AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
200 EAST RIVERSIDE, BUILDING 150, ROOM 1.B1
AUSTIN, TEXAS 78704
WEDNESDAY, OCTOBER 12, 2011 - 1:00 P.M.
THURSDAY, OCTOBER 13, 2011 - 9:00 A.M.

The meeting of October 12 will begin at 1:00 p.m. The meeting of October 13 will begin at 9:00 a.m. and will continue with agenda items, including any unfinished business from the previous day. 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.

I. CALL TO ORDER

A. Roll Call and Establishment of Quorum

B. Introduction of Board Member Raymond Palacios

C. Public Comment

II. BRIEFING, DISCUSSION and POSSIBLE ACTION ITEMS

A. Organizational Assessment - Laura Ryan

1. Briefing and Possible Action Items on Strategic Planning, Board Governance, and Performance Measurements

2. Briefing and Discussion Regarding Next Steps in the Consideration and Implementation of the Organizational Assessment

Possible discussion items include but are not limited to:

- Organizational Assessment findings and improvement priorities
- Start date and details of Board/Staff Strategic Planning, and
- Possible Board/Division Director Specially Called Meeting to Consider Organizational Assessment

B. Briefing and Possible Action Items on the TxDMV Automation Project Components

TxDMV Automated System Project Update - Gary Gordier

- Technology Replacement and Upgrades for the Counties
- Known Enhancements to Existing Systems (KEES) Project
- Business Process Analysis – Gartner Group

C. Executive Search Services RFP Update – Laura Ryan, Victor Rodriquez

D. Enforcement Penalty Schedule Presentation - Bill Harbeson

E. Advisory Committee Updates

- Oversize/Overweight Advisory Committee Report - Johnny Walker
- SB 529 Special Advisory Committee – Molly Cost, Laura Ryan, Blake Ingram
- Appointment and Organization of Motor Vehicle Standing Advisory Committees – Victor Vandergriff

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

G. 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

H. 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
- agency operations
- media
- equipment
- personnel
- intergovernmental relations
- Texas Department of Criminal Justice Contract - Ann Pierce
- FY 2012 Operations MOU between TxDMV and TxDOT
- Reorganization and Coordination of Governmental Affairs and Communications – Jeremiah Kuntz

III. CONSENT AGENDA - Bill Harbeson (see attached itemized list A)

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

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

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

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

IV. RESOLUTIONS for INDIVIDUAL CONSIDERATION - RULES and CONTESTED CASES

A. Adoption of Rules under Title 43, Texas Administrative Code

1. Chapter 209. Finance - Linda Flores
Subchapter B. Payment of Fees for Department Goods and Services
§209.23, Methods of Payment
§209.24, Exceptions

2. Chapter 217, Vehicle Titles and Registration - Randy Elliston
Insurance Company Claims
§217.9, Insurance Company Claims
§217.63, Application for Non-repairable or Salvage Vehicle Title

B. Proposal of Rules under Title 43, Texas Administrative Code

1. Chapter 217, Vehicle Titles and Registration - Randy Elliston
Disaster Area Registration
§217.3, Motor Vehicle Certificates of Title
§217.22, Motor Vehicle Registration
Withdrawal and Reproposal of
New Subchapter F. Motor Vehicle Record Information

2. Chapter 217, Vehicle Titles and Registration - Bill Harbeson
Subchapter E, Salvage Vehicle Dealers
§217.81, Denial, Suspension or Revocation

C. Consideration of Warranty Performance Proposals For Decision Under Occupations Code Chapter 2301 - Mark Gladney

1. 11-0140 CAF - Majed E. Ganim v. BMW of North America, LLC
ALJ recommends dismissal

2. 11-0160 CAF - Scott Specht v. Volkswagen of America, Inc
ALJ recommends dismissal

D. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code Chapter 2301 - Bill Harbeson
(see attached itemized list B)

V. 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.

VI. ACTION ITEMS FROM EXECUTIVE SESSION

VII. 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
October 12-13, 2011
Agenda Item III. A. - D.
Consent Orders

III. CONSENT AGENDA

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

1. 10-0300 ENF - Drive In Auto Inc., DBA Drive In Auto Inc.
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
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 and attend a Dealer Training Seminar.

