

MINUTES

October 23, 2017



**TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS
MOTOR VEHICLE COMMISSION
500 JAMES ROBERTSON PARKWAY, 2ND FLOOR
NASHVILLE, TENNESSEE 37243-1153
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**TENNESSEE
MOTOR VEHICLE COMMISSION
MINUTES**

DATE: July 24, 2017

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

PRESENT: Commission Members:

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

ABSENT: Don Parr

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

Chairman Roberts introduced and welcomed Mr. John Barker, Jr. the newest Commissioner representing the 5th Congressional District.

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

AGENDA: Chairman Roberts requested the Commission look over the agenda and recommended the Motor Vehicle Commission statement to be added to New Business. Commissioner Clayton made a motion to adopt the Agenda, Seconded by Commissioner Vaughan. Chairman Roberts called for a voice vote.

MOTION CARRIED.

QUARTERLY MEETING MINUTES: Commissioner Fox made a motion to approve the minutes from the July 24, 2017 meeting, seconded by Commissioner Galvin. Chairman Roberts called for a voice vote.

MOTION CARRIED.

MEETING NOTICE: Notice advising the Commission of the time, date and location of the meeting being posted on the Tennessee Motor Vehicle Commission website and that it has been included as part of the year's meeting calendar since July 13, 2016, was read into the record by Executive Director, Paula J. Shaw. The notice also advised that the Agenda has been posted on the Tennessee Motor Vehicle Commission website since October 19, 2017.

Chairman Roberts requested Director Shaw to note that Commissioner Evans joined the Commission meeting.

APPEALS: The following appeals were heard by the Commission. Executive Director Shaw conveyed to the attendees the appeals process.

Jeffery Hayes
Oak Ridge Nissan, Oak Ridge, TN

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

ROLL CALL VOTE

Ian Leavy	YES
Joe Clayton	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
Christopher Lee	YES
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	NO
Stan Norton	YES
Farrar Vaughan	YES

Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Steve Tomaso	YES
Eddie Roberts	YES

Motion carried, therefore the license is granted.

Eric Cook
Homer Skelton Ford of Millington, Millington, TN

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

ROLL CALL VOTE

Ian Leavy	YES
Joe Clayton	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	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
Eddie Roberts	YES

Motion carried, therefore the license is granted.

Jimmy Mullins
Vance Auto Sales, Woodbury, 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 the license be granted,

seconded by Commissioner Jackson.

ROLL CALL VOTE

Ian Leavy	NO
Joe Clayton	YES
Kahren White	NO
John Murrey	YES
Debbie Melton	NO
Christopher Lee	NO
John Barker, Jr.	NO
Ronnie Fox	YES
Jim Galvin	NO
Stan Norton	NO
Farrar Vaughan	NO
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	NO
Steve Tomaso	NO
Eddie Roberts	YES

Motion failed, therefore the license is denied.

Alex Hopper
Viles Automotive Group, Powell, TN

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

ROLL CALL VOTE

Ian Leavy	YES
Joe Clayton	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	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**
Eddie Roberts **YES**

Motion carried, therefore the license is granted.

Timothy Marlow – NO SHOW
Metro Truck Sales, Goodlettsville, TN

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

ROLL CALL VOTE

Ian Leavy **YES**
Joe Clayton **YES**
Kahren White **YES**
John Murrey **YES**
Debbie Melton **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**
Eddie Roberts **YES**

Motion carried, therefore the denial is upheld

Decotus Sims
Miracle Chrysler Dodge Jeep Inc., Gallatin, TN

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

ROLL CALL VOTE

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

Motion carried, therefore the license is granted.

Christopher Flatt
The Auto Lot, 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 the denial be upheld, seconded by Commissioner Norton.

ROLL CALL VOTE

Ian Leavy	YES
Joe Clayton	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
Christopher Lee	YES
John Barker, Jr.	YES
Ronnie Fox	NO
Jim Galvin	NO
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	NO
Karl Kramer	YES
Victor Evans	YES
Steve Tomaso	NO
Eddie Roberts	YES

Motion carried, therefore the denial is upheld.

Mitchell Horn
Florence and White Ford, Smithville, TN

Chairman Roberts requested appeals of salespersons applications which were previously denied by the staff to be heard by the Commission for their review and consideration. After some discussion, Commissioner Vaughan moved the license be approved after submission of a corrected application within 30 days, seconded by Commissioner Leavy.

ROLL CALL VOTE

Ian Leavy	YES
Joe Clayton	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	YES
Christopher Lee	NO
John Barker, Jr.	YES
Ronnie Fox	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	NO
Steve Tomaso	YES
Eddie Roberts	NO

Motion carried, therefore the license is granted pending a corrected application.

Greg Plott
Long of Chattanooga, Chattanooga, TN

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

ROLL CALL VOTE

Ian Leavy	YES
Joe Clayton	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	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
Eddie Roberts	YES

Motion carried, therefore the license is granted.

Executive Director's Report

October 23, 2017

Since the last Commission meeting in July 2017 the following activity has occurred:

Dealers Opened, or Relocated (Last Quarter).....81

Active Licensees as of July 11, 2017

Dealers.....3764
Applications in Process.....24
Distributors/Manufacturers.....131
Auctions.....29
Representatives.....527
Salespeople.....16787
Dismantlers.....264
RV Dealers.....37
RV Manufacturers.....63
Motor Vehicle Show Permits.....4

Complaint Report- Opened Complaints from July 2017 – September 2017:

Number of Complaints Opened.....151
Number of Complaints Closed.....193

Annual Sales Reports-(Due Feb 15):

Vehicles Reported Sold in 2016.....1,136,022
Recreational Vehicles Reported Sold in 2016.....3,359
Total Online Late Annual Sales Report Collected.....\$76,600 (31 since last quarter)

Performance Metrics Taken from September 2017 CFG Report

Average Number of Days to License.....4.49 Days
Productivity Factor.....109.8%
CFG Goal.....276%
Compliance.....96.7% **as of September 30,**

2017

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

MVC Customer Satisfaction Rating July 2017 – October 2017

Quarterly Satisfaction Rating.....97%

Quarterly Satisfaction Rating (combined).....95%

Disciplinary Action Report – July 2017 – September 2017

Total Collected.....\$44,500

Online Adoption Across All Professions

- 59.1% online adoption for New “1010” Applications across all Professions available as of October 13, 2017.
- Remaining “1010” (new) transactions are the Motor Vehicle and RV Manufacturer/Distributor Application and Auction Application.

Fiscal Information

- The Fiscal Year close for FY 16-17 as reported by the department indicated a net balance of \$253,551

Outreach

- Executive Director attended the National Association of Motor Vehicle Boards and Commissions (NAMVBC) conference in Alexandria, VA. During the conference the Director was re-elected as the Secretary of NAMVBC
- Executive Director was appointed to serve on the American Association of Motor Vehicle Administrators (AAMVA) working group to develop best practices for the regulation of internet vehicle sales. This working group provides recommendations, tools and educational materials to U.S. and Canadian motor vehicle agencies in order to identify and combat fraud and deceptive internet sales practices.

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

VOICE VOTE – UNANIMOUS

The motion carried to approve the Director’s Report.

The Commission moved to the presentation of the legal report by Sara Page, Asst. General Counsel and Shilina Brown, Asst. General Counsel.

1. **2017051741 (SRP)**
First Licensed: 03/08/2010

Expiration: 02/28/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 1 closed with no action.

Complainant alleged Respondent would not repair a vehicle she purchased from Respondent. Respondent had attempted to remedy the issue, but the vehicle continued to overheat. Respondent has since fixed the vehicle. Complainant was contacted for confirmation, but Complainant did not respond.

Recommendation: Close.

2. **2017051871 (SRP)**
First Licensed: 04/16/2013

Expiration: 04/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleges Respondent sold her a vehicle with mechanical issues, and would not honor certain applicable warranties. Respondent submitted proof that Respondent was working extensively with Complainant to conduct both warranty-applicable repairs and repairs outside the warranty. While Complainant is still not satisfied with the vehicle due to the needed repairs, Respondent appears to be taking all required steps, and even some not required, to resolve the dispute.

Recommendation: Close.

3. **2017053491 (SRP)**
First Licensed: 01/13/2011

Expiration: 01/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 4 closed with no action; 1 \$1,000 Consent Order for employing one unlicensed salesperson, and one salesperson with an expired license.

Complainant alleged Respondent failed to deliver title. Respondent responded to state that Complainant is the son of a former disgruntled employee. Prior to leaving, Complainant's father started the process for buying the vehicle, but indicated he wanted his son to have the car and to be the owner in the paperwork. The Complainant's father paid for the vehicle in full before leaving. For four months, Respondent attempted to contact Complainant's father so he would send his son in to finish the paperwork. Respondent states the son never contacted them, and then filed the complaint. Respondent represents that through the complaint, they obtained the son's contact information. The Complainant has since finished the paperwork and now has the title to the vehicle.

Recommendation: Close.

4. **2017054341 (SRP)**
First Licensed: 09/01/1991

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): 2 closed with no action; 1 \$2,000 Consent Order for advertising violations.

Complainant alleged Respondent sold a vehicle with an accident history, but provided a clean CarFax at the time of purchase. Respondent bought back the car after receiving evidence of the history discrepancy. The matter is resolved between the parties.

Recommendation: Close.

5. **2017056301 (SRP)**
First Licensed: 09/01/1991
- Expiration: 04/30/2019**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): 4 closed with no action.**

Complainant alleged Respondent attempted to bait and switch him by posting a price for a vehicle online for \$8,000 less than its actual sales price. Respondent stated it was error on the part of the service that manages their online sales content. Respondent provided proof it had the price corrected the same day it was made aware of the error.

Recommendation: Close upon issuance of a letter of warning regarding advertising sales prices.

6. **2017051071 (SRP)**
First Licensed: 06/24/2016
- Expiration: 05/31/2018**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

Respondent was issued a Notice of Violation for having both expired city and county business licenses. Additionally, Respondent did not have buyer's guides on all vehicles. Respondent was issued a letter of warning pursuant to policy for the buyer's guides. The business licensed expired on May 15, 2017.

Recommendation: Authorize a civil penalty in the amount of \$500 (\$250 x 2 expired business licensed) to be settled by consent order or a formal hearing.

7. **2017021801 (“Respondent Dealer”) (SRP)**
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: Unlicensed

History (5 yrs.): N/A

2017021803 (“Respondent Manufacturer”)

First Licensed: Unlicensed

Expiration: Unlicensed

License Type: Unlicensed

History (5 yrs.): N/A

Complainant alleges Respondent Dealer engages in the unlicensed sales of golf carts that are “street ready” and require a Motor Vehicle license to sell. An investigation was conducted that concluded the golf carts are in fact low-speed vehicles with Certificates of Origin, and are street ready. Additionally, the respondent Manufacturer of said golf carts is located in Tennessee, but does not hold a manufacturer’s license.

Recommendation: As to Respondent Dealer, authorize a civil penalty in the amount of \$1,000 for unlicensed activity. As to Respondent Manufacturer, authorize a civil penalty in the amount of \$1,000 for unlicensed activity.

8. **2017027361 (SRP)**
First Licensed: 07/26/2012

Expiration: 05/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleges Respondent was charging late fees and not applying overpayments to the total amount owed. Respondent provided paperwork showing accurate payments and late fees were being applied. Additionally, the parties had settled their dispute and this matter was

ultimately resolved.

Recommendation: Close.

9. **2017027981 (SRP)**
 First Licensed: 01/26/2001
- Expiration: 02/28/2019**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): January 2014 – Closed w/no Action.**

Complainant alleges Respondent miscalculated his debt owed as it related to GAP insurance and an extended warranty he ultimately had reimbursed. An investigation was conducted and Complainant failed to participate despite numerous requests. Respondent provided financial documents and explanations that seemed to add up properly to the amount Complainant owed. Without further insight from Complainant, it is not possible to determine what if any issues Complainant continues to have.

Recommendation: Close.

10. **2017028991 (SRP)**
 First Licensed: 07/19/2012
- Expiration: 06/30/2018**
- License Type: Recreational Vehicle Dealer**
- History (5 yrs.): N/A**

Complainant alleges Respondent sold him a camper with water damage and mold. Respondent produced proof a thorough inspection had been conducted and it was concluded no mold existed. Respondent did cosmetic repairs anyway in an attempt to satisfy Complainant. To date, Complainant never returned to pick up the camper, and he did not participate in the investigation.

Recommendation: Close.

11. 2017029611 (SRP)
First Licensed: 09/26/2011

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): April 2013 – Closed w/no Action; April 2014; Closed w/no Action; June 2015 - \$2,000 Consent Order for failure to provide business records and failure to respond; November 2015 - \$1,000 Consent Order for failure to supervise; February 2017 – Closed w/no Action; July 2017 - \$1,000 Consent Order for unlicensed activity and false/fraudulent/deceptive activity.

Complainant alleges Respondent sold her a vehicle, but underreported the sales price on the bill of sale. After two weeks, Complainant noted a number of mechanical issues, so she returned the vehicle for repairs. Respondent put Complainant into a loaner vehicle without having her execute any documents regarding the lender vehicle. Complainant was in an accident while driving the vehicle. Complainant contacted Respondent about what to do, and what was going on with her vehicle. Respondent stated he would be keeping her car as collateral due to the wreck in the loaner. After Complainant contacted attorneys and the police, Respondent gave Complainant a different vehicle. Later, Complainant found out that Respondent forged Complainant's name on a power of attorney and the title of the original vehicle she purchased, and Respondent used those forged documents to sell Complainant's original vehicle.

After this complaint was filed and investigated, Respondent had Complainant sign a settlement that released Complainant from any liability regarding the wrecked loaner vehicle, and gave title to a new vehicle to Complainant as consideration. Respondent requested the Commission take the release into consideration as resolution of this matter.

Recommendation: Authorize a civil penalty in the amount of \$5,000 for forging Complainant's name on legal documents in order to sell Complainant's legal property without permission.

12. 2017029631 (SRP)
First Licensed: 08/05/2011

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2014 – Closed w/no Action.

Complainant alleges Respondent did not properly disclose the total loss history of the vehicle he purchased. After another dealer alerted Complainant to the history, Complainant stopped paying on the vehicle, and Respondent repossessed the vehicle. Complainant alleges he was shown a false history by Respondent at the time of purchase. Respondent responded and provided the signed Car Fax report that did not show an accident history. The report was run the day the vehicle was purchased, and Complainant initialed it. Upon receiving the complaint, Respondent ran a new report, and again it shows no history of accidents. Respondent states Complainant has an extensive history of non-payment, and the vehicle was repossessed pursuant to that non-payment.

