AGENDA BOARD MEETING

TEXAS DEPARTMENT OF MOTOR VEHICLES 200 EAST RIVERSIDE, BUILDING 150, ROOM 1B.1 AUSTIN, TEXAS 78704 THURSDAY, AUGUST 9, 2012 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, Section 2301.204 (Warranty Performance Complaints)

3. RESOLUTIONS for INDIVIDUAL CONSIDERATION - CONTESTED CASES

- A. Warranty Performance Proposals For Decision under
 Occupations Code Chapter 2301 Mark Gladney
 12-0097CAF Cathy and Lloyd Aldridge v. General Motors LLC
 ALJ recommends dismissal
- B. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code Chapter 2301 Bill Harbeson (see attached itemized list B)
- 4. RESOLUTIONS for INDIVIDUAL CONSIDERATION RULES
 Adoption of Rules under Title 43, Texas Administrative Code
 Chapter 217, Vehicles Titles and Registration Randy Elliston
 Sections 217.3 and 217.22

5. BRIEFINGS and ACTION ITEMS

- A. Board Committee Updates
 - Finance & Audit Committee Raymond Palacios
 - Projects & Operations Committee Johnny Walker

- B. Board Committee Appointments and Work Assignments Victor Vandergriff
- C. FY 2013 Internal Audit Annual Plan Bill Lawler
- D. Approval of Recommended FY 2013 Operating Budget Linda Flores
- E. Approval FY 2014-FY 2015 Legislative Appropriations Request & Exceptional Items Linda Flores
- F. Approval of Agency Web Design Contract Jeremiah Kuntz
- G. Monthly Financial Report Linda Flores
- H. FY2013 MOU between TxDOT & TxDMV Dawn Heikkila and Jennifer Soldano
- I. TxDMV Automation Project Dawn Heikkila
- J. Motor Carrier Division Briefing Ginny Booton, Jean Bohuslav, Angel Oliver, Carol Davis and John Poole
- K. Approval for Specialty Plate Designs Randy Elliston
 - 1. Delta Sigma Theta
 - 2. Texas DPS Troopers Foundation
 - 3. Trinity University
 - 4. Tyler Junior College Apache Belles
 - 5. University of North Texas
 - 6. University of Houston
 - 7. Vestas

6. 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:

- business process analysis
- organizational assessment update
- stakeholders
- board committees
- advisory committees
- industry
- media
- Governor's office
- legislative
- intergovernmental relations
- strategic planning
- budget
- audit
- rulemaking
- B. Executive Director Reports Whitney Brewster (Includes other designated staff)

Report on TxDMV-related activities identified as noteworthy, which may include reports on:

- Texas Department Criminal Justice Interagency Contract Dawn Heikkila
- Texas Department of Information Resources (Data Center Services)
 Interagency Contract Dawn Heikkila
- IT Initiatives Update Gary Gordier
- Facilities Update Dawn Heikkila

7. EXECUTIVE SESSION

- **A. Section 551.071 -** Consultation with and advice from legal counsel regarding:
 - 1. pending or contemplated litigation, a settlement offer;
 - 2. on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code, Chapter 551; or
 - 3. any item on this agenda.
- B. Section 551.074 Personnel matters.

Discussion relating to the appointment, employment, evaluation (including performance plan) and duties of the Executive Director and other personnel.

8. ACTION ITEMS FROM EXECUTIVE SESSION

9. 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 Stacy Steenken by telephone at (512) 302-2380.

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

CERTIFYING OFFICIAL: Linda Flores, Interim Executive Director, (512) 467-3883

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

1. 10-0619 ENF - East Texas Ford, Inc., DBA East Texas Ford, Inc.

Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3) 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)

Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14)

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

License number is closed, oppose new or renewal for 3 years and attend a Dealer Training Seminar.

2. 10-1710 ENF - Christian Ugwu, DBA Chimax Auto Sales

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 \$750.00 and attend a Dealer Training Seminar.

3. 11-0098 ENF - East Texas Ford Inc., DBA East Texas Ford Inc.

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)

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 number is closed, oppose new or renewal for 3 years and attend a Dealer Training Seminar.

4. 11-0119 ENF - Hassan Rahmanian, DBA Legend Auto

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

5. 11-0555 ENF - East Texas Ford Inc., DBA East Texas Ford Inc.

