#### AGENDA BOARD MEETING

TEXAS DEPARTMENT OF MOTOR VEHICLES
CAPITOL EXTENSION
HEARING ROOM E1.028
AUSTIN, TEXAS 78701
JULY 8, 2010
10:00 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

#### 2. BRIEFINGS

#### A. ADMINISTRATIVE UPDATES

- 1. Chair Reports Victor Vandergriff
  - a. Stakeholder Meetings and Industry Information
  - b. Quarterly Report to Governor
- 2. Fiscal Update Linda Flores
- 3. Board Committee Reports
  - a. General Information and Updates Victor Vandergriff
  - b. Administrative Committee Janet Marzett
  - c. Finance & Audit Committee Jim Campbell
  - d. Legislative & Public Affairs Cheryl Johnson
  - e. Projects & Operations Committee Johnny Walker
- 4. Advisory Committees Ed Serna, Victor Vandergriff
- 5. Executive Director Report Ed Serna
- 6. Approval of 2011 meeting schedule Victor Vandergriff

#### 3. EXECUTIVE SESSION

Section 551.071 - Consultation with and advice from legal counsel regarding:

- A. pending or contemplated litigation, a settlement offer, or
- B. any item on this agenda.

**Section 551.074** - Personnel matters. Discussion relating to the appointment,

employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.

#### 4. CONSENT AGENDA – Brett Bray

## A. CONSIDERATION OF ENFORCEMENT AGREED ORDERS UNDER OCCUPATIONS CODE, CHAPTER 2301

#### 1. 10-0016 ENF - Rafaile H. Rafaile, DBA Red Bluff Used Cars

Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.

2. 10-0022 ENF - C C Auto Brokers Partnership LTD., DBA C C Auto Brokers Inc.

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 \$500.00 and attend a Dealer Training Seminar.

3. 10-0046 ENF - Joe Jooya, DBA Cash Auto Buyers

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 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)
\$500.00 and attend a Dealer Training Seminar.

4. 10-0188 ENF - Austin Auto Web LLC., DBA Austin Web 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 Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) Failure to have written consignment agreement: 43 TAC 215.144(g) 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) \$3,000.00

 10-0229 ENF - Ramirez Ford Sales Inc., DBA Ramirez Ford Sales Inc. Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00

 10-0254 ENF - Andrews Radiator, Air & Sound, Inc., DBA Simmons Auto 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) Misuse of old style buyer supplemental temporary tag: Transp Code 503.063(f), 43 TAC 215.151, 215.152, 215.153, 215.155, Occ Code 2301.651(a)(4), 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 \$1,000.00

### 7. 10-0318 ENF - Gary Corpian Motor Company Inc., Gary Corpian Motor Company Inc.

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to have inventory separated from vehicles offered for sale from salvage: Transp Code 503.032 and 43 TAC 215.140 Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) \$500.00

#### 8. 10-0326 ENF - Poe Automotive LP, DBA El Paso Honda

Failure to comply with the requirements for issuance or recordkeeping of the buyer's supplemental temporary tag: Transp Code 503.063(g) and 43 TAC 215.151, 215.152, 215.153 and 215.155

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

#### 9. 10-0329 ENF - Salvador Ontiveros, DBA Ontiveros Auto Sales

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, Transp Code 503.038(a)(14)

Attend a Dealer Training Seminar.

#### 10. 10-0370 ENF - AE Inc., Auto Enterprises

Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) Filed a false title and tax document with a false statement: 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.

### 11. 10-0377 ENF - Autonation Fort Worth Motors LTD, DBA Bankston Chevrolet Fort Worth

Misuse of buyer temporary E-tag: Transp Code 503.063 and 503.0631, 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 \$2,000.00

#### 12. 10-0445 ENF - Zeke Andrew Jackson, DBA Dr. Zeke's Auto Sales

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, Transp Code 503.038(a)(14)

\$500.00

### 13. 10-0605 ENF - Kyle Chapman Motor Sales LP, DBA Kyle Chapman Motor Sales LP

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$2,500.00

#### 14. 10-0643 ENF - Ismail A. Baker., DBA Baker's Auto Sales

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: 43 TAC 215.141(a)(23), 215.144(a),(d) Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14), Tax Code 152.0411 and 43 TAC 8.141(a)(23) \$1,000.00 and attend a Dealer Training Seminar.

#### 15. 10-0813 ENF - Jose Marcial Sandoval, DBA Carfix

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)

\$250.00 and attend a Dealer Training Seminar.

#### 16. 10-0932 ENF - Frank Uribe, DBA P M Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
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)
\$250.00

#### 17. 10-0943 ENF - Bruce Gasaway, DBA AAA Sales & Service

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)
Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14), Tax Code 152.0411 and 43 TAC 8.141(a)(23)
\$500.00 and attend a Dealer Training Seminar.

