

MINUTES OF A MEETING
OF THE
OKLAHOMA MOTOR VEHICLE COMMISSION

The Oklahoma Motor Vehicle Commission met in a regular session at 10:00 a.m. February 9, 2010 in the Conference Room of the Northwest Office Center, 4334 N.W. Expressway in Oklahoma City. Chairman David Howe called the meeting to order. A roll call was held; members present were Bruce Barber, Greg Cable, Randy Coy, David Howe, Steve Kissee, Dick Reynolds, and Terry Reynolds. Members absent were Gene Chumbley and Butch Mellor.

The Chairman announced that there were enough members present to constitute a quorum. Also present were Roy Dockum, Executive Director, Marilyn Maxwell, Deputy Director, and Sandra Balzer from the Office of the Attorney General.

The Chairman called on Terry Reynolds for an announcement. Terry announced that this meeting would be his last as a member of the Commission, as he had sent a letter of resignation effective after the February meeting. He expressed his appreciation to the Board members and to staff for being able to serve with all of them. On behalf of the Commission, David Howe presented Terry with a plaque and thanked him for his friendship and his dedicated service to the people of Oklahoma for the past eight and one-half years on the OMVC.

Each Commission Member had received a copy of the **Minutes** of the January 12, 2010 Commission Meeting. Greg Cable made a motion, seconded by Steve Kissee, to approve the Minutes. The Chairman called for a roll call vote; votes were as follows:

Bruce Barber – aye	David Howe – aye	Dick Reynolds – aye
Greg Cable – aye	Steve Kissee – aye	Terry Reynolds – aye
Randy Coy – aye		

Motion carried unanimously.

Hearing:

The Chairman announced that the next item on the Agenda was a Hearing in the matter of *Oklahoma Motor Vehicle Commission vs. Drive Electric, LLC*. This Hearing was to consider the reinstatement of dealer franchise licenses in accordance with the Final Order issued by the Commission on January 12, 2010.

Assistant Attorney General Sandra Balzer acted as the Hearing Officer; Roy Dockum, Executive Director, appeared on behalf of the Commission; and, Colin Reilly, owner of Drive Electric, LLC., and Monica Hoenshell, of the Calvert Law Firm, appeared on behalf of Respondent.

Respondent presented documentation in support of their compliance with the Order. The Executive Director expressed his satisfaction with the documentation. After questions from the Commission, the Chairman asked if there was a motion. Terry Reynolds made a motion, seconded by Greg Cable that the Respondent's Dealer Licenses numbered 1530 and 1531 be reinstated immediately; and, that the Respondent's fine of five thousand dollars (\$5,000), imposed by the January 12, 2010 Order be reduced by the amount of one thousand dollars (\$1,000), as Respondent provided satisfactory proof that alleged violation of 47 O.S. § 565(A)(7)(f) was unsubstantiated.

The Chairman called for a roll call vote; votes were as follows:

Bruce Barber – aye	David Howe – aye	Dick Reynolds – aye
Greg Cable – aye	Steve Kissee – aye	Terry Reynolds – aye
Randy Coy – aye		

Motion carried unanimously.

Ms. Balzer announced that the Order would be prepared promptly, sent to the Chairman for review and signature, and distributed to the Parties.

The **Claims and Financial Statements** for the month of January 2010 were presented by the Director. A motion to approve both was made by Bruce Barber, seconded by Dick Reynolds. The Chairman called for a roll call vote; votes were as follows:

Bruce Barber – aye	David Howe – aye	Dick Reynolds – aye
Greg Cable – aye	Steve Kissee – aye	Terry Reynolds – aye
Randy Coy – aye		

Motion carried unanimously.

Director's Report:

The Director reported to the Board that the Legislature began the 2010 session on February 1, and that he had identified specific bills which could affect the OMVC and its licensees. He reviewed the following bills: HB2326, HB2625, HB2883, HB2915, SB1651, SB1769, SB1949, SB1597, and SB1603. In addition, Roy noted that there are about 30 other bills which he would be tracking that are either shell bills or ones that could pertain to the agency. He will be presenting a legislative update each month through June.

The Director made the Commission aware of numerous consumer and/or licensee inquiries regarding the recent Toyota accelerator recalls, the GM and Chrysler dealer reinstatement arbitrations, and LSV complaints.

Consideration of Proposed Agreed Settlements and Fines:

The Commission considered the following Agreed Settlements with offers to pay a fine in lieu of a hearing:

- 1) Bob Moore Pontiac Buick GMC, OKC. \$250.00 for 2 unlicensed salesperson violations; and,
- 2) Bob Moore Infinity, OKC. \$100.00 for an unlicensed salesperson violation.

Dick Reynolds made a motion, seconded by Bruce Barber, to accept the offers to pay a fine in lieu of a hearing, as recommended by the Director. The Chairman called for a roll call vote; votes were as follows:

Bruce Barber – aye	David Howe – aye	Dick Reynolds – aye
Greg Cable – aye	Steve Kissee – aye	Terry Reynolds – aye
Randy Coy – aye		

Motion carried unanimously.

Initial License Applications:

The following License Applications were presented for consideration and action:

MANUFACTURER / DISTRIBUTORS

- a. **The Auto Moto – Van Nuys, CA**
Application to be a Distributor of Xingyue Motorcycles
Director recommended approval
- b. **Sunny Powersports Inc. – Chino, CA**
Application to be a Distributor of ZNEN Motorcycles and Scooters
Director recommended approval

DEALERS

- c. **Dave’s Claremore RV, Inc. – Claremore, OK**
Application for adding Berkshire Motor Homes
Director recommended approval
- d. **Equipment Technology, LLC – Oklahoma City, OK**
Application to be a dealer for ETI Aerial Bucket Trucks
Director recommended approval
- e. **Regional Hyundai & Import Supercenter – Broken Arrow, OK**
Application for purchase of existing dealership
Director recommended approval pending franchise agreement

Motion was made by Bruce Barber, seconded by Greg Cable, to approve all applications presented as recommended by the Director. The Chairman called for a roll call vote; votes were as follows:

Bruce Barber – aye	David Howe – aye	Dick Reynolds – aye
Greg Cable – aye	Steve Kissee – aye	Terry Reynolds – aye
Randy Coy – aye		

Motion carried unanimously.

The Chairman asked if there was any **New Business**. There being no New Business, he asked if there was a motion to adjourn. Terry Reynolds made the motion to adjourn, seconded by Randy Coy. Motion carried unanimously. Meeting adjourned at 11:10 a.m.

Approved by: _____ Date: _____