

Minutes for Used Motor Vehicle Dealers Division
September 20, 2006

The Used Car Division of the Georgia State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers met on September 20, 2006 at 237 Coliseum Drive, Macon, Georgia, and held its regular meeting. Diana Waldrop, Chair, called the meeting to order at 10:15 AM.

A quorum was established with the following board members present being: Diana Waldrop, Chairperson; Donny Riner, Cognizant Board Member; Phil Nowicki with the Governor's Office of Consumer Affairs; Doug Hooper with the Department of Revenue; Jeff Wilkinson, Board Member; Dewell Sanford, Board Member; and Hoyt Ausburn, Board Member.

Others present were: Steve Lindsey, Executive Director; Ajay Gohil, Board Attorney; Kathy Bradley, Board Secretary; Jackie Turner, Director of the Investigative Section; and Willie Hollingshed, Area Supervisor. Chris Chandler with the Governor's Office of Consumer Affairs was also in attendance at the request of Mr. Nowicki.

The following appeared before the Board to discuss appeals.

Front Line Cars, Richard L. Sawyer II
Paramount Imports, LLC, Randheer Gehlot
Do Rack Sales, Dennis O. Rackley
4 Wheel Auto Stop, LLC, Perry R Huskey, Jr.
Iman Auto Brokers, Elias Nasser
Titan Auto Brokers LLC, Stephen Nathasingh

Mr. Wilkinson moved to accept the Exam Committee Minutes for August 2, 2006 and August 30, 2006. Mr. Sanford seconded. The motion carried.

Approval of Minutes: Mr. Wilkinson moved to approve the Minutes of the July 19, 2006 Meeting. Mr. Nowicki seconded the motion. The motion carried. Mr. Hooper abstained from vote, due to his absence at the July meeting.

Approval of Agenda: Mr. Nowicki moved to adopt the Agenda for today's September 20, 2006 Meeting. Mr. Ausburn seconded the motion. The motion carried.

Executive Session:

Mr. Riner moved to enter into Executive Session to deliberate on applications, complaint matters, and to receive information on the Attorney General Report. Mr. Wilkinson seconded the motion. Ms. Waldrop, Mr. Sanford, Mr. Ausburn, Mr. Nowicki, and Mr. Hooper carried the motion.

Attorney General Report:

Mr. Ajay Gohil, Board Attorney, presented cases to the Board.

Applications:

Mr. Steve Lindsey, Executive Director, presented a list of all applications that had been reviewed and licenses issued since the last board meeting, and applications needing Board review.

Complaints:

Mr. Donny Riner, Cognizant Board Member, presented cases to the Board.

Investigative Reports:

Mr. Donny Riner, Cognizant Board Member; Jackie Turner, Executive Director of the Investigative Section; and Willie Hollingshed, Area Supervisor, presented cases to the Board.

Open Session:

Diana Waldrop, Chair, declared Open Session.

Appointments and Correspondence

Mr. Hooper made a motion to advise Mr. Richard L. Sawyer to submit a new application indicating new location and return the completed application to the Board Office for further consideration. Mr. Riner seconded the motion. The motion carried.

Mr. Sanford made a motion to advise Mr. Randheer Gehlot to submit photographs of permanent business sign indicating auto sales and that the sign is visible from the street. In addition, Mr. Sanford moved to advise Mr. Gehlot that he will also need to submit written documentation from the landlord that the business sign can be permanently affixed to the building.

Mr. Ausburn seconded the motion. The motion carried.

Mr. Riner made a motion to approve the application of Do Rack Sales pending proof of a working landline telephone. Mr. Ausburn seconded the motion. The motion carried.

Mr. Sanford made a motion to deny the application for Iman Auto Brokers for failure to comply with the rules for an established place of business.

Mr. Ausburn seconded the motion. The motion carried.

Mr. Riner made a motion to approve the application for Titan Auto Brokers, LLC.

Mr. Sanford seconded the motion. The motion carried.

Mr. Hooper made a motion to approve the application for 4 Wheel Auto Stop, LLC pending proof of a permanent sign.

Mr. Sanford seconded the motion. The motion carried.

Mr. Riner made a motion to accept the Voluntary Cease & Desist Order for McCurley's Auto Sales and requested that licensee provide a copy of the bill of sale for further review.

Mr. Wilkinson seconded the motion. The motion carried.

As per the Attorney General's report, Mr. Ausburn made a motion to waive the fine for Mid-GA Lease & Sales. Mr. Nowicki seconded the motion. The motion carried.

Mr. Wilkinson made a motion to deny the written request for Change of Location for Precision Auto Sales. The license holder must have a separate entrance from his 2nd business occupying the same building. Mr. Hooper seconded the motion. The motion carried.