Recommendation: Close.

13. **2017030331 (SRP)**
First Licensed: 05/20/2015

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Respondent was found to be operating across the street from his licensed location due to running out of space. The inspector had informed the owner numerous times that the new location needs to have a license associated with it, but Respondent has yet to attempt to license the new location. While the new location does need to be licensed, it would be obvious to a consumer the dealership is one lot, so there is no deception occurring. While Respondent could store vehicles on an unlicensed location, Respondent has moved its sales office across to the new unlicensed lot.

Recommendation: Authorize a civil penalty in the amount of \$500, to be reduced to a letter of warning if Respondent submits a license application for the new overflow location across the street, or submit a change of address to reflect the sales office's new location.

14. 2017032291 (SRP)
First Licensed: 12/17/2015

Expiration: 12/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant filed a complaint due to Respondent not assisting in her application for a duplicate title. Ultimately Respondent assisted Complainant even though it asserts it was not required to do so. Complainant requested the complaint be withdrawn.

Recommendation: Close.

15. 2017034621 (SRP)
First Licensed: 01/06/2011

Expiration: 12/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2012 – Closed w/no Action.

Complainant filed a complaint against Respondent after Complainant had two financing deals fall through, and in the meantime, Complainant's trade-in vehicle was repossessed for non-payment, leaving Complainant without a vehicle. Respondent responded and stated the first deal fell through when Complainant delayed in providing valid proof of income. During that time, the trade-in was repossessed for non-payment, which resulted in the second finance attempt falling through.

A review of the deal file revealed Respondent failed to provide a conditional delivery agreement.

Recommendation: Authorize a civil penalty in the amount of \$500 for failing to execute a conditional delivery agreement.

16. 2017034921 (SRP)
First Licensed: 09/13/2002

Expiration: 08/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): April 2013 – Closed w/no Action.

Complainant filed a complaint regarding a mechanical issue in her vehicle. The vehicle was purchased as-is, but Complainant purchased a third-party limited warranty. The warranty company

has paid a claim towards the repair, but determined some of the repairs are outside the coverage of the warranty. Ultimately the dispute of what would be covered is with the warranty company and not the dealer.

Recommendation: Close.

17. **2017036621 (SRP)**
 First Licensed: 08/13/2014
- Expiration: 08/31/2019**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): July 2016 – Closed w/no Action**

- 2017044991 (SRP)**
- First Licensed: 08/13/2014**
- Expiration: 08/31/2019**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): July 2016 – Closed w/no Action.**

This complaint was filed by a floor planner that believed Respondent had sold vehicles out of trust due to an inspector not seeing the vehicles on the Respondent's lot. An investigation was conducted, and Respondent's version of the story was confirmed. The vehicles were stored in a locked warehouse due to increased crime in the area. All vehicles the floor planner identified as potentially sold out-of-trust were present and accounted for.

Recommendation: Close.

18. **2017036871 (SRP)**
 First Licensed: 5/17/2006
 Expiration: 05/31/2018
 License Type: Motor Vehicle Dealer
 History (5 yrs.): March 2017 – Letter of Warning issued for advertising violation

Respondent advertises vehicles online without all proper disclosures. The listed advertisements do not state and local taxes, tags, registration and titles fees are not included in the price. Additionally, new vehicles are listed with an "Internet Price," which implies some sort of online discount, but no MSRP is listed – only the "internet price." The Respondent was

specifically warned about the disclaimer regarding state and local taxes, tags, registration, and title fees in March. Additionally, website has a button in order to request the “today’s best price.” It says you can enter your contact information in order to have the “best” price “displayed instantly on screen.” Legal entered information to see what would appear for a new vehicle. Again, the base price is described as the “internet price” and the “best price” is listed below that at a discount. Therefore, this advertising violates MVC Rule 0960-01-.12(4)(a)(5) which states, “If on a new motor vehicle or recreational vehicle, shall not state that the advertised price has been discounted unless the price is discounted from the manufacturer's suggested retail price (M.S.R.P.)”

Recommendation: Authorize a civil penalty in the amount of \$2,000 for advertising violations related to the violation of Rule 0960-01-.12(4)(a)(3)(ii) and 0960-01-.12(4)(a)(5).

19. **2017037061 (SRP)**
 First Licensed: 09/01/1991

Expiration: 09/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleged Respondent sold her a vehicle with mechanical deficiencies. The vehicle was sold as-is. There are no allegations Respondent made any statements regarding the condition of the vehicle prior to purchase that would indicate the Complainant was misled.

Recommendation: Close.

20. **2017038461 (SRP)**
 First Licensed: 01/06/2005

Expiration: 12/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleged Respondent illegal repossessed the vehicle, and Complainant alleged she was required to submit a five-star Facebook review prior to being able to purchase the vehicle.

Respondent submitted proof Complainant failed to maintain insurance as was required to maintain the vehicle. Complainant agreed that failure to maintain insurance would result in the repossession of the vehicle in the original sale documents. As to the reviews, it appears Complainant agreed to do the review, and it does not rise to the level of a deceptive act necessarily. While the Facebook page does have quite a few positive reviews, it also has some negative, and not so many that it seems peculiar.

Recommendation: Close.

21. 2017038961 (SRP)

First Licensed: 01/20/2010

Expiration: 07/31/2017 (CLOSED)

License Type: Motor Vehicle Dealer

History (5 yrs.): May 2012 – Letter of Warning for advertising violation.

Complainant alleged Respondent sold a vehicle to him with mechanical issues, and that the repairs were unacceptable. The warranty company responded and showed it had inspected the vehicle and deemed the identified issues as normal. It appears the Respondent properly inspected the vehicle when complaints arose, and engaged the proper warranty company to assist. No violations have occurred. Additionally, Respondent is now closed, and the property was purchased by a new dealer.

Recommendation: Close.

22. 2017039161 (SRP)

First Licensed: 06/09/2015

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): June 2017 - \$500 Consent Order for employing an unlicensed salesperson.

Complainant stated Respondent failed to provide title due to an issue with a previous titleholder's signature from prior to the purchase at auction. Respondent has been open about the error and working to get it fixed. When Respondent realized the delay fixing the issue would cause, it offered Complainant a full reimbursement, or to switch into a different vehicle, but Complainant wanted to wait. Ultimately, Complainant has taken the reimbursement, and he is satisfied.

Recommendation: Close.

23. **2017040581 (SRP)**
 First Licensed: 12/04/2000

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): May 2013 – \$500 Consent Order for failure to properly maintain a temporary tag log. May 2017 - \$5,400 Consent Order for 54 unlicensed sales; August 2017 – Closed w/no Action.

Complainant alleged Respondent sold Complainant a vehicle with mechanical issues. The sale was an as-is sale.

Recommendation: Close.

24. **2017040781 (SRP)**
 First Licensed: 05/29/2015

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleged her vehicle was repossessed after financing fell through. She alleged the dealer falsified an approval. Review of the documents shows the approval was not falsified, and it appears financing fell through because Complainant provided fraudulent paystubs. Respondent had Complainant sign a version of a conditional delivery agreement that is very close, but not exactly the same as the one required by the rules.

Recommendation: Close upon issuance of a letter of instruction regarding the exact conditional

delivery agreement form required.

25. 2017041091 – 4
2017041981 (SRP)
First Licensed: 12/14/2016

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

2017041092 (SRP)

First Licensed: 01/19/2017

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

2017041093 (SRP)

First Licensed: 01/09/2015

Expiration: 11/30/2016 (Expired License)

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleged Respondent was operating numerous unlicensed locations, but all listed dealerships were licensed, and one was licensed prior to its closing. Additionally, Complainant alleged Respondent paid employees cash under the table. Complainant claimed to have been an employee of Respondent's at one time. Complainant alleged Respondent was trying to repossess a vehicle that Respondent was allegedly giving Complainant as part of his employment, and making payments on the car in lieu of pay. Respondent denies Complainant ever worked for him, and stated the Complainant stole the vehicle in question along with a set of rims and took both to Florida. Respondent has been attempting to locate and collect both items. Legal provided Complainant with the Tennessee Department of Labor information to file a complaint there if he sees fit.

A second complaint was filed, but the investigator was unable to determine whether the Complainant in that matter existed due to an invalid email, and non-existent address. Ultimately, no evidence was located to substantiate the complaint.

Recommendation: Close.

26. **2017041291 (SRP)**
First Licensed: 07/06/2006

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2013 – Closed w/no Action; September 2016 - \$4,700 Agreed Order for issuing more temporary tags than allowed by law, false/fraudulent/deceptive acts, and failure to reasonable supervise employees.

Complainant alleged that Respondent sold him a vehicle that ultimately experienced a number of mechanical issues. Respondent responded and stated Complainant had a power train warranty, but that it was tied to their dealership. Complainant left to Louisiana. Respondent stated it is happy to make the repairs, but it cannot do so with the vehicle out of the state.

Recommendation: Close.

27. **2017041351 (SRP)**
First Licensed: 09/01/1991

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2015 - \$2,000 Consent Order for advertising violations; January 2016 – Closed w/no Action.

Complainant alleged Respondent was not clear on the delivery of a new vehicle. Complainant was told the vehicle was in production, but Complainant was frustrated that it took three weeks to get a set date on when the vehicle would be delivered. Respondent responded and

stated it was disappointed that Complainant did not have a clear idea of the timeline. The owner reached out to Complainant, explained the timeline, and applied some discounts to the purchase. Complainant is now satisfied, and the vehicle was delivered in the timeline promised by the owner.

Recommendation: Close.

28. 2017041611 (SRP)
First Licensed: 07/21/2008

Expiration: 05/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

An investigator discovered Respondent had an unlicensed salesperson working at the dealership. Respondent only has one salesperson, who is also the owner. The owner was the unlicensed salesperson identified. The owner previously had a salesperson license, but it expired in 2014.

Recommendation: Authorize a civil penalty in the amount of \$1,000 for unlicensed activity to be resolved by consent order or a formal hearing.

29. 2017041931 (SRP)
First Licensed: 10/30/2012

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2013 – Closed w/no Action; August 2015 - \$5,700 Agreed Order fraud, employing an unlicensed salesperson and issuing more temporary tags than allowed by law; September 2015 – 2 Complaints Closed w/no Action; January 2016 – Closed w/no Action; April 2016 – 2 Complaints \$6,000 Consent Order for false/fraudulent/deceptive acts and issuing more temporary tags than allowed by law; July 2016 – Closed w/no Action; August 2016 – Letter of Warning for false/fraudulent/deceptive acts; October 2016 – Closed w/no Action.

Complainant alleged Respondent held her tags to leverage additional payments that were beyond what was agreed to. Respondent stated it had the tags for Complainants pick-up, but that she was outstanding on \$1,000 of the down payment. The amount was not listed as deferred on the bill of sale. Rather, the deferred down payment amount is listed as \$0. Complainant could not produce proof she paid the full \$3,000 down payment. Complainant found proof of two payments of \$1,000, and one payment of \$100. Respondent ordered a duplicate tag for Complainant while the complaint was being processed, so Complainant now has a tag.

Legal reviewed the temporary tag log for Respondent, and notes that the tags are being distributed to consumers out of order.

Recommendation: Authorize a civil penalty in the amount of \$2,000 (\$1,000 for false fraudulent and deceptive acts from not recording deferred down payment and \$1,000 for failing to issue temporary tags in numerical order) to be settled by consent order or a formal hearing.

30. **2017042591 (SRP)**
 First Licensed: 12/20/2016

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Respondents admit that they do not live in Tennessee. Rather, Respondents live in Florida and sell vehicles online. A physical building is maintained solely in order to maintain a Tennessee license. Inspectors have had issues locating anyone on the premises when they have come by to inspect. A manager can sometimes be reached, but the manager does not sell vehicles and he does not hold a license. The building does not have running water or electricity. Respondents have an outstanding consent order for failing to maintain business hours. This was issued prior to understanding that the owners do not operate the business at all.

Recommendation: Combine this matter with the previous complaint (#2017007171), and authorize the revocation of Respondent's dealership license to be settled by consent order or a formal hearing.

31. **2017043701 (SRP)**
 First Licensed: 06/20/2014

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant states that Respondent sold a vehicle prior to Complainant arriving at the dealership from out of state. Complainant did not put a deposit on the vehicle. Respondent responded to apologize Complainant was disappointed, but Respondent indicated no deposit was placed, and often interested buyers call about a car, but never show. Respondent chose to sell the vehicle to a consumer on the property rather than a potential customer that had called prior.

Recommendation: Close.

32. **2017043771 (SRP)**
First Licensed: 07/14/2005

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

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

Complainant complained that Respondent was advertising illegally. The advertisement provided was determined to be outdated, and Respondent showed proof it had been trying to have that ad pulled down, but the website master would not due to Respondent not having a password. Respondent lost the documents with the password due to a business fire last year. The fire was substantiated as a true event.

Complainant made a number of additional allegations about buyer's guides, but the investigator found all requirements met on the Respondent dealership property. The complainant is a competitor and Respondent filed a complaint previously against him for unlicensed activity.

Ultimately, all allegations were unsubstantiated.

Recommendation: Close.

33. 2017045261 (SRP)
2017065281
First Licensed: 11/17/2014

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complaint 1:

Complainant is a financial institution. Ultimately, the complaint was filed based on confusion over Respondent's titling of a vehicle, but all confusion was resolved during the complaint process.

Complaint 2:

Respondent was found to be operating without valid Garage Insurance due to non-payment. Respondent provided proof of new insurance a little less than two months after the previous policy lapsed.

Recommendation: As to Complain 1, close. As to complaint 2, close upon issuance of a letter of warning.

34. 2017045501 (SRP)
First Licensed: 03/22/1995

Expiration: 03/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): November 2012 - \$8,000 Consent Order; January 2013 – Closed w/no Action; March 2017 - \$1,000 Consent Order for misuse of dealer plates and possession of open title(s).

This complaint is the result of a Notice of Violation. Respondent was found to be operating between March and June without a surety bond. Respondent did not have a valid motor vehicle dealer license displayed. The license had been fully expired for eleven days on the date of the inspection, but Respondent did renew following the inspection. Additionally, Respondent's city business license and county license were expired.

