

MINUTES

April 23, 2018



**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: April 23, 2018

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

PRESENT: Commission Members:
Eddie Roberts
Jim Galvin
Ronnie Fox
Karl Kramer
Nate Jackson
Debbie Melton
John Murrey
Stan Norton
Steve Tomaso
Farrar Vaughan
Kahren White
Victor Evans
John Barker, Jr.

ABSENT: Christopher Lee
Joe Clayton
Ian Leavy

CALL TO ORDER: Chairman Eddie Roberts called the meeting to order at 9:00 am

Paula J. Shaw, Executive Director, called the roll. A quorum was established.

AGENDA: Chairman Roberts requested the Commission look over the agenda. Commissioner Jackson made a motion to adopt the Agenda, Seconded by Commissioner Barker. Chairman Roberts called for a voice vote.

MOTION CARRIED.

QUARTERLY MEETING MINUTES: Commissioner Fox made a motion to approve the minutes from the October 23, 2017 meeting, seconded by Commissioner Melton. Chairman Roberts called for a voice vote.

MOTION CARRIED.

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 July 24, 2017, was read into the record by Executive Director, Paula J. Shaw. The notice also advised that the Agenda has been posted on the Tennessee Motor Vehicle Commission website since April 18, 2018.

APPEALS:

Amanda Maxwell
Battle Creek Powersports, LLC, Jasper, TN

Chairman Roberts requested appeals of salespersons applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Vaughan moved the license be granted, seconded by Commissioner Barker.

ROLL CALL VOTE

Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Steve Tomaso	YES
Eddie Roberts	YES

Motion carried, therefore the license is granted.

Andrew Haggard
Brother's Automotive, Tullahoma, TN

Chairman Roberts requested appeals of salespersons applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Jackson moved to grant the license, seconded by Commissioner Vaughan.

ROLL CALL VOTE

Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Steve Tomaso	YES
Eddie Roberts	YES

Motion carried, therefore the license is granted.

Christopher Monticello
Nissan of Cool Springs, Franklin, TN

Chairman Roberts requested appeals of salespersons applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Jackson moved the license be granted, seconded by Commissioner Vaughan.

ROLL CALL VOTE

Kahren White	YES
John Murrey	NO
Debbie Melton	YES
John Barker, Jr.	YES
Ronnie Fox	NO
Jim Galvin	YES

Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	ABSTAIN
Steve Tomaso	ABSTAIN
Eddie Roberts	YES

Motion carried, therefore the license is granted.

Sean Fritz
Landers Ford, Inc., Collierville, TN

Chairman Roberts requested appeals of salesperson applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Barker moved the license be granted, seconded by Commissioner Fox.

ROLL CALL VOTE

Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Steve Tomaso	YES
Eddie Roberts	YES

Motion carried, therefore the license is granted.

Richard R. Hughes
Franklin Chrysler Dodge Jeep Ram, Franklin, TN

Chairman Roberts requested appeals of salesperson applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Vaughan moved the license be granted, seconded by Commissioner Galvin.

ROLL CALL VOTE

Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Steve Tomaso	YES
Eddie Roberts	YES

Motion carried, therefore the license is granted.

Luis Anthony Colon (NO SHOW)
Motorcars of Nashville, LLC, Mt. Juliet, TN

Chairman Roberts requested appeals of salesperson applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Vaughan moved the denial be upheld, seconded by Commissioner Melton.

ROLL CALL VOTE

Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Steve Tomaso	YES
Eddie Roberts	YES

Motion carried, therefore the denial is upheld.

Zaid Abouzaki
Nissan of Cool Springs, Franklin, TN

Chairman Roberts requested appeals of salesperson applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Vaughan moved the denial be upheld, seconded by Commissioner Murrey.

ROLL CALL VOTE

Kahren White	NO
John Murrey	YES
Debbie Melton	YES
John Barker, Jr.	NO
Ronnie Fox	YES
Jim Galvin	NO
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Steve Tomaso	NO
Eddie Roberts	YES

Motion carried, therefore the denial is upheld.

Nickey Evans
Tony Knight Autoplex, Clarksville, TN

Chairman Roberts requested appeals of salesperson applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Vaughan moved the license be granted, seconded by Commissioner Jackson.

ROLL CALL VOTE

Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Steve Tomaso	YES
Eddie Roberts	YES

Motion carried, therefore the license is granted.



Executive Director’s Report
April 23, 2018

Since the last Commission meeting in January 2018 the following activity has occurred:

Since the last Commission meeting in January 2018 the following activity has occurred:

Dealers Opened, or Relocated (Last Quarter)..... 98

Active Licensees as of April 16, 2018

Dealers.....	3787
Applications in Process.....	38
Distributors/Manufacturers.....	133
Auctions.....	29
Representatives.....	582
Salespeople.....	16364
Dismantlers.....	267
RV Dealers.....	38
RV Manufacturers.....	65
Motor Vehicle Show Permits.....	6

Complaint Report- Opened Complaints from January 2018 – March 2018

Number of Complaints Opened.....	185
Number of Complaints Closed.....	155

Annual Sales Reports-(Due Feb 15):

Vehicles Reported Sold in 2017.....	1,256,551
Recreational Vehicles Reported Sold in 2017.....	8,322
Total Online Annual Sales Report Collected.....	2,428
Late Annual Sales Report Collected	303 = \$30,300

Performance Metrics Taken from March CFG Report

Average Number of Days to License.....**4.52 Days**

Productivity Factor.....**153.7%**

CFG Goal.....**110%**

Compliance.....**92.89% as of March 2018**

(Beginning July 1, 2017, Motor Vehicle Commission Complaints were transferred to the Centralized Complaints Unit at 97.97%)

MVC Customer Satisfaction Rating January 2018 – April 2018

Quarterly Satisfaction Rating.....**99.2%**

Quarterly Satisfaction Rating (combined).....**98.8%**

Disciplinary Action Report – January 2018 through March 2018

Total to be collected.....**\$134,535.36**

Online Adoption Across All Professions

- **74.44%** online adoption for New “1010” Applications across all Professions available as of April 13, 2018.
- Remaining “1010” (new) transactions is the Auction Application.

Fiscal Information

- As of February 2018, the MVC has a **\$147,669.00** Deficit for Fiscal Year 2017-2018.

Outreach

- Executive Director participated in the AAMVA Internet Vehicle Sales working group

DISCIPLINARY ACTION REPORT

JANUARY 2018 – MARCH 2018

JANUARY 2018

Motor Vehicle	Jacinda Troup	Columbia, TN	Failure to comply with T.C.A. §56-1-109, §56-1-312, or T.C.A. § 36-5-706	Suspension	1/5/2018
Motor Vehicle	Corey Corbin	Decherd, TN	Failure to comply with T.C.A. §56-1-109, §56-1-312, or T.C.A. § 36-5-706	Suspension	1/17/2018
Motor Vehicle	Matthew Lyon	Nashville, TN	Failure to comply with T.C.A. §56-1-109, §56-1-312, or T.C.A. § 36-5-706	Suspension	1/19/2018
Motor Vehicle	Universal Auto Body	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	Andrew Collins	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	Auto Brokers, II	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	Universal Auto Sales	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	Nationwide Collision Services & Sales	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	National Collision	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	Universal Sales & Collision Center	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	Lamonte Gray	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	Nationwide Auto Body Service	Memphis, TN	Unlicensed activity; engaging in false, fraudulent, or deceptive practice(s)	\$90,000 Civil penalty plus \$9,035.56 costs	1/22/2018
Motor Vehicle	TN Auto Sales, Inc.	Nashville, TN	Failure to Use Rebuilt Disclosure Form	\$500 Civil penalty	1/26/2018
Motor Vehicle	Car & Truck Center, LLC	Nashville, TN	Issuing More Temporary Tags than Allowed by Law	\$500 Civil penalty	1/26/2018
Motor Vehicle	Prime Autoplex, Inc. II	Madison, TN	Failure to use rebuilt disclosure form	\$500 Civil penalty	1/26/2018
Motor Vehicle	Music City Honda	Madison, TN	Advertising violations	\$2,000 Civil penalty	1/26/2018

TOTAL = \$102,535.36

FEBRUARY 2018,

Motor Vehicle	Superior Motors, LLC	Murfreesboro, TN	Failure to maintain city and county business license	\$500 Civil penalty	2/2/2018
Motor Vehicle	Grindstaff Kia	Johnson City, TN	Engaging in false, fraudulent, or deceptive practice(s)	\$500 Civil penalty	2/7/2018
Motor Vehicle	Danya Brooks	Jackson, TN	Failure to comply with T.C.A. §56-1-109, §56-1-312, or T.C.A. § 36-5-706	Suspension	2/8/2018
Motor Vehicle	Dallas Chrisman	Crossville, TN	Failure to comply with T.C.A. §56-1-109, §56-1-312, or T.C.A. § 36-5-706	Suspension	2/8/2018
Motor Vehicle	Tennessee Wholesalers, LLC	Murfreesboro, TN	Engaging in off-site sales	\$500 Civil penalty	2/13/2018
Motor Vehicle	Riverside Motors, Inc.	Murfreesboro, TN	Failure to maintain city and county business license	\$1,000 Civil penalty	2/20/2018
Motor Vehicle	MC Auto Sales	Sevierville, TN	Unlicensed activity	\$5,000 Civil penalty	2/21/2018
Motor Vehicle	One Time Auto Sales, Inc.	Nashville, TN	Employing unlicensed salesperson, failure to supervise	\$2,500 Civil penalty	2/28/2018
Motor Vehicle	Kittrell's Kars	Mount Pleasant, TN	Engaging in off-site sales, possession of open title(s)	\$3,500 Civil penalty	2/28/2018

TOTAL = \$13,500.00

MARCH 2018

Motor Vehicle	Ridley Auto Sales	White Pine, TN	Engaging in false, fraudulent, or deceptive practice(s)	\$5,000 Civil penalty	03/14/2018
Motor Vehicle	Tracy Lynn Blevins	Seymour, TN	Unlicensed activity	\$5,000 Civil penalty	03/06/2018
Motor Vehicle	Hertz Car Sales & Rental	Hendersonville, TN	Engaging in false, fraudulent, or deceptive practice(s) and failure to use conditional delivery agreement form	\$1,000 Civil penalty	3/13/2018
Motor Vehicle	Upgrade Auto Sales	Memphis, TN	Engaging in false, fraudulent, or deceptive practice	\$3,000 Civil penalty	03/13/2018
Motor Vehicle	Clinton Highway Auto Sales	Knoxville, TN	Failure to have a valid business license and possession of open titles	\$500 Civil penalty	03/20/2018
Motor Vehicle	Volunteer Motors & Trailer Sales, LLC	Nashville, TN	Possession of open titles	\$4,000 Civil penalty	03/15/2018
Motor Vehicle	William Slone	Menomonie, WI	Failure to comply with T.C.A. §56-1-109, §56-1-312, or T.C.A. § 36-5-706	Suspension	03/02/2018

TOTAL = \$18,500.00

*QUARTERLY TOTAL = \$134,535.36

*The quarterly total does not reflect money received by the Commission. The totals above reflect some payments, agreements to pay, and final orders. According to Monthly Financial Statements provided by the Department, case revenue is as follows:

January - \$5,992.00

February - \$23,242.00

March – No Data

Chairman Roberts called for a motion to approve the Director’s Report. Commissioner Jackson made a motion to approve the Director’s Report, and was seconded by Commissioner Barker.

VOICE VOTE – UNANIMOUS

The motion carried to approve the Director’s Report.

LEGAL REPORT



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER, 5TH FLOOR
NASHVILLE, TENNESSEE 37243
TELEPHONE (615) 741-3072 FACSIMILE (615) 532-4750

MEMORANDUM

Privileged and Confidential Communication – Attorney Work Product

TO: Tennessee Motor Vehicle Commission

FROM: Sara R. Page, Assistant General Counsel
Shilina B. Brown, Assistant General Counsel

DATE: April 23, 2018

SUBJECT: MVC Legal Report

1. **2017077481 Josh Henderson (SRP)**
First Licensed: N/A
Expiration: N/A
License Type: N/A
History (5 yrs.): None

Complainant came in with proof Respondent registered six vehicles to himself in 2017. An investigation was requested. Respondent was found to have sold three of the six vehicles. He stated he purchased them at a government auction. The investigator advised Respondent of the five-car sale limit. Respondent stated he purchased the vehicles due to the great deal and for personal use to work on and he did not intend to sell all six. Respondent had the closed titles for the remaining three vehicles. No proof existed to show Respondent has a history of selling or purchasing vehicles.

Recommendation: Close.

Commission Decision: CONCUR

2. 2017078091 Ashley Jenkins (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): None

Complaint was filed and included proof Respondent registered eight vehicles in 2017. An investigation was requested. Respondent told the investigator she only sold one vehicle. The auction where Respondent purchased vehicles confirmed Respondent had purchased eleven vehicles in 2017 from auction.

All in all, proof of only two vehicle sales was located. Respondent still has numerous vehicles registered to her.

Recommendation: Close upon issuance of a letter of caution.

Commission Decision: CONCUR

3. 2017060161 Dibco Autos, LLC (SRP)

First Licensed: 09/18/2014

Expiration: 08/31/2018 (CLOSED 03/19/2018 – Change of Ownership/Location Pending)

License Type: Motor Vehicle Dealer

History (5 yrs.): Group of open complaints pending in litigation involving failure to disclose salvage title and issuing temporary tags to salvaged vehicles stemming from 2015.

Complainant alleged Respondent failed to timely register her vehicle, and overcharged her for titling. An investigation was requested. Respondent did timely produce registration, but Complainant never came to pick up the documents. Additionally, while Complainant's bill of sale listed \$999 for titling, it appears to be a typo since only the dealer's typical \$99 was charged.

Recommendation: Close.

Commission Decision: CONCUR

4. **2017080351 Action Nissan (“Complaint 1”) (SRP)**
2018001231 (“Complaint 2”)
First Licensed: 09/20/2007
Expiration: 08/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017 – Letter of Caution from delayed delivery of title.

Complaint 1:

Complainant alleged Respondent was deceptive due to an advertisement listing that the Respondent had two keys for the vehicle. Ultimately, Respondent informed Complainant it had one set, but it would get the other. The complaint was filed two-and-a-half-months after the purchase, and the key had not been provided. Respondent responded to the complaint and stated it would provide the key and do a repair Complainant listed as a dispute.

Complainant also stated he was not provided a car fax until after completing paperwork. The car fax indicated a previous accident. Nothing indicates the Complainant requested the car fax sooner and was denied, and nothing in the advertisement indicated a clean vehicle history.

Complaint 2:

Complainant purchased a vehicle from a now-closed dealership franchised by Respondent dealer. Complainant claims she discovered the vehicle had frame damage. Complainant claims the dealer did not disclose the deficiency. Respondent responded. Respondent took Complainant’s vehicle and traded it in to satisfy the concerns.

Recommendation: As to Complaint 1, close upon issuance of a letter of caution related to advertising two keys and failing to provide what was advertised. As to Complaint 2, close.

Commission Decision: CONCUR

5. **2017079601 Tiger’s Auto Gallery, LLC (SRP)**
2017079651
First Licensed: 03/24/2016
Expiration: 03/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): Pending Consent Order Seeking Voluntary Revocation.

These complaints are additional complaints injured from Respondent closing without paying off the floor planner. Complainants have not been able to get titles.

Recommendation: Authorize these matters go to formal charges to be combined with other pending complaints. Authorize any additional complaints filed to automatically

be combined with the pending action without the need to wait to present the complaints to the Commission.

Commission Decision: CONCUR

6. 2017082291 Car's Hernandez (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): N/A

A county clerk identified Respondent as the seller on a salvaged vehicle a consumer attempted to register. Respondent listed a residential address, but the name used implied it was a dealership. An investigation was conducted. It revealed that Respondent had left the country. The address belonged to a friend with whom Respondent was temporarily staying. The friend stated that Respondent owns a dealership in his home country, but that he comes to the United States to purchase vehicles and ship them back. The friend did not know Respondent had sold a few vehicles from his property.

Recommendation: Close and flag.

Commission Decision: CONCUR

7. 2017076851 Volunteer Chevrolet (SRP)

First Licensed: 04/20/1994

Expiration: 04/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2012 – Consent Order for \$5000 for advertising violation.

Complainant states she was led to believe a vehicle she was purchasing was a 2017 hard top convertible Camaro, but discovered after purchasing the vehicle it was a 2015 Camaro 2D Coupe. An investigation was conducted. Respondent produced a large amount of paperwork showing the type, year, and price of the vehicle on forms Complainant signed. Complainant claims she was rushed through the paperwork so she couldn't read it. Respondent stated Complainant had in fact purchased a 2015 hardtop Camaro, but returned the next day and wanted to trade it in after test driving the convertible. The sales manager met with the Complainant for half of a day trying to explain the paperwork. Respondent denies any allegations of fraud and states this is an instance of buyer's remorse.

Due to the extensive paperwork bearing Complainant's signature, and support indicating Respondent did meet with Complainant multiple times to discuss the price and other concerns, no evidence was presented that supported a violation.

Recommendation: Close.

Commission Decision: CONCUR

8. 2017082321 Quest Auto Salvage (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): N/A

Complainant alleges she purchased a truck from Respondent in 2016, but Respondent never provided a title. Complainant did not provide the address for the Respondent. An investigation was conducted. The investigation revealed Complainant purchased the vehicles from a now closed dealership, but the investigator was able to identify that an individual involved in the sale was operating a new dealership at that same location. The individual stated he provided title to the Complainant at the time of the sale. The individual stated he did not have paperwork related to the old dealership, and he was not the listed owner of that now closed dealership. The individual said he had requested a duplicate title for the consumer, but she never picked it up. The Department of Revenue confirmed the duplicate was produced when the individual claimed it was. Since this investigation, Complainant did go get the duplicate title.

Recommendation: Close.

Commission Decision: CONCUR

9. 2017080561 Affordable Auto Parts & Sales (SRP)

2018010431

First Licensed: 12/22/2014

Expiration: 04/30/2019

License Type: Dismantler/Recycler

History (5 yrs.): N/A

Respondent received a Notice of Violation for not having a county business license. The inspector noted that Respondent was not open and conducting business from the location. Additionally, the Commission received notice from the Respondent's county codes inspector. The inspector informed the Commission that Respondent's location no longer complied with zoning laws. Respondent appealed the decision to the county zoning board, but lost when he could not prove he was open and conducting business in the past 30 months.

Respondent is required to maintain business hours under Rule 0960-02-.10, and comply with local zoning by Rule 0960-02-.07.

