



Plain Dealing

A policy and administrative bulletin for licensed dealers from the Dealer Section of the WisDOT Division of Motor Vehicles.

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“Nothing astonishes men so much as common sense and plain dealing.”

R. W. Emerson

The new year brings with it some major changes to the Wisconsin Administrative Code. Revisions to chapters Trans 136, 138 and 142 give dealers the option of keeping their logbooks on computer. It's part of a package that created a new chapter, Trans 154, concerning odometers and titling.

You can also read about revisions to chapter Trans 140 creating a point system to determine supplemental bond amounts. Chapter MVD5 concerning vehicle equipment requirements has been completely rewritten and is now Trans 305.

In the news, you'll find information on the stadium tax and new limits on mechanic's and towing and storage liens. Finally, if you're thinking about holding a contest, you'll want to read "The Right Way" on page two.

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Roger Cross, administrator

Martha Gertsch, director

Chuck Supple, section chief

We welcome your questions and comments. Address correspondence to Vikki VanDeventer, editor, Plain Dealing, DOT Dealer Section, P.O. Box 7909, Madison, WI 53707-7909 or FAX to (608) 267-0323.

Computerizing your logbook

Welcome to the age of computers! Gone are the days when the law demands that you don your green eye shade and, pen in hand, enter information in your vehicle logbook. As of February 1, 1996, revisions to the Wisconsin Administrative Code give you a choice of computerizing your logbook or keeping it manually.

The information you need to keep hasn't changed. All used vehicles (including executive and demonstrator vehicles) bought, sold, exchanged or consigned still need these items recorded:

- Date the vehicle was acquired.
- Name and address of the person from whom the vehicle was acquired.
- The year, make and vehicle identification number (VIN).
- The date of the disposition of the vehicle (for salvage dealers, the date the title or bill of sale was sent to WisDOT).
- The name and address of the person to whom any vehicle was disposed (does not apply to salvage dealers).

If you keep your logbook information electronically, your system must meet these requirements:

- One record contains all the information listed above.
- Entries are made immediately as vehicles are acquired and sales information is added at the time of sale.
- Records must be accessible for inspection and able to be retrieved electronically by date acquired, name of person from whom acquired, VIN, date sold, and name of person to whom the vehicle was disposed (retrieved by date acquired and VIN for salvage dealers).
- All records must be retrievable during the inspection and a printer must be kept on site to provide hard copy if requested.
- Hard copy must include all information in the same format as the manually-kept logbook, except that horizontal and vertical lines are not required.
- An employee of the licensee must be available to retrieve the records during the hours of operation of the business.

Records must be maintained for five years from the date of vehicle sale, whether they are kept in bound book or electronic form. If an electronic system lacks the memory to retain records for five years, hard copy may be substituted. Hard copy must meet these requirements:

- Only completed records of vehicles that have been disposed of can be included. Vehicles still in inventory must be maintained on the electronic system until disposed of.
- The report must be printed in the order of date acquired and each report must contain at least 12 consecutive months of vehicle acquisitions.
- Page numbers and the current date must print on every page of the report.

The Right Way

Is this a legal promotion in Wisconsin?

How many balloons



are in this minivan?

Stop in at the World-O-Vans showroom and make your guess. The entry with the correct number of balloons wins the van! (If more than one correct entry, a winner will be drawn at random from the correct entries.)

Contests and Sales Promotions

Wisconsin law prohibits merchants from engaging in lotteries. The law defines a lottery as having three factors:

- ❶ A *prize*, that is
- ❷ Determined by *chance*, and has
- ❸ *Consideration* (something of value that the contestant provides in order to become eligible for the prize).

In the case described above, there is a prize (the van), the outcome is determined by chance (contestants are guessing a number and there will be a random drawing if more than one person guesses correctly), but there is no consideration. Contestants don't have to give anything of value in order to participate. They just need to stop in and guess the number. The minivan/balloon contest doesn't meet all three criteria for a lottery, so it *is* legal in Wisconsin.

