

**TENNESSEE MOTOR VEHICLE COMMISSION  
BOARD MEETING  
February 9, 2009 9:30 A.M.  
CONFERENCE ROOM 160  
DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.  
NASHVILLE, TENNESSEE 37243**

**ROLL CALL:**

	<u>PRESENT</u>	<u>ABSENT</u>
<b>BRENT SMITH</b>	X	
<b>EDDIE ROBERTS</b>	X	
<b>JOHN BARKER</b>	X	
<b>GEORGE BASS</b>	X	
<b>KENT BEWLEY</b>	X	
<b>MELISSA BLANKENSHIP</b>	X	
<b>KEVIN CULLUM</b>	X	
<b>DONNIE HATCHER</b>		X
<b>NATE JACKSON</b>	X	
<b>CHAD JONES</b>		X
<b>ALLEN LEWIS</b>	X	
<b>TRAVIS MCDONOUGH</b>	X	
<b>STAN MCNABB</b>	X	
<b>JOE PREBUL</b>		X
<b>FARRAR SCHAEFFER PECKHAM</b>	X	

The Tennessee Motor Vehicle Commission Meeting was called to order by Chairman Brent Smith on February 9, 2009. Roll Call was taken with a total of (12) member's present.

**A Motion was made by Commissioner Nate Jackson, and seconded by Commissioner George Bass, to approve the minutes from the October meeting.**

**MOTION PASSED UNANIMOUSLY**

**REVIEW COMMITTEE**

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

**Case No.: 2008022841**

Respondent dealer was issued citation on 8/4/08 in the amount of \$500 for incomplete tag log. Citation remains unpaid.

**Recommendation: Authorization for Consent Order or Formal Hearing.**  
**Review Committee Recommendation: Authorization of \$1500 civil penalty Or Formal Hearing.**

**Case No.: 2008022831**

Respondent dealer was issued citation on 8/10/08 in the amount of \$1,000 for possession of two (2) open titles. Citation remains unpaid.

**Recommendation: Authorization for Consent Order or Formal Hearing.**  
**Review Committee Recommendation: Authorization for \$2,000 civil penalty or Formal Hearing.**

**Case No.: 2008022821**

Respondent dealer was issued citation on 8/26/08 in the amount of \$500 for incomplete tag log. Citation remains unpaid.

**Recommendation: Authorization for Consent Order or Formal Hearing.**  
**Review Committee Recommendation: Authorization for \$1,500 civil penalty or Formal Hearing.**

**Case No.: 2008022811**

Respondent dealer was issued citation on 8/28/08 in the amount of \$1,000 for unlicensed salesperson and possession of one (1) open title. Citation remains unpaid.

**Recommendation: Authorization for Consent Order or Formal Hearing.**  
**Review Committee Recommendation: Authorization for \$2,000 civil penalty or Formal Hearing.**

**Case No.: 2008022791**

Respondent dealer was issued citation on 9/4/08 in the amount of \$500 for misuse of temporary tag log. Citation remains unpaid.

**Recommendation: Authorization for Consent Order or Formal Hearing.**  
**Review Committee Recommendation: Authorization for \$1,500 civil penalty or Formal Hearing.**

**Case No.: 2008022771**

Respondent dealer was issued citation on 8/26/08 in the amount of \$750 for unlicensed sales person and business records not located at place of business. Citation remains unpaid.

**Recommendation: Authorization for Consent Order or Formal Hearing.**  
**Review Committee Recommendation: Authorization for \$1,750 civil penalty or Formal Hearing.**

**Case No.: 2008022761**

Respondent dealer was issued citation on 7/31/08 in the amount of \$5,750 for no county/city business licenses, an altered temporary tag, possession of nine (9) open titles, and an incomplete temporary tag log. Citation remains unpaid.

**Recommendation: Authorization for Consent Order or Formal Hearing.**  
**Review Committee Recommendation: Authorization for \$6,750 civil penalty or Formal Hearing for revocation.**

**Case No.: 2008017711**

Complainant consumer alleges Respondent dealer has not provided clear title to vehicle purchased on 8/5/08. Complainant was unable to register the subject vehicle because the county clerk advised the subject vehicle had a lien on it. Complainant sued Respondent in General Sessions's court. Respondent did not appear and a default judgment was entered in favor of Complainant. The court's Order on October 10, 2008 directed that complainant should be shown as the legal owner of vehicle

**Recommendation: Close-settled per civil litigation.**  
**Review Committee Recommendation: MVC attorney to negotiate settlement amount with Respondent and represent for Commission approval or Formal Hearing.**

**Case No.: 2008027141**

Anonymous Complainant alleges Respondent dealer has issued more than two (2) temporary tags on neighbor's vehicle. Documents provided by Respondent reflect two separate sales of the subject vehicle. Two (2) temporary tags were issued on sale

**Recommendation: Close-no violation.**

**Review Committee Recommendation: Letter of Warning.**

**Case No.: 2009000181**

Respondent is an unlicensed individual who has sold ten (10) vehicles within a year's time.

