

AGENDA **BOARD MEETING**

TEXAS DEPARTMENT OF MOTOR VEHICLES 4000 Jackson Ave., Building 1, Lone Star Room AUSTIN, TEXAS 78731 THURSDAY, APRIL 11, 2013 9:00 A.M.

All agenda items are subject to possible discussion, questions, consideration, and action by the Board of the Texas Department of Motor Vehicles. Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. The Board reserves the right to discuss any items in executive session where authorized by the Open Meetings Act.

1. CALL TO ORDER

- A. Roll Call and Establishment of Quorum
- B. Public Comment
- C. Comments and Announcements from Chairman and Board Members
 - 1. Special Recognition of Outgoing Board Member Cheryl Johnson
 - 2. Board Member Appointments
 - 3. Chairman's Upcoming Departure

2. CONSENT AGENDA - Bill Harbeson (see attached itemized list A)

- A. Consideration of Enforcement Agreed Orders under Occupations Code, Chapter 2301
- B. Consideration of Enforcement Notice of Violation Citation Agreed Orders under Occupations Code, Chapter 2301
- C. Consideration of Enforcement Dismissal Orders under Occupations Code, Chapter 2301
- D. Consideration of Settlement and Dismissal Orders under Occupations Code, Section 2301.204 (Warranty Performance Complaints)

3. RESOLUTIONS for INDIVIDUAL CONSIDERATION - CONTESTED CASES

- A. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code, Chapter 2301 - Bill Harbeson (see attached itemized list B)
- B. Warranty Performance Proposal for Decision under Occupations Code, Chapter 2301 - Mark Gladney
 - 12-0266 CAF Tonya L. Hines v. Ford Motor Company ALJ recommends repair

4. BRIEFINGS and ACTION ITEMS

- A. Approval for Specialty Plate Designs Randy Elliston
 - 1. University of Tennessee
 - 2. St. Mary's University

- B. Modifying March 10, 2011 Resolution Adopting Contract Approval Procedures Jonathan Taylor
- C. Registration and Title System (RTS) Refactoring Contract Approval Chairman Vandergriff

5. REPORTS

- A. TxDMV Automation Projects Jonathan Taylor
- **B.** Monthly Financial Report Linda Flores
- C. Legislative Report Jeremiah Kuntz
- D. Executive Director Reports Whitney Brewster

TxDMV-related activities identified as noteworthy, which may include reports.

- 1. Strategic Planning and Performance Measures Update
- 2. Historically Underutilized Businesses (HUB) Audit

6. EXECUTIVE SESSION

- **A. Section 551.071** Consultation with and advice from legal counsel regarding:
 - 1. pending or contemplated litigation, a settlement offer;
 - 2. a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code, Chapter 551;
 - 3. legal issues raised in connection with awarding a contract; or
 - 4. any item on this agenda.
- **B. Section 551.074** Personnel matters. Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.

7. ACTION ITEMS FROM EXECUTIVE SESSION

8. ADJOURNMENT

The Board will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Board. No action will be taken on matters that are not part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Board members may respond in accordance with Texas Government Code Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting.

Agenda items may be presented by the named presenters or other TxDMV staff.

Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than 2 days in

advance, so that appropriate arrangements can be made. Contact Stacy Steenken by telephone at (512) 302-2380.

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: Margaret A. Wilson, General Counsel, (512) 467-3883.

- 2. A. Consideration of Enforcement Agreed Orders under Occupations Code, Chapter 2301
 - 1. 10-0450 ENF Clear Lake Automotive Group, Inc., DBA Ron Carter Cadillac Hummer SAAB, Ron Carter Cadillac Hummer Saab Subaru, Ron Carter Cadillac Hummer Saab Subaru Hyundai, Ron

Misuse of buyers supplemental temporary E-tag: Transp Code 503.063(g), 43 TAC 215.151, 215.152, 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10),(11)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$4,000.00

2. 11-0280 ENF - RV and Boat Liquidators Inc., DBA RV and Boat Liquidators Inc. Misuse of temporary dealer tag or failed to comply with recordkeeping requirements:

Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154

Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14)

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d).(e)

\$1,000.00 and attend a Dealer Training Seminar.