Based on the signed Consent Order presented in the Attorney General's Report, Mr. Hooper made a motion to deny the written request from Rocky's Auto Sales. Mr. Nowicki seconded the motion. The motion carried.

Mr. Riner made a motion to uphold the Inspection Citation for Miles Auto Sales. Mr. Wilkinson seconded the motion. The motion carried.

Investigative Report:

Mr. Sanford made a motion on the following actions and Mr. Ausburn seconded. The motion carried.

Accept Voluntary C & D and close case for Jose Garcia.

UMVD060370 – close case.

UMVD060372 – close case.

Accept C & D and close case for Tystanic Customs with a re-inspection
in 60-days.

UMVD070027 – send letter of concern.

UMVD070030 – send letter of concern.

UMVD060380 – forward to Attorney General's Office for Collection.

UMVD070001 – forward to Attorney General's Office for Collection.

Attorney General's Report:

Mr. Ausburn made a motion on the following actions and Mr. Wilkinson seconded. The motion carried.

UMVD030096 – close case and conduct a follow-up inspection.

UMVD060269 – close case.

UMVD060025 -- Send 30-day compliance letter requesting additional photographs of
established place of business.

Accept the Consent Order with full payment and close the case for King Kong Motors.

Accept the Voluntary Surrender and close the case for N & R Auto.

Accept the Consent Order and partial payment for PCJ Auto Sales LLC.
Accept the Consent Order with full payment and have Investigations continue to monitor case for Jeff Dirkes Auto Sales.
Accept Order Accepting Fine Monies and Settling Inspections and close case for Rock-King Used Cars Inc.
Accept the Consent Order and partial payment for Sugar Hill Auto Sales Inc.
Accept the Consent Order with full payment and close the case for Phillips Automotive LLC.
Accept the Consent Order, fine, and tag receipt for Six-Five Quality Used Cars Inc.
Accept the Consent Order with full payment for C.I.S. Auto Sales and re-inspect.
Accept the Consent Order and partial payment for Rocky's Auto Sales and re-inspect.
Accept the Consent Order and full payment for Luxury Cars East.
Accept the Consent Order and partial payment for Nelson's Auto Sales Inc.
Accept the partial payment cashier's check for Christian Auto Brokers.
Accept two partial payments for B & K Pre-owned Cars Inc.
Accept the Voluntary Surrender and close case for Buy-Rite Auto Sales Inc.

Applications:

Mr. Riner made a motion to request the licensee for Discount Auto Spot to appear at the November 15, 2006 Board Meeting. Mr. Wilkinson seconded. The motion carried.

Mr. Hooper made a motion to request the Board staff to send a letter to Best Buy Autos that licensee should assure that the business name is not in violation of trademark laws. Mr. Nowicki seconded the motion. The motion carried.

Mr. Sanford made a motion on the following actions and Mr. Bradley seconded. The motion carried.

Deny New Licensure Applications

Lanier Automotive
Auto Catore LLC
Universal Motors
Total Member Services Inc
Buckhead Motorsports

License by Consent Order

New Vision Auto Care – Accept C & D and License by Consent Order with fine and 12 months probation

Larry's Auto Sales -- Accept C & D and License by Consent Order with fine and 12 months probation.

Northside Auto – Accept Voluntary C & D and License by Consent Order with fine and 12 months probation

O & H Auto Sales – Accept Voluntary C & D and License by Consent Order with fine and 12 months probation.

Accept licenses issued from July 19, 2006 to September 19, 2006

<u>License #</u>	<u>Name of Business</u>
UCAR036680	6-4-3 Auto Sales
UCAR036681	C Max Automotive
UCAR036682	AEI Auto Brokers
UCAR036683	Auction Express of Calhoun
UCAR036684	Classic Cruisers
UCAR036685	Interwing Inc
UCAR036686	Steve Dodge's Automotive Resale
UCAR036687	RT's Classic Auto Broker
UCAR036688	Trident Bus Sales
UCAR036689	Look N Call
UCAR036690	Rays Auto Bodyworks Inc
UCAR036691	Kristin Motors Inc.
UCAR036692	Diamond Auto Broker
UCAR036693	Sam's Auto Repair
UCAR036694	Truck Outlet USA
UCAR036695	Millennium Auto Sales Inc
UCAR036696	Baran's Specialty Cars Inc
UCAR036697	Drive Smart Car & Truck Sales
UCAR036698	Marks Car Sales & Rentals Inc
UCAR036699	Davis Automotive
UCAR036700	Green Light Auto Land Inc
UCAR036701	Online Car Finders LLC
UCAR036702	Island Auto Brokers LLC
UCAR036703	Conner Auto Sales Inc
UCAR036704	Marc's Used Cars LLC
UCAR036705	East Athens Auto Sales Inc
UCAR036706	Golden Motors Inc
UCAR036707	Kingsmode Auto Sales LLC
UCAR036708	Creekside Auto Sales
UCAR036709	Cash Mart Auto Center
UCAR036710	Morgan Motors
UCAR036711	E & J Sales Inc
UCAR036712	Saleh's Auto Sales
UCAR036713	Kenneth Hand Sales & Rentals Inc
UCAR036714	Five Star Auto Sales
UCAR036715	Little Rock Motors Inc
UCAR036716	Jarrard Pre-Owned Vehicles
UCAR036717	Hometown Auto Sales Inc.
UCAR036718	Rare Autos
UCAR036719	Specialty Auto Investments, Inc.
UCAR036720	Fisher's Paint Body & Frame Shop Inc
UCAR036721	H & I Auto Sale
UCAR036722	Landrew Auto Sales Inc
UCAR036723	Hughes Auto
UCAR036724	A-Team Unlimited Inc
UCAR036725	Greg's Auto Sales Inc
UCAR036726	J J Kane Auctioneers
UCAR036727	Trapnell Pre-Owned Autos LLC