**Recommendation: Letter of Warning.**

**Review Committee Recommendation: Authorization for \$5,000 civil penalty or Formal Hearing.**

**Case No.: 2008014101 2008014102**

Complainant dealer alleges that the Respondent Dealer's radio advertisements contained none of the disclaimers required by the rules of the Tennessee Motor Vehicle Commission. The investigator assigned discovered that the radio station did not store nor keep tape or print copies of advertisements after air time had expired. Both Respondents are owned by the same entity.

**Recommendation: Close-insufficient evidence.**

**Review Committee Recommendation: Recommendation: Letter of Instruction regarding advertising guidelines.**

**Case No.: 2008020611**

Complainant dealer alleges unlicensed individuals were curbstoning numerous motor vehicles on commercial properties. Investigators found no evidence of curbstoning.

**Recommendation: Close- no violation.**

**Review Committee Recommendation: Request follow-up investigation.**

**Case No.: 2009000511**

Respondent dealer was issued citation in the amount of \$500 on 12/5/08 for temporary tag log violations. Respondent has appealed the citation. Respondent states that copies of issued temporary tags were maintained in lieu of a written log, but that since being cited, a written log is being utilized. Respondent has no previous violations and asks that this citation be rescinded due to compliance and economy.

**Recommendation: Authorization for Consent Order or Formal Hearing.**  
**Review Committee Recommendation: Letter of Warning.**

**Case No.: 2008014161**

Anonymous Complainant alleges unlicensed individual is operating a motor vehicle dealership from his home and advertising vehicles for sale on Craigslist.com and BuySell.com. The Respondent gave a sworn affidavit stating that he details and performs minor maintenance on vehicles for a local motor vehicle dealer, and if said dealer wants vehicles advertised on the internet, he [Respondent] will photograph the vehicles and put them on the internet. The motor vehicle dealer referred to also gave a sworn affidavit that the Respondent does, in fact, perform maintenance and puts cars for sale on the internet for him.

**Recommendation: Close- insufficient evidence.**  
**Review Committee Recommendation: Letter of Warning.**

**Case No.: 2008011051**

Handicapped Complainant alleges Respondent dealership sold a used motor vehicle to him without disclosing that the vehicle had been wrecked previously. Prior to purchase, Complainant requested a Carfax report on the subject vehicle and was told by the salesman that a Carfax report was not available on that particular vehicle. Immediately after purchase, the Complainant began experiencing severe problems with the subject vehicle. The subject vehicle had, in fact, been wrecked previously, and Respondent purchased it from an auction in Pennsylvania with the knowledge that the vehicle had frame damage and numerous prior repairs including the rear bumper, right quarter panel, left rear door, and right rear door. The instant complaint was filed before the Commission approved a \$72,000 settlement agreement encompassing similar claims at a separately-licensed used car facility owned by the Respondent in the instant matter.

**Recommendation: Close as settled.**  
**Review Committee Recommendation: MVC attorney to negotiate settlement amount with Respondent and represent for Commission approval or Formal Hearing.**

**APPEALS**

The following appeals were heard by Commission.

Jeffrey B. Cox-Lenoir City Ford-Mercury, Inc. Lenoir, TN  
Staff denied application

**Motion made by Commissioner Eddie Roberts, and seconded by Commissioner Nate Jackson to grant the license.**

**VOICE VOTE**

Kevin Cullum	yes
Travis McDonough	yes
Farrar Schaeffer Peckham	yes
Stan McNabb	yes
Nate Jackson	yes
John Barker	yes
Kent Bewley	yes
Eddie Roberts	yes
Brent Smith	yes
Allen Lewis	yes
George Bass	no
Melissa Blankenship	yes

**There are eleven (11) yes's, and one (1) no. Motion passes.**

Toshien F. Gilbert-Alexander Toyota, Murfreesboro, TN  
Staff denied application

**Motion made by Commissioner Eddie Roberts, and seconded by Commissioner Nate Jackson to grant the license.**

**VOICE VOTE**

Kevin Cullum	no
Travis McDonough	no
Farrar Schaeffer Peckham	no
Stan McNabb	no
Nate Jackson	yes
John Barker	yes
Kent Bewley	yes
Eddie Roberts	yes
Brent Smith	no
Allen Lewis	no
George Bass	abstain
Melissa Blankenship	yes

**There are five (5) yes's, and six (6) no's. One (1) abstained. Motion failed. License not granted.**

Billy C. West-Gray Epperson Automotive, Cleveland, TN  
Staff denied application

**Motion made by Commissioner Farrar Schaeffer Peckham to grant the license.  
Motion was seconded by Commissioner Stan McNabb.**

**VOICE VOTE**

Kevin Cullum	yes
Travis McDonough	abstain-conflict of interest
Farrar Schaeffer Peckham	yes
Stan McNabb	yes
Nate Jackson	yes
John Barker	yes
Kent Bewley	yes
Eddie Roberts	no
Brent Smith	yes
Allen Lewis	yes
George Bass	no
Melissa Blankenship	yes