# 18. 10-0948 ENF - Daniel A. Webster, Harvey Spencer, DBA Webster'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 \$250.00 and attend a Dealer Training Seminar.

#### 19. 10-0983 ENF - Rodney P. Schlotte, DBA REC

Operated as a lessor or lease facilitator without the appropriate license: Occ Code 2301.251, 2301.252 or 2301.253

\$250.00 and attend a Dealer Training Seminar.

#### 20. 10-1023 ENF - Nasrin Esmi, DBA American Best Car Co.

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

#### 21. 10-1061 ENF - Big Horn Auto Sales Inc., DBA Big Horn Auto Sales Inc.

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$500.00 and attend a Dealer Training Seminar.

#### 22. 10-1065 ENF - Montgomery Truck Sales Inc., DBA Montgomery Truck Sales Inc.

Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 500.00 and attend a Dealer Training Seminar.

#### 23. 10-1094 ENF - Agustin Caballero, DBA Mill Ave Auto Works #3

Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.

#### 24. 10-1102 ENF - John Tinsley, DBA Motorcars of South Texas

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

#### 25. 10-1106 ENF - Jesse Diaz, DBA Anderson Auto Sales

Failure to remove out of state license plates from a vehicle purchased by dealer in a timely manner: Transp Code 503.070 and 43 TAC 215.141(a)(9)

Failure to take assignment of title or MCO: Transp Code 503.038(a)(3) and 43 TAC 215.141(a)(13)

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, Transp Code 503.038(a)(14)

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

#### 26. 10-1108 ENF - Mary Joelene Baker, DBA Four J Autos

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

\$250.00 and attend a Dealer Training Seminar.

#### 27. 10-1111 ENF - Doost LLC., DBA Auto-1 Sales & Service

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

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 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: 43 TAC 215.141(a)(23), 215.144(a),(d) Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136, Transp Code 503.038(a)(14) \$3,000.00 and attend a Dealer Training Seminar.

#### 28. 10-1112 ENF - Auto Pronto Inc., DBA Auto Pronto Inc.

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) \$1,000.00

### 29. 10-1116 ENF - GMM International Inc., DBA Professional Automotive and Fleet Services

Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14), Tax Code 152.0411 and 43 TAC 8.141(a)(23) \$250.00 and attend a Dealer Training Seminar.

### 30. 10-1120 ENF - Parviz Granmayeh, DBA Cedar Park Consignment and Bank Auto Sale

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$1,000.00 and attend a Dealer Training Seminar.

#### 31. 10-1128 ENF - Mohammad A. Shamdeen, DBA Shamdeen Auto Sales

Failure to report dealer's change of address in a timely manner: Transp Code 503.006 and 43 TAC 215.141(a)(6)

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

Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14), Tax Code 152.0411 and 43 TAC 8.141(a)(23)

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, Transp Code 503.038(a)(14) \$2,000.00

#### 32. 10-1129 ENF - Allen Mumme, DBA Mumme Auto Sales

Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$500.00 and attend a Dealer Training Seminar.

- **33. 10-1135 ENF Karan M Haynes, Oatis C Haynes, DBA Haynes 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: 43 TAC 215.141(a)(23), 215.144(a),(d) \$500.00 and attend a Dealer Training Seminar.
- **34. 10-1150 ENF A-Advantage Auto Group Inc., DBA A-Advantage Auto Groups**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
  Attend a Dealer Training Seminar.
- 35. 10-1154 ENF Ray A Felts, Rusel R. Felts, DBA Credit Motor Co. Uvalde Misuse of buyer temporary E-tag: Transp Code 503.063 and 503.0631, 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 \$250.00 and attend a Dealer Training Seminar.
- **36. 10-1158 ENF Austin Auto Assistance LTD., DBA Austin Auto Assistance LTD**Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
  Failure to have inventory separated from another dealer's inventories housed at the same physical location: Transp Code 503.032 and 43 TAC 215.140
  \$250.00 and attend a Dealer Training Seminar.
- **37. 10-1160 ENF James Morris Ellis, DBA Fenix USA**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.
- 38. 10-1168 ENF Estyjet Enterprises Incorporated, DBA STJ Motors
  Failure to provide satisfactory and reasonable evidence that Respondent is actively
  engaged in business as a motor vehicle dealer: Transp Code 503.038(a)(8) and 43
  TAC 215.141(a)(14)
  License is cancelled
- **39. 10-1178 ENF HUB Buick Company, DBA Hub Hyundai**Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$500.00
- **40. 10-1200 ENF Marroquin Auto Sales Inc., Marroquin 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: 43 TAC 215.141(a)(23), 215.144(a),(d)

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

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

#### 41. 10-1213 ENF - Guadalupe Alberto Gonzalez, DBA Albert's Auto Sales

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 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) \$500.00 and attend a Dealer Training Seminar.