UCAR036728 Brake Check & Alignment
UCAR036729 Manuel's
UCAR036730 J & J Auto Exports
UCAR036731 Motion Holdings LLC Auto Sales
UCAR036732 Drive Now Auto Sales
UCAR036733 Erad Imports of Atlanta
UCAR036734 C & S Auto Sports
UCAR036735 Performance Auto Brokers
UCAR036736 Elshadai Auto Sales Inc
UCAR036737 S & S Enterprises Group Inc
UCAR036738 Prestige Automotive
UCAR036739 Southeast Auto Brokers
UCAR036740 Joetex Trading LLC
UCAR036741 Jimmy's Auto
UCAR036742 Truck Central of Savannah, LLC
UCAR036743 Truck Central, LLC
UCAR036744 Lawson Auto Sales
UCAR036745 Carlos Auto Inc
UCAR036746 D & B Used Car Sales
UCAR036747 Dedication Auto Imports & Repairs
UCAR036748 National Title Pawn
UCAR036749 Bearly Used Cars LLC
UCAR036750 North Georgia Truck & Trailer Sales Inc
UCAR036751 Payless Car Sales
UCAR036752 Adel Auto Sales Inc
UCAR036753 Frank Auto & Transmission Repair Auto Sales
UCAR036754 Nice Cars Inc
UCAR036755 Cortez Auto Sales Inc
UCAR036756 Auto Haus Atlanta LLC
UCAR036757 A1 Autobrokers
UCAR036758 Platinum Automotive Group LLC
UCAR036759 Bryant's Auto Restorations & Sales
UCAR036760 GC Leasing
UCAR036761 B & W Auto Connex Inc
UCAR036762 Best Buy Autos
UCAR036763 Papa's Auto Sales LLC
UCAR036764 Jim's Auto Sales
UCAR036765 ABD Used Auto Sales
UCAR036766 NL International LLC
UCAR036767 Sandy Cross Autos, LLC
UCAR036768 T2 Sales LLC
UCAR036769 Southside Auto Sales
UCAR036770 H & N Used Car Dealer
UCAR036771 Cartersville Automobile Inc
UCAR036772 Bryan's Auto Brokers LLC
UCAR036773 Hotlanta Motor Sports LLC
UCAR036774 Car Corner
UCAR036775 Auto Trends Of Augusta, Inc
UCAR036776 Primo Auto Sales Inc
UCAR036777 Atlanta Auction Access Inc Used Car Sales

UCAR036778 Arrow Truck Sales Inc
UCAR036779 Onah Used Car Sales
UCAR036780 Dacula Auto Sales
UCAR036781 Oconee Auto Brokers Inc
UCAR036782 Pop's Auto Sales Inc
UCAR036783 RCI Trucks
UCAR036784 Classic Automotive Trends
UCAR036785 Jam's Automotive Inc
UCAR036786 You Ride Auto Sales
UCAR036787 Auto Outlet
UCAR036788 Drake Bros Used Cars
UCAR036789 384 Auto Inc
UCAR036790 Just Right Auto Sales
UCAR036791 ADA Cars-To-Go LLC
UCAR036792 Metro Vehicles LLC
UCAR036793 CJM Enterprise Inc
UCAR036794 Smart Automotive Consulting
UCAR036795 Mann Motor Company, LLC
UCAR036796 Motorventure LLC
UCAR036797 Just Right Auto Sales
UCAR036798 Maxicars
UCAR036799 Auto Clearinghouse Inc
UCAR036800 One Man & A Truck Inc
UCAR036801 Nesha Executive Auto Brokers LLC
UCAR036802 Atlanta House Of Imports
UCAR036803 Parkdale Autos
UCAR036804 Merrick Auto Brokers LLC
UCAR036805 Code Auto Inc
UCAR036806 Auto/Max Car & Truck Sales Inc
UCAR036807 Monument Auto Sales
UCAR036808 Martin's Auto Sales
UCAR036809 NU 2 U Used Cars, LLC
UCAR036810 Hartwell Auto Center LLC
UCAR036811 Georgia Auto Sales
UCAR036812 Krist Motors Inc.
UCAR036813 Performance Motorworks LLC
UMTP060012 Member Leasing Inc
UMTP060013 Car Solutions/(CFS Financial Services Inc)