Recommendation: Authorize revocation of Respondent's license, to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

10. 2018003521 Brandy Wires (“Unlicensed Salesperson”) (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): N/A

2018003491 Sonny’s Auto Sales (“Dealer”)

First Licensed: 01/06/2015

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A consumer informed an inspector that an unlicensed salesperson facilitated the sale of a vehicle to the consumer at the license Dealer’s location. An investigation was conducted. The consumer refused to participate in the investigation. The Dealer, however, admitted it learned the Unlicensed Salesperson had attempted a sale, and it fired the Unlicensed Salesperson. The owner of the Dealer stated he completed the sale after learning of the Unlicensed Salesperson’s attempt to sell a vehicle. The Unlicensed Salesperson was intended to be an admin employee. The Dealer also stated it was in the process of winding down. As part of the investigation, the investigator visited the Dealer’s location during its posted business hours. On that visit, no one was present at the Dealer. The visit occurred March 7. As of April 3, the Dealer’s license is still active.

Recommendation: As the complaint related to the dealership, authorize a civil penalty in the amount of \$250.00 for failing to maintain business hours. As to the complaint related to the unlicensed salesperson, close.

Commission Decision: CONCUR

11. 2018002031 Tennessee Autoplex, LLC (“Respondent”) (SRP)

2018002661

2018003841

2018012501

2018006031

2018005911

2018016331

First Licensed: 02/25/2011

Expiration: 02/28/2019 (CLOSED)

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 -- \$500 consent order for late deliver of title; 2016 -- \$1,000 for incomplete temp tag logs.

2018013131 Bobby Lee Riddle (“Respondent Owner”) (SRP)

First Licensed: 09/01/1991

Expiration: 05/30/2017 (EXPIRED – FAILURE TO RENEW)

License Type: Motor Vehicle Salesperson

History (5 yrs.): None

Numerous complaints are being filed with the Commission due to Respondent suddenly shutting down prior to providing titles or paying off trade-ins. An investigation was conducted. Respondent has gone out of business due to falling behind on payments to floor planners. The investigation uncovered a number of consumers trying to obtain titles, and a few consumers that had traded in vehicles that have not been paid off.

Recommendation: Authorize the revocation of Respondent’s license to be settled by consent order or a formal hearing. No action needed on Respondent Owner’s license due to its expiration, but Respondent Owner shall be named in all actions as part of the pending case. Authorize all future complaints to move directly to formal charges in order to be combined with these matters.

Commission Decision: CONCUR

12. 2018001151 321 Drive, Inc. (SRP)

First Licensed: 01/09/2012

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 – One open for possible delayed delivery of title; 2016 -- \$500 Consent Order for using incorrect salvage/rebuilt disclosure form.

Complainant claims Respondent sold her a car with an open recall, and ultimately that Respondent illegally repossessed the vehicle. There was an open recall on the vehicle, but it does not currently have a solution requiring repair, and it was not related to the mechanical issue Complainant experienced. The Complainant stated her door opened while driving. A review of NHTSA’s database indicates NHTSA has received numerous complaints about this issue, but a recall was not issued. The sale was used, as-is. No proof was found

indicating Respondent was aware of the complaints, and a dealership did fix the door for free for Complainant.

As it relates to the repossession, Complainant claims Respondent cancelled her automatic payment since Complainant and Respondent were having intense arguments about the mechanical issue with the vehicle. After the payment did not come out, Respondent repossessed the vehicle. An investigation was conducted. Proof of who cancelled the automatic payment could not be obtained, and payments were in fact late as a result of auto-drafting not occurring. No violation has occurred.

Recommendation: Close.

Commission Decision: CONCUR

13. 2017080471 Gateway Classic Cars of Nashville (SRP)

First Licensed: 08/14/2015

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 – One open for \$500 for false, fraudulent, deceptive act; 2016 – Letter of Warning for incomplete temporary tag log.

Respondent was issued a Notice of Violation for failing to display an active city business license.

Recommendation: Authorize a civil penalty in the amount of \$250 to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

14. 2018001581 North Knox Auto, LLC (SRP)

First Licensed: 02/16/2016

Expiration: 02/29/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 – One open for \$500 for delayed delivery of title; 2016 – Letter of Warning for delayed delivery of title.

Respondent was issued a Notice of Violation for displaying vehicles on public sidewalks. The inspector also noted that Respondent had an expired city business license displayed, but Respondent was able to immediately produce a valid one and replace the expired license.

Recommendation: Authorize a civil penalty in the amount of \$500 for displaying vehicle son public lands to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

15. 2018002811 Collierville Chrysler Dodge Jeep Ram (SRP)

First Licensed: 04/16/2013
Expiration: 02/28/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): N/A

Complainant alleged Respondent gave Complainant incorrect information about a warranty and discriminated against him based on race. This complaint was forwarded for the mechanical complaint from the Tennessee Human Rights Commission. It appears Respondent did accidentally state they believed Complainant's vehicle was no longer under warranty; however, the manufacturer contacted Respondent to clarify the error, and Respondent quickly fixed the issue and applied the warranty to Complainant's repair. No evidence of any violations has been found.

Recommendation: Close.

Commission Decision: CONCUR

16. 2018002841 Super Deal Auto Sale\$ Corp. (SRP)

First Licensed: 03/28/2017
Expiration: 03/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): N/A

Complainant alleged Respondent sold her a salvaged/rebuilt vehicle without disclosing that fact. Complainant also claims Respondent did not collect taxes. Respondent stated that Complainant saw the vehicle in their mechanic shop. A dealer from Arkansas uses their shop to repair vehicles. Complainant and Respondent admit the sale actually occurred at the Arkansas location. An investigation was conducted. Respondent, while not the seller of the vehicle, was found to be in possession of thirty-three open titles.

Recommendation: Authorize a civil penalty in the amount of \$3,300 (\$100 x 33 open titles). Penalty shall be reduced to \$1,000 if Respondent submits proof all 33 titles have been closed in within thirty days of receipt of the consent order.

Commission Decision: CONCUR

17. 2018003071 Boulevard Motors (SRP)

First Licensed: 10/01/1998
Expiration: 09/30/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): N/A

Complainant alleged Respondent sold him a vehicle without disclosing a previous accident and previous recalls. Respondent responded to state that the vehicle was purchased as-is.

The vehicle was repossessed recently after Complainant attempted to file bankruptcy and stopped paying for the vehicle. No violations have been identified.

Recommendation: Close.

Commission Decision: CONCUR

18. 2018004631 Morristown Hyundai (SRP)

First Licensed: 01/11/2016

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant states that Respondent delayed in cancelling an extended warranty she requested cancelled, and the returned amount was less than she paid based on the miles on the car. Complainant stated Respondent's finance manager told her she had to purchase the extended warranty in order to qualify for financing, despite the vehicle coming with a free powertrain

The manager of the dealership responded to state that Respondent fired the finance manager, general manager, and sales manager after hearing about the Complainant's experience from Complainant over email. The manager cancelled the warranty and gave Complainant the difference on the amount she paid despite the miles. While it appears this consumer was misled by staff at Respondent dealership, Respondent reacted as quickly and thoroughly as can be expected upon learning of the error.

Recommendation: Close.

Commission Decision: CONCUR

19. 2017076421 Grace Automotive, LLC (SRP)

First Licensed: 08/15/2012

Expiration: 07/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 -- \$500 NOV for expired business licenses.

Complainant filed a complaint related to mechanical issues with the used vehicle she purchased from Respondent. Respondent submitted proof that the sale was as-is. Complainant also mentioned Respondent advertised the vehicle as having a clean history, but the vehicle had two accidents. Respondent responded stating they advertise the vehicles as having clean titles, not histories, and that Respondent provides Car Fax reports. Respondent does not deal in salvaged/rebuilt vehicles.

Recommendation: Close.

Commission Decision: CONCUR

20. 2017074891 Best Auto Sales (SRP)

First Licensed: 06/11/2001

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2013 -- \$1,500 Consent Order for issuing more tags than allowed by law.

Respondent possessed expired city and county business licenses at the time of an inspection.

Recommendation: Authorize a civil penalty in the amount of \$500 to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

21. 2017078021 Serra Chevrolet Cadillac Buick GMC (SRP)

First Licensed: 06/28/2011

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Respondent accidentally sent Complainant home with the wrong VIN on their paperwork. Complainant had test-driven two identical vehicles, and the number was accidentally swapped. Respondent self-identified the issue and contacted Complainant. Complainant filed the complaint due to the inconveniences surrounding the paperwork mistake and the time it took Respondent to repaint the vehicle. No violations appear to have occurred, and Respondent provided a free tint and oil changes to Complainant to make up for the inconveniences, and alleges Complainant is satisfied.

Recommendation: Close.

Commission Decision: CONCUR

22. 2017079721 Jenkins & Wynne, Inc. (SRP)

First Licensed: 09/01/1991

Expiration: 02/29/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – LOW for False, Fraudulent, Deceptive

Complainant has an issue with the way a manufacturer advertises a feature in a vehicle. The vehicle was purchased through Respondent dealer. The dealer helped Complainant understand how the feature works, but Complainant was not satisfied, so Respondent put Complainant in touch with the manufacturer. No violations appear to have occurred.

Recommendation: Close.

Commission Decision: CONCUR

23. 2017080521 Toyota of Cool Springs (SRP)

First Licensed: 05/26/2011

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 -- \$12,000 Consent Order for delayed delivery of title, and issuing three temporary tags to numerous consumers due to former manager.

This complaint was opened internally based on an advertisement sent by Respondent via email. The ad lists an "invoice" sale, stating that "all invoices will be posted in the showroom," "Pick the vehicle, pick the invoice! That's it!"

While no specific price is listed triggering certain disclosure requirements, the use of the phrase "invoice" without explanation, and "that's it," could be considered deceptive since they do not disclose the nature of the invoice (e.g. whether its factory/manufacturer invoice, whether dealer received holdbacks, or other incentives).

Recommendation: Close upon issuance of a letter of warning.

Commission Decision: CONCUR

24. 2017081541 Mickey's Auto Salvage (SRP)

First Licensed: 01/01/1992

Expiration: 06/30/2017

License Type: Motor Vehicle Dismantler/Recycler

History (5 yrs.): None.

Respondent was found operating on an expired license during its annual inspection at the end of June 2017. Respondent still has not renewed its license as of April 3, 2018.

Recommendation: Authorize a civil penalty in the amount of \$2,500 (\$250 x 10 months of expired status) for operating on an expired license. Amount to be reduced to \$1,000 if Respondent renews its license within thirty days of receiving the consent order. This matter may be settled by consent order or a formal hearing.

Commission Decision: CONCUR

25. 2018007871 Robert Thomas Bomar (SRP)

First Licensed: 02/02/2015

Expiration: 01/31/2019

License Type: Motor Vehicle Salesperson

History (5 yrs.): None.

Through a complaint related to Respondent's employer, legal counsel recognized the name of the Respondent as a party related to contractor complaints that were never resolved due to the inability to locate Respondent. While looking in to those complaints to reinstate the matters, legal counsel discovered Respondent has listed felonies in the State of Florida for check fraud, and misdemeanors in the State of Tennessee. Respondent stated on his application for a motor vehicle salesperson license that he did not have any criminal history.

Recommendation: Authorize the revocation of Respondent's license to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

26. 2018004351 Autocash of Tennessee, Inc. (SRP)

First Licensed: 10/20/2016

Expiration: 08/31/2018 (CLOSED 10/20/2017)

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Consumer states she purchased a vehicle from the now-closed Respondent in March 2017. As of the date of the complaint, she had yet to receive a title. The consumer was provided with the bond information.

Recommendation: Close and flag.

Commission Decision: CONCUR

27. 2018006651 Powell Auction & Realty, LLC (SRP)

First Licensed: 04/28/2009

Expiration: 03/31/2019

License Type: Motor Vehicle Dealer (also holds Public Automobile Auction License, Motor Vehicle Auction License, and Auction Firm License)

History (5 yrs.): None.

Consumer states he has not received title for a vehicle purchased through Respondent. Consumer states he received title, but had to send it back to get an error corrected, but it has not made it back to him yet. Respondent responded to state that this vehicle was sold through its public auto auction. The dealer selling it through the auction purchased the vehicle on a floor plan from a North Carolina auction, but it had a Texas title. Respondent had the dealer take the title back to North Carolina to get a proper title, and that resulted in it having to be sent to Texas for confirmation on errors related to previous signatures. The title was then sent back to North Carolina. Respondent has been in constant contact with the consumer about the issues, and even offered to buy back the vehicle and come pick it up, but the consumer wanted to wait. Respondent has been in contact with the dealer and the auction once a week in an effort to resolve the matter. The consumer was also provided with the appropriate surety bonds by Commission staff.

Recommendation: Close.

Commission Decision: CONCUR

28. 2018000821 Bud Davis Cadillac, Inc. (SRP)

First Licensed: 09/01/1991

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Consumer claims Respondent's mechanic shop would not let him drive his car until he paid. Later, consumer claims he found damage in the back seat caused by Respondent. Respondent stated the consumer had the vehicle towed to their shop for repairs. After giving an estimate and approval, Respondent performed repairs, but two months passed and the consumer had not come to pay or get the vehicle. Respondent lowered the bill to get the consumer to get the vehicle and prevent the cost/time loss of acquiring a mechanic's lien. Nothing in this complaint relates to a sale, and therefore no violations under the laws and rules of this Commission have been identified.

Recommendation: Close.

Commission Decision: CONCUR

29. 2017062831 Crest Honda (Sonic) (SRP)

First Licensed: 06/17/2002

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2014 -- \$18,000 Consent Order for advertising violations (second violation of this type. First occurred in 2011); 2016 -- \$500 Consent Order for issuing one more tag than allowed by law.

Complainant stated that the bill of sale they received showed a lower amount than they paid. Complainant is the family member of the actual purchaser. Respondent produced numerous signed documents that indicated the price Respondent charged as being the correct price, including a signed bill of sale. Complainant stated it was because Respondent's employee threw away the higher priced bill of sale and gave them the smaller bill of sale. Again, however, all documents including financing documents signed by the purchaser indicated the price they paid.

Recommendation: Close.

Commission Decision: CONCUR

30. 2017074041 Towns Auto Sales, LLC (“Complaint 1”) (SRP)
2017077111 (“Complaint 2”)
First Licensed: 05/03/2004
Expiration: 03/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): 2011 -- \$1,000 Consent Order for failure to disclose salvage branded title.

Complaint 1:

Complainant claims Respondent failed to disclose a vehicle purchased from Respondent was salvaged/rebuilt. A review of the deal file shows that Respondent does include language at the bottom of the bill of sale regarding the salvaged/rebuilt history of the vehicle, and has the consumer sign it, but the Respondent does not use the required disclosure form. While Respondent has been disciplined in the past for not disclosing properly, that was prior to the specific form being required by Rule.

Complaint 2:

This complaint was opened internally due to concerns with the financial statement review submitted with Respondent’s change of license application. It appeared that the document could have been created falsely due to the form appearing to be a form from the internet, and the accountant who signed the review was not a CPA. An inspection was conducted, and the accountant did confirm he prepared the document, so it does not appear Respondent forged the document. The Accountancy Board is taking action against the unlicensed CPA.

Recommendation: As to Complaint 1, authorize a civil penalty in the amount of \$500 for failing to use proper disclosure form. Legal shall include a copy of the form for Respondent to utilize. As to Complaint 2, close.

Commission Decision: CONCUR

31. 2017079311 Kodak’s Auto Sales, LLC (SRP)
First Licensed: 06/24/2016
Expiration: 01/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017 – \$5,000 Consent Order for seven off-site sales, possession of two altered temporary tags, and failure to use proper rebuilt/salvage disclosure form.

This complaint was opened upon contact with an inspector from North Carolina. The inspector indicated that a consumer in North Carolina had produced a bill of sale for a vehicle that appeared to have been purchased in South Carolina, but listed Respondent as the seller. The vehicle was being driven in North Carolina with a South Carolina temporary tag; however, the vehicle was salvaged.

An inspector was sent to inquire with Respondent. On the first visit, Respondent produced paperwork that indicated the sale took place at the Tennessee location, and it included a rebuilt disclosure form. Respondent’s owner indicated to the inspector that the consumer was going to title the vehicle in North Carolina and pay taxes there, but the bill of sale

showed Respondent had collected taxes on the vehicle. Additionally, the customer's signatures were very different on the Respondent's paperwork when compared to the paperwork sent from the inspector in North Carolina. Additionally, the VIN number was wrong on the paperwork the Respondent provided.

With the distinctions listed above, the inspector returned to Respondent to inquire on the discrepancies. Respondent's owner, when confronted, confessed the paperwork he had provided the inspector was forged. Respondent stated he purchased the salvaged vehicle at auction in South Carolina, and then gave the purchase number to an acquaintance in South Carolina who picked up the vehicle and sold it to the North Carolina consumer. The acquaintance paid Respondent for what Respondent paid at the auction for the vehicle, but no sales contracts confirming this could be produced. Respondent states he has done a similar thing at least ten times in the past. When he received the call from the inspector from North Carolina, Respondent panicked and forged the sales documents after calling his acquaintance to get information on who he sold the vehicle to in North Carolina.

Recommendation: Authorize the revocation of Respondent's dealer license to be settled by consent order or a formal hearing. Additionally, authorize Respondent Owner's license have a complaint opened against it, and authorize revocation of his salesperson license.

Commission Decision: CONCUR

32. 2018001071 Auto Xchange, LLC (SRP)

First Licensed: 09/11/2013

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 -- \$500 Agreed Citation for one unlicensed salesperson

Complainant alleges Respondent delayed in producing title after Complainant paid off a vehicle he purchased from Respondent. When Respondent finally produced a title, it was a salvaged certificate. Complainant states he had no idea the vehicle was salvaged. An investigation was requested. Respondent did not have any paperwork for any sales. Respondent's owner admitted the vehicle was salvaged, and he had issued six temporary tags on the vehicle in question. Respondent owner stated that his son had "made a mess" of the business, and his son had recently passed away.

Recommendation: Authorize the revocation of Respondent's license, to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

33. 2018004091 Premier Motors (SRP)

First Licensed: 01/06/2010

Expiration: 11/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges a vehicle she purchased as-is from Respondent started itself without the key in it multiple times. As a result, she claims the vehicle bumped cars in driveways she had the vehicle parked in. Respondent provided the paperwork confirming vehicle was purchased as-is.

Recommendation: Close and send letter to complainant advising she file a complaint with NHTSA.

Commission Decision: CONCUR

34. 2018005811 Golden Circle Auto Outlet (“Dealership”) (SRP)

First Licensed: 05/05/2015

Expiration: 03/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2018005841 Pete Abel (“Salesperson 1”) (SRP)

First Licensed: 09/01/1991

Expiration: 01/31/2020

License Type: Motor Vehicle Salesperson

History (5 yrs.): None.

2018005871 Timothy J. Guidry (“Salesperson 2”) (SRP)

First Licensed: 09/20/2010

Expiration: 01/31/2020

License Type: Motor Vehicle Salesperson

History (5 yrs.): None.

