

MINUTES

April 29, 2019



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

**TENNESSEE
MOTOR VEHICLE COMMISSION MINUTES**

DATE: April 29, 2019

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

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

ABSENT:
Ian Leavy

CALL TO ORDER: Chairman John Roberts called the meeting to order at 9:01 am

Before calling roll, Executive Director Shaw introduced and welcomed the new Chair of the Tennessee Motor Vehicle Commission, John Roberts. Director Shaw also recognized the Motor Vehicle Commission Staff and Legal Staff.

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

MEETING NOTICE: Notice advising the Commission of the time, date and location of the meeting being posted on the Tennessee Motor Vehicle Commission website and that it has been included as part of the year's meeting calendar since October 15, 2018, was read into the record by Executive Director, Paula J. Shaw. The notice also advised that the Agenda has been posted on the Tennessee Motor Vehicle Commission website since April 23, 2019. The meeting has also been noticed on the TN.GOV website.

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

MOTION CARRIED.

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

MOTION CARRIED.

APPEALS:

George Simmons
Rusty Wallace Nissan, 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 Fox moved to grant the license, seconded by Commissioner Barker.

ROLL CALL VOTE

Charles West	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Chobanian	YES

Christopher Lee	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Steve Tomaso	YES
John Roberts	YES

Motion carried, therefore, the license is granted.

Timothy Cook
 Long Chevrolet Buick GMC, Athens, 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 West moved to grant the license, seconded by Commissioner Lee.

ROLL CALL VOTE

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

Motion carried, therefore, the license is granted.

Michael Armour

Jones Chevrolet, Humboldt, 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 Galvin moved to grant the license, seconded by Commissioner Vaughan.

ROLL CALL VOTE

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

Motion carried, therefore, the license is granted.

Arian Torabi
Modern Auto Sales, Brentwood, 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 Fox.

ROLL CALL VOTE

Charles West	NO
Kahren White	YES
John Murrey	YES
Debbie Melton	NO
John Chobanian	NO
Christopher Lee	NO
John Barker, Jr.	YES

Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	NO
Farrar Vaughan	NO
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	NO
Steve Tomaso	YES
John Roberts	YES

Motion carried, therefore, the license is granted.

John Wahidi
Durani Auto, Inc., Nashville, 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 uphold the denial, seconded by Commissioner Jackson.

ROLL CALL VOTE

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

Motion carried, therefore, the denial is upheld.

END OF APPEALS



Executive Director’s Report

April 29, 2019

Since the last Commission meeting in January 2019 the following activity has occurred:

Dealers Opened, or Relocated (Last Quarter)..... 68

Active Licensees as of April 23, 2019

Previous Meeting

Dealers.....	3723	3768
Applications in Process.....	31	29
Distributors/Manufacturers.....	141	138
Auctions.....	28	29
Representatives.....	668	642
Salespeople.....	17059	16707
Dismantlers.....	266	256
RV Dealers.....	46	41
RV Manufacturers.....	74	74
Motor Vehicle Show Permits.....	4	9

Complaint Report- Opened Complaints from January 2019 – April 2019

Number of Complaints Opened.....	184
Number of Complaints Closed.....	113

Annual Sales Reports-(Due Feb 15):

Vehicles Reported Sold in 2018.....	1,197,802
Recreational Vehicles Reported Sold in 2018.....	8,893
Total Online Annual Sales Report Collected.....	2,848
Late Annual Sales Report Collected	Collections Ongoing

Performance Metrics Taken from March 2019 (last received report) CFG Report

Average Number of Days to License.....**5.71 Days**

CFG Goal.....79%

Compliance.....**94.03% as of March 31, 2019**

87.82% – Previous

Month

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

MVC Customer Satisfaction Rating January 2019 – March 2019

Quarterly Satisfaction Rating.....**98%**

Disciplinary Action Report – January – March

Previous

Meeting

Total to be collected.....**\$12,550.00**

\$42,550.50

Online Adoption Across All Professions

- **83.86%** online adoption for New “1010” Applications across all Professions available as of April 23, 2019

Fiscal Information

- As of February 2019, the MVC has a **\$ 132,521** deficit
- In January 2019, the MVC had a **\$ 132,161** deficit (**Previous Meeting**)

Outreach

- AAMVA Internet Vehicle Sales Standing Committee Meeting March 19, 2019
- Law Institute Conference and Workshop
- AAMVA Vehicle Standing Committee Breakout Meeting
- TennSmart Consortium
- County Clerk Retreat May 8-10
- Teen Driver Camp and Driver Safety

- Power Sport Safety Media Event

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.



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
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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: Erica Smith, Assistant General Counsel
Stuart Huffman, Assistant General Counsel**

DATE: April 29, 2019

SUBJECT: MVC Legal Report

- 1. 2018075531 (ES)**
First Licensed: 03/03/2017
Expiration: 01/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs): 2018 – Letter of Warning for price discrepancy in advertisement.

Complainant alleges Respondent misrepresented the vehicle he purchased on Kelly Blue Book. According to KBB's ad, there were options and features that were listed on the vehicle that went with the top of the line package for that model which were not on Complainant's vehicle. Complainant's vehicle was the same model but had a different package (Off-road). The list of features on KBB was largely incorrect because the VIN number seems to be associated with the wrong package for unknown reasons. The CarFax report for the vehicle and VIN number also listed the same incorrect package. An investigation was conducted. The investigator obtained a copy of the deal file from Respondent. The vehicle's features/package is correctly identified on all of the documents in the deal file and Complainant test drove and inspected the vehicle twice before purchasing. Respondent explained that the vehicle was not the top of the line package but an off-road package when Complainant addressed this issue. Respondent argues that KBB

is a third-party website who obtains their information from a “VIN decode,” not from Respondent. Respondent purchased the vehicle from an auction who obtained it from a prior dealer. The title and registration were issued or renewed several times in other states since the vehicle was first sold as a new vehicle. Respondent insists that it is in no way responsible for the errors shown on KBB and Carfax and reiterates that it never misrepresented the features, nor did it advertise the vehicle incorrectly as the Complainant alleges. There is no evidence of any violations by Respondent considering there is no way to prove how or why the error ended up on KBB and CarFax and not in the deal file.

Recommendation: Close.

Commission Decision:

2. 2018077801 (ES)

License Type: Unlicensed

History (5 yrs): None.

A County Clerk noted that Respondent seemed to be selling vehicles and had informed Respondent on multiple occasions of the limitation on transfers. An investigation was conducted. Respondent and her son admitted that they buy and trade vehicles but state they do not do it to make money. In 2018, Respondent and her son transferred seven vehicles. The majority of transfers by the Respondent were even trades, but some were sales.

Recommendation: Authorize a Letter of Warning for unlicensed activity.

Commission Decision:

3. 2018083851 (ES)

License Type: Unlicensed

History (5 yrs): None.

Complainant alleges that their cousin purchased a vehicle online from a dealer in Tennessee and that vehicle was to be shipped to Jamaica; the vehicle was never shipped after purchase. The wire transfer was listed to go to an address in McMinnville, TN. An investigation was conducted and the vehicle’s VIN shows it has a rebuilt title and has been in California since 9/15/18, with a new owner. The investigator concludes that the information given to the Complainant was not legitimate and it did not belong to legitimate companies, and feels the Complainant was the victim of a scam.

Recommendation: Close. Legal directed the consumer on how to file criminal complaints and complaints with the FBI, FCC, FTC, and other entities monitoring interstate internet scams.

Commission Decision:

4. 2018084491 (ES)

License Type: Unlicensed

History (5 yrs): None.

A county clerk noticed Respondent sold a number of vehicles in a short amount of time. Respondent was licensed as a motor vehicle salesperson from 6/4/15 until his license expired on 6/30/17. An investigation was requested. Respondent sold two vehicles in 2017 and seven vehicles in 2018 after his license was expired. Respondent provided two different statements. In the first statement, Respondent states he was working as an agent for a dealer from 1/1/17 through 6/30/17 and any vehicle purchased or sold for the dealer was done so using his license. In the second, Respondent states that the vehicles he sold between 2017 and 2018, which were registered in his name, were his personal vehicles. According to the dealer's owner, Respondent was employed at his dealership until October of 2018. The owner had a stroke and is having problems remembering specifics but does admit that he knew Respondent's license had expired but thought Respondent was taking care of that. The owner was aware that Respondent had sold some cars that were registered in Respondent's name while working for the dealer.

Recommendation: Authorize a civil penalty in the amount of \$500 for unlicensed sales and authorize opening a complaint against the dealer for employing salesperson with an expired license.

Commission Decision:

5. 2018073321 (ES)

First Licensed: 12/12/2002

Expiration: 11/30/2018 (Expired Grace)

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Respondent did not have an active business license when an inspection occurred and was unable to produce one for the inspector.

Recommendation: Authorize a civil penalty in the amount of \$250 for failing to have an active county business license.

Commission Decision:

6. 2018082531 (ES)

First Licensed: 10/02/2014

Expiration: 09/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None (one complaint under the license in 2015, but dealership was

under different ownership with a different name).

Complainant purchased a vehicle and an extended warranty from Respondent. Since the purchase, the vehicle has had a number of mechanical issues and a recall. Respondent performed all repairs under the warranty, but more issues occurred. Complainant is still unhappy with the vehicle due to the sheer number of issues and a delay in getting parts for the recall repair. While Complainant's concerns with the vehicle seem legitimate, Respondent has made all repairs under the warranty and no proof of wrongdoing has occurred. Complainant claims Respondent knowingly sold her a poor vehicle due to her gender, but no proof was provided to support the claim. Complainant did learn the vehicle had an extensive mechanical history prior to her purchase, but no proof that Respondent was aware of that was provided.

Recommendation: Close.

Commission Decision:

7. 2018082941 (ES)

First Licensed: 08/30/2016

Expiration: 07/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant purchased a vehicle that quickly experienced mechanical issues with the engine. The vehicle was purchased as-is with no warranties and with cash. Complainant test drove the vehicle and had her own mechanic look at it prior to purchase. The vehicle did have an issue that Complainant asked about, but Respondent stated it believed it was the battery from sitting idle. An investigation was conducted. There is no proof Respondent was intentionally misleading Complainant or withholding material information about the vehicle's condition. Therefore, there is no evidence of any violations.

Recommendation: Close.

Commission Decision:

8. 2018087431 (ES)

First Licensed: 07/09/2017

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Respondent received a notice of violation after an investigator noted that Respondent had expanded across the street on to two lots. Both lots are directly across from one another, and both are clearly marked as the Respondent's lot. It does not appear the lot would confuse a consumer into believing it is two separate locations, and it appears

the lot merely outgrew its original location and naturally expanded.

Recommendation: Close.

Commission Decision:

9. 2018087451 (ES)

First Licensed: 06/18/2004

Expiration: 05/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 -- \$1,000 Consent Order for false, fraudulent, and/or deceptive acts related to reporting a vehicle to a credit reporting agency that was not actually purchased.

Respondent received a notice of violation after an investigator noted that Respondent had expanded across the street on to two lots. Both lots are directly across from one another. It does not appear the lot would confuse a consumer into believing it is two separate locations, and it appears the lot merely outgrew its original location and naturally expanded.

Recommendation: Close.

Commission Decision:

10. 2018085931 (ES)

2019021041 (SH)

2019022001 (SH)

2019023961 (SH)

First Licensed: 07/02/2015

Expiration: 01/31/2019 (CLOSED-3/21/2019)

License Type: Recreational Vehicle Dealer

History (5 yrs): None.

Respondent took three months to get a title to an out-of-state consumer. Respondent indicated a tax issue with the county caused the delay with its third party titling service. Complainant disputes that claim, stating that the county and financier both indicate Respondent had not contacted them.

Other complaints regarding not receiving titles are being received. An investigation was requested and found the following information from the owner of the property (Property Owner).

Property Owner stated that Respondent rented from him. Property Owner states he bought out Owner 2 of Respondent after he wanted to leave the partnership. Later, Owner 1 of Respondent abruptly left the premises. The Property Owner claims to be owed overdue rent of \$30K and \$175K from the Respondent. Property Owner also alleges Respondent owes \$80K in back taxes to the Department of Revenue. Property Owner has a Writ of

Possession on three remaining units at the warehouse on premises and any other property left behind. He also informed the investigator the remaining inventory is being sold at auction by the floor planner. Property Owner seems to have been only an owner of the Respondent and not a salesperson or have anything to do with selling recreational vehicles.

Respondent's license has expired and closed. The grace period ends 4/30/2019.

Recommendation: Close and Flag and refer to Department of Revenue

Commission Decision:

11. 2018084131 (ES)

First Licensed: 12/26/2017

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Respondent did not have an active county business license at its opening inspection which led to a notice of violation. Respondent explained that their accountant was confused on whether or not they needed one due to the operation not starting until 2018. Upon notice from the inspector of the need to have the license, Respondent took immediate corrective actions.

Recommendation: Close.

Commission Decision:

12. 2018084401 (ES)

First Licensed: 10/10/2018

Expiration: 09/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant brought a truck he purchased at a different dealership to Respondent for repairs. Ultimately, the repairs resulted in the discovery of additional issues that Respondent attempted to repair. While some issues were addressed, a particular code could not be cleared after Respondent's repair attempts. Respondent contacted Complainant periodically about the different issues and received authorization for repairs. Complainant claimed he asked for his old parts back, but Respondent states that no one on staff recalls the request, but that if they had been asked, it would not have been a problem due to that being a common request. Complainant also alleges that Respondent claims to have a diesel truck mechanic on staff, but alleges that they do not. All in all, this complaint stems from the frustration of a high repair cost and the inability for Respondent to clear one of the errors at the end of those repairs. There is no evidence of a violation of the Commission's laws and/or rules.

Recommendation: Close.

Commission Decision:

13. 2018085961 (ES)

First Licensed: 05/25/2011

Expiration: 04/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – Letter of Warning regarding Advertisements

Complainant wished to cancel an extended warranty, but struggled to get a response from the Respondent. Respondent remedied the issue and the Complainant is satisfied.

Recommendation: Close.

