

AGENDA **BOARD MEETING**

TEXAS DEPARTMENT OF MOTOR VEHICLES 4000 Jackson Ave., Building 1, Lone Star Room AUSTIN, TEXAS 78731 **THURSDAY, MAY 23, 2013** 9:00 A.M.

The Board of the Department of Motor Vehicles will hold two meetings on May 23, 2013 at the TxDMV headquarters building located at 4000 Jackson Avenue, Building 1. The first meeting will begin at 9:00 a.m. The second meeting, a board workshop, will begin immediately following the conclusion of the first meeting.

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. Committee Appointments
- D. Comments and Announcements from Chairman, Board Members and Executive Director

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

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
 - 13-0034 CAF Theodore Novosad v. Ford Motor Company ALJ recommends repair

4. RESOLUTIONS for INDIVIDUAL CONSIDERATION - RULES

Proposal of Rules under Title 43, Texas Administrative Code

Chapter 215, Related to e-Tags - Bill Harbeson

Section 215.158, General Requirements and Allocation of Internet-down Tag Numbers

5. BRIEFINGS and ACTION ITEMS

- A. Approval for Specialty Plate Design Randy Elliston
 - University of Nebraska

B. Project/Contract Increased Spending Approval - Eric Obermier

- 1. Regional Office Communication Infrastructure
- 2. Headquarters Communications
- 3. Application Migration and Server Infrastructure

C. Registration and Title System (RTS) Refactoring Contract Approval - Jonathan Taylor

6. REPORTS

- A. Legislative Report Jeremiah Kuntz
- B. Cash Handling Audit Bill Lawler

C. Executive Director Reports - Whitney Brewster

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

- 1. Performance Measures
- 2. TxDMV Website
- 3. Quarterly Financial Report
- 4. TxDMV Reorganization

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.

2. A. Consideration of Enforcement Agreed Orders under Occupations Code, Chapter 2301

1. 11-0770 ENF - Serene Unlimited, Inc., DBA Xena Auto Sales

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

2. 12-0999 ENF - Auto Brokers Express LLC, DBA Auto Brokers Express LLC

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.

3. 12-1415 ENF - Grapevine Imports LTD, DBA Texas Toyota of Grapevine

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

4. 12-1432 ENF - Eric L. Ferguson, DBA APB Motor's

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)

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 \$500.00 and attend a Dealer Training Seminar.

5. 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)

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

6. 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 \$1,500.00 and attend a Dealer Training Seminar.

7. 13-0120 ENF - James Higdon, Simone Higdon, DBA Bull Frog Auto Sales

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

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)

\$2,750.00 and attend a Dealer Training Seminar.

- 8. 13-0174 ENF Carz of Texas Auto Sales, LLC, DBA Carz of Texas Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00
- 9. 13-0226 ENF Renato Madrigal, DBA Charro Auto Sales Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to take assignment of title or MCO: Transp Code 503.038(a)(3) and 43 TAC 215.141(a)(13) \$1,000.00
- 10. 13-0381 ENF Ana Lilia Gomez, DBA Dicker Auto Sales and Body Shop 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.
- 11. 13-0391 ENF McGavock Auto Group LLP, DBA McGavock Nissan Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.
- 12. 13-0399 ENF KBLB-Ken LTD, DBA San Marcos Auto Outlet, San Marcos Nissan

Failed to identify a motor vehicle by model year, make, and model line and style when the price is advertised: 43 TAC 215.251(a) \$1,000.00 and attend a Dealer Training Seminar.

13. 13-0434 ENF - Attractions Unlimited, Inc., DBA Attractions Unlimited Auto Brokers

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 remain actively engaged in business as a motor vehicle dealer by failing to sell at least five (5) vehicles in a 12 month period: Transp Code 503.038(a)(9) and Tax Code 23.121

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1.500.00

14. 13-0446 ENF - Aaron Tucker, DBA Aarons Autos

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) \$4,500.00

15. 13-0469 ENF - Gustavo Leija, Jose Victor Longoria, DBA L & L 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

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 produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3) \$1,500.00 and attend a Dealer Training Seminar.

16. 13-0470 ENF - Jose L. Liceaga, DBA Liceaga Auto Sales

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Sold or offered to sell motor vehicles on consecutive Saturday and Sunday: Transp Code 728.002

\$2,000.00 and attend a Dealer Training Seminar.

