

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Hon. Deborah Brooks Durden, Administrative Law Judge

SC Court of Appeals Case No. 2018-001788

Toyota of Greer..... Appellant,

v.

South Carolina Department of Motor Vehicles..... Respondent.

RECORD ON APPEAL – VOL. II

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JUN 20 2019

SC Court of Appeals

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Nikki R. Haley
Governor



Kevin A. Shundo
Executive Director

State of South Carolina
Department of Motor Vehicles

August 2, 2016

TOYOTA OF GREER
13770 EAST WADE HAMPTON BOULEVARD
GREER, SC 29651

CUSTOMER NO: 30343986

DEALER LICENSE NO: 30643

DEAR CUSTOMER:

This letter pertains to your dealer license only, and is to inform you of your present standing under the Dealer License Sanction Policy and its Point System.

Our records now indicate that your dealer license has accumulated a total of 08 points for department determination of dealer license violations. Any point violations more than one year ago have been decreased in point value by one half and any point violations posted over two years ago have no current point value and are not listed below. Certain serious dealer licensing law violations may result in the cancellation, suspension, or revocation of your dealer license and are not under the Point System nor are violation points shown that have previously been used towards a suspension.

If you accumulate 12 points, you will receive a suspension letter either for seven days for the first accumulation of 12 points or thirty days for a second accumulation of 12 points during a three year period. A third accumulation of 12 points during a three year period will result in revocation of your dealer license.

Your dealer license record now contains dealer license violations posted on the dates shown, with their current point values:

POST DATE	PTS	REFERENCE#	VIOLATION
02/02/2016	04	15/1168-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)
07/27/2016	04	16/664-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)

THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Dealer License Manager

000431

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles

Inspector General

Post Office Box 1498, Blythewood, South Carolina 29016

Nikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

February 5, 2016

TOYOTA OF GREER
13770 EAST WADE HAMPTON BOULEVARD
GREER, SC 29651

CUSTOMER NO: 30343986

DEALER LICENSE NO: [REDACTED] 3

DEAR CUSTOMER:

This letter pertains to your dealer license only, and is to inform you of your present standing under the Dealer License Sanction Policy and its Point System.

Our records now indicate that your dealer license has accumulated a total of 06 points for department determination of dealer license violations. Any point violations more than one year ago have been decreased in point value by one half and any point violations posted over two years ago have no current point value and are not listed below. Certain serious dealer licensing law violations may result in the cancellation, suspension, or revocation of your dealer license and are not under the Point System nor are violation points shown that have previously been used towards a suspension.

If you accumulate 12 points, you will receive a suspension letter either for seven days for the first accumulation of 12 points or thirty days for a second accumulation of 12 points during a three year period. A third accumulation of 12 points during a three year period will result in revocation of your dealer license.

Your dealer license record now contains dealer license violations posted on the dates shown, with their current point values:

POST DATE	PTS	REFERENCE#	VIOLATION
06/30/2014	02	14/724-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)
02/02/2016	04	15/1168-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)

THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Dealer License Manager

000432
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with the South Carolina Department of
Motor Vehicles

[Signature]
Inspector General

Post Office Box 1498, Blythewood, South Carolina 29016

Nikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

07/03/2014

TOYOTA OF GREER
13770 EAST WADE HAMPTON BOULEVARD
GREER, SC 29651

CUSTOMER NO: 30343986

DEALER LICENSE NO: 3 [REDACTED]

DEAR CUSTOMER:

This letter pertains to your dealer license only, and is to inform you of your present standing under the Dealer License Sanction Policy and its Point System.

Our records now indicate that your dealer license has accumulated a total of 06 points for department determination of dealer license violations. Any point violations more than one year ago have been decreased in point value by one half and any point violations posted over two years ago have no current point value and are not listed below. Certain serious dealer licensing law violations may result in the cancellation, suspension, or revocation of your dealer license and are not under the Point System nor are violation points shown that have previously been used towards a suspension.

If you accumulate 12 points, you will receive a suspension letter either for seven days for the first accumulation of 12 points or thirty days for a second accumulation of 12 points during a three year period. A third accumulation of 12 points during a three year period will result in revocation of your dealer license.

Your dealer license record now contains dealer license violations posted on the dates shown, with their current point values:

POST DATE	PTS	REFERENCE#	VIOLATION
10/19/2012	02	10437-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)
06/30/2014	04	14/724-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)

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THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Dealer License Manager

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with the South Carolina Department of
Motor Vehicles.

Inspector General

Post Office Box 1498, Blythewood, South Carolina 29016

Nikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

10/23/2012

TOYOTA OF GREER
13770 EAST WADE HAMPTON BOULEVARD
GREER, SC 29651

CUSTOMER NO: 30343986

DEALER LICENSE NO: 3 [REDACTED]

DEAR CUSTOMER:

This letter pertains to your dealer license only, and is to inform you of your present standing under the Dealer License Sanction Policy and its Point System.

Our records now indicate that your dealer license has accumulated a total of 08 points for department determination of dealer license violations. Any point violations more than one year ago have been decreased in point value by one half and any point violations posted over two years ago have no current point value and are not listed below. Certain serious dealer licensing law violations may result in the cancellation, suspension, or revocation of your dealer license and are not under the Point System nor are violation points shown that have previously been used towards a suspension.

If you accumulate 12 points, you will receive a suspension letter either for seven days for the first accumulation of 12 points or thirty days for a second accumulation of 12 points during a three year period. A third accumulation of 12 points during a three year period will result in revocation of your dealer license.

Your dealer license record now contains dealer license violations posted on the dates shown, with their current point values:

POST DATE	PTS	REFERENCE#	VIOLATION
04/26/2012	04	9966-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)
10/19/2012	04	10437-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)

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THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Dealer License Manager

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Motor Vehicles.

Inspector General

Mikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

05/03/2012

Toyota of Greer
13770 East Wade Hampton Boulevard
GREER, SC 29651

CUSTOMER NO: 30343986

DEALER LICENSE NO: 3 [REDACTED]

DEAR CUSTOMER:

This letter pertains to your dealer license only, and is to inform you of your present standing under the Dealer License Sanction Policy and its Point System.

Our records now indicate that your dealer license has accumulated a total of 04 points for department determination of dealer license violations. Any point violations more than one year ago have been decreased in point value by one half and any point violations posted over two years ago have no current point value and are not listed below. Certain serious dealer licensing law violations may result in the cancellation, suspension, or revocation of your dealer license and are not under the Point System nor are violation points shown that have previously been used towards a suspension.

If you accumulate 12 points, you will receive a suspension letter either for seven days for the first accumulation of 12 points or thirty days for a second accumulation of 12 points during a three year period. A third accumulation of 12 points during a three year period will result in revocation of your dealer license.

Your dealer license record now contains dealer license violations posted on the dates shown, with their current point values:

POST DATE	PTS	REFERENCE#	VIOLATION
04/26/2012	04	9966-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)

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THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Dealer License Manager

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

For L. L. McLeary
Inspector General

Post Office Box 1498, Blythewood, South Carolina 29016



Return to DMV #5

**SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
PROCEDURE DE-002 – DEALER SANCTIONS**

Procedure DE-002

TITLE: Dealer Sanctions

SECTION OF LAW: §31-17-560, §56-3-2380, §56-15-350, §56-16-180

LEGAL AUTHORITY: §56-1-5 South Carolina Code of Laws

PROCESS REFERENCE: N/A

EFFECTIVE DATE: 10/17/2016

REPLACES PROCEDURE DATED: 05/20/2013

RELATED PROCEDURES: N/A

PROCEDURE ESTABLISHMENT DATE:
11/02/2009

CONTACT/TELEPHONE:
Dealer Licensing Unit (803) 896-2611

PROCEDURE SUMMARY

DESCRIPTION: To set forth guidelines for the application and administration of sanctions for dealers who are not in compliance with the minimum statutory requirements or who have willfully committed violations of law.

APPLIES TO: All Dealers, Wholesalers, Transporters, and Wholesale Motor Vehicle Auctions.

EXCEPTIONS: N/A

AFFECTED PARTIES: Dealers

REQUIRED ACTION:

- Managers are required to have employees read this procedure and complete the electronic Policy/Procedure Acknowledgement on the Intranet if it applies to the employee's job duties. Supervisors/managers must maintain Policy/Procedure Acknowledgement reports for their areas.
- Employees are responsible for reading, electronically acknowledging and following this procedure if it applies to your job duties.

ATTACHMENTS: DE-002A "Dealer Compliance Violation Sanction Table"
DE-002B "Dealer Performance Violation Sanction Table"
DLA-9 "Motor Vehicle Dealer/Wholesaler Sanction Report"

APPLICABLE FEES: N/A

APPROVED BY:

Inspector General

DMV Director

Date Signed: October 17, 2016

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**SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
PROCEDURE DE-002 – DEALER SANCTIONS**

CHANGE HISTORY

Date	Version	Page Number	Description
10/17/2016	DE-002.3	8	General Counsel will only serve on the review board in an advisory capacity.
05/20/2013	DE-002.2	ALL	Changed \$150 non-refundable filing fee to \$200. Changed Division of Motor Vehicle Hearings to Office of Motor Vehicle Hearings.
07/07/2011	DE-002.1	N/A	Changed: Converted from policy to procedure with no changes.
08/01/2009	NEW	ALL	To set forth guidelines for the application and administration of sanctions for dealers who are not in compliance with the minimum statutory requirements or who have willfully committed violations of law.

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**SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
PROCEDURE DE-002 – DEALER SANCTIONS**

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SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES PROCEDURE DE-002 – DEALER SANCTIONS

SECTION I: DEFINITIONS

Audit refers to an independent review and examination of records and activities to assess the adequacy of system controls to ensure compliance with established policies and operational procedures.

Cancelled or Cancellation refers to the indefinite suspension of a dealer license and/or dealer plates from operating status for a compliance violation(s).

Compliance Violation refers to failing to maintain minimum statutory requirements required of a dealer, wholesaler, or wholesale motor vehicle auction license.

Dealer Chapter Violation refers to the South Carolina statute in the dealer licensing chapter that the Department of Motor Vehicles (DMV) has determined the applicant, licensee, or authorized agent has violated.

Denied refers to the refusal to issue a license until compliance with state law or DMV procedure is established.

Fraud refers to Fraud," shall include, in addition to its normal legal connotation, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; and an intentional failure to disclose a material fact.

Inspection to obtain License refers to an initial inspection of an applicant's business in order to obtain an operating license as a licensed dealer, wholesaler, or wholesale motor vehicle auction.

Open Title refers to a title that has the seller's signature, but no assignment to buyer or buyer's signature.

Other Records Violations refers to, but are not limited to, errors or omissions on transactions regarding incoming or outgoing document(s) (title or Bill of Sale), acquisition or sale dates, vehicle identification number, make, model, type of body, incoming or outgoing odometer readings, or correct name and address of person vehicle acquired from and transferred to. Other record violations do not include possession of an open title, altering documents to avoid or delay registration by purchaser, fraudulent records, failure to return certificate of title to the DMV for junked or salvaged vehicle, records not available upon demand of DMV, or refusal to allow inspection of records by an agent of the DMV.

Performance Violation refers to a breach of state statute related to dealer, wholesaler, or wholesale motor vehicle auction operations.

Revocation refers to an act or instance where a license is taken for an indefinite period of time based on performance violation(s).

Sale out of Trust refers to when a dealer sells a vehicle and fails to pay a financial obligation in order to obtain a title.

Sanction Authority refers to the South Carolina statute that allows a dealer license to be denied, suspended, or revoked upon the determination of the DMV that the applicant, dealer, or authorized agent has committed a prohibited act.

Specific Criminal Violation refers to the South Carolina statute that a licensee would be prosecuted under if a criminal charge was made.

Suspension refers to action taken to remove the license from operating status for a specified period of time.

Willful Failure to Deliver Title refers to the failure of a dealer to execute an assignment of title to the buyer and deliver the title to the buyer or the department within 45 days of the date of sale when the prior seller or lien holder has delivered the title as required by law.

SECTION II: PURPOSE/BACKGROUND

To establish uniform guidelines for the application and administration of sanctions for dealers, wholesalers, transporters, and wholesale motor vehicle auctions who violate rules, regulations, procedure, or law.

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SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES PROCEDURE DE-002 – DEALER SANCTIONS

SECTION III: GENERAL GUIDELINES

A. COMPLIANCE FOR DEALERS

1. The Dealer Licensing and Audit Unit is responsible for monitoring compliance with laws and rules relating to the operation of motor vehicle dealers, wholesalers, transporters, and wholesale motor vehicle auctions.
2. A dealer application or its renewal will not be approved unless the applicant meets all DMV and statutory requirements. See Paragraph E below of this section regarding denials.
3. A separate license is required for motor vehicle dealers, motorcycle dealers, and wholesale motor vehicle auctions. Travel trailers may be sold under a motor vehicle dealer, travel trailer dealer license, or wholesale motor vehicle auction license, but not a motorcycle dealer license. Dealers selling or offering to sell vehicles without the proper license are subject to criminal charges for selling without a proper dealer license.
4. **Expired dealer license:** There is no statutory authority allowing a dealer to continue to sell or offer to sell vehicles to the public after the dealer license expires or is otherwise denied, cancelled, suspended, or revoked. The DMV requires expired, denied, cancelled, suspended, or revoked dealers that desire to dispose of vehicles to do so at a wholesale motor vehicle auction in accordance with South Carolina statute §56-15-540. Expired, denied, cancelled, suspended, or revoked dealers who sell or offer to sell vehicles to the public are subject to criminal charges for not having a valid dealer license.
5. **Late renewals:** The new expiration date on any late renewal, regardless of when renewed, will remain the same as if the dealer had renewed prior to expiration of the license. Dealers who renew their dealer license within 90 days of expiration may do so without any additional requirements. Dealers who renew a dealer license that has been expired in excess of 90 days are required to submit a new application along with proof of surety bond continuation to the DMV's Dealer Licensing and Audit Unit in Blythewood. This packet should also consist of insurance information and documentation of the prior dealer license year sales transactions if dealer plates are being requested.
6. Failure of a dealer, wholesaler, transporter, or wholesale motor vehicle auction to comply with South Carolina laws and rules may result in the dealer license being cancelled, suspended, or revoked.

B. AUDITS

1. A DMV Dealer Licensing and Audit Unit agent will conduct audits for compliance.
2. The agent will audit records to determine if the dealer submitted title work in a timely manner, submits DMV Form 4031 Bill of Sale, and keeps adequate organized records of transactions. The agent will also audit other areas for compliance as specified in state law and in accordance with DMV procedure. An outline of these requirements is listed in the Dealer and Wholesaler Manual, which is located on DMV's website located at www.scdmvonline.com and the DMV's Intranet.
3. If the audit reveals violations, the agent may inspect additional previous records up to five (5) years in the case of Wholesale Motor Vehicle Auctions and up to four (4) years for dealers/wholesalers. Additionally, an agent may conduct such follow-up audits as the DMV or agent deem necessary to insure deficiencies have been corrected and additional violations do not occur.
4. Upon completion of the audit, the agent will complete DMV Form DLA-2 "Licensed Dealer Auditors Report" detailing any deficiency(ies) found. For additional information regarding audits, refer to Section III of the Dealer and Wholesaler Manual.
5. If a deficiency(ies) was discovered, the agent will complete DMV Form DLA-9 "Sanction Report" for review, approval, and sanction assessment by the Dealer Licensing and Audit Unit in Blythewood. Refer to paragraph D below for additional information.

C. COMPLAINTS

1. The DMV Dealer Licensing and Audit agents conduct administrative investigations resulting from complaints against dealers, wholesalers, and wholesale motor vehicle auctions. Complaints are initiated

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SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES PROCEDURE DE-002 – DEALER SANCTIONS

utilizing DMV Form DLA-5 "Dealer Complaint" which is available on DMV's Intranet and web site located at www.scdmvonline.com. For additional information regarding complaints, refer to the Dealer and Wholesaler Manual which is also available online.

2. **Willful Failure to Deliver Title Complaints:** Dealers are required to execute an assignment of title to the buyer and deliver the title to the buyer or the DMV within 45 days of the date of sale. The "failure to deliver title violation" is not considered willful if the dealer can provide a written statement, which is substantiated by a Dealer Licensing and Audit Unit agent identifying a prior seller or lien holder who has failed to deliver the title as required by law. It is considered a willful failure to deliver title in the case of a dealer who cannot obtain a title because the dealer has sold out of trust. A dealer who sells a vehicle on credit accepting regular payments, commonly referred to as a "buy here, pay here" dealer, is required to execute an assignment of title to the buyer and deliver the title to the buyer or DMV within 45 days of the date of sale in the same manner as any other seller.
3. Upon completion of the administrative investigation, the Dealer Licensing and Audit agent will complete DMV Form DLA-5A "Investigation of Complaint Regarding Dealer/Wholesaler" providing the results of the investigation. If the administrative investigation reveals violations, the Dealer Licensing and Audit agent will complete DMV Form DLA-9 "Sanction Report."
4. The Dealer Licensing and Audit agent will forward DMV Form DLA-5 "Dealer Complaint" and accompanying documentation through his/her designated chain of command to the Dealer Licensing and Audit Unit in Blythewood for review, approval, and sanction assessment. Refer to paragraph D below for additional information.

D. HEADQUARTERS REVIEW AND SANCTION APPROVAL

1. In cases of compliance violation(s), the Dealer Licensing and Audit Unit Manager or designee, will review and approve the cancellation of a license, permit, or plates in accordance with paragraph F below.
2. In cases of a performance violation(s), the Dealer Licensing and Audit Unit Manager or designee will review and, if approved, assess points to the dealer license utilizing DMV Form DE-002B, "Performance Sanctions/Violations."
3. Upon the assessment of points to a dealer's license, the dealer will be sent correspondence from the DMV notifying the dealer of the sanction authority and dealer chapter violation. The correspondence will also reflect the assessed points of the new violation(s) along with the total number of points currently assessed against the dealer's license. This correspondence will advise the licensee that the accumulation of 12 points will result in a suspension of the dealer license.
4. To ensure uniformed, fair, impartial, and thorough audits, complaint investigations, and assessment of sanctions, the Dealer Licensing and Audit Unit will adhere to documented business process.

E. DENIED

1. If a dealer applicant fails to meet minimum requirements for obtaining a dealer license, the request or renewal will be denied.
2. The DMV will notify the applicant in writing, at the mailing address provided in the application, of the denial. The applicant will be provided with the reason(s) for denial and be informed that s/he may resubmit an application for reconsideration if the applicant corrects the noted deficiency(ies).
3. A dealer applicant who has been denied a license will also be advised of the opportunity for a hearing pursuant to the Administrative Procedures Act of this State. Refer to paragraph J below for additional information.

F. CANCELLATION

1. The license or permit of a dealer, wholesaler, transporter, or wholesale motor vehicle auction may be cancelled due to compliance violation(s) upon the approval of the Dealer Licensing and Audit Unit Manager



SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES PROCEDURE DE-002 – DEALER SANCTIONS

or designee. See DMV Form DE-002A, Dealer Compliance Violation Sanction Table for compliance violations.

2. If a license or permit is cancelled, it will be reinstated as soon as the DMV is satisfied that the violation or deficiency(ies) has been corrected. In order to be reinstated, the licensee must comply with the requirements noted in the cancellation letter and contact the Dealer Licensing and Audit Unit requesting re-inspection, if applicable, and reinstatement. Refer to paragraph J below for additional information.

G. SUSPENSION

1. The DMV has established a point system for evaluating the operational record of a dealer, wholesaler, or wholesale motor vehicle auction to whom a license to sell motor vehicles has been granted and the continuing qualifications of these licensees to sell motor vehicles.
2. In computing the total number of points for violations committed, violations will be counted at their assigned value for 12 months after being posted to the dealer's record, at one half their assigned value over 12 to 24 months from being posted to the dealer's record. Points resulting from violations which occurred more than 24 months from being posted to the dealer's record will not be counted.
3. When a dealer, wholesaler, or wholesale motor vehicle auction license is suspended for points established by this procedure, the points used in the suspension will be disregarded as any subsequent suspension. Any points from a violation in excess of the 12 points used for a point suspension will count towards any future accumulation of 12 points.
4. The DMV will suspend, for a period of 7 days, the license of any dealer, wholesaler, or wholesale motor vehicle auction that accumulates 12 points.
5. The DMV will suspend, for a period of 30 days, the license of any dealer, wholesaler, or wholesale motor vehicle auction on a second accumulation of 12 points within a three year period from the end date of the prior suspension.
6. On the third accumulation of 12 points within a three-year period from the end date of the first suspension, the DMV may revoke the license of any dealer, wholesaler, or wholesale motor vehicle auction.
7. Prior to the issuance of an Official Order of Suspension for a seven (7) day period as the result of points assessment, the Dealer Licensing and Audit Unit Manager will perform a review of the dealer's record insuring the appropriateness and sustainability of the violations whose points assessment are causing the suspension prior to approving the suspension.
8. Prior to the issuance of an Official Order of Suspension for a 30 day period as the result of points assessment, the DMV's Dealer Sanction Review Board will perform a review of the dealer's record insuring the appropriateness and sustainability of the violations whose points assessment are causing the suspension prior to approving the suspension.
9. The DMV will forward any Official Notice of Suspension at least 20 days in advance of the effective date and will provide the licensee an opportunity for a hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall request it in writing within ten (10) days of receiving notice of the proposed suspension. The request for a hearing must be mailed to Office of Motor Vehicle Hearings, Edgar A. Brown Building, 1205 Pendleton Street, Suite 325, Columbia, SC 29201 along with a \$200 non-refundable filing fee.

H. REVOCATION

1. The DMV Dealer Licensing and Audit Unit will revoke the license of any dealer, wholesaler, or wholesale motor vehicle auction for:
 - a. Conviction of any violation of law involving the theft or possession of a stolen vehicle, involvement with a chop shop, or of any violation of law involving tampering with, altering, or removing vehicle identification numbers or markings.



SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES PROCEDURE DE-002 – DEALER SANCTIONS

- b. Court finding (administrative, civil, or criminal) having violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motor vehicle odometer.
2. The DMV's Dealer Sanction Review Board may approve the license revocation of any dealer, wholesaler, or wholesale motor vehicle auction for other serious violations. Refer to paragraph 1 below for additional information.
3. The DMV will forward any Official Notice of Revocation at least 20 days in advance of the effective date to the licensee. The licensee will be given the opportunity to request a hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall request it in writing within ten (10) days of receiving notice of the proposed suspension. The request for a hearing must be mailed to Office of Motor Vehicle Hearings, Edgar A. Brown Building, 1205 Pendleton Street, Suite 325, Columbia, SC 29201 along with a \$200 non-refundable filing fee.

DEALER SANCTION REVIEW BOARD

1. The DMV's Dealer Sanction Review Board consists of the following individuals or designee:
 - a. Inspector General
 - b. Dealer Licensing and Audit Unit Manager or designee
 - c. General Counsel (advisory capacity only)
2. The review board may revoke or suspend without the accumulation of any points a dealer, wholesaler, or wholesale motor vehicle auction license or assess points against the license, as it deems appropriate, for any of the following:
 - a. Conviction of any violation of law involving the acquisition or transfer of a title to a vehicle.
 - b. Court finding (administrative, civil, or criminal) of having committed any fraud connected with the sale or transfer of a vehicle.
 - c. DMV finding of having employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State.
 - d. Engaged in any action which is arbitrary, in bad faith, or unconscionable and which causes damage to any of the parties or to the public. **This includes selling out of trust.**
 - e. Refusal to allow inspection of records by DMV agent.
 - f. Operated while dealer, wholesaler, or wholesale motor vehicle auction license is under suspension.
 - g. Wholesaler selling retail.
 - h. Accumulation of 25 or more Other Records Violations during the dealer's license year in excess of 1% of the dealer's transactions completed in Phoenix during the previous year or ten (10), whichever is less.
3. The review board will approve the suspension of a dealer, wholesaler, or wholesale motor vehicle auction license for a period of 30 days after the board reviews and is satisfied that the licensee has accumulated an additional 12 points within a three-year period after the end date of an initial point suspension.
4. The review board will approve the revocation of a dealer, wholesaler, or wholesale motor vehicle auction license after the board reviews and is satisfied that the licensee has a third accumulation of 12 points within a three-year period.
5. The review board will convene in a timely manner upon request of the Dealer Licensing and Audit Unit Manager to review any infraction contained in this paragraph. DMV Form DLA-9 "Motor Vehicle Dealer/Wholesaler Sanction Report" will be utilized to document any sanction approved by the review board.
6. Upon request by the Executive Director or the Dealer Licensing and Audit Unit Manager, the review board will review other referred violations and impose appropriate sanction.



SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES PROCEDURE DE-002 – DEALER SANCTIONS

J. REINSTATEMENT

1. Cancellations

- a. If a cancellation was due to non-compliance with a site requirement (bona fide established place of business, sign, lot, building, office space, etc.), then a reinstatement inspection to insure compliance with the specific site requirement discrepancy is required prior to reinstatement of the license.
- b. If the cancellation was due to the dealer ceasing to do business or in the case of a motor vehicle dealer's principle business was not buying, selling or exchanging vehicles, then a complete audit is required prior to reinstatement of the license.
- c. In the case of a cancellation for failing to meet the minimum licensing requirements of a dealer, wholesaler, or wholesale motor vehicle auction, the Dealer Licensing and Audit Unit at Blythewood may accept appropriate documentation to reinstate for cancellations that do not require a reinstatement inspection or audit (e.g., documentation of Surety Bond, Liability Insurance, Retail Sales License, etc.).

2. Suspensions

In the case of a suspension, the dealer license will be returned to active status at the end of the suspension period unless otherwise expired, cancelled, suspended, or revoked.

3. Revocations

- a. The license of a dealer, wholesaler, or wholesale motor vehicle auction that has been revoked will not be reinstated.
- b. An owner of a revoked dealership is not eligible to be an owner or co-owner of any licensed dealership.

K. APPEALS

Any licensed dealer, wholesaler, or wholesale motor vehicle auction whose license is denied, suspended, or revoked is entitled to a hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall request it in writing within ten (10) days of receiving notice of the proposed denial, suspension, or revocation. The request for a hearing must be mailed to the Office of Motor Vehicle Hearings, Edgar A. Brown Building, 1205 Pendleton Street, Suite 325, Columbia, SC 29201 along with a \$200 non-refundable filing fee.

L. CONVERSION OF EXISTING SANCTION TO POINTS

1. The highest level of warning issued under the previous sanction procedures within a three (3) year period that did not lead up to and result in a suspension would be converted to points with a posting date matching the warning date:

LEVEL OF WARNING	POINTS
Verbal	2
Level One – Written Warning	4
Level Two – Written Warning	6

2. Only the highest warning received by a dealer will be converted to points. A dealer with a verbal, level I and level II warnings will only receive the six (6) points for the level two warning and the other warnings would not be converted.