Commission Decision:

14. 2018086131 (ES)

First Licensed: 12/08/2010

Expiration: 07/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant received a letter stating his extended warranty was cancelled from the company Respondent offered the warranty through. Complainant contacted Respondent who said the letter was issued in error. Complainant then contacted the warranty company who said it was not issued in error, and that Respondent owed premiums for a number of consumers. Respondent responded by providing proof that Complainant's contract was reinstated. Legal counsel requested from Respondent confirmation that other consumers also had their contracts reinstated. Respondent followed up and ensured that all of their clients' contracts with the same warranty company were active.

Recommendation: Close.

Commission Decision:

15. 2018086161 (SH)

2018086671

2018090271

2018085321

2018086521

2018087971

2019006191

First Licensed: 02/14/2013

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Respondent closed suddenly without providing multiple consumers titles. An investigation was requested. Respondent is in the process of working with multiple individual investors and floor planners to obtain the titles for customers. Customers are placing claims on the surety bond and releasing once obtaining their title.

Respondent has been charged for allegedly not paying creditors, misrepresenting the value of vehicles, selling out of trust and failing to provide titles to consumers. Respondent is possibly being charged with felony charges however prosecutors are in the process of working with Respondent's attorneys regarding making whole the persons claiming damages. The investigator did verify that the floor planners are diligently working with consumers and Complainants in obtaining titles.

Recommendation: Authorize formal hearing to be heard before an ALJ only and send Consent Order for voluntary revocation of the Respondent's license.

Commission Decision:

16. 2018088531 (ES)

First Licensed: 10/26/1998

Expiration: 10/31/2000

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant needed the surety bond information for an older vehicle her late father purchased from Respondent. Respondent has been closed since 2000. All available information was provided to Complainant.

Recommendation: Close.

Commission Decision:

17. 2018088641 (ES)

First Licensed: 04/03/2008

Expiration: 03/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant is the purchaser's mentor. The purchaser bought a vehicle from Respondent, and agreed to pay a higher price than that reflected in KBB, which Complainant felt was excessive. Additionally, the vehicle was experiencing mechanical errors. Upon receiving the complaint, Respondent paid for mechanical issues with the vehicle. An investigation was conducted and Complainant notified the investigator that an attorney had been hired and the issue was resolved. Complainant is not able to be involved with this complaint because she settled the issues with Respondent and signed a global release of any and all claims. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

18. 2018089161 (ES)

First Licensed: 02/16/1994

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – Letter of warning regarding false, fraudulent, or deceptive practices

This complaint was opened after a news story was published on 12/13/18 indicating possible deceptive advertising by Respondent. The advertisement was a mail flyer for a five day December promotional event at the dealership and came with a ticket that read “777 jackpot”. When the ticket was scratched off, there were matching numbers that reveal the recipient won and could come to the dealership to win their “prize”. When a recipient went to claim what they thought was \$2,500, they were told there was no dollar sign by the matching numbers (2500) and their prize was a generic smart watch. The ticket also read that recipients can opt out of the advertisement and gives instructions on how to do so.

The Deputy Attorney General also informed our office that Respondent had apparently indicated to the media that the A.G.’s office approved the advertisement. Respondent’s attorney responded and stated the promotional event occurred during the holidays and was supposed to be a fun event for the staff and potential customers. The dealership was supplied with a “temporary salesman” by an event planning company who mistakenly claimed the A.G. had approved the flyer. Respondent did not give him the authority to make the statement and does not know why he made it, but once informed, Respondent immediately addressed the issue and made sure no employee or sales person should make such a statement. The event ended 12/15/18 and Respondent regrets the unfavorable portrayal from the news report, arguing that they edited the program substantially which was out of Respondent’s control. Respondent and its attorney met with the A.G. and provided this information and no action was taken against it.

Recommendation: Send letter of warning regarding advertising practices and refer to Consumer Affairs.

Commission Decision:

19. 2019005651 (SH)

First Licensed: 07/01/1991

Expiration: 06/30/2019

License Type: Motor Vehicle Manufacturer/Distributor

History (5 yrs): 2018 – Three complaints that were closed due to no jurisdiction; 2017 – Two complaints were closed due to no jurisdiction; 2016 – Agreed Order of Dismissal

Complainant purchased a new 2018 Nissan Sentra in October 2018. The vehicle

was subsequently damaged in an accident on December 1, 2018. Since then, the vehicle had been waiting for a sensor, which was on back order since December 12, 2018. Upon receiving the complaint, the Respondent contacted the Complainant to discuss their concerns. The part was received and the vehicle has been repaired as of February 1, 2019. The Respondent has reached out to the Complainant to offer financial compensation due to the wait time.

Recommendation: Close.

Commission Decision:

20. 2019010411 (related to case no. 2019010531) (SH)

First Licensed: 07/27/2012

Expiration: 2/29/2020

License Type: Motor Vehicle Salesman

History (5 yrs): None.

Respondent received a Notice of Violation on February 5, 2019, citing failure to display license. It was later discovered that the Respondent's license is active, but that the license is affiliated with a different dealership that is now closed.

Recommendation: Send letter of warning for license affiliation violation.

Commission Decision:

21. 2019010531 (related to case no. 2019010411) (SH)

First Licensed: 07/28/2010

Expiration: 4/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Salesperson for Respondent was displaying a license affiliated with another dealership other than Respondent. Respondent failed to have the salesperson's license transferred in it name.

Recommendation: Authorize a civil penalty in the amount of \$500 for license affiliation violation.

Commission Decision:

22. 2019009001 (SH)

First Licensed: 09/01/1991

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2016 – One complaint closed with no action

Out-of-state Complainant purchased vehicle from Respondent. The vehicle was allegedly delivered in worse shape than depicted and requests to have fixed were ignored. Complainant states that the title was finally delivered a stamp on the title stated it was part of a Lemon Law buyback. Complainant alleges he was not told of any Lemon Law buyback or any issues with the vehicle. Respondent agreed to buy back the vehicle and return the money. Complainant sent the tile back to Respondent however it took Respondent over 2 weeks to return the money. Respondent states it specializes in reacquired vehicles and for 14 years had no issues with the vehicles. Respondent states the advertisement for all vehicles clearly states “manufactured buyback” and is also listed on the free Carfax report that is offered. Respondent alleges they offered a buyback the 1st day of delivery however the Complainant took 2 weeks to decide whether to keep the car.

Recommendation: Close.

Commission Decision:

23. 2019008261 (SH)

First Licensed: 04/12/2016

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One open complaint related to NOV regarding issuing more temporary tags than allowable; 2017 – One complaint closed without action

Complainant alleges after 30 days from purchasing vehicle from Respondent they never received the title. Respondent apparently said it was lost and were having to back track to previous owner. Complainant states they were issued temporary tags from August 2018 through January 2019. Complainant was pulled over by the local police and issued a citation for an unregistered vehicle and expired temporary tag. The vehicle was parked at a local VA Hospital and Complainant was told that after February 9, 2019 the vehicle must be removed. Complainant states that the previous owner had died, and that Respondent was having difficulty getting a duplicate title. Respondent states that they purchased the vehicle at an auction in 2016 and realized they never received the title after it was sold two years later. On February 4, 2019, Respondent states that they have been diligently trying to retrieve the title from the auction however the auction’s records are being withheld due to a business matter but hopeful the title is on its way. Complainant informed the office that they received the title on 2/6/2019.

Recommendation: Authorize a civil penalty in the amount of \$1,500 for issuing three more temporary tags than allowed by law.

Commission Decision:

24. 2019006891 (SH)

First Licensed: 01/26/2011

Expiration: 12/31/20

License Type: Motor Vehicle Dealer

History (5 yrs): 2014 – Four complaints closed without action, \$16,000 civil penalty for employing salesperson without license and missing pages from temporary tag log, 2017 – one complaint closed with no action

Complainant purchased a used vehicle from Respondent “as is” and alleges the Respondent fraudulently held information about certain issues with the vehicle. Complainant states the vehicle broke down in Ohio after two months. Complainant claims there was diesel fuel in the oil. Complainant notified the Respondent and let the Service Department to evaluate the vehicle and they found no problems but wanted to run a diagnostic however they needed to order a special tool to evaluate the pressure of the fuel system. After a couple of weeks, Complainant states the Respondent found no issues but did find a copper washer under an injector and this raised a red flag with Complainant. Complainant also states the vehicle was never driven the time it was with the Respondent and that Respondent caused minor damage while having possession. Respondent provided the “As Is” documentation signed by Complainant. Complainant was also given disclosure forms informing that the vehicle had been safety checked and disclaiming all warranties. Respondent denies the allegations and states the Complainant had the vehicle independently inspected by a mechanic before purchasing. No issues were found before purchase. Respondent states that no codes or issues were found after diagnostic tests; no oil was found in the fuel; and no damage was the result of Respondent.

Recommendation: Close.

Commission Decision:

25. 2019008851 (SH)

First Licensed: 02/15/1994

Expiration: 02/29/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant, an active duty soldier, wanted to purchase an off-road vehicle from Respondent but needed financial assistance. Complainant alleges Respondent submitted his credit application for an additional \$10K than the agreed upon purchase price and to many lenders even though Complainant requested the application be submitted to only one lender. Complainant states the Respondent’s employees were rude and unprofessional. Respondent denies the allegations and states that Complainant’s credit was poor and is upset because he could not acquire the financing. Respondent denies any special instructions to submit to only one lender on the application. Respondent also states that it is typical to ask for the maximum amount on a particular make and model from the lender which gives room to settle for less. Plus most purchasers want to add accessories, warranties and there are taxes involved.

Complainant rebuts and denies the response from Respondent. Complainant claims he has purchased over 20 off-road vehicles and never had a dealership submit \$10k more than requested.

Recommendation: Close.

Commission Decision:

26. 2019010141 (SH)

First Licensed: 08/11/2017

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant states that the engine light came on immediately after it was purchased from Respondent. Complainant states upon further inspection many issues were found such as the sunroof not closing even though it did during test drive. Complainant alleges the price of the vehicle was \$3k over value. The next day, Complainant inquired about returning the vehicle for a refund and was told by Respondent there would be a \$795 charge and the \$1K down payment would be forfeited. Complainant states that Respondent ordered the parts that were covered under warranty and the “we owe” and scheduled an appointment. Complainant states that the contract does not mention a \$795 charge for returning the vehicle. Another issue came up after the vehicle was fixed and Complainant was then told that if the vehicle is returned that the \$1K deposit would not be returned but there was no \$795 charge.

Respondent denies the allegations and claims the Complainant is just not happy with the purchase. Respondent states they have done everything they are legally bound to do however have decided to release the buyer from the contract. Complainant submitted a signed statement that the matter has been satisfactorily resolved.

Recommendation: Close.

Commission Decision:

27. 2019011061 (SH)

First Licensed: 01/23/2017

Expiration: 12/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One open complaint regarding advertising vehicles online for sale-by-owner

Complainant test drove a 100% electric 2011 Nissan Leaf with approximately 51k miles and a 3 month/3000 mile warranty. Complainant alleges the website stated the car's engine/battery was in perfect condition; no mechanical issues; and can go up to 100 miles w/full charge. Complainant asked for the vehicle to be fully charged and made a \$5K down payment. Complainant alleges Respondent did not have time to fully charge the

vehicle and had 39 miles of battery life. Complainant was told to charge it overnight and it should be fine. The next day the car was fully charged but only showed 39 miles of battery life. Complainant was advised of the extended warranty and asked to bring the vehicle in for inspection. After the Complainant left, the battery showed 100% but only 35 miles. Complainant states the manufacturer claimed the battery was experiencing degeneration which was not covered under the warranty. Complainant claims the battery costs over \$10K and the Respondent refused to refund the down payment and reimbursement of diagnostics.

Respondent states they have refunded the Complainant \$4,800 by agreement and Complainant signed a written statement that this matter is satisfactorily resolved.

Recommendation: Close.

Commission Decision:

28. 2019011101 (SH)

First Licensed: 03/14/2002

Expiration: 03/31/2012 (CLOSED)

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant lost her title and needed proof the Respondent had shut down the business in order to obtain a duplicate. Proof of the Respondent's closing in 2012 was sent to Complainant.

Recommendation: Close.

Commission Decision:

29. 2019015681 (SH)

First Licensed: 03/04/2011

Expiration: 02/28/2021

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed with \$500 civil penalty for failure to deliver title/registration; 2017 – One complaint closed without action; 2016 – Four complaints closed without action; 2015 – One complain closed without action; 2014 – One complaint closed without action

Complainant alleges that the Respondent was deceitful in quoting the interest rate on a lease. Complainant also alleges Respondent tried to add a fee when signing the lease. Complainant alleges they told the rate would be 4.89% to 5.04% but when looking at the terms of the lease the rate was 12.9%.

Respondent explains the fee was a delivery fee that is appropriate and legal to pay personnel to process the paperwork. Respondent also provided an explanation to the interest rate wherein the Retail Installment Contract falls under the truth in Lending Act

where interest is expressed as an annual percentage rate (APR). Respondent also submitted paperwork showing the 12.9% that Complainant saw on the lease transaction was actually the rate factor of .0129 giving the Complainant an APR of 3.095%.

Recommendation: Close.

Commission Decision:

30. 2019016581 (SH)

First Licensed: 03/04/2011

Expiration: 02/28/2021

License Type: Motor Vehicle Dealer

History (5 yrs): 2015 – One complain closed without action; 2014 – One complaint closed without action

Complainant alleges the trade in price was incorrect and his contract was to be 0%. Complainant also alleges his payments were to be \$350 but when he received his payment book the payments are \$526.00 per month.

Respondent submitted paperwork signed by Complainant informing him of the trade-in value of his vehicle being correct in value in the condition it was in and that the Respondent sold the vehicle for less than their trade value given to Complainant.

Respondent explains that as a Credit Union member, Complainant was not charge an origination fees outside of the finance charge that is listed on the contract. Further, Complainant financed the purchase through the Credit Union and signed the paperwork showing a 4.29% interest rate. Respondent submitted the paperwork that Complainant signed showing the \$524.79 per month.

Recommendation: Close.

Commission Decision:

31. 2018089931 (SH)

First Licensed: 04/10/2001

Expiration: 04/30/2017

License Type: Motor Vehicle Dealer - Revoked

History (5 yrs): 2018 – Two complaints and 2017 – Fourteen complaints closed with final order resulting in \$19,300.00 civil penalty and costs. Respondent is in default of Final Order and has been referred to collections through the Attorney General's office

Complainant purchased a vehicle from Respondent who assigned the loan to a finance company. Complainant paid the Respondent every month until the Respondent went out of business. Complainant contacted the Tennessee Registration Department inquiring who to pay. It apparently took too long to figure it out and was eventually repossessed by a collection company. Complainant alleges fraud and deceit from the collection company.

