

**NOTE:** Appearing first is the Full Board summary which is the last meeting of the day. The committees will follow in the order of which time they were conducted. The Dealer Board staff felt it would benefit our readers to have the last meeting of the day appear first on the website.

~ 2<sup>nd</sup> DRAFT ~

**Meeting Summary  
Motor Vehicle Dealer Board  
Monday, November 14, 2005**

Chairman D.B. Smit called the Dealer Board meeting to order at 11:35 in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. The roll was called and there were 16 Board members present. Present were members David Lacy, Jonathan Blank, Lynn Hooper, Todd Hyman, Wanda Lewark, Chip Lindsay, Hugh McCreight, Jim Mercer, Pat Patrick, Frank Pohanka, Kevin Reilly, Larry Shelor, Jimmy Whitten, Robert Woodall and Thomas Woodson. (Absent: Carlton Courter, Thomas Moorehead and Vince Sheehy). Bruce Gould, Peggy Bailey, Debbie Allison and Katherine Idrissi represented the Dealer Board. Jim Gurney, Karen Chappell and Don Boswell represented DMV. Eric Fiske represented the Attorney General's Office. Alice Weedon acted as Recording Secretary.

The September 12, 2005 meeting summary was approved.

**Vehicle Titling Within 30 Days of the Sale.** Karen Chappell updated the Members indicating that this past Fall, DMV notified dealers of the importance of applying for a title within 30 days of selling a vehicle – even if the title was not available. DMV and MVDB have been monitoring dealers in terms of their compliance with this requirement and the requirement that dealers must notify DMV when they issue a second set of 30-day tags.

DMV and MVDB staff have been visiting dealers who have a high non-compliance record, to educate them on the requirements. Karen outlined the educational and enforcement process that will be followed.

**PUBLIC COMMENT**

There was no public comment.

**STATUTORY COMMITTEE REPORTS**

**Dealer Practices Committee**

- William E. Schuiling and Brown's Buick Volkswagen. Chairman Pat Patrick summarized for the Board the discussion held in the Committee meeting regarding William E. Schuiling and Brown's Buick Volkswagen. Based on that discussion, Mr. Patrick 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 Mr. William E. Schuiling t/a Brown's Buick Volkswagen for alleged violations of Va. Code §46.2-1559 related to record keeping. Mr. Schuiling and representatives of the dealership received at least two letters and was the recipient of educational efforts and was given opportunities to comply with the record keeping requirements. Based on due consideration and the recommendation of the hearing officer, the Board believes no action should be taken at this time against Mr. William E. Schuiling and Brown's Buick Volkswagen. The Board hereby takes no action at this time against William E. Schuiling and Brown's Buick Volkswagen for the alleged violations of Va. Code §46.2-1559, record keeping.

Frank Pohanka seconded. The motion carried unanimously.

- Sebghatullah Nassiri and Export Car Connection, Inc. Chairman Pat Patrick summarized for the Board the discussion held in the Committee meeting regarding Sebghatullah Nassiri and Export Car Connection, Inc. Based on that discussion, Mr. Patrick 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 Mr. Sebghatullah Nassiri and Export Car Connection, Inc. for alleged violations of Va. Code §46.2-1529, §46.2-1548, §46.2-1559, related to record keeping, and §46.2-1575(2), failure to comply subsequent to receipt of written warning by the Dealer Board or any willful failure to comply. Mr. Nassiri was previously the subject of both an informal and formal hearing concerning similar violations; and Mr. Nassiri paid civil; penalties totaling \$1,500 in February of 2003 for violations related to record keeping; and Mr. Nassiri previously participated in an informal fact finding conference, a formal hearing, paid a civil penalty and has received numerous letters, educational efforts and opportunities to comply with the record keeping requirements. Based on due consideration, and the hearing officer's recommendation from a second informal fact finding conference, the Board believes that all licenses and certificates issued to Mr. Sebghatullah Nassiri t/a Export Car Connection, Inc should be revoked. Based on due consideration and the recommendation of the hearing officer, the Board believes a civil penalty should be levied against Mr. Sebghatullah Nassiri and Export Car Connection, Inc. The Board hereby revokes all licenses and certificates issued in the name of the Board to Mr. Sebghatullah Nassiri t/a Export Car Connection, Inc for violations of Va. Code §46.2-1575(2). The Board hereby assesses a civil penalty in the amount of \$3,000 on Mr. Sebghatullah Nassiri and Export Car Connection, Inc. for violations of Va. Code §§46.2-1529, 46.2-1548 and 46.2-1559, related to record keeping and Va. Code §46.2-75(2), failure to comply to a written warning/willful disregard for the dealer laws.