2. 10-0558 ENF - Michael D. Staley, DBA The Park Place
Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$2,500.00 and attend a Dealer Training Seminar.

3. 10-0777 ENF - Martin Martinez, DBA Martinez Business 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)
Failure to assign certificates of title for vehicles sold: Transp Code 503.038(a)(4)
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)
$1,500.00 and attend a Dealer Training Seminar.

4. 10-0814 ENF - Lidia G. Martinez, DBA Eli-Lydias Auto Sales
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Attend a Dealer Training Seminar.

5. 10-0808 ENF - Golf Cars of Houston, LP, DBA Golf Cars of Houston Superstore
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
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)
$3,000.00 and attend a Dealer Training Seminar.

6. 10-0904 ENF - Jill Samuels, DBA Capital Auto Group
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 a false title and tax document: Transp Code 503.038(a)(2) – 2 counts
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$3,000.00 and attend a Dealer Training Seminar.

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7. **10-1101 ENF - Carlos Oliva, DBA Auto Motor Imports**
   Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
   Misuse of old style buyer temporary tag: Transp Code 503.063 and TAC 215.139
   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 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)
   $1,500.00 and attend a Dealer Training Seminar.

8. **10-1237 ENF - Finnegan Chrysler Jeep South LP,**
   DBA Finnegan Chrysler Jeep Dodge
   Advertised the period of repayment, 72 months, in connection with 0% APR financing without including the amount or percentage of down payment and the terms of repayment: 43 TAC 215.263
   $500.00 and attend a Dealer Training Seminar.

9. **10-1270 ENF - Gillaspia Investment Group Inc., DBA Texas Truck Sales**
   Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
   $500.00 and attend a Dealer Training Seminar.

10. **10-1397 ENF - MG Mega Motors, Inc., DBA Mega Motor's**
    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 have business hours posted at the dealer's location: Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
    $500.00 and attend a Dealer Training Seminar.

11. **10-1424 ENF - PBR Inc., DBA Buckner-Chariot 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)
    $500.00 and attend a Dealer Training Seminar.

12. **10-1430 ENF - Alvin Autoland Inc., DBA Ron Carter Autoland**
    Misuse of buyers supplemental temporary E-tag: Transp Code 503.063(g), 43 TAC 215.151, 215.152, 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10),(11)
    Failure to timely transfer title and pay sales tax: Transp Code 501.0234
    Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)
    $6,000.00 and attend a Dealer Training Seminar.

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13. **11-0166 ENF - Olemus Complete Fleet LLC, DBA Olemus Complete Fleet LLC**
    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
    Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)
    Filed a false title and tax document: Transp Code 503.038(a)(2) – 2 counts
    Failure to timely transfer title and pay sales tax: Transp Code 501.0234
    $2,250.00 and attend a Dealer Training Seminar.

14. **11-0241 ENF - Bullseye Motors Inc., DBA Bullseye Motors Inc.**
    Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
    Attend a Dealer Training Seminar.

15. **11-0258 ENF - Kenneth Hoppenrath, DBA Suburban Motors**
    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)
    Failure to timely transfer title and pay sales tax: Transp Code 501.0234
    Oppose any new or renewal application for a period of 2 years.

16. **11-0329 ENF - Pristine Motors LLC., DBA Pristine Motors LLC**
    Failure to timely transfer title and pay sales tax: Transp Code 501.0234
    Cease and Desist

17. **11-0354 ENF - Texas Southway Motors Inc., DBA Texas Southway Motors 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

18. **11-0401 ENF - Best Drive Auto, Inc., DBA Best Drive 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)
    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
    $1,000.00

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19. 11-0417 ENF - Emma E. Vidal, DBA Mi Vale 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)
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)
$2,500.00 and attend a Dealer Training Seminar.

