**GEORGIA STATE BOARD** *of*
**USED MOTOR VEHICLE DEALERS**
237 Coliseum Drive • Macon, GA 31217
(404) 424-9966
**OPEN SESSION**
**BOARD MEETING MINUTES**
**August 12, 2024**

The Georgia State Board of Used Motor Vehicle Dealers met Wednesday, August 12, 2024, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, GA 31217.

**USED MOTOR VEHICLE DEALERS MEMBERS PRESENT**

- Jason Reaves, Chairman
- Lewis Page, Vice Chair
- Matthew Cristy
- Darryl Hicks
- David Johnson
- Neil Rawls
- Valentina Sosa
- James (Jimmy) Lydon

**USED MOTOR VEHICLE PARTS DEALERS MEMBERS PRESENT**

- Dale (Butch) Hon, Chairman
- Sidney McLeod

**USED MOTOR VEHICLE PARTS DEALERS MEMBERS ABSENT**

- Michael Rosser
- Tyler Wood

**STAFF PRESENT**

- Chris Jones, Executive Director
- Valencia Bland, Complaints/Compliance Supervisor
- Sara Nasworthy, Board Support Specialist
- Samantha Cannon, Licensing Analyst
- Toyia Vinson, Licensing Analyst
- Aaliyah Boswell-Goodrich, Licensing Analyst
- Danielle McBride, PLB Legal Services
- Tommy McNulty, Sr. Assistant Attorney General
- Dowlin Ryals, Assistant Attorney General

**OPEN SESSION – 9:18 a.m.**

**CALL TO ORDER:** Jason Reaves, Chairman, noted that a quorum was present, called the meeting to order at 9:18 a.m., and declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§50-14-1 et seq.

**APPROVAL OF AGENDA**
Matthew Cristy made a motion, Lewis Page seconded, and the Board voted unanimously to approve the August 12, 2024, Agenda.

**APPROVAL OPEN SESSION MINUTES**
The Board reviewed the July 17, 2024 Open Session Hearing minutes. Darryl Hicks made a motion, Lewis Page seconded, and the Board voted unanimously to approve the July 17, 2024 Open Session Hearing minutes.

**APPROVAL EXECUTIVE SESSION MINUTES**
The Board reviewed the July 17, 2024, Executive Session Hearing minutes. Lewis Page made a motion, Neil Rawls seconded, and the Board voted unanimously to approve the July 17, 2024, Executive Session Hearing minutes

**OPEN SESSION OTHER BUSINESS**
Neil Rawls made a motion, Lewis Page seconded, and the Board voted unanimously to accept the Open Session Other Business Report as presented by Executive Director, Chris Jones and made the following recommendations:

**August 14, 2024, Joint House Motor Vehicles and Senate Transportation Meeting:** For informational purposes. No Board vote is required.

**Board Rule 681-1-.01:**

# Chapter 681-1 DEFINITIONS

### Rule 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:

(1) "Administrative Procedures Act" means O.C.G.A. Chapter 50-13.

(2) "Alter ego" means a person who acts to obtain licensure on behalf of, or in place of someone who is ineligible to obtain licensure under Section 681-12-.05 of these rules.

(3) "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.

(4) "Appropriate permanent signage" means signage which meets the requirements as described in Board Rule 681-6-.01(e).

(5) "Business License" means any license required by any municipality, county, or other political subdivision of this state as a prerequisite to operating a business within such municipality, county, or other political subdivision of this state.

(6) "Conspicuously displayed" means posted inside the permanent building in an area which is clearly visible to consumers upon entry into the permanent building; licenses shall be displayed in a manner which allows consumers to easily read and copy from the license.

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

(8) "Dealers' registration plate" means the license plates issued to used motor vehicle dealers by the State Revenue Commissioner as described in O.C.G.A. Section 40-2-38.

(9) “Deal Jacket” shall consist of all the following documents included in the sale of a used motor vehicle:

(a) Bills of sale for the vehicle; to include the purchase (by the dealer) and sale (to the customer) of the vehicle;

(b) Proof of passing emissions inspection as required by the Department of Natural Resources Rule 391-3-20-.18;

(c) Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;

(d) Copy of purchaser’s driver’s license, or government issued identification;

(e) Copy of front and back of buyer’s guide;

(f) Copy of front and back of title;

(g) Copy of MV-7D; Department of Revenue “State and Local Title Ad Valorem Tax (TAVT) Fees” form, or its equivalent for the vehicle (if applicable);

(h) Copy of MV-1; Department of Revenue “Motor Vehicle Tag/Title Application” form, or its equivalent for the vehicle (if applicable); and

(i) Copy of all Temporary Operating Permits (TOPs) issued by the dealer to the purchaser.

