

MINUTES

July 28, 2021



**TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS
MOTOR VEHICLE COMMISSION
500 JAMES ROBERTSON PARKWAY, 2ND FLOOR
NASHVILLE, TENNESSEE 37243-1153
FAX (615) 741-0651 (615) 741-2711**

**TENNESSEE
MOTOR VEHICLE COMMISSION MINUTES**

DATE: July 28, 2021

PLACE: Room 1-A, Davy Crockett Tower

PRESENT: Commission Members:
Christopher Lee
John Roberts
Jim Galvin
Stan Norton
Victor Evans
Ian Leavy
John Murrey
Nate Jackson
Charles West
Debbie Melton
Farrar Vaughan

ABSENT: John Barker
Karl Kramer
Kahren White

CALL TO ORDER: Chairman John Roberts called the meeting to order at 9:30am

Executive Director, Denise Lawrence called the roll. A quorum was established.

MEETING NOTICE: Notice advising the Commission of the time, date and location of the meeting being posted on the Tennessee Motor Vehicle Commission website and that it has been included as part of the year's meeting calendar since October 22, 2019, was read into the record by Executive director, Denise Lawrence. The notice also advised that the Agenda has been posted on the Tennessee Motor Vehicle Commission website since July 22, 2021. The meeting has also been noticed on the TN.GOV website.

AGENDA: Chairman Roberts requested the Commission look over the agenda. Commissioner Vaughan made a motion to adopt the Agenda, Seconded by Commissioner Norton. Chairman Roberts called for a roll call vote.

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Victor Evans	YES
Ian Leavy	YES
John Murrey	YES
Nate Jackson	YES
Charles West	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED

STATEMENT OF NECESSITY

Chairman Roberts asked if the staff attorney, Maria P. Bush wanted to address the Commission. Ms. Bush affirmed that she wished to address the Commission and read the Statement of Necessity into the record.

QUARTERLY MEETING MINUTES: Chairman Roberts requested the Commission look over the minutes from the previous meeting. Commissioner Norton made a motion to approve the minutes, seconded by Commissioner Galvin. Chairman Roberts called for a roll call vote.

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Victor Evans	YES
Ian Leavy	YES
John Murrey	YES
Nate Jackson	YES
Charles West	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED

SALESPERSON/DEALER APPLICATIONS

NONE



Executive Director’s Report

July 28, 2021

Since the last Commission meeting in April 2021, the following activity has occurred:

	<u>Last Meeting</u>
<u>Dealers Opened, or Relocated (Last Quarter)</u>42	49
<u>Applications in Process</u>25	40

Active Licensees as of July 20, 2021

Dealers.....	3565	3569
Auctions.....	29	29
Distributors/Manufacturers.....	116	139
Salespeople.....	16,106	16,400
Representatives.....	456	630
Dismantlers.....	231	242
RV Dealers.....	42	41
RV Manufacturers.....	72	80
Motor Vehicle Show Permits.....	1	1

Complaint Report- Opened Complaints from April 1, 2021 - Present

Number of Complaints Opened.....**220**
Number of Complaints Closed.....**245**

Annual Sales Reports-(Due Feb 15) - Ongoing:

Vehicles Reported Sold in 2020.....	2,121,996	1,218,593
Recreational Vehicles Reported Sold in 2020.....	11,318	8,210
Total Online Annual Sales Report Collected.....	3,226	2,365
Late Annual Sales Report Collected	939	348

Total revenue from Annual Sales Report collection: \$93,900

Average Performance Metrics

Average Number of Days to License... **.74 days to license with clock-stoppers**

MVC Customer Satisfaction Rating January 2021 - Present

Quarterly Satisfaction Rating.....**97%**

Disciplinary Action Report April 2021 – July 2021

Total to be collected.....**\$43,000**

Online Adoption Across All Professions

- **86%** online adoption for New “1010” Applications across all Professions available as of July 20, 2021.

Administrative News

The Rules Committee met on July 9th to consider some proposed changes to be presented to the Commission under Committee Reports today.

Staff has been busy updating and upgrading our online application process to provide ease of access to our customers. We believe these changes will provide a more user friendly environment for our online platform.

Our revenue numbers are up significantly as it typically is during our odd years. A cursory examination of the financials tells us that as of June 30th our licensure revenue alone will result in a net surplus of \$182,000. Our reserve fund balance should reach \$2.2 million at the end of the fiscal year. We should have final numbers for the end of the fiscal year in the next few weeks.

Outreach

I have been asked to be keynote speaker at the TNIADA (TN Independent Auto Dealer’s Association) conference tentatively being held in Memphis, TN, on July 29-30. Board member Stan Norton along with Jason Gilliam will be accompanying me. We plan to provide a general update on Commission business including the challenges and adjustments made during COVID; legislative updates and open the discussion for Q&A.

Due to increased complaints from both consumers and dealers, the MVC has issued guidance to our dealers relative to advertising compliance. We emailed those dealers for whom we had email addresses and sent a hard copy in the mail.

As a result of our communication, we have received an uptick in inquiries from many of dealers seeking guidance. Additionally, staff is spot-checking online advertising daily. Commission

members have expressed their opinion that advertising compliance should be a priority and we believe this is a good first step. We will continue these efforts and keep you all posted.

Chairman Roberts called for a motion to approve the Director's Report. Commissioner Jackson made a motion to approve the Director's Report, seconded by Commissioner Vaughan.

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Victor Evans	YES
Ian Leavy	YES
John Murrey	YES
Nate Jackson	YES
Charles West	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED.



STATE OF TENNESSEE
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MEMORANDUM

Privileged and Confidential Communication – Attorney Work Product

TO: Tennessee Motor Vehicle Commission

**FROM: Erica Smith, Associate General Counsel
Stuart Huffman, Associate General Counsel**

DATE: July 28, 2021

SUBJECT: MVC Legal Report

1. **2021016361 (ES)**
Date Complaint Opened: 03/03/2021
First Licensed: 06/06/2014
Expiration: 05/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and alleges odometer fraud and mechanical issues. Complainant alleges the vehicle showed 61,000 miles on it when it was purchased but Geico provided them with a Carfax which reports possible odometer issues, noting the vehicle had 111,000 miles at one time. Respondent provided the deal file and AutoCheck report which shows no odometer issues and the mileage being correct at 61,000. Respondent has further covered all repairs to the vehicle regarding the alleged mechanical issues. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

2. **2021016881 (ES)**
Date Complaint Opened: 03/03/2021
First Licensed: 10/09/2020
Expiration: 10/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle and alleges Respondent has delayed registering the vehicle and they have not received the permanent tag, only temporary tags. An investigation was conducted. The investigation revealed Complainant's issues have been resolved but additionally revealed some questionable business practices by Respondent. A search of the EZ Tag system showed numerous vehicles had multiple temporary tag entries. Six vehicles, in particular, had 40 temporary tags assigned between them. The investigator asked the General Manager to explain the excessive temporary tags. The GM stated their sales became so good, they developed a large backlog in processing titles and registration for the vehicles sold. Respondent had to hire more office personnel to help process vehicle registrations in hopes of processing them in a timely fashion. The GM states another reason for the excessive temporary tags was related to the fact that everyone in the dealership had access to the temporary tag system (salesmen and office personnel). This resulted

in multiple temporary tag being unnecessarily printed when a transaction happened. Respondent states they sell between 300-400 units on average per month. Respondent provided a sworn statement stating that this practice has now been addressed and a new process has been put in place to alleviate duplicitous and unnecessary temp tags from being printed. Only members responsible for contracting deal paperwork and post-sale transactions have access to this function going forward. With that, the General Manager and Controller will monitor the temp tag initiations monthly to ensure we are in line with sales volume. Counsel reviewed the temporary tag log and confirmed that duplicate temporary tags were being printed and/or issued on the same day by different employees and then voided where necessary. There were no more temporary tags issued to vehicles than allowed by law and no temporary tags extended beyond the allowed 60-day time period. Counsel recommends issuing a Letter of Instruction regarding the proper process to follow when issuing temporary tags through the EZ tag system and has communicated this issue to the Director of Vehicle Services at the Department of Revenue, to include their instruction on how to utilize the EZ tag system.

Recommendation: Letter of Instruction regarding EZ tag system and temporary tags

Commission Decision: Concur.

3. **2021035371 (ES)**
Date Complaint Opened: 04/30/2021
First Licensed: 10/09/2020
Expiration: 10/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle from Respondent on 2/18/21 and alleges they have not received their permanent tag as of 4/30/21. Respondent and Complainant both confirmed that Complainant has since received their tag and this issue has been resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

4. **2021020961 (ES)**
Date Complaint Opened: 03/22/2021
First Licensed: 09/28/2015
Expiration: 09/30/2017 (Closed)
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and states the salesman informed them prior to the purchase that the service department had sandblasted the frame and painted underneath the truck. Complainant inspected the truck by lying underneath it to check the frame for rust prior to purchase and found none. Complainant later alleges they found a large hole underneath the truck during an oil change and further found a large amount of spray foam insulation and traces of body filler. Complainant alleges the truck feels unsafe and claims it is ready to break in half. Respondent states the truck was purchased from an auto auction and they have no control over rust. This vehicle was purchased as-is without warranty and Complainant had every opportunity to inspect it, as Complainant confirmed. Respondent denies telling Complainant they sandblasted and sprayed the truck, noting they don't perform sandblasting. Respondent states they informed Complainant that it appeared to them that someone had previously sandblasted and sprayed the truck. Respondent offered to trade them out of the vehicle but Complainant did not accept the offer. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

5. **2021022951 (ES)**
Date Complaint Opened: 03/23/2021
First Licensed: 04/27/2006
Expiration: 04/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with \$1,000 agreed citation for incomplete temporary tag log.

Complainant purchased a used vehicle from Respondent and was informed they did not have the title at the time of purchase. Complainant also alleges the vehicle had issues right away and they asked to return it and get a refund less than 24 hours after purchase. An investigation was conducted. Respondent did provide the title to Complainant and this was an as-is without warranty purchase. Respondent even explained in detail to Complainant what that meant after they had their uncle, a mechanic, check the vehicle out and state it was in good condition. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

6. **2021033081 (ES)**
Date Complaint Opened: 04/22/2021
First Licensed: 04/27/2006
Expiration: 04/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with \$1,000 agreed citation for incomplete temporary tag log.

Complainant purchased a used vehicle from Respondent and alleges there are mechanical issues and they have yet to receive the title. Complainant wants to return the vehicle for a full refund. Respondent sold the vehicle as-is without warranty and Complainant declined to take it to a mechanic prior to purchase. Respondent also delivered to the title to Complainant within a reasonable time. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

7. **2021024421 (ES)**

Date Complaint Opened: 04/01/2021
First Licensed: 03/27/2014
Expiration: 03/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with letter of warning for failure to respond to the Board regarding a complaint.

Complainant is a resident of Mississippi who financed a used vehicle from Respondent in September 2020 and alleges they have yet to receive the tag. Complainant alleges Respondent stated there was an issue obtaining the title from the California auction where they purchased the vehicle due to it being an electronic title. Complainant claims they contacted the vehicle's manufacturer's corporate office and was informed a duplicate title had been sent to Respondent via Fedex in December 2020, which then should have been sent to the lender. An investigation was conducted which revealed that the title has still not been received. Respondent has issued eight temporary tags to Complainant. Counsel recommends issuing a \$3,000 civil penalty for issuing six more temporary tags than allowed and if the title has still not been received, an additional \$500 civil penalty for false, fraudulent and deceptive practices, for a total \$3,500 civil penalty.

Recommendation: Authorize \$3,000 civil penalty for issuing more tags than allowed or a \$3,500 civil penalty if Counsel confirms title has not been received

Commission Decision: Authorize \$2,500 civil penalty for issuing more tags than allowed or a \$3,000 civil penalty if Counsel confirms title has not been received.

8. 2021025141 (SH)
Date Complaint Opened: 04/05/2021
First Licensed: 06/19/2015
Expiration: 06/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant, through an attorney, claims that they lacked the mental capacity at the time of purchase to enter into a retail contract with Respondent on December 26, 2020. Approximately 4 days prior to purchasing the vehicle, Complainant was released from a medical facility and was heavily medicated as a result of a reaction to certain prescription medication at the time of purchase. Complainant claims that Respondent had knowledge of her mental state and took advantage of her by increasing the price of the vehicle, increasing charges and fees, failing to

properly disclose the odometer mileage, failing to disclose certain defects in the vehicle, failure to disclose prior damage, and defects with the engine.

Respondent denies all allegations and claims the Complainant was not impaired at the time of purchase; visiting the dealership several times. Complainant did not purchase the vehicle on December 26, 2020 as mentioned but actually came back on December 28 and completed the transaction. Complainant was allowed to take the vehicle on December 26 because Respondent could not get final financial approval until the 28th. The odometer mileage was clearly stated on the deal jacket and the paperwork. Other allegations such as overcharging are not true because Complainant wanted to purchase several F&I products and traded a used vehicle with substantial negative equity. As for the engine issues, the Complainant purchased a warranty and the engine issues should be covered by the third-party warranty company.

Recommendation: Close.

Commission Decision: Concur.

9. **2021026211 (SH)**
Date Complaint Opened: 04/01/2021
First Licensed: 01/22/2020
Expiration: 01/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant, an insurance company for auction company, states that Respondent sold a vehicle through auction that was later determined to be stolen. The title that was presented to the purchaser was fake. The original VIN was removed and replaced with a fake VIN. The vehicle is currently impounded.

Respondent states they purchased the vehicle from an individual and the title that was presented looked valid. Respondent scanned the VIN and it came up as the correct vehicle so they did not have knowledge of it being stolen. The VIN in the window, door, and title all matched. Respondent is cooperating with Complainant and local authorities. The surety bond

was also given to the Complainant and local authorities.

Recommendation: Close.

Commission Decision: Concur.

10. 2021008971 (SH)

Date Complaint Opened: 02/04/2021

First Licensed: 03/04/2011

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed without action. 2018 – One complaint closed with \$500 civil penalty for failure to deliver title. 2016 – One complaint closed with \$500 civil penalty for deceptive business practices and four complaints closed without action.

Complainant purchased a vehicle and traded in a vehicle with Respondent on 12/30/2020. When signing the papers, Complainant noticed the price was increased by 7%. Respondent explained it was due to Alabama sales tax so they lowered the price by 7% to make up the difference. On 1/23/2021, Complainant went to register online and noticed the balance was the higher balance and not what the signed contract stated. Respondent offered a rebate of \$500 and said that trying to change the finance amount would be much more difficult. Complainant refused the rebate and wanted the correct finance agreement showing on her account.

Complainant further alleges that the finance company sent her copies of what was submitted and it was dated 1/8/2021 and her signature had been forged.

Respondent has reached out to Complainant to assist in remedying the situation. Both parties are currently reaching an agreement to either refinance or reduce the loan a certain amount. The Respondent has had employee issues with this dealership and has replaced all employees. The Department and Respondent have had numerous conversations and the Respondent is cooperating with requests and demands of the Department.

Recommendation: Letter of Warning.

Commission Decision: Concur and flag for a follow-up investigation.

11. 2021039111 (SH)

Date Complaint Opened: 05/11/2021

First Licensed: 03/04/2011

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed without action. 2018 – One complaint closed with \$500 civil penalty for failure to deliver title. 2016 – One complaint closed with \$500 civil penalty for deceptive business practices and four complaints closed without action.

Complainant purchased a vehicle on 1/25/2021 and as of 5/11/2021, Respondent has not sent transferred registration and title. Complainant was issued 6 temporary tags. The title was transferred to Complainant on 7/15/2021.

The DOR gave authority for all dealers to issue a third temporary tag through May 2021.

Recommendation: Authorize a civil penalty of \$1,500.00 for issuing 3 temporary tags over the limit allowed by law without authorization.

Commission Decision: Concur.

