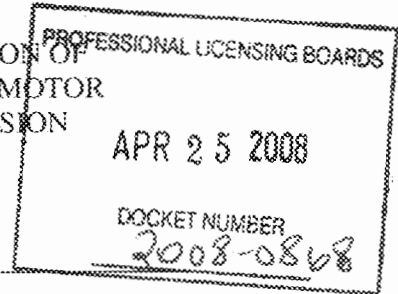


BEFORE THE STATE BOARD OF REGISTRATION OF
USED MOTOR VEHICLE DEALERS AND USED MOTOR
VEHICLE PARTS DEALERS, USED CAR DIVISION



IN THE MATTER OF: *

RAYMOND SMITH MOTORCARS, INC., *
License Number UCAR033779, *

DOCKET NO. _____

Respondent. *

FINAL DECISION

This matter is before the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, Used Car Division ("Board"), on Respondent's appeal of fines levied by the Board based on an inspection of Respondent's place of business. Respondent was provided a hearing before the Board on April 23, 2008, pursuant to and in accordance with O.C.G.A. T. 50, Ch. 13, and was represented by Raymond Smith. The Board has considered all the evidence presented and issues this final agency decision in this matter.

FINDINGS OF FACT

1.

Respondent is licensed to operate as a used motor vehicle dealer in the State of Georgia and was so licensed at all times relevant to the matters stated herein.

2.

On or about March 6, 2008, Respondent's place of business was inspected by an authorized representative of the Board.

3.

Based on the results of the inspection, the Board cited Respondent for 105 violations of Board Rule 681-16-.01(e)(1) (failure to apply for title in retail purchaser's name within 30 days of purchase date) and 105 violations of Board Rule 681-16-.01(e)(5) (failure to furnish retail

purchaser of vehicle with proper documents to obtain a tag) and assessed a fine in the amount of \$105,000.

4.

Respondent presented evidence at the hearing that showed 16 of the alleged violations of Board Rules 681-16-.01(e)(1) and (e)(5) were not correct because those applications were made within 35 days of the purchase date of the vehicle. The Board finds that Respondent substantially complied with the rules in those cases.

CONCLUSIONS OF LAW

The conduct of Respondent constitutes sufficient grounds for the imposition of sanctions against Respondent's license to operate as a used motor vehicle dealer in the State of Georgia pursuant to O.C.G.A. §§ 43-1-19 and 43-47-10 and Board Rule 681-16-.01.

DECISION AND ORDER

As a result of having considered the particular facts, circumstances, law, and evidence in this particular case, the Board finds that only 89 those fines assessed against Respondent for violation of Board Rules 681-16-.01(e)(1) and (e)(5) were reasonable, proper, and warranted in light of Respondent's conduct. Respondent is hereby ordered to pay a fine in the amount of \$89,000.00. This fine shall be payable by cashier's check or money order to the "Used Car Division" at 237 Coliseum Drive, Macon, Georgia 31217, pursuant to the following payment schedule: twenty-two equal payments of \$3,900.00 beginning on May 15, 2008, and continuing on the 15th day of each month thereafter, and one payment of \$3,200.00 due on March 15, 2010. Nothing in this decision shall prohibit Respondent from paying the full balance owed in advance at any time. Respondent may petition for judicial review of this decision. See O.C.G.A. §§ 43-1-19(f) and 50-13-19.

STATE BOARD OF REGISTRATION OF USED
MOTOR VEHICLE DEALERS AND USED
MOTOR VEHICLE PARTS DEALERS, USED
CAR DIVISION

(Board Seal)

Jeff Wilkinson

JEFF WILKINSON with express permission by
Board Chairperson *Steve Landolf*

ATTEST:

R.D. Vaughn

RANDALL D. VAUGHN
Division Director
Professional Licensing Boards Division