AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
JOHN H. REAGAN BUILDING
105 WEST 15TH STREET, ROOM 120
AUSTIN, TEXAS 78701
THURSDAY, NOVEMBER 10, 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 - 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. Docket No. 09-0034 LIC - Star Houston, Inc. d/b/a Star Motor Cars v. Mercedes-Benz USA LLC; Star Motor Cars' Interim Appeal of SOAH ALJ's rulings on Motions to Abate and to Consolidate
Docket No. 11-0003 LIC - Star Houston, Inc. d/b/a Star Motor Cars, Protestant, v. Mercedes-Benz USA, LLC, Respondent

4. RESOLUTIONS for INDIVIDUAL CONSIDERATION - RULES
Proposal of Rules under Title 43, Texas Administrative Code

A. Chapter 206, Management - Brett Bray
Subchapter E. Advisory Committees
§206.91 - §206.94

B. Chapter 209, Finance - Linda Flores
Subchapter C. Donations and Contributions
§209.31 - §209.34

C. Chapter 215, Motor Vehicle Distribution - Bill Harbeson
Subchapter H. Advertising
§215.270, Enforcement

D. Chapter 217, Vehicles Titles and Registration - Randy Elliston
New Subchapter G. Inspections
§217.101 - §217.102

5. BRIEFINGS and ACTION ITEMS

A. Approval for Specialty Plate Designs - Randy Elliston

1. Sons of Confederate Veterans
2. Buffalo Soldiers
3. Calvary Hill
4. Keller High School

B. Advisory Committee Updates

- Oversize/Overweight Advisory Committee Report - Johnny Walker and Aline Aucoin
- SB 529 Special Advisory Committee Report - Molly Cost

C. Briefing and Possible Approval of FY 2012 Motor Carrier MOU between TxDOT and TxDMV - Brett Bray

D. Briefing and Possible Action Item on TxDMV Automation Systems Project: Sourcing, Procurement and Other Assistance - Victor Vandergriff and Dawn Heikkila

E. Chair Reports - Victor Vandergriff
Report on TxDMV-related activities involving the Chairman or identified by him as noteworthy, which may include activities involving:

- executive search services RFP
- business process analysis
- organizational assessment update and Board workshop
- vice chair election - December meeting
- stakeholders
- advisory committees
- industry
- media
- Governor's office
- legislative
- intergovernmental relations
- strategic planning

- budget
- audit

F. Interim Executive Director Reports - Linda Flores
(Including designated staff)
Report on TxDMV-related activities identified as noteworthy, which may include reports on:

- monthly financial summary - Linda Flores
- TxDMV automated system project update
- agency operations
- media
- equipment
- personnel
- intergovernmental relations

6. EXECUTIVE SESSION

A. 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.

B. Section 551.074 - Personnel matters.
Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.

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
November 10, 2011
Agenda Item 2. A. - E.
Consent Orders

2. CONSENT AGENDA

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

1. 10-1188 ENF - Basm Inc., DBA Bellaire Auto Mall
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)
Failure to have written consignment agreement: 43 TAC 215.144(g)
$500.00 and attend a Dealer Training Seminar.

2. 10-1289 ENF - James Samuel Binkley, DBA JSB Autobahn
Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136
$250.00 and attend a Dealer Training Seminar.

3. 10-1380 ENF - Victor O. Nava, DBA V & M Auto Sales
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$500.00

4. 11-0141 ENF - Peace Power Sports Inc., DBA Peace Power Sports, Inc.
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)
$500.00 and attend a Dealer Training Seminar.

5. 11-0146 ENF - Kutz-N, Inc., DBA Courtesy Nissan
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

6. 11-0387 ENF - Rigoberto Garcia-Duarte, DBA Star Auto Group
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
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)
$250.00 and attend a Dealer Training Seminar.

7. 11-0494 ENF - San Fernando Motors Inc., DBA San Fernando Motors Inc.
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)

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Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14), Tax Code 152.0411 and 43 TAC 215.141(a)(23)
$250.00 and attend a Dealer Training Seminar.

