AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
125 EAST 11TH STREET
AUSTIN, TEXAS 78701
JUNE 10, 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**

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. 10-0095 ENF - D J & J Investments Inc., DBA Darryl's Cars
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)
Sold or offered to sell a motor vehicle at an unlicensed location: Occ 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136, Transp Code 503.038(a)(14)
$500.00 and attend a Dealer Training Seminar.

2. 10-0114 ENF - Jose Mario Torres, DBA Mario Auto Sales
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)
$1,000.00

3. 10-0175 ENF - Guadalupe Garcia, DBA Guero's Auto Sales
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 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
$3,500.00 and attend a Dealer Training Seminar.

4. 10-0202 ENF - Don Low, DBA Don Lows Travel Trailer Sales
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 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 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)
$1,250.00 and attend a Dealer Training Seminar.

5. 10-0226 ENF - Komoto Power Sports LLC, DBA Komoto Power Sports LLC
Sold or offered to sell a motor vehicle at an unlicensed location: Occ 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.

6. 10-0372 ENF - Jose G. Garza, DBA DFW Auto Sales
Sold or offered to sell a motor vehicle at an unlicensed location: Occ 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136, Transp Code 503.038(a)(14)
$500.00

7. 10-0390 ENF - Sohrab Ahmadi, DBA SL Auto

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 have business hours posted at the dealer's location: Transp. Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
$1,000.00 and attend a Dealer Training Seminar.

8. **10-0403 ENF - Peace Power Sports Inc., DBA Peace Power Sports Inc.**
Brokering – aided and abetted the unlicensed sale of a motor vehicle: Occ Code 2301.252 and 2301.351
$500.00

9. **10-0497 ENF - Choice Automodeals Inc., DBA Choice Automodeals Inc.**
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 meet premises requirement(s): Transp. Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
$500.00 and attend a Dealer Training Seminar.

10. **10-0532 ENF - Bryant Morrell/Phillip Bowman, DBA Back Country Auto Group**
Sold or offered to sell a motor vehicle at an unlicensed location: Occ 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136, Transp Code 503.038(a)(14)
$500.00

11. **10-0535 ENF - Holiday Motors, LLC, DBA Holiday Motors, LLC**
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
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 maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d)
$1,000.00 and attend a Dealer Training Seminar.

12. **10-0637 ENF - Tracy Peters, James Philip Adams, DBA Popabilly Motors**
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)
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 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
$5,500.00

13. **10-0738 ENF - Kazem Shamshiri, DBA Max Auto Group**

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 maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d)
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)
$2,500.00

14. 10-0739 ENF - Wallace Lundgren Chevrolet Buick GMC Inc., DBA Luling Chevrolet Buick GMC
Sold or offered to sell a motor vehicle at an unlicensed location: Occ 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136, Transp Code 503.038(a)(14)
$2,500.00 and attend a Dealer Training Seminar.

15. 10-0771 ENF - NcNatt Sanger Inc., DBA Luttrull McNatt Chevrolet
Misuse of old style buyer supplemental temporary tag: Transp Code 503.063(g), 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 and attend a Dealer Training Seminar.

16. 10-0778 ENF - Monroe Motorcars Inc., DBA Monroe Motorcars Inc.
Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d)
Failure to produce records with (15) days: 43 TAC 215.144(c), 215.141(a)(3)(B)
Defrauded purchaser: Occ Code 2301.651(a)(6)
$500.00

17. 10-0832 ENF - Sergio Salinas, DBA Salinas Auto Sales
Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d)
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 allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$2,000.00 and attend a Dealer Training Seminar.

18. 10-0835 ENF - McKinnon Yamaha LLC, DBA McKinnon Yamaha LLC
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)
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)
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$2,500.00 and attend a Dealer Training Seminar.

19. **10-0850 ENF - Temple Mac Haik Dodge LTD, DBA Mac Haik Dodge Chrysler Jeep**
    Featured a savings clause: 43 TAC 215.263(b)
    Featured a price not available to all buyers: 43 TAC 215.250(a),(e)
    $4,000.00

20. **10-0877 ENF - Zachary J. Shelly, DBA Zack's Auto Sales**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    Failure to inventory separated from another dealer's inventories housed at the same physical location: Transp. Code 503.032 and 43 TAC 215.140
    $500.00

21. **10-0924 ENF - Finnegan Auto, LP, DBA Finnegan Chevrolet Buick Pontiac GMC Cadillac**
    Brokering – aided and abetted the unlicensed sale of a motor vehicle: Occ Code 2301.252 and 2301.351
    Falsified or forged tax or title document: Transp Code 503.038(a)(1)
    $2,500.00