Complaints:

Mr. Ausburn made a motion on the following actions and Mr. Nowicki seconded.

Orders Accepting Fine Monies and Settling Inspections

Accept full payment and close case on Shed's Auto Sales.

Accept full payment and close case on Check Mark Kars Inc

Accept full payment and close case on A-1 Fast Cash Inc.

Accept full payment and close case on Distinctive Auto Brokers Inc.

Accept full payment and close case on Freedom Auto Sales.

Accept full payment and close case on Lari C Auto Sales LLC.
Accept full payment and close case on Capital Auto Leasing Inc.
Accept full payment and close case on Platinum Automotive Inc.
Accept full payment and close case on Wing Auto Sales Inc.

Voluntary C & D Orders

Accept a Voluntary C & D Order and close cases for Calvin Finney
Accept a Voluntary C & D Order and close case for Ray's Auto Beauty
Accept a Voluntary C & D Order and close case for Griffin Pre-Owned Cars Inc.

Forward to Inspections

UMVD060331, UMVD060381, UMVD070037, UMVD070038, UMVD070040,
UMVD070041, UMVD070042, UMVD070045, UMVD070046, UMVD070047,
UMVD040049, UMVD070050, UMVD070051, UMVD070052, UMVD070053,
UMVD070054, UMVD070055, UMVD070056, UMVD070058, UMVD070060,
UMVD070062, UMVD070063, UMVD070064, UMVD070069, UMVD070071,
UMVD070072, UMVD070073, UMVD070074, UMVD070075, UMVD070079,
UMVD070086, UMVD070087, UMVD070095, UMVD070096, UMVD070098,
UMVD070099, UMVD070100, UMVD070101, UMVD070102, UMVD070103,
UMVD070104, UMVD070105, UMVD070107, UMVD070108, UMVD070110,
UMVD070111, UMVD070114, UMVD070115, UMVD070116, UMVD070117,
UMVD070118, UMVD070119, UMVD070122, UMVD070123, UMVD070125,
UMVD070127, UMVD070130, UMVD070131, UMVD070132, UMVD070133,
UMVD070135, UMVD070137, UMVD070138, UMVD070139, UMVD070140,
UMVD070141, UMVD070143, UMVD070144, UMVD070145, UMVD070146,
UMVD070147, UMVD070148, UMVD070150, UMVD070151, UMVD070152,
UMVD070153, UMVD070157, UMVD070160.

Close cases

UMVD070080, UMVD070106, UMVD070057, UMVD070094, UMVD070126,
UMVD070128, UMVD070129, UMVD070142, UMVD060240, UMVD060237,
UMVD060322, UMVD060328, UMVD060335, UMVD060340, UMVD060360,
UMVD060376, UMVD070009, UMVD070010, UMVD070011, UMVD070016,
UMVD070018, UMVD070034, UMVD070045, UMVD070047, UMVD070056,
UMVD070057, UMVD070058, UMVD070064, UMVD070065, UMVD070077,
UMVD070078, UMVD070089, UMVD070090, UMVD070091, UMVD070092,
UMVD070093, UMVD070094, UMVD070107, UMVD070137, UMVD070133,
UMVD070157, UMVD070111, UMVD060280, UMVD070052, UMVD070051,
UMVD070033, UMVD060283, UMVD060285, UMVD070097.

Close cases and flag

UMVD060047, UMVD060273, UMVD060313, UMVD070103.

Forward to Inspections for re-inspection

UMVD060300 – reinspect
UMVD060301 – close case and re-inspect in 6 months.

Forward to Investigations

UMVD070039, UMVD070043, UMVD070059, UMVD070061, UMVD070070, UMVD070076, UMVD070081, UMVD070088, UMVD070109, UMVD070113, UMVD070124.

Forward to Attorney General's Office for Collection

UMVD060349 -- AG for collection and forward to DNR Clean Air Force.
UMVD070035, UMVD070036, UMVD060220, UMVD060309, UMVD060382, UMVD060312, UMVD060342, UMVD060346, UMVD060348, UMVD070008, UMVD070068, UMVD070074, UMVD070075, UMVD070096, UMVD070102, UMVD070115, UMVD070160, UMVD070171, UMVD070170, UMVD060331, UMVD070141.