Robert Woodall seconded. The motion carried unanimously.

### **Licensing Committee**

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

- **Update: Dealer-Operator Test and Course.** Todd Hyman indicated that in the Committee meeting, this issue was discussed and a motion was as made and is as follows:

Motion was made by Todd Hyman to accept 80 questions, with 80% passing and to approve the curriculum as presented. Frank Pohanka seconded. The motion carried unanimously.

- **V. Nicolas Bello, Salesperson.** Chairman Todd Hyman summarized for the Board the discussion held in the Committee meeting regarding V. Nicolas, Salesperson. Based on that discussion, Mr. Larry Shelor made the following motion: Based on the evidence and a report of an informal fact-finding conference as prepared by a hearing officer, the executive director, under the authority granted by the Motor Vehicle Dealer Board, revoked the salesperson's license of Mr. V. Nicolas Bello. Mr. Bello appealed the revocation and requested a formal hearing. Based on due consideration, and the hearing officer's report, the Board believes that a civil penalty should be levied against Mr. Bello. Based on due consideration, and the hearing officer's report, the Board believes that Mr. Bello's salesperson's license and certificate of qualification should be suspended. The Board hereby assesses a civil penalty in the amount of \$4,000 on Mr. Bello for violations of Va. Code §§46.2-1575(9), having being convicted of a crime(s) involving the business of selling motor vehicles and 46.2-1575(13), having been convicted of a felony(s); and the Board hereby suspends, for a period of six months days, all

licenses and certificates issued to Mr. Bello by the Board for violations of Va. Code §§46.2-1575(9), having being convicted of a crime(s) involving the business of selling motor vehicles and 46.2-1575(13), having been convicted of a felony(s); and as a condition of lifting the six-month suspension, that at the end of the six-month period, the General Manager and owner of the dealership employing Mr. Bello must submit a letter to the Board stating whether or not Mr. Bello is in good standing with the dealership.

Kevin Reilly seconded. The motion carried unanimously.

- **Request for Variance in Hours: Southeastern Specialty Vehicles, Inc.** Chairman Todd Hyman summarized for the Board the discussion held in the Committee meeting regarding Signature Auto Sales' request for a variance in hours. This issue has been tabled until the January meeting.

**Advertising Committee**

Chairman Frank Pohanka summarized discussions that were held during the Committee Meeting.

**Transaction Recovery Fund Committee**

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

- **Lawrence Locke and Augustine Amagoh & Betterdays Auto Sales, Inc, Ryan M. Pittman and Gregory S. Nagy & Imperial Motors.** Chairman David Lacy summarized for the Board the discussion held in the Committee meeting regarding Lawrence Locke and Augustine Amagoh & Betterdays Auto Sales, Inc., Ryan M. Pittman and Gregory S. Nagy & Imperial Motors. Based on that discussion and the recommendation in the case, Mr. Lacy made the following motions: Pursuant to §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 on the claims and based on due consideration and recommendation of the hearing officer, the Board believes the following claims should be payable from the Fund. The Board hereby approves and reaffirms the following claims and payment amounts subject to compliance by the claimant with statutory requirements:

<b>Lawrence Locke and Augustine Amagoh &amp; Betterdays Auto Sales, Inc.</b>	<b>\$3,240.00</b>
<b>Ryan M. Pittman and Gregory S. Nagy &amp; Imperial Motors</b>	<b>\$3,150.00</b>

Pat Patrick seconded. The motion carried unanimously.

**OLD BUSINESS FROM THE FLOOR**

**Curbstoning Report.** Don Boswell, Chief of Investigations for DMV, gave a brief update on ISO investigations relating to curbstoning since the September Board meeting.

There was no old business from the floor.

**NEW BUSINESS**

The next meeting will be scheduled for January 9, 2006

**Executive Director's Report.** Bruce Gould indicated that that Vic Hernandez has retired and staff is in the process of advertising the open position. The Governor has not yet given the agency direction on the Board's legislative proposals. Rick Walton has taken a position with VDOT and Eric Fiske will now represent the Board until further notice. A recent press release put out by the Executive Director, concerning the Gulf Coast flood cars, noted that curbstoners may sell these vehicles and it explains how to identify curbstoners and flood vehicles.

**NEW BUSINESS FROM THE FLOOR**

There was no new business from the floor.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Smit adjourned the meeting at 12:24 p.m.