12. 2021018181 (SH)

Date Complaint Opened: 03/09/2021

First Licensed: 01/04/2018

Expiration: 01/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on Marketplace from an individual that made them believe

they owned a dealership which is the Respondent. The individual was a salesperson with Respondent but sold the vehicle as an individual. The individual issued a temporary tag from Respondent without Respondent's knowledge. Complainant made three payments to Respondent, totaling the agreed price in 2019, but never received title.

Respondent states the individual does not own its dealership and the vehicle was not sold by them. The vehicle was never in their inventory. Respondent filed a police report against the individual that sold the vehicle to Complainant. Respondent purchased the vehicle from Complainant for the original agreed price that was paid in 2019. Complainant has agreed to drop this complaint.

Recommendation: Close.

Commission Decision: Close and open complaint against salesperson.

13. 2021016661 (SH)

Date Complaint Opened: 03/03/2021

First Licensed: 10/13/2015

Expiration: 09/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of warning for failure to maintain temporary tag log.

A Notice of Violation was issued against Respondent on February 26, 2021 for not posting its business hours, expired business license, and selling a salvaged vehicle before receiving a rebuilt title.

Respondent stated that his sign got blown off and damaged by a storm. Respondent further stated that due to the pandemic his hours have been almost non-existent and he had to terminate employees. He did not want people just showing up on the lot so he changed his hours to "appointment only". Respondent mainly opens up Fridays and Saturdays to collect payments. Respondent admitted to selling a salvaged vehicle and issuing a temporary tag before receiving a rebuilt title. The business license was renewed but had not been hung on the

wall when the inspector visited.

Recommendation: Authorize a civil penalty of \$2,750.00 for failure to have appropriate business hours and issuing a temporary tag on a salvaged vehicle.

Commission Decision: Concur.

14. 2021022461 (SH)

Date Complaint Opened: 03/22/2021

First Licensed: 10/13/2004

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent on December 11, 2020 and subsequently decided to finance through a third-party. Complainant returned to Respondent to cancel GAP and extended warranty within the 30 days but has yet to receive the refund.

Respondent claims they have received the refund checks within a couple of weeks from cancellation however there was a delay due to an employee quitting and failing to enter the check into the system. Respondent was able to fix the problem and Complainant has received their refunds.

Recommendation: Close.

Commission Decision: Concur.

15. 2021023151 (SH)

Date Complaint Opened: 03/24/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

On 4/2/2020, Complainant drove to the Respondent to purchase a vehicle that had the original warranty remaining until 8/29/2020. On the way back, Complainant alleges the vehicle was wobbling, bouncing, the suspension was shot, and low tire pressure was indicated on 3 tires. Respondent sent a check to replace a tire. Complainant took the vehicle to have the tires looked at and balanced. The mechanic stated the wheels were so bent that they could only be replaced. Complainant states that after the certification and inspection process, Respondent knew the wheels should have been replaced but did nothing which is against manufacturer standards for certification. Due to this negligence the brakes have warped.

Respondent reached out to Complainant on 4/9/2021 and initially agreed to replace all four wheels and have them shipped to home address or local dealership. Complainant believed that in order to resolve this matter, all four wheels, brakes, and rotors would need to be replaced. The Inspection Report shows the tire wear, steering, vibration, noise, and wheel inspections all passed for certification. The employee drove the vehicle a couple of hundred miles, after inspection, and did not notice any issues. Respondent stated that all required repairs and replacements were handled after the inspection for certification. Respondent has retracted the order for the wheels until this complaint is resolved.

There are no indications that Respondent has made any false, fraudulent, or deceptive practices concerning certification. The complaint is more of a warranty issue.

Recommendation: Close.

Commission Decision: Concur.

16. 2021024621 (SH)
Date Complaint Opened: 03/28/2021
First Licensed: 09/01/1991
Expiration: 08/31/2021

License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle from Respondent in May of 2016 and never received the title due to the business closing. The surety bond was sent to the Complainant.

Recommendation: Close and flag.

Commission Decision: Concur.

17. 2021025281 (SH)

Date Complaint Opened: 03/30/2021
First Licensed: 09/19/2019
Expiration: 04/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges she purchased a vehicle two years ago and never received the registration and tags. Complainant also alleges a discrepancy in the balance owed and fears she will not receive the title. An investigation was made and determined the following:

Complainant purchased the vehicle from Dealer 1. Dealer 1 has since gone out of business and now the lot is occupied by Respondent. Respondent did purchase accounts that owed Dealer 1 and the owner of Dealer 1 moved to Mexico. The issue with the amount owed by Complainant had been resolved but Respondent admits they never had the title. Respondent states they have been trying to obtain a duplicate title from the auction that Dealer 1 purchased from years ago, but keep running into issues. Other issues have delayed the process because certain individuals from Dealer 1 are involved in investigations with federal authorities. Respondent states that Complainant is the last account involved with Dealer 1 but has been the most difficult to resolve.

Respondent and the auction company are working together to resolve the title issue and register the vehicle for Complainant. Respondent has issued a temporary tag for Complainant so that

there are no problems with driving the vehicle.

There is no evidence that Respondent is involved with any federal investigations or wrongdoing. Respondent is doing everything possible to resolve this issue and feels that they are very close to obtaining the duplicate title. The auction company has verified this information.

Recommendation: Close.

Commission Decision: Concur.

18. 2021026381 (SH)

Date Complaint Opened: 04/01/2021

First Licensed: 01/05/2001

Expiration: 12/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant's vehicle was repossessed on February 22, 2021 due to allowing the insurance to lapse. Complainant states that the Respondent took her car payment on January 9, 2021 and knew the insurance was cancelled on January 3rd. Complainant believes Respondent was unethical to take her car payment knowing they did not have insurance and then repossessed the vehicle a month later.

Respondent claims that they verified insurance cancellation on 2/11/2021 and requested Complainant to renew before her payment was due on 2/27/21. Respondent stated to Complainant that they could wait on the monthly payment but she would need to renew insurance immediately. Respondent decided to repossess the vehicle since Complainant was behind on payments and sounded like she was not going to renew the insurance.

Recommendation: Close.

Commission Decision: Concur.

19. 2021026971 (SH)

Date Complaint Opened: 04/08/2021
First Licensed: 06/10/2004
Expiration: 05/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a motorcycle from Respondent and was told the disabled vet tag would be transferred from the old motorcycle. The old plates were placed on the new motorcycle and paperwork completed. A couple of weeks later, a new plate was received.

Respondent claims there was a mix up on the registration paperwork and processed as a new plate. Respondent apologized to Complainant and requested the new plate to be returned and they would fix the mistake. The plate was correctly transferred to the new motorcycle as requested by Complainant.

Recommendation: Close.

Commission Decision: Concur.

20. 2021017391 (ES)

Date Complaint Opened: 03/05/2021
First Licensed: 08/16/2019
Expiration: 07/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and it needed repairs. Respondent gave Complainant a loaner vehicle on or around 12/8/20 to use while repairs were being done and Complainant has not seen their purchase vehicle since. Respondent failed to respond to this

complaint so an investigation was conducted. The investigation revealed that the finance company repossessed the vehicle after Complainant began missing payments. The finance company gave Complainant the option of taking possession of it, but Complainant refused because of alleged mechanical issues. Further, Complainant had previously brought the vehicle to Respondent for maintenance where it was found to have no oil or fluids, causing it to need a new motor. Complainant advised the finance company is auctioning the vehicle and Complainant will be responsible for any money due after the auction. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

21. 2021017691 (ES)

Date Complaint Opened: 03/07/2021

First Licensed: 02/11/2013

Expiration: 01/31/2017 (Closed)

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant is a resident of Oregon and states they purchased a vehicle from Respondent in 2013. Complainant alleges they discovered Respondent rolled back the odometer before selling it based on a Carfax report but provides no further information. Respondent's license has been expired since 2017 and they are closed, therefore Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

22. 2021019661 (ES)

Date Complaint Opened: 03/14/2021

First Licensed: 05/26/2011
Expiration: 05/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant is a resident of Florida who purchased a used vehicle from Respondent on December 10, 2020. Complainant alleges they have received three temporary tags and have not received the documents needed for title transfer and tags. Respondent confirmed this issue has been resolved with the Complainant and also states they were allowed to issue three temporary tags in the EZ tag system due to changes that were made due to COVID delays. Counsel spoke with the Director of the Vehicle Services Division at the Department of Revenue to confirm this and it was confirmed. The Director stated as of May 27, 2021, dealers are no longer allowed to issue three temporary tags and they have gone back to only allowing two. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

23. 2021023231 (ES)
2021034631
Date Complaint Opened: 03/24/2021, 04/27/2021
First Licensed: 11/10/2015
Expiration: 11/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

2021023231

Complainant alleges Respondent has failed to correctly diagnose and repair a vehicle produced by the franchise manufacturer for over a year but has since confirmed this issue has been resolved and asked to withdraw the complaint. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

2021034631

Complainant took their vehicle to Respondent's repair facility and alleges the repairs were not made timely and the vehicle is not aligned correctly. Further, Complainant alleges Respondent has caused further problems with the vehicle that did not exist prior to the repair process beginning. Respondent states the vehicle was taken to an outside company for inspection of body work performed by Respondent. The adjuster and insurance field manager both confirmed the body work was done correctly and the vehicle is structurally safe to drive. The frame was within specifications, only being off 2 degrees on each side. The outside company re-aligned the frame and put it back to factory specs. Respondent's frame machine has been recalibrated so this will not occur in the future. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

24. 2021023291 (ES)

2021025041

2021029581

2021030531

Date Complaint Opened: 03/24/2021, 03/30/2021, 04/14/2021, 04/15/2021, 05/10/2021

First Licensed: 12/03/2019

Expiration: 11/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2021023291

Complainant is a resident of Kentucky who purchased a vehicle from Respondent in December 2020 and alleges they have not received their tag or registration by March 2021. Respondent confirmed that registration has been completed, Complainant received their tag in March after the complaint was filed, and the issues have been resolved. Respondent only issued one temporary tag to the vehicle. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

2021025041

Complainant purchased a vehicle from Respondent with an extended warranty and had an accident while driving it at a dragstrip within weeks of the purchase. Complainant states Respondent is refusing to fix the vehicle under warranty. Respondent confirmed they were able to get the repairs covered under warranty. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

2021029581

Complainant alleges Respondent sold Complainant's trade-in before the sale was complete and has failed to deliver title to purchased vehicle. An investigation was conducted. The investigation revealed that Respondent did deliver title and registration but sold the trade-in vehicle at auction before receiving funding from the financial institution for the transaction. Counsel recommends issuing a \$500 civil penalty for failure to maintain trade-in vehicle.

Recommendation: Authorize a \$500 civil penalty for failure to maintain trade-in until funding received

Commission Decision: Concur.

2021030531

Complainant states they purchased a used vehicle through financing and was asked to come back in after a second contract needed to be rewritten. Further, Complainant alleges Respondent did not provide a permanent tag or registration after the temporary tag expired. Respondent states they had to get a duplicate title from Michigan for the vehicle purchased which was delayed due to COVID. Respondent ended up getting Complainant into a different vehicle with lower payments, resolving the issues. Complainant confirmed they are happy with the resolution and withdraws the complaint. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

25. 2021025541 (ES)

Date Complaint Opened: 04/06/2021

First Licensed: 10/16/2015

Expiration: 08/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant is a resident of Arkansas who purchased a vehicle from Respondent on 11/29/20 and alleges the lien holder has not been provided with a title. Respondent states that they have faced significant delays in processing registration due to COVID. Additionally, Respondent's vendor who processes title and registration documents advised that taxes for the purchase had not been calculated correctly as of 2/6/21 which put a hold on the registration. The DMV again rejected the registration on 3/9/21 for a missing Paid Property Tax which was provided by

3/16/21. Respondent came to a settlement with Complainant to resolve these issues wherein Complainant returned the vehicle and Respondent made them whole. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

26. 2021045691 (ES)

Date Complaint Opened: 06/03/2021

First Licensed: 10/16/2015

Expiration: 08/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent and upon delivery, it was discovered the rear camera was broken. Complainant has been having trouble getting it repaired after filing a warranty claim. Respondent has identified a repair facility with the necessary parts and ability to fix the issue within the week, and confirms this issue has been resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

27. 2021026951 (ES)

Date Complaint Opened: 04/08/2021

First Licensed: 04/29/2016

Expiration: 05/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent on 11/19/20 and alleges they have not received the tag as of 4/6/21. Respondent states there is a title issue with the previous owner of the vehicle and they have been diligently working toward a resolution of the issue while staying in communication with Complainant. Respondent then confirmed that Complainant received their tag on 4/23/21. Respondent issued four temporary tags to the vehicle through the paper tag system. Counsel recommends issuing a \$1,000 civil penalty for issuing two more temporary tags than allowed.

Recommendation: Authorize a \$1,000 civil penalty for issuing two more temp tags than allowed

Commission Decision: Concur.

28. 2021016301 (SH)

Date Complaint Opened: 03/05/2021

First Licensed: 11/04/2016

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant, a police officer, on 3/1/2021 noticed a temporary tag to expire on 4/27/2021. Suspecting that it was possibly altered. It was determined that the temp tag was issued in February and set for a 60-day expiration by Respondent. The driver informed the officer that she had not been able to obtain permanent tags from Respondent.

Research on the VIN showed the vehicle to be sold on or about 1/1/2021 and registered in the driver's name on or about 3/11/2021. Only two temp tags were issued however the second one was issued for 60 days.

Recommendation: Authorize a civil penalty of \$500 for issuing a temp tag with a 60-day validation instead of 30-days.

Commission Decision: Concur.

29. 2021018371 (SH)

Date Complaint Opened: 03/09/2021

First Licensed: 03/24/2020

Expiration: 02/28/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant reached an agreement with Respondent to purchase a vehicle. Complainant would ride the bus to the lot and then drive the vehicle back. Respondent assured Complainant that financing had been obtained and all that needed to be done was completing the paperwork. After a test drive, Complainant sat down to complete the paperwork. Respondent allegedly tried to sale GAP insurance and an extended warranty but Complainant refused. The deal was to be \$7K with a \$3K down payment and financing \$4k. Complainant claims Respondent was trying to finance the deal including the down payment. The deal was eventually refused and Complainant walked away. While waiting for a ride, Complainant claims the Respondent tried to offer a \$100 gas card if they would finish the deal. Complainant also states that two weeks later they received a letter showing Respondent never ran their credit and attempted to do in-house financing. Complainant alleges false dealings with this Respondent.

Respondent denies the allegations and states the financing was \$4k and the total payments with the interest would be \$7K. There was obviously some confusion in the numbers but no false dealings were made.

Recommendation: Close.

Commission Decision: Concur.

30. 2021025781 (SH)

Date Complaint Opened: 03/31/2021
First Licensed: 09/01/1991
Expiration: 05/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant claims they purchased the vehicle from Respondent on 1/18/2021 and drove back to New York where they reside. On 3/10/2021, the Complainant took the vehicle to a mechanic and had to pay over \$6K in expenses. Complainant wants reimbursement from Respondent.

Respondent claims that Complainant was informed of all the issues with the vehicle before purchasing. Complainant agreed to purchase the vehicle after all disclosures and bought "as is".

Recommendation: Close.

Commission Decision: Concur.

31. 2021025841 (SH)

Date Complaint Opened: 04/01/2021
First Licensed: 03/28/2018
Expiration: 03/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant's mother purchased the vehicle on 12/16/2020 and as of 4/1/2021 has have not received the title. The clerk and DOR has not received the registration paperwork from Respondent.

Respondent has no record of Complainant being a customer but found the customer by running the VIN. Respondent showed that the registration paperwork had been sent to the County Clerk before the complaint was filed. Registration paperwork shows title being registered in mother's name on 4/5/2021. The delay was from the leasing company that the vehicle was previously purchased.

Recommendation: Letter of Warning regarding late delivery of title.

Commission Decision: Concur.

32. 2021026031 (SH)

Date Complaint Opened: 04/07/2021
First Licensed: 04/06/1999
Expiration: 03/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant claims they purchased the vehicle through a company online. When the vehicle arrived, there were parts removed from the engine and the vehicle would not run. Complainant alleges the delivery driver witnessed the Respondent's employee removing the parts.