The Respondent's license was revoked in 2017. This same complaint was sent to the Collections Board which has authority over this matter.

Recommendation: Close.

Commission Decision:

32. 2019003891 (ES)

First Licensed: 02/13/2018

Expiration: 02/29/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant purchased a used car from Respondent and alleges Respondent is failing to honor the warranty. Respondent confirmed that Complainant has a one year warranty on the engine. Respondent has checked the engine multiple times and the engine is fine, but acknowledges that there is a slight ticking noise coming from the car. Respondent provides a Facebook ad showing Complainant is trying to sell the \$1,500 vehicle for \$3,500, but is claiming it has no issues and that it is a reliable car. This is most likely a contract issue if anything, and there is no evidence of any violations.

Recommendation: Close.

Commission Decision:

33. 2019008401 (ES)

First Licensed: 04/29/2016

Expiration: 05/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – Two complaints closed without action

Complainant bought a used vehicle from Respondent and claims it forged her name on the contract where she agreed to make the payments. Complainant asked Respondent for a deferment which it could not comply with due to it being unreasonable. Respondent had to repossess the vehicle after Complainant did not make the payments according to the agreement but informed Complainant she could get it back if she provided the appropriate documentation. Complainant has not provided the required information to Respondent and there is nothing more it can do. There is no evidence of any forgery or violations.

Recommendation: Close.

Commission Decision:

34. 2019008551 (ES)

First Licensed: 07/30/2007
Expiration: 06/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant bought a used van with over 200,000 miles on it from Respondent for a person who is wheelchair bound. One of the van's tires had a blowout because it was a defective tire. Complainant feels Respondent knew about the problem before she purchased the van but does not offer an explanation as to why she came to this conclusion. Complainant wants Respondent to reimburse her for their insurance deductible and pay for pain and suffering damages for putting someone in a wheelchair at risk. The blowout occurred over a year after the purchase and Respondent had serviced the van eight times for other repairs and an additions. Respondent notes Complainant never made any mention of any issues during the fourteen months of ownership before the blowout. Respondent confirms that Complainant came by their office in July 2018 after they took the van to a tire company who repaired it, explained she was not upset about the tire because the tire company told her it was a defective tire and planned to talk to the manufacturer about it. Respondent provided the paperwork showing they had the van inspected and purchased 2 new tires for it because the other two had 40% usage left based on the mechanic's notes. Respondent was not advised of any concerns regarding the van or they would not have sold it. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

35. 2019005411 (ES)

First Licensed: 09/01/1991
Expiration: 09/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant's car was repossessed after she failed to make the payment on time. Complainant was late because of a surgery which caused her to miss two months of work. Complainant was also assessed fees related to the repossession and although she understands she must pay the car note, she does not want to pay the fees and claims that she did not agree to such when she signed the purchase contract. Respondent provided the dealer file and followed all guidelines for repossession after the account was continually in arrears. Respondent even changed the payment due date numerous times but Complainant continuously failed to keep her promises to make the payments as agreed. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

36. 2019006241 (ES)

First Licensed: 05/23/2017

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed without action, one complaint closed with a letter of warning against false, fraudulent or deceptive acts, and two complaints from 2018 still open against Respondent for unfulfilled \$250 Agreed Citation

Complainant was a licensed sales person for Respondent until the dealer removed his privileges for multiple reasons and told him they would have no more dealings together. Complainant had assisted another sales person in engaging in unlicensed activity and acted unethically while working for Respondent which causes the dealer to be very cautious when dealing to him. Respondent has a title to a car that Complainant purchased and is holding it until he comes to the dealer in person to sign for the title because Respondent does not trust him. Complainant is not a consumer in this situation and can pick up the title at his convenience. Respondent provided a copy of the title for our records. There is no evidence of any violation.

Recommendation: Close.

Commission Decision:

37. 2018090991 (ES)

First Licensed: 01/27/2014

Expiration: 12/31/2015

License Type: Motor Vehicle Dealer (CLOSED)

History (5 yrs): 2015 – \$1,250 Consent Order for issued NOV for expiration of city business license(?)

Complainant states that he has a “lien title” for a vehicle purchased from Respondent. Complainant alleges the vehicle is paid off but further claims he never received the title. Complainant acknowledges that Respondent closed in 2015 when its license expired. Complainant was provided with the surety bond.

Recommendation: Close.

Commission Decision:

38. 2018087491 (ES)

First Licensed: 01/04/2008

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2014 – One complaint closed without action

Complainant’s car was repossessed after he failed to make the payments on time and

failed to pay the deductible for repairs to it after it was shot at during the commission of a crime. Respondent followed all guidelines for repossession after the account was continually in arrears. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

39. 2018079241 (SH)

First Licensed: 07/19/2012

Expiration: 06/30/2020

License Type: Recreational Vehicle Dealers

History (5 yrs): 2018 – One open complaint for failure to release title

Complainant purchased a vehicle on 7/12/2018 and alleges 4 months later still does not have correct title. An investigation was made and determined that the Complainant is in possession of the title. Respondent explained there was a discrepancy when they received the previous title from Missouri however it was corrected and sent to Complainant. Respondent's new general manager advised he had been assigned to replace the prior manager and stated that prior management did not provide adequate customer service. The general manager felt these complaints could have been avoided had the prior management provided better customer and communicated better with the customer.

Recommendation: Send letter of warning.

Commission Decision:

40. 2018088591 (SH)

First Licensed: 07/19/2012

Expiration: 06/30/2020

License Type: Recreational Vehicle Dealers

History (5 yrs): 2018 – One open complaint for failure to release title

Complainant purchased a camper on 8/25/2018 and alleges not receiving clear title from Respondent. Complainant alleges he is getting the run around on why Complainant has not received it after 16 weeks. An investigation was made in February 2019 and the Complainant still had not received the title and has filed a small claims lawsuit against Respondent. Respondent indicated that it determined the previous owner is on active military duty. Respondent stated that they have refunded Complainant's money and accepted the return of the camper due to the title issues.

Respondent's new general manager advised he had been assigned to replace the prior manager and stated that prior management did not provide adequate customer service. The general manager felt these complaints could have been avoided had the prior management provided better customer and communicated better with the customer.

Recommendation: Send letter of warning.

Commission Decision:

41. 2018085041 (SH)

First Licensed: 10/03/2011

Expiration: 09/30/2019

License Type: Recreational Vehicle Dealers

History (5 yrs): None.

Complainant purchased a camper from Respondent and the original pick up date was 11/27/2017. Respondent postponed the pickup date due to new and existing issues. Complainant picked up camper on 1/10/2018. Complainant alleges that they experienced one problem after the next on issues that were previously fixed. Respondent did attempt to fix the issues however new and existing issues developed again. Complainant stated that Respondent advised to contact the manufacturer since it is still under warranty.

An investigation was made and discovered Complainant took the camper to another dealer after recommendation from the manufacturer and all the issues were resolved. Complainant also advised that the original General Manager of the Louisville dealership had been replaced.

Recommendation: Send letter of warning.

Commission Decision:

42. 2019008071 (ES)

First Licensed: 04/03/2006

Expiration: 03/31/2012

License Type: Motor Vehicle Dealer (Closed)

History (5 yrs): None.

Complainant did not receive a title prior to the dealership closing and going out of business in 2012. Complainant was provided with the surety bond. This does not appear to be a case where there will be many consumers still missing titles. Respondent is closed and their license expired in 2012.

Recommendation: Close.

Commission Decision:

43. 2018079001 (ES)

First Licensed: 02/05/2016

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint open; 2017 – One complaint closed with no action; 2016 – One complaint closed with letter of warning for temporary tag log

violations

Complainant bought an RV travel trailer that has had extensive issues, and they claim Respondent verbally promised certain features and repairs that were never made. Complainant also claims they have not received a tag or title, but has financing on the trailer and doesn't know if the lienholder is in possession of the title. An investigation was conducted. Respondent claims that Complainant decided he did not want to live in the trailer after he bought it and simply wants Respondent to buy it back. When Respondent refused, Complainant filed this complaint as threatened. Respondent has the tag available at their dealership and has communicated this since July 2018, but Complainant has elected not to pick it up. Respondent denies making the verbal promises alleged and provided the entire deal file showing the van was purchased as-is with no warranties.

Recommendation: Close.

Commission Decision:

44. 2019006281 (ES)

First Licensed: 10/16/2015

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – Two complaints closed without action; 2016 – One complaint closed without action, one complaint closed with letter of warning for advertising

Complainant purchased a used car from Respondent through their online services on 11/18/18. An online sales person went over the sale and details of the transaction with Complainant online and asked if he wanted to purchase an additional warranty. Complainant told the sales person to add the additional 48-month extended warranty. Respondent later informed Complainant that his account was not charged for the extended warranty. Respondent argues that Complainant signed a Retail Installment Contract and Retail Purchase Agreement. Neither document stated the warranty was added and the additional \$49 was never added to the monthly payment. Complainant had an opportunity to review the contracts prior to purchase and should have notified Respondent that the warranty was not added before signing the contracts, but because he did not do so, Respondent argues the contract is legally binding and no warranty is available to Complainant. Respondent is also licensed out of state and sold this vehicle to someone through the internet, removing jurisdiction over this matter. Additionally, there is no evidence of violations although there may be a valid contract dispute for a civil court.

Recommendation: Close.

Commission Decision:

45. 2019003581 (ES)

First Licensed: 04/29/2010

Expiration: 04/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant purchased a truck from Respondent and alleges that the window sticker on it read that it came with fog lamps. Complainant noticed two days after purchase when he tried to turn them on. After this complaint was filed, Respondent was able to get the manufacturer to install the fog lamps and Complainant was satisfied.

Recommendation: Close.

Commission Decision:

46. 2018091051 (SH)

First Licensed: 04/01/2013

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs): None.

While completing an annual inspection the inspector did not see Respondent's business tax license posted. Respondent told the inspector that the license was current but could not find it. Respondent alleges the inspector agreed to have Respondent email a copy within an hour and the violation would not be reported. Within the hour, Respondent found the license and emailed the inspector however Respondent sent the email to the wrong address resulting in a NOV. Respondent provided a copy of the license showing it was current at the time of inspection.

Recommendation: Close upon issuance of a letter of instruction regarding display of active business licenses.

Commission Decision:

47. 2018081351 (ES)

First Licensed: 12/04/2008

Expiration: 01/31/2021

License Type: Motor Vehicle Dealer (Expired – Failure to Renew)

History (5 yrs): 2014 – \$1,000 Consent Order for no insurance

Complainant has been a customer of Respondent's since 2014. The dealership's owner informed her that the vehicle she had brought in could not be repaired. Complainant then purchased another car from Respondent and received a temporary tag but no title. Complainant was upset because she was only \$2,000 away from paying off the car and feels she was manipulated into buying the second used car from Respondent. Complainant alleges that the owner had a drug problem and soon went to rehab. The owner passed away in August 2018 and his widow is trying to dissolve the dealership. Complainant was then able to get the title to the vehicle she purchased from the owner. An investigation was conducted and the widow informed the investigator that she is unable to speak to the

allegations that the owner had manipulated Complainant regarding the vehicle she purchased and there is no evidence to prove the allegations are true considering the owner's untimely death.

Recommendation: Close.

Commission Decision:

48. 2019004781 (ES)

First Licensed: 12/16/2003

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One complaint open alleging failure to deliver title/registration; 2018 – \$500 Consent Order for issuing more temporary tags than allowed by law, four complaint closed without action, one complaint closed with letter of warning about title and registration; 2015 – One complaint closed with no action

The Complainant in this matter alleged they had not received tags from the dealer, however after submitting the complaint, has indicated to the Commission that tags were provided, and they are now satisfied.

Recommendation: Close.

Commission Decision:

49. 2019003071 (ES)

First Licensed: 6/17/2002

Expiration: 06/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One open complaint alleging Respondent failed to issue a refund for improperly installed device; 2014 – \$18,000 Consent Order for two complaints for advertising

Complainant purchased a used truck from Respondent in December 2018 but returned to the dealer after he realized the GPS device was improperly installed. Complainant was informed by the dealership's manager that he would receive a refund for the device which Complainant agreed would resolve the issue. Respondent explained that they had to request a policy exemption for the refund which took more time than anticipated, but Complainant has since received the refund check and issue is resolved.

Recommendation: Close.

Commission Decision:

50. 2018086631 (ES)

First Licensed: 02/26/2014
Expiration: 06/30/2019
License Type: Motor Vehicle Auction
History (5 yrs): None.

Complainant purchased a vehicle from an auto auction and later sold it to his customer. The vehicle turned out to be stolen and the true owner's insurance company picked it up from the customer. The customer sued the Complainant for \$15,000 which was paid by Complainant. Respondent's attorney replied to this complaint and explained that this dealer and entity was formed after the Complainant purchased it from the auction. Therefore, Respondent did not own or direct the actions of the auction at the time of purchase and cannot be responsible for the alleged issues with the vehicle. Complainant is not a consumer and there is no evidence of any violations against Respondent.

Recommendation: Close.

Commission Decision:

51. 2018082391 (ES)

First Licensed: 10/09/2003
Expiration: 06/30/2019
License Type: Motor Vehicle Auction
History (5 yrs): 2016 – \$1,000 Consent order for issuing more temporary tags than allowed by law

Complainant is the owner of an out of state fleet (truck) company and regularly purchased trucks from auto auctions in various states. Complainant has filed a similar complaint in at least three other states because he claims his company is about to be out of business due to the fact he has been banished from all of the auctions he was purchasing from. Complainant claims that three states have DMV and/or criminal investigations in process related to his complaints. A company out of New Jersey has a contract to remarket FedEx vehicles once they are retired. Complainant alleges that this company resells up to 5,000 FedEx vehicles per year by using several sales platforms to include their own auto direct website and various dealer auto auctions across the country. This company allegedly markets to the general public in Tennessee after using auctions in Tennessee. It is unclear why Complainant filed this complaint against Respondent as there is no connection or details provided. Respondent notes that Complainant is also a plaintiff in a case against FedEx in federal court and is allegedly seeking leverage by filing this complaint. When Complainant subpoenaed records from Respondent related to his lawsuit, it was confirmed that Complainant has never done business with Respondent or any auto auction east of the Mississippi River. There is no evidence of violations against Respondent and we have no jurisdiction over these allegations being made against FedEx.

