



AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
WEDNESDAY, MARCH 20, 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

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)
- E. Consideration of Franchise Case Dismissal Orders under Occupations Code, Chapter 2301

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**
 - 1. 12-0048 CAF - James L. Vinita v. Nissan North America, Inc.**
ALJ recommends reimbursement for repair/towing expenses
 - 2. 12-0097 CAF - Cathy Aldridge and Lloyd Aldridge v. General Motors LLC**
ALJ recommends dismissal
 - 3. 12-0226 CAF - Lesa DeLong v. Ford Motor Company**
ALJ recommends repair

4. **RESOLUTIONS for INDIVIDUAL CONSIDERATION - RULES**
Adoption of Rules under Title 43, Texas Administrative Code
 - A. **Chapter 208, Employment Practices - Sharon Brewer**
Section 208.7, Transition of Vacant Positions - Repeal
 - B. **Chapter 217, Vehicle Titles and Registration - Randy Elliston**
Sections 217.3 and 217.22 - related to hearings, county training and consistent fees
 - C. **Chapter 217, Vehicle Titles and Registration - Randy Elliston**
Section 217.34, Registration Fee Credit: Title Reinstatement - Repeal
 - D. **Chapter 218, Motor Carriers - Jimmy Archer**
Sections 218.50 and 218.63 - repeal of household goods carrier annual self-reporting requirement regarding claims and shipments
5. **BRIEFINGS and ACTION ITEMS**
 - A. **TxDMV Automation Projects - Jonathan Taylor**
 - Enterprise Project Management Office Update and Project/Contract Approvals
 - B. **Committee and Non-Committee Updates and Appointments**
 - C. **Approval for Specialty Plate Designs - Randy Elliston**
 1. Pink Camo
 2. Texas Ex
 3. Yellow Rose of Texas
6. **REPORTS**
 - A. **Monthly Financial Report- Linda Flores**
 - B. **Automobile Burglary and Theft Prevention Authority (ABTPA) - Linda Flores and Charles Caldwell**
 - Funding Report
 - C. **Legislative Report - Jeremiah Kuntz and Chairman Vandergriff**
 - D. **Executive Director Reports - Whitney Brewster**
TxDMV-related activities identified as noteworthy, which may include reports.
 1. Strategic Planning and Performance Measures Update
 2. Facilities
7. **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.

8. ACTION ITEMS FROM EXECUTIVE SESSION

9. 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.

**Board of the Texas Department of Motor Vehicles
Attached List A
March 20, 2013
Agenda Items 2.A. - E.
Consent Agenda**

2. **A. Consideration of Enforcement Agreed Orders under Occupations Code, Chapter 2301**
 1. **11-0447 ENF - Scootermex, LLC, DBA Scootermex**

Failure to maintain complete records by manufacturer, distributor or converter: 43 TAC 215.115
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$250.00 and attend a Dealer Training Seminar.
 2. **11-1272 ENF - Ideal Autos, Inc., DBA Saenz Motors**

Failed to discharge a lien within 10 days of final payment: Transp Code 501.115(a)
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
\$1,500.00
 3. **11-1405 ENF - Right Equities, Inc., DBA Right Place Auto Sales**

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 \$250.00 and attend a Dealer Training Seminar.
 4. **12-0049 ENF - Shawn Dalal, DBA Highway 90 Auto Finance**

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.
 5. **12-0113 ENF - Movin' On Up Auto Sales LLC, DBA Movin' On Up Auto Sales LLC**

Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
\$250.00
 6. **12-0257 ENF - EZGO Auto Sales, LLC, DBA E-Z Go 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 have business hours posted at the dealer's location: 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) \$250.00 and attend a Dealer Training Seminar.
 7. **12-0338 ENF - Bobby Hager, DBA I & T Auto Sales**

Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
\$250.00 and attend a Dealer Training Seminar.
 8. **12-0399 ENF - Auto Brokers Express LLC, DBA Auto Brokers Express LLC**

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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