Respondent sold the vehicle to the third-party in which the Respondent subsequently purchased the vehicle. Respondent was not a party to the transaction that Complainant complains about. Complainant and the third-party seller have reached an agreement and complaint should be closed.

Recommendation: Close.

Commission Decision: Concur.

33. 2021028711 (SH)

Date Complaint Opened: 04/11/2021
First Licensed: 11/04/2020
Expiration: 11/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant went to renew a lease on a vehicle with Respondent but when the deal was not completed, Complainant asked for the paperwork that she signed. Respondent refused to give the originals and claims they had to keep for 7 years. They even refused to give copies.

Respondent denies they refused to give her copies and will give her additional copies if needed. Apparently, Complainant was upset at the valuation of her trade due to hail damage.

Complainant rebutted and stated that the complaint has nothing to do with valuations but as to the fact that they refused to give the original paperwork she signed.

Recommendation: Close.

Commission Decision: Concur.

34. 2021030881 (SH)

Date Complaint Opened: 04/21/2021

First Licensed: 05/17/2016

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 – One complaint closed with letter of warning for failing to properly supervise employees and advertising violations. One complaint closed with \$2,000 civil penalty for advertising violation. 2018 – One complaint closed with \$5,000 civil penalty for advertising violation.

Complainant alleges her mother received a forged warranty document from Respondent on 4/16/2021. The mother had issues with the vehicle since purchasing on 3/20/2021 and wanted Respondent to fix. Complainant wanted to see the documents in the deal file and show that her mother purchased the vehicle “Certified” and the issues would be covered. The mother was given a document that she claimed she never signed or saw the day of purchasing. Respondent apparently purchased the vehicle back from her mother and helped her with financing a newer vehicle.

Respondent states that the mother purchased a certified pre-owned vehicle on 3/20/2021. Respondent explains that in order to be pre-owned certified, it must be rigorously tested and signed off by the sales manager and master technician. This vehicle was certified before purchase on 1/8/2021. The mother had digitally signed this form at purchase. Respondent has spoken to the Complainant and Complainant is satisfied with the explanation. Respondent stated they took the vehicle back due to the issues found and helped finance a better vehicle.

Recommendation: Close.

Commission Decision: Concur.

35. 2021031171 (SH)

Date Complaint Opened: 04/19/2021

First Licensed: 05/29/2013

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges possible unlicensed activity and dismantling activity. Complainant claims that the Respondent was accumulating vehicles in poor condition and displaying them for sale. An investigation was made and determined that even though Respondent's lot was in disarray, there was no evidence that the Respondent was operating an unlicensed dismantling/recycle business. No vehicles showed to be disassembled and used parts being offered for sale to the public. Respondent agreed that the lot needed to be better maintained and stated that he was put on notice by the City for failure to maintain the grounds.

Recommendation: Close.

Commission Decision: Concur.

36. 2021031211 (SH)

Date Complaint Opened: 04/19/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dismantler/Recycler

History (5 yrs.): None.

Complainant alleges unlicensed dismantler/recycle business activity with Respondent. An investigation was made and determined that Respondent is only a repair and towing facility. There was no evidence of Respondent acting as an unlicensed dismantler/recycle business.

Recommendation: Close.

Commission Decision: Concur.

37. 2021027331 (SH)

Date Complaint Opened: 04/09/2021

First Licensed: 07/19/2012

Expiration: 06/30/2022

License Type: Recreational Vehicle Dealer

History (5 yrs.): 2018 – Two complaints closed with letter of warning for engaging in false, fraudulent, or deceptive acts.

Complainant purchased a RV in 2017 and allegedly told that the warranties included were 100% refundable and can be canceled at any time. Two years later, Complainant wanted to cancel the warranties but was refused by Respondent.

Respondent denies the allegation and states they have been trying to contact the Complainant to complete the pro-rated refund request for the extended warranties. There has been no response from Complainant.

Recommendation: Close.

Commission Decision: Concur.

38. 2021020751 (SH)

Date Complaint Opened: 03/22/2021

First Licensed: 07/07/2005

Expiration: 03/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – one complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s). 2021 – Two complaints closed with letter of warning for late delivery of title.

Complainant, who resides in Missouri, decided to drive to Respondent and purchase a vehicle on 8/8/2020. Complainant also was trading a vehicle. The finance director apparently told Complainant that they would add the Missouri sales tax into the loan and would obtain the title form the lienholder. Once that was done they would send the title and sales tax check to the local County Clerk. As of 3/17/2021, the title and check has not been received by the local Clerk.

Respondent states the paperwork was sent before the complaint made and that all transactions for proper registration are complete. Respondent also reimbursed Complainant for any out-of-pocket fees. Respondent further explains that they had issues with title deliveries and out-of-state deliveries from former employees who have now been terminated. They are in the process of cleaning up the issues.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: Concur.

39. 2021021981 (SH)

Date Complaint Opened: 03/20/2021

First Licensed: 06/12/2014

Expiration: 04/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

On 3-12-2021, Complainant worked out a deal over the phone with Respondent to purchase a vehicle at a certain price. Included in this price was a recondition fee of \$1554 that Complainant felt that they did not have to pay since they already had financing and were not trading a vehicle. Respondent agreed to remove this fee. On 3-13-2021, Complainant visited the lot and signed the paperwork. When they arrived back home they noticed a dent in the bumper. The next day the hybrid system malfunctioned and the vehicle would not start. The vehicle was towed to the nearest manufacturer dealership. The tow company noticed lug nuts missing on 3 tires. Complainant claims Respondent is refusing to offer help.

Respondent states that all issues have been resolved with Complainant, vehicle has been repaired, and any out-of-pocket expenses have been reimbursed.

Recommendation: Close.

Commission Decision: Concur.

40. 2021023741 (SH)

Date Complaint Opened: 03/25/2021

First Licensed: 02/05/2016

Expiration: 12/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of warning for failure to maintain temporary tag log.

Complainant claims that Respondent cannot obtain the title on the vehicle purchased and has been issued 8 temporary tags. Respondent has not responded.

Recommendation: Authorize a civil penalty of \$3,000 for issuing 6 additional temp tags over the limit allowed by law and require Respondent to appear before the Commission at the next meeting.

Commission Decision: Investigate further to obtain a response from Respondent and represent complaint at the October 2021 meeting.

41. 2021026471 (SH)

Date Complaint Opened: 04/06/2021

First Licensed: 05/26/2011

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle and their credit was run through several lenders even though they were pre-approved with the lender that they had on another vehicle. Complainant claims they were forced to purchase GAP insurance for \$1500 but later found out they did not need it. Complainant was promised a Veteran's discount of \$2K but later found out they were charged an additional \$2K. Respondent told Complainant to complete paperwork for the reimbursement that would be sent to the lender but 2 months later nothing has been received.

Respondent explains that Complainant agreed for them to run their credit and found a better interest rate, which Complainant agreed to. The GAP contract was agreed to by Complainant even though he did not need it. Respondent has agreed to refund the lender the \$1500. As for the \$2K discount, the selling price was listed as \$17,981 and the Buyer's Order shows \$15,900 which is over the \$2K discount. Also, with the better interest rate that the lender gave, they also gave \$500 towards down payment resulting in the purchase price of \$15,400.

Recommendation: Close.

Commission Decision: Concur.

42. 2021029431 (SH)

Date Complaint Opened: 04/13/2021

First Licensed: 04/17/2014

Expiration: 03/31/2022

License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant, a resident of Hawaii, purchased a vehicle on 9/28/2020 but they have not received the title as of 4/13/2021. Complainant wanted the title sent to him with his name on it. Respondent claims they sent the title to the local Clerk a week after purchase but due to COVID-19 it has been delayed. Respondent stated they do not register vehicles for out-of-state customers nor charge state taxes. Research on the VIN shows it has recently been titled in Complainant's name and sent.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: Letter of Warning for late delivery of title and reach out to Deputy Chair of County Clerk's Association for a clear understanding of the process.

43. 2021032101 (SH)
Date Complaint Opened: 04/20/2021
First Licensed: 04/15/2019
Expiration: 03/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle on 2/2/2021. Complainant claims to be on their 3rd temp tag and that Respondent is unable to obtain a title from the Florida auction they purchased from. Respondent claims the auction is having issues obtaining the title from the seller. Respondent has offered to buy back the vehicle and issue a full refund which Complainant agreed to.

Recommendation: Authorize a civil penalty of \$500 for issuing an additional temp tag than allowed by law.

Commission Decision: Close if the DOR confirms dealers were allowed to issue three temporary tags during COVID when utilizing the paper tag system – if not, the civil penalty is approved

44. 2021033761 (SH)

Date Complaint Opened: 04/26/2021

First Licensed: 07/21/2020

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 3/4/2021 and is now on their 3rd temp tag. Respondent claims the delay is not their fault but admits to issuing another tag to keep them able to drive their handicapped child. Respondent shows the title to be from Kentucky. The name on the title shows a female with their maiden name but signed with their married last name. Kentucky DMV is trying to get this resolved.

Recommendation: Authorize a civil penalty of \$500 for issuing an additional temp tag than allowed by law.

Commission Decision: Close if the DOR confirms dealers were allowed to issue three temporary tags during COVID when utilizing the paper tag system – if not, the civil penalty is approved

45. 2021028571 (ES)

Date Complaint Opened: 04/14/2021

First Licensed: 09/26/2008

Expiration: 08/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s).

Complainant is a resident of Pennsylvania who was interested in purchasing a classic car from Respondent (1968 Camaro) and alleges Respondent is keeping the \$2,000 deposit after they decided not to purchase it. Respondent made it very clear on their website and to Complainant

that this was a non-refundable deposit. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

46. 2021040581 (ES)

Date Complaint Opened: 05/17/2021

First Licensed: 09/26/2008

Expiration: 08/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s).

Complainant is a resident of Iowa who purchased a classic car (1970 Chevelle) from Respondent and wants a full refund and transport of the vehicle from Iowa to Tennessee. This complaint was filed with the Iowa Attorney General who then forwarded it to the Commission. Complainant alleges the vehicle is missing factory parts and claims it is a counterfeited classic car. Respondent points out that the advertisement for this vehicle makes it clear it is not original and states that it has had many upgrades and changes to it. Respondent alleges another classic car dealer called Respondent and explained that Complainant had purchased a vehicle from them as well, and then demanded a refund and for the vehicle to be picked up and shipped back at the dealer's expense. The Purchase Agreement states it is the responsibility of the buyer to have thoroughly inspected the vehicle and base their purchase on their judgment of the vehicle's condition and value per their inspection. Respondent makes it clear that they have no knowledge of the history of the classic cars they sell, considering most are 30-70 years old. Respondent provided over 65 photos of the vehicle and a video, and Complainant chose not to come look at it themselves. Respondent states that the vehicle has every part and feature stated in the ad. Respondent further states that a true original vehicle like this sells for over \$100,000, some up to \$250,000 at specialized auctions. Respondent sold the vehicle to Complainant for \$65,000. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

47. 2021029701 (ES)

Date Complaint Opened: 04/14/2021

First Licensed: 04/11/2005

Expiration: 04/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a new vehicle from Respondent. Complainant alleges the tires slip on the road when they make a turn, they have worn out too quickly, the brakes whistle and the amplifier stopped working. Complainant states that they had explained to the salesperson they were very concerned with driving in snow and the safety of the vehicle was the most important. Complainant no longer feels safe driving the vehicle and just wants their money back. After the complaint was filed, Respondent allowed Complainant to return the vehicle and refunded their money in full, and Complainant chose to purchase a new vehicle from Respondent. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

48. 2021031331 (ES)

Date Complaint Opened: 04/19/2021

First Licensed: 05/29/2013

Expiration: 04/30/2021 - CLOSED

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued to Respondent during an inspection on 4/14/21 for failing to produce their business tax licenses, sales tax identification number, surety bond and liability insurance. Respondent's license expired on 4/30/21 and they have since closed their dealership.

Counsel recommends closing and flagging this complaint.

Recommendation: Close and flag.

Commission Decision: Concur.

49. 2021034441 (ES)

Date Complaint Opened: 04/27/2021

First Licensed: 07/05/2002

Expiration: 06/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This complaint was administratively opened after a cursory review of Respondent's advertising seemed to yield possible violations. An investigation was conducted. The investigation revealed a \$10 discrepancy in the advertised price vs. the selling price due to a mistake in the listed doc fee. Respondent has otherwise done everything correctly in including the doc fee in the advertised price and including the proper disclosure, it's just that the disclosure mistakenly states the doc fee is \$500, not \$510. An audit of deal files shows that the buyer is charged \$500 for the doc fee and \$10 for the title/registration. The company that set up this advertisement online for Respondent made a mistake in combining the two and listing the doc fee of \$510 under the advertised price while leaving the disclosure to state that the advertised price includes a \$500 doc fee. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

50. 2021035131 (ES)

Date Complaint Opened: 04/29/2021

First Licensed: 08/14/2015

Expiration: 08/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of warning for incomplete temporary tag log. 2017 – One complaint closed with \$250 civil penalty for failure to maintain city business license. 2018 – One complaint closed with letter of warning for failure to use conditional delivery agreement form.

Complainant is alleging deceptive business practices by the Respondent. Complainant states the mileage was misrepresented and therefore the vehicle was falsely advertised. An investigation was conducted which revealed no violations. Complainant also confirmed they had received a new Tennessee title depicting the proper miles and successfully transferred ownership over in their home state. Complainant requested to withdraw the complaint. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

51. 2021022881 (ES)

2021026561

2021038011

Date Complaint Opened: 03/23/2021, 04/21/2021, 05/07/2021

First Licensed: 11/22/2019

Expiration: 08/31/2021 - CLOSED

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2021026561

Complainant purchased a used vehicle from Respondent and alleges the title has not been sent to their lender and their temporary tags are expired. Respondent failed to respond so an investigation was conducted. The Complainant confirmed they received their tags and no longer wished to pursue this complaint. Additionally, the investigator states Respondent's number has been disconnected, there are no vehicles on the lot and the building was locked and closed. It appears Respondent is no longer in business. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

2021022881

A Notice of Violation was issued to Respondent on 3/18/21 during an inspection for failure to produce a county business tax license. Per the summary above, Respondent is unable to be reached and the dealership appears to be closed and out of business. A follow-up drive by of the dealership was conducted and the dealership remains closed, therefore the dealer license has been cancelled. Counsel recommends closing and flagging this complaint.

Recommendation: Close and flag.

Commission Decision: Concur.

2021038011

Complainant purchased a used vehicle from Respondent and alleges they did not properly release the lien before providing the title to Complainant. Complainant has been provided with the surety bond considering Respondent is closed and has failed to respond to this complaint. Counsel recommends closing and flagging this complaint.

Recommendation: Close and flag.

Commission Decision: Concur.

52. 2021023081 (ES)

Date Complaint Opened: 03/23/2021
First Licensed: 04/23/2018
Expiration: 03/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued during inspection on 3/19/21 for having an open title and for failing to provide an active city business license. The inspector also noted the dealership is only open from 10:00-5:30, Tuesday through Saturday. Counsel recommends issuing a \$500 civil penalty for the open title and a \$250 civil penalty for the business license.

Recommendation: Authorize a \$750 civil penalty for an open title and expired city business license

Commission Decision: Concur.

53. 2021030311 (ES)

Date Complaint Opened: 04/15/2021
First Licensed: 04/29/2016
Expiration: 05/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with \$18,000 civil penalty for issuing more temporary tags than allowed.