Recommendation: Close.

Commission Decision:

52. 2019007621 (ES)

First Licensed: 10/23/2017

Expiration: 10/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant bought a vehicle from Respondent and claims her vehicle was wrongfully repossessed. Complainant was told to mail payments to a P.O. Box and mailed a double payment with a money order but claims they never received confirmation or a receipt. Therefore, Complainant did not send any more payments. The owner of the dealership passed away and his wife closed it in June 2018 due to poor sales. Respondent's customers were all notified that the dealership was closing on 6/30/18 and payments were to be sent to the P.O. Box. The owner's wife also informed customers that they could expect receipts for payments to be sent out every 4-6 weeks. Complainant's last payment was made on 9/24/18 and was three weeks late. Numerous attempts were made to contact Complainant and she only answered when the phone number was blocked. Complainant told Respondent she would get caught up on her payments but this never happened. Respondent properly repossessed the vehicle and there is no evidence of any violations.

Recommendation: Close.

Commission Decision:

53. 2019008061 (ES)

First Licensed: 06/06/2010

Expiration: 06/03/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – One complaint closed without action; 2014 – One complaint closed without action

Respondent received a notice of violation during inspection because of an expired salesperson's license. The salesperson's license expired on 12/31/18 and was renewed on 1/28/19, the same day the notice of violation was issued.

Recommendation: Letter of Warning regarding employment of unlicensed or expired salespersons.

Commission Decision:

54. 2019000571 (ES)

First Licensed: 06/11/2010

Expiration: 05/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – One complaint closed without action; 2016 – One complaint closed without action; 2014 – \$500 Agreed Citation for open title and not displaying license

Related to 2019003151, 2019000491

Complainant provided examples of flyers received from Respondent. The flyers indicate that if your number matches the winning prize then the consumer wins the prize. The flyers are “Peel, Match & Win” games. However in order to win the prize the consumer must come see the Respondent. Complainant alleges that once you show up with a winning number the Respondent advises that the number is not a winning number and get a watch.

Respondent advised that all flyers have the odds of winning and state that no purchase is necessary. Based on the advertisement, the customer is to come into the dealership and look at a board in the showroom that will have the winning mailing code. If your mailing code is the on the board then that person wins the prize that is depicted on the flyer that coincides with the number on the flyer. Further, Respondent has removed Complainant from the mailing list.

Recommendation: Send letter of warning regarding advertising practices and refer to Consumer Affairs.

Commission Decision:

55. 2018089731 (SH)

First Licensed: 06/27/2016

Expiration: 06/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint – closed without action

Complainant purchased a truck for cash and was told by the Respondent that it had a salvage title and it would take some time to receive it. After months of waiting for the title, Complainant wanted to either trade or receive a refund. Complainant states that the Respondent told her that if she wanted a refund she would be charged per mile however Complainant felt that she should not be charged since Respondent could not deliver the title. Complainant alleges Respondent then offered \$1,000 to Complainant to keep the truck. Complainant contacted Florida Registration office and was told the truck has a Certificate of Destruction and should not have been sold; the vehicle should only be dismantled or destroyed. Complainant offered a compromise for a \$4000 refund which does not include the taxes and \$500 for mileage but Respondent has refused.

Respondent states that after being told the truck had a salvage title the Complainant purchased the truck for \$2500. Respondent did not know how to refund a credit card so gave Complainant \$2000 cash. Complainant signed the paperwork and salvage title notice. Later, Respondent noticed the truck had a Certificate of Destruction and contacted the Complainant to work out a deal. Respondent states this is her first year of dealing with salvaged and rebuilt titles. Respondent states Complainant eventually came back and purchased another vehicle that was newer and clean title for \$4500. Respondent gave the title to Complainant. Respondent states that Complainant called her from the registration office and informed her that the taxes had not been paid. Respondent acknowledged and

told Complainant that she purchased the vehicle at the amount the Respondent “had in it” and that Complainant would be responsible for the taxes.

Recommendation: Authorize a civil penalty in the amount of \$1,500 for issuing a temporary tag on a salvage vehicle, deceptive business practices and failing to collect sales tax.

Commission Decision:

56. 2019008731 (SH)

First Licensed: 01/12/2016

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer (Closed)

History (5 yrs): 2018 – One complaint closed and flagged, one complaint closed without action, one complaint closed by staff due to being duplicate complaint

Complainant purchased a vehicle from Respondent on 5/15/2018. Complainant advised that Respondent went out of business and never registered the vehicle or delivered title. Complainant has been provided surety bond information in order to obtain title.

Recommendation: Authorize formal hearing to be heard before an ALJ only and send Consent Order for voluntary revocation of the Respondent’s license.

Commission Decision:

57. 2018082021 (ES)

First Licensed: 05/26/2011

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed without action; 2017 – One complaint closed without action; 2016 – One complaint closed without action

Complainant saw Respondent’s advertisement on Facebook and provides a screenshot of it and screenshots of posts with photographs of customers at the dealership posing with their TVs. The advertisement states that the first 25 customers to purchase a vehicle get a free Smart TV for their Black Friday special sale. Complainant feels the advertisement violates the statutes and rules governing dealer advertising. Respondent’s general manager responded and states that the advertisement was approved by their corporate office and ad agency.

Recommendation: Send letter of warning regarding advertising practices and refer to Consumer Affairs.

Commission Decision:

58. 2018086491 (ES)

First Licensed: 02/05/2016

Expiration: 01/31/2020

License Type: Motor Vehicle Dealer - Closed

History (5 yrs): N/A

Complainant did not receive a title prior to the dealership closing and going out of business in July of 2018. Complainant was provided with the surety bond. This does not appear to be a case where there will be many consumers who are still missing titles.

Recommendation: Authorize formal hearing to be heard before an ALJ only and send Consent Order for voluntary revocation of the Respondent's license.

Commission Decision:

59. 2019001711 (ES)

First Licensed: 11/18/1993

Expiration: 11/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2015 – One complaint closed without action

Complainant purchased a vehicle from Respondent in December 2018 and was issued a temporary tag until the title was available. Respondent explains that there was a delay because they needed more information from the Complainant and it took twenty days to obtain it. Respondent also provided a second temporary tag and was in close contact with the Complainant until they provided Complainant with the title in early February 2019.

Recommendation: Close.

Commission Decision:

60. 2018088251 (ES)

First Licensed: 11/13/2018

Expiration: 10/31/2020

License Type: Recreational Vehicle Dealers

History (5 yrs): None.

Complainant purchased an RV from Respondent in May 2018 and takes issue with the delay in getting the RV registered in his name and obtaining the license plate. The lienholder did not receive the title from Respondent either. Respondent explained that this complaint should be against a separate entity with a similar name based in Kentucky. Respondent notes the Kentucky dealer was sold in July of 2018 and their dealership did not open until the fall of 2018. Nevertheless, Respondent contacted the owner of the Kentucky dealer and after they discussed this issue, the owner realized he had surgery during this timeframe and moved his dealership, causing confusion and the delay in completing the registration. The Kentucky dealer confirmed that the RV was properly

registered and all issues were resolved by January of 2019. There is no evidence of any violations with regards to the Respondent.

Recommendation: Close.

Commission Decision:

61. 2019003881 (ES)

First Licensed: 10/26/2009

Expiration: 06/30/2019

License Type: Motor Vehicle Manufacturer/Distributor

History (5 yrs): 2017 – One complaint closed due to no jurisdiction

Complainant purchased a vehicle from Carmax with an extended warranty. After Complainant put over 20,000 miles on it, they noticed the warning light for the anti-lock brake system come on and had it serviced. It was determined that Complainant needed a part which would have to be provided by the Respondent as the manufacturer. Complainant's vehicle has been at a dealership waiting on the part since February of 2018. Respondent has continuously made efforts to resolve this issue by sending the part to the dealer but the part is not working properly and has been sent back a few times. Respondent reimbursed Complainant for the cost of using a rental vehicle for three months. Respondent no longer makes the part so the dealer has sent it to a third party to see if it can be repaired. This is a contractual issue regarding the manufacturer's warranty with no evidence of a violation.

Recommendation: Close.

Commission Decision:

62. 2019004961 (ES)

First Licensed: 09/01/1991

Expiration: 12/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2015 – One complaint closed without action

This complaint was opened after a Notice of Violation was issued to Respondent because it had relocated to another dealership location after purchasing it and failed to change its license accordingly. During a previous inspection one month earlier, the inspector asked Respondent's employees if vehicles were being sold at the new location and was told that no business was being conducted there until the relocation was finalized. Additionally, Respondent was clearly informed by the inspector that they could not sell the new dealership's brand of vehicles from either location until the relocation was finalized and the license issue was resolved. An investigation was conducted on 1/15/19 after Respondent failed to take action or address the Notice. The investigator observed activity at the new location and it was obvious business was being conducted as a customer was returning from a test drive and conferring with a salesman. Respondent's sales person

admitted that Respondent had relocated and were now in operation, noting that the owner had stated he filed for the relocation online. The investigator called the licensing division to inquire about Respondent's alleged application but was informed that no application or action had been taken regarding the license relocation. On 1/23/19, another investigation was conducted and by this time, Respondent's license had been changed to the new location. Respondent's general manager provided eight deal files representing sales made since the move and a print out of recent temporary tags assigned, and stated they began selling cars at the new location on 1/7/19. The manager also stated they mailed the application on 1/16/19, nine days after they began selling cars at the new location. Respondent did not have their license on display and only had the expired license in a cabinet.

Recommendation: Authorize a civil penalty in the amount of \$500 for failing to relocate their dealer license to new location

Commission Decision:

63. 2019002921 (ES)

First Licensed: 01/28/2013

Expiration: 12/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed without action; 2017 – One complaint closed without action

Complainant purchased a used car from Respondent in June of 2016. Complainant admits that she stopped paying for the car because of the interest rate, mechanical issues over time and lack of funds. Complainant still had the car in her possession at the time this complaint was filed and confirms she is not going to make any more payments and wants Respondent to leave her alone. Respondent offered to help Complainant many times to no avail. The vehicle has since been properly repossessed and is being sold at auction. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

64. 2019004171 (ES)

First Licensed: 01/01/1992

Expiration: 05/31/2018

License Type: Motor Vehicle Dismantler/Recycler (Expired – Failure to Renew)

History (5 yrs): None.

This complaint was opened after a Notice of Violation was issued to Respondent during an inspection on 1/11/19. The business was open and operating on a dismantler/recycler license which had expired on 5/31/18. Respondent sent in the renewal application in early May 2018 but it appears that the application was deficient in various ways (required

contact information and insurance policy missing). The renewal expired and Respondent obtained a new dismantler license on 2/21/19. Respondent changed the business name by simply adding his last name to the business, which used to only include his first name. Respondent also has an active dealer license for his auto sales dealership.

Recommendation: Letter of Warning

Commission Decision:

65. 2018084171 (ES)

First Licensed: 06/23/2017

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – One complaint closed due to no jurisdiction

Respondent received a Notice of Violation because both its city and county business licenses were found to be expired during an inspection. Additionally, Respondent could not produce any records when the inspector asked for six months of sales contracts, liability insurance and surety bond information. An employee stated there had been a break in in April 2018 and all there paperwork had been stolen but could not produce a police report. The investigator was informed that Respondent no longer uses Tennessee temporary tags and instead uses Texas temporary tags for cars sold in this state. The owner is in Texas where he has another car lot. Respondent also had one open title in their possession during inspection. An Agreed Citation assessing a \$1,250 civil penalty was sent to the Respondent for these violations. Respondent signed the certified mail receipt showing delivery of the Agreed Citation on 12/6/18 but no response has been received.

Recommendation: Authorize a civil penalty in the amount of \$1,250 for failure to maintain an active city and business license, failure to maintain records and for possession of an open title.

Commission Decision:

66. 2018085571 (ES)

First Licensed: 06/24/2016

Expiration: 05/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – One complaint closed without action

Respondent received a notice of violation for having an expired city business license during inspection on 12/4/18. An Agreed Citation assessing a \$250 civil penalty was sent to the Respondent for these violations. Respondent signed the certified mail receipt showing delivery of the Agreed Citation on 12/21/18 but no response has been received.

Recommendation: Authorize a civil penalty in the amount of \$250 for failure to

maintain an active city business license.

Commission Decision:

67. 2018084811 (ES)

First Licensed: 09/09/2010

Expiration: 09/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant lives in Alabama and purchased a used vehicle from Respondent on 10/13/18 and claims she paid with cash but Respondent was able to prove she paid by check. Complainant was told that the title would be sent to her in four weeks but claims Respondent has not provided it to her. Respondent sent the title work directly to Alabama's tag division at their probate office on 10/31/18 to ensure tax is paid. Complainant must go to the office in order to have an inspection and to complete the title process but she has failed to do so. Respondent attempted to contact the Complainant numerous times but was only able to leave her voicemails which she never replied to. Respondent sent a certified letter to Complainant explaining where the title could be obtained and instructions on how to do so and there is nothing more they can do. There is no evidence of any violations and Complainant has been notified that she can go to the tag division office in Alabama to obtain the title.

Recommendation: Close.

Commission Decision:

68. 2018089311 (ES)

First Licensed: 11/25/2002

Expiration: 11/30/2016

License Type: Motor Vehicle Dealer (Closed)

History (5 yrs): 2018 – One complaint closed and flagged, one complaint closed due to no jurisdiction; 2015 – Eleven complaints closed and flagged

Complainant is not a consumer but was a mechanic for Respondent, and bought a vehicle from the dealer before they closed in March 2015. Respondent alleges he did not receive the title until about a year later. The owner was arrested for fraud and the dealership was shut down. When Complainant was recently pulled over, the officer informed him the VIN number on the registration did not match the VIN on the vehicle. A judge informed Complainant that he could not drive the vehicle until the title issue was straightened out. Complainant was provided with the surety bond. Respondent closed and their license expired in 2016.

Recommendation: Close.