- 9. 12-0844 ENF - Lithia CJDO, Inc., DBA Lithia CJDO, Inc.**
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.
- 10. 12-0991 ENF - Michael E. Crawford, DBA Moose 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
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
\$250.00 and attend a Dealer Training Seminar.
- 11. 12-1151 ENF - Johnnie Roberts Jr McGehee, DBA 190 Autoplex**
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to have written consignment agreement: 43 TAC 215.144(g)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$250.00 and attend a Dealer Training Seminar.
- 12. 12-1158 ENF - Ideal Autos, Inc., DBA Saenz 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 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)
\$1,500.00 and attend a Dealer Training Seminar.
- 13. 12-1223 ENF - Tim Edwards, DBA Edwards 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)
Attend a Dealer Training Seminar.
- 14. 12-1320 ENF - Cleere Enterprises, Inc., DBA Big Toe Wrecker Service**
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)
Attend a Dealer Training Seminar.
- 15. 12-1361 ENF - Danyel M. Dowling, DBA Somethin Serious 2nd Chance Autos & Check Cashing**

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

- 16. 12-1370 ENF - Humberto Martinez, Jr., DBA Guaranteed Auto Source Martinez Car Plex**
Failed to attend a Dealer Training Seminar in compliance with a Final Order: Occ Code 2301.651(a)(3)
\$500.00 and attend a Dealer Training Seminar.
- 17. 12-1522 ENF - John Pomroy Crea, Jr., DBA Alamo City Autoplex**
Failure to timely pay lien on a motor vehicle traded in: Finance Code 348.408(c), Occ Code 2301.651(a)(4)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$500.00 and attend a Dealer Training Seminar.
- 18. 12-1526 ENF - F & S Motor Company, DBA Affordable Sports & Imports**
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$250.00 and attend a Dealer Training Seminar.
- 19. 12-1592 ENF - Enrique Gonzalez/Ernesto Gonzalez, DBA South Park Motors**
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
\$250.00 and attend a Dealer Training Seminar.
- 20. 12-1773 ENF - Robert F. Sanchez, Robert D. Sanchez, DBA Big Star Auto Center**
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
- 21. 12-1796 ENF - Clarence McFarland, DBA Auto Land**
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 answer the telephone, have it answered by a bona fide employee or to have an answering machine or service in operation during posted business hours: Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B)
\$500.00 and attend a Dealer Training Seminar.
- 22. 13-0016 ENF - Steven G. Gaines, DBA Steve's Clean Cars**
Misuse of converter temporary tag: Transp Code 503.0625 and 503.0626 and TAC 215.151, 215.152, 215.153 and 215.159
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
\$1,000.00 and attend a Dealer Training Seminar.

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23. 13-0019 ENF - Jose F. Soto, DBA Soto 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 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) \$500.00 and attend a Dealer Training Seminar.

24. 13-0021 ENF - Edlyn Estrada, DBA Best Twins Auto Sales

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)
Attend a Dealer Training Seminar.

25. 13-0085 ENF - Edward I. Wilson, Lawrence J. Boulton, DBA Southside Auto Parts

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) \$1,500.00 and attend a Dealer Training Seminar.

26. 13-0099 ENF - David M. Bixler, DBA Jacob Motors

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)
\$250.00 and attend a Dealer Training Seminar.

27. 13-0104 ENF - RRD Ventures, LLC, DBA Savemore Cars & Trucks

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 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)
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 file Motor Vehicle Inventory Declaration reporting sales: Transp Code 503.038(a)(10) and Tax Code 23.121
Failure to timely file monthly Motor Vehicle Inventory Tax statements: Transp Code 503.038(a)(10) and Tax Code 23.122
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$3,500.00 and attend a Dealer Training Seminar.

28. 13-0113 ENF - Renato Madrigal, DBA Charro Auto Sales

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

29. 13-0127 ENF - Carabajal Motor Company, LLC, DBA Carabajal Motor Company, LLC

Failure to notify of addition location: 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
\$250.00

30. 13-0137 ENF - Vincent Wayne Coates, DBA Vincent Motor Company

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

31. 13-0139 ENF - Arrow Discount Automotive Inc., DBA Arrow Discount Automotive 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
Attend a Dealer Training Seminar.

