

**TENNESSEE MOTOR VEHICLE COMMISSION
 BOARD MEETING
 OCTOBER 11, 2010 10:30 A.M.
 CONFERENCE ROOM 160
 DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.
 NASHVILLE, TENNESSEE 37243**

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
BRENT SMITH		X
EDDIE ROBERTS	X	
REED TRICKET	X	
GEORGE BASS	X	
WILLIAM TARR		X
JOE CLAYTON	X	
KEVIN CULLUM		X
DONNIE HATCHER	X	
NATE JACKSON	X	
CHAD JONES		X
TRAVIS MCDONOUGH		X
STAN MCNABB	X	
FARRAR SCHAEFFER	X	
BRENDA SPEER	X	
RONNIE FOX	X	

The Tennessee Motor Vehicle Commission Meeting was called to order by Co-Chairman Eddie Roberts on October 11, 2010. Roll Call was taken with a total of (10) member's present.

A Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner George Bass, to approve the minutes from the July meeting.

MOTION PASSED UNANIMOUSLY

REVIEW COMMITTEE

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

13. Case No.: 2010003051, 2010003052, 2010003053

Complainant provided the Commission with the name of three motor vehicle dealers who use the word “Wholesale” as part of their incorporated names filed with the Sec. of State’s office. Complainant alleges that these dealers sell retail to customers and the use of the word “wholesale” in their name is deceptive. Complainant provided information that this practice is prohibited in the state of Georgia.

This office confirmed that Georgia does have a consumer statute banning the usage of advertising “wholesale” when in fact a retail transaction occurs. However, Tennessee does not have a similar statute and this office could not find any case law opining the practice as deceptive.

Recommendation: Close – No Violation Found.

Commission Action: Close – The name “wholesaler” as a legal or trade name is not a violation of the motor vehicle dealer licensing statutes.

77. Case No.: 2009012761

This case was originally presented in October 2009. Complainant alleged that Respondent/dealer sold him a vehicle with frame damage, which dealer purchased at auction. Complainant provided a copy of an Auto Check report showing that an auction announced as having “frame damage”. A car fax report was obtained showing a previous wreck in Georgia with “slight” damage, but no indication of any frame damage. Respondent stated the vehicle was auctioned as “possible frame damage” but that the vehicle had previously been in a minor wreck which only required a bumper panel replacement and paint. Complainant has not provided any proof from a certified mechanic stating the vehicle had frame damage. The vehicle has a “unibody.” There is not sufficient evidence that the vehicle does in fact have frame damage. However, Complainant was not informed of possible frame damage.

Recommendation: Authorization for the imposition of a Civil Penalty in the amount of One Thousand Dollars (\$1,000.00) for failing to disclose possible frame damage to customer.

Commission Action: Close with a Letter of Warning.

APPEALS

The following appeals were heard by Commission.

James Grooms-KCJ Auto Sales #2, Morristown, TN
Staff denied application

Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner Farrar Schaeffer to grant the license.

VOICE VOTE

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Joe Clayton	Yes
Nate Jackson	Yes
Brenda Speer	Yes
Reed Trickett	Yes
Stan McNabb	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes

Vote was unanimous

Edith Marie Jensen-Cupp’s Auto Sales, Knoxville, TN
Staff denied application

No Show

Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Farrar Schaeffer to uphold the denial.

Nile Bradley LaRue-Ole Ben Franklin Motors, Knoxville, TN7
Staff denied application

No Show

Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Reed Trickett to uphold the denial.

Ryan Lee Rayfield-Gray Epperson Mazda, Cleveland, TN
Staff denied application

Motion was made by Commissioner Stan McNabb, and seconded by Commissioner Reed Trickett to grant the license.

VOICE VOTE

Eddie Roberts	No
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George Bass	Abstain
Ronnie Fox	Yes
Joe Clayton	Yes
Nate Jackson	Yes
Brenda Speer	Yes
Reed Trickett	Yes
Stan McNabb	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	No

Motion carries to grant license.

DIRECTORS REPORT

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

Dealers Opened, or Relocated	100
Active Licensees as of October 1, 2010	
Dealers.....	4058
Applications in Process.....	65
Distributions/Manufacturers	210
Auctions.....	30
Representatives.....	555
Salespeople.....	12477
Dismantlers.....	344
RV Dealers.....	21
RV Manufacturers.....	51
Motor Vehicle Show Permits Issued Since July15, 2010, ...	4
Revenue Received	\$ 400.00

Motion was made by Commissioner Stan McNabb, and seconded by Commissioner Donnie Hatcher to approve the Directors report.

Old Business

The new Rules that were made will take effect on October 21, 2010.

New Business

Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Farrar Schaeffer to grant the Rules Committee to approve new rules.

Legal Report

Motion was made by Commissioner Farrar Schaeffer, and seconded by Commissioner Nate Jackson to approve these recommendations.

Motion passed unanimous.

Meeting Adjourned.

Eddie Roberts, Co- Chairman

Leon Stribling, Executive Director