(10) “Designee” means the applicant’s designated agent for a used motor vehicle dealer license or a used motor vehicle parts dealer license and shall be named as the Executive Officer on the MV-6; Department of Revenue “Motor Vehicle Division Application for Dealer, Distributor & Manufacturer License Plates” form, or its equivalent.

(11) “Established place of business” is defined in O.C.G.A. Section 43-47-2.

(12) “Facility Closed” means the Board has determined the dealer has vacated their established place of business.

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

(14) "Maintenance of records by licensees" means maintaining at the established place of business, all records as prescribed by Board Rule 681-10-.01.

(15) "Motor vehicle" or "car" is defined in O.C.G.A. Section 43-47-2(7)

(16) "Odometer disclosure form” means the form required under the regulations found at 49 C.F.R. Part 580.

(17) "Open Lot" means a lot where used motor vehicles or used motor vehicle parts that are offered for sale are to be displayed, and upon which the applicant or licensee has a legal right to display used motor vehicles or used motor vehicle parts

(18) "Penalty fee or fine" means a fee assessed by the Board for failure on the part of a licensee or applicant to act in an appropriate or timely manner under the Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act or under these Rules.

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

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

(21) "Procedural safeguards" means those procedures required by a used motor vehicle dealership or used motor vehicle parts 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.

(22) "Purchaser" means a consumer who has completed a transaction to obtain a used motor vehicle from a used motor vehicle dealership or a used motor vehicle or a used motor vehicle part from a used motor vehicle parts dealer.

(23) "Records" means all originals, photocopies, carbon copies, files, books, memoranda, and data maintained on an electronic data storage and retrieval system, provided the data can be retrieved and copied.

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

(25) "Salesroom" and "sales office" are synonymous and must meet the requirements of Board Rule 681-6-.01 Established Place of Business.

(26) "State Revenue Commissioner" means the office created in O.C.G.A. Section 48-2-2.

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

(28) "Temporary Plate" means a temporary operating permit issued by a dealer pursuant to O.C.G.A. Section 40-2-8.

(29) "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 Board Rule 681-3-.03.

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

(31) "Working telephone" means an active and working telephone line.

Cite as Ga. Comp. R. & Regs. R. 681-1-.01
Authority: O.C.G.A. Secs. 43-47-2, 43-47-3, 43-47-6, 43-47-8, 43-47-12.

History. Original Rule entitled "Organization of Board" adopted as ER. 681-1-0.1-.01. F. Aug. 7, 1995; eff. Aug. 2, 1995, as specified by the Board.
Amended: Permanent Rule entitled "Definitions" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. July 16, 2006; eff. Aug. 6, 2006.
Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.

**Board Rule 681-10-.01:**

# Chapter 681-10 RECORDS

**Rule 681-10-.01 Records Retention**

(1) Every licensee shall maintain in the established place of business for three (3) years (or for a longer period of time if required by other statute, law, or regulation), and have available at all times for inspection, the following:(a) Deal Jackets as defined in Rule 681-1-.01.

(b) all records associated with odometers as required by 49 C.F.R. Part 580. These are required by law and regulations to be maintained for five years.

(c) all bills of sale, buyer's guides, contracts, financing contracts and other evidence of sales or financing transactions with consumers.

(d) records of all purchases or sales of used motor vehicles, including: a vehicle description; bills of sale; vehicle identification numbers; purchase date; name, address, and driver's license number or state issued identification of the party from whom the purchase was made or to whom the sale was made;, and copies of all contracts or other evidence of the purchase or sale.

(e) copies of all insurance policies and surety bonds as required by the Act.

(f) copies of leasing or rental records of any used motor vehicle which is intended for sale or is actually sold, including mileage records, the names and addresses of all persons who have rented or leased the vehicle, rental or lease contracts, vehicle identification numbers, and any damage repair records.

(g) records reflecting any repairs made to any motor vehicle by or on behalf of the licensee.

(h) copies of all applications for motor vehicle titles.

(i) all sales tax or Title Ad Valorem Tax (TAVT) records, including exemptions, as required by law.

(j) records of all vehicles or vehicle bodies disposed of by licensee, including its description; vehicle identification number; date of disposition; and name, address, and driver's license or state issued identification of the person to whom it was disposed pursuant to U.S.C. 49 Section 30501, et. Seq., known as the National Motor Vehicle Title Information System (NMVTIS);

(k) current proof of compliance with continuing education requirements as required by Rule 681-13.