Respondent also owns a dismantler/recycler location that has a \$5,000 civil penalty pending against it for unlicensed activity.

Recommendation: Authorize a civil penalty in the amount of \$3,000 (\$1,000 for failing to maintain a surety bond, \$1,000 for failure to display motor vehicle license, and \$500 x 2 for expired city and county business licenses) to be settled by consent order or a formal hearing.

35. 2017046171 (SRP)
First Licensed: 05/26/2011

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): February 2017 – Closed w/no Action.

Complainant is a former employee of Respondent. While employed, Complainant purchased a vehicle from Respondent. Complainant ultimately has issues on the overall cost of the vehicle. Complainant is notably young and inexperienced in buying vehicles. Respondent assisted him with a bonus and a raise in order to help him pay for the car, but ultimately Complainant wants to return it. All documents look accurate. It appears this is a matter of buyer's remorse.

Recommendation: Close.

36. 2017046331 (SRP)
First Licensed: 03/09/2016

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleges Respondent sold him a vehicle with transmission issues. He traded that vehicle back in with a van, and was supposed to provide additional monies to get in a newer vehicle. Complainant traded in the two vehicles, but did not pay the additional money. Ultimately he wanted to trade the second vehicle back for his trade-in van. Complainant also makes allegations a manufacturer warranty was fraudulent, and the second vehicle was a lemon (although it was used). Complainant also alleges Respondent used the trade-in vehicle and modified it which ruined it.

Respondent responded and stated that they told Complainant the first vehicle had some mechanical issues. They sold it as-is, but after the issues manifested, gave Complainant discounted repairs, for which Complainant never paid Respondent. Ultimately Respondent unwound both deals and took the hit to satisfy Complainant.

The allegations appear to be unsubstantiated.

Recommendation: Close.

37. **2017046601 (SRP)**
 First Licensed: 07/09/2015
- Expiration: 06/30/2017 (Closed 04/17/2017)**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): May 2017 – Complaint closed & flagged.**

Complainant alleges Respondent never provided title. Respondent surrendered its license in April, after Complainant purchased the vehicle. Complainant was provided with bond information.

Recommendation: Close and flag.

38. **2017047111 (SRP)**
 First Licensed: 09/01/1991
- Expiration: 10/31/2017**
- License Type: Motor Vehicle Dealer**

History (5 yrs.): N/A

This complaint is against the mechanic shop of the dealership, and not related to its license or sales. The Board lacks jurisdiction to assess discipline.

Recommendation: Close.

39. **2017048701 (SRP)**
 2017048751

First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

Two complaints came in alleging Respondent was displaying and selling vehicles from a residential neighborhood. Both complaints came from the county zoning and planning commission. An investigation was conducted. An employee from the zoning commission explained that they held a meeting with the Respondent, and let him know he could not sell vehicles. Since that meeting, they have not noted any more activity there.

Respondent cooperated with the investigation and admitted he sold vehicles. The investigator found proof of three sales. All vehicles were titled in Respondent's name prior to sale. Respondent estimated he sold ten vehicles in about a 15 month period, but no documents were found to indicate when those vehicles were sold other than the three located in that county.

The investigation indicates Respondent likely did not exceed the individual sale limit, or at least no proof is available to indicate as such. Additionally no proof was located that Respondent was holding himself out as a dealer of any kind. Respondent corrected his actions as soon as the zoning commission explained the requirements for selling.

Recommendation: Close.

40. **2017041861 (SRP)**

First Licensed: 02/04/2010

Expiration: 01/31/2018

License Type: Recreational Vehicle Dealers

History (5 yrs.): May 2016 – Closed w/no Action.

This complaint was opened due to Respondent receiving a notice of violation for selling six motor home line-makes without licenses. Respondent sells nine total line-makes, and has three line-makes licensed. After the notice was issued, Respondent applied to add eight additional line-makes to its license.

Recommendation: Close upon issuance of a letter of warning.

41. **2017049011 (SRP)**
First Licensed: 12/08/2011

Expiration: 11/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant is a former employee, and made a list of complaint ranging from the owner's family using dealer tags to environmental hazards. When contacted for supporting evidence, Complainant decided not to participate after realizing his name is on the complaint documents. No substantive evidence was found that supported the allegations in relation to this Board's laws and rules. However, TDEC may be interested in reviewing the property to determine if environmental concerns exist.

Recommendation: Close upon referral to TDEC.

42. **2017049141 (SRP)**

2017058001

First Licensed: 04/10/2001

Expiration: 04/30/2017 (Closed)

License Type: Motor Vehicle Dealer

History (5 yrs.): November 2013 \$1,000 Consent Order for issuing more temporary tags than allowed by law. March 2017 \$1,000 Consent Order for failing to timely pay off a trade-in.

This matter is another of a long list of complaints related to Respondent closing, filing bankruptcy, and not providing titles to vehicles purchased through a floor planner. Currently, the other complaints are in the formal charges authorized status for the revocation of Respondent's license.

Recommendation: Grant legal the authority to move all like complaints against Respondent to formal charges authorized to be combined with the upcoming revocation action.

43. **2017041721 (SRP)**
First Licensed: 10/13/2014

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2017 – Closed w/no Action

Respondent was believed to be selling recreational vehicles without the proper license due to a website update indicating the new expansion of the business. An investigation was conducted. It was revealed that the Respondent had not sold any recreational vehicles, but rather was in the negotiation stages of obtaining authorization to sell certain line-makes. The website was under construction and made public in error. Respondent indicated it would apply for the proper license after the line-makes are approved.

Recommendation: Close.

44. **2017048861 (SRP)**
First Licensed: 06/17/2002

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2015 – 2 Complaints closed with an \$18,000 Consent Order for advertising violations; November 2016 - \$500 Consent Order for issuing more temporary tags than allowed by law.

Complainant alleges that there was a typo in their name on the title/registration provided by Respondent. Respondent acknowledged the typo and agreed to correct it, but would not sign an "Acknowledgement" that Complainant had left the title with Respondent. Complainant had the name corrected on title/registration and stated that a reimbursement for this correction was not necessary.

Recommendation: Close.

45. **2017050241 (SRP)**
First Licensed: 03/09/2001

Expiration: 04/30/2019

License Type: Motor Vehicle Dealer

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

Complainant alleges that Respondent failed to timely pay off a trade-in and refused to provide registration for the vehicle purchased. Respondent responded to state that the trade-in was paid off after financing was approved for Complainant, and that Complainant still owed the \$750 down payment, which is why tags were not produced.

Legal reviewed the deal file. No conditional delivery form was executed, and the \$750 down payment was not listed as deferred. Rather, the bill of sale on its face would not reflect that the amount is outstanding.

Recommendation: Authorize a civil penalty in the amount of \$1,000 (\$500 for failure to execute a conditional delivery agreement, and \$500 for false, fraudulent, and/or deceptive acts for not recording the down payment as deferred) to be settled by consent order or a formal hearing.

46. **2017052501 (SRP)**
 First Licensed: 06/10/2004
- Expiration: 05/31/2018**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

Complainant alleges Respondent misrepresented the condition of an as-is motorcycle as “rideable,” when it actually had a bent frame and engine issues. Complainant alleged the motorcycle could have been salvaged.

The Department ordered an investigation. Through that, it was found that the sale was, in fact, as-is. The vehicle did need repairs, but no evidence was found to substantiate the claim that the motorcycle was salvaged or rebuilt.

Recommendation: Close.

47. **2017053241 (SRP)**
 First Licensed: 06/10/2004
- Expiration: 05/31/2018**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

Respondent was issued a notice of violation for unlicensed activity after a complaint came in alleging sales were occurring at the unlicensed dealership. Respondent claims it only does repairs for other dealers, and it has a sign on the door indicating vehicles are not for sale. Respondent’s co-owner does own a licensed dealership in another part of town. However, all vehicles were positioned for sale, the business’s name is akin to a dealership’s name, and three

vehicles positioned also had buyer's guides. Additionally, the inspector encountered an individual on the lot that told him that they had looked at a vehicle last month, and an individual approached them to let them know it was for sale; however, that potential customer would not give his contact information to the inspector.

While it does seem there is some level of indication sales may occur at this location, no hard evidence was located. Ultimately no sales documents or participating consumers could be found. It is possible the vehicles are not for sale, but rather are there to be repaired then brought back to the licensed location. It may be best to issue a warning and keep an eye out for future activity at that location.

Recommendation: Close upon an issuance of a letter of warning regarding licenses for each location.

48. 2017028361 (SRP)
First Licensed: 06/25/2009

Expiration: 06/30/2019

License Type: Motor Vehicle Manufacturer/Distributor

History (5 yrs.): N/A

Staff for the Commission received a protest on May 8, 2017. Documents are currently being filed with the Secretary of State, Administrative Procedures Division. A hearing date has not currently been decided.

Recommendation: Place Complaint in litigation monitoring until the matter can be set for hearing.

49. 2017026601 (SRP)
First Licensed: 01/09/2012

Expiration: 12/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): April 2015 – Closed w/no Action; July 2016 – Closed w/no Action; June 2017 – \$500 Consent Order for failure to use proper rebuilt disclosure form; August 2017

– Closed w/no Action.

Complainant alleged that a deposit was made on a vehicle and upon returning to purchase the vehicle, Respondent refused to sell the vehicle to Complainant or return the money. In its response, Respondent explained that Complainant had failed to provide proof of employment and therefore, they were not able to go forward with the transaction. In an attempt to assist the Complainant with the purchase of the vehicle, Respondent allowed the deposit made to be used by Complainant's spouse and completed the transaction.

Recommendation: Close.

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50. 2017038421 (SBB)
First Licensed: 02/15/2012

Expiration: 02/22/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant was in the process of purchasing a vehicle and the Respondent's car report indicated the vehicle had no accident history. The Complainant decided to obtain a CarFax at his own expense and found that the vehicle was involved in a major accident and it should have been revealed in the car report issued by the Respondent's. The CarFax report stated there was major damage to the vehicle, however, neither the Respondent's report nor the 125+ point inspection revealed the major damage the vehicle.

Recommendation: Close.

51. 2017041431 (SBB)
First Licensed: 06/29/2017

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A Notice of Violation was issued to the Respondent following an inspection because the dealership was unlicensed. There were nine vehicles for sale and signage indicating it a was a motor vehicle dealer lot. The Respondent indicated he had applied for a dealer license about two weeks prior, however, there was no application on file or any record of a submission to the Motor Vehicle Commission office. The Respondent submitted an application to the Motor Vehicle Commission after the Notice of Violation was issued.

Recommendation: Authorize a formal hearing and assess civil penalties in the amount of \$9,000 (\$1,000 per unlicensed vehicle for sale on the unlicensed motor vehicle dealer location for violation of Tenn. Code Ann. §55-17-109) to be settled by consent order.

52. **2017041761 (SBB)**
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

During an inspection, a Notice of Violation was issued to the Respondent for unlicensed activity for the sale of RV's without a motor vehicle dealer's license. The Respondent is listed as a franchised RV dealer, but does not have a Motor Vehicle dealer license.

Recommendation: Authorize a form hearing and assess a civil penalty in the amount of \$1,000 (unlicensed location) to be settled by consent order.

53. **2017038581 (SBB)**

First Licensed: 09/01/1991

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant placed an order for a special order vehicle and submitted the proper paperwork and deposit to the Respondent. The Complainant also had a trade-in and a possible rebate offer from the manufacturer to expire soon. After six weeks, the Complainant made an inquiry with the manufacturer and found out the dealership was not eligible to receive the special order vehicle and this information was not shared by the Respondent with the Complainant from the start of the transaction. According to the manufacturer, the dealer order had not been picked up due to lack of allocation at the dealer. The Complainant stated the Respondent misrepresented its ability to obtain the special order vehicle and after the order was not processed, the Respondent and the owner were unsympathetic to the Complainant's situation. As a result, the Complainant's trade-in depreciated in value during the time the Complainant was waiting for the special order vehicle to arrive.

Complainant alleges that Respondent failed to deliver on a purchase order which resulted in the Complainant losing the value of a manufacturer's rebate, the inability to drive their potential trade-in and at least \$2,000 of depreciation in value of their trade-in. Respondent provided a response and explained it did not realize there was an issue until after Complainant had special ordered the vehicle and discovered the dealership was not authorized the allocation for the special model vehicle. Respondent refunded the Complainant's \$500 deposit and also paid them interest for the time the Respondent had the Complainant's deposit monies. Complainant wanted the Respondent to reimburse the Complainant the rebate, depreciation of the trade-in vehicle, and the wasted time in attempting to purchase the vehicle from the Respondent.

Recommendation: Close.

54. **2017038501 (SBB)**
First Licensed: 12/17/2010

Expiration: 10/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2012 – Closed w/no Action; October 2016 – Closed w/no Action.

Complainant purchased a vehicle from the Respondent and alleged after one month of owning the vehicle there were multiple problems with the vehicle and the Complainant has still not received the registration and vehicle tags. The Complainant cannot drive the vehicle because the Respondent failed to obtain the registration and vehicle tags. The Complainant's auto insurance has also been cancelled. The Complainant wants the contract voided. Surety bond information was sent to the Complainant. Upon investigation, the Respondent stated he has attempted to resolve the problem and has obtained the registration and tags for the vehicle and it is available for pick-up.

Recommendation: Authorize a formal hearing and authority to settle by Consent Order and a civil penalty in the amount of \$1,000 for deceptive acts and practices pursuant to Tenn. Code Ann. § 55-17-114.

55. **2017037541 (SBB)**
First Licensed: 05/03/2005

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant purchased a vehicle from the Respondent and it began to have mechanical problems (horn kept sounding and check engine light kept coming on). The Complainant made two (2) payments in March and April. Complainant attempted to have the vehicle fixed by the Respondent however, it was not fixed properly. After the Respondent's mechanic fixed the vehicle, the vehicle caught fire on the interstate. The Respondent provided a response and stated the vehicle was purchased "AS IS." The Respondent is willing to return the payments that were made by the Complainant and also stated that the Complainant took the vehicle to another

mechanic after the reimbursement offer and therefore, the Respondent is no longer responsible for the vehicle.

Recommendation: Close.

56. **2017031841 (SBB)**
First Licensed: 01/07/2015
Expiration: 12/31/2018
History (5 yrs.): October 2016 – Closed w/no Action.

