

DEALER OPERATOR PRE-EDUCATION

Motor Vehicle Dealer Board member, Todd Hyman introduced a measure at the July Board meeting to establish a working group to explore the possibility of requiring future first time applicants for a dealer-operator's certificate of qualification to satisfactorily complete a course of study before they can become qualified.

At the November Board meeting there was further discussion concerning the possibility of requiring completion of a course of study before and applicant could take the dealer-operator test. As a result of this discussion, the consensus of the Board was that dealer-operators need to be better prepared before they open a dealership or take on the task of being responsible for the operation of a motor vehicle dealer. However, rather than require the satisfactory completion of a course of study as a condition to take the qualification test, it was decided that a task force should be formed to rewrite the test to make it more challenging.

Creating a more challenging test may provide an incentive for applicants to seek a course of study to prepare them to take a more challenging test, much the same way that an individual prepares to take the bar exam in order to secure their license to practice law.

If you have input as to how the test can be made more challenging send an email to bruce.gould@mvdv.virginia.gov or send a letter to Motor Vehicle Dealer Board, 2201 West Broad Street; Suite 104, Richmond, VA 23220, to the attention Bruce Gould.

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HOLIDAY HOURS

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

November 11, 2004



VETERAN'S DAY

November 25 & 26, 2004



BOARD ACTIONS

Dealer Practices (Criminal Convictions involving the Sale of Motor Vehicles). An investigation of a Waynesboro area dealer by a DMV special agent resulted in two misdemeanor convictions for unlawfully obtaining a vehicle registration issued by DMV when not legally entitled to do so. An informal fact finding conference was convened for allegedly making a material misrepresentation on an application for title; for committing a fraudulent act and for deceptive acts and practices. After hearing evidence, and reviewing the hearing officer's report, the Board voted to agree with the hearing officer's recommendation to assess a \$2,000 civil penalty on the dealer. The dealer will have 30 days to either pay the penalty or appeal the decision to circuit court.

Dealer Advertising ("We own the lending company" advertisements). Advertisements that include statements such as "We own the bank/lending company/finance company, etc." were discussed by the Advertising Committee about 2 years ago. A member of the dealer community asked the Board to revisit this form of advertising. Two years ago, the Board determined that this type of advertisement was acceptable as long as the statement was true. In its discussion at the September Advertising Committee meeting, it was the consensus of the group that it is important to view such an advertisement in its full context. So long as the claims included in the advertisement were true as stated within the context of the advertisement, then stating that the dealer owns the bank/lending company/finance company, etc is acceptable.

Motor Vehicle Transaction Recovery Fund: At the September Board meeting, the Transaction Recovery Fund Committee and the Board considered the following claims:

- A consumer filed a claim against Express Auto Buying Services of Manassas Park (Mr. Maurice C. Quiroz, President) for failure to produce a title. The dealer's bond, made a payment of \$13,000 to the claimant for actual damages and the consumer was seeking \$9,609 to cover their attorney's fees and court costs. The Board approved this amount.
- A consumer filed a claim against the Car Bazar in Manassas (Mr. Morteza Aghili, owner) for failure to produce a title. Based on the facts of the case, the Board voted to approve a total payment from the Fund to the consumer in the amount of \$11,068 to cover actual damages, attorney fees and court costs.

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DEALER TALK

A Bi-monthly newsletter of The Virginia Motor Vehicle Dealer Board
Bruce Gould, Executive Director
Peggy Bailey, Office Manager
Debbie Allison, Field Representative Supervisor

Virginia Motor Vehicle Dealer Board
2201 West Broad Street
Suite 104
Richmond, Virginia 23220
Phone: (804) 367-1100
FAX: (804) 367-1053
Toll Free: (877) 270-0203 (Intra-State only)
E-mail: dboard@mvdv.virginia.gov
Website: www.mvdv.virginia.gov

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, November 8, 2004
Time: 8:30 a.m.
Dealer Practices Committee Meeting

Monday, November 8, 2004
Time: Immediately following Dealer Practices
Licensing Committee Meeting

Monday, November 8, 2004
Time: 9:30 a.m.
Advertising Committee Meeting

Monday, November 8, 2004
Time: Immediately following Advertising
Transaction Recovery Fund Committee Meeting

Monday, November 8, 2004
Time: 10:00 a.m.
Full Board Meeting

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

BOARD ACTIONS

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- A consumer filed a claim against Auto Rama of Roanoke (Richie L. Thacker, owner) for failure to produce a title. Based on the recommendations of the hearing officer, the Board approved payment from the Fund in the amount of \$3,236 to cover actual damages, attorney fees and court costs.
- A consumer filed a claim against Virginia Auto Truck Outlet in Woodbridge (Mr. Elie Saliba, owner) for failure to deliver the vehicle and produce a title. Based on the facts, the Board approved payment from the Fund in the amount of \$13,118 to cover actual damages, attorney fees and court costs.



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 services.

Dealers who sign-up for this FREE service can 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.

This service also 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.

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SIGN UP FOR E-TRANSACTIONS

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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.



WASHINGTON D.C. TITLE REASSIGNMENT

The Virginia DMV has received information from Mr. Rahseed Coleman, Dealer Office Supervisor of the Washington D.C. Department of Motor Vehicles, that dealers in the District will no longer be able to attach a separate re-assignment sheet to a title.

Effective September 27, 2004 the re-assignment sheets that have been used by Washington D.C. dealers are not to be used. The assignments are to be done on the title, and when there is no space left on the title the dealer must obtain a new title before selling the vehicle.



DEALER BOARD STAFF NEWS

We are pleased to announce that Valentin ("Val") Rodriquez has joined the headquarters staff in our "dealer licensing" section. Previous to joining the Motor Vehicle Dealer Board staff, Val was employed for 15 years by the Pennsylvania Department of Transportation working in driver licensing and other related areas. Val is in the Army Reserves where he is a Drill Sergeant Candidate. Previous to joining the Reserves, Val was on active duty for three years. He completed tours of duty in Germany and Croatia. If you visit our headquarters in Richmond, be sure to introduce yourself to Val.

In other staff news, we say "good-bye" and "good luck" to Paul Tickle, our field representative in far southwest Virginia. Paul, who worked out of Radford, had been with the Board since its inception in 1995. We will miss Paul who recently married and moved to Baltimore where his new bride is working as a veterinarian. We are in the process of hiring a new field representative. Look for an update in the next issue of Dealer Talk.