Virginia 23901	Two Chiefs, LLC 1385 Portsmouth Boulevard Suffolk, Virginia 23434
Auto Finance Center of Harrisonburg 3456 North Valley Pike Harrisonburg, Virginia 22802	Marshall Auto Outlet 8402 W. Main Street Marshall, Virginia 20115

Piedmont Equipment Exchange, Inc. 4170 South Boston Road Ringgold, Virginia 24586	Bentley Brothers Auto Sales US Highway 83 & Route 642 Grundy, Virginia 24614
Dreams Auto Sales 12 Cowardin Avenue Richmond, Virginia 23224	Big T 130 Carriebrooke Drive Stephens City, Virginia 22655
Widewater Auto Sales, Inc. 3872 Jefferson Davis Highway Stafford, Virginia 22554	Victory Lane Motors 9927 Jeff Davis Highway Richmond, Virginia 23237
Intersport Performance 1524 Springhill Road, Unit HS McLean, Virginia 22102	Paradise Garage 14 South Allen Avenue Richmond, Virginia 23220
Quality Muffler 400 N. Main Street Emporia, Virginia 23847	Brit-tash Motorcars Trucks & Equipment 9150 Prince William Street Manassas, Virginia 22110
K R Car Shoppe 3999 Highway 29 N Danville, Virginia 24540	Street Smart Cars, Inc. 3425 Jefferson Davis Highway Fredericksburg, Virginia 22401
Heavy Truck Sales, LTD 10437 James Madison Parkway King George, Virginia 22485	Floyd Dodge Chrysler Plymouth Jeep, Inc. 1007 E. Stuart Drive Galax, Virginia 24333
Lee Harlan, Inc. 9766 Governor Harrison Parkway, #2 Lawrenceville, Virginia 23868	Renner's Auto Sales, LLC 3010 Valley Avenue Winchester, Virginia 22601
Middle-Class Auto Sales 3116-B S. Military Highway Chesapeake, Virginia 23323	Staunton Auto 2301-A W. Beverley Street Staunton, Virginia 24401
Turner Chevrolet, Inc. Post Office Drawer W Route 83 Haysi, Virginia 24256	ABS Auto Sales & Service 349 E. Belt Boulevard Richmond, Virginia 23224
J D Byrider 3141 Peters Creek Road Roanoke, Virginia 24019	Affordable Quality Autos, Inc. 622 South Royal Avenue Front Royal, Virginia 22630
Best For Less Auto Sales and Service 409 Jeff Davis Highway Richmond, Virginia 23224	Finish Line Auto Sales Route 2, Box 342 Bluefield, Virginia 24605



# **ATTENTION ALL DEALERS:**

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