

MINUTES

October 26, 2022



**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, 2022

PLACE: Room 1-A, Davy Crockett Tower

PRESENT: Commission Members:

Nelson Andrews
John Barker
Sandra Elam
Victor Evans
Jim Galvin
Nate Jackson
Karl Kramer
Debbie Melton
Stan Norton
Eleni Speaker
Farrar Vaughan
John Roberts

ABSENT: Ian Leavy
Christopher Lee
Clay Watson
Charles West

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

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 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 Vaughan. Chairman Roberts called for a voice vote.

VOICE VOTE

Nelson Andrews	YES
John Barker	YES
Sandra Elam	YES
Victor Evans	YES
Jim Galvin	YES
Nate Jackson	YES
Karl Kramer	YES
Debbie Melton	YES
Stan Norton	YES
Eleni Speaker	YES
Farrar Vaughan	YES
John Roberts	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 Melton. Chairman Roberts called for a roll call vote.

VOICE VOTE

Nelson Andrews	YES
John Barker	YES
Sandra Elam	YES
Victor Evans	YES
Jim Galvin	YES
Nate Jackson	YES

Karl Kramer	YES
Debbie Melton	YES
Stan Norton	YES
Eleni Speaker	YES
Farrar Vaughan	YES
John Roberts	YES

MOTION CARRIED

SALESPERSON/DEALER APPLICATIONS APPEALS

Tyler Chamberlain, Viles Automotive

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 deny the license, seconded by Commissioner Galvin.

ROLL CALL VOTE

Eleni Speaker	ABSTAINED
Debbie Melton	YES
Sandra Elam	YES
John Barker	ABSTAINED
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	NO
Karl Kramer	YES
Victor Evans	YES
Nelson Andrews	YES

MOTION CARRIED – LICENSE DENIED

James Robert Davenport, Rockie Williams Dodge-Chrysler-Jeep

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

Eleni Speaker	YES
Debbie Melton	YES
Sandra Elam	YES
John Barker	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Nelson Andrews	YES

MOTION CARRIED – LICENSE GRANTED

Jerad Dobruk, Don Ledford Automotive Center

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

ROLL CALL VOTE

Eleni Speaker	YES
Debbie Melton	ABSTAINED
Sandra Elam	YES
John Barker	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Nelson Andrews	YES

MOTION CARRIED – LICENSE GRANTED

Timothy Ingle, East Tennessee Nissan

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

ROLL CALL VOTE

Eleni Speaker	YES
Debbie Melton	YES
Sandra Elam	YES
John Barker	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Nelson Andrews	YES

MOTION CARRIED – LICENSE GRANTED

Chelsea J. Davis, Cumberland Chrysler Center, Inc.

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 Jackson.

ROLL CALL VOTE

Eleni Speaker	YES
Debbie Melton	YES
Sandra Elam	YES
John Barker	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Nelson Andrews	YES

MOTION CARRIED – LICENSE GRANTED

Marvell Brooks, Carmax of Jackson

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

ROLL CALL VOTE

Eleni Speaker	YES
Debbie Melton	YES
Sandra Elam	YES
John Barker	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Nelson Andrews	YES

MOTION CARRIED – LICENSE GRANTED



Executive Director’s Report
 October 26, 2022

Since the last Commission meeting in July 2022, the following activity has occurred:

	<u>Last Meeting</u>
<u>Dealers Opened, or Relocated (Last Quarter)</u>	62 65
<u>Applications in Process</u>	18 29

Active Licensees as of October 26, 2022

Dealers.....	3436	3494
Auctions.....	29	29
Distributors/Manufacturers.....	145	141
Salespeople.....	16,038	15,577
Representatives.....	552	544
Dismantlers.....	221	226
RV Dealers.....	47	46
RV Manufacturers.....	83	81
Motor Vehicle Show Permits.....	2	2

Complaint Report- Opened Complaints from July - Present

Number of Complaints Opened.....	103
Number of Complaints Closed.....	94

Annual Sales Reports-(Due Feb 15): CURRENTLY ONGOING

Vehicles Reported Sold in 2021.....	1,309,2705
Recreational Vehicles Reported Sold in 2021.....	23,998
Total Online Annual Sales Report Collected.....	3075
Late Annual Sales Report Collected	989

Total revenue from Late Annual Sales Report collection: \$98,900

Average Performance Metrics

Average Number of Days to License...**1.1 days to license with clock-stoppers**
****94% of applications completed in under 19 days**

MVC Customer Satisfaction Rating July 2022 - Present

Quarterly Satisfaction Rating.....97%

Disciplinary Action Report July 2022 – September 2022

Total to be collected.....\$18,750

Online Adoption Across All Professions

- 92% online adoption for New “1010” Applications across all Professions available as of October 5, 2022.

Administrative News

We are at the end of our annual performance cycle for the employees who constitute MVC. I am pleased to share the news that three individuals on our team received an outstanding or “exceeds expectations” rating. This is a testament to their dedication and continued hard work over the last year. Overall, for the program we exceeded our licensing goal of 4.3 days with an average of 4.1 days which includes our wait time on applicants to return needed documents to us. Our program continues to outperform our counterparts and assist in elevating the licensing numbers for all the regulatory programs department wide. MVC continues to exceed licensing expectations and remains responsive to our licensees

Outreach

The entire team had the opportunity to assist at the NAMVBC (National Assn of Motor Vehicle Boards and Commissions) at their annual conference held at Opryland Hotel in September. Our assistance was greatly appreciated in coordinating the details of the conference and provided an opportunity for me to network with my counterparts across the nation. Topics covered were timely and informative. Both our Chair, John Roberts, and Commissioner Stan Norton participated in the conference and provided germane information. I hope to become more involved in this organization going forward to share and glean valuable information.

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 Vaughan.

VOICE VOTE

Nelson Andrews	YES
John Barker	YES
Sandra Elam	YES
Victor Evans	YES
Jim Galvin	YES
Nate Jackson	YES
Karl Kramer	YES
Debbie Melton	YES

Stan Norton	YES
Eleni Speaker	YES
Farrar Vaughan	YES
John Roberts	YES

MOTION CARRIED

STATE OF TENNESSEE

DEPARTMENT OF COMMERCE

OFFICE OF LEGAL COUNSEL

500 JAMES ROBERTSON PARKWAY

DAVY CROCKETT TOWER, 12TH FLOOR

NASHVILLE, TENNESSEE 37243

TELEPHONE (615) 741-3072 FACSIMILE (615) 532-4750



AND INSURANCE

MEMORANDUM

Privileged and Confidential Communication – Attorney Work Product

TO: Tennessee Motor Vehicle Commission

**FROM: Erica Smith, Associate General Counsel
Taylor M. Hilton, Associate General Counsel**

DATE: October 26, 2022

SUBJECT: MVC Legal Report

1. 2022022101 (ES)

Date Complaint Opened: 05/30/2022

First Licensed: 11/22/2019

Expiration: 08/31/2021 (Closed)

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – Two complaints closed and flagged for no county business license and engaging in false, fraudulent, or deceptive practices.

Complainant purchased a vehicle from Respondent in September of 2020 and alleges they have not received tags or title. Complainant did not provide any further details or information. Respondent has been closed and their license has been expired for over a year. The surety bond information has been sent to Complainant. Counsel recommends to close and flag this complaint.

Recommendation: Close and flag.

Commission Decision: CONCUR.

2. 2022025651 (ES)

Date Complaint Opened: 06/23/2022

First Licensed: 09/18/2018

Expiration: 08/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with letter of warning for failure to maintain business records.

Complainant purchased a used vehicle from Respondent in February and put down

\$5,000. Complainant alleges Respondent repossessed the vehicle because they owed sales tax but Complainant thought that was included in the down payment. Respondent states they sold the vehicle for \$19,500 with an interest rate of 12% and sales tax of \$1,901.25. Respondent states the Complainant was fully aware of these details and they explained the contract required pickup notes to be paid, including the sales tax payment due on 4/24/22, or the vehicle will be repossessed. Complainant initialed the detailed breakdown of the payments along with the sales tax payment which was due on 4/24/22. The vehicle was repossessed on 5/20/22 due to the failure to pay sales tax. Complainant began threatening Respondent employees and their family members and a police report was filed. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

3. 2022026631 (ES)

Date Complaint Opened: 06/30/2022

First Licensed: 12/07/2015

Expiration: 11/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – One complaint closed with \$250 agreed citation for advertising violation.

Complainant purchased a used vehicle from Respondent in March of 2021 and alleges there have been many mechanical issues beginning a few months after purchase. Further, Complainant alleges the vehicle had been totaled in 2020. Respondent notes this was an as-is without warranty purchase, and they fully disclosed the vehicle had a rebuilt title with the proper disclosure form and signature. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

4. 2022026711 (ES)

Date Complaint Opened: 06/30/2022

First Licensed: 09/01/1991

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – One complaint closed with \$250 agreed citation for advertising violation.

Complainant purchased a used vehicle from Respondent over one year ago and claims it is having mechanical issues. Complainant wants to return the vehicle and stop making payments towards the balance due. Respondent states the vehicle was 28,000 miles and 9 months past the warrant period. However, Respondent offered to replace the transmission on the vehicle and proposed a reasonable payment plan for this to Complainant. Respondent states that Complainant elected to return the vehicle and must pay the balance owed after selecting that option despite other options being explained and offered. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

5. 2022021211 (ES)

Date Complaint Opened: 05/23/2022

First Licensed: 03/03/2004

Expiration: 02/29/0024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on 2/1/22 as-is, without warranty. Complainant is unhappy with the vehicle, the initial delay in permanent registration requiring three temporary tags, and delays in promised repairs. Part of the negotiated agreement included a written “We Owe” document where Respondent agreed to replace the passenger headlamp bulb and address the rear power locks. Respondent ordered the necessary parts and confirmed this with Complainant. Complainant became ill and did not follow up for several weeks. Respondent completed the “We Owe” work on 3/21/22 and when Complainant arrived to pick up the vehicle, they behaved in a loud, threatening manner that made employees fear for their safety. Respondent escorted Complainant from the building and agreed to pay to have any remaining work still left to be done performed elsewhere. Respondent has since provided the permanent tag and registration. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

6. 2022022281 (ES)

Date Complaint Opened: 06/01/2022

First Licensed: 10/23/2015

Expiration: 10/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and traded in their vehicle on 1/29/22. Complainant was notified on 2/11/22 that their loan was not approved. Complainant alleges Respondent paid off their trade in after knowing the loan was not approved and had malicious intent, creating much stress and turmoil for them. Respondent states Complainant has created an elaborate story about why Respondent would pay off their trade-in vehicle when their purchase of the newer vehicle fell through. Respondent states the lender was unable to verify Complainant's employment and income, as they were unemployed at the time they applied for the loan. Due to this misrepresentation, the lender rescinded the approval on 2/9/22. Respondent paid off the trade-in vehicle on 2/4/22 and claims this was not done prematurely but done in the ordinary course of business. Respondent states all deals ensure additional interest does not accrue unnecessarily and so the lien can be removed and title issued timely. Respondent communicated with the lender who they paid to cover the trade-in vehicle to try to get their money refunded. However, Complainant refused to re-execute loan documents with the lender so the refund was not completed. Respondent then attempted to assist Complainant in finding alternative financing to purchase the vehicle, but those attempts were unsuccessful. Complainant returned the vehicle and took their fully paid-off trade-in vehicle back. Respondent attempted to assist Complainant in finding financing for their trade-in vehicle so Respondent could be reimbursed, but Complainant stopped communicating. Respondent sent Complainant a letter requesting reimbursement, return of the vehicle or to apply for financing. Respondent still has not heard from Complainant. Respondent used the proper Conditional Delivery Agreement form. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

7. 2022017371 (ES)

Date Complaint Opened: 04/29/2022

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges unlicensed activity by the Respondent due to sale of a vehicle on 04/26/22 and collection of sales tax for that vehicle. Due to the lack of license for the Respondent based on the information provided by Complainant, an investigation was conducted. The investigator went to the address provided by Complainant and found that it was not a dealership but a residential home. Respondent admitted to purchasing a couple vehicles from Copart and confirmed they sold one to Complainant and kept the other vehicle for themselves. Respondent also admitted to collecting taxes and alleges they are trying to work that out with the clerk's office. Respondent denied having a dealership and states they do not sell vehicles. Respondent cooperated with the investigator, but Complainant never provided a notarized statement as requested and required to move forward with any sort of formal charges. Counsel recommends issuing a stern warning letter instructing Respondent that they cannot hold themselves out to be a dealer in any way, explain the limits of vehicle sales per year, and instructions regarding the collection of sales tax. Additionally, Counsel recommends referring this matter to the Department of Revenue.

