

MINUTES

October 15, 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: October 15, 2018

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

PRESENT: Commission Members:
Eddie Roberts
Ian Leavy
Charles West
John Chobanian
Christopher Lee
Ronnie Fox
Nate Jackson
Debbie Melton
John Murrey
Stan Norton
Steve Tomaso
Farrar Vaughan
Kahren White
Victor Evans
John Barker, Jr.
Karl Kramer

ABSENT: Jim Galvin

CALL TO ORDER: Chairman Eddie Roberts called the meeting to order at 10:30 am

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

Chairman Roberts introduced and welcomed to the Commission its newest member, Charles West.

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 October 9, 2018.

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

MOTION CARRIED.

QUARTERLY MEETING MINUTES: Commissioner Chobanian, Leavy and Lee were inadvertently left off the previous minutes. The minutes were changed to reflect their attendance. Commissioner Vaughan made a motion to approve the minutes with the attendance changes, seconded by Commissioner Fox. Chairman Roberts called for a voice vote.

MOTION CARRIED.

APPEALS:

Brian Dustin Graham
Phoenix Wholesale, Knoxville, 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 Murrey moved to grant the license, seconded by Commissioner Fox.

ROLL CALL VOTE

Ian Leavy	YES
Charles West	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Chobanian	YES
Chris Lee	YES
John Barker, Jr.	YES
Ronnie Fox	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.

Nicholas Tice
Newton Nissan, Gallatin, 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 to grant the license, seconded by Commissioner Barker.

ROLL CALL VOTE

Ian Leavy **YES**
Charles West **YES**
Kahren White **YES**
John Murrey **YES**
Debbie Melton **YES**
John Chobanian **YES**
Chris Lee **YES**
John Barker, Jr. **YES**
Ronnie Fox **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.

Zach Tapp
Gary Mathews Motors, Clarksville, 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

Ian Leavy	YES
Charles West	NO
Kahren White	YES
John Murrey	YES
Debbie Melton	NO
John Chobanian	NO
Chris Lee	NO
John Barker, Jr.	YES
Ronnie Fox	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	NO
Steve Tomaso	YES
Eddie Roberts	YES

Motion carried, therefore, the license is granted.

Joshua Evans
Evans Auto Exchange, Murfreesboro, 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 Barker moved to grant the license, seconded by Commissioner Chobanian.

ROLL CALL VOTE

Ian Leavy	YES
Charles West	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Chobanian	YES
Chris Lee	YES
John Barker, Jr.	YES
Ronnie Fox	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.

Charles Lewis
Carlock Nissan of Jackson, Jackson, 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 to grant the license, seconded by Commissioner Jackson.

ROLL CALL VOTE

Ian Leavy	YES
Charles West	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Chobanian	YES
Chris Lee	YES
John Barker, Jr.	YES
Ronnie Fox	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.

Colton C. Baltimore
Newton Chevrolet Buick GMC, Shelbyville, 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 to grant the license, seconded by Commissioner Jackson.

ROLL CALL VOTE

Ian Leavy	YES
Charles West	YES
Kahren White	YES
John Murrey	YES

Debbie Melton	YES
John Chobanian	YES
Chris Lee	NO
John Barker, Jr.	YES
Ronnie Fox	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Steve Tomaso	YES
Eddie Roberts	NO

Motion carried, therefore, the license is granted.



Executive Director’s Report

October 15, 2018

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

Dealers Opened, or Relocated (Last Quarter)..... 69

Active Licensees as of October 2018

Dealers..... **3791**
 Applications in Process.....**21**
 Distributors/Manufacturers..... **138**
 Auctions.....**30**
 Representatives.....**625**
 Salespeople.....**17030**
 Dismantlers.....**266**
 RV Dealers.....**38**
 RV Manufacturers.....**73**
 Motor Vehicle Show Permits.....**7**

Complaint Report- Opened Complaints from August - October 2018

Number of Complaints Opened.....**113**
 Number of Complaints Closed.....**135**

Annual Sales Reports-(Due Feb 15):

Vehicles Reported Sold in 2017..... **1,387,890**
 Recreational Vehicles Reported Sold in 2017.....**8,385**
 Total Online Annual Sales Report Collected.....**3,365**
 Late Annual Sales Report Collected**996 = \$99,600**

Performance Metrics Taken from June CFG Report

Average Number of Days to License.....**2.72 Days**

Productivity Factor.....**215.4%**

CFG Goal.....**216%**

Compliance.....**91.65% as of August 31, 2018**

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

MVC Customer Satisfaction Rating May 1, 2018 – October 2, 2018

Quarterly Satisfaction Rating.....**98.6%**

Disciplinary Action Report – June - August 2018

Total to be collected.....**\$25,231.00**

Online Adoption Across All Professions

- **82.03%** online adoption for New “1010” Applications across all Professions available as of September 27, 2018.

Fiscal Information

- As of August 2018, the MVC has a \$ **51,566.00** deficit

Outreach

- Participated in the AAMVA Internet Vehicle Sales working group
- Elected President for the National Association for Motor Vehicle Boards and Commissions (NAMVBC) Attended Conference on September 19-22, 2018
- Scheduled Speaker at Manheim Auto Auction
- Scheduled Speaker at Chattanooga and Memphis Auto Auction
- Scheduled Speaker at County Clerk meeting in August
- Attending Knoxville Automotive Association in September
- Assisted in developing Media Release for vehicles affected by Hurricane Florence
- Assisted in developing 5 car buying tips videos which are posted on our website

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 Vaughan.

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: October 15, 2018

SUBJECT: MVC Legal Report

1. 2018017091 (SRP)
First Licensed: 07/28/2017
Expiration: 07/31/2019 (CLOSED 3/21/2018)
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges Respondent failed to timely deliver title and registered the vehicle in the incorrect county. Complainant also had an issue with an auxiliary led light, but Respondent repaired that light and the vehicle was as-is. As for the title and registration, while Complainant did purchase the vehicle in the same county he resides in, Respondent has multiple locations, including in Maury County, and it processes its titles in that county. Respondent informed Complainant he needed to take the tag to the County clerk to get a sticker of the county if he wants to tag to have his residential county on it. As for the late delivery of title, Respondent explained that Complainant changed his mind on whether he would purchase the vehicle outright or finance it after completing paperwork, including the

title, so they had to apply for a correction. Just in case, Complainant was provided with the surety bond.

An investigation was requested. The investigation revealed that Respondent charges \$95 for “title” fees and \$101 for “registration.” The cost of registration in Maury County is \$54 for a regular plate, and \$90 for a specialized plate. Transfers of title and registration are \$65. When asked why the fees were the amount on the bills of sale, Respondent stated it was the “processing” costs. However, the bill of sale also reflects a \$299 document processing fee. One deal file showed a \$399 document processing fee.

As to the Complainant, Respondent states the paperwork was accidentally processed for a financier after Complainant changed his mind. They had the lien released. As to why the title was registered in a county other than where it was purchased, Respondent alleged the correct county had not set up an online process yet, so they processed everything through the online system set up in Maury County.

Recommendation: Authorize a civil penalty in the amount of \$5,000 for false, fraudulent, and deceptive acts, for charging more for titling and registration than charged by the county.

Commission Decision: CONCUR

2. 2018027681 (SRP)

First Licensed: 12/22/2010

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant filed a complaint against Respondent alleging the price of the vehicle was higher than she believed it would be, that the vehicle experienced mechanical issues, and that Respondent repossessed the vehicle even though she had asked if she could make a partial payment. While not an allegation, Complainant was in her third month of owning the vehicles and appeared to still be receiving temporary tags. An investigation was requested. Respondent issued Complainant three temporary tags. In relation to the other issues, Complainant could not provide proof that the vehicle price was different, and she signed all the paperwork that reflected the price ultimately charged.

Recommendation: Authorize a civil penalty in the amount of \$500 for issuing more temporary tags than allowed by law.

Commission Decision: CONCUR

3. 2018037191 (SRP)
First Licensed: 05/23/2017
Expiration: 05/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant alleges Respondent dealer sold her a vehicle with a faulty transmission and is now refusing to give her money back and/or pay to fix the transmission. Complainant also alleges she asked for information about the vehicle before the sale, and was told the noise coming from the vehicle was due to replacement of the power steering. Complainant also claims Respondent represented that it took the vehicle to its mechanic and assured her the vehicle was in good condition.

In response, Respondent dealer claims Complainant viewed the vehicle on more than one occasion before purchasing it. During these trips, Complainant test drove the vehicle and, on one occasion, had her mechanic inspect the vehicle. Respondent also claims when Complainant returned to purchase the vehicle, she was presented with the proper paperwork; Respondent provided a copy of the "AS-IS – SOLD WITHOUT WARRANTY" document signed by Complainant.

However, Respondent's owner maintains a Youtube account and posts videos about the car business. In one video, he specifically addresses this complaint. In the video, Respondent admits that Complainant owed him \$200 on the down payment, but that he did not reflect that on the receipt and bill of sale. Respondent stated in the video he was holding title until Complainant pays the amount due. It did appear the consumer knew the money was owed.

Recommendation: Authorize a letter of warning for not reflecting money owed on the bill of sale as a false, fraudulent, or deceptive act.

Commission Decision: CONCUR

4. 2018038061 (SRP)
First Licensed: 09/23/2014
Expiration: 08/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complaint alleges Respondent will not respond to inquiry regarding original miles for a vehicle and the miles at time of sale. In response, Respondent indicates it sent pictures by text to Complainant of the odometer statements. Respondent also indicates it sent the odometer statements to the State as well. Ultimately, Respondent had responded to the inquiry, and Complainant was able to register the vehicle. No other violations were uncovered during the investigation.

Recommendation: Close.

Commission Decision: CONCUR

5. 2018038761 (SRP)

First Licensed: 9/01/1991

Expiration: 11/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2013 Letter of Warning for advertising violations.

Complaint filed against Respondent alleging it engaged in “yo-yo financing.” Specifically, the complaint alleges the Respondent sold a vehicle at 1.9% financing for 72 months under a college graduate program, but later advised that the financing fell through and Complainant would need to come back and sign a new loan with a higher APR or have a co-signor. Complaint additionally alleges Respondent is harassing Complainant, requesting he bring the vehicle back and pay for the miles driven on the vehicle before it will return the trade-in and down payment.

In response, Respondent indicates to qualify for the 1.9% financing under the college program, Complainant was required to register for a certificate and be approved for the program. However, after Complainant provided information about his degree, he was not approved for the 1.9% rate. Respondent indicates it informed Complainant of his options, but Complainant chose not to resign with a different rate and returned the vehicle. Respondent indicates it refunded the Complainant \$206.48 for the window tint put on the vehicle while in Complainant’s possession.

In response, Complainant alleges he was qualified for the college program at the time of purchase. He also alleges Respondent did not submit his credit to Ford for financing. An investigation was requested. Complainant did not cooperate with the investigation, and Respondent reiterated that Complainant’s credit score did not qualify him for the financing.

Recommendation: Close.

Commission Decision: CONCUR

6. 2018040491 (SRP)

First Licensed: 01/12/2016

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complaint filed against Respondent alleges Respondent sold a North Carolina dealer a vehicle with a faulty heater core and transmission and is now refusing to buy back the vehicle or replace the heater core and transmission. Complainant dealer notes that he found many other things wrong with the vehicle during his inspection (before purchase), but believed these would be easy fixes and, therefore, did not say anything. Complaint also alleges it took six weeks to receive title.

In response, Respondent claims:

1. The vehicle was sold as a wholesale vehicle.
2. It fully serviced the vehicle.
3. The vehicle was sold As-Is.

4. It did not sell the vehicle with any knowledge of problems with the vehicle.
5. Complainant has received the title.

Recommendation: Close.

Commission Decision: CONCUR

6. 2018038391 (SRP)
First Licensed: 07/01/1991
Expiration: 06/30/2019
License Type: Motor Vehicle Auction
History (5 yrs.): None.

Complaint filed against Respondent alleges Respondent demanded Complainant return vehicle he won on an "IF" bid. At the time Respondent requested Complainant return the vehicle, the vehicle was already on Complainant's floor plan and he incurred repair expense.

In response, Respondent indicates the "IF" bid was rejected, but through human error, the wrong box was selected in the computer program and the vehicle was mistakenly marked as a sale. Respondent further indicates an agreement has been reached between it and Complainant. Per the agreement, Complainant has returned the vehicle in consideration of an agreed upon sum to offset the charges incurred. Respondent also indicates Complainant has signed and notarized a release. Both parties are satisfied with the resolution.

