

MINUTES OF A MEETING
OF THE
OKLAHOMA NEW MOTOR VEHICLE COMMISSION

In conformity with the Oklahoma Open Meeting Act, advance notice of this Regular meeting was transmitted to the Oklahoma Secretary of State on November 1, 2024. 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 March 10, 2025, prior to 10am, and, announcement of the Board meeting and agenda were posted on the ONMVC website www.omvc.ok.gov on March 10, 2025 prior to 10am.

The Oklahoma New Motor Vehicle Commission met in a Regular Meeting at 10:00 am, March 11, 2025. Chair Curtis Hayes called the meeting to order. A roll call was held; members present were Jim Norton, Seth Wadley, Sam Wampler, Jackie McClintock, Jeromey Clayton, Jeff Johnson and Curtis Hayes. Jared Glover 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 Executive Director, and Niki Batt, Deputy Attorney General.

Hearing in the Matter of the Complaint by M&N Dealerships VI, LLC against American Honda Motor Co., Inc.

The Chair introduced the Hearing in the Matter of the Complaint by M&N Dealerships VI, LLC against American Honda Motor Co., Inc. The Chair stated that the Commission needed to admit Niki Batt as Counsel for the Commission to open the record, rule on motions and answer Commission questions on legal matter. Jim Norton made that motion, seconded by Sam Wampler. The Chair called for a roll call vote; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Motion passed unanimously.

Deputy Attorney General and ONMVC legal counsel Niki Batt called the Hearing to Order at 10:06 am and opened the Hearing Record. The Chair asked if any Commissioner had any conflicts which may prevent a fair and impartial hearing of the matter. When polled, all Commissioners present answered in the negative.

The Chair then asked for the Complainant and Defendant to identify themselves. Complainant M&N Dealerships VI, LLC was represented by Randall K. Calvert and Andrew R. Davis of the Calvert Law Firm with one witness Aarash Ghajar of M&N Dealerships VI, LLC. Ted Moore and John Hunt of Ted Moore Auto Group, were also in attendance. American Honda Motor Co. Inc. was represented by Steven McFarland of Nelson Mullins Riley and Scarborough, LLP and Peyton McMillin, with two witnesses Eric Van Olst and Melissa Piper both from American Honda Motor Co., Inc. The Chairman swore all of the witnesses in together.

Attorneys Randall K. Calvert and Steven McFarland each gave their opening statements regarding a Right of First Refusal issued by American Honda Motor Co., Inc., against M&N Dealerships VI, LLC, dba 6th Avenue Honda in Stillwater Oklahoma.

Attorney Calvert presented his case, along with witness testimony followed by cross examination and rebuttals. Attorney McFarland then presented his case, along with witness testimony followed by cross examination and rebuttals. The Commissioners examined the Exhibits provided by both parties and asked clarifying questions. Both attorneys then gave their closing statements.

Upon completion of the above, a Motion to enter into Executive Session with an amendment to include the Executive Director and Commission Counsel was made by Seth Wadley, seconded by Jeff Johnson. The Chair called for a vote on the motion; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Motion passed unanimously.

After Executive Session, a motion was made by Seth Wadley, seconded by Jim Norton, to reconvene into Open Session. The Chair called for a vote on the motion; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Motion passed unanimously.

Jackie McClintock made a motion, seconded by Jeromey Clayton, to find in favor of Complainant M & N Dealerships VI, LLC, in that American Honda Motor Co., Inc. did not timely exercise it's Right of First Refusal and therefore the Right of First Refusal is not valid as to the Complainant. The Chair called for a vote on the motion; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Motion passed unanimously.

Jackie McClintock presented another motion, seconded by Seth Wadley, that based on the evidence presented, the Commission finds American Honda Motor Co., Inc. engaged in conduct in violation of 47 O.S. Section 565 (A) (9) and imposed a fine of \$10,000.00. The Chair called for a vote on the motion; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Motion passed unanimously.

The Chair asked if there was any further action in the Matter. Seeing none, the Chair shared the procedure for issuance of Finding of Facts and Conclusion of Law and Final Agency Order. That concluded the Hearing.

Hearing in the Matter of the ONMVC Complaint against SK609, LLC dba Kalidy KIA – Advertising Violation.

The Chair introduced the Hearing in the Matter of the ONMVC Complaint against SK609, LLC dba Kalidy KIA for an Advertising Violation. Curtis Hayes made a motion, seconded by Seth Wadley, to admit Sandra LaVenue as Counsel for the Commission to open the Hearing record, rule on motions and answer Commission questions on legal matters. The Chair called for a roll call vote; votes were as follows:

Jim Norton – aye
Seth Wadley - aye
Sam Wampler - aye

Jackie McClintock – aye
Jeromey Clayton – aye

Curtis Hayes – aye
Jeff Johnson- aye

Motion passed unanimously.

Assistant Attorney General and ONMVC Legal Counsel, Sandra LaVenue, called the Hearing to Order at 4:33pm and opened the Hearing Record. The Chair asked if any Commissioner had any conflicts which may prevent a fair and impartial hearing of the matter. When polled, all Commissioners present answered in the negative.

The Chair then asked for the attorneys in this case to identify themselves. Alex Pedraza, Assistant Attorney General and Prosecutor for the ONMVC was present along with his witness, Brad Bailey, ONMVC Executive Director. Attorney Greg Young was present on behalf of Respondent SK609, LLC dba Kalidy Kia, along with his witness Corey Suter, General Manager. Sabih Kalidy and Randhier Ramharakh were also in attendance for Kalidy Kia. The Chairman swore all of the witnesses in together.

