

MINUTES

October 26, 2021



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

**TENNESSEE
MOTOR VEHICLE COMMISSION MINUTES**

DATE: October 26, 2021

PLACE: Room 1-A, Davy Crockett Tower

PRESENT: Commission Members:
Christopher Lee
John Roberts
Jim Galvin
Stan Norton
Ian Leavy
John Barker
Nate Jackson
Charles West
Karl Kramer
Debbie Melton
Farrar Vaughan

ABSENT: Victor Evans
John Murrey
Kahren White

CALL TO ORDER: Chairman John Roberts called the meeting to order at 9:30am

Executive Director, Denise Lawrence called the roll. A quorum was established.

MEETING NOTICE: Notice advising the Commission of the time, date and location of the meeting being posted on the Tennessee Motor Vehicle Commission website and that it has been included as part of the year's meeting calendar since October 27, 2020, was read into the record by Executive director, Denise Lawrence.

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

VOICE VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
John Barker	YES
Ian Leavy	YES
Nate Jackson	YES
Charles West	YES
Karl Kramer	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED

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

VOICE VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
John Barker	YES
Ian Leavy	YES

Nate Jackson **YES**
Charles West **YES**
Karl Kramer **YES**
Debbie Melton **YES**
Farrar Vaughan **YES**

MOTION CARRIED

SALESPERSON/DEALER APPLICATIONS APPEALS

Sara Escue
Wyatt Johnson Toyota, Clarksville, TN

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

ROLL CALL VOTE

Christopher Lee **YES**
John Roberts **YES**
Jim Galvin **YES**
Stan Norton **YES**
John Barker **YES**
Ian Leavy **YES**
Nate Jackson **YES**
Charles West **YES**
Karl Kramer **YES**
Debbie Melton **YES**
Farrar Vaughan **YES**

MOTION CARRIED – LICENSE GRANTED

Michael Cefaratti
Serra Chevrolet, Madison, TN

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

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
John Barker	YES
Ian Leavy	YES
Nate Jackson	YES
Charles West	YES
Karl Kramer	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED – LICENSE GRANTED

James Randall Justus
Clayton Autos, Inc., Knoxville, TN

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

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	NO
Stan Norton	YES
John Barker	YES
Ian Leavy	YES
Nate Jackson	YES
Charles West	YES
Karl Kramer	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED – LICENSE GRANTED



Executive Director’s Report
October 26, 2021

Since the last Commission meeting in July 2021, the following activity has occurred:

	<u>Last Meeting</u>
<u>Dealers Opened, or Relocated (Last Quarter)</u>	56 42
<u>Applications in Process</u>	28 25

Active Licensees as of October 14, 2021

Dealers.....	3550	3565
Auctions.....	28	29
Distributors/Manufacturers.....	133	116
Salespeople.....	15,811	16,106
Representatives.....	509	456
Dismantlers.....	228	231
RV Dealers.....	43	42
RV Manufacturers.....	76	72
Motor Vehicle Show Permits.....	2	1

Complaint Report- Opened Complaints from July 1 - Present

Number of Complaints Opened.....	115
Number of Complaints Closed.....	154

Annual Sales Reports-(Due Feb 15):

Vehicles Reported Sold in 2020.....	2,138,696	2,121,996
Recreational Vehicles Reported Sold in 2020.....	11,318	11,318
Total Online Annual Sales Report Collected.....	3,279	3,226
Late Annual Sales Report Collected	981	939

Total revenue from Annual Sales Report collection: \$98,100

Average Performance Metrics

Average Number of Days to License... **.74 days to license with clock-stoppers**

MVC Customer Satisfaction Rating July 2021 - Present

Quarterly Satisfaction Rating.....**97%**

Disciplinary Action Report July 2021 – September 2021

Total to be collected.....\$38,750

Online Adoption Across All Professions

- 89% online adoption for New “1010” Applications across all Professions available as of October 14, 2021.

Administrative News

Staff has been busy updating and upgrading our online application process to provide ease of access to our customers. We believe these changes will provide a more user-friendly environment for our online platform.

We still do not have final numbers to close out the year but anticipate those in the next few weeks. I had hoped to share at least August numbers but am unable to do so. Without benefit of the year end financials, I am unable to verify the previous licensure revenue of \$182,000 but am confident that this number will not decline. Again, our final reserve fund balance should reach \$2.2 million at the end of FY 2020-2021. When we have final numbers I would like to call an audit committee meeting with our Chair to review our financials over the last several years.

Outreach

In conjunction with our Communications team, we have issued several press releases pertinent to flooded vehicles and what consumers should know when purchasing a vehicle that may have flood damage. We have gotten some good traction from several media outlets with these releases.

Next week the legislature returns for a special session to consider financial incentives for Blue Oval City – a Ford plant to be located at the West Tennessee megasite which will focus on the manufacture of electric vehicles. I will monitor the discussions and report back to you.

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

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
John Barker	YES
Ian Leavy	YES
Nate Jackson	YES
Charles West	YES
Karl Kramer	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER, 12TH FLOOR
NASHVILLE, TENNESSEE 37243
TELEPHONE (615) 741-3072 FACSIMILE (615) 532-4750

MEMORANDUM

Privileged and Confidential Communication – Attorney Work Product

TO: Tennessee Motor Vehicle Commission

FROM: Erica Smith, Associate General Counsel
Stuart Huffman, Associate General Counsel

DATE: October 26, 2021

SUBJECT: MVC Legal Report

1. 2021046561 (ES)
Date Complaint Opened: 06/08/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges unlicensed activity by the Respondent, stating there have been a few cars parked outside a residence with for sale signs near a family member's home. An initial inspection suggested a full investigation to determine if Respondent has sold more than 5 vehicles in one year. An investigation was conducted and the allegations of possible unlicensed motor vehicle sales activities couldn't be substantiated. The investigator's visit to the local Clerk's Office failed to uncover any supporting records or notable concerns they have related to Respondent's sales activities. The Respondent verbally admitted to having purchased several vehicles throughout the year however claims to have properly registered and transferred ownership on all, over into his name. Respondent admitted to selling at least two vehicles over the last year, however, denied selling anything more. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

2. 2021040641 (ES)

Date Complaint Opened: 05/20/2021

First Licensed: 02/10/2020

Expiration: 02/28/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent misrepresented purchased vehicle and is requesting a refund. Complainant also alleges Respondent would not allow the vehicle off the lot to be inspected. An investigation was conducted. The deal file revealed the vehicle was purchased as-is and there is no evidence of any misrepresentations. Respondent told Complainant that a mechanic could inspect the vehicle but they declined. Complainant test drove the vehicle and looked it over the day before purchase. Respondent notes that they even replaced the rear brakes for Complainant a month and a half after purchase. Respondent offered to help sell the vehicle at auction but will not provide a refund because the Complainant agreed to purchase the vehicle as-is when they signed the purchase agreement. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

3. 2021049651 (ES)

Date Complaint Opened: 06/17/2021

First Licensed: 10/16/2015

Expiration: 08/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent around May 17, 2021 and their temp tag expired in June. Complainant states they called to get a status update since they had not received a permanent tag and Respondent informed them it was being handled by a third party who processes the title/registration paperwork for all vehicles sold by Respondent. Complainant alleges Respondent could not give them an ETA on when the registration would be completed and permanent tag delivered. Respondent states they began reviewing the registration paperwork after the 7-day money back guarantee timeframe had passed and due to an internal miscommunication, there was a delay in submitting the paperwork to their third party vendor. Respondent confirmed the paperwork was successfully submitted on June 22, 2021 and was "awaiting processing by the Tennessee Department of Motor Vehicles" at the time of their response to this complaint on July 1. Respondent apologizes for the inconvenience and confirmed the registration was completed on July 29 and permanent tag was sent to Complainant by mail. Respondent also confirmed that they issued three temporary tags to the vehicle. Counsel recommends a \$500 civil penalty for issuing one more temporary tag than allowed by law.

Recommendation: Authorize a \$500 civil penalty for issuing one more temporary tag than allowed by law

Commission Decision: Concur.

4. 2021052511 (ES)
Date Complaint Opened: 06/29/2021
First Licensed: 04/15/2019
Expiration: 04/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

This complaint was filed by an enforcement agent with the North Carolina Department of Transportation regarding a vehicle purchased by a resident of North Carolina from Respondent's licensed dealership in that state. Complainant alleges Respondent issued a Tennessee temporary tag to the vehicle on April 20, 2021 and again on June 9, 2021. Counsel has reached out to the agent to request more information and copies of the temporary tags issued from Tennessee but has not received a response. Counsel has spoken with Respondent's attorney about this and Respondent admits to the allegations and further stating they have taken appropriate steps to prevent this from happening again. Respondent admits they used Tennessee's EZ Tag system because it was the easiest and fastest way to obtain a temporary tag while trying to work through the delays in obtaining a permanent tag and registration in North Carolina. Respondent understands this will not be tolerated and will not issue Tennessee temporary tags to any vehicles not purchased in this state in the future. Counsel recommends the maximum penalty of \$5,000 for each deceptive act of issuing a Tennessee temporary tag to a vehicle purchased in another state, for a total \$10,000 civil penalty. Further, Counsel recommends referring this complaint to the Department of Revenue.

Recommendation: Authorize a \$10,000 civil penalty for false, fraudulent and deceptive use of temporary tags and referral to the Dept. of Revenue

Commission Decision: Concur.

5. 2021055631 (ES)
Date Complaint Opened: 07/20/2021
First Licensed: 04/15/2019
Expiration: 04/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle from Respondent around January 20, 2021 and alleges they have not received the title, registration or tag despite paying in full. Complainant alleges Respondent has issued five temporary tags and will not take the vehicle back despite their failure to produce the title and registration seven months after purchase. Respondent provides the following timeline and explanation for this delay: 2/10/21 – Complainant's contracts were requested to be regenerated to include the correct surname, preventing titling and registration from being completed; 5/25/21 – due to a backlog of contract regenerations, Respondent was unable to regenerate the corrected contracts until this date; 5/26/21 – Complainant signed

regenerated contracts; 6/3/21 – new paperwork initially removed from Respondent’s file room to be worked and it was discovered there was an error on the vehicle’s certificate of title of an incorrect odometer reading greater than the actual mileage on the date of sale; 6/25/21 – odometer error resolved. At this point, Respondent states the transaction paperwork had been misplaced and despite diligent search efforts, they were unable to recover the misplaced items. Respondent sent new documents to Complainant for signature on 7/21/21 and acknowledged receipt of them on 7/22/21. Respondent stated they would expedite the processing of the registration once the new documents are received back from Complainant, and title/tag/registration will be sent via FedEx to Complainant. On 8/31/21, Complainant notified Counsel that the vehicle had been in a wreck and was a total loss. An investigation was conducted. The permanent tag and registration was delivered to Complainant in September after Respondent had issued five temporary tags to the vehicle prior to the accident (the DOR was allowing three temporary tags during this time). Counsel recommends issuing a \$1,000 civil penalty for issuing two more temporary tags than allowed by law.

Recommendation: Authorize a \$1,000 civil penalty for issuing more temporary tags than allowed by law

Commission Decision: Concur.

6. 2021057291 (ES)

Date Complaint Opened: 07/30/2021

First Licensed: 04/15/2019

Expiration: 04/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant is a resident of Arizona who purchased a vehicle from Respondent on June 19, 2021. Complainant alleges Respondent registered the vehicle in Tennessee but had already registered it in Arizona. Complainant has never lived in Tennessee or been a registered auto owner here, and states the vehicle was not in Tennessee. Respondent states that Complainant was given an Arizona 45-day temporary registration for the vehicle. On June 25, Respondent states they became aware that Complainant’s trade-in value was not listed correctly on the contracts and they needed to be regenerated. Because of the tax implications of the incorrect trade-in value, Respondent placed the registration process on hold until the contracts were regenerated. Due to the backlog of regenerated contracts, Complainant was informed it could take at least 30 days to complete. Respondent preemptively issued a second temporary tag from Tennessee so they could continue to drive the vehicle, considering the first Arizona temp tag was nearing expiration on August 2. Respondent states they would be voiding the Tennessee temporary tag and issuing an Arizona 30-day temporary registration extension. Respondent states they did not register the vehicle in Tennessee but only issued a temporary tag during the delay. Counsel has spoken with Respondent’s attorney about this and Respondent admits to the allegations and further stating they have taken appropriate steps to prevent this from happening again. Respondent admits they used Tennessee’s EZ Tag system because it was the easiest and fastest way to obtain a temporary tag while trying to work through the delays in obtaining a permanent tag and registration in North Carolina. Respondent understands this will not be tolerated and will not issue Tennessee temporary tags to any vehicles not purchased in this state in the future. Counsel recommends the maximum civil penalty of \$5,000 for the deceptive act of issuing a Tennessee temporary tag to a

vehicle purchased in another state. Further, Counsel recommends referring this complaint to the Department of Revenue.

Recommendation: Authorize a \$5,000 civil penalty for false, fraudulent and deceptive use of temporary tag and referral to Dept. of Revenue

Commission Decision: Concur.

