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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

In the Matter of the Appeal of)
TOM COWARD FORD,)
Appellant,) Appeal No. A-71-76
vs.) FILED: April 19, 1977
DEPARTMENT OF MOTOR VEHICLES OF)
THE STATE OF CALIFORNIA,)
Respondent.)

Time and Place of Hearing:

December 14, 1976, 9:00 a.m.
5855 W. Century Boulevard
Los Angeles, CA 90045

For Appellant:

Ronald H. Gill, Esq.
Nordman, Cormany, Hair and
Compton
625 North A Street
P. O. Box 1232
Oxnard, CA 93032

For Respondent:

Alan Mateer, Acting Chief, Legal
Section, Department Motor Vehicles
By: Houston N. Tuel, Jr.
Staff Counsel

CORRECTED FINAL ORDER

Tom Coward Ford ("Tom Coward"), a California Corporation,
enfranchised as a new car dealer was found by the hearing

officer to have maintained a system which, intentionally or not, repeatedly operated to defraud customers by representing used cars as new. The Department of Motor Vehicles ("Department") adopted the decision of the hearing officer, including the recommendation that Tom Coward's license be suspended for 30 days, all but seven days stayed for a probationary period of three years. Tom Coward has appealed from this decision of the Department.

The findings upon which the Department imposed discipline are as follows: Appellant, Tom Coward, in six instances fraudulently represented used vehicles as new: in two instances falsely represented used vehicles as new in application for registration; in one instance overcharged registration fees to a purchaser; in one instance falsely reported the date of sale to the Department; in two instances failed to give written notice of transfer to the Department within five days; in one instance failed to mail or deliver reports of sale to the Department within 20 days; and in one instance allowed improper use of dealer plates.

Upon the oral stipulation of the parties the Department agreed with Tom Coward that the penalty assessed is excessive.

The penalty as originally imposed by the Department is reversed. The Department is directed to reconsider the penalty in light of this order, and the aforesaid stipulation.

The Department is directed to take such further action as is specially enjoined upon it by law, including, but not limited to, performance of an appropriate audit of the appellant's business records for the period July 1, 1972, through December 31, 1973, to ensure the return of all registration fee overcharges.

This final order shall become effective when served upon the parties.

THOMAS KALLAY

JOHN B. VANDENBERG

MELECIO H. JACABAN

ELVIRA ARMAN-REED

JOHN B. OAKLEY

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