An annual inspection revealed that Dealership had two salespersons with licenses that had expired. Upon notification, Dealership immediately renewed both licenses, and noted they have adjusted corporate processes to internally ensure renewals occurred. Commission Staff noted that it appears the internal reminder letter sent to Dealership accidentally went to an incorrect address, so it is likely Dealership did not receive a reminder.

Recommendation: Close upon issuance of a letter of warning to Dealership. Close for Salesperson 1 and 2.

Commission Decision: CONCUR

35. 2018006221 Automax of Chattanooga, LLC (SRP)

First Licensed: 05/29/2013

Expiration: 04/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant claims Respondent did not properly fix mechanical issues with her vehicle. Respondent responded to state the vehicle was sold as-is. Respondent did some repairs to ensure vehicle would pass emissions, which it did. Complainant did not purchase a warranty.

Recommendation: Close.

Commission Decision: CONCUR

36. 2018010311 Ali Hussein Khalil (“Respondent 1”) (SRP)

First Licensed: 12/11/1998

Expiration: 09/30/2019

License Type: Motor Vehicle Salesperson

History (5 yrs.): None.

2018010331 Jeff Hodge (“Respondent 2”) (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): 2017 – Open Complaint for \$1,000 civil penalty related to unlicensed sales activity.

Respondents 1 and 2 have been identified as salespersons working at a Dealership that is currently set for formal charges. Respondents 1 and 2 facilitated that dealership in the selling of vehicles out of trust, selling vehicles knowing liens existed on the vehicle, and failing to provide numerous consumers titles. The Department of Revenue is pursuing criminal charges against Respondents and the dealership’s owner. We are currently pursuing revocation of the dealership and owner’s licenses.

Respondent 1 is a licensed salesperson, but with a different dealership than the one he was identified at in the fraud complaints. Respondent 2 has been identified numerous times as an unlicensed salesperson, and he currently has a Consent Order pending for unlicensed sales at a different dealership.

The evidence against both Respondents is being held by the Tennessee Department of Revenue while they process their investigation. Therefore, legal counsel is waiting for Revenue to be comfortable providing their investigation.

Recommendation: Place these matters into litigation monitoring without a written order.

Commission Decision: CONCUR

37. 2018012331 Amir Zare (SRP)
First Licensed: 05/29/2013
Expiration: 04/30/2017
License Type: Motor Vehicle Salesperson
History (5 yrs.): None.

Respondent was the owner of a dealership that closed after floating titles and failing to pay off numerous trade-ins. Respondent closed his business and filed bankruptcy. Legal counsel is pursuing revocation of Respondent's dealer license. This new complaint alleges Respondent failed to pay off a consumer's trade in, and that the vehicle he purchased from Respondent had extensive mechanical issues. The consumer was able to get in contact with Respondent. Respondent told the consumer to bring the vehicle to a mechanic shop he owned. Once there, Respondent forged documents for a mechanic's lien. Consumer was working with the true lienholder to fix the forgery when Respondent had the vehicle repossessed. The consumer obtained an attorney, and there is a case pending against Respondent.

Recommendation: Authorize the revocation of Respondent's individual salesperson license, and combine this action with the revocation action pending against the Respondent's dealership.

Commission Decision: CONCUR

38. 2018006701 Automax of Memphis (SRP)
First Licensed: 06/14/2011
Expiration: 05/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): 2015 – LOW for mistakes on odometer form.

Complainant alleges mechanical issues with a vehicle he purchased from Respondent. Specifically, the vehicle "runs hot," sometimes. Respondent responded to explain that Complainant purchased the vehicle as-is, but that they would look at it if the consumer brought the vehicle to the dealership.

Recommendation: Close.

Commission Decision: CONCUR

39. 2018010171 Kingston Pike Motors (SRP)

First Licensed: 11/25/2002

Expiration: 11/30/2016 (CLOSED 3/27/2015)

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 – Complaints related to title deliver have been closed and flagged due to business closing and inability to locate owners.

Complainant filed a complaint due to her inability to get the lien removed from a title. She purchased the vehicle from Respondent in 2014 prior to Respondent going out of business. Complainant was sent surety bond information.

Recommendation: Close and flag.

Commission Decision: CONCUR

40. 2018004271 Riggs Auto Mart (SRP)

First Licensed: 04/25/2006

Expiration: 04/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Respondent closed and went out of business in February 2018. A complaint came in from a consumer indicating Respondent had not completed her registration prior to closing. Complainant was provided with the surety bond information. No additional complaints have come in, indicating that this is not a large-scale issue with multiple injured consumers.

Recommendation: Close and flag.

Commission Decision: CONCUR

41. 2018010381 Mobilityworks (SRP)

First Licensed: 02/18/2010

Expiration: 01/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant moved to Mississippi and had problems getting a vehicle she purchased from Respondent registered. Respondent responded and stated that they hand delivered the title and Tennessee Vehicle Services application to Complainant while she lived in Tennessee. They explained to the Complainant that she would need to pass emissions prior to registering the vehicle. Before completing the emissions or registering the vehicles, Complainant moved to Mississippi. Respondent contacted Mississippi and explained the title paperwork was all completed for the consumer's previous address.

Recommendation: Close.

Commission Decision: CONCUR

42. 2018011131 Noor Auto Sales, Inc. (SRP)

First Licensed: 10/07/1999

Expiration: 10/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant complained about mechanical issues with a 2005 used vehicle purchased from Respondent. The vehicle was purchased as is, and Respondent replaced parts promised at the sale, and reimbursed Complainant for brake service done at another location when he was unable to perform the work at his shop due to his mechanic being busy with other work.

Recommendation: Close.

Commission Decision: CONCUR

43. 2018009981 Gateway Classic Cars of Nashville (SRP)

First Licensed: 10/07/1999

Expiration: 10/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – Letter of Warning for Incomplete Temporary Tags

Complainant is a former employee that was terminated from Respondent's Texas location. Complainant claims Respondent is operating a multi-state fraud related to its consignment of classic cars. Complainant claims Respondent calls owners of vehicles Respondent is consigning, and convinces them to lower the price after the vehicle is already sold. Then, Respondent allegedly pockets the difference. Complainant claims he contacted hundreds of consumers and they all agreed this happened, but Complainant failed to provide the contact information for a single consumer. Respondent denies the allegations, and states that Complainant is disgruntled, and has contacted multiple agencies in sixteen states. Respondent states it is seeking a restraining order.

Recommendation: Close.

Commission Decision: CONCUR

44. 2018011361 Alliance Motors (SRP)

First Licensed: 11/21/2014

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant filed the complaint claiming her daughter's vehicle was not purchased as-is, and it was experiencing mechanical issues. Respondent responded to show it was in fact an as-is purchase. Respondent stated Complainant's family has become aggressive with him and his staff after Respondent rejected to take the vehicle as a trade in towards something else. Complainant's daughter has also fallen behind on payments, and the vehicle was being repossessed at the time the complaint was filed.

Recommendation: Close.

Commission Decision: CONCUR

45. 2017076061 We Finance Automotive Group, LLC (SRP)

First Licensed: 12/08/2014

Expiration: 10/31/2016 (CLOSED 08/16/2016)

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 -- \$1,000 Agreed Citation for Incomplete Temporary Tag Log

Respondent was found to be issuing Tennessee temporary tags and plates that appear to be expired and/or counterfeit. However, Respondent is no longer located in Tennessee. It is doing business from Georgia. All sales found occurred in Georgia.

Recommendation: Close upon referral to the Tennessee Department of Revenue and the State of Georgia.

Commission Decision: CONCUR

46. 2017079211 Don Baskin Truck Sales ("Complaint 1") (SRP)

2018002771 ("Complaint 2")

First Licensed: 06/10/2004

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2013 -- \$1,000 Consent Order for failure to disclose rebuilt title.

Complaint 1:

Complainant alleges Respondent failed to timely deliver title. Respondent responded and provided proof it had mailed the title to the Complainant. Complainant claims it never arrived. Respondent has been assisting Complainant in getting a duplicate, but Complainant filed the complaint while the duplicate was being created. Complainant has since received title.

Complaint 2:

This complaint was opened by the Board because Respondent listed new vehicle sales on its annual sales report. Respondent is licensed only for used vehicles. An investigation revealed that Respondent had sold new trailers, which it believed needed to be listed. A license is not needed to sell the trailers, so no unauthorized new vehicle sales occurred.

Recommendation: As to both complaints, close.

Commission Decision: CONCUR

47. 2018012841 Don Ledford Auto Park Athens, LLC (“Complaint 1”) (SRP)
2017052581 (“Complaint 2”)
First Licensed: 09/20/2007
Expiration: 09/30/2019 (CLOSED 3/23/2018)
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017052581 is open with a pending \$1,000 consent order.

Complaint 1:

The Commission received an anonymous complaint alleging Respondent failed to delivery title, and that it was having serious financial issues. An investigation was conducted. The investigator found the dealership empty of inventory. A manager stated that the dealership was closing and being sold. It was only open due to the manufacturer/franchiser requiring minimum operation. The title was delayed due to the dealership falling behind on payments to the floor planner. By the time the inspector arrived, the floor planner had seized the dealership’s assets. The consumers all have their titles, and the business has been closed.

Complaint 2:

On this complaint, Respondent was assessed a \$1,000 civil penalty for failing to timely delivery title and issuing three temporary tags to one consumer. In light of the takeover of the business by the floor planner and franchising manufacturer, and impending sale to a new owner, legal is representing this to be closed and flagged.

Recommendation: As to both complaints, close and flag.

Commission Decision: CONCUR

48. 2017068901 Best Deals Service Auto & Body (SRP)
2017073941
2018009241
First Licensed: N/A
Expiration: N/A
License Type: N/A

History (5 yrs.): Same owner assessed \$90,000 and costs through a Final Order due to same activity at other unlicensed locations. Currently in collections.

Respondent is a new location owned and ran by the same individuals recently found by this Commission to be selling salvaged vehicles to consumers. Complainants allege the same activity is occurring at this new location. Two police reports have been filed, and the Respondent's owner has been indicted on theft charges. One complainant alleges Respondent took in her vehicle for repairs, refused to return it, and listed it for sale against her will.

Recommendation: Authorize this matter go straight to formal charges authorized for a hearing. Legal shall proceed to a hearing and seek \$5,000 per vehicle sale shown. Legal will work with local authorities on this matter.

Commission Decision: CONCUR

49. 2017072081 D&R Classics (SRP)

First Licensed: 11/18/2014

Expiration: 09/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant claimed he had not received a title to a vehicle he purchased. Respondent stated he had communicated to Complainant trouble in obtaining the title from out of state. Respondent did receive the title, but it took four months.

Recommendation: Close upon issuance of a letter of warning.

Commission Decision: CONCUR

50. 2017074831 Clarksville Auto Sales (SRP)

First Licensed: 07/02/2013

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – \$1,000 Agreed Citation for Incomplete Temporary Tag Log

Complainant expressed dissatisfaction with the coverage provided under an extended warranty. An investigation was conducted. Complainant ultimately decided to request a refund for the warranty, and Respondent provided that refund. No violations appear to have occurred.

Recommendation: Close.

Commission Decision: CONCUR

51. 2017076441 First Class Auto Sales & Services (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): None

An inspector noted that Respondent was allegedly selling vehicles from his mechanic shop located in a rural town. An investigation was conducted. Respondent admits to selling at least seven vehicles in a one-year period. Respondent claims he has been working to get a dealer license, but he is struggling to secure the bond due to a past bankruptcy. An insurance agent confirmed that they are working with Respondent to acquire a bond. Respondent claims many of the sales were consignments for others; however, Respondent did have some cars positioned on his lot in a manner that could imply continued sales at the time of the investigation. Additionally, the name of the business contains the phrase “auto sales.”

Recommendation: Authorize a civil penalty in the amount of \$500.00 for unlicensed activity to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

52. 2018007111 (“Complaint 1”) Tate Auto (SRP)

2018010991 (“Complaint 2”)

First Licensed: 06/13/2014

Expiration: 05/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 -- \$500 Agreed Citation for Possession of Open Titles; 2016 – \$1,500 Agreed Order for Unlicensed Activity and Illegal Use of a Dealer Tag

Complaint 1:

Complainant alleges Respondent has not provided title. Respondent has not responded to the Complainant or to the complaint itself. Complainant has been provided with the surety bond. Complainant indicates that the salesperson that was the subject of the 2016 unlicensed activity charge was the salesperson. Legal, as part of resolving the 2016 action, made it clear that the unlicensed salesperson must apply for a license. As of April 3, 2018, the salesperson has not done so. The salesperson has a felony, and stated fear of rejection as the reason for not applying despite legal explaining the appeal process. The Respondent’s dealership is in the name of the unlicensed salesperson’s fiancé, and the unlicensed salesperson is the sole employee at the dealership.

Complaint 2:

Respondent had new insurance information sent to the Commission. The insurance information suggested Respondent had moved locations, but Respondent did not submit a change of address form to the Commission. The unlicensed salesperson contacted legal

about the move prior, and legal explained the need to fill out the change of address form as well as the need to apply for a salesperson license. As of April 3, 2018, neither had been submitted.

Recommendation: Combine both complaints and authorize suspension of Respondent's motor vehicle dealer license until a licensed salesperson is employed at Respondent's dealership, to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

53. 2018011521 James A. Bruce (SRP)

First Licensed: 09/11/2013

Expiration: 01/31/2020 (SUSPENDED 1/31/2018 and Underlying Dealer Closed)

License Type: Motor Vehicle Salesperson

History (5 yrs.): None

This complaint was filed by the previous employer/owner of a car lot from a location Respondent is now leasing. Complainant states that the dealership was closed and the property was being sold. Complainant visited the lot as part of the winding down process, and discovered that Respondent had used Complainant's motor vehicle dealer license to apply for reinstatement of Respondent's salesperson license, and Respondent used the dealer license to obtain temporary tags through the EZ tag system. Respondent grabbed the tags out of Complainant's hands and locked the building. Complainant called the police, but the police stated this was a civil matter. Complainant stated the dealership has not ordered tags for over a year prior to Respondent's fraud.

An investigation was conducted. The investigator confirmed that the Complainant had not ordered tags for over a year, and the only tags printed were three tags from the EZ tag system at the time the dealership was closing. The easy tags had the Complainant's name on them, but not the Complainant stated they were selling off inventory at the time, which is why the license had not been closed with the Commission yet. The investigator also noted that he knew Respondent has being a previous associate of other Respondents this Commission has taken action against for unlicensed activity.

Respondent claims he was business partners with Complainant, but that he disliked how Complainant did business. When Complainant was leaving the industry, Respondent incorporated a dealership with a similar name and agreed to lease the property. Respondent claimed his intention was to get a license with the similar name. Respondent claims Complainant was aware that Respondent was applying for a license, and he stated he did have an EZ Tag account. He stated he used his own account to print the tags, and never used someone else's. He claims he printed two of the tags as a test to see if his account worked, and the third was for a vehicle he was selling. The two test tags were marked as test/transport on the back. Respondent states he has applied for a business license, and is working on obtaining a bond. Respondent states Complainant was angry about Respondent's decision to state the business at that location with the name, so he closed the license and filed the complaint. Complainant denies all of what Respondent stated. Respondent promised to provide a sworn statement and documents related to vehicle sales he conducted as consignments, but he failed to meet with the investigator.

While it is difficult to prove the allegations related to the operation of the business/access to temporary tags, Respondent's license was either expired or suspended for failure to pay child support since 2015. Respondent admitted to conducted sales and/or attempting sales of vehicles as consignments through a dealership without an active salesperson license.

Recommendation: Authorization of a civil penalty in the amount of \$5,000 for selling vehicles without a valid salesperson license.

Commission Decision: CONCUR

54. 2018013711 Affordable Motors (SRP)

First Licensed: 07/14/2005

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – Letter of Warning for failing to produce temporary tag log.

Complainant is a former employee who appears to be in a dispute with Respondent about past employment practices, experiences, and allegations of monies owed between the parties. This is based on Complainant's emails to the Commission explaining ongoing problems. Complainant filed a complaint alleging Complainant overheard a consumer at the dealership claim they were issued more than two temporary tags. Respondent responded to stated Complainant was disgruntled, and that he had not been working there in many years. Respondent uses the EZ tag system, which did not appear to have any errors leading to suspicion of temporary tag abuses.

Recommendation: Close.

Commission Decision: CONCUR

55. 2018013771 Green Light Car Sales (SRP)

First Licensed: 07/24/2013

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 -- \$1,000 Agreed Citation for missing temporary tag

Complainant claims she discovered a vehicle purchased from Respondent had its titled washed of a salvaged title issued in California. Complainant additionally claims the vehicle is missing an airbag. Complainant states she discovered these issues when trying to trade in the vehicle.

Respondent responded to state that the dealership was sold to new owners since Complainant purchased the vehicle, which is reflected in the license history. Respondent states that despite that, they reached out to the old owner, who denies the allegations. Respondent states the consumer was informed of the previously branded title as demonstrated in the Car Fax. Respondent states it had even told Complainant at the time that they would not finance the vehicle, so Complainant secured her own financing since

she worked for a bank. Respondent claims Complainant was aware of the vehicles issues and history, but based on the lien on her vehicle traded in at the time, Complainant considered it an advantageous purchase. Now, without the ability to trade in the vehicle, Complainant is upset. Respondent states that prior to the complaint, they also attempted to work with Complainant by offering to install an airbag and to help Complainant find a new vehicle, but a resolution was not reached.

Recommendation: Close upon a referral to the Tennessee Department of Revenue related to the title branding issues.

Commission Decision: CONCUR

56. 2018015481 Secret City Chrysler Dodge Jeep Ram (SRP)

First Licensed: 06/19/2015

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 -- \$600 Consent Order for Incomplete Temporary Tag Log

Complainant misled a dealership on the payoff amount remaining on a leased vehicle. Complainant filed a complaint after the vehicle she traded to Respondent was repossessed. Complainant alleged that it is Respondent's fault that they allowed her to sign the purchase contract with the erroneous understanding of what was owed on her trade-in. Complainant admitted she knew of the error at the time of the contract.

Recommendation: Close.

Commission Decision: CONCUR

57. 2018015271 Ford of Murfreesboro (SRP)

First Licensed: 05/25/2011

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a vehicle at the beginning of July 2017, and did not receive a title until March 2018 despite numerous and continuous efforts to get Respondent to provide it. Complainant states she received at least five temporary tags.

Recommendation: Authorize a civil penalty in the amount of \$2,000 (\$500 x 3 tags issued in excess of law, and \$500 for false, fraudulent, and deceptive acts related to late delivery of title), to be settled by consent order or a formal hearing.

Commission Decision: CONCUR

58. 2018014941 Landon Stringfellow (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): None

Complainant found a vehicle advertised on Craigslist through a private seller (Respondent). Complainant ultimately experienced mechanical and titling issues with the vehicle. An inspection was conducted, and it appeared Respondent had advertised five vehicles for sale. His main occupation is vehicle repair. No evidence of more than five vehicles being advertised or sold could be located.