000444

DE-002A DEALER COMPLIANCE VIOLATION SANCTION TABLE

S.C. CODE OF LAWS A) Sanction Authority D) Dealer Chapter Violation V) Specific Criminal Violation	VIOLATION TYPE AND SANCTION	MOTOR VEHICLE S. C. CODE OF LAW	MOTOR- CYCLE S. C. CODE OF LAW	TRAVEL TRAILER S. C. CODE OF LAW	WHOLESALE AUTO AUCTION S. C. CODE OF LAW	TRANS- PORTER S. C. CODE OF LAW
VIOLATION						
Business						
No bonafide established place of business	Compliance Denial or Cancellation	A) 56-15-350(b) D) 56-15-330(1) V) N/A	A) 56-16-180(b) D) 56-16-160(1) V) N/A	A) 31-17-560(b) D) 31-17-540(1) V) N/A	A) 56-15-350(b) D) 56-15-560 V) N/A	A) 56-3-2380 D) 56-3-2350(1) V) N/A
Principle business is not buying, selling or exchanging vehicles	Compliance Denial or Cancellation	A) 56-15-350(b) D) 56-15-330(1) V) N/A	N/A	A) 31-17-560(b) D) 31-17-540(1) V) N/A	N/A	N/A
Dealer has ceased doing business	Compliance Cancellation	A) 56-15-350(b) D) 56-15-320(d) V) N/A	A) 56-16-180(b) D) 56-16-150(4) V) N/A	A) 31-17-560(b) D) 31-17-530(4) V) N/A	A) 56-15-350(b) D) 56-15-560 V) N/A	A) 56-3-2380 D) 56-3-2360 V) N/A
Licensee operating at address different than indicated on application & license	Compliance Denial or Cancellation	A) 56-15-350(b) D) 56-15-320(b) V) 56-15-310(a)	A) 56-16-180(b) D) 56-16-150(3) V) 56-16-140(a)	A) 31-17-560(b) D) 31-17-530(3) V) 31-17-520(1)	A) 56-15-350(b) D) 56-15-580 V) 56-15-560	A) 56-3-2360 D) 56-3-2360 V) 56-3-2360
No Department of Revenue Retail License (Dealers)	Compliance Denial or Cancellation	A) 56-15-350(b) D) 56-15-320(a) V) N/A	A) 56-16-180(b) D) 56-16-150(1) V) N/A	A) 31-17-560(b) D) 31-17-530(1) V) N/A	N/A	N/A
No Department of Revenue Retail License or Exemption Certificate (Wholesalers)	Compliance Denial or Cancellation	A) 56-15-350(b) D) 56-15-320(a) V) N/A	A) 56-16-180(b) D) 56-16-150(1) V) N/A	N/A	A) 56-15-350(b) D) 56-15-560 V) N/A	N/A
No records being maintained	Compliance Cancellation	A) 56-15-350(g) D) 56-15-340(a) V) 56-15-340(c)	A) 56-16-180(g) D) 56-16-170(a) V) 56-16-170(c)	A) 31-17-560(f) D) 31-17-550(1) V) 31-17-550(3)	A) 56-15-350(g) D) 56-15-590(a) V) 56-15-590(c)	N/A

000445

DE-002A DEALER COMPLIANCE VIOLATION SANCTION TABLE

S. C. CODE OF LAWS: A) Sanction Authority D) Dealer Chapter Violation V) Specific Criminal Violation	VIOLATION TYPE AND SANCTION	MOTOR VEHICLE	MOTOR- CYCLE	TRAVEL TRAILER	WHOLESALE AUTO AUCTION	TRANS- PORTER
VIOLATION		S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW
Insurance & Bond						
Surety Bond cancelled or denied,	Compliance Cancellation	A) 56-15-350(b) D) 56-15-320(b) V) N/A	A) 56-16-180(b) D) 56-16-150(2) V) N/A	A) 31-17-560(b) D) 31-17-530(2) V) N/A	A) 56-15-350(b) D) 56-15-570(a) V) N/A	N/A
Insurance cancellation	Compliance Plate Cancellation	A) 56-10-30 D) N/A V) N/A	A) 56-10-30 D) N/A V) N/A	A) 56-10-30 D) N/A V) N/A	A) 56-10-30 D) N/A V) N/A	A) 56-10-30 D) N/A V) N/A
Facilities						
Building does not meet requirements	Compliance Denial or Cancellation	A) 56-15-350(b) D) 56-15-330(1) V) N/A	A) 56-16-180(b) D) 56-16-160(1) V) N/A	A) 31-17-560(b) D) 31-17-540(1) V) N/A	A) 56-15-350(b) D) 56-15-560 V) N/A	A) 56-3-2380 D) 56-3-2350(1) V) N/A
No sign or sign is not adequate	Compliance Denial or Cancellation	A) 56-15-350(b) D) 56-15-330(2) V) N/A	A) 56-16-180(b) D) 56-16-160(2) V) N/A	A) 31-17-560(b) D) 31-17-540(2) V) N/A	N/A	N/A
No lot to properly display vehicles or lot is not adequate	Compliance Denial or Cancellation	A) 56-15-350(b) D) 56-15-330(3) V) N/A	A) 56-16-180(b) D) 56-16-160(3) V) N/A	A) 31-17-560(b) D) 31-17-540(3) V) N/A	N/A	N/A
Application						
Material misstatement in the application for license or renewal	Compliance Denial or Cancellation	A) 56-15-350(a) D) 56-15-320(a) V) 56-15-320(a)	A) 56-16-180(a) D) 56-16-150(1) V) 56-16-150(1)	A) 31-17-560(a) D) 31-17-530(1) V) 31-17-530(1)	A) 56-15-350(a) D) 56-15-320(a) V) 56-15-320(a)	A) 56-3-2380(a) D) 56-3-2350(1) V) 56-3-2350(1)

000446

DE-002A DEALER COMPLIANCE VIOLATION SANCTION TABLE

S.C. CODE OF LAWS: A) Sanction Authority D) Dealer Chapter Violation V) Specific Criminal Violation	VIOLATION TYPE AND SANCTION	MOTOR VEHICLE	MOTOR- CYCLE	TRAVEL TRAILER	WHOLESALE AUTO AUCTION	TRANS- PORTER
VIOLATION		S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW
Plates						
Volume of sales do not warrant number of license plates issued (error)	Compliance Suspend any extra plates	A) 56-3-2320 D) N/A V) N/A	A) 56-3-2320 D) N/A V) N/A	A) 56-3-2320 D) N/A V) N/A	A) 56-15-600 D) 56-15-560 V) N/A	N/A
Failure to surrender suspended or cancelled plate	Compliance Dealer License Cancellation	A) 56-15-350(d) D) 56-15-350 V) 56-3-1350	A) 56-16-180(d) D) 56-16-180 V) 56-3-1350	A) 31-17-560(d) D) 31-17-560 V) 56-3-1350	A) 56-15-350(d) D) 56-15-350 V) 56-15-600	A) 56-3-2380 D) 56-3-2380 V) 56-3-1350
No Retail Business License	Compliance Suspend or Deny Plates	A) 56-15-350(b) D) 56-15-320(a) V) 56-3-2320(a)	A) 56-16-180(b) D) 56-16-150(1) V) 56-3-2320(a)	A) 31-17-560(b) D) 31-17-530(1) V) 56-3-2320(a)	N/A	N/A

000417

DE-002B DEALER PERFORMANCE VIOLATION SANCTION TABLE

S.C. CODE OF LAWS: A) Sanction Authority D) Dealer Chapter Violation V) Specific Criminal Violation	VIOLATION TYPE AND SANCTION	MOTOR VEHICLE	MOTOR- CYCLE	TRAVEL TRAILER	WHOLESALE AUTO AUCTION	TRANS- PORTER
VIOLATION		S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW
Business						
Offering for sale or sale of vehicles while license is suspended	Performance Suspension to Revocation*	A) 56-15-350(b) D) 56-15-310(a) V) 56-15-310(a)	A) 56-16-180(b) D) 56-16-140(a) V) 56-16-140(a)	A) 31-17-560(b) D) 31-17-520 V) 31-17-520	A) 56-15-350(b) D) 56-15-560 V) 56-15-560	N/A
Dealer exhibiting at address different than indicated on application & dealer license	Performance 4 points	A) 56-15-350(b) D) 56-15-310(a) V) 56-15-310(a)	A) 56-16-180(b) D) 56-16-140(a) V) 56-16-140(a)	A) 31-17-560(b) D) 31-17-520 V) 31-17-520	A) 56-15-350(b) D) 56-15-560 V) 56-15-560	N/A
Fraud & Other Offenses						
Conviction involving the theft or possession of a stolen vehicle	Performance Revocation	A) 56-15-350(e) D) 56-15-350(e) V) Various	A) 56-16-180(e) D) 56-16-180(e) V) Various	A) 31-17-560(e) D) 31-17-560(e) V) Various	A) 56-15-350(e) D) 56-15-350(e) V) Various	A) 56-3-2380(c) D) 56-3-2380(c) V) Various
Conviction involving tampering with, altering, or removing VIN or markings	Performance Revocation	A) 56-15-350(e) D) 56-15-350(e) V) Various	A) 56-16-180(e) D) 56-16-180(e) V) Various	A) 31-17-560(e) D) 31-17-560(e) V) Various	A) 56-15-350(e) D) 56-15-350(e) V) Various	A) 56-3-2380(c) D) 56-3-2380(c) V) Various
Any court finding (Criminal or Civil) of any law violation regarding vehicle odometers	Performance Revocation	A) 56-15-350(f) D) 56-15-350(f) V) N/A	A) 56-16-180(f) D) 56-16-180(f) V) N/A	A) 31-17-560(f) D) 31-17-560(f) V) N/A	A) 56-15-350(f) D) 56-15-350(f) V) N/A	A) 56-3-2380(c) D) 56-3-2380(c) Conviction Only
Conviction involving acquisition or transfer of a title to a vehicle	Performance 6 points to Revocation*	A) 56-15-350(e) D) 56-15-350(e) V) Various	A) 56-16-180(e) D) 56-16-180(e) V) Various	A) 31-17-560(e) D) 31-17-560(e) V) Various	A) 56-15-350(e) D) 56-15-350(e) V) Various	A) 56-3-2380(c) D) 56-3-2380(c) V) Various
Court finding (Criminal or Civil) of any fraud connected to sale or transfer of vehicle	Performance 6 points to Revocation*	A) 56-15-350(c) D) 56-15-350(c) V) N/A	A) 56-16-180(c) D) 56-16-180(c) V) N/A	A) 31-17-560(c) D) 31-17-560(c) V) N/A	A) 56-15-350(c) D) 56-15-350(c) V) N/A	A) 56-3-2380(c) D) 56-3-2380(c) Conviction Only

00448

DE-002B DEALER PERFORMANCE VIOLATION SANCTION TABLE

S.C. CODE OF LAWS: A) Sanction Authority D) Dealer Chapter Violation V) Specific Criminal Violation	VIOLATION TYPE AND SANCTION	MOTOR VEHICLE	MOTOR-CYCLE	TRAVEL TRAILER	WHOLESALE AUTO AUCTION	TRANS-PORTER
		S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW
VIOLATION						
Fraud and other offenses	(continued)					
Department finding of employing fraudulent devices, methods, or practices	Performance 6 points to Revocation*	A) 56-15-350(d) D) 56-15-350(d) V) N/A	A) 56-16-180(d) D) 56-16-180(d) V) N/A	A) 31-17-560(d) D) 31-17-560(d) V) N/A	A) 56-15-350(d) D) 56-15-350(d) V) N/A	A) 56-3-2380 D) 56-3-2380 V) N/A
Engaging in any action which causes damage to any party or to the public	Performance 6 points to Revocation*	A) 56-15-350(b) D) 56-15-40(1) V) 56-15-40(1)	N/A	N/A	A) 56-15-350(b) D) 56-15-40(1) V) 56-15-40(1)	N/A
Selling out of Trust	Performance 6 points to Revocation*	A) 56-15-350(b) D) 56-15-40(1) V) 56-15-40(1)	A) 56-16-180(d) D) 56-16-180(d) V) 56-16-180(d)	A) 31-17-560(d) D) 31-17-560(d) V) 31-17-560(d)	A) 56-15-350(b) D) 56-15-40(1) V) 56-15-40(1)	N/A
Willful failure to deliver title to buyer or department within 45 days of date of sale	Performance 4 points	A) 56-15-350(b) D) 56-15-40(1) V) 16-21-20	A) 56-16-180(d) D) 56-16-180(d) V) 16-21-20	A) 31-17-560(d) D) 31-17-560(d) V) 16-21-20	A) 56-15-350(b) D) 56-15-40(1) V) 16-21-20	N/A

000449

DE-002B DEALER PERFORMANCE VIOLATION SANCTION TABLE

S.C. CODE OF LAWS: A) Sanction Authority D) Dealer Chapter Violation V) Specific Criminal Violation	VIOLATION TYPE AND SANCTION	MOTOR VEHICLE	MOTOR- CYCLE	TRAVEL TRAILER	WHOLESALE AUTO AUCTION	TRANS- PORTER
VIOLATION		S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW	S. C. CODE OF LAW
Records						
Possession of an Open Title	Performance 6 points	A) 56-15-350(d) D) 56-15-350(d) V) 56-19-360	A) 56-16-180(d) D) 56-16-180(d) V) 56-19-360	A) 31-17-560(d) D) 31-17-560(d) V) 56-19-360	A) 56-15-350(d) D) 56-15-350(d) V) 56-19-360	N/A
Altering or changing documents to avoid or delay registration by purchaser	Performance 6 points	A) 56-15-350(d) D) 56-15-350(d) V) 56-19-360	A) 56-16-180(d) D) 56-16-180(d) V) 56-19-360	A) 31-17-560(d) D) 31-17-560(d) V) 56-19-360	A) 56-15-350(d) D) 56-15-350(d) V) 56-19-360	N/A
Fraudulent Records	Performance 6 points	A) 56-15-350(d) D) 56-15-340(a) V) 56-15-340(c)	A) 56-16-180(d) D) 56-16-170(a) V) 56-16-170(c)	A) 31-17-560(d) D) 31-17-550(1) V) 31-17-550(3)	A) 56-15-350(d) D) 56-15-590(a) V) 56-15-590(c)	A) 56-3-2380(c) D) 56-3-2380(c) Conviction Only
Refusal to allow inspection of records by Department agent	Performance 6 points to Revocation*	A) 56-15-350(g) D) 56-15-340(c) V) 56-15-340(c)	A) 56-16-180(g) D) 56-16-170(c) V) 56-16-170(c)	A) 31-17-560(f) D) 31-17-550(3) V) 31-17-550(3)	A) 56-15-350(g) D) 56-15-590(c) V) 56-15-590(c)	N/A
Records not available upon demand of the Department	Performance 4 points	A) 56-15-350(g) D) 56-15-340(c) V) 56-15-340(c)	A) 56-16-180(g) D) 56-16-170(c) V) 56-16-170(c)	A) 31-17-560(f) D) 31-17-550(3) V) 31-17-550(3)	A) 56-15-350(g) D) 56-15-590(c) V) 56-15-590(c)	N/A
Failure to return certificate of title for junked or salvaged vehicle to the Department	Performance 4 points	A) 56-15-350(b) D) 56-15-40(1) V) 56-19-480(a)	A) 56-16-180(d) D) 56-16-180(d) V) 56-19-480(a)	A) 31-17-560(d) D) 31-17-560(d) V) 56-19-480(a)	A) 56-15-350(b) D) 56-15-40(1) V) 56-19-480(a)	N/A

000420



South Carolina Department of Motor Vehicles
Dealer Licensing and Audit Unit
Motor Vehicle Dealer/Wholesaler Sanction Report

DLA-9
(Rev. 10/15)

Toyota of Greer

30643

Jason Benjamin

Dealer/Wholesaler Name

Dealer License No.

Inspector/DMV Agent

- ☒ The violation(s) checked below were found during an administrative investigation on: 7/25/16
☐ The attached documents pertain to a conviction for the violations listed below. Number attached: _____

I. VIOLATIONS DETERMINED BY INSPECTOR/DMV AGENT:

- A. STATUTE: 56-15-40(1)
OFFENSE: Failure to deliver title within 45 days of date of sale
- B. STATUTE: _____
OFFENSE: _____
- C. STATUTE: _____
OFFENSE: _____

II. CRIMINAL CONVICTION:

STATUTE: _____ VIOLATION DATE: _____ CONVICTION DATE: _____
OFFENSE: _____
SUMMONS# or WARRANT#: _____

III. REMARKS: Refer to complaint # 16/746

IV. AGENT & REVIEWER(S):

Jason Benjamin
Field Agent,
Dealer Audit Unit

7/25/16
Date

[Signature]
Team Lead,
Dealer Audit Unit

8-8-16
Date

[Signature]
Supervisor,
Dealer Audit Unit

8-10-16
Date

V. DEPARTMENTAL ACTION TAKEN:

SANCTION:

- Points
☒ Points (Total) 4
☐ Cancellation
☐ Suspension
☐ Revocation

INDIVIDUAL VIOLATION SANCTION BREAKDOWN (THIS REPORT):

- Other/Remarks:
SECTION IA Violation: 142
SECTION IB Violation: _____
SECTION IC Violation: _____
SECTION II Violation: _____

[Signature]
Chief/Designee
Dealer Licensing and Audit Unit

8-10-16
Date

Inspector General/Designee
(If more than seven-day suspension)

Date

General Counsel/Designee
(If more than seven-day suspension)

Date

RECEIVED

AUG 11 2016

DEALER LICENSING & AUDIT 000451

DEALER HISTORY RECORD

000452

Page 1 of 1

Dealer Number: 30643

Dealer Name: Toyota of Greer

List in order all past dealer complaints, violations and sanctions within the last 36 months.
Also list any outstanding violations and indicate pending in the sanction columns.

No.	Complaint Number	Violation	Sanction	Sanction Date	Date Sent to SLED
1	6750	56-15-40(1) Failure to Deliver	Verbal Warning	06-30-09	06-30-09
2	9966	56-15-40(1) Failure to Deliver	4 Points	4-23-12	
3	10437	56-15-40(1) failure to deliver	4 points	10/17/12	
4	14/724	56-15-40(1) failure to deliver	4 points	06/24/14	
5	15/1168	56-15-40(1) failure to deliver	4 points	2/2/16	
6	16/664	56-15-40(1) failure to deliver	4 Points	7/27/16	
7	16/746	56-15-40(1) failure to deliver	4 Points	8/8/2016	
8					
9					
10					
11					
12					

Dealer Unit Supervisor: Lisa Bird

Date: August 8, 2016

Nikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

August 16, 2016

Scott Bocook
Quality Auto of Anderson LLC
911 Whitehall Road
Anderson, SC 29625

RE: Toyota of Greer, Dealer # 30643
Compliant No: 16/746

Dear Mr. Bocook:

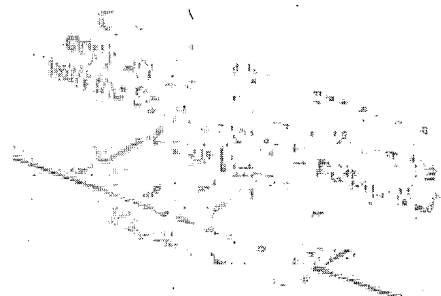
The Dealer License and Audit Unit has conducted an investigation of the complaint listed above. We have taken the appropriate administrative action. If you have any questions regarding this subject, please contact Agent Jason Benjamin at 803-331-3270.

Sincerely,

Monica Braun

Dealer License & Audit
mb

cc: Dealer File No: 30643



000453

DEALER LICENSING Complaint Letter Cover Sheet

Complaint No: 16/746

Name of Complainant: Scott Bocook (for Quality Auto of Anderson LLC)

Address: 911 Whitehall Rd

City: Anderson

State: SC

Zip Code: 29625

Dealer Name and No: Toyota of Greer 30643

Individual Name and Customer No:

Name of Dealer Agent: Jason Benjamin

Nature of the Complaint: Failure to Deliver Title

Has Title Been Delivered: Yes

Within 45 days:

Over 45 days: 143

Advise the Complainant what action is being taken as a result of the complaint against the Dealer's License. Request no action to be taken.

Is the Complaint being referred to SLED? No

Is the Complaint being referred to Consumer Affairs? No

Referred to other? None

Documentation attached? DLA-5A Details of investigation, AD-800c, Supporting Docs

Cc: Jason Benjamin

000454



South Carolina Department of Motor Vehicles
INVESTIGATION OF COMPLAINT REGARDING
DEALER/WHOLESALE

DLA-5A
(Rev. 12/97)

Complaint Number 16/746 Section of Law Violated 56-15-40(1)
Dealership Involved Toyota of Greer Dealer Number 30643
Complainant Scott Bocook Date of Complaint 7-11-16

Details of the Investigation

Investigation revealed that the complainant purchase a 2000 Chrysler VIN 2C3HE66G4YH198153 from the above mentioned dealer on behalf of his Quality Auto of Anderson LLC on February 26th, 2016. The title was delivered to the complainant on July 18th, 2016- 143 days after purchase.

Dealer Comments

Toni Powell, Title Clerk (Wholesale), submitted a statement on behalf of the dealer (see attached). Dealer also verbally stated that all the dealerships owned by MCE (Toyota of Greer, Nissan of Greer, Kia of Greer and Hyundai of Greer) have had a lot of turnover and movement within their finance departments due to employee terminations and that those terminations were the result of bad deals. Because of these changes in personnel the dealer has promised that they will be able to gain control of the problem of late titles that have plagued them recently.

Recommendation

None

7/25/16

Date

Jason Benjamin

DMV Agent

000455

BUYERS COPY

522



11/740 South Carolina Department of Motor Vehicles CUSTOMER COMPLAINT FORM

AD-808C
(Rev. 3/15)

Page 1 of 3

Customers are encouraged to use this form to file a complaint with the South Carolina Department of Motor Vehicles (DMV) about fraud, misconduct, unlicensed or suspected illegal activity involving a product, service, employee, or company that the DMV oversees or regulates such as a licensed dealer or wholesaler, a certified driver training school or third party tester. In response to such complaints, DMV may encourage compliance with state and federal laws, pursue administrative actions, and/or refer the complaint to the appropriate agency for follow-up or enforcement action.

Please print in blue or black ink. Use additional paper if more space is needed. Fax, mail or email your complaint along with any other documents that may assist us in the investigation.

Fax Number: (803) 886-8172

Email: Fraud@scdmv.net

SCDMV Office of Inspector General

PO Box 1488

Myrtlewood, SC 29518-0022

IMPORTANT NOTICE: The South Carolina Freedom of Information Act (FOIA) may require the Department of Motor Vehicles (DMV) to release a copy of your complaint as a public record.

A. Information of individual submitting complaint:

Last Name BOCCH	First Name SCOTT	Middle Name B
Address [REDACTED]	City Anderson	State SC
Date of Birth [REDACTED]	Driver's License State and Number [REDACTED]	Zip Code 29625
Phone Number [REDACTED]	Alternative Phone Number 864-[REDACTED]	
Email Address [REDACTED]@1.com		

B. Nature of Complaint (check all boxes that apply)

- ☒ Undelivered Title
 ☐ Odometer Discrepancy
 ☐ Driver Training School
 ☐ Third Party Tester
 ☐ DMV Employee
☐ Fraud/Misconduct
☐ Dealership/Wholesaler
☐ Other:

C. If a business is the subject of your complaint, what is your relationship to the business?

- ☐ Customer
☐ Student
☒ Employee
☐ Vendor
☐ Other:

D. Describe in detail the nature of your complaint including names of individuals involved, witnesses, dates, and times. Use additional paper if more space is needed. Please attach any supporting documentation you may have concerning this complaint.

ON February 26, 2016 Quality Auto of Anderson LLC Purchased a 2000 Chrysler 300 from Toyota of Greer via 203 HE 6664YB 98153 at American Auto Auction in Greer SC. IT HAS BEEN 135 DAYS SINCE WE PURCHASED VEHICLE FROM TOYOTA OF GREER AND AFTER REPEATED NOTICE THEY STILL HAVE NOT PRODUCED THE TITLE.

E. Have you sought legal counsel, contacted any other Agency, filed a police report or taken any other actions outside of the DMV concerning this matter? ☐ YES ☒ NO (If YES, please explain)

F. What actions or changes do you desire the DMV take to resolve your complaint and/or prevent this type of complaint from happening again?

WE EXPECT TOYOTA OF GREER TO IMMEDIATELY DELIVER THE TITLE TO US.

G. Complaint Declaration

I hereby state that the information I have provided herein is true and correct to the best of my knowledge. I submit this complaint as part of my request for the SCDMV Office of Inspector General to conduct an investigation into this complaint. Upon these facts, I understand that I may be called upon to testify in criminal and/or administrative proceedings.

Scott A. Boccia
Signature of Individual Submitting Complaint

7-11-2016

JUL 14 2016

Today's Date

DEALER LICENSING
& AUDIT

SCDMV OFFICE USE ONLY
Case #
Complaint #

000457



(864) 662-4800 MAIN
(866) 315-2905 TOLL FREE

(866) 662-4855 FAX

July 25, 2016

TO WHOM IT MAY CONCERN:

The reason this car was late being titled was because there was a lien on the vehicle. The lien was with Carolina Title Loans in Greer, this branch has since shut down. Once I was able to locate a branch that would be able to supply me with a lien release, I had to wait for the manager to return from vacation due to the employee at the branch was new. Upon her return, the branch manager contacted me, I received her lien release and had this car walked thru for a duplicate. It was then hand delivered to Americas Auto Auction.

Thanks

Toni Powell

Toyota Wholesale Clerk

RECEIVED
MCE AUTOMOTIVE COMPANY, INC.
JUL 26 2016
13770 EAST WADE HAMPTON BLVD.
GREER, SC 29615

000458

Retention # 7
Exhibit



SC DMV PACKAGE COVER SHEET

Package Name: 15 TTL APP-FRM 400
Document Type: TL1
Date of Record: 07/27/2016
Driver License # / Dealer #: XXXXXXXXXX
Customer #: 25240105
Last Name / Dealer Name: RICE
Tag #:
Title # / Ticket #: 770420316078450
Type Code / Dealer Type:
VIN: 2C3HE66G4YH198153
Numeric Document Type: 15

000459



South Carolina Department of Motor Vehicles

Application for Certificate of Title and Registration for Motor Vehicle or Manufactured Home/Mobile Home

Form 400
(Rev. 4/10)

No ink, markers, erasures, or correction fluid is acceptable on this form. For more information, visit our website at www.scdmvonline.com or call our Customer Call Center at (800) 856-8500.

SECTION A - ☐ EXPEDITE (additional \$20.00 fee) Check here to expedite this title.

Check the box next to the type of transaction you need. Please enclose the required documents and fees with your completed and signed application. For expedited services (within 3 business days) include an additional \$20.00 fee. Make checks payable to: SC DMV. DO NOT SEND CASH.

☐ NEW TITLE & REGISTRATION 1) Manufacturer Certificate of Origin (MCO) or Title; 2) Paid Property Tax Receipt; 3) \$15.00 title fee and 4) Regular registration fee; 5) Sales Tax (5% of selling price or \$300.00 max.); 6) Insurance Information	☐ TITLE AND PLATE TRANSFER 1) Manufacturer Certificate of Origin (MCO) or Title; 2) Lien Previous Tag if... 3) Previous registration in owner's name; 4) \$15.00 title 5) \$10.00 transfer fee 6) Sales Tax (5% of selling price or \$300.00 max.); 7) Insurance Information	☐ TITLE FOR MOBILE OR MANUFACTURED HOME 1) Manufacturer Certificate of Origin (MCO) or Title; 2) Consumer Insurance Report required for \$300.00 sales tax cap, if mobile home is energy efficient; 3) \$15.00 title fee	☒ TITLE ONLY 1) Manufacturer Certificate of Origin (MCO) or Title; 2) \$15.00 title fee 3) Sales Tax (5% of selling price or \$300.00 max.) ☐ DUPLICATE TITLE 1) Lost, Stolen or Destroyed Title 2) \$15.00 title fee	☐ LEASED VEHICLE 1) Do not complete Section D. Complete Section E and all other applicable sections. MAIL YOUR APPLICATION TO: SC DMV P.O. Box 1488 - 10311 Wilson Blvd. Rutherfordwood, SC 29016 - 0026
---	--	--	--	--

SECTION B - VEHICLE INFORMATION Please print or type in black ink only.

VEHICLE IDENTIFICATION NUMBER 2C3PFL6H4H198153	MAKE Chrysler	YEAR MAKE 2000	BODY STYLE 4S	MODEL 300	EMPTY WEIGHT GVW
---	------------------	-------------------	------------------	--------------	---------------------

SECTION C - ODOMETER MILEAGE (Miles not kilometers)

FEDERAL AND STATE LAW REQUIRES THAT YOU STATE THE MILEAGE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT.

I STATE THAT THE ODOMETER NOW READS 15,000 (HUNDRETHS) AND TO THE BEST OF MY KNOWLEDGE THAT IT REFLECTS THE ACTUAL MILEAGE OF THE VEHICLE DESCRIBED ABOVE UNLESS ONE OF THE FOLLOWING STATEMENTS IS CHECKED:

☒ DO NOT CHECK ONE OF THE FOLLOWING UNLESS IT APPLIES.
☒ EXEMPT
☐ I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ODOMETER READING REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF ITS MECHANICAL LIMITS.
☐ I CERTIFY THAT THE ODOMETER READING IS NOT THE ACTUAL MILEAGE, WARNING ODOMETER DISCREPANCY.

SECTION D - OWNER INFORMATION Your complete legal name must be used on all title and registration documents.

NEW PRIMARY OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE) James Rice	SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC., OR FEIN [REDACTED]	DATE OF BIRTH [REDACTED]
NEW CO-OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE) [REDACTED]	SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC., OR FEIN [REDACTED]	DATE OF BIRTH [REDACTED]
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE) [REDACTED]	CITY [REDACTED]	STATE SC
DAYTIME TELEPHONE NUMBER 804-[REDACTED]	TEMPORARY ADDRESS (IF APPLICABLE) [REDACTED]	EXPIRATION OF TEMPORARY ADDRESS [REDACTED]

SECTION E - LEASING INFORMATION Complete only for a leased vehicle.

LEASING COMPANY NAME	PHONE NO.	CONTACT PERSON	CUSTOMER NO.
ADDRESS	CITY	STATE	ZIP CODE
NAME OF LESSEE (PERSON LEASING VEHICLE)	DRIVER LICENSE NO., SOC. SEC., NO. OR FEIN	DATE OF BIRTH	
LESSEE'S SC RESIDENCE STREET ADDRESS (APT. NO. IF APPLICABLE)	CITY	STATE	ZIP CODE
LESSEE'S MAILING ADDRESS (IF DIFFERENT FROM ABOVE)	CITY	STATE	ZIP CODE
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)	CITY	STATE	ZIP CODE

SECTION F - LIEN INFORMATION If you are a lienholder, are you a SC ELT participant? ☐ YES ☐ NO

CUSTOMER NO. OR FEIN	LIENHOLDER NAME (FIRST LIEN) Write "None" if vehicle is paid in full	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER
MAILING ADDRESS	CITY	STATE	ZIP CODE	
CUSTOMER NO. OR FEIN	LIENHOLDER NAME (SECOND LIEN)	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER
MAILING ADDRESS	CITY	STATE	ZIP CODE	

000460

< This section intentionally left blank >

SECTION G - SALES TAX EXEMPTION

Complete this section if you are entitled to a sales tax exemption and sign in the space provided verifying the exemption.

VEHICLE PURCHASED FROM INDIVIDUALS AND TITLED IN SOUTH CAROLINA AND SUBJECT TO SALES TAX OVERSIGHT. THE TAXATION OF THE SALES PRICE UP TO A MAXIMUM OF \$100,000 (MOBILE HOMES ARE CALCULATED DIFFERENTLY)

☐ THE VEHICLE WAS TRANSFERRED FROM: ☐ MY PARENT ☐ MY SPOUSE ☐ MY CHILD ☐ MY BROTHER/SISTER ☐ MY GRANDPARENT ☐ MY GRANDCHILD
☐ THE VEHICLE WAS TRANSFERRED TO ME AS: ☐ LEGAL HEIR ☐ BENEFICIARY ☐ DISTRIBUTE
☐ I AM NON-RESIDENT MILITARY PERSONNEL ☐ THE VEHICLE WAS A BONA FIDE GIFT

SIGNATURE _____

SECTION H - ADDITIONAL INFORMATION

DATE OF PURCHASE <u>6-10-10</u>	DATE FIRST OPERATED IN S.C. _____	ENERGY EFFICIENT MANUFACTURED MOBILE HOME? ☐ YES ☒ NO
NEW OR USED? <u>used</u>	PRIOR TITLE NUMBER <u>710110302580374</u>	PRIOR TITLE STATE <u>South Carolina</u>
THE VEHICLE DESCRIBED ON THIS APPLICATION IS: ☐ REBUILDABLE ☐ NON REBUILDABLE		
THE VEHICLE SUSTAINED THE FOLLOWING DAMAGE: ☐ COLLISION ☐ FIRE ☐ WATER ☐ STOLEN (RECOVERED) ☐ STOLEN (UNRECOVERED)		
AGENCY REFERENCE NUMBER _____	Calculate the Damage Percentage _____	Estimated Value _____
SALVAGE % _____	_____	Estimate for Repairs _____
_____		Percentage _____

SECTION I - SELLER INFORMATION

Applicant should initial verifying the sales price of the vehicle. Update Auto Auction

SELLER OR DEALER NAME _____	SC DEALER WHOLESALE NUMBER <u>36820</u>	SALES PRICE <u>\$70,000</u>	CUSTOMER INITIALS _____
ADDRESS _____	CITY <u>Spartanburg SC 29303</u>	STATE SC	ZIP CODE 29303
Sales Tax # 042573036			

SECTION J - INSURANCE CERTIFICATION

A VEHICLE MUST BE INSURED WITH LIABILITY INSURANCE COVERAGE WHEN IT IS REGISTERED AND IT MUST REMAIN INSURED WHILE REGISTERED, WHETHER OR NOT IT IS OPERATED, OR THE UNINSURED MOTORIST FEE MUST BE PAID. PENALTIES ARE SEVERE FOR VIOLATION OF THIS REQUIREMENT.

UNDER PENALTIES OF PERJURY, I (WE) DECLARE THAT THIS VEHICLE IS INSURED BY A LIABILITY INSURANCE POLICY ISSUED THROUGH AN INSURANCE COMPANY LICENSED TO DO BUSINESS IN SOUTH CAROLINA AND IT WILL REMAIN INSURED THROUGHOUT THE REGISTRATION PERIOD.

NAME OF INSURANCE COMPANY: State Farm

SECTION K - DONATE LIFE SC

YES, I WISH TO DONATE \$5.00, MORE OR LESS, TO DONATE LIFE SC. AMOUNT OF DONATION: \$ _____

SECTION L - SIGNATURE OF OWNER

UNDER PENALTIES OF PERJURY, I DECLARE THAT I AM THE OWNER OF THIS VEHICLE AND REQUEST THAT A SOUTH CAROLINA CERTIFICATE OF TITLE AND/OR REGISTRATION BE ISSUED. I FURTHER CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE, THE VEHICLE IS SUBJECT TO THE LIENS NAMED AND NO OTHERS. ALSO, IF REGISTERING A COMMERCIAL VEHICLE OVER 15,000 lbs., I CERTIFY THAT I AM FAMILIAR WITH THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND/OR FEDERAL HAZARDOUS MATERIALS REGULATIONS.

