

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 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 August 12, 2024 prior to 10am, and, announcement of the Board meeting and agenda were posted on the ONMVC website www.omvc.ok.gov on August 12th, 2024 prior to 10am.

The Oklahoma New Motor Vehicle Commission met in a Regular Meeting at 10:00 am, on August 13, 2024. Chair Curtis Hayes called the meeting to order. A roll call was held; members present were Eric Stuteville, Jared Glover, Cassie McGlothlin, Jim Norton, Seth Wadley, Jeff Johnson, Jackie McClintock, and Curtis Hayes. Commissioner Jeromey Clayton was 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, Sandra Balzer, Assistant Attorney General, Kylie Cooper, Assistant Attorney General, Joe E. White Jr. and Kate C. White of White & Weddle, P.C., John Hunt of the Ted Moore Auto Group, Ted Moore of the Ted Moore Auto Group, and Tonya Pogue of the Oklahoma Auto Dealers Association.

Each Commission Member had received copies of the **Minutes** of the July 16th, 2024 Special Commission Meeting and the August 5th, 2024 Special Commission Meetings. Eric Stuteville made a motion, seconded by Jackie McClintock, to accept both Minutes as submitted. The Chair called for a roll call vote; votes were as follows:

Eric Stuteville – aye	Jared Glover - abstain	Cassie McGlothlin – abstain
Jim Norton – aye	Seth Wadley - aye	Jackie McClintock – aye
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed.

Hearing on the Matter of the Complaint against M&N Dealerships XII, LLC dba Metro Ford of OKC – Advertising Violation

Next on the Agenda was a Hearing on the Matter of the Complaint against M&N Dealerships XII, LLC dba Metro Ford of OKC for an Advertising Complaint. Metro Ford of OKC was represented by Joe White of White & Weddle P.C. Prosecuting the Complaint was Sandra Balzer, Assistant Attorney General. Advising the Commission was Kylie Cooper, Assistant Attorney General.

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. No other Commissioner indicated any potential conflict and a quorum of Commissioners was still present.

After the Chair reviewed ONMVC Hearing Rules, Sandra Balzer presented for the Commission and Joe E. White Jr. presented for Metro Ford of OKC. The Complaint alleged that 37 new vehicles were advertised on Metro Ford of OKC's website from March 22, to April 4, 2024, with misrepresented and inflated MSRP amounts. The hearing consisted of presentation of exhibits by counsel for both parties, an opening statement by Sandra Balzer and answers to questions under oath by Brad Bailey. This was followed by a response and cross-examination with questions for Brad Bailey by Joe E. White Jr., followed by testimony by John Hunt and cross-examination of Mr. Hunt by Sandra Balzer and then final statements by Joe E. White Jr. 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, seconded by Eric Stuteville, to enter into Executive Session to engage in deliberation regarding the aforementioned Complaint. The Chair called for a vote on the motion; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - aye	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

The parties were called back into the Hearing room and a motion was made by Jim Norton, seconded by Cassie McGlothlin, to return to open session. The Chair called for a vote on the motion; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - aye	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

Upon re-entering Open Session, Seth Wadley made a motion, seconded by Eric Stuteville to take a 15 minute break. The Chair called for a vote on the motion; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - aye	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

Upon returning from the 15 minute break, a motion was made by Jim Norton, seconded by Cassie McGlothlin, to return to Executive Session. The Chair called for a vote on the motion; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - aye	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

The parties were called back into the Hearing room and a motion was made by Eric Stuteville, seconded by Jeff Johnson to return to Open Session. The Chair called for a vote on the motion; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - aye	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

A motion was made by Cassie McGlothlin, seconded by Jackie McClintock, to fine the Respondent, Metro Ford of OKC, \$18,500 proven by clear and convincing evidence that violations of ONMVC Advertising Rules OAC 465:15-3-6 and OAC 465:15-3-1 did occur. The Chair called for a vote on the motion; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - aye	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

The Chair announced that Board Advisor, Kylie Cooper would prepare a Finding of Facts, Conclusions of Law and Final Agency Order of the Board’s determination. With this, the Hearing was concluded.

Review and Action on Claims and Financial Statements for July

The **Claims** and **Financial Statements** for the month of July 2024 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 Cassie McGlothlin, seconded by Seth Wadley. The Chair called for a roll call vote; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - aye	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

Director’s Report

The Executive Director provided an update on agency efforts related to the Authorized Temporary License Plate Vendor program, agency expansion plan update, an update of other agency activities and an update on advertising committee activities.

The Executive Director informed the Commissioners that there were five new complaints since the last meeting with two closed or resolved to the satisfaction of the consumers. There were also three carryover complaints that were received since the last meeting.

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:

MANUFACTURERS:

- a. Arctic Cat Sales – Thief River Falls, MN
Manufacturer of Arctic Cat Powersports
Director removed application from consideration
- b. Denago EV Corporation – St. Petersburg, FL
Manufacturer of Denago LSVs.
Director recommended approval.
- c. River City Hydraulics – Sherwood, AR
Distributor of Heil Refuse Trucks.
Director recommended approval.
- d. Textron E-Z-Go LLC – Augusta, GA
Manufacturer of E-Z-GO LSVs & Powersports and Cushman LSVs and Powersports.
Director recommended approval.

DEALERS:

- e. Bob Hurley RV Center – Tulsa, OK
Application for Addition of DRV Towables.
Director recommended approval.
- f. Grubbs Chevrolet GMC of Ardmore
Purchase of Existing Dealership – Patriot Chevrolet GMC
Director removed application from consideration
- g. Grubbs Honda of Ardmore
Purchase of Patriot Honda
Director removed application from consideration
- h. John Holt GMC – Chickasha, OK
Purchase of Existing Dealership – Merit GMC
Director recommended approval pending receipt of Dealer Agreement.

- i. River City Hydraulics – Tulsa, OK
Application for New Dealer Point – Heil Refuse Trucks.
Director recommended approval.
- j. Seth Wadley CDJR of Ada – Ada, OK
Purchase of Existing Dealership – Hilltop CDJR
Director recommended approval pending receipt of Dealer Agreement.
- i. Seth Wadley Ford of Ada – Ada, OK
Purchase of Existing Dealership – Fenton Ford of Ada
Director recommended approval pending receipt of Dealer Agreement.
- j. Starwood Powersports – Ardmore, OK
Application for Addition of Kawasaki Powersports
Director recommended approval pending receipt of Dealer Agreement.

A motion was made by Cassie McGlothlin, seconded by Seth Wadley to approve applications b, c,d,e,h,i, and l, subject to the Director's recommendation and pending receipt of any required information. The Chair called for a roll call vote; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - aye	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

A motion was made by Eric Stuteville, seconded by Cassie McGlothlin to approve applications j and k, subject to the Director's recommendation and pending receipt of any required information. The Chair called for a roll call vote; votes were as follows:

Eric Stuteville – aye	Cassie McGlothlin – aye	Jim Norton – aye
Seth Wadley - abstain	Jackie McClintock – aye	
Jeff Johnson – aye	Curtis Hayes - aye	

Motion passed unanimously.

The Chair announced a **New Business** item and requested that allowed and appropriate materials pertinent to Hearings be provided to the Commissioners in advance for review at the same time as agendas and minutes from previous meetings are distributed.

Approved by: _____ Date: _____