Recommendation: Letter of Warning for unlicensed activity and refer to the Department of Revenue

Commission Decision: CONCUR.

8. 2022014071 (ES)

Date Complaint Opened: 04/08/2022

First Licensed: 06/10/2015

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a rebuilt vehicle from Respondent in June 2021 with an odometer that read 145,634. When Complainant went to possibly trade it at a dealership, they learned through an Autocheck report that an auction had reported it with 199,636 miles in February 2018. An investigation was conducted. Respondent explained and provided documents showing they had received the vehicle on a trade and the odometer had 145,634. While Complainant was in Respondent's office, they called the person who had traded the vehicle to Respondent on speakerphone, and they confirmed the vehicle had around 140,000-150,000 miles when it was traded. They also confirmed where they had previously purchased the vehicle from which matched the back of the title. The title also showed the mileage was exempt and Respondent notes the vehicle was 14 years old. Respondent's deal file show the proper Rebuilt Disclosure form was also provided to and signed by Complainant, as well as a Dept. of Revenue Odometer Disclosure form. Counsel finds no evidence of odometer fraud and recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

9. 2022021621 (ES)

2022024161

Date Complaint Opened: 05/25/2022, 06/14/2022

First Licensed: 07/01/2020

Expiration: 06/30/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2022021621

Complainant filed this complaint against Respondent on 5/25/22 because they failed to provide title and registration for a vehicle purchased on 3/23/22. Respondent issued

three temporary tags to the vehicle during the delay but provided the title and registration to the Complainant shortly after the complaint was filed. Respondent stated they had taken the vehicle in on a trade and when they attempted to pay off the lien, the lienholder was extremely slow to process the release. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022024161

Complainant alleges they ordered a 2022 Ford Bronco from Respondent and claims they received emails stating the vehicle was built and then on the way. Complainant states that a salesman from the dealership called them and informed them the vehicle arrived but the manager decided to sell it to the regional manager for Respondent. Respondent's General Manager responded to this complaint and vigorously disputes the allegations made by Complainant. Respondent states Complainant did order a 2022 Ford Bronco and Respondent fully consummated the sale and delivered the ordered vehicle to Complainant on 3/10/22 with their full consent and approval. Complainant failed to provide all of the details to this story. Complainant's specific order was delayed for four months so Respondent offered another Ford Bronco they had in inventory and Complainant accepted it in satisfaction of the order. Respondent has no further orders or obligations to Complainant and states they have created a story which is far from the truth. Complainant provides no evidence to refute Respondent's account of this transaction. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

10.2022024001 (ES)

Date Complaint Opened: 06/13/2022

First Licensed: 03/10/2021

Expiration: 02/28/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent repossessed vehicle without providing the proper documentation or notice and further alleges the vehicle was having mechanical issues. However, Complainant admits they have been behind on payments and they let the repossession team take the vehicle. Respondent states Complainant purchased the vehicle as-is as evidenced by the contract and deal file. Respondent provides the payment history which shows they were consistently late on their payments and then cancelled their insurance for the vehicle. Complainant pulled a gun when the vehicle was being repossessed after lying and stating the vehicle was not the correct vehicle the repossession team was looking for. Further, Complainant vandalized the vehicle. Respondent agreed to hold the vehicle for 10 days if Complainant wanted to pay what was due and show proof of insurance. Complainant stopped communicating with Respondent and never picked up their belongings. There is no evidence Respondent wrongfully repossessed the vehicle and Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

11. 2022016451 (ES)

Date Complaint Opened: 04/22/2022

First Licensed: 07/06/2011

Expiration: 05/31/2017

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent in 2017 and states they lost their title and paperwork. Respondent has been out of business for over 5 years. Complainant asked for assistance to get an affidavit from Respondent stating the vehicle has been paid in full so Complainant can obtain a duplicate title. An investigator was sent to try to obtain a statement from Respondent as requested. The investigator was able to make contact with Respondent. Respondent did provide a signed affidavit stating the vehicle has been paid for in full and this was provided to Complainant. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

12.2022017911 (TH)

Date Complaint Opened: 05/03/2022

First Licensed: 06/07/2012

Expiration: 08/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent on April 8, 2022. Respondent states they paid in full for the vehicle, but as of the time date of their complaint, May 3, 2022, they have yet to receive their title and permanent tag.

Counsel reached out to Complainant for an update. Complainant informed Counsel they received their title shortly after filing their complaint. However, Respondent did not answer the complaint. As such, Counsel recommends authorizing issuing a Letter of Warning for Respondent's failure to answer the Commission.

Recommendation: Authorize issuing a Letter of Warning for Respondent's failure to answer the Commission.

Commission Decision: CONCUR.

13.2022018081 (TH)

Date Complaint Opened: 05/04/2022

First Licensed: 09/03/2021

Expiration: 07/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent. Complainant states at the time of their complaint they had yet to receive their title and permanent tags. Complainant states it has been months since they purchased their vehicle, and their temporary tag was going to expire. Complainant states they reached out to Respondent for an update but did not get a response.

Respondent states they purchased the vehicle in question from an auction, but they were inadvertently given the wrong title for the vehicle. Respondent states they have been working with the auction to get the correct title.

Counsel reached out to Respondent on May 31, 2022, for an update. Respondent informed Counsel the vehicle has been registered and given permanent tags. Respondent explained they reached out to the Complainant and informed them the items were ready for pickup. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

14.2022018391 (TH)

Date Complaint Opened: 05/06/2022

First Licensed: 04/12/2016

Expiration: 03/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – Two complaints closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s). One complaint closed with \$1,000 civil penalty for issuing more temporary tags than allowed.

Complainant states they have not been able to get a duplicate title from Respondent and have not been able to register the vehicle and get a permanent tag. Complainant alleges Respondent has been giving them excuses on why they can not get the duplicate title.

Respondent reached out to Counsel and states Complainant was originally given a title and lost it after receiving it. Respondent states they have been trying to help Complainant get a duplicate title ever since but have not had success. Respondent states they have contacted the former seller who is located in New York but cannot get any help from them. Respondent states they have also requested help from their local clerk offices but have had no success.

Based on Respondent's answer Counsel recommends closing the case against Respondent as well as referring this complaint to the Department of Revenue for them to aid Complainant in obtaining a duplicate title.

Recommendation: Counsel recommends closing the case against Respondent as well as referring this complaint to the Department of Revenue for them to aid Complainant in

obtaining a duplicate title.

Commission Decision: CONCUR.

15.2022018651 (TH)

Date Complaint Opened: 05/06/2022

First Licensed: 03/13/2008

Expiration: 03/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent on October 22, 2018. Complainant states they were under the belief the vehicle in question was new, and Respondent had the 2017 vehicle advertised as going unsold the previous year. Complainant states they later discovered the vehicle had previously been in a wreck.

Respondent states they attempted to resolve this matter with the Complainant but were unable to get in contact with them. Respondent states they did not deceive Complainant but, nevertheless, in an attempt to resolve Complainant's unhappiness with the deal they offered to either repurchase the vehicle or to pay the Complainant the difference in price they were requesting.

Counsel requested further information pertaining to whether the offer was accepted but did not receive a response. Based on this, Respondent's steps to resolve Complainant's dissatisfaction, and the lack of evidence provided of a false advertisement, Counsel recommends closure.

Recommendation: Close.

Commission Decision: Issue a letter of warning.

16.2022018941 (TH)

Date Complaint Opened: 05/10/2022

First Licensed: 03/21/2016

Expiration: 03/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This was an Administratively opened complaint. Information was received by an anonymous source regarding possible unlicensed activity. The source alleges there is a licensed salesman working with Respondent and purchasing vehicles through auction using the Respondent's license and selling them outside of the dealership.

No response was received, and an Investigation was requested and conducted. Respondent submitted a sworn affidavit to the Investigator. In it, Respondent states their dealership has never sold a single vehicle outside their property, and they are very strict about all sales occurring at their office. Respondent states they only have one salesperson at their dealership, and that salesperson only sells vehicles titled in the name of the dealership at the location of the dealership and follows all regulations. Based on the lack of evidence of any violations found during the investigation, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

17. 2022020441 (TH)

Date Complaint Opened: 05/17/2022

First Licensed: 08/30/2016

Expiration: 07/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

On May 16, 2022, an inspection was conducted at the Respondent's dealership. During the inspection, the Inspector discovered an AD of Respondent's did not list the stock numbers, in violation of Rule 0960-1-.12.

As such, a proposed Agreed Citation was sent to Respondent on Tuesday, May 17, 2022, assessing a Two Hundred and Fifty dollar (\$250) civil penalty. However, Respondent did not answer the proposed Agreed Citation, or respond to this complaint. As such, Counsel recommends assessing a Two Hundred and Fifty dollar (\$250) civil penalty, as well as a Letter of Warning for Respondent's failure to answer the Commission.

Recommendation: Authorize assessing a Two Hundred and Fifty (\$250) civil penalty, as well as a Letter of Warning for Respondent's failure to answer the Commission.

Commission Decision: CONCUR.

18. 2022018971 (TH)

Date Complaint Opened: 05/10/2022

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an Administratively opened complaint. Information received by field enforcement regarding a possible unlicensed location.

An investigation was requested and conducted. The Investigator went to the location of the alleged unlicensed dealer on June 24, 2022. Once there the Investigator found a business with signage for a vape shop. The Investigator noted there were multiple vehicles on the lot of the dealership in question. Several vehicles were marked for sale, some were without license plates, two were marked with a grease marker on the windshield, and some did not appear to be in working order.

The Investigator attempted to get in contact with the owner of the building to inform them of the investigation and Motor Vehicle Dealership rules and regulations. However, despite numerous attempts to reach them, the Investigator was never able to contact Respondent. The Investigator additionally ran a CLEAR report in an attempt to get more information but was unsuccessful in obtaining any useful information. Based on the lack of evidence the Investigator was able to obtain during the investigation counsel recommends closure.

Recommendation: Close.

Commission Decision: Close and refer to local law enforcement.

19.2022021231 (TH)

Date Complaint Opened: 05/23/2022

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they were looking for a small car to use to get to doctor's appointments. Complainant states they saw Respondent had a vehicle on Facebook for sale. Complainant states they purchased the vehicle from Respondent on November 14, 2021.