Recommendation: Close upon issuance of a Letter of Caution.

Commission Decision: CONCUR

59. 2018015341 Manheim Nashville (SRP)

First Licensed: 05/21/2010

Expiration: 06/30/2019

License Type: Motor Vehicle Auction

History (5 yrs.): None

Complainant filed this complaint against Respondent after Respondent banned Complainant from its auction. Complainant stated that it had purchased a vehicle from Respondent's auction a few years ago, and it later learned the mileage was not correct. Respondent explained that the vehicle was more than ten years old, and it sold it as mileage exempt. Respondent had no knowledge of the history of the cluster/change. Based on that, Complainant purchased a vehicle, changed the cluster, then sold it as mileage exempt through the auction. Respondent found out later what Complainant did, and it made Complainant buy back the vehicle and banned Complainant from the auction. Respondent explained that what Complainant did was different since it had knowledge of the mileage rollback since it performed the cluster change. Respondent reported Complainant to the Tennessee Highway Patrol for odometer fraud.

Recommendation: Close. No referral needed on Complainant due to THP already receiving complaint from Respondent.

Commission Decision: CONCUR

60. 2018015711 Freedom Motors (SRP)

First Licensed: Unclear

Expiration: Unclear

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant filed a complaint against Respondent, a closed dealership, related to a car purchase from 2008. There are numerous closed dealerships under the same name. Complainant is trying to get a lien removed from a vehicle Complainant has paid off after the dealership closed. Complainant was provided with surety bonds for likely dealerships related to her complaint.

Recommendation: Close.

Commission Decision: CONCUR

61. 2018015891 JJ Winchester (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): None

Revenue forwarded a complaint on to the Commission for possible unlicensed activity. An inspection was conducted, but no evidence of unlicensed activity was located. Revenue is auditing sales related to horse trailers sold by Respondent in the past, but the trailers are not motor vehicles regulated by this Commission.

Recommendation: Close.

Commission Decision: CONCUR

62. 2018017201 All Things Auto, LLC (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): None

Respondent is operating a recycler/dismantler operation out of a location under a different entity's license. The owner claimed the previous licensee from the location was allowing the business to operate as a d/b/a; however, neither the license nor the corporate filings for the entities list Respondent as a d/b/a for the licensed dismantler.

Recommendation: Authorize a civil penalty in the amount of \$1,000 for unlicensed activity. Penalty shall be reduced to \$500 if Respondent obtains a valid license. Matter may be resolved by consent order or a formal hearing.

Commission Decision: CONCUR

63. 2018010121 Deandre/A Easy Money (SRP)

First Licensed: N/A

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

Complainant says they purchased a vehicle from Craigslist, but Complainant discovered Respondent lied about the year of the vehicle. Respondent is not licensed. A drive-by was requested to the alleged lot where the sale occurred. The lot is a small parking pad with a small trailer. The lot was padlocked, and no signs were displayed, but five vehicles were parked inside. Nothing indicated the vehicles were for sale. An investigation was conducted. Respondent works for a licensed wholesaler in the State of Mississippi. He claims he does not retail vehicles, but at least six vehicles were found listed online for sale under the associated phone number, and the address on the Facebook page was the small lot located in Tennessee. The auto auction he attends stated he had Tennessee temporary tags with him on one visit. Respondent claims they were provided to him by another auction.

Recommendation: Close upon issuance of a letter of warning, and refer this matter to the Tennessee Department of Revenue for investigation into the possession of Tennessee temporary tags.

Commission Decision: CONCUR

64. 2018020571 My Carlot LLC (SRP)
2018021411
First Licensed: 04/29/2016
Expiration: 05/31/2018 (CLOSED 2/22/2018)
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Both complainants purchased vehicles from a salesperson at Respondent dealership. Through a different complaint from the owner of Respondent Dealership, it was uncovered that the salesperson was using Respondent's license and location to sell vehicles without a valid salesperson or dealer license while Respondent was winding down its business and closing. The salesperson is up for a \$5,000 civil penalty earlier in this report. One of these complainants alleged the salesperson threatened him with a gun when he came to inquire into a tag. The salesperson has an extensive criminal history, and he is associated with known associates undergoing criminal prosecution for theft related to the sale of cars.

Recommendation: Close upon referral to local police for investigation.

Commission Decision: CONCUR

SHILINA

65. 2017070831 Car Lot (SBB)

First Licensed: 06/05/2002

Expiration: 03/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 392572

Complainant states the Respondent is no longer in business, but continued to collect payments for cars sold prior to closing the dealership. Upon investigation, it was determined that this dealership is no longer in business and closed.

Recommendation: Close.

Commission Decision: CONCUR

66. 2017074951 Sam's Enterprise (SBB)

First Licensed: UNLICENSED

Expiration: N/A

License Type: N/A

History (5 yrs.): None

Entity No.: 1216844

A Complaint was filed against the Respondent stating the Respondent is engaged in the unlicensed sale of motor vehicles and is selling rebuilt vehicles with the proper disclosures. The business is out-of-business and is closed.

Recommendation: Close.

Commission Decision: CONCUR

67. 2017054831 Ban Auto Sales (SBB)

First Licensed: UNLICENSED

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1203485

Complaint against the Respondent that alleged the Respondent was engaged in car sales in Knoxville, Tennessee, but was licensed in Fort Worth, Texas. Following an investigation, it was determined the Respondent was licensed in both Tennessee and Texas and a total of three vehicles were sold. Two of the vehicles were sold to family members and another was sold to an individual buyer. The Respondent has active licenses and dealerships in both Tennessee and Texas.

Recommendation: Close.

Commission Decision: CONCUR

68. 2017057341 Jim Keras Nissan, Inc. (SBB)

First Licensed: 03/05/1997

Expiration: 02/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 402262

Complaint against the Respondent for running the Complainant's credit history without authorization. The Complainant's estranged wife was attempting to sell her vehicle and was trying to use the Complainant's credit history for purposes of purchasing a vehicle from the Respondent. Respondent provided a response, however, the two-page attachment was not attached to the electronic response submission. Following an investigation, it was determined the Respondent did run the Complainant's credit, however, the Complainant's credit history was not harmed. The Respondent has indicated the salesperson who handled the transaction was terminated from his position. The Respondent also stated a letter of apology was sent to the Complainant because the Respondent takes customer privacy concerns very seriously and ensures compliance with annual training.

Recommendation: Close.

Commission Decision: CONCUR

69. 2018007301 Patriot Motors (SBB)

First Licensed: 6/24/2016

Expiration: 5/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): *Has been disciplined * owes a fine from 2017

Entity No.: 1141117

Complainant made all payments for the vehicle purchased from the Respondent. The Respondent delayed in providing tags/title to the vehicle and has now closed. The Complainant is unable to drive the vehicle because the drive-out tags have expired.

Recommendation: Authorize a formal hearing with authority to settle by consent order with an assessed civil penalty in the amount of \$500 for failing to timely provide tags/title.

Commission Decision: CONCUR

70. 2017076701 Music City Motors, LLC (SBB)

First Licensed: 10/08/2015

Expiration: 10/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 Agreed Order

Entity No.: 414721

Complainant purchased a vehicle from the Respondent and was advised the title would be mailed to the Complainant within two weeks. The Complainant has contacted the Respondent on numerous occasions and has been unable to obtain the title.

Recommendation: Authorize a formal hearing with authority to settle by consent order with an assessed civil penalty in the amount of \$500 for failing to timely provide tags/title.

Commission Decision: CONCUR

71. 2017057931 Music City Auto Auction (SBB)

First Licensed: 1/07/2015

Expiration: 6/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 407239

Complainant purchased a vehicle from the Respondent and was advised the title would be mailed to the Complainant within two weeks. The Complainant has contacted the Respondent several times. The Complainant is under a dealer agreement to perfect the lien in a certain amount of time. The Complainant is now passed the allowed time and in default and responsible for the loan. The Respondent has explained that it does not take possession of units and all titles are transferred between Seller and Buyer. The Buyers are permitted to return the vehicle if a title is not provided by the seller within 30 days and the buyer is given a complete refund. The sellers are not paid until titles are provided and buyers' checks are not deposited until the titles are provided. The Respondent indicated that it always tries to obtain titles from the sellers and will continue to try to obtain this title. The original seller has sold the dealership and the entire staff has been replaced.

Recommendation: Close.

Commission Decision: CONCUR

72. 2018003451 Raymond Hassler (SBB)

First Licensed: 8/17/1998

Expiration: 8/31/2000 – EXPIRED – NOT APPLICABLE

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 443007

Complaint filed against the Respondent stating the Respondent is acting as a licensed salesperson at auctions and his salesperson license has expired. Following an investigation, it was determined that the Respondent is properly licensed and holds a valid motor vehicle dealer license.

Recommendation: Close.

Commission Decision: CONCUR

73. 2017064681 Safari Auto Sales, Inc. (SBB)

First Licensed: 7/29/2013

Expiration: 6/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 417667

Complaint filed against the Respondent stating the Complainant purchased a vehicle from the Respondent and arranged financing, however, the Respondent was unable to produce the title. The Respondent later closed the business. The surety bond information for the Respondent was sent to the Complainant.

Recommendation: Close.

Commission Decision: CONCUR

74. 2017065301 Autogate of Nashville, LLC (SBB)

First Licensed: 2/28/2013

Expiration: 2/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): *owes a fine*, 2016 Consent Order, 2017 Consent Order

Entity No.: 415645

This complaint was opened as a result of staff receiving notice that Respondent's liability insurance had lapsed and cancelled. Respondent provided proof of new coverage five days after the lapse. Respondent is now fully in compliance, and the lapse was less than one week.

Recommendation: Close upon issuance of a letter of warning regarding requirement to maintain insurance.

Commission Decision: **CONCUR**

75. 2017066211 Slempt Motors (SBB)

First Licensed: 3/12/2012

Expiration: 1/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 Close and Flag

Entity No.: 408770

Complaint filed against the Respondent stating the Complainant purchased a vehicle from the Respondent and arranged financing, however, the Respondent was unable to produce the title. The Respondent later closed the business. The surety bond information for the Respondent was sent to the Complainant.

Recommendation: Close.

Commission Decision: **CONCUR**

76. 2017066901 Tennessee Auto Sales #3 (SBB)

First Licensed: 9/30/1996

Expiration: 9/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): *owes a fine*, 2015 Consent Order, 2016 Agreed Citation, 2017 Consent Order

Entity No.: 396751

Complaint filed against the Respondent stating the Complainant purchased a vehicle from the Respondent and had to repeatedly return to the Respondent because the Respondent did not provide vehicle tags and registration. The Complainant got stopped and was issued a ticket by the police for an expired drive-out tag and went to the Respondent and demanded the vehicle tag and registration. The Respondent obtained the vehicle tags and registration for the Complainant within a few hours. The Respondent provided a response and apologized for the incident and stated it would not happen in the future.

Recommendation: Close upon issuance of Letter of Warning concerning providing motor vehicle titles in a timely manner to motor vehicle purchasers.

Commission Decision: **CONCUR**

77. 2017068681 Lance Cunningham Ford (SBB)

First Licensed: 9/01/1991

Expiration: 11/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2013 Letter of Warning

Entity No.: 395465

Complaint filed against the Respondent stating the Complainant purchased a vehicle from the Respondent and it had frame damage that was not disclosed to the Complainant. The purchased vehicle had been fully repaired. The Complainant demanded the return of her vehicle or a replacement. The Complainant returned the vehicle to the dealership and subsequently learned from the Used Car Manager that it had been sold to an elderly couple without notifying them of the damage. The Complainant would like us to contact the purchasers of the vehicle and find out if they have been notified of the frame damage to the vehicle. The Respondent provided a response and stated they had made the Complainant whole and returned all monies. Also, the Respondent assured us that the vehicle had been sold to another customer and the prior damage had been disclosed to the customer prior to the sale.

Recommendation: Close.

Commission Decision: CONCUR

78. 2017069571 Tip Top Tire Shop (SBB)

First Licensed: UNLICENSED

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1212986

Complaint filed against the Respondent concerning the sale of tires. The Complainant alleges the Respondent has been blocking the alley way which allows access to the Complainant's property and also, it appears the Respondent is also selling cars without a license. The Respondent is not engaged in the sale of motor vehicles and just sells tires.

Recommendation: Close.

Commission Decision: CONCUR

79. 2017069591 Lebanon Road Autoplex (SBB)

First Licensed: 5/20/2016

Expiration: 4/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 Agreed Citation

Entity No.: 1136020

Complainant purchased a vehicle from the Respondent, including payment for the vehicle tags and registration and has still not received the vehicle tags 79 days after the purchase. The Complainant could not reach anyone at the dealership and when the Complainant did reach an individual, the individual demanded the payment of \$340.00 before providing vehicle tags to the Complainant. The Respondent provided a response and stated the vehicle was on down payment layaway and the Complainant was making payments toward the down payment before purchasing the vehicle. After the Complainant completed payment of three payments towards the down payment and failed to make any other payments. The Complainant later contacted the Respondent requesting the vehicle tags. The vehicle was subsequently repossessed shortly thereafter because no further payments were made on the vehicle. The Complainant indicated he did not want the vehicle after it had been repossessed.

Recommendation: Close.

Commission Decision: CONCUR

80. 2017069641 Discount Motor, LLC (SBB)

First Licensed: 10/06/2015

Expiration: 9/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Consent Order, 2016 Close and Flag, 2018 Letter of Warning

Entity No.: 1113671

Complainant purchased a vehicle from the Respondent and made a down payment. The Complainant stated the Respondent did not provide a receipt for the down payment. The Complainant was making payments on the vehicle and was late in making a payment. Thereafter, the Respondent told the Complainant to return the vehicle and pick up the down payment money. The Complainant refused to return the vehicle. The Respondent repossessed the vehicle due to nonpayment of the loan.

Recommendation: Close.

Commission Decision: CONCUR

81. 2017070261 Wheels Auto Sales, Inc. (SBB)

First Licensed: 3/04/2002

Expiration: 2/29/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 389042

Complainant purchased a vehicle from the Respondent and tried to trade-in the vehicle and was later told there had been odometer fraud in 2010 and 2015 on the vehicle. The Respondent denies that there had been any odometer fraud. The Respondent provided a response and stated that the dealership has been in business for over 30 years and there is no reason to adjust the mileage on the vehicle. The vehicle sold to the Complainant was over 10 years old and mileage exempt in the State of Tennessee. The Respondent provided all paperwork that is properly signed concerning the odometer disclosure and clearly states that the vehicle is mileage exempt. The Tennessee Highway Patrol, Criminal Investigations Division conducted an investigation and reviewed the documents and information and stated all documents and information was correct and valid.

Recommendation: Close.

Commission Decision: CONCUR

82. 2017070421 Green Light Car Sales (SBB)

First Licensed: 7/24/2013

Expiration: 7/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Agreed Citation

Entity No.: 417675

Complainant purchased a vehicle from the Respondent and was advised the title would be sent to the Complainant. The Complainant has contacted the Respondent on numerous occasions and has been unable to obtain the title. To date, the Complainant has not received the title to the vehicle. The Complainant was provided with the surety bond information of the Respondent. The Complainant has received the title to the motor vehicle.

Recommendation: Close.

Commission Decision: CONCUR

83. 2017070501 BMW of Nashville (SBB)

First Licensed: 10/15/1998

Expiration: 9/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 395098

Complainant purchased a vehicle from the Respondent and stated it did not have possession of a clear title. According to the Respondent, there was a delay in sending the title to the Complainant. The Complainant has received the title to the vehicle.

Recommendation: Close.

Commission Decision: CONCUR

84. 2017071271 Alexander Motors and Rentals, LLC (SBB)

First Licensed: 12/08/2011

Expiration: 11/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 Referral to Outside Agency

Entity No.: 406759

Complainant purchased a vehicle from the Respondent and received one drive out tag and the Respondent has failed to provide vehicle tags and registration. The Complainant is still making payments and paying insurance. The Complainant was provided the surety bond information for the Respondent. The Complainant has received the tags and registration.

Recommendation: Close.

Commission Decision: CONCUR

85. 2017071901 Bolivar Ford (SBB)

First Licensed: 9/01/1991

Expiration: 5/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 407830

Complainant called the Respondent concerning an advertisement for a vehicle. The Respondent advised that the vehicle was not available and the Complainant demanded the Respondent sell him the vehicle at the price advertised. The Respondent advised the Complainant the price listed was a typographical error and the Respondent had another vehicle that was a different color which was \$5,000 more than the price than the advertisement. The Respondent provided a response reiterating that the ad was an error and explained that they tried to reduce the price as much as possible, however, could not sell the

vehicle for the advertised price listed in the advertisement because it was a typographical error and much less than the actual cost of the vehicle.

Recommendation: Close with a Letter of Warning for possible advertising violation.

Commission Decision: CONCUR

86. 2017073431 Auto Masters of Hermitage, LLC (SBB)

First Licensed: 7/28/2011

Expiration: 6/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 404779

Complainant purchased a vehicle from the Respondent and was making the payments to the Respondent. The Respondent began to call the Complainant each time a payment was coming close to the due date. The Respondent began calling references listed on the original automobile financing application when a payment was late and the Complainant would not return telephone calls. The Respondent provided a response and stated the Complainant was late on numerous occasions and it turned out there had been a misunderstanding by the Complainant concerning due dates for payments which were due every two weeks and not once a month. This resulted in the Complainant's account becoming extremely delinquent. The Complainant and Respondent have resolved the matter and clarified the due dates for payments and amounts due.

Recommendation: Close.

Commission Decision: CONCUR

87. 2017082171 Clarence McCullough (SBB)

First Licensed: UNLICENSED

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1222613

The Complainant alleges the Respondent is operating an unlicensed dealership with approximately 20-25 vehicles for sale that were purchased at an auction. The Respondent stated he is a licensed dealer in Arkansas, but could not produce any type of license. There were 12 vehicles that were parked at a location by the Respondent, however, none of the vehicles were for sale. The Respondent was visited by an enforcement agent and given a warning citation. The Respondent did not have any vehicles at any locations following the warning citation issued to the Respondent.

Recommendation: Close.

Commission Decision: **CONCUR**

88. 2018003401 DDS Affordable Auto Sales & Carwash, Inc. (SBB)

First Licensed: 9/29/2015
Expiration: 8/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017 Consent Order
Entity No.: 1112650

An annual inspection revealed that dealership had moved to a new location and had not advised the Motor Vehicle Commission office of the new location. There were eight (8) open titles at the new location.

Recommendation: Authorize a formal hearing with authority to settle by consent order with an assessed civil penalty in the amount of \$4,000 for possession of eight open titles (\$500/each open title).