Complainant alleges they believed they were purchasing a used vehicle but later found out they had leased the vehicle. Further, Complainant alleges they did not agree to the amount they were charged and believed they were paying thousands less for the vehicle. Respondent provided the contract signed by Complainant which is titled Tennessee Motor Vehicle Lease Agreement and clearly states the number of payments and amount to be paid. The word "lease" is used multiple times throughout the documents signed. There is no evidence of any violations. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

54. 2021031751 (ES)

Date Complaint Opened: 04/20/2021

First Licensed: 12/21/2011

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent sold a “poorly operating vehicle” to an individual who did not have a driver’s license and did not provide proof of auto insurance. Complainant further alleges the buyer was involved in a car accident claiming it was due to the brakes failing to engage. The buyer was arrested on the scene because they did not have a driver’s license. Complainant’s vehicle was one of the vehicles damaged in the accident. Complainant feels Respondent is liable for the damage to their vehicle claiming they were aware of the malfunctioning brakes. Complainant provides no evidence to support the allegation surrounding the brakes but does provide the police report of the accident. Respondent confirms the sale of the vehicle to the buyer and states the vehicle was test driven with the lot manager, with no evidence of any mechanical or brake issues. The buyer signed an Insurance Agreement where they agree that the installment contract requires the vehicle to be continuously covered with insurance. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

55. 2021033341 (ES)

Date Complaint Opened: 04/23/2021

First Licensed: 12/04/2019

Expiration: 11/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and alleges they have not received the title and claims Respondent has provided temporary tags for almost one year. Further, Complainant alleges Respondent did not tell them there was no airbag in the vehicle and did not disclose that it was salvaged. An investigation was conducted. When the investigator asked for the title to the vehicle, Respondent explained Complainant would not cooperate and bring the vehicle back so it can be inspected in order to get the title. Respondent issued five temporary tags to this vehicle according to the temporary tag log. Respondent states they have offered to take back the vehicle and refund Complainant, but Complainant will not cooperate. Respondent also states they have tried to have Complainant bring in the vehicle so they can fix the airbag sensor, but again, Complainant will not bring it in. The investigation revealed Respondent had applied for the title with the Dept. of Revenue more than two months after Complainant's purchase. Respondent received a letter from the DOR on 11/2/20 stating the application could not be processed because the airbags had to be replaced after being deployed. Counsel notes that the DOR application makes it clear that a dealer cannot sell or register the vehicle until final approval of the rebuilt application is complete. The deal file revealed Respondent did not use a Notice of Disclosure of Salvage Vehicle and sold the vehicle, knowing they did not have a rebuilt title. Counsel recommends issuing a \$2,500 civil penalty for each of the five temporary tags issued to a salvage vehicle, and a \$500 civil penalty for failing to disclose the vehicle was salvaged, for a total \$13,000 civil penalty.

Recommendation: Authorize a \$13,000 civil penalty for issuing 5 temp tags to the salvage vehicle and failing to disclose the vehicle was salvaged

Commission Decision: Concur.

56. 2021035711 (ES)

Date Complaint Opened: 04/30/2021

First Licensed: 12/19/2018

Expiration: 12/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from another dealer on 4/16/21 and alleges they found out it had two open recalls the day after purchase. Complainant brought the vehicle to Respondent's service department on 4/23/21 to address the recalls. Complainant alleges the morning after they retrieved the vehicle from Respondent, it would not start or do anything so it was towed back to Respondent. Respondent advised they found a screw driver in the engine compartment and it appeared someone extended the ECU wires and broke the connectors to the ECU.

Complainant states the dealer is willing to give them back the money paid for the vehicle but will not refund the taxes paid. Respondent states the connectors appear to have been broken for some period of time, and believes Complainant purchased the vehicle with the issues they discovered after it was towed to their service department. Respondent states the two recalls were not performed in the area of the damage and ECU unit. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

57. 2021024681 (SH)

Date Complaint Opened: 03/29/2021
First Licensed: 10/21/2019
Expiration: 10/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant is a third-party lender that loaned funds for their customer to purchase a vehicle on 8/14/2020. Complainant has never received the registration or title. Respondent has apparently gone out of business. Customer returned the vehicle on 3/4/2021 until title can be obtained. The surety bond information has been sent to Complainant and customer.

Recommendation: Close.

Commission Decision: Concur.

58. 2021025241 (SH)

Date Complaint Opened: 03/30/2021
First Licensed: 12/04/2000
Expiration: 11/30/2022
License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$5,400 civil penalty for 28 unlicensed sales. 2017 – One complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s).

Complainant purchased a vehicle two months prior and was told she needed a \$1500 down payment. When she went to sign the papers, Respondent notified that they need another \$1000. Complainant paid it and was to pay \$250 biweekly. After a month, Complainant had not received her registration and tags. Also, the radiator had to be replaced after being told it only needed an oil change. Complainant believes the Respondent is unethical and needs to be shut down.

Respondent has not responded to this complaint.

Recommendation: Authorize a civil penalty of \$250.00 for not responding to the Commission.

Commission Decision: Concur.

59. 2021029901 (SH)

Date Complaint Opened: 04/14/2021

First Licensed: 10/08/2015

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$5,200 civil penalty for unlicensed activity. 2019 – One complaint closed with \$250 civil penalty for advertising violation.

Complainant purchased a vehicle on 10/30/2020 in full and resides in Georgia. Complainant provided a cashier's check for purchase price and another check for Georgia sales tax and fees. As of 4/14/2021, Respondent allegedly has not paid of the previous lienholder nor provided registration paperwork and taxes/fees.

Respondent provided a copy of the title that was sent to Complainant. The previous lienholder did not release the lien until 3/4/2021. Complainant claims that as of 5/3/2021, Georgia will not register the vehicle without the taxes/fees paid and, due to the delay, late fees being paid.

Complainant was able to properly register the vehicle in GA on 5/27/2021.

Recommendation: Authorize a civil penalty of \$500.00 for failure to pay lienholder within 30 days of funding.

Commission Decision: Concur.

60. 2021030421 (SH)

Date Complaint Opened: 04/20/2021

First Licensed: 08/05/2011

Expiration: 07/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent on 1/2/2020 and the Complainant later learned that the manufacturer had a class action lawsuit concerning the engine. Five weeks after purchase the engine quit working properly. The engine was covered under the extended warranty but 6 months after replacement that engine went bad. Another engine was used under the warranty and after 3 months it went bad. Complainant's extended warranty has now expired.

Respondent explained that since Complainant's engine was still under warranty from the part supplier, the extended warranty company attempted to contact the part supplier to initiate a part warranty claim for the fourth time. The warranty company was notified the part supplier was no longer in business. On April 9, warranty company alternatively ordered a used replacement engine from a different third-party part supplier. Respondent's records indicate the engine was delivered on April 15, and repairs completed on April 29. After receipt of his complaint, on April 30, Respondent contacted Complainant and presented an offer. Additionally, Respondent agreed to reimburse Complainant for his mechanical repair deductible payments. At this time, we have accommodated Complainant's requested resolution by offering to accept return of the vehicle, waive the deficiency balance of his account, and delete the tradeline from his credit report. Additionally, we have agreed to transfer his down payment of \$500.00 to a new contract initiated with the purchase of an alternate vehicle. Finally, we will reimburse

Complainant's out-of-pocket deductible expenses associated with mechanical repairs in the amount of \$350.00.

Complainant accepted the terms and would like the complaint withdrawn.

Recommendation: Close.

Commission Decision: Concur.

61. 2021032291 (SH)

Date Complaint Opened: 04/21/2021

First Licensed: 06/04/2020

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 4/5/2021 and signed paperwork showing a monthly payment of \$628/month at 7% interest. On 4/15/2021, Respondent called and said they could not keep the financing and Complainant needed to return the vehicle. Respondent explained that they would get Complainant into another vehicle but monthly payments would be \$680 at 22% interest. Complainant did not want this deal and believes that Respondent ran down his credit by running it 20 times. Complainant wants the other deal or something similar.

Respondent explains that the issue has been resolved to the satisfaction of the customer.

Recommendation: Close.

Commission Decision: Concur.

62. 2021033631 (SH)

Date Complaint Opened: 04/26/2021

First Licensed: 10/09/2003

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant took their vehicle in for a chirping noise that was initially thought a belt was slipping. Respondent put Complainant in a loaner which lasted about 3 weeks before it would not start. The motor turned over successfully, briefly, and then shuddered to a stop. The second time there was a rattling noise and it shuddered back to a stop. Complainant called Respondent, got it towed, got put in a new loaner, and the next day Respondent allegedly began retaliating against Complainant for returning the old loaner as defective. Respondent refused to diagnose Complainant's vehicle and it was sent to a third-party mechanic. The mechanic diagnosed the issue as an A/C compressor clutch assembly. The mechanic informed the Complainant that he could not run any further diagnosis because the warranty company was refusing to pay. Complainant was told that all further diagnostic testing would be out-of-pocket even though Complainant alleges this is not stated in the warranty documents. Complainant believes this is insurance fraud.

Respondent states that Complainant purchased the vehicle from them on 9/23/2020 and it came with a 90-day/4,000-mile Limited Warranty. On 3/24/2021, Complainant brought the vehicle back complaining about a chirping noise. Even though Complainant was well out of the warranty time period, Respondent offered a loaner until they could have the vehicle inspected. Respondent states that the mechanic found the AC compressor clutch assembly was making a slight noise but was operating as it should with no mechanical failure or needed repair. Complainant, who is not on the paperwork requested that the compressor be replaced. The Respondent's warranty company states the AC compressor clutch assembly was working as it should and there was no breakdown, and further the complainant was out of the warranty time period. Therefore, Respondent would not cover the cost of a replacement compressor.

Recommendation: Close.

Commission Decision: Concur.

63. 2021025091 (SH)

Date Complaint Opened: 03/30/2021
First Licensed: 06/25/2018
Expiration: 06/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued on 3/23/2021 against Respondent for having an expired salesperson's license. The license has since been renewed.

Recommendation: Authorize a civil penalty of \$500 for conducting business on an expired salesperson's license.

Commission Decision: Concur.

64. 2021026411 (SH)

Date Complaint Opened: 04/06/2021
First Licensed: 05/01/2017
Expiration: 02/28/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant was under Chapter 13 bankruptcy and completed all payments however they have not received their title. Respondent has ceased business in August 2020. The surety bond information has been sent to the Complainant.

Recommendation: Close.

Commission Decision: Concur.

65. 2021030691 (SH)

Date Complaint Opened: 04/30/2021
First Licensed: 08/19/2020
Expiration: 08/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant cancelled the extended warranty and requested a refund. The refund check was received by Respondent and forwarded to the lender. The lender apparently deposited the refund into another account and not Complainant's account. The Respondent and lender are blaming each other and the Complainant just wants the refund to be credited to her account.

Respondent explains that they began doing business on 8/14/2020 and purchased the assets, but not liabilities, of the former dealership that Complainant purchased the warranty. The refund was deposited in June 2020 therefore Respondent does not have a relationship with the extended warranty company and they will not discuss the issue with Respondent. Respondent forwarded the issue to the former company's attorney to help assist the Complainant.

Complainant rebutted and stated that the issue has been resolved and this complaint can be withdrawn.

Recommendation: Close.

Commission Decision: Concur.

66. 2021031371 (SH)

Date Complaint Opened: 04/22/2021
First Licensed: 07/07/2005

Expiration: 03/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – Two complaints closed with letter of warning for late delivery of title. 2020 – one complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s).

Complainant purchased a vehicle on 1/17/2021 and has been issued 3 temp tags which have expired as of 4/17/2021. Respondent states the registration and title has been received as of 5/11/2021 and overnighted the paperwork to the local Kentucky clerk's office for processing.

Recommendation: Authorize a civil penalty of \$500 for issuing one additional temporary tag than allowed by law without authorization.

Commission Decision: Close if the DOR confirms dealers were allowed to issue three temporary tags during COVID when utilizing the paper tag system – if not, the civil penalty is approved

67. 2021033461 (SH)

Date Complaint Opened: 04/28/2021

First Licensed: 05/14/2013

Expiration: 05/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant began a lease contract with Respondent on 5/21/2020 that included a limited powertrain warranty for 3000 miles or 3 months with a \$200 deductible. A few weeks after the transmission began experiencing issues and needed repairs. The warranty company has been ignoring Complainant and will not repair the issue.

Respondent states the vehicle had 130,879 miles on it at time of lease. Complainant brought the vehicle to a mechanic to look at the transmission on 8/17/2020 and the mileage was 136,239. The extended warranty had expired after 3,000 miles however Respondent, in good faith, did not charge Complainant for the transmission diagnosis and flush. They have offered to help find a reputable transmission shop to make repairs at Complainant's expense.

Recommendation: Close.

Commission Decision: Concur.

68. 2021036111 (SH)

Date Complaint Opened: 05/03/2021

First Licensed: 02/26/2019

Expiration: 01/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 3/19/2021 and three weeks later the car overheated. The mechanic diagnosed a bad water pump on 4/6/2021 that would cost \$118. On 4/12/2021, the mechanic stated it was more than the water pump and the engine would need to be replaced. Complainant alleges Respondent agreed to pay for the costs. On 4/27/2021 Respondent called and said vehicle was ready but the engine gasket would possibly need replacement soon. After a few miles, transmission fluid was all over the vehicle and another mechanic stated they needed to replace the gasket. On 5/2/2021, the vehicle was driven to get repaired and fluid was everywhere. There was no oil in the engine. Mechanic called and said that the engine would need to be replaced.

Respondent offered an extended warranty but Complainant refused. The vehicle was sold "as is" but Respondent, in a show of a good faith, replaced the engine at his own costs. Respondent claims that since 4/27/2021, he has not received any calls from Complainant before receiving the complaint. Respondent states he is willing to help out how ever he can but Complainant will need to contact him.

Recommendation: Close.

Commission Decision: Concur.

69. 2021036871 (SH)

Date Complaint Opened: 05/05/2021

First Licensed: 10/02/2014

Expiration: 09/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

On 2/27/2021, Complainant traded two vehicles for one and one of the trade-ins would be completely paid in full. On 3/13/2021 Complainant got a call to come in and sign paperwork because Respondent messed up. On 5/4/2021, Respondent called and stated they could not finalize financing so the Complainant would need to return the vehicle. Respondent offered \$1500 because they had already sold the two trade-ins. Complainant states that the one trade-in was not paid off.

Respondent states on 5/6/2021 they were able to have the lender's decision reversed and Complainant's signed a new contract which resolved all the issues. The trade-in has been paid in full and Complainant's are satisfied with the deal. This was verified by Complainant.

Recommendation: Close.

Commission Decision: Concur.

70. 2021037151 (ES)
Date Complaint Opened: 05/06/2021
First Licensed: 09/01/1991
Expiration: 11/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

This is an administrative complaint alleging advertising violations by Respondent. The disclosure states that advertised prices do not include "...additional fees...dealer documentation fees of \$499.95." Further, the disclosure states, "It is the customer's responsibility to contact the dealer for information regarding any information found on the website ..." Additionally, some vehicles advertised online do not include the stock number. Counsel recommends issuing a \$250 civil penalty for each advertising issue, for a total \$1,000 civil penalty.

Recommendation: Authorize a \$1,000 civil penalty for advertising violations.

Commission Decision: Concur.

71. 2021037161 (ES)

Date Complaint Opened: 05/06/2021

First Licensed: 05/21/2019

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint alleging advertising violations by Respondent. An investigation was conducted to audit deal files and find out if Respondent is charging doc fees because the disclosure does not state anything about doc fees being included in the advertised price of vehicles. The investigation revealed that Respondent does charge a doc fee of \$599 and that has since been added to the disclosure. Further, Respondent has removed "0% financing for 72 months" which had no detailed disclosure and "Free Lifetime Powertrain with purchase". Counsel recommends issuing a \$250 civil penalty for each advertising issue, totaling a \$750 civil penalty.

Recommendation: Authorize a \$750 civil penalty for advertising violations.

Commission Decision: Concur.

72. 2021037171 (ES)

Date Complaint Opened: 05/06/2021

First Licensed: 09/01/1991

Expiration: 08/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint alleging advertising violations by Respondent. The disclosure states that advertised prices do not include the \$699 doc fee. Further, the advertisement states “Get pre-approved in seconds, no SSN or DOB required, no effect on your credit score.” Additionally, the “detailed pricing” lists an MSRP discounted to a separate “selling price”, which is then discounted by “offers”, “conditional offers” with a “conditional final price” without any details on these offers and discounts. Counsel recommends issuing a \$250 civil penalty for each advertising issue, totaling a \$750 civil penalty.