Complainant states they took the paperwork given to them by Respondent to the clerk's office to register the vehicle but state the paperwork was returned to them. Complainant states they were instructed to take it back to Respondent so they could apply to get a new title. Complainant states, as such, they brought the paperwork back to the Respondent, but it has been over eight months and they still have no title. Respondent states her husband has gone to Respondent's office five times in an attempt to get the title. Complainant states Respondent has now blocked them or changed numbers and they can no longer get a hold of them. Complainant states they did a lot of work on the vehicle and want their title. Complainant states, additionally, Respondent was passing out temporary tags like "m&m's."

An investigation was conducted. During the investigation, Complainant informed the Investigator they were given 7-8 temporary tags but only provided proof of two temporary tags provided to them. The Investigator could not find a license for Respondent in Tennessee or any salesperson's licenses associated with the dealership. Respondent's location is in a business complex, and the Investigator notes they did not observe any signage displaying Respondent's name, and they did not observe any vehicles marked or displayed for sale.

The Investigator notes the owner of Respondent did not cooperate with the investigation. The Investigator states during the two phone conversations with the owner, the owner hung up on them. The owner of Respondent did inform the Respondent they are licensed in Mississippi and work with a dealer there. As such, Counsel recommends referring this matter to the Mississippi Motor Vehicle

Commission. Counsel additionally recommends referring this matter to the Tennessee Department of Revenue for investigation into Respondent's issuing of temporary tags. Furthermore, Counsel also recommends issuing a Letter of Warning for Respondent's failure to cooperate with the Commission's investigation, and a Letter of Instruction reminding Respondent of the requirement to be licensed as a dealer if they are selling more than five (5) vehicles a year or if they are holding themselves out as a dealer.

Recommendation: Authorize referring this matter to the Mississippi Motor Vehicle Commission. Counsel additionally recommends referring this matter to the Tennessee Department of Revenue for investigation into Respondent's issuing of temporary tags. Furthermore, Counsel also recommends issuing a Letter of Warning for Respondent's failure to cooperate with the Commission's investigation, and a Letter of Instruction reminding Respondent of the requirement to be licensed as a dealer if they are selling more than five (5) vehicles a year or if they are holding themselves out as a dealer.

Commission Decision: CONCUR.

20.2022021641 (TH)

Date Complaint Opened: 05/25/2022

First Licensed: 10/01/2010

Expiration: 10/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant filed their complaint expressing concern over obtaining their permanent title and tag. However, Complainant has since requested to withdraw their complaint, stating the matter has been resolved. Respondent additionally answered stating there was a misunderstanding, but all problems have been resolved. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

21.2022021721 (TH)

Date Complaint Opened: 05/26/2022

First Licensed: 10/20/2016

Expiration: 08/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant filed their complaint expressing concern over the delay in receiving their permanent tag and registration. Respondent states Complainant filed their complaint before the expiration of their second thirty-day tag, and before the sixty-day deadline. Respondent states they have since issued Complainant's permanent tag on the 60th day since purchase and resolved all issues with Complainant. Respondent included a signed document from Complainant stating they have received their permanent tag. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

22.2022021781 (TH)

Date Complaint Opened: 05/26/2022

First Licensed: 08/04/2017

Expiration: 06/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they believe Respondent acted fraudulently and gave them too high of an interest rate with their loan. Complainant states they were not fully aware of their agreement, and it was not fully gone over with them by Respondent. Complainant states, rather, Respondent just kept telling them to “sign here.” Complainant states after reviewing their documentation with a car dealer friend, Complainant went back to Respondent’s dealership to discuss their grievances with their deal.

Respondent states they have since re-financed Complainant’s deal at their request with a 0% interest rate. Additionally, Respondent states they complied with Complainant’s request to remove items from Complainant’s agreement which they had originally requested and signed for in their agreement. Respondent states they also made a goodwill payment to Complainant for their frustration in her deal. Respondent states Complainant’s 0% loan has been processed and their trade unit has been paid in full. As such Counsel is recommending closure.

Recommendation: Close.

Commission Decision: CONCUR.

23.2022022611 (TH)

Date Complaint Opened: 06/03/2022

First Licensed: 10/17/2019

Expiration: 10/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states starting on February 18, 2022, an employer from Respondent’s Union office is stealing identity and committing insurance fraud.

Respondent states they received the complaint, and would like an opportunity to respond, however, since the complaint was only one sentence, and listed no details of the occurrence, they felt they could not respond.

Based on the lack of information in both the complaint and response an investigation is being requested.

The Investigator made telephone contact with Complainant and requested evidence and more information pertaining to their allegations. However, the Investigator was not able to obtain this information from the Complainant and states Complainant stopped communicating with them. As such, the investigation was closed.

Based on the lack of information and/or evidence of any violations, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

24.2022022531 (TH)

Date Complaint Opened: 06/03/2022

First Licensed: 10/09/2003

Expiration: 06/30/2023

License Type: Motor Vehicle Auction

History (5 yrs.): None.

Complainant states the vehicle in question was purchased from Respondent in 2017. Complainant states there has been some confusion on if the title was picked up from Respondent or not. Complainant states, however, they do not have the title and are unable to use their vehicle, and are seeking help. Respondent states in this instance they conducted a licensed-dealer-only auto auction on October 4, 2017. Respondent states the vehicle in question was purchased by a registered dealer the same day. Respondent states the title was picked up from them in 2017, and Complainant is aware of this. Respondent assumes the vehicle was later sold to Complainant by the registered dealer. Respondent states they released the title to who they sold the vehicle in 2017 and believe they have complied with all their duties. Respondent states, however, they will do all they can to work with Complainant to get a duplicate title. Based on Respondent's answer, Counsel recommends closing this complaint against them, and also referring the matter to the Department of Revenue to aid Complainant in getting a duplicate title for the vehicle.

Recommendation: Close and refer the matter to the Department of Revenue to aid Complainant in getting a duplicate title for the vehicle.

Commission Decision: CONCUR.

25.2022022891 (TH)

Date Complaint Opened: 06/06/2022

First Licensed: 03/26/2012

Expiration: 12/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they believe Respondent was deceptive in stating the vehicle they purchased from Respondent was good to go and without issues. Complainant states after purchasing the vehicle from Respondent they began to have issues with the O2 sensors. Respondent states they made no repairs to the vehicle prior to sale, knew of no issues, and the vehicle passed inspection prior to sale without any issues. Respondent additionally, states the vehicle was purchased "As-Is" and provided all

required Complainant signed documentation with their response. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

26.2022023191 (TH)

Date Complaint Opened: 06/07/2022

First Licensed: 09/01/1991

Expiration: 11/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they are requesting a refund of their down payment from Respondent. Complainant states they traded their vehicle in at Respondent's dealership and put down \$2,000. Complainant states, however, a few days later the vehicle began to have issues. Complainant states, as such, they brought the vehicle back to Respondent and requested for the deal to be unwound. Complainant states, however, their request was denied.

Respondent answered the complaint, explaining how they are currently in the process of unwinding the deal. Respondent states they have already issued a partial refund and are mailing a check of \$2,000 for an additional refund to Complainant in goodwill. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

27. 2022023751 (TH)

Date Complaint Opened: 06/10/2022

First Licensed: 05/09/2003

Expiration: 04/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with letter of warning for failure to deliver title in a timely manner.

Complainant states they purchased a vehicle from Respondent three months before the date of their complaint, June 10, 2022. Complainant states, however, despite paying cash for the vehicle they have not received their title. Complainant states Respondent told them they are waiting for a dealer in the state of Georgia to release the title.

Respondent states as of the date of the complaint June 10, 2022, it had only been two months since the purchase of the vehicle in question. Respondent states Complainant purchased the vehicle on April 16, 2022. Respondent states they acquired the vehicle from another dealership located in Knoxville on April 12, 2022. Complainant states at the time of their purchase they were unaware of any issues with the title. Respondent states, however, they later learned the dealer they purchased the vehicle in question from had acquired the vehicle as a new vehicle from a trade-in in Atlanta, GA. Respondent states, however, the vehicle was never registered by the other dealer in the state of GA, before being wholesaled to Respondent. Respondent states since the title has to follow the chain of ownership, they are working with the GA dealer to have the car registered. Since the title has to follow the chain of ownership, Lexus of Knoxville is working with the Atlanta dealer to have the car registered in GA, in order to get it properly registered in TN. Respondent states the State of GA DMV informed them they will have the title to them on June 23, 2022, and it will get signed over to them and then they will immediately sign it over to Complainant. Respondent states they have been in consistent contact with Complainant about this and explained the situation to them.

Counsel reached out to Complainant for an update on if they have received their title. Complainant confirmed they did receive their title from Respondent. As such, and based on Respondent's explanation, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

28.2022026051 (TH)

Date Complaint Opened: 06/27/2022

First Licensed: 09/27/2013

Expiration: 01/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2018 – One complaint closed with \$5,000 civil penalty for failure to deliver title/registration.

Complainant states Respondent sold them a vehicle. Complainant alleges Respondent told them the vehicle was without issue, and “worked like new.” Complainant states, however, the vehicle began to have many technical issues after purchase. Complainant additionally states the vehicle did not contain features they were told by Respondent it would have. Complainant further alleges Respondent told them the vehicle had not previously been in an accident, but Complainant believes after inspecting the vehicle it has been in an accident. Complainant states they believe Respondent misrepresented or omitted facts which would have kept them from purchasing the vehicle. Complainant states Respondent sold them an extended warranty which was supposed to replace any broken parts but they have not been able to receive any replacements for any of the broken parts in their vehicle since the purchase from Respondent.

Respondent states the vehicle was inspected prior to the sale to Complainant and passed all required safety tests. Respondent states Complainant signed all required documentation stating they understood their right to have the vehicle inspected by a car shop of their own choice but declined to do so. Additionally, signed all required

documentation to purchase the vehicle “As-Is.” Respondent states Complainant did purchase an aftermarket warranty but requested for it to be canceled. Respondent states, as such, they canceled the coverage per Complainant’s request on May 24, 2022. Respondent states, additionally, the refund for the coverage has been processed and issued. All supporting documentation was included in Respondent’s answer. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

29.2022023761 (TH)

Date Complaint Opened: 06/10/2022

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. One complaint closed with \$1,500 civil penalty for issuing more temporary tags than allowed.

Complainant states they believe Respondent acted unprofessionally when selling them two vehicles. Complainant states Respondent did tell them the one vehicle had a rebuilt title due to a previous accident but did not explain to them the extent of the previous damage requiring them to get a rebuilt title. Complainant states they want a refund for the Pontiac vehicle they purchased and made repairs on, and for their contract to be canceled on the Kia vehicle they purchased from Respondent. Additionally, Complainant wants a refund for any warranties included in their purchase.

Respondent states during their internal investigation, they did not find anything unusual about the situation. Respondent states, however, as a good faith gesture they offered to repurchase the Pontiac vehicle purchased by Complainant for the purchase price Complainant paid. Respondent states they additionally offered to reimburse Complainant for the \$3,000 they spent on repair costs of the vehicle. Respondent states, however, Complainant declined this offer and informed Respondent they now want to keep the Pontiac and do not wish to unwind the deal for it.

Respondent states they additionally spoke with Complainant about the purchase of their Kia from them. Respondent states Complainant informed them there are no mechanical issues with the vehicle, rather, they just want to return the vehicle simply because they no longer like it. Respondent states, as such, they did not feel there was a reason to unwind the deal for the Kia. Complainant did not supply any further information rebutting Respondent's answer.