**There are nine (9) yes's and two (2) no's. One (1) abstained. Motion passes.**

John Robert Marbry-J.R.'s Auto Sales Inc. Memphis, TN  
Staff denied application

**Motion made by Commissioner Nate Jackson and seconded by Commissioner Stan McNabb to grant the license.**

**VOICE VOTE**

Kevin Cullum	yes
Travis McDonough	yes
Farrar Schaeffer Peckham	yes
Stan McNabb	yes
Nate Jackson	yes
John Barker	yes
Kent Bewley	yes
Eddie Roberts	yes
Brent Smith	yes
Allen Lewis	yes
George Bass	yes
Melissa Blankenship	yes

**Motion passed unanimously.**

Terry Elam-Carl Black Chevrolet, Nashville, TN  
Staff denied application

**Motion was made by Commissioner Kevin Cullum, and seconded by Commissioner Farrar Peckham to grant the license.**

**VOICE VOTE**

Kevin Cullum	yes
Travis McDonough	yes
Farrar Schaeffer Peckham	yes
Stan McNabb	yes
Nate Jackson	yes
John Barker	yes
Kent Bewley	yes
Eddie Roberts	yes
Brent Smith	yes
Allen Lewis	yes
George Bass	no
Melissa Blankenship	yes

**There were eleven (11) yes's and one (1) no. Motion passes.**

Larry A. Cook-Car Finders LLC II, Greenbrier, TN  
Staff denied application

**Motion was made by Commissioner Allen Lewis, and seconded by Commissioner Farrar Peckham to deny the license.**

**VOICE VOTE**

Kevin Cullum	yes
Travis McDonough	yes
Farrar Schaeffer Peckham	no
Stan McNabb	no
Nate Jackson	no
John Barker	yes
Kent Bewley	no
Eddie Roberts	abstain
Brent Smith	abstain
Allen Lewis	no
George Bass	no
Melissa Blankenship	no



**There were three (3) yes's, seven (7) no's and two (2) to abstain.  
Motion was made by Commissioner Eddie Roberts to repeal the motion, and make sure they were voting correctly to deny the license.**

**VOICE VOTE**

Kevin Cullum	yes
Travis McDonough	yes
Farrar Schaeffer Peckham	yes
Stan McNabb	yes
Nate Jackson	yes
John Barker	no
Kent Bewley	yes
Eddie Roberts	yes
Brent Smith	yes
Allen Lewis	yes
George Bass	yes
Melissa Blankenship	yes

**There were eleven (11) yes's, one (1) no's. Motion passes.**

Jerrys Car Center-Dyersburg, TN  
Staff denied dealership application

**Motion was made by Commissioner Kent Bewley and seconded by Commissioner Nate Jackson to grant the license.**

**VOICE VOTE**

Kevin Cullum	yes
Travis McDonough	yes
Farrar Schaeffer Peckham	yes
Stan McNabb	yes
Nate Jackson	yes
John Barker	yes
Kent Bewley	yes
Eddie Roberts	yes
Brent Smith	yes
Allen Lewis	yes
George Bass	yes
Melissa Blankenship	yes

**Motion was unanimous. Motion passes.**

**STAFF ATTORNEY’S REPORT**

Staff Attorney Aaron Rochelle noted the changes made from the Review Committee to the Complaint report, and asked if the Rules Committee could meet before the next meeting.

**Motion was made by Commissioner Kent Bewley, seconded by Commissioner Farrar Schaeffer Peckham, to accept the recommendations from the Review Committee.**

**DIRECTORS REPORT**

Since the last Commission meeting in October 2008 the following actions have been taken:

Dealers Opened, or Relocated .....124

Active Licensees as of February 1, 2009

Dealers.....	4410
Applications in Process.....	43
Distributions/Manufacturers .....	234
Auctions.....	36
Representatives.....	687
Salespeople.....	13823
Dismantlers.....	373
RV Dealers.....	16
RV Manufacturers.....	84

Motor Vehicle Show Permits Issued Since January, 2009.....	5
Revenue Received	\$ 500.00

**DIRECTOR SEARCH COMMITTEE**

The Director Search Committee told the Commission members that they had interviewed applicants for the Director position, and chose Leon Stribling for the Director.

**Motion was made by Commissioner Stan McNabb, and seconded by Commissioner Farrar Schaeffer Peckham to hire Mr. Stribling to start working on March 2, 2009 with a starting salary of \$52,000.00.**

**VOICE VOTE**

Kevin Cullum	yes
Travis McDonough	yes
Farrar Schaeffer Peckham	yes
Stan McNabb	yes
Nate Jackson	yes
John Barker	yes
Kent Bewley	yes
Eddie Roberts	yes
Brent Smith	yes
Allen Lewis	yes
George Bass	yes
Melissa Blankenship	yes

**Motion was unanimous. Motion passes.**

Meeting Adjourned.

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Brent Smith, Chairman

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Arnold Murphy, Interim Director