(2) Any documents electronically stored must be immediately available for inspection upon request by the Board or one of its appointed representatives.

Cite as Ga. Comp. R. & Regs. R. 681-10-.01
Authority: O.C.G.A. Secs. 43-47-6, 43-47-12.
History. Original Rule entitled "Records to Be Kept" adopted F. Dec. 8, 1996; eff. Dec. 28, 1995.

**Board Rule 681-16-.01:**

## Chapter 681-16 FINES

**Rule 681-16-.01 Schedule of Fines, Payment of Fines; Hearings; Disciplinary Actions**

(1) The Board may impose fines for violations of O.C.G.A. § 43-47. A Schedule of Fines shall be published, and fines shall not exceed $500 per violation. The Board may, in its discretion, modify the Schedule of Fines as necessary.

(2) Fines for violation of this Chapter and O.C.G.A. § 43-47 are as follows:

(a) Failure to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale; $500 per violation;

(b) Possession of an open title not properly assigned as prescribed by O.C.G.A. Title 40: $250 per violation;

(c) Failure to display a properly completed buyer's guide as prescribed by the Federal Trade Commission Rules: $250 for the first violation, and $100 for each additional violation;

(d) Failure to furnish to the purchaser of a vehicle the proper documents in order for the purchaser to obtain a tag for that vehicle within thirty (30) calendar days of the date of purchase: $500 per violation;

(e) 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

(f) Failure 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.

(g) Failure to maintain the required surety bond: $500 shall be imposed;

(h) Failure to maintain the required garage liability insurance: $500 shall be imposed;

(i) Failure to make application for an off-premises temporary license: $250 per violation;

(j) Failure to check the appropriate box on odometer disclosure statement and certificate of title: $500 per violation; and

(k) Failure to submit an application for change of ownership, registered agent, or designee within the required thirty (30) day period: $100 shall be imposed.

(l) Failure to obtain or appropriately generate, and maintain, the following records: $100 per violation.

(i) Bills of Sale for the vehicle; to include the purchase (by the dealer) and the sale (to the customer) of the vehicle;

(ii) Purchase agreements or contracts, financing contracts or other evidence of sales or of financing transactions;

(iii) Proof of passing emissions inspection for the vehicle as required by the Department of Natural Resources Rule 391-3-20-.18;

(iv) Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;

(v) Copy of purchaser's driver's license, or government issued identification;

(vi) Copy of front and back of the vehicle's buyer's guide;

(vii) Copy of front and back of vehicle's title;

(viii) Copy of MV-7, Department of Revenue "Application for a Replacement License Plate (Tag) or Decal", or its equivalent for the vehicle;

(ix) Copy of MV-1, Department of Revenue "Motor Vehicle Tag/Title Application", or its equivalent for the vehicle;

(x) Copy of MV-7D, Department of Revenue "Motor Vehicle Division State and Local Title Ad Valorem Tax (TAVT) Fees" or MV-7L Department of Revenue, "State and Local Title Ad Valorem Tax (TAVT) Fees for Leases", or their equivalent;

(xi) Copy of all temporary operating permits (TOPS) issued by the dealer to the purchaser;

(xii) Copies of leasing or rental records of any motor vehicle intended for sale or that have been sold;

(xiii) Records reflecting repairs made to motor vehicles by licensee;

(xiv ) Any other tax records or exemption records relating to the purchase or sale of a vehicle.

(m) Failure to issue a temporary operating permit, or issuing a temporary operating permit to aid and abet and unlicensed person, for any vehicle for which the dealer has no assignment or that has more than one (1) temporary plate in violation of O.C.G.A. § 40-2-8: $500 per violation;

(n) Inspectors or investigators inability to conduct a facility inspection after three (3) documented attempts, in accordance with O.C.G.A. § 43-47-17: $500 fine;

(o) Failure to post current license or current copy of online verification from the Board's website in a conspicuous location: $100 fine;

(p) Failure to display/possess current sales tax certificate: $100 fine;

(q) Failure to provide proof that licensee or designee has completed the continuing education requirement: $500 fine;

(r) Failure to remit taxes and/or fees as required by O.C.G.A. §§ 48-5C-1 and 48-8-30: $500 per violation.

Cite as Ga. Comp. R. & Regs. R. 681-16-.01
Authority: O.C.G.A. Secs. 43-1-19, 43-47-6, 43-47-8, 43-47-10, 43-47-14.
History. Original Rule entitled "Schedule of Fines" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.
Amended: F. May 15, 1998; eff. June 4, 1998.
Amended: F. Sept. 16, 1998; eff. Oct. 8, 1998.
Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.