Based on Complainant's refusal of Respondent's offer to resolve the complaint Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

30.2022024261 (TH)

Date Complaint Opened: 06/14/2022

First Licensed: 08/27/2018

Expiration: 08/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with \$1,000 civil penalty for issuing more temporary tags than allowed.

Complainant states they purchased a vehicle from Respondent in May 2021. Complainant states they were told they had a lifetime powertrain warranty. Complainant states they learned their transmission needed to be replaced and contacted Respondent. Complainant states, however, Respondent told them their warranty was voided because they didn't bring their car in to have their oil changes done at Respondent's dealership. Complainant states they were not aware of this requirement and live about two hours from the dealership.

Respondent states they do offer a free powertrain lifetime warranty, but customers are required to do certain requirements of servicing the vehicle at Respondent's facility to keep the warranty active. Respondent states their staff is trained to inform all customers of all requirements of keeping the warranty active. Respondent states it is a free warranty, they ask their customers to visit their dealership for their maintenance needs. Respondent states customers are allowed to opt-out of the warranty if they do not live in the vicinity. Respondent states, nevertheless, once they learned of Complainant's issues, they offered to help them out. Respondent states, however, Complainant told them they already had the issue fixed at another shop. Respondent states they also offered Complainant to trade the vehicle out or to buy the vehicle back from Complainant. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

31.2022024411 (TH)

Date Complaint Opened: 06/15/2022

First Licensed: 09/01/1991

Expiration: 11/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent included a “hidden fee” they were unaware of when they placed their order from Respondent. Complainant alleges there was a hidden fee, which was not previously disclosed to them. Complainant also alleges Respondent did not make them aware the deposit was non-refundable. Complainant states Respondent was not willing to help when they brought these concerns up to them. Complainant states Respondent was unprofessional and disrespectful to them and their spouse and refused to refund them their deposit.

Respondent states they disclosed all fees and parts of the agreements for the new vehicle ordered by Complainant. Respondent states the purchase price never changed on their end, and they included a copy of the agreement detailing Complainant’s order and a copy of the non-refundable deposit form both signed by Complainant. Respondent states, nevertheless, in good faith they refunded the customer their deposit on June 15, 2022. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

32.2022025741 (TH)

2022026591

Date Complaint Opened: 06/23/2022, 06/30/2022

First Licensed: 03/11/2021

Expiration: 03/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2022025741:

Complainant states they purchased a vehicle from Respondent on June 1, 2022. Complainant states the day after purchase the vehicle broke down. Complainant states they called Respondent about these issues and were told by Respondent they would fix the vehicle for them. Complainant states, however, Respondent later informed them they could not fix the vehicle because while they initially believed it was a minor issue with the vehicle, the whole transmission actually needed to be replaced. Complainant states they have also learned the relevant location of Respondent has since closed down, but they haven't received their permanent tags yet as of the date of the complaint, June 29, 2022.

Respondent states they have since spoken with Complainant and reached an agreement for Respondent to pay for half of the repairs needed. Respondent states they are doing this despite the vehicle being purchased "As-Is" and without warranty. Respondent states Complainant was satisfied with this agreement. Additionally, Respondent states they have also informed Complainant their license plate and registration has already been processed and mailed to them at their provided address. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022026591:

Complainant states they purchased a vehicle from Respondent on May 30, 2022, and were given a temporary tag which expired on June 28, 2022. Complainant states Respondent told them they would receive paperwork in the mail prior to the temporary tag expiring for them to register the vehicle in Kentucky. Complainant states they, however, have yet to receive any documentation as of the date of their complaint, June 30, 2022. Complainant states their local clerk's office informed them the location of Respondent's dealership where they purchased the vehicle has since closed. Complainant states they went to another location of Respondent's and spoke with them about the issue.

Respondent states Complainant's paperwork is at their local Kentucky DMV and is ready for processing. Respondent states in Kentucky the registrant must complete a VIN inspection in order to finalize paperwork and receive their tags. Respondent states Complainant must schedule a time and visit their Kentucky DMV. Respondent states they have informed Complainant of this process, and of the paperwork being at their local DMV. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

33. 2022025821 (TH)

Date Complaint Opened: 06/24/2022

First Licensed: 10/21/2019

Expiration: 10/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant filed their complaint after having difficulties receiving their title. However, both Complainant and Respondent have since reached out and expressed all issues have been resolved and the title in question has been received by Complainant. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

34. 2022020251 (TH)

2022020391

Date Complaint Opened:05/16/2022, 05/17/2022

First Licensed: 04/02/2018

Expiration: 03/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): 2022 – One complaint closed and flagged for engaging in false, fraudulent, or deceptive practice(s).

2022020251:

Complainant states they paid off their vehicle multiple years ago but the lien on the vehicle was never discharged. Complainant states they attempted to contact Respondent about this but were unable to.

An investigation was conducted. During the investigation, the Investigator learned Respondent has since closed down and is no longer operating. As such, Counsel recommends closing and flagging this complaint.

Recommendation: Close and Flag.

Commission Decision: CONCUR.

2022020391:

Complainant is alleging Respondent did not provide them with their title.

Respondent did not answer the complaint, and their license shows as expired as of March 31, 2022.

Counsel requested for an Investigator to go out to the location of Respondent's dealership to see if they are still operating or if they are in fact closed. The Investigator confirmed Respondent is closed. Complainant was sent Respondent's surety bond information. Counsel recommends closing and flagging the complaint.

Recommendation: Close and Flag.

Commission Decision: CONCUR.

35.2022023481 (TH)

Date Complaint Opened: 06/08/2022

First Licensed: 11/14/2008

Expiration: 06/30/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they filed their complaint after not receiving their registration from Respondent for a vehicle they purchased earlier in the year. Respondent states they are in the process of getting the title for the vehicle from the North Carolina DMV. Respondent states they paid off the vehicle within a few weeks of the sale and attempted to obtain the title to register the vehicle from the North Carolina DMV. Respondent states, however, the North Carolina DMV informed them they have received all required documentation, but they take some time to process it. Respondent states they contacted the DMV again explaining the situation to them. Respondent states the North Carolina DMV agreed to mail the title directly to Respondent within a week. Respondent states they will process the paperwork as soon as it is received. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

36.2022020851 (TH)

Date Complaint Opened: 05/19/2022

First Licensed: 05/25/2011

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2018 – One complaint closed with \$2,000 civil penalty for issuing more temporary tags than allowed. 2019 – One complaint closed with letter of warning for advertising violation. One complaint closed with letter of warning for failure to properly supervise employees.

Complainant states there has been a delay in receiving their permanent tag and title for a vehicle they purchased from Respondent earlier in the year. However, Respondent informed Counsel the issue has been resolved. Respondent states they received the tag/title on June 08, 2022, and Complainant picked up their tag and registration from Respondent on June 09, 2022. Respondent states the delay was due to a clerical issue from the previous dealership who owned the vehicle in question. Since the issue has been resolved, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

37.2022023541 (TH)

Date Complaint Opened: 06/09/2022

First Licensed: 09/24/2021

Expiration: 08/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states as of March 2022 they bought a car from Respondent. Complainant alleges Respondent told them they'd have the title to them in ten-twelve days, but it has been three months and they still haven't gotten their title.

However, Respondent states they do not have a business relationship with Complainant.

An investigation was conducted. During the investigation, the Investigator learned the Complainant was not the one who purchased the vehicle and did not have direct information on the purchaser or the vehicle. Additionally, Complainant did not cooperate with the investigation. Additionally, Respondent informed the Investigator they have no record of working with Complainant. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

38.2022023791 (TH)

Date Complaint Opened: 06/10/2022

First Licensed: 02/16/2016

Expiration: 02/29/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with letter of caution for false,

fraudulent, or deceptive practices. 2017 – One complaint closed with \$1,000 civil penalty for failure to deliver title. 2018 – One complaint closed with \$500 civil penalty for improper display of vehicles on sidewalk. 2020 – One complaint closed with \$250 civil penalty for improper display of vehicles on public land. 2021 – One complaint closed with \$1,250 civil penalty for improper display of inventory on public land and expired garage liability insurance. 2022 – One complaint closed with \$2,000 civil penalty for possession of open titles.

Complainant states on May 26, 2022, Respondent sold a vehicle to an auction in TN. Complainant alleges it was later discovered the vehicle had an improper title. Complainant specifically states they filed their complaint to get Respondent's surety bond information. Complainant was sent Respondent's surety bond information. As such, Counsel recommends closure.

Additionally, an investigation was conducted. The investigation was unable to obtain any evidence of Respondent's wrongdoing in this case.

Recommendation: Close.

Commission Decision: CONCUR.

39.2022026971 (TH)

Date Complaint Opened: 07/02/2022

First Licensed: 04/26/2022

Expiration: 04/30/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent. Complainant states

their vehicle began to have issues after purchase. Complainant states they reached out to Respondent about having the vehicle repaired by them, but Respondent informed them they would not be making repairs as the vehicle was sold “As-Is” and without warranty.

Respondent provided copies of all Complainant signed documentation purchasing the vehicle “As-Is.” As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

40.2022027681 (TH)

Date Complaint Opened: 07/08/2022

First Licensed: 11/08/2013

Expiration: 09/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This was an anonymously filed complaint. Complainant alleges Respondent does not have any licensed salespeople working for them. Complainant alleges they were interested in purchasing an item from Respondent but did not feel like Respondent was doing business fairly.

An inspection was conducted. Prior to going to Respondent’s dealership, the Inspector looked up the business in CORE and saw they have at least three licensed salespersons working for them. When the Inspector arrived at Respondent’s location, they spoke with the manager and were shown the publicly-posted salespersons licenses in their office. The Inspector observed each salesperson's license posted at the salesperson's desk. The Inspector states there were a total of seven licensed salesmen. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

41.2022027751 (TH)

Date Complaint Opened: 07/10/2022

First Licensed: 05/10/2019

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they are filing their complaint due to a delay in receiving their permanent tag and title for the vehicle they purchased from Respondent.

Respondent states the delay in issuing the title and tag was due to Complainant's failure to bring in their identification and mail for registration, as required by Complainant's County clerk office. Respondent states Complainant informed them of their delay in bringing in the documents to Respondent because their memory failed them, and they don't get a lot of mail. Respondent received all required information to register the vehicle on July 8, 2022, and provided it to the local clerk's office.

Respondent states they believe the complaint to be frivolous and the delay was not due to any fault of their own. Respondent states Complainant should receive their title and permanent tag shortly. Complainant informed Counsel they have since received their permanent tag but are still waiting for their title.

Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

42. 2022022401 (ES)

Date Complaint Opened: 06/02/2022

First Licensed: 10/30/2019

Expiration: 10/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued to Respondent during an inspection on 5/31/22 for failing to provide proof of an active county business license. Counsel recommends issuing a \$250 civil penalty for this violation.

Recommendation: Authorize a \$250 civil penalty for expired county business license

Commission Decision: CONCUR.

43. 2022023371 (ES)

2022033141

Date Complaint Opened: 06/08/2022, 08/09/2022

First Licensed: 12/03/2019

Expiration: 11/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2020 – One complaint closed with \$2,000 civil penalty for failure to deliver title. 2021 – One complaint closed with \$500 civil penalty for failure to deliver title. 2022 – One complaint closed with \$1,000 civil penalty for issuing more temporary tags than allowed.

