

Summary

Suspension

Hearing

Minutes

June 29, 2015



**TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS
MOTOR VEHICLE COMMISSION
500 JAMES ROBERTSON PARKWAY, 2ND FLOOR
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**TENNESSEE
MOTOR VEHICLE COMMISSION
MINUTES**

DATE: June 29, 2015

PLACE: Davy Crockett Tower – Conference Room 1-A
Telephonic Meeting – Summary Suspension
500 James Robertson Parkway
Nashville, Tennessee

PRESENT: Commission Members:
Eddie Roberts
Stan McNabb
Jim Galvin
Joe Clayton
Ronnie Fox
Donnie Hatcher
Nate Jackson
John Murrey
Reed Trickett
Stan Norton
Don Parr
Lynn Webb

ABSENT:
Billy Keck
Farrar Vaughan
George Bass

NOTICE OF MEETING: Executive Director Paula J. Shaw, affirmed the Notice of Hearing was posted to the Motor Vehicle Commission website on June 26, 2015, and also the Agenda for the meeting was posted to the website on June 26, 2015. Executive Director Shaw conveyed the objective of the meeting was for the consideration of suspension for two Motor Vehicle Dealer Licensees, Nashville Motor Cars, LLC, Premier (#16693) and Nashville Motor Cars, LLC (#13458).

CALL TO ORDER: Chairman Eddie Roberts called the meeting to order at 10:08 a.m.

Paula J. Shaw, Executive Director, called the roll. Twelve (12) members were present.

STATEMENT OF NECESSITY: Assistant General Counsel, Kimberly Stark read the following statement:

The Tennessee Motor Vehicle Commission will hold a meeting via telephone on Monday, June 29, 2015 beginning at 10:00 a.m. CST. Due to the impossibility of having a quorum of members physically present and the immediate need to address whether a summary suspension is warranted regarding Motor Vehicle Dealer license numbers 16693 and 13458, the Commission believes a necessity exists that requires this meeting be held by teleconference. The matters to be considered by the Commission at this meeting require timely action by the Commission. Further, physical presence by a quorum of the Commissioners is not practical within the period of time requiring action, and participation by a quorum of the Commissioners by electronic or other means of communication is necessary.

AGENDA: – Chairman Roberts called for a motion to adopt the Agenda.

Commissioner Jackson made a motion to adopt the Agenda. Commissioner McNabb Seconded.

Roll Call Vote:

For:

Eddie Roberts
Stan McNabb
Jim Galvin
Joe Clayton
Ronnie Fox
Donnie Hatcher
Nate Jackson
John Murrey
Reed Trickett
Stan Norton
Don Parr
Lynn Webb

Against:
None

MOTION CARRIED

Chairman Roberts turned the meeting over to Motor Vehicle Commission litigator, Kimberly Stark, Assistant General Counsel. Ms. Stark advised the Commission that the matter was being presented to them for consideration of a summary suspension for Motor Vehicle Dealer Licenses #16693 and #13458, Nashville Motor Cars, LLC, Premier and Nashville Motor Cars, LLC, respectively.

Ms. Stark advised that pursuant to T.C.A. § 4-5-320(d)(1)(A) which states, “Notwithstanding the provisions of subsection (c), in issuing an order of summary suspension of a license the agency shall use one (1) of the following procedures The agency shall issue a notice to the licensee providing an opportunity for a prompt informal hearing, review or conference before the agency prior to the issuance of an order of summary suspension”

Ms. Stark conveyed that the Department sent notice of this informal hearing to respondent, Randall A. Roth, principal agent for Nashville Motor Cars, LLC and Nashville Motor Cars, LLC, Premier, at the registered principal places of business. Letters were sent to both locations and all were returned. Personal Service was also attempted, and the notice was refused.

Ms. Stark stated the Department had attempted service by reasonable means, and it believed the notice requirement had been met.

Ms. Stark advised the Commission that pursuant to T.C.A. § 4-5-320(c) the agency may order a summary suspension of the license if it finds the public health, safety or welfare imperatively requires emergency action. The Department believes that this matter required emergency action as of the date of informal hearing, 24 consumers had been affected by the actions of the licensee.

Chairman Roberts commended the staff for its quick action in bringing this issue to the attention of the Commission.

Chairman Hatcher made a motion to summarily suspend the licenses of Nashville Motor Cars, LLC, Premier and Nashville Motor Cars, LLC. Commission Jackson seconded.

Roll Call Vote:

For:

Eddie Roberts
Stan McNabb
Jim Galvin
Joe Clayton
Ronnie Fox
Donnie Hatcher
Nate Jackson
John Murrey
Reed Trickett
Stan Norton
Don Parr
Lynn Webb

Against:

None

MOTION CARRIED

Chairman Roberts called for a motion to adjourn.

Commissioner Jackson made a motion to adjourn the meeting. Commissioner Norton Seconded.

MOTION CARRIED

Meeting Adjourned

Eddie Roberts, Chairman