Recommendation: Close.

Commission Decision: CONCUR

7. 2018035331 (SRP)
First Licensed: 10/05/2007
Expiration: 09/30/2019 (CLOSED 4/24/2018)
License Type: Motor Vehicle Dealer
History (5 yrs.): 2014 – \$1,000 Consent Order for issuing more temporary tags than allowed by law; 2015 -- \$500 Consent Order for issuing more temporary tags than allowed by law.

Complainant needs a corrected title from Respondent, but Respondent went out of business. Complainant was provided the surety bond.

Recommendation: Close and flag.

Commission Decision: CONCUR

8. 2018035431 ("Complaint 1") (SRP)
2018035391 ("Complaint 2")
First Licensed: 01/26/2001
Expiration: 02/28/2019

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

Complaint 1:

Complainant claims the vehicle she purchased from Respondent had mechanical issues. Complainant claims that a mechanic informed her that the issue was improperly repaired before being sold to Complainant. An investigation was requested. Complainant did not purchase the vehicle from Respondent.

Complaint 2:

Complainant claims the vehicle she purchased from Respondent had mechanical issues. The vehicle was not purchased with warranties, although Complainant claims she inquired about the possibility of purchasing one. The vehicle issue ended up being a transmission issue. Respondent offered to trade Complainant into a different vehicle, but claims Complainant refused. Respondent also offered to pay half the transmission replacement instead of doing a no-cost trade, but Complainant refused.

Recommendation: As to both complaints, close.

Commission Decision: CONCUR

9. 2018035491 (SRP)

First Licensed: 08/26/2016

Expiration: 07/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant claims he saw a vehicle online that stated it could come with a warranty. When Complainant contacted Respondent, he was informed that the vehicle did not qualify for the warranty. When pressed, the employee at the dealership hung up on Complainant. Respondent responded and stated that the vehicle was as-is, and that they advertise that they have possible third-party warranties for sale. The vehicle Complainant called about did not qualify. The employee that hung up on Complainant is no longer with the dealership. No copies of the online advertisement were available.

Recommendation: Close.

Commission Decision: CONCUR

10. 2018036291 (SRP)

First Licensed: 07/31/2017

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Respondent's business license was expired during its annual inspection. It expired May 15, 2018, and the inspection occurred on May 31, 2018.

Recommendation: Authorize a civil penalty in the amount of \$250 for display of an expired business license.

Commission Decision: CONCUR

11. 2018038781 (SRP)

2018036541

First Licensed: 06/13/2018

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): Open matter pending for \$500 for failure to use rebuilt disclosure form.

Complaint 1:

Complainant purchased a vehicle from Respondent in mid-February, but title was not delivered until June 14, 2018.

Complaint 2:

Complainant purchased a vehicle from Respondent at the end of 2017, but has yet to receive title. Complainant also claims Respondent changed the cluster while conducting other repairs without informing her, modifying the odometer.

Recommendation: As to complaint 1, authorize a civil penalty in the amount of \$500 for false, fraudulent, and deceptive acts for not delivering a title in a timely manner. As to complaint 2, authorize a second \$500 civil penalty for late delivery of title, and refer this matter, and all other open matters, to the Tennessee Department of Safety and Homeland Security.

Commission Decision: CONCUR

12. 2018044761 (SRP)

2018052261

2018055561

2018045891

2018061971

2018046301

2018046621

2018047791

2018049261

2018050161

First Licensed: 10/12/2015

Expiration: 09/30/2019

License Type: Motor Vehicle Dealer
History (5 yrs.): N/A

Respondent is up for revocation based on closing without providing numerous consumers with titles. Additional complaints have been coming in over time, and need to be combined with the pending action.

Recommendation: Authorize this and all future complaints be moved automatically to formal charges to be combined with the pending action.

Commission Decision: CONCUR

13. 2018047261 (SRP)
First Licensed: 04/18/2011
Expiration: 03/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): N/A

Complainant expressed concern over late delivery of title. Complainant purchased the vehicle May 11, 2018. Respondent delivered title at the end of July. Both parties expressed that the matter has been resolved.

Recommendation: Close upon a letter of caution regarding delivery of title within two months.

Commission Decision: CONCUR

14. 2018048411 (SRP)
First Licensed: 03/19/2014
Expiration: 10/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – \$1,000 civil penalty for incomplete temporary tag.

Complainant alleges Respondent sold a vehicle without properly executing the title, listing Complainant as the seller. Complainant also alleged someone forged documents, and listed the vehicle he traded in online with lower mileage than it has. An investigation was conducted. Respondent properly executed all paperwork. The buyers then sold it to a third party who then appeared to modify the odometer and sell the vehicle. At least three consecutive buyers have purchased the vehicle and continued to represent the miles lower. However, Respondent did not engage in the wrongdoing.

Recommendation: Close upon referral of this matter to the Tennessee Department of Safety and Homeland Security for odometer fraud.

Commission Decision: CONCUR

15. 2018047641 (SRP)

First Licensed: 03/19/2014
Expiration: 10/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – \$1,000 civil penalty for incomplete temporary tag.

Complainant alleged Respondent accepted a wire transfer for the purchase of a car, but never delivered the vehicle or refunded the money. Respondent told Complainant the vehicle was stolen, but Respondent did not produce a police report or refund Complainant. An investigation was conducted. Respondent recanted the stolen vehicle story, and informed the investigator that his brother had taken it without permission and damaged it. Respondent stated he was trying to sell inventory to repay Complainant. Complainant reported the matter to the police. The detective investigating the matter acquired a sealed indictment against Respondent's owner for theft of property over \$10,000.

Recommendation: Place this matter in litigation monitoring in order to follow the criminal case. Likewise, a complaint shall be opened against the owner's individual license, and that matter shall also be placed in litigation monitoring.

Commission Decision: CONCUR

16. 2018029951 (SRP)
First Licensed: 07/05/2002
Expiration: 06/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges a number of mechanical issues with the vehicle. The vehicle was purchased with a limited powertrain warranty. Respondent told Complainant to bring in the vehicle for repairs. Complainant did so, but ultimately abandoned the vehicle. Respondent has initiated repossession procedures.

Recommendation: Close.

Commission Decision: CONCUR

17. 2018032421 (SRP)
2018038471
First Licensed: 08/04/2016
Expiration: 07/31/2018 (SUSPENDED 01/30/2018 for non-payment of civil penalty)
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 -- \$6,500 Consent Order for Unlicensed Sales Activity

Respondent is currently involved in a pending revocation action for failing to deliver titles. New complaints have been coming in with the same allegations.

Recommendation: Authorize all complaints regarding this Respondent and this issue be automatically approved for formal charges, to be combined with the pending matters.

Commission Decision: **CONCUR**

18. 2018035651 (SRP)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs.): N/A

Complainant purchased a vehicle from this unlicensed location. Complainant received a drive out tag and a bill of sale. Later when trying to get a title, Respondent sent her to a dealer in Arkansas, and they still could not produce a title since the vehicle was salvaged and had not undergone inspection. Complainant identified the individual that sold her the car as a known wrongdoer currently under investigation with the Attorney General's Office.

Recommendation: Refer this matter to the Attorney General's Office to be combined with ongoing investigation.

Commission Decision: **CONCUR**

19. 2018038661 (SRP)

First Licensed: 10/13/2004

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

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

Complainant alleges mechanical issues with a vehicle she purchased from Respondent. The vehicle is under warranty. It appears repair attempts have been made each time the vehicle was brought in. On the last visit, Respondent offered to accept the vehicle on trade-in in order to get Complainant in a vehicle that did not as many issues, but ultimately the parties could not agree. While it does appear the vehicle is experiencing mechanical difficulties, the repairs are attempted under the warranty, and Respondent offered an alternative as well to resolve the matter.

Recommendation: Close.

Commission Decision: **CONCUR**

20. 2018028981 (“Complaint 1”) (SRP)
2018042041 (“Complaint 2”)
First Licensed: 07/05/2017
Expiration: 07/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complaint 1:

Complainant was concerned when she had not received title within thirty days for a vehicle she purchased for her son from Respondent. Complainant also stated she saw the title and the front was not in the Respondent dealership’s name. The title showed that the vehicle was rebuilt, but Complainant did not provide a copy of the back of the title, and no rebuilt disclosure was in the documents provided by Complainant.

An investigation was requested. Complainant received the title in about two months. Respondent stated that they very rarely deal in rebuilt vehicles, and they did not know a separate disclosure form was needed for rebuilds.

Complaint 2:

Complainant claims Respondent changed the price of the vehicle after the contract was signed, and misled her about the due date of payments. Respondent responded and denied the allegations. Respondent called the financier and confirmed the dates they stated were the same on the documents Respondent executed with the Complainant.

Recommendation: As to Complaint 1, authorize a civil penalty in the amount of \$500 for failing to use required rebuilt disclosure form. As to Complaint 2, close.

Commission Decision: CONCUR

21. 2018030701 (SRP)
First Licensed: N/A
Expiration: N/A
License Type: N/A
History (5 yrs.): None

Revenue advised that Respondent requested five temporary operating permits. The revenue agent was concerned that Respondent misunderstood the license requirement for selling vehicles in Tennessee, since Respondent held a Missouri license but not a Tennessee license. An investigation was conducted. Respondent admitted to selling two vehicles in Tennessee to a licensed dealer, and it had an additional seven vehicles in its possession. Respondent cooperated with the investigation, and indicated it has purchased a property to become licensed in Tennessee.

Recommendation: Close.

Commission Decision: CONCUR

22. 2018045561 (SRP)
First Licensed: 11/01/2017
Expiration: 09/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant alleged delay in title deliver; however, the title was delivered within two months of the purchase.

Recommendation: Close.

Commission Decision: CONCUR

23. 2018047471 (SRP)
First Licensed: 07/26/2017
Expiration: 07/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant alleged delay in title deliver. Respondent claims he mailed it, but assumes it got lost when Complainant said they had not received it. Respondent claims he has filed to get a duplicate from Louisiana. Complainant was provided with the surety bond. Respondent did have a copy of the title in the deal file, showing he did have possession of it. There is a note at the top of the copy indicating it was mailed.

Recommendation: Close upon issuance of a letter of warning based on some evidence presented that Respondent did mail title timely.

Commission Decision: CONCUR

24. 2018053491 (SRP)
First Licensed: 02/07/2014
Expiration: 07/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant alleged mechanical issues with the vehicle purchased from Respondent. The sale was as-is. Respondent had the vehicle towed back to work on, but Complainant does not wish to pay for repairs.

Recommendation: Close.

Commission Decision: CONCUR

25. 2018055581 (SRP)
First Licensed: 02/05/2016
Expiration: 02/29/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant alleged Respondent sold her a vehicle without a dealer license, but Respondent is properly licensed as has been since 2016. Complainant also claimed Respondent changed her payment arrangement without permission. Respondent responded with copies of all agreed and signed financing paperwork. Respondent stated that Complainant often made partial payments, and they recently informed her that the partial payments were not acceptable, which may be the basis for the allegation they changed the payment terms.

Recommendation: Close.

Commission Decision: CONCUR

26. 2018050941 (SRP)
First Licensed: 02/25/2013
Expiration: 02/28/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant alleged Respondent did not display a buyer's guide, and stated he had mechanical issues with the vehicle. He specifically complained with the hope the Attorney General would change the law to disallow as-is sales.

As to the possible violations, the consumer signed the buyer's guide. The sale was as-is, and the parties signed a due bill stating the Respondent would review the check engine light for the consumer, but there was no promise to conduct the repairs at no cost.

Recommendation: Close.

Commission Decision: CONCUR

27. 2018057771 (SRP)
First Licensed: 09/20/2007
Expiration: 08/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017 -- Two Letters of Caution; one for failing to provide a second key after stating they had two, and one for a delay in delivering title.

Complainant alleged Respondent put the wrong address on his paperwork, and forged his initials on one page of the deal file. Complainant also alleged Respondent put incorrect information on the finance documents. Complainant signed every page, including the pages containing the address and financial information, confirming it was accurate. According to Respondent, Complainant came back to them to change the address days after

purchase, and then later asked to cancel the deal since he had purchased a new vehicle elsewhere. When Respondent refused, the Complainant filed this complaint. Complainant confirmed he wanted out of the deal from buying a new car. The forgery accusation does not appear credible since Complainant did sign all other pages and he does not deny that.