Commission Decision: Authorize a formal hearing with authority to settle by consent order with an assessed civil penalty in the amount of \$4,000 for possession of eight open titles (\$500/each open title) and \$1,000 for failure to add the new location to the license for a total civil penalty of \$5,000.

89. 2017081691 321 Drive (SBB)

First Licensed: 1/09/2012
Expiration: 12/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017 Consent Order
Entity No.: 407791

The Complainant purchased a vehicle from the Respondent and was not given the title. The Complainant cannot get the vehicle registered. The vehicle had been repossessed prior to the purchase by the Complainant and the vehicle is still titled under the previous owner. Respondent indicates it has possession of the title and are willing to provide it to the Complainant, however, the Complainant is “leery” about accepting it. The Complainant has made three claims to the surety bond company. The bonding companies have reviewed the title and determined it to be a valid title.

Recommendation: Close.

Commission Decision: **CONCUR**

90. 2018000251 BMW of Chattanooga (SBB)

First Licensed: 1/28/1998

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 Consent Order

Entity No.: 389007

The Complainant purchased a vehicle from the Respondent and lost the ignition key. The Complainant purchased a replacement key, however, the key did not work. The Respondent advised the Complainant it probably would be necessary to purchase a new locking cylinder and the cost would be \$200 for the part and \$100 for labor. When the Complainant was ready to have the locking cylinder replaced, the Respondent changed the verbal price quote from \$300 to \$1,800 for the replacement of the locking cylinder.

Recommendation: Close.

Commission Decision: CONCUR

91. 2018000311 Discount Motors, LLC (SBB)

First Licensed: 10/06/2015

Expiration: 9/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Consent Order, 2016 Close and Flag, 2018 Letter of Warning

Entity No.: 1113671

The Respondent advertised a vehicle online and the Complainant contacted the Respondent and expressed interest in the vehicle. The Respondent checked the Complainant's credit and stated the vehicle would be \$2,000 more than the original online advertised price. The Complainant purchased the vehicle and the Respondent indicated that the Complainant's license was suspended after the Complainant had already left the dealership with the vehicle. Later, the vehicle stopped working in the middle of the road and the Respondent agreed to fix it and provided a loaner vehicle to the Complainant. The Respondent requested the Complainant re-sign the documents for the purchase of the vehicle and the Complainant refused. The Respondent provided a response and stated the Complainant provided false information on the original purchase agreement and financing agreement. The Complainant did not disclose an open \$18,000 auto loan or the fact that the Complainant's driver's license had been in a suspended status. Since there was incorrect information on the original purchase and financing agreements, the Respondent needed the Complainant to re-sign all the documents.

Recommendation: Close.

Commission Decision: CONCUR

92. 2018001621 Twin City Nissan, Inc. (SBB)

First Licensed: 9/01/1991

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 391898

The Complainant responded to the Respondent's advertisement about rebuilding credit through the purchase of a vehicle from the Respondent. The Complainant purchased a vehicle from the Respondent and later found the vehicle had been involved in two accidents which had resulted in structural damage to the vehicle. The Respondent provided a response and stated that the Complainant did not contact the dealership about an issue with the vehicle being in two accidents and stated that the Respondent did not have any information or knowledge the vehicle had been involved in an accident.

Recommendation: Close.

Commission Decision: CONCUR

93. 2018001681 Xclusive Autos, LLC (SBB)

First Licensed: 7/01/2015

Expiration: 6/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 413740

The Complainant's deceased sister purchased a vehicle from the Respondent and the Complainant was attempting to obtain the title for the vehicle. The Complainant has not been able to obtain the title from the Respondent. The Complainant was sent the Respondent's surety bond information.

Recommendation: Close.

Commission Decision: CONCUR

94. 2018002151 E & S Auto Sales and Repair, Inc. (SBB)

First Licensed: 12/07/1998

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 Consent Order

Entity No.: 404584

The Complainant purchased a vehicle from the Respondent and obtained the necessary insurance coverage required under the credit agreement with the dealership. The Respondent later contacted the Complainant and stated the Complainant's account had been

placed in collections for failure to obtain the proper insurance coverage. The Complainant's insurance company had placed a block on the policy because of a defaulted title on the vehicle. The vehicle had a salvaged title. The Complainant was unaware the vehicle had a salvaged title and was unable to obtain the full insurance coverage that was required. The Complainant states the Respondent has threatened to repossess the vehicle from the Complainant. The Respondent provided a response and stated the vehicle has a rebuilt title and it was properly disclosed and provided to the Complainant. Also, the Respondent provided proof that the Complainant signed two documents that clearly disclosed to the Complainant that the vehicle had a rebuilt/branded title. The Complainant has previously purchased rebuilt vehicles from the Respondent.

Recommendation: Close.

Commission Decision: **CONCUR**

95. 2018002751 Grace Automotive (SBB)

First Licensed: UNLICENSED

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1223043

The Complainant gave the Respondent \$2,500 in cash for the purchase of a vehicle for the Complainant's son. The Complainant stated the Respondent has still not purchased the vehicle for her son and has not returned the money. The Respondent's dealership is now closed and the lot is vacant.

Recommendation: Close.

Commission Decision: **CONCUR**

96. 2017080131 Porsche of Nashville (SBB)

First Licensed: 9/23/2013

Expiration: 8/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 418659

The Complainant entered into a contract as an auto broker with the Respondent for the purchase of a vehicle and placed a deposit on a vehicle. Two weeks later, the Respondent increased the interest rate on the financing for the vehicle from 2.30% to 2.70% and added an additional \$3,225 plus applicable taxes to the payments for the vehicle. The Respondent has refused to honor the original terms of the original agreement. The Respondent stated that it did not finalize any agreement for the purchase of the vehicle with the Complainant and there is no signed contract with the Complainant. The Respondent stated senior

management of the dealership rejected the terms of the offer by the Complainant and the Complainant had been refunded all deposit monies.

Recommendation: Close.

Commission Decision: CONCUR

97. 2017080851 American Eagle Auto Sales (SBB)

First Licensed: 10/30/2012

Expiration: 9/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 412720

The Complainant purchased a vehicle from the Respondent and has been unable to obtain the registration and vehicle tags from the Respondent. The Respondent has refused to issue another drive-out tag to the Complainant. The Respondent provided a response and stated the Complainant has been provided the vehicle tags and registration for the vehicle. The Complainant was sent the Respondent's surety bond information.

Recommendation: Close.

Commission Decision: CONCUR

98. 2018003931 Ace Auto Sales, Inc. (SBB)

First Licensed: 2/24/2010

Expiration: 2/29/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 410660

The Complainant stated the Respondent sold a vehicle for \$1 to his son. The Complainant alleges that this is a sales tax violation. There is no evidence indicating there has been evasion of any sales tax.

Recommendation: Close.

Commission Decision: CONCUR

99. 2017079501 Oak Ridge Nissan (SBB)

First Licensed: 3/05/2007

Expiration: 2/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2013 Agreed Order, 2013 Consent Order, 2017 Letter of Warning

Entity No.: 404686

The Complainant purchased a vehicle from the Respondent in the amount of \$7,751 above the Kelly Blue Book value for the vehicle. The Complainant alleges the Respondent damaged the vehicle when the vehicle was washed at the time of delivery of the vehicle to the Complainant. The Respondent agreed to make the repairs and provide the plastic strips that were damaged on the vehicle. The matter has been resolved.

Recommendation: Close.

Commission Decision: CONCUR

100. 2017080291 Abdul Alghamdi (SBB)

First Licensed: UNLICENSED

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1220412

The Complainant alleges the Respondent is conducted unlicensed motor vehicle sales from various locations. Upon an investigation, the Respondent is properly licensed at all three locations, however, there were other violations. The Respondent did not have a sales tax license posted and did not have the titles for some of the vehicles. The Respondent was issued a notice of violation at each of the locations for various violations including: failure to post business days and hours pursuant to Rule 0960-01-.25, failure to have a state sales and use tax license pursuant to Rule 0980-01-.21, failure to produce business records (titles) pursuant to Rule 0960-01-.11, failure to have temporary tags and logs pursuant to Tenn. Code Ann. 55-17-114(b)(1)(O) and possession of open titles pursuant to Tenn. Code Ann. 55-17-114(b)(1)(N).

Recommendation: Authorize a formal hearing with authority to settle by Consent Order with the assessment of a civil penalty in the amount of \$250 for failing to maintain business hours, \$250 for failure to produce business records, \$1,000 for failure to have a state sales and use tax license, and \$1,000 for failure to have temporary tags and logs and \$1,000 for having 10 open titles (\$100/open title) for a total civil penalty \$2,500.

Commission Decision: CONCUR

101. 2018004611 Chattanooga Motors, LLC (SBB)

First Licensed: 4/03/2008

Expiration: 3/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 413553

The Complainant purchased a vehicle from the Respondent and was told the vehicle had never been in an accident. Two weeks later, the Complainant discovered the vehicle had been involved in a front end collision when he had the vehicle appraised. The value of the vehicle had dropped over \$4,000. The Complainant attempted to address this with the Respondent and the Respondent stated it was not their problem. The Respondent provided a response and provided proof that the vehicle was sold "AS IS." The Respondent had no knowledge of any prior vehicle damage or body repairs. The Respondent also indicated that the financing company that financed the vehicle had done a vehicle history check before financing to ensure the vehicle had not been damaged. The Respondent also allows all prospective customers to have the vehicle inspected by a third-party prior to the sale of the vehicle.

Recommendation: Close.

Commission Decision: CONCUR

102. 2018004651 Auto Masters of Hermitage, LLC (SBB)

First Licensed: 7/28/2011

Expiration: 6/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 404779

The Complainant purchased a vehicle from the Respondent and paid off the vehicle in the amount of \$1,434.00 and the Respondent failed to remove the lien in timely manner. Respondent provided a response and stated the vehicle was purchased from a Kentucky resident and upon learning that the lien had not been released in Kentucky, the Respondent immediately contacted the Kentucky Clerk's Office and faxed the necessary documents to have the lien released. The Respondent was not aware the lien had not been paid off.

Recommendation: Close.

Commission Decision: CONCUR

103. 2018002081 BMW of Nashville (SBB)

First Licensed: 10/15/1998

Expiration: 9/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 395098

The Complainant purchased a vehicle from the Respondent and paid in full. The Complainant was unable to obtain the registration and title for the vehicle. The Complainant's temporary tag expired and the Complainant could not drive the vehicle. The Respondent provided a response and stated that the tag documents were sent to the wrong county and the holidays in December and January, 2017 delayed the processing of the tags. The tags were issued on January 10, 2018.

Recommendation: Close.

Commission Decision: CONCUR

104. 2018002501 Anthony Williams (SBB)

First Licensed: UNLICENSED

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1222995

The Complainant purchased a vehicle from the Respondent and made a partial payment. Following the purchase, the vehicle began to have some mechanical problems. The Respondent agreed to come and pick up the car and correct the mechanical problems. The Respondent came and picked up the vehicle to be repaired and asked the Complainant to pay for the parts to fix the vehicle. The Complainant refused and the Respondent offered to repurchase the vehicle. The vehicle was sold to the Complainant "AS IS."

Recommendation: Close.

Commission Decision: CONCUR

105. 2018002711 Tri-Cities Chrysler Dodge Jeep Ram (SBB)

First Licensed: 2/25/2013

Expiration: 2/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 415642

The Complainant purchased a vehicle from the Respondent and later returned because there was squealing of a belt and grinding and shaking in the front end of the vehicle. The

Respondent replaced the brakes on the vehicle. One month later, the Complainant had to take the vehicle back because the vehicle was acting as if it would stall. The Respondent replaced the belts and cleaned the fuel system. The Respondent also changed the starter on the vehicle. The Complainant purchased the extended warranty and the repairs were done under the warranty. The vehicle was sold "AS IS."

Recommendation: Close.

Commission Decision: CONCUR

106. 2018003241 American Car Center (SBB)

First Licensed: 4/29/2016

Expiration: 5/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1136784

The Complainant purchased a vehicle from the Respondent and was making payments on the vehicle. When the Complainant was making the final payment, the Respondent indicated that there were actually two more payments due. The Complainant disputes that there were two payments owed and according to the Complainant, the Respondent has refused to provide a payment history/ledger to the Complainant concerning all the payments that have been made to the Respondent. The Respondent provided a response and stated it always provides a detailed report to customers upon request and stated there was a misunderstanding in this situation. The Respondent has contacted the Complainant and resolved the issue with the Complainant. The Complainant is fully satisfied with the explanation and details provided by the Respondent concerning the payment history and account.

Recommendation: Close.

Commission Decision: CONCUR

107. 2018001211 Columbia Chrysler Dodge Jeep Ram Fiat (SBB)

First Licensed: 5/27/2011

Expiration: 5/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Letter of Warning, 2017 Letter of Warning

Entity No.: 409739

The Complaint is illegible and it is incomprehensible. The Complainant was contacted to follow-up and never provided any verbal or written response or clarification concerning the complaint.

Recommendation: Close.

Commission Decision: CONCUR

108. 2017079151 Jerry Wilkins (SBB)

First Licensed: UNLICENSED
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 1219572

A Complaint was filed against the Respondent by another motor vehicle dealer stating the Respondent has been involved in selling vehicles, curb stoning, for the past two years. Following an investigation, it was determined the Respondent had four vehicles for sale. The Respondent provided a sworn statement for the three vehicles that were sold. However, there is not sufficient proof to proceed on an unlicensed activity regarding the sale of motor vehicles, since this is within the amount an individual can sell within a 12 month period.

Recommendation: Close upon issuance of a letter of warning for possible unlicensed sales and curb stoning.

Commission Decision: CONCUR

109. 2017079171 Unique Auto Brokers (SBB)

First Licensed: 4/12/2016
Expiration: 3/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 1133409

The Complainant purchased a vehicle from the Respondent approximately three years ago and has been unable to obtain the title to the vehicle. The Respondent provided a response and stated the vehicle was purchased by an out-of-state resident and the Respondent provided all the necessary documents and affidavits of correction to the Complainant, but it has not been sufficient for the Virginia Motor Vehicle Services. The Respondent is willing to assist the Complainant to obtain the title and even obtain a duplicate original title from Tennessee and restart the process.

Recommendation: Close.

Commission Decision: CONCUR

110. 2017079251 Clayton Motor Company (SBB)

First Licensed: 2/02/2010

Expiration: 1/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 409718

The Complainant alleges the Respondent has illegal booked repossessed vehicles for several years and has not been sending them to auction. According to the Complainant, the Respondent has only faked customers showing up at the auction and there has been no competition on the bidding of the vehicles. The Respondent provided a response through its attorney and stated that the Respondent files suit on deficiency balances under the Retail Installment Contract and is a conglomerate of used car dealers operating under the “buy-here pay-here” concept. Each dealership is an independent incorporated entity and the various entities sell the contracts generated to a finance company that buys the loans from the dealership and is solely responsible for the collection of amounts under the contract. The finance company that purchased the loans holds auctions in a building attached to the offices of the finance company on a weekly basis at a generally recognized time-frame when auto auctions are held. All bidders submit oral bids and the vehicles are open for inspection. The Respondent’s Executive Vice President determines the “floor value” of the vehicle. The legality of the auctions was tested in Knox County and the Knox County General Sessions Judge determined that these auctions were both legal and commercially reasonable.

Recommendation: Close.

Commission Decision: CONCUR

111. 2017080541 Ray Viles Used Cars, LLC (SBB)

First Licensed: 9/07/2017

Expiration: 9/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1204986

A Notice of Violation was issued against the Respondent. The Respondent had off-site sales location. The Respondent is operating as an unlicensed dealer at a new location.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,000 for unlicensed sales at an unlicensed dealer location to be settled by consent order.

Commission Decision: CONCUR

112. 2017081171 MC Auto World (SBB)

First Licensed: 3/31/2015

Expiration: 3/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 411770

This complaint was opened as a result of staff receiving notice that Respondent's liability insurance had lapsed and been cancelled. Respondent provided proof of new coverage five days after the lapse. Respondent is now fully in compliance, and the lapse was less than one week.

Recommendation: Close upon issuance of a letter of warning regarding requirement to maintain insurance.

Commission Decision: CONCUR

113. 2017073651 Certified Auto Brokers, LLC (SBB)

First Licensed: 3/19/2014

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Consent Order

Entity No.: 405867

Complainant filed a complaint against the Respondent stating the Complainant purchased a vehicle from the Respondent and the Complainant later learned that the vehicle had extensive frame damage due to rust and corrosion and was unsafe to drive. The passenger side shock absorber had rusted and fallen off prior to purchase and the left side shock absorber is ready to fall off. The driveshaft, frame and underside of the vehicle are damaged beyond repair. Respondent provided a response and stated the Complainant was aware of all the issues with the vehicle and signed a Buyer's Guide with the "AS IS" disclosure.

Recommendation: Close.

Commission Decision: CONCUR

114. 2017073671 Nashville Hybrids, LLC (SBB)

First Licensed: 3/19/2015

Expiration: 3/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 411780

A Complaint was filed against the Respondent stating the Complainant purchased a vehicle from the Respondent and it would not pass the vehicle emission inspection due to engine error codes. The Complainant was advised it would cost \$2,700 to clear all the codes. The Complainant returned to the dealership and attempted to resolve the issue with the Respondent, but the Respondent was unwilling to work with the Complainant and unwilling to buy the vehicle back from the Complainant. The Respondent provided a response and stated that the Buyer's Guide was provided to the Complainant and the vehicle was sold "AS IS." The Respondent does not offer an extended warranty and provided all proper disclosures.

Recommendation: Close.

Commission Decision: **CONCUR**

115. 2017074211 True Auto Drive (SBB)

First Licensed: 8/26/2016

Expiration: 7/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1148984

Complainant purchased a vehicle from the Respondent and made arrangements to have the vehicle shipped. Prior to the completion of the sale, the Respondent sold the vehicle to another buyer. The Respondent provided a response and stated the Complainant was told that a deposit should be placed on the vehicle and the Complainant did not place a deposit on the vehicle and there was no binding contract in place prior to the sale of the vehicle to other buyer. The Complainant submitted the signed bill of sale after the vehicle had already been sold to another individual.

Recommendation: Close.

Commission Decision: **CONCUR**

116. 2017075161 Elite Auto Sales & Car Rental (SBB)

First Licensed: 8/13/2014

Expiration: 8/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): *bad check on file*, no other history

Entity No.: 407816

Complainant purchased two vehicles from the Respondent and has still not received the tags for the vehicle. The Complainant alleges the Respondent has issued 11 temp tags to date.

Recommendation: Authorization of a civil penalty in the amount of \$4,500 (9 x \$500 for issuing more temporary tags than allowed by law). To be settled by consent order or formal hearing.

