

**BEFORE THE OKLAHOMA MOTOR VEHICLE COMMISSION
STATE OF OKLAHOMA**

IN THE MATTER OF THE COMPLAINT)
AGAINST:)
)
DAVID STANLEY DODGE, LLC dba)
DAVID STANLEY CHRYSLER JEEP DODGE,)
)
Respondent)

CONSENT AGREEMENT AND ORDER

COMES NOW the State of Oklahoma, ex rel., the Oklahoma Motor Vehicle Commission (the "Commission), and Respondent, David Stanley Dodge, LLC, a licensed New Motor Vehicle Dealer, and hereby enter into this Consent Agreement and Order in disposition of the above captioned Complaint, as permitted by 75 O.S. § 309(E), in accordance with 47 O.S. § 566.1.

Stipulated Facts

1. The Commission is the agency of the State of Oklahoma responsible for the regulation of new motor vehicle dealers and salespersons.
2. David Stanley Dodge, LLC, d/b/a David Stanley Chrysler Jeep Dodge is an Oklahoma licensed new motor vehicle dealer, initially licensed in March 2000, and currently holding the following licenses valid through June 30, 2014: Dodge #975, Chrysler #1526, Jeep #1527, and Ram #1846.
3. David A. Stanley is the majority owner of Respondent. Nathan Brent Wilson is the Executive Manager and part owner of Respondent.
4. Between January 1, 2014 and February 1, 2014, Respondent ran a radio and television advertising campaign including the following advertisements:

- a. A television advertisement stating: "Buy any new Chrysler, Jeep or Dodge in stock and we'll pay off your credit cards up to \$18,000, plus tag, title and license included on all new sold." The advertisement disclosure included two stock numbers and the statements "Must purchase for MSRP" and "Dealer retains all rebates."
- b. A television advertisement beginning on or about January 20, 2014 stating: "Buy any new Chrysler, Jeep, or Dodge and payoff your credit card debts up to \$18,000" and "Get up to 18 grand credit card payoff." The advertisement also included a new offer of "Get up to \$12,000 off MSRP on new Ram trucks." The advertisement contained no disclosure statements.
- c. A radio advertisement stating: "Buy any new Chrysler, Jeep or Dodge in stock and we'll pay off your credit cards up to \$18,000, 18 grand but only at one location, David Stanley Chrysler Jeep dodge in Midwest City, plus tax, title and license included on all new sold." The advertisement also included the offer "Midwest City is your Ram truck capitol, take up to \$12,000 off the MSRP." The disclosure statement was identical to the statement for the first television ad.

5. On February 19, 2014, the Commission issued the Complaint alleging that Respondent's advertisements violated the following regulations and statutes: OAC 465:15:3-1, 465:15-3-2, 465:15-3-3, 465:15-3-4, and 465:15-3-14, and 47 O.S. § 565(A)(3), § 565(A)(5)(b), and 565(A)(5)(f).

Applicable Law and Jurisdiction

6. Respondent is subject to the jurisdiction of the Commission, which is authorized by 47 O.S. § 565(A) to revoke or suspend a license or impose a fine not to exceed one thousand dollars (\$1,000.00) per occurrence against any dealer who fails to comply with any provision contained in 47 O.S. § 561 *et seq.* or any rule promulgated by the Commission.

7. Respondent and the Commission acknowledge that a formal hearing before the Commission could result in a ruling that is different than the terms of this Consent Agreement and Order, including a ruling that Respondent violated the statutes and/or regulations set forth in

the Complaint, or a ruling that Respondent did not violate the statutes and/or regulations set forth in the Complaint.

Agreed Terms

To fully and finally settle and resolve the violations asserted in the Complaint and as described in paragraph 5 above, the Commission and Respondent agree as follows:

8. That Respondent will pay a fine of Three Hundred and Fifty Thousand Dollars (\$350,000), due and payable in full within thirty (30) days of the entry of this Consent Agreement and Order.

9. That Respondent, upon notice by the Commission that it questions an advertisement, will take immediate steps to cease the advertisement unless and until a resolution can be reached with the Commission.

10. That all of Respondent's future advertisements will require approval of Respondent's designated representative(s), currently Toby Flowers and/or Rhonda Schwarz, prior to the advertisement being released to the general public.

11. That all future advertisements involving cash back offers will be in compliance with the rules on savings claims or discount offers *i.e.* only offered from bottom line MSRP sticker price, unless the Commission issues a ruling or establishes a rule or regulation to the contrary, or the Commission otherwise indicates its approval to an alternative advertisement.

12. That nothing in this Consent Agreement and Order shall be construed to limit or bar the Commission from taking action against Respondent for acts or practices engaged in by Respondent that are not covered by this Consent Agreement and Order, and which the Commission believes to be violations of any law governing new motor vehicle dealers.

Public Record

13. Respondent acknowledges that once adopted by the Commission, this Consent Agreement and Order and all associated documentation become a matter of public record.

