

MINUTES OF A MEETING
OF THE
OKLAHOMA MOTOR VEHICLE COMMISSION

In conformity with the Oklahoma Open Meeting Act, advance notice of this regularly scheduled meeting was transmitted to the Oklahoma Secretary of State on October 9, 2015. Public notice of this meeting, together with the agenda, was posted in prominent public view on the front door of the Northwest Office Center, 4334 NW Expressway, Oklahoma City, on May 9, 2016 prior to 10:00am; and, announcement of the Board meeting and agenda were posted on the OMVC website www.omvc.ok.gov on May 9, 2016 prior to 10:00am.

The Oklahoma Motor Vehicle Commission met in a regular session at 10:00am on May 10, 2016 in the Conference Room of the Northwest Office Center, 4334 Northwest Expressway in Oklahoma City. Chair Dan Mullins called the meeting to order. A roll call was held; members present were Greg Cable, Carol Carver, Curtis Hayes, Fred Malone, Dan Mullins, Leonard Northcutt, and Eric Stuteville. Members absent were Fred Harlan and Hal Steinke.

The Chair 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, Assistant Attorney General.

Each Commission Member had received a copy of the **Minutes** of the April 12, 2016 Commission Meeting. Eric Stuteville made a motion, seconded by Fred Malone, to approve the Minutes as submitted. The Chair called for a roll call vote; votes were as follows:

Greg Cable – abstain	Fred Malone – aye	Leonard Northcutt – abstain
Carol Carver – aye	Dan Mullins – aye	Eric Stuteville - aye
Curtis Hayes – aye		

5 ayes; 0 ayes; 2 abstentions; Motion passed

The **Claims and Financial Reports** for the month of April 2016 were presented by the Director. A motion to approve both the payment claims and financial reports as submitted was made by Greg Cable, seconded by Curtis Hayes. The Chair called for a roll call vote; votes were as follows:

Greg Cable – aye	Fred Malone – aye	Leonard Northcutt – aye
Carol Carver – aye	Dan Mullins – aye	Eric Stuteville - aye
Curtis Hayes – aye		

Motion passed unanimously

Legislative Report:

The Director presented the legislative report, including SB0972, HB2378, and HB3058. He also discussed the likelihood of upcoming legislation which would transfer \$1,100,000 from the OMVC Revolving Fund to the State General Fund, as presented to him by Senator David Holt.

Discussion Regarding Recent Reports about Manufacturers' Use of Dealerships' Sales Effectiveness Performance

Commissioner Curtis Hayes led discussion which focused on the question of "What constitutes a retail sale?" Most manufacturers base their incentives, performance measures, and set dealers' sales expectations and objectives off of reported retail sales. He suggested the Commission may begin looking into whether Oklahoma Statutes should be amended to provide a definition of "retail sale" for the purposes of establishing a definitive and common measurement for dealers and manufacturers. Further discussion will take place in a future meeting after the members and staff has a chance to research and consider the options available.

Director's Report:

The Director presented the Summary of Consumer Complaints for the period April 11, 2016 through May 6, 2016. The summary detailed 12 consumer complaint contacts to the OMVC, which were comprised of 5 written inquiries and 7 phone inquiries.

Next, he reported that the Attorney General's Opinions for the proposed Commission actions from the April 12, 2016 meeting, which were submitted on April 12, were approved as proposed by the OMVC on April 20.

The Director then updated the Commission regarding the agency's IT status. Specifically, he reported that the higher bandwidth line to/from OMES by Cox Business Services has been installed, and the OMVC is waiting for OMES IT to house the agency's database on the OMES servers, and test the new circuit speed. The result will be better security and potential disaster recovery plans.

Lastly, Roy informed the Board that he has been working with the Agency Business Services Division of OMES, in preparing the fiscal year 2017 budget for the OMES. The final proposed budget will be presented to the OMVC Board at the next meeting for consideration.

Consideration of Proposed Agreed Settlements and Fines:

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

1. Bob Howard Acura, OKC. \$3,000 for 3 advertising violations;
2. Tulsa Hyundai, Tulsa. \$2,000 for 2 advertising violations;
3. Red River Ford Lincoln, Durant. \$350 for 2 unlicensed salesperson violations;
4. Tulsa Hyundai, Tulsa. \$300 for 3 unlicensed salesperson violations;
5. Battison Honda, OKC. \$250 for 2 unlicensed salesperson violations;
6. Camping World, OKC. \$200 for 2 unlicensed salesperson violations;
7. Brad Fenton Motors, Ardmore. \$100 for an unlicensed salesperson violation;
8. Lawton Kia, Lawton. \$100 for an unlicensed salesperson violation;
9. Bartlesville CJDR, Bartlesville. \$1,000 for an unlicensed salesperson violation;
10. Mid-America Auto Group, Ada. \$1,000 for an unlicensed salesperson violation;
11. Toyota of Lawton, Lawton. \$1,000 for an unlicensed salesperson violation;
12. Ada Ford, Ada. \$100 for an unlicensed salesperson violation;
13. Brad Fenton Motors, Ardmore. \$100 for an unlicensed salesperson violation; and,
14. Fenton Honda, Ardmore. \$100 for an unlicensed salesperson violation.

Eric Stuteville made a motion, seconded by Greg Cable, to accept the offers to pay a fine in lieu of a hearing, as recommended by the Director, subject to review by the Office of Attorney General. The Chair called for a roll call vote; votes were as follows:

Greg Cable – aye	Fred Malone – aye	Leonard Northcutt – aye
Carol Carver – aye	Dan Mullins – aye	Eric Stuteville - aye
Curtis Hayes – aye		

Motion passed unanimously

Initial License Applications:

The following License Applications were presented for consideration and action:

MANUFACTURERS/DISTRIBUTORS

- a. **Diamond Coach – Oswego, KS**
Application for Manufacturer of Diamond Coach Buses
Director recommended approval

DEALERS

- b. **Bruckner Truck Sales – Enid**
Application for purchase of existing dealership (Enid Mack Sales)
Director recommended approval pending franchise agreements
- c. **Seth Wadley Chevrolet Buick of Ada – Ada**
Application for purchase of existing dealership (Mid-America Auto Group)
Director recommended approval pending franchise agreement

d. Tulsa Custom Buildings – Tulsa

Application for new dealership for Skyline Park Model RV Towables

Director recommended approval pending franchise agreement

Motion was made by Greg Cable, seconded by Curtis Hayes, to approve the applications as recommended by the Director. The Chair called for a roll call vote; votes were as follows:

Greg Cable – aye

Fred Malone – aye

Leonard Northcutt – aye

Carol Carver – aye

Dan Mullins – aye

Eric Stuteville - aye

Curtis Hayes – aye

Motion passed unanimously

The Chair asked if there was any **New Business**. There being no New Business, he asked if there was a motion to adjourn. Leonard Northcutt made the motion to adjourn, seconded by Carol Carver. Motion carried unanimously. Meeting adjourned at 11:45am.

Approved by: _____

Date: _____