3. 11-0377 ENF - Ritchie Bros Auctioneers (America), Inc., DBA Ritchie Bros. Auctioneers

Aided and abetted or indirectly facilitated the sale of a motor vehicle by allowing the use of GDN: Occ Code 2301.351(2) and Transp Code 503.021 Aided and abetted or indirectly facilitated the sale of a motor vehicle by allowing the use of GDN: Occ Code 2301.351(2) and Transp Code 503.021 \$10,000.00

4. 11-0632 ENF - Juan Antonio Torres, DBA T & M Auto Repair & Service

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to display license: 43 TAC 215.140(14)

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$1,000.00 and attend a Dealer Training Seminar.

- 5. 11-1432 ENF Delbert B. McDonald, DBA McDonald's Used Cars Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Filed a false title and tax document: Transp Code 503.038(a)(2) \$1,000.00 and attend a Dealer Training Seminar.
- 6. 12-0214 ENF The Garcia Duncan Group, Inc., DBA Duncan Motors of Pflugerville

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)

Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$1,000.00 and attend a Dealer Training Seminar.

7. 12-0376 ENF - Abir Nasreddine, DBA Last Chance Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$200.00

8. 12-0391 ENF - Oracio Zamora, DBA Zamora Auto Center

Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,500.00

9. 12-0395 ENF - Fardin Shokri, DBA Shokri Autos

Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6) Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)

Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136 \$500.00 and attend a Dealer Training Seminar.

10. 12-0479 ENF - Capitol Chevrolet, Inc., DBA Capitol Chevrolet, Inc.

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) \$750.00

11. 12-0533 ENF - Manna Motors LLC, DBA Manna Motors LLC

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Filed a false title and tax document: Transp Code 503.038(a)(2) Defrauded purchaser: Occ Code 2301.651(a)(6) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$4,500.00 and attend a Dealer Training Seminar.

12. 12-0705 ENF - Garadi Corporation, DBA Radiator King

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)

Failure to provide satisfactory and reasonable evidence of regularly and actively engaged in business as a motor vehicle dealer: Transp Code 503.038(a)(9), 43 TAC 215.141(a)(14)

Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)

\$500.00 and attend a Dealer Training Seminar.

13. 12-0735 ENF - Eakin-Killeen LP, DBA Dennis Eakin Kia

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) \$250.00 and attend a Dealer Training Seminar.

14. 12-0742 ENF - R T Thomas Inc., DBA Flash Auto Sales

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) \$250.00

15. 12-0993 ENF - Falcon Motor Company, DBA Falcon Motor Company

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Filed a false title and tax document: Transp Code 503.038(a)(2) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Failure to discharge lien: Occ Code 2301.651(a)(4) License is revoked and oppose new or renewal for three years.

16. 12-1039 ENF - Auto Station, LLC, DBA Auto Station. LLC

Defrauded purchaser: Occ Code 2301.651(a)(6) Filed a false title and tax document: Transp Code 503.038(a)(2) \$3,000.00

17. 12-1150 ENF - Motoreum LLC, DBA Motoreum LLC

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$250.00

18. 12-1315 ENF - Luxury Auto, Inc., DBA Luxury Auto, Inc.

Advertised a savings on a used motor vehicle: 43 TAC 215.262(e) \$1,000.00

19. 12-1417 ENF - Euro Autohaus, Inc., DBA Euro Autohaus, Inc.

Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6) Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136 Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,500.00 and attend a Dealer Training Seminar.

20. 12-1458 ENF - Nkele Paul Adizue, DBA N P A Auto Repair

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$500.00 and attend a Dealer Training Seminar.

21. 12-1463 ENF - Emilio Pittman, DBA Pittman Motors

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$500.00 and attend a Dealer Training Seminar.

22. 12-1578 ENF - Auto Forum LLC, DBA Auto Forum LLC

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)

Filed a false title and tax document: Transp Code 503.038(a)(2) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,500.00 and attend a Dealer Training Seminar.

23. 12-1611 ENF - Robert J. Wenske, DBA Bobs Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$1,000.00 and attend a Dealer Training Seminar.

24. 12-1720 ENF - Gilberto Garcia, DBA Triple Seven Auto Sales

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$2,000.00 and attend a Dealer Training Seminar.

25. 12-1788 ENF - Ride Core LTD, DBA Big Dog Motorcycles of Bell County, Fort Hood Harley-Davidson

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Attend a Dealer Training Seminar.