17. 13-0492 ENF - Emanuel Motor Company, Inc., DBA Emanuel Motor Company, 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) \$2,000.00 and attend a Dealer Training Seminar.

18. 13-0495 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) 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

- 19. 13-0497 ENF VBM Acquisition, LLC, DBA Scion of Boerne, Toyota of Boerne 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
- 20. 13-0577 ENF Autogroup Premier Inc., DBA Roger Beasley Mazda Killeen Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 Cease and desist
- B. Consideration of Enforcement Notice of Violation Citation Agreed Orders under Occupations Code, Chapter 2301
- 1. 12-1049 ENF Griselda Bayona, DBA Chaparral Motors

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)
Failure to have written consignment agreement: 43 TAC 215.144(g)
\$300.00

2. 12-1052 ENF - Nosrat Heidarian/Cyrous Heydarian, DBA Auto Mall

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 meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
\$250.00

3. 13-0476 ENF - Juan Delapaz, DBA Ody's Autos

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

4. 13-0478 ENF - Daniel Vega, Jose Luis Escarsega, DBA Reliable Auto Sales

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

5. 13-0479 ENF - JCRJ Inc., DBA El Ray Auto Sales

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to observe right of way: 43 TAC 215.140(11)(c) \$150.00

6. 13-0529 ENF - Patrick Glenn Porter, DBA Automotive Depot

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

7. 13-0530 ENF - Ramiro Tanguma, DBA Capitol Motors

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)
Failure to observe right of way: 43 TAC 215.140(11)(c)
\$300.00

8. 13-0537 ENF - Luna Car Center LLC, DBA Luna Car Center

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

9. 13-0538 ENF - Alamo Motor Sales Co., DBA South Texas 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

10. 13-0539 ENF - Champion Pre-owned Cars & Truck LLC, DBA Champion Motor Company

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. 13-0540 ENF - Henry Joseph Garcia, DBA Garcia Brothers Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to take assignment of title: Transp Code 503.038(a)(3) \$200.00

12. 13-0541 ENF - Orbitrom USA Inc., DBA EZ 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 take assignment of title: Transp Code 503.038(a)(3) \$250.00

13. 13-0544 ENF - Arturo Martinez, DBA Smart Guy 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

14. 13-0545 ENF - C.E. Littlefield, DBA C.E. Littlefield 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
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$250.00

15. 13-0548 ENF - Dale A. McCulloch, DBA Dales Motor Company

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

16. 13-0549 ENF - Miguel Angel Chi, DBA El Padrino Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00

17. 13-0550 ENF - Armando Echeverria, DBA E.P. Auto Sales

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

18. 13-0555 ENF - Nicolas Macias, DBA Go Auto Sales

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

19. 13-0556 ENF - S.F.M. Motor Inc., DBA S.F.M. 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

20. 13-0557 ENF - Armin Mazaheri, DBA Atlas 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

21. 13-0558 ENF - Salamon Enterprises Inc., DBA Dallas Auto Nation

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00

22. 13-0559 ENF - Manuel Rivera, DBA Aleman Automotriz

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to take assignment of title: Transp Code 503.038(a)(3) \$150.00

23. 13-0562 ENF - El Dorado Motor LLC, DBA Texas Ed Dorado Motors LLC

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to take assignment of title: Transp Code 503.038(a)(3) \$200.00

24. 13-0563 ENF - Zachary Neal Grier, DBA A. Affordable Autos

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

25. 13-0564 ENF - Javier Lerma, DBA Jay's 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

26. 13-0365 ENF - Ernesto Saucedo, DBA Ernesto 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
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$250.00

27. 13-0566 ENF - Cowboy's Auto Group, LLC, DBA Cowboy's 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

28. 13-0567 ENF - Roberto Q. Garcia, DBA R & R 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

29. 13-0569 ENF - Magic Time Motors Corporation, DBA Magic Time Motors Corporation

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)

Failure to display license: 43 TAC 215.140(14)

\$300.00

30. 13-0572 ENF - McAk Used Cars and Auto Repair LLC, DBA McAk Used Cars and Auto Repair 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 \$150.00

31. 13-0573 ENF - David Dustin Boswell, DBA Best Choice Motors

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00

32. 13-0578 ENF - Mohammad Paran, DBA San Antonio Auto Brokers

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 display license: 43 TAC 215.140(14)

\$300.00

33. 13-0579 ENF - Brasada Ford LTD, DBA Southside Used

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)
Failure to display license: 43 TAC 215.140(14)
\$300.00

