

Dealer Details

Volume 15, No. 1

Newsletter of the DMV Business Regulation Section

Spring 2007

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Form 735-7022 (05-2007)

News report shows limits of law on unlicensed car sales

The Kennewick *Tri-City Herald* published a story April 8 about a curbing operation they uncovered in south-central Washington.

The article described their eight-month investigation of a group that was selling vehicles in the Tri-City area of Washington. What makes this story important to Oregon is

the fact that the curbers' base of operation and their source of vehicles is in Oregon.

The individuals were licensed as a dealership in Oregon until Business Regulation suspended their certificate in 2004.

The former dealers know that DMV actively pursues curbers here in Oregon, so they market their vehicles in Washington. The curbers used aliases to buy vehicles at tow auctions in Portland. They transported the vehicles to Hermiston and then sold them to buyers in Washington.

The Oregon DMV was contacted by the reporter prior to the article being published. DMV then called the Washington Department of Licensing and initiated steps to put a stop to this activity. It is not an acceptable business practice in Oregon, Washington or any other state.



The reporter estimated that the curbers had bought at least 60 cars in Oregon that were later sold to people in the Tri-City area of Washington. He said the sales were "cash only" and done in shopping center parking lots.

The curbers used throw-away cell phones, phony names and fictitious stories to sell the cars.

Most curbers are not as sophisticated as this team. They were able to avoid detection by using false identification documents to purchase the vehicles in Oregon and then sold the vehicles in Washington.

Please contact the Oregon DMV if you become aware of this type of activity in your area.

You can read the article online at: www.tri-cityherald.com/tch/local/story/8776571p-8678012c.html.

— Chris Ratliff
DMV Business Regulation

Oregon Dealer Handbook updates for Spring 2007

The April 2007 revision of the Title and Registration Handbook is available to view, print, or copy at www.OregonDMV.com.

This revision updates the January 2007 Handbook.

Dealers may buy a printed copy from one of these organizations:

- Oregon Independent Auto Dealers Association (OIADA), 1-800-447-0302; email: info@OIADA.com; www.oiada.com
- Oregon Vehicle Dealer Association (OVDA), 1-877-541-2277; email: ovda@oregonvda.com; www.oregonvda.com

Changes in the April 2007 Handbook revision are as follows:

Cover Page: Revision date of 04/07.

Chapter G – Operation of Law/Trusts: This chapter was rewritten and reformatted for clarity.

The only revision to information in this chapter is to clarify that when a business trust applies for a vehicle title, DMV normally issues the title in the name of the trust only.

However, DMV will issue the title with the names of the business trust's trustees or nominees, in addition to the name of the business trust, if a copy of

the trust is submitted and the trustees or nominees for the business are named in the trust.

Chapter H – Odometer Disclosure Requirements: This chapter was rewritten and reformatted for clarity.

The only revision to information in the chapter is to clarify that vehicle information on a general power of attorney is not required because it authorizes the agent to act in all matters.

Chapter J – Damaged/Totaled Vehicles: Assembled vehicles must have an odometer message of “not actual” unless the odometer is replaced and set to zero during assembly.

Form 735-6017, *Notice of Vehicle to be Dismantled/Proof of Compliance*, was revised 12/06. An example is included in Chapter J.

Form 735-230, *Application for Replacement Salvage Title*, was revised 2/07. An example of the form and updated instructions for completing the form are included in Chapter J.

Chapter K – Registration: Form 735-268, *Application for Registration or Replacement Plates and Stickers*, was revised 12/06. An example is included in Chapter K.

– Margaret Stephens,
Vehicle Policy

Dealers must retain copies of Trip Permits for five years

Every week at DMV, Business Licensing receives several used Trip Permit books that still contain the blue (gold for recreational vehicle Trip Permits) issuer's copies in the booklet.

The issuer needs to keep those copies for a minimum of five years, according to Oregon administrative rules.

Under section 735-150-0035 of the administrative rules, original records must be maintained for a minimum of two years on the premises of the dealer's main business location.

