

# Brown & Brown ordered to pay \$239,000

## Dealership accused of breaking odometer law

By **EDWARD GATELY**  
TRIBUNE

A Superior Court judge has ordered Brown & Brown Chevrolet to pay nearly \$239,000 for committing common-law fraud and violating the Federal Odometer Act.

Ahwatukee Foothills resident Chuck Sovich sued the dealership after buying a used 1994 Chevrolet truck from the Mesa dealership. The case was tried last summer in Maricopa County Superior Court and was heard by Superior Court Judge Bethany Hicks.

Brown & Brown has filed an appeal on all issues with the Court of Appeals Division 1. Darrell Davis, a lawyer with the law firm of Norling, Kolsrud, Sifferman and Davis, is representing Brown & Brown.

Davis didn't return repeated calls for comment. He is also representing Brown & Brown in a suit filed on behalf of 24 plaintiffs alleging fraud, misrepresentation and negligence in a scheme to cheat automobile buyers. That case is pending in Maricopa County Superior Court.

According to the ruling, Brown & Brown sold the

vehicle to Sovich and provided a "Secure Odometer Disclosure," which indicated that the vehicle's odometer reading of 85,523 miles was the vehicle's actual mileage at the time. The dealership also had Sovich sign a title and registration application that included an odometer reading of 85,523 miles.

Tempe lawyer Rich Dillenburg was the lead attorney representing Sovich at trial.

"Brown & Brown did not have the title to the vehicle at the time it made the sale," he said. Dillenburg said state law requires the seller to have the title before offering a vehicle for sale.

"Had they had the title, they would have known it was a mileage-unknown vehicle," he said.

The vehicle actually had more than 200,000 miles on it, Dillenburg said, and two weeks before the sale the dealership replaced the whole rear end of the vehicle, "which is a real sign that there's a lot more mileage on the vehicle."

"Brown & Brown was not responsible for the rollback on that truck, but they had a duty to investigate," he said. "Nobody knows why the vehicle was rolled back."

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