7. 2021051331 (ES)
Date Complaint Opened: 06/23/2021
First Licensed: 06/03/2019
Expiration: 05/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges Respondent is engaging in illegal activity and employing unlicensed sales people. Complainant used to be a salesperson for Respondent and claims they witnessed the alleged activity before terminating their employment at the dealership. An investigation was conducted. Complainant was hired in March 2021 to act as Respondent's General Manager and things were going well until they failed to pay Complainant's commission owed in April. Complainant states they began noticing questionable business practices and witnessed Respondent's owner become aggressive towards a customer during a dispute, alleging they used a racial slur but this could not be substantiated during investigation. Complainant's wife was then hired to act as Respondent's title clerk and to help process all the paperwork for the dealership. Complainant alleges Respondent asked his wife to take two vehicle registration applications into another county because the vehicles would not pass emissions, which is required in the county where Respondent is located and where the vehicles were actually sold. Complainant alleges Respondent made a second bill of sale for the vehicles using another dealership that Respondent's owner has part ownership so it could be registered in the county without emissions testing. That dealership denies having any knowledge of the alleged second bills of sale and the vehicles at issue were never part of their inventory. That dealership also cut ties with Respondent's owner within two months but they did confirm Respondent had access to their software for a short time, and therefore must have created those bills of sale. Complainant and his wife quit working for Respondent in late May. The investigation also revealed Respondent issued five temporary tags to one of the vehicles at issue between December 2020 and April 2021 (three temporary tags were allowed by the DOR at this time). Respondent denied the allegations about being aggressive with a customer and they feel this complaint was filed in retaliation because Complainant feels they are owed still owed commission payments disputed by Respondent. Respondent admitted to registering the two vehicles at issue in another county because they would not pass emissions, and to creating the bills of sale with the other dealership's software. Counsel recommends issuing a \$1,000 civil penalty for issuing two more temporary tags than allowed by law and a \$4,000 civil penalty for the false, fraudulent and deceptive acts related to creating two fake bills of sale, for a total \$5,000 civil penalty.

Recommendation: Authorize a \$5,000 civil penalty for issuing more temporary tags than allowed and false, fraudulent and deceptive acts

Commission Decision: Concur.

8. 2021052811 (ES)

Date Complaint Opened: 06/30/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint opened after receiving information from a county clerk's office alleging possible unlicensed activity by the Respondent. Respondent has already received a Letter of Warning regarding unlicensed activity and now it seems they may be working with another unlicensed person to sell vehicles. The complaint below was opened against the person who Respondent may be working with to perpetuate the unlicensed activity since receiving the Letter of Warning. An investigation was conducted. The investigation did not reveal any evidence that Respondent has sold any vehicles or engaged in unlicensed activity. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

9. 2021052821 (ES)

Date Complaint Opened: 06/30/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint opened after receiving information from a county clerk's office alleging possible unlicensed activity by two individuals as summarized in the complaint above. An investigation was conducted. Respondent told the investigator that they only sold one vehicle this year and currently has one vehicle registered to him. Further investigation revealed that Respondent sold eight vehicles in 2020. Respondent ceased correspondence with the investigator and did not provide a sworn statement. Counsel recommends issuing a \$500 civil penalty for unlicensed activity with a cease and desist letter instructing Respondent that a dealer license is required to sell more than five vehicles in a calendar year.

Recommendation: Authorize a \$500 civil penalty for unlicensed activity

Commission Decision: Concur.

10. 2021036661 (ES)

2021034861

Date Complaint Opened: 05/05/2021, 04/28/2021

First Licensed: 12/04/2019

Expiration: 11/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

2021036661

Complainant is a resident of Kentucky who purchased a used vehicle from Respondent and alleges they cannot register the vehicle. Respondent contacted the Kentucky clerk who states the title just needs to be notarized. Respondent states Complainant refuses to bring in the title so the issue can be fixed. Respondent states Complainant just wants to return the vehicle for a refund and breach the sales contract, which Respondent was not willing to do. An investigation was conducted. The investigation revealed Respondent issued six temporary tags to the vehicle at issue between November 2020 and April 2021, when the DOR was allowing three temporary tags. Further, the investigator audited the Respondent's website and found advertising violations. Respondent failed to include stock numbers for the used vehicles listed in their inventory and do not disclose that a doc fee is included in the advertised price. Counsel recommends issuing a \$1,500 civil penalty for issuing three more temporary tags than allowed by law and a \$500 civil penalty for two advertising violations, for a total \$2,000 civil penalty.

Recommendation: Authorize a \$2,000 civil penalty for issuing more temporary tags than allowed by law and advertising violations

Commission Decision: Concur.

2021034861

Complainant purchased a vehicle with cash from Respondent and alleges they will not release the title until taxes are paid. Complainant provides the Bill of Sale which shows the cash price paid included taxes. Respondent states Complainant is not being truthful about the monies owed and claims they owe \$100 for an oil change and towing fees. An investigation was conducted. The investigation revealed Complainant has since received the title and only two temporary tags were issued to the vehicle. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

11. 2021053411 (ES)

Date Complaint Opened: 07/02/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

An anonymous complaint was filed alleging Respondent is selling vehicles without a license. Complainant notes that Respondent does not post them or advertise them as being for sale but

claims that they are for sale. Complainant alleges the vehicles are in the yard and behind the house at Respondent's residence. An investigation was conducted. The investigation revealed that only one vehicle has been sold by Respondent in the past twelve months according to records at the county clerk's office. Further, Respondent spoke with the investigator at their residence and advised most of the vehicles on the property belong to them and are in need of repair. Respondent works on their own vehicles as well as friends' vehicles which may appear at the residence. Respondent denies operating any kind of dealership and denies having sold more than 5 vehicles in a calendar year. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

12. 2021053491 (SH)

Date Complaint Opened: 07/02/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Anonymous complaint alleges an individual is unlicensed and advertising vehicles on Facebook Marketplace. There is no address for the Respondent.

An investigation was conducted and the County Clerk provided records for Respondent. The records indicated that Respondent had sold one vehicle in the last 12 months. The Investigator was able to contact Respondent. Respondent was fully aware that he can sale up to 5 vehicles in a 12-month time period.

Recommendation: Close.

Commission Decision: Concur.

13. 2021042161 (SH)

Date Complaint Opened: 05/21/2021

First Licensed: 09/01/1991

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued against Respondent for not including the document fee in the price of a motorcycle. The Respondent protested the violation stating that including the doc fee for motorcycles can cause an issue for Respondent and other dealers in the industry. Respondent states that the price of the motorcycle is determined by the OEM and there is rarely add on options. Adding the doc fee can cause Tennessee dealers to lose out to out-of-state competition that does not require the doc fee to be included. Customers in the industry usually search for a price range of the MSRP, such as \$11,999. If Tennessee dealers must include the fee in the price that takes

them out of the customer's search because the "MSRP" would now be \$12,298 (if doc fee is \$299).

The disadvantage to the motorcycle sales industry will be corrected with the new rule change involving advertising and prices.

Recommendation: Close.

Commission Decision: Concur.

14. 2021045451 (SH)

Date Complaint Opened: 06/07/2021

First Licensed: 03/17/2009

Expiration: 02/28/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant lost their title after purchasing a vehicle from Respondent. Respondent has since closed its business. Respondent's surety bond information was provided to Complainant.

Recommendation: Close.

Commission Decision: Concur.

15. 2021046611 (SH)

Date Complaint Opened: 06/08/2021

First Licensed: 07/07/2005

Expiration: 06/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – one complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s). 2021 – Two complaints closed with letter of warning for late delivery of title.

Complainant, a Michigan resident, alleges Respondent refuses to give copies of the paperwork she signed and the first temporary tag has expired. Respondent states they had issues with sending the copies through flash drive however the paperwork has been provided to Complainant. Respondent also provide the title paperwork and Michigan application that was sent to Michigan after the purchase.

Recommendation: Close.

Commission Decision: Concur.

16. 2021047051 (SH)

Date Complaint Opened: 06/09/2021

First Licensed: 07/07/2005

Expiration: 06/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – one complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s). 2021 – Two complaints closed with letter of warning for late delivery of title.

Complainant purchased a vehicle and thought she traded her vehicle. Complainant received a call a few weeks later from a towing company regarding a vehicle that she traded with Respondent. The vehicle had been illegally parked in a lot next to the Respondent. Complainant could not afford to have it released. The lender picked up the vehicle and marked it as a voluntary repossession then sold it at auction. Complainant now has debt of over \$5,000 plus the monthly payment for the vehicle she bought at the Respondent. Customer has filed a lawsuit against Respondent.

Respondent states that the vehicle was not used as a trade because of the negative equity after it was appraised. The documents that Complainant signed do not show a trade-in. Respondent is currently in negotiations to come to a resolution in this matter.

Recommendation: Authorize a civil penalty of \$1,000.00 for false, fraudulent, or deceptive business practice.

Commission Decision: Close.

17. 2021050781 (SH)

Date Complaint Opened: 06/21/2021

First Licensed: 07/07/2005

Expiration: 06/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – one complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s). 2021 – Two complaints closed with letter of warning for late delivery of title.

Complainant made an appointment to test drive a vehicle on 5/4/2021. During the visit the Complainant claims the Respondent was persistent for Complainant to complete paperwork for financing. Complainant did so because they did not want to lose the low interest rate. The Complainant eventually left with the vehicle but the financing was still being approved. After 6 weeks, Respondent called and said the lender denied the financing and Complainant needed to come back and sign some more paperwork for a new lender. Complainant submitted proof of employment and other personal information numerous times. Complainant also paid a \$6,000 down payment. Complainant feels that Respondent decreased their credit by running through so many lenders and now they are trapped in accepting a higher rate.

Respondent states they did not do anything wrong. Complainant completed a loan application and it was submitted to the dealer lender. The lender requested additional information regarding Complainant's employment. The lender eventually denied the application because of the way Complainant is paid as a small business owner. Respondent then requested another application for another lender and this lender accepted the paperwork once it was all submitted. Complainant was requested to come back in and sign the deal paperwork.

Recommendation: Close.

Commission Decision: Concur.

18. 2021046811 (SH)

Date Complaint Opened: 06/08/2021

First Licensed: 06/17/2002

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – One complaint closed with letter of warning for late delivery of title.

Complainant purchased a vehicle on 12/14/2020 and received 3 temporary tags which expired in May 2021. Two weeks before the third temp tag expired, Respondent called Complainant requesting him to take the vehicle through emissions testing. Complainant explained that his work schedule would not allow it and Respondent offered to pick up the vehicle and take it for testing. Complainant states there was some miscommunication and schedule conflicts that delayed the testing. Complainant rented a vehicle after the third temp tag expired.

Respondent explains that due to COVID backlog of applications, the inspection report expired and a new testing was needed. Respondent states that as of 7/9/2021, the tags have been transferred and will reimburse Complainant the rental costs and any other additional costs incurred.

The 3rd temporary tag issued was exempt by the TN Dept. of Revenue due to COVID related delays.

Recommendation: Close.

Commission Decision: Concur.

19. 2021047561 (SH)

Date Complaint Opened: 06/10/2021

First Licensed: 11/16/2010

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s).

Complainant purchased a vehicle on 4/8/2021 and has not received their title and registration as of 6/11/2021. Complainant states the Respondent informed her that the vehicle was reported stolen from the original owner and that the vehicle needed to be returned.

An investigation was conducted. Respondent provided the paperwork for the vehicle and it showed that the Respondent purchased the vehicle in 2018 and sold to customer 1. The vehicle was repossessed and sold to customer 2 in 2019. Customer 2 was behind on payments and the vehicle was subsequently repossessed. On 4/8/2021, the vehicle was sold to Complainant. Apparently, Customer 2 reported the vehicle stolen after repossession. Respondent was unable

to transfer the registration to Complainant so they refunded her the purchase price on 6/8/2021. Respondent has also contacted the appropriate authorities and the vehicle was removed from NCIC on 7/28/2021.

Recommendation: Close.

Commission Decision: Concur.

20. 2021046721 (ES)

Date Complaint Opened: 07/08/2021

First Licensed: 11/10/2015

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – 2016 – One complaint closed with \$5,000 civil penalty for false, fraudulent, or deceptive practices. 2021 – One complaint closed with letter of warning for late delivery of title.

Complainant alleges Respondent sold them an unsafe vehicle and refuses to compensate them for repairs. An investigation was conducted prior to receiving the response to the complaint. The investigation reveals the vehicle was sold as-is without warranty. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

21. 2021055901 (ES)

Date Complaint Opened: 07/08/2021

First Licensed: 11/10/2015

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – 2016 – One complaint closed with \$5,000 civil penalty for false, fraudulent, or deceptive practices. 2021 – One complaint closed with letter of warning for late delivery of title.

This is an administrative complaint which was opened based on information provided by a County Sheriff's Office. It had been brought to their attention that a consumer was allegedly issued seven temporary tags for a vehicle purchased from Respondent. An investigation was conducted and Respondent immediately provided all requested documentation and information to the investigator. Respondent was aware of the issue and had been working towards a resolution since the purchase took place in January. Respondent uses EZ Tags and had issued two temporary tags to the vehicle before informing the Department of Revenue of the situation causing a delay in receiving title. Respondent was allowed to issue a third temp tag without additional approval because the DOR was already allowing three temp tags through May 2021 due to COVID delays. When the third temp tag expired, Respondent provided the customer with a dealer tag while they awaited the title. Respondent showed proof of extensive and consistent communications with the DOR, the bank and credit

company who appeared to have had a lien on the vehicle, as well as with the two states involved in the title history. The vehicle had been titled in Virginia and North Carolina and the communications with the bank depict major confusion between both states on the status of the title to the vehicle, compounded by extreme delays that every party involved seemed to be experiencing throughout Respondent's efforts to obtain the title. Respondent asked the DOR to step in and assist them and they were able to make progress towards obtaining the title. Respondent stayed in communication with the investigator and provided him with updated communications between all parties involved until it was confirmed that title had been received and registration was being processed. Counsel recommends issuing a Letter of Warning for allowing a consumer to use a dealer license plate.

Recommendation: Letter of Warning for misuse of dealer license plate

Commission Decision: Concur.