**EXECUTIVE SESSION – 9:45 a.m.**

Lewis Page made a motion, Matthew Cristy seconded, and the motion carried to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-19(h), 43-25-5(c) and 43-26-11 for the purpose of discussing evidence presented during hearings, conducting applicant appointments, reviewing and discussing applications and complaints, and to hear the Attorney General's report.

At the conclusion of Executive Session, Jason Reaves declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were taken during Executive Session.

**OPEN SESSION – 12:48 p.m.**

**EXECUTIVE APPEARANCES**

There were no Executive Session Appearances scheduled for this meeting.

**APPLICATIONS REPORT**

Lewis Page made a motion, Darryl Hicks seconded, and the Board voted unanimously to accept the recommendations made regarding the Applications Report as presented by Licensing Supervisor, Valencia Bland. The recommendations were as follows:

**Applicant 4041516 D.A.B.L.:** Table pending receipt of additional information; Refer to Inspections.

**Applicant 4084930 J.C.L.:** Issue the license.

**Applicant 4079490 A.A.S.L.:** Table pending receipt of additional information

**EXECUTIVE SESSION OTHER BUSINESS**

Lewis Page made a motion, Darryl Hicks seconded, and the Board voted unanimously to accept the recommendations made regarding the Executive Session Other Business Report as presented by Executive Director, Chris Jones. The recommendations were as follows:

**Correspondence – D.H.C.:** Table pending receipt of additional information.

## COMPLAINTS REPORT

Lewis Page made a motion, Darryl Hicks seconded, and the Board voted unanimously to accept the Board's recommendations regarding the Complaints Report as presented by Licensing Analyst, Toyia Vinson.

**UMVD241167:** Refer to the Georgia Department of Revenue.

**UMVD250034:** Refer to the Attorney General's Office for a Disciplinary Hearing with the intent to revoke the license.

**UMVD250035:** Refer to the Attorney General's Office for a Memorandum of Advice.

**UMVD250029:** Refer to the Georgia Department of Revenue.

**UMVD240801:** Change license status to Facility Closed and close the complaint.

**UMVD240832:** Change license status to Facility Closed and close the complaint.

## CLOSED COMPLAINTS

Lewis Page made a motion, Darryl Hicks seconded, and the Board recommended to ratify and close the attached list of sixty-six (66) complaints.

## ATTORNEY GENERAL'S REPORT

Lewis Page made a motion, Darryl Hicks seconded, and the Board voted unanimously to accept the recommendations made regarding the Attorney General's Report as presented by Attorney General Bryone Thernes.

## LEGAL REPORT

The Board reviewed the Legal Report as presented by PLB Staff Attorney, Danielle McBride.
Tyler Wood made a motion, Darryl Hicks seconded, and the Board voted unanimously to accept the following recommendations regarding the Legal Report.

**Applicant 4045567 H.A.C.L.:** Deny due to criminal history.

**Applicant 4021349 V.A.L.:** Schedule Applicant for an appearance before the Board at the next available meeting.

**Applicant 4072756 R.R.A.S.L.:** Schedule Applicant for an appearance before the Board at the next available meeting.

**Applicant 3110777 E.M.:** Schedule Applicant for an appearance before the Board at the next available meeting.

**Applicant 4080030 W.A.S.:** Issue the license.

**Applicant 4106720 J.A.A.M.L.:** Issue the license.

**Applicant 4035974 P.A.G.L.:** Issue the license with a Consent Agreement for Licensure to include a $500 fine for failure to disclose criminal history on application to be paid prior to the license being issued.

**Applicant 3105897 S.A.M.L.:** Deny due to criminal history.

**BOND INFORMATION REQUESTS**

**UCAR050152:** Deny request.

**UCAR040687:** Grant request; Refer to Inspections.

**UCAR050474:** Grant request; Refer to Inspections.

**UCAR050894:** Grant request; Refer to Inspections.

**UCAR041457:** Grant request.

The meeting adjourned at 12:50 p.m.

**The next scheduled meeting of the**

**Georgia State Board of Used Motor Vehicle Dealers is:**

**Wednesday, September 11, 2024**

**Professional Licensing Boards Division**

**237 Coliseum Drive**
**Macon, Georgia 31217**

Minutes recorded by: Sara Nasworthy, Board Support Specialist
Minutes reviewed and edited by: Chris Jones, Executive Director

***Jason Reaves***
Jason Reaves, Board Chairman

**Chris *Jones***
Chris Jones, Executive Director

These minutes were approved on September 11, 2024