# **Meeting Summary Dealer Practices Committee Monday, November 14, 2005**

Chairman Pat Patrick called the Dealer Practices Committee meeting to order at 8:29 a.m. in Room 702 of the DMV Headquarters Building at 2300 W. Broad Street in Richmond. Present were Committee members Hugh McCreight, Jonathan Blank, Lynn Hooper, David Lacy, Jim Mercer, Frank Pohanka, Kevin Reilly, Jimmy Whitten and Robert Woodall. (Absent: Thomas Moorehead) Other Board members present: D.B. Smit, Tommy Woodson, Todd Hyman, Wanda Lewark, Chip Lindsay, Larry Shelor. Executive Director Bruce Gould, Peggy Bailey, Katherine Idrissi and Debbie Allison represented the Dealer Board. Jim Gurney represented DMV. Eric Fiske was present from the Attorney General's Office.

The September 12, 2005 meeting summary was approved.

## **PUBLIC COMMENT**

There was no public comment.

## **OLD BUSINESS**

**Update: September Actions.** Peggy Bailey reported on the actions taken at the Dealer Practices Committee meeting on September 12, 2005.

## **OLD BUSINESS FROM THE FLOOR**

There was no old business from the floor.

## **NEW BUSINESS**

### **Review and Action: Informal Fact-Finding Conference:**

- **William E. Schuiling and Brown's Buick Volkswagen.** On July 12, 2005 an informal fact-finding conference was conducted to address the alleged violation of §46.2-1559 (record keeping requirements) against William E. Schuiling and Brown's Buick Volkswagen. Based on the information provided at the conference, the hearing officer recommended that the Board take no action against William E. Schuiling and Brown's Buick Volkswagen.

Motion was made by Jonathan Blank to accept hearing officer's recommendation. David Lacy seconded. The motion carried unanimously.

- **Sebghatullah Nassiri and Export Car Connection, Inc.** On November 10, 2005, a letter was faxed to the Board office from Mr. Nassiri's attorney who requested that the Board table his case until the January meeting as he (the attorney) was just hired and could not attend the November Board Meeting. After some discussion, the Committee concluded that it was not a requirement for subjects to attend the Committee meeting.

The purpose of the meeting is to make a decision based on the evidence presented at the informal fact-finding conference and the hearing officer report. The Committee believed they had enough information to make a decision and if Mr. Nassiri disagreed with that decision, he could appeal and have a formal hearing. On July 28, 2005 an informal fact-finding conference was conducted to address the alleged violations of §46.2-1529 (failure to maintain all dealer records on the premises in a manner that permits systematic retrieval), §46.2-1548 (failure to keep written record of dealer license plates and have them available for inspection), §46.2-1559 (failure to keep written record of temporary license plates retained for a period of one year and have them available for inspection), §46.2-1575(2) (failure to comply subsequent to receipt of written warning by the Dealer Board or any willful failure to comply with any provision or regulation of this chapter against Sebghatullah Nassiri and Export Car Connection, Inc. Based on the information provided at the conference, the hearing officer recommended that the Board assess a civil penalty of \$3,000 against Sebghatullah Nassiri and Export Car Connection, Inc. The hearing officer also recommended that the Board revoke his license and certificate of dealer registration and qualification.

Motion was made by Lynn Hooper to accept hearing officer's recommendation. David Lacy seconded. The motion carried unanimously.

- **Report on Variance Requests (Dealer Hours and Storage of Dealer Records).** Bruce Gould indicated that nine requests to store records off site were approved and two requests to automate records were approved since the last Board meeting. In addition, three dealers were approved for their "on-line" dealer request.

#### **NEW BUSINESS FROM THE FLOOR**

There was no new business from the floor.

The next meeting was scheduled for January 9, 2006.

The meeting adjourned at 8:48 a.m.

## **Meeting Summary Dealer Licensing Committee Monday, November 14, 2005**

Chairman Todd Hyman called the Dealer Licensing Committee meeting to order at 8:50 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members Robert Woodall, Wanda Lewark, Chip Lindsay, Kevin Reilly, Larry Shelor, Jimmy Whitten and Tommy Woodson. (Absent: Vince Sheehy) Other Board members present: Lynn Hooper, Frank Pohanka, Jim Mercer, David Lacy, D.B. Smit, Pat Patrick, Jonathan Blank and Hugh McCreight. Executive Director Bruce Gould, Peggy Bailey, Katherine Idrissi and Debbie Allison represented the Dealer Board. Jim Gurney represented DMV. Eric Fiske represented the Attorney General's Office.