22. 2021037961 (ES)

Date Complaint Opened: 05/07/2021

First Licensed: 11/10/2015

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$5,000 civil penalty for failure to provide business records. 2020 – One complaint closed with letter of warning for late delivery of title.

Complainant alleges they paid Respondent \$700 to transport a vehicle from Florida to Tennessee so they could purchase it. Complainant states that the dealership in Florida sold the car from underneath them and Respondent has failed to refund the \$700. An investigation was conducted. Respondent paid the transportation fees to the Florida dealership and arranged for the vehicle to be shipped. The Florida dealership accepted the fees but then sold the vehicle without notifying Respondent, who only heard about it from the shipping vendor and the Complainant. Respondent has refunded the Complainant in full and apologized for the delay. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

23. 2021056491 (ES)

Date Complaint Opened: 07/27/2021

First Licensed: 11/10/2015

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – 2016 – One complaint closed with \$5,000 civil penalty for false, fraudulent, or deceptive practices. 2021 – One complaint closed with letter of warning for late delivery of title.

This is a duplicate complaint to the matter summarized in Complaint 2021055901 (No. 21) above. This complaint was filed by the actual consumer who complained to the Sheriff's Office which

led to the original complaint being opened prior to this one. There is no new or additional information provided by Complainant in this matter that is not already included in the summary above. Counsel recommends closure due to duplication of the complaint at issue.

Recommendation: Close.

Commission Decision: Concur.

24. 2021047311 (ES)

Date Complaint Opened: 07/09/2021

First Licensed: 01/14/2021

Expiration: 12/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on March 9, 2021. Complainant alleges they have not received the license plate and registration as of June 9. Complainant alleges they have been issued four temporary tags. Complainant further takes issue with having to pay for repairs that should have been taken care of by Respondent before it was sold. Respondent reimbursed Complainant for the repairs in full and confirmed that Complainant has received the license plate and registration. Counsel recommends issuing a \$500 civil penalty for the fourth temporary tag considering the fact the DOR was allowing three temporary tags to be issued by dealers through the end of May 2021.

Recommendation: Authorize a \$500 civil penalty for issuing one more temporary tag than allowed by law

Commission Decision: Concur.

25. 2021049101 (ES)

Date Complaint Opened: 07/09/2021

First Licensed: 01/14/2021

Expiration: 12/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on March 5, 2021. Complainant alleges they have not received the license plate and registration as of June 15. Complainant alleges they have been issued four temporary tags. Respondent provided proof that the Complainant received the license plate and registration on June 22. Counsel recommends issuing a \$500 civil penalty for the fourth temporary tag considering the fact the DOR was allowing three temporary tags to be issued by dealers through the end of May 2021.

Recommendation: Authorize a \$500 civil penalty for issuing one more temporary tag than allowed by law

Commission Decision: Concur.

26. 2021051821 (ES)

Date Complaint Opened: 06/24/2021

First Licensed: 10/07/1999

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with \$250 civil penalty for advertising violation.

Complainant alleges Respondent provided assurances that there were no issues with the used vehicle they purchased. Complainant notes that during the test drive, the vehicle shook when coming to a stop and the engine light was on. Soon after purchase, Complainant alleges they noticed the radio would not come on and there was an issue with the seatbelt being tightly wrapped around the passenger seat. Complainant further alleges the vehicle would not start back up while it was being looked at by a mechanic because the starter went out. Respondent has made repairs to the vehicle addressing each of the problems mentioned in the complaint at their expense but states Complainant has not made any payments in over a month. Respondent is willing to work with Complainant to avoid repossession but states Complainant is constantly threatening and verbally aggressive whenever they try to communicate. Respondent requests that Complainant come into the dealership to speak to them without threats or cussing. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

27. 2021052691 (ES)

Date Complaint Opened: 06/29/2021

First Licensed: 01/04/2017

Expiration: 12/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent sold them an unsafe vehicle and claims it has a salvage history that was not disclosed. Internal research and Respondent confirms the vehicle does not have a salvage history and it was purchased as-is without warranty. However, Respondent still worked with Complainant and arranged a buy-back. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

28. 2021058751 (ES)

Date Complaint Opened: 08/10/2021

First Licensed: 01/04/2017

Expiration: 12/31/2022

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

This is an administrative complaint opened after receiving anonymous information that Respondent is advertising new vehicles for sale at their used dealership location. An investigation was conducted. The investigator observed 18 new vehicles at the used lot for sale. The General Manager met with the investigator and stated they have been approved to sell the new vehicles on their used lot and showed a letter from the manufacturer giving them such permission. The investigator explained that the manufacturer cannot authorize this and a new dealer license needed to be obtained from the Commission. Respondent explained that they understood and removed the new vehicles from the dealership. There is no evidence that any new vehicles were sold from the used dealership prior to their removal from the lot. Counsel recommends a Letter of Warning.

Recommendation: Letter of Warning to dealer and manufacturer for advertising new vehicles for sale at used dealership without a proper dealer license.

Commission Decision: Concur.

29. 2021053961 (ES)

Date Complaint Opened: 07/09/2021
First Licensed: 02/05/2014
Expiration: 01/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a new vehicle from Respondent and while having running boards installed a few days later, noticed damage to the pinch weld. Respondent is surprised by the complaint because they already explained the “pinch weld” area is one where two metal body parts meet and are joined, and commonly used as the jacking/lift point for floor jacks or vehicle lifts. Respondent states that the indentations were not on the vehicle at the time of sale and speculates this happened when the accessory was being installed. Respondent offered to straighten the areas with indentations as a courtesy gesture. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

30. 2021040901 (ES)

Date Complaint Opened: 05/18/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dismantler/Recycler
History (5 yrs.): None.

This is an administrative complaint opened upon receiving information that Respondent, a repair shop, occasionally acquires vehicles without titles or proof of legal ownership. Respondent strips the vehicles down and sell the parts, then scrap what is left. The local police department has

intercepted reported stolen vehicles from Respondent's location. Respondent has claimed to purchase the vehicles from private sellers online and through Facebook Marketplace. No criminal charges have been filed at this time. An investigation was conducted and Respondent cooperated, admitting to occasionally disassemble vehicles for parts that were no longer roadworthy and selling parts to customers. Respondent states they may have made \$1,500-\$2,000 on used parts in the last 8 months. Counsel recommends issuing a \$500 civil penalty for unlicensed D & R activity and a cease and desist letter.

Recommendation: Authorize a \$500 civil penalty for unlicensed D & R activity

Commission Decision: Concur.

31. 2021038451 (ES)

Date Complaint Opened: 05/10/2021

First Licensed: 12/03/2019

Expiration: 11/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on 1/26/21 and alleges they have not received the permanent tags three months after purchase. Respondent states they timely submitted the registration paperwork to the county clerk but it was rejected and returned due to missing items. Respondent completed the missing information and resubmitted it, staying in contact with Complainant throughout. Respondent issued three temporary tags to the vehicle which was allowed by the Department of Revenue at the time. Respondent provided free maintenance through their dealership as a goodwill gesture because of this delay. Complainant has received their permanent tag and the issues have been resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

32. 2021054871 ES)

Date Complaint Opened: 07/14/2021

First Licensed: 12/03/2019

Expiration: 11/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent sold them a used vehicle with mechanical issues and will not refund their down payment since the vehicle has been returned. Respondent confirmed Complainant has received the full refund and this matter has been resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

33. 2021034471 (ES)

Date Complaint Opened: 04/27/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint opened based on allegations of unlicensed activity by Respondent. An investigation was conducted. Respondent is an LLC with a Montana address. The LLC is owned by a husband and wife and the investigator was able to make contact with the wife ("Respondent" or "Owner A") whose residence is in Tennessee. The investigator was not able to make contact with the husband ("Owner B"). Owner A explained they had found a company online who offers services to assist people in obtaining a wholesaler license in order to gain access into local auto auctions to buy and sell used vehicles. This company helped Respondent with the entire application process in Montana and they obtained a valid Montana wholesale dealers license. Respondent states they have had the license for two years. Respondent was informed it was not necessary to have an office in Montana to get a wholesale license, and they just needed to use a Montana address as a formality in order to apply for and obtain a license. Respondent states they have seven buyers/representatives ("buyer"), plus the two owners, who have been authorized to attend auto auctions in Tennessee on behalf of Respondent. Each buyer attends the auction in hopes of picking out their own specific vehicles for possible resale. Each buyer is responsible for storing the vehicle they personally pick out and purchase at auction. All purchases made at auction are made through Respondent's auction account and Owner A or Owner B would pay for them and obtain the titles to the vehicles. Respondent would hold the title until notified by a buyer that a vehicle was successfully sold. The buyer would pay Respondent the full auction purchase price plus a \$150 commission and then Respondent would release the title and sales receipt to the buyer so it could be given to the new purchaser. Respondent expressed that they had no idea this business model and these business practices were questionable and once informed by the investigator, Respondent immediately discontinued the operations. Respondent noted they are in fear of their husband, Owner B, because they are in the middle of a very messy divorce and they were only able to meet the investigator at a police station because of that fear. Counsel recommends issuing a Letter of Warning with detailed Cease and Desist language considering all of the facts surrounding this matter and Respondent's cooperation. Counsel also recommends sending a notice to Tennessee auto auctions requesting they terminate Respondent and all of their buyers' accounts, and explaining that Tennessee does not issue wholesale dealer licenses and to be aware of this situation in the future.

Recommendation: Letter of Warning for unlicensed activity

Commission Decision: Concur.

34. 2021040551 (ES)

Date Complaint Opened: 05/17/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This complaint was filed by an anonymous Complainant who alleges an individual has been selling vehicles at a residential address. An investigation was conducted. The investigation revealed a single vehicle with a for sale sign at the residence. The owner of the residential home stated they do not sell vehicles and the vehicle for sale on their property belongs to a friend who asked to put it there. The investigator met with the friend who agreed to move the vehicle off Respondent's property. There is no evidence that Respondent is engaged in unlicensed activity and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

35. 2021019161 (ES)

Date Complaint Opened: 03/11/2021

First Licensed: 10/15/1998

Expiration: 09/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2018 – One complaint closed with letter of warning for late delivery of title.

Complainant is a resident of Mississippi who purchased a vehicle from Respondent. Complainant alleges that no funds have been sent to their local taxing authority for their permanent tag and Respondent has told them they have yet to receive the title from the auction. Complainant does not doubt the title has not been received yet, but doesn't understand why the taxes and fees have not been forwarded. Complainant is requesting Respondent forward the funds that were received by the Respondent for taxes, tag and fees to the appropriate Mississippi taxing authorities and issue reimbursement for any late fees that have accumulated. Respondent confirmed they received the title and everything has been forwarded for registration. All issues were resolved to Complainant's satisfaction and only two temporary tags were issued to the vehicle. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

36. 2021053241 (ES)

Date Complaint Opened: 03/11/2021

First Licensed: 10/15/1998

Expiration: 09/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2018 – One complaint closed with letter of warning for late delivery of title.

Complainant alleges Respondent has not provided the title for a vehicle purchased in April 2021 to obtain permanent tags. An investigation was conducted. Respondent did provide the title and the vehicle was registered in August. Respondent issued five temporary tags to the vehicle. Counsel recommends issuing a \$1,500 civil penalty for issuing more temporary tags than allowed by law.

Recommendation: Authorize a \$1,500 civil penalty for issuing three more temp tags than allowed by law

Commission Decision: Concur.

37. 2021043041 (SH)

Date Complaint Opened: 05/25/2021

First Licensed: 10/17/2019

Expiration: 10/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 3/6/2021 that was just purchased at auction by Respondent. Respondent claimed the vehicle had been through a thorough inspection. Complainant traded a vehicle in consideration of the down payment. Complainant was told the payments would be \$280 but turned out to be \$280 twice a month. Complainant wanted to terminate the deal but was refused. Complainant states the vehicle's transmission failed 6 days after purchased. The vehicle was taken back to Respondent to be fixed and Complainant was told it would be two weeks. Complainant was also told she could retrieve her property at any time. After 2 months Complainant was told the vehicle was unrepairable. Complainant stopped payments and was informed the only option was to choose another vehicle on the lot. Complainant demanded to retrieve her property and was refused. A few days later, Respondent called Complainant and told her that the vehicle had been repaired and ready for pick up. Complainant refused and demanded to retrieve her property. When Complainant went to get her property it looked like someone had been driving the vehicle and there were items that did not belong to her.

Respondent states that Complainant brought the vehicle back and it was diagnosed with a bad transmission. Respondent had to order the part and could not give Complainant a timeframe on when it would be repaired. They offered to pay for the next bi-monthly payment but Complainant was not satisfied. The Regional Manager contacted Complainant and offered to trade out the vehicle and make the next payment but Complainant wanted the vehicle repaired. After the vehicle was repaired, Complainant refused to take possession of the vehicle, claiming numerous excuses. Complainant subsequently agreed to pick it up but never showed.

Recommendation: Close.

Commission Decision: Concur.

38. 2021044831 (ES)

Date Complaint Opened: 06/01/2021

First Licensed: 08/16/2019

Expiration: 07/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued to Respondent during inspection on 5/27/21 for failing to produce an active county business license and for failing to have a Buyer's Guide in three vehicles displayed for sale. Counsel recommends issuing a \$250 civil penalty for the expired business license and a \$500 civil penalty for failure to use Buyer's Guides in all vehicles, for a total \$750 civil penalty.

Recommendation: Authorize a \$750 civil penalty for expired county business license and failure to use Buyer's Guides

Commission Decision: Concur.