SIGNATURE OF OWNER (S) - MUST BE SIGNED IN INK BY OWNER OR AUTHORIZED AGENT (ATTACH POWER OF ATTORNEY IF APPLICABLE)

DATE
7-27-10

DISCLOSURE STATEMENT

56-3-740 (SOUTH CAROLINA CODE OF LAWS) - THE DEPARTMENT SHALL OBTAIN THE FEDERAL EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER WHEN A VEHICLE IS REGISTERED WITH A GROSS VEHICLE WEIGHT OF MORE THAN 20,000 POUNDS OR A BUS COMMON CARRIER. THE DRIVER PRIVACY PROTECTION ACT OF 1994 (DPPA), 18 USC SECTION 2721-2725 RESTRICT THE DISCLOSURE OF PERSONAL INFORMATION CONTAINED IN OUR RECORDS.

PENALTY FEES

FAILURE TO REGISTER WITHIN 45 DAYS OF THE DATE OF PURCHASE OR THE DATE OF OPERATION IN SOUTH CAROLINA WILL RESULT IN PENALTY FEES IN ADDITION TO REGULAR TITLE AND/OR REGISTRATION FEES. THE LATE PENALTY FEE SCHEDULE IS AS FOLLOWS:

45 - 60 DAYS LATE - \$10.00

61 - 75 DAYS LATE - \$25.00

76 - 135 DAYS LATE - \$50.00

OVER 135 DAYS LATE - \$75.00

THIS SECTION FOR DMV USE ONLY

CHECK APPROPRIATE BOX: ☐ BRAND ☐ NO BRAND		
DATE BY <u>7-27-10</u>	TRANSACTION FEES	
OFFICE/OFFICE NUMBER <u>110</u>	EXPEDITED FEE <u>20</u>	WEIGHT INCREASE ☒
PLATE NUMBER <u>710</u>	LICENSE FEE	TRANSFER ☒
EXPIRATION DATE	UNINSURED FEE	TITLE <u>65</u>
PLATE CLASS	USE OR SALES TAX	DATE RECEIVED <u>7-27-10</u>
SUSPENSE REASON	PENALTY	TOTAL <u>35</u>

000461

STATE OF SOUTH CAROLINA
CERTIFICATE OF TITLE
OF A VEHICLE

VEHICLE ID NUMBER
2C3HE66G4YH198153

YEAR MAKE
2000 CHRY

MODEL
300M

NEW/USED
USED

BODY STYLE DATE
4S 7/12/2016

ODOMETER WEIGHT
198796 3500

TITLE NUMBER
770610302580374

VEHICLE BRAND(S)
ACTUAL MILEAGE

FULL NAME OF OWNER(S)
HUGHES, TARA KAYE

CUSTOMER NUMBER: 31213173



THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES HEREBY CERTIFIES THAT THE PERSON HEREIN IS REGISTERED BY THIS DEPARTMENT AS THE LAWFUL OWNER OF THE VEHICLE DESCRIBED SUBJECT TO THE LIENS, IF ANY, HEREIN SET FORTH.

KEVIN A. SHWEDO
EXECUTIVE DIRECTOR

NIKKI R. HALEY
GOVERNOR

KEEP IN A SAFE PLACE ANY ALTERATION OR FRAUDULENT VOID THIS TITLE

39175546

000462

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES

ASSIGNMENT OF A VEHICLE

Please read this assignment form carefully. It is the responsibility of the assignor to provide a true statement of the vehicle's condition and history. The assignor must be the legal owner of the vehicle and must be at least 18 years of age. The assignee must be at least 18 years of age and must be a resident of South Carolina. The assignment must be made in person at the Department of Motor Vehicles. The assignor must provide a valid driver's license and a valid identification card. The assignee must provide a valid driver's license and a valid identification card. The assignment must be made in person at the Department of Motor Vehicles. The assignor must provide a valid driver's license and a valid identification card. The assignee must provide a valid driver's license and a valid identification card.

The undersigned hereby certifies that this title is the vehicle described herein has been transferred on the 13th day of February, 2014, to Tyler E. Greer, 13714 E. Wade Hampton Blvd, Greer, SC 29615 and is subject to the following lien:

Name: Tyler E. Greer Address: 13714 E. Wade Hampton Blvd, Greer, SC 29615

City: Greer State: SC Zip: 29615

County: Greenville

Vehicle Identification Number (VIN): 1G1ZB5H45J1100000

Year: 2011 Make: Chevrolet Model: Equinox

Color: Black

Engine: 2.4L Transmission: Automatic

odometer Reading: 100,000 Mileage: 100,000

Signature of Assignor: Tyler E. Greer Date: 2/13/2014

Hand Print Name of Assignor: Tyler E. Greer

ASSIGNMENT BY DEPARTMENTAL SALE/AUCTION

The undersigned hereby certifies that this title is the vehicle described herein has been transferred on the _____ day of _____, 20____, to _____ and is subject to the following lien:

Name: _____ Address: _____

City: _____ State: _____ Zip: _____

County: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____

Color: _____

Engine: _____ Transmission: _____

odometer Reading: _____ Mileage: _____

Signature of Assignor: _____ Date: _____

Hand Print Name of Assignor: _____

ASSIGNMENT BY DEPARTMENTAL SALE/AUCTION

The undersigned hereby certifies that this title is the vehicle described herein has been transferred on the _____ day of _____, 20____, to _____ and is subject to the following lien:

Name: _____ Address: _____

City: _____ State: _____ Zip: _____

County: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____

Color: _____

Engine: _____ Transmission: _____

odometer Reading: _____ Mileage: _____

Signature of Assignor: _____ Date: _____

Hand Print Name of Assignor: _____

ASSIGNMENT BY DEPARTMENTAL SALE/AUCTION

The undersigned hereby certifies that this title is the vehicle described herein has been transferred on the _____ day of _____, 20____, to _____ and is subject to the following lien:

Name: _____ Address: _____

City: _____ State: _____ Zip: _____

County: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____

Color: _____

Engine: _____ Transmission: _____

odometer Reading: _____ Mileage: _____

Signature of Assignor: _____ Date: _____

Hand Print Name of Assignor: _____

LAST ASSIGNED MUST BE TITLED BEFORE DISPOSAL

000463

TOYOTA OF GREER

NON-SECURE POWER OF ATTORNEY

I, Tara Kaye Hughes, the owner of the vehicle identified below, a
resident of [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] 293605

hereby appoint MTaylor of Greenville,
South Carolina, an employee of the dealership doing business as
MCE AUTOMOTIVE, INC. DBA TOYOTA OF GREER, as my true and lawful attorney-in-fact to sign all
papers and documents required to secure the title, endorse and transfer title, disclose the
odometer on the title, apply for certificate or duplicate of title to, and register (and/or) the
transfer of the following identified motor vehicle:

2000 Chrysler 300M 2C3HE600G4YH198153
Year Make Model VIN Number

and for said purposes(s) to sign my name, as owner, on the back of said title and, to carry
out this appointment. This power-of-attorney revokes all earlier powers-of-attorney.

The undersigned owner(s) further certifies that this power-of-attorney was
completely filled in at the time of its execution.

Signed this 13, of Feb, 2010
day month year

Tara Kaye Hughes
Owner(s) full legal names printed or typed

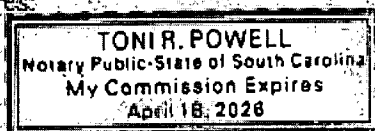
Tara Hughes
Owner(s) signature

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Sworn to and subscribed before me this the 13 day of Feb, 2010

Notary Public: Toni R Powell

My Commission Expires:



000464



South Carolina Department of Motor Vehicles

BILL OF SALE

(Must be Typed or Printed in Black Ink)

4031
(Rev. 6/15)

SALE# T 0105

FOR DEPARTMENT USE ONLY

Check One:

☐ Purchase License Plate

☐ Transfer License Plate

~~TOYOTA OF GREER~~

Seller

13770 E WADE HAMPTON BL. GREER SC 29651
Street City State Zip Code

state that on the 26 day of FEBRUARY Yr. 2016 The following vehicle:
MAKE CHRYSL MODEL 300M BODY TYPE 4 DR YEAR 2000
VEHICLE IDENTIFICATION NO. 2C3HE66G4YH198153 LICENSE PLATE NO. 37456

was sold to QUALITY AUTO OF ANDERSON L

Buyer

911 WHITEHALL RD ANDERSON SC 29625
Street City State Zip Code

And the above vehicle is free of all liens and encumbrances in the buyer's name except:

(List here any mortgages, liens, or encumbrances)

Sale price of vehicle \$

Less trade-in \$

Taxable Total \$

I state that the odometer now reads 213677 (no tenths) miles and to the best of my knowledge that it reflects the ACTUAL MILEAGE of the vehicle described herein. UNLESS one of the following statements is checked.

(STOP!) DO NOT check one of the following unless it applies.

1. The mileage stated is in excess of its mechanical limits.

(the odometer started at zero again)

2. The odometer reading is not the ACTUAL mileage. WARNING: ODOMETER DISCREPANCY.

WARNING: Federal and state law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

Signature(s) of Buyer(s)

Date

Signature(s) of Seller(s)

Date

Hand Print Name(s) of Buyer(s)

Hand Print Name(s) of Seller(s)

Return to: South Carolina Department of Motor Vehicles
PO Box 1498
Blythewood, SC 29016-0024

ANY ALTERATIONS OR ERASURE VOIDS THIS DOCUMENT.
ORIGINALS MUST BE SUBMITTED TO THE DEPARTMENT.

000465



AFFIDAVIT & NOTIFICATION OF
SALE OF MOTOR VEHICLE
(Entire Form Must Be Typed or Printed)

No. 3173

Personally appeared before me

Quality Auto of Anderson, LLC 004362754
(Seller) (Dealer Retail Tax #)

911 Whitehall Rd. Anderson SC 29625
(Address)

who being duly sworn, deposes and says that on the 13th day of June, 2016

he sold the following motor vehicle: Make Chrysler Model 300

Year 2000 Identification (Serial) No. 2C3HE66G4YH198153

License No. to KC Auto Sales (Buyer)

105 Whispering Pines Anderson Anderson SC 29621
(Street) (City) (County) (State) (Zip)

Special Mailing Address

Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

Lienholder Amount

Address Date

I certify that the odometer now reads exempt (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

☐ (1) I hereby certify that to the best of my knowledge, the odometer reading reflects the amount of mileage in excess of its mechanical limits.

☐ (2) I hereby certify that the odometer reading is NOT the actual mileage. WARNING - ODOMETER DISCREPANCY

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

Property Tax Section
Check One:

☐ Purchase License Plate

D. L. Number

License Plate Issued

☐ Transfer License Plate

Signature of Buyer/If purchasing plates
Property taxes will be due in 120 days

000466

ORIGINAL COPY - TO DIVISION OF MOTOR VEHICLES WITH TITLE AND LICENSING APPLICATION, YELLOW COPY - FOR DEALER'S FILE;
PINK COPY - TO DIVISION OF MOTOR VEHICLES IF NEW TAGS ARE TO BE OBTAINED. GOLDENROD COPY - TO BUYER



South Carolina Department of Motor Vehicles

BILL OF SALE

(Must be Typed or Printed in Black Ink)

4031
(Rev. 2/12)

SALE# T 0029

FOR DEPARTMENT USE ONLY

Check One:

☐ Purchase License Plate

☐ Transfer License Plate

K C AUTO SALES

105 WHISPERING PINES DR ANDERSON SC 29621

Street City State Zip Code

state that on the 16 day of JUNE Yr. 2016 The following vehicle:

MAKE CHRYSL MODEL 300M BODY TYPE 4 DR YEAR 2000

VEHICLE IDENTIFICATION NO. 2C3HE66G4YH198153 LICENSE NO.

was sold to

UPSTATE AUTO AUCTION

8025 GEDDES ROAD SPARTANBURG SC 29303

And the above vehicle is free of all liens and encumbrances in the buyer's name except:

(List here any mortgages, liens, or encumbrances)

Sale price of vehicle \$
Less trade-in \$
Taxable Total \$

Federal and State law requires that you state the mileage in connection with transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

I state that the odometer now reads 14,000 (no tenths) miles and to the best of my knowledge that it reflects the ACTUAL MILEAGE of the vehicle described herein, UNLESS one of the following statements is checked:

STOP! DO NOT check one of the following unless it applies.

1. I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in EXCESS of its mechanical limits.

2. I hereby certify that the odometer reading is NOT the actual mileage. WARNING: ODOMETER DISCREPANCY.

WARNING: Federal and state law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

Braun Campbell 6/16/2016
Signature(s) of Buyer(s) Date

Shelley Ferguson 6/16/2016
Signature(s) of Seller(s) Date

Braun Campbell
Hand Print Name(s) of Buyer(s)
UPSTATE AUTO AUCTION

Shelley Ferguson
Hand Print Name(s) of Seller(s)
K C AUTO SALES

Return to: South Carolina Department of Motor Vehicles
PO Box 1498
Blythewood, SC 29016-0024

ANY ALTERATIONS OR ERASURE VOIDS THIS DOCUMENT.
ORIGINALS MUST BE SUBMITTED TO THE DEPARTMENT.

000467

REORDER FORMS FROM:
LOWE'S, INC. • DARLINGTON, SC
800-845-6052 • 843-393-6127
www.lowe-inc.com
ITEM NO. L-SCA

AFFIDAVIT & NOTIFICATION OF
SALE OF MOTOR VEHICLE

(Entire Form Must Be Typed or Printed)

5873744

Upstate Auto Auction
8025 Geddes Rd

Spartanburg SC 29303

(Dealer Retail Tax #)

Sales Tax # 042573036

Personally appeared before me

(Seller)

(Address)

who being duly sworn, deposes and says that on the 16 day of JUNE 2016

he sold the following motor vehicle: Make Chrysler Model 300

Year 2000 Identification (Serial) No. 2C3HEUWG44H198153

License No. _____ to James Rice (Buyer)

(Street)

(City)

(County)

(State)

(Zip)

Special Mailing Address

Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

Lienholder _____ Amount _____

Address _____ Date _____

I certify that the odometer now reads Exempt (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked:

☐ (1) I hereby certify that to the best of my knowledge, the odometer reading reflects the amount of mileage in excess of its mechanical limits.

☐ (2) I hereby certify that the odometer reading is NOT the actual mileage. WARNING-ODOMETER DISCREPANCY

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

Bruce Campbell

(Signature of Seller)

Bruce Campbell

(Print Seller's Name)

James Rice

(Signature of Buyer)

James Rice

(Print Buyer's Name)

Property Tax Section
Check One:

_____ Purchase License Plate

D.L. Number _____

License Plate Issued _____

_____ Transfer License Plate

Signature of Buyer/If purchasing plates

WHITE COPY - TO HIGHWAY DEPARTMENT WITH TITLE AND LICENSING APPLICATION. YELLOW COPY - FOR DEALER'S FILE.
PINK COPY - TO HIGHWAY DEPARTMENT IF NEW TAGS ARE TO BE OBTAINED. GOLDENROD COPY - TO BUYER.

000468

Relational Phil #8



South Carolina Department of Motor Vehicles
Dealer Licensing and Audit Unit
Motor Vehicle Dealer/Wholesaler Sanction Report

DLA-9
(Rev. 10/15)

Tonya of Greer 30643 Jason Benjamin
Dealer/Wholesaler Name Dealer License No. Inspector/DMV Agent

- ☒ The violation(s) checked below were found during an administrative investigation on: 7/18/16
☐ The attached documents pertain to a conviction for the violations listed below. Number attached: _____

I. VIOLATIONS DETERMINED BY INSPECTOR/DMV AGENT:

- A. STATUTE: 56-15-40(1)
OFFENSE: Failure to deliver title within 45 days of date of sale
- B. STATUTE: _____
OFFENSE: _____
- C. STATUTE: _____
OFFENSE: _____

II. CRIMINAL CONVICTION:

STATUTE: _____ VIOLATION DATE: _____ CONVICTION DATE: _____
OFFENSE: _____
SUMMONS# or WARRANT#: _____

III. REMARKS: Refer to complaint # 16/664-30643

IV. AGENT & REVIEWER(S):

Jason Benjamin 7/18/16
Field Agent, Date
Dealer Audit Unit

Team Lead, Date
Dealer Audit Unit

Supervisor, Date
Dealer Audit Unit

7-27-16

V. DEPARTMENTAL ACTION TAKEN:

SANCTION: INDIVIDUAL VIOLATION SANCTION BREAKDOWN (THIS REPORT):

Points	Other/Remarks
☒ Points (Total) 4	SECTION IA Violation: 142
☐ Cancellation	SECTION IB Violation: _____
☐ Suspension	SECTION IC Violation: _____
☐ Revocation	SECTION II Violation: _____

Chief/Designee Date Inspector General/Designee Date
Dealer Licensing and Audit Unit (If more than seven-day suspension)

General Counsel/Designee Date
(If more than seven-day suspension)

RECEIVED

JUL 29 2016

DEALER LICENSING & AUDIT 000469

Nikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

August 2, 2016

TOYOTA OF GREER
13770 EAST WADE HAMPTON BOULEVARD
GREER, SC 29651

CUSTOMER NO: 30343986

DEALER LICENSE NO: 30643

DEAR CUSTOMER:

This letter pertains to your dealer license only, and is to inform you of your present standing under the Dealer License Sanction Policy and its Point System.

Our records now indicate that your dealer license has accumulated a total of 08 points for department determination of dealer license violations. Any point violations more than one year ago have been decreased in point value by one half and any point violations posted over two years ago have no current point value and are not listed below. Certain serious dealer licensing law violations may result in the cancellation, suspension, or revocation of your dealer license and are not under the Point System nor are violation points shown that have previously been used towards a suspension.

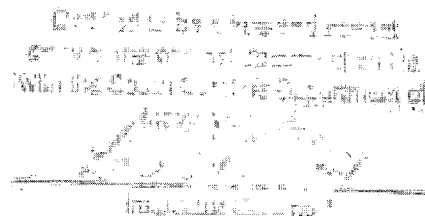
If you accumulate 12 points, you will receive a suspension letter either for seven days for the first accumulation of 12 points or thirty days for a second accumulation of 12 points during a three year period. A third accumulation of 12 points during a three year period will result in revocation of your dealer license.

Your dealer license record now contains dealer license violations posted on the dates shown, with their current point values:

POST DATE	PTS	REFERENCE#	VIOLATION
02/02/2016	04	15/1168-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)
07/27/2016	04	16/664-30643	Engaging in any action which causes damage to any party or to the public (Failure to deliver title within 45 days of date of sale)

THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Dealer License Manager



Post Office Box 1498, Blythewood, South Carolina 29016

000470

DEALER HISTORY RECORD

Page 1 of 1

Dealer Number: 30643

Dealer Name: Toyota of Greer

000471

List in order all past dealer complaints, violations and sanctions within the last 36 months.
Also list any outstanding violations and indicate pending in the sanction columns.

No.	Complaint Number	Violation	Sanction	Sanction Date	Date Sent to SLED
1	6750	56-15-40(1) Failure to Deliver	Verbal Warning	06-30-09	06-30-09
2	9966	56-15-40(1) Failure to Deliver	4 Points	4-23-12	
3	10437	56-15-40(1) failure to deliver	4 points	10/17/12	
4	14/724	56-15-40(1) failure to deliver	4 points	06/24/14	
5	15/1168	56-15-40(1) failure to deliver	4 points	2/2/16	
6	16/664	56-15-40(1) failure to deliver	4 Points	7/27/16	
7					
8					
9					
10					
11					
12					

Dealer Unit Supervisor: Lisa Bird

Date: July 27, 2016

Nikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

August 2, 2016

Ms. Sheila Gilliam
[REDACTED]

RE: Toyota of Greer, Dealer # 30643
Compliant No: 16/664

Dear Ms. Gilliam:

The Dealer License and Audit Unit has conducted an investigation of the complaint listed above. We have taken the appropriate administrative action. If you have any questions regarding this subject, please contact Agent Jason Benjamin at 803-331-3270.

Sincerely,

Monica Brown

Dealer License & Audit
mb

cc: Dealer File No: 30643

[Handwritten signature and stamp]

1. The first step in the process is to identify the problem. This involves gathering information about the situation and the people involved.

539



South Carolina Department of Motor Vehicles
INVESTIGATION OF COMPLAINT REGARDING
DEALER/WHOLESALE

DLA-5A
(Rev. 12/07)

Complaint Number 16/664 Section of Law Violated 56-15-40-1
Dealership Involved Toyota of Greer Dealer Number 30643
Complainant Sheila Gilliam Date of Complaint 6/28/16

Details of the Investigation

Investigation revealed that the complainant purchased a 2007 Ford VIN 1FMEU65E07UB13396 from the above mentioned dealership on March 29th, 2016. The title was delivered to the department on July 6th, 2016- 99 days after purchase.

Dealer Comments

Michelle Taylor, Title Clerk, supplied a statement (attached)

Recommendation

None

7/18/16

Date

Jason Benjamin

DMV Agent

000474



(864) 662-4800 MAIN
(866) 315-2905 TOLL FREE

(866) 662-4855 FAX

7/18/16

To Whom It May Concern,

Sheila Gilliam purchased a used 2007 Ford Explorer (1FMEU65E07UB13396) from our dealership on March 29, 2016. This vehicle was traded into our dealership by the previous owner on January 25, 2016 without a title. There was an issue getting the title from Ford Motor Credit. Our payoff clerk who is in charge of getting duplicate titles had been working with Ford Motor Credit for a while and finally got a title rep to fax a lien release directly to the DMV on our behalf in order to get the duplicate title on July 5, 2016. We received our duplicate and completed Ms. Gilliam's tag work on July 6, 2016.

Michelle Taylor
Title Clerk



000475



South Carolina Department of Motor Vehicles CUSTOMER COMPLAINT FORM

AD-800C
(Rev. 3/15)
Page 1 of 2

Customers are encouraged to use this form to file a complaint with the South Carolina Department of Motor Vehicles (DMV) about fraud, misconduct, unlicensed or suspected illegal activity involving a product, service, employee, or company that the DMV oversees or regulates, such as a licensed dealer or wholesaler, a certified driver training school or third party tester. In response to such complaints, DMV may encourage compliance with state and federal laws, pursue administrative actions, and/or refer the complaint to the appropriate agency for follow-up or enforcement action.

Please print in blue or black ink. Use additional paper if more space is needed. Fax, mail or email your complaint along with any other documents that may assist us in the investigation.

Fax Number: (803) 896-8172
Email: Fraud@scdmv.net

SCDMV Office of Inspector General
PO Box 1488
Blythewood, SC 29016-0022

IMPORTANT NOTICE: The South Carolina Freedom of Information Act (FOIA) may require the Department of Motor Vehicles (DMV) to preserve a copy of your complaint as a public record.

A. Information of individual submitting complaint:

Last Name William		First Name Sheila		Middle Name A	
Address [Redacted]		City [Redacted]		State SC	Zip Code 29316
Date of Birth [Redacted]	Driver's License State and Number [Redacted]	Phone Number 804- [Redacted]	Alternative Phone Number 804- [Redacted]		
Email Address [Redacted]					

B. Nature of Complaint (check all boxes that apply)

- ☒ Undelivered Title
 ☐ Odometer Discrepancy
 ☐ Driver Training School
 ☐ Third Party Tester
 ☐ DMV Employee
☐ Fraud/Misconduct
☒ Dealership/Wholesaler
☐ Other: _____

C. If a business is the subject of your complaint, what is your relationship to the business?

- ☒ Customer
 ☐ Student
 ☐ Employee
 ☐ Visitor
 ☐ Other: _____

D. Describe in detail the nature of your complaint including names of individuals involved, witnesses, dates, and times. Use additional paper if more space is needed. Please attach any supporting documentation you may have concerning this complaint.

I purchased a 2007 Ford Explorer from Toyota of Greer on March 29th 2016. I have yet got the title or tag. Dealership telling me to drive the car without the right paperwork.

E. Have you sought legal counsel, contacted any other Agency, filed a police report or taken any other actions outside of the DMV concerning this matter? ☐ YES ☒ NO (If YES, please explain)

F. What actions or changes do you desire the DMV take to resolve your complaint and/or prevent this type of complaint from happening again?

I need my title and in my name.

G. Complaint Declaration

I hereby state that the information I have provided herein is true and correct to the best of my knowledge. I submit this complaint as part of my request for the SCDMV Office of Inspector General to conduct an investigation based upon these facts. I understand that I may be called upon to testify in criminal and/or administrative proceedings.

Sheila A. William
Signature of Individual Submitting Complaint

6/28/16
Today's Date

JUN 28 2016

DEALER LICENSING
& AUDIT

SCDMV OFFICE USE ONLY

Case # _____
Complaint # _____

000476



South Carolina Department of Motor Vehicles CUSTOMER COMPLAINT FORM

AD-800C
(Rev. 3/15)
Page 2 of 2

NOTE: If your complaint involves a dealership or wholesaler, please also complete page 2 of this form.
Only complete this page if your complaint involves a dealership or wholesaler.

Information of Individual Submitting Complaint (REQUIRED)

Last Name <u>Gilliam</u>	First Name <u>Shirley</u>	Middle Name <u>A</u>
-----------------------------	------------------------------	-------------------------

H. Nature of Dealer/Wholesaler Complaint (check all boxes that apply)

- ☒ Undelivered Title
 ☐ Odometer Discrepancy
 ☐ Financing Arrangements
 ☐ Warranty/Service/Repair
☐ Other:

I. Dealer Information

Dealership/Wholesaler Name <u>Toyota of Greer</u>		Dealer Number <u>30643</u> <u>864-662-4846</u>	
Address <u>13770 E. Wade Hampton Blvd Greer</u>		State <u>SC</u>	Zip Code <u>2965</u>

Salesperson's Last Name <u>Washington</u>	Salesperson's First Name <u>Charles</u>
--	--

Have you contacted the dealership about this complaint? ☒ YES ☐ NO

If yes, provide the name of the person that was contacted:

<u>Toni and Charles Washington</u>	Date Contacted: <u>6-14-16</u> <u>6-21-16-43</u>
------------------------------------	--

Product of Contact:
I still in the month of May tried to make calls and
all they tell me is to drive the car and they will pay the
ticket.

J. Vehicle Information

Year <u>2007</u>	Make <u>Ford</u>	Model <u>Explorer</u>	Color <u>Black</u>
License Plate Number <u>IFME1165E</u>		Vehicle Identification Number (VIN) <u>1FMEU165E0TUB13396</u>	

Vehicle was purchased (check one): ☐ NEW or ☒ USED

Vehicle was purchased AS-IS/NO Warranty: ☒ YES ☐ NO

Date vehicle was purchased

<u>3-29-2016</u>	Title was delivered: ☐ YES or ☒ NO
------------------	---

Title was delivered within 45 days from purchase date: ☐ YES ☒ NO

Name of Lender, if applicable:

<u>N/A</u>

000477

SCADA

AFFIDAVIT & NOTIFICATION OF
SALE OF MOTOR VEHICLE
(Entire Form Must Be Typed or Printed)

No. 42606057

Personally appeared before me, MCE AUTOMOTIVE INC. DBA TOYOTA OF GREER
(Seller) (Dealer Retail Tax #)
13770 E. WADE HAMPTON BLVD GREER, SC 29651
(Address)
who being duly sworn, deposes and says that on the 29TH day of MARCH 20 16
he sold the following motor vehicle: Make FORD Model EXPLORER
Year 2007 Identification (Serial) No. 1FMEU165E07UR13396
License No. _____ to SHEILA GILLIAM
(Buyer)

SPARTANBURG SC 29316
(Street) (City) (County) (State) (Zip)

Special Mailing Address _____

Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

Lienholder _____ Amount 1/A
Address _____ Date 03/29/2016

I certify that the odometer now reads 158773 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

- ☐ (1) I hereby certify that to the best of my knowledge, the odometer reading reflects the amount of mileage in excess of its mechanical limits;
- ☐ (2) I hereby certify that the odometer reading is NOT the actual mileage. WARNING - ODOMETER DISCREPANCY

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

[Signature]
(Signature of Seller)
MCE AUTOMOTIVE INC. DBA TOYOTA OF GREER
(Print Seller's Name)
[Signature]
(Signature of Buyer)
SHEILA GILLIAM
(Print Buyer's Name)

Property Tax Section

Check One:

☒ Purchase License Plate

D.L. Number _____

License Plate Issued _____

☐ Transfer License Plate

Signature of Buyer if purchasing plates _____

Property taxes will be due in 120 days

000478

16/664
Petitioner's Exhibit #9



SC DMV PACKAGE COVER SHEET

Package Name: 18 DUPLICATE TITLE
Document Type: TL4
Date of Record: 06/30/2016
Driver License # / Dealer #: [REDACTED]
Customer #: 23002554
Last Name / Dealer Name: DERRICK
Tag #:
Title # / Ticket #: 770490314862098 A
Type Code / Dealer Type:
VIN: 1FMEU65E07UB13396
Numeric Document Type: 18

[Handwritten signature and illegible text]

000479



South Carolina Department of Motor Vehicles
Application for Certificate of Title and Registration for Motor Vehicle or
Manufactured Home/Mobile Home

Form 400
(Rev. 4/10)

This application, including the correction fluid is acceptable on this form. For more information, visit our website at www.scdmv.com or call our Customer Call Center at (803) 886-5000.

SECTION A - EXPEDITE (additional \$20.00 fee) Check here to expedite this doc.				
Check the box next to the type of transaction you need. Please enclose the required documents and fees with your completed and signed application. For expedited services (within 3 business days) include an additional \$20.00 fee. Make checks payable to: SC DMV, DO NOT SEND CASH.				
☐ NEW TITLE & REGISTRATION 1) Manufacturer Certificate of Origin (MCO) or Title 2) Paid Property Tax Receipt 3) \$15.00 title fee and 4) Regular registration fee 5) Sales Tax (9% of selling price or \$300.00 max) 6) Insurance information	☐ TITLE AND PLATE TRANSFER 1) Manufacturer Certificate of Origin (MCO) or Title 2) Last Previous Tag # 3) Previous registration in owner's name 4) \$15.00 title 5) \$15.00 transfer fee 6) Sales Tax (9% of selling price or \$300.00 max) 7) Insurance information	☐ TITLE FOR MOBILE OR MANUFACTURED HOME 1) Manufacturer Certificate of Origin (MCO) or Title 2) Consumer Inclusion Report required for \$300.00 sales tax cap. if mobile home is energy efficient 3) \$15.00 title fee	☐ TITLE ONLY 1) Manufacturer Certificate of Origin (MCO) or Title 2) \$15.00 title fee 3) Sales Tax (9% of selling price or \$300.00 max) ☒ APPLICATE TITLE 1) ☐ Station or ☐ Disabled Tag 2) \$15.00 title fee	☐ LEASED VEHICLE 1) Do not complete Section D, Complete Section E and all other applicable sections. MAIL YOUR APPLICATION TO: SC DMV P.O. Box 1438 - 10311 Wilson Blvd. Rutherford, SC 29016 - 0034

SECTION B - VEHICLE INFORMATION Please print or type in black ink only.							
VEHICLE IDENTIFICATION NUMBER							
1FM3E1U658074B133960							
MAKE	YEAR/MAKE	BODY STYLE	MODEL	EMPTY WEIGHT	GVW		
Ford	2007	SU	EXPLORE				

SECTION C - ODOMETER MILEAGE (Miles not kilometers)	
FEDERAL AND STATE LAW REQUIRE THAT YOU STATE THE MILEAGE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT.	
I STATE THAT THE ODOMETER NOW READS 158761 (NO TENTHS) AND TO THE BEST OF MY KNOWLEDGE THAT IT REFLECTS THE ACTUAL MILEAGE OF THE VEHICLE DESCRIBED ABOVE UNLESS ONE OF THE FOLLOWING STATEMENTS IS CHECKED.	
☐ DO NOT CHECK ONE OF THE FOLLOWING UNLESS IT APPLIES.	
☐ EXEMPT	
☐ I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ODOMETER READING REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF ITS MECHANICAL LIMITS.	
☐ I CERTIFY THAT THE ODOMETER READING IS NOT THE ACTUAL MILEAGE. WARNING ODOMETER DISCREPANCY.	