20. 11-0610 ENF - Cornerstone Motor Company, DBA Cornerstone Motor Company
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 timely transfer title to out of state purchaser: 43 TAC 215.144(f)
$800.00

21. 11-0643 ENF - Cuarzo Co Inc., DBA Super Auto Plus
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$250.00

22. 11-0767 ENF - Javier Pinzon Gutierrez, DBA Global Auto Sales
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)
$1,750.00 and attend a Dealer Training Seminar.

23. 11-0830 ENF - Paul J. Flaman, DBA Clearwater Auto Exchange
Failure to keep a dealer's plate log: TAC 215.138(d)
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)
$500.00

24. 11-0834 ENF - 3J Operations Inc., DBA Austin Autos Online
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 display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
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 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.

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25. 11-0857 ENF - Austin Dodge LTD, DBA South Point Dodge
Failure to observe right of way: 43 TAC 215.140(11)(c)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$1,000.00

26. 11-0861 ENF - Johnson Brothers Ford II LTD, DBA Johnson Brothers Ford
Failure to fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7)
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
$1,000.00 and attend a Dealer Training Seminar.

27. 11-0879 ENF - A-1 Contracting Inc., DBA A-1 Investments
Aided and abetted the unlicensed sale of a motor vehicle: Occ Code 2301.351
Aided and abetted the unlicensed sale of a motor vehicle by allowing the use of its GDN number: Occ Code 2301.351
$750.00 and attend a Dealer Training Seminar.

28. 11-0880 ENF - A Fountainwood, LLC, DBA Integrity Auto
Defrauded purchaser: Occ Code 2301.651(a)(6)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
$1,000.00

29. 11-0899 ENF - JDJS Auto Center Inc., DBA JDJS Auto Center Inc.
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$250.00 and attend a Dealer Training Seminar.

30. 11-0916 ENF - Aztec Chevrolet LLC, DBA Aztec Chevrolet LLC
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)
$500.00 and attend a Dealer Training Seminar.

31. 11-0926 ENF - Hutchens Innovative Partners, LLC,
DBA Lone Star Emergency Vehicles
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.

32. 11-1036 ENF - Richard W. McDaniel, DBA Diamond D Motor Company
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 dealer or a bona fide employee present during posted business hours: Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B)
Failure to maintain complete records 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
$1,750.00 and attend a Dealer Training Seminar.

33. 11-1042 ENF - Powell Watson Motors Inc., DBA Toyota of Laredo
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$250.00 and attend a Dealer Training Seminar.

34. 11-1044 ENF - South Point Hyundai, Inc., DBA South Point Hyundai
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.

35. 11-1047 ENF - Jimmy D. King, DBA Home Town RV's
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.

36. 11-1068 ENF - Texstar RV & Trailers Inc., DBA Texstar RV & Trailers Inc.
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
$500.00 and attend a Dealer Training Seminar.

37. 11-1074 ENF - American Speed Inc., DBA Mancuso Harley-Davidson
Defrauded purchaser: Occ Code 2301.651(a)(6)
$500.00

38. 11-1086 ENF - ARPR Incorporated, DBA ARPR Brokerage
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)
$250.00 and attend a Dealer Training Seminar.

39. 11-1094 ENF - Virginia Roman Wilder/Orlando Olivares, DBA Vicky's Auto Sales
Failed to complete a buyer's temporary tag in the required manner: Transp Code 503.063 and 43 TAC 215.138(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)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$1,000.00 and attend a Dealer Training Seminar.

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40. 11-1101 ENF - Fenton Motors of Pampa Inc., DBA Fenton Ford Lincoln Mercury
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
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$500.00 and attend a Dealer Training Seminar.

41. 11-1108 ENF - Texas Direct Auto Credit LLC, DBA Texas Direct Auto Credit 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)
$250.00 and attend a Dealer Training Seminar.