Forward to Attorney General's Office for Revocation

UMVD060254, UMVD060320, UMVD060362, UMVD060368, UMVD060374, UMVD060375, UMVD070037, UMVD060332, UMVD070038, UMVD070131, UMVD070118, UMVD060377.

The motion carried.

Other Business:

The current Board Member List was distributed and a request was made for e-mail addresses for all members.

The Board held an Election of Officers. Mr. Riner nominated Mr. Wilkinson for Chairman and Mr. Sanford for Vice-Chairman. Mr. Hooper seconded the nominations. The vote on the nominations carried unanimously. Mr. Wilkinson and Mr. Sanford accepted their new positions to begin effective November 15, 2006.

Mr. Ausburn made a motion to post the following Used Motor Vehicle Dealers Board Rule amendments.

681-1-.01 Definitions.

As used in these Rules and Regulations and in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act, the following terms shall mean the following:

- (a) "Administrative Procedures Act" means O.C.G.A. Chapter 50-13.
- (b) "Alter ego" means a person who is actually acting on behalf of and in the place of another person for purposes of being licensed or seeking licensure under this act, where the person on whose behalf the other person is acting is ineligible for licensure under Section 681-12-.05 of these rules.
- (c) "Applicant for a new license" means an individual or designee on behalf of a partnership, limited liability company, or corporation, who submits an application for a new license.
- (d) "Application for a new license" means an application (~~including an application for a Class I license~~) made by an individual who has not held a valid license within the twelve months prior to the date of the application, except that any application made by an

individual who has never attended the seminar shall be considered an application for a new license. ~~An "application for a new license" shall not include an application for a Class II license.~~

(e) "Appropriate permanent sign" means a sign of sufficient size so as to apprise a reasonable consumer that a used motor vehicle business is being conducted at said location, identifying the business as a retail used car motor vehicle dealer, and using the name under which the applicant is to be licensed. The sign must meet the requirements in Board Rule 681-6-.01.

(f) "Building" means a permanent structure affixed to real property and shall include ~~trailers~~ modular or manufactured office building, tied down and on blocks, with the wheels removed.

(g) "Business License" means any license required by a city, county, or other municipality as a prerequisite to operating a business within the city, county, or municipality.

~~(h) "Class I license" means a supplemental license expiring on March 31 of even years which is required of licensed used motor vehicle dealers for each car lot which is not located immediately adjacent to the established place of business.~~

~~(i) "Class II license" means a supplemental license valid for ninety six (96) hours or less to permit used motor vehicle dealers licensed by another state to conduct a sale within the State of Georgia.~~

~~(j)~~ (h) "Conspicuously displayed" means posted inside the permanent building in an area which is most likely to be visited by consumers and posted in a manner which allows the consumer to easily read and copy from the license.

~~(k)~~ (i) "Consumer," for purposes of these rules, means anyone who is solicited, or who seeks to purchase a used motor vehicle.

~~(l)~~ (j) "Dealers' registration plate" means the license plates issued to dealers by the State Revenue Commissioner ~~for the purpose of demonstrating or transporting dealer's vehicles~~, as described in Georgia Code Annotated Section 40-2-~~36~~ 38.

~~(m)~~ (k) "Fee schedule" means a written listing of the amounts of all fees charged by the Board.

~~(n)~~ (l) "Investigate" means to conduct fact-finding inquiries and activities in the public interest in order to arrive at an objective conclusion on the full and complete facts regarding a particular complaint, complaints, incident, or incidents. Investigations shall include those investigations:

1. conducted by the Board, its designee, or by investigators assigned to the Board; or
2. conducted by the Administrator of the Fair Business Practices Act of 1975, or conducted by the State Revenue Commissioner or by his employees, where a violation found in such investigations would also be a violation of the Used Motor Vehicle Dealers' Registration Act.

~~(o)~~ (m) "Maintenance of records by licensees" means maintaining, at a designated sales office, records such as the books and files necessary to conduct such business. Further, at such designated sales location, there shall be a working land line telephone listed in the licensee's trade name and where the licensee maintains appropriate signage whereby a reasonable consumer would know the business of used car sales, used car rebuilding, used parts sales, or salvage operation is taking place.

~~(p)~~ (n) "Motor vehicle" or "car" means every vehicle which is self propelled and required to be registered under the laws of this state, except trackless trolleys (which are classified as streetcars) motorcycles, motor driven cycles, or go-carts.