Complainant purchased a vehicle from an auction and the vehicle began to have mechanical problems. The Complainant made the repairs to the vehicle and sold it back to the auction at a loss. The Complainant had paid \$7,400 for the vehicle, \$150 for post-sale inspection and \$300 for auction fees and could only sell the vehicle for \$6,300. Complainant wants the auction to reimburse the \$1,620 difference because the Complainant alleged the auction is passing cars without the proper knowledge of the defects or problems with the vehicles.

Recommendation: Close.

57. **2017026531 (SBB)**
First Licensed: 03/13/2001

Expiration: 02/28/2019

License Type: Motor Vehicle Dealer

**History (5 yrs.): October 2012 – Closed w/no Action; January 2016 – Closed w/no Action;
July 2016 – Closed w/no Action.**

The Complainant alleged the vehicle purchased from the Respondent overheated the first day and it was brought back to the Respondent on multiple occasions. The Complainant had to pay additional monies for the repairs and the Respondent will not provide a refund, void the contract or provide the Complainant with a working vehicle. The Respondent provided a response and stated that the vehicle had 82,597 miles and was purchased "AS IS." The Complainant was also provided a Buyer's Guide. Additionally, the Respondent did not charge the Complainant for all the repairs that were done to the vehicle.

Recommendation: Close.

58. 2017038621 (SBB)
First Licensed: 03/13/2001

Expiration: 02/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2012 – Closed w/no Action; January 2016 – Closed w/no Action;
July 2016 – Closed w/no Action.

The Complainant alleged that the Respondent is posting “ghost” or fake vehicles on the Internet at very reasonable prices to lure customers to the dealership and tries to upsell customers to a similar vehicle at a higher cost. The Respondent denies there were “ghost cars” posted on the Internet to draw in customers to the dealership. The Respondent indicated it is up to the manager to change the status of the vehicle once it is sold and it can take up to 24 hours to reflect on the website. The Respondent is not engaged in any type of false advertising and if this occurred it was unintentional.

Recommendation: Close.

59. 2017027581 (SBB)
First Licensed: 03/22/2013

Expiration: 02/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant purchased a vehicle from the Respondent and alleged the Respondent sold three vehicles to the Complainant and all of the vehicles had mechanical problems. The Complainant never complained to the Respondent at the time the vehicles were purchased or when there were mechanical problems. The Respondent offered a refund to the Complainant for the last vehicle sold to the Complainant even though it was sold “As Is”, but the Complainant refused the offer.

Recommendation: Close.

60. 2017027731 (SBB)
First Licensed: 11/13/2013

Expiration: 10/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant purchased a vehicle from the Respondent and alleged the Respondent repossessed the vehicle after the Complainant filed a Chapter 13 bankruptcy petition. Respondent states the Complainant filed a bankruptcy petition and the bankruptcy petition was subsequently dismissed on June 9, 2017.

Recommendation: Close.

61. 2017028631 (SBB)
First Licensed: 09/01/1991

Expiration: 07/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): April 2012 – Closed w/no Action; January 2016 – Closed w/no Action.

The Complainant alleged the Respondent would not allow the Complainant to void the contract the day after the Complainant purchased the vehicle from the Respondent. The contract did not allow for a “cooling off” period and the dealership was not required to void the contract.

Recommendation: Close.

62. 2017038731 (SBB)
First Licensed: 09/01/1991

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): April 2013 – Letter of Warning; August 2017 – Closed w/no Action.

The Complainant purchased a vehicle from the Respondent and the Respondent failed to provide the vehicle registration and tags. The Respondent was the Complainant's employer and terminated the Complainant after the Complainant refused to re-sign the sales contract. The surety bond was sent to the Complainant. The Respondent states that it was unable to get the title from another state and unable to perfect the title. The Respondent allowed the Complainant to continue to drive the vehicle as a loaner vehicle while trying to perfect the title and the Complainant did not have to make any payments until the title was received. At that time, the Complainant agreed to re-contract since the bank was unable to perfect the loan per the dealer agreement.

Recommendation: Close.

63. 2017040681 (SBB)
First Licensed: 12/08/2016
Expiration: 12/31/2018
License Type: Motor Vehicle Dealer
History (5 yrs.): N/A

The Complainant purchased a vehicle from the Respondent and after one month the vehicle would not start. The Complainant had the vehicle towed to the Respondent for repairs. Upon inspection of the vehicle, the Respondent discovered the Complainant failed to put any coolant in the vehicle and the engine stopped working.

Recommendation: Close.

64. 2017045921 (SBB)
First Licensed: 06/18/2004

Expiration: 05/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2014 – Closed w/no Action.

The Complainant went to look at vehicles at the Respondent's lot and the Respondent ran a credit inquiry to check to see what vehicles the Complainant would qualify to purchase. The Complainant did not purchase a vehicle, however, two months later, the Complainant discovered the vehicle he test drove was listed as a debt on his credit report and there was a 24 monthly recurring payment contract for the vehicle. The Complainant contacted the Respondent and either the owner or salespeople would not help the Complainant clear up the error. The Complainant's credit rating went down by 200 points. Respondent provided a response and stated it is not their policy to have anyone fill out paperwork or run a credit application until after the individual wants to purchase the car. Thereafter, the Respondent explained they contacted the credit bureaus to have the credit history removed from the Complainant's report. The Respondent claims as soon as they were notified of the problem, the Respondent immediately took action and resolved the problem.

Recommendation: Authorize a formal hearing and authority to settle by Consent Order and a civil penalty in the amount of \$1,000 for deceptive acts and practices pursuant to Tenn. Code Ann. § 55-17-114.

65. **2017047631 (SBB)**
First Licensed: 09/09/2008

Expiration: 08/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2013 – Closed w/no Action; March 2016 - \$4,000 Consent Order for issuing more temporary tags than allowed by law.

The Complainant purchased a vehicle from the Respondent and alleged the Respondent told the Complainant the vehicle was in excellent condition. Two days after the purchase, the vehicle started to emit large clouds of smoke from the tail pipe. The vehicle also failed the emission test. The vehicle burns oil, leaks water on the passenger side floor board, the front right side wheel hub makes loud rubbing noise and the cruise control does not work. Respondent states the vehicle was sold "AS IS," however, the Respondent has agreed to have the vehicle repaired

even though there is no warranty.

Recommendation: Close.

66. **2017040821 (SBB)**
 First Licensed: 05/22/2013
- Expiration: 06/30/2019**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

The Complainant purchased a vehicle from the Respondent and alleged the Respondent told the Complainant the vehicle had a clear title and had not been involved in any accidents. The vehicle was involved in an accident and was totaled. The Complainant learned it was a salvaged/branded title. The Respondent later obtained a clean title, but there was no precertification documents provided to the Complainant.

Recommendation: Close.

67. **2017044761 (SBB)**
 First Licensed: 03/23/1999
- Expiration: 10/31/2018**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): October 2014 – Closed w/no Action.**

The Complainant purchased a vehicle from the Respondent and after washing the vehicle a few times, the paint started to wash away and there was rust which had eaten through the rocker panels. The Respondent agreed to settle the matter and to pay a partial reimbursement to the Complainant.

Recommendation: Close.

68. 2017033871 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

A Complaint was filed against the Respondent for engaging in unlicensed activity. The Respondent has had seven transactions on one license plate between April to June, 2017. The Respondent had been warned of curb stoning by the Clerk's office and told the Clerk's office, the Respondent is not concerned about curb stoning.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$2,000 for unlicensed activity (exceeding the five vehicle sale limit) (Tenn. Code Ann. § 55-17-109) to be settled by consent order.

69. 2017040401 (SBB)
First Licensed: 11/24/2015

Expiration: 10/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A Complaint was filed against the Respondent for engaging in unlicensed activity and employing unlicensed salespersons. Upon investigation, the Respondent is a licensed motor vehicle dealer and does not employ any unlicensed individuals.

Recommendation: Close.

70. **2017037001 (SBB)**
 First Licensed: 10/12/2015
- Expiration: 09/30/2017**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

The Complainant alleged the Respondent failed to return the down payment (\$500) after the Respondent was unable to obtain financing for the transaction for the Complainant. The Complainant also states that the Respondent miscalculated the fees in the financing transaction. The Respondent refunded the Complainant all down payment amounts.

Recommendation: Close.

71. **2017041011 (SBB)**
 First Licensed: 10/04/2012
- Expiration: 08/31/2014 (Revoked)**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): March 2015 – 2 Complaints closed with Revocation Consent Order.**

The Complainant purchased a vehicle from the Respondent and did not receive registration and tags. The Complainant requested and received the Respondent's surety bond information. Respondent's license has been revoked.

Recommendation: Close.

72. **2017037541 (SBB)**
 First Licensed: 05/03/2005
 Expiration: 03/31/2018
 Type of License: Motor Vehicle Dealer
 History (5 yrs.): N/A

The Complainant claims the Respondent sold the Complainant a vehicle with major mechanical issues. Respondent stated this vehicle was purchased "AS IS" and offered to repair the vehicle, but was unable to fix the vehicle within the time frame necessary. The Respondent offered to give the Complainant credit payments for two months, so the Complainant could have the vehicle repaired.

Recommendation: Close.

73. **2017033961 (SBB)**
First Licensed: 12/01/2016

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant claims the Respondent sold the Complainant a vehicle with major mechanical issues. After purchasing the vehicle, the Complainant stated the vehicle had a complete transmission failure. The Respondent refused to make any repairs and stated that there was no warranty on used cars. The Complainant agreed to trade-in the vehicle for another vehicle and needed a trailer hitch to be installed. The Complainant alleges he never received the vehicle and the trailer hitch was never installed. Upon investigation, the Respondent stated the trailer hitch was installed and the vehicle was picked up by the Complainant. Also, a transmission and oil cooler was installed and the customer paid \$2,622 which was \$43.37 under the dealer cost.

Recommendation: Close.

74. **2017055781 (SBB)**
First Licensed: 12/01/2016

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant claims the Respondent sold the Complainant a vehicle and after driving 1,500 miles the motor blew and the Complainant had to have the vehicle fixed at another dealership and went back to the Respondent with the bill and the Respondent refused to pay any part of the bill. Respondent provided a response and stated the Complainant never informed the Respondent that there was a problem with the vehicle until it had been worked on by another repair shop. The vehicle had over 210,000 miles.

Recommendation: Close.

75. **2017034941 (SBB)**
First Licensed: 12/03/2013

Expiration: 11/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2014 – Closed w/no Action; October 2015 – Two Complaints Closed w/no Action.

The Complainant states the Respondent required an employee of the Complainant's company to sign as a co-signer for the vehicle the Complainant wanted to purchase and the Complainant's employee was listed on the title in error. The Respondent stated they were only trying to be transparent with including the Complainant's employee on the sales contract and provided the Complainant with an Affidavit in an attempt to correct the title issue.

Recommendation: Close

76. **2017052231 (SBB)**
First Licensed: 08/30/2001
Expiration: 12/31/2018
Type of License: Motor Vehicle Dealer
History (5 yrs.): October 2016 – Closed w/no Action.

The Complainant alleged the Respondent advertised a vehicle as an "ultimate" edition of the vehicle and after test driving the vehicle the Complainant purchased the vehicle from the Respondent. After purchasing the vehicle, the Complainant realized the vehicle was not the "ultimate" trim package of the vehicle and contacted the Respondent. Respondent volunteered to

do a self-audit to ensure this mistake does not happen again, and has agreed to refund the Complainant ALL money if the vehicle is returned. The Respondent contacted the Complainant to buyback the vehicle and the Complainant state he was satisfied with the vehicle and wanted to keep it. The Respondent gave \$600 to the Complainant for the desired modifications to the purchased vehicle.

Recommendation: Close.

77. **2017049171 (SBB)**
 First Licensed: 02/23/1999

Expiration: 01/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A Notice of Violation was issued for issuing more temporary tags than allowed by law. Respondent issued a total of four temporary tags for one vehicle.

Recommendation: Authorization of a formal hearing and assessment of a civil penalty in the amount of \$2,000 (4 x \$500 for issuing more temporary tags than allowed by law) to be settled by consent order.

78. **2017049401 (SBB)**
 First Licensed: 09/01/1991

Expiration: 09/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2015 - \$4,000 Consent Order for operating without line-make permit.

A Notice of Violation was issued for failing to state line-make changes. This dealership is licensed to sell several line-make motorcycles, but admitted that failing to list the "Triumph" line was an oversight.

Recommendation: Close.

79. **2017046371 (SBB)**
 First Licensed: Unlicensed
- Expiration: Unlicensed**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

The Complainant alleged the Respondent was acting as an unlicensed dealership. A drive-by inspection was conducted and the inspector was not able to confirm that Respondent had sold any vehicles. Respondent is a repair shop and there were vehicles on the lot for repair. The field inspector stated the repair facility was licensed, there were no vehicles for sale, and all vehicles on the lot were waiting for repairs.

Recommendation: Close.

80. **2017046251 (SBB)**
 First Licensed: 04/15/2014
- Expiration: 010/31/2018 (Closed 06/09/2017)**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

The Complainant alleges after purchasing the vehicle, the dealer closed and filed bankruptcy. The Complainant cannot make payments or obtain the title to the vehicle. It has been confirmed that the dealership has been closed.

Recommendation: Close.

**81. 2017027851 (SBB)
First Licensed: 12/17/2015**

Expiration: 12/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2017 – Closed w/no Action.

The Complainant alleged the Respondent failed to produce title/registration for a vehicle purchased by the Complainant. The Respondent's dealership has closed and this has been verified that the Respondent is no longer in business and no longer licensed.

Recommendation: Close.

**82. 2017034581 (SBB)
First Licensed: 08/22/2002**

Expiration: 08/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2015 – Closed w/no Action.

The Complainant alleged the Respondent failed to disclose the vehicle had been involved in an accident. Respondent provided a copy of the CarFax to the Complainant and it did not indicate any accidents. In its response, Respondent acknowledges the headlights on the vehicle were aftermarket replacement parts, but stated that the prior owner could have done an upgrade to the vehicle. Also, the rear bumper cover is not the original paint, but all other paint on the vehicle is factory paint. The Respondent stated the vehicle may have had an incident, but since there was no police report, no repair shop report and no insurance report, the vehicle has not been reported to have been in an accident. Therefore, the CarFax is correct and the vehicle accident history is clean.

Recommendation: Close.

**83. 2017035981 (SBB)
First Licensed: 09/09/2016**

Expiration: 09/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2017 - \$2,000 Consent Order for failure to maintain insurance and for failure to respond.