Recommendation: Authorize a \$750 civil penalty for advertising violations

Commission Decision: Concur.

73. 2021037181 (ES)

Date Complaint Opened: 05/06/2021

First Licensed: 01/27/2020

Expiration: 01/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – One complaint recommended for a \$10,000 civil penalty for advertising violations. 2020 – One complaint closed with \$750 civil penalty for false, fraudulent, or deceptive practices.

This is an administrative complaint alleging advertising violations by Respondent. This is a duplicate complaint with allegations that have already been submitted and considered by the Commission. Counsel is currently in negotiations to settle this matter with a \$10,000 Consent Order and appearance by the Respondent at this Commission meeting or the next. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

74. 2021037191 (ES)

Date Complaint Opened: 05/06/2021

First Licensed: 10/25/2018

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint alleging advertising violations by Respondent. The disclosure states that advertised prices do not include the \$599 doc fee. Further, the advertisement states “although every reasonable effort has been made to insure the accuracy of the information contained on this site, absolute accuracy cannot be guaranteed.” This can be considered deceptive and an attempt to absolve Respondent of advertising violations. Respondent has an option to click on “Get today’s price” which should be the same as the advertised price. Additionally, the “detailed pricing” lists an MSRP discounted by a “savings” without any detail about the savings and a separate describing in the disclosure that contradicts the amount of the “savings”. Counsel recommends issuing a \$250 civil penalty for each advertising issue, totaling a \$1,000 civil penalty.

Recommendation: Authorize a \$1,000 civil penalty for advertising violations

Commission Decision: Concur.

75. 2021037201 (ES)

Date Complaint Opened: 05/06/2021

First Licensed: 09/23/2014

Expiration: 09/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint alleging advertising violations by Respondent. The disclosure states that advertised prices do not include “tax, tag, other governmental fees...and dealer installed options.” Respondent is offering no-contact purchase and delivery which is considered unlicensed activity/offsite sales – all sales must be performed at the physical dealer location.

Respondent's lease advertising is not complete and has no disclosure directly related to the advertisement. Respondent states "dealer is not responsible for any errors but should be consulted in person to confirm the information on this page." This can be considered deceptive and an attempt to absolve Respondent of advertising violations. Counsel recommends issuing a \$500 civil penalty for unlicensed activity/offsite sales plus a \$250 civil penalty for each advertising issue, totaling a \$1,250 civil penalty.

Recommendation: Authorize a \$1,250 civil penalty for advertising violations

Commission Decision: Concur.

76. 2021037211 (ES)

Date Complaint Opened: 05/06/2021

First Licensed: 03/05/2007

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of warning for advertising violation.

This is an administrative complaint alleging advertising violations by Respondent. The disclosure states that advertised prices do not include "...all applicable fees and dealer and factory-installed options". Respondent has an option to "lock-in internet pricing" which should be the same as the on-site price. Additionally, the "detailed pricing" lists an MSRP discounted by a "discount" without any detail about the "discount". Respondent states they are the #1 Volume Dealer in a certain region of the state based on the August 2020 Delivery Report which is an unsubstantiated claim. Counsel recommends issuing a \$250 civil penalty for each advertising issue, totaling a \$1,000 civil penalty.

Recommendation: Authorize a \$1,000 civil penalty for advertising violations

Commission Decision: Concur.

77. 2021038951 (ES)

Date Complaint Opened: 05/11/2021

First Licensed: 06/13/2016

Expiration: 05/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 – One complaint closed with letter of warning for late delivery of title.

Complainant alleges Respondent provided a Carfax to them regarding a vehicle they were interested in which showed it had 55,000 when it failed emissions in April 2021. Respondent advertised the vehicle with 50,580 miles which matches a picture of the odometer. Complainant notes this is a 2013 vehicle and claims the average mileage per year is 13,500-15,000 and claims this vehicle should have closer to 100,000 miles on it. Respondent states they purchased the vehicle in May 2021 with the odometer reading 50,580. They noted the mileage discrepancy via Carfax during the most recent emissions test and claim there must have been an input error by the person performing emissions by putting it at 55,000. Respondent claims this is an unfortunate common error out of their hands. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

78. 2021027351 (ES)

Date Complaint Opened: 04/07/2021

First Licensed: 03/21/2018

Expiration: 02/28/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued to Respondent on 4/1/21 for failure to produce their county business license. Respondent states they were unable to produce it because of a robbery at their dealership. Respondent provided the police report and proof that the county business license was active at the time of inspection. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

79. 2021033061 (ES)

Date Complaint Opened: 04/22/2021

First Licensed: 02/13/2001

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent for \$4,900 and alleges there is damage to the chassis that was not disclosed. Respondent states Complainant test drove the vehicle for 1-2 hours and checked it out before purchase. This was an as-is sale without warranty. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

80. 2021036271 (ES)

Date Complaint Opened: 05/03/2021

First Licensed: 04/11/1994

Expiration: 04/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$500 civil penalty for issuing more temporary tags than allowed. 2019 – One complaint closed with \$500 civil penalty for failure to disclose a rebuilt title.

Complainant purchased a used vehicle from Respondent and claims they were not given any paperwork or notified of the possible repossession due to nonpayment before the vehicle was repossessed. Complainant claims their property has not been returned. Respondent provided the deal file showing Complainant signed all proper documents and consented to repossession upon non-payment. Complainant was notified they could come collect their things from the

vehicle and refused. Counsel recommends closure.

Recommendation: Close.

Commission Decision: **Concur.**

81. 2021040421 (ES)

Date Complaint Opened: 05/17/2021

First Licensed: 01/04/2017

Expiration: 12/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent in March and claims they have not received the title or tags for the vehicle as of May. Respondent confirms the tags and title were received on 5/21/21. Counsel recommends closure.

Recommendation: Close.

Commission Decision: **Concur.**

82. 2021041421 (ES)

Date Complaint Opened: 05/19/2021

First Licensed: 01/26/2001

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint alleging advertising violations by Respondent. The disclosure states that advertised prices do not include the \$688 doc fee. Counsel recommends issuing a \$250 civil penalty for this advertising violation.

Recommendation: Authorize a \$250 civil penalty for advertising violation

Commission Decision: **Concur.**

83. 2021027081 (SH)

Date Complaint Opened: 04/06/2021

First Licensed: 02/16/2016

Expiration: 02/28/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of caution for false, fraudulent, or deceptive practices. 2017 – One complaint closed with \$1,000 civil penalty for failure to deliver title. 2018 – One complaint closed with \$500 civil penalty for improper display of vehicles on sidewalk. 2020 – One complaint closed with \$250 civil penalty for improper display of vehicles on public land.

A Notice of Violation was issued on 3/31/2021 against Respondent for improper display of inventory on public sidewalk. The general liability insurance had also expired on 1/4/2021.

Recommendation: Authorize a civil penalty of \$1,250.00 for improper display of inventory on public land (\$1,000.00) and operating on an expired general liability insurance policy (\$250.00).

Commission Decision: **Concur and require follow up investigation**

84. 2021028581 (SH)

Date Complaint Opened: 04/09/2021

First Licensed: 12/17/2020

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

On 2/3/2021, Complainant purchased a vehicle in full and was told the registration papers and title would be sent in about 2-3 weeks. As of 3/5/2021, no papers have been received by the County Clerk's office and the temp tag has expired. Respondent gave Complainant a 2nd temp tag and states the registration papers were received by Complainant on 3/26/2021. This was confirmed by Complainant and all issues have been resolved.

Recommendation: Close.

Commission Decision: **Concur.**

85. 2021029471 (SH)

Date Complaint Opened: 04/13/2021

First Licensed: 06/18/2018

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased the vehicle from Respondent on 3/15/2021 but decided to take it back because of a noise. Complainant claims the Respondent agreed to return all monies paid within 10 days. As of 4/13/2021, no refund has been made.

Respondent claims that prior to sale, Complainant took the vehicle for three test drives and asked for 2 tires to be replaced. The tires were replaced and Complainant signed the paperwork stating the vehicle was sold "as is". Complainant had put over 200 miles on the vehicle before returning even though they live less than 10 miles away. Complainant never described the "sound" nor provided any supporting documentation that would indicate the vehicle being defective. Respondent does not agree that any reimbursement agreement was made. The vehicle was eventually repossessed and re-sold. The new owner has had no issue with the vehicle or complained of any noises.

Recommendation: Close.

Commission Decision: Concur.

86. 2021034611 (SH)

Date Complaint Opened: 04/27/2021

First Licensed: 02/12/2002

Expiration: 01/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle in full on 2/27/2021 and has yet to receive the title while the 2nd temp tag is about to expire.

Respondent explains that the vehicle was traded on 2/24/2021 and the previous owner did not transfer the registration into their name. Respondent reached out to the previous owner to properly transfer the title to their name so that they could process the registration for Complainant. This caused a delay however Respondent did receive correct title on 4/30/2021 and has been given to Complainant on or about 5/13/2021.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: Concur.

87. 2021036231 (SH)

Date Complaint Opened: 05/05/2021

First Licensed: 10/07/2010

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant is alleging Respondent rolled back the odometer on a vehicle they purchased on 11/28/2020. Respondent states the paperwork shows the mileage to be 93,108 at time of purchase. Also, vehicles are inspected prior to sale at reconditioning centers. During inspection,

there were no indications the vehicle had an odometer rollback. At the time of purchase, Respondent provided Complainant with an AutoCheck Vehicle History Report. This report is provided as a courtesy to all customers. The report may differ from other third-party history reports, such as CarFax. The AutoCheck provided to Complainant indicated the vehicle did not have any record of an odometer rollback prior to purchase. The supporting documents from Complainant showed the mileage before purchase on 1/17/2020 to be 88,988. The Highway Patrol made an investigation and the officer informed us he reviewed supporting documents from Complainant and concluded there was no substantial evidence of a rollback and the mileage discrepancy on the CarFax appeared to be from a typo entered by a service facility.

Recommendation: Close.

Commission Decision: **Concur.**

88. 2021039871 (SH)

Date Complaint Opened: 05/13/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – One complaint opened for unlicensed activity.

Complainant purchased two vehicles from Respondent on 7/24/2020 and paid in full. Respondent provided title to only one vehicle but Complainant has been unable to obtain title to the other as of 5/13/2021. Complainant has since cancelled the check.

Recommendation: Authorize a civil penalty of \$10,000.00 for unlicensed activity and to add this complaint to a pending matter that involves the Respondent.

Commission Decision: Obtain more information about how many vehicles have been sold and the extent of the unlicensed activity; represent complaint at the October 2021 meeting.

89. 2021040091 (SH)

Date Complaint Opened: N/A (Unlicensed)

First Licensed: N/A

Expiration: None.

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant paid in full for a vehicle on 6/4/2020 and has yet to receive title. The vehicle is allegedly salvaged also. Respondent texted Complainant and explained that the vehicle is sent to Arkansas to obtain a rebuilt title then will be transferred to a rebuilt title in Tennessee. Respondent stated that they are waiting on over a dozen titles to come back from Arkansas, including Complainant's title. Respondent, licensed in Mississippi, has individuals that obtain the salvaged vehicles from a MS auction but Respondent has an office located in Tennessee but nor licensed in this state.

Recommendation: Authorize a civil penalty of \$7,500.00 for unlicensed activity and selling a salvaged vehicle to be released on the road.

Commission Decision: Conduct further investigation and represent complaint at the October 2021 meeting.

90. 2021029501 (SH)

Date Complaint Opened: 04/16/2021

First Licensed: 07/24/2020

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant, an Arkansas resident, agreed to purchase a vehicle from Respondent for \$3,000 on 12/3/2020. When they went to pick it up and complete the paperwork, there was a \$399 documentation fee that was not discussed. Respondent held on to the vehicle until Complainant remotely paid the fee on 12/11/2020. Complainant was told the title would be delivered when the fee was paid. After a month, no title was received and Respondent sent a second temp tag. As of 4/13/2021 the title has still not been received. Respondent claims they sent the title and it was lost so they have to obtain a duplicate. Complainant has since received the title and registered the vehicle in Arkansas.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: **Concur.**

91. 2021030521 (SH)

Date Complaint Opened: 04/15/2021

First Licensed: 07/11/2012

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle in January 2020 but never received a title. Complainant was pulled over on an expired temp tag and the officer believed the vehicle to be stolen because the Complainant was not registered on the vehicle. Respondent spoke with the officer and told them the Complainant was on the Bill of Sale. On 2/27/2021, Complainant was involved in an accident and the vehicle was totaled. The insurance company will not provide payment to Complainant because the vehicle is not registered in their name. On 3/24/2021, Respondent stated to Complainant that vehicle had a lien on it from a tow company. Complainant was arrested on some charge not related to this matter and released in early April 2021. Respondent had picked up the vehicle before Complainant was released. Complainant called the DMV and was informed that Respondent had not applied for transfer of registration as of 4/15/2021. Complainant states the insurance company informed him that registration was transferred to them on 5/13/2021. Respondent told the Complainant that the vehicle was repossessed in March when the Complainant stopped making payments on the contract.

A history report was requested on the vehicle. On 2/21/2019, the vehicle was given a salvaged certificate after an accident. The vehicle was purchased by Respondent from the insurance auction in March 2019. Respondent applied for a rebuilt title on 1/5/2021 but was denied due to incomplete application on 3/16/2021. Apparently the towing company from the 2/27/2021 accident put a lien on the title. This lien was paid by Respondent and the rebuilt application was granted on 4/9/2021. Respondent registered the vehicle in its own name on 5/6/2021 and then assigned the rebuilt title to the insurance company on 5/7/2021.

Recommendation: Authorize a civil penalty of \$2,500.00 for issuing a temporary tag on a salvaged vehicle.

Commission Decision: **Concur.**

92. 2021040231 (SH)

Date Complaint Opened: 05/18/2021

First Licensed: 07/01/2009

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 1/26/2021 in full and shortly moved to South Carolina. When Complainant went to register the vehicle, they were denied because the mileage showed to have decreased from the original title. An Arkansas title showed 76,443 miles on the odometer reading but the odometer on the Bill of Sale states 72,513 when it was purchased. Respondent states that the odometer statement on the original title (AR) when they purchased the vehicle was in error. They had to go back to the seller and have the mileage corrected. The corrected paperwork was mailed to Complainant on 5/21/2021.

Recommendation: Close.

Commission Decision: **Concur.**

93. 2021042601 (SH)

Date Complaint Opened: 05/24/2021

First Licensed: 10/09/2020

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant dropped off her vehicle to Respondent on 5/1/2021 to get an oil change and tire

rotation. Complainant was told it will take a while so to come back later but the service department will close at 3:00 pm. Complainant showed up at 3:15 pm and the vehicle was parked outside. Complainant left the lot and the vehicle stalled about 550 feet from the lot in the middle of the street. The vehicle caught fire and was totally destroyed. Complainant states the vehicle was in perfect condition before the service from Respondent. Complainant alleges faulty repair and service work from Respondent.

Respondent states the service provided was handled completely and confidently with no fault of their own. Respondent's video footage shows the technician completing the work which included rotating the tires from front to rear and an oil change which included replacing the filter. The technician can be seen in the video replacing the dipstick after verifying the oil level and replacing the oil filler cap on top of the engine. It should be noted that while the technician was completing his inspection, he noticed several aftermarket items were evident on the vehicle. There were LED fog lights installed and an additional subwoofer. These items were connected to the electrical system at the positive battery terminal. The battery was also an aftermarket battery, not a factory authorized Infiniti replacement. The technician also discovered recently drilled and slotted rotors and new brake pads when the wheels were removed to complete the tire rotation. After the customer authorized services were completed, our technician drove the vehicle into our car wash area of the service department. The car wash staff vacuumed the interior and completed an exterior cleaning of the vehicle. After completing the wash, the vehicle was dried and the windows cleaned prior to driving it back to the service drive.