~~(q)~~ (o) "Odometer disclosure forms" mean those forms required under the Federal Motor Vehicle Information and Cost Savings Act, 15 U.S.C. Sections 1081 through 1991,

regulations ~~thereunder~~ found at 49 C.F.R. Part 580, and O.C.G.A. Subsection 10-1-393(b)(15).

~~(p)~~ (p) "Open Lot" means lot where used motor vehicles offered for sale are to be displayed, upon which the applicant has a legal right to display such vehicles.

~~(q)~~ (q) "Penalty fee or fine" means a fee assessed by the Division without the necessity of a hearing for failure on the part of a licensee or applicant to act in an appropriate or timely manner under the Used Motor Vehicle Dealers' Registration Act or under these Rules.

~~(r)~~ (r) "Permanent license" means all licenses issued by the Division, except for ~~Class H licenses~~ Temporary Site Permits.

~~(s)~~ (s) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

~~(t)~~ (t) "Photograph" means an image produced on film or digitized and printed which is an exact likeness of the facility, and not an artist's rendition or depiction.

~~(u)~~ (u) "Procedural safeguards" mean those procedures required by a used car dealership of its employees, agents, or principals, to reasonably ensure that the activities described in O.C.G.A. Section 43-47-10(2) do not occur at the dealership.

~~(v)~~ (v) "Purchaser" means a consumer who has completed a transaction to obtain a used car or used motor vehicle from a used car dealership.

~~(w)~~ (w) "Records" mean all originals, photocopies, carbon copies, files, books, memoranda, etc., and shall include data maintained on an electronic data storage and retrieval system, provided such data can be retrieved and copied.

~~(x)~~ (x) "Reinstatement" means re-issuance of an expired or revoked license.

~~(aa)~~ (y) "Salesroom" and "sales office" are synonymous and mean within a permanent building on an open lot, furnished with a working telephone listed in the applicant's trade name.

~~(bb)~~ (z) "State Revenue Commissioner" means the office created in O.C.G.A. Section 43-2-2.

~~(ee)~~ (aa) "Supplemental license" means an additional license issued to a person who already maintains a current Georgia used car or parts license. A supplemental license may be issued for an additional ~~used car lot~~ location operated under the same name by the licensee, but which ~~lot~~ location is not immediately adjacent to the principal place of business.

(bb) "Temporary Site" means a location at which used motor vehicles are sold or offered for sale for which a temporary site permit has been issued by the board in accordance with Code Section 43-47-8.2 and which location is:

(1) Used for a period not to exceed 96 hours in any 30 day period of time;

(2) Located in the county in which the established place of business of the used motor vehicle dealer using the temporary site is located or an adjoining county; and

(3) Used not more than three times in any calendar year.

~~(dd)~~ (cc) "Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act" and "Act" are synonymous and mean Chapter 47 of ~~the~~ Title 43 of the Official Code of Georgia Annotated.

681-3-.03 Supplemental License and Temporary Sites.

~~(1)~~ (1) A supplemental license shall be required of a Georgia licensed used motor vehicle dealer for each car lot operated by or proposed to be operated by the Georgia licensee for any period to exceed ninety-six (96) consecutive hours, when such lot is not located immediately adjacent to the established place of business. Each and every lot operated or proposed to be operated by the Georgia licensee for any period to exceed ninety-six (96)

consecutive hours, which is not located immediately adjacent to the licensee's established place of business, must have its own supplemental license, and no supplemental license shall extend to more than one lot.

(2) In order to be entitled to the issuance of a supplemental license, the licensee must hold a valid Georgia used car dealer's license and is required to provide the Division with an appropriate application and the following information:

1. the licensee's license number ;
2. photographs of the proposed location for the supplemental license ;
3. proof that a business license can be obtained from the municipality or county wherein lies the proposed location or proof that no such license is required.

(3) A used motor vehicle dealer may engage in the used car business at a temporary site for a period not to exceed ninety-six (96) consecutive hours in a 30-day period of time. Any licensed dealer who proposes to conduct a sale on a temporary site must submit a complete application for a temporary site sale permit with the Board at least 60 days prior to the proposed starting date of the temporary site sale. A complete application will include the appropriate fee as listed on the application, a copy of the written notice(s) required by this rule to be given to each purchaser of a vehicle at the temporary site sales, written documentation demonstrating that the dealer has complied with any licensing requirements applicable in the local jurisdiction in which the temporary site sale will occur, and a copy of a written agreement with the owner of the real property where this sale will occur. A separate application and fee must be submitted for every temporary site sale. The approved permit shall be forwarded to the licensed dealer prior to the proposed starting date of the sale. The dealer shall be required to post the approved permit in a conspicuous place at the temporary site sale. A used motor vehicle dealer may not operate at a temporary site more than three times in any one calendar year. The temporary site must be located within ~~two~~ one ~~counties~~ county of the county of the dealer's established place of business.