The Complainant alleges that the Respondent failed to provide the vehicle tags, registration and title. The Complainant called the Respondent on multiple occasions and was unable to find out any information concerning obtaining the vehicle tags and title. The surety bond information was forwarded to the Complainant. Following an investigation, the Respondent obtained a rebuilt title and after three months, the Respondent forwarded it to the Complainant.

Recommendation: Close.

**84. 2017044861 (SBB)
First Licensed: 01/06/2017
Expiration: 12/31/2018**

License Type: Recreational Vehicle Dealer

History (5 yrs.): N/A

The Complainant alleged they purchased a travel trailer based on the assurances and representations made by the Respondent's sales people concerning the size and weight for their tow vehicle and family size. The trailer was too heavy for the Complainant's tow vehicle and posed a safety risk because it exceeded the vehicle's tow capacity. Respondent refused to take back the trailer and stated the Complainant's could trade in the trailer as a used camper. Respondent did not provide a response and upon investigation the Respondent stated he travels off-site to corporate headquarters and stated the response never made it to the Commission. Respondent claims this matter is a case of buyer's remorse and there were questions from the Complainant throughout the transaction indicating that they did not have enough money to pay for the trailer and it did not fit into their budget and decided to switch to the tow option for the camper.

Recommendation: Close.

85. **2017028741 (SBB)**
First Licensed: 10/22/2012

Expiration: 11/30/2018 (Closed 03/21/2017)

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2016 – Closed w/no Action; December 2016 - \$5,000 Consent Order for issuing more temporary tags than allowed by law and for false/fraudulent/deceptive acts.

Respondent is out of business and there is another automobile mechanic/body shop business operating and this business is not owned/operated by the previous Respondent. At present, the new business is a body shop/mechanic shop, however, has no connection to the Respondent.

Recommendation: Close.

86. **2017048471 (SBB)**
First Licensed: 08/06/2001

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): October 1012 – Closed w/no Action; April 2013 – Closed w/no Action; October 2014 – Closed w/no Action; July 2016 – Closed w/no Action; May 2017 – Closed w/no Action.

The Complainant traded-in a vehicle and purchased vehicle from the Respondent. The Complainant had to purchase a duplicate key and have brake work done on the vehicle. The vehicle was purchased "AS IS" and the Complainant signed an "AS IS" motor vehicle dealer retail contract with the Respondent.

Recommendation: Close.

87. 2017048491 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant alleged the Respondent is a Georgia motor vehicle dealer operating as an unlicensed dealer in the State of Tennessee. Complainant also alleged the Respondent tampered with the odometer on the purchased vehicle. Upon investigation, it was determined that the Respondent did not sell any vehicles in Tennessee.

Recommendation: Close.

88. 2017051631 (SBB)
First Licensed: 05/09/2003

Expiration: 04/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2013 – Closed w/no Action; October 2014 – Closed w/no Action; January 2017 – Closed w/no Action.

The Complainant purchased a used vehicle from the Respondent and the Respondent agreed to repair the minor headlight damage. The vehicle was brought to the Respondent the next day and it was there all day and after checking with the Respondent on the status of the vehicle, the Complainant was told that there was a recall on a safety issue related to the door and it should not have been sold to the Complainant and the sale had to be reversed. The Respondent agreed to find them another car, but the cars the Complainants were being shown were 2-3 years older than the vehicle that the Complainant purchased. The Complainant just wanted the car they originally purchased and the Respondent told them that it was illegal to sell them that car and when the Complainant's asked for some legal authority or the actual law, the Respondent's printed out something about the Tennessee Governmental Tort Liability Act which had nothing to do with the situation. The Respondent later stated that it was a huge liability for them to sell the vehicle to the Complainant because of the faulty door latch and it could come open when the Complainant was

driving. Respondent provided a response and stated the vehicle in question was under a “NO SALE” from the manufacturer and the Respondent only realized this after the sale and asked the Complainant’s to bring the vehicle back to the dealership. The Respondent claims it will fix the issue for the Complainants and have found a newer model of the same vehicle for the Complainant and are offering the newer model at the same cost and absorbing the cost difference. The Respondent delivered the vehicle to the Complainant on August 16, 2017. The Complainant indicated this was not true. The Respondent provided loaners and as of August 21, 2017 has not provided a vehicle for purchase. The Respondent provided proof it provided a vehicle to the Complainants on August 28, 2017 by sending a copy of the Buyer’s Order for the vehicle.

Recommendation: Close.

**89. 2017051811 (SBB)
First Licensed: 10/16/2015**

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): February 2016 – Letter of Warning issued for Advertising Violation; July 2016 – Closed w/no Action; August 2017 – Closed w/no Action.

The Complainant purchased an eight year old vehicle from the Respondent with a limited warranty. The engine blew out on the vehicle eight months after the purchase and approximately 13,000 miles after following the purchase. The Complainant requested the Respondent pay for minor problems with the vehicle and also cover a major repair for the replacement of the blown engine and the Respondent refused based on the expiration of the warranty period and the length of time that had passed since the purchase of the vehicle. Also, the Complainant had declined to purchase the extended warranty from the Respondent.

Recommendation: Close.

90. 2017052441 (SBB)
First Licensed: 11/13/2015

Expiration: 11/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): May 2017 – Closed w/no Action.

The Complainant purchased a new vehicle and the vehicle immediately began to have problems. The repairs were done by the Respondent under the warranty. The Respondent has stated this appears to be a Lemon Law issue and has forwarded the issue to the manufacturer.

Recommendation: Close.

91. 2017052671 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

The Complainant claims the Respondent is selling cars from the front yard and continues to add additional vehicles for sale in the front yard. The Complainant only provided a street name. Further investigation revealed the owners of the home and the exact address.

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

92. 2017052901 (SBB)
First Licensed: 12/26/2012

Expiration: 12/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2016 – Closed w/no Action.

The Complainant purchased a vehicle from the Respondent and alleged that the Respondent gave a coupon book for scheduled payments and it was out of order. Also, the Respondent repossessed the vehicle without cause. Respondent stated the Complainant has missed several payments and the Respondent has a great deal of trouble in collecting the payments. The Complainant had also gone to a branch location of the Respondent and threatened the employee with “shooting” and “murdering” the employee and the Respondent’s employee had to contact the police.

Recommendation: Close.

93. **2017053301 (SBB)**
 First Licensed: 08/14/2015

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant purchased a vehicle from the Respondent and alleged that the Respondent did not tell the Complainant about the actual condition of the vehicle. There were minor cosmetic problems with the vehicle. The Complainant claims the air conditioning did not work and the Complainant was not aware of the condition of the brakes. Shortly after purchasing the vehicle, the Complainant had to have the brakes replaced and could not afford to have the brakes fixed and the car could not be used. The Complainant claims to have relied on the statements of the Respondent concerning the condition of the vehicle. The Respondent stated the Complainant was looking for an inexpensive vehicle to purchase and was told about the condition of the car, including the non-working air conditioner and that the brakes would need to be replaced soon.

Recommendation: Close.

94. 2017054191 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

A Notice of Violation was issued to the Respondent for selling more than five vehicles in a 12 month period and unlicensed activity. The Respondent admitted to selling 10 vehicles in a 12 month period.

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

95. 2017054571 (SBB)
First Licensed: 01/22/1999

Expiration: 09/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleges the Respondent would not honor the recall notice for a dashboard because it had expired, however, the Complainant claims to have never received any type of recall notice from the Respondent or the manufacturer. Complainant alleges this is an unsafe condition. Respondent indicated that this was reported to the manufacturer and the manufacturer has agreed to perform a goodwill repair and replace the dashboard.

Recommendation: Close.

96. **2017029011 (SBB)**
First Licensed: 12/20/2005
- Expiration: 11/30/2017**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): May 2014 – Closed w/no Action.**

The Complainant purchased a vehicle in December 2015 and alleged the vehicle sold was defective and had mechanical issues and the Respondent illegally repossessed her vehicle. The Respondent provided a response and gave a history of assisting the Complainant with the mechanical repairs and stated the Complainant agreed to pay back the monies for repairs and had several delinquent payments before the vehicle was repossessed. The Respondent repossessed the vehicle only after the Complainant was given the opportunity to pay all the arrears and make the account current.

Recommendation: Close.

97. **2017029551 (SBB)**
First Licensed: 08/20/2002
- Expiration: 08/31/2019**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

The Complainant purchased a vehicle in December 2013 and did not state the exact nature of the complainant against the Respondent. The Complainant refers to a trade-in of a vehicle at the time of the transaction and the vehicle was titled to the Complainant's mother, however, the Respondent provided a response and provided a copy of the title and the vehicle that was traded was titled to the Complainant. The Respondent states the vehicle was repossessed within six months after the sale of the vehicle. The Respondent was unsure why after four years the Complainant filed the complaint against them.

Recommendation: Close.

98. **2017030151 (SBB)**
First Licensed: 07/15/2016
- Expiration: 07/31/2018**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): N/A**

A Complaint against the Respondent alleged the payments were more than the amount noted on the Bill of Sale for the vehicle and the Respondent failed to disclose the mechanical issues with the vehicle. The Complainant claims that because of the mechanical issues, the Complainant sold the vehicle and took a loss and expected the Respondent to reimburse the Complainant. The Bill of Sale provided indicated that the vehicle was sold "AS IS". In an attempt to resolve the matter, the Respondent sent the Complainant a money order in the amount of \$750 and the matter was resolved between the parties.

Recommendation: Close.

99. **2017030211 (SBB)**
First Licensed: 02/04/2014
- Expiration: 09/30/2017**
- License Type: Motor Vehicle Dealer**
- History (5 yrs.): July 2016 – \$2,000 Consent Order for failure to display proper signage, failure to maintain business hours, failure to respond, and failure to maintain city/county business license.**

A Complaint was received against the Respondent for failure to post business license, failure to post business hours, failure to display buyer's guides, and employing unlicensed

salesperson. A Notice of Violation was issued against the Respondent and this is the third offense by the Respondent. Following an investigation, the Respondent admitted to the violations and stated that the business was being run by a relative, however, no corrective action had been taken since the issuance of the Notice of Violation. The Respondent has not sold a vehicle in three years and expects to close the dealership.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$750 (\$250 x failure to post business license, failure to display buyer's guides to be settled by consent order.

100. 2017030291 (SBB)
First Licensed: 09/30/2009

Expiration: 08/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): April 2013 – Closed w/no Action; May 2014 – Closed w/no Action.

The Complainant stated the Respondent had possession of the vehicle the Complainant purchased and would not return the vehicle to the Complainant. The Respondent's attorney provided an affidavit explaining the facts of the case. This matter may be settled between the parties and there are several agencies involved in this matter because of the potential of theft and/or fraud by a third party.

Recommendation: Close.

101. 2017031881 (SBB)
First Licensed: 01/18/2006

Expiration: 01/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant stated that the Respondent was employing an unlicensed salesperson.

Upon investigation, it was determined there was no unlicensed sales by the Respondent or any unlicensed salespersons employed by the Respondent.

Recommendation: Close.

102. 2017032621 (SBB)

First Licensed: 07/16/2004

Expiration: 07/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2013 – Two Complaints referred to Dept. of Revenue for possible sales/use tax violations; April 2016 – Closed w/no Action.

A Complaint against the Respondent was received alleging the vehicle purchased had mechanical issues and would not pass emissions. The Respondent allowed the Complainant to trade-in the vehicle for a different vehicle. The Complainant also alleges that after four days of getting the replacement vehicle, the vehicle also started to have mechanical issues. Respondent provided an executed Buyer's Guide.

Recommendation: Close.

103. 2017033151 (SBB)

First Licensed: 09/01/1991

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A Notice of Violation was issued for failure to post a state tax identification number and misuse of dealer tags. The Respondent provided a response and stated that they have requested a tax identification number be mailed to them and have now posted it. Also, the Respondent stated the dealer tag in question was used by a family member that had a lengthy criminal history. One week after the Notice of Violation was issued, the same family member stole another dealer tag and vehicle. The Respondent is working with a detective to file charges against this relative. The Respondent has been licensed for over 29 years and the Respondent has only had one complaint

filed against them and that complaint resulted in a letter of warning against the Respondent.

Recommendation: Letter of Warning for failure to post state tax identification number and misuse of dealer tags.

104. 2017032511 (SBB)
First Licensed: 05/11/2007

Expiration: 12/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2015 – Letter of Warning for off-site sales; September 2016 - \$1,000 Consent Order for deceptive advertising; June 2017 - \$2,000 Consent Order for deceptive advertising.

The Complainant purchased a vehicle from the Respondent and has not received registration and tags. The Complainant was issued six temporary tags by the Respondent. Additionally, Respondent refused to cooperate during the investigation.

Recommendation: Authorization of a formal hearing and assessment of a civil penalty in the amount of \$5,000 (4 x \$1,000 for issuing more temporary tags than allowed by law and \$1,000 for failure to cooperate with investigation), to be settled by consent order.

105. 2017031551 (SBB)
First Licensed: 05/11/2007

Expiration: 12/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2015 – Letter of Warning for off-site sales; September 2016 - \$1,000 Consent Order for deceptive advertising; June 2017 - \$2,000 Consent Order for deceptive advertising.

This is a duplicate complaint.

Recommendation: Close

106. 2017027401 & 2017034841 (SBB)
First Licensed: 12/11/2013

Expiration: 09/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): June 2015 – \$500 Consent Order for issuing more temporary tags than allowed; October 2015 – Closed w/no Action; March 2016 – \$1,000 Consent Order for issuing more temporary tags than allowed.

The Complainant alleged that Respondent had her execute two (2) purchase agreements because the initial agreement was not approved. The Complainant alleged that because of this, a refund was due to her but Respondent had refused to provide her with the refund. Additionally, Complainant alleged that Respondent had failed to provide her with her title/registration, preventing her from driving the vehicle. Respondent was also issued a Notice of Violation for failing to produce a sales tax identification number during an annual inspection.

Recommendation: Authorize a formal hearing and authority to settle by Consent Order and a civil penalty in the amount of \$1,250 for false, fraudulent, deceptive acts and practices pursuant to Tenn. Code Ann. § 55-17-114 (\$1,000) and failing to produce a sales tax identification number during an annual inspection (\$250).

107. 2017027431 (SBB)
First Licensed: 10/06/2015

Expiration: 09/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): March 2016 - \$1,000 Consent Order for unlicensed activity; July 2016 – Closed w/no Action; May 2017 – Closed w/no Action.