39. 2021049451 (ES)

Date Complaint Opened: 06/16/2021
First Licensed: 08/18/2015
Expiration: 08/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges Respondent sold a vehicle to an unlicensed and uninsured driver. Respondent originally failed to respond to the complaint so an investigation was conducted to obtain a response. Respondent states they obtain proof of a valid driver's license prior to any test drive. However, there are special circumstances on occasion where a vehicle will be sold to a parent for their child or to an elderly person for their caretaker where a valid driver's license may not be relevant to the purchaser. Respondent cannot control who drives a vehicle and whether the driver or owner of a vehicle maintains insurance and/or a valid driver's license after the purchase. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

40. 2021055021 (ES)

Date Complaint Opened: 07/15/2021
First Licensed: 06/27/2014
Expiration: 06/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with letter of warning for advertising violation.

Complainant is a resident of Ohio who alleges Respondent made a false report that the vehicle they purchased was stolen. Respondent explains that Complainant arrived at the dealership with a down payment, not the full purchase price and signed a Conditional Delivery

Agreement acknowledging the transaction was not final. The sale was contingent on Complainant providing valid documents to support their application statements. Complainant never produced proof of valid income and was incarcerated for weeks after putting down the deposit. Respondent finally discovered the proof of income they sent in was fraudulent. The repossession contractor told Respondent they had repossessed numerous cars from them already under similar circumstances. Complainant had the opportunity to pay the remaining balance owed at any time prior to the repossession. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

41. 2021055911 (ES)

Date Complaint Opened: 07/22/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint opened based on information obtained regarding potential unlicensed activity by Respondent. Respondent appears to be operating out of a paid parking lot adjacent to an airport providing pick-up and drop-off services, and renting out parking spaces. An investigation was conducted. There was no evidence of unlicensed activity or anything linking Respondent to providing services that would require a dealer license. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

42. 2021055951 (ES)

Date Complaint Opened: 07/22/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administrative complaint opened based on information obtained from a County Clerk indicating possible unlicensed motor vehicle sales by Respondent. The Clerk notified the Director that Respondent has registered 12 vehicles this year. An investigation was conducted. Respondent cooperated with the investigator and explained they have vehicles registered to them but have not sold more than 5 in a calendar year. Respondent confirms they have purchased junk cars and sold to auctions or salvage yards, or traded some in the past, but records show 8 of the 12 vehicles are still registered to Respondent. Respondent only sold 4 vehicles in the last year and now understands they cannot sell more than 5 without a dealer's license. Respondent has recently become disabled and will no longer buy or sell vehicles or engage in any kind of business due to

their failing health. Counsel recommends issuing a Letter of Instruction explaining the limits for individuals selling vehicles and when a dealer license is required.

Recommendation: Letter of Instruction regarding limits on the sale of vehicles by individuals and when a dealer license is required

Commission Decision: Concur.

43. 2021042301 (SH)

Date Complaint Opened: 05/21/2021

First Licensed: 08/04/2020

Expiration: 07/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Respondent was issued a Notice of Violation for possessing an expired Business License. Respondent has paid the penalty but did not sign the Agreed Citation.

Recommendation: Close.

Commission Decision: Close and flag.

44. 2021048221 (SH)

Date Complaint Opened: 06/13/2021

First Licensed: 12/26/2012

Expiration: 11/30/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant went to the lot of Respondent on 6/5/2021 to inquire about a vehicle. There was a vehicle that Complainant was interested in purchasing. Respondent stated the vehicle had a rebuilt title, would be sold "as is", and no issues. Complainant test drove the vehicle and did not see any problems. Complainant did notice that the rebuilt sticker was not on the door. Complainant paid \$2400 on 6/5/2021 and told the Respondent they would return on Monday with the remaining balance. Complainant did not take the vehicle on 6/5/2021. On 6/7/2021, Complainant paid the remaining balance and left the lot. The check engine light came on soon after and took the vehicle to a mechanic for diagnostic. The test revealed issues that would not allow the vehicle to pass emissions. Complainant took the vehicle back to Respondent on 6/11/2021 and demanded a refund. Complainant also alleges the battery was disconnected in order to wipe out the engine light codes.

Respondent replied that the vehicle was sold "as is" and there were no issues with the vehicle at time of sale. Customer test drove the vehicle and found no issues. A history report on the vehicle shows it had a rebuilt title at the time of sale.

Recommendation: Close.

Commission Decision: Concur.

45. 2021048761 (SH)

Date Complaint Opened: 06/15/2021

First Licensed: 02/25/2009

Expiration: 01/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$1,500 civil penalty for failure to maintain county/city business license and misuse of temporary tags. 2018 – One complaint closed with \$1,500 civil penalty for operating on expired county/city business license and employing two salespersons with expired licenses. 2019 – One complaint closed with \$1,000 civil penalty for expired city business license.

Complainant purchased a vehicle on 3/17/2021 and was told the title would be delivered in the next few days but Respondent had to pay off the floor planner at the auction where it was purchased. As of 6/14/2021, the title has not been received and Complainant is on a 4th temporary tag.

The 3rd temporary tag was exempt by the Dept. of Revenue as it was issued in May 2021.

Recommendation: Authorize a civil penalty of \$500 for issuing one temporary tag than allowed by law without authorization.

Commission Decision: Concur.

46. 2021049421 (SH)

Date Complaint Opened: 06/16/2021

First Licensed: 05/26/2011

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with \$5,000 civil penalty for failure to retain trade-in vehicle until funding was received.

Complainant alleges the following against Respondent. On 05/11/2021 Respondent pulled Complainant's consumer credit report without my written consent, advertised down payment in connection with an extension of consumer credit that is not usually and customarily arranged in that amount, during the credit transaction did not tell Complainant it was an attempt to collect a debt, failed to disclose it was an attempt to collect a debt, took a payment of \$2,500 to a debt which is now disputed by Complainant, and communicated with a person other than Complainant stating they owed a debt.

Respondent states they sold a vehicle to Complainant on 5/11/2021 and the bank required \$2,500 down to buy the deal. Respondent explained that to Complainant and he agreed, signed off and contracted the deal based on the bank call. All of the paperwork was in order and the bank funded the deal. Approximately a month later, Complainant called and stated that according to a law recently passed, he was entitled to a refund of the down payment. Complainant showed up for a meeting with a police officer. Complainant gave the officer a document that was created by

Complainant and notarized. The officer stated it was not a legal document and that he had no authority in a civil dispute. Complainant became upset and has called the Respondent hundreds of times alleging that he is entitled to reimbursement.

Recommendation: Close.

Commission Decision: Concur.

47. 2021050471 (SH)

Date Complaint Opened: 06/20/2021

First Licensed: 10/08/2015

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$5,200 civil penalty for unlicensed activity. 2019 – One complaint closed with \$250 civil penalty for advertising violation.

Complainant went to the dealership with her boyfriend and requested that she be the only one on the credit application. Respondent stated that the application would be submitted the next day because it was late in the day. The next day, Respondent called and said that Complainant's current vehicle was reporting to be delinquent. Complainant's boyfriend called Respondent and asked to be put on the credit application without Complainant's permission.

Respondent states that the Complainant arrived late in the day and was invited to submit an application online. Respondent submitted the application and it was denied due to the delinquency on another vehicle. Complainant attempted to add a co-applicant however she was denied due to the same information. Respondent subsequently received a letter from Complainant demanding restitution alleging that Respondent released confidential information to the co-applicant which has caused stress in her relationship. Respondent denies any disclosure or violations.

Recommendation: Close.

Commission Decision: Concur.

48. 2021059591 (SH)

Date Complaint Opened: 08/16/2021

First Licensed: 10/08/2015

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$5,200 civil penalty for unlicensed activity. 2019 – One complaint closed with \$250 civil penalty for advertising violation.

Complainant purchased a vehicle on 6/19/2021 and two months later have not received the title and registration. Respondent received the paperwork on 9/2/2021 and sent it to the Complainant. Complainant requested to withdraw the complaint.

Recommendation: Close.

Commission Decision: Concur.

49. 2021064231 (SH)

Date Complaint Opened: 09/13/2021

First Licensed: 10/08/2015

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$5,200 civil penalty for unlicensed activity. 2019 – One complaint closed with \$250 civil penalty for advertising violation.

Complainant purchased vehicle on 8/2/2021 and the 1st temporary tag has expired without receiving the title and registration. Respondent provided the title and registration on 9/16/2021. Complainant requested to withdraw the complaint.

Recommendation: Close.

Commission Decision: Concur.

50. 2021051771 (SH)

Date Complaint Opened: 06/24/2021

First Licensed: 05/29/2015

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 – One complaint closed with a letter of instruction for use of conditional delivery agreement form.

Complainant purchased a vehicle on 4/15/2021. A few days later the vehicle began to experience some issues. Respondent replaced the fuel line and thermostat. Later on, the vehicle began to have issues and it was determined there was a transmission issue. Complainant alleges the Respondent offered to trade her out or offer a refund.

Respondent states the vehicle was sold “as is” and Complainant had an extended warranty through a third party. Respondent states the Complainant should contact the third-party warranty company for any repairs needed.

Recommendation: Close.

Commission Decision: Concur.

51. 2021054121 (SH)

Date Complaint Opened: 07/09/2021

First Licensed: 12/04/2014

Expiration: 08/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 3/27/2021 and received three temporary tags from Respondent before receiving permanent tags on 7/10/2021.

Recommendation: Authorize a civil penalty of \$500 for issuing one temporary tag than allowed by law without authorization.

Commission Decision: Concur.

52. 2021055331 (SH)

Date Complaint Opened: 07/19/2021

First Licensed: 04/25/2005

Expiration: 04/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant, a Missouri resident, purchased a vehicle on 5/28/2021 and traded a vehicle as part of the deal. Respondent obtained information on another vehicle owned by Complainant and paid off the wrong vehicle. The loan on the new vehicle purchased shows past due even though Complainant has paid.

Respondent contends that the bank gave them the wrong account number which delayed the funding process of the deal. The mistake was resolved but it slowed the finalization of the current deal for 6 weeks. The bank funded the deal on 7/19/2021 and the title paperwork was sent to Missouri clerk for registration.

Complainant rebutted stating that the trade vehicle had been paid off on 8/16/2021.

Recommendation: Letter of Warning.

Commission Decision: Concur.

53. 2021055981 (SH)

Date Complaint Opened: 07/22/2021

First Licensed: 11/10/2020

Expiration: 11/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they bought the vehicle in April 2021, have been issued 6 temporary tags, and still have not received permanent tags.

Respondent states the title to the vehicle was sent to another state for correction and the corrected title has been properly transferred to Complainant on 7/30/2021.

Recommendation: Authorize a civil penalty of \$2,000 for issuing four additional temporary tags over the limit allowed by law without authorization.

Commission Decision: Concur.

54. 2021023741 (SH)

Date Complaint Opened: 03/25/2021

First Licensed: 02/05/2016

Expiration: 12/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of warning for failure to maintain temporary tag log.

Complainant, a Florida resident, claims that Respondent cannot obtain the title on the vehicle purchased in October 2020.

An investigation was conducted. Respondent stated the auction did not deliver the title for 45 days due to COVID delays. The vehicle was being registered in Florida through a third-party company and they also experienced title issues/delays. Respondent offered to reimburse the down payment if the Complainant returned the vehicle but Complainant wanted to keep the vehicle. Respondent bought back the loan from the lender and now holding the loan but no payments have been made. The investigator never heard back from the Complainant after the initial contact.

Respondent also provided the EZ Tag list and shows only 3 temporary tags being issued.

Recommendation: Authorize a civil penalty of \$500 for issuing one additional temp tag over the limit allowed by law without authorization.

Commission Decision: Close.

55. 2021039871 (SH)

Date Complaint Opened: 05/13/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – One complaint opened for unlicensed activity.

Complainant purchased two vehicles from Respondent on 7/24/2020 and paid in full. Respondent provided title to only one vehicle but Complainant has been unable to obtain title to the other as of 5/13/2021. Complainant has since cancelled the check. Respondent is not licensed and has numerous pending complaints.

Recommendation: Authorize a formal hearing and combine all complaints against Respondent in the charges.

Commission Decision: Concur.

56. 2021040091 (SH)

Date Complaint Opened: N/A (Unlicensed)

First Licensed: N/A
Expiration: None.
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant paid in full for a vehicle on 6/4/2020 and has yet to receive title. The vehicle is allegedly salvaged also. Respondent texted Complainant and explained that the vehicle is sent to Arkansas to obtain a rebuilt title then will be transferred to a rebuilt title in Tennessee. Respondent stated that they are waiting on over a dozen titles to come back from Arkansas, including Complainant's title. Respondent, licensed in Mississippi, has individuals that obtain the salvaged vehicles from a MS auction but Respondent has an office located in Tennessee but not licensed in this state.

Recommendation: Refer this complaint and a previous one to Department of Revenue and provide information to Arkansas Office of Motor Vehicle.

Commission Decision: Concur.

57. 2021050651 (SH)
Date Complaint Opened: 07/21/2021
First Licensed: 05/14/2007
Expiration: 04/30/2019
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant states that the Respondent has had multiple complaints concerning titles not being released. Respondent closed its business in 2019. Surety bond information has been sent to Complainant.

Recommendation: Close.

Commission Decision: Close and Flag.

58. 2021055211 (SH)
Date Complaint Opened: 07/17/2021
First Licensed: 02/05/2016
Expiration: 12/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with letter of warning for failure to maintain temporary tag log and unlicensed sales.

Complainant purchased a recreational vehicle on 5/18/2021 and alleges that the RV title has not been transferred as of 7/17/2021. Complainant purchased the vehicle for a job in Montana and was to report there at the end of May. Complainant states they had to quit that job two weeks later due to the clerk in Montana not receiving the tags and title to register. Complainant states that the Respondent filed the paperwork in the local TN county where Complainant lived but Complainant never received the title.

