AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
200 EAST RIVERSIDE, BUILDING 150, ROOM 1.B1
AUSTIN, TEXAS 78704
THURSDAY, AUGUST 11, 2011
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

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, §2301.204 (Warranty Performance Complaints)

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

3. RESOLUTIONS for INDIVIDUAL CONSIDERATION - RULES and CONTESTED CASES

Proposed Rules under Title 43, Texas Administrative Code

A. Chapter 207, Public Information - Randy Elliston

Subchapter A. Access to Official Records

§207.2, Definitions
§207.3, Public Access
§207.4, Cost of Copies of Official Records
§207.5, Electronic Access to Department Records

B. Chapter 209. Finance - Linda Flores

Subchapter B. Payment of Fees for Department Goods and Services

§209.23, Methods of Payment
§209.24, Exceptions

C. Chapter 217, Vehicle Titles and Registration - Randy Elliston

1. Insurance Company Claims

§217.9, Insurance Company Claims
§217.63, Application for Non-repairable or Salvage Vehicle Title

2. New Subchapter F. Motor Vehicle Record Information

4. COMMITTEE BRIEFINGS AND ACTION ITEMS

A. FY 2012 MOU between TxDOT and TxDMV - Ed Serna

B. Approval of the Recommended FY 2012 Operating Budget - Linda Flores

C. Appointment of an Advisory Committee for Motor Vehicles Policies and Procedures - Victor Vandergriff

5. BRIEFINGS, DISCUSSION and POSSIBLE ACTION

ADMINISTRATIVE UPDATES

A. Chair Reports - Victor Vandergriff

Report on TxDMV-related activities involving the Chairman or identified by him as noteworthy, which may include activities involving:

- stakeholders
- advisory committees
- industry
- media
- Governor's office
- legislative
- intergovernmental relations
- strategic planning
- budget
- audit

B. Committee Reports - Committee Members (Including designated staff)

- Motor Carrier Oversize/Overweight Transition Advisory Committee

C. Executive Director Reports - Ed Serna (Including designated staff)

Report on TxDMV-related activities identified by the Executive Director as noteworthy, which may include reports on:

- monthly financial statement
- agency operations
- media
- equipment
- personnel
- intergovernmental relations
- TxDMV Automated System Project update
- results of survey of employee engagement
- FY 2012 Motor Carrier MOU between TxDOT and TxDMV

D. Organizational Assessment - Laura Ryan

6. 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.

a. Discussion relating to the appointment, employment, evaluation, reassignment, and duties of the Internal Auditor.
b. Discussion relating to the duties of department personnel, in consideration of the Organizational Assessment.

7. ACTION ITEMS FROM EXECUTIVE SESSION

8. ADJOURNMENT

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

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

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

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than 2 days in advance, so that appropriate arrangements can be made. Contact Gail Anderson by telephone at (512) 467-3853.

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) 467-3853

Board of the Texas Department of Motor Vehicles
Attached List A
August 11, 2011
Agenda Items 2.A. - E.
Consent Orders

2. CONSENT AGENDA

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

1. 10-0523 ENF - Weatherford Cycles, Inc., DBA Family Powersports
Failure to observe right of way: 43 TAC 215.140(11)(c)
Failure to allow purchaser to select county for registration:
Transp Code 501.0234(d),(e)
$1,000.00 and attend a Dealer Training Seminar

2. 10-0530 ENF - Marks Transport Inc., DBA Champion Toyota, Champion Toyota Gulf Freeway
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 and attend a Dealer Training Seminar

3. 10-0742 ENF - Manjit Singh, DBA Harris Motors
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$500.00

4. 10-1242 ENF - Allen Samuels Dodge Inc., DBA Allen Samuels Dodge Chrysler Jeep
Featured a price not available to all buyers: 43 TAC 215.250(a) and (e)
$2,000.00

5. 10-1387 ENF - M & P Motors Inc., DBA M & P Motors Inc.
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Cease & desist

6. 10-1436 ENF - Enrique Perez, DBA West Auto Sales
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$200.00

7. 10-1480 ENF - Yasamin Afshar, DBA Enterprise Car Connection
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Attend a Dealer Training Seminar

8. 10-1649 ENF - Michael Chad Almon, DBA Victory Motorsports
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$500.00

9. 10-1656 ENF - Ryan Thomas McKesson, DBA North Texas Autosports

Failure to maintain complete records: 43 TAC 215.144(a)
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
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

