

**TENNESSEE MOTOR VEHICLE COMMISSION  
 BOARD MEETING  
 APRIL 12, 2010 10:30 A.M.  
 CONFERENCE ROOM 160  
 DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.  
 NASHVILLE, TENNESSEE 37243**

**ROLL CALL:**

	<u>PRESENT</u>	<u>ABSENT</u>
<b>BRENT SMITH</b>	X	
<b>EDDIE ROBERTS</b>	X	
<b>JOHN BARKER</b>		X
<b>GEORGE BASS</b>	X	
<b>WILLIAM TARR</b>	X	
<b>MELISSA BLANKENSHIP</b>	X	
<b>KEVIN CULLUM</b>	X	
<b>DONNIE HATCHER</b>	X	
<b>NATE JACKSON</b>	X	
<b>CHAD JONES</b>	X	
<b>ALLEN LEWIS</b>	X	
<b>TRAVIS MCDONOUGH</b>	X	
<b>STAN MCNABB</b>		X
<b>FARRAR SCHAEFFER</b>	X	
<b>BRENDA SPEER</b>	X	
<b>RONNIE FOX</b>	X	

The Tennessee Motor Vehicle Commission Meeting was called to order by Chairman Brent Smith on April 12, 2010. Roll Call was taken with a total of (14) member's present.

**A Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner Allen Lewis, to approve the minutes from the January meeting.**

**MOTION PASSED UNANIMOUSLY**

**REVIEW COMMITTEE**

The Review Committee advised the Commission that the Committee had discussed the attached legal report with counsel and moved that the Commission adopt the attorney's recommendations.

**19. Case No.: 2009009441**

Complainant/consumer alleges she purchased a vehicle from Respondent/dealer that in her opinion was not performing mechanically sound and she would like to be reimbursed. The vehicle was sold "As-Is"

**Recommendation: Defer to a later Commission meeting to allow further investigation.**

**Commission Action: Approved.**

**46. Case No.: 2009002511**

Complainant alleged that Respondent/unlicensed dealer was engaging in unlicensed activity via internet advertising and sales of motor vehicles. An investigation was conducted and found Respondent was previously a licensed dealer that had expired in 2000. Respondent was in possession of ten (10) open titles. The investigator also found twelve (12) motor vehicles for sale by Respondent.

**Recommendation: Authorization of a civil penalty in the amount of Eleven Thousand Dollars (\$11,000) (\$500 x 10 open titles / \$500 x 12 unlicensed advertising) to be settled by Consent Order or a Formal Hearing.**

**Commission Action: Authorization of a civil penalty in the amount of Sixteen Thousand Dollars (\$16,000) (\$1,000 x 10 open titles / \$500 x 12 unlicensed advertising) to be settled by Consent Order or a Formal Hearing.**

**48. Case No.: 2008017711**

Complainant consumer alleges Respondent dealer has not provided clear title to vehicle purchased on 8/5/08. Complainant was unable to register the subject vehicle because the county clerk advised the subject vehicle had a lien on it. Complainant sued Respondent in General Sessions court. Respondent did not appear and a default judgment was entered in favor of Complainant. The court's Order on October 10, 2008 directed that complainant should be shown as the legal owner of vehicle

**Recommendation: Authorization for a Consent Order in the amount of One Thousand Dollars (\$1,000.00) to be settled by Consent Order or Formal Hearing.**

**Commission Action: Revocation of Motor Vehicle Dealer License with authorization to be heard in front of an Administrative Law Judge without the Commission present.**

**APPEALS**

The following appeals were heard by Commission.

Norman Hanes-Beaman Ford-Lincoln-Mercury, Dickson, TN  
Staff denied application

**Motion made by Commissioner Donnie Hatcher, and seconded by Commissioner Allen Lewis to grant the license.**

**VOICE VOTE**

Brent Smith	Yes
George Bass	No
Bill Tarr	Yes
Melissa Blankenship	Yes
Kevin Cullum	Yes
Ronnie Fox	Yes
Donnie Hatcher	Yes
Nate Jackson	Yes
Chad Jones	No
Farrar Schaeffer	Yes
Eddie Roberts	Yes
Brenda Speer	Yes
Allen Lewis	Yes
Travis McDonough	Yes

Twelve (12) yes's, Two (2) no's. Vote passes to grant the license.

Julio C. Rodriguez-Goss Suzuki of Rivergate, Madison, TN  
Staff denied application

**Motion was made by Commissioner Nate Jackson, and seconded by Brenda Speer to grant the license.**

**VOICE VOTE**

Brent Smith	No
George Bass	Abstain
Bill Tarr	Yes
Melissa Blankenship	Yes
Kevin Cullum	Yes
Ronnie Fox	Yes
Donnie Hatcher	Yes

Nate Jackson	Yes
Chad Jones	No
Farrar Schaeffer	No
Eddie Roberts	Yes
Brenda Speer	Yes
Allen Lewis	Yes
Travis McDonough	No

Nine (9) yes's, and four (4) no's, one (1) abstaining. Vote passes to grant the license.

Marcus A. March-Goss Suzuki of Rivergate, Madison, TN  
 Staff denied application

**Motion was made by Commissioner Travis McDonough, and seconded by Nate Jackson to grant the license.**

**MOTION PASSED UNANIMOUSLY**

**DIRECTORS REPORT**

Since the last Commission meeting in January 11, 2010 the following actions have been taken:

Dealers Opened, or Relocated ..... 152

Active Licensees as of April 1, 2010

Dealers.....4142  
 Applications in Process.....63  
 Distributions/Manufacturers .....208  
 Auctions.....32  
 Representatives.....530  
 Salespeople.....12458  
 Dismantlers.....355  
 RV Dealers.....22  
 RV Manufacturers.....51

Motor Vehicle Show Permits Issued Since January 15, 2010, ...20  
 Revenue Received \$ 2000.00

**Commission approved a Formal Hearing for October 12, 2010.**

**Old Business**

None

**New Business**

A discussion was held on the need to set a date for the Rules Committee to meet.

**Legal Report**

Review Committee Chairman Eddie Roberts went over the recommendations that the Review Committee made.

**Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner George Bass to approve these recommendations.**

**Motion passed unanimous.**

The Commission needs to make a motion to allow a Formal Hearing to be set for a declaratory order concerning a manufacturer and a franchise dealer.

**Motion was made by Commissioner Brenda Speer, and seconded by Melissa Blankenship to grant the hearing.**

Attorney Tony Glandorf brought up the subject of an Administrative Law Judge holding Formal Hearings. The ALJ would hear civil penalties (\$20,000 and below). This would let the judge hear these cases faster, than just the quarterly meetings that the Commission meets.

**Motion made by Commissioner Bill Tarr, and seconded by Commissioner Nate Jackson to approve the Administrative Law Judge to hear these cases.**

**Motion was made by Commissioner Eddie Roberts, and seconded by Commissioner Ronnie Fox to adjourn the meeting.**

Meeting Adjourned.

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Brent Smith, Chairman

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Leon Stribling, Executive Director