

MINUTES OF A MEETING  
OF THE  
OKLAHOMA NEW MOTOR VEHICLE COMMISSION

*In conformity with the Oklahoma Open Meeting Act, advance notice of this special meeting was transmitted to the Oklahoma Secretary of State on November 17, 2023. 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 13, 2024 prior to 10am, and, announcement of the Board meeting and agenda were posted on the ONMVC website [www.omvc.ok.gov](http://www.omvc.ok.gov) on May 13, 2024 prior to 10am.*

The Oklahoma New Motor Vehicle Commission met in a Regular Meeting at 10:00 am, on May 14, 2024. Chair Curtis Hayes called the meeting to order. A roll call was held; members present were Eric Stuteville, Jared Glover, Jim Norton, Seth Wadley, Jeff Johnson, Jeromey Clayton and Curtis Hayes. Commissioner Jackie McClintock and Cassie McGlothlin were absent.

The Chair announced that there were enough members present to constitute a quorum. Also present were Brad Bailey, Executive Director, Marilyn Maxwell, Deputy Director, Sandra Balzer, Assistant Attorney General and Peter Hodges, President of the Oklahoma Auto Dealers Association.

Each Commission Member had received a copy of the **Minutes** of the April 9, 2024 Commission Meeting. Eric Stuteville made a motion, seconded by Jeromey Clayton, to accept the Minutes as submitted. The Chair called for a roll call vote; votes were as follows:

|                       |                    |                       |
|-----------------------|--------------------|-----------------------|
| Eric Stuteville – aye | Jared Glover - aye | Jim Norton – aye      |
| Seth Wadley – aye     | Jeff Johnson – aye | Jeromey Clayton - aye |
| Curtis Hayes - aye    |                    |                       |

Motion passed unanimously.

**Hearing on the Matter of the Complaint of M&N Dealerships IV, LLC dba 6<sup>th</sup> Avenue Honda and Barry Sanders Supercenter v. American Honda Motor Co., Inc. – Motion to Dismiss**

Next on the Agenda was a Hearing on the Matter of the Motion to Dismiss the Complaint of M&N Dealerships IV, LLC dba 6th Avenue Honda and Barry Sanders Supercenter v. American Honda Motor Co., Inc. – Motion to Dismiss. Complainant M&N Dealerships IV, LLC was represented by Randall K. Calvert and Andrew R. Davis of the Calvert Law Firm. American Honda Motor Co. Inc. was represented by Steven McFarland and Steven McKelvey of Nelson Mullins Riley and Scarborough, LLP and Peyton McMillin (appearing for local counsel Amy Sherry Fischer of Foliart, Huff, Ottoway & Bottom. Advising the Commission was Sandra Balzer.

The Chair asked if any Commissioner had any conflicts which may prevent a fair and impartial hearing of the matter. Commissioner Jared Glover said that he may have a potential conflict and asked to be recused from hearing the matter. The Chair acknowledged this request and Commissioner Glover was recused.

Jim Norton moved to approve the Motions to Associate Counsel for Steven McFarland and Steven McKelvey, Counsel for American Honda Motor Co, based on presentation of the OBA Certificate of Compliance and associated documents. Jeromey Clayton seconded the Motion and the Chair called for a roll call vote; votes were as follows:

|                       |                       |                   |
|-----------------------|-----------------------|-------------------|
| Eric Stuteville – aye | Jim Norton – aye      | Seth Wadley – aye |
| Jeff Johnson – aye    | Jeromey Clayton - aye |                   |
| Curtis Hayes - aye    |                       |                   |

Motion passed unanimously.

Steven McFarland presented for American Honda Motor Co. Inc. Randall K. Calvert presented for M&N Dealerships IV, LLC. The hearing consisted of presentation of exhibits by counsel for both parties, an opening statement by Steven McFarland, a response by Randall K. Calvert and a rebuttal by Steven McFarland, a response to the rebuttal by Randall K. Calvert and a further response from Steven McFarland. The Commissioners examined the Exhibits provided by both parties and asked clarifying questions. Upon completion of the above, a motion was made by Jim Norton to enter into Executive Session to engage in deliberations to render a final or intermediate decision with regard to the Motion to Dismiss. The motion was seconded by Jeromey Clayton. The Chair called for a vote on the motion; votes were as follows:

|                       |                       |                   |
|-----------------------|-----------------------|-------------------|
| Eric Stuteville – aye | Jim Norton – aye      | Seth Wadley – aye |
| Jeff Johnson – aye    | Jeromey Clayton - aye |                   |
| Curtis Hayes - aye    |                       |                   |

Motion passed unanimously.