Recommendation: Close.

Commission Decision: CONCUR

28. 2018051321 (SRP)

First Licensed: 11/13/2017

Expiration: 10/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle in January but did not receive title from Respondent until the end of July. Respondent stated it bought the vehicle from an out-of-state wholesaler in November, but the title did not arrive. The parties determined that the title was lost, and the process to obtain a duplicate was lengthy. Respondent acknowledged Complainant's frustration, but stated it was out of their control.

Recommendation: Authorize a civil penalty in the amount of \$500 for false, fraudulent, or deceptive acts for selling a vehicle prior to ensuring title was available.

Commission Decision: CONCUR

29. 2018030661 (SRP)

First Licensed: 08/14/2015

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – Letter of Warning for issuing more temporary plates than allowed; 2017 – \$250 Consent Order for operating on an expired city business license.

Complainant filed a complaint after a deal fell through between himself and Respondent. Respondent is a consignment dealer that sells classic vehicles. Complainant located a vehicle for sale through Respondent. He negotiated a price, signed a contract, and paid a non-refundable deposit. After thirty days of trying to get the vehicle, the Respondent informed Complainant it could not provide the vehicle. Respondent refunded the deposit. Ultimately it was discovered that the vehicle was no longer in Respondent's possession, but rather, had been returned to the owner when it had not sold within the time set under the consignment contract. After the deal was made between Respondent and Complainant, Respondent attempted to get the owner to sell the vehicle, but the owner decided not to at the negotiated price. The consignment contract had expired between the owner and the Respondent in mid-2017, and the deal between Complainant and Respondent was started in March 2018.

Respondent responded to state that part of its business practice is to continue to advertise vehicles that have been removed from their lot after the consignment agreement

ends. They indicate which vehicles this applies to by denoting an “R” behind the stock number. Legal counsel reviewed the Respondent’s website on May 29, 2018, and identified twenty-seven vehicles listed that contained an “R” after the stock number. Every vehicle’s advertisement stated that the vehicle was at Respondent’s showroom. By Respondent’s own admission, that statement is false in each of the advertisements. Copies of the consignment agreements were obtained, and they all had an end date pre-dating the advertisements found.

Recommendation: Authorize a civil penalty in the amount of \$13,500 (\$250 x 27 false/misleading advertisements related to location of vehicles and \$250 x 27 for false, fraudulent, and/or deceptive acts for advertising vehicles without an active consignment agreement).

Commission Decision: CONCUR

30. 2018031591 (SRP)

First Licensed: 06/09/2015

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 -- \$5,000.00 Consent Order for attempting to sale vehicles outside of dealership location and altering temporary tags

Complainant alleged Respondent sold him a vehicle with a broken odometer, and that he could not get a warranty with it broken. Complainant claimed Respondent stated it would fix it. An investigation was conducted. It turns out the speedometer was broken, and Respondent was willing to diagnose the issue but not repair it. They did not record the repairs on the We Owe sheet signed by Complainant. Respondent stated that the odometer worked at the time of purchase. The miles recorded in the sales documents were close to the miles reflected on the odometer. The vehicle was sold as-is.

Recommendation: Close.

Commission Decision: CONCUR

32. 2018037521 (SRP)

First Licensed: 06/09/2017

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

An anonymous complaint was filed showing a picture of a vehicle displayed on what appeared to be grass. The picture was taken from across the street. Respondent responded and stated that the vehicle was on crushed gravel. Respondent provided pictures confirming the gravel.

Recommendation: Close.

Commission Decision: CONCUR

33. 2018038571 (SRP)
First Licensed: 07/01/1991
Expiration: 06/30/2011 (Expired)
License Type: Manufacturer/Distributor
History (5 yrs.): None.

Complainant alleges Respondent stopped communicating with him after years of working on building a replica from a kit for Complainant. Respondent contacted legal to indicate their business had an internet outage, but he has since reached out to Complainant, and both parties are satisfied. Respondent is not performing work that would require active licensure.

Recommendation: Close.

Commission Decision: CONCUR

34. 2018042161 (SRP)
First Licensed: 08/10/2015
Expiration: 07/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Respondent took four months to deliver title. Respondent states that the delay was due to Copart believing it had provided title to Respondent, then taking time to obtain a duplicate. Respondent ultimately produced the title to Complainant, but Respondent did not properly fill out the title, further delaying Complainant's ability to register the vehicle. Respondent also expressed frustration over the condition of the vehicle Complainant traded in for the vehicle now awaiting proper title.

Recommendation: Authorize a civil penalty in the amount of \$500 for false, fraudulent, and deceptive acts related to the delayed delivery of proper title to Complainant.

Commission Decision: CONCUR

35. 2018044201 (SRP)
First Licensed: 11/02/1998
Expiration: 05/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

This complaint was opened on a Notice of Violation. The business was open and operating on an expired dealer license. Additionally, Respondent was unable to produce county business license.

Recommendation: Authorize a civil penalty in the amount of \$1,250, (\$1,000 for operating on an expired dealer license, and \$250 for failing to maintain an active county business license).

Commission Decision: **CONCUR**

36. 2018046641 (SRP)

First Licensed: 12/31/2013

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 -- \$1,000.00 Consent Order for failure to maintain temporary tag log.

Complainant alleged Respondent was demanding more money than agreed to, and would not produce tags. A review of the finance file showed Complainant was not paying more than the signed paperwork laid out. Respondent responded to confirm this, and stated they have asked Complainant to either take the vehicle through emissions or allow them to so they could register the vehicle, but Complainant did not comply with either option. Ultimately, Respondent was able to get the vehicle inspected during the complaint process, and worked out the dispute with Complainant. Complainant wishes to withdraw the complaint.

Recommendation: Close.

Commission Decision: **CONCUR**

SHILINA BROWN

37. 2018022602 (SBB)

2018022603

First Licensed: 10/27/2016

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a vehicle from the Respondent that had mechanical issues that were not disclosed. The motor vehicle was sold "AS IS." The proper disclosures and Buyer's Guide were provided to the Complainant.

Recommendation: Close.

Commission Decision: **CONCUR**

38. 2018026721 (SBB)

First Licensed: 09/09/2008

Expiration: 08/31/2018 (Expired Grace)

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015; Consent Order (\$4,000) for issuing too many temporary tags and failure to issue title in timely manner

Complainant purchased a motor vehicle from the Respondent. Respondent has gone out of business and the Complainant does not know where to make the payments. The Complainant has been contacted and advised of the new owner of the dealership and where to make the payments.

Recommendation: Close.

Commission Decision: CONCUR

39. 2018029901 (SBB)

First Licensed: 09/28/2016

Expiration: 09/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and was waiting to receive the title and tags. When the temporary tag for the vehicle expired, the Respondent was closed and the Complainant could not reach anyone at the dealership. The Complainant has not received the title. The Respondent provided a response and stated the Complainant had an outstanding balance of \$642.00 for the vehicle and it was paid in May 2018. The Complainant has received the title to the vehicle.

Recommendation: Close.

Commission Decision: CONCUR

40. 2018030071 (SBB)

First Licensed: 12/14/2015

Expiration: 09/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant was interested in purchasing a vehicle from the Respondent and was trying to obtain financing without a down payment. The Respondent agreed to work with the Complainant for payment of the down payment. After purchasing the vehicle, the Complainant advised the Respondent the vehicle was having mechanical problems and the temporary tags had expired. The Complainant has been unable to obtain the registration

and vehicle tags from the Respondent. The Respondent provided a response and stated there is still a balance due of \$1,850 for the down payment and will not provide the registration and tags until the Complainant pays the down payment in full. The Complainant was given 30 days to make the payments on the down payment and failed to pay the full down payment amounts. Now, the Complainant alleges the vehicle needs approximately \$6,000 in repairs.

Recommendation: Close.

Commission Decision: CONCUR

41. 2018030151 (SBB)

First Licensed: 09/01/1991

Expiration: 01/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased two vehicles from the Respondent. The Complainant alleges there were numerous mechanical and other issues with both of the vehicles. The Respondent repaired all items for both vehicles that needed to be repaired. The Respondent provided a response and stated that a full detail, painting of undercarriage, replacement of end caps and bed liner would also be done. The Complainant agreed to the offer and the Respondent has completed the repair work.

Recommendation: Close.

Commission Decision: CONCUR

42. 2018030171 (SBB)

First Licensed: 01/30/2007

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and did not receive the registration and motor vehicle tags for the vehicle. The Complainant has been issued two temporary tags. The Respondent provided a response and stated the registration of the motor vehicle was completed within the time period permitted by the State and the Respondent has provided the Complainant with the registration and tags for the motor vehicle.

Recommendation: Close.

Commission Decision: CONCUR

43. 2018030211 (SBB)

First Licensed: 04/29/2016

Expiration: 05/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and within 24 hours of purchasing the vehicle a check engine light appeared on the dashboard. The Complainant wanted to return the motor vehicle, however, the Respondent agreed to contact their auto mechanic and make the necessary repairs. The Complainant left the motor vehicle with the Respondent for a few days and the repairs were made to the vehicle. The Complainant again had another mechanical problem with the motor vehicle and contacted the Respondent. The Respondent told the Complainant the payment was delinquent and would not assist the Complainant. The Respondent provided a response and stated the parties have resolved the issue and the Respondent made the necessary repairs to the motor vehicle.

Recommendation: Close.

Commission Decision: CONCUR

44. 2018030301 (SBB)

First Licensed: 03/03/2017

Expiration: 01/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant was interested in purchasing a motor vehicle from the Respondent based on the advertised price. When the Complainant was about to sign the purchase agreement, the Respondent's salesman suddenly advised the Complainant that the price of the car was incorrect and it had been underpriced by \$2,000 to \$3,000. The Complainant alleges the Respondent has engaged in fraud. The Respondent provided a response and stated that the price of the vehicle was correctly listed initially and a day later, a staff member inadvertently changed the price to a lower amount. The following day the pricing error was discovered and was immediately corrected on the advertisement on the website, however, the Respondent stated it sometimes takes up to 24 hours for the pricing changes to be corrected online. The Respondent has never had any pricing issue for vehicle on its website and this is the first instance there has been an issue with the price discrepancy.

Recommendation: Close upon issuance of a letter of warning concerning the importance of accurate prices being reflected in all forms of advertising.

Commission Decision: CONCUR

45. 2018030321 (SBB)

First Licensed: 03/12/2013

Expiration: 03/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and alleges the Respondent sold a salvaged vehicle. When the Complainant was later trying to sell the vehicle, the Complainant was told it had been declared a total loss vehicle and sold to the Respondent by a salvage auto auction in Arkansas. Respondent provided a response and stated the motor vehicle was purchased from an auction with a clean title and only front end damage. The Respondent stated this had been disclosed to the Complainant. The original title was not branded as a salvaged title or total loss. The Complainant was able to register the vehicle and the Respondent provided a clean title for the vehicle.

Recommendation: Close.

Commission Decision: CONCUR

46. 2018031061 (SBB)

First Licensed: 08/17/2011

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Respondent was issued a Notice of Violation for an expired county business tax license during an MVC annual inspection conducted at the dealership. The county business tax license was expired for the past two years.

Recommendation: Authorize a formal hearing with the ability to settle via Consent Order for a civil penalty in the amount of \$1,000. (\$500/year civil penalty for not having a valid county business tax license).

Commission Decision: CONCUR

47. 2018031101 (SBB)

First Licensed: 05/16/2017

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant alleges that when visiting the Respondent's car lot, the Respondent would not allow anyone to test drive any of the vehicles. The Complainant still purchased a truck and when he left the dealer lot, the truck started making a loud tapping noise. The Respondent checked the truck and offered to put the Complainant in a different truck. The

Complainant alleges all the vehicles had transmissions that were going out or did not have working air conditioning. The Complainant wanted a refund of the down payment and the Respondent was not interested in any of the other vehicles. The Respondent stated the motor vehicle was sold without a warranty and “AS IS” and full disclosures were made to the Complainant. The Respondent stated the Complainant first wanted an SUV and later changed her mind and wanted a standard passenger vehicle. The Respondent offered to exchange the vehicle, however, the Complainant could not decide on a vehicle.

Recommendation: Close.