32. 13-0155 ENF - Fred Haas Motors LTD, DBA Fred Haas Toyota World

Advertised "Everyone is Approved", thereby representing that no prospective credit purchaser will be rejected: 43 TAC 215.247(2)
\$500.00 and attend a Dealer Training Seminar.

33. 13-0156 ENF - GL Casa, LLC, DBA Baytown GMC Buick

Advertised the amount of down payment in connection with a credit transaction without including the terms of repayment: 43 TAC 215.263
\$500.00 and attend a Dealer Training Seminar.

34. 13-0168 ENF - Bert Ogden McAllen Motors, Inc., DBA Bert Ogden BMW

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
\$500.00 and attend a Dealer Training Seminar.

35. 13-0175 ENF - Robert Hall Chevrolet Olds, Inc., DBA Robert Hall Chevrolet Olds, 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
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)
\$1,000.00 and attend a Dealer Training Seminar.

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- 36. 13-0184 ENF - Roger Falvey, DBA Dealer Products**
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.
- 37. 13-0217 ENF - Robert M. Street, DBA Street Machines 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.
- 38. 13-0247 ENF - Trey Crouch's Wheels On Credit, Inc.**
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
Attend a Dealer Training Seminar.
- 39. 13-0283 ENF - Ted Marian Michalak, DBA TMM 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 have business hours posted at the dealer's location: Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
Failure to timely file Motor Vehicle Inventory Declaration reporting sales: Transp Code 503.038(a)(10) and Tax Code 23.121
Failure to timely file monthly Motor Vehicle Inventory Tax statements: Transp Code 503.038(a)(10) and Tax Code 23.122
\$750.00 and attend a Dealer Training Seminar.
- 40. 13-0307 ENF - Florentino Gonzalez, DBA F & F 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) \$500.00
- 41. 13-0310 ENF - Luis Gerardo Garcia, DBA Garcia's Auto Sales**
Failure to timely transfer title to out of state purchaser: 43 TAC 215.144(f)
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$750.00 and attend a Dealer Training Seminar.
- 42. 13-0335 ENF - Fredis A. Romero, DBA Fredy Auto Sales & Glass**
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 \$250.00 and attend a Dealer Training Seminar.

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- 43. 13-0337 ENF - Sohna Investments, Inc., DBA Uptown Imports**
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Attend a Dealer Training Seminar.
- B. Consideration of Enforcement Notice of Violation Citation Agreed Orders under Occupations Code, Chapter 2301**
- 1. 13-0262 ENF - Alejandro DeLeon, DBA Hernandez Auto Sales**
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. 13-0302 ENF - Ruben Vazquez Jr., DBA Auto Team**
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)
\$200.00
- 3. 13-0339 ENF - Pedro Conchas Perez, DBA P & A 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
No metal dealer plate record. 43 TAC 215.138(d)
\$250.00
- 4. 13-0345 ENF - Roy Motor Co. Inc., DBA Roy Motor Co.**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$50.00
- 5. 13-0346 ENF - Rene Alberto Valdez, DBA 107 Auto & Equipment Sales**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to display license: 43 TAC 215.140(14)
\$200.00
- 6. 13-0347 ENF - Arnoldo Lopez, DBA La Palma**
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
Misuse of metal plates: 43 TAC 215.138
\$250.00
- 7. 13-0350 ENF - Texas Longhorn Motors Inc., DBA Longhorn Motor Co.**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
\$100.00
- 8. 13-0351 ENF - Zee Global Enterprise Inc., DBA 786 Autos**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)

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Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to display license: 43 TAC 215.140(14)
\$300.00

9. 13-0372 ENF - Sohna Investments, DBA Uptown Imports

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

**C. Consideration of Enforcement Dismissal Orders under Occupations Code,
Chapter 2301**

1. **11-0883 ENF - Dar, Inc., DBA Funtime RV Sales**
2. **11-1185 ENF - Ideal Autos, Inc., DBA Saenz Motors**
3. **11-1261 ENF - Kalim Muzaffar Syed, Basir Muhammadi, DBA B & M Car Center**
4. **12-0740 ENF - A & A Pickup & Van Parts, Inc., DBA A & A Pickup & Van Parts, Inc.**
5. **12-1789 ENF - Brad Meece, DBA Texas Select Autos**
6. **13-0102 ENF - Natural Research, Inc., DBA Texas Trader**