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

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 License number is closed, oppose new or renewal for 3 years and attend a Dealer Training Seminar.

6. 11-1075 ENF - Dathan L. Faulkner, DBA ABC Truck Sales

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 and attend a Dealer Training Seminar.

7. 11-1208 ENF - James Ryan Leach, DBA Leach Investments

Failure to have written consignment agreement: 43 TAC 215.144(g) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00

8. 11-1466 ENF - Nasrullah Juma, DBA Diviton Auto Group

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

9. 12-0061 ENF - Moore Realty Inc., DBA Moore 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 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) \$500.00

10. 12-0103 ENF - Triple R Auto Sales, Inc., DBA Triple R Auto Sales, 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 Attend a Dealer Training Seminar.

11. 12-0154 ENF - Texas Country Motors, Inc., DBA Texas Country 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 \$3,500.00 and attend a Dealer Training Seminar.

12. 12-0187 ENF - Discovery Auto Sales, LLC, DBA Discovery Auto Sales, LLC

Advertised the amount of down payment in connection with a credit transaction without including the terms of repayment: 43 TAC 215.263 \$1,000.00

13. 12-0207 ENF - Rollston - Banks LLC, DBA Car Biz

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

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

14. 12-0369 ENF - Silverstone Enterprise, Inc., DBA Silverstone Enterprise Inc Auto Sales

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 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) \$2,500.00

15. 12-0394 ENF - Jim Bass Ford Inc., DBA Jim Bass Nissan

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$250.00

16. 12-0451 ENF - Eduardo Guerra, DBA Guerra Auto Sales

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) \$250.00

17. 12-0474 ENF - Luna Car Center LLC, DBA Luna Car Center

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

18. 12-0491 ENF - Adonis Auto Group, Limited Liability Company, DBA Adonis Auto Group, Limited Liability Company

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

Sold or offered to sell motor vehicles on consecutive Saturday and Sunday: Transp Code 728.002

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

19. 12-0516 ENF - Hamdy Aboellhasan, DBA Budget Motor Company

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 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

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

20. 12-0690 ENF - Drive Autos LLC, DBA Drive Autos LLC

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

21. 12-0791 ENF - Exclusive Auto Gallery, LLC, DBA Barrett Auto Gallery

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 \$1,500.00

22. 12-0843 ENF - Dick Poe Motors LP, DBA Dick Poe Chrysler-Jeep

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Attend a Dealer Training Seminar.

23. 12-0894 ENF - Stacia L. Ftaiti, DBA Tunsy 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 timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.

24. 12-0895 ENF - AGL IV Enterprises Inc., DBA JR's Autoplex

Sold or offered to sell salvage vehicles without the proper license: Occ Code 2301.651(a)(3) and 43 TAC 217.72(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.

25. 12-0954 ENF - AGC Auto Sales Corporation, DBA AG Auto Sales

Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136 \$500.00 and attend a Dealer Training Seminar.

26. 12-0960 ENF - Port Lavaca Dodge Chrysler Jeep, Inc., DBA Port Lavaca Dodge Chrysler Jeep

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

27. 12-0970 ENF - Red McCombs Motors LTD, DBA Red McCombs Toyota

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$1,000.00

28. 12-1118 ENF - Rahman Investment Group, Inc., DBA Trucks & Cars For Less

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.

29. 12-1159 ENF - RML Waxahachie Dodge, LLC, DBA Waxahachie Dodge Chrysler Jeep

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 \$1,500.00

30. 12-1221 ENF - Moore Realty, Inc., DBA Moore Used Cars

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) 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.

31. 12-1228 ENF - Gardea, Inc., DBA Cars Plus

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

Attend a Dealer Training Seminar.

32. 12-1229 ENF - L L & H, Inc., DBA Auto Credit

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 Cease and desist

33. 12-1259 ENF - Randall Noe Hyundai LP, DBA Hyundai of Longview

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 \$2,500.00 and attend a Dealer Training Seminar.

34. 12-1265 ENF - Alejandro Rodriguez, DBA Capitol Auto Sales

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 Attend a Dealer Training Seminar.

35. 12-1272 ENF - P C Edwards, DBA Edwards Motor Company

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) \$250.00

36. 12-1337 ENF - Finn's Discount Auto, Inc., DBA Finn's Discount Auto, Inc.