Commission Decision: CONCUR

48. 2018031261 (SBB)

First Licensed: 11/03/2016

Expiration: 09/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent. After leaving the car lot, the “Check Engine” light came on. The Complainant discovered the vehicle had electrical problems and a problem with the knock sensor. The Respondent agreed to make the necessary repairs. Later, the Complainant had additional mechanical problems with the vehicle and the knock sensor had not been fixed, as promised, by the Respondent. The Respondent provided a response and stated the vehicle was a 2004 model vehicle with over 200,000 miles and was sold without a warranty and “AS IS.” All proper and necessary disclosures were provided to the Complainant.

Recommendation: Close.

Commission Decision: CONCUR

49. 2018031661 (SBB)

First Licensed: 06/13/2018

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and claimed the odometer reading was incorrect and did not match the paperwork for the vehicle. The Complainant also alleges the Respondent failed to provide the title to the motor vehicle. The motor vehicle sold to the Complainant was a 2005 model with 167,000 miles and sold without a warranty and “AS IS.” The Complainant was provided with the Respondent’s surety bond information to submit a claim to the surety bond company for the title issue.

Recommendation: Close.

Commission Decision: CONCUR

50. 2018032401 (SBB)

First Licensed: 05/16/2017

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and after the leaving the car lot, the motor vehicle engine caught on fire and was towed back to the dealership. The Complainant wanted a refund and the Respondent refused because the Respondent believed the fire was the Complainant's fault. The Respondent provided a response and stated the first vehicle sold to the Complainant was a 2004 model and was sold "AS IS." This vehicle was returned by the Complainant because it stopped running and the Respondent had the vehicle towed back to the lot. The Respondent exchanged the vehicle and allowed the Complainant to purchase another vehicle. The second vehicle was a 2009 and also purchased "AS IS." The Complainant also returned this vehicle and stated she did not need a vehicle and wanted a refund. The Respondent's mechanic discovered that the vehicle had been overheating because the Complainant ran over an object in the road which caused the bottom of the radiator to be damaged. The Complainant continued to drive the vehicle with the damage without checking for the damage and this caused the vehicle to overheat. The Complainant also stopped payment on the deposit given to the Respondent for the vehicle.

Recommendation: Close.

Commission Decision: CONCUR

51. 2018032521 (SBB)

License Type: Unlicensed

History (5 yrs.): None

The Complainant alleges the Respondent is impersonated a motor vehicle salesperson and misrepresented he worked for the Complainant. The Complainant did not and could not provide sufficient information to locate the Respondent or investigate the matter.

Recommendation: Close.

Commission Decision: CONCUR

52. 2018033201 (SBB)
First Licensed: 02/05/2002
Expiration: 01/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and it stopped working because of electrical problems. The Complainant had the vehicle towed back to the Respondent because it was still under a factory warranty. The Complainant stated he was later told that the vehicle engine had locked up because of poor maintenance. The Complainant claimed the electrical problems were due to the seven recalls on the vehicle for electrical and engine problems. The Respondent provided an extensive response concerning the mechanical issues with the vehicle and stated the Complainant was notified at each point in the diagnosis and servicing of the vehicle. Upon opening up the valve cover for the vehicle, the Respondent found excessive sludge and determined that the vehicle had not had any maintenance and never had an oil change. As a result, the manufacturer determined the vehicle would not be covered under the factory warranty because of improper maintenance of the vehicle by the Complainant. The Respondent stated there is no question all the issues with the vehicle are related to the engine failure. Also, the Respondent stated the recalls have been open for several years and the Complainant never brought the vehicle to the dealership during that time period to address the recalls. The Complainant still insists the damage is due to electrical problems. The Respondent has offered to explain and show the Complainant the specific problem that occurred with the vehicle, however, the Complainant has refused to return to the dealership. The Complainant has been unable to produce any receipts or service records for the vehicle during the period of ownership indicating the vehicle was serviced and/or properly maintained.

Recommendation: Close.

Commission Decision: CONCUR

53. 2018033381 (SBB)
License Type: Unlicensed
History (5 yrs.): None

Complaint was filed against a Respondent offering advertising to auto dealers to allow auto dealers to advertise on large flat screen TV's inside local Division of Motor Vehicle offices.

Recommendation: Close and refer to the Department of Safety for further review and investigation.

Commission Decision: CONCUR

54. 2018033651 (SBB)
First Licensed: 06/27/2014
Expiration: 06/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant was interested in purchasing a vehicle listed on the Respondent's website and the Complainant inquired about the vehicle. The Respondent's salesperson claimed the price on the website was a typo. The Complainant alleges the Respondent is engaged in fraudulent activity. The Respondent provided a response and stated there was a clerical error and the vehicle was mispriced. The Respondent stated it takes all reasonable measures to ensure the accuracy, but in this situation, human error occurred which resulted in the vehicle being priced incorrectly. The Respondent stated it offered the Complainant a discount from the original MSRP because of its error, however, the Complainant declined and wanted the vehicle at the advertised, mispriced amount. The Respondent refused to sell the vehicle at the incorrectly advertised price and stated there is also a clear disclaimer for all vehicles listed on its website concerning the advertised vehicles and advises customers to verify the information on the website with the dealership concerning any online advertisements for vehicles. The Respondent never had a problem with advertising/mispricing vehicles.

Recommendation: Close upon issuance of a letter of warning concerning the importance of accurate pricing and possibly having an internal verification process on all forms of advertising.

Commission Decision: CONCUR

55. 2018035201 (SBB)
License Type: Unlicensed
History (5 yrs.): None

The Complainant purchased a motor vehicle from the Respondent and discovered the title still had a lien on it. After three months, the Respondent still has not provided the Complainant with the title to the vehicle. The Respondent did not provide a response. Upon further investigation, the Complainant has received the title from the Respondent.

Recommendation: Close.

Commission Decision: CONCUR

56. 2018035351 (SBB)
First Licensed: 09/01/1991
Expiration: 10/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased the vehicle and an additional maintenance plan. When the Complainant took the vehicle for the 15,000 mile servicing, the Respondent charged the Complainant \$154.49 for the maintenance to the vehicle and stated only \$60 was covered by the maintenance plan. The Complainant alleges the Respondent failed to inform her there were limits on coverage in the plan and only certain service items were covered under the plan. The Complainant cancelled the maintenance plan and would be provided a refund for the cost of the plan, which would be prorated. The Complainant never received any refund from the dealership. The Respondent provided a response and stated the cancellation did not get processed immediately and there was a delay. The dealership has issued the customer a full refund in the amount of \$1,627 in two separate ACH transactions. The first one was on May 21, 2018 in the amount of \$1,414.34 and the second one was on May 23, 2018, in the amount of \$212.66.

Recommendation: Close.

Commission Decision: CONCUR

57. 2018035531 (SBB)
First Licensed: 04/30/2008
Expiration: 03/31/2020
License Type: Recreational Vehicle Dealer
History (5 yrs.): 2017; LOW for improperly prepping vehicle

Complainant purchased a recreational vehicle (RV) from the Respondent at an out-of-state branch of the Respondent. The Complainant wanted it transferred from the out-of-state branch location to Tennessee to accept delivery of the RV. The Complainant alleges that after taking the unit home, the Complainant discovered extensive damage to the door frame. The Complainants discovered there was water damage and believed it was flood damage to the RV. The Respondent has provided a response and indicated this recreational vehicle was a new unit and still under the manufacturer warranty. There was no flood damage. At all times, the Respondent has been willing to make the necessary repairs to the unit, however, the Complainant wants a replacement unit. The paperwork and transaction was completed out-of-state and the Complainant merely took possession at the branch location in Tennessee. The Tennessee location was not involved in the transaction. Additionally, the Complainant is dealing directly with the manufacturer of the RV and the manufacturer will handle repairs or replacement of the unit.

Recommendation: Close.

Commission Decision: CONCUR

58. 2018035571 (SBB)

First Licensed: 01/29/2013

Expiration: 01/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2014; Consent Order (\$2,000) for unlicensed activity

The Complainant purchased a motor vehicle from the Respondent and was told the vehicle had never been in an accident. Later, the Complainant had the vehicle checked by a private mechanic who told the Complainant there was corrosion and rust and it appeared the vehicle had been submerged under water and was unsafe to drive. The Respondent provided a response and stated the vehicle was sold without a warranty and in "AS IS" condition. The Respondent stated the rust was pointed out to the Complainant at the time of the purchase and the vehicle was inspected by an independent facility and had not been a flood vehicle.

Recommendation: Close.

Commission Decision: CONCUR

59. 2018035611 (SBB)

First Licensed: 12/16/2003

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

A complaint was filed against the Respondent for issuing an excessive number of temporary tags to several customers. The Respondent provided a response and stated the complaint had been filed by a disgruntled employee, who was a manager with the Respondent and was later terminated from his employment with the Respondent. The Complainant provided an update and stated our office needed to review the temporary tag logs to see how many temp tags were issued because there was an excessive amount issued by the Respondent. The Respondent's attorney was contacted on two separate occasions and never responded and never provided the temporary tag logs requested from the Respondent.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order with a civil penalty in the amount of \$500 for issuing more temporary tags than permitted.

Commission Decision: CONCUR

60. 2018036461 (SBB)
First Licensed: 09/01/1991
Expiration: 02/29/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a new motor vehicle from the Respondent and shortly thereafter, it began to have water intrusion problems in the cabin of the truck. The Respondent stated there was a hole in the firewall and the car was sent to be repaired at a body repair shop. The Respondent has not returned the vehicle to the Complainant for over one month, however, the Respondent did provide the Complainant with a rental vehicle during the time the dealership had the truck. The Complainant alleges the dealership is delaying the repairs to the vehicle and the Respondent is taking an excessive period of time for the repairs to be completed. After the Complainant received the vehicle, the Complainant alleges the work was not done completely because the carpet padding was not replaced. The Respondent stated all repairs were completed and the vehicle does not have any water intrusion problems.

Recommendation: Close.

Commission Decision: CONCUR

61. 2018036651 (SBB)
First Licensed: 12/20/2013
Expiration: 12/31/2017 (Closed)
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and has been unable to obtain the title from the Respondent because the business has closed. The Complainant was sent the surety bond information for the Respondent to submit a claim to the surety bond company.

Recommendation: Close.

Commission Decision: CONCUR

62. 2018036671 (SBB)
License Type: Unlicensed
History (5 yrs.): None

Complainant purchased a vehicle from a police department used motor vehicle sale and has been unable to get the vehicle titled because it was a salvaged vehicle. The Complainant was aware the vehicle had a salvaged title. The Complainant wants instruction and guidance to get the vehicle titled properly.

Recommendation: Close.

Commission Decision: CONCUR

63. 2018037241 (SBB)

First Licensed: 09/01/1991

Expiration: 01/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and did not receive the title to the motor vehicle within 60 days. The Respondent provided a response and stated the auto auction still has not forwarded the title and the Respondent has explained this to the Complainant several times. Upon investigation, the Complainant has received the title to the vehicle from the Respondent.

Recommendation: Close.

Commission Decision: CONCUR

64. 2018037641 (SBB)

First Licensed: 07/05/2002

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and prior to the purchase asked the Respondent if the vehicle had a clean title and a CarFax report. The Respondent never provided the CarFax to the Complainant. The Respondent took two months to provide the Complainant a title. The Complainant has been attempting to sell the vehicle and has been told the CarFax report for the vehicle references the vehicle has a salvaged title and no other dealership will accept the vehicle as a trade-in vehicle. The Complainant wants a full refund from the Respondent in the amount of \$6,992. The Respondent provided a response and stated the CarFax report does not indicate a salvaged title and the Complainant was incorrectly told the vehicle has a salvaged title. The Respondent stated the Complainant has caused damage to the vehicle four months after purchasing the vehicle and did not have the vehicle repaired. The Respondent has provided documents to support the Complainant damaged the vehicle after the purchase and received insurance proceeds to repair the vehicle. Also, a month later it was reported that there was structural damage to the vehicle by the Complainant. The Respondent stated it had to repossess the vehicle from the Complainant for nonpayment and has provided several photographs to show the damage caused by the Complainant and provided proof that the vehicle is not branded as salvaged. The Respondent stated the Complainant owes outstanding amounts to the Respondent for the car payments and the damage to the vehicle that was not repaired.

Recommendation: Close.