The Complainant purchased a vehicle from the Respondent and the Complainant alleged the vehicle had been involved in an accident. Additionally, the Complainant alleged the Respondent demanded the Complainant to pay \$800 for tags/title and registration before it would be provided. Following an investigation, it was discovered the vehicle had been salvaged/rebuilt.

The Complainant did not purchase the vehicle. The vehicle was purchased by her brother. The brother declined to pursue this matter and did not want to be involved in filing a complaint against the Respondent.

Recommendation: Close.

**108. 2017026161 (SBB)
First Licensed: 07/07/2005**

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer

**History (5 yrs.): June 2014 – \$500 Agreed Citation for employing unlicensed salesperson;
August 2016 – \$500 Consent Order for failure to timely/properly obtain title/registration.**

A complaint was filed alleging that Respondent had demanded additional sales tax be paid after the deal was complete. In its response, the Respondent admitted that due to a clerical error, there were additional taxes owed but to keep the customer happy, Respondent would pay the additional taxes. All sales tax owed have been paid to the State by Respondent and the Complainant is satisfied with the outcome.

Recommendation: Close.

**109. 2017028071 (SBB)
First Licensed: 06/24/2016**

Expiration: 05/31/2018 (Closed 05/03/2017)

License Type: Motor Vehicle Dealer

History (5 yrs.): August 2017 – Closed and Flagged.

The Complainant alleged the Respondent sold a vehicle that belonged to another individual. Upon investigation, it was determined that there was wrongdoing by the Respondent involving the sale of the vehicle, however, there was no conclusive evidence of any sales of

vehicles made that were owned by other individuals or that other individuals had been defrauded by the Respondent. The dealership is no longer in operation and has been closed.

Recommendation: Close.

**110. 2017028671 (SBB)
First Licensed: 10/06/2015**

Expiration: 09/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): March 2016 - \$1,000 Consent Order for unlicensed activity; July 2016 – Closed w/no Action; May 2017 – Closed w/no Action.

The Complainant alleged the Respondent misrepresented the condition of a vehicle. The Complainant purchased an extended warranty from the Respondent and the Respondent has refused to make any mechanical repairs to the vehicle. The Respondent provided an “AS IS” Buyer’s Guide with the Complainant’s signature. Additionally, the Respondent stated that each time the Complainant brought the vehicle in with an issue, upon test driving the vehicle, there was no issue discovered by the Respondent. Under the extended warranty, the vehicle can be taken anywhere to have the necessary repairs.

Recommendation: Close.

**111. 2017042491 (SBB)
First Licensed: 01/06/2011**

Expiration: 12/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2012 – Closed w/no Action.

The Complainant alleged the Respondent denied receiving the down payment. Additionally, the Complainant alleged the Respondent had added additional fees to the contract

without notifying him and he has two contracts with different totals. Respondent denied these allegations. The funds were never received for the vehicle and were returned as not sufficient funds from the bank and stated the Respondent had reported this incident to law enforcement and this vehicle had been reported as a stolen vehicle. Upon investigation, the Respondent did not receive the down payments or any other payments and there were police reports to corroborate the statements by the Respondent.

Recommendation: Close.

112. 2017046111 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

The Complainant alleged that he and his wife purchased a vehicle from Respondent in 2014. Two years after the vehicle was purchased, Complainant alleged that Respondent revised the contract at the request of his wife to include his wife only and removed him from the deal.

Recommendation: Close.

113. 2017045201 (SBB)
First Licensed: 12/11/2013

Expiration: 11/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2015 – Closed w/no Action; October 2016 – Closed w/no Action.

The Complainant alleged the Respondent failed to provide the Complainant with the title to the vehicle. The Respondent stated the title was lost in transit and has forwarded the Complainant a check in the amount of \$250 for the inconvenience.

Recommendation: Close.

**114. 2017045161 (SBB)
First Licensed: 07/01/2013**

Expiration: 06/30/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant alleged that Respondent was acting as an unlicensed dealership. Respondent leases the space from a motor vehicle dealer and it is operating a repair shop at the location. The vehicles at this location are waiting for repairs and there is no unlicensed sale of vehicles by the Respondent.

Recommendation: Close.

**115. 2017041051 (SBB)
First Licensed: 05/06/2014**

Expiration: 05/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): August 2017 – Closed w/no Action.

A Complaint was received against the Respondent for a \$5,000 repair to the Complainant's vehicle and within three months the vehicle broke down again on the side of the road. The Complainant alleged that the Respondent did not fix the vehicle correctly and Respondent is now trying to

defraud the Complainant by telling her a new motor is needed for the vehicle. Respondent provided a response and denied the allegations by the Complainant.

Recommendation: Close.

116. 2017044351 (SBB)
First Licensed: 11/13/2013

Expiration: 11/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A Complaint was received against the Respondent for providing a title that was voided because of a lien. The Complainant alleged the Respondent had still not provided a valid title for the vehicle. Upon follow up, the Respondent had provided a valid title to the Complainant.

Recommendation: Close.

117. 2017056841 (SBB)
First Licensed: 03/12/2012
Expiration: 01/31/2018 (Closed 08/29/2017)
Type of License: Motor Vehicle Dealer
History (5 yrs.): N/A

A Complaint was received against the Respondent for failing to get the vehicle registered and providing a valid title and submitting the title to the bank. The business closed and does not answer the telephones. The Complainant has no tags. The surety bond information for the Respondent was sent to the Complainant.

Recommendation: Close and Flag.

118. 2017056941 (SBB)
First Licensed: 03/12/2012
Expiration: 01/31/2018 (Closed 08/29/2017)
Type of License: Motor Vehicle Dealer
History (5 yrs.): N/A

A Complaint was received against the Respondent for failure to produce vehicle tags and title. The Complainant was instructed by the Respondent to produce the vehicle tag and title. The Complainant was told by the Respondent to return in two weeks and found the business had gone out of business. The Complainant has no vehicle tags or title to the vehicle. The surety bond information was sent to the Complainant.

Recommendation: Close and Flag.

119. 2017058681 (SBB)
First Licensed: 03/12/2012
Expiration: 01/31/2018 (Closed 08/29/2017)
Type of License: Motor Vehicle Dealer
History (5 yrs.): N/A

A complaint was filed against the Respondent in July 2017 and the Complainant has still not received the title from the Respondent. The dealership has gone out of business. The surety bond has been sent to the Complainant.

Recommendation: Close and Flag.

120. 2017059591 (SBB)
First Licensed: 03/12/2012
Expiration: 01/31/2018 (Closed 08/29/2017)
Type of License: Motor Vehicle Dealer
History (5 yrs.): N/A

A complaint was filed against the Respondent in July 2017 and the Complainant has still not received the title from the Respondent. The dealership has gone out of business. The surety

bond has been sent to the Complainant.

Recommendation: Close and Flag.

121. **2017056041 (SBB)**
 First Licensed: 09/10/2004
 Expiration: 09/30/2018
 Type of License: Motor Vehicle Dealer
 History (5 yrs.): October 2012 – Closed w/no Action.

A Complaint was filed against the Respondent for selling a vehicle that had a salvaged title. The Respondent provided a response and stated it was not a salvaged vehicle and the vehicle was sold "AS IS." Also, the damage resulted after the Complainant drove the vehicle into a ditch. The Respondent has been in business for 34 years and the Respondent is willing to waive the amounts owed since it would cost the Respondent more money to try to collect the amount of the debt owed by the Complainant. The Respondent will take the loss and write it off.

Recommendation: Close.

122. **2017055001 (SBB)**
 First Licensed: 04/16/2012
 Expiration: 04/30/2018
 Type of License: Motor Vehicle Dealer
 History (5 yrs.): N/A

Complaint filed against the Respondent for leasing a truck and providing broken equipment that systematically malfunctioned even after diagnostics, maintenance and regular servicing of the vehicle. The emission control mechanism would de-rate the maximum speeds to 25 mph without warning and driver could not deliver enough freight to pay for fuel, lease and operational costs. The Complainant had the vehicle checked by another independent dealer and the dealership indicated that it was a failed board emission control unit. The Respondent provided a response and stated the lease agreement was with another entity and not the Respondent.

Recommendation: Close.

123. **2017055001 (SBB)**
First Licensed: 06/07/2012
Expiration: 08/31/2019
Type of License: Motor Vehicle Dealer
History (5 yrs.): N/A

Complaint filed against the Respondent concerning the Respondent's failure to send a valid title for the vehicle purchased by the Complainant. The surety bond has been sent to the Complainant. The Complainant received the title to the vehicle at the end of September 2017.

Recommendation: Close.

124. **2017061121 (SBB)**
First Licensed: Unlicensed
Expiration: Unlicensed
Type of License: N/A
History (5 yrs.): N/A

Complaint filed against the Respondent concerning the sale of five vehicles at the "Shades of the Past" car show weekend in Pigeon Forge, TN on September 8, 2017. The vehicles were advertised for sale with the same phone number and the owner was identified as the Respondent through a driver's license. The Respondent sold a vehicle in February 2017. The Respondent did not have a dealer's license to sell the vehicles.

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

125. **2017051551 (SBB)**
First Licensed: 04/11/2003
Expiration: 09/30/2018
Type of License: Motor Vehicle Dealer
History (5 yrs.): August 2017 – Closed w/no Action. Error! Hyperlink reference not valid.

Complaint filed against the Respondent alleging the Respondent sold brand new motorcycles to people that did not buy the motorcycle. The complaint also alleges that when the

warranty was registered in a person's name that had not purchased the motorcycle and the person that bought the motorcycle and paid for the motorcycle, never had a warranty. The Complainant submitted this complaint four times and has stated that he will contact the President. The Respondent states the Complainant has filed numerous complaints against the Respondent that are meritless and has also threatened the owner and family both verbally and in writing. An Order of Protection has been issued by the Memphis Police Department for the Respondent against the Complainant.

Recommendation: Close

126. **2017051581 (SBB)**
First Licensed: 11/10/2015
Expiration: 10/31/2019
Type of License: Motor Vehicle Dealer
History (5 yrs.): February 2017 - \$5,000 Consent Order for failure to produce business records.

Complaint filed against the Respondent alleging the Respondent sold a vehicle to the Complainant that has to have been returned six times within a three week period and it has had several electrical problems and transmission problems. The Complainant would like the Respondent to replace the vehicle and the Respondent has stated that the Complainant can trade-in the vehicle. The Respondent stated it has done as much as possible to assist the Complainant and even provided a loaner vehicle for over six days during the first repair. The Respondent arranged to have the vehicle serviced at another dealership also. The Respondent has also offered another vehicle if the Complainant will trade-in the current vehicle.

Recommendation: Close.

127. **2017053461 (SBB)**
First Licensed: 05/12/2015
Expiration: 04/30/2019
Type of License: Motor Vehicle Dealer
History (5 yrs.): November 2016 – Letter of Warning for failure to properly maintain temporary tag log.

Respondent was issued a Notice of Violation for having both expired city and county business licenses and open titles.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,500 (\$250 x expired 2 business licenses) and three open titles (\$1,000 X 3 open titles) to be settled by consent order.

128. 2017056121 (SBB)
First Licensed: 05/26/2011

Expiration: 05/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant purchased a vehicle from the Respondent and has not received the title. The Complainant has contacted the Respondent several times about the title and they continue to give him the run around and hang up on the Complainant. The Complainant's tags are expired and the Complainant needs the permanent tag in order to drive the vehicle. The Respondent provided a response and stated that the out-of-state Complainant is required to perform a VIN verification and the tag/title work was sent to the Complainant's local tag office in the Complainant's state of residence. The Complainant was notified that the tags were located at the local tag office and to get the process completed. The Complainant did not get the verification done in June when notified and later contacted the Respondent and wanted to return the vehicle. The Respondent and the Complainant's state of residence motor vehicle office attempted to reach the Complainant and have been unsuccessful. A certified letter was sent to the Complainant to contact the local office to complete the verification process and the Complainant agreed to get the verification completed. However, a month later in August 2017, the Complainant told the Respondent he was not going to complete the tag work and no longer wanted the vehicle.

Recommendation: Close.

129. 2017059611 (SBB)
First Licensed: 05/12/1998
Expiration: 03/31/2018
Type of License: Motor Vehicle Dealer
History (5 yrs.): N/A

Complainant purchased a vehicle from the Respondent and alleges the Respondent failed

to disclose the actual age of the vehicle and it was two years older than the Respondent had represented in various documents and this impacts the warranty period for the Complainants and the Complainants dispute the end date of the warranty. The Complainant also alleges the Respondent forged the signature of his wife. The Respondent provided a response and stated the vehicle was a used 2012 vehicle with a seven year powertrain warranty for the certified vehicle. The battery warranty is 96 months from the in-service date or 100,000 miles. The vehicle went into service on November 30, 2012. The powertrain warranty expires on November 30, 2019 and the Lithium-ion Battery warranty expires on November 30, 2020. The Respondent denies telling the Complainant that the vehicle was a 2014 model and all the paperwork indicates it was a 2012 model year vehicle, including an "AS IS" Used Vehicle Retail Buyers Order, Bill of Sale and Power of Attorney for Odometer Disclosure.

Recommendation: Close.

130. 2017061001 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

A complaint was opened after information was received from the Tennessee Department of Revenue alleging that Respondent sold 10-15 vehicles without a motor vehicle dealer license. Additionally, it is alleged that Respondent is not paying sales tax on any of the sales.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$10,000 (\$1,000 per unlicensed vehicle sale) to be settled by consent order.

131. 2017060891 (SBB)
First Licensed: 12/05/2001

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant purchased a vehicle from the Respondent and stated all payments were made and the vehicle was paid in full. The Respondent provided a title that was filled out incorrectly and refuses to fill out an affidavit of corrections or a bill of sale stating the sales taxes were paid. The Respondent provided a response and stated that the Complainant leased a vehicle from the Respondent and there is still a balance due of \$1,842.26. The Respondent stated the Complainant made payments to a former employee without receiving receipts.

Recommendation: Close.

132. 2017063121 (SBB)
First Licensed: 08/30/2012

Expiration: 08/31/2016

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant purchased a vehicle from the Respondent and stated all payments were made and the vehicle was almost paid with only \$350 still owed by the Complainant. The Respondent closed the business and the Complainant is unable to obtain the title to the vehicle.

Recommendation: Close.

