

Dealer Operator Test

On October 20, 2004 the Dealer-Operator Task Force held its first meeting. In attendance was Dealer Board members Todd Hyman, David Lacy and Pat Patrick. Also attending was Lois Keenan and David Boling of the Virginia Independent Automobile Dealers Association (VIADA); Anne Gambardella of the Virginia Automobile Dealers Association (VADA), and independent dealers Pete Iaricci and John Good.

After much discussion, the group developed the following recommendations concerning the dealer-operator test:

- Create a more challenging test.
- Eliminate the study guide and give the option to the applicant to take the test or to take a course of study before taking the test.
- Increase the number of questions on the test and the percent of questions answered correctly in order to pass.
- Maintain a list of entities that offer courses of study.
- Continue to administer the test at DMV Customer Service Centers via the KATS machine and explore other alternatives for administering the test.

These recommendations were presented to the Board at its November meeting. It was the consensus of the Board that all of the recommendations are valid and that the committee should continue their work and begin to develop a new test.

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Seasons Greetings

HOLIDAY HOURS

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



CHRISTMAS

December 24, 2004
(closing at 1:00 p.m. on December 23)

NEW YEARS

December 31, 2004

LEE-JACKSON DAY

January 14, 2005

MARTIN LUTHER KING DAY

January 17, 2005



BOARD ACTIONS

Dealer Practices ("Bird Dogging") In July of 2003, the Board received an anonymous complaint that a Norfolk dealer regularly compensated customers who referred other customers to the dealership and who subsequently purchased a car ("Bird dogging"). A Board field representative visited the dealership and spoke to the owner about these allegations.

In April of 2004, the Board was again contacted concerning allegations that the dealership was paying former customers a "bird dogging" fee. Based on the evidence and interviews conducted, an informal fact finding conference was convened for alleged violations of Virginia law: compensating an unlicensed individual and willfully disregarding the law.

The conference was held on October 19, 2004. The hearing officer's report and other evidence was reviewed by the Board at the November Board meeting. A vote to assess a \$2,050 on the dealer was passed. The dealer will have 30 days to either pay the penalty or appeal the decision to circuit court.

Dealer Licensing (License Application). Mr. Rickey Burrus applied for a salesperson's license on September 22, 2003. Based on his criminal history MVDB Executive Director denied issuance of a license. Mr. Burrus appealed this decision, and on January 5, 2004, an informal fact finding conference was held. The hearing officer recommended that the application be denied. Based on that recommendation, the Executive Director, as authorized by the Board, denied the application.

Mr. Burrus appealed this decision and on June 11, 2004 a formal hearing was held. The hearing officer recommended, and the Board agreed, to deny the license application at this time.

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 10, 2005
Time: 8:30 a.m.
Dealer Practices Committee Meeting

Monday, January 10, 2005
Time: Immediately following Dealer Practices
Licensing Committee Meeting

Monday, January 10, 2005
Time: 9:30 a.m.
Advertising Committee Meeting

Monday, January 10, 2005
Time: Immediately following Advertising
Transaction Recovery Fund Committee Meeting

Monday, January 10, 2005
Time: 10:00 a.m.
Full Board Meeting

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

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BOARD ACTIONS

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Motor Vehicle Transaction Recovery Fund: At the November Board meeting, the Transaction Recovery Fund Committee and the Board considered the following claim:

On January 29, 2003, a gentleman in North Carolina purchased two vehicles through E-bay from Premier Auto. Mr. Mayo represented the vehicles as never being wrecked, and owned by a non-smoker. When the first vehicle was delivered it was discovered that it had been wrecked and partially repaired. The purchaser e-mailed Mr. Mayo and indicated that as a result of receiving a wrecked vehicle, Premier should take the vehicle back, refund his money and not deliver the second vehicle. Mr. Mayo refunded the purchaser for the second vehicle but the refund check for the first vehicle could not be cashed due to "insufficient funds".

After reviewing the hearing officer's report and evidence, the Board approved payment from the Fund in the amount of \$7,649.00.



REMEMBERING BOARD MEMBER LEO TRENOR

Long-time Motor Vehicle Dealer Board member Leo Trenor passed away on Thursday, November 11, 2004. Leo was a charter member of the Board and was very proud of the fact that he had attended every Board meeting ever held. (He was 49 for 49.) Leo was a good friend and he will be missed.

Leo had a passion for Model A and Model T Fords, amassing a collection of about 30 of these vehicles. He took great pleasure at finding and restoring these old vehicles. Once he even drove one from his home in Roanoke to a Dealer Board meeting in Richmond!

Leo's wife Helen, has noted that donations in Leo's name can be sent to Camp Easter Seal West, 900 Easter Seal Road, Newcastle, VA 24127.

Seasons Greetings

SIGN UP FOR E-TRANSACTIONS

The Motor Vehicle Dealer Board (MVDB) and the Department of Motor Vehicles (DMV) have partnered to provide FREE on-line license renewal services.