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)
Failure to observe right of way: 43 TAC 215.140(11)(c)
\$500.00 and attend a Dealer Training Seminar.

37. 12-1450 ENF - Temple Mac Haik Dodge LTD, DBA Mac Haik Pre-Owned

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.

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

1. 12-1382 ENF - Deborah Fabiola Diaz, DBA Express Motors

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

2. 12-1386 ENF - Auto Facil Inc., DBA Auto Facil Inc.

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

3. 12-1393 ENF - Jesus Marroquin DBA Marroquin's Motors

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

4. 12-1407 ENF - Gilbert Garza Baron, DBA Associated Autos

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

5. 12-1408 ENF - John P. Hencerling, DBA Southwestern Sales

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

6. 12-1410 ENF - Caldwell Used Vehicles, LLC, DBA Periko Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
\$200.00

7. **12-1437 ENF - Don E. Thompson, DBA Thompson Motors**Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00

8. 12-1460 ENF - Roberto D. Perez, DBA Lone Star Auto Plex 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

- 9. 12-1472 ENF James Higdon, Simone Higdon, DBA Bullfrog Auto Sales Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00
- 10. 12-1474 ENF Motor Homes of Texas LLC, DBA Motor Homes of Texas Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$100.00
- 11. 12-1478 ENF Margarito Hernandez, Maria Hernandez, DBA Herdez 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
- **12. 12-1479 ENF Clarence W. Goud, Charles W. Goud, DBA Goud Chevrolet 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 \$150.00
- **13. 12-1480 ENF Ward Motor Co. Inc., DBA Ward Motor Co.**Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00
- **14. 12-1488 ENF Salvador Diaz, Gabriel Diaz, DBA Autos Morelia**Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00
- 15. 12-1515 ENF Rolando Arroyo, DBA Auto Corral Investments
 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
- 16. 12-1541 ENF Eduardo Dariel De Hoyos, DBA Rodaxa 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
- **17. 12-1542 ENF Laura N. De Hoyos, DBA Auto World Motors**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

- C. Consideration of Enforcement Dismissal Orders under Occupations Code, Chapter 2301
- 1. 10-1132 ENF Michael Pizzelanti, DBA Michael Pizzelanti Auto Sales
- 2. 10-1551 ENF Division Auto Service, Inc., DBA Division Auto Sales
- 3. 11-0218 ENF Lonnie R. Holt Jr., DBA Tri-Coast Automotive
- 4. 11-0219 ENF Eximport Cycles, Inc., DBA Eximport Cycles, Inc.
- 5. 12-1421 ENF McClain's RV Superstore North Dallas, Inc., DBA McClain's RV Superstore North Dallas, Inc.
- D. Consideration of Settlement and Dismissal Orders under Occupations Code, Section 2301.204 (Warranty Performance Complaints)
- 12-0055 CAF Katherine L. Elkins v. Kia Motors America, Inc. Order of Dismissal Complainant has failed to move forward
- 12-0069 CAF Karen Nemec and Gerry Batchelder v. Fleetwood RV, Inc. Settlement Order Vehicle has been repaired

Board of the Texas Department of Motor Vehicles Attached List B August 9, 2012 Agenda Item 3.B. Motions for Disposition Based on Default

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

1. 11-1134 ENF - West Coast Auto Group LLC, DBA West Coast 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

Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)

Filed a false title and tax document: Transp Code 503.038(a)(2)

Defrauded purchaser: Occ Code 2301.651(a)(6) Defrauded purchaser: Occ Code 2301.651(a)(6)

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: \$3,000.00 civil penalty

2. 11-1401 ENF - Ray Holguin Auto, LLC, DBA Royalty Auto Sales

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

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

Proposed Sanction: License is revoked

3. 12-0571 ENF - Shamrock RV LLC, DBA Shamrock RV LLC

Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3) Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14)

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

Proposed Sanction: \$3,000.00 civil penalty

4. 12-0709 ENF - Sami's Auto Sales. Inc., DBA Sami's Auto Sales. Inc.

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)

Failure to timely pay lien on a motor vehicle traded in: Finance Code 348.408(c), Occ Code 2301.651(a)(4)

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

Proposed Sanction: \$5,000.00 civil penalty