Commission Decision:

69. 2019005981 (ES)

2019023651

2019023791

2019025381

First Licensed: 04/18/2005

Expiration: 03/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed without action

Complainant is a competitor dealer who alleges Respondent is selling new cars without a franchise license. After this complaint was filed, Respondent's license expired on 3/31/19 and no renewal application has been received. Respondent denies the allegations and claims they only sell used cars and do everything "by the book." A brief investigation was conducted until the investigator was contacted by a Special Agent from the Department of Revenue. We were asked to put this case on hold because they are investigating Respondent based on the same allegations made in this complaint, as well as fraud and tax evasion. Days later, the dealer's owner was arrested on a warrant out of Illinois after purchasing a vehicle from a dealer there and failing to pay for it. Additionally, another Special Agent is investigating Respondent for issues related to temporary tags. Respondent was recently raided by state authorities and at least fifty cars were towed from the lot. Respondent will most likely face criminal and federal charges here in Tennessee based on the information provided to me from state authorities. Once the state investigations are concluded, we can revisit these complaints with the information provided to us and our investigator can finish his investigation.

Recommendation: Authorize Litigation Monitoring status for this complaint and any additional complaints that are filed against Respondent based on similar or related allegations.

Commission Decision:

70. 2019000491 (SH)

First Licensed: 07/20/2007

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint open alleging failure to deliver title, one complaint closed without action; 2016 – One complaint closed without action; 2015 – One complaint closed without action

Related to 2019003151

Complainant provided examples of flyers received from Respondent. The flyers indicate that if your number matches the winning prize then the consumer wins the prize. The flyers are "Peel, Match & Win" games. However in order to win the prize the consumer

must come see the Respondent. Complainant alleges that once you show up with a winning number the Respondent advises that the number is not a winning number and get a watch.

Respondent advised that all flyers have the odds of winning and state that no purchase is necessary. Based on the advertisement, the customer is to come into the dealership and look at a board in the showroom that will have the winning mailing code. If your mailing code is the on the board then that person wins the prize that is depicted on the flyer that coincides with the number on the flyer. Further, Respondent has removed Complainant from the mailing list.

Recommendation: Send letter of warning regarding advertising practices and refer to Consumer Affairs.

Commission Decision:

71. 2019003151 (SH)

First Licensed: 09/01/1991

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One complaint closed via staff closure; 2018 – One complaint closed with no action, one complaint open alleging failure to disclose vehicle was in an accident prior to purchase; 2015 – One complaint closed with no action

Related to 2019000491

Complainant provided examples of flyers received from Respondent. The flyers indicate that if your number matches the winning prize then the consumer wins the prize. The flyers are “Peel, Match & Win” games. However in order to win the prize the consumer must come see the Respondent. Complainant alleges that once you show up with a winning number the Respondent advises that the number is not a winning number and get a watch.

Respondent advised that all flyers have the odds of winning and state that no purchase is necessary. Based on the advertisement, the customer is to come into the dealership and look at a board in the showroom that will have the winning mailing code. If your mailing code is the on the board then that person wins the prize that is depicted on the flyer that coincides with the number on the flyer. Further, Respondent has removed Complainant from the mailing list.

Recommendation: Send letter of warning regarding advertising practices and refer to Consumer Affairs.

Commission Decision:

72. 2018091851 (SH)

First Licensed: 07/20/2007

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One complaint open alleging advertising violations; 2018 - One complaint closed without action; 2016 – One complaint closed without action; 2015 – One complaint closed without action

Complainant purchased vehicle from auction that was sold with “title attached”. Seven weeks later the title still has not been received by the auction from the Respondent. Respondent stated they had trouble obtaining the title from a previous auction. The title has been given to the purchaser and this complaint can be dismissed.

Recommendation: Close.

Commission Decision:

73. 2018091521 (SH)

First Licensed: 09/01/1991

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One complaint closed via staff closure, one complaint open alleging false advertising; 2018 – One complaint closed without action; 2015 – One complaint closed without action

Complainant alleges 2015 Nissan Pathfinder vehicle had 26,000 miles, a one year lease/one owner, when purchased on 10/31/2016. Dealer printed Car Fax that showed "clean". In December 2018 the Nissan was rear ended and police report filed. Upon trying to file diminished value claim we were informed the vehicle was wrecked August 2016, two months prior to our purchasing via insurance rep and new Car Fax. Complainant alleges they were never informed that the vehicle was wrecked by the Respondent and the only reason for submitting diminished value claim was to trade Complainant's 2012 Kia Sorento in for the Pathfinder. Complainant states Respondent refuses to give money for the trade.

Respondent provided the updated Car Fax showing the reported damage. However, Car Fax did not start reporting this damage until 7/26/2017 which is after the Complainant purchased the vehicle.

Recommendation: Close.

Commission Decision:

74. 2018090611 (SH)

First Licensed: 05/26/2011

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed without action; 2015 – One complaint closed with payment of \$1,000 agreed citation for temporary tag log violation

Complainant alleges that as they were working on a deal to purchase a vehicle the

Respondent kept bringing contracts to sign showing an increase in the price and monthly payments. Complainant states she has no credit and her husband had the good credit however Respondent put the contract and financing in her name. Complainants noticed that after taxes and extended warranties the price of the vehicle was \$3500 above asking. Complainant states that later the same day, Respondent calls and tells them they found more discounts and want them to come back and sign new contracts. Complainant states that Respondent found \$2K discount but the new contract had a higher financing rate. The new contract Complainant signed still shows the vehicle to be \$1500 over asking and the Respondent continued to blame it on taxes.

Respondent submitted documents signed by Complainant. Respondent states that Complainant purchased the vehicle at advertised price however was advised that advertised price was valid only with special financing ("Special APR) with a certain lender. Complainant was advised that other financing options were available but were in lieu of incentives and rebates applied to advertised price. Complainant was then presented with another financing option which varies from advertised price because of different incentives, which was clearly stated on disclaimer. Complainant chose special APR and additional products at time of purchased and was presented amount financed with terms and Special APR. After Complainant submitted credit information, Complainant was advised that she did qualify for Special APR, however it subject to final lender approval. Complainant was advised that if she took delivery at that time, it would have been a conditional delivery. Complainant asked lender requirements and was advised that because of her credit score, lender may waive financing stipulations such as proof of residence, references, and proof of income. Lender's only preliminary requirement was Complainant stated income which was then submitted as the Complainant stated and signed. Complainant visited finance office and picked several products for her vehicle. Complainant chose VSC, GAP insurance and other products at that time.

Complainant came back next day to finalize deal. Complainant was again presented with both options: Advertised price at standard financing rates or Special APR in lieu of manufacturer's and dealer cash incentives. Complainant chose again Special APR as purchasing option. Complainant was advised that dealer was unable to secure Special APR and best lender approval was 1% APR higher. Complainant was advised that dealer would re-negotiate deal since lender best approval was the higher APR. Complainant then visited finance office where options were again shown, discussed, and selected. Complainant was informed that the advertised price was valid with the Special APR which they did not qualify.

Respondent immediately reached out to customer after receiving the complaint. After meeting with the Complainant, it was realized that after a month from the purchase, the Complainant now believed that the products purchased were too much. Complainant was not aware that all financial products can be cancelled. In order to have a satisfied customer, Respondent promptly cancelled all contracts Complainant purchased in finance and also refunded the ones that are not cancelable. Complainant is satisfied with the outcome.

Recommendation: Close.

Commission Decision:

75. 2019006261 (ES)

First Licensed: 05/17/2018

Expiration: 04/03/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complaint opened against the Respondent following the issuance of a Notice of Violation during an annual inspection. Respondent issued a temporary tag to a salvaged vehicle. Additionally, the investigator watched the dealership's owner drive into the lot in a vehicle with a dealer plate. Respondent confirmed it to be a salvaged vehicle. The owner took the dealer plate off before the investigator could photograph it and stated that he did not know he could not drive a vehicle on the road if it had a salvage certificate.

Recommendation: Authorize a civil penalty in the amount of \$500 for issuing a temporary tag on a salvaged vehicle.

Commission Decision:

76. 2019006621 (SH)

First Licensed: 05/17/2018

Expiration: 04/03/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant states she purchased a vehicle from Respondent on 10/9/2017. The vehicle was brought back to Respondent on 6/12/2017 with 1,221 miles however on 10/9/2017 when Complainant purchased the vehicle there were 4,323 miles on the vehicle. Complainant also states she took the vehicle for the first maintenance service to her local dealership in Alabama, where Complainant resides, on 12/14/2017. Three months later, Complainant alleges issues with parking sensors on the vehicle in March 2018 causing the brake assist to malfunction. Complainant states she took the vehicle three more times to the local dealership because the sensors quit working and the Service Park Assist message came on. Each time she left the dealership the sensor issues were resolved.

Respondent explains that in 6/2017 the Respondent purchased back the vehicle from a previous owner due to her ability to drive and the vehicle had 1,221 miles. The transaction history on this vehicle does not show the increase in miles until Complainant took the vehicle to the Alabama dealership on 12/14/2017 with 9,444 miles. As for the parking sensor issue, the vehicle was sold "AS IS" on 10/9/2017 to Complainant and since that time Respondent has not heard from Complainant.

Recommendation: Close.

Commission Decision:

77. 2018080881 (ES)

First Licensed: 09/07/2017

Expiration: 09/30/2019

License Type: Motor Vehicle Dealer (CLOSED)

History (5 yrs): 2018 – Four complaints closed and flagged for alleged failure to deliver title, one complaint closed without action; 2017 – One complaint open based on NOV citing failure to obtain license for all locations

We received a complaint from a consumer who purchased a used vehicle from Respondent in 2016. Complainant alleges the vehicle has had numerous mechanical problems that he feels are safety issues and questions if the car is even safe to drive on the road. While looking into the dealership regarding this complaint, a news article was located that indicated the dealership is closed. An investigation was conducted and it was confirmed that the dealership had been abandoned and closed. The investigator attempted to contact the dealership's owner but was unable to reach him by phone and had been informed he had lost his home to foreclosure. The investigator spoke with an immediate relative of the owner and was informed that the lot was also foreclosed upon and the owner had been arrested numerous times for drug related activity, noting that he had "gone off the deep end." The owner and his wife are allegedly living in a motel and still heavily involved in drug activity. The investigator filled out a Cancellation of License form which was processed by our licensing division.

Recommendation: Authorize formal hearing to be heard before an ALJ only and send Consent Order for voluntary revocation of the Respondent's license.

Commission Decision:

78. 2018089711 (ES)

First Licensed: 12/21/1999

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – One complaint closed without action

Complainant purchased a used car from Respondent in October 2018 as is with no warranty and alleges there have been many mechanical issues since the purchase. Specifically, Complainant claims that the intermittent wipers and the floor heat don't work, the rear controls would not come on, the rear window shade was malfunctioning, and the windshield was leaking at the driver's side corner. The Complainant also alleges that Respondent was aware of water damage to the interior of the vehicle and that the windshield was leaking before the purchase but failed to disclose these issues to Complainant. An investigation was conducted. Respondent denies the allegations in full and provides the deal file, service receipts and details showing that they addressed all mechanical issues, repaired the leak and even offered to obtain a different vehicle for Complainant but she wanted to keep the vehicle she originally purchased. Complainant was able to have the windshield replaced after this complaint was filed and

all issues have been resolved. There is no evidence of any violations although the investigator notes the dealership could have known about the leak in the windshield from prior service records but Respondent denies having prior knowledge and no such proof has been documented.

Recommendation: Close.

Commission Decision:

79. 2019006151 (SH)

First Licensed: 01/19/2000

Expiration: 01/31/2004

License Type: Motor Vehicle Dealer (CLOSED)

History (5 yrs): None.

Complainant purchased a vehicle from Respondent in 2003 and later filed bankruptcy. After bankruptcy discharge in 2009, Complainant tried to obtain her title but the Respondent had gone out of business. For the past few years Complainant has tried to get a duplicate title but keeps running into issues. Complainant states she needs the original paperwork from the dealership and paperwork from the lender in order to release their lien. Complainant is requesting assistance from the Commission. Complainant was sent surety bond information for Respondent. Complainant later notified the Department that she found the original paperwork from Respondent and is continuing to pursue obtaining a lien release from the original lender.

Recommendation: Close.

Commission Decision:

80. 2018091031 (ES)

First Licensed: 12/10/2012

Expiration: 05/31/2018

License Type: Motor Vehicle Dealer (Expired – Failure to Renew)

History (5 yrs): 2018 – One complaint closed as duplicate complaint; 2017 – One complaint closed without action, one complaint closed and flagged for fraudulent, deceptive activities

Complainant purchased a vehicle out of state from Respondent through an online platform and has been issued temporary tags because the title has not been provided. Complainant has not been able to get in touch with Respondent about the status of the title. We do not have jurisdiction over this matter because the vehicle was purchased online from an out of state consumer. Additionally, Respondent's license expired in May of 2018 and has not been renewed. Complainant was provided with the surety bond.

Recommendation: Close.

Commission Decision:

81. 2018089591 (ES)

First Licensed: Unlicensed activity

History (5 yrs): None.

Complainant alleges that Respondent is selling vehicles without a dealer's license and claims he has sold thirteen vehicles since February 2018. An investigation was conducted. The investigator called Respondent and asked him if he was selling vehicles. Respondent wanted to know why he was being asked this question and asked the investigator if he was going to be arrested and if he needed an attorney. The investigator explained that this was a follow up to a complaint that was filed and Respondent stated that this was his business and hung up. Respondent's wife later contacted the investigator and explained Respondent can be difficult to deal with. Respondent's wife explained that he purchases vehicles from the auction for himself and sometimes for other people. Respondent repairs some of the vehicles for himself, and sometimes he sells or gifts them to others with the understanding that the vehicles need some work. Respondent keeps and fixes the vehicles on his own private property where their home is located. The investigator requested copies of all paperwork related to vehicles the Respondent gave away or sold along with a notarized statement of what Respondent does with the vehicles he purchases from auctions. Respondent only provided a notarized statement explaining that he is not selling vehicles to make money or to make a living, but is instead trying to help people who need a car. Respondent sold four, gifted two and traded two vehicles in 2018.

Recommendation: Letter of Warning regarding unlicensed activity and limit of five sales per year without a license.