#### 42. 10-1215 ENF - Solomon Fatade, Kudiratu Fatade, DBA Blessed K & O Motors

Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14), Tax Code 152.0411 and 43 TAC 8.141(a)(23)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Attend a Dealer Training Seminar.

#### 43. 10-1217 ENF - Greg Chapman Motor Sales LP, DBA Greg Chapman Motor Sales

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00

#### 44. 10-1229 ENF - J J Auto Sales LLC., DBA J J Auto Sales LLC

Filed a false title and tax document with a false statement: Transp Code 503.038(a)(2) Failed to provide written notice of repaired or replaced odometer: Occ Code 2301.651(a)(4)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,500.00

#### 45. 10-1232 ENF - No Limit Motors Inc., DBA No Limit Motors Inc.

Sold or offered to sell motor vehicles on consecutive Saturday and Sunday. Transp Code 728.002; 43 TAC 215.141(a)(23) \$250.00

#### 46. 10-1235 ENF - Eduardo Guerra, DBA Guerra Auto Sales

Misuse of buyer temporary E-tag: Transp Code 503.063 and 503.0631, 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 take assignment of title or MCO: Transp Code 503.038(a)(3) and 43 TAC 215.141(a)(13)

Sold or offered to sell motor vehicles on consecutive Saturday and Sunday. Transp Code 728.002; 43 TAC 215.141(a)(23)

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

#### 47. 10-1240 ENF - Maxwell-N, Inc., DBA Town North Nissan

Advertised a claim "We Offer More For Your Trade-in!" which is unclear, in violation of 43 TAC 215.246

Advertised "Everyone is Approved", representing or implying no credit purchases will be rejected: 43 TAC 215.247(2) \$2,000.00 and attend a Dealer Training Seminar.

- **48. 10-1241 ENF Third Coast Auto Group LP, DBA Third Coast Auto Group**Advertised "Everyone is Approved", representing or implying no credit purchases will be rejected: 43 TAC 215.247(2) \$2,000.00
- **49. 10-1264 ENF Baker Nissan North Inc., DBA Baker Jackson Nissan North** Failure to fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7) \$500.00
- B. CONSIDERATION OF ENFORCEMENT NOTICE OF VIOLATION CITATION AGREED ORDERS UNDER OCCUPATIONS CODE, CHAPTER 2301
- 10-1205 ENF T-Man Auto Sales, DBA T-Man Auto Sales
   Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
   \$50.00
- 2. 10-1330 ENF Back On Track LLC, DBA North Star Auto Group
  Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
  Misuse of metal plates: 43 TAC 8.139(c) or (e)
  \$200.00
- 3. 10-1331 ENF Aaron Tucker, DBA Aaron's Auto Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00
- 4. 10-1332 ENF Thomas B. Newton, DBA Ace Auto Sales
  Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
  \$100.00
- 5. 10-1333 ENF Bobby W. Cook, DBA Cook Auto Group #2
  Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
  \$100.00
- 6. 10-1334 ENF Francisco J. Hernandez, DBA Amigos Auto Sales #2
  Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
  \$100.00
- 7. 10-1335 ENF Francisco J. Hernandez, DBA Amigos Auto Sales Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00
- 8. 10-1336 ENF Shine and Freeman, DBA Favor Auto Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14

\$50.00

#### 9. 10-1337 ENF - Sammy Pat Brumbalow, DBA Reliant Motors

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

#### 10. 10-1339 ENF - Ivy Motor Co. Inc., DBA Ivy Motor Co. Inc.

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

#### 11. 10-1340 ENF - Donald M. Chavez, DBA DK & S Motors

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

#### 12. 10-1341 ENF - Auto Wrangler Inc., DBA Auto Wrangler

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

#### 13. 10-1342 ENF - Lubke Chevrolet Inc., DBA Lubke Chevrolet

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

#### 14. 10-1346 ENF - Benito Hernandez, DBA Benny's Used Cars and Body Shop

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

#### 15. 10-1347 ENF - Kenneth Hill, DBA H & H Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Misuse of metal plates: 43 TAC 8.139(c) or (e) \$200.00

#### 16. 10-1348 ENF - Cash Cow Inc., DBA Big Tex Auto Plex

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

#### 17. 10-1349 ENF - Robert Eugene Fogle, DBA Gene Fogle Motors

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

### 18. 10-1354 ENF - Diane King, Chad Rowe, & Charles King, DBA Reliable Auto Sales

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

### 19. 10-1355 ENF - Central Texas H & J Enterprises LLC, DBA Anyone's Auto

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

#### 20. 10-1356 ENF - Carmen R. Aranda, DBA Mike's Quality 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)
\$200.00