2022023371

Complainant purchased a used Tesla from Respondent and alleges it needs a new expensive battery that Respondent knew about before the sale. Respondent has resolved this issue to Complainant's satisfaction and Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022033141

Complainant purchased a used vehicle from Respondent on 6/6/22 and alleges they have received two temporary tags as of 8/9/22. Complainant states Respondent has offered to provide them with a rental car at no cost until the registration is complete. Respondent has since provided the registration and permanent tag and Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

44. 2022027281 (ES)

Date Complaint Opened: 07/06/2022

First Licensed: 03/09/1998

Expiration: 02/29/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): 2022 – One complaint closed with agreed citation with \$500 civil penalty for employing an unlicensed salesperson.

Complainant purchased a used vehicle from Respondent in September of 2020 and had to bring it back due to immediate issue with the wheel sensor indicator warning light. Complainant alleges after numerous visits to get the vehicle repaired, Respondent is not being honest with them about the repairs. Complainant took the vehicle to another dealer who made the necessary repairs. Complainant alleges there are new issues with the four-wheel drive which are covered under warranty. Complainant takes issue with delays because the parts have been ordered but have not arrived. Respondent apologizes for Complainant's inconvenience, but they are unable to assist because Complainant has not brought the vehicle to them. Respondent provides Complainant with contact information for the area parts and service district manager in middle Tennessee, hoping this may help but also confirming unprecedented delays due to supply chain issues. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

45. 2022028381 (ES)

Date Complaint Opened: 07/13/2022

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and alleges odometer fraud and potential unlicensed activity. An investigation was conducted to determine whether Respondent is engaging in unlicensed activity. The investigation revealed this was a private sale completed at Respondent's residence. Further, Respondent has a dealer license in Arkansas and this vehicle was brought to Tennessee for Complainant's convenience. Respondent has since offered to take the vehicle back considering the odometer discrepancy with a full refund, but Complainant decided to register the vehicle and keep it, stating they are happy with it at this time. Complainant wants Respondent to give them some money back considering the odometer discrepancy, but Respondent will not comply. Considering all of these facts, the lack of evidence of unlicensed activity and Complainant's refusal to return the vehicle for a refund, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

46.2022025931 (ES)

2022032821

Date Complaint Opened: 07/24/2022, 08/05/2022

First Licensed: 08/03/2006

Expiration: 06/30/2023

License Type: Motor Vehicle Auction

History (5 yrs.): None.

2022025931

Complainant is a licensed car dealer in Utah and Respondent is a Tennessee licensed auto auction. Complainant alleges they purchased a used vehicle from Respondent on 1/13/22 and was informed the title would be processed and mailed to them.

Complainant made repairs to the vehicle after purchase, and then sold it on 3/16/22.

Complainant alleges Respondent told them the title is being held up by delays and wants our assistance. Respondent states this vehicle was purchased with the knowledge it was a “title pending” vehicle. When Respondent submitted documents to the local clerk, they were informed it was not the most recent title and they needed to contact the Illinois registration office. The Illinois office informed Respondent the most recent title was in Tennessee. After exhausting all efforts, Respondent reached out to Allstate who sold them the vehicle, but they had no resolution to offer.

Respondent has offered to buy the vehicle back multiple times to resolve this matter, but Complainant refuses this option. Complainant executed Respondent’s Terms and Conditions form where they agree they understood the disclaimers as it relates to the registration of vehicles purchased in a different state. This disclaimer makes it clear that Respondent does not guarantee that any vehicle sold at auction can be legally registered in any state and the buyer must accept this risk. Complainant has since obtained a title for the vehicle in Utah. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022032821

Complainant is a licensed automotive mobility dealer in Tennessee and Respondent is a licensed auto auction. Complainant purchased a used vehicle from Respondent on 2/24/22 and alleges they have yet to receive the vehicle. Respondent has since resolved this issue with Complainant and Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

47. 2022024051 (ES)

2022028611

2022030341

Date Complaint Opened: 06/14/2022, 07/14/2022, 07/22/2022

First Licensed: 10/08/2015

Expiration: 06/30/2022 (Expired and Closed)

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. 2022 – Six complaints closed and flagged for failure to deliver title/registration.

2022024051

Complainant alleges Respondent failed to deliver title and registration for a vehicle financed on March 17, 2022. Respondent closed their dealership earlier this year and their license has been expired since June. The surety bond information was sent to Complainant. This is one of many complaints of the same nature made against Respondent, therefore Counsel recommends referring this matter to law enforcement as well as closing and flagging it.

2022028611

Complainant is a consumer finance and leasing company that purchases lease contracts and the associated vehicle from dealers. Complainant is based in

Pennsylvania. Complainant purchased a lease contract from Respondent and alleges they have never delivered title or registration or complied with the dealer agreement. Respondent has ceased communications with Complainant. The surety bond information was sent to Complainant. This is one of many complaints of the same nature made against Respondent, therefore Counsel recommends referring this matter to law enforcement as well as closing and flagging it.

2022030341

Complainant is a lending finance company based in Nevada. Complainant alleges Respondent sold their customer a used vehicle in January of this year and has not provided title or registration for the vehicle. The surety bond information was sent to Complainant. This is one of many complaints of the same nature made against Respondent, therefore Counsel recommends referring this matter to law enforcement as well as closing and flagging it.

Recommendation: Close and flag; refer to local law enforcement

Commission Decision: CONCUR.

48.2022026981 (ES)

2022027691

2022032961

Date Complaint Opened: 07/02/2022, 07/08/2022, 08/08/2022

First Licensed: 10/16/2015

Expiration: 08/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2022026981

Complainant purchased a used vehicle from Respondent on 5/13/21 through financing and when they tried to renew their registration in May of this year, they were informed there was an issue with an open title in New York. Complainant has requested a refund and wants to return the vehicle. Respondent allowed Complainant to return the vehicle on 7/13/22 and Complainant has been reimbursed in full. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022027691

Complainant purchased a used vehicle from Respondent on 6/6/22 and a wheel came off while driving on an interstate on 6/25/22. Complainant states the vehicle was supposed to have undergone a 150 point inspection and alleges the cause of the accident was lug nuts being overtightened. Complainant further alleges the Respondent's insurance carrier is "dragging their feet" in getting the vehicle declared a total loss. Respondent states their inspection includes driving the vehicle at "city speeds" and claims the issue could not have been caught without driving at high speeds. However, Respondent has provided Complainant with the opportunity to return the vehicle for a full refund of money paid towards the vehicle and deletion of the purchase tradeline from their credit report. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022032961

Complainant alleges Respondent failed to provide a title and registration for vehicle purchased on May 13, 2022. Respondent immediately took action and was notified by the clerk's office that the title they provided for registration was not the most recent. The auction who sold the vehicle to Respondent has still not provided the most recent title so Complainant returned the vehicle and purchased another one from Respondent. Complainant also received a check for \$250 for the inconvenience. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

49. 2022028451 (ES)

Date Complaint Opened: 07/14/2022

First Licensed: 09/23/2021

Expiration: 08/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent in November of 2021 and alleges Respondent failed to disclose that it had been involved in a wreck. Complainant alleges the clear coat began to come off and it would cost \$4,500 to repair it. Respondent apologized that Complainant was not satisfied and repaired the vehicle to Complainant's satisfaction at no cost. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

50.2022028501 (ES)

Date Complaint Opened: 07/14/2022

First Licensed: 01/09/2012

Expiration: 12/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2016 – One complaint closed with \$500 civil penalty for failure to disclose salvage vehicle.

Complainant alleges unethical behavior by the Respondent. Complainant alleges Respondent originally sold them a vehicle with a rebuilt title which included delays in the registration process due to the insurance company not finishing the paperwork on their end. However, this issue was resolved but Complainant claims Respondent was rude, condescending, belittling and “just plain nasty” throughout their communications. Complainant further alleges they get charged late fees because their payment is not made on time but claim that is because Respondent doesn’t answer the phone when they call to make a payment. Respondent’s manager reached out to Complainant to address each of the issues mentioned in the complaint and believe everything has been resolved. Respondent states Complainant has stated they get paid on dates that do not coincide with the due dates and this is why their payments are late. Respondent has offered to set Complainant up with automatic payments at no cost to avoid this problem, but they declined this option. Respondent has credited many late fees to back to Complainant even though they deny being the cause of the payment being late. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

51. 2022029801 (ES)

2022031551

Date Complaint Opened: 07/19/2022, 07/28/2022

First Licensed: 04/17/2014

Expiration: 03/31/2024

License Type: Motor Vehicle Dealer

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

2022029801

Complainant purchased a used vehicle from Respondent on 6/15/22 as-is, without warranty. Complainant alleges Respondent presented vehicle in "good condition" and failed to disclose major repair issues needed. Complainant began experiencing mechanical issues soon after purchase and repairs were estimated to cost \$4,000. Respondent states Complainant continuously changes the story about what is wrong with the vehicle when they communicate with Respondent. Respondent states they did not know about any mechanical issues with the vehicle when they sold it to Complainant, and they had every opportunity to have the vehicle inspected by a mechanic prior to purchasing it. Respondent purchases vehicles from auctions and sells them at discounted prices, always advising consumers that the purchase is as-is with no warranty on its condition. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022031551

Complainant purchased a used vehicle from Respondent and have since had mechanical issues causing it to be inoperable. Complainant then notified Counsel that they came to an acceptable agreement with Respondent, who purchased the vehicle back from them and took possession. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

52. 2022024501 (TH)

2022028051

Date Complaint Opened: 06/15/2022, 07/12/2022

First Licensed: 10/13/2015

Expiration: 09/30/2021

License Type: Motor Vehicle Dealer

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

2022024501:

Complainant states they purchased a vehicle from Respondent on November 25, 2020. Complainant alleges, however, the person they purchased the vehicle from at Respondent's dealership has since passed and did not keep any of the necessary files. Complainant states they have not received their title despite the fact the vehicle had been for in full. Complainant alleges the new owner who took over Respondent's business has not made any effort to find their title and has been avoiding their calls.

An investigation was conducted. During the investigation, Complainant informed the Investigator they have since received their title and wish to drop their complaint. The Investigator discovered the owner of Respondent had recently passed away, which was the reason for the delay in issuing the title to Complainant. The owner's parents were closing out the business and attempting to handle all final matters after the owner had passed. The Investigator additionally went to the location of the dealership and confirmed the location had been closed and was no longer operating. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022028051:

Complainant states they purchased their vehicle from the prior owner of Respondent and before they could get the title the owner unexpectedly passed away, and they have not been able to obtain the title.

Respondent states their son owned the car lot. Respondent states the last 6 months of his son's life was full of illness, and unable to run his business. Respondent states their son passed away on May 3, 2022. Respondent states with the complaints they have explained to all the customers they have spoken with to come to lot show receipts where they have paid for vehicle in full.

An investigation was conducted. During the investigation, Complainant informed the Investigator they wish to drop their complaint and provided an email to Counsel stating this desire. The Investigator confirmed the owner of Respondent had recently passed away, which was the reason for the delay in issuing the title to Complainant. The owner's parents were closing out the business and attempting to handle all final matters after the owner had passed. The Investigator additionally went to the location of the dealership and confirmed the location had been closed and was no longer

operating. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

53.2022024521 (TH)

Date Complaint Opened: 06/15/2022

First Licensed: 08/19/2019

Expiration: 06/30/2021 (Expired License)

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent. Complainant states after having the vehicle for a little while it began to have electrical issues. Complainant states, as such, they decided to return the vehicle. Complainant states they then received a letter informing them the vehicle had been seized in a drug bust by Sevier County Police Department. Complainant states, accordingly, they reached out to the clerk's office and had them check to see if the vehicle was still registered to them. Complainant alleges they were informed that despite returning the vehicle to Respondent, the car was still registered to them. Complainant states Respondent did not provide them a reason for why registration was never changed

An investigation was conducted. Complainant informed the Investigator they had no interest in submitting a sworn statement or participating in the investigation. Additionally, the Investigator states no evidence of the dealership, or any individual associated with the dealership was found to be involved with the legal trouble which led to the vehicle being seized by law enforcement. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

54.2022024971 (TH)

Date Complaint Opened: 06/20/2022

First Licensed: 11/13/2015

Expiration: 10/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – One complaint closed with \$500 agreed citation for unlicensed activity.