Commission Decision:

82. 2019000951 (SH)

First Licensed: Unlicensed activity

History (5 yrs): 2017 – Two complaints closed without action for alleged unlicensed sales activity and selling vehicles with open titles

Complainant alleges that Respondent is dismantling vehicles at his house; selling without registering the vehicles; and with open titles. An investigation was opened. The local codes enforcement's office stated the Respondent has been selling vehicles and parts from his house for two years. The local county clerk also confirmed no records from Respondent in the last year. The investigator conducted a drive-by and did not see any vehicles at or around Respondent's house. Facebook posts do show Respondent selling vehicles from a residence and tow trucks dropping off vehicles. Unfortunately, there are no dates to determine how many vehicles have been sold within a 12 month period. The investigator was unable to contact Respondent but believes there is not enough evidence to support a violation.

Recommendation: Close.

Commission Decision:

83. 2018091861 (ES)

First Licensed: 02/25/2013

Expiration: 02/28/2021

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One open complaint alleging Respondent is selling personal information, two complaints closed without action; 2017 – One complaint closed without action

Complainant alleges Respondent sold his personal information. Respondent explains that Complainant came to the dealership in December of 2018 stating that he was interested in purchasing a specific new vehicle and supplied his personal information in order to submit a credit application for financing. Complainant insisted that because Respondent had received government funds during the 2008 bailout and his credit information was submitted to Respondent's financial institution, he now owned the vehicle. Respondent was unable to follow Complainant's logic and did not release the vehicle to him as he did not intend to pay for it. An investigation was conducted. Complainant has since moved out of state and did not provide any contact information or seem interested in pursuing this matter. Based on the investigator's findings, there is no evidence of any violations.

Recommendation: Close.

Commission Decision:

84. 2019003611 (ES)

First Licensed: 02/01/2018

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant purchased a used vehicle from Respondent on 5/15/18 after finding them on the Offer Up app. Complainant specifically asked if there was anything wrong with the vehicle before he purchased it and was always told no. Additionally, Complainant received the title in the mail and it states it is a flood vehicle. Complainant was allegedly informed by a mechanic that it would cost more to fix the vehicle than it is worth and she wants a refund. Respondent states that Complainant came with two men when she purchased the vehicle and took it to a separate mechanic to fully inspect it before buying it. Respondent did inform her that it was a flood vehicle and it was salvaged, and Complainant still purchased it as is with no warranty. Respondent provided the deal file showing that everything was disclosed properly and Complainant signed all necessary paperwork.

Recommendation: Close.

Commission Decision:

85. 2019007231 (ES)

First Licensed: 01/22/2010

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant alleges Respondent made threats against him and harassed him to return the title to them for the vehicle he purchased. Complainant also claims Respondent registered the vehicle in his name without his permission. Respondent explained to Complainant that they do not handle getting the vehicle registered and after the purchase, sent him the current title signed over to him as evidence by proper paperwork. Complainant acknowledges that he received the paperwork but refused to register it. Respondent tried to contact Complainant numerous times and eventually offered to register it for him because it had been so long. Complainant asked Respondent to pay off his loan and eventually brought the car back and stated that he no longer wanted it. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

86. 2018090501 (ES)

First Licensed: 06/18/2018

Expiration: 06/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant purchased a used vehicle from Respondent and alleges that the invoice for the purchase shows a different price than what she paid. Additionally, Complainant claims Respondent stated the vehicle had a clean title with no accidents but when she took it to a mechanic, she was told that it had been totaled. Complainant returned to the dealer and asked for her money back. Respondent provided the dealer file which shows that Complainant purchased the vehicle as is with no warranties, affirmatively stated that she was satisfied with the vehicle and includes the bill of sale showing the purchase price paid with cash as agreed by both parties. Respondent provides a copy of the title showing the vehicle was not rebuilt and states that it was in good operating condition when purchased. After discussion with Complainant, Respondent agreed to refund Complainant's money in full because they do not want any customers dissatisfied with one of their vehicles so the issues have been resolved. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

87. 2019005671 (SH)

First Licensed: 12/27/2018
Expiration: 09/30/2020
License Type: Motor Vehicle Dealer (CLOSED)
History (5 yrs): None.

Complainant, an Alabama dealership, purchased a vehicle from auction and has not received the title from Respondent within 30 days. Complainant claims to have received a photo of the title in question showing the State of New York. Complainant has also filed a complaint against Respondent in Alabama due to not producing the title within 30 days. Complainant only requests the surety bond information. Surety Bond info was delivered to the Complainant. Respondent has since closed its business.

Recommendation: Letter of Warning.

Commission Decision:

88. 2018084141 (ES)
First Licensed: Unlicensed
History (5 yrs): None.

Complainant purchased a vehicle from Respondent and alleges unlicensed activity. An investigation was conducted. Respondent's Facebook account includes several posts requesting that anyone interested in buying, selling and/or trading old restored muscle cars or custom built vehicles should message him. Respondent met with the investigator and acknowledged that as a hobby he trades for old restored or custom built muscle cars and trucks. Respondent also claimed that he doesn't typically profit off the trades and mostly breaks even, and will usually sell a vehicle to help purchase another that has spurred his interest. Respondent admitted to the Facebook posts and owning the vehicles but states that none were registered over into his name before attempting to trade them. Respondent explained that he wasn't intentionally trying to avoid licensing requirements and had no idea his activity required him to possess one. When the investigator asked if Respondent is interested in applying for a license, Respondent noted that he already sent in an application to be a sales person for a local dealer and provided a copy of the application filed on 2/4/19. The investigator concluded that Respondent had offered to sell and/or trade six different vehicles and one motorcycle in 2018 but only sold three.

Recommendation: Letter of Warning regarding unlicensed activity and licensure requirements if selling more than five vehicles per year.

Commission Decision:

89. 2018088521 (ES)
First Licensed: 04/24/2015
Expiration: 10/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant bought a used car from Respondent and received a temporary tag until the title was available. Respondent told Complainant he would call as soon as the title came in and Complainant left satisfied but showed up at the lot the next day and called the cops because he was angry about not having the title. Complainant also filed a civil suit against Respondent, which was dismissed. Respondent was unable to reach Complainant when the title came in because Complainant would not return his calls but provided the title once Complainant communicated with him. An investigation was conducted and Respondent provided a sworn statement, a copy of the title and the Order of Dismissal from the civil suit which notes that the parties had resolved the issue. Complainant would not cooperate with the investigator and there is no evidence of any violations.

Recommendation: Close.

Commission Decision:

90. 2018083491 (SH)

First Licensed: N/A

Expiration: N/A

License Type: N/A

History (5 yrs): None.

Related to 201900102, 201900104, 201900107, 201900110, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900099, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Close this complaint as there is no entity associated. This complaint was the original that involved numerous Respondents and each of them have their own open complaint.

Commission Decision:

91. 2019000991 (SH)

First Licensed: 12/19/2016

Expiration: 12/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Related to 201808349, 201900102, 201900104, 201900107, 201900110, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

92. 2019001021 (SH)

First Licensed: 01/23/2017

Expiration: 12/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One open complaint related to fraudulent or deceptive activities and failure to honor warranty

Related to 201808349, 201900099, 201900104, 201900107, 201900110, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

93. 2019001041 (SH)

First Licensed: 07/09/2015

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed with no action

Related to 201808349, 201900099, 201900102, 201900107, 201900110, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the

ads are dealer numbers. There are no stock numbers listed nor is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

94. 2019005771 (SH)

First Licensed: 03/10/2016

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900110, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

95. 2019001071 (SH)

First Licensed: 04/06/2017

Expiration: 03/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs): 2019 – One open complaint related to fraudulent or deceptive activities

Related to 201808349, 201900099, 201900102, 201900104, 201900110, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

96. 2019001101 (SH)

First Licensed: 03/19/2014

Expiration: 10/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed with referral to TN Department of Safety and Homeland Security for vehicle being sold with significantly fewer miles on odometer; 2017 – Three complaints closed without action; 2016 - \$1,000 Consent Order for missing information from temporary tag log

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

97. 2019001121 (SH)

First Licensed: 06/04/2015

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2016 – One complaint closed without action

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices

and misleading advertising.

Commission Decision:

98. 2019001141 (SH)

First Licensed: 09/01/1991

Expiration: 09/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

99. 2019001161 (SH)

First Licensed: 03/10/2016

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

100. 2019001181 (SH)

First Licensed: 07/31/2017

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

101. 2019001201 (SH)

First Licensed: 05/05/2014

Expiration: 10/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2016 – One complaint closed without action

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900118, 201900123, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

102. 2019001231 (SH)

First Licensed: 10/28/2015

Expiration: 06/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – Two complaints closed without action; 2017 – Three complaints closed without action; 2016 – One complaint closed with \$5,200 Agreed Order (costs plus civil penalty)

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900118, 201900120, 201900127, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

103. 2019001271 (SH)

First Licensed: 10/07/1999

Expiration: 10/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed without action

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900130, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

104. 2019001301 (SH)

First Licensed: 09/01/1991

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2016 – Letter of warning issued for off-site sales

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900133, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

105. 2019001331 (SH)
First Licensed: 12/19/2013
Expiration: 12/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900135, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

106. 2019001351 (SH)
First Licensed: 01/31/2017
Expiration: 01/31/2019
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900141, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle

and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

**107. 2019001411 (SH)
First Licensed: 01/12/2016
Expiration: 01/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.**

Related to 201808349, 201900099, 201900102, 201900104, 201900107, 201900112, 201900114, 201900116, 201900118, 201900120, 201900123, 201900127, 201900130, 201900133, 201900135, 201900577

Anonymous complaint states that Respondent is advertising as the owner of the vehicle and not as a dealer. Some photos show dealer tags and phone numbers associated with the ads are dealer numbers. There are no stock numbers listed not is the motor vehicle dealer identified by name or dealer number. It is difficult to know whether the vehicles are registered to individuals or dealers.

Recommendation: Authorize civil penalty of \$250 for deceptive business practices and misleading advertising.

Commission Decision:

**108. 2019005831 (SH)
2019006821
2019008651
2019010271
2019010651
2019013401
2019013791
First Licensed: 07/02/2013
Expiration: 06/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs): 2017 – One complaint closed with no action; 2016 - \$1,000 Agreed Citation for incomplete temporary tag log, one complaint closed without action**

Related to 201901173, 201901217 201901303, 201901340, 201901379

Numerous complaints were received about the same time regarding Respondent not

sending titles or paying floor planner. Respondent has apparently closed down recently and unable to be contacted. All Complainants have been given the surety bond information. The Salesperson for Respondent has an expired license from February 2018.

Recommendation: Authorize formal hearing to be heard before an ALJ only and send Consent Order for voluntary revocation of the Respondent's license. It is also recommended to flag the Salesperson's license. Further, make a referral to the Department of Revenue.

Commission Decision:

109. 2019010131 (SH)

First Licensed: 02/15/2012

Expiration: 02/29/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – One complaint closed without action

Complainant lives in Florida but purchased a vehicle in Tennessee. Complainant alleges that when she received the final legal documents there were discrepancies in the mileage. In April 2018, Complainant contacted Respondent and was told that the paperwork would be corrected so that Complainant could register the vehicle in Florida. When Complainant received the new paperwork it was still incorrect. Complainant alleges to have received notice of repossession due to not registering the vehicle. Complainant states Respondent offered to rerun her credit and then issue title with correct mileage or return all documents and Respondent would issue an affidavit to correct title to send to Tax Collectors office. Complainant received the paperwork, and nothing had changed after nine months. Respondent provided Complainant with the enclosed instructions on how to title and register her vehicle in Florida. Respondent then mailed the necessary title paperwork to Complainant so that she could complete the title and registration process with her local Florida Motor Vehicle Department.

On or around July 11, 2018, Respondent spoke with Complainant about the status of her Florida title application. At that time, Complainant advised Respondent that Florida had rejected her title application because there was an odometer discrepancy between the Florida title application and the rest of her paperwork. That same day, Respondent sent another title application to Complainant via Federal Express. However, several weeks went by and Complainant did not title the vehicle in Florida. Complainant subsequently contacted Respondent and advised that the odometer reading on the title paperwork was 14,878 miles, but that the mileage on the vehicle at the time of her purchase was 16,433. Therefore, she checked the box on the title application indicating that the odometer reading was not the actual mileage, and as a result, her title application was rejected by the Florida DMV.

Complainant provided Respondent with a picture of her odometer, which appeared to have been taken on April 13, 2018, and which did show a reading of 16,433. Therefore, Respondent sent updated paperwork to Complainant on August 20, 2018 reflecting the mileage shown in the picture. However, after several weeks, Complainant had still not

titled her vehicle with the state of Florida. On September 28, 2018, Respondent sent Complainant a letter notifying her that she needed to either 1) provide proof of a Florida title showing the lender's lien, 2) pay all amounts owed on the vehicle, or 3) return the vehicle to Respondent. On or around November 28, 2018, Respondent received the title and registration documents back from Complainant. Finding no issue with the corrected documentation, Respondent sent it to the Florida DMV and also confirmed with the Florida DMV that the paperwork would not be rejected. Unfortunately, the Complainant has not had time to go get her paperwork but when Complainant went to the office she did not have her ID or funds for taxes.

The issue with Complainant's title paperwork has been resolved for some time now, but she still has not titled and registered the vehicle in Florida.

Recommendation: Close.

Commission Decision:

110. 2019010911 (SH)

First Licensed: 05/24/2016

Expiration: 11/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – Once complaint closed without action

Complainant alleges he purchased a vehicle from Respondent that has a Certificate of Destruction however did not know it could not be registered. Complainant is requesting a refund of monies paid. Complainant provided a signed Bill of Sale that clearly states "Certificate of Destruction" and "Not Street Legal".

Respondent responded that the paperwork clearly represented as a Certificate of Destruction and the Complainant was informed that the car would not be able to be registered or titled.

Complainant rebutted and stated that he has found out that he can have the Destruction lifted through his insurance company or have the TN Dept. of Revenue inspect the vehicle and/or issue a new VIN.

Recommendation: Close.

Commission Decision:

111. 2019012201 (SH)

First Licensed: 09/05/1997

Expiration: 09/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant purchased a vehicle from Respondent and upon arriving home she noticed a few cosmetic issues. Complainant called Respondent to cancel the contract and Complainant alleges Respondent stated they cannot stop the process and the grace period to return the car was over. Complainant alleges Respondent agreed to repair the issues.

Complainant went to write a review however when she went on the website Complainant alleges a great review was already written.