SECTION D - OWNER INFORMATION Your complete legal name must be used on all title and registration documents.					
NEW PRIMARY OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE)		SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC. NO. OR FEW		DATE OF BIRTH	
Derrick James Thomas					
NEW CO-OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE)		SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC. NO. OR FEW		DATE OF BIRTH	
Derrick Catherine Smith					
CITY		STATE	ZIP CODE	COUNTY	
		SC	29681		
CITY		STATE	ZIP CODE	COUNTY	
		SC			
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
			SC		
DAYTIME TELEPHONE NUMBER		TEMPORARY ADDRESS (IF APPLICABLE)		EXPIRATION OF TEMPORARY ADDRESS	

SECTION E - LEASING INFORMATION Complete only for a leased vehicle.					
LEASING COMPANY NAME		PHONE NO.	CONTACT PERSON	CUSTOMER NO.	
ADDRESS		CITY	STATE	ZIP CODE	
NAME OF LESSEE (PERSON LEASING VEHICLE)		DRIVER LICENSE NO., SOC. SEC. NO. OR FEW		DATE OF BIRTH	
LESSEE'S SC RESIDENCE STREET ADDRESS (CITY, NO. IF APPLICABLE)		CITY	STATE	ZIP CODE	COUNTY
			SC		
LESSEE'S MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
			SC		
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
			SC		

SECTION F - LIEN INFORMATION If you are a lienholder, are you a SC ELF participant? ☐ YES ☐ NO					
CUSTOMER NO. OR FEW	LIENHOLDER NAME (FIRST LIEN) When "None" if vehicle is sold in full	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER	
MAILING ADDRESS		CITY	STATE	ZIP CODE	
CUSTOMER NO. OR FEW	LIENHOLDER NAME (SECOND LIEN)	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER	
MAILING ADDRESS		CITY	STATE	ZIP CODE	

000480

< This section intentionally left blank >

SECTION G - SALES TAX EXEMPTION Complete this section if you are entitled to a sales tax exemption and sign in the space provided verifying the exemption.

VEHICLE FORWARDED FROM INDIVIDUALS AND TITLED IN SOUTH CAROLINA ARE SUBJECT TO SALES TAX UNLESS EXEMPT. THE TAX IS 6% OF THE SALE PRICE UP TO A MAXIMUM OF \$250.00 (MOBILE HOMES ARE CALCULATED DIFFERENTLY).

☐ THE VEHICLE WAS TRANSFERRED FROM:
☐ THE VEHICLE WAS TRANSFERRED TO ME AS:
☐ I AM NON-RESIDENT MILITARY PERSONNEL

☐ MY PARENT ☐ MY SPOUSE ☐ MY CHILD ☐ MY BROTHER/SISTER ☐ MY GRANDPARENT ☐ MY GRANDCHILD
☐ LEGAL HEIR ☐ BENEFICIARY ☐ DISTRIBUTOR
☐ THE VEHICLE WAS A DONATION GIFT

SIGNATURE _____

SECTION H - ADDITIONAL INFORMATION

DATE OF PURCHASE _____ DATE FIRST OPERATED IN S.C. _____ ENERGY EFFICIENT MANUFACTURED MOBILE HOME?
☐ YES ☐ NO

NEW OR USED? _____ PRIOR TITLE NUMBER _____ PRIOR TITLE STATE _____

THE VEHICLE DESCRIBED ON THIS APPLICATION IS: ☐ REBUILDABLE ☐ NONREBUILDABLE

THE VEHICLE SUSTAINED THE FOLLOWING DAMAGE: ☐ COLLISION ☐ FIRE ☐ WATER ☐ STOLEN (RECOVERED) ☐ STOLEN (UNRECOVERED)

AGENCY REFERENCE NUMBER _____ Calculate the Salvage Percentage: Pre-damaged Value _____
 Salvage _____ Estimate for Repairs _____
 Percentage _____

SECTION I - SELLER INFORMATION Applicant should initial verifying the sales price of the vehicle.

SELLER OR DEALER NAME _____ SC DEALER/WHOLESALE NUMBER _____ SC SALES TAX NUMBER _____ SALES PRICE _____ CUSTOMER'S INITIALS _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SECTION J - INSURANCE CERTIFICATION

A VEHICLE MUST BE INSURED WITH LIABILITY INSURANCE COVERAGE WHEN IT IS REGISTERED AND IT MUST REMAIN INSURED WHILE REGISTERED, WHETHER OR NOT IT IS OPERATED, OR THE UNINSURED MOTORIST FEE MUST BE PAID. PENALTIES ARE SEVERE FOR VIOLATION OF THIS REQUIREMENT.

UNDER PENALTIES OF PERJURY, I (WE) DECLARE THAT THIS VEHICLE IS INSURED BY A LIABILITY INSURANCE POLICY ISSUED THROUGH AN INSURANCE COMPANY LICENSED TO DO BUSINESS IN SOUTH CAROLINA AND IT WILL REMAIN INSURED THROUGHOUT THE REGISTRATION PERIOD.

NAME OF INSURANCE COMPANY _____

SECTION K - DONATE LIFE SC

YES, I WISH TO DONATE \$4.00, MORE OR LESS, TO DONATE LIFE SC. AMOUNT OF DONATION: \$ _____ 00

SECTION L - SIGNATURE OF OWNER

UNDER PENALTIES OF PERJURY, I DECLARE THAT I AM THE OWNER OF THIS VEHICLE AND REQUEST THAT A SOUTH CAROLINA CERTIFICATE OF TITLE AND/OR REGISTRATION BE ISSUED. I FURTHER CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE. THE VEHICLE IS SUBJECT TO THE LICENSE NAMED AND NO OTHERS. ALSO, IF REGISTERED A COMMERCIAL VEHICLE OVER 10,000 lbs, I CERTIFY THAT I AM FAMILIAR WITH THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND/OR FEDERAL HAZARDOUS MATERIALS REGULATIONS.

James Thomas Donich / Catherine Sando Donich Buyer 10/30/11
 SIGNATURE OF OWNER(S) _____ DATE _____

DISCLOSURE STATEMENT

56-3-710 (SOUTH CAROLINA CODE OF LAWS) - THE DEPARTMENT SHALL OBTAIN THE FEDERAL EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER WHEN A VEHICLE IS REGISTERED WITH A GROSS VEHICLE WEIGHT OF MORE THAN 26,000 POUNDS OR A BUS COMMON CARRIER. THE DRIVER PRIVACY PROTECTION ACT OF 1994 (DPPA), 18 USC SECTION 2721-2723 RESTRICT THE DISCLOSURE OF PERSONAL INFORMATION CONTAINED IN OUR RECORDS.

PENALTY FEES

FAILURE TO REGISTER WITHIN 45 DAYS OF THE DATE OF PURCHASE OR THE DATE OF OPERATION IN SOUTH CAROLINA WILL RESULT IN PENALTY FEES IN ADDITION TO REGULAR TITLE AND/OR REGISTRATION FEES. THE LATE PENALTY FEE SCHEDULE IS AS FOLLOWS:

46 - 60 DAYS LATE - \$10.00 61 - 75 DAYS LATE - \$25.00 76 - 135 DAYS LATE - \$50.00 OVER 135 DAYS LATE - \$75.00

THIS SECTION FOR DMV USE ONLY

CHECK APPROPRIATE BOX: ☐ BRAND ☐ NO BRAND

RATED BY MRR 0049 TRANSACTION FEES 20

OFFICE/PLATE NUMBER _____ EXPEDITED FEE _____ WEIGHT INCREASE _____

PLATE NUMBER _____ LICENSE FEE _____ TRANSFER _____

EXPIRATION DATE _____ UNINSURED FEE _____ TITLE 15

PLATE CLASS _____ USE OR SALES TAX _____ DONATE LIFE SC 3

SUSPENSE REASON _____ PENALTY _____ TOTAL 35

000481

TOYOTA OF GREER

NON-SECURE POWER OF ATTORNEY

James Thomas Dewick the owner of the vehicle identified below, a 29681
resident of [redacted] SC
address city state

hereby appoint M. Taylor of Greenville,
South Carolina, an employee of the dealership doing business as
MCE AUTOMOTIVE, INC. DBA TOYOTA OF GREER, as my true and lawful attorney-in-fact to sign all

papers and documents required to secure the title, endorse and transfer title, disclose the
odometer on the title, apply for certificate or duplicate of title to, and register (and/or) the
transfer of the following identified motor vehicle:

07 Ford Explorer 1FMEUW5E07UBB3940
Year Make Model VIN Number

and for said purposes(s) to sign my name, as owner, on the back of said title and, to carry
out this appointment. This power-of-attorney revokes all earlier powers-of-attorney.

The undersigned owner(s) further certifies that this power-of-attorney was
completely filled in at the time of its execution.

Signed this 25 of Jan, 2010
day month year

James Thomas Dewick
Owner(s) full legal names printed or typed

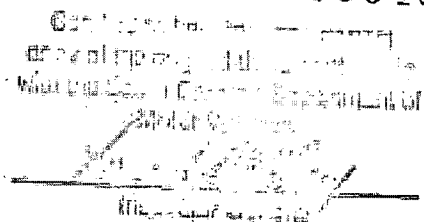
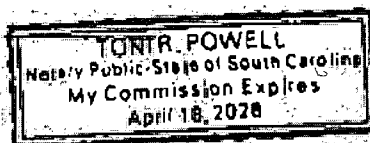
James Thomas Dewick
Owner(s) signature

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Sworn to and subscribed before me this the 25 day of Jan, 2010

Notary Public: Tontr Powell

My Commission Expires:



TOYOTA OF GREER

NON-SECURE POWER OF ATTORNEY

Catherine Sams Derrick the owner of the vehicle identified below, a

resident of

address

city

state

29681

hereby appoint M. Taylor of Greenville,

South Carolina, an employee of the dealership doing business as

MCE AUTOMOTIVE, INC. DBA TOYOTA OF GREER

as my true and lawful attorney-in-fact to sign all

papers and documents required to secure the title, endorse and transfer title, disclose the

odometer on the title, apply for certificate or duplicate of title to, and register (and/or) the

transfer of the following identified motor vehicle:

07

Year

Ford

Make

Explorer

Model

1FMEU05E07UB13390

VIN Number

and for said purposes(s) to sign my name, as owner, on the back of said title and, to carry out this appointment. This power-of-attorney revokes all earlier powers-of-attorney.

The undersigned owner(s) further certifies that this power-of-attorney was completely filled in at the time of its execution.

Signed this

25

day

of

Jan

month

2010

year

Catherine S. Derrick

Owner(s) full legal names printed or typed

Catherine S. Derrick

Owner(s) signature

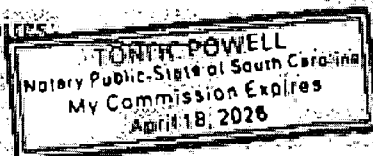
STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Sworn to and subscribed before me this the 25 day of Jan, 2010

Notary Public:

Toni Powell

My Commission Expires



000483



FordCredit

PO BOX 105704
ATLANTA GA 30348
877-349-5260 X31453

RE JAMES DERRICK

VIN# 1FMEU65E07UB13396

2007 FORD EXPLR

To Whom It May Concern

Ford Motor Credit Company has no security interest in the above-referenced vehicle and should not be identified as a lien holder. Please accept this statement as authorization to remove Ford Motor Credit Company as a lien holder on the title for this vehicle.

Sincerely,

Account Representative

Sworn to and subscribed before me
this 25 day of JUN, 2016

Notary Public

County of HILLSBOROUGH

My Commission Expires 07/28/2018



TYRONE WILSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF145919
Expires 7/28/2018

000484



South Carolina Department of Motor Vehicles

MV-80A
(Rev. 4/11)

THIRD PARTY TITLE PICK UP

SC Code of Laws, Section 56-3-390, penalties for fraudulent applications and misrepresentation of facts. Any person who (a) fraudulently uses or gives a false or fictitious name or address in any application required to be made under this chapter except for registration, (b) knowingly makes a false statement in any such application or (c) knowingly conceals a material fact in any such application shall be guilty of a misdemeanor and shall upon conviction be punished as herein provided. Any person who shall operate or any owner who shall permit the operation or movement of any vehicle registered and licensed under a violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as herein provided.

I certify that the owner of the vehicle with the VIN listed below has authorized me to receive the title on his/her behalf. I also certify that I have received this certificate of title from the DMV.

Vehicle Identification Number (VIN): 1EMELU05E07LUB13390

I am an authorized agent for: _____
OR _____ Vehicle Owner's Name _____ List relationship to Vehicle Owner _____

I am an authorized employee for: Toyota of Greer
Name of Company or Individual

James Thomas Derrick
Catherine Sams Derrick > by MTaylor POA
Printed Name of Vehicle Owner _____ Date 6/30/16

James Thomas Derrick
Catherine Sams Derrick > by MTaylor POA
Signature of Vehicle Owner _____ Date 6/30/16

Thomas Atkins
Printed Name of Third Party Receiving Title _____ Date 6/30/16

[Signature]
Signature of Third Party Receiving Title _____ Date 6/30/16

THE SECTION BELOW IS FOR DMV USE ONLY

- ☐ I verified that the MV-80 form (Agent Authorization) is on file, if applicable.
☒ I verified that the name and signature on the SC driver's license matches the information listed in Phoenix. This applies only if a SC driver's license is presented.

Date Title Picked Up: 6/30/16 Time: _____

DMV CSR's Initials: MXR Field Office #: 0044 Date: 6/30/16

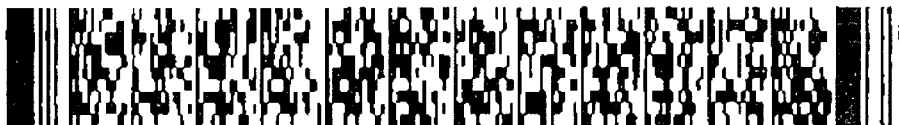
Place the third party's driver's license in the box below and make two copies.

South Carolina DRIVER'S LICENSE



Original should be given back to the customer after one photocopy is made.
Send copy to Scanning.

000485



SC DMV PACKAGE COVER SHEET

Package Name: 15 TTL APP-FRM 400
Document Type: TL1
Date of Record: 07/06/2016
Driver License # / Dealer #: XXXXXXXXXX
Customer #: 23427091
Last Name / Dealer Name: GILLIAM
Tag #: 4622JJ
Title # / Ticket #: 770490315022726 B
Type Code / Dealer Type:
VIN: 1FMEU65E07UB13396
Numeric Document Type: 15

000486



South Carolina Department of Motor Vehicles
Application for Certificate of Title and Registration for Motor Vehicle or
Manufactured Home/Mobile Home

Form 400
(Rev. 4/10)

No strikeovers, erasures, or correction fluid is acceptable on this form. For more information, visit our website at www.scdmvonline.com or call our Customer Call Center at (800) 838-3600.

SECTION A ☐ EXPEDITE (additional \$20.00 fee) Check here to expedite this info.

103258

Check the box next to the type of transaction you need. Please enclose the required documents and fees with your completed and signed application. For expedited services (within 3 business days) include an additional \$20.00 fee. Make checks payable to: SC DMV. DO NOT SEND CASH.

☒ NEW TITLE & REGISTRATION 1) Manufacturer Certificate of Origin (MCO) or Title 2) Paid Property Tax Receipt 3) \$18.00 title fee and 4) Regular registration fee 5) Sales Tax (5% of selling price or \$300.00 max.) 6) Insurance Information	☐ TITLE AND PLATE TRANSFER 1) Manufacturer Certificate of Origin (MCO) or Title 2) Last Previous Tag # 3) Previous registration in owner's name 4) \$15.00 title 5) \$18.00 transfer fee 6) Sales Tax (3% of selling price or \$300.00 max.) 7) Insurance Information	☐ TITLE FOR MOBILE OR MANUFACTURED HOME 1) Manufacturer Certificate of Origin (MCO) or Title 2) Consumer Installation Record required for \$300.00 sales tax fee, if mobile home is energy efficient 3) \$15.00 title fee	☐ TITLE ONLY 1) Manufacturer Certificate of Origin (MCO) or Title 2) \$18.00 title fee 3) Sales Tax (5% of selling price or \$300.00 max.) ☐ DUPLICATE TITLE 1) Last State or Country of Origin 2) \$15.00 title fee	☐ LEASED VEHICLE 1) Do not complete Section D. Complete Section E and all other applicable sections. MAIL YOUR APPLICATION TO: SC DMV P.O. Box 1418 • 10311 Whitten Blvd Columbia, SC 29218 • 0024
---	--	--	--	--

SECTION B - VEHICLE INFORMATION Please print or type in black ink only.

VEHICLE IDENTIFICATION NUMBER	MAKE	YEAR MAKE	BODY STYLE	MODEL	EMPTY WEIGHT	GVM
1FHEU165E071R13396	FORD	2007	limo	EXPLORE	4410	

SECTION C - ODOMETER MILEAGE (Miles not kilometers)

FEDERAL AND STATE LAWS REQUIRE THAT YOU STATE THE MILEAGE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT.

I STATE THAT THE ODOMETER NOW READS 158773 (NO TENTHS) AND TO THE BEST OF MY KNOWLEDGE THAT IT REFLECTS THE ACTUAL MILEAGE OF THE VEHICLE DESCRIBED ABOVE UNLESS ONE OF THE FOLLOWING STATEMENTS IS CHECKED:



DO NOT CHECK ONE OF THE FOLLOWING UNLESS IT APPLIES.

☐ EXEMPT

☐ I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ODOMETER READING REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF ITS MECHANICAL LIMITS.

☐ I CERTIFY THAT THE ODOMETER READING IS NOT THE ACTUAL MILEAGE WARNING ODOMETER DISCREPANCY.

SECTION D - OWNER INFORMATION Your complete legal name must be used on all title and registration documents.

NEW PRIMARY OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE)		SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC. NO., OR FEIN		DATE OF BIRTH	
GILLIAN, SHEILA					
NEW CO-OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE)		SHARED OWNERSHIP		SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC. NO., OR FEIN	
		☐ AND ☐ OR			
PRIMARY OWNER'S RESIDENCE STREET ADDRESS (APT. NO. IF APPLICABLE)		CITY	STATE	ZIP CODE	COUNTY
			SC	29316	SPARTANBURG
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
			SC		
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
			SC		
DAYTIME TELEPHONE NUMBER		TEMPORARY ADDRESS (IF APPLICABLE)		EXPIRATION OF TEMPORARY ADDRESS	
(864) [REDACTED]		N/A			

SECTION E - LEASING INFORMATION Complete only for a leased vehicle.

LEASING COMPANY NAME		PHONE NO.	CONTACT PERSON		CUSTOMER NO.
ADDRESS		CITY	STATE	ZIP CODE	
NAME OF LESSEE (PERSON LEASING VEHICLE)		DRIVER LICENSE NO., SOC. SEC. NO., OR FEIN		DATE OF BIRTH	
LESSEE'S SC RESIDENCE STREET ADDRESS (APT. NO. IF APPLICABLE)		CITY	STATE	ZIP CODE	COUNTY
			SC		
LESSEE'S MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
			SC		
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)		CITY	STATE	ZIP CODE	COUNTY
			SC		

SECTION F - LIEN INFORMATION If you are a lienholder, are you a SC ELY participant? ☐ YES ☐ NO

CUSTOMER NO., OR FEIN	LIENHOLDER NAME (FIRST LIEN) What "None" if vehicle is paid in full.	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER
MAILING ADDRESS		CITY	STATE	ZIP CODE
CUSTOMER NO., OR FEIN	LIENHOLDER NAME (SECOND LIEN)	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER
	NONE			
MAILING ADDRESS		CITY	STATE	ZIP CODE

000487

< This section intentionally left blank >

SECTION G - SALES TAX EXEMPTION

Complete this section if you are entitled to a sales tax exemption and sign in the space provided verifying the exemption.

VEHICLE PURCHASED FROM AN INDIVIDUAL AND TITLED IN SOUTH CAROLINA ARE SUBJECT TO SALES TAX UNLESS EXEMPT. THE TAX IS 6% OF THE SALE PRICE UP TO A MAXIMUM OF \$1000. (MOBILE HOMES ARE CALCULATED DIFFERENTLY.)

☐ THE VEHICLE WAS TRANSFERRED FROM: ☐ MY PARENT ☐ MY SPOUSE ☐ MY CHILD ☐ MY BROTHER/SISTER ☐ MY GRANDPARENT ☐ MY GRANDCHILD
☐ THE VEHICLE WAS TRANSFERRED TO ME AS: ☐ LEGAL HEIR ☐ BENEFICIARY ☐ DISTRIBUTEE
☐ I AM NON-RESIDENT MILITARY PERSONNEL ☐ THE VEHICLE WAS A DONATION GIFT

SIGNATURE _____

SECTION H - ADDITIONAL INFORMATION

DATE OF PURCHASE 03/29/2016	DATE FIRST OPERATED IN SC 03/29/2016	ENERGY EFFICIENT MANUFACTURED MOBILE HOME? ☐ YES ☒ NO
NEW OR USED USED	PRIOR TITLE NUMBER	PRIOR TITLE STATE
THE VEHICLE DESCRIBED ON THIS APPLICATION IS: ☒ REBUILDABLE ☐ NON-REBUILDABLE		
THE VEHICLE SUSTAINED THE FOLLOWING DAMAGE: ☐ COLLISION ☐ FIRE ☐ WATER ☐ STOLEN (RECOVERED) ☐ STOLEN (UNRECOVERED)		
AGENCY REFERENCE NUMBER	Calculate the Salvage Percentage: Percentage:	
SALVAGE	Estimate for Repairs:	

SECTION I - SELLER INFORMATION

Applicant should initial verifying the sales price of the vehicle.

SELLER OR DEALER NAME HCC AUTOMOTIVE dba TOYOTA OF GREER	SC DEALER/WHOLESALE NUMBER 30643	SC SALES TAX NUMBER 000311471	SALES PRICE 7995.00	CUSTOMER INITIALS
ADDRESS 13770 E WADE HAMPTON BLVD	CITY GREER	STATE SC	ZIP CODE 29651	

SECTION J - INSURANCE CERTIFICATION

A VEHICLE MUST BE INSURED WITH LIABILITY INSURANCE COVERAGE WHEN IT IS REGISTERED AND IT MUST REMAIN INSURED WHILE REGISTERED, WHETHER OR NOT IT IS OPERATED, OR THE UNINSURED MOTORIST FEE MUST BE PAID. PENALTIES ARE SEVERE FOR VIOLATION OF THIS REQUIREMENT.

UNDER PENALTIES OF PERJURY, I (WE) DECLARE THAT THIS VEHICLE IS COVERED BY A LIABILITY INSURANCE POLICY ISSUED THROUGH AN INSURANCE COMPANY LICENSED TO DO BUSINESS IN SOUTH CAROLINA AND IT WILL REMAIN UNLAPSED THROUGHOUT THE REGISTRATION PERIOD.

NAME OF INSURANCE COMPANY

State Farm

SECTION K - DONATE LIFE SC

YES, I WISH TO DONATE \$5.00, MORE OR LESS, TO DONATE LIFE SC. AMOUNT OF DONATION \$ 00

SECTION L - SIGNATURE OF OWNER

UNDER PENALTIES OF PERJURY, I DECLARE THAT I AM THE OWNER OF THIS VEHICLE AND REQUEST THAT A SOUTH CAROLINA CERTIFICATE OF TITLE AND/OR REGISTRATION BE ISSUED. I FURTHER CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE, THE VEHICLE IS SUBJECT TO THE LEASE HAVING AND NO OTHERS ALSO IF REGISTERING A COMMERCIAL VEHICLE OVER 10,000 LBS. I CERTIFY THAT I AM IN COMPLIANCE WITH THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND/OR FEDERAL HAZARDOUS MATERIALS REGULATIONS.

SIGNATURE OF OWNER (S) MUST BE SIGNED IN INK BY OWNER OR AUTHORIZED AGENT (ATTACH POWER OF ATTORNEY IF APPLICABLE)

03/29/2016
DATE

DISCLOSURE STATEMENT

50-5710 (SOUTH CAROLINA CODE OF LAWS): THE DEPARTMENT SHALL OBTAIN THE FEDERAL EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER WHEN A VEHICLE IS REGISTERED WITH A GROSS VEHICLE WEIGHT OF MORE THAN 20,000 POUNDS OR A BUS COMMON CARRIER. THE DRIVER PRIVACY PROTECTION ACT OF 1994 (DPPA), 16 USC SECTION 2711, 2723 RESTRICT THE DISCLOSURE OF PERSONAL INFORMATION CONTAINED IN OUR RECORDS.

PENALTY FEES

FAILURE TO REGISTER WITHIN 45 DAYS OF THE DATE OF PURCHASE OR THE DATE OF OPERATION IN SOUTH CAROLINA WILL RESULT IN PENALTY FEES IN ADDITION TO REGULAR TITLE AND/OR REGISTRATION FEES. THE LATE PENALTY FEE SCHEDULE IS AS FOLLOWS:

45 - 60 DAYS LATE - \$10.00

61 - 75 DAYS LATE - \$15.00

76 - 125 DAYS LATE - \$50.00

OVER 125 DAYS LATE - \$75.00

THIS SECTION FOR DMV USE ONLY

CHECK APPROPRIATE BOX: ☒ BRAND ☐ NO BRAND		
RATED BY: <i>[Signature]</i>	TRANSACTION FEES	
OFFICE NUMBER	EXPEDITED FEE	WEIGHT INCREASE
PLATE NUMBER	LEASE FEE	TRANSFER
EXPIRATION DATE	UNINSURED FEE	TITLE
PLATE CLASS	NET OF SALES TAX	DONOR LIFE SC
BUYER'S REASON	PENALTY	TOTAL

000488
554

STATE OF SOUTH CAROLINA				
CERTIFICATE OF TITLE				
OF A VEHICLE				
VEHICLE ID NUMBER 1F-MF06SE070H13396	YEAR 2007	MAKE FORD	MODEL EXPLOR	NEW/USED NEW
BODY STYLE SU	DATE [REDACTED]	ODOMETER 25	WEIGHT 4410	TITLE NUMBER 770490314862098 A
VEHICLE BRAND(S)***DUPLICATE***DUPLICATE***DUPLICATE***DUPLICATE***DUPLICATE*** DUPLICATE CERTIFICATE, SUBJECT TO THE ORIGINAL ACTUAL MILEAGE				
FULL NAME OF OWNER(S) DERRICK, JAMES THOMAS OR DERRICK, CATHERINE SAMS [REDACTED]		CUSTOMER NUMBER 23002554		
				
THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES HEREBY CERTIFIES THAT THE PERSON HEREIN IS REGISTERED BY THIS DEPARTMENT AS THE LAWFUL OWNER OF THE VEHICLE DESCRIBED SUBJECT TO THE LIENS, IF ANY, HEREIN SET FORTH				
KEVIN A SHWEDO EXECUTIVE DIRECTOR		NIKKI R HALEY GOVERNOR		
REPLICATED HERE WITH A QUALITY OF REPRODUCTION VOID OF THE TITLE				

39110082

OFFICE OF THE
 CLERK OF THE
 SUPREME COURT
 1500 BAYVIEW DRIVE
 COLUMBIA, SC 29201
 (803) 732-1234
 FAX (803) 732-1235
 WWW.COURTCLERK.SC.GOV

000489

TOYOTA OF GREER

NON-SECURE POWER OF ATTORNEY

James Thomas Derrick the owner of the vehicle identified below, a

resident of

address

city

state

29681

SC

hereby appoint M. Taylor of Greenville,

South Carolina, an employee of the dealership doing business as

MCE AUTOMOTIVE, INC. DBA TOYOTA OF GREER, as my true and lawful attorney-in-fact to sign all

papers and documents required to secure the title, endorse and transfer title, disclose the

odometer on the title, apply for certificate or duplicate of title to, and register (and/or) the

transfer of the following identified motor vehicle:

07 Ford Explorer 1FMEUW5E07UB13390
Year Make Model VIN Number

and for said purposes(s) to sign my name, as owner, on the back of said title and, to carry

out this appointment. This power-of-attorney revokes all earlier powers-of-attorney.

The undersigned owner(s) further certifies that this power-of-attorney was completely filled in at the time of its execution.

Signed this 25 of Jan, 2010
day month year

James Thomas Derrick
Owner(s) full legal names printed or typed

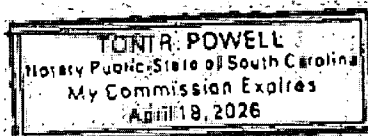
James Thomas Derrick
Owner(s) signature

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Sworn to and subscribed before me this 25 day of Jan, 2010

Notary Public Tonia Powell

My Commission Expires:



000491



South Carolina Department of Motor Vehicles POWER OF ATTORNEY FOR ODOMETER DISCLOSURE

5047
(Rev. 7/14)

NOTICE: This form may be used only when title is physically held by lienholder or has been lost. This form must be submitted to the DMV by the person exercising Power of Attorney. Failure to do so may result in fines and/or imprisonment.

VEHICLE DESCRIPTION: Year 01 Make EORCL Model Type RADIOREY Body Type
VIN (Vehicle Identification Number) 1FMEU105807UB133940

PART A. POWER OF ATTORNEY TO DISCLOSE MILEAGE 49 USC 327 (580.13)

Federal and State law requires that you state the mileage upon transfer of ownership (49 CFR Chapter 327/SC 56-19-240). Providing a false statement may result in fines and/or imprisonment (49 USC 32709/SC 56-19-240(4)).

PLEASE PRINT: James Thomas Derrick (Seller/Transferor's Name), appoint MCE AUTOMOTIVE, INC. DBA TOYOTA OF GREER (Dealer/Transferee's Name) as my attorney-in-fact, to sign all papers and documents required to secure the title and further grant the authority to endorse and transfer title thereto and to disclose the mileage on the title for the vehicle described above, exactly as stated in my following disclosure.

I state that the odometer now reads 158713 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one of the following statements is checked.

- ☐ I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.
☐ I hereby certify that the odometer reading is NOT the actual mileage. WARNING: ODOMETER DISCREPANCY

James Thomas Derrick (Transferor's Signature) James Thomas Derrick (Printed Name) 1-25-14 (Date of Statement)

M. Taylor (Transferor's Signature) M. Taylor (Printed Name of Individual Signing as Transferee) 29081 (Date of Statement)

MCE AUTOMOTIVE, INC. DBA TOYOTA OF GREER (Transferee's Name - Print or Type Name of Business or Company) 13770 E. WADE HAMPTON BLVD GREER, SC 29551 (Licensed Dealer, Transferee's Address (Street, City, State, Zip Code))

(Transferee's Name - Print or Type Name of Business or Company) Licensed Dealer, Transferee's Address (Street, City, State, Zip Code)

PART B. POWER OF ATTORNEY TO REVIEW TITLE DOCUMENTS AND ACKNOWLEDGE DISCLOSURE 49 USC 327 (580.14) (PART B is invalid unless PART A has been completed)

PLEASE PRINT: I, (Transferee's Name), appoint (Transferor's Dealership Name) as my attorney-in-fact, to sign the mileage disclosure on the title for the vehicle described above, only if the disclosure is exactly as the disclosure completed below.