Commission Decision: CONCUR

117. 2017078861 Elite Auto Sales & Car Rental, LLC (SBB)

First Licensed: 8/13/2014

Expiration: 8/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): *bad check on file* , no other history

Entity No.:

Complaint filed against the Respondent stating the Respondent has attempted to enter auctions with a dealership license that has been altered. The license reflects the license number of another dealership. Upon investigation, it appears that Respondent has a valid license and the other license number listed on the license is also a valid license number of another dealership. The investigation revealed that there has been no attempt to enter any auctions with an altered dealership license by either one of the dealerships. Also, there is no evidence indicating the Respondent allowed another party to enter auctions with the dealer license.

Recommendation: Close.

Commission Decision: CONCUR

118. 2017075891 Gateway Auto Center I (SBB)

First Licensed: 3/16/2010
Expiration: 2/29/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 413743

Complaint filed against the Respondent with an advertisement attached. A complaint was not attached and there are no allegations stated in the complaint. The advertisement does not indicate any violation.

Recommendation: Close.

Commission Decision: CONCUR

119. 2017075911 Gateway Auto Center II (SBB)

First Licensed: 2/11/2014
Expiration: 11/30/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 413744

Complaint filed against the Respondent with an advertisement attached. A complaint was not attached and there are no allegations stated in the complaint. The advertisement does not indicate any violation.

Recommendation: Close.

Commission Decision: CONCUR

120. 2017076131 Nashville Speed Shop, LLC (SBB)

First Licensed: 12/11/2013
Expiration: 11/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 403878

Complainant purchased a vehicle from the Respondent and still has not received the title and tags for the vehicle. The Complainant alleges the Respondent wants to issue multiple temporary tags to the Complainant. The Respondent provided a response and stated that the title had to be sent from Illinois and was lost in transit. The Respondent stated they are attempting to get a duplicate title as quickly as possible. Upon follow-up, the Complainant has received the title from the Respondent.

Recommendation: Close.

Commission Decision: **CONCUR**

121. 2017076801 Certified Auto Brokers, LLC (SBB)

First Licensed: 3/19/2014
Expiration: 10/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 Consent Order
Entity No.: 405867

Complainant purchased a vehicle from the Respondent and the title was sent to the Complainant in a Federal Express Overnight Envelope and the Complainant's neighbor's dog got the package and ripped it up. The title was torn up and would not be accepted by the State. The Complainant contacted the Respondent and Respondent stated a duplicate title would be requested on behalf of the Complainant. Respondent provided a response and stated that since it was an out-of-state title, it was taking longer than expected and the Respondent could not issue any more temporary tags to the Complainant, but would send the title to the Complainant as soon as it was received by the Respondent from the New York Department of Motor Vehicles.

Recommendation: Close.

Commission Decision: **CONCUR**

122. 2017077021 ZKZ Motors, Inc. (SBB)

First Licensed: 1/26/2001
Expiration: 1/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 392519

A complaint was filed against the Respondent concerning the purchase of a vehicle from the Respondent. The Complaint does not clearly articulate the nature of the complaint. Respondent provided a response and stated that the Complainant purchased a vehicle "AS IS." The Complainant also had the vehicle inspected by two individuals prior to the sale.

Recommendation: Close.

Commission Decision: **CONCUR**

123. 2017077201 Carlock Nissan of Jackson, Inc. (SBB)

First Licensed: 9/10/2010

Expiration: 8/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Consent Order

Entity No.: 414600

Complainant purchased a vehicle from the Respondent and experienced several mechanical issues with the vehicle. The Complainant took the vehicle back to the Respondent five times in a two month period. The vehicle also had two VIN numbers associated with it. Respondent provided a response and stated that the Complainant purchased the vehicle "AS IS." The vehicle does not have two VIN numbers.

Recommendation: Close.

Commission Decision: CONCUR

124. 2017078051 Scott Motors (SBB)

First Licensed: 2/25/2013

Expiration: 2/28/2018 - EXPIRED

License Type: Motor Vehicle Dealer

History (5 yrs.): *Compliance Order in Default*, 2017 Close and Flag, 2018 Close and Flag

Entity No.: 414682

Complainant purchased a vehicle from the Respondent. The Complainant purchased an extended warranty and claims the Respondent never purchased the vehicle on the Complainant's behalf and never returned the \$1,400 cost of the extended warranty. The warranty company confirmed the payment was never received and the application for warranty was cancelled by the dealer on November 29, 2016. The surety bond information was sent to the Complainant.

Recommendation: Authorize a civil penalty in the amount of \$2,000 for false, fraudulent or deceptive acts pursuant to Tenn. Code Ann § 55-17-114(b)(1)(K). To be settled by consent order or authorize a formal hearing.

Commission Decision: CONCUR

125. 2017078151 Salvage 1 of East Tennessee, LLC (SBB)

First Licensed: 7/09/1999

Expiration: 6/30/2017 - EXPIRED

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 390652

A Notice of Violation was issued against the Respondent for operating a motor vehicle dealership with an expired dealer license.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,000 for operating as an unlicensed motor vehicle dealer to be settled by consent order.

Commission Decision: CONCUR

126. 2017078131 Salvage 1 of East Tennessee, LLC (SBB)

First Licensed: 6/10/2011

Expiration: 5/31/2017 - EXPIRED

License Type: Dismantler & Recycler License

History (5 yrs.): None

Entity No.: 525006

A Notice of Violation was issued against the Respondent for operating a motor vehicle dealership with an expired dealer license.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,000 for operating as an unlicensed dismantler/recycler to be settled by consent order.

Commission Decision: CONCUR

127. 2017078741 Auto World (SBB)

First Licensed: 6/22/2011

Expiration: 6/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 403816

Complainant purchased a vehicle from the Respondent and the vehicle had problems with the seat belts. The Complainant attempted to return the vehicle to the Respondent and the Respondent refused to fix the seat belts in the vehicle. The Complainant wanted to return the vehicle and requested the Respondent give a full refund. The Respondent provided a response and stated the vehicle was sold "AS IS," but was provided a free warranty for one

year on the engine and transmission. The Complainant was also given a \$900 discount for any scratches, dents and imperfections with the vehicle prior to the sale. The Respondent stated it was willing to address the seatbelt issue for the Complainant, however, the Complainant never returned to the dealership for any repairs. The Respondent refused to issue a full refund to the Complainant.

Recommendation: Close.

Commission Decision: **CONCUR**

128. 2017078821 Stewart Auto Repair (SBB)

First Licensed: UNLICENSED
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 1219389

A Complaint was filed against the Respondent stating the Respondent is engaged in the unlicensed sale of motor vehicles and failed to transfer the title into the Complainant's name. Following an investigation, it was determined the Respondent is not engaged in selling motor vehicles. The Respondent repairs motor vehicles at this location and sold one vehicle.

Recommendation: Close.

Commission Decision: **CONCUR**

129. 2017078111 Tri-City Auto Parts, Inc. (SBB)

First Licensed: 1/01/1992
Expiration: 12/31/2016 - EXPIRED
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 510771

A Notice of Violation was issued against the Respondent for operating a motor vehicle dealership with an expired dealer license.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,000 for operating as an unlicensed motor vehicle dealer to be settled by consent order.

Commission Decision: **CONCUR**

130. 2017078921 Michael's Auto Sales, LLC (SBB)

First Licensed: 12/13/2013

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Consent Order

Entity No.: 404833

The Complainant purchased a vehicle from the Respondent and the vehicle began to smoke and caught fire. The Complainant had to call the fire department. The Complainant returned to the Respondent and the Respondent refused to assist the Complainant. The Complainant wants a full refund from the Respondent. Respondent provided a response and stated the Complainant purchased the vehicle and was supposed to obtain insurance within three days and failed to obtain the insurance. Two days after purchasing the vehicle, the Complainant contacted the Respondent and stated there were some mechanical problems and the Respondent instructed the Complainant to return to the dealership to have the vehicle checked and the Complainant never returned. After the vehicle caught on fire, the vehicle was brought back to the Respondent and the Respondent found that the battery had been replaced and the cover had not been replaced on the battery and this caused the hood to make contact with the battery and catch on fire.

Recommendation: Close.

Commission Decision: CONCUR

131. 2017061881 Wildcat Vette Parts (SBB)

First Licensed: UNLICENSED

Expiration: N/A

License Type: Unlicensed

History (5 yrs.): None

Entity No.: 1208232

The Complaint alleges the Respondent buys Corvettes and sells the parts and is an unlicensed dismantler. Following an investigation, it was discovered the Respondent is involved in the sale of parts without a dismantler license.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,000 for operating as an unlicensed dismantler/recycler to be settled by consent order

Commission Decision: CONCUR

132. 2018003951 G&G Auto Parts (SBB)

First Licensed: 4/10/2007

Expiration: 2/28/2019

License Type: Motor Vehicle Dismantler/Recycler

History (5 yrs.): None

Entity No.: 501444

A Complaint against the Respondent alleging the Respondent is engaged in the sale of approximately 20 motor vehicles per year has made applications for rebuilt titles for 20 vehicles in a 12 month period and also does not have a motor vehicle dealer license.

Recommendation: Authorize a formal hearing with the ability to settle via Consent Order for a civil penalty in the amount of \$1,000 for operating as an unlicensed dismantler/recycler.

Commission Decision: CONCUR

133. 2017080921 Jotyar Tahsin Amedy (SBB)

First Licensed: 11/08/2011

Expiration: 12/31/2016 – EXPIRED LICENSE – NOT APPLICABLE

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 500096

The Complainant purchased a vehicle from the Respondent and was unable to get the vehicle registered because the sales tax had not been paid and Motor Vehicle Services needed signed affidavits because the seller listed on the title was not the Respondent. The Complainant purchased a second vehicle and found out there were mechanical issues and paid the Respondent \$400 for the repairs. Shortly thereafter, the Respondent indicated that the engine had a major problem and needed to be replaced. The Respondent still is in possession of the vehicle because the repairs have not been done. Following an investigation, it was determined the Complainant was aware that the vehicle was a salvaged vehicle. The Respondent is no longer in business and is no longer involved in the sale of motor vehicles.

Recommendation: Close.

Commission Decision: CONCUR

134. 2017080961 Nashville Carz Automotive (SBB)

First Licensed: 1/28/2016

Expiration: 1/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): 2018 Letter of Warning

Entity No.: 1124915

The Complainant purchased a vehicle from another motor vehicle dealer and the Respondent's name was listed on the title. The Respondent provided a response and stated it was instructed to provide the notarized affidavit of correction since the Respondent's dealership's name was placed on the title in error. The Respondent does not have possession of the vehicle and the reassignment to the Respondent is in error. Following an investigation, it was discovered that the Respondent had no involvement in the actual sale of the motor vehicle. The vehicle was sold by another dealership and the Respondent's name was placed on the title in error.

Recommendation: Close.

Commission Decision: **CONCUR**

135. 2017081581 Ace Auto of Nashville, Inc. (SBB)

First Licensed: 11/05/2014

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Agreed Citation

Entity No.: 409800

The Complainant purchased a vehicle from the Respondent and there were mechanical problems with the motor vehicle. The Complainant purchased a six month extended warranty on the motor and transmission and the Respondent will not honor the warranty and make the necessary repairs. The Respondent provided a response and stated the Complainant made payments towards down payment, and thereafter, made a few of the bi-weekly payments that were due. As of December 14, 2017, the Complainant failed to make any further payments and the Complainant's account is past due. The vehicle was sold in "AS IS" condition. The Complainant did not purchase a six month extended warranty for the vehicle.

Recommendation: Close.

Commission Decision: **CONCUR**

136. 2018004111 New Star Auto Sales Repair, Inc. (SBB)

First Licensed: 9/09/2016

Expiration: 9/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): *owes a fine*, 2017 Consent Order

Entity No.: 1147816

The Complainant purchased a vehicle from the Respondent and has not received the title. The Respondent has provided the title to the Complainant. The motor vehicle dealership is closed.

Recommendation: Close.

Commission Decision: CONCUR

137. 2018004751 Hometown Auto (SBB)

First Licensed: 2/07/2014

Expiration: 7/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 405832

The Complainant alleges the Complainant's son went to check a vehicle at the Respondent dealership and the Respondent's unlicensed sales person raised the advertised price of a used motor vehicle from \$2,500 to \$4,495.00 plus tax, tags and title. The Complainant claims the sales person had her son sign a "receipt" for a \$500 deposit. Also, the Complainant claims a Buyer's Disclosure was not provided to the Complainant's son. The Complainant demanded a refund and the Respondent refused to provide a refund. The Respondent is a licensed dealer and salesperson provided all the adequate documentation concerning the sale of the vehicle to the Complainant's son.

Recommendation: Close.

Commission Decision: CONCUR

138. 2018004921 Oak Ridge Nissan (SBB)

First Licensed: 3/05/2007

Expiration: 2/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2013 Agreed Order, 2013 Consent Order, 2017 Letter of Warning

Entity No.: 404686

The Complainant purchased vehicle from the Respondent and found out that the same vehicle was \$6,000 cheaper on their website. The Complainant contacted the Respondent and requested the lower price and the Respondent refused to sell the vehicle with the same

VIN# to the Complainant at the lower price. The Respondent provided a response and stated that this matter has been resolved to the satisfaction of the Complainant. The Respondent's sales manager met with the Complainant and arrived at a settlement of this matter.

Recommendation: Close.

Commission Decision: CONCUR

139. 2018006311 Ole Ben Franklin Motors (SBB)

First Licensed: 6/11/2013

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 416656

The Complainant states that there is fraudulent activity occurring at this dealership. The Respondent provided a response and stated it was in the process of resolving the matter with the Complainant. The Respondent claims the Complainant indicated he was going to file an insurance claim on the vehicle, which was in the possession of the Respondent at the time. The Respondent has agreed to cooperate and will work with the Complainant to resolve this matter. The Respondent has not resolved any issues for the Complainant and the Complainant has had further issues with the vehicle. The Complainant is adamant that the Respondent misrepresented the condition of the vehicle.

Recommendation: Authorize a civil penalty in the amount of \$2,000 for false, fraudulent or deceptive acts pursuant to Tenn. Code Ann § 55-17-114(b)(1)(K). To be settled by consent order or authorize a formal hearing.

Commission Decision: CONCUR

140. 2018011791 Ole Ben Franklin Motors (SBB)

First Licensed: 1/29/2013

Expiration: 1/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 Consent Order

Entity No.: 414668

The Complainant purchased vehicle from the Respondent and the Respondent has requested that the Complainant re-sign the contract for the third time because the down payment was not made in full initially. The Complainant has had to provide proof of income to the Respondent three times and the Respondent still has not paid off the trade-in vehicle and as a result, it may impact the Complainant's credit rating. The trade-in vehicle has already been sold by the Respondent. The Respondent provided a response and stated that the

Respondent resolved the matter directly with the Complainant and explained to her in detail why the documents had to be re-signed. The matter has been resolved.

Recommendation: Close.

Commission Decision: CONCUR

141. 2018006401 Highway 30 Auto Sales (SBB)

First Licensed: 9/01/1991

Expiration: 10/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 399140

This complaint was opened as a result of staff receiving notice that Respondent's liability insurance had lapsed and cancelled in 2016. Respondent provided an updated Certificate of Liability Insurance that is current and in full force and effect.

Recommendation: Close upon issuance of a letter of warning regarding requirement to maintain liability insurance on a continuous basis.

Commission Decision: CONCUR

142. 2018007211 Reeder Chevrolet (SBB)

First Licensed: 1/24/2005

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Consent Order

Entity No.: 418404

The Complainant purchased vehicle from the Respondent and alleges the Respondent forced her to buy a vehicle that she did not want. Following the purchase of the vehicle, the Respondent advised the Complainant that the entire original loan application was not approved and the Respondent had to obtain partial financing from another creditor. Also, a friend of the Complainant had indicated that there were problems with this model of the motor vehicle. The Complainant contacted the Respondent and wanted to return the vehicle and the Respondent refused to accept a return of the vehicle. The Respondent provided a response and stated that it would rescind the contract with the Complainant provided that the vehicle has not been wrecked, otherwise damaged, or has an unusual increase in the vehicle's mileage since the date of purchase.

Recommendation: Close.

Commission Decision: CONCUR

143. 2018007411 Freeland CDJR (SBB)

First Licensed: 8/4/2017

Expiration: 8/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1196571

The Complainants purchased vehicle from the Respondent and states the Respondent requested the Complainants obtain their own financing. The Respondent dealership stated it would handle all the documents including the finalizing of the finance documents, etc. The Complainant alleges the documents were back dated following the sale.

The Respondent provided a response and stated that the pre-approval letter obtained by the Complainants was only valid until November 21, 2017 and the Complainants had signed all the documents through the Respondent's online portal on November 4, 2017 and was subject to a Conditional Delivery Agreement. The Complainant and Respondent exchanged several e-mails over the course of the next few weeks to negotiate the deal for the purchase of the motor vehicle. There were various requests made by the Complainants such as buffing out scratches and warranty options for the Complainants. Also, the financing terms were discussed again with the Complainants. The Complainants were aware that it was their responsibility to submit the financing documents based on their previously obtained pre-approval letter. Unfortunately, the Complainants submitted the financing application on November 28, 2017, seven days after the preapproval letter had expired and the Respondent was advised that the changes had occurred with the Complainants' credit history and the financing company would no longer finance the deal and the Respondent had to seek another lender. The Respondent was successful in finding another lender, however, the Complainants were not satisfied with the interest rates and declined to move forward with the deal.

Recommendation: Close.

Commission Decision: CONCUR

144. 2018007531 Auto Kings of Nashville Inc. (SBB)

First Licensed: 9/14/2016

Expiration: 6/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1148015

The Complainant purchased vehicle from the Respondent and the Respondent failed to provide vehicle tags and the title. The financing company closed the account due to not receiving the title from the Respondent. The Complainant is not able to reach anyone at the dealership to address these problems. The surety bond information was sent to the

Complainant. Upon investigation, it was determined that this dealership is closed and no longer in business.

Recommendation: Close.

Commission Decision: CONCUR

145. 2018007661 TLG Motors, LLC (SBB)

First Licensed: 11/03/2009

Expiration: 7/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 408693

The Complainant purchased vehicle from the Respondent and the Complainant and her boyfriend were listed on the bill of sale, however, the boyfriend was listed as the primary purchaser on the bill of sale. The Complainant alleges the Respondent changed the paperwork to remove the Complainant's name from the documents without her permission after she and her boyfriend started to have problems in their relationship. The boyfriend took the truck from her and she has nothing to drive. The Complainant alleges that she paid for the truck. The contractual relationship is between the Respondent and the purchaser (boyfriend). The Complainant was sent the Respondent's surety bond information.

Recommendation: Close.