Respondent states they registered the vehicle immediately after purchase in the county where Complainant lived. Respondent is reluctant to mail titles or plates through the mail but when the client is out of state they send FedEx. Respondent further states that the local clerk's procedures of sending titles changed due to COVID. Respondent admits they did not properly communicate with the clerk to send the title out to Complainant.

Title history shows the registration to Complainant occurred on 5/27/2021 however due to the lack of communication with the clerk and title was sent late.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: Concur.

59. 2021055831 (SH)

Date Complaint Opened: 07/22/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dismantler/Recycler

History (5 yrs.): None.

An anonymous complaint was received alleging Respondent is operating an unlicensed dismantler/recycle business. An inspector was sent out to investigate. Respondent admitted they had a parts truck being used to fix up two other trucks for personal use. The inspector determined that the Respondent is not operating a dismantler/recycle business.

Recommendation: Close.

Commission Decision: Concur.

60. 2021049811 (ES)

Date Complaint Opened: 07/17/2021

First Licensed: 08/02/2005

Expiration: 03/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent took money for purchase of vehicle and has kept both the cash and the vehicle. Complainant also alleges the vehicle may be salvaged. Complainant is requesting a refund. An investigation was conducted and the deal file revealed that proper disclosure was made. Respondent also offered Complainant a refund and they refused, but eventually picked up the car. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

61. 2021050601 (ES)

Date Complaint Opened: 07/21/2021

First Licensed: 09/01/1991

Expiration: 02/28/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on 9/24/20 and claims it included a one-year warranty. Complainant alleges the vehicle's engine is not working and the warranty will not cover necessary repairs because the vehicle has after-market parts. Respondent states that the vehicle did come with a free 12 month or 12,000 mile limited warranty even though they normally do not provide warranties with high performance used cars like the one at issue. Respondent states that Complainant was told by another mechanic that the engine was blown but had not brought the vehicle to Respondent before filing this complaint. Respondent has the vehicle and will break the engine down for a warranty inspection. The warranty company will make the decision regarding coverage of repairs and if covered, the repairs will be made at no cost to Complainant. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

62. 2021056841 (ES)

Date Complaint Opened: 07/28/2021

First Licensed: 01/27/2020

Expiration: 01/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – complaint closed with \$750 civil penalty for advertising violation; 2021 – complaint closed with \$10,000 civil penalty for advertising violations and requiring Respondent to appear before Commission

A Notice of Violation was issued to Respondent on July 26, 2021 for advertising violations. However, this is a duplicate complaint and the advertising violations were already included in a recently signed Consent Order assessing a \$10,000 civil penalty to Respondent. Respondent is also appearing before the Commission to discuss their remedial actions to bring the advertising into compliance. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

63. 2021056821 (ES)

Date Complaint Opened: 07/28/2021

First Licensed: 09/04/2009

Expiration: 08/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a new car from Respondent. Complainant states the vehicle needs a repair but the part is on back order and there has been a lack of communication about when the part will arrive so the car can be fixed. Respondent states they spoke with Complainant who was very vocal on the phone, screaming, cursing and verbally abusive. Respondent advised Complainant to call the Consumer Affairs department for the manufacturer to ask if the part can be expedited. Complainant yelled that their vehicle was garbage and the general manager is garbage, and hung up. Respondent had offered Complainant a rental vehicle but they refused because they thought the part would arrive before they could get the rental. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

64. 2021057091 (ES)

Date Complaint Opened: 07/29/2021

First Licensed: 09/01/1991

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a new vehicle from Respondent and alleges they were forced to use a lender that would pay a higher fee to Respondent instead of utilizing Complainant's lender offering a 3.39% interest rate. Respondent confirms that Complainant explained they had talked to a local branch for a credit union and was quoted a 3.39% rate by the local loan officer. Respondent is approved by the credit union to do their bank contracts at the dealership so they submitted Complainant's documents to the credit union's regional indirect lending department in Atlanta. Complainant was approved for a 3.99% rate but could get the 3.39% rate because of customer loyalty to the local branch if they went in person to process the loan and returned with a check for purchase. Complainant had the ability to take this route. However, Respondent offered Complainant an approved 3.39% rate through a lender they have a great relationship with to earn Complainant's business. Respondent states Complainant was ok with this offer and accepted. Respondent notes that the finance manager did state that if Complainant went to the local credit union and got the money from them, then the finance manager would not get a commission for doing the finance paperwork. Respondent stated that it would benefit the finance manager if Complainant signed with the lender they worked with but did not pressure or force Complainant into making a decision. Complainant had the freedom to pay for the vehicle however they preferred. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

65. 2021056251 (SH)

Date Complaint Opened: 07/24/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant is trying to obtain their title and cannot locate the company that had their loan. Respondent explains that they sold the vehicle to Complainant in 2015. In 2016, Complainant filed bankruptcy and the loan was sold to another lender. This lender is no longer in business. Respondent believes the loan was sold before the other lender went out of business and provided the bankruptcy Trustee with information of the financial institution.

Recommendation: Close.

Commission Decision: Concur.

66. 2021052411 (SH)

Date Complaint Opened: 06/28/2021
First Licensed: 01/01/1992
Expiration: 08/31/2017 (Expired)
License Type: Motor Vehicle Dismantler/Recycler
History (5 yrs.): None.

Complainant alleges Respondent has been operating an unlicensed dismantler/recycle business for a few years.

An investigation was made. Respondent has an expired dismantler/recycle license and a valid dealer license. The location allegedly used for the dismantler/recycle business was a garage that Respondent rents out to a body shop but one of the bays is used to fix vehicles for Respondent's dealership. No large quantities of parts were noticed and vehicle were present in various conditions. There was also a sign that stated, "No parts sold". Respondent said he uses parts on other vehicles to repair vehicles to be sold at his dealership and then salvages them. Respondent does not sale parts to the public but has started working on renewing that license due to low vehicle sales.

Complainant notified the investigator that he did not want to pursue the complaint any further.

Recommendation: Close.

Commission Decision: Concur.

67. 2021053231 (SH)

Date Complaint Opened: 07/01/2021
First Licensed: 12/20/2018
Expiration: 08/31/2020 (Expired)
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a scooter on 3/20/2021 and received it on 5/28/2021. Complainant has not been able to register the scooter. Respondent has closed its business. Surety bond information was given to the Complainant.

Recommendation: Close.

Commission Decision: Concur.

68. 2021058981 (SH)

Date Complaint Opened: 08/11/2021

First Licensed: 12/20/2018

Expiration: 08/31/2020 (Expired)

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a utility vehicle on 4/16/2021 and has not received the MSO. The Complainant also purchased a third-party warranty and never received the warranty binder. Respondent has closed its business and sold its inventory to a company in New York. Respondent states that the warranty is a third-party and Complainant should contact them directly. Surety bond information was sent to the Complainant.

Recommendation: Close.

Commission Decision: Concur.

69. 2021057111 (SH)

Date Complaint Opened: 07/29/2021

First Licensed: 05/06/2004

Expiration: 08/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant went with daughter to purchase her first vehicle and was promised by Respondent that they could finance without a credit rating. Complainant alleges that Respondent later said that they could not finance the daughter without a co-signer. Complainant decided to co-sign on a vehicle that the daughter wanted. The parties negotiated a deal for payments of \$494 per month. When the paperwork was ready, the daughter was the only one that signed which concerned Complainant. When they received the paperwork, the monthly payment was \$511 and no co-signer. Complainant alleges Respondent refused to fix the paperwork and believes the Respondent was deceptive.

Respondent states that the Complainant is not the customer or co-signer on any paperwork. The daughter signed all the documentation and was informed of all the information she was signing. Respondent states they were never deceptive.

Recommendation: Close.

Commission Decision: Concur.

70. 2021058591 (SH)

Date Complaint Opened: 08/09/2021

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

An anonymous complaint was received alleging a person was operating a chop shop. No name or address of Respondent was submitted.

Recommendation: Close.

Commission Decision: Close and refer to TN Dept. of Homeland Security

71. 2021053611 (ES)

Date Complaint Opened: 07/05/2021

First Licensed: 02/14/2017

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges the Respondent has failed to register vehicle and has not provided permanent tag or title. An investigation was conducted. Complainant told the investigator they left the vehicle parked on an interstate and assumed it was towed by the City at some point. Complainant also stopped making payments on the vehicle. Respondent only issued two temporary tags to the vehicle prior to it being abandoned by Complainant. Respondent had the title but Complainant never returned their phone calls or provided a good mailing address, and the issue became moot once Complainant missed multiple monthly payments. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

72. 2021056851 (ES)

Date Complaint Opened: 07/28/2021

First Licensed: 08/02/2016

Expiration: 07/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent in January 2021 and notes that it was in a wreck on 6/24/21. Complainant alleges they were told that repairs could not be made by the mechanic who inspected the vehicle for the insurance company because the vehicle was

previously deemed a total loss. Complainant alleges Respondent did not disclose this information and will not assist them. Respondent provided the deal file and notes that Complainant knew the vehicle had a rebuilt title like all vehicles on their lot, and signed the proper Disclosure form. Respondent states Complainant never brought in proof of full coverage insurance as agreed to in the contract, which means they are taking a loss of over \$10,000 – the amount still due by Complainant. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

73. 2021052881 (ES)

Date Complaint Opened: 06/30/2021

First Licensed: 01/08/2013

Expiration: 01/31/2023

License Type: Motor Vehicle Dismantler/Recycler

History (5 yrs.): None.

A Notice of Violation was issued to Respondent on 6/28/21 for unlicensed activity and an expired county business license. Respondent has since provided proof of an active dismantler/recycler license but has not responded to a request to provide the active business license. Counsel recommends issuing a \$250 civil penalty for an expired county business license.

Recommendation: Authorize a \$250 civil penalty for expired county business license and refer to appropriate county clerk.

Commission Decision: Concur.

74. 2021057371 (ES)

Date Complaint Opened: 07/30/2021

First Licensed: 05/01/2012

Expiration: 03/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$500 civil penalty for issuing one more temporary tag than allowed.

Complainant is alleging that the Respondent sold them a car that they did not have the title for. Respondent states this is not the case, they originally were told that Complainant lived in Tennessee and would be registering the vehicle here. Respondent explained that registering, paying taxes for and obtaining license plates for vehicles at a Buy Here Pay Here dealer takes more time for an out of state buyer. Complainant alleges they knew Complainant lived out of state. Respondent refunded Complainant in full and took the vehicle back at Complainant's request. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

75. 2021059421 (ES)

Date Complaint Opened: 08/13/2021

First Licensed: 02/24/2011

Expiration: 09/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent overcharged for purchased vehicle and failed to deliver title. Respondent provided the contract showing Complainant agreed to the purchase price and states they have not paid for the vehicle in full, and have been late on payments. Respondent is considering pursuing repossession efforts. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

76. 2021054301 (SH)

Date Complaint Opened: 07/12/2021

First Licensed: 02/26/2016

Expiration: 12/31/2019

License Type: Motor Vehicle Dealer

History (5 yrs.): 2017 – One complaint closed with \$500 civil penalty for failure to use rebuilt disclosure form.

Complainant purchased a vehicle on 3/7/2018, paying \$500 per month. Complainant was adding an extra \$100 on her bi-weekly payments and alleges that there is \$2,000 unaccounted for from her balance. Complainant paid her last payment on 1/8/2021 but on 4/5/2021, Respondent allegedly refused to send the title stating Complainant still owed \$100 for the spare key.

The title shows the Respondent released the lien on 4/5/2021 and sent to Complainant.

Recommendation: Close.

Commission Decision: Concur.

77. 2021059701 (SH)

Date Complaint Opened: 08/16/2021

First Licensed: 09/09/2008

Expiration: 08/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 6/10/2021 but has not received permanent tags. Only two have been issued and dealer is refusing to give a third. Complainant has continually tried to obtain

the title to register the vehicle. Respondent claims they have been in and out of the hospital for the last two months. Respondent has also provided the Complainant numerous opportunities to pick up the title to register the vehicle. After 3 months, Respondent has not registered the vehicle in Complainant's name even though Complainant paid for registration at the time of sale.

Recommendation: Authorize a civil penalty in the amount of \$500 for failure to register vehicle.

Commission Decision: Concur.

**78. 2021060321 (SH)
2021060421
Date Complaint Opened: 08/19/2021, 08/20/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.**

Complainant found a vehicle for sale on Marketplace and inquired as to the price via email that was provided. Complainant was told that the current owner had passed away. Complainant was to provide certain information in order to inspect the vehicle which Complainant believed to be sketchy. Respondent's address listed online is another dealership in City A, that has no connection with Respondent. Respondent's name is a dealership in City B, that has no connection with Respondent.

The City B dealership filed a complaint after receiving over 100 calls about vehicles listed for sale online. Research shows this to be a known scam on Marketplace. There is no contact information for Respondent except an email address. There has been no response from Respondent.

Recommendation: Close both complaints.

Commission Decision: Concur.

**79. 2021055061 (SH)
Date Complaint Opened: 07/15/2021
First Licensed: 12/16/2011
Expiration: 12/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with letter of warning for issuing titles in the correct name.**

Complainant purchased a vehicle on 5/1/2021 in full and after two months has not received the permanent tags. Respondent is refusing to provide a third temp tag. Respondent states that the Complainant received their registration, title and plate the day after this complaint was filed.

Recommendation: Close.

Commission Decision: Concur.