#### 21. 10-1357 ENF - Ramel A. Lepe, DBA Momentum Bazar

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) \$200.00

#### 22. 10-1367 ENF - Chris McGregor, DBA Cars Etc.

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

#### 23. 10-1372 ENF - Fidel Avitia, DBA Mr. Crawford 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

### 24. 10-1373 ENF - Thomas Davis Auto Sales LTD, DBA Davis Auto Sales

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

# C. CONSIDERATION OF SETTLEMENT AND DISMISSAL ORDERS UNDER OCCUPATIONS CODE, §2301.204 (Warranty Performance Complaints)

#### 1. 10-0033 CAF - Connie Bazan v. Nissan North America, Inc.

Order of Dismissal Complainant withdrew complaint

#### 2. 10-0072 CAF - J. T. Dersner, Inc. v. PACCAR, INC. and Caterpillar Inc.

Order of Dismissal

Complainant withdrew complaint

#### 3. 10-0164 CAF - Jose A Olvera v. Chrysler Group LLC

Settlement Order

Respondents offered Complainant a cash settlement

#### 4. 10-0184 CAF - Robert Korman v Jaguar Cars

Settlement Order

Respondents offered Complainant a cash settlement

- 10-0186 CAF A.A.E. Manufacturing Company, Inc. v. Ford Motor Company Order of Dismissal Complainant withdrew complaint
- 10-0248 CAF La Trenda S. Taylor v. Chrysler Group LLC Settlement Order Respondent issued an extended service contract to Complainant
- 5. RESOLUTIONS for INDIVIDUAL CONSIDERATION
  - A. PROPOSED RULES UNDER TITLE 43, TEXAS ADMINISTRATIVE CODE
    - Chapter 217 Vehicle Titles and Registration Mike Craig
      Subchapter B. Motor Vehicle Registration Amendments
      §217.22, Motor Vehicle Registration
      §217.28, Specialty License Plates, Symbols, Tabs and Other
      Devices
      §217.40; Marketing of Specialty License Plates through a Private
      Vendor
  - B. CONSIDERATION OF FRANCHISE PROPOSAL FOR DECISION UNDER OCCUPATIONS CODE CHAPTER 2301 Brett Bray

10-0013 LIC - Walkabout RV, LLC, Complainant v. Forest River, Inc., Respondent

Repurchase of inventory after termination: Occ Code 2301.465 ALJ recommends repurchase

- C. CONSIDERATION OF WARRANTY PERFORMANCE PROPOSALS FOR DECISION UNDER OCCUPATIONS CODE CHAPTER 2301 Brett Bray
  - **10-0135 CAF** Cletus Smith v Lexus a Division of Toyota Motor Sales Inc. ALJ recommends dismissal of complaint
- D. CONSIDERATION OF ENFORCEMENT MOTIONS FOR DISPOSITION BASED ON DEFAULT UNDER OCCUPATIONS CODE CHAPTER 2301 Brett Bray
  - 1. 10-0240 ENF Ballard's Freedom RV LLC., Ballard's Freedom RV Alleged violations:

Misuse of old style buyer temporary tag: Transp. Code 503.063 and TAC 215.139 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)

Failure to provide satisfactory and reasonable evidence that Respondent is actively engaged in business as a motor vehicle dealer: Transp Code 503.038(a)(8) and 43 TAC 215.141(a)(14)

Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d) 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: \$10,000.00 penalty, cease and desist violations, opposition of new or renewal applications until penalty is paid

### 2. 10-0630 ENF - Republic Enterprises Inc., DBA Republic Enterprises Inc. Alleged violations:

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)

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, Transp Code 503.038(a)(14)

Recommended sanction: \$4,000.00 penalty, cease and desist violations, opposition of new or renewal applications until penalty is paid

### 3. 10-0709 ENF - Glen James Parker, DBA Rocking P. Auto Sales Alleged violations:

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)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Recommended sanction: \$3,000.00 penalty, cease and desist violations, opposition of new or renewal applications until penalty is paid

#### 6. 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.

The Texas Department of Motor Vehicles includes the following divisions that were formerly in TxDOT: Motor Vehicle ("MVD"), Vehicle Titles and Registration ("VTR"), the personnel of Motor Carrier ("MCD") who administer Transportation Code, Chapters 642, 643, 645, and 646, and Automobile Burglary and Theft Prevention Authority ("ABTPA").

The term TxDMV refers to Texas Department of Motor Vehicles. The term TxDOT refers to the Texas Department of Transportation.

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

Pursuant to Section 30.06, Penal Code (the trespass 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 Gail Anderson by telephone at (512) 416-4899.

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

CERTIFYING OFFICIAL: Brett Bray, General Counsel, (512) 416-4899.