Commission Decision: CONCUR

146. 2018007831 Toyota of Murfreesboro & Scion of Murfreesboro (SBB)

First Licensed: 5/25/2011

Expiration: 4/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 403786

The Complainant purchased vehicle from the Respondent and discovered the tires were under a safety recall. The Complainant noticed this because there was a strange noise coming from the front of the vehicle. The inner sidewall had separated and it was recommended that the Complainant replace the tires. The Respondent refused to reimburse the Complainant the cost of replacing the four tires and sold the vehicle to the Complainant without advising the Complainant of the recall and replacing the tires prior to the sale of the vehicle. The Respondent provided a response and provided proof that the due diligence on the vehicle and the recalls was conducted by the dealership. The Respondent states there were no active recalls on the vehicle at the time of the sale and the Respondent is unable to provide a reimbursement for the tires because it does not manufacturer the tires. The

Respondent has indicated the Complainant should be able to submit a claim to the tire manufacturer and get a refund.

Recommendation: Close.

Commission Decision: CONCUR

147. 2018009761 Long Hyundai, Inc. (SBB)

First Licensed: 9/01/1991

Expiration: 5/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 404790

The Complainant purchased vehicle from the Respondent and was shown a clean CarFax at the time of purchase, however, later discovered the vehicle had been involved in a bad accident and had extensive damage to the right back door of the vehicle. The Complainant went to return the vehicle to the Respondent and the Respondent's finance manager refused to accept the return of the vehicle because it was 32 days after the purchase of the vehicle. The Respondent provided a response and stated it also relied on the CarFax report and the CarFax still indicates the vehicle was not involved in any accidents. The Respondent states it was unaware that the vehicle was a salvaged vehicle and had no knowledge of the salvaged title on the vehicle. The Respondent stated it is not always possible for a dealer to know the complete history of a vehicle and if there was no insurance claim or police report filed for the accident, CarFax and others would not know if the vehicle was involved in an accident. Also, the Complainant signed a Buyer's Guide disclosure for the vehicle and the vehicle was sold "AS IS." After the filing of the Complaint, Respondent's General Manager stated it would exchange the vehicle for the Complainant and the Respondent offers a 7 day, 500 miles exchange policy on preowned vehicles and would honor that exchange policy for the Complainant. The Complainant has declined the exchange. The Respondent also offered to inspect the vehicle to address any concerns with the vehicle and the Complainant has declined to have the Respondent inspect the vehicle. Upon further investigation, the Respondent's acquisition and deal file were reviewed in detail and there was no indication the Respondent was aware of any damage to the vehicle or that the vehicle had a salvaged title.

Recommendation: Close.

Commission Decision: CONCUR

148. 2018009791 Car Concepts, LLC (SBB)

First Licensed: 12/05/2013

Expiration: 9/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 418676

The Complainant purchased vehicle from the Respondent and the Respondent told the Complainant to have the vehicle registered in a county that did not require emissions testing because the vehicle would not pass emissions testing. The Respondent provided a response and stated the Respondent provided a full refund and the Complainant purchased a different vehicle from the Respondent. The Complainant is satisfied with the exchange and the matter has been resolved.

Recommendation: Close.

Commission Decision: CONCUR

149. 2018010261 Colt Michael Automotive Group (SBB)

First Licensed: 4/24/2015

Expiration: 4/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 412743

The Complainant purchased vehicle from the Respondent. The Respondent failed to deliver the title to the Complainant. Respondent has closed the business and gone out of business. The Complainant was provided the Respondent's surety bond information.

Recommendation: Close.

Commission Decision: CONCUR

150. 2018010451 Clayton Automotive Group, Inc. (SBB)

First Licensed: 4/29/2015

Expiration: 4/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 412755

The Complainant purchased vehicle from the Respondent. The vehicle was having problems passing emissions and the Complainant had to spend money to make the necessary repairs. Finally, it was recommended that a new exhaust system be installed and when the Complainant returned to the Respondent for a resolution and the Respondent refused to remedy the matter. The Respondent provided a response and stated that the

problem was corrected and the emission test was completed. The vehicle was registered and returned to the Complainant. The Respondent stated the Complainant never informed them of the emission issue and was unaware. The Respondent stated it would have taken care of the emission problem if the Complainant had contacted them.

Recommendation: Close.

Commission Decision: CONCUR

151. 2018010771 Ford Lincoln of Cookeville (SBB)

First Licensed: 5/26/2011

Expiration: 5/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 Letter of Warning

Entity No.: 418641

The Complainant purchased vehicle from the Respondent. The vehicle began to have electrical problems and the lights would not work. The Complainant returned the vehicle to the Respondent and the lights still were not working and the Respondent had removed bolts from the steering wheel and failed to replace them. The Complainant also alleges the vehicle was priced at \$5,981, however, the Respondent charged \$7,300 for the vehicle. The Respondent provided a response and stated that the vehicle was listed for \$7,300, however, the Complainant agreed to an equal trade of the vehicle. The Respondent stated it values all of its customers and since the Complainant is not satisfied with the terms of the deal, the Respondent has refunded the difference at issue for the trade-in directly to the Complainant in the amount of the \$1,401.

Recommendation: Close.

Commission Decision: CONCUR

152. 2018006161 Universal Kia (SBB)

First Licensed: 7/07/2005

Expiration: 3/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 Consent Order

Entity No.: 414693

Complainant purchased a vehicle from the Respondent and the vehicle had a number of problems. Respondent provided a response and stated that the vehicle had been transferred from another dealership and had a different markup and the Complainant wanted the difference in the price listed at the previous dealership. The Respondent's markup is different from the other dealership. In an effort to resolve this matter, the Respondent provided a refund of \$1,521 to the Complainant.

Recommendation: Close.

Commission Decision: CONCUR

153. 2018010651 Miller Automotive (SBB)

First Licensed: 12/05/2001

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 401580

The Complainant filed an online complaint against the Respondent and it was incomprehensible to determine the exact nature of complaint. The Respondent provided a response and stated the Complainant purchased a motor vehicle from the Respondent. The Complainant is alleging the Respondent is charging additional amounts that are different from the original price of the motor vehicle. The motor vehicle dealer provided all documents and receipts and explained the additional monies referenced by the Complainant were the sales tax and other fees that were added to the original purchase price. The additional fees were added to the purchase price of \$4,300 and were legitimate charges by the Respondent.

Recommendation: Close.

Commission Decision: CONCUR

154. 2018012281 2 J's PD Auto Body Work (SBB)

First Licensed: UNLICENSED

License Type: N/A

History (5 yrs.): None

Entity No.: 1229977

Complainant purchased a motor vehicle from the Respondent and when the Complainant attempted to get full coverage insurance. The Complainant was unable to obtain full coverage insurance because the vehicle was rebuilt. The Complainant alleges the Respondent never told them the vehicle was rebuilt. Following an investigation, it was discovered that the Respondent business is closed.

Recommendation: Close.

Commission Decision: CONCUR

155. 2018012421 Franklin Chrysler Dodge Jeep Ram (SBB)

First Licensed: 05/26/2011

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Entity No.: 409740

Complainant purchased a motor vehicle from the Respondent for cash and the Respondent dealership has failed to produce a clean title for the vehicle. The Respondent claims the title has to be sent from New York and there is a two month backlog. The Complainant is unable to register the vehicle. The Respondent provided a response and stated that it has been attempting to get a title since prior to the purchase of the vehicle by the Complainant. Finally, in early March, the Respondent received the title and forwarded it to the Complainant.

Recommendation: Close.

Commission Decision: CONCUR

156. 2018012541 Collierville Chrysler Dodge Jeep Ram (SBB)

First Licensed: 04/16/2013

Expiration: 02/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 415684

Complainant purchased a motor vehicle from the Respondent and claims the Respondent changed the price from \$14,261 to \$14,816 and the Complainant only discovered the error when she returned home. The Complainant contacted the Respondent and was told that was the correct amount. The Respondent provided a response and stated this was the negotiated price and it also included the mirrors being replaced on the motor vehicle.

Recommendation: Close.

Commission Decision: CONCUR

157. 2018012711 Morris Automotive (SBB)

First Licensed: UNLICENSED

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1230278

Complainant purchased a vehicle from the Respondent and claims the Respondent is advertising vehicles on Craigslist without a license and engaged in false advertising of the vehicles for sale. Respondent provided a response and stated the ad on Craigslist was not

for a business, but for an individual that was seeking parts for the vehicle. Upon further investigation, the Respondent is selling motor vehicles without a motor vehicle dealer license.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$500 for unlicensed activity to be settled by consent order.

Commission Decision: CONCUR

158. 2018013521 Smiley Riley Automotive (SBB)

First Licensed: 10/26/2016

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1156027

The Complainant purchased a vehicle from the Respondent and was waiting for a title. After contacting the Respondent, the Respondent stated the title had been lost by the bank and the Respondent was working to obtain the title. The Complainant had to obtain a bonded title in order to have the vehicle registered because the Respondent would not return the Complainant's phone calls. The Respondent did send a temporary tag approximately one month after the first temporary tag expired and it took another month for the Complainant to receive the title from the Respondent. The Complainant has received the title.

Recommendation: Close.

Commission Decision: CONCUR

159. 2018014231 Volunteer Motors & Trailer Sales North (SBB)

First Licensed: 12/14/2010

Expiration: 05/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): Failure to produce title – closed – 11/2016, failure to produce title – closed 02/2017; Consignment sale of vehicle, failed to display vehicle on lot – closed with no action; vehicle sold with mechanical issues and not covered by dealer warranty – closed with letter of warning 04/2013.

Entity No.: 416571

The Complainant purchased a vehicle from the Respondent and was awaiting receipt of the title. After contacting the Respondent, the Respondent indicated he is working to get the title for the Complainant. The Respondent provided a response and stated he has issued a second temporary tag because of the delay in obtaining the title for the Complainant. The Respondent has sent all the documents to the Complainant for out-of-state vehicle registration. The Complainant has received all necessary documents from the Respondent.

Recommendation: Close.

Commission Decision: **CONCUR**

160. 2018014531 Legend Auto Sales LLC (SBB)

First Licensed: 10/16/2013

Expiration: 09/30/2017 - Expired

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 418667

The Respondent was issued a Notice of Violation for unlicensed activity. The Respondent's dealership license had expired on September 30, 2017 at the time of the inspection of the dealership.

Recommendation: Authorize formal charges and assess a civil penalty in the amount of \$500.00 for unlicensed activity pursuant to Tenn. Code Ann. § 55-17-109 to be settled by consent order.

Commission Decision: **CONCUR**

161. 2018015531 Walt Williams Inc. (SBB)

First Licensed: 04/04/1997

Expiration: 03/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): NOV missing tags, Agreed citation \$1,500 - 05/2014

Entity No.: 388813

A complaint was filed against the Respondent concerning the sale of a motor vehicle. The Complainant claims there were multiple owners of the vehicle and it had been involved in an accident. The Respondent provided a response and stated it offered the Complainant a 60 day 3,000 mile warranty on engine and transmission. The vehicle was sold "AS IS" and the Complainant did not purchase an extended warranty. The odometer disclosure was provided and is mileage exempt.

Recommendation: Close.

Commission Decision: **CONCUR**

162. 2018000361 Eads Auto Sales (SBB)

First Licensed: 01/11/2012

Expiration: 12/31/2017 Expired

License Type: Motor Vehicle Dealer

History (5 yrs.): Failure to produce title and registration, out of business – closed with no action 05/2017; Failed to produce title and registration – closed with no action 04/2017; Misrepresented condition of vehicle and failed to return down payment – closed with letter of warning to advise all customers that deposits are refundable.

Entity No.: 407765

Complaint was filed against the Respondent concerning a vehicle purchased from the Respondent and later returned and the Respondent not returning the deposit monies in the amount of \$5,500. The Respondent did not sell the vehicle to the Complainant, but was sold by another dealership wherein the owner of the dealership had a business interest and business relationship with the Respondent dealership. The documentary proof indicated the vehicle was purchased from another dealership.

Recommendation: Close.

Commission Decision: CONCUR

RE-PRESENTS

Sara

163. 2017050241 Grindstaff Kia (SRP)

First Licensed: 03/09/2001

Expiration: 04/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2017 – Letter of Warning issued for false/fraudulent/deceptive acts.

This complaint was brought at the last meeting for a reduction in the civil penalty due to Respondent providing proof a conditional delivery agreement was executed. Legal incorrectly listed the penalty amount as being reduced to \$1,000. The entry should have stated the penalty was \$1,000, to be reduced to \$500.

Recommendation: None. This matter has been closed, but this entry here is merely for clarification of the previous January legal report.

Commission Decision: CONCUR

164. 20150215141 Keith Bryant (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): N/A

This complaint was opened due to a husband and wife displaying six vehicles at Rod Run. One was in the husband's name, and five were titled to the wife. Respondent lives out of state, and came in for the event to sell classic cars he and his wife collect and repair as a hobby. Since the violation, legal has been unable to confirm the address of either the husband or wife. Additionally, this was not a matter of a dealer displaying at Rod Run, but rather individuals likely unfamiliar with Tennessee law.

Recommendation: Close on issuance of a letter of warning.

Commission Decision: CONCUR

165. 2017065281 Cars Direct (SRP)

First Licensed: 11/17/2014

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This matter was listed on the January legal report, but it had already been presented in October to be closed. For clarity, this matter was closed with a letter of warning in November, and no penalty was assessed.

Recommendation: No action.

Commission Decision: CONCUR

166. 2018007471 Robert Allen Brown ("Salesperson 1") (SRP)

First Licensed: 06/29/2000

Expiration: 08/31/2018

License Type: Motor Vehicle Salesperson

History (5 yrs.): None.

2018007491 Chris Eugene Eppers ("Salesperson 2")

First Licensed: 08/15/2016

Expiration: 08/31/2018

License Type: Motor Vehicle Salesperson

History (5 yrs.): None

Salesperson 1 and 2 are licensed salesperson associated with a dealership under investigation by the Department of Revenue for fraud. While the investigation was ongoing, legal counsel requested complaints be open against all associated salespersons, and approval for revocation of those licenses. As the investigation progressed, no evidence that Salesperson 1 or 2 were involved in any of the fraud arose. Rather, two salespersons that were not associated with the dealer assisted in the fraud.

The dealership is closed and revocation is being pursued for that license as well as the three individuals involved in the fraud. Salesperson 1 and 2's licenses are no longer valid due to the dealership being listed as closed, and no evidence has arisen to warrant a revocation status on their licenses.

Recommendation: Close.

Commission Decision: CONCUR

167. 2017008262 SJB Auto Sales, LLC (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N.A

History (5 yrs.): None

Respondent is an out of state dealer that allowed an individual to sell in Tennessee using the dealer license. The individual assisted the investigator in identifying the Respondent and claimed he was unaware an out of state license could be used. Owner of Respondent dealership contacted legal counsel and took responsibility for the salesperson, so the Commission assessed a \$10,000 civil penalty with the option to have it reduced to \$5,000 if it became licensed in Tennessee.

Since then, the dealership has closed in the State of Arizona, and its corporate status has been dissolved. All mail has been returned unclaimed and the phone number is disconnected. No additional sales have been identified as occurring in the State of Tennessee

Recommendation: Close and flag.

Commission Decision: CONCUR

168. 2017017851 Perryville Auto Repair (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): None

Respondent was assessed a \$5,000 penalty for unlicensed sales. After receiving the consent order, Respondent contacted legal and explained that he had sold vehicles, but two had mechanic's liens, and five were titled in his name. After speaking, it became clear to

legal counsel that Respondent likely requires a dismantler/recycler license and not a dealer license in light of the mechanic shop he runs. Respondent explains he had only recently learned of his ability to attach a mechanic lien, which is why he started doing that. Often, he has vehicles that he uses for parts, but he will sell what is left if not being used.

Recommendation: Close upon issuance of a letter of warning.

Commission Decision: CONCUR

169. 2017030171 Gateway Classic Cars of Nashville (SRP)
First Licensed: 08/14/2015
Expiration: 8/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): January 2017 – LOW for incomplete temporary tag log.

Respondent was assessed \$500 for false, fraudulent, and deceptive acts due to what was believed to be a consumer misled into when a contract would become binding. Over email, Respondent informed a consumer that if the consumer was dissatisfied with the test drive, it would destroy the contract. Originally, it was believed the consumer expressed dissatisfaction with the vehicle prior to financing finalizing and during the test drive, but Respondent has provided additional information that clarified it was not until days later that the consumer's father expressed complaints. Respondent offered to consign the vehicle (since it was a classic, and sold on consignment to the consumer), but the consumer refused. Ultimately, with the timeline clarified, this appears to be a case of buyer's remorse rather than deception.

Recommendation: Close.

Commission Decision: CONCUR

170. 2016037151 Dalton's Auto Sales (SRP)
First Licensed: 07/06/2001
Expiration: 06/30/2019 (CLOSED 3/7/2017)
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Respondent received a Notice of Violation for not maintaining business hours, hiring an unlicensed salesperson, and failing to post buyer's guides. The Commission approved a penalty in the amount of \$1,250 for the violations. Respondent never agreed to the Consent Order. When legal counsel began drafting formal charges, counsel noted that Respondent had closed and gone out of business while the case was pending. An inspector visited the site and photographed the abandoned facility.

Recommendation: Close and flag.

Commission Decision: CONCUR

**171. 2017007171 Manjarres Motors, LLC (SRP)
2017042591**

First Licensed: 12/20/2016

Expiration: 10/31/2018 (CLOSED 06/27/2017)

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Respondent received Notices of Violation for not maintaining business hours. The owners live in Florida. On the last inspection in the summer of 2017, the facility was again closed, and lacked electricity and water. The business has not been reopened since.

Recommendation: Close and flag.

Commission Decision: CONCUR [CHECK LICENSE STATUS]

172. 2017003581 Shubert Motor Sales, Inc. (SRP)

2017003651

2017003691

2017005651

2017005701

2017005721

2017005741

2017005761

2017006281

2017007071

2017007151

2017008991

2017009591

2017009931

2017009961

First Licensed: 09/01/1991

Expiration: 01/31/2018 (CLOSED 05/30/2017)

License Type: Motor Vehicle Dealer

History (5 yrs.): 2014 -- \$3,000 Consent Order for no temporary tag log.

Respondent closed after falling behind with a floor planner. The business was run by two brothers. One brother borrowed money and sold cars out of trust before leaving town. The other brother, who mainly did mechanical work, discovered the fraud and worked with the bond company and floor planners, and eventually went out of business. Attempts to locate either brother have proven futile, but the business is closed and all licenses have entered an expired state.

Recommendation: Close and flag.

Commission Decision: CONCUR

173. 2017023231 Oak Tree Motors (SRP)
First Licensed: N/A
Expiration: N/A
License Type: N/A
History (5 yrs.): None

Respondent was found to have allowed an individual to operate as an independent broker in the State of Tennessee, using its Florida dealer license. Respondent was assessed a \$10,000 civil penalty, with the ability to lower the penalty to \$5,000 if it submitted proof it would no longer allow sales in Tennessee without a license. Since then, legal counsel had been unable to serve Respondent. On March 13, 2018, legal counsel checked on Respondent's corporate status in the State of Florida. The entity had been dissolved, and all mail has been returned.