80. 2021055291 (SH)

Date Complaint Opened: 07/19/2021

First Licensed: 02/12/2014

Expiration: 01/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 11/7/2019 and the Respondent never filed the registration or provided the title. Respondent has closed its business and surety bond information has been sent to the Complainant.

Recommendation: Close.

Commission Decision: Concur.

81. 2021060691 (SH)

Date Complaint Opened: 08/23/2021

First Licensed: 08/19/2016

Expiration: 04/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued against Respondent on 8/20/2021 for unlicensed activity. Respondent had apparently closed its motorcycle business at another location but has recently moved to its current location. The Respondent stated they had until the end of the month to file its relocation paperwork. Respondent had been conducting business at its current location since April 2021 without a license. Respondent's relocated address paperwork was completed and approved on 8/26/2021.

Recommendation: Authorize a civil penalty in the amount of \$1,500 for unlicensed activity.

Commission Decision: Concur.

82. 2021060921 (SH)

Date Complaint Opened: 08/24/2021

First Licensed: 06/06/2007

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): N/A

A Notice of Violation was issued against Respondent's Dismantler/Recycle license on 8/23/2021 for being expired. The Commission received Respondent's license on 11/20/2020 with "Closed" written on it with a letter stating the business has ceased operation. Respondent also paid the

2020 civil penalty soon after. Respondent also operates a dealership on the same lot. The dealer license was expired at the time of inspection.

Recommendation: Authorize a civil penalty of \$500 for operating on an expired dealer license.

Commission Decision: Concur.

83. 2021060541 (ES)

2021060971

Date Complaint Opened: 08/23/2021, 08/24/2021

First Licensed: 04/01/2005

Expiration: 12/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2021060541

Complainant purchased a vehicle from Respondent and states it was paid off, but claims they have not received a receipt or the title. Respondent states Complainant paid the vehicle off on May 12, 2021 and the title was sent to the address provided by Complainant that same day. The FedEx package with title was returned to Respondent at the end of June and they have tried contacting Complainant without success. Respondent provides copies of all paperwork which verifies their statements. Respondent has since mailed the title and receipt to Complainant's new address provided to Counsel. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

2021060971

Complainant is a resident of Puerto Rico who purchased a vehicle from Respondent in November 2018. Complainant claims they made the final payment in May 2020 but has not received the title. Respondent states they have not heard from Complainant or been provided an address to mail the title. Respondent immediately confirmed that the title was sent via FedEx to the Complainant once we provided the correct address. Complainant also confirmed they had been calling the wrong number for Respondent prior to filing this complaint. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

84. 2021059851 (ES)

Date Complaint Opened: 08/17/2021

First Licensed: 07/18/2018
Expiration: 07/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant is a resident of Illinois who alleges Respondent is operating without a dealer license or corporate registry. Further, Complainant alleges Respondent is operating a “scam” by advertising and selling vehicles but not delivering them to the purchaser. An investigation was conducted. The investigation revealed that Respondent is a licensed dealer who already knew about the “dealer” referred to in this complaint. Someone is using Respondent’s name on Facebook and holding themselves out to be a dealer with vehicles for sale. Respondent has set up their voicemail to state “if this is a call from Facebook Marketplace, it is a scam – we do not advertise and those are not our cars. This is a payment line only.” Respondent met with the investigator at the dealership and had the required active licenses posted on site, and explained that they have gotten many calls from consumers trying to inquire about vehicles from Facebook. The phone number listed on the Facebook page is not in service and is not the same as Respondent’s phone number. None of the vehicles listed on Facebook were at Respondent’s dealership and there is no connection other than the name of the Facebook page. Respondent has never had a Facebook page and has tried to report the problem to Facebook itself, requesting that the page be removed and explaining it is a scam. Facebook states that there is no violation of their community standards and has not taken action. However, the page has since been removed from Facebook. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

85. 2021060021 (ES)

Date Complaint Opened: 08/18/2021
First Licensed: 09/11/2012
Expiration: 08/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with \$500 civil penalty for failure to deliver title. 2020 – One complaint closed with letter of warning for odometer tampering.

Complainant purchased a used vehicle from Respondent on 8/3/21 and alleges they were told it had 58,778 miles which also matched the odometer reading. Complainant tried to purchase an extended warranty at a franchise dealership and was informed the vehicle’s VIN report showed over 141,000 miles. Complainant wants to return the vehicle and get a refund but Respondent refuses. Respondent provided the deal file which includes the signed acknowledgements that the vehicle was being sold as-is, had a defective instrument cluster and an incorrect odometer reading. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

86. 2021061271 (ES)

Date Complaint Opened: 08/25/2021

First Licensed: 08/30/2012

Expiration: 08/31/2016

License Type: Motor Vehicle Dismantler/Recycler

History (5 yrs.): 2020 – One complaint closed with \$500 agreed citation for unlicensed activity.

A Notice of Violation was issued to Respondent on 8/23/21 during an inspection for unlicensed activity as a dismantler/recycler. Respondent confirmed they crush vehicles and occasionally sell parts. The inspector indicated Respondent told them they would obtain a D & R license in the past when a similar NOV was issued. Respondent was assessed a \$500 civil penalty for unlicensed D & R activity in 2020. Counsel recommends issuing a \$1,000 civil penalty for unlicensed activity and conducting a follow-up inspection in 30 days.

Recommendation: Authorize a \$1,000 civil penalty for unlicensed D & R activity and a follow up inspection in 30 days

Commission Decision: Concur.

87. 2021062431 (ES)

Date Complaint Opened: 09/01/2021

First Licensed: 09/01/1991

Expiration: 07/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued to Respondent during inspection on 8/27/21 for having an expired dealer license, expired liability insurance, expired city business license and being in possession of two open titles. Counsel recommends issuing a \$500 civil penalty for unlicensed activity, \$500 for expired liability insurance, \$250 for expired business license and \$1,000 for two open titles, for a total \$2,250 civil penalty.

Recommendation: Authorize a \$2,250 civil penalty for unlicensed activity, expired liability insurance, expired city business license and possession of two open titles and refer to appropriate city clerk.

Commission Decision: Concur.

88. 2021056261 (SH)

2021059311

Date Complaint Opened: 07/24/2021, 08/13/2021

First Licensed: 09/13/2019

Expiration: 08/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2021056261

Complainant traded a vehicle in to purchase another on 3/16/2021. Complainant wanted the plates transferred from the trade to the current vehicle. On 7/23/2021 Complainant learned that registration had not occurred. Complainant has also learned that Respondent closed its business before registering the vehicle. Complainant has given the surety bond information.

2021059311

Complainant funded a deal from Respondent on 2/13/2021 but Respondent never perfected the lien. Respondent has closed its business. Surety bond information was sent to Complainant.

Recommendation: Close both complaints.

Commission Decision: Close and Flag.

89. 2021059251 (SH)

Date Complaint Opened: 08/12/2021

First Licensed: 08/06/2001

Expiration: 07/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with letter of warning for failure to deliver title. One complaint closed with \$1,000 civil penalty for failure to deliver tags. 2020 – One complaint closed with letter of warning for selling vehicles with known safety issues. 2021 – three complaints closed with letter of warning for late delivery of titles.

Complainant alleges that a buyer with bad credit went to purchase a vehicle from Respondent. During the course of approval, Respondent notified buyer that they would need a cosigner. When the approval came back the interest rate was high. Complainant alleges Respondent tried to make a straw purchase by requesting the buyer to allow the cosigner to be on the contract and the buyer can make the payments. Complainant claims the paperwork is in their name only and returned the vehicle to Respondent. Complainant also alleges Respondent forged insurance documents.

Respondent denies the allegation and states that two sisters and their mother came to the lot to buy a vehicle for both of them. One sister tried to purchase with mother as cosigner but the sister had a bad history with the lender. The other sister said she would purchase the vehicle with her mother and both names were placed on the loan. There was no forgery of insurance documents. All paperwork was completed by both individuals and they left the lot with the vehicle. The husband came in the next day and tried to return the vehicle and alleging a straw purchase. Respondent refused to cancel the loan or accept the vehicle because the husband was not on the loan or the owner.

Complainant sent a demand letter to Respondent to cancel the contract and commenced a criminal complaint. Respondent has retained an attorney.

Recommendation: Close.

Commission Decision: Concur.

90. 2021057211 (SH)

Date Complaint Opened: 07/29/2021

First Licensed: 03/04/2011

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed without action. 2018 – One complaint closed with \$500 civil penalty for failure to deliver title. 2016 – One complaint closed with \$500 civil penalty for deceptive business practices and four complaints closed without action. 2021 – One complaint closed with letter of warning for deceptive business practices.

Complainant purchased a vehicle on 1/11/2021 and 6 months later has yet to receive registration paperwork. When Complainant went to Respondent, they were told the title was lost and they were applying for a duplicate. Later, Complainant was contacted to have another emissions test completed because it was out of date.

Respondent provided an email chain between them and Complainant. The title and paperwork were sent to Complainant on 8/25/2021 and received by Complainant.

Seven temporary tags were issued to Complainant. The temporary tags issued in April and May would be exempt by the Department of Revenue. There were three temp tags issued over the limit without authorization.

Recommendation: Authorize a civil penalty of \$1,500.00 for issuing three temporary tags over the limit without authorization.

Commission Decision: Concur.

91. 2021057631 (SH)

Date Complaint Opened: 08/02/2021

First Licensed: 09/13/2019

Expiration: 08/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle on 1/30/2021 however Respondent never registered the vehicle. Respondent closed its business before registering the vehicle. Complainant has given the surety bond information.

Recommendation: Close.

Commission Decision: Concur.

92. 2021061571 (SH)

Date Complaint Opened: 08/26/2021

First Licensed: 04/06/2017

Expiration: 03/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with \$250 civil penalty for advertising violation.

Complainant purchased a vehicle on 6/12/2021 and have not received the title. Respondent continues to give out temporary tags. Complainant has received 4 temp tags.

Respondent states the vehicle was purchased at auction. The auction has had difficulties obtaining the title due to COVID restrictions and has requested a duplicate title.

Recommendation: Authorize a civil penalty of \$1,000.00 for issuing two additional temporary tags than allowed by law without authorization.

Commission Decision: Concur.

93. 2021063771 (SH)

Date Complaint Opened: 09/10/2021

First Licensed: 03/09/2020

Expiration: 02/28/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued against Respondent for not having a salesperson license. Respondent is a corporation with one owner. Owner has applied for a license and is in pending.

Recommendation: Authorize a civil penalty of \$250.00 for failure to obtain a salesperson license.

Commission Decision: Concur.

94. 2021057311 (ES)

Date Complaint Opened: 07/30/2021

First Licensed: 09/24/2013

Expiration: 12/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent with cash in May 2020. Complainant applied for a new title to renew the registration and was told there was still a lien on the vehicle. Complainant went to the dealership to discuss this and saw that it had been closed down. Respondent states Complainant is trying to obtain a lien release without paying the balance owed to them. Respondent did close and sold the business and all accounts to another dealer. Complainant needs to contact the dealer who now holds the balance to settle the account so the lien can be released. Complainant has been provided with the contact information for the dealer and did not rebut the response or provide evidence to support their allegations. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

95. 2021057771 (ES)

Date Complaint Opened: 08/03/2021

First Licensed: 12/20/2017

Expiration: 12/31/2021

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued to Respondent during inspection on 8/2/21 for failing to update their dealer license regarding a relocation of the dealership, having an expired county business license and being unable to produce their sales tax identification number. Counsel recommends issuing a \$500 civil penalty for unlicensed activity at new location, \$250 for expired business license and \$250 for no sales tax ID, for a total \$1,000 civil penalty.

Recommendation: Authorize a \$1,000 civil penalty for unlicensed activity at new location, expired county business license and no sales tax identification number and refer to the DOR and appropriate county clerk.

Commission Decision: Concur.

96. 2021058281 (ES)

Date Complaint Opened: 08/06/2021

First Licensed: 06/16/2010

Expiration: 06/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with letter of warning for unlicensed activity.

A Notice of Violation was issued to Respondent during inspection on 8/3/21 for a possible advertising violation. Respondent is a national company whose website includes an inventory of vehicles being sold throughout most states. Respondent's website's disclosure stated "Prices exclude taxes and finance charges, and where allowed by state law, may exclude doc fees of up to \$299 and other applicable fees." Respondent explained they were trying to be as broad as possible while still trying to be compliant with all of the advertising rules in different states. After discussion with the Director, it was concluded that the disclosure does not clearly violate advertising rules because other states may allow doc fees and/or other applicable fees to be added to the sales price and the disclosure states that would only apply where allowed. Counsel recommends a Letter of Instruction advising Respondent that a separate disclosure is necessary if they are charging a doc fee for vehicles in Tennessee to state the exact amount of the doc fee and note that the doc fee is included in the advertised price. Further, if they are including any additional fees in the advertised price, those fees need to be identified and the amount of each fee disclosed.

Recommendation: Letter of Instruction regarding advertising disclosure

Commission Decision: Concur.

97. 2021061801 (ES)

Date Complaint Opened: 08/17/2021

First Licensed: 10/09/2020

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – One complaint closed with letter of instruction for issuing temporary tags.

Complainant purchased a used vehicle from Respondent on 3/15/21 and has been issued three temporary tags. Complainant states they were informed by Respondent on the front end that it may take a little longer than normal to get a permanent tag due to COVID delays. Respondent states at the time of the sale of the vehicle to Complainant, they had the title. Respondent's office was not fully staffed due to COVID and admitted they fell far behind in titling vehicles they sold. In the midst of this, Respondent misplaced the title. Respondent applied for and received a replacement title in early August and sent everything for registration to the county clerk but the clerk sent it back because it was missing a signature. Respondent then corrected the error and registration was completed. The permanent tag was sent via FedEx to Complainant on 9/14/21. Respondent issued three temporary tags and states this was a terrible oversight. The third temporary tag was issued after the DOR stopped allowing a third tag due to COVID delays. Counsel recommends issuing a \$500 civil penalty for issuing one more temporary tag than allowed by law.