Respondent states that Complainant came in to look at a certain model but later decided to purchase another model that was on the showroom floor on 1/31/2019. Respondent agreed to make repairs to the cosmetic issues and Respondent picked up the vehicle on 2/4/2019. A few days later the vehicle was returned to Complainant and that is when Complainant refused to make the remaining down payment. Respondent states that on 2/11/2019 Complainant stated she did not want the vehicle. However on 2/12/2019 Complainant came to the Respondent and made the payment. It was also discovered that the review had been made by Complainant's husband.

Recommendation: Close.

Commission Decision:

112. 2019013491 (SH)

First Licensed: 08/13/2014

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – Three complaints closed without action. 2016 – One complaint closed without action.

Complainant is the third party purchaser of loans from Respondent. Complainant was never sent titles of the vehicles purchased and Respondent has since closed. Complainant also alleges Respondent registered certain vehicles in his name after repossession. Complainant was given surety bond information.

Recommendation: Close.

Commission Decision:

113. 2019014331 (SH)

First Licensed: 12/14/2016

Expiration: 10/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – Two complaints closed without action

After an annual inspection was conducted, Respondent was issued a Notice of Violation for issuing more than two temporary tags, possessing open titles and employing an unlicensed salesperson. According to the tag log, Respondent issued one vehicle a temporary tag three times without authorization. Respondent was in possession of at least eight open titles. The inspector noticed a salesperson showing a vehicle to a customer and was identified as Respondent's girlfriend. Respondent stated she usually does office work.

Recommendation: Authorize a civil penalty in the amount of \$1,000 for issuing more temporary tags than allowed by law, possessing open titles and employing an

unlicensed salesperson.

Commission Decision:

114. 2019014751 (SH)
First Licensed: 06/29/2018
Expiration: 06/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.

After an annual inspection on 2/19/2019, Respondent was issued a Notice of Violation for employing an unlicensed salesperson. The individual possessed an expired license as of 1/31/2019. The salesperson's license has since been renewed as of 3/13/2019.

Recommendation: Send letter of warning.

Commission Decision:

115. 2019015111 (SH)
First Licensed: 03/03/2003
Expiration: 11/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.

After an annual inspection on 2/21/2019, Respondent was found to be in violation of not disclosing the motor vehicle salvaged history. The inspector found several sales pertaining to salvaged vehicles without the purchaser being notified in writing of the salvage history.

Recommendation: Authorize a civil penalty in the amount of \$500 for failure to notify the purchaser in writing of a vehicle's salvaged history.

Commission Decision:

116. 2019011801 (SH)
First Licensed: 10/05/2018
Expiration: 09/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant purchased a vehicle after twice test driving and inspecting the vehicle. Complainant states that all sorts of issues began soon after the purchase. Respondent states that Complainant pre-inspected the vehicle and tested all the options before purchase. Respondent provided proof that Complainant purchased the vehicle "AS IS" and signed all required paperwork. Respondent also states they repaired all the issues complained of at no charge and Complainant signed a written statement in satisfaction.

Recommendation: Close.

Commission Decision:

117. 2019013231 (SH)

First Licensed: 03/03/2017

Expiration: 01/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed with letter of warning and one open complaint based on allegedly failing to disclose pre-existing issues with vehicle

Complainant experienced some air conditioning issues a couple of months after purchasing the vehicle from Respondent. Complainant also had some moisture issues develop. Respondent states the vehicle was purchased “AS IS” and provided proof the Complainant signed the document. The air conditioning issue was fixed and Complainant paid for the service. The moisture problem seemed to be more of rain getting into the vehicle due to a seal malfunction. Respondent stated that the moisture issue developed 7 months after purchase and soon after recent heavy rains.

Recommendation: Close.

Commission Decision:

118. 2019015481 (SH)

First Licensed: 04/25/2006

Expiration: 04/30/2018 (Closed)

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed and flagged and one open complaint based on allegedly failing to remove lien from title

Complainant is trying to sell a vehicle he purchased from respondent back in 2016. Complainant paid off the vehicle and was sent the title but has now lost it. Complainant needs to release the lien however Respondent has closed. Surety bond information has been sent to the Complainant.

Recommendation: Close.

Commission Decision:

119. 2019015991 (SH)

First Licensed: 04/25/2006

Expiration: 04/30/2018 (Closed)

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed and flagged and one open complaint based on allegedly failing to remove lien from title

Complainant went to obtain a duplicate title because it was lost or misplaced. Respondent

is still showing to be the lienholder. Complainant has been given surety bond information.

Recommendation: Close.

Commission Decision:

120. 2019017701 (SH)

First Licensed: 04/20/2012

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer (CLOSED)

History (5 yrs): 2015 – One complaint closed with NOV for missing temp tags. 2016 – One complaint closed without action. 2017 – Five complaints open for allegedly failing to produce titles. 2018 – Four complaints open for allegedly failing to product titles.

Related to 201705844, 201705918, 201706802, 201707137, 201800027, 201800644, 201800727, 201801158

Complainant's husband purchased a vehicle in 2/2017 for cash and had it registered. Complainant states that after numerous attempts to obtain the title from Respondent, Respondent shut down its business. The title still shows to have the Respondent as lienholder. Complainant's husband has since passed away and now needs the surety bond to pursue a duplicate title. Complainant was given the surety bond information.

Recommendation: Close.

Commission Decision:

121. 2019017981 (SH)

First Licensed: 09/17/2012

Expiration: 08/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs): 2015 – One complaint closed with NOV for incomplete temporary tag log and one complaint closed with NOV for open title.

After an annual inspection on 3/1/2019, Respondent found to have expired dealership, city and county licenses. Respondent stated to the inspector that he had only sold a couple of vehicles since August. Respondent was in possession of open titles however signed the titles while the inspector was present. Further, Respondent's liability and surety bond had also expired.

Recommendation: Authorize consent order for voluntary surrender, cease and desist unlicensed activity, sending an inspector to obtain VIN list of remaining inventory. It is also recommended to send inspector at a later date after surrender to verify no further business activity. Once confirmed then close. If business activity is continuing, refer to local District Attorney for possible criminal charges.

Commission Decision:

122. 2019009441 (SH)
First Licensed: 03/09/2019
Expiration: 02/29/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant paid cash for a vehicle on 12/12/2018 however the Respondent had yet to submit the registration paperwork or send the title to the Complainant two months after the purchase. Respondent states they have had issues with the auction where they purchased the vehicle and have been diligently working on obtaining. Respondent states the auction sent the title to the wrong address delaying the process. Complainant informed the Department that he received his title on 4/4/2019.

Recommendation: Send letter of warning for late delivery of title..

Commission Decision:

123. 2019013451 (SH)
First Licensed: 06/08/2000
Expiration: 06/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs): 2016 – One complaint closed with no action

Complainant alleges she did not give authorization for Respondent to make repairs after the vehicle was towed. Respondent states Complainant's insurance company paid the claim for the repairs and Complainant has been in a rental. Respondent was not reimbursed towing and replaced the battery at no charge because it would not start when brought to their facility. Respondent states that they cannot get in contact with Complainant after numerous attempts.

Recommendation: Close.

Commission Decision:

124. 2019017551 (SH)
First Licensed: 04/12/2000
Expiration: 04/30/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant alleges they purchased a \$2700 car but is financed at \$17K. Complainant further alleges the car's engine blew up the second day in their possession. Complainant requested Respondent to pick up car and refund their money however Respondent has refused.

Respondent states that the Complainant purchased the car in March 2018 “AS IS” and provided signed written documents. Respondent states that this is the first time they have heard about engine problems since purchase. Respondent states they would not be able to pick up the vehicle due to not being listed as lienholder. The lender is the lienholder.

Recommendation: Close.

Commission Decision:

125. 2019010001 (ES)

First Licensed: 06/02/2010

Expiration: 04/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Respondent received a Notice of Violation for failure to have an active county business license posted during an inspection. An Agreed Citation assessing a \$250 civil penalty was sent to Respondent via certified mail. Respondent signed the certified receipt but has not responded.

Recommendation: Authorize a civil penalty in the amount of \$250 for failure to post an active county business license.

Commission Decision:

126. 2019011631 (ES)

First Licensed: 05/28/2009

Expiration: 04/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs): 2016 – One complaint closed with consent order for failing to produce title/registration

Complainant purchased a used car from Respondent and signed a power of attorney for odometer disclosure and for vehicle transactions. Complainant takes issue with the fact that Respondent attached the power of attorney with her information on it to the title of the car she traded in when it was sold at auction. Respondent states that the power of attorney must be attached to the title. Respondent notes that Complainant’s name and address were the only information on the power of attorney and denies providing her personal information to anyone other than what is required by the auction.

Recommendation: Close.

Commission Decision:

127. 2019019321 (SH)
First Licensed: 09/01/1991
Expiration: 03/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant paid cash for the vehicle on August 3, 2018 however after 7 months the title has not been provided. Complainant alleges she is still on drive-out tags.

Respondent states the previous owner traded the vehicle and titled in California.

Apparently the previous however did not register the vehicle in TN when they moved from CA. Respondent states they have been working diligently to get a duplicate title or transfer from previous owner. Respondent further states that the title issues should be cleared up within two weeks and if not they will refund the Complainant her purchase money.

As of April 15, 2019, Complainant stated she had not received her title. Respondent was contacted regarding this issue and stated on April 22, 2019 the title was obtained, processed and issued to Complainant.

Recommendation: Send letter of warning for late delivery of title.

Commission Decision:

128. 2019021771 (SH)
First Licensed: 10/02/2012
Expiration: 09/30/2016
License Type: Motor Vehicle Dealer
History (5 yrs): 2014 – Seven complaints closed without action

Complainant purchased vehicle in 2014 and did not receive the title before the Respondent went bankrupt and closed. Complainant is still making payments on a vehicle she cannot drive. Complainant was given surety bond information of Respondent.

Recommendation: Close.

Commission Decision:

129. 2019023861 (SH)
First Licensed: 07/07/2005
Expiration: 03/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs): 2018 – One complaint closed without action. 2017 – Two complaints closed without action. 2016 – One complaint closed without action. 2015 – Three complaints closed without action and one complaint closed with a \$500 civil penalty for failing to timely and properly obtain title/registration for a vehicle.

Respondent failed to notify the Commission of a dealership name change.

Recommendation: Authorize a civil penalty in the amount of \$250 for failure to notify of name change.

Commission Decision:

130. 2019024591 (SH)

First Licensed: 07/07/2005

Expiration: 03/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): One complaint closed without action. 2017 – Two complaints closed without action. 2016 – One complaint closed without action. 2015 – Three complaints closed without action and one complaint closed with a \$500 civil penalty for failing to timely and properly obtain title/registration for a vehicle.

Respondent failed to notify the Commission of a dealership name change.

Recommendation: Authorize a civil penalty in the amount of \$250 for failure to notify of name change.

Commission Decision:

131. 2019024751 (SH)

First Licensed: 07/07/2005

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2014 – One complaint closed without action

Respondent failed to notify the Commission of a dealership name change.

Recommendation: Authorize a civil penalty in the amount of \$250 for failure to notify of name change.

Commission Decision:

132. 2019024791 (SH)

First Licensed: 03/04/2011

Expiration: 02/28/2021

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed with \$500 civil penalty for failure to deliver title/registration; 2017 – One complaint closed without action; 2016 – Four complaints closed without action; 2015 – One complain closed without action; 2014 – One complaint closed without action

Respondent failed to notify the Commission of a dealership name change.

Recommendation: Authorize a civil penalty in the amount of \$250 for failure to notify of name change.

Commission Decision:

133. 2019025461 (SH)

First Licensed: 03/05/2012

Expiration: 01/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2016 – One complaint closed without action

During a routine annual inspection of Respondent, the inspector noticed what appeared to be another dealership across the street with building markings of Respondent's name as a "Pre-Owned" lot. The lot was distinguished with vertical banner flags, vehicles displayed for sale, prices/buyer guides on cars and an open gate from which the public could enter. The inspector walked across the street to this alleged unlicensed lot and at once was greeted by a salesperson of the Respondent. The inspector asked Respondent's finance manager and was told it was their storage lot. When asked for the license for the lot Respondent stated they were unaware that they needed one.

Recommendation: Authorize a civil penalty in the amount of \$500 for lack of a license for each location.

Commission Decision:

134. 2019019881 (SH)

First Licensed: 09/01/1991

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs): 2018 – One complaint closed without action

Complainant did not receive their title after 30 days of purchase on 1/4/2019. Complainant has requested numerous times for the title and Respondent allegedly told them they were waiting on a person to sign paperwork so they could send the title. Respondent states that all paperwork was given to the tag office on 3/14/2019 and Complainant should receive their title soon. Respondent stated that the previous owner had the title in their maiden name and had to obtain a marriage's license. The Complainant confirmed that the title and tags were received on 3/20/2019 and wanted to drop their complaint.

Recommendation: Close.

Commission Decision:

135. 2019026761 (SH)

First Licensed: 01/05/1999

Expiration: 12/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): None.

Complainant purchased a vehicle "AS IS" on March 19, 2019 and the next day there was an oil leak. Complainant took the vehicle to a mechanic shop and it was discovered the valve cover gasket needed to be replaced and that the CV axle had a split boot. Respondent states that the vehicle is a 1997 Avalon that was sold for less than \$3,000. Respondent discussed the matter with the mechanic shop and learned that the axle itself did not show signs of structural defects. Although the vehicle was sold "AS IS" the Respondent remitted \$300 to the Complainant for the axle repair to the satisfaction of the Complainant. Complainant also signed a written release of liability of Respondent and resolution of this matter.

Recommendation: Close.

Commission Decision:

136. 2019029491 (SH)

First Licensed: 03/25/2009

Expiration: 05/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2015 – 2 complaints closed without action. 2016 – One complaint closed with \$250 agreed citation for expired county business license. Once complaint closed with letter of warning for advertising-related issue. 2017 – One complaint closed without action.

Complainant wants Respondent to take their name off Complainant's credit report. Complainant used a third party lender however the Respondent is still listed as being owed the purchase price. Respondent states they have notified the credit bureau of the \$0.00 balance with them and this issue should be resolved on the next credit report.

Recommendation: Close.