Commission Decision: CONCUR

65. 2018037681 (SBB)

First Licensed: 09/01/1991

Expiration: 01/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

The Complainant purchased a two year old vehicle from the Respondent and it began to have mechanical issues. The Respondent stated there were no problems with the vehicle. The Complainant had the vehicle checked by two independent mechanics and the vehicle needed a new timing chain. When the Complainant initially contacted the Respondent, the Respondent immediately inspected the vehicle and checked all components of the vehicle and there was no evidence of any problems and even provided all diagnostic tests and vehicle history information to the Complainant. The Respondent provided a response and stated it could not find any evidence of a two year old vehicle needed a timing belt to be replaced. Also, the Respondent has checked the vehicle thoroughly before and after purchase and ran it through several diagnostics and there was no evidence of any problems. Also, all vehicle codes were checked and the vehicle is operating properly.

Recommendation: Close.

Commission Decision: CONCUR

66. 2018037981 (SBB)

License Type: Unlicensed

History (5 yrs.): None

A complaint was filed anonymously by telephone against the Respondent for acting as a dealer without a license. The anonymous caller indicated that the Respondent has sold at least five vehicles. The location and contact information for the Respondent was not provided and there was no other proof. The information was insufficient to locate the Respondent and investigate this matter.

Recommendation: Close.

Commission Decision: CONCUR

67. 2018038081 (SBB)
First Licensed: 06/13/2017
Expiration: 06/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complaint against the Respondent following the issuance of a Notice of Violation during its annual inspection of the dealership. The Notice of Violation was issued for failure to have a business license and the Respondent was unable to produce sales tax identification number. The Respondent has not responded or paid the Agreed Citation.

Recommendation: Authorize a formal hearing with the authority to settle by Consent Order and payment of civil penalty in the amount of \$500 for failure to have a business license and \$1,000 for failure to have state sales and use tax license.

Commission Decision: CONCUR

68. 2018038411 (SBB)
First Licensed: 02/04/2008
Expiration: 01/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent. Respondent has closed the dealership and declared bankruptcy. The Respondent dealership was purchased by another company and the Complainant has been advised the payments can be sent to the creditor or the new dealership directly. The entity that purchased the Respondent's dealership has been in the process of contacting all consumers that need to make payments for motor vehicles. Also, the Complainant was sent the surety bond information for the Respondent in the event it is necessary for the Complainant to file a claim in this matter.

Recommendation: Close.

Commission Decision: CONCUR

69. 2018038601 (SBB)
First Licensed: 09/01/1991
Expiration: 01/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complaint filed against the Respondent by the co-signer of a vehicle purchased by the Complainant's ex-boyfriend and father of her child. The ex-boyfriend was not able to make the payments and this caused a derogatory credit rating for the Complainant. The Complainant alleges the Respondent engaged in fraud, predatory lending and deceptive

business practices. The Respondent provided a response and stated all credit checks were properly conducted and the approval of the loan and other documents were properly executed and all policies and processes that were necessary were correctly followed in this transaction. The Complainant has a derogatory credit rating due to the non-payment on the loan by the ex-boyfriend and not the actions of the Respondent.

Recommendation: Close.

Commission Decision: CONCUR

70. 2018038701 (SBB)

First Licensed: 05/01/2012

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016; Consent Order (\$500) for issuing more temporary tags than allowed

Complaint purchased a motor vehicle from the Respondent and did not receive the title in a timely manner. The Respondent provided a response and stated that the title was mailed by Federal Express Overnight delivery on July 5, 2018 and the receipt indicates it was received and signed on July 6, 2018.

Recommendation: Close.

Commission Decision: CONCUR

71. 2018038741 (SBB)

First Licensed: 09/22/2016

Expiration: 07/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Respondent was issued a Notice of Violation for an expired city and county business tax license during an annual inspection conducted at the dealership. The city and county business tax license had been expired for the past year.

Recommendation: Authorize a formal hearing with the ability to settle via Consent Order for a civil penalty in the amount of \$1,000. (\$500 for expired city and \$500 expired county business license).

Commission Decision: CONCUR

72. 2018039221 (SBB)
First Licensed: 06/05/2014
Expiration: 04/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant alleges the Respondent is engaged in deceptive advertising and offering consumers who received a flyer advertisement certain prizes, including an iPad and other gifts, which are to be given to the consumer upon presentation of the flyer. The Respondent is not honoring the flyer advertisement and not providing the described prizes. The Respondent did not provide a response.

Recommendation: Authorize a formal hearing for advertising violations with authority to settle by Consent Order and payment of civil penalty in the amount of \$5,000.

Commission Decision: CONCUR

73. 2018039741 (SBB)
First Licensed: 08/07/1996
Expiration: 07/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and shortly thereafter, there were several mechanical problems, including failure of the fuel pump, power steering pump, and other mechanical issues. The Respondent provided a response and stated the vehicle purchased by the Respondent was a 18 year old motor vehicle. Also, the Respondent allowed the Complainant to trade-in the vehicle for a newer used motor vehicle and has tried to assist the Complainant, however, the Complainant has refused these offers.

Recommendation: Close.

Commission Decision: CONCUR

74. 2018039791 (SBB)
First Licensed: 10/14/2010
Expiration: 07/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complaint filed against the Respondent for unlicensed activity and allegations the Respondent is forging loan documents for loan applications. The Respondent provided a response and stated it was in the process of preparing to open a dealership to sell motor vehicles and has not sold any motor vehicles when it was unlicensed. The Respondent has

another dealership with a very similar name and the dealership is fully licensed and was selling motor vehicles and there may have been some confusion.

Recommendation: Close.

Commission Decision: CONCUR

75. 2018039841 (SBB)

First Licensed: 03/30/2012

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and was disappointed with the condition of the vehicle. The Respondent provided a response and stated the vehicle was 24 years old and all proper disclosures were made to the Complainant. The Respondent advised the Complainant the vehicle was sold "AS IS" and the Complainant also signed a separate document which provided additional disclosures about the age of the vehicle, the unrestored condition of the vehicle, no warranties being provided for the vehicle and the detailed condition of the vehicle.

Recommendation: Close.

Commission Decision: CONCUR

76. 2018040651 (SBB)

First Licensed: 05/26/2011

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016; Consent Order (\$1,500) for failure to timely deliver title and issuing more temporary tags than allowed by law

Complainant purchased a new motor vehicle from the Respondent and alleges the Respondent stated all documents and title would be delivered to the Complainant. The Complainant was moving outside of the United States and was having the vehicle shipped to a U.S. territory. Later, the Respondent advised the Complainant the title was at the dealership and had not been correctly processed because the Respondent failed to get the proper authorizations from the Complainant. As a result, the Complainant would have to process the title on her own and apply for a new title. The Complainant stated that this was not the original agreement and this would result in the Complainant not having the vehicle timely shipped out of the country. The Complainant alleges the Respondent provided poor customer service. Also, the Complainant alleges this was a breach of fiduciary duty by the dealership and their practices need to be investigated. The Respondent provided a response and stated since this was a cash transaction there was a 10 day waiting period for the personal check to be cleared before the Respondent could release the title. The

Complainant needed the transaction expedited and since the Respondent could not meet the deadline the Complainant was upset about having to go to the county clerk's office to get the title processed correctly. The Respondent tried to accommodate by sending a runner to the County Clerk's Office to have the vehicle properly registered, however, the title would have to be mailed from the State of Tennessee. An expedite title could only be processed if the Complainant appeared in-person at the Davidson County Clerk's Office.

Recommendation: Close.

Commission Decision: CONCUR

77. 2018040811 (SBB)
First Licensed: 07/28/2011
Expiration: 06/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant filed a complaint against the Respondent alleging the Respondent was paid in full for the vehicle and never sent the title to the Complainant. The Respondent also told the Complainant a Discharge of Lien would be sent to the Complainant and the Respondent never sent it. The Respondent car dealership has been purchased by another entity and the new entity has been in contact with all purchasers of motor vehicles. The surety bond information for the Respondent was sent to the Complainant to submit a claim in the event the Complainant is still unable to obtain the title from the new owner of the dealership.

Recommendation: Close.

Commission Decision: CONCUR

78. 2018040991 (SBB)
First Licensed: 06/13/2016
Expiration: 05/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017; LOW for failure to timely provide title/registration

Complainant purchased a vehicle from the Respondent and stated the Respondent did not provide the proper disclosures or a Buyer's Guide. The vehicle had major engine trouble and the Respondent refused to make the necessary repairs or provide a refund. The Respondent provided a response and stated the Complainant purchased a motor vehicle with \$108,000 and the vehicle was sold to the Complainant "AS IS." All proper and necessary disclosures were made to the Complainant. Also, the Complainant was provided with a complete CarFax report on the vehicle. The Respondent stated the vehicle did not have any mechanical issues and the Complainant drove the vehicle for over five weeks before any mechanical issues developed.

Recommendation: Close.

Commission Decision: CONCUR

79. 2018042361 (SBB)
First Licensed: 12/08/2016
Expiration: 12/31/2018 (Closed)
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and was provided temporary tags for six months. The Complainant stated the Respondent went out of business and cannot make the payments. However, the motor vehicle was financed by a financing company and the Complainant can make the payments for the motor vehicle directly to the financing company. The title will be provided by the financing company after the vehicle is paid in full.

Recommendation: Close.

Commission Decision: CONCUR

80. 2018042401 (SBB)
First Licensed: 08/11/2017
Expiration: 06/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Respondent received a Notice of Violation for an expired county business tax license and local city business tax license. The Respondent obtained updated licenses and has been in communication with the Motor Vehicle Commission office.

Recommendation: Close upon the issuance of a letter of warning to the Respondent concerning the necessity of ensuring that all county and city tax licenses are up-to-date and not expired.

Commission Decision: CONCUR

81. 2018042551 (SBB)
First Licensed: 01/31/2018
Expiration: 01/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and was awaiting receipt of the title. In the interim, the Respondent business closed and the Complainant never received the title. The Complainant was sent the surety bond information for the Respondent to submit a claim.

Recommendation: Close.

Commission Decision: CONCUR

82. 2018042491 (SBB)
First Licensed: 01/07/2015
Expiration: 06/30/2019
License Type: Motor Vehicle Auction
History (5 yrs.): None

Complainant purchased two vehicles from the Respondent and has been unable to get the title to the vehicles for over two (2) months. The Respondent provided a response and stated there has been a delay because the title must be obtained from the floor planner. The policy of the auction is to make sure the title is obtained within 90 days of the sale of the motor vehicle. The Complainant was sent the Respondent's surety bond information to make a claim. The Complainant has sent a follow-up on this matter and received the titles for both vehicles.

Recommendation: Close.

Commission Decision: CONCUR

83. 2018042571 (SBB)
First Licensed: 12/16/2003
Expiration: 05/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and after two weeks the "Check Engine" light turned on. The Complainant later returned the vehicle and purchased another vehicle and it took an excessive amount of time for the Respondent to process the title and send it to the out-of-state Complainant. In the interim, the Complainant received a ticket for the expired motor vehicle tags. The Complainant was frustrated with the Respondent and returned the vehicle to the Respondent. The Respondent did not collect the

taxes on the vehicle and did not obtain the registration and title because the Complainant stated she would register the vehicle out-of-state and would pay the taxes. The Respondent also stated in its response and that since the Complainant lives out-of-state there was not a requirement for the Respondent to collect the sales tax for the vehicle and a sales tax exemption form was completed. The motor vehicle was sold without a warranty and "AS IS." The Complainant had arranged for the financing of the vehicle on her own and only arranged for the purchase price minus the taxes that were to be paid out-of-state. The Complainant was unable to register the vehicle in Mississippi because she refused to pay the taxes and blamed the Respondent for not paying the taxes on the motor vehicle.

Recommendation: Close.

Commission Decision: CONCUR

84. 2018042591 (SBB)

First Licensed: 12/02/2015

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and the vehicle was sold as a new vehicle with 206 miles with a five-year warranty. The Complainant did not want to purchase a demo vehicle and initially mentioned it to the salesperson. When the Complainant went to have the vehicle serviced, he was told the warranty had begun 6 months prior. The Complainant claims the Respondent failed to advise that the vehicle being sold was a demonstration vehicle. The Respondent provided an extensive response and stated the vehicle was not a demonstration vehicle, but a VIP (Vehicle in Process) program vehicle from the manufacturer which provides new vehicles to dealers with very little mileage and the warranty period already begun and offers dealer incentives which are passed onto consumers that interested in purchasing these vehicles. These vehicles are not demonstration vehicles, but new motor vehicles with manufacturer incentives. The vehicle purchased by the Complainant had 206 miles on it and the manufacturer's warranty had begun a few months prior to the purchase. The Complainant was advised this was a manufacturer program vehicle and was given the necessary disclosures. The Complainant also alleges the Respondent owner has made veiled threats to the Complainant and left voicemails that may have appeared to be threatening to the Complainant. In an effort to resolve the matter with the Complainant, the Respondent provided the Complainant with an additional extended warranty of 12 months, 12,000 miles to add onto the current warranty period at no cost to the Complainant.

