



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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ODOMETER ROLLBACK INDICTMENT ANNOUNCED

HONOLULU-Attorney General Mark Bennett announced today that Honolulu resident John L. Florence, also known as Ken Williams, also known as Thomas Clarke, was arrested today on an Oahu grand jury indictment returned on December 2, 2003.

The ten count indictment charges that Mr. Florence engaged in the business of selling motor vehicles when he was not licensed as a motor vehicle dealer. Florence is accused of advertising used cars for sale without setting forth the license plate number of the car offered for sale in his advertisements. He is charged with multiple counts of misrepresenting the mileage traveled and theft in the second degree in connection with the sales of a 1995 Dodge Caravan and a 1997 Dodge Caravan. The indictment alleges that Mr. Florence committed forgery in connection with a certificate of title for a motor vehicle.

Florence is also charged with two counts of operating a motor vehicle when his license had been revoked for operating a motor vehicle while under the influence of intoxicants.

An indictment is an accusation only. Mr. Florence is presumed innocent until proven guilty at trial.

The Criminal Justice Division has discovered that there are a number of unlicensed used motor vehicle dealers who are preying on consumers on Oahu. Such conduct will not be tolerated.

Engaging in the business of selling used cars without a dealer's license is a misdemeanor punishable by a fine of up to \$1,000 and by imprisonment for up to one year.

A used car dealer who places an advertisement for the sale of a specific motor vehicle without including the license plate number for that motor vehicle in the advertisement can also be punished by a fine of up to \$1,000 and by imprisonment for up to one year.

Misrepresenting the mileage on an automobile in connection with the sale of a car to a prospective buyer is a misdemeanor punishable by up to one year in jail and by a fine of up to \$2,000 or twice the pecuniary gain from the crime whichever is greater.

In addition, individuals who misrepresent the mileage on a car to a buyer are liable for civil

damages equal to three times actual damages or \$1,500 whichever is greater as well as costs and reasonable attorney fees.

Theft in the second degree is a class "C" felony punishable by a fine of up to \$10,000 or twice the pecuniary gain from the crime whichever is greater.

Forgery in the second degree is a class "C" felony punishable by a fine of up to \$10,000 or twice the pecuniary gain from the crime whichever is greater

Operating a vehicle when your license has been suspended or revoked for operating a vehicle while under the influence of an intoxicant can result in punishments ranging from not less than three days in jail and a fine of not less than \$250, and up to one year in jail and a \$2,000 fine and permanent revocation of one's license and privilege to operate a motor vehicle.

If you believe that you may have been the victim of an odometer rollback scam or have information concerning the activities of an unlicensed car dealer, you should contact your local police department or the Investigations Division of the Department of the Attorney General at (808) 586-1240.

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