22. **10-0942 ENF - Chuck Davis Chevrolet Inc., Davis Chevrolet Geo**
    Brokering – aided and abetted the unlicensed sale of a motor vehicle: Occ Code 2301.252 and 2301.351
    Filed a false title and tax document with a false statement: Transp Code 503.038(a)(2)
    $2,000.00

23. **10-0949 ENF - James McNeal, DBA Precision Automotive & Transmission**
    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

24. **10-0952 ENF - David Self Ford Lincoln Mercury Inc., DBA David Self Ford Lincoln Mercury**
    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

25. **10-0953 ENF - William M. Broughton, DBA Broughton's Used Cars**
    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

26. **10-0957 ENF - Humberto Padilla Rocha, DBA Garcia Motor's**
    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)
Filed a false title and tax document with a false statement: Transp Code 503.038(a)(2)
$2,000.00

27. 10-0958 ENF - Xexes Inc., DBA Texas Toys
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)
$1,000.00 and attend a Dealer Training Seminar.

28. 10-0960 ENF - Villa Faras Inc., DBA Lacho Ayala Motors
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)
Falsified or forged tax or title document: Transp Code 503.038(a)(1)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
$3,000.00 and attend a Dealer Training Seminar.

29. 10-0982 ENF - 786 Motors Inc., DBA 786 Motoring
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)
License is cancelled. Cease and Desist from engaging in the business of a motor vehicle dealer and two (2) year opposition to any new or renewal applications for license.

30. 10-0988 ENF - Taizhou Chuanling Motorcycle Manufacturing Co. LTD., DBA Taizhou Chuanling Motorcycle Manufacturing Co. LTD.
License manufacturer sold to non franchised dealer: Occ Code 2301.351
Cease and Desist

31. 10-1009 ENF - Luis Rodriguez, Lidia Rodriguez, DBA LL Rodriguez Car Sales
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)
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)
$3,000.00 and attend a Dealer Training Seminar.

32. 10-1024 ENF - Cowboy Holdings LLC., DBA Cowboy Trailer Sales
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 fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$5,000.00

33. 10-1068 ENF - Santos Israel Blanco, DBA Blanco Auto Sales
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. 10-1096 ENF - Otwell Enterprises Inc., DBA Otwell Enterprises Inc.
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)
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.

35. 10-1100 ENF - Ricky G. Cawthon, Randy L. Cawthon, DBA Circle C. Sales
Failure to take assignment of title: Transp Code 503.038(a)(3)
Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Occ. Code 2301.251, 2301.252, Transp Code 503.038(a)(14)
$1,000.00

36. 10-1155 ENF - Neil Bufkin, DBA L & N 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
$250.00 and attend a Dealer Training Seminar.

B. CONSIDERATION OF ENFORCEMENT NOTICE OF VIOLATION CITATION AGREED ORDERS UNDER OCCUPATIONS CODE, CHAPTER 2301

1. 10-0588 ENF - Carmen Lopez, DBA Car Finders
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
No metal dealer plate record: 43 TAC 215.139(i) or (j)
Failure to maintain complete records: 43 TAC 215.141(a)(23), 215.144(a),(d)
$250.00

2. 10-1033 ENF - Jet Bird LTD, DBA Cowboy Kia of Conroe
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

3. 10-1045 ENF - Craig Blankenburg, DBA CMC Auto Sales
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

4. 10-1049 ENF - Frank J. Rodriguez Jr., Arnold H. Montes Jr., Richard A. Hartman, DBA Auto Tex

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

5. **10-1121 ENF - James Blackburn, DBA Blackburn's Used Cars**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

6. **10-1122 ENF - Troy Ware, DBA Troy's Auto Sales**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

7. **10-1136 ENF - Carlos Hinojosa, DBA Hinojosa 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: 43 TAC 215.141(a)(23), 215.144(a),(d)
$200.00

8. **10-1137 ENF - FTL Automotive Group, LLC, DBA FTL Automotive Group, LLC**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
No metal dealer plate record: 43 TAC 215.139(i) or (j)
$200.00

9. **10-1157 ENF - Chapman Motors, Inc., DBA Chapman Motors**
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

10. **10-1162 ENF - Richard Allen, DBA Allen Motor Co.**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
No metal dealer plate record: 43 TAC 215.139(i) or (j)
$200.00

11. **10-1167 ENF - MKG Enterprises LLC., DBA Certified Auto Direct**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

12. **10-1206 ENF - Jessie Romero, DBA Park Place Auto**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