8. **11-0521 ENF - Love Chrysler Inc., DBA Love Chrysler Jeep**
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

9. **11-0551 ENF - TW Ford Wholesale Outlet Inc., DBA T.W. Ford Auto Sales**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Misuse of a metal dealer plate on a service or work vehicle: Transp Code 503.068
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$500.00 and attend a Dealer Training Seminar.

10. **11-0628 ENF - Austintatious Autos Inc., DBA Austintatious Autos**
Advertised the amount of down payment in connection with a credit transaction without including the terms of repayment: 43 TAC 215.263
$2,000.00

11. **11-0746 ENF - Maury's Motors Inc., DBA Maury's Motors Inc.**
Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)
Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136
$250.00

12. **11-0761 ENF - Brett Layne Anderson, DBA Anderson Auto Group**
Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154
Sold 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
License is cancelled

13. **11-0853 ENF - Jesica M. Aleman, DBA Austin Used Auto Parts Dealer**
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 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)
Filed an application for Texas Certificate of Title containing false or fraudulent lien information: Transp Code 503.038(a)(2)
Falsified or forged tax or title document: Transp Code 503.038(a)(1)
$2,000.00 and attend a Dealer Training Seminar.

14. **11-0964 ENF - Justin Lynn / Colton Lynn / Jeffrey Lynn, DBA JL 86 Auto Sales**
Failed to issue the buyer a receipt for the temporary buyers tag: Transp Code 503.0632 and 43 TAC 215.156
Failure to produce records within (15) days: 43 TAC 215.144(d) and 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 215.141(a)(23)
$500.00 and attend a Dealer Training Seminar.

15. **11-1062 ENF - Manuel Auto Group LTD, DBA Manuel Hyundai, Manuel Suzuki, West Loop Hyundai**
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)
$250.00

16. **11-1088 ENF - McNairy Enterprises Inc., DBA Captain Mac's Marine**
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.

17. **11-1127 ENF - Tractor Supply Co., of Texas, LP, DBA Tractor Supply Company**
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Delivered MCO directly to retail buyer: Transp Code 501.0234
$1,000.00 and attend a Dealer Training Seminar.

18. **11-1151 ENF - Texas Principal Investments LLC, DBA Texas Principal Investments**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)

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

19. 11-1188 ENF - Danny R. Thomas, DBA DRT 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)
Attend a Dealer Training Seminar.

20. 11-1199 ENF - National Auto Credit LLC., DBA National Auto Credit LLC
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.

21. 11-1204 ENF - 74 Auto Liquidators Inc., DBA Collins Truck Sales
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7)
$750.00 and attend a Dealer Training Seminar.

22. 11-1206 ENF - T H F C Corporation, DBA Hi-Tech Automotive
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$500.00 and attend a Dealer Training Seminar.

23. 11-1216 ENF - Aurangzeb Sharfuddin, DBA Texans Autos
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Filed a false title and tax document: Transp Code 503.038(a)(2)
$500.00 and attend a Dealer Training Seminar.

24. 11-1275 ENF - Francisco J. Gallegos, DBA M & J Auto Sales
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 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 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
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152

License is cancelled

25. 11-1295 ENF - Gregory Sendejas, DBA City Auto Salvage
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)
$500.00 and attend a Dealer Training Seminar.

26. 11-1311 ENF - Michael P. Sullivan, DBA M & 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
Failed to complete a buyer's temporary tag in the required manner: Transp Code 503.063 and 43 TAC 215.138(b)
Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14)
$350.00

27. 11-1313 ENF - Don Davis Nissan Inc., DBA Don Davis Nissan Inc.
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$250.00

28. 11-1315 ENF - Bravo Development Company, DBA Bowden Ford Lincoln Mercury Company
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Cease and desist

29. 11-1329 ENF - C3PL Inc., DBA High Five Cycles
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Cease and desist

30. 11-1330 ENF - Norris Wilson Ables, DBA Ables Auto Service
Failed to attend a Dealer Training Seminar in compliance with a Final Order: Occ Code 2301.651(a)(3)
$375.00

31. 11-1340 ENF - Fiesta Chevrolet Inc., DBA Fiesta Chevrolet
Failed to complete a buyer's temporary tag in the required manner: Transp Code 503.063 and 43 TAC 215.138(b)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$750.00 and attend a Dealer Training Seminar.