(a) For every sale conducted by a Georgia licensee, the licensee shall provide each consumer purchasing a used motor vehicle, at the sale, with the following information in writing:

1. the licensee's Georgia license number ;
2. the address and telephone number of each licensed location;
3. the name of the owner or contact person for the license;
4. the place where complaints can be communicated, if different from the licensed location(s);

~~(b) a copy of the written notice(s) required by this rule must be provided to the Division within three (3) business days after the sale.~~ Any disciplinary action which may be taken for a violation of this rule shall be in addition to any penalty which may be imposed by the other state or federal agency.

681-3-.05 Joint Used Motor Vehicle Dealers Operations. Multiple Business Operations.

~~Joint used motor vehicle dealer operations may be conducted by licensees provided that each licensee maintains a separate office, entrance, inventory, records and files necessary to conduct said business. Furthermore, each such business must maintain its individual name on all required documents and vehicles for sale. Also, each such business must provide the required sign and telephone as set forth in O.C.G.A. 43-47-2.~~

Effective January 1, 2007, new applicants for used motor vehicle dealer license may conduct business at a location where other businesses are conducted, provided that a clear

and distinct separation of business is established. The entrance to the dealer's office or salesroom may not be shared by another business of any kind. The dealer must maintain a separate office with separate inventory, records, and files necessary to conduct the business. The dealer must maintain the dealership name on all required documents and vehicles for sale. The dealer's office must be accessed from outside the building. No dealer may maintain an office or salesroom that is entered from within another business office. The dealer's address must be differentiated from the other businesses at the location by a separate suite number or office number. The telephone of the dealer must be listed in the dealer's name, the same name listed on the application and all advertisements, and cannot be shared with another business. The sign must be in compliance with local ordinances and with Board requirements.

681-6-.01 Established Place of Business.

Retail & Used motor vehicle dealers and parts dealers shall be required to maintain an "established place of business", which shall be a permanent building meeting the requirements of Rule 681-1-.01 (f) where the records required to be kept in Rule 681-1-.01 (y) are located and from which sales are negotiated. In determining whether the building meets the requirements of Rule 681-1-.01 (f), the Board will allow modular or manufactured office buildings that are tied down and on blocks, with the wheels removed. Effective January 1, 2007, the Board will not allow storage buildings or similar moveable structures that are clearly manufactured or constructed for purposes unrelated to office use. Any dealer who has previously obtained licensure in such a building will be allowed to remain in such building as long as the dealer remains at the location of licensure; however, effective January 1, 2007, if the dealer changes location, or allows the license to lapse, the dealer must meet the requirements of this rule.

A dealer who operates an open lot, according to Rule 681-1-.01 (r), shall conduct business in a building on the same property as the display lot. If the dealer is a used car broker, and will not display an inventory of vehicles for sale, the requirements of this rule for an established place of business shall still be met, with the exception of the display area for vehicles. Effective January 1, 2007, for new applicants, only one dealer shall be licensed to operate an open lot on a plat of property as defined by the county tax assessor's office records. Once a dealer is licensed to operate an open lot on a defined plat of property, no other dealer, including a broker, shall be licensed to operate on the same plat of property. Dealers who allow their licenses to lapse must meet the requirements of this rule in order to reinstate the license.

The established place of business shall also have installed ~~with~~ and maintain a working land line telephone whose number shall be listed in the licensee's trade name, the same as that which is listed in the application and in any advertisement by the dealer made available to the consumer. The established place of business shall also erect and maintain a permanent sign which shall be in compliance with board rules and the local ordinances of the particular city or county in which the established place of business is located. If no local ordinances exist, then the Board's criteria for an appropriate permanent sign shall be met. The sign shall list the trade name of the licensee, the same as that which is listed in the application and in any advertisement by the dealer. If the telephone number is listed on the sign, it shall be the phone number listed in the application and in any advertisement by the dealer.

Free-standing signs shall be affixed to a metal base or frame with concrete footings. Signs affixed to the building shall be so affixed by metal bolts or on a metal frame affixed to the building by metal bolts. Signs shall be professionally designed on permanent material, and the lettering applied on the sign shall be a minimum of six inches in height. At least one sign must be located and positioned to be clearly visible to consumers from the street. Signs painted on the building, or on the door or window of the building are allowed, as long as the painted sign meets local ordinances and/or board criteria for size of lettering and visibility to consumers from the street.

Effective January 1, 2007, a used motor vehicle dealer may operate from an office suite in an office complex, provided that the facility meets the criteria established in this rule and in Board Rule 681-3-.05. The permanent sign for the dealer must be erected at the nearest point of public access from the street to the building in which the dealer has established the office. Local ordinance and property lease regulations will authorize where the sign may be erected and displayed. At a minimum, the sign shall be at the entrance to the building, in a publicly displayed marquee in the lobby of the building that lists all businesses within the building, and directly outside the entrance to the office of the dealer.