(Transferee's Signature) (Printed Name)

(Transferee's Name - Print or Type Name of Business or Company)

(Transferee's Address (Street, City, State, Zip Code))

Federal and State law requires that you state the mileage upon transfer of ownership (49 CFR Chapter 327/SC 56-19-240). Providing a false statement may result in fines and/or imprisonment (49 USC 32709/SC 56-19-240(4)).

I state that the odometer now reads (no tenths) miles and to the best of my knowledge that it reflects the actual mileage unless one of the following statements is checked.

- ☐ I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.
☐ I hereby certify that the odometer reading is NOT the actual mileage. WARNING: ODOMETER DISCREPANCY

(Transferor's Signature) (Printed Name) (Date of Statement)

(Transferor's Address (Street, City, State, Zip Code))

PART C. CERTIFICATION - To be completed when Part A or Parts A and B have been used (49 USC 327 (580.15))

PLEASE PRINT: I, M. Taylor (Person exercising powers of attorney) hereby certify that the mileage I have disclosed on the title document is consistent with that provided me in the above Power of Attorney. Further, upon examination of the title and any reassignment documents for the vehicle described above, the mileage disclosure I have made on the title pursuant to the Power of Attorney is greater than that previously stated on the title and reassignment documents. This certification is not intended to create any new or additional liability under Federal or State Law.

M. Taylor (Signature) M. Taylor (Printed Name) 6/30/14 (Date of Certification)

13770 E. WADE HAMPTON BLVD GREER, SC 29551 (Street Address) (City) (State) (Zip Code)

This document is void if any information entered hereon has been erased or altered by any means. Unauthorized printing or reproduction of this document is strictly prohibited. Photo copy may be made only as a completed document for record keeping purposes for the parties named herein.

000492
558



South Carolina Department of Motor Vehicles
POWER OF ATTORNEY FOR ODOMETER DISCLOSURE

5047
(Rev. 7/14)

INSTRUCTIONS

WHEN TO USE THIS FORM

Use this form if you have a vehicle that is subject to odometer disclosure and the title is lost, destroyed or physically held by a security interest holder.

HOW TO COMPLETE THE FORM

TOP SECTION

- (1) Type or print year, make, model, body type and vehicle identification number in the spaces provided.

PART A - POWER OF ATTORNEY TO DISCLOSE MILEAGE

- (1) PART A authorizes the buyer* to transfer the odometer disclosure to the title when the title is received. PART A also appoints the buyer as attorney-in-fact to sign the seller's* name to transfer the title.
- The seller* (transferor) needs to complete the odometer disclosure on the Power of Attorney and then sign.
 - The buyer* (transferee) must transfer the odometer disclosure from the Power of Attorney to the title once it is received from the security interest holder or when a replacement title is received.

PART B - POWER OF ATTORNEY TO REVIEW TITLE DOCUMENT AND ACKNOWLEDGE DISCLOSURE

- (1) PART B is used only when PART A has been used and the vehicle is resold prior to receiving the title from the security interest holder or to receiving a replacement title.
- (2) The new buyer* authorizes the seller-transferor* (Buyer/Transferee listed in PART A) to make the odometer disclosure on the title when it is received. The odometer disclosure made on the title must be exactly the same as the odometer disclosure made on PART B of this form. PART B also appoints the seller* as attorney-in-fact to sign the buyer's* name to transfer the vehicle's title.

PART C - CERTIFICATION

- (1) PART C is used when PART A or PARTS A and B of this form have been used.
- (2) PART C is completed once the title is received from the security interest holder or a replacement title is received. The person* exercising Power of Attorney certifies that the title and any reassignment documents have been received and reviewed, and no mileage discrepancies exist.

*If the (buyer/transferee)/(seller/transferor) is a company, the person completing the assignment on behalf of the company must print and sign the name of the company as well as their own personal name.

FILING COPIES

This Power of Attorney form is a single original and may be copied for record keeping only.

Original - to be attached to the certificate of title when it is received, and to be submitted with that title when a new title is applied for.

First Copy - To be used in making a separate odometer filing with the state. If upon receipt of the title, the person who is granted the Power of Attorney does not submit the title and original Power of Attorney to the state, or submits them to a state other than South Carolina, a copy of the Power of Attorney must be submitted to the South Carolina DMV along with a copy of the front and back of the title, showing the odometer disclosure.

Second Copy - To be retained by the person (e.g. dealer, insurance company, etc.) who was granted Power of Attorney for a period of five (5) years.

Additional copies - Additional copies may be made of the completed Power of Attorney, such as to meet federal requirements that the buyer under PART B be given a copy. A copy may also be used to apply for a replacement title on behalf of the seller under PART A.

000493
559

**AFFIDAVIT & NOTIFICATION OF
SALE OF MOTOR VEHICLE**
(Entire Form Must Be Typed or Printed)

No. 42606057

Personally appeared before me MCE AUTOMOTIVE INC DBA TOYOTA OF GREER
(Seller) (Dealer Retail Tax #)
13770 E WADE HAMPTON BLVD GREER SC 29651
(Address)
who being duly sworn, deposes and says that on the 29TH day of MARCH 2016
he sold the following motor vehicle: Make FORD Model EXPLORER
Year 2007 Identification (Serial) No. 1FMEU55E07UB13296
License No. _____ to SHEILA GILLIAM

(Street) (City) (County) SC 29316
(State) (Zip)

Special Mailing Address

Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

Lienholder _____ Amount 0
Address _____ Date 03/29/2016

I certify that the odometer now reads 156773 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

- ☐ (1) I hereby certify that to the best of my knowledge, the odometer reading reflects the amount of mileage in excess of its mechanical limits.
- ☐ (2) I hereby certify that the odometer reading is NOT the actual mileage. **WARNING - ODOMETER DISCREPANCY**

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

[Signature]
(Signature of Seller)

MCE AUTOMOTIVE INC DBA TOYOTA OF GREER
(Print Seller's Name)

[Signature]
(Signature of Buyer)

SHEILA GILLIAM

(Print Buyer's Name)

Property Tax Section

Check One:

XX Purchase License Plate

D.L. Number _____

License Plate Issued 462255

____ Transfer License Plate

[Signature]
Signature of Buyer/purchasing plates

Property taxes will be due in 120 days

TOP COPY - TO DIVISION OF MOTOR VEHICLES WITH TITLE AND LICENSING APPLICATION. YELLOW COPY - FOR DEALER'S FILE.
PINK COPY - TO DIVISION OF MOTOR VEHICLES IF NEW TAGS ARE TO BE OBTAINED. GOLDENROD COPY - TO BUYER.

000494

VEHICLE DETAIL INQUIRY

---> PRODUCTION ENVIRONMENT <---

Title Information

NMVTIS Status: S /

VIN 1FMEU65E07UB13396

Vehicle ID 19573585

Title 770490315022726 B

Title Status CURRENT TITLE - PROCESSED

Year 2007

Make FORD

Model EXPLORER

Body Style SU

Agency Code

Odometer 158773

Empty Weight 4410

☐ NEW ☒ USED

Application Date 07/06/2016

Registration Information

Plate 4622JJ

Plate Class GT1

Veh Type 1

Plate Exp Date 07/31/2018

Status ACTIVE

Status Change Date 07/25/2017

Decal Issue Date 07/25/2017

Decal Exp Date 07/31/2018

Ins Co STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

Equipment Number

GVW 0

Policy Number [REDACTED]

Fleet Number 0

School Name

Owner

Lessees/Registrant

No Lessees Information Found

Cust No	Name
23427091	GILLIAM, SHEILA ANN

Address

Address Type	Street	City	State	Zip
Owner Residence	[REDACTED]	[REDACTED]	SC	293168309

000495

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Information Center

Reference Guide #10

TITLE INFORMATION INQUIRY

Cancel Previous Next Finish

---> PRODUCTION ENVIRONMENT <---

Title 770490315022726 B

[illegible]

Prior Title Information

Title Print Date 07/07/2016

Purchase Date 03/29/2016

Prior Title State SC

Prior Title Number 770490314862098

Vehicle Information

VIN 1FMEU65E07UB13396

Year 2007

Make FORD

Weight 4410

Vehicle ID 19573585

Odometer 158773

Model EXPLORER

Body Style SU

☐ New ☒ Used

Odometer Legend ACTUAL MILEAGE

Seller Information

Dealer Number 30643

☒ Dealer Sale

Name **TOYOTA OF GREER**

Address 13770 E WADE HAMPTON BLVD

City, State, Zip **GREER, SC 296512775**

Sale Price \$0.00

Tax Credit Amt \$0.00

Tax Exemption

Salvage Percent 0

Trade-in Amt \$0.00

State Tax Paid

Sales Tax No 99311471

Suspense Codes

No Title Brands found

No Suspense Code found

Lien

No Lien found

[Faint, illegible text from bleed-through]

000496

Petitioner's Exhibit #11



South Carolina Department of Motor Vehicles
INVESTIGATION OF COMPLAINT REGARDING
DEALER/WHOLESALE

DLA-5A
(Rev. 12/07)

Complaint Number 17/445 Section of Law Violated 56-15-40(1)
Dealership Involved Toyota of Greer Dealer Number 30643
Complainant Tonya McCallister Date of Complaint 5/2/17

Details of the Investigation

On February 10, 2017 Tonya McCallister, [REDACTED] 29340, purchased a 2006 Mazda VIN JM1FE173560201810 from Toyota of Greer, 13770 E. Wade Hampton Blvd Greer, SC 29651. The dealer failed to deliver the title within 45 days of the purchase as mandated by South Carolina code of law 16-21-20.

Investigation revealed that the dealer delivered the title to the department on May 15, 2017- 94 days after the date of sale.

Dealer Comments

Michelle Taylor, Title Clerk, submitted a written statement (attached). In her statement Ms. Taylor indicates that though the vehicle was sold on February 10, 2017 the dealership was not in possession of the title until May 11, 2017, 90 days after the sale. Once she received the title and tried to process the transaction at the SCDMV it was brought to her attention the complainant had a registration suspension. Ms. Taylor waited for the customer to clear up the suspension and when the complainant failed to do so she processed a title only on May 15, 2017. The complainant has since cleared this up and received a tag.

Recommendation

None

Controlled by State
of South Carolina
Motor Vehicle
Department
[Signature]

5/16/17

Date

Jason Benjamin

DMV Agent

000497



South Carolina Department of Motor Vehicles CUSTOMER COMPLAINT FORM

AD-800C
(Rev 3/15)

Page 1 of 2

Customers are encouraged to use this form to file a complaint with the South Carolina Department of Motor Vehicles (DMV) about fraud, misconduct, unlicensed or suspected illegal activity involving a product, service, employee, or company that the DMV oversees or regulates such as a licensed dealer or wholesaler, a certified driver training school or third party tester. In response to such complaints, DMV may encourage compliance with state and federal laws, pursue administrative actions, and/or refer the complaint to the appropriate agency for follow-up or enforcement action.

Please print in blue or black ink. Use additional paper if more space is needed. Fax, mail or email your complaint along with any other documents that may assist us in the investigation.

Fax Number: (803) 896-8172
Email: Fraud@scdmv.net

SCDMV Office of Inspector General
PO Box 1498
Blythewood, SC 29016-0022

IMPORTANT NOTICE: The South Carolina Freedom of Information Act (FOIA) may require the Department of Motor Vehicles (DMV) to release a copy of your complaint as a public record.

A. Information of individual submitting complaint:

Last Name <u>McCallister</u>	First Name <u>Tonya</u>	Middle Name <u>Co.</u>
Address [REDACTED]		City, State, Zip Code <u>SC 29016</u>
Date of Birth [REDACTED]	Driver's License, State and Number [REDACTED]	Phone Number <u>(803) [REDACTED]</u>
Email Address <u>[REDACTED]</u>		Alternative Phone Number [REDACTED]

B. Nature of Complaint (check all boxes that apply)

- ☒ Undelivered Title
 ☐ Odometer Discrepancy
 ☐ Driver Training School
 ☐ Third Party Tester
 ☐ DMV Employee
☐ Fraud/Misconduct
☐ Dealership/Wholesaler
☐ Other: _____

C. If a business is the subject of your complaint, what is your relationship to the business?

- ☒ Customer
☐ Student
☐ Employee
☐ Visitor
☐ Other: _____

D. Describe in detail the nature of your complaint including names of individuals involved, witnesses, dates, and times. Use additional paper if more space is needed. Please attach any supporting documentation you may have concerning this complaint:

I bought a Mazda 2 V6 from Toyota of Greenville on Feb 25th. The title to our blazer was transferred to the car and was in my husband's name. It is now the end of April and I still haven't received a registration. I've called several times with no return.

E. Have you sought legal counsel, contacted any other Agency, filed a police report or taken any other actions outside of the DMV concerning this matter? ☐ YES ☒ NO (If YES, please explain)

[REDACTED]

F. What actions or changes do you desire the DMV take to resolve your complaint and/or prevent this type of complaint from happening again?

I only want my registration and any fees that may occur.

G. Complaint Declaration

I hereby state that the information I have provided herein is true and correct to the best of my knowledge. I submit this complaint as part of my request for the SCDMV Office of Inspector General to conduct an investigation based upon these facts. I understand that I may be called upon to testify in criminal and/or administrative proceedings.

Signature of Individual Submitting Complaint
Tonya McCallister
4-26-2017

Today's Date

SCDMV OFFICE USE ONLY	
Case #	
Complaint #	

000498



South Carolina Department of Motor Vehicles
CUSTOMER COMPLAINT FORM

AD-800C
(Rev. 3/15)
Page 2 of 2

NOTE: If your complaint involves a dealership or wholesaler, please also complete page 2 of this form.
Only complete this page if your complaint involves a dealership or wholesaler.

Information of individual submitting complaint (REQUIRED)		
Last Name McAlister	First Name Tanya	Middle Name C

H. Nature of Dealer/Wholesaler Complaint (check all boxes that apply)

- ☒ Undelivered Title ☐ Odometer Discrepancy ☐ Financing Arrangements ☐ Warranty/Service/Repair
☐ Other:

I. Dealer Information	
Dealership/Wholesaler Name Toyota of Greer	Dealer Number 30043 107179
Address East Wade Hampton Blvd	City Greer
State SC	Zip Code 29651
Salesperson's Last Name Vest	Salesperson's First Name Dandy-Fred
Have you contacted the dealership about this complaint? ☒ YES ☐ NO	
If yes, provide the name of the person that was contacted Michelle and anyone who would talk through	
Reason of Contact NO help or returned calls. 434-17 last me	

J. Vehicle Information			
Year 2006	Make Mazda	Model RX8	Color red
License Plate Number 2007 SH		Vehicle Identification Number (VIN) JM1FE17381000810	
Vehicle was purchased (check one) ☐ NEW or ☒ USED			
Vehicle was purchased AS-IS/NO Warranty ☒ YES ☐ NO			
Date vehicle was purchased: 2-5-17		Title was delivered: ☐ YES or ☒ NO	
Title was delivered within 45 days from purchase date. ☐ YES ☒ NO			
Name of Lender, if applicable: wells Fargo			

000499

Calls and finally after visiting the local DMV
I found out that they don't have a title for
the car. In a few days my tag will be dead
and I've already had trouble with the
Police because the car was listed in one name,
insurance in mine, and the tag was in my
husband's, they wanted to tow my car then.
On Feb 10th. I've tried working with them
but they haven't helped me at all.

000500

**AFFIDAVIT & NOTIFICATION OF
SALE OF MOTOR VEHICLE**
(Entire Form Must Be Typed or Printed)

No. 545001

Personally appeared before me MCE AUTOMOTIVE & TOYOTA OF GREER
(Seller) (Dealer Retail Tax #)

15270 E. MADE HAMILTON BLVDGREER SC29651

(Address)

who being duly sworn, deposes and says that on the 10TH day of FEBRUARY 2017

he sold the following motor vehicle: Make HONDA Model CRZ

Year 2006 Identification (Serial) No. 01FE173560201010

License No. _____ to TONYA GREEN HICKLISTER

(Buyer)



(Street)



(City)

CHEROKEE SC

(County)

29340-5348

(State)

(Zip)

Special Mailing Address

Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

Lienholder WELLS FARGO DEALER SERVICES Amount 15020.00

Address PO BOX 887517 SACRAMENTO CA 95889-7517 Date 02/10/2017

I certify that the odometer now reads 110734 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

☐ (1) I hereby certify that to the best of my knowledge, the odometer reading reflects the amount of mileage in excess of its mechanical limits.

☐ (2) I hereby certify that the odometer reading is NOT the actual mileage **WARNING - ODOMETER DISCREPANCY**

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

(Signature of Seller)

(Print Seller's Name)

(Signature of Buyer)

(Print Buyer's Name)

Property Tax Section

Check One:

☐ Purchase License Plate

D.L. Number _____

License Plate Issued _____

☒ Transfer License Plate

Signature of Buyer/If purchasing plates

Property taxes will be due in 120 days

000501



4) 662-4800 MAIN
6) 315-2905 TOLL FREE

(866) 662-4855 FAX

May 16, 2017

To Whom It May Concern,

Ms. Tonya McCallister purchased a used 2006 Mazda RX8 (JM1FE173560201810) on February 10, 2017. This vehicle was traded in to our dealership on January 3, 2017. The previous owner had lost the title and stated would get us a duplicate himself. We had pulled an inquiry through the CVR system and were going to attempt to apply for the duplicate ourselves, however the customer listed was not the customer who had traded the vehicle in. We made several attempts to contact the previous owner with no responses until mid-April. We were made known that the title was in fact a North Carolina title, not a South Carolina and had a lien listed on it as well. We received a lien release from the previous lienholder and promptly applied for the North Carolina duplicate on April 21, 2017. We received the duplicate title in the mail on May 11, 2017. We attempted to walk the tag work through the local DMV branch on May 12, 2017 only for it to be rejected due to the vehicle having a tax stop on it. I attempted to contact Ms. McCallister to see if she had a paid tax receipt or if she wanted to purchase a new plate with no response back. On May 15, 2017, we walked the tag work through the DMV as a title only to satisfy the lienholder. As of May 16, 2017, we have still not heard back from Ms. McCallister.

Michelle Taylor
Title Clerk
864-662-4847

For the purpose of this document, the information provided is for informational purposes only. It is not intended to be used for any other purpose. The information is provided as is, without warranty. The information is not to be used for any other purpose. The information is provided as is, without warranty. The information is not to be used for any other purpose.

000502



SC DMV PACKAGE COVER SHEET

Package Name: 15 TTL APP-FRM 400
Document Type: TL1
Date of Record: 05/15/2017
Driver License # / Dealer #: XXXXXXXXXX
Customer #: 23528504
Last Name / Dealer Name: MCCALLISTER
Tag #:
Title # / Ticket #: 770490329861606 B
Type Code / Dealer Type:
VIN: JM1FE173560201810
Numeric Document Type: 15



000503



South Carolina Department of Motor Vehicles
Application for Certificate of Title and Registration for Motor Vehicle or
Manufactured Home/Mobile Home

107179

Form 400
(Rev. 4/10)

No alterations, erasures, or correction fluid is acceptable on this form. For more information, visit our website at www.scdmvonline.com or call our Customer Call Center at (803) 886-5000.

SECTION A ☐ EXPEDITE (additional \$20.00 fee) Check here to expedite this title.

Check the box next to the type of transaction you need. Please enclose the required documents and fees with your completed and signed application. For expedited services (within 3 business days) include an additional \$20.00 fee. Make checks payable to: SC DMV. DO NOT SEND CASH.

☐ NEW TITLE & REGISTRATION 1) Manufacturer Certificate of Origin (MCO) or Title 2) Paid Property Tax Receipt 3) \$85.00 title fee (add'l) 4) Regular registration fee 5) Sales Tax (5% of selling price or \$300.00 max.) 6) Insurance Information	☒ TITLE AND PLATE TRANSFER 1) Manufacturer Certificate of Origin (MCO) or Title 2) Use Previous Tag # <u>32671H</u> 3) Previous registration in owner's name 4) \$15.00 LSC 5) \$10.00 transfer fee 6) Sales Tax (5% of selling price or \$300.00 max.) 7) Insurance Information	☐ TITLE FOR MOBILE OR MANUFACTURED HOME 1) Manufacturer Certificate of Origin (MCO) or Title 2) Consumer Installation Report required for \$300.00 sales tax dep; if mobile home is energy efficient. 3) \$15.00 LSC fee	☒ TITLE ONLY 1) Manufacturer Certificate of Origin (MCO) or Title 2) \$15.00 title fee 3) Sales Tax (5% of selling price or \$300.00 max.) ☐ Duplicate Title 1) ☐ Lost ☐ Stolen or ☐ Destroyed Title 2) \$15.00 fee fee	☐ LEASED VEHICLE 1) Do not complete Section D. Complete Section E and all other applicable sections. MAIL YOUR APPLICATION TO: SC DMV P.O. Box 1498 - 10311 Wilson Blvd. Bryherwood, SC 29018 - 0024
--	--	---	---	---

SECTION B - VEHICLE INFORMATION Please print or type in black ink only.

VEHICLE IDENTIFICATION NUMBER JM1FE173560201810	MAKE MAZDA	YEAR MAKE 2006	BODY STYLE CP	MODEL RX8	EMPTY WEIGHT 3100	GVW
---	----------------------	--------------------------	-------------------------	---------------------	-----------------------------	-----

SECTION C - ODOMETER MILEAGE (Miles not kilometers)

FEDERAL AND STATE LAW REQUIRES THAT YOU STATE THE MILEAGE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT.

I STATE THAT THE ODOMETER NOW READS 110,000 (MILE TEXT) AND TO THE BEST OF MY KNOWLEDGE THAT IT REFLECTS THE ACTUAL MILEAGE OF THE VEHICLE DESCRIBED ABOVE UNLESS ONE OF THE FOLLOWING STATEMENTS IS CHECKED.



DO NOT CHECK ONE OF THE FOLLOWING UNLESS IT APPLIES.

☐ EXEMPT

☐ I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ODOMETER READING REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF ITS MECHANICAL LIMITS

☐ I CERTIFY THAT THE ODOMETER READING IS NOT THE ACTUAL MILEAGE, MARKING ODOMETER DISCREPANCY.

SECTION D - OWNER INFORMATION Your complete legal name must be used on all title and registration documents.

NEW PRIMARY OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE) TONYA GREEN McCALLISTER		SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC. NO. OR FEIN [REDACTED]		DATE OF BIRTH [REDACTED]	
NEW CO-OWNER COMPLETE LEGAL NAME (LAST, FIRST, MIDDLE)		SHARED OWNERSHIP ☐ AND ☐ OR		SC CUSTOMER NO., DRIVER LICENSE NO., SOC. SEC. NO. OR FEIN [REDACTED]	
DATE OF BIRTH 11		CITY GAFFNEY		STATE SC	
PRIMARY OWNER'S RESIDENCE STREET ADDRESS (APT. NO. IF APPLICABLE) [REDACTED]		ZIP CODE 29340-5948		COUNTY CHEROKEE	
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		CITY		STATE	
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)		CITY		STATE	
DAYTIME TELEPHONE NUMBER 864/ [REDACTED]		TEMPORARY ADDRESS (IF APPLICABLE)		EXPIRATION OF TEMPORARY ADDRESS	

SECTION E - LEASING INFORMATION Complete only for a leased vehicle.

LEASING COMPANY NAME		PHONE NO.		CONTACT PERSON [REDACTED]		CUSTOMER NO.	
ADDRESS		CITY		STATE		ZIP CODE	
NAME OF LESSEE (PERSON LEASING VEHICLE)		DRIVER LICENSE NO., SOC. SEC. NO. OR FEIN		DATE OF BIRTH			
LESSEE'S SC RESIDENCE STREET ADDRESS (APT. NO. IF APPLICABLE)		CITY		STATE SC		ZIP CODE	
LESSEE'S MAILING ADDRESS (IF DIFFERENT FROM ABOVE)		CITY		STATE		ZIP CODE	
ADDRESS WHERE VEHICLE IS HOUSED (IF DIFFERENT FROM ABOVE)		CITY		STATE SC		ZIP CODE	

SECTION F - LIEN INFORMATION If you are a lienholder, are you a SC ELT participant? ☐ YES ☐ NO

CUSTOMER NO. OR FEIN 145 27620	LIENHOLDER NAME (FIRST LIEN) Write "None" if vehicle is paid in full WELLS FARGO DEALER SERVICES	DATE OF LIEN 02/10/2017	CONTACT PERSON [REDACTED]	TELEPHONE NUMBER 980/233-6825
MAILING ADDRESS PO BOX 997517		CITY SACRAMENTO	STATE CA	ZIP CODE 95899-7517
CUSTOMER NO. OR FEIN n/a	LIENHOLDER NAME (SECOND LIEN)	DATE OF LIEN	CONTACT PERSON	TELEPHONE NUMBER
MAILING ADDRESS		CITY	STATE	ZIP CODE

< This section intentionally left blank >

SECTION G - SALES TAX EXEMPTION Complete this section if you are entitled to a sales tax exemption and sign in the space provided verifying the exemption.	
VEHICLE PURCHASED FROM AN INDIVIDUAL AND TITLE IN SOUTH CAROLINA ARE SUBJECT TO SALES TAX UNLESS EXEMPT. THE TAX IS 5% OF THE BASE PRICE UP TO A MAXIMUM OF \$3,000. (MOBILE HOMES ARE CALCULATED DIFFERENTLY.)	
☐ THE VEHICLE WAS TRANSFERRED FROM	☐ MY PARENT ☐ MY SPOUSE ☐ MY CHILD ☐ MY BROTHER/SISTER ☐ MY GRANDPARENT ☐ MY GRANDCHILD
☐ THE VEHICLE WAS TRANSFERRED TO ME AS	☐ LEGAL HEIR ☐ BENEFICIARY ☐ DISTRIBUTEE
☐ I AM NON-RESIDENT MILITARY PERSONNEL	☐ THE VEHICLE WAS A BONA FIDE GIFT
SIGNATURE _____	

SECTION H - ADDITIONAL INFORMATION		
DATE OF PURCHASE 02/10/2017	DATE FIRST OPERATED IN S.C. 03/09/2007	ENERGY EFFICIENT MANUFACTURED/MOBILE HOME? ☐ YES ☒ NO
NEW OR USED? USED	PRIOR TITLE NUMBER	PRIOR TITLE STATE SC
THE VEHICLE DESCRIBED ON THIS APPLICATION IS ☐ REBUILDABLE ☐ NON-REBUILDABLE		
THE VEHICLE SUSTAINED THE FOLLOWING DAMAGE: ☐ COLLISION ☐ FIRE ☐ WATER ☐ STOLEN (RECOVERED) ☐ STOLEN (UNRECOVERED)		
AGENCY REFERENCE NUMBER	Calculate the Salvage Percentage Predamaged Value _____ Costs for Repairs _____ Percentage _____	
SALVAGE % _____		

SECTION I - SELLER INFORMATION Applicant should initial verifying the sales price of the vehicle.				
SELLER OR DEALER NAME MCE AUTOMOTIVE dba TOYOTA OF GREER	SC DEALER/WHOLESALE NUMBER 306413	SC SALES TAX NUMBER 099311471	SALES PRICE 6995.00	CUSTOMER NAME TM
ADDRESS 13770 E WADE HAMPTON BLVD	CITY GREER	STATE SC	ZIP CODE 29651	

SECTION J - INSURANCE CERTIFICATION	
A VEHICLE MUST BE INSURED WITH LIABILITY INSURANCE COVERAGE WHEN IT IS REGISTERED AND IT MUST REMAIN INSURED WHILE REGISTERED, WHETHER OR NOT IT IS OPERATED, OR THE UNINSURED MOTORIST FEE MUST BE PAID. PENALTIES ARE SEVERE FOR VIOLATION OF THIS REQUIREMENT.	
UNDER PENALTIES OF PERJURY, I (WE) DECLARE THAT THIS VEHICLE IS INSURED BY A LIABILITY INSURANCE POLICY ISSUED THROUGH AN INSURANCE COMPANY LICENSED TO DO BUSINESS IN SOUTH CAROLINA AND IT WILL REMAIN INSURED THROUGHOUT THE REGISTRATION PERIOD.	
NAME OF INSURANCE COMPANY PERMANENT GENERAL ASSURANCE	

SECTION K - DONATE LIFE SC	
YES, I WISH TO DONATE \$5.00, MORE OR LESS, TO DONATE LIFE SC. AMOUNT OF DONATION \$ _____ 00	

SECTION L - SIGNATURE OF OWNER	
UNDER PENALTIES OF PERJURY, I DECLARE THAT I AM THE OWNER OF THIS VEHICLE AND REQUEST THAT A SOUTH CAROLINA CERTIFICATE OF TITLE AND/OR REGISTRATION BE ISSUED. I FURTHER CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE. THE VEHICLE IS SUBJECT TO THE LIENS NAMED AND NO OTHERS. ALSO, IF REGISTERING A COMMERCIAL VEHICLE OVER 10,000 LBS, I CERTIFY THAT I AM AWARE OF THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS, FEDERAL HAZARDOUS MATERIALS REGULATIONS.	
SIGNATURE OF OWNER (SI) MUST BE SIGNED IN INK BY OWNER OR AUTHORIZED AGENT (ATTACH POWER OF ATTORNEY IF APPLICABLE)	DATE 02/10/2017

DISCLOSURE STATEMENT	
56-3-210 (SOUTH CAROLINA CODE OF LAWS): THE DEPARTMENT SHALL OBTAIN THE FEDERAL EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER WHEN A VEHICLE IS REGISTERED WITH A GROSS VEHICLE WEIGHT OF MORE THAN 26,000 POUNDS OR A BUS COMMON CARRIER. THE DRIVER PRIVACY PROTECTION ACT OF 1994 (DPPA), 18 USC SECTION 2721-2723 RESTRICT THE DISCLOSURE OF PERSONAL INFORMATION CONTAINED IN OUR RECORDS.	