This service provides motor vehicle dealers the opportunity to renew their dealer certificate, salespersons licenses, and license plates via the web for FREE and in REAL-TIME without having to visit our office or mail-in renewal applications. Once you submit your applications over the WEB, your renewal items will be mailed to you within 7 business days of the date of your on-line renewal transaction.

Your renewal information goes directly into your DMV record upon your paid (on-line) licensing renewal fee submission. The DMV on-line renewal system accepts Visa, MasterCard, and Discover.

To get started, simply complete and sign an Extranet Transaction Access Application, and return to DMV. Within a matter of days, DMV will send you a memorandum of understanding (MOU) for signature. After DMV has received your signed MOU, you will be sent a user manual and a security device "fob" (free of charge) to immediately begin accessing your records over the DMV Extranet site.

Dealers who sign-up for this FREE service can also submit a salesperson application ("DSD 7") to the Board via the online system. It will be the quickest and easiest way to submit an original ("new") salesperson's application or transfer application. You will be able to submit your Application for Dealer/Drive-Away/Office Trailer Plates ("DSD 9") using this same system.

So don't wait! Go to the MVDB website at WWW.mvdb.virginia.gov and click on "On-Line Services" to access an application or contact the Dealer Board Office toll free at (877) 270-0203 X3004 and we'll send you a E-transaction package.

Seasons Greetings

Dealer Operator Test

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If you have input for the Task Force, send an email to bruce.gould@mvdv.virginia.gov or mail a letter to Motor Vehicle Dealer Board, 2201 West Broad Street; Suite 104, Richmond, VA 23220, attention Bruce Gould. The next meeting of the Task Force will be held at the Board's headquarters on December 14, at 3:00. The meeting is open to all.

In a related matter, the VIADA presented a draft legislative proposal concept for the 2005 General Assembly. The concept is outlined as follows:

- Require pre-license education for applicants for an original, independent dealer operator Certificate of Qualification.
- Allow the Board to approve curriculum and providers of such education.
- Exempt the Board from the requirements of the APA Regulatory Process for establishing guidelines to implement all aspects of pre-licensing education.
- Establish a January 1, 2006 effective date.

The Board voted to endorse this concept.



DEALER BOARD STAFF NEWS

Welcome Jim!

The staff of the Motor Vehicle Dealer Board would like to introduce and welcome our newest employee, Field Representative Jim Anderson. Jim began his employment with us on October 25th. He comes to us from the Department of Juvenile Justice, where he worked for six years as a Juvenile Probation Officer. He has a B.A. in Sociology/Criminal Justice from D'Youville College in Buffalo, New York. After retiring from an extensive military career, Jim worked in NC and VA as a police officer before taking the Juvenile Probation Officer position. He is currently living and working in the extreme southwest part of the state, sharing responsibilities in District 1 with Glen Marshall. His office/fax number is (276) 889-7640. Please help us welcome Jim to the staff.

NEWS FROM DMV

Recently, you should have received a letter from the Department of Motor Vehicles (DMV) outlining procedures for titling and registering motor vehicles for your customers. The DMV letter also outlined new criteria for the purchase of temporary tags. DMV worked closely with the Motor Vehicle Dealer Board (MVDB), the Virginia Automobile Dealers Association (VADA), and the Virginia Independent Automobile Dealers Association (VIADA) in developing these new procedures and criteria that are effective as of December 15, 2004. If you did not receive the letter from DMV, or if you have questions about the requirements or new procedures, please contact DMV at 1-800-435-5137 or 1-866-DMV-LINE.



DEALER LOOK-UP

In the June issue of Dealer Talk we announced that we had added a "Dealer Look-Up" feature to our WEB site. The look-up gives you three different ways to search for a dealer on our database: 1). By dealer number; 2). By the name of the dealership; or 3). By the owner's name. If you perform the search by dealer number, you will need to know the correct number. A search by dealership name or owner's name can be done even if you do not know the full name. The more information you key into your search, the more precise your search will be.

A new feature has been added to the dealer look-up. The search results now include a list of licensed salespersons for the dealership.

To begin your look-up, go to the Board's WEB site at: <http://www.mvdb.vipnet.org/home.html> and "click" on the "Dealer Database Search" Button. Key-in the dealer number, or the dealership name, or the owner's name and click on the "Search for Dealer" button at the bottom of the page. You will instantly be given a list of dealers meeting the criteria of your search. "Click" on any of the dealers included in the list and you will see the expiration date of the dealer's Motor Vehicle Dealer Board issued license, the full dealership name and address, the owner's full name and a list of licensed salespersons. If your search is not successful, try keying-in less information.

The database is automatically updated every day at 1:00 a.m. with the previous day's recorded information, thereby maintaining the accuracy of the database.