42. 11-1110 ENF - Syed S. Zaidi, DBA Razco
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)
$250.00 and attend a Dealer Training Seminar.

43. 11-1112 ENF - Texas Repo & Consignment LLC,
DBA Texas Repo & Consignment LLC
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)
$250.00

44. 11-1117 ENF - Reid Blakeman & Associates Inc.,
DBA Reid Blakeman & Associates 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.

45. 11-1164 ENF - San Diego Auto Sales Co., DBA San Diego Auto Sales Co.
Failed to provide written notice of repaired or replaced odometer: Occ Code 2301.651(a)(4)
$500.00 and attend a Dealer Training Seminar.

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46. 11-1193 ENF - Homer Rodriguez Auto Center Inc.,
DBA Homer Rodriguez Auto Center 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
$500.00 and attend a Dealer Training Seminar.

47. 11-1194 ENF - Nasser Rezaee, DBA Galazy 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
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
$350.00

48. 11-1211 ENF - Gerardo R. Pena, DBA G & D Auto Sales
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
Attend a Dealer Training Seminar.

49. 11-1234 ENF - RML Waxahachie Ford, LLC, DBA Waxahachie Ford Mercury
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.

50. 11-1235 ENF - RML Waxahachie Dodge, LLC.,
DBA Waxahachie Dodge Chrysler Jeep
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$250.00 and attend a Dealer Training Seminar.

51. 11-1246 ENF - Eddie Yaklin Ford Lincoln Mercury LTD,
DBA Eddie Yaklin Ford Lincoln Mercury LTD
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)
$4,000.00

52. 11-1253 ENF - Jack Eaton Motors Inc., DBA Jack Eaton 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 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.

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53. 11-1271 ENF - New World Car Imports San Antonio Inc., DBA World Car Kia
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.

54. 11-1296 ENF - Bert Ogden Chevrolet Inc., DBA Bert Ogden Cadillac, Bert Odgen Hummer
Defrauded purchaser: Occ Code 2301.651(a)(6)
$500.00 and attend a Dealer Training Seminar.

55. 11-1297 ENF - Tom Benson Chevrolet Company Inc., DBA Tom Benson Chevrolet
Advertised a monthly payment in connection with a credit transaction without including the amount or percentage of the down payment, number of months to make repayment and annual percentage rate (APR): 43 TAC 215.263
$2,000.00

56. 11-1305 ENF - McKinney Automotive Company LP, DBA Honda Cars of McKinney
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 to out of state purchaser: 43 TAC 215.144(f)
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
$750.00 and attend a Dealer Training Seminar.

57. 11-1307 ENF - Mark Alexander, DBA A & W Motor Company
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$500.00

58. 11-1320 ENF - Guadalupe Garcia, DBA Guero's Auto Sales
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Cease & desist

59. 11-1322 ENF - Mega Motors Inc., DBA Mega Motors Inc.
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Cease & desist

Board of the Texas Department of Motor Vehicles
Attached List A
October 12-13, 2011
Agenda Item III. A. - D.
Consent Orders

60. 11-1331 ENF - San Antonio Roy Baker Motors Inc., DBA San Antonio Roy Baker Motors 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
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
$250.00 and attend a Dealer Training Seminar.

61. 11-1344 ENF - Hekmatollah Mohebpour, DBA LM 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)
Filed a false title and tax document: Transp Code 503.038(a)(2)
$500.00 and attend a Dealer Training Seminar.

62. 11-1351 ENF - Woolyd, Inc., DBA Aggieland Quality Preowned
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 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.