Recommendation: Close.

Commission Decision: CONCUR

85. 2018043271 (SBB)

First Licensed: 09/01/1991

Expiration: 07/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016; Consent Order (\$2,000) for deceptive advertising

Complainant had the Respondent perform service work for routine services and alleges the Respondent failed to rotate the tires because the Complainant had marked the tires prior to giving the car to the Respondent to ensure the tires were rotated. When the Complainant picked up the vehicle, the tires had not been rotated. The Complainant alleges the Respondent charged and the Complainant paid for tires to be rotated. The Respondent provided a response and stated this was an employee error. The Respondent immediately offered to pick up the vehicle and have the tires rotated or pay another facility near the Complainant perform the work and the Complainant refused. The Respondent stated that it trusts its employees to perform the work and if there are any issues that may arise with the work or customer satisfaction, the Respondent does its best to resolve any issues for the customer and does its best to provide excellent customer service to all customers.

Recommendation: Close.

Commission Decision: CONCUR

86. 2018043771 (SBB)

First Licensed: 04/12/2013

Expiration: 01/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant alleged the Respondent did not provide license plates and the temporary tag provided has expired. The Complainant cannot reach the Respondent. The Complainant moved to California and cannot get the vehicle registered in California without a valid registration from Tennessee. The Respondent provided a response and stated the Complainant moved and he needs a limited Power of Attorney signed by the Complainant in order to apply for the registration in the Complainant's name. The Complainant vehemently refuses to sign a Power of Attorney. Also, the Complainant financed the vehicle through the Respondent and made two payments on the vehicle. The Complainant has stopped making the payments to the Respondent and refuses to make any further payments until she receives the registration and tags for the vehicle from the Respondent.

Recommendation: Close.

Commission Decision: CONCUR

87. 2018043861 (SBB)

First Licensed: 10/08/2015

Expiration: 06/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016; Agreed Order (\$5,200) for unlicensed activity

Complainant purchased a motor vehicle from the Respondent and never received the tags and title from the Respondent. The Respondent provided a response and stated that the employee handling the processing of titles died unexpectedly and the dealership was in the process of relocating. The Respondent had to handle all the work and had to process the titles that were being handled by the employee and this resulted in an extended delay in getting the title to the Complainant.

Recommendation: Close.

Commission Decision: CONCUR

88. 2018043891 (SBB)

First Licensed: 12/08/2014

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a 2001 motor vehicle from the Respondent and on the first day the battery failed. The Complainant alleges the Respondent sold her a faulty vehicle. The Respondent provided a response and stated the Complainant fully inspected the vehicle and was aware of the condition at the time of the purchase. The vehicle was sold "AS IS" and without a warranty. The Complainant still has a balance due of \$900 for the vehicle and has not made any further payments to the Respondent.

Recommendation: Close.

Commission Decision: CONCUR

89. 2018044181 (SBB)

First Licensed: 10/09/2003

Expiration: 10/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and alleges there were several mechanical issues with the vehicle immediately after the purchase. The Respondent provided a response and stated the Complainant has owned the vehicle for over seven months and put 12,000 miles on the vehicle before the Respondent was made aware of the issues with the vehicle. The Respondent made all repairs to the brakes at no cost to the

Complainant. The Respondent has further offered to purchase the vehicle back from the Respondent at the base price of the vehicle. The Complainant accepted the offer from the Respondent and this matter has been resolved.

Recommendation: Close.

Commission Decision: CONCUR

90. 2018044291 (SBB)
First Licensed: 01/03/2006
Expiration: 12/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

The Complainant took the motor vehicle to be serviced by the Respondent and it was returned to the Complainant one month later with a large gash in the side of the vehicle. The Complainant does not allege the Respondent sold the motor vehicle to the Complainant.

Recommendation: Close.

Commission Decision: CONCUR

91. 2018045471 (SBB)
First Licensed: 05/26/2011
Expiration: 05/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and was contacted by the Respondent after the transaction had been completed and advised that the employee in charge of the Complainant's transaction was terminated for fraudulent activity. As a result, the Respondent had to void the transaction because the terminated employee had taken all the paperwork for the Complainant. The Complainant had to return the motor vehicle to the Respondent. The Respondent failed to return the down payment or redraft the documents for the transaction. Upon further investigation, the Respondent has now provided a full refund of the down payment to the Complainant.

Recommendation: Close.

Commission Decision: CONCUR

92. 2018045541 (SBB)
First Licensed: 01/31/2018
Expiration: 01/31/2020 (Closed)
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and has been unable to get the vehicle registered. The Respondent is not answering the telephones and has closed. The Respondent submitted a response and stated due to unforeseen circumstances the dealership had to close, however, the Respondent was been working with lenders and floor planners to resolve customer issues. The Complainant has been sent the Respondent's surety bond information.

Recommendation: Close.

Commission Decision: CONCUR

93. 2018045691 (SBB)
First Licensed: 09/01/1991
Expiration: 11/30/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and it began to have mechanical (transmission) problems. The Complainant had to trade-in the vehicle with the Respondent at a loss in order to get a more reliable vehicle. The Respondent provided a response and stated it was unable to duplicate the transmission problems the Complainant experienced and the Complainant decided to trade-in the vehicle. The Respondent did not pressure the Complainant to trade-in the vehicle. The Respondent also offered to make two car payments for the Complainant and provided a loaner vehicle to the Complainant. The Respondent stated the Complainant caused body damage to the loaner vehicle and still owes them money for the auto body damage to the loaner vehicle in the amount of \$2,500.

Recommendation: Close.

Commission Decision: CONCUR

94. 2018045971 (SBB)
First Licensed: 01/31/2018
Expiration: 01/31/2020 (Closed)
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and was unable to obtain the registration and tags from the Respondent. Respondent has gone out of business. The Respondent submitted a response and stated due to unforeseen circumstances the dealership had to close, however, the Respondent was been working with lenders and floor planners to resolve customer issues. The Complainant has been sent the Respondent's surety bond information.

Recommendation: Close.

Commission Decision: CONCUR

95. 2018047201 (SBB)
First Licensed: 08/18/2008
Expiration: 07/31/2016 (REVOKED)
License Type: Motor Vehicle Dealer
History (5 yrs.): 2014 – Consent Order for failure to satisfy lien; 2015 -- \$210,000 Agreed Order for issuing more temporary tags than allowed and failure to day agreed indebtedness of trade-in vehicles to financial institutions

The Complainant purchased a motor vehicle from the Respondent, however, prior to receiving the registration and tags, the Respondent was arrested, sent to prison and forced to close the business. The Complainant never received the registration and tags and the lender never received the title from the Respondent. The Respondent's surety bond information was sent to the Complainant to submit a claim.

Recommendation: Close.

Commission Decision: CONCUR

96. 2018047321 (SBB)
First Licensed: 01/03/2006
Expiration: 12/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and shortly after the purchase, the body paint began to chip off on the hood and roof. The Complainant took the vehicle to the Respondent and the Respondent checked it and later stated it would not be covered and they could not fix the paint damage. The Respondent stated the damage was

caused by rocks hitting and chipping the hood. Respondent provided a response and stated that it will make the necessary repairs for the Complainant, however, this is a manufacturer issue. The repairs were made to the Complainant's vehicle at no cost through manufacturer's goodwill program.

Recommendation: Close.

Commission Decision: CONCUR

97. 2018048381 (SBB)
First Licensed: 01/21/2016
Expiration: 12/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Respondent was issued a Notice of Violation and an Agreed Citation during an inspection for not having a valid and current city and county business license. Both of the licenses were expired. The Respondent did not provide a response or pay the agreed citation.

Recommendation: Authorize a formal hearing with the ability to settle via Consent Order for a civil penalty in the amount of \$1,000. (\$500 for expired city and \$500 expired county business license).

Commission Decision: CONCUR

98. 2018048531 (SBB)
First Licensed: 01/31/2018
Expiration: 01/31/2020 (Closed)
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and has been unable to get the vehicle registered. The Respondent submitted a response and stated due to unforeseen circumstances the dealership had to close, however, the Respondent was been working with lenders and floor planners to resolve customer issues. The Complainant has been sent the Respondent's surety bond information.

Recommendation: Close.

Commission Decision: CONCUR

99. 2018048581 (SBB)
First Licensed: 09/01/1991
Expiration: 12/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and the vehicle began to have mechanical problems. The Complainant also alleges there was a mileage discrepancy on the vehicle. The Respondent provided a response and stated that the mileage discrepancy was due to a typographical error and there was no fraud intended and it was corrected. The Respondent also stated the Complainant purchased the vehicle "AS IS."

Recommendation: Close.

Commission Decision: CONCUR

100. 2018050101 (SBB)
First Licensed: 12/16/2003
Expiration: 05/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and has been unable to obtain the title from the Respondent. The Complainant was sent the surety bond information for the Respondent to file a claim.

Recommendation: Close.

Commission Decision: CONCUR

101. 2018050241 (SBB)
First Licensed: 04/17/2018
Expiration: 03/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): 2014 – Consent Order; 2015 – Consent Order; 2017 – Consent Order

Complainant states the Respondent is involved in unlicensed sales and provided photographs. The Respondent has previously been involved in the unlicensed sale of motor vehicles and appears to be selling motor vehicles again without a motor vehicle dealer license.

Recommendation: Authorize a formal hearing and settlement by consent order with a civil penalty in the amount of \$1,000.00 for unlicensed activity.

Commission Decision: CONCUR

102. 2018032501 (SBB)
First Licensed: 06/27/2016
Expiration: 06/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant, a motor vehicle dealer, alleges the Respondent is impersonating a salesperson from the Complainant's dealership. The Respondent states the vehicles are inexpensive and the Respondent signs as buyer and seller with the name of Respondent's dealership. The Complainant has received several telephone calls from consumers demanding the title from the Complainant. Following an investigation, it was determined the Respondent is not involved in this matter and is not involved with an unlicensed sales person and the original transaction involving this Respondent was voided and this might be how the Respondent's name was involved in this matter.

Recommendation: Close.

Commission Decision: CONCUR

103. 2018037501 (SBB)
First Licensed: 04/18/2005
Expiration: 03/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None

The Complainant dealership sold a vehicle to the Respondent dealership and paid in full with a check that was returned for "Not Sufficient Funds." The Respondent provided a response and stated it stopped payment on the truck because it claimed the motor vehicle was not good and was sending it back to the Complainant. The motor vehicle was sold "AS IS." The Respondent provided a response and claims the vehicle is a flood vehicle and it is illegal to sell flood vehicles in the State of Tennessee. A police report was filed by the Respondent with the Covington Police Department. Following an investigation, it appears that the parties have resolved the issue and Complainant still has the vehicle and is satisfied with the resolution the parties reached in this matter.

Recommendation: Close.

Commission Decision: CONCUR

104. 2018038491 (SBB)

License Type: Unlicensed

History (5 yrs.): None

Complainant purchased a motor vehicle from the Respondent and did not receive a bill of sale. Also, the Complainant claims there were no air bags on the vehicle and the vehicle was not equipped with proper seat belts. The Respondent did not provide a response. Following an investigation, it was discovered the Respondent is an unlicensed motor vehicle dealer.

Recommendation: Authorize a formal hearing and settlement by consent order with a civil penalty in the amount of \$500.00 for unlicensed activity.

Commission Decision: CONCUR

105. 2018040951 (SBB)

License Type: Unlicensed

History (5 yrs.): None

A complaint was filed against the Respondent for the unlicensed sale of motor vehicles at a residence within a subdivision. According to the Complainant, there were more than five vehicles sold by the owner of the residence in the past 12 month period. Following an investigation, there was no evidence of any unlicensed motor vehicle sales by the Respondent.

Recommendation: Close.