Upon completion of the executive Session a motion was made by Jim Norton to return to open session. The motion was seconded by Eric Stuteville. The Chair called for a vote on the motion; votes were as follows:

|                       |                       |                   |
|-----------------------|-----------------------|-------------------|
| Eric Stuteville – aye | Jim Norton – aye      | Seth Wadley – aye |
| Jeff Johnson – aye    | Jeromey Clayton - aye |                   |
| Curtis Hayes - aye    |                       |                   |

Motion passed unanimously.

Upon reentering open session Curtis Hayes made a motion to grant in part and deny in part American Honda Motor Co., Inc.'s Motion to Dismiss and to set the Matter for Hearing at a later date. Upon presentation of the motion, the motion was seconded by Jim Norton. The Chair called for a vote on the motion; votes were as follows:

|                       |                       |                   |
|-----------------------|-----------------------|-------------------|
| Eric Stuteville – aye | Jim Norton – aye      | Seth Wadley – aye |
| Jeff Johnson – aye    | Jeromey Clayton - aye |                   |
| Curtis Hayes - aye    |                       |                   |

Motion passed unanimously.

The **Claims** and **Financial Reports** for the month of April 2024 were presented by the Deputy Director. A motion to approve both the payment claims and financial reports as submitted by the Deputy Director was made by Jeromey Clayton, seconded by Jeff Johnson. The Chair called for a roll call vote; votes were as follows:

|                       |                    |                       |
|-----------------------|--------------------|-----------------------|
| Eric Stuteville – aye | Jared Glover - aye | Jim Norton – aye      |
| Seth Wadley – aye     | Jeff Johnson – aye | Jeromey Clayton - aye |
| Curtis Hayes - aye    |                    |                       |

Motion passed unanimously.

### **Discussion & Possible Action for Finding Outside Counsel for Legal Consulting**

The Director updated the Commissioner on the progress in formulating a structure for legal counsel services. The Director presented a proposed three-part system for ONMVC’s legal needs. The system would consist of dedicated legal counsel in Sandra Balzer for Commission advisor duties, a dedicated prosecutor for enforcement related activities and Hearings and outside counsel for legislative consulting.

A motion to approve finding and contracting with outside counsel was made by Eric Stuteville and seconded by Jeromey Clayton. The Chair called for a roll call vote; votes were as follows:

|                       |                    |                       |
|-----------------------|--------------------|-----------------------|
| Eric Stuteville – aye | Jared Glover - aye | Jim Norton – aye      |
| Seth Wadley – aye     | Jeff Johnson – aye | Jeromey Clayton - aye |
| Curtis Hayes - aye    |                    |                       |

Motion passed unanimously.

### **Plan of Action for Enforcement and ONMVC’s Mission Priorities**

The Director presented a Plan of Action for Enforcement and Mission Priority Support based on past meeting discussions regarding agency ONMVC’s mission priorities of efficient regulation and proactive enforcement of its laws and rules. Included in the plan are hiring of additional field / investigative staff, physical expansion of the agency office, telephone and technology upgrades and a leased agency vehicle.

### **Possible Action to Appoint an Advertising Committee**

The Director presented the scope, schedule and deliverables related to the work of the ONMVC Advertising Committee. A motion was made by Jim Norton, seconded by Seth Wadley to approve Jared Glover, Cassie McGlothlin, Jeromey Clayton and Eric Stuteville as Advertising Committee members.

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

|                       |                    |                       |
|-----------------------|--------------------|-----------------------|
| Eric Stuteville – aye | Jared Glover - aye | Jim Norton – aye      |
| Seth Wadley – aye     | Jeff Johnson – aye | Jeromey Clayton - aye |
| Curtis Hayes - aye    |                    |                       |

Motion passed unanimously.

## **Director's Report**

The Executive Director informed the Commissioners that there were six new complaints since the last meeting with four resolved to the satisfaction of the consumers. There was also one carryover complaint and one telephone inquiry that were received since the last meeting.

The Executive Director then presented a legislative report of the remaining five House and Senate Bills from the current session affecting the motor vehicle industry / of interest to the Commission and signed by the Governor.

The Executive Director discussed other agency activities including an update on the progress of annual license renewals.