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32. 11-1360 ENF - Alma L. Quintero, DBA J & Q Motors
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
$250.00 and attend a Dealer Training Seminar.

33. 11-1373 ENF - Thomas C. Kahle/Ellen Melinda Brock, DBA Cash Wholesale Vehicles
Aided and abetted the unlicensed sale of a motor vehicle by allowing the use of its GDN number: Occ Code 2301.351
$750.00

34. 11-1393 ENF - Eastland Auto Sales Inc., DBA Russell's Auto Sales
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)
$250.00 and attend a Dealer Training Seminar.

35. 11-1399 ENF - Unlimited Powersports, Inc., DBA Unlimited PowerSports, 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)
$250.00 and attend a Dealer Training Seminar.

36. 11-1430 ENF - Auto 4 Less LP, DBA Auto 4 Less
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

37. 11-1435 ENF - Tom Benson Chevrolet Company Inc., DBA Benson Isuzu, Tom Benson Chevrolet
Failed to issue a disclosure statement in a format approved by the Motor Vehicle Division: Occ Code 2301.610 and 2301.651 (b)(3) and 43 TAC 107.10(4)
$500.00

38. 11-1441 ENF - First Choice Auto Sales Inc., DBA First Choice Auto Sales Inc.
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.

39. 11-1458 ENF - Excess Auto Plex LLC, DBA Excess Auto Plex
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
$250.00 and attend a Dealer Training Seminar.

40. 11-1516 ENF - Angel Velarde, DBA Xtreme Auto Solutions
Filed a false title and tax document: Transp Code 503.038(a)(2)
Filed an application for Texas Certificate of Title containing false or fraudulent lien information: Transp Code 503.038(a)(2)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$750.00

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

1. 11-1361 ENF - Discount Auto Sales, DBA Discount Auto Sales
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

2. 11-1362 ENF - American Pre-owned Auto Sales LLC, DBA American Pre-owned Auto Sales
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 $50.00

3. 11-1363 ENF - SJ Auto Brokers Inc., DBA SJ Auto Brokers
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

4. 11-1364 ENF - Glasscock Chevrolet Inc., DBA Glasscock Chevrolet Inc.
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

5. 11-1365 ENF - Angelo Auto Partners LLC, DBA Car Town Hyundai
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

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6. **11-1368 ENF - Jose Sergio Jimenez, DBA Jay 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
   Failure to take assignment of title: Transp Code 503.038(a)(3)
   $500.00

7. **11-1369 ENF - Jose Alberto Tapia, DBA South Texas Auto Center**
   Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
   $100.00

8. **11-1370 ENF - Donicio Cuevas, DBA Cuevas Auto Sales**
   Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
   $300.00

9. **11-1371 ENF - Martha Bepolla, DBA Cardenas Auto Plex**
   Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
   $100.00

10. **11-1372 ENF - Martha Bepolla, DBA Cardenas Auto Plex**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    $50.00

11. **11-1375 ENF - EZ Used Cars Inc., DBA EZ Used Cars**
    Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
    $100.00

12. **11-1411 ENF - Advantage Auto Sales of Wichita Falls, DBA Ronald James Rittenhouse**
    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

13. **11-1446 ENF - Luis Valerio, DBA Valerios Auto Sales**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    Failure to remove out of state license plates from a vehicle purchased by dealer: Transp Code 503.070 and 43 TAC 215.141(a)(9)
    $100.00

14. **11-1474 ENF - Eduardo Sanchez, DBA Edward's Used Auto Sales Inc.**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    $50.00

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15. **11-1476 ENF - Martin Flores, DBA Gregory Motors**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    Misuse of temporary dealer tag(s): Transp Code 503.038(a)(12):43 TAC 215.141(a)(10)
    $150.00