Recommendation: Authorize a \$500 civil penalty for issuing three temporary tags

Commission Decision: Concur.

98. 2021065551 (ES)

Date Complaint Opened: 09/21/2021

First Licensed: 10/09/2020

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – One complaint closed with letter of instruction for issuing temporary tags.

Complainant purchased a used vehicle from Respondent on 6/2/21 and has been issued two temporary tags. Respondent states they had to request a corrected odometer statement from their Title Procurement Office within their corporate headquarters, which would have delayed the registration even more. Complainant agreed to sell the vehicle back to Respondent for the full purchase price. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

99. 2021060061 (ES)

Date Complaint Opened: 09/14/2021
First Licensed: 09/03/1999
Expiration: 06/30/2023
License Type: Motor Vehicle Auction
History (5 yrs.): None.

A Notice of Violation was issued to Respondent during inspection on 8/17/21 because they could not produce an active motor vehicle auction license. Respondent has since produced the active license and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

100. 2021057341 (ES)
Date Complaint Opened: 07/30/2021
First Licensed: 09/01/1991
Expiration: 03/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued to Respondent during inspection on 7/28/21 for failure to provide an active county business license. Respondent has since provided proof of the active license and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

101. 2021058821 (ES)
Date Complaint Opened: 08/10/2021
First Licensed: 05/25/2011
Expiration: 04/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): 2018 – One complaint closed with letter of warning for false, misleading, or deceptive advertising.

Complainant purchased a new vehicle from Respondent and alleges they failed to honor warranty by making a false diagnosis. Complainant claims the vehicle broke down 28 days after purchase and it was taken to Respondent's service department immediately. Complainant alleges Respondent told them the issue was due to "bad fuel." Respondent states it has been determined that the vehicle failed due to an outside source and is not covered under the manufacturer's warranty. The manufacturer had one of their field technical specialists inspect the vehicle and they came to the same conclusion. Complainant has arbitrated this matter with the manufacturer and there was no evidence of a manufacturing defect. Respondent has diagnosed the vehicle but Complainant has yet to approve the repairs. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

102. 2021062021 (ES)
Date Complaint Opened: 08/31/2021
First Licensed: 07/10/2019
Expiration: 06/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

An anonymous complaint was received alleging Respondent is keeping their vehicles at a different location but does not provide an address or any further information. Complainant also claims Respondent has had the same two vehicles on their lot for over a year. Respondent states they have “been literally scraping by” since April 2020 as a result of COVID. Respondent does not have many vehicles on their lot because used vehicles are overpriced at this time, considering the high demand and lack of new vehicles at franchise lots. Respondent states they wholesale vehicles sometimes and those go to be cleaned and fixed at another location before they are sent to dealers. Respondent vehemently denies selling vehicles from that location and notes it is only a holding area. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

103. 2021058541 (ES)
Date Complaint Opened: 08/09/2021
First Licensed: 11/06/2000
Expiration: 10/31/2020 (Expired)
License Type: Motor Vehicle Dismantler/Recycler
History (5 yrs.): None.

A Notice of Violation was issued during inspection on 8/4/21 because Respondent is operating as a Dismantler/Recycler without an active license. Counsel recommends issuing a \$500 civil penalty for unlicensed activity and a follow-up inspection in 30 days.

Recommendation: Authorize a \$500 civil penalty for unlicensed activity and follow up inspection in 30 days

Commission Decision: Concur.

104. 2021064251 (ES)
Date Complaint Opened: 09/13/2021
First Licensed: 11/12/2020
Expiration: 11/30/2022

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

Complainant leased a vehicle from Respondent on 8/11/21 and traded in a vehicle. Complainant alleges the lender who financed the lease has no record of the vehicle and a payment should have been due on 9/11/21. The vehicle Complainant traded in was also a lease through the same lender and it has allegedly not been paid off either. Respondent states they did have some difficulty obtaining funding on the new lease. Respondent had to have the lease contract resigned which took some time, and also delayed the payoff of the trade-in vehicle. Respondent confirms the issues are completely resolved, with the new lease vehicle having been funded and the payoff for the trade-in completed. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

105. 2021058451 (SH)
Date Complaint Opened: 08/06/2021
First Licensed: 12/17/2010
Expiration: 10/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2017 – One complaint closed with \$1,000 civil penalty for failure to provide title/registration.

Complainant purchased a vehicle on 4/26/2021. After a few weeks Complainant inquired about his registration and tags. Respondent informed Complainant that he needed to submit an passing emission report. Complainant informed then that the vehicle did not require emission as it was an overweight exemption. Complainant was pulled over for having an expired temp tag just before he received the second supplied by Respondent. The second temp tag expired and Respondent provided a third.

Recommendation: Authorize a civil penalty of \$500.00 for issuing one additional temporary tag than allowed by law without authorization.

Commission Decision: Concur.

106. 2021061861 (SH)
Date Complaint Opened: 08/27/2021
First Licensed: 09/01/1991
Expiration: 04/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle on 4/19/2021 and four months later still has not received their tags. Respondent states the title was delayed form the bank and it took longer than expected to process at DMV. Respondent has received the title and given to the Complainant. Complainant verified that only two temp tags were issued.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: Concur.

107. 2021062751 (SH)
Date Complaint Opened: 09/04/2021
First Licensed: 10/06/2003
Expiration: 06/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant, a Florida resident, purchased a vehicle on 4/30/2021 for \$5,999. Complainant paid \$500 cash for down payment and issued a bank check for \$5,499 on 5/2/2021. After four days, Respondent had not received the check. Complainant wire transferred the \$5,499 that day. Complainant's wife picked up the vehicle to drive back to Florida. The vehicle allegedly broke down after 50 miles. Complainant alleges Respondent must have known of mechanical issues before the sale. Upon arriving in Florida, a mechanic inspected the vehicle and estimated repair costs of over \$4500. Also, when Complainant went to register the vehicle, it was discovered that Respondent did not register the vehicle in their name nor provided an executed title after the sale, therefore, Respondent allegedly sold the vehicle with an open title. Complainant also alleges that Respondent has been unjustly enriched by keeping an extra \$5,499 after receiving the check. Complainant has hired a lawyer and demanded restitution and release from the contract.

Respondent has also hired a lawyer. In response, Respondent states that the Complainant's wife came to pick up the vehicle and noted many of the defects with the vehicle before the purchase. The wife contacted Complainant and informed him of the defects and instructed her to move forward with the purchase. The vehicle was purchased "as is". Complainant was initially going to wire the money but there were issues so they were instructed by Complainant on 5/7/2021 to deposit the check from the bank. Respondent was notified that the wire transfer was stopped. Respondent later received it the wire transfer and upon noticing the money, Respondent mailed a check, via certified mail, to Complainant on 7/15/2021. Complainant claimed the check was not included in the mailing so Respondent stopped payment. Another check for the \$5,499 was sent on 8/13/2021 and Complainant again has claimed the check was not received. Respondent's attorney has now obtained the funds in escrow and is willing to send to Complainant's attorney.

A copy of the back of the title shows the seller signed and sold the vehicle to Respondent but Respondent never signed it. Additionally, the Respondent never assigned the vehicle to Complainant after the purchase.

Recommendation: Authorize a civil penalty of \$500.00 for possession of an open title.

Commission Decision: Concur.

108. 2021064621 (SH)
Date Complaint Opened: 09/15/2021
First Licensed: N/A (Unlicensed)

Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant met an individual in a parking lot claiming to be a dealer and selling a vehicle. The deal was not made and money was returned. There is no valid contact information on this individual and the phone number is a day care business. This seems to be another possible Marketplace scam.

Recommendation: Close.

Commission Decision: Concur.

109. 2021064191 (ES)
Date Complaint Opened: 09/13/2021
First Licensed: 06/24/2020
Expiration: 06/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges they were tricked into buying a different vehicle than they test drove and further claim they fear for their safety. Respondent states Complainant came with a friend and test drove the vehicle they wanted to purchase. Complainant then wanted to think on it overnight, but came back and bought the same vehicle they test-drove and selected themselves. Complainant even brought brownies back to the dealership a week after purchase. Two weeks later, Complainant came back and was upset the vehicle was not a hatchback, which was the first time the issue came up. Respondent has no idea why Complainant would state they are afraid because they never showed any fear when they were at the dealership four separate times. Respondent has tried calling the Complainant multiple times to no avail. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

110. 2021064751 (ES)
Date Complaint Opened: 09/16/2021
First Licensed: 05/25/2011
Expiration: 06/30/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges Respondent was advertising a new Corvette for sale online at Cars.com for \$70,885. Complainant states they reached out to Respondent the same day offering to purchase it for the advertised price with cash. Complainant states Respondent told them there was a markup and the sale price was \$104,885. Respondent states that Cars.com is a third-party website that displays motor vehicle inventory located at car dealerships and pulls a daily inventory feed to

create the advertisements displayed on their website. This feed includes the VIN, year, make, model, mileage, etc. for each vehicle in a dealership's inventory. Historically, when the dealership does not list a price for a vehicle in the inventory management system, the Cars.com advertisement would display a "Call for Price" instruction rather than display an actual price. Respondent did not list a price for this vehicle in its inventory management system. However, Cars.com mistakenly and unbeknownst to Respondent, retrieved the MSRP of the vehicle and displayed the MSRP as the purchase price for the vehicle. As soon as Respondent was made aware of Cars.com's error, they immediately removed the advertisement. Respondent never advertised the vehicle for \$70,885 on its own website and never misled Complainant. Respondent notes that Complainant never offered to purchase the vehicle at the price and only inquired if it was still available. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

111. 2021066301 (ES)
Date Complaint Opened: 09/24/2021
First Licensed: 12/29/2014
Expiration: 12/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant makes many allegations against Respondent but none related to the purchase of a vehicle. Complainant alleges Respondent does not have good intentions, the owner is selfish and sexually harasses women, intimidates people, and sells bad cars. Complainant alleges they have smelled alcohol on the owner's breath during business hours. Complainant feels Respondent is bad for the community. Respondent states they do not recognize Complainant's name and does not remember selling a vehicle to them, but does apologize to Complainant or any party involved if they had a bad experience at the dealership. Respondent provides a detailed response denying the allegations but also offers to discuss the matter further if it relates to a specific transaction so they can get to the bottom of this. Respondent feels Complainant may have a hidden agenda or is excessively mad about something in particular that they are not disclosing. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

112. 2021066811 (ES)
Date Complaint Opened: 09/29/2021
First Licensed: 02/26/2020
Expiration: 01/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.):

Complainant alleges Respondent made a deal with them to purchase vehicles from auction with funds provided by the Complainant, but is demanding further funds before turning them over to the Complainant. Complainant then asked to withdraw the complaint because they have come to a satisfactory resolution with Respondent. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

113. 2021064691 (SH)
Date Complaint Opened: 09/15/2021
First Licensed: 08/12/2019
Expiration: 07/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant states her daughter purchased a vehicle from Respondent on 3/29/2021 that the motor locked up about a week later. Respondent replaced the vehicle with another and it too stopped working. Complainant alleges Respondent is using unlicensed mechanics, charging high down payments, and knowingly selling trash vehicles. Complainant also alleges that Respondent has a history of selling bad vehicles and there are numerous other customers that it happened to.

Respondent denies the allegations and states the vehicle was purchased “as is” by the daughter and not the Complainant. Complainant test drove the vehicle and was told she could have it inspected but chose not to do so. On 4/25/2021, Complainant complained about the brakes and Respondent suggested a mechanic. On 8/5/2021, Complainant contacted Respondent and stated the vehicle quit working and did not want it anymore. Complainant requested to swap to another vehicle but Respondent explained that the deal was financed and were not allowed. Respondent suggested multiple mechanics to assist but they were never used.

Recommendation: Close.

Commission Decision: Concur.

114. 2021066251 (SH)
Date Complaint Opened: 09/24/2021
First Licensed: 08/27/2018
Expiration: 08/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle in 6/22/2021 after driving from Florida. Complainant was told they would have the title within 2 weeks but Respondent now claims the auction has delayed the title. Respondent states the Complainant received the title on 9/3/2021 and provided the tracking number.

Recommendation: Close.

Commission Decision: Concur.

115. 2021066441 (SH)
Date Complaint Opened: 09/27/2021
First Licensed: 08/21/2020
Expiration: 07/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued against Respondent for not having the name on the side of their building as the same as listed on their license. Respondent disputes the issue and claims that the same inspector has known about the sign in the past and did nothing about it. Respondent's full name that is listed on the license is not displayed. The area where Respondent is located seems to not allow signs at the road and all the businesses have their name on the building instead.

Recommendation: Letter of instruction to add a d/b/a with the Secretary of State and revise their dealer license to reflect the same.

Commission Decision: Concur.

116. 2021060771 (SH)
Date Complaint Opened: 08/23/2021
First Licensed: 11/13/2015
Expiration: 10/31/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued against Respondent on 8/23/2021 for having an expired salesperson license.

Recommendation: Authorize a civil penalty of \$500.00 for unlicensed activity.

Commission Decision: Concur.

117. 2021065171 (SH)
Date Complaint Opened: 09/17/2021
First Licensed: 06/05/2020
Expiration: 05/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle on 7/27/2021 and have not received their title and cannot register the vehicle.