Consideration is the most difficult part of determining whether a contest is an illegal lottery. "Something of value" doesn't just mean money. It also includes any required purchase or any required actions on the part of the contestant. For example, requiring a test drive before entering the contest would be consideration. The following methods of entering a contest are *not* consideration:

- Postage for mailing in an entry form
- Price of gas used to visit the contest location
- Being required to visit the store to enter, as long as no purchase is required.

Other examples of legal contests include direct mail promotions where contestants are mailed a key to bring in to the dealership to try in the ignition (or door) of the prize vehicle. Contestants might also be mailed a card with a number printed on it that they bring in to see if it matches a posted prize-winning number.

Firms will run promotions

There are companies who, for a fee, will run these kinds of direct mail promotions for you. Before you sign up with one, it's a good idea to take some precautions:

- ✓ Research all companies involved in the promotion. Ask for examples of past promotions they were involved in.
- ✓ Get references. Talk to other dealers who've participated in promotions run by the companies you're considering.
- ✓ Make sure the contest is legal. Use the prize/chance/consideration test to be sure you're not running an illegal lottery.

It's also a good idea to have a plan of action developed in case something goes wrong with the promotion. For example, what if more than one winning key turns up? This has happened in Wisconsin and in other states. A quick and positive response can prevent bad publicity and angry customers.

It's not legal for dealerships to conduct the following types of contests:

- Bingo Events and Raffles—only nonprofit organizations are eligible to receive the license needed to conduct these events.
- Casino Nights—games where participants make a payment or donation in order to gamble with play money and then use that play money to bid on prizes. These are considered illegal lotteries no matter who conducts them.

Winner doesn't pay sales tax

If you award a vehicle as a prize, you, as the donor of the prize, must pay any sales or use taxes due. The prize winner is not subject to sales tax. The winner could be expected to pay title and registration fees. In completing the MV11 for the winner, include the title fee, registration fee (or plate number to transfer) and indicate tax exempt status #9 (other) and write in "prize" as the explanation.

News

Stadium tax update

To fund construction of the new Milwaukee Brewers baseball stadium, a 0.1% Special District (Stadium) Tax became effective on January 1, 1996. The tax applies to vehicles customarily kept in five southeastern counties: Milwaukee, Ozaukee, Racine, Washington and Waukesha. Two of the counties, Milwaukee and Ozaukee, also collect the 0.5% county sales tax.

The County and Stadium Sales and Use taxes are collected for motor vehicles, trailers and semi-trailers based on the full purchase price, less trade-in. The location where the vehicle is customarily kept determines whether it is subject to county and/or stadium taxes, regardless of where it was purchased.

The MV11 Title and License Plate application form currently available from your suppliers now has a separate line in the fee section for "Brewers Stadium Tax." You may use up your old stock of MV11 forms by itemizing the stadium tax between lines 5 and 6. Type or print the words "Stadium Tax" in the blank space after "line 5, County Sales Tax" and put the 0.1% tax, if applicable, in the column to the right.

For details on how to include the stadium tax in your tax returns, refer to the Department of Revenue's Sales and Use Tax Report for November 1995, or call the Department of Revenue at (608) 266-2776 with any questions.

With the addition of Trempealeau County, which began collecting the 0.5% county tax on October 1, 1995, a total of 51 Wisconsin counties now collect one or both of the county or stadium sales and use taxes. A complete listing of the counties collecting a tax and the rate of the tax(es) is available by contacting the WisDOT Business Licensing Unit at (608) 266-1425.

Mechanic's and towing lien allowances increase

Mechanics and towing companies will be able to recoup more money under recent changes to lien laws. Effective December 21, 1995, the maximum dollar amounts for mechanic's liens increased 50%.

Mechanic's liens are limited to the following amounts when there is a prior perfected lien (for example, by a financial institution) unless the mechanic gets consent from the lienholder before starting repairs.

Vehicle 10,000 pounds or less	\$1,500
Trailer or semitrailer	\$4,500
Road machinery	\$7,500

Over 10,000 but less than 20,000 pounds	\$3,000
Over 20,000 but less than 40,000 pounds	\$6,000
Over 40,000 but less than 60,000 pounds	\$9,000
60,000 pounds or more	\$12,000

These dollar amounts will be adjusted according to annual changes in the consumer price index. The adjustments will be made and published by the Department of Agriculture, Trade and Consumer Protection.

