AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
200 EAST RIVERSIDE, BUILDING 150, ROOM 1.B1
AUSTIN, TEXAS 78704
THURSDAY, JANUARY 12, 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)

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

3. RESOLUTIONS for INDIVIDUAL CONSIDERATION-RULES AND CONTESTED CASES

A. Warranty Performance Proposal For Decision Under Occupations Code Chapter 2301 - Mark Gladney

1. 11-0187 - CAF - Brian Dunagan v. Nissan North America, Inc.
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)

C. Adoption of Rules under Title 43, Texas Administrative Code Chapter 217, Vehicle Titles and Registration - Bill Harbeson
Subchapter E., Salvage Vehicle Dealers
§217.81, Denial, Suspension or Revocation

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

1. New Chapter 219, Oversize and Overweight Vehicles and Loads - Aline Aucoin
Administrative Transfer of Oversize/Overweight Rules from TxDOT to TxDMV

4. BRIEFINGS and ACTION ITEMS

A. Review of Request for Information/Request for Offer Timeline on Automation Project - Dawn Heikkila

B. Action Items Arising from January 4, 2012 Workshop Meeting, relating to: Implementation of the Organizational Assessment, Business Process Analysis, and Governance of same, including:

- Board Governance
- Agency Governance
- Change Management
- Organizational Assessment findings and improvement priorities
- Business Process Analysis touch points with the Organizational Assessment
- Use of automation to support improvements and initiatives
- Timeline for implementation

C. Advisory Committee Updates

- Oversize/Overweight Advisory Committee Report - Johnny Walker and Aline Aucoin
- Advisory Committee on Motor Vehicle License Processing - Blake Ingram and Bill Harbeson

D. Approval of General Issue License Plate - Randy Elliston

E. License Plate Standards Update - Randy Elliston

5. BRIEFINGS, DISCUSSION and POSSIBLE ACTION

ADMINISTRATIVE UPDATES

A. Chair Reports - Victor Vandergriff

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

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

B. Interim Executive Director Reports (Including other designated staff) Report on TxDMV-related activities identified as noteworthy, which may Include reports on:

- preliminary draft of Strategic Structure - Linda Flores
- monthly financial report - Linda Flores
- end of fiscal year 2011 reports - Linda Flores

- TxDMV Automated System Project Update - Dawn Heikkila and Gary Gordier

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, and duties 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
January 12, 2012
Agenda Items 2.A. - E.
Consent Agenda

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

1. 10-0363 ENF - Fenton Motors of Dallas Inc., DBA Absolute Hyundai of Mesquite
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 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)
$3,000.00

2. 10-0685 ENF - Twin City Auto Kingdom LLC., DBA Twin City Auto Kingdom LLC
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Cease & desist

3. 10-1174 ENF - East Texas Dodge, Inc., DBA Allen Samuels East Texas Dodge
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)
$250.00

4. 10-1300 ENF - Taotao USA Inc., DBA Taotao USA Inc.
Failure to assign certificates of title for vehicles sold: Transp Code 503.038(a)(4)
Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)
$2,500.00

5. 10-1383 ENF - A Fountainwood, LLC, DBA Integrity Auto
Failure to maintain complete records by licensed dealer or auction: 43 TAC 15.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$1,000.00 and attend a Dealer Training Seminar

6. 10-1406 ENF - Glen Donald Blevins, DBA Sav-u-lot
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 15.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$1,000.00

7. 10-1613 ENF - Donald Showler, DBA Lone Star Motor Cars
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Cease & desist

8. 10-1770 ENF - Gabier Rodriguez, DBA First Class Auto Brokers
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
$500.00

9. **11-0561 ENF - Dabid Hidalgo Fierro, DBA Vision Auto'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
$250.00

10. **11-0658 ENF - Advanced Automotive Rental Systems Inc., DBA Miller's 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
Cease & desist

11. **11-0836 ENF - Circle T Motors Inc., DBA Circle T. Motors Inc.**
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)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$1,500.00 and attend a Dealer Training Seminar