Complainant believes it is at the fault of Respondent and the insurance claim should be made with their insurance. The Fire Department apparently stated the fire was mechanical and started on the opposite side of the battery. Both parties viewed the footage and showed the technician moving around the vehicle but it could not be determined if work was performed properly.

Complainant made the decision to open a claim with the insurance provider, and this matter appears to be moving toward an amicable resolution. It is possible that this matter will be further discussed and investigated by the insurance companies of both parties, but as of this date, it appears as though Complainant's insurance company has agreed to provide the coverage on the vehicle.

Complainant states they have not heard anything from any insurance company.

Recommendation: Close.

Commission Decision: Concur.

94. 2021042811 (SH)

Date Complaint Opened: 05/24/2021

First Licensed: 09/25/2019

Expiration: 09/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 5/4/2021. Due to working from home, Complainant has not driven the vehicle much but did notice one day that the vehicle shook when braking at 70 mph. The Complainant took the vehicle to a mechanic to get repairs done and it was noticed that the suspension appeared to be hazardous, the catalytic converter had a hole in it, and severely corroded. Complainant requests Respondent to reimburse repair costs.

Respondent states Complainant took the vehicle on a test drive and had a diagnostic test completed. Complainant decided to purchase the vehicle and was sold "as is". The price was reduced due to scratches by request of Complainant. Respondent believes they are not responsible for any costs.

Recommendation: Close.

Commission Decision: Concur.

95. 2021042831 (SH)

Date Complaint Opened: 05/25/2021

First Licensed: 08/19/2019

Expiration: 08/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 5/15/2021 after a test drive. There was an issue with the A/C fan but Respondent promised that no other issues were present. Respondent allegedly added a 30-day powertrain warranty on the vehicle. A few days later, the check engine light came on. Respondent stated it could be something simple like a loose gas cap. Complainant took the vehicle to a mechanic and it was discovered there was a hole in the oil pan and nearly out of oil. Complainant also alleges she was not given any paperwork.

Respondent states Complainant test drove the vehicle and expressed the desire to have her mechanic look at it, to which Respondent said yes. After spending time on her phone with her mechanic, Complainant decided to take pictures of the vehicle, including underneath, and sent them to her mechanic. Respondent discounted the price, delivered the vehicle over 70 miles away, and sold the vehicle "as is". Respondent does not show that a 30-day warranty was included or paid for.

Complainant claims Respondent forwarded all paperwork after complaint was received but she could not find the 30-day powertrain warranty included in the paperwork.

Recommendation: Close.

Commission Decision: Concur.

96. 2021038031 (ES)
Date Complaint Opened: 05/07/2021
First Licensed: 09/05/1997
Expiration: 09/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a "certified" pre-owned vehicle from Respondent and alleges they failed to disclose a known defect at the time of purchase. Complainant alleges the defect is a recall which affects the warranty and registration. Respondent confirmed they provided a second temporary tag to Complainant and the recall remedy was announced after this complaint was filed. Respondent arranged for the vehicle to have the recall repairs completed by the nearest

dealer to Complainant in New York. The repair involves 2 fuses and a small sticker, and is a “5 minute job.” Once the repair is complete, the change of ownership of the vehicle can be completed and Respondent will overnight the completed paperwork for registration to the Complainant. Respondent also offered to cancel the sale with a complete refund including airfare expenses incurred when the Complainant flew to Tennessee to make the purchase. Complainant declined this offer. Counsel recommends closure.

Recommendation: Close.

Commission Decision: **Concur.**

97. 2021038061 (ES)

Date Complaint Opened: 05/08/2021

First Licensed: 07/31/2001

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges there is an odometer discrepancy on the Carfax for the vehicle purchased from Respondent. Respondent states the Complainant was made aware that all electronic systems in the vehicle were replaced leading to an odometer reading malfunction. However, Respondent has provided a full and complete refund to the Complainant and Complainant has requested to withdraw the complaint. Counsel recommends closure.

Recommendation: Close.

Commission Decision: **Concur.**

98. 2021042261 (ES)

Date Complaint Opened: 05/21/2021

First Licensed: 03/15/2019

Expiration: 12/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued to Respondent during inspection on 5/18/21 because one of their salespersons' licenses had been expired for 18 days. Respondent renewed the salesperson's license the same day as the inspection and asks for leniency, claiming that reminders are sent out for dealership license renewals but not for salesperson license renewals. Counsel notified Respondent that notices for salespersons licenses are also sent reminders. Counsel recommends issuing a Letter of Warning for the salesperson's expired license.

Recommendation: Letter of Warning for expired salesperson license.

Commission Decision: **Concur.**

99. 2021033901 (ES)

Date Complaint Opened: 04/26/2021
First Licensed: 05/17/1995
Expiration: 05/31/2021 (Closed)
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent and it stopped working. Counsel requested more information from Complainant but has not received a response. Respondent's license is expired and their dealership has been closed since at least May 2021, and no response has been received to this complaint. Counsel recommends closure.

Recommendation: Close.

Commission Decision: **Concur.**

- 100. 2021044041 (ES)**
Date Complaint Opened: 05/27/2021
First Licensed: 05/12/2015
Expiration: 04/30/2021 (Revoked)
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with letter of warning. 2017 – One complaint closed with agreed citation. 2018 – Two complaints closed without action.

A Notice of Violation was issued to Respondent while an inspector was conducting an inspection at a nearby dealership. The inspector knew Respondent's license had been recently revoked but noticed a few vehicles marked for sale on their lot. Respondent states these are not their vehicles but are being stored there as overflow by a nearby dealership as a favor. Respondent further states there is no open sign and the doors are locked with lights off when they are not there. Respondent states they use the building for their roofing business and they have never sold any vehicles or operated as a dealership since they surrendered their license. There is no evidence of any unlicensed activity and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

- 101. 2021033091 (ES)**
Date Complaint Opened: 04/22/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dismantler/Recycler
History (5 yrs.): None.

Complainant is a licensed motor vehicle dismantler/recycler alleging Respondent is acting as a dismantler/recycler without a license. This is the second complaint that has been filed by this Complainant for the same allegations. We sent a Letter of Warning to the Respondent explaining that he needed to get licensed or stop selling car parts, etc. An investigation was conducted. The investigation revealed no evidence of any unlicensed activity and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

102. 2021039041 (ES)
Date Complaint Opened: 05/14/2021
First Licensed: 07/16/2009
Expiration: 04/30/2023
License Type: Recreational Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a new RV from Respondent in March 2020 and alleges Respondent failed to make proper repairs as promised. Respondent states that all issues submitted to their service department have since been repaired and covered under warranty with no charges to Complainant. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

103. 2021029601 (SH)
Date Complaint Opened: 04/14/2021
First Licensed: 10/30/2000
Expiration: 03/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2020 – One complaint closed with \$1,500 civil penalty for unlicensed activity.

A Notice of Violation was issued against Respondent on 4/12/2021 for operating on an expired business license.

Recommendation: Authorize a civil penalty of \$250.00 for operating on an expired business license.

Commission Decision: Concur.

104. 2021031291 (SH)
Date Complaint Opened: 04/19/2021
First Licensed: 08/09/2013
Expiration: 05/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued against Respondent on 4/14/2021 for advertisement violations including failure to list the vehicle as used or preowned, failure to state price does not include “plus tax, title, and license”, and not including the documentation fee in the price.

Recommendation: Authorize a civil penalty of \$500.00 for three advertising violations.

Commission Decision: Concur.

105. 2021039721 (SH)
Date Complaint Opened: 05/13/2021
First Licensed: 07/07/2017
Expiration: 07/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle on 3/12/2021 and told the title would be sent to the clerk to transfer registration within two weeks. It has been 3 months and Complainant found out that the previous seller still had the title.

Respondent explains that the vehicle was purchased from a Texas auction and has not been processed due to COVID delays. Respondent has been in continuous contact with the auction and were told the auction is waiting on a lien release from the previous lender. Respondent offered a full refund to Complainant.

Recommendation: Close.

Commission Decision: **Concur.**

106. 2021040781 (SH)
Date Complaint Opened: 05/18/2021
First Licensed: 03/03/2017
Expiration: 01/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s). 2020 – One complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s).

Complainant, a Kentucky resident, purchased a vehicle on 11/9/2020 and as of 5/18/2021 has yet to receive the title. Respondent claims the paperwork was lost in the mail and have requested a dupe title in order to send to Complainant. Respondent purchased the vehicle from a Texas auction and has had issues with obtaining a dupe title due to their delays. Research shows the Complainant was able to register the vehicle in KY on 6/22/2021.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: **Concur.**

107. 2021045951 (SH)
Date Complaint Opened: 06/04/2021
First Licensed: 05/26/2011
Expiration: 05/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): 2019 – One complaint closed with \$5,000 civil penalty for failure to retain trade-in vehicle until funding was received.

Complainant alleges suspicious business practices when they went to purchase a vehicle the price jumped in one day almost \$2,000. Respondent states it was due to the cost to prepare for sale. Complainant handed over the keys so Respondent could appraise their trade-in. Complainant's vehicle suddenly had the check engine light come on after the inspection.

Respondent states there was a market adjustment on the price but they honored the advertised price that was \$2000 less to the Complainant. Also, nothing was done to the vehicle at inspection for trade-in purposes. Complainant rebutted and requested the complaint to be withdrawn after they reached a deal and was satisfied.

Recommendation: Close.

Commission Decision: Concur.

108. 2021046341 (SH)
Date Complaint Opened: 06/07/2021
First Licensed: 05/13/2005
Expiration: 04/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

On 5/31/2021, Complainant purchased a vehicle and got financing but they could not leave with the vehicle because Respondent was still waiting on the title. After one week, Complainant still cannot pick up the vehicle.

Respondent explains that Complainant put down a non-refundable good faith deposit on the vehicle to hold until the floor plan company provided Respondent with title. A few days later, Complainant came into the office and picked up the title to register the vehicle and give to her lender.

Recommendation: Close.

Commission Decision: Concur.

- 109. 2021038311 (ES)**
Date Complaint Opened: 05/10/2021
First Licensed: 03/03/2004
Expiration: 02/28/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and has taken it back to them for repeated repairs due to water leaking. Respondent has continued to try to fix the issue and has put Complainant in rental vehicles. Complainant alleges the problem continues. Respondent states they will continue to work with Complainant to come to a mutually satisfactory resolution. Respondent has arranged for the vehicle to be serviced again by the manufacturer's authorized dealership mechanics and will cover Complainant's rental expenses. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

- 110. 2021044711 (ES)**
Date Complaint Opened: 05/31/2021
First Licensed: 07/24/2013
Expiration: 07/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant filed this complaint on behalf of their friend who purchased a used vehicle from Respondent over six months ago. The buyer alleges Respondent manipulated the odometer to decrease the mileage by about 100,000 miles. Respondent states they have no record of the vehicle at issue or the buyer or Complainant ever having been to their lot. Complainant provided

no evidence to support their allegations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

111. **2021045481 (ES)**
Date Complaint Opened: 06/03/2021
First Licensed: 04/11/1994
Expiration: 04/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2020 – One complaint closed with letter of warning for failure to provide title in a timely manner.

Complainant states they purchased a vehicle from an individual who used to work as a salesperson for Respondent dealership and alleges they have not received the title. An investigation revealed this was an individual sale from someone who no longer worked at the dealership at the time of the sale and Respondent has no knowledge of the sale. Complainant did not provide any information on the vehicle or give any further details, therefore Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

112. **2021044741 (ES)**
Date Complaint Opened: 05/31/2021
First Licensed: 05/11/2007
Expiration: 12/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with \$1,000 civil penalty for deceptive practices. 2017 – One complaint closed with \$2,000 civil penalty for issuing more

temporary tags than allowed. One complaint closed with \$2,000 civil penalty for deceptive practices. 2020 – One complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practices.

Complainant alleges a less than satisfactory experience when they traded in a vehicle for another at Respondent's dealership. Complainant claims they felt swindled into the deal and were lied to about the pricing of the vehicle they purchased. Complainant decided they wanted to get their trade in vehicle back and return the purchased vehicle. Respondent reached out to Complainant and was able to come to a resolution to their satisfaction with all issues being resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

113. 2021045001 (ES)
Date Complaint Opened: 06/02/2021
First Licensed: 05/05/2006
Expiration: 12/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and alleges there are mechanical issues that were not disclosed, costing them over \$1,000. Respondent states Complainant purchased the vehicle as a "project vehicle" and it was as-is without warranty. The documents Complainant sign state Respondent has not inspected the vehicle and the purchased assumes all responsibility for any needed repairs. Respondent will provide a \$500 check to Complainant to help offset their repair costs once they bring in the repair bill. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

114. **2021045071 (ES)**
Date Complaint Opened: 06/02/2021
First Licensed: 06/03/2019
Expiration: 02/28/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and alleges a recall was not disclosed. Complainant alleges the mechanical issues caused an accident and the vehicle is now a total loss. Respondent states they are very sympathetic to Complainant and would have never sold it if they knew of any open recalls. Respondent states the recall had nothing to do with Complainant's accident or experience. At the time of sale, Respondent relied upon a third-party deal management system ("CAPS") to inform them whether a vehicle was legally compliant and able to be sold. To the extent that an open recall existed, it did not indicate any recall on CAPS. Respondent acknowledges that it appears there is an open recall showing on some websites for the vehicle VIN. Respondent has not been able to confirm with the manufacturer whether or not the recall has actually been performed. In any event, the open recall states that in affected vehicles, where excessive force is applied, the brake-shift interlock may break allowing the vehicle to be shifted out of park without the breaks being depressed. This is inconsistent with Complainant's explanation of what led to the accident. Respondent notes that the vehicle was purchased on 3/19/21 and was driven for two months with no report of any issues. Complainant indicates they put considerable mileage on the vehicle, traveling out of state. Respondent has not implemented a system available by another provider to verify legal compliance of vehicles prior to sale. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

115. **2021046931 (ES)**
Date Complaint Opened: 06/09/2021
First Licensed: N/A (Applicant)
Expiration: N/A

License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued to Respondent on 6/4/21 for unlicensed activity. Respondent has applied for their dealer license but it has not been approved or issued yet. Respondent told the inspector they have not sold any vehicles but they are advertising online and their business appears open to the public. Counsel recommends issuing a \$500 civil penalty for unlicensed activity.

Recommendation: Authorize a \$500 civil penalty for unlicensed activity

Commission Decision: Concur.

116. 2021045351 (SH)
Date Complaint Opened: 06/02/2021
First Licensed: 01/06/2004
Expiration: 12/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle on 1/25/2021 and traded a vehicle. Complainant claims that as of 6/1/2021 the lender has not received the title. The Respondent has repossessed the vehicle and has allegedly not paid the sales taxes and failed to register in Complainant's name.

Respondent states that the trade vehicle was damaged and needed repairs. Respondent was promised by Complainant that the repairs would be made from insurance funds which the claim was in process. Respondent agreed to accept the trade based on this representation. Respondent continued to inquire about the insurance claim but Complainant began to ignore the inquiries. The title and registration paperwork is completed and ready to be transferred however the transaction of the trade vehicle repairs has not been completed. Complainant can either complete the repair process or pay the estimated damages. The sales tax was paid in the monthly filing.

Recommendation: Close.

Commission Decision: Concur.

117. 2021045661 (SH)
Date Complaint Opened: 06/07/2021
First Licensed: 06/09/2010
Expiration: 05/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

The Complainant is a dealer in Texas that purchased a vehicle from Respondent. They wired the money on 5/7/2021 with the promise that the vehicle was in perfect condition based on the advertisement. When they received the vehicle, the left headlight flutters and the horn does not work. As of 6/3/2021 the Complainant has not received the title. Respondent claims they are needing authorization for the Complainant's attorney to complete the paperwork.

Respondent claims the title and paperwork was sent to Complainant on 6/8/2021.

According to Complainant, the title and paperwork was delivered to the wrong address and they had to go pick it up from an individual. The Respondent has been unprofessional and rude in this transaction. They will not discount for the two items that were not working properly even after stating in the advertisement that the vehicle was in perfect condition.