133. 2017063061 (SBB)
First Licensed: 02/25/2013

Expiration: 02/28/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2016 – Closed w/no Action; August 2017 – 3 Complainants closed and flagged.

The Complainant purchased a vehicle from the Respondent and called to make a payment and left a message and never heard back from the Respondent. The Complainant contacted the Respondent and left subsequent messages and learned the business had closed. The Respondent's business is closed and the Complainant is unable to obtain the title to the vehicle. The Complainant was sent the bond information for the Respondent.

Recommendation: Close.

134. 2017061041 (SBB)
First Licensed: 09/01/1991

Expiration: 07/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2017 – Closed w/no Action.

A complaint was filed against the Respondent concerning the sale of a vehicle with expired dealer tag and also had two valid dealer tags in the Respondent's possession inside the cab of the truck. The Respondent was at the "Rod Run" in Pigeon Forge and stated he was just looking at vehicles. The Respondent stated he forgot to replace the old dealer tag and replaced it immediately when the agent for the Department of Revenue told him he had an old dealer tag on his truck.

Recommendation: Close.

135. 2017025751 (SBB)
First Licensed: 03/30/2016

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A Complaint was received by a former employee alleging that Respondent had purposely changed a working cluster to deceive buyers of the actual mileage. According to the former employee, Respondent attempted to "roll" the mileage back to increase the value of the vehicle but when the Respondent was unable to "roll" the mileage back, replaced it with a cluster that reflected lower mileage. Respondent denied these allegations and alleged that Complainant was fired and filed the complaint in retaliation of his termination from the dealership. Additionally, Respondent provided a copy of CarFax which shows that the mileage reflected on the vehicle was similar to what had been reported last to CarFax. An investigation was conducted and revealed that the vehicle in question was sold and according to the consumer, a local repair shop had confirmed that the cluster had been changed, but was unable to determine if the mileage was correct. Additionally, the investigator was provided an affidavit from someone that alleged Respondent had approached him to "roll" back or change the cluster to increase the value of the vehicle.

Recommendation: Discuss.

136. 2017027521 (SBB)
First Licensed: 10/23/1997

Expiration: 03/31/2016

License Type: Motor Vehicle Dealer

History (5 yrs.): July 2017 – 4 Complaints Closed and Flagged

The Complainant purchased a vehicle from Respondent in 2016 and never received a title or registration. After months of not receiving her title or registration, the Complainant attempted to contact the Respondent only to find that it was out of business. The Surety Bond has been sent to the Complainant.

Recommendation: Close and Flag.

137. 2017033981 (SBB)
First Licensed: 01/07/2013

Expiration: 12/31/2018 (Closed 09/13/2017)

License Type: Motor Vehicle Dealer

History (5 yrs.): May 2017 – Closed w/no Action.

A Complaint was received alleging the Respondent had sold the Complainant a vehicle with major mechanical issues. The Complainant alleged that within 12 hours of purchasing the vehicle, the “check engine” light came on and after it inspected by a certified mechanic, was forced to make over \$7,500 in repairs. The Respondent is now closed but responded that the vehicle was sold “AS IS” and because the original price of the vehicle had been negotiated down, they were not able to help the Complainant with repairs.

Recommendation: Close.

138. 2017036021 (SBB)
First Licensed: 09/04/2014

Expiration: 09/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant alleged that after her son placed a \$100 deposit on a vehicle, the Respondent would not return the deposit after mechanical issues were found. The Complainant acknowledged that she only filed the complaint with hopes that the Commission could make the Respondent refund the deposit. After learning that was not an option, the Complainant requested that her complaint be withdrawn.

Recommendation: Close.

139. 2017036141 (SBB)
First Licensed: 01/29/1999

Expiration: 01/31/2017 (Expired License)

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A Complaint was received alleging the Respondent was operating multiple businesses at the same location and without a license. An investigation was conducted which revealed that at least one of the business was licensed with the Tennessee Motor Vehicle Commission and that Respondent had been licensed until its expiration in January of this year. The Respondent's owner explained that the Respondent dealership was no longer in operation but that the sign had been placed with the new business location as an honor to his father, who had originally started Respondent dealership many years ago. The Respondent's owner agreed to remove all signage which would lead the public to believe Respondent dealership is still in operation, and apologized for any issues the sign may have caused.

Recommendation: Close.

140. 2017026491 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

Complaint was filed against the Respondent, who national rodeos and stated the last event was held in in Lebanon, TN and the Complainant is questioning why the out-of-state dealerships have to be licensed as a recreational vehicle dealers in the State of Tennessee.

Recommendation: Close.

141. 2017029081 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

A complaint was filed against the Respondent for the unlicensed sale of RV's.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,000 on the unlicensed dealer location.

142. 2017039231 (SBB)
First Licensed: 04/30/2008

Expiration: 03/31/2018

License Type: Recreational Vehicle Dealer

History (5 yrs.): N/A

The Complainant purchased an RV from the Respondent and has not received the registration/title for the RV. The Complainant has left multiple messages and the Respondent will not return any phone calls. The Respondent has a multitude of pending complaints for a variety of violations that are presently open and pending.

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

143. **2017012031 (SBB)**
 First Licensed: Unlicensed

 Expiration: Unlicensed

 License Type: N/A

 History (5 yrs.): N/A

A Complaint was filed against the Respondent for engaging in unlicensed activity and employing unlicensed salespersons. Upon investigation, it was discovered that the Respondent was engaged in dismantling and rebuilding vehicles to be sold at unlicensed location.

Recommendation: Authorize a formal hearing and assess a civil penalty in the amount of \$1,000 on the unlicensed dealer location.

144. **2017042061 (SBB)**
 First Licensed: 08/28/2006

 Expiration: 02/28/2018

 License Type: Recreational Vehicle Dealer

 History (5 yrs.): N/A

The Complainant wanted to purchase an RV that was advertised on the Respondent's website and put a down payment for the RV to be transferred from another state to Tennessee. After entering to a buyer's order for the RV the local dealership contacted the Complainant and stated that they could not sell the RV at the price negotiated due to a mistake. The vehicle had been advertised at

the agreed upon price for two weeks.

Recommendation: Authorize a formal hearing and authority to settle by Consent Order and a civil penalty in the amount of \$1,000 for deceptive acts and practices pursuant to Tenn. Code Ann. § 55-17-114.

145. 2017046351 (SBB)
First Licensed: 07/11/2008

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): February 2016 – \$1,000 Consent Order for deceptive advertising and false/fraudulent/deceptive acts.

Complainant alleges that Respondent failed to provide her with a copy of the executed sales contract. Six weeks after purchasing the vehicle, Respondent requested that Complainant come in and sign additional documentation because lending had not been secured. Complainant alleges that Respondent assured her all terms had not changed and admits to not reviewing the documentation before she signed it. However, four weeks later, Complainant realized that her monthly payment and interest rate was much higher than agreed upon. Complainant stated that she spent almost one year trying to get Respondent and the financial institution to work with her with no success. Eventually, she was forced to allow the vehicle to be repossessed. Respondent did not submit a response to the Motor Vehicle Commission, but a copy of their response to the Better Business Bureau was provided.

Recommendation: Close.

RE-PRESENTS

SARA

146. 2017018661 (SRP)
First Licensed: 01/08/2013

Expiration: 11/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

This complaint was mistakenly listed for closure at the prior meeting, but closure is not legal's recommendation in this matter. This complaint was opened as a result of a Notice of Violation. Respondent is selling vehicles from a second location that is not licensed. Additionally, during the inspection, the inspector found two bills of sale executed by an unlicensed salesperson. Inspector states he explained the licensing laws to Respondent at his last inspection. Respondent claimed the unlicensed salesperson had a license application pending, but no such application is on file. The second location is adjacent to the licensed lot.

Recommendation: Authorize a civil penalty in the amount of \$2,000 (\$1,000 per unlicensed sale on the unlicensed location) to be settled by consent order or a formal hearing.

147. 2017024451 (SRP)
First Licensed: 12/04/2000

Expiration: 11/30/2018

Type of License: Motor Vehicle Dealer

History (5 yrs.): May 2013 – \$500 Consent Order for failure to properly maintain a temporary tag log. May 2017 - \$5,400 Consent Order for 54 unlicensed sales.

Previously, it was believed that Respondent had not timely produced the title. After receiving the Consent Order and realizing legal had identified that issue, Respondent submitted proof the title was ordered on time and was available for Respondent to pick up. Respondent did admit to delaying in ordering the tags until being paid for them, but ultimately the tags were provided timely.

Recommendation: Authorize the \$1,000 civil penalty be removed, and instead, a Letter of Warning be issued. Upon issuance, close.

148. 2017034741 (SRP)
First Licensed: 06/25/2015

Expiration: 05/31/2019

Type of License: Motor Vehicle Dealer

History (5 yrs.): N/A

Previously, Respondent was issued a Consent Order for \$1,500 for failing to maintain business hours, failing to maintain business licenses, and failure to produce business records. Respondent contacted legal after receiving the Consent Order. Respondent noted that at the time of the violations, Respondent's license was closed, and essentially Respondent was unlicensed. The inspection that identified the errors was in order to reopen the license. Therefore, Respondent could only have been assessed a penalty for unlicensed activity. No evidence indicated there was unlicensed activity being conducted.

Recommendation: Close.

149. 2017025811 (SRP)
First Licensed: 08/02/2002

Expiration: 07/31/2018

Type of License: Motor Vehicle Dealer

History (5 yrs.): N/A

Respondent was assessed \$500 for failure to maintain active business licenses. After receiving the Consent Order, Respondent met with legal. Respondent showed proof that (1) it never received the mail in order to respond originally, and (2) that the licenses had been active, but the physical copies were accidentally not produced due to a new software error on the county's end. All taxes were paid timely.

Recommendation: Close.

150. 2016020741 (SRP)
First Licensed: 10/22/2013

Expiration: 09/30/2017 (CLOSED as of 10/2016)

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Respondent was issued a notice of violation for having an incomplete temporary tag log. While legal drafted formal charges, it identified that the Respondent business closed and no longer exists.

Recommendation: Close and flag.

151. 2015020301 (SRP)

First Licensed: 04/01/2005

Expiration: 12/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2013 - \$500 Consent Order for issuing more temporary tags than allowed by law; October 2016 – Closed w/no Action; February 2017 – Closed w/no Action.

Respondent was originally approved for revocation due to an unlicensed individual advertising and selling vehicles through the Respondent's webpage and on Respondent's lot. The unlicensed salesperson had previously been licensed when he worked for Respondent, but the salesperson left for some time before returning. Respondent indicated it believed the salesperson to still be licensed due to his previous licensed status. Revocation was originally approved due to concerns the unlicensed salesperson was bird-dogging and not merely working unlicensed.

With negotiations with Respondent, it is believed Respondent was unaware the unlicensed salesperson had sold any vehicles for his personal gain using the licensed, but rather, had hired him as an employee. Additionally, Respondent indicated that upon learning of the allegations, Respondent corrected the issue by firing the unlicensed salesperson and revoking any access he had to the licensed.

In an effort to resolve this matter, Legal requests the authority to settle this matter for \$2,750 (\$250 x 11 vehicles sold). Legal counsel believes revocation is ultimately overly harsh in light of the facts of the case.

Recommendation: Authorize the Consent Order offer to be reduced from revocation to a \$2,750 civil penalty.

152. **201600061 (SRP)**
First Licensed: 01/13/2012

Expiration: 01/31/2016

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2013 – Closed w/no Action.

Respondent was previously issued a Consent Order for \$5,500 for failure to respond,

failure to maintain a temporary log, and issuing too many tags to one consumer. Since that was approved, Respondent has gone out of business, the LLC that owned it has dissolved, and the license has expired.

Recommendation: Close and flag.

SHILINA

153. 2017008951 (SBB)
First Licensed: 05/04/2016

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

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

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

Commission Decision: Concur

New Information: Respondent paid the Complainant double the value of the original purchase price because of the salvage issue and the Respondent was not aware it was salvaged.

New Recommendation:Close.

154. 2017031841 (SBB)
First Licensed: 01/07/2015
Expiration: 12/31/2018
Type of License: Motor Vehicle Dealer
History (5 yrs.): N/A

Complaint filed against the Respondent for selling a used vehicle in August 2016. The Complainant did a post-sale vehicle inspection and the vehicle passed. Later, a problem arose with the vehicle when it started making a loud noise. The Complainant contacted the auction manager and the auction manager never returned the telephone call. Ultimately, the Complainant had to make the necessary repairs to the vehicle which included replacing the wheel bearings, front differential, and transmission. The Complainant sold the vehicle back to the auction at a loss.

The Respondent did not provide a response to the complaint.

Recommendation: Authorize a civil penalty in the amount of \$1,000 for failure to provide a response within 14 days of receiving the complaint from the Motor Vehicle Commission pursuant to Rule 0960-01-.23.

New Information: The Complainant has been made whole and has requested to withdraw the complaint.

New Recommendation:Close

155. 2017018601 (SBB)
First Licensed: 01/18/2006

Expiration: 01/31/2018

Type of History: Motor Vehicle Dealer

History (5 yrs.): N/A

Complaint alleging a salesman has worked there for over 10 years without a motor vehicle salesman's license. The unlicensed salesman works six days a week between eight to ten hours per day. The unlicensed sales man also has a business card indicating he is a motor vehicle salesman. No response was provided by the Respondent.

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

Commission Decision: Approved

New Information: Complainant alleges Respondent engaged in deceptive acts when the promised them to fix issues to their vehicle for free but are not charging \$3,000.

156. 2017025421 (SBB)
2017022931 (SBB)
2017022311 (SBB)
2017021451 (SBB)
2017021021 (SBB)
2017018601 (SBB)
2017019911 (SBB)
2017017272 (SBB)
2017017271 (SBB)
2017015771 (SBB)
2017013511 (SBB)
2017013441 (SBB)
2017013141 (SBB)
2017012011 (SBB)
2017010461 (SBB)
2017010021 (SBB)
2017008951 (SBB)
2017008091 (SBB)
2017031551 (SBB)
2017031841 (SBB)
2017032261 (SBB)

2017032471 (SBB)
2017033111 (SBB)
2017033371 (SBB)
2017033871 (SBB)

The Commission authorized a \$1,000 civil penalty for failure to respond at the July 24, 2017 meeting.

NEW INFORMATION: Upon further review, it was determined that the complaints were not sent to the Respondents by certified mail. The MVC Rule requires the complaints be sent to the Respondent by certified mail to ensure receipt. As a result, a civil penalty cannot be assessed pursuant to the Rule.

