Division of Consumer Affairs

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE,
Petitioner,

v.

DAVID SALE, individually, and as
controlling member of Bryan Chevrolet-
Chrysler-Plymouth-Dodge-Jeep and Mike
Thompson Chrysler-Dodge-Jeep,

Respondent.

PETITION

Paul G. Summers, Attorney General and Reporter for the State of Tennessee, (hereinafter "Attorney General"), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter "the Act"), and would respectfully show the Court as follows:

1. The Attorney General, acting pursuant to the Act, has investigated certain acts and practices of David Sales, individually and doing business as Bryan Chevrolet-Chrysler-Plymouth-Dodge-Jeep and Mike Thompson Chrysler-Dodge-Jeep, (hereinafter, "Respondent" or "Sale"). Upon completion of such investigation, the Attorney General has determined that certain of Respondent’s acts and practices, more specifically described in Paragraph 2 of this Petition, constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of Tenn. Code Ann. § 47-18-101 *et seq.* (the Tennessee Consumer Protection Act). More specifically, Respondent’s conduct constitutes violations of Tenn. Code Ann. §§ 47-18-104(a), (b)(5), (b)(9), (b)(12), (b)(14), (b)(19), (b)(27); 47-18-120; 55-17-110(c), (e); 55-17-114(b)(1)(A), (11); and Motor Vehicle Commission Rule 0906-1.12(4)(a).

2. Based upon the investigation of Respondent, the Attorney General alleges the following:

(A) Respondent is a controlling member in two limited liability corporations (Quality Chevrolet LLC and Thompson Chrysler-Dodge-Jeep LLC) that operate or operated Bryan Chevrolet-Chrysler-Plymouth-Dodge-Jeep, Bryan KIA, Thompson KIA, and Mike Thompson Chrysler-Dodge-Jeep. Those entities are in the business of selling motor vehicles to the public in Winchester, Tennessee.

(B) Respondent’s dealerships permitted unlicensed sales persons to sell motor vehicles to the public.

(C) Respondent’s dealerships obtained more than 2 drive out tags for motor vehicles sold to consumers.

(D) Respondent’s dealerships offered "rewards" to consumers in violation of the chain referral statute and Motor Vehicle Commission rules and regulations.

(E) Respondent’s dealerships offered $25.00 to consumers for test driving a vehicle but only if the consumer purchased the vehicle, in violation of the Tennessee prize, gift and award statute.

(F) Respondent’s dealerships charged

consumers for "secure etch" and/or a "customer service package" without clearly and conspicuously informing consumers that they would be charged for these items.

(G) Respondent's dealerships advertised vehicles at a specific price but then later added charges or other costs above tax, title and license.

(H) The conduct of the limited liability corporations operating Respondent's dealerships are more specifically set forth in the State of Tennessee' s Complaint against those entities.

(I) Respondent's conduct through his dealerships constitutes unfair and deceptive acts or practices.

3. Respondent denies the allegations of Paragraph 2 (A-I).

4. The Attorney General entered into negotiations with Respondent and the parties have agreed to, and the Division has approved, the attached Assurance of Voluntary Compliance.

5. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

6. The Division, the Attorney General, and the Respondent, the parties who are primarily interested in the matters set forth in Paragraph 2 hereof, have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.

, no discretionary costs shall be taxed to the State.