Obviously the Complainant had issues with Respondent but no advertisement has been supplied and they apparently went on the Respondent's word that the vehicle was "perfect".

Recommendation: Close.

Commission Decision: Concur.

118. 2021047151 (SH)
Date Complaint Opened: 06/11/2021
First Licensed: 12/11/2013
Expiration: 11/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle on 6/7/2021 after being assured it was a great vehicle and priced great on the advertisement for that type of make/model/year. Complainant wired the money and claims to never have signed "as is" form or Buyer's Order. When the vehicle arrived, there were numerous issues and missing trim pieces. Complainant requested a refund and would return the vehicle at his expense. Respondent refused.

Respondent claims they did not misrepresent the vehicle and provided texts and other correspondence wherein they discussed numerous issues. The Complainant bought the vehicle at wholesale prices and works for a manufacturer dealer that is the same as the vehicle he purchased. Respondent claims he should know about certain defects to trim and other items that can occur with used vehicles.

There does not appear to be any misrepresentation or deceiving in this matter.

Recommendation: Close.

Commission Decision: Concur.

119. 2021047221 (SH)
Date Complaint Opened: 06/09/2021
First Licensed: 12/11/2019
Expiration: 11/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued against Respondent for advertising violations on 6/7/2021. The advertisements did not include whether the vehicle was used or preowned, failed to mention that the price does not include TT&L, failed to provide stock numbers, and the documentation fee was not included in the price.

Respondent does not dispute the violations but claims that they just started in the industry in January 2020 and was hit hard by COVID. They do not have a large inventory. Their violations were just due to a lack of knowledge and request the civil penalty to be waived or reduced. With a struggling business, the civil penalty will hit hard.

Research shows that Respondent does not have a website and only advertises on Facebook. The advertisements are currently compliant and they do not have a large inventory.

Recommendation: Authorize a civil penalty of \$500.00 for advertisement violations and send Letter of Instruction concerning advertisements.

Commission Decision: Concur.

**120. 2021049131 (SH)
Date Complaint Opened: 06/15/2021
First Licensed: 09/27/2013
Expiration: 01/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with \$5,000 civil penalty for engaging in false, fraudulent, or deceptive practices.**

On 6/7/2021 Complainant, a dealer in Minnesota, purchased a vehicle from Respondent after paying for a mechanical inspection at a local manufacturer dealer. It was found to have an oil leak and worn out tires. Complainant agreed to purchase the vehicle with the only disclosure of body damage being the right front lower spoiler. Upon arrival, Complainant found the car to have hail damage on the hood and a crease in the right rear quarter. Complainant is seeking reimbursement of \$1,000 for dent removal repairs and believes the Respondent to be unethical.

Respondent disagrees with Complainant and states they would not have skipped a \$150 dent repair job for 5 small dents that Complainant claims to be hail damage. Complainant purchased the vehicle after an inspection from a manufacturer dealer and "as is".

Recommendation: Close.

Commission Decision: Concur.

121. 2021042571 (SH)
Date Complaint Opened: 05/24/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dismantler/Recycler
History (5 yrs.): N/A

Complainant was a lien holder on a vehicle that was picked up by a towing company on request from the THP. Complainant believes the tow company did not notify the registered owner and lien holder by certified mail within the time required by law.

The Commission does not regulate tow companies.

Recommendation: Close.

Commission Decision: Concur.

122. 2021040121 (SH)
Date Complaint Opened: 05/14/2021
First Licensed: 07/22/2019

Expiration: 04/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued against Respondent on 5/10/2021 for not displaying a Buyer's Guide on 9 vehicles on the lot for sale.

Recommendation: Authorize a civil penalty of \$2,250.00 for failure to display a Buyer's Guide on 9 vehicles on the lot for sale.

Commission Decision: Concur.

123. **2021049361 (SH)**
Date Complaint Opened: 06/16/2021
First Licensed: 06/22/2012
Expiration: 07/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with \$500 civil penalty for failure to use conditional delivery agreement form. 2018 – One complaint closed with \$1,500 civil penalty for employing 3 salespersons with expired licensed. One complaint closed with letter of instruction to notate in deal file if a contract is rescinded. 2019 – One complaint closed with \$5,000 civil penalty for engaging in false, fraudulent, or deceptive practice(s).

Respondent is advertising the price of a vehicle for an "internet" price and disclosing that the price would change if a buyer paid in cash. When a price is advertised to the public, the dealer must be willing to sell the vehicle at that price.; no add-ons or gimmicks are allowed.

Recommendation: Authorize a civil penalty of \$250.00 for advertising violation.

Commission Decision: Concur.

124. **2021050191 (SH)**
Date Complaint Opened: 06/21/2021
First Licensed: 08/06/2019
Expiration: 07/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): 2020 – One complaint closed with \$250 civil penalty for not including document fee in advertisement.

Complainant purchased a vehicle on 3/16/2021 which included a 3-month warranty. After 1 ½ weeks the vehicle began to sputter and cut off. Respondent claimed it needed a new sensor. After 3 days of replacing the sensor, it began to do the same thing. Respondent claimed it needed a high-pressure fuel pump and ordered one. While on order, the vehicle cut off at school and it was towed to Respondent. Complainant was later told that it needed a new motor at a cost of \$5100.

Respondent states that Complainant did not have the vehicle inspected, as advised, and signed paperwork for a third party 3-month or 3000-mile warranty that covers up to \$1000 for engine repair. Complainant will need to make a claim with the third-party warranty company.

Recommendation: Close.

Commission Decision: Concur.

125. **2021050221 (SH)**
Date Complaint Opened: 06/18/2021
First Licensed: 09/01/1991
Expiration: 01/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant, a South Carolina resident, purchased a vehicle on 4/24/2021 and as of 6/18/2021 they have not received the registration or title; driving on an expired tag.

Respondent states the paperwork was sent however there are delinquent personal property

taxes on several vehicles that are owed by the Complainant.

Recommendation: Close.

Commission Decision: Concur.

126. 2021048121 (ES)
Date Complaint Opened: 06/11/2021
First Licensed: 04/06/2010
Expiration: 07/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant is in a dispute with Respondent about a repair bill and this is the second complaint they have filed about this matter against Respondent. The first complaint was presented and closed without action by the Commission in April 2020. Complainant is now alleging Respondent will not allow them to come get their belongings that were left in the vehicle. Respondent has contacted Complainant and told them they can pick them up at any time but Complainant has not done it. Respondent has also sent an email to Complainant stating the same because Complainant will not take Respondent's calls. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

127. 2021050381 (ES)
Date Complaint Opened: 06/19/2021
First Licensed: 01/31/2006
Expiration: 11/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant states they were trading offers back and forth with Respondent regarding the purchase of a vehicle and received an offer sheet with adjusted price for a trade-in on 6/18/20. Respondent then notified Complainant on 6/19/20 that they took a deposit on the vehicle. Complainant feels they had an implied contract and should have had the opportunity to accept the offer. Respondent states they gave Complainant several opportunities to purchase the vehicle but they continued to try to negotiate a lower price. Respondent apologizes Complainant is upset but they cannot hold a vehicle that someone “might” be interested in if another is ready to buy it and at the dealership. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

128. 2021038921 (ES)
Date Complaint Opened: 05/14/2021
First Licensed: 05/26/2011
Expiration: 05/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant brought their vehicle to Respondent’s service department to review the service engine lights that had been displaying on the dashboard. Complainant alleges Respondent has failed to correct the problem and the vehicle has shut down completely while they were driving more than once despite two visits and \$1500 in repairs. Respondent states the vehicle was having issues because the owner jumpstarted their lawnmower with the vehicle’s battery which caused the modules to be knocked offline. Respondent has performed various services that were necessary, some at no charge. Respondent states the owner never told them the vehicle shut down completely while in motion. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

129. 2021042891 (ES)
Date Complaint Opened: 05/25/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

This is an administrative complaint opened due to allegations of unlicensed activity. An inspection and investigation was conducted. Respondent cooperated with the enforcement agent and met them at the business. No vehicles were being offered for sale and the sign at the business stated "closed." Respondent told the agent that they have not had the business open and have not sold any vehicles because they are in the process of completing all requirements with the Commission to get scheduled for an inspection to get a dealer license. Paperwork on scene was mostly current and up-to-date. The agent found no proof of illegal or unlicensed activity. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

130. 2021046001 (ES)
Date Complaint Opened: 06/05/2021
First Licensed: 03/03/2004
Expiration: 02/28/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and it immediately had mechanical issues. Respondent attempted to repair the issue but it happened again, so Respondent had it towed back to their shop. Respondent paid for the rental vehicle while they continue repairs. The repairs have since been completed and the vehicle has been returned to Complainant. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

131. 2021051791 (ES)
Date Complaint Opened: 06/24/2021
First Licensed: 03/22/2006
Expiration: 09/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant states that their spouse submitted a request for a purchase price on a new truck through an employee partner program of another company with the vehicle manufacturer. The spouse selected Respondent from the participating dealer list and received a price offer via email from the General Manager and the Sales Manager, confirming the vehicle availability as well. When Complainant contacted Respondent's buyer discount representative to schedule the visit, they were informed that Respondent had suspended participation in all partner discount programs and they would not honor the written purchase offer. Respondent apologizes for any confusion and disappointment experienced by the customer. Respondent states the pricing offer was through TrueCar which is based on metrics within their system; it works by offering customer discounts directly out of their third-party software. The emails received by the spouse were generated out of the TrueCar system and Respondent's pricing in that system was set long before the pandemic gridlock on vehicle availability. Respondent states that their inventory has dwindled dramatically due to chip shortage, which has affected the pricing of in-stock vehicles and is happening across the country. Respondent was unable to match the price generated out of the TrueCar system and tried to explain this to the Complainant. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

132. **2021052271 (ES)**
Date Complaint Opened: 06/25/2021
First Licensed: 05/30/2017
Expiration: 05/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle from Respondent and has not been able to get the title for registration. Respondent's dealership closed and their license has been expired since May 2021. Respondent states Complainant misplaced the title they originally provided but they were able to get a duplicate title and this issue is resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

133. **2021052551 (ES)**
Date Complaint Opened: 06/29/2021
First Licensed: 08/14/1995
Expiration: 07/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a 2008 vehicle from Respondent in June 2020 and recently went to trade it in at another dealership. A Carfax report shows an odometer rollback alert and Complainant looked back at the paperwork from the original purchase. The vehicle inspection report dated one day prior to the purchase showed 218,000 miles and Complainant states the vehicle now shows 188,900 miles. Respondent has since spoken with Complainant and tried to explain that they do not and would not "roll back" an odometer. Furthermore, they are incapable of adjusting a digital odometer like the one the vehicle at issue has. Respondent sold the vehicle with mileage "exempt" because it is 10 years or older and never represented it had lower mileage. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

134. 2021039971 (SH)
Date Complaint Opened: 05/14/2021
First Licensed: 01/12/2016
Expiration: 05/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle on 4/9/2021 and have yet received their title and handicap registration papers. Respondent claims they purchased the vehicle from auction and it took a couple of weeks to receive. The title and has been sent to the clerk and processed. Title was sent to Complainant on 6/6/2021 and tracking number provided.

Recommendation: Close.

Commission Decision: Concur.

135. 2021040241 (SH)
Date Complaint Opened: 05/14/2021
First Licensed: 03/31/2017
Expiration: 03/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges Respondent was advertising a vehicle for \$14,999@\$249/month and offering a stimulus advance voucher of \$4,000. Complainant went to sign paperwork and the monthly payment was \$655/month. Complainant alleges predatory lending and returned the vehicle to the lot even though the Respondent will apparently not accept the keys.

Respondent denies any wrongdoing and states that Complainant dropped off the vehicle. Respondent has tried numerous times to reach Complainant in order to repurchase the vehicle however Complainant will not return any calls.

Recommendation: Close.

Commission Decision: Concur.

136. 2021048981 (SH)
Date Complaint Opened: 06/15/2021
First Licensed: 05/26/2021
Expiration: 05/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with letter of warning for advertising violation. 2019 – One complaint closed with \$500 civil penalty for advertising violation.

Complainant purchased a vehicle in October 2020 and was assured the vehicle had been thoroughly inspected and in great condition. Only a few months later, the transmission failed, severely leaking oil, and water pump damage. The vehicle has now depreciated over half of its value since purchase.

Respondent states that prior to purchase a pre-owned inspection was made which indicated the vehicle to be in good working order and did not have any of the complained about issues. Complainant purchased a lifetime limited powertrain warranty and Respondent is happy to assist Complainant with finding an authorized repair facility.

Recommendation: Close.

Commission Decision: Concur.

137. **2021050241 (SH)**
Date Complaint Opened: 06/18/2021
First Licensed: 05/17/2016
Expiration: 10/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017 – Five complaints closed with letter of warning for false, fraudulent, or deceptive practices. One complaint closed with \$2,000 civil penalty for advertising violations. 2018 – One complaint closed with \$5,000 civil penalty for advertising violations.

Complainant purchased a vehicle on 3/14/2021 and after a month did not receive title. Respondent explained that the clerk was delayed due to COVID. Complainant called clerk a few weeks later and was told that the title and registration was still not received. On 6/14/2021, Complainant was told that there is an issue with title at the Florida auction where Respondent purchased.

Respondent states the seller at auction did not provide the auction company with title. A dupe title was issued to the seller on 6/17/2021 and would be overnighted when processed at auction. Respondent issued a third temporary tag to Complainant on 6/22/2021.

Recommendation: Authorize a civil penalty of \$500.00 for issuing one additional temporary tag than allowed by law without authorization.

Commission Decision: Concur.

138. **2021051101 (SH)**
Date Complaint Opened: 06/22/2021
First Licensed: 09/21/1999
Expiration: 09/30/2013
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant paid off vehicle but never received the title from Respondent. Respondent has since gone out of business and dissolved in 2018. Complainant has been sent the surety bond information.

Recommendation: Close.

Commission Decision: Concur.

139. **2021051191 (SH)**
Date Complaint Opened: 06/22/2021
First Licensed: 10/24/2019
Expiration: 10/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): 2021 – One complaint closed with \$4,500 civil penalty for issuing more temporary tags than allowed.

Complainant purchased a vehicle on 5/29/2021 and realized later that the horn did not work. Complainant alleges Respondent said it was not a safety issue and refused to take back the vehicle. Complainant bought a new horn and it did not work either determining that it was an electrical issue. Respondent denies the allegation and states that after the horn was repaired at no cost, the Complainant decided they did not want the vehicle. Respondent terminated the contract and reimbursed the out-of-pocket expense for the horn part.

Recommendation: Close.

Commission Decision: Concur.

140. **2021052241 (SH)**
Date Complaint Opened: 06/25/2021
First Licensed: 06/17/2002
Expiration: 06/30/2022

License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant, a Kentucky resident, purchased a vehicle on 5/7/2021 and has not received the title as of 6/17/2021 and has been driving with an expired temporary tag. Respondent sent a second temp tag and stated that the County Clerk was behind on registration transfers.

Respondent admits that the out-of-state registration was missed and offered to pay any late fees that will be incurred. Respondent sent the paperwork to the local County Clerk on 6/22/2021. Respondent also reimbursed TT&L fees that were mistakenly paid by Complainant due to missing the out-of-state residency.

Complainant has since received her registration and title on or about 6/30/2021..

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: Concur.

141. 2021040601 (SH)
Date Complaint Opened: 05/17/2021
First Licensed: 09/10/1999
Expiration: 09/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant traded a vehicle on 2/27/2021 and financed a newer vehicle with the same lienholder as with the traded vehicle. Complainant had not received the registration and title as of 5/17/2021 and a third temporary tag is about to expire. Respondent just keeps blaming the delay on the County Clerk and COVID issues. Complainant has been registered on or about 6/7/2021.

Recommendation: Authorize a civil penalty of \$500.00 for issuing an additional temporary tag

that allowed by law without authorization.

Commission Decision: Concur.

142. 2021051901 (SH)
Date Complaint Opened: 06/24/2021
First Licensed: 01/26/2021
Expiration: 01/31/2023
License Type: Motor Vehicle Salesman
History (5 yrs.): None.