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

1. 11-0988 ENF - Kenneth W. Orr, DBA Al's Import Auto Sales

2. 11-1356 ENF - Leodegario Almaraz, DBA Almaraz Auto Sales

3. 11-1442 ENF - Bobby G. West, DBA West Motor Company

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

1. 11-0082 CAF - Elva Lee v. General Motors LLC
Settlement Order
Complainant accepted a cash settlement

2. 11-0148 CAF - Darla Leggett v. Gulf States Toyota, Inc
Settlement Order
Respondent has repaired the vehicle

3. 11-0185 CAF - Ricardo and Juanita E. Rodriguez v. Hyundai Motor America
Settlement Order
Respondent issuing a extended service contract

Board of the Texas Department of Motor Vehicles
Attached List A
October 12-13, 2011
Agenda Item III. A. - D.
Consent Orders

4. 11-0224 CAF - Kelly Craven v. Nissan North American, Inc
Order of Dismissal
Complainant no longer owns the vehicle

5. 11-0226 CAF - Larry G. Meachum v. Chrysler Group LLC
Order of Dismissal
Complainant no longer owns the vehicle

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

1. 10-0015 LIC - DAR Inc. d/b/a Funtime RV Sales, Protestant v. Open Range R.V. Company, Respondent

2. 10-0042 LIC - Houston Mack Sales & Service, Inc. d/b/a Houston Isuzu Truck, Inc., Applicant v. Hayes Leasing Company, Inc. d/b/a Hayes UD Trucks - Houston, Protestant and UD Trucks North America, Inc. Intervenor

3. 10-0046 LIC - Bayway Lincoln Mercury, Inc., Protestant v. Ford Motor Company, Respondent

4. 11-0016 LIC - KBLB-KEN, Ltd. d/b/a San Marcos Chrysler Dodge Jeep, San Marcos Jeep, Applicant v. Kahlig Enterprises, Inc. d/b/a Bluebonnet Motors, Protestant

Board of the Texas Department of Motor Vehicles
Attached List B
October 12-13, 2011
Agenda Item IV.D
Motions for Disposition Based on Default

IV. RESOLUTIONS for INDIVIDUAL CONSIDERATION - CONTESTED CASES

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

1. 10-1022 ENF - Roy Salinas, d/b/a Roy Salinas Auto Sales
Failure to pay motor vehicle sales tax: Tax Code 152.0411
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 217.41
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 by licensed dealer or auction: 43 TAC 215.144(a)
Failure to file Motor Vehicle Inventory Declaration; Tax Code §23.121
Failure to file Motor Vehicle Inventory Tax statement: Tax Code §23.122
Engaged in business without a GDN: Transp. Code 503.021
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)
Proposed Sanction: $9,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

2. 10-1761 ENF - John C. Fowler, DBA Fowler 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)
Filed a false title and tax document: Transp Code 503.038(a)(2)
Proposed Sanction: $2,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

3. 11-0265 ENF - Nelson Motors Investment Group LLC., DBA Hill Country Chevy
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 have written consignment agreement: 43 TAC 215.144(g)
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.

4. 11-0272 ENF - Monroe Motorcars Inc., DBA Monroe Motorcars Inc.
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)

Proposed Sanction: Licensed revoked. $4,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

5. 11-0313 ENF - Conrado Martinez, DBA Martinez Auto Sales #2
Failure to keep a dealer's plate log: TAC 215.138(d)
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 take assignment of title or MCO: Transp Code 503.038(a)(3) and 43 TAC 215.141(a)(13)
Failed to follow procedures and records requirements for the sale of a vehicle to be exported: 43 TAC 215.147
Proposed Sanction: $3,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

6. 11-0878 ENF - Division Auto Service, Inc., DBA Division Auto Sales
Misuse of buyers supplemental temporary E-tag: Transp Code 503.063(g), 43 TAC 215.151, 215.152, 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10),(11)
Misuse of a temporary tag on a vehicle without a valid certificate of inspection: 37 TAC 3.76(b), Occ Code 2301.651(a)(4), Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11)
Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)
Filed a false title and tax document: Transp Code 503.038(a)(2)
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
Proposed Sanction: License is revoked. $6,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

7. 11-0882 ENF - Stinson Auto Sales LLC, DBA Stinson Auto Sales
Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
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
Proposed Sanction: License is revoked. $3,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.