26. 13-0036 ENF - Librado Lopez, DBA Lopez Auto Truck & Equipment

Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.

27. 13-0073 ENF - Holiday Motors, LLC, DBA Holiday Motors, LLC

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$3,000.00 and attend a Dealer Training Seminar.

28. 13-0074 ENF - Kevin C. Adams, DBA Adams Motor Group

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$2,500.00

29. 13-0077 ENF - San Antonio Auto Acquisitions, Inc., DBA San Antonio Auto Acquisitions, Inc.

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 Attend a Dealer Training Seminar.

30. 13-0084 ENF - Luna Car Center LLC, DBA Luna Car Center

Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$5,750.00

31. 13-0095 ENF - First Global Distributing, Inc., DBA Global Auto Sales

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$500.00 and attend a Dealer Training Seminar.

32. 13-0098 ENF - Clayton Moose, DBA Burgin Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14) \$1,500.00

33. 13-0100 ENF - Ed Payne Motors LLP

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 Attend a Dealer Training Seminar.

34. 13-0119 ENF - McCombs West Ford, Inc., DBA Drive Away Motors, Gillespie Ford

Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$500.00 and attend a Dealer Training Seminar.

35. 13-0131 ENF - Jack Eaton Motors, Inc., DBA Jack Eaton Motors

Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Failed to discharge a lien within 10 days of final payment: Transp Code 501.115(a) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$2.000.00

36. 13-0133 ENF - Marc Dalmolin Motors LLP, DBA Marc Dalmolin Motors LLP Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$250.00 and attend a Dealer Training Seminar.

37. 13-0134 ENF - James P. Ashley, DBA A & B Auto Sales

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$250.00 and attend a Dealer Training Seminar.

38. 13-0138 ENF - Basin Subaru, LLC, DBA Basin Subaru, LLC

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to observe right of way: 43 TAC 215.140(11)(c) \$500.00 and attend a Dealer Training Seminar.

39. 13-0140 ENF - Seyara LLC, DBA The Seyara Motors Co.

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$3,000.00 and attend a Dealer Training Seminar.

40. 13-0148 ENF - Datacom Communications, LLC, DBA All Star Auto

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to have dealer or a bona fide employee present during posted business hours:
Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B)
Attend a Dealer Training Seminar.

41. 13-0172 ENF - Casa Nissan, Inc., DBA Casa Nissan, Inc.

Failed to advertise the price of a new motor vehicle prior to deducting the customer rebate: 43 TAC 215.250(c)(2) \$500.00 and attend a Dealer Training Seminar.

- **42. 13-0218 ENF Mission Automotive, LLC, DBA Mission Mitsubishi** Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00
- **43. 13-0219 ENF Mission Automotive, LLC, DBA Mission Mitsubishi**Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$1,000.00
- **44. 13-0225 ENF Armstrong Products, Inc., DBA H&R Auto Motors**Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
 Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00 and attend a Dealer Training Seminar.
- 45. 13-0228 ENF No Limit Motors, Inc., DBA No Limit Motors, Inc. Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$750.00 and attend a Dealer Training Seminar.
- 46. 13-0271 ENF Fermin Dimas, DBA Amarillo Auto Sales Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Sold or offered to sell salvage vehicles without the proper license: Occ Code 2301.651(a)(3) and 43 TAC 217.72(a)

\$250.00 and attend a Dealer Training Seminar.

47. 13-0273 ENF - Brown County Automotive Products LLC, DBA Stanley Chrysler-Dodge-Jeep-Brownwood

Featured a price not available to all buyers: 43 TAC 215.250(a) and (e) \$500.00 and attend a Dealer Training Seminar.

48. 13-0280 ENF - Town East Ford II, LP, DBA Town East Ford

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$500.00

49. 13-0284 ENF - Mr. Victors LTD. Co., DBA Mr. Victors

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Sold or offered to sell new motor vehicles without the appropriate license: Occ Code 2301.251 and 2301.252 and 43 TAC 215.141(a)(21) Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14) \$1,000.00 and attend a Dealer Training Seminar.

50. 13-0290 ENF - Santiago Zuniga, DBA Zuniga Motors #2

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Filed a false title and tax document: Transp Code 503.038(a)(2) Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$2,500.00 and attend a Dealer Training Seminar.

