

Minutes

Teleconference

3-26-12

**TENNESSEE MOTOR VEHICLE COMMISSION
BOARD MEETING
MARCH 26, 2012 10:00 A.M.
TELECONFERENCE 2nd FLOOR
ANDREW JOHNSON TOWER, 710 JAMES ROBERTSON PKWY.
NASHVILLE, TENNESSEE 37243**

The Tennessee Motor Vehicle Commission Teleconference was called to order by Chairman Eddie Roberts on March 26, 2012, at 10:00 a.m. in the 2nd Floor Conference Room of the Andrew Johnson Tower, Nashville, TN. Roll Call was taken with a total of (14) member's present. Commissioners present were Commission Chairman Eddie Roberts, Commissioner Reed Trickett, Commissioner George Bass, Commissioner Joe Clayton, Commissioner Kevin Cullum, Commissioner Donnie Hatcher, Commissioner Nate Jackson, Commissioner Chad Jones, Commissioner Don Parr, Commissioner Stan McNabb, Commissioner Farrar Schaeffer, Commissioner Mark Pirtle, Commissioner Ronnie Fox, and Commissioner Wade Hinton. Also present were Assistant General Counsel Robyn Ryan, Staff Attorney Keeling Baird, Executive Director Leon Stribling, Office Manager Barry Whitson, Administrative Assistant Leslie Hogue. Also present was Attorney Benjamin C. Mezer representing Bell Auto Sales.

Assistant General Counsel Robyn Ryan informed the Commissioners the teleconference was called to discuss the licensing issues of Bell Auto Sales Inc., and Bell Auto Sales 2, LLC. The question was whether they should be granted another license. The allegations against Bell were mainly concerning unlicensed sales persons who later applied to get a license and the sale of automobiles after the bond had expired. After the Tennessee Motor Vehicle Commission investigated this issue, it was found that other companies had been granted licenses under the same or similar circumstances. Furthermore, the attorney for both Bell Auto Sales, Inc., and Bell Auto Sales 2, LLC and the Tennessee Motor Vehicle Commission have been in negotiations to move forward without necessitating a lengthy formal hearing. The Commission was advised by Assistant General Counsel Robyn Ryan that if the Commission did not agree to the terms of the proposed agreed order, then a formal hearing would be held on April 10, 2012. Ms. Ryan also informed the Commission that failure to have a bond was not a reason, according to Motor Vehicle statute, to deny a license. Assistant General Counsel Robyn Ryan conveyed her recommendation to the Commission to accept the terms of the offer.

The Commission was informed of the proposed agreed order of a civil penalty of \$10,500, of which \$9,500 represented 19 vehicles sold within the period when the respondent did not have a bond in place, and \$1,000 for two unlicensed salespeople. The majority of the civil penalty will be made by April 15, 2012, with the remaining portion of the civil penalty to be paid on May 15, 2012 and June 15, 2012. Ms. Ryan also conveyed to the Commission that if the respondent fails to meet the terms of the proposed order, the license would be automatically revoked.

Commission Chairman, Mr. Eddie Roberts, asked Assistant General Counsel Robyn Ryan whether she and the staff believed the respondent would adhere to the rules of the Tennessee Motor Vehicle Commission, to which Ms. Ryan informed the Commission that the respondent had been in business for twenty years and had no other violations. Commissioner George Bass asked Ms. Ryan about the persons without the salesperson licensed, to which Ms. Ryan informed Commissioner Bass that due to the circumstances of the dealer's license being denied, the salespeople were unable to obtain a license until the licensing issue had been resolved. Chairman Eddie Roberts also questioned Ms. Ryan whether the salespeople seeking licensure would be properly vetted, to determine if they would qualify for licensure. Ms. Ryan informed him they were previously licensed at different locations, and that it was her understanding that they have met the requirements for licensure at the Respondent's business. Chairman Roberts also questioned as to whether the amount of the civil penalty was up to \$1,000 per occurrence, however, Ms. Ryan conveyed to Chairman Roberts that historically, the Tennessee Motor Vehicle Commission had authorized \$500 for each offense. Commissioner Bass asked Executive Director, Leon Stribling, whether the salespeople would receive their licenses, to which Mr. Stribling confirmed that the candidates would go through the normal licensing procedures the same as everyone else. **A motion was made by Commissioner Donnie Hatcher and seconded by Commissioner Stan McNabb to accept the agreed order and to grant the licenses. Unanimous vote. Motion carried.**

A motion to adjourn was made by Joe Clayton, and seconded by Mark Pirtle; motion carried.