Commission Decision:

137. 2019000451 (ES)

First Licensed: 08/31/2018

Expiration: 08/31/2020

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

Complainant purchased a used vehicle from Respondent in November 2018 and filed this complaint because he was issued a temporary tag that expired before he received his title. Respondent contacted the Complainant after this complaint was filed and issued a second temporary tag and then sent the title to Complainant and resolved the issue.

Recommendation: Close.

Commission Decision:

138. 2018091951 (ES)

First Licensed: 09/01/1991

Expiration: 01/31/2020

License Type: Motor Vehicle Dealer

History (5 yrs): 2014 – One complaint closed without action

Complainant alleges that Respondent is insolvent and that it sold Complainant's personal information without her consent. Complainant does not provide any documentation or evidence to support this allegation. An investigation was conducted. Respondent's finance manager confirmed Complainant applied for an auto loan but after reviewing her credit history, Respondent could not assist her in financing a vehicle. The manager explained in detail to Complainant why her application was turned down and she became very defensive and agitated. Complainant accused Respondent of checking her credit without her consent but it plainly states that she authorized the credit check on the application she signed. Respondent notes that Complainant became aggressive and she was asked to leave. Complainant stormed out and yelled obscenities. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

139. 2018080981 (ES)

First Licensed: 03/12/1999

Expiration: 03/31/2003

License Type: Motor Vehicle Dealer (Closed)

History (5 yrs): N/A

Complainant's credit card was allegedly charged three times for a total of \$12,800 from 8/1- 8/3/18 by Respondent. Complainant intended to purchase a vehicle but it was allegedly damaged when he saw it for the first time, so he refused to accept the car. It is unclear if the Complainant has since taken possession of a vehicle for these charges. Respondent dealership was closed in March of 2001. An investigation was conducted.

Complainant informed the investigator he had received a refund from Respondent and he wanted to withdraw the complaint. There is no evidence of any violations.

Recommendation: Close.

Commission Decision:

REPRESENTATIONS

140. 2018056641 (“Respondent Dealership 1”) (SH)

First Licensed: 09/21/2001

Expiration: 07/31/2018 (08/06/2018 CLOSED)

License Type: Motor Vehicle Dealer

History (5 yrs): None.

2018077971 (“Respondent Salesperson”) (SH)

First Licensed: 09/01/1991

Expiration: 08/31/1993 (EXPIRED)

License Type: Motor Vehicle Salesperson

History (5 yrs): None.

Local police contacted the Tennessee Department of Revenue, alleging Respondent Salesperson was operating a dealership without any active licenses. The location had advertisement for an unlicensed dealership, and for Respondent Dealership 1. Both were allegedly at the same location. Revenue took numerous pictures including of 20 open titles, copies of bills of sale.

Respondent Salesperson identified himself as the “owner” of the dealership location. Respondent Salesperson stated a vehicle on the lot was for sale. This vehicle had a dealer tag on it however it was later discovered that the dealer tag had expired in 2013 but is now under another dealership that has no involvement with this matter.

An “Open” sign was displayed and operating. Two additional individuals identified themselves as employees of the dealership. One employee indicated that Respondent Dealership 1 was responsible for all sales documentation and reporting. None of the identified employees had licenses. Both employees stated that if a potential customer wanted to buy a car they would call Respondent Salesperson. Respondent Dealership 1’s office location was identified as abandoned and the license was closed. All sales documentation included the unlicensed dealership name. There were two buyer’s orders listed under the unlicensed dealership name and signed by Respondent Salesperson. In a file cabinet there were over 20 open titles with single-signature entries.

While evidence was being gathered and verified, Respondent Salesperson had major surgery, halting the investigation. In October 2018, Respondent Salesperson sent an email to the Department stating that the dealership never opened due to a divorce and requested to close out the sales tax account.

In November 2018, Respondent Dealership 1 stated that the Respondent Salesperson

rented the property to them and helped with operations but was never a salesperson for the dealership. Respondent Dealership 1 stated that it was closed in August 2018 due to poor sales.

In January 2019, Respondent Salesperson's attorney sent information to the investigator stating that Respondent Salesperson sold no more than 4 cars in the last 12 months. The Revenue investigator believes Respondent salesperson has been actively selling vehicles at this property he owns for the last 9 years. At the time of our investigation there was no unlicensed activity or inventory on this property and the property is no longer owned by Respondent Salesperson.

Recommendation: Close and Flag as to Respondent Dealership 1. Authorize a civil penalty in the amount of \$500 against Respondent Salesperson for possessing Open Titles.

Commission Decision:

**141. 2018044201 (ES)
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

Update: Respondent produced proof that it had paid the county taxes on time, but the certificate wasn't received at the time of the inspection. Respondent also renewed the dealer license immediately after notification.

New Recommendation: Send letter of warning.

New Commission Decision:

**142. 2018057451 (SH)
First Licensed: 03/23/2016
Expiration: 02/29/2020
License Type: Motor Vehicle Dealer
History (5 yrs.): None.**

Respondent received a Notice of Violation due to having both city and county business licenses expired during an inspection.

Recommendation: Authorize a civil penalty in the amount of \$500.

Commission Decision: CONCUR

Update: Respondent did renew the license immediately at the date of the inspection, and discovered the city had lost track of their account, so it is unlikely they were reminded to update on time. The city informed Respondent they had changed computer systems, and they are working to get the dealer back in their system.

New Recommendation: Close.

New Commission Decision:

**143. 2018071351 (SH)
First Licensed: 08/13/2014
Expiration: 07/31/2020
License Type: Motor Vehicle Dealer
History (5 yrs): None.**

Respondent received a notice of violation for operating on an expired dealer license, having three vehicles without buyer's guides displayed, and possessing two expired business licenses. Respondent renewed its dealer license following the inspection. The license was still in expired grace status at the time of the inspection.

Recommendation: Authorize a civil penalty in the amount of \$500 for expired city and county business licenses, and include warnings regarding timely renewal of the dealer license and buyer's guides.

Commission Decision: CONCUR

Update: Respondent reached out to legal counsel to explain that the dealership had and continued to be closed due to property damage to the roof, so the business was not in operation. Respondent is working with the landlord to have the property repaired so it can conduct sales again. Additionally, Respondent submitted proof the CPA that handled taxes had a stroke which caused miscommunication and delay. Respondent had corrected the issues with a new CPA. Respondent also submitted proof that its business licenses were current at the time of inspection.

New Recommendation: Close.

New Commission Decision:

**144. 2018075281 (ES)
First Licensed: 02/06/2008**

Expiration: 06/30/2019

License Type: Motor Vehicle Auction/Motor Vehicle Dealer

History (5 yrs): None.

Complainant purchased a vehicle from Respondent. Complainant understood the sale was as-is; however, after arriving to the auction to pick up the vehicle, staff could not locate it. Later, it was located in a neighboring auction's parking lot with damage. The neighboring auction once had the vehicle, but it sold it to Respondent Auction. Complainant claims the damage appeared to be from removing signage that was on the car in the sales pictures. Respondent offered to reimburse Complainant \$200, but Complainant refused. Legal requested a response from Respondent. Respondent indicated in an email between employees with legal copied that they had responded, but they would resend the response, but ultimately it was never sent again.

Recommendation: Authorize a civil penalty in the amount of \$500 for false, fraudulent, and/or deceptive acts.

Commission Decision: CONCUR

Update: Previously, this Respondent was assessed \$500 for false, fraudulent, and deceptive acts related to auctioning a vehicle that was damaged after sale but prior to the purchaser retrieving the vehicles. Legal did not originally receive a response from Respondent. After receiving the Consent Order, Respondent contacted legal and proved they had sent a response timely, but it was accidentally forwarded to the wrong location. Respondent submitted proof it had purchased the vehicle back from Complainant and ultimately resolved this matter quickly.

New Recommendation: Close.

New Commission Decision:

145. 2018061651 (SH)

First Licensed: 06/10/2004

Expiration: 06/30/2020

License Type: Motor Vehicle Dealer

History (5 yrs.): 2013 -- \$1,000 Consent Order for failure to disclose rebuilt status of a truck after being asked by the consumer.

Complainant filed a complaint alleging Respondent misrepresented the condition of a water truck. In an email to Respondent's salesperson, Complainant asked that Respondent confirm the tank is in working order. Respondent's salesperson responded to state that it was working. When the water truck was delivered to Complainant, the truck's tank would not hold water, and the fill tube clearly has a hole rusted through it, preventing one from filling the tank. Complainant did sign a specific disclaimer of warranties that states that the purchase was as-is, with all faults, and that no representations have been made. While the signed form does indicate that the Complainant was assuming a risk, the

salesperson did make a representation via email that Complainant relied on. While this signed form affects contract claims between the parties, it does not change the consumer protection analysis.

Recommendation: Authorize a civil penalty in the amount of \$500 for misrepresenting the condition of the vehicle.

Commission Decision: CONCUR.

Update: Respondent agreed to take back the water truck and complainant was refunded his money. Complainant is satisfied with the resolution of this matter and requested to close.

New Recommendation: Letter of Warning and Close.

New Commission Decision:

146. 2018071261 (SH)
2018071151
2018070681
2018073411
2018073941
First Licensed: 11/14/2006
Expiration: 10/31/2018 (CLOSED-1/29/2019)
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainants are unable to obtain title, and allege that Respondent has closed. An investigation was conducted. Complainants were provided with the surety bond. Respondent is in the process of filing bankruptcy. The floor planner was located and confirmed that it is holding the titles due to Respondent's failure to pay the floor planner. The Commission team is working to put consumers and bond agents in touch with the floor planner's representative, who has agreed to release titles with proof of purchase.

Recommendation: Authorize the revocation of Respondent's dealer license.

Commission Decision: CONCUR.

Update: Respondent's license has been closed and all consumers have been given surety bond information and working with the floor planner to obtain titles. Respondent's license expired October 2018 and was not renewed.

New Recommendation: Close and Flag.

New Commission Decision:

147. 2018050161 (SH)

2018049261

2018047791

2018046621

2018046301

2018044761

2018042671

2018042941

2018044571

2018052261

2018055561

2018045891

2018061971

2018066241

2018071771

2019010281

First Licensed: 10/12/2015

Expiration: 09/30/2019 (CLOSED-July 11, 2018)

License Type: Motor Vehicle Dealer

History (5 yrs): 2017 – One complaint closed without action

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 the revocation of Respondent's dealer license.

Commission Decision: CONCUR

Update: Respondent's license has been closed and all consumers have been given surety bond information. All mailings have been returned unclaimed. The dealership location has been abandoned. Respondent filed bankruptcy on June 22, 2018 and has been discharged as of August 28, 2018.

New Recommendation: Authorize formal hearing for revocation to be heard by ALJ only.

New Commission Decision:

148. 2017030051 ("Respondent Dealership") (SRP)

First Licensed: 06/14/2017

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

2017030052 ("Respondent Salesperson") (SH)

First Licensed: Unlicensed

Expiration: Unlicensed
License Type: N/A
History (5 yrs.): N/A

A Notice of Violation was issued to Respondent Dealership on April 26, 2017, due to the dealership operating without a dealer license, and the main salesperson was also unlicensed. The location was previously licensed, but the individuals running it upon inspection were not the licensed owners or dealership. The Respondent Dealership applied for a license after the inspection, and it is now licensed. Respondent Salesperson remains unlicensed and is associated with other ongoing investigations including allegations of theft related to Complaint 2017028071. Respondent Salesperson was the listed salesperson on all sales documents despite telling the inspector he only worked as the manager. Respondent Salesperson is also involved in other complaints currently under investigation. It is unclear when the now licensed owners of the dealership became involved. The licensed owners do not include the Respondent Salesperson. It is possible Respondent Salesperson was operating the business as the owner prior to licensure. It is not clear. Due to Respondent Salesperson being subject to additional complaints and investigations, and the facts of this one being less clear, legal is requesting a more conservative discipline on this matter since the potential for more strict corrective discipline exists through the additional complaints.

Recommendation: As to Respondent Salesperson, authorize a civil penalty in the amount of \$1,000 for unlicensed activity. As to Respondent Dealership, close upon issuance of a letter of warning regarding the employment of an unlicensed salespersons.

Commission Decision: CONCUR

Update: The letter of warning was sent to the dealership, therefore 2017030051 is closed. The salesperson under 2017030052 passed away at his home on February 27, 2019.

New Recommendation: Close.

New Commission Decision:

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

ROLL CALL VOTE

Charles West	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Chobanian	YES

Christopher Lee	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Steve Tomaso	YES
John Roberts	YES

MOTION CARRIES

LEGISLATIVE UPDATE – Asst. General Counsel, Maria P. Bush

Staff attorney, Maria Bush, indicated that there were no legislative updates that affected the Motor Vehicle Commission directly, but there were two which may affect licensees. The first was House Bill 0533, which exempts licensed dismantlers/recyclers from maintaining records related to transactions for certain automotive parts. She indicated it would become effective July 1, 2019. She also presented House Bill 0538. This bill will become law once the governor signs it. The proposed law eliminated a tow company’s requirement to wait 30 days prior to selling an unclaimed vehicle, it also eliminates the requirement that certain abandoned vehicles left in a lot for 30 days be reported to the Department of Revenue, lastly, the bill changes the restrictions on the amount of fees that can be charged to an individual claiming a stored vehicle.

Chairman Roberts called for a motion to approve the legislative updates. A motion was made by Commissioner Barker, and seconded by Commissioner Murrey.

Chair called for a roll call vote.

ROLL CALL VOTE

Charles West	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
John Chobanian	YES
Christopher Lee	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES

Karl Kramer **YES**
Victor Evans **YES**
Steve Tomaso **YES**
John Roberts **YES**

MOTION PASSED

RULES COMMITTEE

Rules Committee did not report out, however, General Counsel Maria Bush updated the Commission of Rule 0960-01-.08 and 0960-01-.21. Staff attorney Bush noted that the rules had been signed off by the Commissioner, and was moving the process. Informational Purposes Only. No action required by the Commission at this time.

AUDIT COMMITTEE

Nothing to Report

NEW BUSINESS

Executive Director, Paula Shaw, recognized the outgoing chairman, Eddie Roberts and presented Chairman Roberts with a plaque for his dedication and years of service to the Tennessee Motor Vehicle Commission.

OLD BUSINESS

ADJOURN

Chairman Roberts called for a motion to adjourn.

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

VOICE VOTE - UNANIMOUS

Motion carried.

Meeting Adjourned

John Roberts, Chairman _____