51. 13-0293 ENF - Red McCombs Hyundai LTD, DBA Red McCombs Drive Away Motors

Represented a lowest price claim: 43 TAC 215.266(a) \$500.00 and attend a Dealer Training Seminar.

52. 13-0295 ENF - Paul Young Chevrolet, Inc., DBA Family Chevrolet, Paul Young Company, Paul Young Company Paul, Paul Young Daewoo, Paul Young Hyundai, Young Hyundai

Defrauded purchaser: Occ Code 2301.651(a)(6) \$2,000.00 and attend a Dealer Training Seminar.

53. 13-0298 ENF - An Corpus Christi T Imports LP, DBA Champion Toyota Corpus Christi

Failure to file application for certificate of title or deliver properly assigned evidence of ownership: 43 TAC 215.144(g) \$500.00 and attend a Dealer Training Seminar.

54. 13-0333 ENF - RCR Corporation, DBA El Rincon Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Filed a false title and tax document: Transp Code 503.038(a)(2) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$3,500.00

55. 13-0336 ENF - Billy Alford, Jr., DBA Auto Motive Sales

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$250.00 and attend a Dealer Training Seminar.

56. 13-0340 ENF - Fair Deal Auto Sales, Inc.

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$250.00 and attend a Dealer Training Seminar.

57. 13-0341 ENF - Mission Automotive, LLC, DBA Mission Mitsubishi

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) \$500.00

58. 13-0364 ENF - HSIA T. HSIEH, DBA New Dallas Auto Sales

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$250.00 and attend a Dealer Training Seminar.

59. 13-0366 ENF - A-Team Auto Sales, LLC

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$500.00 and attend a Dealer Training Seminar.

60. 13-0370 ENF - Sonic Cadillac D LP, DBA Massey Cadillac

Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.

61. 13-0385 ENF - Benson Nissan, Inc., DBA Ingram Park Mazda

Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$750.00 and attend a Dealer Training Seminar.

62. 13-0386 ENF - Jose Luis Cavazos, DBA Bandera Motors

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154

Failure to have written consignment agreement: 43 TAC 215.144(g) \$1,000.00 and attend a Dealer Training Seminar.

63. 13-0443 ENF - Daniel Alaniz/Victor Alaniz, DBA RGV Autosource

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8) Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$1,000.00 and attend a Dealer Training Seminar.

B. Consideration of Enforcement Notice of Violation Citation Agreed Orders under Occupations Code, Chapter 2301

1. 12-1070 ENF - Joe E. Blanco, DBA Maverick Motor Co.

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Misuse of temporary dealer tag(s): Transp Code 503.038(a)(12):43 TAC 215.141(a)(10) \$150.00

2. 12-1082 ENF - Barrio Motors Inc., DBA Barrio Motors Inc.

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Misuse of temporary dealer tag(s): Transp Code 503.038(a)(12):43 TAC
215.141(a)(10)
\$300.00

3. 13-0261 ENF - Santiago Hernandez, Santiago Hernandez III, DBA Junior Motors

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$150.00

4. 13-0349 ENF - Filiberto Hernandez, DBA FH Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$150.00

5. 13-0376 ENF - Joseph Greer, DBA Greer Auto Sales

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00

6. 13-0400 ENF - Garcia Auto Sales Inc., DBA Garcia Auto Sales Inc.

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00

7. 13-0404 ENF - XFinity Car Sales Company, DBA XFinity Car Sales

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00

8. 13-0407 ENF - El Paso Del Bravo Company, DBA Del Bravo Motors Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00

9. 13-0408 ENF - Eloy Zuniga, DBA America Motors
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$50.00

10. 13-0412 ENF - Joel Sexton, Kristel Sexton, DBA RT66 Sales Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$150.00

11. 13-0444 ENF - Northtown Auto Center GP LLC, DBA Northtown Auto Center Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$150.00

12. 13-0445 ENF - Chelsea Furrow, DBA Auto ConnectionFailure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00

13. 13-0453 ENF - Texas La Fiesta Auto Sales LLC, DBA La Fiesta Auto Sales Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00

14. 13-0475 ENF - Abel Motors, Inc., DBA Abel Motors Inc.Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00

15. 13-0480 ENF - Erick Teran, DBA Universal Auto SalesFailure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00

