

Resolution on Educational and Warning Letters January 10, 2005

The following shall be the policy of the Motor Vehicle Dealer Board (“Board”) for sending educational and warning letters to licensees on matters other than advertising and not maintaining business hours.

WHEREAS:

- A. Educational and warning letters to licensees are important tools in educating and advising licensees about the laws that apply to them;
- B. The Board has a procedure for staff issuance of letters for apparent advertising violations and not maintaining business hours; and
- C. The Board wishes to have a procedure for staff issuance of educational and warning letters for matters that do not involve advertising and not maintaining business hours where knowledge and understanding the facts involved may be disputed; now therefore it is hereby

RESOLVED that the Board adopts the following procedure concerning issuance by the staff of educational and warning letters to licensees:

- 1. The staff has full authority to send educational letters to a licensee provided that the educational letter must contain no findings of fact concerning the alleged actions of the licensee.
- 2.. The staff may issue a warning letter to a licensee, provided that the warning letter is based upon facts and agreed to by the licensee in writing, and the facts justify a warning to the licensee.
- 3. If the licensee does not agree to facts justifying a warning letter, than an informal fact finding conference shall be convened.
- 4. Nothing contained in this resolution shall be used to interfere with an investigation by or on behalf of the staff leading to or designed to lead to a charge that will be the subject of an informal fact finding conference or a formal hearing.