PENALTY FEES	
FAILURE TO REGISTER WITHIN 45 DAYS OF THE DATE OF PURCHASE OR THE DATE OF OPERATION IN SOUTH CAROLINA WILL RESULT IN PENALTY FEES IN ADDITION TO REGULAR TITLE AND/OR REGISTRATION FEES. THE LATE PENALTY FEE SCHEDULE IS AS FOLLOWS:	
41 - 60 DAYS LATE - \$10.00	61 - 75 DAYS LATE - \$25.00
76 - 125 DAYS LATE - \$50.00	OVER 125 DAYS LATE - \$75.00

THIS SECTION FOR DMV USE ONLY			
CHECK APPROPRIATE BOX: ☐ BRAND ☐ NO BRAND			
RATED BY VW	TRANSACTION FEES		
OFF-COEFIC NUMBER 49	EXPEDITED FEE	WEIGHT INCREASE	
PLATE NUMBER 5000HH	LICENSE FEE	TRANSFER	
EXPIRATION DATE	UNREBUILT FEE	TITLE	
PLATE CLASS	USC OR SALES TAX	DONATE LIFE SC	
SUSPENSE REASON	PENALTY	TOTAL	

000505

571

STATE OF NORTH CAROLINA

MVR 191 (Rev 1/13)

CERTIFICATE OF TITLE

VEHICLE IDENTIFICATION NUMBER
JM1FE173560201810
TITLE NUMBER
776742131648022 • DUPLICATE •

YEAR MODEL
2006

MAKE
MAZD
TITLE ISSUE DATE
05/06/2017

BODY STYLE
4S
PREVIOUS TITLE NUMBER
772742131648022

MAIL TO

MATTHEW DAVID GORMAN
13770 E WADE HAMPTON BLVD
GREER SC 29651-2775

ODOMETER READING
ODOMETER STATUS
TITLE BRANDS

OWNER(S) NAME AND ADDRESS

MATTHEW DAVID GORMAN

NC 28114-9674



The Commissioner of Motor Vehicles of the State of North Carolina hereby certifies that an application for a certificate of title for the herein described vehicle has been filed pursuant to the General Statutes of North Carolina and based on that application, the Division of Motor Vehicles is satisfied that the applicant is the lawful owner. Official records of the Division of Motor Vehicles reflect vehicle is subject to the liens, if any, herein enumerated at the date of issuance of this certificate.

As WITNESS, his hand and seal of this Division of the day and year appearing in this certificate as the title issue date,

Josh E. Boyth
COMMISSIONER OF MOTOR VEHICLES

FIRST LIENHOLDER: DATE OF LIEN

LIEN RELEASED BY:

SIGNATURE: _____
TITLE: _____ DATE: _____

SECOND LIENHOLDER: DATE OF LIEN

LIEN RELEASED BY:

SIGNATURE: _____
TITLE: _____ DATE: _____

THIRD LIENHOLDER: DATE OF LIEN

LIEN RELEASED BY:

SIGNATURE: _____
TITLE: _____ DATE: _____

FOURTH LIENHOLDER: DATE OF LIEN

LIEN RELEASED BY:

SIGNATURE: _____
TITLE: _____ DATE: _____

ADDITIONAL LIENS:

000506

99164581

131 TIC1313

ANY ALTERATIONS OR ERASURES VOID TITLE

Federal and State law requires that you state the mileage in connection with the transfer of ownership. Providing a false statement or failing to properly complete this form may result in fines and/or imprisonment.

FIRST RE-ASSIGNMENT OF TITLE BY REGISTERED OWNER

The undersigned hereby certifies that the vehicle described in this title has been transferred to the following principal name and address:

Name of Buyer: Toyota of GreerAddress of Buyer: 13720 E. Wade Hampton Blvd. Greer, SC 29615

"I, seller(s) certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked."

110714
ODOMETER READING
(NO TENS)

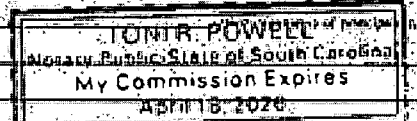
- ☐ 1. The mileage stated is in excess of its mechanical limits.
☐ 2. The odometer reading is not the actual mileage.
WARNING - ODOMETER DISCREPANCY

To my knowledge the vehicle described herein:

- Yes ☐ No ☐ Has been involved in a collision or other occurrence to the extent that the cost to repair exceeds 25% of fair market value.
Yes ☐ No ☐ Has been a flood vehicle.
Yes ☐ No ☐ Has been a reconstructed or a salvage vehicle.

Date vehicle delivered to purchaser: 1/3/2017Seller(s) Signature: Matthew David Gorman by Matthew P. A.Seller(s) Hand Printed Name: Matthew David Gorman by Matthew P. A.Date: 1/3/2017 County: Spartanburg State: SC

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Notary Public Signature: Matthew David GormanNotary's Printed or Typed Name: TR PowellMy Commission Expires: APR 18, 2020My Commission Expires: APR 18, 2020Buyer(s) Signature: Cleaver - AgentBuyer(s) Hand Printed Name: Cleaver**PURCHASER'S APPLICATION FOR NEW CERTIFICATE OF TITLE**

The undersigned purchaser of the vehicle described on the face of this certificate, hereby makes application for a new certificate of title and certifies that said vehicle is subject to the following named liens and none other and that the information contained herein is true and accurate to my best knowledge and belief.

CHECK Appropriate Block/s (Application cannot be processed without certification of services)

- ☐ Title Only - Vehicle Not in Operation
☐ Title and License Plate
Class of License: _____
☐ Inoperable Vehicle - Vehicle substantially disassembled and unfit or unsafe to be operated on the highway
☐ Truck Weight Desired: _____
☐ Plate No. Transferred: _____ (List Plate Number and Expiration)
☐ Limited Registration Plate (When property taxes are deferred)
Fire-Hire Vehicle ☐ Yes or ☐ No

I certify that all the above information is correct. _____ (Customer's Initials)

OWNER(S)

Owner 1 D/L# _____

Full Legal Name of Owner (First, Middle, Last, Suffix) or Company: _____

Owner 2 D/L# _____

Full Legal Name of Owner (First, Middle, Last, Suffix) or Company: _____

Residence Address: _____

City: _____ State: _____ Zip Code: _____ County: _____

Mailing Address: _____

(If Different From Above): _____

Vehicle Location Address: _____

(If Different From Residence Address Above): _____

FIRST LIEN

Date of Lien: _____ Lien # _____ Lien holder ID: _____

Lien holder Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

SECOND LIEN

Date of Lien: _____ Lien # _____ Lien holder ID: _____

Lien holder Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

I certify for the motor vehicle described herein that I have financial responsibility as required by law.

Insurance Company: _____

Authorized in NC: _____

Signature of Owner(s): _____

Date: _____ County: _____ State: _____

Policy Number: _____

Odometer Reading: _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____

Notary Public Signature: _____

Notary's Printed or Typed Name: _____

My Commission Expires: _____

(SEAL)

NOTE: RETAIL PURCHASER MUST APPLY FOR NEW TITLE WITHIN 28 DAYS AFTER PURCHASE OR PAY STATUTORY PENALTY. ALTERATIONS OR ERASURES WILL VOID THIS TITLE.

000507

NON-SECURE POWER OF ATTORNEY

I, MATTHEW DAVID GORMAN, the owner of the vehicle identified below, a resident of ██████████ ██████████ GREENVILLE SC 29607

hereby appoint MATTHEW GORMAN of

an employee of the dealership doing business as MCE AUTOMOTIVE dba TOYOTA OF GREER as my true and lawful attorney-in-fact to sign all papers and documents required to secure the title, endorse and transfer title, disclose the odometer on the title, apply for certificate or duplicate of title to, and register (and/or) the transfer of the following identifies motor vehicle:

2008 MAZDA RX8 JM1FE173560201810
Year Make Model VIN Number

and for said purposes(s) to sign my name, as owner, on the back of said title and, to carry out this appointment. This power-of-attorney revokes all earlier powers-of-attorney.

The undersigned owner(s) further certifies that this power-of-attorney was completely filled in at the time of its execution.

Signed this 3rd of January, 2017
day month year

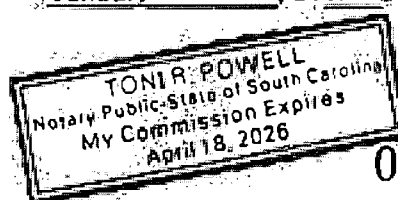
MATTHEW DAVID GORMAN
Owner(s) full legal names printed or typed

[Signature]
Owner(s) signature

Sworn to and subscribed before me this the 3rd day of January, 2017

Notary Public: [Signature]

My Commission Expires:



000508



South Carolina Department of Motor Vehicles POWER OF ATTORNEY FOR ODOMETER DISCLOSURE

5047
(Rev. 7/14)

NOTICE: This form may be used only when title is physically held by lienholder or has been lost. This form must be submitted to the DMV by the person exercising Power of Attorney. Failure to do so may result in fines and/or imprisonment.

VEHICLE DESCRIPTION: Year 2006 Make MAZDA Model Type RX8 Body Type CP
VIN (Vehicle Identification Number) JM1FE173560201810

PART A. POWER OF ATTORNEY TO DISCLOSE MILEAGE 49 USC 327 (580.13)

Federal and State law requires that you state the mileage upon transfer of ownership (49 CFR Chapter 327/SC 56-19-240). Providing a false statement may result in fines and/or imprisonment (49 USC 32709/SC 56-19-240(4)).

PLEASE PRINT: I, MATTHEW DAVID GORMAN (Seller/Transferor's Name), appoint MCE AUTOMOTIVE dba TOYOTA OF GREER (Dealer/Transferee's Name) as my attorney-in-fact, to sign all papers and documents required to secure the title and further grant the authority to endorse and transfer title therein and to disclose the mileage on the title for the vehicle described above, exactly as stated in my following disclosure.

I state that the odometer now reads 110,744 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one of the following statements is checked.

☐ I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.

☒ I hereby certify that the odometer reading is NOT the actual mileage. **WARNING: ODOMETER DISCREPANCY**

MATTHEW DAVID GORMAN (Transferor's Signature) 01/03/2017 (Date of Statement)
29607 (Transferor's Address (Street, City, State, Zip Code))

Transferor's Address (Street, City, State, Zip Code)

MCE AUTOMOTIVE dba TOYOTA OF GREER (Transferee's Signature) 13770 E WADE HAMPTON BLVD (Printed Name of Individual Signing as Transferee) GREER, SC 29651

(Transferee's Name - Print or Type Name of Business or Company) Licensed Dealer, Transferee's Address (Street, City, State, Zip Code)

PART B. POWER OF ATTORNEY TO REVIEW TITLE DOCUMENTS AND ACKNOWLEDGE DISCLOSURE 49 USC 327 (580.14)

(PART B is invalid unless PART A has been completed)

PLEASE PRINT: I, _____ (Transferee's Name), appoint _____ (Transferor's Dealership Name) as my attorney-in-fact, to sign the mileage disclosure on the title for the vehicle described above, only if the disclosure is exactly as the disclosure completed below.

(Transferee's Signature) (Printed Name)

(Transferee's Name - Print or Type Name of Business or Company)

Transferee's Address (Street, City, State, Zip Code)

Federal and State law requires that you state the mileage upon transfer of ownership (49 CFR Chapter 327/SC 56-19-240). Providing a false statement may result in fines and/or imprisonment (49 USC 32709/SC 56-19-240(4)).

I state that the odometer now reads _____ (no tenths) miles and to the best of my knowledge that it reflects the actual mileage unless one of the following statements is checked.

☐ I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.

☐ I hereby certify that the odometer reading is NOT the actual mileage. **WARNING: ODOMETER DISCREPANCY**

(Transferor's Signature) (Printed Name) (Date of Statement)

Transferor's Address (Street, City, State, Zip Code)

PART C. CERTIFICATION - To be completed when Part A or Parts A and B have been used (49 USC 327 (580.15))

PLEASE PRINT: I, MATTHEW DAVID GORMAN (Person exercising powers of attorney) hereby certify that the mileage I have disclosed on the title document is consistent with that provided me in the above Power of Attorney. Further, upon examination of the title and any reassignment documents for the vehicle described above, the mileage disclosure I have made on the title pursuant to the Power of Attorney is greater than that previously stated on the title and reassignment documents. This certification is not intended to create any new or additional liability under Federal or State Law.

MATTHEW DAVID GORMAN (Signature) MATTHEW DAVID GORMAN (Printed Name) 01/03/2017 (Date of Certification)

13770 E WADE HAMPTON BLVD (Street Address) GREER (City) SC (State) 29651 (Zip Code)

This document is void if any information entered hereon has been erased or altered by any means. Unauthorized printing or reproduction of this document is strictly prohibited. Photo copy may be made only as a completed document for record keeping purposes for the parties named herein.

000509



South Carolina Department of Motor Vehicles
POWER OF ATTORNEY FOR ODOMETER DISCLOSURE

5047
(Rev. 7/14)

INSTRUCTIONS

WHEN TO USE THIS FORM

Use this form if you have a vehicle that is subject to odometer disclosure and the title is lost, destroyed or physically held by a security interest holder.

HOW TO COMPLETE THE FORM

TOP SECTION

- (1) Type or print year, make, model, body type and vehicle identification number in the spaces provided.

PART A - POWER OF ATTORNEY TO DISCLOSE MILEAGE

- (1) PART A authorizes the buyer* to transfer the odometer disclosure to the title when the title is received. PART A also appoints the buyer as attorney-in-fact to sign the seller's* name to transfer the title.
- The seller* (transferor) needs to complete the odometer disclosure on the Power of Attorney and then sign.
 - The buyer* (transferee) must transfer the odometer disclosure from the Power of Attorney to the title once it is received from the security interest holder or when a replacement title is received.

PART B - POWER OF ATTORNEY TO REVIEW TITLE DOCUMENT AND ACKNOWLEDGE DISCLOSURE

- (1) PART B is used only when PART A has been used and the vehicle is resold prior to receiving the title from the security interest holder or to receiving a replacement title.
- (2) The new buyer* authorizes the seller-transferor* (Buyer/Transferee listed in PART A) to make the odometer disclosure on the title when it is received. The odometer disclosure made on the title must be exactly the same as the odometer disclosure made on PART B of this form. PART B also appoints the seller* as attorney-in-fact to sign the buyer's* name to transfer the vehicle's title.

PART C - CERTIFICATION

- (1) PART C is used when PART A or PARTS A and B of this form have been used.
- (2) PART C is completed once the title is received from the security interest holder or a replacement title is received. The person* exercising Power of Attorney certifies that the title and any reassignment documents have been received and reviewed, and no mileage discrepancies exist.

*If the (buyer/transferee)/(seller/transferor) is a company, the person completing the assignment on behalf of the company must print and sign the name of the company as well as their own personal name.

FILING COPIES

This Power of Attorney form is a single original and may be copied for record keeping only.

Original - to be attached to the certificate of title when it is received, and to be submitted with that title when a new title is applied for.

First Copy - To be used in making a separate odometer filing with the state. If upon receipt of the title, the person who is granted the Power of Attorney does not submit the title and original Power of Attorney to the state, or submits them to a state other than South Carolina, a copy of the Power of Attorney must be submitted to the South Carolina DMV along with a copy of the front and back of the title, showing the odometer disclosure.

Second Copy - To be retained by the person (e.g. dealer, insurance company, etc.) who was granted Power of Attorney for a period of five (5) years.

Additional copies - Additional copies may be made of the completed Power of Attorney, such as to meet federal requirements that the buyer under PART B be given a copy. A copy may also be used to apply for a replacement title on behalf of the seller under PART A.

000510

**AFFIDAVIT & NOTIFICATION OF
SALE OF MOTOR VEHICLE**
(Entire Form Must Be Typed or Printed)

No. 43203081

Personally appeared before me MCE AUTOMOTIVE dba TOYOTA OF GREER

(Seller)

(Dealer Retail Tax #)

13770 FAYADE HAMPTON BLVDGREER, SC29651

(Address)

who being duly sworn, deposes and says that on the 10TH day of FEBRUARY 2017he sold the following motor vehicle: Make MAZDA Model RX8Year 2006 Identification (Serial) No. JM1FE173560201810License No. _____ to TONYA GREEN McCALLISTER

(Buyer)

(Street)

(City)

CHEROKEE SC

(County)

29340-5948

(State)

(Zip)

Special Mailing Address

Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

Lienholder WELLS FARGO DEALER SERVICESAmount 6020.00Address PO BOX 907517SACRAMENTO CA 95899-7517Date 02/10/2017I certify that the odometer now reads 110734 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked:☐ (1) I hereby certify that to the best of my knowledge, the odometer reading reflects the amount of mileage in excess of its mechanical limits.☐ (2) I hereby certify that the odometer reading is NOT the actual mileage. **WARNING - ODOMETER DISCREPANCY**

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

B. Watkins
(Signature of Seller)

MCE AUTOMOTIVE dba TOYOTA OF GREER
(Print Seller's Name)

Tonya Green McCallister
(Signature of Buyer)

TONYA GREEN McCALLISTER
(Print Buyer's Name)

Property Tax Section

Check One:

☐ Purchase License Plate

D.L. Number _____

License Plate Issued _____

☒ Transfer License Plate

Signature of Buyer/If purchasing plates

Property taxes will be due in 120 days

000511

VEHICLE DETAIL INQUIRY

Cancel Previous Next Finish

---> PRODUCTION ENVIRONMENT <---

Title Information

VIN JM1FE173560201810		Vehicle ID 19240710		NMVTIS Status: S /	
Title 770490329861606 B		Title Status CURRENT TITLE - PROCESSED (ELT)			
Year 2006	Make MAZD	Model RX8	Body Style CP	Agency Code	
Odometer 0	Empty Weight 3011	• NEW	Used	Application Date 05/15/2017	

Registration Information

Plate NLY389	Plate Class RP2	Veh Type: 1	Plate Exp Date 05/31/2019
Status ACTIVE	Status Change Date 05/19/2017	Decal Issue Date 05/19/2017	Decal Exp Date 05/31/2018
Ins Co PERMANENT GENERAL ASSURANCE CORPORATION OF OHIO		Equipment Number	GVW 0
Policy Number [REDACTED] 6		Fleet Number 0	School Name

Owner

Cust No	Name
23528504	MCCALLISTER, TONYA GREEN

Lessees/Registrant

No Lessees Information Found

Address

Address Type	Street	City	State	Zip
Owner Residence	[REDACTED]	[REDACTED]	SC	293405948

000512

Return ELR #13

TITLE INFORMATION INQUIRY

Cancel Previous Next Finish

---> PRODUCTION ENVIRONMENT <---

Title 770490329861606 8

Status CURRENT TITLE

Prior Title Information

Title Print Date 05/15/2017

Purchase Date 02/10/2017

Prior Title State NC

Prior Title Number 776711171113131

Vehicle Information

VIN JM1FE173560201810

Year 2006

Make MAZD

Weight 3011

Vehicle ID 19240710

Odometer 0

Model RX8

Body Style CP

☒ New ☐ Used

Odometer Legend EXEMPT

Seller Information

Dealer Number 30643

☒ Dealer Sale

Name TOYOTA OF GREER

Address 13770 E WADE HAMPTON BLVD

City, State, Zip GREER, SC 296512775

Sale Price \$0.00

Tax Credit
Amt \$0.00Tax
ExemptionSalvage
Percent 0

Trade-in Amt \$0.00

State Tax Paid

Sales Tax No 9931071

Suspense Codes

No Title Brands found

No Suspense Code found

Lien

Cust No	Name	Address	Lien Date	Lien Satisfied Date	Lien Num
14527627	WELLS FARGO DEALER SERVICES	PO BOX 997517, , SACRAMENTO, CA 958997517	02/10/2017		1

**STATE OF SOUTH CAROLINA
OFFICE OF MOTOR VEHICLE HEARINGS**

South Carolina Department of Motor Vehicles,	) Docket No. 17-OMVH-05-3345-CC
	) DL#30643
	)
Petitioner,	) FINAL ORDER AND DECISION
	)
Toyota of Greer,	)
	)
Respondent.	)
	)
	)

Appearances:

For the Petitioner:

Counsel: Phillip C. Porter, Esq.

Witnesses: Scott Bocook, Zenda Leeks, Jason Benjamin, and Lisa Byrd

For the Respondent:

Counsel: Bradford Neal Martin, Esq., Laura W. H. Teer, Esq.

Witnesses: Robert Hogan, Toni Powell, and Michelle Taylor

Introduction

This matter is before the South Carolina Office of Motor Vehicle Hearings (OMVH) upon request by the Respondent, Toyota of Greer, for a Contested Case Hearing. Petitioner, SC Department of Motor Vehicles (DMV), issued an Official Notice of Dealer License Suspension to the Respondent on June 27, 2017 informing Toyota of Greer that its dealer's license was being suspended for a period of seven days. The Petitioner alleges that Respondent has violated registration, dealer licensing, and titling provisions of Title 56 and have accumulated 12 or more points within a three year period pursuant to DMV Policy DE-002 pertaining to Dealer Sanctions.

A properly noticed hearing was held before me on October 2, 2017 at the Greer Municipal Court in Greer, South Carolina.

After reviewing the applicable law, the entire record, considering all the testimony and the evidence, I find that the suspension of the Respondent's dealer's license is unwarranted.

EXHIBITS:

The following exhibits were introduced and made part of the record:

Hearing Exhibit: June 27, 2017 Official Notice of Dealer License Suspension

Petitioner DMV Exhibits:

- (1) Application for license and renewal applications for Toyota of Greer;
- (2) South Carolina Department of Motor Vehicles Dealer and Wholesale Manual 2007;
- (3) Dealer History Record (only those portions related to the violations contained in the June 27, 2017 Official Notice will be considered);
- (4) 5 pages containing letters from the South Carolina Department of Motor Vehicles to Toyota of Greer (only those letters related to the violations in the June 27, 2017 Official Notice will be considered);
- (5) South Carolina Department of Motor Vehicles Procedure DE-002- Dealer Sanctions;
- (6) 8 page documentation containing: South Carolina Department of Motor Vehicles Motor Vehicle Dealer/Wholesaler Sanction Report related to Bocook Sale; Dealer History Record; August 16, 2016 letter from the South Carolina Department of Motor Vehicles to Scott Bocook; Dealer Licensing Complaint Letter Cover Sheet; Investigation of Complaint Regarding Dealer/Wholesaler; Customer Complaint Form; America's Auto Auction bill of sale; and letter from Toni Powell;
- (7) 10 page documentation DMV Package related to Bocook sale including DMV Package Cover Sheet; Application for Certificate of Title and Registration for Motor Vehicle or Manufactured Home/Mobile Home; Certificate of Title for 2000 Chrysler 300M; Toyota of Greer Non-Secure Power of Attorney; Bill of Sale dated February 26, 2016; Affidavit & Notification of Sale of Motor Vehicle dated June 1, 2016; Bill of Sale dated June 16, 2016; and Affidavit & Notification of Sale of Motor Vehicle dated June 16, 2016;
- (8) 10 page documentation including South Carolina Department of Motor Vehicles Motor Vehicle Dealer/Wholesaler Sanction Report related to Sheila Gilliam Sale; August 2, 2016 letter from DMV to Toyota of Greer; Dealer History Record; August 2, 2016 letter from DMV to Sheila Gilliam; Dealer Licensing Complaint Letter Cover Sheet; Investigation of Complaint Regarding Dealer/Wholesaler; July 18, 2016 letter from Michelle Taylor; Customer Complaint Form; Affidavit & Notification of Sale of Motor Vehicle;
- (9) 16 page documentation DMV Package Related to Sheila Gilliam Sale including DMV Package Cover Sheet for Derrick; Application for Certificate of Title and Registration for Motor Vehicle or Manufactured Home/Mobile Home dated June 30, 2016; Toyota of Greer Non-Secure Power of Attorney for James Derrick; Toyota of Greer Non-Secure Power of Attorney for Catherine Derrick; Letter from Ford Credit that Ford Motor Credit; Third Party Title Pick Up; DMV Package Cover Sheet for Gilliam; Application for Certificate of Title and Registration for Motor Vehicle or Manufactured Home/Mobile Home dated March 29, 2016; Duplicate Title for 2007 Ford Explorer; Toyota of Greer Non-Secure Power of Attorney for James Derrick (2nd copy); Power of

Attorney for Odometer Disclosure; Affidavit & Notification of Sale of Motor Vehicle dated March 29, 2016;

(10) Vehicle Detail Inquiry screen shot as to Sheila Gilliam;

(11) 6 page documentation including Investigation of Complaint Regarding Dealer/Wholesaler as to Tonya McCallister; Customer Complaint Form; Affidavit & Notification of Sale of Motor Vehicle; and letter from Michelle Taylor;

(12) 9 page documentation DMV Package related to McCallister sale including DMV Package Cover Sheet; Application for Certificate of Title and Registration for Motor Vehicle or Manufactured Home/Mobile Home; North Carolina Certificate of Title; Non-Secure Power of Attorney; Power of Attorney for Odometer Disclosure; Affidavit & Notification of Sale of Motor Vehicle;

(13) Vehicle Detail Inquiry screen shot as to Tonya McCallister

Respondent's Exhibits:

- (1) American Auto Auction Block ticket;
- (2) America's Auto Auction National Arbitration Policy;
- (3) Customer Purchase Order and Agreement for James Derrick;
- (4) SC Title Inquiry Report for James Derrick;
- (5) June 28, 2016 Letter from Ford Credit regarding James Derrick;
- (6) Application for Certificate of Title and Registration for Motor Vehicle or Manufactured Home/Mobile Home;
- (7) Authorization to Release Payoff Information;
- (8) Check from Toyota of Greer to Carolina Title Loan;
- (9) North Carolina Vehicle Inquiry Report;
- (10) Chase Bank cover letter and Lien Satisfaction for Matthew Gorman
- (11) Sales Chart for Toyota of Greer, Nissan of Greer, Kia of Greer, and Hyundai of Greer;
- (12) Organizational Chart for Toyota of Greer, Kia of Greer, Hyundai of Greer, and Nissan of Greer.

FINDINGS OF FACT:

I make the following summary of the evidence presented and findings of facts, based on having observed the witnesses, reviewed the exhibits, considered their credibility and taken into consideration the burden of persuasion by the parties, (by a preponderance of the evidence).

Respondent, Toyota of Greer has been in business since 2004. Their title department processed over 25,000 vehicle titles in the past three years. Robert Hogan, who was an owner of Toyota of Greer during the relevant time period, testified that he met with the DMV Dealer Agents for his area when Toyota of Greer began doing business to determine the DMV's requirements. He stated that he was informed that pre-owned vehicles could be sold before the dealership had the title in hand, but that title needed to be generally transferred within 45 days.

Mr. Hogan further testified that the dealership hired staff and implemented a process to efficiently handle the paperwork necessary to obtain titles for vehicles traded in or purchased by the dealership and forwarded to the next buyer. He also testified that the actions of previous

owners and lenders can interfere with the dealership's ability to timely obtain a title. For example, a customer may promise to return with a title for a trade-in and then not follow through; or a previous lender who had its lien satisfied will sometimes fail to file a satisfaction. Hogan testified that his employees are trained to continually follow up with previous owners or lenders until the title is obtained or the previous lien is recorded as satisfied on the record.

DMV Procedure DE-002

Petitioner has implemented a system in which points are charged for violations¹ and has developed a required procedure for the application and administration of any sanctions against dealers. (Petitioner Ex. 5) Petitioner called Zenda Leeks, Assistant Manager of the Dealer License & Audit Unit, who testified that the DMV Procedure DE-002 is the official internal procedure regarding the issuance of dealer sanctions. (Petitioner Ex. 5) The first page of Petitioner's Exhibit 5 states that DMV employees are required to read and follow these procedures.

Section III. D.2. of DMV Procedure DE-002 states that points are assessed utilizing DMV Form DE-002B. (Petitioner Ex. 5, p. 6) Section III.D.4. requires the Dealer Licensing and Audit unit to adhere to the documented process to ensure uniform and fair assessment of sanctions. Table DE-002B lists violations for "Engaging in any action which causes damage to any party or to the public" as requiring a sanction of 6 points to revocation, and "Willful failure to deliver title to buyer or department within 45 days of date of sale" as requiring a sanction of 4 points.

I find that Section III.C.3. of DMV Procedure DE-002 requires that a Sanctions Report be completed if the administrative investigation reveals violations. Petitioner has presented two Sanction Reports which list the violation as "Failure to deliver title within 45 days of date of sale." (Petitioner Exs. 6 and 8) Four points are assessed as the sanction on both reports. Petitioner did not present evidence of a Sanction Report related to Tonya McCallister's complaint.

I find that the assessments of 4 point violations were made pursuant to a finding by Petitioner of a "willful failure to deliver title to buyer or department within 45 days of date of sale." Having made these findings, Petitioner is required to show that the failures to deliver title were "willful" as defined in its Procedure DE-002.

Ms. Leeks agreed that DMV policy states:

"the failure to deliver title violation" is not considered "willful" if the dealer can provide a written statement, substantiated by a Dealer Licensing and Audit Unit agent identifying a prior seller or lien holder who has failed to deliver the title as required by law. (Petitioner Ex. 5, p. 6)

¹ Petitioner's Exhibit 3, Dealer History Record was proffered. I find that only those portions of Exhibit 3 related to the violations contained in the DMV Official Notice are relevant and only those portions will be considered for purposes of this opinion.

DMV Official Notice

Ms. Leeks testified that she authored the June 27, 2017 Official Notice that included three separate violations.² She stated that she had not included the word “willful” in the sanction letter but rather listed the violation as “Engaging in any action which causes damages to any party or to the public.” Ms. Leeks admitted that the Notice then stated “(Failure to deliver title within 45 days of date of sale)” and that four points had been assessed against Toyota of Greer for each of the violations listed. Ms. Leeks admitted that the failure to provide title within 45 days had to be “willful” in order for a four point sanction to be assessed against the dealer.

I will now review each violation separately.

Sheila Gilliam Complaint

Petitioner received a Complaint from Sheila Gilliam on June 28, 2016 which Field Agent Jason Benjamin³ investigated the complaint.⁴ The DMV assessed a four point violation against Toyota of Greer.

Respondent called Toni Powell, title clerk, who testified that she received the Gilliam file from another clerk who had left the dealership. The previous owners had traded in a 2007 Ford Explorer on January 25, 2016 and stated there was no lien on the vehicle. (Respondent Ex. 3) The previous owners did not provide the dealership with the title.

Ms. Powell ran an inquiry through the DMV’s electronic registration system on February 4, 2016, which showed a lien from Ford Motor Credit had not been satisfied. (Respondent Ex. 4) Ms. Powell contacted Ford Motor Credit and was informed that the loan had been paid off several years earlier. Ms. Powell testified that she follows up on files that have an outstanding issue every few days. She stated that because the loan had been paid off and the account closed years earlier, Ford Motor Credit had difficulty locating the title information to provide the lien release and that she had to call multiple times until she was finally able to speak with an employee who was able to assist her.

Toyota of Greer sold the Ford Explorer to Sheila Gilliam on March 29, 2016. (Petitioner Ex. 9, p. 16)

Ms. Powell testified that she was able to receive a lien release letter from Ford Motor Credit dated June 28, 2016. (Respondent Ex. 5) Ms. Powell then expedited the process to complete the title work on the Explorer. (Respondent Ex. 6) Toyota of Greer received the duplicate title and completed the tag work on July 6, 2016. (Petition Ex. 8, p. 7)

Mr. Benjamin testified that as part of his investigation he did receive a written statement from the dealership explaining that the lienholder had not released the information for the title

² Petitioner’s Exhibit 4 consisting of 5 pages was proffered and containing letters from the DMV to Toyota of Greer. I find that only those letters related to the violations contained in the DMV Official Notice are relevant and only those portions of Exhibit 4 will be considered.

³ Mr. Benjamin is a Dealer Licensing and Audit Unit Agent.

⁴ Petitioner proffered Exhibit 8.

within 45 days. (Petition Ex. 8, p. 7) Mr. Benjamin stated that he normally does not conduct an independent investigation of any of the statements received from the dealership, but accepts them all as "substantiated." Therefore, Mr. Benjamin accepted the statements as true. I find that this is substantiated by a Dealer Licensing and Audit Unit Agent as required by DMV Procedure DE-002.

Mr. Benjamin further testified that he considered any failure to deliver the title within 45 days as "willful," but later admitted that this was not consistent with the DMV Procedure DE-002 as to the definition of "willful".