Effective March 1, 1996, these changes took effect for Towing and Storage Liens:

- Liens may only be pursued for *motor* vehicles rather than all types of vehicles.
- Maximum allowable lien, without regard to actual towing charge, is \$75 for motor vehicles with a gross weight of 20,000 pounds or less, and \$250 for motor vehicles exceeding 20,000 pounds.
- Maximum allowable lien, without regard to actual storage fee, is \$7 per day (maximum charge of \$420) for motor vehicles with a gross weight of 20,000 pounds or less, and \$20 per day (maximum charge of \$1,200) for those exceeding 20,000 pounds.
- Motor vehicle value greater than \$500 (up from \$200) now determines which lien procedure to follow.
- Lien procedures can now be started within 30 days of possession (instead of 40 days). Both the owner and the senior lienholder must be notified of the intent to enforce the lien (instead of just the senior lienholder).

If you have questions about the lien procedures or would like to request the paperwork to place a lien, call the WisDOT Research and Information Dealer Hotline at (608) 267-3646.

New York changes emission standards

If you sell a vehicle to a New York resident, be sure it meets California emission standards. Effective January 15, 1996, New York residents can't register vehicles that don't meet California emission standards. The new law specifies that 1993 or later model year vehicles must meet California emission standards in order to be sold, registered, imported, delivered, purchased, rented, leased, acquired or received in New York. Vehicles being sold from dealer to dealer, for purpose of being wrecked or dismantled, for off-highway use or for registration in another state are exempt from this law.

Administrative Rule Update

TRANS 154—Vehicle Odometer Disclosure Requirements

A new administrative rule, Trans 154, and revisions to existing rules became effective February 1, 1996. The rules relate to provisions of federal odometer law and corresponding state laws regulating vehicle odometers, odometer mileage disclosure, odometer record keeping requirements and titling by dealers and nonresidents. You're probably familiar with most of the provisions of the rule which were already adopted as policies in response to federal odometer law.

Specifics covered by the rule include:

- The type of document or combination of documents that must be used when assigning or reassigning ownership and disclosing mileage;
- Procedures for buyers and sellers to follow, including both signing and printing names and not signing as both buyer and seller in the same transaction;
- Identifying which vehicles are exempt from odometer disclosure;

Formula for exemption from odometer disclosure

Example:

1996	– 10 =	1986
Current calendar year		This model year or older; <i>no odometer disclosure</i>

- Data to be included on transfer of ownership documents by wholesale auctions and salvage pools;
- Special requirements on odometer disclosures for lessors and lessees;
- Special requirements on odometer disclosure for consignment sales of vehicles;
- Alternative odometer disclosure requirements for exceptional situations, such as an odometer registering kilometers being replaced by one that registers miles;
- Who is authorized to complete an odometer disclosure when the owner is deceased or otherwise does not or cannot complete the disclosure;
- When a power of attorney can be used to complete an odometer disclosure;
- Record and record keeping requirements for businesses involved in the purchase, sale and leasing of motor vehicles;

- Under what conditions Wisconsin titles can be issued to dealers and nonresidents;
- The requirement that the odometer statement from the titled owner and all reassigning dealers accompany the application for title; and
- The requirement that the department print the date of the odometer reading on the title along with the reading, and print a “not actual-tampering verified” notation on the title when an investigation finds that odometer tampering has occurred.

Part of the package creating TRANS 154 also amended existing rules to conform to federal odometer law and the Wisconsin statutes:

TRANS 136 - Motor Vehicle Salvage

- Allows for electronic record keeping.
- Requires records of odometer and odometer chip sales and exchanges.
- Includes changes for the retention and inspection of records.

TRANS 138 - Dealer Facilities, Records and Licenses

- Allows for electronic record keeping.
- Includes changes for the retention and inspection of records.
- Extends the time period to retain records from four years to five years.