Respondent worked as a salesperson for Complainant, dealer, until he did not show up for work on 5/20/2021. Complainant believes the Respondent lied on their application by not revealing theft charges. Also, Complainant believes Respondent is forging documents in order to obtain a loan. Respondent did provide the information when he applied and there is no evidence of forgery however that would be for local law enforcement to handle.

Recommendation: Close.

Commission Decision: Concur.

143. 2021042701 (SH)
Date Complaint Opened: 05/24/2021
First Licensed: 12/16/2003
Expiration: 05/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with letter of warning for failure to deliver title in a timely manner. One complaint closed with \$500 civil penalty for issuing more temporary tags than allowed. 2019 – One complaint closed with \$3,000 civil penalty for issuing more temporary tags than allowed.

A Notice of Violation was issued against Respondent on 5/21/2021 for operating on expired county and city tax licenses.

Recommendation: Authorize a civil penalty of \$500.00 for operating on expired county and city tax licenses.

Commission Decision: **Concur.**

144. 2021043741 (SH)
Date Complaint Opened: 05/26/2021
First Licensed: 10/05/2018
Expiration: 10/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued against Respondent on 5/25/2021 for advertising violations. The documentation fee was not included in the price and did not disclose that vehicle is used or pre-owned.

Recommendation: Authorize a civil penalty of \$250.00 for advertising violations.

Commission Decision: **Concur.**

145. 2021052921 (SH)
Date Complaint Opened: 06/30/2021
First Licensed: 05/09/2003
Expiration: 04/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): 2019 – One complaint closed with letter of warning for failure to provide title in a timely manner.

Complainant requested information on a 2019 vehicle that was on the website but had no pictures. On 6/28/2021, Complainant wired \$5000 for a deposit. Five minutes later Respondent called and notified Complainant that they did not have the 2019 vehicle but would honor the

agreement on a 2018 model. Complainant alleges bait and switch.

Respondent denies the allegation explaining that the new salesperson made a mistake and sent pictures and video of the 2018 model thinking it was the 2019. The 2019 was due to arrive soon but Complainant refused to deal with Respondent after the mistake. No card was charged for the deposit.

Recommendation: Close.

Commission Decision: Concur.

146. 2021053441 (SH)
Date Complaint Opened: 07/02/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges unlicensed activity of selling vehicles by Respondent. Records from County clerk show the Respondent has transferred two vehicles in the last 12 months. Two vehicles were observed in Respondent's driveway. Respondent stated he was not operating a dealership and is in very poor health.

Recommendation: Close.

Commission Decision: Concur.

147. 2021053461 (SH)
Date Complaint Opened: 07/02/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges unlicensed activity of selling vehicles by Respondent. Records from County clerk show the Respondent has transferred two vehicles in the last 12 months. No vehicles were observed in Respondent's yard or driveway.

Recommendation: Close.

Commission Decision: Concur.

148. 2021043121 (ES)
Date Complaint Opened: 05/25/2021
First Licensed: 12/20/2018
Expiration: 08/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant bought a three-wheel scooter and paid to have it assembled by Respondent and alleges it has fallen apart and needs major repairs. Respondent states all of the parts with problems are non-warranty parts per the manufacturer and per the purchase contract. Complainant has spoken with the manufacturer and they have confirmed this with Complainant as well. Respondent does not make warranty decisions and if Complainant wants to purchase the necessary parts, they will help them. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

- 149. 2021044951 (ES)**
Date Complaint Opened: 07/01/2021
First Licensed: 11/13/2017
Expiration: 10/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with \$500 civil penalty for failure to deliver title in a timely manner.

Complainant purchased a used vehicle advertised to be in excellent condition. Complainant states there are issues with the vehicle and wants a refund. Respondent has since refunded the money to Complainant and they wish to withdraw this complaint. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

- 150. 2021045651 (ES)**
Date Complaint Opened: 06/03/2021
First Licensed: 09/01/1991
Expiration: 04/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant took their vehicle to Respondent's service department for routine transmission service and alleges it immediately began having problems. Respondent states they originally recommended a transmission service as part of a routine maintenance at 69,774 miles on 6/29/19 which Complainant declined. Complainant came back for the transmission service at 94,424 miles on 11/21/20 despite the manufacturer's recommendation of this service every 45,000 miles. There is no record of any issues with this transmission service. Complainant came back on 4/3/21 for an oil change and did not mention any transmission issues. Complainant returned on 5/12/21 at 100,200 miles with a transmission problem, 6 months after the transmission service and 5,800 miles after. The vehicle was jumping into gear and Respondent ended up finding clutch material in the transmission fluid. Complainant would not allow any additional diagnosis so the recommendation was to replace the transmission. Complainant never alleged Respondent was the source of the problem at any time. Counsel recommends

closure.

Recommendation: Close.

Commission Decision: Concur.

151. **2021053151 (ES)**
Date Complaint Opened: 07/01/2021
First Licensed: 10/30/2014
Expiration: 09/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2020 – One complaint closed with \$500 civil penalty for failure to reasonably supervise agents, salespersons, or employees.

Complainant alleges Respondent has been “stealing and cheating them and all of their friends for years ...” and provides no further detail regarding the allegations. Respondent states Complainant purchased a used vehicle for \$4,995 and had the option of full inspection before purchase. The vehicle had issues 6 months after purchase but was purchased as is without warranty. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

NEW PROTESTS

152. **2021051351 (SH)**
Date Complaint Opened: 06/21/2021

First Licensed: 10/23/2009
Expiration: 06/30/2023 check before meeting
License Type: Motor Vehicle Manufacturer/Distributor
History (5 yrs.): None.

Complainant, a franchise dealer, alleges that the manufacturer is attempting to create a new dealer franchise in the relevant market area of Complainant. Respondent has only provided verbal notice and no written notice.

Recommendation: Authorize a Protest to be filed with the APD in order to set a hearing to be held in front of the Commission and ALJ.

Commission Decision: Concur.

REPRESENTATIONS

153. 2021014021 (SH)
Date Complaint Opened: 02/22/2021
First Licensed: 09/09/2008
Expiration: 08/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle in full on 10/31/2020 but never received the title. Complainant alleges they have received four temporary tags.

Respondent states that they bought the vehicle from auction and that the title was delayed due to the county clerk being backed up. Respondent explained that due to the county clerk being backed up it may be a while and Complainant was agreeable. Respondent provided correspondence with the auction company showing the delay as of 3/5/2021 is due to the title coming from Pennsylvania.

Recommendation: Authorize a civil penalty of \$1,000 for issuing two additional temporary tags than allowed by law.

Commission Decision: Concur.

New Information: Respondent verified the title was finally received on 4/23/2021 and picked up by the Complainant. Respondent also provided the temporary tag log book and shows only two temporary tags issued to Complainant. Complainant was asked to provide proof of four temporary tags and could not do so.

New Recommendation: Close.

New Commission Decision: **Concur.**

154. **2020095621 (SH)**
Date Complaint Opened: 12/15/2020
First Licensed: 03/14/2018
Expiration: 01/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued against Respondent on 12/9/2020 for issuing temporary tags on salvaged vehicles. During an annual inspection a vehicle was sold on 3/4/2020 however the rebuilt title was not issued until 4/3/2020. A second vehicle was sold on 12/21/2019 and the rebuilt title was issued on 1/21/2020.

Recommendation: Authorize a civil penalty of \$5,000 for issuing temporary tags on two salvaged vehicles before obtaining a rebuilt title.

Commission Decision: Concur.

New Information: Respondent stated they never issue temporary tags on vehicles with salvaged titles. Research into the VINs history provided proof that the vehicles sold had a rebuilt title at time of purchase.

New Recommendation: Close.

New Commission Decision: **Concur.**

155. 2021004521 (ES)
Date Complaint Opened: 01/20/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued to Respondent during inspection on 1/14/21 for possible unlicensed sales at a new business location. A follow up investigation was conducted which revealed Respondent is not selling any vehicles from this location and only repairs vehicles at this time. Counsel confirmed Respondent has submitted an application for a dealer license at this location and understands they cannot sell vehicles until they obtain the dealer license. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

New Information: Counsel added this to the report to update the Commission that Respondent has signed an Agreed Citation and paid the civil penalty of \$500 for unlicensed activity.

New Recommendation: No action needed – update only

New Commission Decision: **Concur.**

156. 2020080661 (ES)
Date Complaint Opened: 10/13/2020
First Licensed: 08/06/2018
Expiration: 07/31/2022 - CLOSED
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A NOV was issued to Respondent during an inspection on 10/12/20 for employing two salesmen with expired licenses. Counsel recommends a \$1,000 civil penalty for these violations.

Recommendation: Authorize a \$1,000 civil penalty for expired salesman licenses

Commission Decision: CONCUR.

New Information: Respondent closed their dealership in 2020 and notified the licensing division requesting cancellation of their license. Counsel recommends closing and flagging this complaint.

New Recommendation: Close and flag.

New Commission Decision: **Concur.**

157. 2020097961 (ES)
Date Complaint Opened: 12/29/2020

First Licensed: 01/27/2020

Expiration: 01/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – One complaint closed with \$750 civil penalty for false, fraudulent, or deceptive practices.

Complainant is a franchise dealer who is alleging false, deceptive and misleading advertising by Respondent, another franchise dealer of the same manufacturer. Complainant is specifically concerned with Respondent's radio and online advertising and claims their advertised prices do not accurately reflect the actual price of the vehicle. Complainant states they regularly have to attempt to overcome price manipulation with confused shoppers. Complainant states that if they are competing for the business of a consumer who wants to buy a similar make vehicle, they will always lose the battle unless a customer actually goes to the dealership to get the "real price." Complainant further states Respondent's aggressive sales tactics will overcome any uninformed buyer and Complainant or any other franchise dealer will never get the chance to sell the uninformed buyer a vehicle. An investigation and audit of Respondent's advertisements was conducted. The investigation revealed the following advertising violations:

1. Respondent's advertised prices do not include all costs and charges and any additional fees payable by the customer.
2. The starting price for every new vehicle listed on Respondent's webpage is MSRP, which includes all factory installed options. The disclaimer at the bottom of the page states the price after the "dealer discount" does not include dealer or factory installed options. Complainant feels this is blatantly deceptive.
3. Respondent's advertised prices on their website only shows a "dealer discount" with no mention that the discount includes a factory rebate in violation of Rule 0960-01-.12(4)(a). The disclaimer at the bottom of their website page does mention the price includes a factory rebate, but Complainant argues this is not "clear and conspicuous."
4. Respondent is advertising special offers that state they will offer either "up to \$7,000 over KBB for EVERY TRADE" – some offers state "up to \$7,000" but some leave out the "up to" wording making the offer look like a definite guarantee of \$7,000 over KBB. An investigation revealed this guarantee is not true and two deal files were obtained as proof.
5. Respondent is advertising special offers in ways that appear to a consumer that all offers may be combined.
6. The advertising's fine print disclosing important information about deals and offers is very hard to see when you click on the details options because it will pixelate and/or banners will cover the details.
7. Respondent frequently offers free items, i.e., computers, vacations, Yeti tumblers or coolers, etc. with the purchase of a vehicle.

8. Some advertisements, like a Labor Day Sales Event promising to sell a choice of vehicles for \$18,488 picturing what looks to be new vehicles, fail to state that vehicles being offered are for used vehicles.
9. A Facebook comment from a customer states that they received \$7,000 over KBB but the deal file showed they only received \$4,521.50 over KBB when considering the \$1,700 conditioning cost charged to the customer. The reconditioning cost does not seem to have any reason or purpose behind it other to enhance the value given for a trade-in vehicle. An investigation revealed three deal files which revealed this practice.
10. Respondent's window stickers do not match the online advertisement prices for certain vehicles. An investigation revealed three examples of this deceptive practice.
11. Respondent's advertisements seem to promise "credit forgiveness" or credit amnesty.

Respondent has acknowledged they need to improve their advertising practices and states they are making changes. Complainant provided proof that these deceptive advertising practices are continuing even after Respondent acknowledged the problems and stated they would make changes. Counsel recommends issuing a \$10,000 civil penalty and discussing this matter, considering possibly restricting advertising for this Respondent.

Recommendation: Discuss and issue a \$10,000 civil penalty for repetitive and severe misleading, deceptive and false advertising.

Commission Decision: Authorize a \$10,000 civil penalty and require respondent to cease and desist misleading, deceptive, and false advertising. Respondent is required to attend the next Motor Vehicle Commission Board meeting to explain the corrective action they have taken. Failure to appear triggers automatic license suspension for 10 days.

New Information: Counsel recommends amending the original discipline to the following: Authorize a \$10,000 civil penalty and require Respondent to cease and desist misleading, deceptive, and false advertising. Respondent is required to report to the Director regarding the corrective actions they have taken, which will then be reported to the Commission.

New Recommendation: Authorize a \$10,000 civil penalty and require Respondent to cease and desist misleading, deceptive, and false advertising. Respondent is required to report to the Director regarding the corrective actions they have taken, which will then be reported to the Commission.

New Commission Decision: Reinstatement original decision - Authorize a \$10,000 civil penalty and require respondent to cease and desist misleading, deceptive, and false advertising. Respondent is required to attend the next Motor Vehicle Commission Board meeting to explain the corrective action they have taken. Failure to appear triggers automatic license suspension for 10 days.

Commissioner Jackson made a motion to approve the Legal Report, seconded by Commissioner Vaughan. Chairman Roberts called for a roll call vote.

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Victor Evans	YES
Ian Leavy	YES
John Murrey	YES
Nate Jackson	YES
Charles West	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED.

LEGISLATIVE UPDATE – Chief Counsel, Anthony Glandorf

NONE

RULES COMMITTEE

Commissioner Farrar Vaughan introduced proposed rules for housekeeping purposes, as proposed by Commission staff. Commissioner Vaughan then requested Chief Counsel, Anthony Glandorf, clarify the proposed rules for the Commission. Chief Glandorf conveyed the proposed advertising rules, which began the Commission discussion. See below for link and full account of the discussion of the proposed rules.

[MVC Quartly Meeting - 7/28/2021 - YouTube](#) **FULL DISCUSSION OF RULES BEGINS @ MINUTE 55:25**

Rules Committee Chair, Farrar Vaughan called for a vote to adopt the rule changes as proposed. Commissioner Lee made a motion to adopt, seconded by Commissioner Melton.

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Victor Evans	YES
Ian Leavy	YES
John Murrey	YES
Nate Jackson	YES
Charles West	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED.

AUDIT COMMITTEE

Nothing to Report

NEW BUSINESS

Chairman Roberts conveyed the 2022 dates for Commission meetings and called for a motion to adopt the 2022 dates. Commissioner Vaughan made a motion to adopt the dates for 2022, seconded by Commissioner Jackson.

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Victor Evans	YES
Ian Leavy	YES
John Murrey	YES
Nate Jackson	YES
Charles West	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED.

Executive Director Lawrence requested to address the Commission regarding outreach programs, and the opportunity to print statute-specific booklets to use for outreach. Executive Director Lawrence indicated that copies of the laws and rules could be distributed through county clerk offices for new licensees.

Chief Counsel, Anthony Glandorf, conveyed to the Commission they would need to approve a date for a Rule Making Hearing in order for public comment. Commissioner West made a motion to hold the Rulemaking Hearing at the October 26, 2021 meeting, seconded by Commissioner Vaughan.

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Victor Evans	YES
Ian Leavy	YES
John Murrey	YES
Nate Jackson	YES
Charles West	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED.

OLD BUSINESS

NONE

ADJOURN

Chairman Roberts called for a motion to adjourn.

Commissioner Vaughan made a motion to adjourn the meeting, seconded by Commissioner Melton.

ROLL CALL VOTE

Ian Leavy	YES
Nate Jackson	YES
Debbie Melton	YES
Christopher Lee	YES
Charles West	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Karl Kramer	YES
Victor Evans	YES
John Roberts	YES

MOTION CARRIED.

MEETING ADJOURNED

John Roberts, Chairman_____