

**Georgia State Board of Registration of Used Motor Vehicle
Dealers Hearings
April 23, 2008**

A Public Hearing of The Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (Used Car Division) was held on April 23, 2008 at 237 Coliseum Drive, Macon, Georgia. Mr. Jeff Wilkinson, Chairman, called the meeting to order at 9:05 AM.

The purpose of the Public Hearing is to provide licensees an opportunity to appeal their Inspection Citations.

A quorum was established with members present being: Jeff Wilkinson, Chairman; Dewell Sanford, Vice Chair; Hoyt Ausburn; Michael Bradley; Donny Riner; Diana Waldrop; Phil Nowicki with the Governor's Office of Consumer Affairs; and Doug Hooper with the Department of Revenue.

Others present were as follows: Steve Lindsey, Executive Director; Kathy Bradley, Board Secretary; Graham Barron, Assistant Attorney General, and David Strowe with the Attorney General's Office. Vanessa Cummings, Certified Court Reporter with Claude Joiner Reporting Service.

Approval of Minutes:

Diana Waldrop moved, Dewell Sanford seconded and the Board voted to approve the February 20, 2008 Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers (Used Car Division) Hearing Minutes.

Executive Session:

Michael Bradley moved to enter into Executive Session to deliberate on the appeals of the inspection fines, as authorized by O.C.G.A. § 43-1-2 (k) and 43-1-19 (h). Donny Riner seconded the motion. The motion was carried by Jeff Wilkinson, Diana Waldrop, Dewell Sanford, Hoyt Ausburn, Doug Hooper, and Phil Nowicki. The Board concluded Executive Session in order to vote on the matters discussed and to continue with the public session.

Final Decisions:

The Board approved the fax request to reschedule the appointment Hearing for Collectorique. Phil Nowicki made a motion, Diana Waldrop seconded and the motion carried by Jeff Wilkinson, Dewell Sanford, Donny Riner, Doug Hooper, and Hoyt Ausburn to reschedule for the next Board Hearing. Michael Bradley opposed the motion.

Dewell Sanford made a motion, Doug Hooper seconded, and the Board voted to take the following action: Heaven Sent Autos LLC, Fairburn, GA: The Licensee is to submit proof to the Board within 10 days of receipt of the Final Decision that Respondent has demanded in the form of a certified letter that the consumer return the vehicle to Respondent for a refund of money paid by consumer to the Respondent and close the case.

Donny Riner made a motion, Dewell Sanford seconded, and the Board voted to take the following action: Loganville Auto Sales, Loganville, GA: \$1,000 for 1 violation to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 1 violation for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date; \$750 for 3 failures to post FTC Buyer's Guides on each vehicle offered for sale and close the case. Fines totaled \$1,750.

Diana Waldrop made a motion, Hoyt Ausburn seconded, and the Board voted to take the following action: Raymond Smith Motorcars, Inc, Rome, GA: \$89,000 for 89 violations to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 89 violations for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date and close the case. In addition, the Board voted to approve payments for 23-months concurrent with the 2008-2010 Licensing Period.

Dewell Sanford made a motion, Michael Bradley seconded and the Board voted to take the following action: Robinson Automotive Group, Marietta, GA: \$1,000 for 1 violation to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 1 violation for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date and close the case. The Board further ordered that the Licensee is to submit proof to the Board Office that the customer was given a full refund.

The Board voted to reschedule Torres Auto Sales for the May 21, 2008 Hearing.

Diana Waldrop made a motion, Doug Hooper seconded, and the Board voted to take the following action:
B & M Motors LLC, Cartersville, GA: \$500 for 1 violation for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date and close the case.

Doug Hooper made a motion, Phil Nowicki seconded, and the Board voted to take the following action:
V&V Auto Center, Marietta, GA: \$9,000 for 9 violations to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 9 violations for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date and close the case.

As per Attorney Scott King, Georgia Car Mart LLC withdrew their Hearing appeal and will be sending in full payment. The Board voted to close the case.

Phil Nowicki made a motion and Doug Hooper seconded to take the following actions on SmartMove Auto locations and close the cases:

SmartMove Auto LLC, Decatur, GA: \$8,000 for 8 violations to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 8 violations for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date.

SmartMove Auto LLC, Morrow, GA: \$9,000 for 9 violations to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 9 violations for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date; \$500 for 1 failure to check appropriate box on odometer disclosure statement. Total Fines \$9,500.

SmartMove Auto LLC, Doraville, GA: \$3,000 for 3 violations to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 3 violations for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date.

SmartMove Auto LLC, Roswell Road location, Atlanta, GA: \$2,000 for 2 violations to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 2 violations for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date.

Phil Nowicki made a motion, Michael Bradley seconded, and the Board voted to take the following action: Auto Works, Augusta, GA: \$2,375 for 19 failures to properly provide information on posted FTC Buyer's Guides on each vehicle offered for sale and \$250 for 3 failures to post FTC Buyer's Guides on each vehicle offered for sale and close the case. Fines totaled \$3,125.

Phil Nowicki made a motion, Diana Waldrop seconded, and the Board voted to take the following action: Hwy 92 Auto Sales, Acworth, GA: \$1,250 for 5 failures to post FTC Buyer's Guides on each vehicle offered for sale and close the case.

Phil Nowicki made a motion, Diana Waldrop seconded, and the Board voted to take the following action: V&V Auto Center, Marietta, GA: \$9,000 for 9 violations to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale, and 9 violations for failure to furnish appropriate documents required for tag transfer to the retail purchaser within 30 days of purchase date and close the case.

Doug Hooper made a motion, Michael Bradley seconded and the Board voted to accept the Consent Order issued to Auto City, Acworth, GA, upon receipt of the original signed Consent Order. The Consent Order was issued due to the licensee's failure to

acknowledge a criminal arrest and subsequent First Offender plea on a license renewal application.

Phil Nowicki made a motion to adopt the Voluntary Cease & Desist Policy. Hoyt Ausburn seconded the motion. The motion was unanimously carried by Donny Riner, Michael Bradley, Diana Waldrop, Dewell Sanford, Doug Hooper, and Jeff Wilkinson.

Voluntary Cease & Desist Orders Effective Upon Docketing

It is the policy of the Georgia State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, Used Motor Vehicle Division, to accept all Voluntary Cease and Desist Orders upon receipt in the Board office and authorize the president /chairperson or his or her designee to execute the Order and to authorize the Orders to be docketed and served. It is the intent of the Board that the Orders will be in effect upon docketing. The Georgia State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, Used Motor Vehicle Division will ratify the docketed Cease and Desist Orders at its next meeting after the date of docketing and include a list of the approved orders in the board minutes.

Georgia State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, Used Motor Vehicle Division
April 23, 2008

The Georgia State Board of Registration for Used Motor Vehicle Dealers will hold their next scheduled meeting on Wednesday, May 21, 2008 at 10 AM at the Professional Licensing Boards in Macon. The Board will also hold a Public Hearing on Wednesday, May 21, 2008 at 1:30 PM.

Adjournment:

There being no further business, the meeting adjourned at 1:30 PM.

Minutes were approved at the May 21, 2008 meeting