16. **11-1480 ENF - Bet-el Motors, DBA Bet-el Motors**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    $50.00

17. **11-1481 ENF - Michael Alan Young, DBA Texas Car Company**
    Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
    $50.00

18. **11-1483 ENF - Kamali Mohammad Ahmadi, DBA Discount Auto**
    Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
    $100.00

19. **11-1484 ENF - Seyed Saleh Nahidi, Austin Import Connection**
    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

20. **11-1486 ENF - Chavero's Auto Mart LLC, DBA Chavero's Auto Mart**
    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

21. **11-1491 ENF - Graciano Castanon, DBA Castanon 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

22. **11-1493 ENF - Rita Salinas, DBA West Pointe 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

23. **11-1498 ENF - Ana Marie Castillo, DBA Castillo Motors**
    Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)

$100.00

24. 11-1501 ENF - Guadalupe P. Sosa, DBA Sosa's Used Cars
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

25. 11-1502 ENF - Okechukwo Desmond Amadi, DBA Amex 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

26. 12-0005 ENF - Saul Espinoza, DBA G&S Auto Center
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

27. 12-0015 ENF - University Auto Sales Inc., DBA University Auto Sales Inc.
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$150.00

28. 12-0026 ENF - Sylvia Reyna, DBA Auto C & R
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

29. 12-0028 ENF - Roberto Leal, Jr., DBA Roberto'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

30. 12-0038 ENF - Bruce Lee Ingram, DBA Ingram Autoplex
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

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

1. 11-0163 ENF - Texas Auto Liquidators LLC., DBA Texas Auto Liquidators LLC

2. 12-0084 ENF - West Auto Sales Inc., DBA West Auto Sales Inc.

Board of the Texas Department of Motor Vehicles
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D. Consideration of Settlement and Dismissal Orders under Occupations Code, §2301.204 (Warranty Performance Complaints)

1. 11-0121 CAF - Andrew D. Shadoian v. Harley-Davidson, Inc.
Settlement Order
Complaint was resolved by trade assist

2. 11-0225 CAF - Brian Talley v. Chrysler Group LLC, Inc
Settlement Order
Complainant accepted a cash settlement

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

1. 11-0018 LIC - Texas Motor Sports, Inc., d/b/a Texas Power Sports, Applicant v. Pasando Resources, Inc., d/b/aTexas Star Trading, Protestant

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3. RESOLUTIONS for INDIVIDUAL CONSIDERATION - CONTESTED CASES

A. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code Chapter 2301

1. 10-0316 ENF - HRK Group, Inc., DBA Ultimate Auto Group

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
Misuse of old style buyer temporary tag: Transp Code 503.063 and TAC 215.139
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)
Proposed Sanction: $2,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

2. 10-0348 ENF - Dr. Zeke's Auto Sales, DBA Dr. Zeke's Auto Sales

Made a material misrepresentation on information provided to the Board: Transp Code 503.038(a)(6) and Occ Code 2301.651(a)(2)
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
Misuse of old style buyer temporary tag: Transp Code 503.063 and TAC 215.139
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: $3,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

3. 10-0444 ENF - Herbert Lee, DBA L & L Auto Sales

Misuse of old style buyer temporary tag: Transp Code 503.063 and TAC 215.139
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)
Proposed Sanction: $1,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

4. 10-0830 ENF - Recreation Live, LLC, DBA Recreation Live, LLC

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 produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Proposed Sanction: $8,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

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5. **10-1322 ENF - Stephen A. Ojukwu, DBA Nations Auto Sales**
   Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)
   Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
   Proposed Sanction: $2,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

6. **10-1433 ENF - Lopez Auto Sales, DBA Lopez 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
   Engaged in business as a dealer, directly or indirectly, including consignment without a General Distinguishing Number: Transp Code 503.021
   Proposed Sanction: $6,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

7. **10-1465 ENF - Shahryar Karimi, DBA Investment Solutions**
   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 maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
   Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
   Proposed Sanction: $5,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