Complainant states in March 2020 they purchased a vehicle from Respondent and placed an extended warranty on the vehicle. Complainant states they drove their vehicle only five times before the engine shut down with an error code of Transmission hot, Idle engine. Complainant states they have been without their vehicle since June 2021, and Respondent has had it since August 2021. Complainant states at the time the repairs were to begin the note was current and it was agreed to the payments would resume once the repairs were complete and anything missed would be added to the end of the contract.

Respondent failed to answer the complaint.

An investigation was conducted. Respondent expressed their belief they were justified in repossessing the vehicle stating Complainant failed to honor their contractual obligations by making installment payments in a timely fashion. When Respondent was asked to show proof of the repossession notification, they claimed they sent it to Complainant because they couldn't produce a copy for the Investigator evidencing the same. Finally, as evidenced in the title obtained during the investigation from the dealership, Complainant's name was never recorded on the title evidencing their

March/2021 purchase, which indicates potential dishonest dealings being exhibited by a licensee. As such, Counsel recommends authorizing assessing a \$500 civil penalty for Fraudulent and Deceptive acts violating T.C.A. 55-17-114(b)(1)(K). Counsel also recommends issuing a Letter of Warning for Respondent's failure to respond to the Commission.

Recommendation: Authorize assessing a \$500 civil penalty for Fraudulent and Deceptive acts violating T.C.A. 55-17-114(b)(1)(K). Counsel also recommends issuing a Letter of Warning for Respondent's failure to respond to the Commission.

Commission Decision: CONCUR.

55.2022031441 (TH)

Date Complaint Opened: 07/28/2022

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This is an administratively opened complaint from information gathered from an anonymous source.

The anonymous source states they are a resident in the neighborhood the owner of Respondent lives in. The source states their neighbor owns and operates an auto sales business, Respondent's dealership, in their neighborhood. The complaint alleges Respondent purchases cars wholesale and brings them to their residence, cleans and restores them, and then markets them for sale at their home. The complaint states Respondent claims to have a retail location, as required by TN law. The complaint states, however, if you visit the listed location, it is just an empty building with no dealership.

An investigation was conducted. The Investigator visited the dealership's listed address as well as Respondent's home address. Respondent informed the Investigator they are making no-off-site sales at their home address. Respondent additionally provided a sworn statement including the same statement. The Investigator confirmed the listed dealership location was a licensed operating dealership. The investigator states they did not observe any indication there were any vehicles being sold at Respondent's home address. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

56.2022025361 (ES)

Date Complaint Opened: 06/22/2022

First Licensed: 02/16/1994

Expiration: 12/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2018 – One complaint closed with letter of warning for deceptive advertising.

Complainant alleges Respondent misrepresented their purchased vehicle. Respondent has since traded them out of the vehicle at issue into another to the Complainant's satisfaction. Counsel finds no evidence of any violations and recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

57. 2022025631 (ES)

Date Complaint Opened: 06/23/2022

First Licensed: 09/23/2020

Expiration: 09/30/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent misled them about the amount they were agreeing to pay for a vehicle. Complainant states Respondent told them there was an issue with the paperwork for the loan because of incorrect addresses and they needed to sign documents in order to move forward. Complainant claims they told Respondent they wanted a refund before the loan was approved. Complainant alleges Respondent then informed them that the loan went through without the new signatures. Complainant then followed up and stated they traded the vehicle for another. Respondent states that it is their policy to explain to the customer what documents they are signing once they have chosen a vehicle and agree on the presented purchase price, which is what happened with Complainant. Complainant signed all of the documents. Regarding the address, Complainant provided the address from their state ID. The address is not required to be correct to fund a loan, although it is in the best interest of the customer to use their correct address for ease of communication and mail. Respondent confirms they have since worked with Complainant and put them in a new vehicle. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

58. 2022026881 (ES)

2022031431

2022031711

Date Complaint Opened: 07/01/2022, 07/28/2022, 07/29/2022

First Licensed: 04/29/2016

Expiration: 05/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): 2021 – One complaint closed with \$1,000 civil penalty for issuing more temporary tags than allowed.

2022026881

Complainant is alleging that the Respondent may have sent the incorrect paperwork to their finance company. Complainant had originally purchased a vehicle that ended up having mechanical problems, so that was given back to the Respondent and Complainant chose a different vehicle. Respondent confirms the fees at issue were applied to the second vehicle correctly, and further confirms the matter has been resolved. Counsel recommends closure.

Recommendation: Close

Commission Decision: CONCUR.

2022031431

Complainant leased a vehicle from Respondent on 3/24/22 and has been having mechanical issues since one week after the purchase. Respondent has been working with Complainant to resolve the issue. Respondent has advised Complainant that they can take the vehicle to any reputable mechanic or dealership to have it diagnosed and they will take care of the costs of repairs. Complainant is going to check out various options and let Respondent know where they decide to take the vehicle. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022031711

Complainant financed a used vehicle from Respondent in June of 2018 and alleges they did not go over all of the important documents related to the sale. Complainant alleges the finance company was rude during their communications and messed up their account and payments, leading to threats of repossession of the vehicle. Respondent spoke with Complainant and educated them about why they had late payments and late fee charges. Respondent ended up waiving half of the late fees. The vehicle was in an accident and Respondent sent Complainant a payoff on 7/28/22 and Complainant owes Respondent \$2,055 due to the failure to provide proof of insurance from 6/1/18 through 5/25/21. There is no evidence of any violations and Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

59. 2022029381 (ES)

Date Complaint Opened: 07/18/2022

First Licensed: 10/02/2014

Expiration: 09/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle through financing from Respondent in December

2021. After the vehicle began having mechanical issues immediately after purchase, they decided to trade it for another and applied for another loan. Respondent later informed Complainant they were not approved for the loan and they would need to bring cash to pay for the vehicle in full or return it. Complainant alleges Respondent ran credit multiple times without informing complainant and did not inform complainant that further actions were needed to secure financing. Complainant provides no evidence to support these allegations. Respondent had to file a lawsuit against Complainant because they drove the vehicle for eight months without making a single payment on it. Complainant eventually returned the vehicle and Respondent agreed to dismiss the lawsuit even though they could have pursued it further to recoup the money owed to them by Complainant. Respondent states Complainant did not file this complaint in good faith and completely misrepresented the facts. Complainant filed this complaint when they were served with the civil warrant when the lawsuit was originally filed. Respondent further denies running Complainant's credit thirteen times as alleged in the complaint. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

60.2022030141 (ES)

Date Complaint Opened: 07/21/2022

First Licensed: 11/10/2020

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on 6/1/22 and alleges the Respondent failed to release their title so they can register and obtain a permanent license plate. Respondent has since provided the title to Complainant and only issued two temporary tags in the interim. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

61.2022030281 (ES)

Date Complaint Opened: 07/22/2022

First Licensed: 09/11/2014

Expiration: 01/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant is alleging deceptive business practices from the Respondent and claims they were sold a car with mechanical issues. Complainant states that Respondent told them the vehicle was “perfect” and during the test drive, when they heard a strange noise, was told it was normal for the type of 5.0 engine in a big truck. Complainant noticed the truck immediately began leaking oil and transmission fluid, and on the way to bring it in for a gasket replacement, it wouldn’t crank back up after filling it at a gas station. The vehicle was towed to a local dealership in South Carolina where Complainant lives and they were informed it needed a new wiring harness to the transmission as well as a water pump and timing chain. Complainant is willing to pay half of the cost for the repairs and feels Respondent should take care of half.

Complainant further alleges they did not receive any paperwork stating the vehicle was purchased as-is without warranty. Respondent provided the deal file which shows the buyer’s guide and signature of Complainant on the as-is no warranty paperwork. Respondent denies the allegations and states they encouraged Complainant to take the vehicle to a mechanic if they so desired. Respondent further denies that Complainant mentioned any issues to the salesperson. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

62.2022026451 (TH)

Date Complaint Opened: 06/29/2022

First Licensed: 09/09/2019

Expiration: 09/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

On June 27, 2022, an annual inspection was conducted at Respondents dealership. During the inspection, the Inspector observed Respondent's County Business Tax License had expired on May 15, 2022.

As such, a proposed Agreed Citation was sent to Respondent on June 29, 2022, assessing a Two Hundred and Fifty dollar (\$250) civil penalty for their expired County Business Tax License. However, Respondent provided a copy showing their county business license was renewed at the time of the inspection. Respondent explained the day of the inspection they had their license renewed; however, they had not received the physical copy from the County Clerk's office. Respondent explains this is the only reason they did not have it displayed in their office. Respondent provided a copy of the renewed license at the time of the inspection and a letter from their local County Clerk's office explaining they were delayed in mailing the license. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

63.2022028541 (TH)

2022031451

Date Complaint Opened: 07/14/2022, 07/28/2022

First Licensed: 07/30/2020

Expiration: 05/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2022028541:

Complainant states they purchased the vehicle from Respondent in October 2021 and have still not received their permanent tags. Complainant states they have been driving on a drive-out tag since they bought the car. Complainant states they ask the Respondent about once a week if their tags have come, and only get told it is being worked on with no outcome. Complainant states, as such, they filed their complaint.

Respondent states it is accurate Complainant has not received their tags, and it is due to numerous factors. Respondent states they hope to have the tags soon.

An investigation was conducted. During the investigation, Respondent explained there are numerous reasons for the delay in the title, and they are working with the local County Clerk's office to get the issue resolved. They additionally explained they are waiting on a check from their corporate office to bring to the County Clerk's office. Additionally, Respondent states in their answer to the Investigator they issued nine (9) temporary tags to Complainant.

As such, Counsel recommends authorizing a Three Thousand dollar (\$3,000) civil penalty for issuing six (6) more temporary tags than allowed.

Recommendation: Authorizing a Three Thousand dollar (\$3,000) civil penalty for issuing six (6) more temporary tags than allowed.

Commission Decision: Authorizing a Three Thousand dollar (\$3,000) civil penalty for issuing six (6) more temporary tags than allowed and a Five Hundred (\$500) civil penalty for false fraudulent, and deceptive acts for a total of \$3,500.

2022031451:

Complainant states they purchased a vehicle from Respondent on May 21, 2022. Complainant states they had not yet received their title at the time of their complaint, July 28, 2022. Respondent states they gave the title to Complainant on July 29, 2022. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

64. 2022029231 (TH)

2022029981

Date Complaint Opened: 07/18/2022, 07/21/2022

First Licensed: 09/01/1991

Expiration: 04/30/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

2022029231:

Complainant states they had their transmission replaced at Respondent's dealer on April 20, 2022. Complainant states they paid \$7,011.00. Respondent states they were driving their truck after, and it engulfed in flames as they parked it on May 7, 2022. Complainant states they have reported this to the dealership.

Respondent states they filed the incident with their insurance company. Respondent states the Insurance company is still investigating the claim at this time, and they will update Counsel when the investigation is complete. As such, Counsel recommends closing and flagging this complaint until the investigation is complete by Respondent's insurance company.

Recommendation: Close and Flag.