10. 11-0132 ENF - Albert Chitanda, DBA S & C 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)
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 display license: 43 TAC 215.140(14)
Failure to provide satisfactory and reasonable evidence of regularly and actively engaged in business as a motor vehicle dealer: Transp Code 503.038(a)(9), 43 TAC 215.141(a)(14)
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)
Misrepresentation in an application or other document filed with the agency: Transp Code 503.038(a)(6) and 43 TAC 215.141(a)(19)
$1,000.00 and attend a Dealer Training Seminar

11. 11-0248 ENF - Charlotte Falkner, DBA Longhorn 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 215.144(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)
$2,000.00

12. 11-0254 ENF - Alfred Yanez Jr., DBA Al Yanez Motor 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
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

13. 11-0257 ENF - Billy L. Sawyer, DBA Billy Boy's Fine Cars
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 215.144(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)

$1,000.00 and attend a Dealer Training Seminar

14. **11-0314 ENF - Maria De Los Angelos Bernal & Alfonso Bernal, DBA Bernal's 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)
    $1,500.00 and attend a Dealer Training Seminar

15. **11-0315 ENF - Auto Expo LLC., DBA Auto 2950**
    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
    $250.00 and attend a Dealer Training Seminar

16. **11-0331 ENF - Louis L. Costello Jr., DBA Costellos Auto Sales**
    Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
    Failure to timely transfer title and pay sales tax: Transp Code 501.0234
    Failure to maintain complete records: 43 TAC 215.144(a)
    Filed a false title and tax document: Transp Code 503.038(a)(2)
    $1,000.00 and attend a Dealer Training Seminar

17. **11-0392 ENF - Santos R. Ventura, DBA Salvacaster Auto Sales**
    Filed a false title and tax document: Transp Code 503.038(a)(2)
    Failure to timely transfer title and pay sales tax: Transp Code 501.0234
    $1,000.00

18. **11-0400 ENF - Deborah A. Taylor/David E. Head, DBA Heads Auto Sales**
    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)
    Attend a Dealer Training Seminar

19. **11-0477 ENF - Callahan Motor Company, LLC., DBA Callahan Motor Company, LLC**
    Failure to maintain complete records: 43 TAC 215.144(a)
    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)
    $750.00

20. **11-0514 ENF - TODVT Limited Partnership, DBA Toyota of Dallas**
    Sold or offered to sell motor vehicles on consecutive Saturday and Sunday:

Transp Code 728.002 (2 counts)
$1,000.00 and attend a Dealer Training Seminar

21. 11-0524 ENF - Milton F. Alfaro, DBA C & M 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
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: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$1,000.00

22. 11-0530 ENF - Iftekhar Ahmed, DBA Shaz Auto Enterprise
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
$4,000.00 and attend a Dealer Training Seminar

23. 11-0540 ENF - Gilberto Garcia, DBA Triple Seven 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
$500.00 and attend a Dealer Training Seminar

24. 11-0559 ENF - Central Texas Car Deals, LLC., DBA Central Texas Car Deals, LLC
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Attend a Dealer Training Seminar

25. 11-0582 ENF - Ricardo A. Zesati, DBA Transportation Equipment Sales
Failure to maintain complete records: 43 TAC 215.144(a)
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$1,000.00

26. 11-0588 ENF - Greg Coyne, DBA Deals on Wheels
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$1,000.00 and attend a Dealer Training Seminar

27. 11-0589 ENF - Hoda J. Alameddine, DBA Protech Auto Sales
Misuse of dealer's metal plate on a salvage vehicle: Transp Code 503.038 and 43 TAC 215.138(b)
Failure to maintain complete records: 43 TAC 215.144(a)
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. 11-0594 ENF - Austintatious Autos Inc., DBA Austintatious Autos
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$750.00 and attend a Dealer Training Seminar

29. 11-0600 ENF - Orr Motors of Greenville Inc., DBA Nissan of Greenville
Failure to fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7)
$750.00

29. 11-0608 ENF - Tolbirt, Inc., DBA Assure Auto Rental and Sales
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to allow purchaser to select county for registration:
Transp Code 501.0234(d),(e)
$500.00 and attend a Dealer Training Seminar

30. 11-0648 ENF - FIL-AM Motors Inc., DBA Orly's Auto Sales
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to allow purchaser to select county for registration:
Transp Code 501.0234(d),(e)
$500.00 and attend a Dealer Training Seminar

31. 11-0651 ENF - Leander Trux-N-Karz Inc., DBA Leander Trux-N-Karz 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 timely transfer title and pay sales tax: Transp Code 501.0234
$500.00 and attend a Dealer Training Seminar

32. 11-0659 ENF - Go Autogroup LLC., DBA Go Autogroup LLC
Failure to maintain complete records: 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