Acceptance by the Commission

14. This Consent Agreement and Order will not be submitted for consideration by the Commission until it has been agreed to and executed by Respondent. The Consent Agreement and Order shall not become effective until it has been approved by a majority of the Commission and endorsed by a representative member of the Commission. It is hereby agreed between the parties that this Consent Agreement and Order shall be presented to the Commission with a recommendation for approval on March 11, 2014. Respondent understands that the Commission is free to accept or reject this Consent Agreement and Order and, if rejected by the Commission, a formal disciplinary hearing on the Complaint against the Respondent may be scheduled.

15. If the Consent Agreement and Order is not accepted by the Commission, it shall be regarded as null and void. Nothing in this Consent Agreement and Order will be regarded as evidence against Respondent at any subsequent hearing. Respondent will be free to defend itself and no inferences will be made from Respondent's willingness to have entered into this Consent Agreement and Order. The Commission's consideration of the Consent Agreement and Order shall not be a basis for challenging the impartiality of the Commission in any subsequent hearing related to the Complaint.

Voluntary Waiver of Rights

16. Respondent is fully aware of its rights to contest the charges pending against it. These rights include: representation by an attorney at Respondent's own expense; the right to a public hearing on any charges or allegations filed; the right to confront and cross-examine

witnesses called to testify against Respondent, the right to present evidence on Respondent's own behalf; the right to compulsory process to secure the attendance of such witnesses; the right to testify on Respondent's own behalf; the right to receive written findings of fact and conclusions of law supporting a decision on the merits of the Complaint, and the right to obtain judicial review of the Commission's decision. The Respondent, in exchange for the Commission's acceptance of this Consent Agreement and Order, voluntarily waives all of these rights.

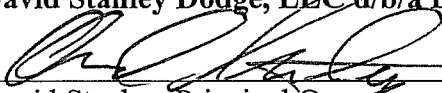
Complete Agreement

17. This Consent Agreement and Order consists of five (5) pages and embodies the entire agreement between the Commission and Respondent. It may not be altered or modified without the express consent of the parties. The undersigned individuals have full authority to bind the parties to this Consent Agreement and Order. The undersigned representatives of Respondent have read and understand the allegations in the Complaint and the representations and agreements made in this Consent Agreement and Order.

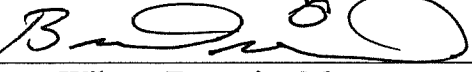
******Signature Pages Follow******

AGREED and SIGNED on this 11 day of March, 2014.


David Stanley Dodge, LLC d/b/a David Stanley Chrysler Jeep Dodge:



David Stanley, Principal Owner

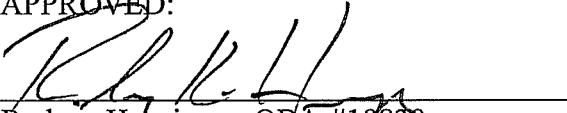


Brent Wilson, Executive Manager



Toby Flowers, General Counsel


APPROVED:



Rodney Hunsinger, OBA #19839
Jared Boyer, OBA #30495
McAfee & Taft A Professional Corporation
10th Floor, Two Leadership Square
211 N. Robinson Avenue
Oklahoma City, OK 73102
ATTORNEY FOR RESPONDENT

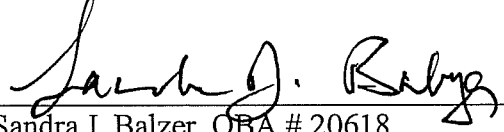
AGREED and SIGNED on this 11 day of March, 2014.

Oklahoma Motor Vehicle Commission:



Roy Dockum
Executive Director
Oklahoma Motor Vehicle Commission

APPROVED:

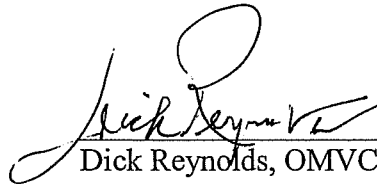


Sandra J. Balzer, OBA # 20618
Assistant Attorney General
Oklahoma Office of Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
ATTORNEY FOR COMMISSION

ORDER OF THE COMMISSION

Now on this 11 day of March, 2014, the Respondent has agreed voluntarily, with knowledge of its rights under the law, to the terms of the Consent Agreement and Order. It further appears that the foregoing Consent Agreement and Order is just and equitable to safeguard life, health and property, and to promote the public welfare in the State of Oklahoma.

IT IS THEREFORE ORDERED that the Consent Agreement and Order is accepted and shall be the Order of the Oklahoma Motor Vehicle Commission.



Dick Reynolds, OMVC Chairman

CERTIFICATE OF SERVICE

This is to certify that on March 11, 2014, a true and correct copy of the above CONSENT AGREEMENT AND ORDER was served on all interested parties:

By Email

Brent Wilson
Executive Manager and Part-Owner
David Stanley Dodge, LLC
7609 SE 29th Street
Midwest City, OK 73110

By Email

Toby Flowers
General Counsel
David Stanley Chevrolet
614 SW 74th Street
Midwest City, OK 73110

By Email

Rodney Hunsinger
Jared Boyer
McAfee & Taft
10th Floor, Two Leadership Square
211 N. Robinson Avenue
Oklahoma City, OK 73102
ATTORNEY FOR RESPONDENT