13. **10-1207 ENF - Martin Flores, DBA Gregory Motors**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

14. **10-1210 ENF - Star Touch Inc., DBA DAPS Stop N Shop**
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

15. **10-1211 ENF - Sami's Auto Sales, DBA Sami's Auto Sales**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

16. **10-1212 ENF - Luling Motor Works LLC, DBA Luling Motor Works LLC**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

17. **10-1219 ENF - Alfredo Chavez / Aurora Aragon, DBA Tejano Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

18. **10-1220 ENF - Manuel R. Molinar, DBA Auto Shack**
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

19. **10-1221 ENF - Bertha A. Carrera, DBA Economy Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

20. **10-1222 ENF - Smith and Dormandy Inc., DBA B & B Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

21. **10-1223 ENF - Drive Autos LLC, DBA Drive Autos LLC**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

22. **10-1224 ENF - Hubbard Pre-Owned LTD, DBA Hubbard Pre-Owned**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

23. **10-1250 ENF - Freddie Juarez / Ramon Juarez, DBA Juarez 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 take assignment of title: Transp Code 503.038(a)(3)
$250.00

C. CONSIDERATION OF ENFORCEMENT DISMISSAL ORDERS UNDER OCCUPATIONS CODE, CHAPTER 2301

1. **10-0156 ENF - Ramirez Chrysler Jeep Dodge Inc., DBA Ramirez Chrysler Jeep Dodge Inc.**

Complaint withdrawn

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

1. 10-0085 CAF - Who Is Guy Grand LLC v. Ford Motor Company
Order of Dismissal
Complainant failed to appear at the scheduled hearing

2. 10-0093 CAF - Frank R. Vidal v. Land Rover North America, Inc.
Order of Dismissal
Complainant failed to move forward on the complaint

3. 10-0125 CAF - William J. Sullivan v. Paccar, Inc. and Caterpillar Inc.
Settlement Order
Respondents settled the complaint with the Complainant

4. 10-0132 CAF - Vince Williams and Melba Williams v. Volkswagen of America, Inc.
Settlement Order
Respondent repaired the vehicle

5. 10-0143 CAF - John W. Olivarez v. General Motors LLC
Settlement Order
Respondent issued an extended service contract to Complainant

6. 10-0159 CAF - Joseph Bramlett v. Saturn Corporation
Settlement Order
Respondent issued an extended service contract to Complainant

E. CONSIDERATION OF FRANCHISE CASE DISMISSAL ORDERS UNDER OCCUPATIONS CODE CHAPTER 2301

1. 10-0011 LIC - Rodriguez Ford Mercury, Inc., Protestant and Cardenas Ford-Mercury, Inc., Intervenor v. Ford Motor Company, Respondent
Alleged Violations: §§2301.359, 2301.360 and 2301.458
Protest withdrawn without prejudice

2. 10-0016 LIC - Bay City Ford Lincoln Mercury, LP, Complainant v. Ford Motor Company, Respondent
Alleged Violations: §§2301.453, 2301.455
Motion to Dismiss

3. 10-0024 LIC - Bob Brock Ford, Inc. d/b/a Bob Brock Ford-Lincoln-Mercury-Nissan, Protestant v. Nissan North America, Inc., Respondent

Alleged Violations: §§2301.453, 2301.455
Agreed Motion to Dismiss

5. RESOLUTIONS for INDIVIDUAL CONSIDERATION

A. ADOPTION OF RULES UNDER TITLE 43, TEXAS ADMINISTRATIVE CODE

1. Public Comment – Receive oral comment on proposed rules.

2. Chapter 217 – Vehicle Titles and Registration – **Brett Bray, Mike Craig**
   Subchapter B. Motor Vehicle Registration – Amendments
   §217.21, Definitions
   §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

3. Chapter 215 – Motor Vehicle Division – **Brett Bray**
   Subchapter I – Practice and Procedures for Hearings Conducted by the State Office of Administrative Hearings – Amendments
   §215.312, Discovery
   §215.314, Cease and Desist Orders
   §215.315, Statutory Stay

B. CONSIDERATION OF ENFORCEMENT MOTIONS FOR DISPOSITION BASED ON DEFAULT UNDER OCCUPATIONS CODE CHAPTER 2301 – Brett Bray

1. 10-0371 ENF - Wyly Franklin Sims, DBA Carl Sims & Sons
Alleged violations:
Misuse of old style buyer temporary tag: Transp. Code 503.063 and TAC 215.139
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)
Proposed Sanction: $5,500 Penalty, Cease and Desist, 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.