The undisputed evidence presented shows the title was not delivered within 45 days because the prior lien holder failed to deliver the title. Since the problem was with the prior lienholder these undisputed facts do not meet the definition of a "willful" violation under the DMV's Procedure. Therefore, the total points assessed against the Toyota of Greer should be reduced by 4 points, meaning a suspension of the dealership's license is not warranted

Quality Auto of Anderson Complaint

Petitioner received a complaint on July 14, 2016 from Mr. Scott Bocook⁵ of Quality Auto of Anderson, and Field Agent Benjamin investigated. The DMV assessed a four point violation against Toyota of Greer.

The undisputed evidence shows that Tara Hughes traded in a 2000 Chrysler 300 on February 13, 2016. (Petitioner Ex. 7, p. 5) Respondent's Title Clerk, Toni Powell, testified that Hughes reported a lien on the vehicle with Carolina Title Loans. Ms. Powell stated that she called the Spartanburg branch listed on the payoff sheet (Respondent Ex. 7) and was told that the title was being held at another branch. Powell stated that she ran a CVR inquiry and determined that the Greer branch had the title. She contacted the Greer branch and received the payoff amount. (Respondent Ex. 7) Powell sent a check for the payoff amount to Carolina Title Loans at the Greer branch on February 25, 2016, which was cashed on March 8, 2016, well within the 45 day window. (Respondent Ex. 8)

Toyota of Greer subsequently conditionally sold the vehicle through America's Auto Auction (AAA) on February 26, 2016. (Respondent Ex. 1)

Ms. Powell testified that she was aware that title loan companies can take a few weeks to release the title. When the title was not received within the expected time, Powell testified that she began to call Carolina Title Loans' Greer branch (that had received the payoff check) and left messages. After leaving several messages with no response, Powell contacted the Spartanburg branch and was informed that the manager was on vacation. When the manager returned, she released the lien and sent the title to Powell. Powell was able to process the title paperwork and deliver the title to Quality Auto of Anderson on July 18, 2016. (Petitioner Ex. 6, p. 5)

Petitioner called Scott Bocook who testified that Quality Auto of Anderson conditionally purchased the Chrysler 300 through American Auto Auction on February 26, 2016.⁶ Mr.

⁵ Mr. Bocook owns a used car lot.

Bocook stated that he was aware at the time that he purchased the vehicle that it was sold "Title Attached" (Respondent Ex. 1) He testified that he understood this meant that the vehicle did not have the title at the time it was presented at auction.

Bocook testified that he was aware that he could notify the auction if he did not have the title within 30 days and either return the vehicle or wait to receive the title. (Respondent Ex. 2) Bocook further testified that he decided not to return the vehicle but to wait to receive the title. Mr. Bocook admitted that he sold the vehicle before he received the title.

Mr. Benjamin testified that he did receive a written statement from the dealership that the lienholder had not provided the title within 45 days. (Petition Ex. 6, p. 8) Mr. Benjamin stated that he did not conduct an independent investigation of the statement but accepted it as "substantiated."⁷ Therefore, Mr. Benjamin accepted the statements as true. I find that this is substantiated by a Dealer Licensing and Audit Unit Agent as required by DMV Procedure DE-002.

The evidence presented shows the title was not delivered within 45 days because the prior lien holder failed to deliver the title. This is not a "willful" failure to deliver title as defined by the DMV's Procedure, therefore, the total points assessed against the Toyota of Greer should be reduced by 4 points, meaning a suspension of the dealership's license is not warranted.

Tonya McCallister Complaint

On April 26, 2017, Ms. McCallister submitted a Complaint to Petitioner and Field Agent Benjamin investigated.⁸ The DMV assessed a four point violation against Toyota of Greer, which brought the number of points assessed to 12.

Respondent called Michelle Taylor, who is employed as a title clerk with Toyota of Greer. Ms. Taylor testified that Matthew Gorman traded in a 2006 Mazda RX8 to Toyota of Greer on January 3, 2017. Mr. Gorman informed the dealership that he lost the title to the Mazda and would provide the dealership with a duplicate.

Ms. Taylor testified that she ran an inquiry through the DMV electronic registration system to apply for the duplicate title on behalf of Toyota of Greer because Mr. Gorman had not brought them the title. The inquiry showed an owner of the vehicle other than Mr. Gorman. Ms. Taylor testified that it was not unusual to have a trade titled in the name of a family member and she attempted to contact Mr. Gorman to get the paperwork necessary to request a duplicate title. Ms. Taylor stated that she keeps track of the files that she receives with unresolved issues and follows up on those files promptly until the issue is resolved. She testified she did so with Mr. Gorman.

Respondent sold the Mazda to Tonya McCallister on February 10, 2017. (Petition Ex. 12, p.9)

⁶ Ms. Powell testified that the Bill of Sale contained in Petitioner's Exhibit 7 at p. 7 is not a form used by Toyota of Greer and that the name listed for the seller is not an employee of Toyota of Greer.

⁷ Petitioner proffered Exhibit 6.

⁸ Petitioner proffered Exhibit 11.

When Mr. Gorman did not return Ms. Taylor's phone calls, she testified that she enlisted the help of one of the salesmen to contact him. When Ms. Taylor finally spoke with Mr. Gorman, she learned that this car had been titled in North Carolina and that he was having difficulty getting the title because it still showed a lien. Ms. Taylor testified that as soon as she learned this information she had a sister store in North Carolina run a North Carolina vehicle inquiry report. (Respondent Ex. 9) Ms. Taylor stated she then contacted Chase Bank, who she had been working with on another matter, and called in a favor to get the lien release the same day. (Respondent Ex. 10)

A duplicate title was issued in North Carolina on May 6, 2017. (Petitioner Ex. 12, p. 4) Ms. Taylor testified that when she received the duplicate title from North Carolina, she attempted to process the paperwork with the South Carolina DMV but was unable to do so because taxes were owed on the car by Ms. McAllister, the subsequent purchaser. Ms. Taylor tried unsuccessfully to contact Ms. McAllister regarding the tax issue. She then contacted Field Agent Benjamin, who advised her to process the paperwork as "title only."

Mr. Benjamin testified that he did receive a written statement from the dealership that the prior seller failed to deliver the title. (Petitioner Ex. 11, p. 6) Mr. Benjamin stated that he did not conduct an independent investigation of the statement but accepted it as 'substantiated.' Therefore, Mr. Benjamin accepted the statements as true. I find that this is substantiated by a Dealer Licensing and Audit Unit Agent as required by DMV Procedure DE-002.

The evidence presented shows the title was not delivered within 45 days because the prior seller failed to deliver the title. This is not a "willful" failure to deliver title as defined by the DMV's Procedure, therefore, the total points assessed against the Toyota of Greer should be reduced by 4 points, meaning a suspension of the dealership's license is not warranted.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, I conclude as a matter of law the following:

Applicable Law and Procedures

Basic administrative law principles establish that an agency bears the burden of proof in an enforcement action. Since Petitioner asserts the affirmative of an issue, i.e. the enforcement of a dealer's license suspension, and since it will be subject to an adverse ruling if no evidence is introduced, Petitioner bears the burden of proof in this matter. See *Carter v. Columbia and Greenville R.R. Co.*, 1883 WL 4856, at * 6 (S.C. 1883); Alex Sanders and John S. Nichols, Trial Handbook for South Carolina Lawyers, Fourth Edition, 2008, § 9:3, p. 398.

I find the following policies and statutes relevant to this matter:⁹

South Carolina DMV Policies

South Carolina Department of Motor Vehicles Procedure DE-002 – Dealer Sanctions.

Section III. D.2. of DMV Procedure DE-002 states that points are assessed utilizing DMV Form DE-002B. (Petitioner Ex. 5, p. 6) Section III.D.4. requires the Dealer Licensing and Audit unit to adhere to the documented process to ensure uniform and fair assessment of sanctions. Table DE-002B lists violations for “Engaging in any action which causes damage to any party or to the public” as requiring a sanction of 6 points to revocation, and “Willful failure to deliver title to buyer or department within 45 days of date of sale” as requiring a sanction of 4 points.

The “failure to deliver title violation” is not considered willful if the dealer can provide a written statement, which is substantiated by a Dealer Licensing and Audit Unit agent, identifying a prior seller or lien holder who has failed to deliver the title as required by law. It is considered a willful failure to deliver title in the case of a dealer who cannot obtain a titled because the dealer has sold out of trust.

Motor Vehicle Title Requirements

S.C. Code Ann. § 56-19-210. Certificate of title required to sell or mortgage vehicle or mobile home; exception.

It shall be unlawful for any person to sell or offer for sale or mortgage in this State any vehicle of a type required to be registered and licensed in this State, or any mobile home, unless a certificate of title has been issued therefor and is currently valid; but this provision shall not apply to South Carolina dealers in the sale or offering for sale of new vehicles or mobile homes for which there is a manufacturer's certificate of origin made out to the person offering such vehicle or mobile homes for sale.

S.C. Code Ann. § 56-19-360. Procedures for voluntary transfer; duties of transferor and transferee; effective time of transfer.

If an owner, manufacturer or dealer transfers his interest in a vehicle other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to transferee in the space provided therefor on the certificate or as the Department of Motor Vehicles prescribes and cause the certificate and assignment to be mailed or delivered to the transferee or to the Department.

⁹ Petitioner cites to S.C. Code Ann. § 56-15-150 in the Official Notice, however, I find there is no such statute. Petitioner also cites S.C. Code Ann. § 56-19-240 in its Official Notice, which provides the form and content required for an application for a certificate of title for a vehicle made by the vehicle owner to the DMV. I find that this statute is not relevant as there is no allegation that the application for a certificate of title was faulty at the time that it was made for the three vehicles at issue.

Except as provided in § 56-19-370, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the Department prescribes and cause the certificate and application to be mailed or delivered to the Department.

Except as provided in § 56-19-370, and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with.

S.C. Code Ann. § 56-19-370. Procedures for voluntary transfer; dealer purchasing vehicle for resale.

If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner within forty-five days after delivery to him of the vehicle, he need not send the certificate to the Department of Motor Vehicles, but, upon transferring the vehicle to another person other than by the creation of a security interest, promptly shall execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

Conclusion of Law

After reviewing the facts of the case and the applicable law, I find and conclude that the DMV has not presented a preponderance of evidence to support its Suspension Order against Toyota of Greer.

First, I find that the DMV has not charged Toyota of Greer with a violation of the South Carolina Dealers Act, but rather with a willful failure to deliver title within 45 days. The DMV consistently listed the violation in its investigation as failure to provide title within 45 days.

Petitioner's own internal procedures recognize that when a title cannot be received because of the actions of a third party, such as a customer or a lender, it is not a sanctionable offense. (Petitioner Ex. 5) Field Agent Benjamin testified that he ignored the required policy of the DMV in finding that any failure to provide title to a customer within 45 days was "willful." Ms. Leeks testified that despite the fact that a 4 point violation was assessed against the dealership for failure to deliver title within 45 days of the date of sale, she omitted the requirement that the failure be "willful" in the Official Notice. The substantiated written statements of Toyota of Greer employees that the actions of third parties prevented the timely transfer of the three titles prevents the finding of a sanctionable offense under the DMV's Procedure. Therefore, none of the 12 points in the Official Notice should have been assessed against Toyota of Greer.

Even if I were to determine that the DMV had made a charge of a violation of the South Carolina Dealer's Act, I find that the evidence does not support such a charge.¹⁰ There has been no evidence presented to show that Toyota of Greer acted in an arbitrary manner, or in bad faith, or in an unconscionable manner. It was the actions of third parties that prevented their timely receipt and forwarding of the titles. Toyota of Greer diligently dealt with each problem as it arose. Dealers are not required to deal with their customers guided solely by fixed rules and standards. Their conduct under the Dealer's Act need only have some reasonable basis. *Taylor v. Nix*, 307 S.C. 551, 416 S.E.2d 619 (1992).

¹⁰ The Official Notice cites a violation of the South Carolina Dealers' Act. S.C. Code Ann. § 56-15-30 provides that :

(a) Unfair methods of competition and unfair or deceptive acts or practices as defined in § 56-15-40 are hereby declared to be unlawful. . . .

S.C. Code Ann. § 56-15-40 states, in part:

(1) It shall be deemed a violation of paragraph (a) of § 56-15-30 for any manufacturer, factory branch, factory representative, distributor, or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action which is arbitrary, in bad faith, or unconscionable and which causes damage to any of the parties or to the public. . . .

In order to prove a violation of the Dealer's Act, Petitioner must show Toyota of Greer's actions were arbitrary, in bad faith, or unconscionable. "Arbitrary" for purposes of the Dealers Act is defined as "acts which are unreasonable, capricious or nonrational; not done according to reason or judgment; depending on will alone." *Taylor v. Nix*, 307 S.C. 551, 555, 416 S.E.2d 619, 621 (1992). "Bad faith" has been defined as:

The opposite of good faith, generally implying or involving actual or constructive fraud, or a design to deceive or mislead another, or a neglect or refusal to [fulfill] some duty or some contractual obligation, not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive.

State v. Griffin, 100 S.C. 331, 333, 84 S.E. 876, 877 (1915).

Unconscionability is the absence of meaningful choice on the part of one party due to one-sided contract provisions together with terms that are so oppressive that no reasonable person would make them and no fair and honest person would accept them. *Hardee v. Hardee*, 355 S.C. 382, 585 S.E.2d 501 (2003).

ORDER

Based upon the findings of facts and conclusions of law, it is hereby:

ORDERED that the suspension of Respondent, Toyota of Greer's, dealer license be rescinded.

AND IT IS SO ORDERED.

Phillip T. Addington
OMVH Hearing Officer

_____, 2017
Greer, South Carolina

**IN THE STATE OF SOUTH CAROLINA
OFFICE OF MOTOR VEHICLE HEARINGS**

South Carolina Department of Motor Vehicles,

Petitioner,

v.

Toyota of Greer,

Respondent.

Docket No. 17-OMVH-05-3345-CC
Cust # 30343986

**FINAL ORDER
AND DECISION**

Appearances:

For the Petitioner (Witnesses): Zenda Leaks, Assistant Manager
Lisa Bird, Team Leader/ Supervisor
Jason Benjamin, Dealer Agent
Scott Bocook, Quality Auto Sales

Others: Philip S. Porter, Esquire, Deputy General Counsel

For the Respondent: (Witnesses): Toni Powell, Wholesale Title Clerk
Michelle Taylor, Title Clerk
Robert Hogan, Sales Manager and
Vice President

Others: Bradford N. Martin, Esquire
Laura W.H. Teer, Esquire

INTRODUCTION

This matter comes before the South Carolina Office of Motor Vehicle Hearings ("OMVH") upon request by the Respondent, Toyota of Greer, for a contested case hearing. On June 27, 2017, the Petitioner South Carolina Department of Motor Vehicles ("SCDMV" or "Department") issued Respondent an Official Notice of License

Suspension, citing specific complaint numbers and Code Sections alleged to have been violated by the Respondent, asserting that the Respondent had committed violations justifying suspension for a period of seven days by the accumulation of sanction points. By filing of attorney Bradford N. Martin of July 6, 2017, Respondent requested a hearing to contest the suspension. A hearing was scheduled to be held before me on October 2, 2017 at the Greer Municipal Court at 100 S. Main Street, Greer, South Carolina. That hearing took place at that place and time and evidence was taken. After reviewing the entire record and considering all the evidence, I conclude that the Petitioner's Official Order of Suspension must be sustained.

FINDINGS OF FACT

Having observed the witnesses, reviewed the exhibits presented at the hearing, considered their credibility and taken into consideration the burden of persuasion by the parties, I make the following Findings of Fact by a preponderance of the evidence:

1. Notice of the date, time, place and subject matter of the hearing was timely given to the parties.
2. Toyota of Greer is a licensed motor vehicle dealer in the State of South Carolina.
3. The SCDMV sent Respondent an Official Order of License Suspension dated June 27, 2017. It stated the grounds for the revocation were violations of *S.C. Code Ann.* §§ 56-3-30, -40, -350, -19-210, -360 and -370, and Procedure DE-002 due to an accumulation of twelve sanction points each alleging "engaging in any action which causes damage to any party or the public (Failure to deliver title within 45 days of the date of sale).

4. Complaint 16/746 involves the Complaint of Scott Bocook, manager of Quality Auto of Anderson. His complaint, filed on or about July 11, 2016 and received by the Department on July 14, 2016. He alleged that he purchased a vehicle, a 2000 Chrysler 300 VIN 2C3HE66G4YA198153 for his dealership on February 26, 2016 but had not received the title as of the date of the complaint, a time a period of 135 days. While the Respondent produced evidence that the vehicle was sold through an auction, a Bill of Sale was prepared and signed by a representative of the Respondent and Mr. Bocook containing the following declaration:

I, Toyota of Greer (Seller), 13770 E. Wade Hampton BL Greer SC 29651 state that on the 26 day of February, Yr. 2016 The following vehicle Make Chrysl Model 300M Body Type 4 Dr Year 2000 Vehicle Identification 2C3HE66G4YH198153 License Plate No. 37456 was sold to Quality Auto of Anderson L Buyer 911 Whitehall Rd Anderson SC 29625 And the above vehicle is free of all liens and encumbrances in the buyer's name except:

(List here any mortgages, liens or encumbrances)

The line for the listing of liens or encumbrances is left blank. There was a lien on the vehicle to a title loan establishment from the customer who had sold the vehicle to Respondent. Thus, the above statement concerning the absence of a lien was literally false. Respondent produced testimony of Wholesale Title Clerk Toni Powell and a copy of a check prepared for the title lender the day before the sale. Ms. Powell asserted in testimony that the signature on the bill of sale on behalf of seller was not authorized. In any case it was not withdrawn or corrected and was allowed to become part of the Department's official records of the sale through the agency of the auction or otherwise, and the Respondent nevertheless warranted title as discussed in the Conclusions of Law, below. Ms. Powell stated that she was aware that the so called secondary lenders, such as title lenders, often took up to twenty-one days to give a lien satisfaction. Nevertheless,

she testified that the known location of the particular title lender had closed, she was referred to another location and had difficulty reaching it, and was ultimately referred to the Spartanburg location.

Upon Agent Benjamin's investigation of the complaint, he recorded remarks from Ms. Powell that Toyota of Greer and associated dealerships owned by MCE had had a lot of turnover and movement within their finance departments due to employee terminations, which were the result of bad deals. Respondent's argument at hearing differed somewhat from Ms. Powell's statement, asserting that the dealership had done everything possible to deliver title, that vehicle itself that Respondent had sold was a piece of junk and had nominal value, and that if there was any fault at all it was Mr. Bocook's by failing return the vehicle through the rules of the auction rather than insisting on receiving the title. Ms. Powell also submitted a written statement in which she added that once she located a title lender branch that could supply a lien release she still had to wait for the manager to return from vacation. She also stated that once the branch was located and the manager was available, the title was delivered to the auction. She also testified the check to the title lender cleared on March 8, 2016, ten days after the sale. Agent Benjamin confirmed that title was provided on July 18, 2016, 143 days after purchase and of course, after receipt of the complaint from the Department.

5. Complaint No. 16/664 involved Sheila Gilliam. On or about June 28, 2016 she filed a complaint with the Department stating she had purchased a 2007 Ford Explorer VIN1FMEU65E07UB13396 from Toyota of Greer on March 29, 2016 and had not yet received title. It turned out that the vehicle had a lien of record to Ford Motor Credit by prior owner, James and Catherine Derrick. Department records showed that

Respondent had James Derrick and Catherine Derrick sign powers of attorney to authorize Respondent's representative to take steps to sell that vehicle on January 21, 2016. Respondent submitted a contract whereby the Derricks contracted to trade in the Explorer to Respondent on January 26, 2016. Respondent also submitted a title inquiry report that it pulled on February 4, 2016 revealing the lien to Ford Motor Credit. Respondent nevertheless sold Ms. Gilliam the Explorer on March 29, 2016.

In connection with the sale, an Affidavit & Notification of Sale of Motor Vehicle was executed. As the name implies, it is in the form of a sworn affidavit. In pertinent part it contained this statement:

Personally appeared before me, MCE Automotive, Inc, d/b/a Toyota of Greer 13770 E. Wade Hampton BL Greer SC 29651 who being duly sworn, deposes and says that on the 29th day of March 2016 he sold the following motor vehicle: Make FORD Model Explorer Year 2007 Identification (Serial) No. 1FMEU65E07UB13396 License No. _____ was sold to Sheila Gilliam 337 Belcher Road Boiling Springs Spartanburg SC 29316 Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

Lienholder _____ Amount N/A

Address _____ Date 3/29/2016

As indicated above neither the identity of any lienholder or an address was written into the blanks. The document was signed by Ms. Gilliam and by a representative of the Respondent who was a different representative than the person who signed the bill of sale to Mr. Bocook of Quality Auto. As Respondent's own evidence indicated, the dealership had knowledge of the lien of Ford Motor Credit not later than February 4, 2016. It had fifty-four days to clear the lien before it sold the Explorer to Ms. Gilliam. It did not. No matter how difficult or easy Ford Motor Credit was to find, and no matter how subjectively confident the Respondent was that it could clear the lien and supply the title

within forty-five days, the signing of an affidavit indicating that there was no lien when there was one was objectively false. It was also a factor that can hardly be imagined not to be material to the buyer. Had it not mattered to Ms. Gilliam whether she got a title in a timely manner she likely would not have filed the complaint. Moreover, the signing of the Affidavit in that manner unfortunately leads to the conclusion that Respondent's processes either do not ensure pertinent communication pertinent information to its staff the about the vehicles it is selling, or that false information was knowingly conveyed.

But Respondent did sell the vehicle to Ms. Gilliam. And the title was not provided within forty-five days. Ms. Gilliam filed her complaint. Agent Jason Benjamin, in investigating the complaint he established its basic accuracy. He requested a statement regarding the circumstances of the failure to provide title and received a statement from Ms. Michelle Taylor, the Title Clerk. She stated that the vehicle was traded into the dealership on January 25, 2016 *without a title*, and there was an issue getting the title from Ford Motor Credit. Ford Motor Credit sent a fax a lien release on July 5, and Ms. Gilliam's title was delivered to the Department on July 6, 2016, ninety-nine days after the purchase and at least one hundred fifty three days after Respondent was aware of the existence of the lien. She testified that she contacted Ford Motor Credit a number of times, and the company confirmed the debt had been paid four years ago. She said the company nevertheless had to contact research for old files. When the vehicle was finally titled, however, it was by letter and not by a release of lien on a title. She testified that the dealership previously subscribed to Carfax, but no longer did, and did not subscribe to R.L. Polk, Experian or other service for title data from outside South Carolina.

6. Complaint No. 17/445 involves Tonya McAllister. On or about April 26, 2017 she filed a complaint with the Department stating she had purchased a 2006 Mazda VIN JM1FE173560201810 from Toyota of Greer on February 10, 2017 and had not yet received title. It turned out that the vehicle had a lien of record by prior owner, Matthew Gorman. Department records showed that Respondent had Mr. Gorman had signed a power of attorney to authorize Respondent's representative to take steps to sell that vehicle on January 3, 2017.

In connection with the sale, an Affidavit & Notification of Sale of Motor Vehicle was executed. As the name implies, it is in the form of a sworn affidavit. In pertinent part it contained this statement:

Personally appeared before me, MCE Automotive, Inc, d/b/a Toyota of Greer 13770 E. Wade Hampton BL Greer SC 29651 who being duly sworn, deposes and says that on the 10th day of February 2017 he sold the following motor vehicle: Make MASDA Model R&B Year 2006 Identification (Serial) No. JM1FE173560201810 License No. _____ was sold to TONYA GREEN MCCALLISTER 112 TIMBERBROOK RD GAFFNEY CHEROKEE SC 29340-5948 Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

Lienholder WELLS FARGO DEALER SERVICES Amount 6020.00

Address PO BOX 997517 SACRAMENTO CA 95899-7517 Date 02/10/2017

Wells Fargo Dealer Services is the lender that financed the sale of the vehicle to Ms. McCallister. There was no mention of any other lienholder. The document was signed by Ms. McCallister and by a representative of the Respondent, a different representative than either the one that signed the affidavit for Ms. Gilliam's transaction or the person that signed the bill of sale in Mr. Bocook's transaction.

In investigating the complaint, Mr. Benjamin established its basic truth. He asked for a statement from Ms. Taylor and she gave him a written one in which she stated that

the customer who traded the vehicle in was not the actual owner, and she did not know the status of the title until she enlisted the aid of a dealership in North Carolina. She was not able to get in touch with the actual owner until mid-April. She was unable to say whether the sales personnel had requested a driver's license from the customer initially because she was not in sales. Thus, when the sale was made and the affidavit signed, the Respondent had no idea whether or not there was a lien. Again, no matter how subjectively confident the Respondent was that it could clear the lien and supply the title within forty-five days, the signing of an affidavit indicating that there was no other lien when there was one was objectively false. It was likewise a factor that can hardly be imagined not to be material to the buyer. Had it not mattered to Ms. McCallister whether she got a title in a timely manner she would not have filed the complaint. Moreover, the signing of the Affidavit in that manner, again, leads to the conclusion that Respondent's processes either do not ensure communication of pertinent information to its staff about the vehicles it is selling, or that false information was knowingly conveyed.

7. The SCDMV has adopted a sanction procedure, DE-002, which was adopted to ensure that there would be uniformity in the application of dealer sanctions, such that certain dealers did not get their licenses revoked for minor offenses, while other dealers might be only suspended or not sanctioned at all for major violations. Pursuant to the procedure, when a dealer is assessed a total of twelve (12) sanction points, the dealer is subject to a license suspension of seven (7) days. If a dealer is assessed an additional twelve (12) points the dealer is subject to a suspension of thirty (30) days. If a dealer is assessed an additional twelve (12) points the dealer is subject to a permanent revocation. Any dealer assessed a total of thirty-six (36) points within a three year period, however,

will be subject to revocation. According to the procedure, a seven days suspension is the mildest sanction listed.

8. Two license renewals of MCE Automotive d/b/a Toyota of Greer were put into evidence. Both were signed by a Russell Antici as owner or corporate officer. Both indicated that Robert Hogan was the sales manager. His testimony indicated he was also a partner. The 2017 renewal lists Mr. Hogan also as Vice President. On the renewal with effective dates of June 15, 2015 to June 15, 2016, the dealership checks "yes" for question 6. which asks if the applicant has a Dealer Manual.

9. The 2007 Dealer Manual was placed in evidence. Page 2-2 of the Manual clearly states the requirement that a dealer must deliver the title or registration to the customer within a 45 day period after the sale. It gives the dealer the option of giving all necessary documentation required to title the vehicle to the customer and maintaining a customer signed receipt by which the customer acknowledges the responsibility for titling and registering. There is no evidence in the record that this option was taken for any of the complaints discussed above.

10. At the hearing, Respondent strenuously objected to an offer of proof of the Department's records whereby a ledger of previous numbered complaints were listed and a number of letters of warning the Respondent of its then current status under Dealer Sanction Procedure DE-002 as well as the possibility that the dealership might have sanctions imposed on it if further sanctionable conduct was found. The gist of the objection was that the APA required the Department to disclose in its notice any evidence that the Respondent might be confronted with at the hearing. The initial ruling was that the letters should not be admitted. On further review, I am not convinced that the

Administrative Procedures Act can be read as broadly as Respondent insists. I find that while underlying complaints and allegations were not admitted nor specifically testified to, they resulted in warning letters warning to the Respondent that certain sanction points were accumulated according to the Department's processes and that sanction points for other violations put the Respondent at risk of the sanction of suspension. They show that the Department had allegations and brought them to Respondent's attention and warned Respondent that failure to deliver title could result in sanctions. Moreover, Ms. Leaks testified without objection about the meeting that was arranged with Respondent's management to express these concerns. In fact, she testified that the Department routinely warns dealers of sanction status.. In any case, the Department did give the Respondent notice of the letters in the form of the letters themselves. In addition, at least one of the letters involved a complaint for which Respondent was given specific notice in the Official Notice of License Suspension.

11. Department Dealer Licensing Assistant Manager Zenda Leaks testified that while there were other franchised dealers that have generated complaints regarding failure to deliver title, no other franchise dealer has yet generated sufficient sanction points to result in any suspension, as had Toyota of Greer.

12. Department Upstate Team Lead Lisa Bird testified that in her experience unless a dealer was arranging the financing of a sale of a known payoff for a trade in or the like, it was not the practice of the franchised dealer industry to make sales without a title. She testified that the Department typically does not sanction dealers if they fail to deliver title by only a few days more than forty-five days.

13. Respondent presented grafts to represent the sales volume of Toyota of Greer and other affiliated dealerships for which Ms. Powell and Ms. Taylor also worked, to show that a few complaints were insignificant with regard to the sales volume of Toyota of Greer and the other dealerships. Respondent nevertheless argued that if its sales were shut down for a week, it would lose an estimated \$2.1 million in revenue, and employees, including Ms. Powell and Ms. Taylor, despite their allegedly substantial work for other affiliated dealerships whose activities are not challenged in this matter. While there is not necessarily direct evidence to contest this estimate, since the week of any possible suspension is unknown, presumably the estimate is based on a typical week. The last two filing years the dealership sold 2297 and 2378 vehicles respectively. By anticipating \$2.1 million in revenue each week, that would translate to \$109,200,000 in revenue for the year. Unless the expected sales significantly exceed the last two years, the projection would average \$47,540.26 or \$45,920.94 price per vehicle respectively, based on the past years. If the dealership is counting on other sources of revenue, such as service bays, the suspension would by its terms apply only to the sale of motor vehicles.

14. Mr. Robert Hogan, Sales Manager and Vice President of Toyota of Greer, however, testified and he forthrightly stated the dealership's position. When asked why the dealership did not avoid selling vehicles before it had secured titles for the buyers, he said while the dealership did not want trouble with the buyers and did not want trouble with the Department because it was bad for business, the dealership had to buy and sell vehicles before the titles were secured, because if the dealership did not do that the same sales would be made by the competition. Mr. Hogan also testified that the dealership(s)

had made 25,182 sales in the last three years. It appears he was referring to the combined affiliated dealerships. The Department has not raised any issue with the other dealerships.

15. A review of the record reveals no evidence that Respondent offered to provide rental vehicles for any of the complainants. Likewise, there is no evidence Respondent offered its customers refunds or buy backs, aside from the suggestion that if Mr. Bocook had just paid attention to the auction rules he could have reversed the transaction. There was argument that a buy-back was offered to him but no testimony to that effect. It is possible that the reference is to the auction rules. In fact, Mr. Bocook testified that he could not even get a call back from the dealership. There is no evidence that the Respondent even apologized to any of the three complainants for failure to deliver title.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, I conclude the following:

1. In *S.C. Code Ann.* § 1-23-660 the General Assembly provided for the creation of the South Carolina Office of Motor Vehicle Hearings. The OMVH is authorized to employ Hearing Officers to preside over contested case hearings involving suspensions, cancellations and revocations of licenses and registrations issued by the Department. All hearings presided over by the Hearing Officers of the OMVH are contested case hearings and must be conducted in accordance with the Administrative Procedures Act (“APA”) and the Rules of Procedure for the OMVH. *Id.* at § 1-23-660 (B) (Supp. 2017). Furthermore, all appeals from the final decisions of the Hearing Officers are to the South Carolina Administrative Law Court in accordance with its rules of procedure. *Id.* at § 1-23-660 (D).