Board of the Texas Department of Motor Vehicles
Attached List A
August 11, 2011
Agenda Items 2.A. - E.
Consent Orders

33. 11-0734 ENF - Nabeelco Enterprises, LLC., DBA Houston Direct Auto
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
$500.00 and attend a Dealer Training Seminar

34. 11-0743 ENF - MSMTBR, Inc., DBA MSMTBR Inc.
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
$500.00 and attend a Dealer Training Seminar

35. 11-0768 ENF - Youghall Enterprises Inc., DBA Professional Ambulance Sales & Service
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)
$250.00 and attend a Dealer Training Seminar

36. 11-0777 ENF - Keven Lee Stephens, DBA Integrity Automotive
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)
$500.00 and attend a Dealer Training Seminar

37. 11-0782 ENF - Fuller Tractor Company, DBA Fuller Tractor Company
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to maintain complete records by manufacturer, distributor or converter: 43 TAC 215.115
Delivered MCO directly to retail buyer: Transp Code 501.0234
$1,000.00 and attend a Dealer Training Seminar

38. 11-0795 ENF - Boyd Bastrop Two LLC., DBA Benny Boyd Bastrop Chrysler Dodge Jeep
Advertised the amount of down payment in connection with a credit transaction without including the terms of repayment: 43 TAC 215.263
$3,000.00

39. 11-0835 ENF - Leif Johnson Ford II LTD, DBA Leif Johnson Truck City
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$250.00 and attend a Dealer Training Seminar

40. 11-0840 ENF - Billy W. Wooten Dr., DBA Wooten Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failed to issue the buyer a receipt for the temporary buyers tag:
Transp Code 503.0632 and 43 TAC 215.156
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
$250.00 and attend a Dealer Training Seminar

41. 11-0844 ENF - Magna Auto Sales, LLC., DBA Cabana Motors
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
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
$500.00 and attend a Dealer Training Seminar

42. 11-0851 ENF - Santos Auto Sales Inc., DBA Santos Auto Sale
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Misuse of dealer's metal plate: Transp Code 503.038(a)(5) and
43 TAC 215.141(a)(10)
Misuse of old style buyer temporary tag: Transp Code 503.063 and TAC 215.139
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
$1,500.00 and license is cancelled.

43. 11-0884 ENF - Center Auto Sales LLC., DBA Center Auto Sales LLC
Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code
2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136
$500.00 and attend a Dealer Training Seminar

44. 11-0886 ENF - Don Herring Enterprises LTD, DBA Don Herring Irving Mitsubishi
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
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
$300.00 and attend a Dealer Training Seminar

45. 11-0887 ENF - Joann McMinn, DBA Grandview Sales & Service
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
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)
$8,500.00 and attend a Dealer Training Seminar

46. 11-0900 ENF - William Burl Woolard, DBA Burl's Used Cars
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

47. 11-0904 ENF - Ozan Motor Company Inc., DBA Crane Lincoln Mercury Inc.
Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14);

43 TAC 215.140(1)(B)
License is cancelled

48. 11-0906 ENF - Ams Vans, Inc., DBA Ams Vans, Inc.
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

49. 11-0910 ENF - Timothy Thompson, DBA Bobs 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 maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
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)
$750.00 and attend a Dealer Training Seminar

50. 11-0914 ENF - Mark Alexander, DBA A & W Motor Company
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

51. 11-0932 ENF - James C. Lam, DBA Lam's Austin 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)
License is cancelled

52. 11-0935 ENF - Ethelbert Odo, DBA Cow Neck Group Auto
Failure to meet premises requirement(s): 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)
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)
$1,000.00 and attend a Dealer Training Seminar

53. 11-0936 ENF - 4984 Classic LTD, DBA Classic Dodge, Chrysler, Jeep
Featured a price for a new motor vehicle which includes a trade-in amount range deducted: 43 TAC 215.250(a)(e)
$2,000.00

54. 11-0994 ENF - No Limit Motors Inc., DBA No Limit Motors Inc.