16. 13-0482 ENF - Julio C. Calle, DBA Premium AutoplexFailure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00

17. 13-0486 ENF - Sand Dollar Auto Plex, LTD, DBA Quality Used Cars and Trucks Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00

- C. Consideration of Enforcement Dismissal Orders under Occupations Code, Chapter 2301
- 1. 11-0121 ENF HRK Group, Inc., DBA Ultimate Auto Group

- 2. 11-0957 ENF Sonic Automotive of Texas LP, DBA Lone Star Ford
- 3. 11-1217 ENF Twin City Auto Kingdom LLC, DBA Twin City Auto Kingdom LLC
- 4. 11-1467 ENF Michael Eugene Hines, DBA DFW Imports
- 5. 12-0218 ENF Twin City Auto Kingdom LLC, DBA Twin City Auto Kingdom LLC
- 6. 12-1030 ENF Lifestyle Autogroup LLC, DBA Lifestyle Autogroup LLC
- 7. 12-1135 ENF Gerald A. Buyck, DBA GAB Motors
- 8. 12-1137 ENF Michael Alan Young, DBA Texas Car Company
- 9. 12-1157 ENF Anthony Stephenson, DBA Stephenson Autos
- 10. 12-1219 ENF Palm Valley Auto Sales, Inc., DBA Palm Valley Auto Sales, Inc.
- 11. 12-1538 ENF MK Ranger LLC, DBA MK Ranger LLC
- 12. 12-1550 ENF Monica Farrise Adcock, DBA North Texas Autoplex
- 13. 13-0015 ENF Running Creek Trailers, LLC, DBA Running Creek Trailers, LLC
- 14. 13-0094 ENF Luxe RGV Auto Group LLC, DBA Luxe RGV Auto Group LLC
- 15. 13-0102 ENF Natural Research, Inc., DBA Texas Trader
- 16. 13-0332 ENF McCombs HFC LTD, DBA Red McCombs Ford
- D. Consideration of Settlement and Dismissal Orders under Occupations Code, Section 2301.204 (Warranty Performance Complaints)
- 1. 120244CAF Dakota McFatridge v. Ford Motor Company

Order of Dismissal

Complainant failed to move forward in a timely manner

2. 120245CAF - Mojgan Ebrahimi v. Kia Motors America, Inc

Order of Dismissal

Complainant withdrew the complaint

3. 130004CAF - Shantal Howell v. Volkswagen Group of America Inc.

Order of Dismissal

Complainant failed to move forward in a timely manner

4. 130032CAF - Robert A. Sanchez v. Mitsubishi Motor North America, Inc

Order of Dismissal Complainant failed to move forward in a timely manner

5. 130083CAF - Gregory D. Ross v. Chrysler Group LLC

Order of Dismissal Complainant no longer owns the vehicle

6. 130092CAF - Rebecca J. Hemphill v. General Motors LLC

Order of Dismissal Complainant withdrew the complaint

7. 130110CAF - Joshua Weidler v. General Motors LLC

Order of Dismissal Complainant withdrew the complaint

8. 130112CAF - Sylvia B. and Lawrence T. Lecuyer v. Jayco Inc

Order of Dismissal Complainant withdrew the complaint

9. 130129CAF - Keith L. Sykes v. General Motors LLC

Order of Dismissal Complainant no longer owns the vehicle

Board of the Texas Department of Motor Vehicles Attached List B April 11, 2013 Agenda Item 3.A. Motions for Disposition Based on Default

3. A. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code, Chapter 2301

1. 10-0178 ENF - Marshall Automotive Group, LLC, DBA Rockin M. Motors

Failure to allow purchaser to select county for registration: Transp Code

501.0234(d),(e)

Proposed Sanction: \$1,000.00 civil penalty

2. 11-0147 ENF - Carlos A. Acosta, DBA Acosta Auto Service

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)

Filed a false title and tax document: Transp Code 503.038(a)(2)

Failure to allow purchaser to select county for registration: Transp Code

501.0234(d),(e)

Proposed Sanction: \$9,000.00 civil penalty

3. 11-0160 ENF - ConsignRent LLC, DBA ConsignRent LLC

Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code

2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$2,000.00 civil penalty

4. 11-0170 ENF - Revel Powersports, Inc., DBA Revel Powersports, Inc.

