

## Used Motor Vehicle and Parts Commission Report By ADR Staff

Commissioner Steve Ross convened the August 11, 2015 session of the Used Motor Vehicle and Parts Commission (UMV&PC). Following roll call and approval of the July 2015 meeting minutes, Ross called on Commission Director John Maile for his report.

Director Maile introduced the new field investigator, Mark Hair. He currently lives in Chandler and will be working in the Oklahoma City area, north of Chandler, and east of Bartlesville. He will also be working in Tulsa with Brian Wilson. Mark started with the Commission on July 28 and has 30 years in the new car business. Director Maile said, "He has the background that we need."

Director Maile advised the Commissioners that they finally got the budget approved for fiscal year 2016 and that funds can now be spent. He will email a copy of the budget, which is the same as last year's budget, to each Commissioner.

Chief Investigator John Lancaster informed the Commissioners that the investigators had completed 35 dealership inspections, performed 44 audits, and had handled 54 complaints: 21 title issues, seven contract violations, 11 mechanical issues, 13 of a miscellaneous nature, and two advertising violations. Lancaster also reported that a contempt citation had been issued against an active curbstoner. The individual had received a cease and desist order one year ago but had continued curbing cars. The contempt citation imposes a fine and probation.

Fines assessed during July included:

- Paperwork violations: \$500.00 (1 dealership)
- Craigslist ad violations: \$1,250.00 (5 dealerships)
- Paper tag violation: \$200.00 (dealership)

Information hearings involving the following dealerships were held in July:

- 6 Speed auto Sales
- FASR Auto Sales
- Safeway Auto Sales
- Southwest Car Sales
- Brookside Auto Sales
- RCM Motors
- Encore Sale, Leasing & Rental Car

Commissioners rejected a proposed consent agreement with Cars Plus. The issue may go to hearing. Alleged violations include:

- Advertising vehicles for sale on Craigslist without stating that he is a used motor vehicle dealer in the ads, although the advertisements were listed in the dealers section of Craigslist.
- Offering vehicles for sale at locations other than the licensed location.
- Offering vehicles for sale at different prices for cash or credit sales.
- Contracting vehicles for sale using different processing fees in the contracts.
- Using at least one temporary tag for an unauthorized purpose.
- Allowing a non-employee to sign the dealer's certificates of title.
- Failing to execute title receipts and "We Owe" forms.

Commissioners approved a proposed consent agreement with Prime Time Motorsports, LLC, resulting in a fine of \$1,500. Alleged violations include:

- Employment of two unlicensed salespersons.
- Failure to make copies of certificates of title following vehicle sales.
- Failure to execute receipts of delivery of certificates of title.
- Failure to maintain temporary license plate records.
- Issuing more than one temporary license plate for a single sales transaction.

Commissioners conducted a hearing involving Dreamhomes Mfg Home Sales, LLC and Charla Carroll, a salesperson. Charla Carroll has been licensed as a manufactured home dealer's salesperson for the years 2012, 2013, and 2014. Carroll has been licensed as a manufactured home park dealer salesperson in 2015. Carroll is a convicted felon, having been convicted of felonies in 1995 and 2003. In making application for a salesperson's license in 2012 through 2015 answered the question, "Have you even been convicted of or pled guilty or 'no contest' to a felony?" by making a check mark in the line after "No" on each application. The Commission alleges that Carroll knowingly and/or willfully made or caused to be made false statements of fact on each application for license in 2012, 2013, 2014 ad 2015. The Commission imposed a fine of \$100 on Charla Carroll and \$2,900 on Dreamhomes Mfg Home Sales, LLC.

Twenty-six dealers attended the on-site education program in July. Applicants for a new license and dealers involved in significant rule violations are required to attend the Commission's on-site education program as a part of acquiring or maintaining a state license. These education sessions are being held in the conference room at 2401 NW 23, Oklahoma City. Classes are held on Monday prior to the Commission meeting on the second Tuesday of each month. The sessions run from 9 a.m. to about noon or 1 p.m. You are asked to make reservations so staff can be prepared to accommodate you. Call the Commission at 405-521-3600 to make your reservations.