Commission Decision: CONCUR.

2022029981:

Complainant alleges Respondent forged their income on the finance paperwork to get them approved for a vehicle they should not have been approved for. Complainant alleges Respondent put they made the following a month: \$880 SSI \$2000 Retirement, and \$900 Social Security, but they only actually earn \$900 a month. Complainant alleges Respondent performed wire fraud and will not now unwind the deal.

Respondent states they did not commit fraud and Complainant signed off on the paperwork and its authenticity.

An investigation was conducted. During the investigation, Complainant informed the Investigator they have resolved their issue with Respondent, and they want to rescind

their complaint. Complainant states they have no interest in continuing with the complaint. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

65.2022031031 (TH)

Date Complaint Opened: 07/26/2022

First Licensed: 11/23/2016

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent on June 15, 2022. Complainant states as of the date of their complaint, July 26, 2022, they have not received their permanent tag and registration, and their temporary tag recently expired.

Respondent states they have since resolved the issue with Complainant. Respondent states Complainant is now satisfied. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

66.2022031191 (TH)

Date Complaint Opened: 07/27/2022

First Licensed: 05/25/2021

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent lied to them about the vehicle being previously damaged in an accident. Complainant states Respondent later admitted to them the vehicle should have never made it past inspection and onto the lot for sale. Complainant alleges Respondent now refuses to make repairs to the vehicle.

Respondent states Complainant purchased the vehicle as “as-is”, which is why they won’t make any repairs.

An investigation was conducted. Complainant believes they were deceived about pre-known issues with the vehicle which were not disclosed. However, the Investigator found no evidence to support this claim. Respondent states they did not know about any damage. The Investigator states there is nothing found in the Deal File, or with the previous title to show the vehicle was ever salvaged or rebuilt. No conflicts were found during the investigation with the sales documents provided by Respondent or those provided by Complainant. Based on the investigation Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

67. 2022028721 (TH)

Date Complaint Opened: 07/15/2022

First Licensed: 06/07/2012

Expiration: 03/31/2022 (Expired)

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

On July 14, 2022, an inspection was conducted at Respondents dealership. During the inspection, the Inspector discovered Respondent was operating with an expired Dealership License (expired March 31, 2022). The Inspector noted Respondent's Garage liability and Surety Bond are current. The Inspector issued a Notice of Violation for Unlicensed Activity Against Dealer/ Operating with an Expired Dealership License, violating TCA: 55-17-109.

As such, a proposed Agreed Citation was sent to Respondent on Friday, July 15, 2022, assessing a Five Hundred Dollars (\$500.00) civil penalty. However, Respondent did not answer the proposed Agreed Citation, or respond to this complaint. As such, Counsel recommends assessing a Five Hundred Dollars (\$500.00) civil penalty, as well as a Letter of Warning for Respondent's failure to answer the Commission.

Recommendation: Authorize assessing a Five Hundred Dollars (\$500.00) civil penalty, as well as a Letter of Warning for Respondent's failure to answer the Commission.

Commission Decision: CONCUR.

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68. 2022032131 (TH)

Date Complaint Opened: 08/02/2022

First Licensed: 05/28/2015

Expiration: 06/30/2025

License Type: Motor Vehicle Auction

History (5 yrs.): None.

Complainant states they are filing this complaint due to not receiving their title from Respondent.

Respondent answered the complaint on August 11, 2022. Respondent states they are not the seller of the vehicle in question and, as such, have no direct way to get a title for Complainant. Respondent states, however, they did reach out to the seller of the vehicle for Complainant after receiving this complaint. Respondent states they were informed by the seller that they have released the title and Complainant would be receiving it within the week. Complainant did not follow back up to confirm or deny Respondent's answer or if they have received their title. Based on the aforementioned, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

69.2022031781 (ES)

Date Complaint Opened: 07/29/2022

First Licensed: 02/16/2017

Expiration: 01/31/2023

License Type: Recreational Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a new travel trailer from Respondent in April of this year. The slide out seemed to be off the track, a recall repair needed to be completed for a fire hazard with the propane tank, and there was a leak in the bedroom closet, so Complainant dropped the trailer off with Respondent on 6/27/22. Complainant filed this complaint on 7/29/22 because they have yet to receive any more information about when they can pick it up. Respondent states they have since received approval from the manufacturer to make the repairs and have received the necessary parts. Respondent has provided the update to Complainant. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

70.2022027411 (ES)

Date Complaint Opened: 07/07/2022

First Licensed: 06/11/2001

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

A Notice of Violation was issued to Respondent during an inspection on 7/5/22 for failing to produce active county and city business licenses. Respondent since provided Counsel with proof that the business licenses were active at the time of the inspection and has posted them. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

71. 2022028411 (ES)

Date Complaint Opened: 07/13/2022

First Licensed: 07/28/2011

Expiration: 06/30/2019 (Closed)

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent in 2016 and alleges Respondent never sent them the information on how to continue making payments towards their vehicle after the dealership closed in April 2018. Respondent's representative contacted them and stated instructions would be forthcoming, but nothing was received and no one has attempted to come and get the vehicle. The department has provided Complainant with the surety bond information after all mail sent to the closed dealership has been returned. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

72. 2022028861 (ES)

Date Complaint Opened: 07/15/2022

First Licensed: 03/30/2012

Expiration: 03/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and claims it began “running hot” within 30 days. Complainant alleges a mechanic told them the thermostat that regulates engine temperature had been removed from vehicle causing the engine to blow. Complainant provides no proof that these allegations are true. Respondent sold the vehicle as is and Complainant declined the offer of an extended warranty. However, because Complainant is elderly and on a fixed income, Respondent paid for a replacement engine and repaired the vehicle. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

73.2022030301 (ES)

Date Complaint Opened: 07/22/2022

First Licensed: 11/04/2020

Expiration: 11/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on 5/6/22 and their daughter totaled it the first week after purchase. Complainant alleges Respondent has failed to update title to include their information which is preventing the insurance company from paying for the vehicle. Respondent provided a detailed response along with proof showing they were waiting on the lienholder and had done everything they were supposed to do. Respondent then confirmed the vehicle had been properly registered and the issue has been resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

74.2022031101 (ES)

Date Complaint Opened: 07/27/2022

First Licensed: 11/14/2019

Expiration: 11/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent sold them a motorcycle and failed to provide an additional seat for the bike. Respondent confirms they sold the wrecked motorcycle to Complainant for \$1000 cash, as is, and as a “parts and repair” motorcycle. In conversation, the salesperson mentioned he might have a seat that would fit, and he would just give it to Complainant, but that was not part of the contracted purchase. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

75.2022031291 (TH)

Date Complaint Opened: 07/28/2022

First Licensed: 09/10/2018

Expiration: 06/30/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states on April 01, 2022, they paid cash for a car from Respondent. Complainant alleges Respondent is a fraudulent dealership. Complainant alleges Respondent is guilty of fraud on multiple occasions within their transaction. Complainant alleges the three fraudulent actions are: odometer fraud, title jumping, and minimizing the price from what they paid for the car. Complainant states the mileage on their title is 141,964. Complainant alleges this is completely different from the mileage that was on the odometer which was 83,198. Complainant states they were given the original bill of sale the day of purchase, and they had to wait on the title to arrive at the dealership the next week.

Complainant states the original bill of sale had a mileage of 83,198, and when the title arrived the following week, they were instructed to bring my original bill of sale and were told by Respondent they would replace it with a new one. Complainant states a month later they noticed the mileage on the title proceeded beyond the odometer. Complainant states they additionally noticed the name and the location of the dealership were completely inaccurate from the actual dealership they purchased the vehicle from. Complainant states the title they received with the purchase was signed with Respondent's name, which is located in TN. But the Bill of Sale Complainant received had another dealership's name (including on two other forms they were given) and the location listed was in Arkansas.

Complainant states the last violation they are alleging is the price Respondent put on the Bill of Sale. Complainant states they paid \$6,701 cash using an electronic transfer. Complainant alleges Respondent put on the Bill of Sale they purchased it for \$2,500.

Respondent states they do not believe they have ever met Complainant and they were not aware of these issues until receiving this complaint. Respondent states their dealership is located in front of a police station and is often used as a safe place for customers and dealers. Respondent states the young man the customer purchased the vehicle from is not employed at their dealership. Respondent states they made no profit from this transaction and know nothing about the vehicle or the mileage.

An investigation was conducted. The owner of Respondent stated to the Investigator they did write the bill of sale. However, the owner contended they had no actual involvement in the sale of the vehicle to Complainant. Rather, Respondent states they “just did the administrative paperwork.” Respondent states they received no benefits from the sale, and the transaction was conducted by another person.

Based on the statements made by Respondent pertaining to them performing the administrative paperwork for a sale they did not conduct, Counsel recommends authorizing assessing a \$500 civil penalty for Fraudulent and Deceptive acts violating T.C.A.55-17-114(b)(1)(K).

Recommendation: Authorize assessing a \$500 civil penalty for Fraudulent and Deceptive acts violating T.C.A.55-17-114(b)(1)(K).

Commission Decision: Authorize assessing a \$500 civil penalty for Fraudulent and Deceptive acts violating T.C.A.55-17-114(b)(1)(K) and refer to the TN Dept. of Revenue.

76.2022029891 (TH)

Date Complaint Opened: 07/20/2022

First Licensed: 03/24/2020

Expiration: 03/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent on June 17, 2022. Complainant states as of July 20, 2022, they had yet to receive their title and, as such, filed their complaint. However, Complainant has since advised they have received their title and no longer want to pursue their complaint. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

77.2022035631 (TH)

Date Complaint Opened: 08/26/2022

First Licensed: 09/01/1991

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent on June 8, 2022. Complainant alleges they were told the vehicle had no previous accidents or major issues. Complainant states, however, the car began to have issues about two weeks after purchase. Complainant states they took the vehicle to a mechanic friend, and states they found signs the vehicle may have been in a previous accident.

Respondent states on June 7, 2022, Complainant turned their vehicle in on June 7, 2022. Respondent states the vehicle was sold “As-Is.” Respondent states Complainant was provided all documentation pertaining to the vehicle and was made aware of some minor previous damage on the front left of the vehicle. Respondent states they were not aware of any issues with the vehicle until Complainant later informed them after purchase. Respondent states they offered to trade out the vehicle for Complainant, but Complainant declined this offer. Complainant informed Respondent they could not trade the vehicle in because they already purchased another vehicle from another dealer. As such, Respondent states they reached out to the other dealership and requested for them to apply the vehicle purchased from Respondent as a trade towards Complainant’s purchase with them and then sell the vehicle to Respondent. Respondent states they did this in an attempt to help Complainant, and resolve their issues despite the vehicle being sold ‘As-Is.’ Based on the vehicle being sold “As-Is” and Respondent’s steps to resolve Complainant’s issues, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

78.2022028491 (ES)

Date Complaint Opened: 07/14/2022

First Licensed: 09/18/2020

Expiration: 09/30/2022

License Type: Motor Vehicle Salesman

History (5 yrs.): None.