## **FINES: Consideration and Action on the following offers to pay a Fine in Lieu of a Hearing:**

### **Kalidy KIA:**

Continuation of the Matter from the February 13, 2024 Commission Meeting, whereby the Board requested the Director to obtain additional information relating to the number of times the radio advertisement aired. This additional information was requested and ultimately had to be obtained through a Subpoena. It was discovered the advertisement in question ran 24,274 times. Based on this additional information, the Commissioners determined that an offer of an Agreed Settlement in the amount of \$50,000 was appropriate

### **LUV Ford:**

The Director presented an Agreed Settlement in lieu of a Hearing in the amount of \$7,000 for alleged violation of ONMVC Law, Title 47, Section 565, giving the impression that new motor vehicles were being offered for sale at an unlicensed location; and alleged violations of ONMVC Advertising Rule 465:15-3-14(1) and 465:15-3-4(11) "Prohibited Statements" which prohibit the use of verbiage 100% Guaranteed Credit Approval and prohibit the use of the term "Liquidation" unless a dealer is actually going out of business.

A Motion was made by Jared Glover, seconded by Eric Stuteville to accept the LUV Ford Agreed Settlement as presented by the Director. The Chair called for a roll call vote; votes were as follows:

Eric Stuteville – aye  
Seth Wadley – aye  
Curtis Hayes - aye

Jared Glover - aye  
Jeff Johnson – aye

Jim Norton – aye  
Jeromey Clayton - aye

Motion passed unanimously.

A Motion was made by Curtis Hayes, seconded by Jeromey Clayton that the Commission suggest a \$50,000 Agreed Settlement amount for 24,474 violations of disclosure requirements as provided for under ONMVC advertising rules.

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

Eric Stuteville – aye  
Seth Wadley – aye  
Curtis Hayes - aye

Jared Glover - aye  
Jeff Johnson – aye

Jim Norton – aye  
Jeromey Clayton - aye

Motion passed unanimously.

**Initial License Applications:**

The Deputy Director presented an update of applications completed since the last meeting along with applications still pending. The following License Applications were then presented for consideration and action:

**DEALERS:**

- a. Auto Finders LLC – Roland, OK  
Application for Addition of Artic Cat Powersports & Idle Time RV Towables  
Director recommended approval.
- b. B&C Services – Wagoner, OK  
Application for Addition of Massimo Powersports  
Director recommended approval.
- c. Camping World RV Sales – Poteau, OK  
Application for Addition of Jayco RV Towables  
Director recommended approval.
- d. Dryve Tyme Tulsa – Tulsa, OK  
Application for New Dealer Point – Ice Bear Powersports and Massimo Powersports  
Director recommended approval.
- e. Hugg and Hall Equipment Company – Oklahoma City, OK  
Application for Addition of Polaris Commercial Powersports.  
Director recommended approval.
- f. Hugg and Hall Equipment Company – Tulsa, OK  
Application for New Dealer Point - Polaris Commercial Powersports.  
Director recommended approval.
- g. Hugg and Hall Equipment Company – Muskogee, OK  
Application for New Dealer Point - Polaris Commercial Powersports.  
Director recommended approval.
- h. Lazy Days RV – Claremore, OK  
Application for Addition of Cruiser RV and Keystone RV Towables.  
Director recommended approval.

- i RK Powersports – Tulsa, OK  
Application for New Dealer Point – Ice Bear Powersports and TaoTao Powersports  
Director recommended approval.

A motion was made by Jared Glover, seconded by Jeromey Clayton, to approve applications a - d, h and i as submitted. The Chair called for a roll call vote; votes were as follows:

|                       |                    |                       |
|-----------------------|--------------------|-----------------------|
| Eric Stuteville – aye | Jared Glover - aye | Jim Norton – aye      |
| Seth Wadley – aye     | Jeff Johnson – aye | Jeromey Clayton - aye |
| Curtis Hayes – aye    |                    |                       |

Motion passed unanimously.

A motion was made by Jeromey, seconded by Jim Norton, to approve applications e, f, and g subject to Director’s review of the dealer sales and service agreements. The Chair called for a roll call vote; votes were as follows:

|                       |                    |                       |
|-----------------------|--------------------|-----------------------|
| Eric Stuteville – aye | Jared Glover - aye | Jim Norton – aye      |
| Seth Wadley – aye     | Jeff Johnson – aye | Jeromey Clayton - aye |
| Curtis Hayes – aye    |                    |                       |

Motion passed unanimously.

The Chair asked if there was any **New Business**. There being no New Business, the meeting was adjourned.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_