Commission Decision: CONCUR

106. 2018048631 (SBB)

License Type: Unlicensed

History (5 yrs.): None

Complainant stated the Respondent was using the Complainant's name and dealer number without authorization and selling motor vehicles. Upon investigation, there was no information indicating the Respondent was involved in using the Complainant's name and dealer information. The Complainant was unable to provide any evidence or additional proof, such as documents, names of persons or location where individuals were engaged in the sale of motor vehicles using the Complainant's name and dealer number.

Recommendation: Close.

Commission Decision: CONCUR

107. 2018044221 (SBB)

First Licensed: 07/01/1991

Expiration: 06/30/2011

License Type: Motor Vehicle Manufacturer/Distributor

History (5 yrs.): None

Complainant gave the Respondent a deposit towards the purchase of a high-end custom replica of a motor vehicle and the Respondent has not delivered the motor vehicle as promised. The Respondent did not provide a response. Upon investigation, the Respondent agreed to refund the Complainant all of the Complainant's money. The Respondent is not involved in the sale of motor vehicles, but puts vehicle kits together for customers and the customer is responsible for registration, titling, etc. of the vehicle.

Recommendation: Close.

Commission Decision: CONCUR

108. 2018035671 (SBB)

License Type: Unlicensed

History (5 yrs.): None

Complaint purchased a vehicle from the Respondent and alleges the Respondent failed to disclose the problems with the vehicle. The Complainant alleges the Respondent has been selling lemons to individuals and does not have a dealer license. The Complainant claims the Respondent has sold at least 8 other bad vehicles. Following an inspection, it was discovered this is a residence and the Respondent had one vehicle for sale in front of his home. The investigator determined the Respondent has sold 11 vehicles between the period of August 2017 and May 2018.

Recommendation: Authorize a formal hearing and settlement by consent order with a civil penalty in the amount of \$500.00 for unlicensed activity.

Commission Decision: CONCUR

109. 2018052601 (SBB)

First Licensed: 01/31/2018

Expiration: 01/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and was awaiting receipt of the title. In the interim, the Respondent business closed and the Complainant never received the title. The Complainant was sent the surety bond information for the Respondent to submit a claim.

Recommendation: Close.

Commission Decision: CONCUR

110. 2018061931 (SBB)
First Licensed: 01/31/2018
Expiration: 01/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and was awaiting receipt of the title. In the interim, the Respondent business closed and the Complainant never received the title. The Complainant was sent the surety bond information for the Respondent to submit a claim.

Recommendation: Close.

Commission Decision: CONCUR

111. 2018064841 (SBB)
First Licensed: 01/31/2018
Expiration: 01/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None

Complainant purchased a vehicle from the Respondent and was awaiting receipt of the title. In the interim, the Respondent business closed and the Complainant never received the title. The Complainant was sent the surety bond information for the Respondent to submit a claim.

Recommendation: Close.

Commission Decision: CONCUR

REPRESENTS

112. 2018004901 (SRP)

First Licensed: 05/03/2012

Expiration: 02/28/2019 (CLOSED 4/18/2018)

License Type: Motor Vehicle Dealer

History (5 yrs.): 2015 -- \$5,000 Consent Order for false, fraudulent, and deceptive acts.

Complainant is licensed dealer in another state. Complainant alleges Respondent forged its name on a title to transfer a vehicle. Respondent claims it was given permission to sell the vehicle through the wholesaler license from the out of state dealer. After investigation, Respondent dealership closed.

Recommendation: Close and flag.

Commission Decision: CONCUR

113. 2017005921. (SRP)

First Licensed: 09/01/1991

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

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 – Numerous close and flag complaints regarding failure to deliver title.

This complaint was mistakenly left off a list of complaints that were closed and flagged due to the dealer closing.

Recommendation: Close and flag.

Commission Decision: CONCUR

114. 2018007111 (SRP)

2018010991

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

Previously, the Commission authorized the suspension of Respondent's license until it employed a licensed salesperson. Respondent complied prior to executing the Consent Order by obtaining a licensed salesperson.

Recommendation: Close upon issuance of a letter of warning regarding the need to keep a licensed salesperson on staff.

Commission Decision: CONCUR

115. 2018003491 (SRP)

First Licensed: 01/06/2015

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Commission previously assessed a \$250 civil penalty for an unlicensed salesperson attempting a sale. Since that time, the business has been confirmed closed.

Recommendation: Close and flag.

Commission Decision: CONCUR

116. 2018026071 (SRP)

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

The Commission previously assessed a \$3,000 penalty for advertising violations related to radio ads from respondent containing difficult to hear disclosures. After the Consent Order was provided, Respondent listened to the recordings legal was sent of its ads. Respondent states that the ads are faster than what they recorded and the quality seemed much lower due to being recorded. Respondent went over the disclosure script it uses with legal and it was sufficient. Because this complaint was submitted anonymously, it is difficult to ascertain how the ads were recorded and how closely they reflect what was played to the public. Respondent has come under new management since the past violations, and it is aware of the Respondent's prior history with advertising violations. Respondent's management states this is an active area of interest they are striving to ensure remains in compliance. Respondent submitted to legal their internal compliance plan they produced to ensure all advertisements are compliant with the legal requirements.

Recommendation: Close.

Commission Decision: CONCUR

117. 2018009271 (SRP)

First Licensed: 08/04/2017

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None

The Commission previously assessed a \$500 civil penalty for failure to provide a conditional delivery agreement. Upon receipt of the Consent Order, Respondent produced a signed copy of the conditional delivery agreement.

Recommendation: Close.

Commission Decision: CONCUR

118. 2017056021 (SRP)
First Licensed: 04/26/2011
Expiration: 01/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

The Commission placed this matter into litigation monitoring pending a civil suit regarding misrepresentations over the condition of the vehicle. The civil suit has settled, and both parties have released all claims against the other.

Recommendation: Close.

Commission Decision: CONCUR

119. 2017071981 (SRP)
2017072741
2017076621
2017079601
2017079651
2017081211
First Licensed: 03/24/2016
Expiration: 03/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

The Commission authorized the voluntary revocation of Respondent's motor vehicle dealer license. Respondent has since closed and the owner has not been located. The owner once owned two businesses in the same area as the dealership, but he is no longer the owner of either.

Recommendation: Close and flag.

Commission Decision: CONCUR

120. 2016074011 (AEG)
License Type: Unlicensed
History (5 yrs.): None

Originally presented to the Commission at the April 2017 meeting as follows:

Complaint opened due to Staff concerns that Respondent was operating without a license, investigation conducted. Investigation found that Respondent had six license plates which had been transferred to approximately 40 vehicles over two years. All vehicles were properly titled in Respondent's name; Respondent stated they thought what they was doing was legal because they had paid all taxes on vehicles purchased and titled in their name. No injured consumers found, evidence indicates all vehicles were purchased at very low prices, sold to friends/family who needed cheap transportation, and Respondent made a minimal profit. Respondent stated he ceased his unlicensed activity once the county clerk notified him that he had sold too many vehicles without a license.

Original Recommendation: Authorization of a civil penalty in the amount of \$6,000 (\$200 x 30 unlicensed sales). To be settled by consent order or formal hearing.

UPDATE: Upon further consideration and analysis, it appears Respondent sold twenty (20) vehicles in 2016, resulting in only fifteen (15) unlicensed sales. In addition, since this complaint was originally presented to the Commission, Respondent appears to have ceased his unlicensed activity.

New Recommendation: Authorization of a civil penalty in the amount of \$1,500.00 (\$100 X 15 unlicensed sales). To be settled by consent order or formal hearing.

New Commission Decision: CONCUR

121. 2017004791 (AEG)

License Type: Unlicensed

History (5 yrs.): None

Originally presented to the Commission at the April 2017 meeting as follows:

Complaint opened based on Staff receiving information indicating Respondent was engaged in unlicensed activity, investigation was conducted. Investigation found evidence of seven (7) vehicles sold by Respondent or Respondent's wife in a 12 month period. Vehicles were all properly titled in seller's name.

Original Recommendation: Authorization of a civil penalty in the amount of \$1,000 for two unlicensed sales. To be settled by consent order or formal hearing..

UPDATE: Upon further consideration and analysis, it appears Respondent sold six (6) vehicles in 2016, resulting in only one (1) unlicensed sale. In addition, since this complaint was originally presented to the Commission, Respondent appears to have ceased his unlicensed activity.

Recommendation: Close and flag with a letter of warning.

Commission Decision: CONCUR

122. 2016050971 (AEG)
License Type: Unlicensed
History (5 yrs.): None

Originally presented to the Commission at the January 2017 meeting as follows:

Complaint opened following Staff's receipt of information indicating Respondent engaging in unlicensed activity, Investigation conducted. Investigation revealed evidence of Respondent attempting to sell ten (10) vehicles through a website called Offerup.com which is in excess of the five (5) allowed by law over a twelve (12) month period.

Recommendation: Authorization of a civil penalty in the amount of \$2,500 (5 x \$500 for unlicensed activity). To be settled by consent order or formal hearing.

UPDATE: It appears Respondent is currently incarcerated, serving an eight (8) year sentence on an unrelated criminal charge, and is waiting to go before the Grand Jury on another charge.

Recommendation: Close and Flag.

Commission Decision: CONCUR

123. 2015001701 (AEG)
20150222151
2016037411
First Licensed: 09/18/2014
Expiration: 08/31/2018 (Closed 03/19/2018)
License Type: Motor Vehicle Dealer
History (5 yrs.): N/A

These complaints involve allegations that in 2015 and 2016 Respondent sold the respective three (3) Complainants vehicles on a salvage title without disclosing the same and that Respondent issued temporary tags on the salvage vehicle titles.

UPDATE: Since these complaints were originally presented to the Commission, Respondent has ceased from conducting any further activity constituting a violation of this Commission's laws and rules. Respondent has also closed, changed ownership, and was issued a new motor vehicle dealer license (which has no disciplinary history). Furthermore, Respondent has agreed by signed Consent Order (subject to approval by this Commission) to 1) pay a civil penalty in an amount of \$1,000.00; and, 2) implement a corrective action plan under which it will ensure a policy is in place to confirm a rebuilt title has been obtained on a vehicle prior to selling a previously salvaged vehicle to a consumer in conformance with TCA 55-3-202(b) and ensure it and its agent will comply with the regulatory notice requirements to consumers as set out in Tenn. Comp. R. & Regs. 0960-01-.29 when selling a previously salvaged vehicle.

Recommendation: Approval of the Consent Order signed by Respondent under which Respondent agreed to pay a civil penalty in an amount of \$1,000.00 and implement the above described corrective action plan.

Commission Decision: CONCUR

124. 2017017271 (RLR)

License Type: Unlicensed

History (5 yrs.): None

Originally presented at the July 2017 meeting as follows:

Complaint against the Respondent for unlicensed sales of motor vehicles that were purchased from the auction and later sold to individuals. The Respondent failed to provide a response.

Recommendation: Authorize a civil penalty in the amount of \$6,000 for unlicensed activity (TCA § 55-17-109) and failure to provide a response within 14 days of receiving the complaint from the Motor Vehicle Commission pursuant to Rule 0960-01-.23 (\$1,000 civil penalty). To be settled by consent order or a formal hearing.

Commission Decision: Approved

UPDATE: Investigation showed that this Respondent is a licensed wholesaler dealer in an adjoining state and investigation showed Respondent was not a participant to the actions here in Tennessee. There was at the time of investigation an unlicensed dealer here in Tennessee participating in unlicensed sales and in collaboration with “owner” who is selling licenses for auctioning vehicles in Tennessee. “Owner” tells potential buyers that once purchased, “licensee” can sell as a dealership to public and can sell in parking lots and craigslist ads. A complaint has been opened against this “owner”, a licensee in Tennessee. This Respondent was not involved.

Recommendation: Dismiss.

Commission Decision: CONCUR

125. 2017017272 (RLR)

License Type: Unlicensed

History (5 yrs.): None

Originally presented at the July 2017 meeting as follows:

Complaint against the Respondent for unlicensed sales of motor vehicles that were purchased from the auction and later sold to individuals. The Respondent failed to provide a response.

Recommendation: Authorize a civil penalty in the amount of \$6,000 for unlicensed activity (TCA § 55-17-109) and failure to provide a response within 14 days of receiving the complaint from the Motor Vehicle Commission pursuant to Rule 0960-01-.23 (\$1,000 civil penalty). To be settled by consent order or a formal hearing.