8. **10-1684 ENF - Laura Rodriguez, DBA Texas Auto Financial**
   Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
   Misuse of dealer's metal plates: Transp Code 503.068 and TAC 215.138(b)
   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)
   Failure to display license: 43 TAC 215.140(14)
   Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
   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 fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7)
   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

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
Proposed Sanction: $4,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

9. 10-1728 ENF - Classic Americana, LLC, DBA Corvettes of Dallas
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Failure to have written consignment agreement: 43 TAC 215.144(g)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: $4,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

10. 11-0205 ENF - Eluid Gonzalez / Rosalinda Gonzalez, DBA Southwest Auto Finance
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)
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: $1,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

11. 11-0291 ENF - Arturo L. Garcia Jr., DBA Garcia's 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)
Filed a false title and tax document: Transp Code 503.038(a)(2)
Filed a false title and tax document: Transp Code 503.038(a)(2)
Failure to timely file Motor Vehicle Inventory Declaration reporting sales: Transp Code 503.038(a)(10) and Tax Code 23.121
Failure to timely file Motor Vehicle Inventory Tax statements: Transp Code 503.038(a)(10) and Tax Code 23.122
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: $2,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

12. 11-0292 ENF - Karen Baghaei, DBA Arkadia 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 notify of change of address or telephone number: 43 TAC 215.141(a)(6)
Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
Failure to 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 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 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 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 make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)
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)
Proposed Sanction: License is revoked. $8,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

13. 11-0425 ENF - Juan Moralez, DBA Moralez Auto Sales
Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)
Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)
Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136
Proposed Sanction: $2,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

14. 11-0488 ENF - USA Cars, DBA USA Cars
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)
Filed a false title and tax document: Transp Code 503.038(a)(2)
Operated as a lessor or lease facilitator without the appropriate license: Occ Code 2301.251, 2301.252 or 2301.253
Defrauded purchaser: Occ Code 2301.651(a)(6)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: License is revoked.

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15. 11-0509 ENF - Mario Gonzalez, DBA Mario's Used Cars and Detail
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 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)
Proposed Sanction: License is revoked.

16. 11-0705 ENF - Joseph Adam Jobe, DBA East Bound Motors
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)
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
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
Proposed Sanction: $7,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

17. 11-0749 ENF - Joe Cardell Inc., DBA Big Auto Trader
Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)
Failure to display license: 43 TAC 215.140(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)
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
Proposed Sanction: License is revoked. $8,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

18. 11-0762 ENF - Eduardo Estrada, DBA West Coast Auto Group
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
Failed to provide written notice of repaired or replaced odometer: Occ Code 2301.651(a)(4)
Proposed Sanction: $3,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

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19. 11-0820 ENF - Willis Jordan, DBA Autobahn Car Rental & 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 notify of change of address or telephone number: 43 TAC 215.141(a)(6)
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 timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: License is revoked. $1,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

20. 11-0923 ENF - McKinney Autoplex LLC., DBA McKinney Autoplex
Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)
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 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 timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: License is revoked. $4,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

21. 11-0929 ENF - Sargent's Auto Salvage Inc., DBA Sargent'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)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: License is revoked. $3,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

22. 11-1028 ENF - North American Capital Imports LLC, DBA North American Capital Imports
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 notify of change of address or telephone number: 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 produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)
Failure to timely pay lien on a motor vehicle traded in: Finance Code 348.408(c), Occ Code 2301.651(a)(4)
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
Proposed Sanction: License is revoked. $8,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

23. 11-1043 ENF - Kenneth Lyons, DBA Lazy "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
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failed to discharge a lien within 10 days of final payment: Transp Code 501.115(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: License is revoked. $8,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

24. 11-1065 ENF - Thomas McKague, DBA Professional Liquidation Services
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
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 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 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 by licensed dealer or auction: 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)

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Filed a false title and tax document: Transp Code 503.038(a)(2)
Filed a false title and tax document: Transp Code 503.038(a)(2)
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
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
Proposed Sanction: License is revoked. $10,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.