The September 12, 2005 meeting summary was approved.

### **PUBLIC COMMENT**

There was no public comment.

### **OLD BUSINESS**

**Update: September Actions.** Peggy Bailey reported on the actions taken at the Licensing Committee meeting on September 12, 2005.

- **Update and Discussion: Dealer-Operator Test and Course.** Bruce Gould gave a handout of the Dealer-Operator Test and Course information. He then asked David Boling to talk about the course. Mr. Gould and Mr. Boling explained that a course curriculum had been developed. Courses will be offered at least once per month at community colleges. The first course will on December 14-15 at Tidewater Community College. An automated system has been developed to allow the community to establish the qualification record. Mr. Gould noted that the Dealer-Operator test was revamped independent of the legislation requiring the course. The study guide and test have been reviewed and approved. The new study guide includes all 133 questions in the dealer-operator test data base with the correct answer. To save paper, there will be two separate study guides, a salesperson guide and a dealer-operator guide. Currently, these are combined in one booklet. Further, it is recommended that once an applicant for a dealer-operator license, will only need to take the dealer-operator test and not retake the salesperson test as is currently done.

Motion was made Todd Hyman to make the dealer-operator test 80 questions with a 80% passing rate and that applicants need not retake the salesperson portion of the test. Robert Woodall seconded. The motion carried unanimously.

Motion was made by Todd Hyman to accept the course curriculum. Robert Woodall seconded. The motion carried unanimously.

### **OLD BUSINESS FROM THE FLOOR**

There was no old business from the floor.

## **NEW BUSINESS**

### **Review and Action: Formal Hearing:**

- **V. Nicolas Bello, Salesman.** On August 20, 2005, a formal hearing was conducted to address Mr. Bello's being convicted of two felony counts of embezzlement, while he was employed at Danville Toyota. Based on the information provided at the conference, the hearing officer recommended that the Board impose a civil penalty of \$2,000 and suspend his salesperson's license for a period of three (3) months for his violations of §46.2-1575(13) (being convicted of felonies) and a civil penalty of \$2,000 and suspend his salesperson's license for an additional six months for his violation of §46.2-1575(9) (being convicted of a crime involving the business of selling motor vehicles), thus totaling his civil penalties of \$4,000 and total license suspension for nine (9) months.

Ward Armstrong, attorney for Mr. Bello, spoke to the Committee on his client's behalf. He doesn't dispute the violations, however, he requested that the Board reconsider the 9 month suspension. He requested that the Committee reduce it to 6 months, because Mr. Bello's employer indicated that they could hold Mr. Bello's position for 6 months, but 9 months they could not guarantee.

Motion was made by Robert Woodall to assess a civil penalty of \$4,000 and a total suspension for 6 months rather than 9 months. Frank Pohanka seconded. General discussion followed.

Substitute motion was made Jimmy Whitten to revoke the license and assess a \$4,000 civil penalty. Larry Shelor seconded. All in favor: 2 (Whitten and Shelor). Opposed: 6 (Hyman, Woodall, Lewark, Lindsay, Reilly, Woodson). The motion failed.

Original motion with one exception: Motion was made by Robert Woodall to accept the hearing officer's recommendation. Jimmy Whitten seconded. The motion carried unanimously.

- **Request for Variance in Hours: Southern Specialty Vehicles, Inc.** Donald Pleasants requested that the Board grant his dealership a variance to reduce his minimum hours of operation, because none of their business is walk in where client's come in to their office or lot to make a purchase. 100% of their sales are done at the client's location. Their request is to allow them to staff their office from 9:00 a.m. to 12:00 p.m. every Monday for a total of three (3) hours per week.

This issue was tabled to the January Committee Meeting.

The next meeting was scheduled for January 9, 2006.

## **NEW BUSINESS FROM THE FLOOR**

There was no new business from the floor.

The meeting adjourned at 10:44 a.m.

**Meeting Summary  
Advertising Committee  
Monday, November 14, 2005**

Chairman Frank Pohanka called the Advertising Committee meeting to order at 10:55 a.m. in Room 702, at DMV Headquarters, 2300 West Broad Street, Richmond, Virginia. Present were Committee members Lynn Hooper, Jonathan Blank, Chip Lindsay, Hugh McCreight, Jim Mercer, Pat Patrick and Larry Shelor. (Absent: Thomas Moorehead) Other Board members present: Kevin Reilly, Tommy Woodson, Robert Woodall, Todd Hyman, David Lacy, D.B. Smit, Wanda Lewark and Jimmy Whitten. Executive Director Bruce Gould, Peggy Bailey, Katherine Idrissi and Debbie Allison represented the Dealer Board. Jim Gurney and Don Boswell represented DMV. Eric Fiske represented the Attorney General's Office.