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code

503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$5,000.00 civil penalty

5. 11-0180 ENF - Elman Jalilov, DBA Azeri Motors

Aided and abetted or indirectly facilitated the sale of a motor vehicle by allowing the

use of GDN: Occ Code 2301.351(2) and Transp Code 503.021

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and

503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code

503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$4,000.00 civil penalty

6. 12-0620 ENF - Shamshiri House of Kabobs, Inc., DBA Texas Auto Remarketing

Failure to provide satisfactory and reasonable evidence of regularly and actively engaged in business as a motor vehicle dealer: Transp Code 503.038(a)(9), 43 TAC 215.141(a)(14)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$2,000.00 civil penalty

Board of the Texas Department of Motor Vehicles Attached List B April 11, 2013 Agenda Item 3.A. **Motions for Disposition Based on Default**

7. 12-0774 ENF - Jose L. Maldonado, DBA El Mexyca Auto Sales

Failure to comply with a Final Order: Occ Code 2301.651(a)(3)

Proposed Sanction: \$2,000.00 civil penalty

8. 12-1420 ENF - Cransh Motors Inc., DBA Quick Pick Auto

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$1,000.00 civil penalty

9. 12-1464 ENF - Sami's Auto Sales, Inc., DBA Sami's Auto Sales, Inc.

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14

Failure to maintain a proper bond: Transp Code 503.033

Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43

TAC 215.141(a)(3)

Failure to timely pay lien on a motor vehicle traded in: Finance Code 348.408(c), Occ

Code 2301.651(a)(4)

Filed a false title and tax document: Transp Code 503.038(a)(2)

Proposed Sanction: License is revoked and \$4,000.00 civil penalty

10. 12-1552 ENF - Richard Brewster, DBA Cowbov Trucks

Misuse of buyers supplemental temporary E-tag: Transp Code 503.063(g), 43 TAC 215.151, 215.152, 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10),(11)

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$1,500.00 civil penalty

11. 12-1742 ENF - Park Cities Auto Gallery, Inc., DBA Auto Gallery

Failed to pay sales tax on a motor vehicle sale by tendering a check without sufficient

funds: Tax Code 152.0411(b) and Occ Code 2301.651(a)(4)

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and

503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code

503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)

Filed a false title and tax document: Transp Code 503.038(a)(2)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$6,100.00 civil penalty

12. 12-1790 ENF - Julio Cesar Medina, DBA Julio's Used Cars

Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14), Tax

Code 152.0411 and 43 TAC 215.141(a)(23)

Failure to allow purchaser to select county for registration: Transp Code

501.0234(d),(e)

Proposed Sanction: \$2,000.00 civil penalty

13. 12-1797 ENF - Daniel Barrientos Valdez, DBA Pato's Automotive

Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)

Board of the Texas Department of Motor Vehicles Attached List B April 11, 2013 Agenda Item 3.A. Motions for Disposition Based on Default

Defrauded purchaser: Occ Code 2301.651(a)(6)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Proposed Sanction: License is revoked and \$3,000.00 civil penalty

14. 13-0052 ENF - Mario Campos, DBA Mario Campos

Made a material misrepresentation on information provided to the Board: Transp Code

503.038(a)(6) and Occ Code 2301.651(a)(2) Proposed Sanction: License is denied

15. 13-0055 ENF - Recreation Live, LLC, DBA Recreation Live, LLC

Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6) Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Proposed Sanction: License is revoked and \$5,000.00 civil penalty

16. 13-0092 ENF - AGL IV Enterprises Inc., DBA JR's Autoplex

Filed a false title and tax document: Transp Code 503.038(a)(2)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$3,000.00 civil penalty

17. 13-0093 ENF - Antonio Bocardo JR/Leticia Cardenas, DBA Flash Motors

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

Proposed Sanction: License is revoked and \$4,000.00 civil penalty

18. 13-0108 ENF - Alfredo Jose Roel, Jr, DBA Diamond Automotive Group

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$5,000.00 civil penalty

19. 13-0111 ENF - Martin H. Gonzalez, DBA MG Auto Sales

Failed to provide written notice of repaired or replaced odometer: Occ Code

2301.651(a)(4)

Proposed Sanction: License is revoked and \$2,000.00 civil penalty