Recommendation: Close and flag.

Decision: CONCUR

174. 2017023051 A&J Auto Sales (SRP)
First Licensed: 05/29/2015
Expiration: 04/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Respondent was assessed a \$1,000 civil penalty for an off-site sale. Respondent has since submitted proof that the sale was through the owner as an individual, and that it occurred prior to the dealership opening. Therefore, no violation occurred.

Recommendation: Close.

Commission Decision: CONCUR

175. 2017030331 Car Central Auto Sales (SRP)
First Licensed: 05/20/2015
Expiration: 05/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Respondent was assessed a \$500 civil penalty for expanding into a second unlicensed location across the street. The Commission's decision allowed a letter of warning to be issued if Respondent remedied the problem. Legal spoke with the owner who explained the move was temporary while the sales office was being renovated. Respondent

had paid to have the temporary location insured and bonded. Legal counsel explained the need for a license to be on the lot, so Respondent promised to move back onto its original licensed location, and it did so that week.

Recommendation: Close upon issuance of a letter of warning.

Commission Decision: CONCUR

176. 2016072051 D&D Automotive (SRP)

First Licensed: 05/21/2013

Expiration: 04/30/2017 (EXPIRED)

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Respondent was assessed a \$1,600 civil penalty for allowing its business licenses to expire, and failing to properly maintain a temporary tag log (deficient entries). Respondent's owners were going through a divorce, and allowed the business to functionally close. Now, as the case progressed, the business is fully closed and the license is expired.

Recommendation: Close and flag.

Commission Decision: CONCUR

177. 2017058441 Quality Motors (SRP)

2017059181

2017062861

2017068021

2018000271

2018006441

2018007271

2018006441

2018007511 Chris Yousif (Owner)

First Licensed: 05/21/2013

Expiration: 04/30/2017 (EXPIRED)

License Type: Motor Vehicle Dealer

History (5 yrs.): None

The Commission approved revocation of Respondents' licenses due to the business fraudulently floating titles, creating liens, and failing to pay off trade ins. Respondents are implicated in an investigation with the Tennessee Department of Revenue, and Revenue is working on charges. Revenue was the lead investigator, and holds most of the evidence on these matters. Revenue will work with legal after it has processed its case, and as a result, the complaints need to be held to await the availability of evidence.

Recommendation: Place these and any related matters into litigation monitoring without a written order.

Commission Decision: **CONCUR**

SHILINA BROWN:

178. 2017074651 Imports of LaVergne, Inc. (SBB)
First Licensed: 01/01/1992
Expiration: 05/31/2018
License Type: Motor Vehicle Dismantler/Recycler
History (5 yrs.): None
Entity No.: 510768

Respondent was issued a Notice of Violation for an expired city business license. The Respondent failed to comply and resolve the Agreed Citation issued to the Respondent.

Original Recommendation: Authorize a formal hearing with the ability to settle via Consent Order for a civil penalty in the amount of \$500 for an expired city business license).

Commission Decision: Concur.

New Information: Respondent provided legal counsel proof that there was an issue with the Tennessee Department of Revenue issuing a Letter of Clearance, but that the taxes owed were paid on time.

New Recommendation: Close.

New Commission Decision: **CONCUR**

179. 2017072821 Lincoln Hickman (SBB)
First Licensed: N/A
Expiration: N/A
License Type: N/A
History (5 yrs.): April 2017 – Consent Order - \$500 for one (1) unlicensed sales.
Entity No.: 1215282

Complainant alleges that Respondent is operating as an unlicensed dealer in the State of Tennessee. Additional allegations are open titles and failure to pay sales tax. Respondent continues to sell motor vehicles in the State of Tennessee without a license.

Original Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$5,000 (\$1,000 per unlicensed vehicle for sale on the unlicensed dealer location) to be settled by consent order.

Original Commission Decision: Concur.

New Information: Upon receipt of the proposed Consent Order, Respondent contacted legal counsel and has denied any and all allegations of unlicensed activity. Legal Counsel attempted to confirm that Respondent had registered and/or sold more than five (5) vehicles in the last twelve (12) months and there was no evidence more than five vehicles were sold in the last twelve month period.

New Recommendation: Close.

Commission Decision: CONCUR

180. 2017010372 Craig Ruebenstein (SBB)
First Licensed: Unlicensed
Expiration: Unlicensed
License Type: Unlicensed
History (5 yrs.): None
Entity No.: 1175114

Respondent operates a store front for displaying and selling motor vehicles without a dealer or salesperson license. Notice of Violation was issued for unlicensed activity. There were more than 5 vehicles sold in a 12 month period.

Original Recommendation: Authorize a civil penalty in the amount of \$5,000 for unlicensed activity (Tenn. Code Ann. § 55-17-109). To be settled by consent order or a formal hearing.

Original Commission Decision: Concur.

New Information: Upon further investigation, it was determined that prior to any vehicles being sold by Respondent, a salesperson license was applied for and granted. No evidence of unlicensed activity.

New Recommendation: Close.

Commission Decision: CONCUR

181. 2017010371 Kevin Ruebenstein (SBB)
First Licensed: Unlicensed
Expiration: Unlicensed
License Type: Unlicensed
History (5 yrs.): None
Entity No.: 1175111

Respondent operates a store front for displaying and selling motor vehicles without a dealer or salesperson license. Notice of Violation was issued for unlicensed activity. There were more than 5 vehicles sold in a 12 month period.

Original Recommendation: Authorize a civil penalty in the amount of \$5,000 for unlicensed activity (Tenn. Code Ann. § 55-17-109). To be settled by consent order or a formal hearing.

Original Commission Decision: Concur.

New Information: Upon further investigation, it was determined that prior to any vehicles being sold by Respondent, a salesperson license was applied for and granted. No evidence of unlicensed activity.

New Recommendation: Close.

Commission Decision: **CONCUR**

182. 2017012011 Maserati/Rolls-Royce/Bentley
First Licensed: 09/07/2011
Expiration: 02/28/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 414719

The Complainant purchased a vehicle from the Respondent and still has not received the title. The Respondent will not provide a legitimate answer to the Complainant concerning the title. The Complainant has contacted the manufacturer who has also initiated an investigation into the dealership. The Respondent did not provide a response.

Recommendation: Authorization of a civil penalty in the amount of \$7,000 for failure to timely provide title, failure to provide records Tenn. Code Ann. §55-17-114(d)(2), and failure to respond to Motor Vehicle Commission correspondence in violation of Rule 0960-01-.23. To be settled by Consent Order or Formal Hearing.

Original Commission Decision: Concur.

New Information: Upon further review, the Respondent did provide a response, however, it was not available at the time of the complaint review. Complainant was provided the title to the vehicle.

New Recommendation: Close.

Commission Decision: **CONCUR**

183. 2016006626 – Gordon McCammon (Respondent 6) (SBB)
UNLICENSED
Entity No.: 1135265

2016006627 – Charles Edward Howse, Jr. (Respondent 7) (SBB)
UNLICENSED
Entity No.: 474395

Staff complaint opened following receipt of information showing Respondent 1 used company credit card machine to run an unlicensed sale for Respondent 8. Respondent 1 is owned by Respondent 4 salesperson. Following unlicensed sale, Respondent 4 opened Respondent 3 dealer. Staff received information that Respondent 3 dealer was employing unlicensed sales people, namely Respondent 2 and Respondent 8, both repeat unlicensed sales offender. Investigation conducted to determine extent of unlicensed activity by Respondent 3 dealer. Upon arriving at Respondent 3 dealer, investigators found Respondent 7 operating as an unlicensed sales person. When investigators began conducting their investigation, Respondent 7 was uncooperative and threatened physical violence against investigators on multiple occasions. Respondent 3 dealer refused to permit Investigators to review business records and demanded Investigators leave the facility or suffer physical harm. Legal was contacted by an attorney representing Respondent 3 dealer. Respondent Attorney was advised by legal that all document requested must be furnished per Commission rules. After several delays, attorney furnished partial records. These partial records indicated that Respondent 7 sold five (5) vehicles while unlicensed, Respondent 6 sold one (1) motor vehicle while unlicensed and Respondent 8 sold five (5) motor vehicles while unlicensed. Records indicated Respondent 4 sold six (6) motor vehicles, however, Investigator calls to two (2) of the listed purchasers revealed Respondent 4 did not sell them the vehicle in question. Investigators found that Respondent 3 had filled out multiple salesperson applications and allowed the sales people to operate at the dealership, however, none of these applications were submitted to Commission staff for licensure. Respondent 2's personal car was found at Respondent 3 dealer with a transporter tag attached, however, Investigators unable to find evidence of any unlicensed activity on part of Respondent 2. Respondent 3 was unable to account for five (5) vehicles purchased from auction.

Original Recommendation: As to Respondent 6: Authorization of a civil penalty in the amount of \$3,000 for 6 occurrences of unlicensed activity. To be settled by consent order or formal hearing. As to Respondent 7: Authorization of a civil penalty in the amount of \$500 for one unlicensed sale. To be settled by consent order or formal hearing.

Original Commission Decision: Concur.

New Information: Multiple attempts have been made to locate Respondent 6 and Respondent 7, but those attempts have been unsuccessful.

New Recommendation: Close and Flag.

Commission Decision: CONCUR

184. 2017010021 Franklin Chrysler Dodge Jeep Ram
First Licensed: 05/26/2011
Expiration: 05/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 Consent Order
Entity No.: 409740

Complaint against the Respondent concerning the registration of a vehicle purchased from the Respondent. The Complainant registered the vehicle in another state and the Respondent has not facilitated the registration of the vehicle. The Respondent has issued five temporary tags. The Complainant was sent the surety bond information for the Respondent.

Original Recommendation: Authorization of a civil penalty in the amount of \$2,500 (3 x \$500 for issuing more temporary tags than allowed by law) and failure to provide a response within 14 days of receiving the complaint from the Motor Vehicle Commission pursuant to Rule 0960-01-.23. To be settled by consent order or formal hearing.

New Information: Complainant has moved out of state and has refused to cooperate.

New Recommendation: Close.

Commission Decision: CONCUR

185. 2017008091 Carlock Nissan of Jackson, Inc.
First Licensed: 09/10/2010
Expiration: 08/31/2018
Type of History: Motor Vehicle Dealer
History (5 yrs.): March 2016 - \$2,000 Consent Order for employing 3 unlicensed salespeople; November 2016 - \$16,000 Consent Order for sales by an unlicensed salesperson.
Entity No.: 414600

Complainant alleges Respondent added a \$3,900 warranty onto their purchase agreement even though Complainant specifically requested no add-ons. Additionally, Complainant has provided a Bill of Sale showing no added warranty and a total amount financed that differs from what ultimately appeared on the loan from Nissan Motor Acceptance Corp.

Recommendation: Authorize a civil penalty in the amount of \$2,000 for false, fraudulent or deceptive acts pursuant to Tenn. Code Ann § 55-17-114(b)(1)(K) and failure to provide a response within 14 days of receiving the complaint from the Motor Vehicle Commission pursuant to Rule 0960-01-.23. To be settled by consent order or a formal hearing.

New Information: Respondent purchased vehicle back and made Complainant whole.

New Recommendation: Close.

Commission Decision: **CONCUR**

186. 2017008951 Ntown Motorsports, LLC
First Licensed: 05/04/2016
Expiration: 03/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 1135496

Complainant purchased a vehicle in October 2016 and there was damage on the left side and the Complainant was told that the vehicle had clean title and the title would be mailed to the Complainant. After two months, the Complainant discovered that it was a salvaged title and the Complainant states was never told about salvaged/rebuilt title and the payment receipt does not state it was a salvaged vehicle anywhere on the document.

Recommendation: Authorization of a civil penalty in the amount of \$2,000. Violation for failure to obtain salvage vehicle disclosure Tenn. Code Ann. § 55-3-212 and failure to provide a response within 14 days of receiving the complaint from the Motor Vehicle Commission pursuant to Rule 0960-01-.23. To be settled by consent order or formal hearing.

New Information: Complainant is no longer willing to cooperate with the matter and all issues were resolved by the Respondent.

New Recommendation: Close.

Commission Decision: **CONCUR**

187. 2017021451 Wyatt Johnson Automotive Group
First Licensed: 06/01/1999
Expiration: 05/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None
Entity No.: 417639

Complainant alleged Respondent failed to provide a copy of the contract after request by Complainant. Complainant was issued a contract at time of purchase for 60 months with no add-on coverage, but the financing company had a contract for 66 months with added coverage for gap insurance, extended warranty, and maintenance plan.

Complainant contacted Respondent about the discrepancy and requested a copy of the contract that showed 66 months. Respondent failed to provide a response to the Commission.

Recommendation: Authorize a civil penalty in the amount of \$1,000 for failure to respond to Commission's request for a response to the allegations pursuant to Tenn. Comp. R. & Regs. 0960-01-.23. To be settled by consent order or formal hearing.

New Information: Complaint was not sent to Respondent via certified mail and therefore, proof of service cannot be confirmed.

New Recommendation: Close.

Commission Decision: **CONCUR**

188. 2017009291 Blessed Brothers, Inc. (SBB)
First Licensed: Unlicensed
Expiration: Unlicensed
License Type: Unlicensed
History (5 yrs.): None
Entity No.: 1174471

Complaint opened after notified by the Davidson County Clerk's Office that the Respondent claims to be a non-profit organization and is not collecting sales tax and may be operating as an unlicensed dealer. The Respondent has purchased and sold more than five vehicles in a calendar year.

Recommendation: Authorize a civil penalty in the amount of \$5,000 for unlicensed activity (Tenn. Code Ann. § 55-17-109). To be settled by consent order or a formal hearing.

Commission Decision: Concur

New Information: There is not enough information concerning whether these cars are being given to people with medical conditions, the needy or sent to other countries for sale. The business does not keep proper records concerning the sale and/or transfer of vehicles. It is a not-for-profit organization that buys inexpensive vehicles to provide transportation to the sick and needy.

New Recommendation: Close upon issuance of a letter of warning for unlicensed sale of motor vehicles and maintaining proper records for the transfer/sale of vehicles titled by the Respondent.

New Commission Decision: Letter of warning notifying them of the requirement obtaining a license for the sale of motor vehicles.

189. 2017021131 Discount Motors, LLC

First Licensed: N/A

Expiration: N/A

Type of History: Motor Vehicle Dealer

History (5 yrs.): None

Entity No.: 1182546

Complaint filed against the Respondent for operating as an unlicensed dealer. An inspection and the Respondent did not have a valid dealer's license. The Respondent had vehicles on display in the dealer lot and the business was open. A Notice of Violation was issued for unlicensed activity for operating without a motor vehicle dealer's license, under Tenn. Code Ann. § 55-17-109. The Respondent claimed an application for a dealer's license was pending, however, MVC staff was unable to locate said application. Respondent does have a licensed location in Memphis, TN.

Original Recommendation: Authorize a civil penalty in the amount of \$5,000 against the Respondent pursuant to Tenn. Code Ann. § 55-17-109 (Activities for which license is required).

New Information: Upon further investigation, it was determined that no vehicles were sold or advertised for sale at the new location until the license was obtained by the Respondent.

New Recommendation: Close.

New Commission Decision: CONCUR

190. 2017013511 Johnson City Toyota

First Licensed: 06/27/2014

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complaint filed against the Respondent concerning the lease of a vehicle. The Complainant decided to turn in the lease and lease a different vehicle and when the Complainant received the statement from the creditor, it appeared the amounts for the lease vehicle were still being charged although the Complainant had returned the lease vehicle to the Respondent. The Complainant attempted to get the vehicle back from the Respondent, but the Respondent indicated the Respondent was no longer in possession of the vehicle and it had been returned to the creditor. According to the creditor, the Respondent's salesman had driven the vehicle as a demonstration vehicle until December 2015. The creditor claims the Complainant is fully obligated for both vehicles. The Complainant further stated the Respondent took the money for a maintenance plan and when the Complainant went to the dealer to use the maintenance plan, the Complainant was advised that the service had been

cancelled. The Complainant insists the Complainant paid for this service and at no time submitted a cancellation for the maintenance agreement.

Original Recommendation: Authorize a civil penalty in the amount of \$2,000 for false, fraudulent or deceptive acts pursuant to Tenn. Code Ann § 55-17-114(b)(1)(K) and failure to provide a response within 14 days of receiving the complaint from the Motor Vehicle Commission pursuant to Rule 0960-01-.23. To be settled by consent order or a formal hearing.

New Information: Upon further investigation, it was determined there was no fraudulent activity. The Complainant entered into a lease agreement for both vehicles and is contractually obligated for the payments for both vehicles. The cancellation of the extended service on the second vehicle leased by the Complainant was done because the Respondent received notification from the creditor it was unable to locate the Complainant and the Complainant had missed some payments.

New Recommendation: Close.

New Commission Decision: **CONCUR**

ASHLEY GENO

191. 2016037091 F&M Used Cars (AG)
First Licensed: 02/06/2008
Expiration: 03/31/17 (CLOSED)
License Type: Motor Vehicle Dealer
History (5 yrs): N/A

Complaint alleged Respondent failed to timely deliver title/registration, investigation conducted. Investigation revealed Respondent was refusing to title vehicle until additional payments were made for sales tax. Additionally, Respondent failed to properly maintain its temporary tag log.

The Commission initially considered this matter at its October 2016 meeting, deciding to authorize a \$1,500.00 civil penalty. The Respondent made one payment of \$500.00 in November 2016. Since that time, the Respondent's license has expired and it has been administratively dissolved.

Recommendation: Close and flag.

Commission Decision: **CONCUR**

Commissioner Vaughan made a motion to approve the Legal Report and Supplemental Legal Report as amended during the Legal Review Meeting, Seconded by Commissioner

Fox. Chairman Robert called for a voice vote.

VOICE VOTE/UNANIMOUS

MOTION CARRIES

LEGISLATIVE UPDATE – Asst. General Counsel, Elizabeth Goldstein

Staff attorney, Elizabeth Goldstein, updated the Commission on the Commission Salvaged Disclosure Amended Rule and conveyed that she and Executive Director, Paula Shaw, presented the rule to the legislature the previous week, which was approved and is effective May 24, 2018. Ms. Goldstein pointed out one legislative update, The Fresh Start Act, which impacted the Commission and was signed by the Governor, became effective July 1, 2018. Chairman Roberts inquired as to whether the new law would decrease the number of appeals the Commission will see, which was answered in the affirmative by Ms. Goldstein.

Commissioner Vaughan made a motion to approve the Legislative Update Report
Seconded by Commissioner Fox. Chairman Robert called for a voice vote.

VOICE VOTE/UNANIMOUS

MOTION CARRIES

NEW BUSINESS

NONE

OLD BUSINESS

NONE

ADJOURN

Chairman Roberts called for a motion to adjourn.

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

VOICE VOTE - UNANIMOUS

Motion carried.

Meeting Adjourned

Eddie Roberts, Chairman