2. S.C. Code Ann. § 1-23-320 (a) and (b), regarding notice for contested cases, states, in pertinent part:

(A) In a contested case, all parties must be afforded an opportunity for hearing after notice of not less than thirty days, except in proceedings before the Department of Employment and Workforce, which are governed by the provisions of Section 41-35-680.

(B) The notice must include a:

- (1) statement of the time, place, and nature of the hearing;
- (2) statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) reference to the particular sections of the statutes and rules involved;
- (4) short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement must be furnished.

In the case of OMVH hearings the notices have a division of labor. The Department gives the initial notice of the legal authority and nature of the hearing, as well as the legal authority under which the hearing was to be held including the statutes involved, which it did in this case. The OMVH assigns the statement of the time and place of the hearing. I see nothing in Section which requires more than a short and plain statement of the matters asserted, which the Department provided in the form of abstracts of complaints against the Respondent whereby the Respondent was alleged to have failed to provide certificates of title to its customers within the statutory limit of forty-five days. There appears nothing in the primary cases challenging notice of contested case hearings on due process or notice insufficiency grounds that suggests more than a short and plain statement of the matters asserted or that the agency is prevented from raising any issue relevant to the matter not specifically addressed in the notice. *Ross v. Medical University of S. C.*, 328 S.C. 51, 492 S.E. 2d 62 (1992); *Zaman v. S.C. State Board of Medical*

Examiners, 305 S.C. 281, 408 S. E. 2d 213 (1991); *S.C. Dept. of Labor, Licensing and Regulation v. Girgis*, 332 S.C. 162, 303 S.E. 2d 490 (Ct. App. 1998). In fact, in *Girgis*, the Court of Appeals noted that as with this case, the agency had given additional notice of its concerns by correspondence prior to filing the complaint on which the license revocation was based as well as a special meeting wherein the agency further expressed its concerns. 332 S.C. at 167, 303 S.E. 2d at 492.

3. Basic administrative law principles establish that an agency bears the burden of proof in an enforcement action. *See, Peabody Coal Co. v. Ralston*, 578 N.E. 2d 751 (Ind. Ct. App. 1991); Randy R. Lowell and Stephen P. Bates, *South Carolina Administrative Practice and Procedure*, 200-201 (2004). Since Petitioner asserts the affirmative of an issue, *i.e.* the enforcement of a dealer's or wholesaler's license suspension or revocation and since it will be subject to an adverse ruling if no evidence is introduced, Petitioner bears the burden of proof in this matter. *See, Alex Sanders & John S. Nichols, Trial Handbook for South Carolina Lawyers* § 9.3 at 366 (2nd ed. 2001).

4. The weight and credibility assigned to evidence presented at the hearing of a matter is within the province of the trier of fact. *See, S.C. Cable Television Ass'n v. S. Bell Tel. & Tel. Co.*, 308 S.C. 2116, 222, 417 S.E. 2d 586, 589 (1992); *see also Doe v. Doe*, 325 S.C. 492, 502, 478 S.E. 2d 854, 859 (Ct. App. 1996) (holding that a trial judge, when acting as a finder of fact, "has the authority to determine the weight and credibility of the evidence before him").

5. *S.C. Code Ann.* § 36-2-103 provides, in pertinent part:

(1) In this chapter unless the context otherwise requires:

(a) "Buyer" means a person who buys or contracts to buy goods.

(d) "Seller" means a person who sells or contracts to sell goods.

6. *S.C. Code Ann.* § 36-2-104 provides, in pertinent part:

- (1) "Merchant" means a person who deals in goods of the kind or otherwise by his occupation holds himself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.

7. *S.C. Code Ann.* § 36-2-312 provides:

- (1) Subject to subsection (2) there is in a contract for sale a warranty by the seller that
 - (a) the title conveyed shall be good, and its transfer rightful; and
 - (b) the goods shall be delivered free from any security interest or other lien or encumbrance of which the buyer at the time of contracting has no knowledge.
- (2) A warranty under subsection (1) will be excluded or modified only by specific language or by circumstances which give the buyer reason to know that the person selling does not claim title in himself or that he is purporting to sell only such right or title as he or a third person may have.
- (3) Unless otherwise agreed a seller who is a merchant regularly dealing in goods of the kind warrants that the goods shall be delivered free of the rightful claim of any third person by way of infringement or the like but a buyer who furnishes specifications to the seller must hold the seller harmless against any such claim which arises out of compliance with the specifications.

8. *S.C. Code Ann.* § 56-15-10, relating to the regulation of dealers and wholesalers, provides:

As used in this chapter the following words shall, unless the text otherwise requires, have the following meanings:

(a) "Motor vehicle", any motor driven vehicle required to be registered under Section 56-3-110. This definition does not include motorcycles.

(h) "Dealer" or "motor vehicle dealer", any person who sells or attempts to effect the sale of any motor vehicle. These terms do not include:

- (1) distributors or wholesalers.
- (2) receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court.
- (3) public officers while performing their official duties.
- (4) persons disposing of motor vehicles acquired for their own use and so used in good faith and not for the purpose of avoiding the provisions of law. Any person who effects or attempts to effect the sale of more than five motor vehicles in any one calendar year is considered a dealer or wholesaler, as appropriate, for purposes of this chapter.
- (5) finance companies or other financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles they own as an incident to payments made under policies of insurance.

.....

(l) "Sale," shall include the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle or interest therein or of any franchise related thereto; and any option, subscription or other contract, or solicitation, looking to a sale, or offer or attempt to sell in any form, whether spoken or written. A gift or delivery of any motor vehicle or franchise with respect thereto with, or as, a bonus on account of the sale of anything shall be deemed a sale of such motor vehicle or franchise.

(m) "Fraud," shall include, in addition to its normal legal connotation, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; and an intentional failure to disclose a material fact. . . .

5. *S.C. Code Ann.* § 56-15-310 (A) states, in pertinent part:

A) Before engaging in business as a dealer or wholesaler in this State, a person first must make application to the Department of Motor Vehicles for a license. Each license issued expires twelve months from the month of issue (licensing period) and must be displayed prominently at the established place of business. The fee for the license is fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business except that a licensed dealer may exhibit and sell motor homes, as defined by Section 56-15-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. . . .

6. Pursuant to *S.C. Code Ann.* § 56-15-310 (A), a person who engages in business as a dealer or wholesaler in the State of South Carolina must first make an

application to the Department for a license. The license applies to only one place of business of the applicant and is not transferrable to another person or place of business with certain exceptions for the exhibition and sale of motor homes by licensed dealers. *S.C. Code Ann.* § 56-15-315 (A) reiterates that off-site displays of vehicles are strictly prohibited except as specifically authorized by the Code. The licensing and display requirements of Section 56-15-310 dictate that a dealer may only sell vehicles he is authorized to sell, his owned inventory, and the vehicles may only be displayed at and may only be sold from the licensed location.

7. With regard to the records that dealers and wholesalers are required to keep, § 56-15-340 (A) (2006) provides:

(A) Every dealer or wholesaler shall keep complete records of each transaction under which a motor vehicle is transferred for a period of not less than four years from the date of the transaction. The records must show the true name and correct address of the person or persons from whom the motor vehicle was acquired and the date of the transaction; a correct description of the vehicle, when transferred; the true name and correct address of the person to whom the motor vehicle was transferred; and the date of the transaction. The description of the motor vehicle must include the vehicle identification number, make, model, type of body, and the odometer readings at the time the motor vehicle was transferred to and from the dealer or wholesaler. These records must be open at all reasonable times for inspection and copying by the Department of Motor Vehicles or any of its duly authorized agents.

8. Regarding the bond required for dealers and wholesalers, Section 56-15-320 provides, in pertinent part:

(B) Each applicant for licensure as a dealer or wholesaler shall furnish a surety bond in the penal amount of thirty thousand dollars on a form prescribed by the director of the department. The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a motor vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a motor vehicle by a

licensed dealer or wholesaler or the dealer's or wholesaler's agent acting for the dealer or wholesaler or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent of this chapter. An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to thirty thousand dollars on each bond and to the amount of the actual loss incurred. The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license year, there is a change in the information a dealer or wholesaler gave the department in obtaining or retaining a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

(D) If a licensee ceases being a dealer or wholesaler, within ten days of that time, he shall notify the department of this fact and return to the department a license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

10. Section 56-19-360, addressing the duties of transferor and transferee with regard to title upon the sale of a motor vehicle, provides:

If an owner, manufacturer or dealer transfers his interest in a vehicle other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to transferee in the space provided therefor on the certificate or as the Department of Motor Vehicles prescribes and cause the certificate and assignment to be mailed or delivered to the transferee or to the Department.

Except as provided in Section 56-19-370, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the Department prescribes and cause the certificate and application to be mailed or delivered to the Department.

Except as provided in Section 56-19-370, and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with

11. Section 56-19-370 provides:

If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner within forty-five days after delivery to him of the vehicle, he need not send the certificate to the Department of Motor Vehicles, but, upon transferring the vehicle to another person other than by the creation of a security interest, promptly shall execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

12. Sections 56-19-210, -360 and -370 read together lead to the inevitable conclusion that while private party buyers and sellers must trade from a current title with near immediate transfer or assignment of title, dealers have a limited relaxation of this requirement. Because dealers must arrange for payment of liens and for the signatures of buyers and sellers on odometer statements, often by way of secured powers of attorney, they are allowed up to forty-five days for providing title and means of registration. Nevertheless, there is no authorization for a dealer to exceed the forty-five days before title or registration is provided, which is also the maximum amount of time allowed for dealer issued temporary license plates under Section 56-3-210 (C). If not registered after forty-five days after purchase, the buyer has no legal means of driving the vehicle he or she purchased. If it is driven the drivers are subject to tickets or arrest if their temporary license plates have lapsed or have been made to appear that they were valid beyond the forty-five days.

13. Section 56-15-30 provides:

(a) Unfair methods of competition and unfair or deceptive acts or practices as defined in Section 56-15-40 are hereby declared to be unlawful.

(b) In construing paragraph (a) the courts may be guided by the definitions in the Federal Trade Commission Act (15 U.S.C. 45).

14. Section 56-15-40 (1) provides:

- (1) It shall be deemed a violation of paragraph (a) of Section 56-15-30 for any manufacturer, factory branch, factory representative, distributor, or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action which is arbitrary, in bad faith, or unconscionable and which causes damage to any of the parties or to the public.

15. Arbitrary conduct of a motor vehicle dealer, prohibited under Dealers Act, is readily definable and includes acts which are unreasonable, capricious or nonrational, not done according to reason or judgment, depending on will alone. *Brown v. Dick Smith Nissan, Inc.*, 414 S.C. 101, 105,-06, 777 S.E.2d 208, 210-11 (2015).

16. Bad faith conduct of a motor vehicle dealer, prohibited under Dealers Act, is the opposite of good faith, generally implying or involving actual or constructive fraud, or a design to deceive or mislead another, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive. *Brown v. Dick Smith*, at 106, 777 S.E.2d at 211.

17. Unconscionable conduct of a motor vehicle dealer, prohibited under Dealers Act, is the absence of meaningful choice on the part of one party due to one-sided contract provisions, together with terms which are so oppressive that no reasonable person would make them and no fair and honest person would accept them. *Id.*

18. Section 39-5-20, the general Unfair Trade Practices Act, provides:

- (a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.
- (b) It is the intent of the legislature that in construing paragraph (a) of this section the courts will be guided by the interpretations given by the Federal Trade Commission and the Federal Courts to Section 5(a) (1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)), as from time to time amended.

19. Section 56-15-350 (Supp. 2012) provides:

Any license issued under this chapter may be denied, suspended, or revoked, if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have:

- (a) made a material misstatement in the application for the license;
- (b) violated any provision of this chapter;
- (c) been found by a court of competent jurisdiction to have committed any fraud connected with the sale or transfer of a motor vehicle;
- (d) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;
- (e) been convicted of any violation of law involving the acquisition or transfer of a title to a motor vehicle or of any violation of law involving tampering with, altering, or removing motor vehicle identification numbers or markings;
- (f) been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motor vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);
- (g) refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motor vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; or
- (h) Given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle Hearings

within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.

20. *S. C. Code Ann.* § 56-15-350 sets no statutory limit on the Department's discretion regarding the sanction, be it denial, cancellation, suspension or revocation of a license of a dealer if any of the statutory violations are shown to exist. The Department has, however, adopted procedure DE-002 to standardize the implementation of sanctions.

21. The standard of proof in administrative proceedings is a preponderance of the evidence. *Anonymous v. State Bd. of Medical Examiners*, 329 S.C. 371, 496 S.E. 2d 17 (1998).

22. The Department is an administrative agency of the State of South Carolina which is charged with licensing motor vehicle dealers and administering dealer requirements. See, *S.C. Code Ann.* §§ 56-15-10 *et seq*

23. An unfair trade practice is a practice that is offensive to public policy or which is immoral, unethical or oppressive. *DeBondt v. Carlton Motorcars, Inc.*, 342 S.C. 254, 270, 536 S.E. 2d 399, 407 (2000); *Young v. Century Lincoln-Mercury, Inc.*, 302 S.C. 320, 396 S.E. 2d 105 (Ct. App. 1989), *aff'd in part, rev'd in part on other grounds*, 309 S.C. 263, 422 S.E. 2d 103 (1992); *Wright v. Craft*, 372 S.C. 1, 26, 640 S.E. 2d 486, 500 (Ct. App. 2006 *reh. den.* 2007).

24. A "deceptive practice" under the Unfair Trade Practices Act is one that has a tendency or capacity to deceive. *In re Daniel*, 137 B.R. 884, 887 (1992); *DeBondt.*, 342 S.C. at 270, 536 S.E. 2d at 407 (2000). A claimant need only prove there is a capacity to deceive, not that there was an intention to do so. *Inman v. Ken Hyatt Chrysler Plymouth, Inc.*, 294 S.C. 240, 243, 363 S.E. 2d 691, 692 (1988). *Wright v. Craft* at 26, 640 S.E. 2d at 500.

25. For an act to be a violation of the Unfair Trade Practices Act or Dealers' Act version of it, the acts involved must adversely affect the public interest. An impact on the public interest may be shown by proof that the acts have a potential for repetition. The potential for repetition may be demonstrated in either of two ways: (1) by showing the same kind of actions occurred in the past, thus making it likely they will continue to occur absent deterrence; or (2) by showing the company's procedures create a potential for repetition of the unfair and deceptive acts. *Singleton v. Stokes Motors, Inc.*, 358 S.C. 369, 379, 595 S.E. 2d 461, 466 (2004); *Wright v. Craft*, at 29, 30, 640 S.E. 2d at 501, 502.

26. The issue in this case is not whether the Department is in strict compliance with Respondent's characterization of the Department sanction procedure. The issue is who should assume the risk of the Respondent selling vehicles before it secures titles, when subsequently the vehicle cannot be registered and driven legally. Respondent's theory appears to be that the risk should be on the innocent purchaser for value.

27. Counsel for the Respondent made a number of hearsay objections to the Department's evidence. If the Department introduced third party statements for the truth of the matter asserted it would have been found to be objectionable hearsay. In fact such evidence was presented as the reason for the Department's investigation of those complaints, as well as to show the reasonableness of the Department undertaking an investigation. An out of court statement is not hearsay if it is offered to explain why a government investigation was undertaken. *State v. Brown*, 317 S. C. 55, 63, 451 S.E. 888, 894 (1994); *Caprood v. State*, 338 S.C. 103, 111, 525 S.E. 2d 514, 518 (2000); *Urban Auto Sales v. S.C. Department of Motor Vehicles*, 2013 W.L. 6151357 (S.C. Admin. Law

Court, Docket No. 13-ALJ-21-0071-AP, Order of J. McLeod). The Department's subsequent investigations verified the essential truth of the complaints.

28. Respondent also alternatively argued at hearing that even though it believed no sanction points should be assessed at all, the terms of DE-002 dictated that the sanction points should be further reduced because of the reduction of points allowed in the Procedure over time. The Bocook/Quality Auto Complaint 16/746 was filed on or about July 11, 2016, and was investigated and posted as a meritorious complaint to the Department's records on or about August 8, 2016. The Gilliam Complaint, # 16/664, was filed on or about June 28, 2016, investigated and posted to the Department's records as a meritorious complaint on or about July 18, 2016. The McAllister complaint, #17/445 was investigated and posted to the Department's records as a meritorious complaint May 25, 2017. The Department filed the Official Notice of License Suspension putting the suspension in issue on June 27, 2017, being less than a year from the oldest complaint filing of the three. Of course, none of the complaints were officially posted until after the complaints were processed, and the procedure itself counts only from posting. There does not appear to be any reason or logical reading of DE-002 to count the extended time a dealer fails to provide title, the very thing in issue, as well as time it takes to determine the merits of the complaint, as well as the time it takes to schedule a hearing after the issue has been contested, as well as the time it might take to make a determination on the merits to work against the purposes of the sanction procedure. While it may be that that Procedure can be regarded as a type of statute of limitation as an adopted procedure with regard to matters that have not yet been noticed for a sanction or hearing, statutes of limitations do not apply after the case is filed.

29. In argument at hearing, Respondent insisted that the Department was bound by Respondent's interpretation of DE-002 such that the Department was bound to prove willful failure to title within the statutory period, or in the alternative, prove a violation under the unfair or deceptive practices provisions of Section 56-15-30 or the "action which is arbitrary, in bad faith, or unconscionable and which causes damage to any of the parties or to the public" standard of Section 56-15-40, which likewise the Respondent urged had likewise not been proven. Of course, the Department notified Respondent of both of the statutes and quoted some of the specific language of Section 56-15-40. Both suggestions will be considered in turn.

First, without regard to the expectation, whether reasonable or not, that title can be acquired within forty-five days if not secured before the sale, the failure to do so is admittedly an illegal act. It could not be otherwise. A merchant dealer impliedly warrants it has good title to the vehicles it offers on the market. The above referenced Sections in Chapter 19 of Title 56 set an explicit limit of forty-five days to provide title or registration.

A number of jurisdictions have determined that a violation of the version of the unfair trade practices statutes of those jurisdiction that a violation of those unfair trade practices acts are established by violation of other applicable law designed to protect consumers. *State of Washington v. Reader's Digest Association, Inc.*, 81 Wash. 2d 259, 270 501 P. 2d 290, 298 (1973) (sweepstakes that violates state lottery law is unfair trade practice); *Stanley v. Moore*, 329 N.C.717, 723-24, 454 S.E. 2d 225, 228 (1995) (violation of the Tenant Ejectment statute may constitute a violation of the Unfair Trade Practices Act); *Winston Realty Company v. G.H.G., Inc.*, 314 S.C 90, 314 S.E. 2d 677 (1985)

(Violation of statute forbidding false advertising by personnel agencies constitute unfair or deceptive acts); *State ex rel. Cooper v. NCCS Loans, Inc.*, 174 N.C. App. 630, 641,-42, 624 S.E. 2d 371, 378, -79 (2005)(violation of loan payday advance loan laws with deceptive tied usurious payments for spurious web access was violation of the Unfair Trade Practices Act); *Commonwealth v. Peoples Benefit Service, Inc.*, 895 A. 2d 683, 694-95 (Penn. Comm. Ct. 2006) (use of names unregistered under fictitious name statute and symbols appearing to be federal agencies in violation of postal regulations violate UDAP statute). .

Certain of the courts find violations of Unfair Trade Practices Acts from failure to deliver title according to statute. *Antle v. Reynolds*, 15 S.W. 3d 762, 767 (Missouri App. 2000) (dealer's failure to deliver title violating contemporary assignment statute also violated UTPA statute despite statutory violation voiding sale); *Lone Star Ford, Inc. v. McGlashan*, 81 S.W. 2d 720 (Tex. App. 1984) (UTPA statute applied to failure to deliver title despite dealer making no representations regarding title: "The DTPA mandates that when a dealer represents that he can sell used cars, he necessarily represents that he can transfer a legal title to the new owner in order to consummate a valid sale. These two representations go hand in hand; otherwise, the dealer falsely represents that he can legally sell the car to consumers.")

Certain of the courts find violations of the various unfair trade practices acts from breach of warranty of title or other failure of title as required by law. *Standing v. Midgett*, 850 F. Supp. 396 (E.D.N.C. 1993)(boat seller who accepted hull of boat from financially troubled employer as compensation, and then sold hull to buyer, only to learn that former employer had filed a lien on it that had been previously prepared. Court held

that the breach of warranty of title supported unfair trade practice claim); *Gregory v. Poulin Auto Sales, Inc.*, 191 Vt. 811, 42 A.3d 788 (2012) (Dealership certified title and odometer reading and sold vehicle to buyer without inspecting or doing maintenance, where vehicle turned out to be salvage and odometer reading inaccurate. Court found this sale to violate unfair or deceptive practices statute based in implicit misrepresentation and omission); *Dan Boone Mitsubishi, Inc. v. Ebrom*, 830 S.W. 2d 334 (Tex. App. 1992) (where dealership was not able to provide title to buyer as required by law prior in time to allow buyer to legally obtain license sticker, deceptive trade practices act was breached); *Regency Nissan, Inc. v. Taylor*, 194 Ga. App. 645, 391 S.E. 2d 467 (1990) (selling vehicle bought from another dealer that was later seized by law enforcement as a stolen car was unfair trade practice where dealer had reasonable notice of VIN plate discrepancy but did not take reasonable steps to determine true facts before selling the vehicle); *Saenz Motors v. Big H. Auto Auction, Inc.*, 653 S.W. 2d 521 (Tex.App. 1983) (breach of warranty of title by auction to buying dealer was violative of Deceptive Trade Practices Act); *Franklin v. State of Texas*, 631 S.W. 2d 519, 520 (Tex. App. 1982) (Acts of a used car dealer in selling vehicles without were violations of deceptive trade practices act); *Bavarian Motors, Inc. v. Neal*, 882 A. 2d 1022 (Pa. Super. 2005) (dealer sold vehicle it knew or should have known was stolen, resulting in inability to title, sale was unfair trade practice).

South Carolina courts have never affirmatively ruled that violation of a separate statute is in and of itself a violation of the Unfair Trade Practices Act or the Dealers' Act, but they have held that certain violations or practices do¹, and that law violations that

¹ *In re Daniel*, 137 B.R. 884, 887 (D.S.C. 1992) (Repossession in violation of Consumer Protection Code has impact upon the public interest and is actionable under Unfair Trade Practices Act); *Johnson v. Collins*

impact public policy or welfare are susceptible to such a reading. *Young v. Century Lincoln-Mercury, Inc.*, 302 S.C. 320, 396 S.E. 2d at 108.

Unfortunately, the basic law violation of failing to deliver title within the statutory period is not the whole story in this case. In each complaint reviewed in this case, the failure to deliver was accompanied by a false and misleading bill of sale or affidavit and notification of sale, stating that there were no liens not listed on those statements. In at least two of the complaints, it is clear that someone within the dealership knew of the existence of lien on the vehicles when they were sold to a subsequent buyer, but the dealership sold them anyway and stated or someone on the dealership's behalf stated to the buyers that the liens did not exist. On the other complaint, it appears that the dealership was unsure of the status of any lien on the vehicle and in fact unsure of the identity and whereabouts of the true owner, yet sold the vehicle anyway. In each case, the titles were delayed well beyond the statutory time limit for titling or registering the vehicles. The bill of sale and the Affidavits and Notifications executed by the dealership were each executed by different dealership representatives. This supports the inference that the dealership either 1.) fails to communicate information known to it or that if information is unknown fails to properly inform its sales staff regarding the status of vehicles that are for sale, or 2.) the dealership's processes authorize false or misleading representations in such documents to make sales. However tempting it might be to accept Respondent's argument that its problems with delivering title are due to the high

Entertainment Company, Inc., 349 S.C. 613, 564 S.E. 2d 653 (2002) (gambling losses from legal gambling induced by illegal and deceptive incentives recoverable as Unfair Trade Practices violations) *overruled in part by statutory revisions and reinstitution of doctrine of in para delicto by Proctor v. Whitlark and Whitlark, Inc.*, 414 S.C. 318, 778 S.E. 2d 318 (2015); *Inman v. Ken Hyatt Chrysler Plymouth, Inc.*, 294 S.C. 240, 242, 363 S.E. 2d 691, 692 (1988) (misrepresenting the history of vehicle as a new demonstrator when it had actually been sold and returned); *Dowd v. Imperial Chrysler Plymouth, Inc.*, 298 S.C. 439, 442-43, 381 S.E. 2d 212, 214 (Ct. App. 1989) (misrepresenting the history of vehicle as a fleet leased vehicle when it had been kept by the dealer as a daily rental).

volume of its purchases and sales, the problem could be alleviated or greatly lessened by disclosure of the true situation, or at least, as what was not done in these cases, avoiding any *false disclosures*.

30. Respondent insisted that even though the Department's Official Notice did not mention willful violation in it according to DE-002 the Department must be held to a willfulness standard and the Department could not prove willfulness. This is partly because of Respondent claim that due to the volume of business it handled, occasional problems were inevitable and could happen to anyone. In addition, the Respondent also claimed a proper understanding of DE-002 was that there could be no violation so long as the dealer produced a statement that another prior seller or lienholder had not produced the title as required by law. That is not exactly what happened in these transactions. In the Bocook Complaint Respondent asserts that it knew of the title loan lien before it put the vehicle on the market, it either had to know or not know where to contact the lender and receive the title. The testimony indicates it did not but it sold the vehicle anyway. Ms. Powell addressed efforts to find the lender but was not entirely clear why a statewide corporation could not be found and accept money in forty-five days. In Ms. Gilliam's complaint, the Respondent's evidence indicated that it was aware of the lien for fifty-four days before selling the vehicle to Ms. Gilliam. An "issue" with Ford Motor Credit extended her wait another ninety-nine days after her purchase. In Ms. McCallister's complaint, the vehicle was sold to her before the dealership even knew the identity of the prior owner.

The Respondent may not have specifically intended these outcomes. The selling of a vehicle before the title is secured is, however, a volitional act. Respondent is under

one statutory duty to deliver title within forty-five days after sale, and under another statutory duty to warrant the titles of the vehicles it sells. Yes, things can happen, but the things that can happen are foreseeable and in most cases preventable. As with the person who chooses to yell "fire" in a crowded theater, it does not do to say the person did not intend to cause harm. He is held to know that certain acts may cause harm, even if not in every case.

31. Official Notice of License Suspension listed each complaint as "[e]ngaging in any action which causes damage to any party or to the public" with a parenthetical "(failure to deliver within 45 days of date of purchase)." Each of the warning letters used the same terminology. DE-002 contains no provision that asserts the Department is limited to any particular category. And action which causes damage to any party or to the public is a separate violation on the grid. It provides for sanction points up to 6 for each repetition. The actions of the Respondent in this matter meet the definition of "arbitrary" or "unreasonable, capricious or non-rational; depending on the will alone." Respondent chose, for reasons of competition or convenience, to sell vehicles for which it had not secured a title. It followed this by signing documents with misleadingly false assurances that the vehicles had no liens other than a lien financing the purchase. It violated the law by failing to provide title until well after the statutory deadline, and after the customers had complained to the Department. Aside from assurances that the Respondent did everything it could, there is no evidence that it attempted to alleviate the problem of the customer by refunds or providing vehicles that could be driven legally. The customers were damaged by Respondent's acts by being unable to drive legally or sell the vehicles. They were deprived of the benefit of their bargains.

32. The actions of the Respondent in this matter meet the definition of “bad faith” or “the opposite of good faith, generally implying or involving actual or constructive fraud, or a design to deceive or mislead another, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive.” While the term has a pejorative connotation, it simply means here that the actions fit the definition. In addition to the factors set forth in the paragraph immediately above, Respondent clearly neglected or refused to fulfill a legal duty. Also, while this matter only involves three complaints, there were two misleading and false affidavit and an unclaimed false bill of sale. An officer of the company testified that the practice of selling vehicles without having secured titles was normalized by the competition, and thus apparently has no intention of handling such matters in a different way. Taken together, these factors suggest selling vehicles without securing titles and signing false statements regarding the existence of liens is if not company policy, at least routine.

33. While Respondent's position that the Department is confined to proving that its violation of title delivery statutory requirements to be “willful” is not entirely convincing, it is nevertheless not availing. As the argument went, since the Department was required to prove willfulness, and could not, the Department's only alternative to impose a sanction was to prove a violation Section 56-15-40, as discussed above, or prove unfair or deceptive acts or practices of Section 56-15-30, which Respondent also asserted it could not. Given Respondent's apparent position, that it is acceptable to market cars before securing titles, and when titles cannot be provided until well after the statutory deadline, let the customer suffer the consequences until the customer complains

to the Department or Respondent happens to acquire title, it is understandable that Respondent asserts a defense that it did not intend the particular result in the particular case. The evidence of willfulness is discussed in the two immediately preceding paragraphs. In addition, as the Department pointed out, in tort law the violation of a statute, while not conclusively proving willfulness, is some evidence that the party acted recklessly, willfully or wantonly. *Wise v. Broadway*, 315 S.C. 272, 276, -77, 433 S.E. 2d 857, 859 (1993). Respondent asserted that the standard was not applicable to the notion of willful failure to provide title. No alternative standard for “willfulness” as applied to failure to deliver title has been suggested.

In addition, the UTPA is analogous to tort, and in fact:

The [UTPA] should not be construed to increase a plaintiff's burden of proving liability since its purpose is to give additional protection to victims of unfair trade practices, not to make a case harder to prove than it would be under common law principles.

Debondt at 270, 536 S.E. 2d at 407; *Young v. Century Lincoln-Mercury*, at 326, 396 S.E. 2d at 108.

The Respondent's actions meet the definition of “unfair” or “offensive to public policy or which is offensive to public policy or which is immoral, unethical or oppressive.” Repeated violations of a law designed to protect the public from the inability to use the vehicles they have paid for is offensive to public policy. The repeated use of misleading false statements assuring that there is no lien when there is a known lien or the person has no idea if there is a lien is offensive to public policy.

The Respondent's actions meet the definition of “deceptive” in that using misleading false statements are by their nature deceptive. In addition, the inference that

the misleading statements are either intentional or the result of a lack of internal control is reasonable under the circumstances.

Proof that the actions of the Respondent affect the public interest is shown by the fact that the acts alleged have in fact been repeated, as well as by evidence that the false statements are either intentional or at least authorized by Respondent's processes.

34. As for the argument that sales will be lost to competing dealers who are willing to engage in such practices, former Chief Justice Toal addresses it succinctly:

Indeed, the suggestion is not that the practices are infrequent but that they are so frequent, common, and pervasive in that no operator can compete in this industry without violating the law. To the extent this may be offered as an excuse, any such defense is rejected.

This court cannot condone such a defense any more than it could condone a defense by a respected physician that it was necessary to "pad the medicare bills" or offer patients unnecessary narcotic prescriptions to remain competitive. What is necessary to compete can never be defined in terms of keeping up with competitors who are themselves in violation of the law.

Johnson v. Collins Entertainment Company, at 639, 564 S.E. 2d at 667, and note 15 thereto,

ORDER

Based upon the findings of fact and conclusions of law, it is hereby:

ORDERED THAT the Department's Official Order of Revocation is hereby sustained,

AND IT IS SO ORDERED.

November __, 2017
Chester, S.C.

Phil Addington
OMVH Hearing Officer

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

31 May, 2019

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