



# COMMONWEALTH of VIRGINIA

Department of Motor Vehicles

2300 West Broad Street

**Richard D. Holcomb**  
Commissioner

Post Office Box 27412  
Richmond, VA 23269-0011

November 10, 2016

The Honorable Charles W. Carrico  
Senate of Virginia  
General Assembly Building, Room 330  
Richmond, VA 23218

The Honorable Ronald A. Villanueva  
House of Delegates of Virginia  
General Assembly Building, Room  
Richmond, VA 23218

Dear Chairman Carrico, Chairman Villanueva:

The 2015 General Assembly in SB 1118 requested the Department of Motor Vehicles (DMV) report on our hiring practices for hearing officers that conduct hearings concerning requests or petitions from motor vehicle dealers, manufacturers, factory branches, distributors, or distributor branches under the franchise dealer law. DMV filed an Interim Report on January 4, 2016 and is required to submit a Final Report by December 1, 2016. According to SB 1118, the final report must address the feasibility of hiring hearing officers that: have at least five years of experience as a hearing officer in administrative hearings in the Commonwealth; have telephone and email capabilities; and are active members of the Virginia State Bar. We have compiled the following information.

Since 1995, the DMV Commissioner has been mandated by *Code of Virginia* § 46.2-1573 to utilize the hearing officer list maintained by the Executive Secretary of the Supreme Court of Virginia. To qualify for a position on the hearing officer list, a hearing officer must: be an active member in good standing of the Virginia State Bar; been active in the practice of law for at least five years, two of which must be within the Commonwealth; have prior experience with administrative hearings or knowledge of administrative law; have demonstrated legal writing ability and a willingness to travel to any area of the state to conduct hearings; and have completed required training for administrative hearing officers sponsored by the Office of the Executive Secretary. The hearing officer list is maintained by geographic region.

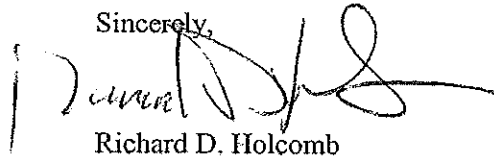
When a hearing is commenced by the DMV, I, or my designee, request that the Executive Secretary assign a hearing officer from the appropriate region and with the appropriate training. Through this process, DMV appointed three hearing officers, Daniel A. Carrell, Thomas Wray, and Daniel Small,

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to conduct three hearings for DMV in 2016. As is required by the Supreme Court of Virginia, the hearing officers are active members in good standing of the Virginia State Bar. They also have telephone and email capabilities. Finally, all three hearing officers have been hearing officers for over five years in the Commonwealth of Virginia. According to agency records Mr. Wray and Mr. Small have conducted hearings for DMV since 1997 and 2002, respectively. Mr. Carrell conducted his first hearing for DMV this year, but has been a hearing officer for the Commonwealth for at least five years.

With the submission of this report, DMV has completed SB 1118's requirements. I hope this information proves useful to the General Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Holcomb", written over a faint, larger version of the same signature.

Richard D. Holcomb