The September 12, 2005 meeting summary was approved.

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS**

**OLD BUSINESS FROM THE FLOOR**

There was no old business from the floor.

**NEW BUSINESS**

The next meeting will be January 9, 2006.

**NEW BUSINESS FROM THE FLOOR**

Larry Shelor requested that the Committee put on the January agenda something referencing dealers who are advertising repo vehicles, police seized vehicles and bank owned vehicles, just to name a few. Bruce indicated that he will look for those advertisements and put on the January agenda.

The meeting adjourned at 11:04 a.m.

## **Meeting Summary Transaction Recovery Fund Committee Monday, November 14, 2005**

Chairman David Lacy called the Transaction Recovery Fund Committee meeting to order at 10:06 a.m. in Room 702 of the DMV Headquarters Building at 2300 West Broad Street in Richmond. Present were Committee members: Larry Shelor, Jonathan Blank, Lynn Hooper, Wanda Lewark and Tommy Woodson. (Absent: Vince Sheehy). Other Board members present: Kevin Reilly, Robert Woodall, Todd Hyman, Frank Pohanka, Jim Mercer, Pat Patrick, Chip Lindsay, Larry Shelor, Hugh McCreight, Jimmy Whitten. Executive Director Bruce Gould, Peggy Bailey, Katherine Idrissi and Debbie Allison represented the Dealer Board. Jim Gurney represented DMV. Eric Fiske represented the Attorney General's Office.

The September 12, 2005 summary was approved.

### **PUBLIC COMMENT**

There was no public comment.

### **OLD BUSINESS**

### **OLD BUSINESS FROM THE FLOOR**

There was no old business from the floor.

### **NEW BUSINESS**

#### **Review and Action: Informal Fact-Finding Conference Results:**

- **Lawrence Locke and Augustine Amagoh & Betterdays Auto Sales, Inc.** On May 29, 2003, Mr. Locke had the intentions of purchasing two vehicles (1994 Nissan Ultima and 1991 Nissan Sentra) from Betterdays Auto Sales, Inc. In connection with the purchase, Mr. Locke submitted a cashier's check in the amount of \$5,002.50 to Augustine Amagoh, owner of Betterdays. The agreed price for the two vehicles \$2,737.50, but since Mr. Locke had one check premade from the bank, it was agreed that Betterdays would produce Mr. Locke with a refund check in the amount of \$2,265.00. Mr. Locke then took possession of the 1994 Nissan Ultima. However, the Buyer's Order referenced the 1994 Nissan indicating that the total purchase price was \$5,002.50. There was no Buyer's Order for the 1991 Nissan Sentra. On June 3, 2003, Betterdays provided Mr. Locke with a refund check in the amount of \$2,265.00 for the overpayment; however, the check was returned for insufficient funds, which caused overdrafts in Mr. Locke's bank account. On June 23, 2003, Mr. Amagoh paid Mr. Locke \$500.00 and signed an agreement to pay an additional \$2,000.00 to resolve this matter. As of this date, Mr. Amagoh has not paid Mr. Locke the balanced owed.

On March 10, 2004, Thomas Breeden, Esquire mailed, on behalf of Mr. Locke, a Warrant in Debt, which had been filed against Betterdays for breach of contract, fraud, VCPA, bad check, improper and dishonest dealer conduct. On May 14, 2004, Mr. Breeden submitted to the Board a buyers order dated May 20, 2003, a copy of an insufficient check and a handwritten promissory note from Mr. Amagoh.

On August 31, 2004, judgment was awarded to Mr. Locke against Betterdays Auto Sales, Inc. and Augustine Amagoh for a total amount of \$5,778.00. On July 18, 2005 Mr. Breeden submitted, on behalf of Mr. Locke, the Judgment Claim Request form and copy of the final judgment order.

After carefully reviewing all the documentation and the final judgment order, it was the staff's recommendation that the Recovery Fund Committee and Board approve \$3,240.00 on Mr. Locke's claim, which is based on \$2,000.00 in damages, \$1,125.00 in attorney fees and \$115.00 court costs. On October 4, 2005, an informal fact-finding conference was conducted and based on the information provided at the conference, the staff representative conducting the conference agreed with staff's recommendation and recommended that the Fund pay Mr. Locke \$3,240.00.