Complainant purchased a used vehicle on 6/9/22 from the dealership where Respondent is employed and alleges it broke down on 6/21/22. Complainant claims the engine malfunction was due to the vehicle having two recalls but provides no evidence to support these allegations. Respondent provided the deal file showing the vehicle was sold as-is without warranty. Further, Complainant told Respondent to find an engine and a mechanic to handle the repairs, and they would take care of the expenses. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

79.2022034621 (ES)

Date Complaint Opened: 08/18/2022

First Licensed: 05/06/2020

Expiration: 03/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent and alleges they have not provided the title. Respondent states the title was provided with all deal paperwork and Complainant must have lost it. Respondent applied for a new title for Complainant and has since provided it to them. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

80.2022035901 (ES)

Date Complaint Opened: 08/29/2022

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

This complaint was opened administratively after receiving information from a clerk's office that an employee of Respondent had mentioned they worked at a location that does not have a license. Respondent has numerous licensed dealerships across the state. An investigation was conducted. The investigation revealed that the employee's statements were due to simple confusion about a location that was used to store vehicles versus the actual licensed location where the employee worked. There is no evidence of any unlicensed activity and Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

81.2022031121 (ES)

Date Complaint Opened: 07/27/2022

First Licensed: 01/19/2021

Expiration: 12/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on 2/11/22 and received three temporary tags since the purchase. Complainant has paid off the vehicle in full and states they still have not received the title. Respondent has since registered the vehicle and provided it with the permanent tag to Complainant on 4/30/22. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

82.2022031791 (ES)

Date Complaint Opened: 07/29/2022

First Licensed: 11/23/2016

Expiration: 10/31/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on 6/17/22 and alleges they have not received the permanent tag or registration as of 7/29/22. Respondent provided two temporary tags and has since confirmed Complainant has received their registration and permanent tag as of 8/30/22. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

83.2022035891 (ES)

Date Complaint Opened: 08/29/2022

First Licensed: 03/06/2020

Expiration: 02/29/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a used vehicle from Respondent on 4/29/22 and alleges the motor blew out within four weeks. Further, Complainant alleges Respondent has failed to provide the title to the lender. Respondent provided the deal file that shows Complainant purchased the vehicle as-is without warranty. Respondent also provided a copy of the registration and title showing this issue has been resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

84.2022028751 (TH)

Date Complaint Opened: 07/15/2022

First Licensed: 01/08/2014

Expiration: 12/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

On July 14, 2022, an annual inspection was conducted at Respondents dealership. During the inspection, Respondent could not provide the Inspector with a current City or County Business License. Accordingly, the Inspector issued a Notice of Violation for violation of Rule 0960-1-.25: Expired City and County Business License.

As such, a proposed Agreed Citation was sent to Respondent on Friday, July 15, 2022, assessing a Five Hundred Dollars (\$500) penalty. However, Respondent did not answer the proposed Agreed Citation, or respond to this complaint. As such, Counsel recommends assessing a Five Hundred Dollars (\$500) civil penalty, as well as a Letter of Warning for Respondent's failure to answer the Commission.

Recommendation: Assessing a Five Hundred Dollars (\$500) civil penalty, as well as a Letter of Warning for Respondent's failure to answer the Commission.

Commission Decision: CONCUR.

85.2022030741 (TH)

Date Complaint Opened: 07/25/2022

First Licensed: 12/16/2003

Expiration: 05/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2018 – One complaint closed with letter of warning for failure to deliver title in a timely manner. One complaint closed with \$500 civil penalty for issuing more temporary tags than allowed. 2019 – One complaint closed with \$3,000 civil penalty for issuing more temporary tags than allowed. 2021 – One complaint closed with \$500 civil penalty for expired city/county business license(s).

Complainant states on May 21, 2022, they purchased a vehicle from Respondent. Complainant states they paid for the vehicle in full at the time of purchase. Complainant states, however, as of June 20, 2022, they had not received their title. Complainant states, as such, they reached out to Respondent for an update. Complainant states they were informed Respondent’s title department was backed up, but they were working on getting their title. Complainant states, however, as of July 21, 2022, they still had not received their tag. Complainant spoke with Respondent again on July 21, 2022, and July 25, 2022, and was informed the issue was being investigated. As of the time of their complaint, July 25, 2022, Complainant still had not received their title.

However, Respondent states Complainant has been given their title, and all issues have been resolved. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

86.2022031251 (TH)

Date Complaint Opened: 07/27/2022

First Licensed: 06/25/2021

Expiration: 02/29/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they purchased a vehicle from Respondent on May 31, 2022. Complainant states they paid in cash and received a temporary tag upon purchase. Complainant states at the time of their complaint, July 2, 2022, they had not received their title and permanent tag yet. Complainant states Respondent told them the delay was due to backups with the local County Clerk's office.

Respondent states the tag and title were already mailed to Complainant prior to the complaint being filed. Respondent states there was a miscommunication on their end with the Complainant, but all issues have since been resolved and Complainant has been given their title and permanent tag. As such, Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

87.2022032711 (ES)

2022037271

Date Complaint Opened: 08/05/2022, 09/07/2022

First Licensed: 10/03/2011

Expiration: 09/30/2023

License Type: Recreational Vehicle Dealer

History (5 yrs.): 2019 – One complaint closed with letter of warning for engaging in false, fraudulent, or deceptive practice(s).

2022032711

Complainant purchased a camper from Respondent and alleges it started to leak soon after. Complainant took the camper to be diagnosed to a sister location and claims they stated there was evidence of water damage and the roof or slide would eventually need to be rebuilt. Complainant does not feel these issues will be easily resolved and wants a full refund because they believe they were sold a faulty camper. Respondent repaired the leak and fixed all issues at no expense to Complainant, and Complainant thanked them for taking care of this matter. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

2022037271

Complainant purchased a camper from Respondent in 2016 and recently met with them to try to sell the camper back to them. Complainant alleges they never received the title from Respondent. Respondent and Complainant have since resolved this matter and Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

88.2022035661 (ES)

Date Complaint Opened: 08/26/2022

First Licensed: 08/22/2022

Expiration: 08/31/2024

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent has failed to provide title and permanent tag for the used vehicle they purchased on 10/21/21. Complainant notes Respondent has given them three temporary tags. Respondent states they were waiting on a lien release from the previous title holder which took longer than expected. Respondent has received the lien release and has attempted to contact Complainant daily without success.

Respondent is willing to personally take Complainant to the clerk's office but since they could not reach them, they sent the paperwork to the clerk's office. Complainant is also avoiding Respondent because they are attempting to collect payment, as they are past due with three payments. Complainant has not followed up with Counsel or communicated since Respondent's response. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

89.2022036021 (ES)

Date Complaint Opened: 08/30/2022

First Licensed: 01/03/2006

Expiration: 12/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant took their vehicle to Respondent for a scheduled recall and software update. Complainant alleges the vehicle has always driven well with no problems but after the appointment, it began to decelerate and then stopped running completely. The vehicle was towed back to Respondent who later explained the culprit was the catalytic converter which would cost \$2,000 to repair. Since the complaint was filed, Respondent was granted a goodwill request where Complainant paid 50% of cost and

the manufacturer paid 50%. The repairs have been completed and the issues resolved. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

90.2022036661 (ES)

Date Complaint Opened: 09/01/2022

First Licensed: 11/04/2020

Expiration: 11/30/2022

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant states they took their vehicle to Respondent for an oil change and to check the brakes. Complainant alleges Respondent told them they needed repairs that were not necessary according to a second mechanic who looked at the vehicle.

Complainant alleges Respondent also told them the brakes were fine but they ended up giving out soon after. Respondent states they do not condone or engage in the type of behavior Complainant is accusing them of. Respondent's standard procedure is to provide the customer with suggested and needed services and the decision to proceed or decline is at their discretion. Respondent attempted to address the concerns after potentially missing a diagnosis. Respondent had attempted to duplicate the alleged issue but at that time, it was not present. Respondent will provide a 10% discount if Complainant chooses to bring the vehicle back. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

91.2022037511 (ES)

Date Complaint Opened: 09/09/2022

First Licensed: 05/17/2016

Expiration: 10/31/2023

License Type: Motor Vehicle Dealer

History (5 yrs.): 2018 – One complaint closed with \$5,000 civil penalty for advertising violation. 2021 – One complaint closed with \$500 civil penalty for issuing more temporary tags than allowed.

Complainant purchased a used vehicle from Respondent on 8/31/22. Complainant alleges Respondent verbally agreed to “buy the vehicle back if it is a lemon” and failed to honor the agreement. Complainant states the catalytic converter had to be replaced and after the engine light came on again, Complainant asked Respondent to buy the vehicle back which they would not do. Respondent states they have completed the two repairs at no cost to Complainant and denies ever telling them they would buy the vehicle back. Respondent does state they told Complainant they stand behind their vehicles and will fix any issues, which they have done. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

92.2022035291 (ES)

Date Complaint Opened: 08/24/2022

First Licensed: 12/06/2019

Expiration: 06/30/2023

License Type: Motor Vehicle Auction

History (5 yrs.): None.

Complainant is a resident of Georgia who purchased a vehicle from Respondent, a licensed auto auction. Complainant had the vehicle delivered to them and alleges the frame is damaged as well as the vehicle having further structural damage. Complainant claims the vehicle cannot be resold according to Georgia law because of its condition. Respondent notes that they are an auction house that sells damaged and end-of-life vehicles on behalf of third parties, and they have clear rules that apply to each sale. Complainant agreed to these rules when they registered as a buyer and when bidding on the vehicle. Respondent disclosed the exact issue which Complainant is complaining about; the vehicle was advertised as having left side primary damage and there is no guarantee the vehicle could be registered and/or resold in any state. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

93.2022036751 (ES)

Date Complaint Opened: 09/02/2022

First Licensed: N/A (Unlicensed)

Expiration: N/A

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant alleges Respondent sells vehicles on Facebook without a license. An investigation was conducted. The investigation revealed that Complainant is a relative of Respondent and filed this complaint because they were angry they were asked to move out of Respondent's home. There were no vehicles for sale at the property at

issue (a residence). Respondent cooperated with the investigator and explained they occasionally will buy cars and fix them up. Respondent approximately sells 2-3 vehicles a year. Counsel recommends issuing a Letter of Instruction to inform Respondent of the law regarding how many vehicles an individual can sell per calendar year and regarding license requirements.

Recommendation: Letter of Instruction regarding unlicensed activity

Commission Decision: CONCUR.

94.2022039761 (ES)

Date Complaint Opened: 09/20/2022

First Licensed: 03/13/2012

Expiration: 02/26/2016 (Expired)

License Type: Motor Vehicle Dealer

History (5 yrs.): None.

Complainant purchased a vehicle from Respondent in 2013 and received the title after paying off the vehicle that year. Complainant lost their title and needs a replacement and further alleges there is still a lien. The surety bond information has been provided to Complainant. Due to the fact the transaction occurred almost ten years ago, and Respondent has been closed for over six years, there is nothing more we can do regarding this issue. Counsel recommends closure.

Recommendation: Close.

Commission Decision: CONCUR.

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

ROLL CALL VOTE

Eleni Speaker	YES
Debbie Melton	YES
Sandra Elam	YES
John Barker	YES
John Roberts	YES
Jim Galvin	YES
Stan Norton	YES
Farrar Vaughan	YES
Nate Jackson	YES
Karl Kramer	YES
Victor Evans	YES
Nelson Andrews	YES

MOTION CARRIED

LEGISLATIVE UPDATE – General Counsel, Erica Smith

Nothing to Report

RULES COMMITTEE

Nothing to Report

AUDIT COMMITTEE

Nothing to Report

NEW BUSINESS

Nothing to Report

OLD BUSINESS

Nothing to Report

Adjourn

Chairman Roberts called for a motion to adjourn the meeting. Commissioner Vaughan made a motion to adjourn, seconded by Commissioner Melton. Chairman Roberts called for a voice vote.

MOTION PASSED

MEETING ADJOURNED

John Roberts, Chairman _____