**D. Consideration of Settlement and Dismissal Orders under Occupations Code,
Section 2301.204 (Warranty Performance Complaints)**

1. **10-0223 CAF - Robles Service Group v. Fleetwood RV, Inc.**
Order of Dismissal
Complainant no longer owns the vehicle
2. **12-0113 CAF - Hamid Tousi v. Freightliner LLC**
Settlement Order
The parties have settled
3. **12-0192 CAF - Elizabeth Oualline v. General Motors LLC**
Order of Dismissal
Complainant no longer owns the vehicle
4. **12-0195 CAF - Travis and Carolyn Conklin v. General Motors LLC**
Order of Dismissal
Complainant withdrew the complaint
5. **12-0220 CAF - Eve Weaver v. General Motors LLC**
Order of Dismissal
Complainant withdrew the complainant

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6. **12-0242 CAF - Claudia M. Silva v. Nissan North America, Inc.**
Order of Dismissal
Complainant failed to appear for the hearing
7. **12-0249 CAF - Byron T. Townsend v. Chrysler Group LLC**
Order of Dismissal
Complainant no longer owns the vehicle
8. **12-0256 CAF - Tommy Lancaster v. BMW of North America, LLC**
Settlement Order
Vehicle was repaired
9. **13-0005 CAF - Michael Chenoweth v. Chrysler Group LLC**
Settlement Order
Complainant was resolved by cash settlement
10. **13-0014 CAF - Neal Funeral Home LTD v. General Motors LLC**
Order of Dismissal
Complainant failed to move forward in a timely manner
11. **13-0017 CAF - Roger D. Lindsey v. Ford Motor Company**
Settlement Order
Complainant accepted an extended service contract
12. **13-0048 CAF - Azmy Aziz v. General Motors LLC**
Settlement Order
The parties have settled
13. **13-0101 CAF - Joe A. Gonzales v. General Motors LLC**
Order of Dismissal
Complainant no longer owns the vehicle
- E. **Consideration of Franchise Case Dismissal Orders under Occupations Code, Chapter 2301**
 1. **12-0014 LIC; SA American Dream Vacations, LLC d/b/a American Dream Vacations, Protestant v. Starcraft RV, Inc., Respondent**
 2. **13-0001 LIC; Lone Star RV Sales, Inc., Applicant v. Topper**

Board of the Texas Department of Motor Vehicles
Attached List B
March 20, 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. 11-1274 ENF - Vernetta A. Ratcliff, DBA D. C. Auto Sales**

Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Proposed Sanction: \$1,000.00 civil penalty
 - 2. 12-0200 ENF - Twin City Auto Kingdom LLC, DBA Twin City Auto Kingdom LLC**

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 a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136
Proposed Sanction: \$1,500.00 civil penalty
 - 3. 12-0405 ENF - Hamilton GM Country, Inc., DBA Hamilton GM Country, 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 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)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$2,500.00 civil penalty
 - 4. 12-0440 ENF - Daniel Loudder, DBA Smart Cars**

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)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: License is revoked
 - 5. 12-1116 ENF - Noi V. Nguyen, DBA Nghitech Car Sale**

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)
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)
Proposed Sanction: \$1,500.00 civil penalty
 - 6. 12-1304 ENF - Cedric D. Acy, DBA Coupe City Autos**

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)

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Motions for Disposition Based on Default

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: \$4,000.00 civil penalty

- 7. 12-1523 ENF - KK Haney Motorsports LLC, DBA South Texas Suzuki**
Failure to produce records within (15) days: 43 TAC 215.144(d) and 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)
Proposed Sanction: \$2,000.00 civil penalty
- 8. 12-1722 ENF - KK Haney Motorsports LLC, DBA South Texas Suzuki**
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: License is revoked and \$2,000.00 civil penalty