Attorney Alex Pedraza explained the Complaint against the Respondent was for an alleged radio advertisement that included a disclaimer that was inaudible. Attorney Pedraza presented his case, introducing several exhibits and questioned the witness. Greg Young, Attorney for the Respondent, then presented his case, introducing exhibits and questioned his witness. Attorney Greg Young requested that Sabih Kalidy be admitted to the witness list and he was subsequently sworn in and provided testimony.

At the end of all testimony, rebuttals, cross examinations, questions from Commissioners and closing statements by both attorneys, the Chair entertained a motion to go into Executive Session. Sam Wampler made that motion, seconded by Jackie McClintock. The Chair called for a vote on the motion; votes were as follows:

Jim Norton – aye
Seth Wadley - aye
Sam Wampler - aye

Jackie McClintock – aye
Jeromey Clayton – aye

Curtis Hayes – aye
Jeff Johnson- aye

Motion passed unanimously.

Upon completion of the Executive Session, a motion was made by Jeff Johnson, seconded by Jim Norton to reconvene into Open Session. The Chair called for a vote on the motion; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Motion passed unanimously.

The Chair asked for a motion on the decision. Jackie McClintock made a motion, seconded by Seth Wadley, to find that the licensee, Kalidy KIA violated O.A.C. 465 15-3-3 as defined by O.A.C 465 15-1-2 and finds that the licensee’s radio advertisement contained inaudible disclosures that were not clear and conspicuous, and that the ad ran in excess of 10,000 times. Therefore, the Commission fined the licensee a sum of \$30,000. The Chair called for a vote on the motion; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Motion passed unanimously.

The Chair asked if there was any further action in the Matter. Seeing none, the Chair shared the procedure for issuance of Finding of Facts and Conclusion of Law and Final Agency Order. That concluded the Hearing.

Each Commission Member had received copies of the **Minutes of the February 11, 2025 Commission Meeting**. Jim Norton made a motion, seconded by Jackie McClintock, to accept the Minutes as presented. The Chair called for a roll call vote; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Review and Action on Claims and Financial Statements for February 2025

The **Claims and Financial Statements** for the month of February 2025 were presented by the Deputy Executive Director. A motion to approve both the payment claims and financial reports, as submitted by the Deputy Executive Director, was made by Jim Norton, seconded by Jeromey Clayton. The Chair called for a roll call vote; votes were as follows:

Jim Norton – aye	Jackie McClintock – aye	Curtis Hayes – aye
Seth Wadley - aye	Jeromey Clayton – aye	Jeff Johnson- aye
Sam Wampler - aye		

Motion passed unanimously.

FINE: Consideration and Action on the following Consent Orders, all for Alleged Advertising Violations:

- \$2000 - Metro Ford, Oklahoma City
- \$2000 - Post Oak Toyota, Midwest City
- \$2000 - Boomer KIA, Oklahoma City
- \$2000 - Classic Chevrolet NW Expy, Oklahoma City

The Director presented information relating to each of the alleged advertising violations listed above. He indicated that each dealer had signed a Consent Order and paid the requisite fine. The Director requested that the advertising violation for Metro Ford be withdrawn until the interpretation of the issue at the center of the proposed violation could be resolved. The Commission may accept or reject any of the fines as presented. At the end of the discussion, Jim Norton made a motion, seconded by Jeromey Clayton, to accept the Consent Orders as presented, with the Metro Ford violation withdrawn. The Chair called for a roll call vote; votes were as follows:

Jim Norton – aye
Seth Wadley - aye
Sam Wampler - aye

Jackie McClintock – aye
Jeromey Clayton – aye

Curtis Hayes – aye
Jeff Johnson- aye

Motion passed unanimously.

Discussion of Advertising Practices and Monthly report by the Director:

The Director presented dealer website research, a summary of efforts to finalize the interpretation of advertising rules, and engagement with the Advertising Committee. The Director also presented the most recent version of the advertising enforcement log. There was discussion among the Commissioners, the Executive Director and Deputy Executive Director regarding broader enforcement and communication directed at dealers, advertising agencies and other market participants.

Director's Report

The Executive Director informed the Commissioners about two new complaints since the last meeting, with one resolved to the satisfaction of the consumer and one closed. There were three carryover complaints from the last meeting, all closed.

The Director provided a legislative report following 22 bills filed with the House/Senate that could have an impact on this agency or the dealer body. Also discussed other bills of interest with the Chair and Commissioners.

Initial License Applications:

The Deputy Executive 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:

MANUFACTURERS / DISTRIBUTORS:

Fetchlight Inc. – Denver, CO
Initial Application for Distributor of Surrón Powersports
Director recommended approval

Terberg Taylor Americas, LLC – Miami, OK
Initial Application for Terberg Taylor Truck
Director recommended approval

DEALERS:

- a. Bell Camper Sales of Tulsa - Catoosa, OK
Addition of BT Cruiser Class B Motor Homes and Travel Lite RV Towables
Director recommended approval
- b. House of Kawasaki – Oklahoma City, OK
Addition of Piaggio Powersports
Director recommended approval
- c. Shawnee Honda Motorsports - Shawnee, OK
Addition of CF Moto Powersports
Director recommended approval
- d. Wall Equip LLC – Clinton, OK
Addition of Can-Am Powersports
Director recommended approval

A motion was made by Jeromey Clayton, seconded by Seth Wadley, to accept the Executive Director’s recommendations for applications “a - d” as submitted. The Chair called for a roll call vote; votes were as follows:

Jim Norton – aye
Seth Wadley - aye
Sam Wampler - aye

Jackie McClintock – aye
Jeromey Clayton – aye

Curtis Hayes – aye
Jeff Johnson- aye

Motion passed unanimously.

Seeing no further **New Business**, the meeting was adjourned at 7:00pm.

Approved by: _____

Date: _____