Effective January 1, 2007, used motor vehicle dealers may be permitted to operate from a residential address, as long as local ordinances allow such operations in a residential area, and in accordance with Board rules. The requirement for an appropriate permanent sign must be met at the location. The office of the used motor vehicle dealer shall be a separate building that is detached from the residence. Such office shall be readily accessible to the public and to official inspectors during regular business hours. Such office shall have a dedicated phone line for the business telephone required by OCGA § 43-47-2 (3), as well as for computers and related equipment used exclusively for the business. The office shall also contain the office furnishings and filing cabinets necessary to file the records required by OCGA §§ 43-47-2 (3) and 43-47-12. The license issued by the appropriate division of the Board shall be displayed in a conspicuous place within the office, as well as the sales & use tax number issued by the Georgia Department of Revenue and the local business license.

681-16-.01 Schedule of Fines. Amended.

The Used Motor Vehicle Division may impose fines for violations of O.C.G.A. Chapter 43-47. The fines shall not exceed \$500 per violation. A licensee, who actually holds a license or a person who is required to be licensed by this Chapter, who commits a violation as listed below, may be fined as indicated. However, the Division may, in its discretion, change the Schedule of Fines in whole or in parts as necessary. Further, the licensee shall pay the fine within thirty (30) days after receiving written notification from either the appropriate division or a representative of the Division unless the licensee requests, in writing, a hearing before the Division. Such request for a hearing must be received by the Division within thirty (30) days after receipt of the written notification from the Division. Failure either to pay the fine or request a hearing shall result in immediate suspension of the license pending a hearing by the Division to determine whether revocation or other disciplinary action should be imposed on the licensee.

In addition to the fine schedule, the Division may impose further disciplinary action against a dealer who is cited for repeated violations. The Division may impose the following progressive disciplinary action:

(a) First violation within a six-month period: Appropriate fine for the violation as listed in this rule;

(b) Any subsequent violation within a six-month period: A Public Consent Order with appropriate fine for the violation as listed in this rule and Probation for 12 months;

(c) Any violation during Probationary period: Suspension of the license for six months. At the end of the six-month suspension period, the applicant may make written request to the Division to release the suspension of the license. If the Division grants the lifting of the suspension, the license shall be reactivated by Public Consent Order with Probation for 12 months. Any operations of the dealership during the period of Suspension shall be grounds for and may result in Revocation of the license.

(d) Any violation during this Probationary period shall be grounds for and may result in Revocation of the license.

~~(a)~~ (e) The violations and Fines are as follows:

1. Failure to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale; \$500 per violation;
2. In possession of an open title not properly assigned as prescribed by O.C.G.A. Title 40: \$250 per violation;
3. Failure to display a properly completed buyers guide as prescribed by the Federal Trade Commission Rules: \$250 per violation;
4. The display or sale of a vehicle for profit in violation of O.C.G.A. Chapter 43-47 by unlicensed persons who have not properly titled and tagged, in their name, the vehicle offered for sale: \$500 per violation;
5. Failure to furnish the retail purchaser of a vehicle the proper documents in order for said purchaser to obtain a tag for that vehicle within thirty (30) calendar days from the date of purchase: \$500 per violation;
6. Aiding and abetting an unlicensed person in selling vehicles by allowing the unlicensed person to sell those vehicles using a license granted by the Division: \$500 per violation; and
7. Failing to properly complete a "finance contract" which complies with the Federal Reserve System, Title I, Regulation Z (Truth In Lending Act) when financing vehicles which are being sold to purchasers: \$500 per violation.
8. Failing to maintain the required surety bond or liability insurance: \$500 shall be imposed;
9. Failure to properly make application to the Division for a name change or change of location within the required 30 day period: \$250 shall be imposed;
10. Failure to make application for an off-premises ~~Class H~~ temporary license: \$250 per violation;
11. Failure to check the appropriate box on odometer disclosure statement and certificate of title: \$500 per violation; and
12. Failure to submit an application for change of ownership in the required 30 day period: \$100 shall be imposed.
13. Failure to obtain a bill of sale or odometer statement from the individual or company from which the licensee acquired the vehicle: \$250 per violation. (Such information must be maintained in the records of the licensee.)

Mr. Nowicki seconded the motion. Ms. Waldrop, Mr. Sanford, Mr. Riner, Mr. Wilkinson and Mr. Hooper carried the motion unanimously.

Adjournment:

There being no further business, the meeting adjourned at 3:20 PM.

Minutes Approved at the November 15, 2006 Meeting