Further, dealer records must be maintained for an additional three years in any location that is convenient for the dealer, as long as the location is in Oregon.

The issuer's copy of the Trip Permit is part of the dealer records that must be retained.

Please remember to retain the issuer's copies of Trip Permits to meet Oregon record-keeping requirements.

– Chuck Hoffman
Business License Supervisor

Dealers now may do VIN inspections on consigned vehicles

Vehicle dealers now may perform Vehicle Identification Number inspections on vehicles for sale under consignment.

The policy changed since the last

edition of Dealer Details. In the Winter 2007 edition, an article on dealer VIN inspections included a reminder that dealers are not allowed to perform VIN inspections on vehicles on consignment.

Effective immediately, dealers may perform VIN inspections on vehicles that they are selling on consignment.

– Karen Van Luven
Vehicle Policy

Use one-time mailing address carefully

Occasionally, dealers request that a vehicle title be mailed to their own address on behalf of their customer.

This procedure is particularly common with applications for replacement titles.

Both the Application for Title and Registration, Form 226, and the Application for Replacement Title, Form 515, contain an area to indicate a one-time mailing address.

A one-time mailing address will be used only for that single transaction. No other transactions will be mailed to that address.

The one-time mailing address is not retained within DMV systems.

Rather, DMV retains the name and address information for the customer that will be printed on the title.

Therefore, dealers must not put their dealership addresses, or any other incorrect address, in the form's boxes for registered owner or security interest holder address. This would cause that customer's address to be changed to the dealer's address for all of the customer's DMV business.

If the title is to be mailed to the dealership, the dealer must use the form's

box for the one-time mailing address. Be sure to include "c/o" along with the dealership name in the one-time mailing box.

If a dealer uses DMV's expedite service for vehicles subject to odometer reporting, the Expedite Desk will not assume that the title is to be mailed to the requesting dealer. Even with the expedite service, the dealer must include the one-time mailing address on the application to ensure that the title is mailed to the dealership.

– Cindi Hormann
Vehicle Programs

Oregon Dealer Advisory Committee is link to DMV

The Oregon Dealer Advisory Committee is dealers' direct connection to DMV. Licensed dealers may attend committee meetings or contact any of the sitting members to make suggestions and voice concerns.

The committee's membership consists of industry representatives who will voice their business needs at the bimonthly meetings with DMV.

The committee has two individuals who represent franchise dealers, two who represent dealers of used vehicles, two who represent vehicle dismantlers, two who represent the interests of the general public, one who represents recreational vehicle dealers, one who represents vehicle dealership office management interests, one who represents auto auctions, and one who represents Oregon towing businesses.

DMV seeks input from ODAC members before adopting administrative rules, taking disciplinary

action against a licensee and changing internal procedures that could affect member businesses. Members who

have issues or would like to discuss a problem should start by contacting one of the ODAC representatives.

2007 ODAC members

These are the Oregon Dealer Advisory Committee members:

CHAIR

Lisa Larkin

Northwest Auto Auction

MEMBERS

Craig Lundskog

Premier Auto Group

Steve Curry

Heritage Motors

Mary Davis

Toyota of Gladstone

Art Ebelmesser

Oregon Department of Justice

Mark Forcum

LKQ Foster Auto Parts

Paul Gustafson

Auto Save/Auto Safe

Roger Kirschner

Highway Trailer Sales

Don Lulay

Lulay's Car Connection

Mary Ann Trout

Hillsboro Auto Wrecking

Michael Wagner

Santiam Enterprises

David Withnell

Withnell Motor Company

Dealer Sanctions

Dealer	City	Violations Found	Offense Count	Amount
Civil Penalties				
Yacht Spot Inc	Portland	Failure to have consignment agreement in writing	3	\$4,000
		Failure to pay consignee within 10 days	2	\$4,000
		Failure to provide title to purchaser within 30 days	3	\$500
		Failure to provide purchaser with consignment disclosure	3	\$3,000
Jeffrey Breese	Bend	Failure to submit title and application fees to DMV within 30 days	1	\$6,000
Matthew P Marin dba	Beaverton	Forging altering or unlawfully producing or using titles/registration	1	\$5,000
Marlin Motorworks		Forging altering or unlawfully producing or using titles/registration	1	\$5,000
(3 Year Suspension)		Making a false statement of material fact in an application for title	1	\$8,000
		Making a false statement of material fact	1	\$500
All Star Dealer LLC	Vernonia	Failure to submit title and application fees within 30 days	2	\$7,500
(1 Year Probation/Suspension of Agent Status)		Failure to maintain records of title delivery	2	\$500
		Making a false statement of material fact in a DMV document	1	\$14,500
Tech Auto & Division Inc dba	Portland	Failure to submit title and application fees within 30 days	2	\$250
Elite Motors		Making a false statement of material fact in an application for title	1	\$3,000
(3 Year Suspension)		Knowingly swearing or affirming falsely to any matter or thing relating to the titling of vehicles	1	\$3,000
D & R Motors LLC	Enterprise	Failure to satisfy interest in a vehicle within 15 days	1	\$1,000
D and R Ford Mercury of Enterprises LLC dba	Enterprise	Failure to satisfy interest in a vehicle within 15 days	1	\$2,000
D and R Ford Mercury			1	2
West Coast Auto LLC	Portland	Failure to obtain a corrected dealer certificate	1	\$500
Karla Patricia Gaitan dba	Portland	Failure to display an exterior sign	2	\$250
Kairnd Auto Sales		Failure to maintain proper records	2	\$2,250
Source One Auto LLC	Milwaukie	Making a false statement of material fact in an application for title	1	\$1,000
E-LUX Motors Inc	Portland	Failure to obtain a corrected dealer certificate	1	\$500
		Making a false statement of material fact in an application for title	1	\$500
D & T Holding Company dba	Portland	Failure to satisfy interest in a vehicle within 15 days	1	\$3,000
A & R Wholesale Auto Sales			1	3
Ronald and Bree Narramore dba	Reedsport	Failure to submit title and application fees within 30 days	2	\$250
Allans Auto Sales			2	1
Gresham Dodge Inc	Gresham	Failure to provide ownership documents to purchaser within 25 days	2	\$250
Gemco Enterprises Inc dba	Portland	Failure to obtain a corrected dealer certificate	2	\$1,000
Gateway Auto Brokers		Failure to allow an inspection during normal business hours	1	\$1,000
(Suspension)			1	1
Convention Center Auto Wholesale Inc	Pendleton	Failure to furnish a title to purchaser within 90 days	2	\$250
Comrie Chevrolet Honda Honda dba		Late Renewal	1	\$100
Comries			1	1
Michael Beber dba	Portland	Failure to provide ownership documents to purchaser within 25 days	2	\$250
Payless Auto Sales			2	1
Jesse James Ephrem dba	Salem	Failure to submit title and application fees within 30 days	2	\$750
Lancaster Motors			2	3
South Coast Holdings Inc dba	Brookings	Failure to satisfy interest in a vehicle within 15 days	1	\$1,000
Bookings Harbor Ford			1	1
Quality RV Inc	Portland	Failure to satisfy interest in a vehicle within 15 days	2	\$2,000
Vahid Tajadod dba	Portland	Failure to submit title and application fees within 30 days	2	\$500
82nd Auto Mall			2	2
Feenaughy Machinery Co	Portland	Late Renewal	1	\$100
Bob Wirth Motors Inc	Tillamook	Late Renewal	1	\$100
Bobby Ephrem dba	Eugene	Late Renewal	1	\$100
Bls Cars			1	1
Robert Johnson	Ontario	Late Renewal	1	\$100
Canyon Village Auto			1	1
UNLICENSED DEALERS				
Timothy Richard Robson	Salem	Acting as a vehicle dealer without a current dealer certificate	1	\$40,000
Shoaeedin Sadeghi dba	Grants Pass	Acting as a vehicle dealer without a current dealer certificate	1	\$30,000
S M Auto Sales			1	12

Note: Fines and sanctions for dealers and unlicensed dealers may not reflect settlements.