34. 13-0580 ENF - Russell Hild, DBA Texas Auto Mart

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

35. 13-0581 ENF - Monarca Motor Inc., DBA Monarca Motor 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

36. 13-0584 ENF - Jesus M. Torresdey, DBA Carlo Motors

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) \$200.00

37. 13-0598 ENF - Carlos Jimenez, DBA C.J. 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

38. 13-0599 ENF - D.I.S. Investments, LLC, DBA S.I.D. 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

39. 13-0600 ENF - Chubby's Auto Center Inc., DBA Chubby's Auto Center

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

40. 13-0601 ENF - Roberto Rodriguez, DBA RRR Car 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

41. 13-0602 ENF - Mervat Adzy Kamel, DBA Phillips Motor 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 Failure to display license: 43 TAC 215.140(14) \$250.00

42. 13-0607 ENF - Fred Yamaguchi, DBA Trade Winds 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
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$250.00

43. 13-0608 ENF - Charles E. Polanco Jr., DBA Frank N. Sons 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

44. 13-0609 ENF - Arturo Monroy, DBA Monroy 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

- **45. 13-0624 ENF Mohammed Nafiz Bhuiyan, Fahim Hoq, DBA Half Price Motors** Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00
- **46. 13-0625 ENF One Nation Auto Group, Inc., DBA One Nation Auto 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 \$150.00
- 47. 13-0627 ENF Henry Rangel, DBA Auto Advantage
 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
- **48. 13-0629 ENF Luis Rodriguez, Lidia Rodriguez, DBA LL Rodriguez Car Sales** 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) \$200.00
- **49. 13-0656 ENF Idolina Guzman, DBA Guzman Auto Sales**Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00
- 50. 13-0670 ENF American Auto Sales of Killeen, Inc., DBA Payless Car Sales 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) \$200.00
- **51. 13-0675 ENF Eakin Killeen, LP, DBA Dennis Eakin, KIA-Preowned**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)
 \$200.00
- 52. 13-0702 ENF East West Auto Sales/Olma Enterprises Inc., DBA East West Auto Sales

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)
\$200.00

- C. Consideration of Enforcement Dismissal Orders under Occupations Code, Chapter 2301
- 1. 11-0536 ENF Beene & Griffith, Inc., DBA Double B Boat & RV Storage
- 2. 12-1242 ENF Anne Mallia Nigrelle, DBA Kennys Strickly Foreign II

- 3. 13-0357 ENF PFPP Limited Partnership, DBA Planet Dodge, Planet Dodge Chrysler Jeep
- 4. 13-0531 ENF Choice Automodeals Inc., DBA Choice Automodeals, Inc.
- 5. 13-0637 ENF TXVT Limited Partnership, DBA Trophy Nissan
- D. Consideration of Settlement and Dismissal Orders under Occupations Code, Section 2301.204 (Warranty Performance Complaints)
- 1. 13-0012 CAF W.G. Apt v. General Motors LLC

Settlement Order

The vehicle was repaired

2. 13-0068 CAF - Dorothy Wilkinson and Robert L. Wilkinson v. Fleetwood RV, Inc. and Chrysler Group LLC

Settlement Order

Complainants accepted a cash settlement

3. 13-0076 CAF - John F. Brauer v. Chrysler Group LLC

Settlement Order

The vehicle has been repurchased

4. 13-0086 CAF - Red Fish Lodge Inc. v. General Motors LLC

Settlement Order

The vehicle was repaired

5. 13-0118 CAF - Juan and Rosa Ochoa v. Chrysler Group LLC

Settlement Order

Complainants accepted a cash settlement

6. 13-0151 CAF - Infopro Corporation v. Ford Motor Company

Order of Dismissal

Complainant no longer owns the vehicle

- E. Consideration of Franchise Case Dismissal Orders under Occupations Code, Chapter 2301
- 13-0005 LIC; Autobahn Imports, LP d/b/a Autobahn Motorcars, Complainant v. BMW of North America, LLC, Respondent

Board of the Texas Department of Motor Vehicles Attached List B May 23, 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
 - 12-1080 ENF Nicandro Antonio Atilano, DBA Dallas Motors
 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)
 Proposed Sanction: \$1,000.00 civil penalty
 - 2. 12-1546 ENF Kyle Avey and Denise Avey, DBA WF Direct
 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 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: \$2,500.00 civil penalty