Respondent states the seller, an Alabama dealer, had the title to send to auction company but it had a rip in it therefore needed to order a duplicate. The auction company has been in constant contact with seller. Respondent has offered to refund all monies and accept the vehicle but Complainant wants to keep the vehicle.

Complainant rebutted and states the Respondent will not refund the amount that has been put into the vehicle since purchase; only the down payment amount.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: Concur.

118. 2021065421 (SH)
Date Complaint Opened: 09/20/2021
First Licensed: 04/29/2016
Expiration: 05/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with \$18,000 civil penalty for issuing more temporary tags than allowed.

Complainant purchased a vehicle on 6/21/2021, made a down payment, and was told the amount financed was \$18K. The first monthly payment was made and the paperwork showed financing at over \$24K. Complainant was also told they would get two free temp tags and the title would be received before the second tag expired on 8/31/2021. According to the clerk, as of 9/17/2021, no registration transfer has been made by Respondent.

Respondent claims they are diligently working to resolve this matter. The agreement clearly stated the amount of financing and Complainant confirmed full understanding of all terms. Respondent, upon submitting the tag and title paperwork to clerk, learned there was an issue with the paperwork provided by the auction where the vehicle was purchased by Respondent. The issues were corrected and the revised paperwork was hand delivered to the clerk on 10/6/2021. Complainant has been informed of the status.

Recommendation: Letter of Warning for late delivery of title.

Commission Decision: Concur.

119. 2021065561 (SH)
Date Complaint Opened: 09/21/2021
First Licensed: 05/14/2014
Expiration: 04/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a vehicle on 1/21/2021 and was told that the registration transfer would be handled and all paperwork would be mailed to them. Complainant was issued 4 temporary tags before title was mailed in May 2021.

Respondent claims that delays with the clerk transferring the registration were caused by having to obtain a second proof of residence of Complainant to process and back log of work.

The 3rd temporary tag was exempt by the Dept. of Revenue as it was issued in March 2021.

Recommendation: Authorize a civil penalty of \$500 for issuing one temporary tag than allowed by law without authorization.

Commission Decision: Concur.

120. 2021061351 (ES)
Date Complaint Opened: 08/26/2021
First Licensed: 03/21/2018
Expiration: 01/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

A Notice of Violation was issued to Respondent during an inspection on 8/24/21 for failure to provide proof of an active city business license. Counsel recommends issuing a \$250 civil penalty for the expired business license.

Recommendation: Authorize a \$250 civil penalty for expired city business license and refer to appropriate city clerk.

Commission Decision: Concur.

121. 2021068301 (ES)
Date Complaint Opened: 10/06/2021
First Licensed: 10/03/2018
Expiration: 09/30/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges Respondent failed to pay off trade-in. Respondent spoke with Complainant after this complaint was filed to resolve the misunderstanding. Respondent provided proof the trade-in was paid off in a timely fashion. Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

122. 2021065691 (ES)
Date Complaint Opened: 09/22/2021
First Licensed: 03/07/2019
Expiration: 03/31/2023
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent in December 2020 and alleges they were told it had brand new tires. Complainant claims the tires could not have been new because they had a flat in August 2021 after only putting 12,000 miles on the vehicle since purchase. Further, Complainant alleges the tires were all bald. Respondent states they put new tires on the vehicle on October 22, 2020 during their Certified Quality Inspection prior to selling it to Complainant. Respondent denies the allegations and has offered to sell four new tires to Complainant for \$480 but they declined the offer. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: Concur.

REPRESENTATIONS

123. 2021008671 (SH)
Date Complaint Opened: 02/03/2021
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant alleges the Respondent is selling street legal golf carts that are over the limit of 50cc thus requiring a license. One sale is known to have occurred in Tennessee.

An investigation was conducted. Respondent stated they did not have a dealership in Tennessee but starting to get business from here via the internet. Respondent stated that they were in the process of purchasing a building in TN to open a dealership. Respondent stated that all of their sales, including for Tennessee, are done remotely and go through their location in California or Georgia and then the cart is delivered to the buyer. The number advertised is a number for the independent sales representative located in Georgia however advertisement is being conducted in a magazine in TN.

Recommendation: Authorize a civil penalty of \$1,000 for unlicensed activity.

Commission Decision: Concur.

New Information: After correspondence with the Respondent, it was determined that Respondent was given incorrect information. Respondent reached out to the Commission before conducting any business activity in the state. They inquired whether they would need a dealer license or if the product they offered was exempt from licensure. Respondent was informed that the electric low-speed product would be exempt. After research of the product and laws, Respondent was later informed they would need to apply for a dealer license. Respondent immediately began the process of application. No sales have occurred after being notified of the licensure requirement.

New Recommendation: Close.

New Commission Decision: **Concur.**

124. 2020090591 (SH)
Date Complaint Opened: 11/19/2020
First Licensed: 09/23/2014
Expiration: 08/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): 2016 – One complaint closed with \$1,000 civil penalty for failure to maintain liability insurance.

Complainant alleges that the Respondent never gave title to a vehicle purchased four years ago. Instead, after two years of waiting, Respondent gave them two other vehicles to use. There has been no response from Respondent.

Recommendation: Authorize a civil penalty of \$250 for not responding to the Commission. An investigation will be opened as well.

Commission Decision: Concur.

New Information: Complainant purchased the vehicle for his granddaughter in August 2017. After Complainant paid off the vehicle in June 2018, Complainant obtained possession of the vehicle and requested the title. Respondent had trouble getting the title so he transferred the granddaughter to another vehicle in August 2019. The granddaughter had an accident and needed another vehicle. In February 2020, Respondent transferred the granddaughter to another vehicle but this vehicle had mechanical issues. Respondent was finally able to obtain the title and is working with Complainant on reimbursement of the original deal.

New Recommendation: Close.

New Commission Decision: **Concur.**

125. 2021033341 (ES)
Date Complaint Opened: 04/23/2021
First Licensed: 12/04/2019
Expiration: 11/30/2021
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and alleges they have not received the title and claims Respondent has provided temporary tags for almost one year. Further, Complainant alleges Respondent did not tell them there was no airbag in the vehicle and did not disclose that it was salvaged. An investigation was conducted. When the investigator asked for the title to the vehicle, Respondent explained Complainant would not cooperate and bring the vehicle back so it can be inspected in order to get the title. Respondent issued five temporary tags to this vehicle according to the temporary tag log. Respondent states they have offered to take back the vehicle and refund Complainant, but Complainant will not cooperate. Respondent also states they have tried to have Complainant bring in the vehicle so they can fix the airbag sensor, but again, Complainant will not bring it in. The investigation revealed Respondent had applied for the title with the Dept. of Revenue more than two months after Complainant's purchase. Respondent received a letter from the DOR on 11/2/20 stating the application could not be processed because the airbags had to be replaced after being deployed. Counsel notes that the DOR application makes it clear that a dealer cannot sell or register the vehicle until final approval of the rebuilt application is complete. The deal file revealed Respondent did not use a Notice of Disclosure of Salvage Vehicle and sold the vehicle, knowing they did not have a rebuilt title. Counsel recommends issuing a \$2,500 civil penalty for each of the five temporary tags issued to a salvage vehicle, and a \$500 civil penalty for failing to disclose the vehicle was salvaged, for a total \$13,000 civil penalty.

Recommendation: Authorize a \$13,000 civil penalty for issuing 5 temp tags to the salvage vehicle and failing to disclose the vehicle was salvaged

Commission Decision: Concur.

New Information: Respondent admits to making the mistakes that led to the violations but explains they had never dealt with salvage vehicles in the past and were ignorant to the special laws and rules regarding their sale. Respondent did not fail to disclose the vehicle was salvaged but did not use the proper form and get Complainant's signature as required. Respondent states they were not trying to hide anything from Complainant. Respondent also tried to take the vehicle back immediately but Complainant would not agree to that, so they were trying to make it possible for them to drive the car by issuing the temporary tags. Respondent did not know you could not issue a temporary tag to salvage vehicles. Respondent states they immediately went to our website and read the rules and statutes again to make sure they are aware of the proper procedures and assures the Commission this will not happen in the future. Respondent further states they have been struggling with the business during COVID and since losing over 30 family members in Afghanistan in recent times. Respondent and their wife have been in the hospital from the stress and toll this has all taken on them. Respondent cannot afford a \$13,000 civil penalty and asks for a reduction so they can sign the Consent Order and resolve this matter. Counsel recommends reducing the civil penalty to \$5,000.

New Recommendation: Authorize a reduction to a \$5,000 civil penalty

New Commission Decision: Concur.

126. 2019085271 (SH)
First Licensed: Unlicensed

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

Respondent is alleged to have bought and sold 17 vehicles while unlicensed. Complainant was suspicious when Respondent did not want the title mailed to him but for the Clerk to hold for pick up. Complainant believes Respondent requests are due to him selling the vehicle he just registered. Many transactions are “even trades”.

An investigation was conducted and determined that Respondent did not understand the rules and regulations of selling vehicles. Respondent admitted to selling vehicles but did not know about the rule regarding 5 vehicles within a 12 month period.

Within a 12 month period, Respondent sold 9 vehicles for cash and 7 vehicles on “even trade”. Respondent told the investigator that he will stop selling vehicles until he either gets a license or goes to work for a local dealership.

Recommendation: Authorize a civil penalty of \$5,500 for unlicensed activity.

Commission Decision: CONCUR

New Information: Respondent has been difficult to contact as he is going back and forth to Florida and Tennessee. The clerk was contacted and informed that the Respondent is no longer selling vehicles. Respondent is now spending most of his time in Florida with his mother.

New Recommendation: Close.

New Commission Decision: Concur.

127. 2019100811 (SH)
Date Complaint Opened: 12/17/2019
First Licensed: N/A (Unlicensed)
Expiration: N/A
License Type: Motor Vehicle Dealer
History (5 yrs): None.

Complainant alleges that Respondent gave them a clean title however Complainant later determined the vehicle had been totaled in New York. Respondent did not disclose that the vehicle sold to them was salvaged. Complainant also alleges the clean title is fraudulent. Respondent denies the allegations and stated he bought the vehicle from an individual from New York. Respondent transferred registration to himself and obtained a clean title.

An inspector researched Respondent and found that he had transferred ownership to numerous vehicles within a 12-month period. Within a 12-month period, Respondent sold 9 vehicles for cash and 7 vehicles on “even trade”. Respondent told the investigator that he will stop selling vehicles until he either gets a license or goes to work for a local dealership.

The title supplied was in the name of the Respondent, clean, no salvage brand, and did not look altered.

Recommendation: Authorize a civil penalty of \$7,500 for the unlicensed sales of vehicles.

Commission Decision: Concur.

New Information: Respondent has been difficult to contact as he is going back and forth to Florida and Tennessee. The clerk was contacted and informed that the Respondent is no longer selling vehicles. Respondent is now spending most of his time in Florida with his mother.

New Recommendation: Close.

New Commission Decision: Concur.

**128. 2021023081 (ES)
Date Complaint Opened: 03/23/2021
First Licensed: 04/23/2018
Expiration: 03/31/2022
License Type: Motor Vehicle Dealer
History (5 yrs.): None.**

A Notice of Violation was issued during inspection on 3/19/21 for having an open title and for failing to provide an active city business license. The inspector also noted the dealership is only open from 10:00-5:30, Tuesday through Saturday. Counsel recommends issuing a \$500 civil penalty for the open title and a \$250 civil penalty for the business license.

Recommendation: Authorize a \$750 civil penalty for an open title and expired city business license

Commission Decision: Concur.

New Information: Counsel spoke with Respondent and they explained the open title was left by the prior owner and prior dealership. Respondent had bought the dealership and obtained a new dealer license without knowledge there was an open title left at the property. Respondent never had the vehicle in their possession and offered to void the title. Further, Respondent provided proof that the city business license was active at the time of inspection. Respondent was not at the dealership when the inspection occurred so they were unable to communicate this to the inspector. Respondent is also winding down operations and will be closing the business by the end of November. Counsel recommends closure.

New Recommendation: Close.

New Commission Decision: Concur.

**129. 2021037171 (ES)
Date Complaint Opened: 05/06/2021
First Licensed: 09/01/1991**

Expiration: 08/31/2021 - CLOSED
License Type: Motor Vehicle Dealer
History (5 yrs.): None.

This is an administrative complaint alleging advertising violations by Respondent. The disclosure states that advertised prices do not include the \$699 doc fee. Further, the advertisement states “Get pre-approved in seconds, no SSN or DOB required, no effect on your credit score.” Additionally, the “detailed pricing” lists an MSRP discounted to a separate “selling price”, which is then discounted by “offers”, “conditional offers” with a “conditional final price” without any details on these offers and discounts. Counsel recommends issuing a \$250 civil penalty for each advertising issue, totaling a \$750 civil penalty.

Recommendation: Authorize a \$750 civil penalty for advertising violations

Commission Decision: Concur.

New Information: Respondent has closed their dealership and their license is expired. Counsel recommends closure.

New Recommendation: Close.

New Commission Decision: Concur.

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

ROLL CALL VOTE

Christopher Lee	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
John Barker	YES
Ian Leavy	YES
Nate Jackson	YES
Charles West	YES
Karl Kramer	YES
Debbie Melton	YES
Farrar Vaughan	YES

MOTION CARRIED

LEGISLATIVE UPDATE – Chief Counsel, Anthony Glandorf

NONE

RULES COMMITTEE

Nothing to Report

AUDIT COMMITTEE

Nothing to Report

NEW BUSINESS

NONE

OLD BUSINESS

NONE

ADJOURN

Chairman Roberts called for a motion to adjourn.

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

VOICE VOTE - UNANIMOUS

MEETING ADJOURNED

John Roberts, Chairman _____