After further discussion and review of the information provided to the Committee in their notebooks, a motion was made by Lynn Hooper to accept the hearing officer's recommendation. Janathan Blank seconded. The motion carried unanimously.

- **Ryan M. Pittman and Gregory S. Nagy & Imperial Motors.** Tate Love, attorney on behalf of Ryan Pittman, was present and available for questions. On September 25, 2003, Ryan Pittman purchased a 1997 Audi from Gregory Nagy, owner of Imperial Motors. The base price of the vehicle was \$7,400.00 plus \$89.00 processing fee and \$5.99 dealer's license tax which totals \$7,494.99. Mr. Pittman made a deposit of \$7,400.00, with a balance owed in the amount of \$94.99

Mr. Pittman took possession of the vehicle on September 26 and subsequent to purchasing the vehicle, Mr. Pittman began to experience problems with the engine, which were not repairable and therefore the vehicle was inoperable. Mr. Pittman had a mechanic do a diagnostic test and it was determined that the #2 cylinder was dead. Mr. Pittman currently has the vehicle parked and has been unable to drive vehicle since then. After the 30 days had lapsed, Imperial Motors failed to provide the title to the vehicle and Mr. Pittman requested a full refund of the purchase price. According to DMV records a title was issued in the name of Imperial Motors on October 28, 2003 and Mr. Nagy then provided and assigned the title to Mr. Pittman.

On June 2, 2005 the Circuit Court of Augusta County awarded judgment to Ryan Pittman against Imperial Motors and Gregory Nagy. Mr. Nagy was found in violation of the Virginia Consumer Protection Act and awarded Mr. Pittman damages of \$3,150.00, plus costs and attorney fees in the amount of \$9,500.00. On July 27, 2005, Tate Love, attorney on behalf of Ryan Pittman, submitted to the Dealer Board the Judgment Claim request form, affidavit of facts, Motion for Judgment, Motion to Amend Pleadings, defendants Grounds of Defense and the final Judgment Order. On August 1, 2005, the Dealer Board spoke with Mr. Love and requested additional documentation in order to complete the review process. On August 5, 2005, Mr. Love submitted a copy of Mr. Pittman's bill of sale and a receipt attesting to payment in connection with the purchase.

On September 27, 2005, Wanda Neely spoke with Mr. Love and inquired about the vehicle and title. Counsel indicated that Mr. Pittman had possession of the title and that the vehicle was still inoperable and parked in Mr. Pittman's driveway. It was unclear on the face of the judgment as to how the court arrived at the actual damages of \$3,150.00 and Counsel; was unsure on how, either, however, he faxed an exhibit that was presented to the court by an expert witness on an estimate of what it would take to repair the vehicle in the amount of \$2,251.15, plus \$382.50 for repairs already charged and Mr. Pittman had testified he had spent \$185.00 to have the vehicle towed, however, had no receipt showing this amount.

After carefully reviewing all documentation and in determining what amount is compensable from the Fund, staff recommended that the Recovery Fund Committee and Board approve Mr. Pittman's claim in the amount of \$12,318.65. This is based on \$185.00 towing, \$382.50 for repairs already charged, \$2,251.15 to repair the vehicle and \$9,500.00 for costs and attorney fees. On October 18, 2005, an informal fact-finding conference was conducted and based on the information provided at the conference, the staff representative conducting the conference recommended the Fund pay \$12,133.65, this is based on \$2,251.15 for repairs to the vehicle, \$382.50 for repairs already charged and \$9,500.00 for costs and attorney fees. The attorney was given until October 24, 2005 to provide proof of the \$185.00 towing bill or a cancelled check and as of the requested date, Ms. Neely has not received a response. It was also recommended that the Board's staff take the necessary actions to issue the revocation and obtain all licenses issued by the Board to Mr. Nagy and the dealership, should Mr. Nagy fail to reimburse the Fund, once a payment has been made on his behalf.

After further discussion and review of the information provided to the Committee in their notebooks, a motion was made by Jonathan Blank to accept the hearing officer's recommendation. Tommy Woodson seconded. The motion carried unanimously.

### **NEW BUSINESS FROM THE FLOOR**

There was no old business from the floor.

The next meeting was scheduled for January 9, 2006.

The meeting adjourned at 11:29 a.m.