TRANS 139 - Motor Vehicle Trade Practices

- Extends the time period to retain the “Used Motor Vehicle Label” from four years to five years.
- Changes the odometer disclosure wording on the “Used Motor Vehicle Label.”
- Requires dealers to show all odometer disclosure records to a prospective buyer before the sale.

TRANS 142 - Recreational Vehicle Dealer Trade Practices, Facilities and Records

- Allows for electronic record keeping.
- Extends the time period to retain records from four years to five years.
- Specifies additional records to be retained.

A copy of TRANS 154 has been included with the mailing of this newsletter. If you'd like a complete copy of the other rules revised as part of this package mailed to you, call (608) 266-1425.

TRANS 140—Motor Vehicle Dealer Financial Eligibility and Bond Claim Requirements

This rule has been revised effective March 1, 1996, in response to statutory changes in the dealer licensing program. The changes include:

- Requiring all motor vehicle dealers to maintain a \$25,000 bond or letter of credit, or if the dealer sells only motorcycles, a \$5,000 bond or letter of credit.
- Eliminating the requirement that motor vehicle dealers submit a financial statement to the department, unless there is reasonable cause to doubt the dealer's financial responsibility or compliance with trade practice laws and rules.
- Authorizing the department to require motor vehicle dealers and other licensees to maintain an additional bond in an amount between \$5,000 and \$100,000 if the department has reasonable cause to doubt the dealer's financial responsibility or compliance.

Financial statements and minimum security

The rule now conforms with statutory changes from 1991 by eliminating mandatory financial statements for motor vehicle dealers. Instead, they must post minimum security of \$25,000 in the form of a surety bond or letter of credit (or \$5,000 if the dealer sells only motorcycles and not other types of motor vehicles). The letters of credit must be irrevocable and have an expiration date that allows the department to process all valid claims.

The rule also states the conditions under which the department may require a motor vehicle dealer to file a financial statement. These include reasonable doubt about the dealer's financial solvency and compliance with motor vehicle laws in §218.01, Wisconsin Statutes. "Reasonable doubt" of compliance may include a record of recent violations by the dealer or his or her employees.

Salvage dealers, wholesalers, moped dealers and recreational vehicle dealers are still required to submit financial statements. Salvage dealers are still required to have a minimum net worth of \$5,000. Other licensees are required to have a minimum required ratio of total assets to total liabilities of 1.4.

Supplemental security may be required

The rule creates a system for assessing supplemental security (in the form of a surety bond) for motor vehicle dealers, wholesalers and motor vehicle salespersons. The department has the authority to require these securities

whenever it finds "reasonable cause" to doubt the licensee's financial responsibility or compliance with §218.01, Stats. The rule establishes a system for determining the amount (between \$5,000 and \$100,000) of the supplemental bond.

For motor vehicle dealers, the supplemental bond amount is based on the number of vehicles sold (or expected to be sold), financial status, and record in complying with motor vehicle trade practice laws. The record and financial status are summarized in a point system administered by the department. Violations of §218.01, Stats., and determination of financial problems are assigned different point values. Point accumulations are generally valid only during the license period when they are assigned.

Dealers have several opportunities to appeal decisions during this process. Within ten days of receiving a written notice that points have been assessed or that a supplemental bond is being required, a dealer may request an informal hearing. If the department begins an action to deny, suspend or revoke a license because the required supplemental bond was not provided, the dealer may request a full evidentiary hearing before the DOA Division of Hearings and Appeals.

Dealers may also make an appeal to the department to eliminate or reduce point accumulations after 12 months of posting the supplemental bond. The dealer must submit evidence that the compliance or financial problems cited by the department when the points were assessed have been corrected. Only one appeal is allowed for the same point assessment during a two-year licensing period.

Claims procedure changed

The rule makes several changes in handling claims against bonds and letters of credit. The full amount of the security is intended for consumer protection. Claims by other licensees (dealers, distributors, salespeople) are not allowed. There are three classes of allowable claims in the following priority order:

1. Claims of retail customers
2. Claims of commercial customers (defined as someone who buys a vehicle for business or commercial use)
3. Claims of the department for title and registration fees.