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

55. 11-0987 ENF - Robert A. Westfall, DBA Westfall Auto Sales
Aided and abetted the unlicensed sale of a motor vehicle: Occ Code 2301.351
Permitted the use of its GDN or the location for which the GDN was issued for the purpose of avoiding the requirements of Chapter 503: Transp Code 503.038(a)(14)
Failure to provide proper written authority to its agent or representatives: Transp Code 503.038(a)(14), 43 TAC 215.148
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Falsified or forged tax or title document: Transp Code 503.038(a)(1)
$1,750.00

56. 11-1056 A N Auto Sales Inc., DBA A N Auto Sales Inc.
Sold or offered to sell motor vehicles on consecutive Saturday and Sunday: Transp Code 728.002
Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14)
$500.00 and attend a Dealer Training Seminar

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

1. 11-0869 ENF - Ambrosio L. Brito Jr., DBA Brito Motor's
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 maintain complete records: 43 TAC 215.144(a)
Failure to take assignment of title: Transp Code 503.038(a)(3)
Misuse of dealer's metal plate: Transp Code 503.038(a)(5) and 43 TAC 215.141(a)(10)
$500.00

2. 11-0984 ENF - Tommy Yorkman, DBA Legacy Motor Co.,
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

3. 11-1014 ENF - William L. Loveless, DBA Payless Auto Sales
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

4. 11-1017 ENF - Vasquez Auto Sales, DBA Vasquez Auto Sales
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14

$50.00

5. **11-1058 ENF - Colt Chevrolet Buick Inc., DBA Colt Chevrolet GM**
   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 215.144(a)
   $250.00

6. **11-1059 ENF - Karen A. Newby, DBA Budget Auto Sales**
   Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
   $100.00

7. **11-1119 ENF - Torresdey Motors Corp, DBA Torresday Motors Corp.**
   Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
   $50.00

8. **11-1120 ENF - Tri-United Auto Center, Inc., DBA Tri-United Auto Center**
   Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
   $50.00

9. **11-1122 ENF - Juan M. Chairez, DBA KB Motors**
   Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
   $50.00

10. **11-1123 ENF - Ricardo Olague, DBA Ricky's Auto Center**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    Failure to maintain complete records: 43 TAC 215.144(a)
    $150.00

11. **11-1124 ENF - Dynamic Motors Inc., DBA Dynamic Motors Inc.**
    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

12. **11-1125 ENF - Abbi E. Chieu, DBA El Paso 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
    $150.00

13. **11-1126 ENF - Enrigue Bayona, DBA Chaparral Motors**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    Failure to maintain complete records: 43 TAC 215.144(a)
    $150.00

14. **11-1128 ENF - Eduardo Reyes, DBA Fairway Motors**

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

15. 11-1140 ENF - South Point Hyundai Inc., DBA South Point Hyundai Inc.
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)
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$250.00

16. 11-1146 ENF - Jessica Sequra, DBA Mr. 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
Failure to maintain complete records: 43 TAC 215.144(a)
$250.00

17. 11-1147 ENF - Joe Candebaria, DBA Rose-N-Jo'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

18. 11-1148 ENF - Viscount Properties II LP, DBA Hoy-Fox Toyota
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Failure to maintain complete records: 43 TAC 215.144(a)
$150.00

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

1. 10-1671 ENF - Forza Motorcars LTD, DBA Forza Motorcars LTD

2. 11-0074 ENF - Facundo Marin, DBA F & D Auto Sales

3. 11-0309 ENF - John Crow Pontiac GMC Truck Inc., DBA John Crow Pontiac Buick GMC Inc.

4. 11-0479 ENF - Chesnut Enterprises, Inc., DBA Select Choice RV Center

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

1. 10-0214 CAF - SCS Equipment Inc., v. Ford Motor Company and Caterpillar Inc.,
Settlement Order
Parties have settled

2. 10-0215 CAF - SCS Equipment Inc., v. Ford Motor Company and Caterpillar Inc.,
Settlement Order
Parties have settled

Board of the Texas Department of Motor Vehicles
Attached List A
August 11, 2011
Agenda Items 2.A. - E.
Consent Orders

3. **10-0253 CAF - Diana and Ernest Martinez v. General Motors LLC**
   Settlement Order
   Respondent offered an owner appreciation certificate

4. **11-0156 CAF - Aztec Trucking, Inc. v. Ford Motor Company**
   Order of Dismissal
   Complainant withdrew the complaint

5. **11-0171 CAF - Amanda Eiland-Hicks v. Chrysler Group LLC**
   Settlement Order
   Respondent replaced the vehicle

6. **11-0174 CAF - Linda Garland v. Ford Motor Company**
   Settlement Order
   Respondent issued an extended service contract for the vehicle

7. **11-0179 CAF - BP Supply Inc v. Ford Motor Company**
   Settlement Order
   Respondent issued an extended service contract for the vehicle

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

1. **11-0017 LIC - Frank Albert Herzik, d/b/a Texotic Motorsports, Applicant v. RSJ Trading, LLC, d/b/a Harwin Power Sports, Protestant**
   Protest Withdrawn