NEW RECOMMENDATION: Withdraw the assessment of the \$1,000 assessed civil penalty for failure to respond from each matter and where the Respondent was only assessed a civil penalty for failure to respond, close with no action.

157. 2017015771 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: Unlicensed

History (5 yrs.): N/A

Complaint filed against the Respondent for unlicensed activity and failure to pay sales tax for two vehicles. The Respondent purchased 54 vehicles from the auction. The Respondent had attempted to sell vehicles by reassigning the title and was advised by the county clerk that all vehicles need to be registered in his name prior to any sale. Respondent states he purchases inoperable vehicles and repairs them and sells them back to the auction, however, it could only be confirmed that 10 vehicles were resold back to the auction. The Respondent has stated that since he was informed of the retail sale of vehicles, he has repaired vehicles and sold them back to the auction.

Recommendation: Authorize a civil penalty in the amount of \$6,500 for unlicensed activity (Tenn. Code Ann. § 55-17-109), expired business license (\$500 civil penalty), failure to provide a response within 14 days of receiving the complaint from the Motor Vehicle Commission pursuant to Rule 0960-01-.23 (\$1,000 civil penalty). To be settled by consent order

or a formal hearing.

NEW INFORMATION: Respondent provided the valid business license. Respondent claims it was never expired. The Respondent requests reconsideration of civil penalty by the Commission.

NEW RECOMMENDATION: Authorize a formal hearing and assess a civil penalty in the amount of \$5,000 for unlicensed activity (Tenn. Code Ann. § 55-17-109) with authority to settle by consent order.

158. 2017019911(SBB)
First Licensed: 06/22/2004

Expiration: 06/30/2018

Type of History: Motor Vehicle Dealer

History (5 yrs.): N/A

Complaint against the Respondent for misrepresenting the condition of vehicle purchased from the Respondent because the Respondent stated the engine light was on because it was an O2 sensor. The Complainants purchased the vehicle and later took it to a mechanic who stated that was a timing chain issue. The Complainants stated the Respondent failed to provide the Complainants with a Carfax report. The Respondent failed to provide a response.

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

NEW INFORMATION: The contracting party was not the Complainant. Complainant was not a party to the transaction. Also, the contracting party signed a Non-Warranty Disclosure stating the vehicle has no warranty. Also, vehicle was clearly marked with an "AS IS" warranty.

NEW RECOMMENDATION: Close.

159. **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”) (SRP)
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.

160. 2017036771 (SBB)
First Licensed: 01/31/2006

Expiration: 11/30/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): October 2012 – Closed w/no Action; October 2016 – Closed w/no Action.

Complaint filed against the Respondent for applying for manufacturer's plates and is not a manufacturer. The Respondent provided a response through the manufacturer stating that the three distributor plates were requested at the manufacturer's request intended for use by the manufacturer for those conducting business for the manufacturer in Tennessee.

Recommendation: Close.

161. 2017036772 (SBB)
First Licensed: Unlicensed

Expiration: Unlicensed

License Type: N/A

History (5 yrs.): N/A

Complaint filed against the Respondent for applying for manufacturer's plates and is not a manufacturer. The Respondent provided a response through the manufacturer stating that the three distributor plates were requested at the manufacturer's request intended for use by the manufacturer for those conducting business for the manufacturer in Tennessee.

Recommendation: Close.

162. 2017037031 (SBB)
First Licensed: 01/21/2009

Expiration: 07/31/2018 (Closed 05/18/2017)

License Type: Motor Vehicle Dealer

History (5 yrs.): February 2013 - \$1,000 Consent Order for failure to properly maintain temporary tag log; April 2013 – Closed w/no Action.

The Complainant alleges the Respondent sold the complainant a vehicle and the Complainant transferred the tags from a previous vehicle to the vehicle purchased and the Complainant went on vacation. The Complainant returned from vacation and was told the Respondent had closed the business due to health reason and in order to obtain the title the Complainant would have to contact an auto insurance company in Lansing, Michigan. Also, the extended warranty that was purchased from the dealer had not been paid by the dealer and had been dropped. The Complainant still did not obtain a valid tag and the title situation has still not been resolved. It was verified the dealership has closed.

Recommendation: Close.

163. 2017040441 (SBB)
First Licensed: 10/08/2015

Expiration: 10/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2017 - \$5,200 Agreed Order for employing unlicensed salespeople, failure to reasonable supervise, false/fraudulent/deceptive acts, and failure to provide business records.

Complaint filed against the Respondent for failure to provide a valid title. The Complaint contacted the Respondent on numerous occasions concerning the title. The vehicle has since been involved in a fire and was destroyed and the insurance claim cannot be resolved without the title. Respondent provided the title to the Complainant. The Complainant no longer has valid contact information and it cannot be verified if the Complainant actually received the title.

Recommendation: Close.

**164. 2017040881 (SBB)
First Licensed: 03/11/1994**

Expiration: 03/31/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

Complainant alleges the Respondent failed to provide the title and registration. The surety bond information was sent to the Complainant. Respondent provided a response and stated there was a delay due to the actual owner not signing over the title correctly and the name was wrong. The Respondent had to obtain a power of attorney and correct the error. The Respondent explained the situation to the Complainant and apologized for the delay. The Complainant has been provided with registration and tags.

Recommendation: Close.

**165. 2017041321 (SBB)
First Licensed: 11/10/2010**

Expiration: 10/31/2016 (Closed)

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

The Complainant alleges the Respondent went out of business before the Complainant could complete making the payments on the vehicle and the Respondent has not provided a title. The surety bond information was sent to the Complainant. The Respondent is no longer in business, a Recommendation of Out of Business was obtained, and the dealer license has been flagged as closed.

Recommendation: Close.

166. 2017041481 (SBB)
First Licensed: 03/05/2007

Expiration: 02/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): December 2012 – 2 Complaints \$60,000 Consent Order for advertising violations; January 2013 – Closed w/no Action; July 2013 - \$500 Agreed Order for failure to respond; October 2013 - \$4,000 Consent Order for failure to use proper conditional delivery agreement and failure to allow unwind deal after changes to terms; April 2015 – Closed w/no Action; January 2017 – Letter of Warning for false/fraudulent/deceptive acts.

Complaint filed against the Respondent for sending out an advertising stating the Complainant had won \$5,000 and when the Complainant went to the dealership to redeem the \$5,000, the Respondent's salesperson stated that they would get to that later after discussing the vehicle. Complainant advised the salesperson he could not afford the vehicle being sold to him and the salesperson insisted that he could afford the vehicle. The Respondent never credited the \$5,000 to the Complainant and instead took the Complainant to a prize wheel where he spun the wheel and won \$2. The Respondent's General Sales Manager stated that they do not give away \$5,000 and "it's just to get customers in." Complainant has tried to return the car, void the contract and has even contacted the financing company and manufacturer. The Complainant has been unable to resolve the matter and cannot afford the car payments for the vehicle. The Respondent indicated that the Complainant's flyer did not match the winning numbers and was not eligible for the \$5,000 prize. Respondent indicated they have become the lienholder on the vehicle and according additional information received, the Respondent repossessed the vehicle and failed to return the handicapped placard and personal belongings of the Complainant back to the Complainant. The Complainant came to the Respondent dealership and picked up all the items that belonged to the Complainant.

Recommendation: Close.

167. 2017042551 (SBB)
First Licensed: 06/29/2010

Expiration: 06/30/2018

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2013 – Closed w/no Action; August 2015 - \$4,500 Consent Order for failure to properly maintain temporary tag log; January 2016 – Closed w/no Action.

Complaint filed against the Respondent for failing to include the documentation fee in the price of the vehicle. The Complainant stated the Respondent is attempting to include a rebate in the final price of the vehicle. The Respondent is listing vehicles on the website and including the documentation fee with the price and listing the price after rebate as "Internet Price."

Recommendation: Close upon issuance of a letter of warning regarding advertising sales prices.

168. 2017044061 (SBB)
First Licensed: 11/10/2010

Expiration: 10/31/2016 (Closed)

License Type: Motor Vehicle Dealer

The Complainant purchased a vehicle from the Respondent and alleged the Respondent told the Complainant the vehicle had a clear title and had not been involved in any accidents. The Complainant learned the vehicle had a salvaged/branded title. The Respondent is closed and no longer in business.

Recommendation: Close.

169. 2017048421 (SBB)
First Licensed: 10/08/2015

Expiration: 10/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): January 2017 - \$5,200 Agreed Order for employing unlicensed salespeople, failure to reasonable supervise, false/fraudulent/deceptive acts, and failure to provide business records.

Complaint filed against the Respondent concerning failure to provide vehicle registration/tags. The Respondent has issued three temporary tags and the third tag was improperly marked and the

Complainant was arrested and charged with felony tag tampering. Respondent did not provide a response.

Recommendation: Authorization of a formal hearing and assessment of a civil penalty in the amount of \$500 (1 x \$500 for issuing more temporary tags than allowed by law) to be settled by consent order.

170. 2017010791 (SBB)

First Licensed:

Expiration:

License Type: Motor Vehicle Dealer

History (5 yrs.):

Complaint filed against the Respondent concerning the sale of a vehicle. The Complainant gave a down payment and financed the rest of the amount with the dealership. A week later, the Respondent's salesperson advised the Complainant that the vehicle was sold to another individual and did not return the down payment to the Complainant. Respondent provided a response and stated it was a mistake and apologized for the error. The down payment monies were fully refunded to the Complainant.

Recommendation: Close.

Chairman Roberts asked if there were any questions for Legal or the Legal Review Committee. Commissioner Jackson made a motion to approve the legal report as amended during the Legal Review, seconded by Commissioner Vaughan. Chairman Roberts called for a voice vote.

MOTION CARRIES

Attorney Sara Page reminded the Commission of formal hearing set for October 24, 2017. She stated she had not heard from the respondent and felt confident that the hearing would conclude by lunch.

Commissioner Ian Leavy inquired about formal hearings beginning immediately following a regularly scheduled quarterly meeting, and using the second day, if need be. (Audio loss) Attorney Sara Page stated she would check with the ALJ's to see if both days could be procured and indicated that it is often better to start with the formal hearing and move into the meeting after the formal hearing concludes. No motion was made to change the current process of quarterly meetings being held on the first scheduled day and formal hearings, if scheduled, being held on subsequent days.

RULE COMMITTEE DISCUSSION

Executive Director updated the Commission regarding an amendment to the rebuilt/salvaged disclosure rule which was previously authorized by the Commission. Specifically, this amendment takes into consideration electronic disclosure for online sales/transactions. Rule Committee Chairwoman Vaughan requested the amendment be presented to the full Commission and put up for a vote.

Attorney Elizabeth Goldstein read the amendment into the record:

“If a motor vehicle is sold through an electronic automobile auction, or through an online transaction, then the motor vehicle dealer shall electronically send the purchased the following notice prior to the consummation of the sale:

NOTICE

DISCLOSURE OF REBUILT OR SALVAGE VEHICLE

Pursuant to Tenn. Comp. R. & Regs. 0960-01-.29, the following disclosure is required with respect to the sale of any vehicle with a rebuilt title, salvage title, or salvage history:

The motor vehicle you are purchasing has a rebuilt title, salvage title, or salvage history. The value of this vehicle may be less than a similar vehicle that is not branded with a rebuilt title, salvage title, or does not have a salvage history.

Chairman Roberts called for a motion to approve the amendment. Commissioner Barker made a motion to approve the amendment, seconded by Commissioner Vaughan.

Chairman Roberts called for a roll call vote.

ROLL CALL VOTE

Ian Leavy	YES
Joe Clayton	YES
Kahren White	YES
John Murrey	YES
Debbie Melton	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
Eddie Roberts	YES

Motion carried.

AUDIT & FINANCE COMMITTEE DISCUSSION

Chairman Roberts briefly reported that by statute the Motor Vehicle Commission is required not to have two budget deficits, consecutively. He stated in Fiscal Year 2015-2016 there was a deficit, and for Fiscal Year 2016-2017 there was a surplus. The expenditures which have been pretty level the last two years, in 2015-2016 the expenditures were \$2,003,382. For 2016-2017, expenditures were \$2,059,765. Chairman Roberts explained the deficit in 2015-2016 was attributed to the licensing cycle being two years. He went on to explain the total revenue in 2015-2016 was \$1,738,000. In Fiscal Year 2016-2017, the revenue, because of the renewals during that year, was \$2,281,000. Chairman will be monitoring the budget and expected to have another Audit Committee Meeting in November.

Chairman Roberts entertained a motion to approve the Audit Committee Report. Commissioner Jackson made a motion to approve, seconded by Commissioner Vaughan. Chairman Roberts called for a voice Vote.

VOICE VOTE – UNANIMOUS

Motion carried.

Attorney Elizabeth Goldstein updated the Commission on the rules which had passed previously, specifically, the temporary tag rule became effective August 10, 2017 which was amended so dealers retained their receipts for tags for an 18 month period, and the 66/33 rule approved during the April meeting has received an effective date of November

30, 2017.

NEW BUSINESS

Chairman Roberts requested the Commission adopt the Mission Statement taken directly from T.C.A. § 55-17-101 which states,

“The General Assembly finds and declares that the distribution and/or sale of motor vehicles in the state vitally affects the general economy of the state and the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and to license motor vehicle manufacturers, distributors, dealers, salespersons and their representatives doing business in Tennessee in order to prevent frauds, impositions and other abuses upon its citizens.”

Chairman called for a motion to approve the Mission Statement. A motion to approve was made by Commissioner Jackson and seconded by Commissioner Melton.

VOICE VOTE - UNANIMOUS

Motion carried.

Executive Director Shaw and Attorney Elizabeth Goldstein indicated there was an applicant in the audience requesting to appeal a denial of a dealer’s license not having followed proper protocol by being placed on the docket for the meeting. Ms. Goldstein indicated that the application for Phoenix Wholesale had been denied due to ownership having been convicted of a felony. Ms. Goldstein stated she did not feel that the appeal was ready to be heard since the appellant did not go through the proper channels in order to appeal the denial. Chairman Roberts requested staff work with the applicant in order to have their appeal heard at the next quarterly meeting to be held on January 22, 2018.

OLD BUSINESS

ADJOURN

Chairman Roberts called for a motion to adjourn.

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

VOICE VOTE - UNANIMOUS

Motion carried.

Meeting Adjourned

Eddie Roberts, Chairman