When required by a claim, the notice of petition provided by the department requires only one notice in a newspaper of general circulation in the licensee's location, instead of the previous three notices.

A copy of TRANS 140 is included with the mailing of this newsletter. Please keep it for future reference.

TRANS 305—Standards for Vehicle Equipment

Effective March 1, 1996, Chapter MVD5 of the Wisconsin Administrative Code has been completely revised and is now Chapter Trans 305. Together with Chapter 347 of the Wisconsin Statutes, TRANS 305 establishes standards which determine whether a vehicle can be legally operated on Wisconsin highways. Dealers use these standards in the presale inspection performed on all vehicles offered for sale.

TRANS 305 has features that make it easier to use than MVD5. Subchapters divide vehicle types into: Automobiles, Motor Homes, Light Trucks; Motorcycles; and Heavy Trucks, Trailers, Semi-Trailers. Within each subchapter, items are alphabetized and many more terms are defined than in the earlier rule. Major changes in TRANS 305 include:

- **Vehicle Identification Number (VIN)**—It is now illegal to operate a vehicle if the VIN is missing, obliterated, altered or not properly attached.
- **Brakes**—Linings, pads, drums and rotors must all meet manufacturer's minimum recommendations.
- **Bumpers**—Light trucks manufactured on or after January 1, 1997, are required to have rear end protection if the body has a clearance of more than 30 inches from the ground when the vehicle is empty. The rear end protection may be a bumper, some other protective device (such as a nerf bar), or the truck bed itself may provide the required protection. The intent behind this provision is to prevent the front of a car from sliding under the rear of a truck in a collision.
- **Frames**—Although frames weren't covered under MVD5, TRANS 305 prohibits braze-type welding for frame repair and states that repairs can't reduce structural integrity. Vehicles that don't meet these requirements can't legally be operated on the highway.
- **Restraining Devices**—Air bags must be maintained in proper working condition and remain installed or be replaced by like equipment.
- **Speed Indicator**—The old "reasonable accuracy" standard is replaced with accuracy $\pm 4\%$ at speeds between 40-65 mph.
- **Suspension**—A shock-absorbing device inspection procedure is required. To pass, the rocking motion can't continue for more than two cycles after pushing down on each corner of the vehicle.
- **Tires and Rims**—Vehicles can't have tires of different size or construction on the same axle, except the temporary use of mini spare tires.
- **Window Tinting**—Tinting is permissible if it's original manufacturer equipment or after-market non-reflective film applied to the inside that allows

the following amount of light to pass through:

- 50% on front side and vent windows
- 35% on rear side and rear windows.

(There is a tolerance of 3% in measuring light.)

Outside left and right rear view mirrors are required if the rear window transmits less than 60% of visible light.

- **Motorcycle Fenders**—Front fenders are required on motorcycles manufactured after March 1, 1996.

Vehicles that were legally titled and registered in another state and met vehicle standards in that state aren't required to update equipment in order to meet TRANS 305 standards unless required by Chapter 347, Stats.

Penalties for violating TRANS 305 apply to a person who operates or allows to be operated on Wisconsin highways, any vehicle that doesn't meet legal standards. Allowing a person to test drive a vehicle that doesn't meet standards may subject you to penalties of \$10 to \$200.

WisDOT is not requiring dealers to reinspect vehicles that were inspected before March 1, 1996. However, a court may still hold a dealer responsible for penalties under the new code effective March 1st. Inspections performed after you've received this mailing must use the new standards.

A new disclosure label is being developed which will comply with the standards established in TRANS 305. It will be called *The Wisconsin Buyer's Guide* and should be ready for distribution by September, 1996.

Meanwhile, you may continue to use your current stock of disclosure labels by making the following changes to the "Safety Equipment Condition" disclosures:

➤ **Frame**

➤ **Tires and Wheels**

(Note: for purposes of disclosure, standards for wheels are found in the tire and rim section of TRANS 305.)