Commission Decision: Approved

UPDATE: This Respondent is the person who assisted in providing information above. Respondent signed an affidavit stating Respondent was told that as a licensee in another state, Respondent could sell as a dealership in Tennessee after purchase of Tennessee "license". Respondent was charged \$1,400 up front, and \$200 for each bill of sale. Respondent states business with name above had a local Tennessee address, but Respondent never showed cars at this address. After learning actions were not allowed under Tennessee law, Respondent immediately ceased actions and is willing to testify.

New Recommendation: Dismiss.

New Commission Decision: CONCUR

126. 2017053841 (Respondent Dealership) (RLR)

First Licensed: 07/08/2016

Expiration: 04/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): None

2017081191 (Respondent Salesperson)

First Licensed: N/A

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Originally presented at the January 2018 meeting as follows:

Complainant alleged Respondent Dealership issued her nine temporary tags, and that her vehicle appeared in a newspaper for a garagekeeper's lien notice months after she purchased it. Later, Complainant told Department staff she wished to withdraw her complaint because Respondent's owner is her landlord, and he threatened to evict her if she cooperated.

An investigation was conducted. The investigator attempted to contact Complainant, but she refused to cooperate. She did send an email indicating the matter was resolved.

The investigator went to Respondent Dealership and learned that Complainant is Respondent Salesperson's daughter. Respondent Salesperson was the sole salesperson at Respondent Dealership with the owner working as a mechanic mainly. Respondent Dealership fired Respondent Salesperson in July 2017 after discovering Respondent Salesperson was fraudulently obtaining temporary tags and selling them for \$20.00 each. Respondent Dealership also discovered Respondent Salesperson lied about having a salesperson license and she had stolen some payments from the Respondent Dealership. Respondent Dealership estimates Respondent Salesperson sold about 40 vehicles, yet 120 temporary tags had been requested for sales from January 2017 until Respondent Salesperson was terminated. Meaning, if every consumer received two tags, a minimum of 40 sales had been fabricated in order to obtain more temporary tags through the online system.

Complainant had purchased the vehicle in question through her mother, Respondent Salesperson in October 2016. Complainant was to make payments to the Dealership, and Respondent Salesperson would have been responsible for obtaining tags for Complainant. Later in January 2017, they called a mechanic/tow worker that works with Respondent Dealership and requested he pick up the vehicle and do \$600 in repairs. The owner of the business stated he was not aware whether the repairs were for the dealership or Respondent Salesperson and Complainant as individuals. After the work was done, Respondent Salesperson stated they would not pay the \$600. The tow worker then applied for a garagekeeper's lien against the vehicle. However, the car was still titled and registered to the previous owner and it was never transferred to the Respondent Dealership. Therefore, the lien was recorded against a title held by an unsuspecting prior owner. Regardless, Complainant and Respondent Salesperson then paid off the lien and took the vehicle and new title as if they were innocent purchasers. Essentially, Respondent Salesperson set it up so that Complainant only had to pay \$600 for the vehicle with a new clean title rather than the \$2,500 that they listed on the bill of sale as the price. It is likely although hard to show that the tow worker was aware of the situation and the fraud, or should have been.

Respondent Dealership did not have a deal file for the sale, and believes Respondent Salesperson took the file or destroyed it to hide the sale and subsequent fraud. Complainant then filed this complaint in order to attempt to get Respondent Dealership in trouble as retribution for firing Respondent Salesperson. Respondent Dealership's owner is Complainant's landlord, and he initiated eviction proceedings prior to the complaint being filed due to numerous complaints from the City regarding Complainant's lack of upkeep to the property despite lease terms making it Complainant's responsibility. Respondent Dealership notes that as another motivator in the complaint being filed.

Respondent Dealership admits it did not exercise reasonable supervision over Respondent Salesperson, allowing her to be unencumbered in committing multiple fraudulent acts. Respondent Dealership admits to not checking whether Respondent Salesperson had a license. Respondent Dealership has since hired a licensed salesperson who has worked to correct errors created by Respondent Salesperson. An inspection of the business records indicates that Respondent Dealership is fully in compliance since hiring the new manager/salesperson. Respondent Dealership's owner is also learning the office side more and is taking a more active role in overseeing employees.

Unfortunately, Respondent Dealership produced bills of sale that Respondent Salesperson allegedly conducted, but none of the Bills of Sale were signed by a salesperson. It would be difficult to show which vehicles Respondent Salesperson sold outside of the word of Respondent Dealership.

Recommendation: As to Respondent Dealership, authorize a civil penalty in the amount of \$10,000 for one act of failure to supervise and one act of hiring an unlicensed salesperson. As to Respondent Salesperson, authorize a civil penalty in the amount of \$5,000 for unlicensed activity.

Commission Decision: As to Respondent Dealership, authorize a civil penalty in the amount of \$2,500 for one act of failure to supervise and one act of hiring an unlicensed salesperson. As to Respondent Salesperson, authorize a civil penalty in the amount of \$2,500 for unlicensed activity.

UPDATE: Respondent dealership signed and paid consent order. As for the alleged unlicensed salesperson, all mail to address returned and a CLEAR report had no updated address. Research on internet had no further information showing any new address. As stated in original report, there is no proof in file that this one time office manager indeed was acting as an unlicensed salesperson as only proof is statement of dealership. No documents to show any such activity. No other complaint by any other person concerning actions of person involved. Original complaint was filed by adult child of this Respondent and dealership believes the original complaint was in retaliation for firing of the Respondent office manager. As there is no proof, the hearing would be a conflict of statements only and no documents to show any actual action by Respondent.

New Recommendation: Send Respondent individual a letter of warning in the event Respondent has done sales that cannot be proved and flag this file in event other complaints are filed or in event Respondent does attempt to become licensed.

Commission Decision: **CONCUR**

127. 2018023351 (SRP)
First Licensed: 09/01/1991
Expiration: 11/30/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Respondent was assessed \$1,000 for having two salespersons working on expired licenses. Respondent responded to the Consent Order to state that they had not received notice. This was due to the transition to online notices. The two salespersons had not renewed online yet, so a notice was not sent to anyone electronically, and no one received a mailed notice.

New Recommendation: Close upon issuance of a letter of warning regarding dealer's responsibility to ensure all salesperson's licenses are up to date.

Commission Decision: CONCUR

128. 2017059791 (SBB)

First Licensed: 05/29/2012

Expiration: 06/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Originally presented at the January 2018 meeting as follows:

Complaint was received alleging that Respondent/Dealer had failed to disclose that vehicle sold had been involved in an accident and sustained front end damage. Respondent/Dealer provided Complainant with a “clean” CarFax report at time of purchase that did not show any reported accidents. Several months after purchasing the vehicle, Complainant became aware that the vehicle had been involved in accident and upon contacting the repair shop, found that Respondent/Dealer had authorized the repairs. In its response, Respondent/Dealer did not deny or admit to knowing that the vehicle had been involved in an accident, but stated that they provided Complainant with the CarFax report and could not always depend on those reports being completely accurate; however, they had agreed to buy back the vehicle for what Complainant had paid, minus taxes and registration fees.

Recommendation: Authorization of a Five Hundred Dollar (\$500) civil penalty for false/fraudulent/deceptive act, to be settled by Consent Order or Formal Hearing.

UPDATE: The Complainant has returned the vehicle and obtained a new vehicle from the Respondent. The parties have resolved the matter.

New Recommendation: Close.

Commission Decision: CONCUR

129. 2018017231 (SBB)

License Type: Unlicensed

History (5 yrs.): None.

Originally presented at the July 2018 meeting as follows:

Complaint against the Respondent alleging the Respondent is selling 2-3 motor vehicles each week and is an unlicensed motor vehicle dealer and salesperson. The Respondent is not paying sales tax. Upon investigation, the Respondent claims to be disabled and sells vehicles to supplement his income, however, has not sold more than 5 vehicles in the past 12 month period.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,000 for unlicensed motor vehicle sales with authority to settle by consent order..

UPDATE: Upon further investigation, it was determined the Respondent has not sold more than five motor vehicles in the previous 12-month period.

New Recommendation: Close.

Commission Decision: CONCUR

130. 2018015661 (SBB)

License Type: Unlicensed

History (5 yrs.): None.

Originally presented at the July 2018 meeting as follows:

Complaint against the Respondent, an automobile repair facility, for curbstoning vehicles by parking them along the roadside of the repair facility. Upon investigation, the Respondent admits to the sale of motor vehicles. The Respondent claims these vehicles are sold because they have a mechanic's lien and in 2018 the Respondent has sold three vehicles to date and there were four more vehicles for sale when the Investigator visited a second time. The Respondent stated he will apply for a Motor Vehicle Dealer license.

Recommendation: Authorize a formal hearing for violation of the Tennessee Motor Vehicle Title and Registration Laws for unlicensed dealer to be settled by Consent Order and payment of civil penalty in the amount of \$1,000. In the event the Respondent applies for his motor vehicle dealer license with the Commission, authorize closure of the complaint.

UPDATE: Upon further investigation, the Respondent has not been engaged in the sale of motor vehicles. The Respondent does after-market installations of technology components for vehicles and is not in the business of selling motor vehicles. These are unclaimed vehicles from his automotive accessory installation store. The Respondent has not sold more than five motor vehicles in the previous twelve month period.

New Recommendation: Close.

Commission Decision: CONCUR

131. 2018016411 (SBB)

First Licensed: 08/09/2012

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Originally presented at the July 2018 meeting as follows:

The Complainant's son purchased a motor vehicle from the Respondent and stated the Respondent did not assist in helping get the vehicle properly titled in Ohio. The Complainant's son gave an out-of-state address and indicated to the Respondent it needed to be registered in another state. The Respondent was not helpful and non-responsive to the Complainant. The Respondent provided a response and stated that the vehicle needs to be properly titled in Tennessee prior to getting titled in Ohio and the Complainant's son has not returned the title to the Respondent in order to get the vehicle properly titled in Tennessee.

Recommendation: Authorize a formal hearing with the authority to settle by Consent Order and payment of civil penalty in the amount of \$500 for false, fraudulent, and deceptive acts related to the processing of the title.

UPDATE: The Respondent collected the sales tax in Tennessee because he was under the impression that sales tax must be collected for all motor vehicle transactions and was not aware of the sales tax exemption form. The sales tax paid was nominal (less than \$100 dollars). The Respondent was always willing to assist the purchaser get the vehicle properly titled and repeatedly told the Complainant to send the title to the Respondent. The Complainant refused. Also, the Complainant was not a party to the transaction and was not involved in the purchase of the motor vehicle from the Respondent. The Respondent did not enter into a contract with the Complainant.

New Recommendation: Close.

Commission Decision: CONCUR

Commissioner Jackson made a motion to approve the Legal Report, seconded by Commissioner Vaughan. Chairman Robert called for a voice vote.

MOTION CARRIES

LEGISLATIVE UPDATE – Asst. General Counsel, Sara Page

Nothing to report.

RULES COMMITTEE – Asst. General Counsel, Sara Page

Assistant General Counsel, Sara Page, presented a brief overview of the rules which were reviewed by the Committee. Ms. Page indicated legal would be working to draft language for the proposed rules.

Commissioner Chobanian made a motion to accept the Rules Committee Report, seconded

by Commissioner Lee. Chairman Roberts called for a voice vote to approve the report.

VOICE VOTE – UNANIMOUS

MOTION CARRIES

AUDIT COMMITTEE – Chairman Eddie Roberts

Chairman Roberts also indicated that an Audit Committee meeting was held earlier that morning. Chairman Roberts stated the final Fiscal numbers were not available from Administration, and reminded the Commission of the 2 year cycle. Chairman Roberts also informed the Commission that he had appointed Commissioner Debbie Melton as the Chairperson of the Audit Committee, replacing Commissioner Joe Clayton.

Commissioner Barker made a motion to accept the report, seconded by Commissioner West. Chairman Roberts called for a voice vote.

VOICE VOTE – UNANIMOUS

MOTION CARRIES

NEW BUSINESS

Chairman Roberts reminded the Commission that new appointment letters would be going out from the staff office. Executive Director Shaw indicated that the Commission would also be receiving their attendance letters.

OLD BUSINESS

NONE

ADJOURN

Chairman Roberts called for a motion to adjourn.

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

VOICE VOTE - UNANIMOUS

Motion carried.

Meeting Adjourned

Eddie Roberts, Chairman