NOT		
OK	OK	
<input type="checkbox"/>	<input type="checkbox"/>	Frame
<input type="checkbox"/>	<input type="checkbox"/>	Wheels

This may be done by writing in the changes, as shown above, or by using a stamp as shown at the right. Make sure the changes appear on both copies of the label. Some form vendors may choose to add these to the current forms now.

Chapter Trans 139 of the Wisconsin Administrative Code will need to be revised to reflect changes to the disclosure label. Public hearings on these revisions will be held May 7, 1996, in Stevens Point and May 9, 1996, in Madison.

A copy of TRANS 305 and hearing notice for proposed revisions to the disclosure label provisions of Trans 139 are enclosed with this newsletter.

Policy Briefing

Advertising rebates

To avoid being misleading when advertising a rebate offer, there's one simple rule—be as specific as possible about what you are offering. If you aren't specific, your ad could be in violation of TRANS 139.03(1) of the Wisconsin Administrative Code, which prohibits "use of false, deceptive or misleading advertising."

Wisconsin law also says that any time you advertise the price of a vehicle, that price should "include all charges that shall be paid by the purchaser to acquire ownership of the vehicle." So, it's important to show the exact rebate amount being deducted from the advertised price, and to state what type of rebate is being deducted. To avoid any confusion, state whether the buyer or the dealer is to receive the rebate.

It's especially important to show a rebate amount that goes directly from the manufacturer to the customer, so customers can tell how much the advertised price will be if they are not eligible for a particular rebate (such as a first-time buyer's rebate). If you make no disclosure of the type or amount of that rebate, customers can't determine the price they would have to pay, and the ad would be considered misleading.

Some ads we've seen recently are particularly misleading. They simply deduct all possible rebates from an advertised price, with a footnote disclosure that "prices include all applicable rebates." No indication is given of the types of rebates involved or the amounts deducted. Similarly misleading are ads that state "all rebates to dealer," "all rebates to customer," or "all applicable rebates applied." Whenever rebates are advertised you must specify the dollar amount and assignment, even if multiple rebates are offered.

You can quote an after-rebate price and say that all rebates are deducted from that price, as long as you spell out which ones are deducted and how much each one is. For example, "Price shown is after all rebates are assigned to the dealer, including: First Time Buyer \$500, Manufacturer Rebate \$750, College Grad Rebate \$250."

How to list options on a purchase contract

Some types of vehicles, particularly motorcycles and motor homes, have so many optional accessories available it's impossible to fit them all on the standard motor vehicle purchase contract. Here are two possible solutions:

1. Use an attachment to the purchase contract that meets these requirements:

- Each page is signed and dated by both parties.

- ☞ The attachment refers to the contract by names of both parties, date and VIN (if available).
- ☞ Each page has a price total for items on that page.
- ☞ The last page shows the grand total for all listed items.
- ☞ The grand total is brought forward to the face of the purchase contract with a reference to the attachment.

☞ The buyer is given an exact copy of each page.

2. For motor homes only, use the standard Truck Purchase Contract Addendum (available from your current forms vendors). The addendum contains a box to write in the originating purchase contract number. You may also use the standard Truck Purchase Contract if you wish. Be sure to line out these items that don't apply to motor homes:

- ☞ Federal excise tax calculations area below "Warranties and Representations."
- ☞ Federal Excise Tax (line 8 of the pricing area).
- ☞ Federal Highway Use Tax Owing (line 9 of the pricing area).
- ☞ Federal Highway Use Tax sign-off area below the finance area.
- ☞ Glider kit disclosure in the Buyer's Representations area (item H.).

Who can buy at wholesale auctions?

Wisconsin law provides that only licensed dealers may buy and sell vehicles through wholesale auctions. How do individuals who act as "agents" or "buyers" for dealers meet this requirement?

The Wisconsin Administrative Code provides that individuals who purchase vehicles at auction on behalf of other dealers must be licensed themselves as wholesale dealers unless they meet both of these conditions:

1. The person is employed by and receives compensation from one and only one dealer for services related to the sale or purchase of motor vehicles; and
2. The person conducts all financial transactions involving the sale or purchase of motor vehicles in the name of the employing dealer, under the dealer's supervision, and using the dealer's funds and financial accounts.

Auctions can help ensure they're selling only to licensed dealers and their authorized agents by:

- Requiring all checks be written in the dealership name;
- Accepting personal checks or cash only from dealership owners; and
- Calling WisDOT's Business Licensing Unit at (608) 266-1425 to verify dealer license numbers.

Licensing Actions

The Auto Wash dba Car Connection, Schofield—Dealer signed stipulation agreeing to license revocation to resolve issues uncovered in outstanding complaint investigations.

Capitol Corvette, Madison—A Special Order was issued for attempting to sell a new Corvette without a franchise.

Hilltop Auto, Inc., Fall Creek —Dealer license surrendered for failing to operate from the licensed location and record-keeping violations. License was reissued with a Special Order requiring entering vehicles in the log book, inspecting all vehicles offered for sale and displaying a disclosure label, and having evidence of ownership for each vehicle offered for sale.

Jeffers Truck Sales, La Farge—A Special Order was issued for allowing others to buy and sell vehicles under his dealer license, and acting as a salvage dealer without a license.

Lakeside Pontiac Buick GMC, Inc., Whitewater—Dealer agreed to pay \$1,000 in civil forfeitures for a bushing complaint and unlicensed sales activity.

Mauro Auto Mall, Inc., Kenosha—A Special Order was issued for failure to submit title applications within 7 business days of sale, failure to have evidence of ownership for each vehicle offered for sale, failure to obtain odometer statements on incoming vehicles, failure to maintain the used vehicle log book, failure to inspect all vehicles offered for sale and display disclosure labels on them, and failure to list all known components of a vehicle's price on the purchase contract. The dealer also agreed to file a \$75,000 surety bond in addition to the mandatory \$25,000 bond.

Thomas Mills, Racine—Salesperson license was revoked for bushing (increasing the price of a motor vehicle after a contract had been signed by both parties).

Phil's Auto Body, Prairie du Chien —Dealer license revoked for removing the transmission from a customer's vehicle without permission; also agreed not to reapply for a dealer or salvage dealer license until after August 31, 1997.

Second Generation Investments, Ltd. dba Lo-Buc Auto Sales, Oshkosh—Department of Justice and Office of the Commissioner of Banking brought action for \$4,000 in forfeitures and to permanently prohibit Stanley and Charlene Johnson from engaging in selling, leasing, financing or repossessing automobiles in Wisconsin.

Stichman Auto, Clintonville—Dealer voluntarily surrendered license after investigation of alleged VIN switching and odometer tampering.

Straight Line Used Cars, Eau Claire—Dealer license was suspended for 30 days (November, 1995) for failing to provide an accurate odometer statement to a retail customer.

Sunset Curve Garage, Weyauwega—Dealer license was suspended indefinitely for failure to maintain the required \$25,000 bond or letter of credit.

Terry G. Turek, Sun Prairie—Salesperson was issued a Special Order for submitting false application for a certificate of title.

Criminal Actions

Donald Boeshaar, Kettle Moraine Wholesale, Inc., Brookfield—convicted of two class E felony counts in Columbia County Court for issuing nearly \$17,000 of worthless checks to Interstate Auto Auction, Inc.

William Doucas, Doucas Motors, Inc., Oshkosh—entered a plea of no contest on one count of felony theft by fraud in Winnebago County Court and was found guilty. Doucas was sentenced to two years in prison, stayed, depending on successful completion of probation; three years probation; \$327,000 restitution; 300 hours community service; and a signed stipulation that he can never work in the automobile

industry in Wisconsin. Doucas Motors, Inc. was found guilty of 24 felony counts and fined \$31,680.

Thomas Krayecki, Junction City—was found guilty in Portage County Court of four counts of acting as a motor vehicle dealer without a license and fined \$1,665. He has also been charged with three counts of failure to transfer title with intent to defraud.

Richard Ziglinski, Rich's Car Yard, Milwaukee—five felony charges were brought by the Milwaukee County District Attorney for filing a false application for title and providing false information to a purchaser with intent to defraud. Ziglinski has not been located.