12. **11-0874 ENF - Rene Castillo, DBA Auto Star Sales**
Misuse of temporary dealer tag(s): Transp Code 503.038(a)(12):43 TAC 215.141(a)(10)
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)
Failed to complete a buyer's temporary tag in the required manner: Transp Code 503.063 and 43 TAC 215.138(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 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)
Engaged in business as a dealer, directly or indirectly, including consignment without a General Distinguishing Number: Transp Code 503.021
$2,500.00 and attend a Dealer Training Seminar

13. **11-0905 ENF - Grace H. Castillo, DBA Mata 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)

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$1,000.00 and attend a Dealer Training Seminar

14. **11-1045 ENF - Killeen Imports LTD, DBA Dennis Eakin Jeep Eagle, Dennis Eakin Kia, Dennis Eakin Mazda**
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
$2,000.00 and attend a Dealer Training Seminar

15. **11-1064 ENF - Wayne Rentfro, DBA W E R Enterprises**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Failure to remain actively engaged in business as a motor vehicle dealer by failing to sell at least five (5) vehicles in a 12 month period: Transp Code 503.038(a)(9) and Tax Code 23.121
$500.00 and attend a Dealer Training Seminar

16. **11-1102 ENF - Painter Enterprises Inc., DBA Browning Auto Parts**
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 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)
$500.00

17. **11-1111 ENF - Hossein Shahkarami, DBA Auto Master**
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
Attend a Dealer Training Seminar

18. **11-1161 ENF - Numian Y McFarlane, DBA McFarlane Auto Sales**
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Attend a Dealer Training Seminar

19. **11-1324 ENF - Jesus Esteban Hernandez, DBA Hernandez Truck & Auto Sales**
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
$750.00

20. **11-1408 ENF - JoAnna Palacios, DBA Toyz-r-us Auto Sales**
Failure to comply with a Final Order: Occ Code 2301.651(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)
$1,000.00 and attend a Dealer Training Seminar

21. **11-1455 ENF - Johnson Brothers Ford II LTD, DBA Johnson Brothers Ford**
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)
$3,000.00

22. **11-1531 ENF - Motoreum LLC, DBA Motoreum 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
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$500.00 and attend a Dealer Training Seminar

23. **11-1538 ENF - Glen Chapman Inc., DBA Paris Honda Yamaha Harley - Davidson**
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
$250.00 and attend a Dealer Training Seminar

24. **12-0002 ENF - Austin Chevrolet Inc., DBA Munday Chevrolet**
Failed to post notice of owners' rights under the Lemon Law in the area where its customers usually pay for repairs: Occ Code 2301.613
$500.00

25. **12-0054 ENF - Albert Chitanda, DBA S & C Auto Sales**
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Cease & desist

26. **12-0063 ENF - Lake Travis Motor Company LLC, DBA Lake Travis Motor Company LLC**
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 is cancelled

27. **12-0072 ENF - Libette Felix, DBA G & F 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 timely transfer title and pay sales tax: Transp Code 501.0234
$500.00 and attend a Dealer Training Seminar

28. **12-0082 ENF - Davis Mountains Enterprises, LLC, DBA Big Bend Trailers**

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

29. 12-0089 ENF - Gillaspia Investment Group Inc., DBA Texas Truck Sales
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Attend a Dealer Training Seminar

30. 12-0090 ENF - Barsa Auto Inc., DBA Franklin 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 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

31. 12-0114 ENF - Justin Lynn/Colton Lynn/Jeffrey Lynn, DBA JL 86 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)
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 produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)
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
License is cancelled

32. 12-0148 ENF - Mike Palmer, DBA C & M Trailers
Aided and abetted the unlicensed sale of a motor vehicle: Occ Code 2301.351
$1,000.00

33. 12-0149 ENF - Steven G. Gaines, DBA Steve's Clean Cars
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
$1,000.00

34. 12-0150 ENF - DWM Investments Group Inc., DBA South Texas Auto Sales Group
Filed a false title and tax document: Transp Code 503.038(a)(2)
Defrauded purchaser: Occ Code 2301.651(a)(6)

$1,000.00

35. **12-0159 ENF - The Trailer Store Inc., DBA The Trailer Store 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
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
$1,000.00 and attend a Dealer Training Seminar

36. **12-0166 ENF - Performance Pre-owned Sales LLC, DBA Performance Pre-owned Sales LLC**
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$1,500.00 and attend a Dealer Training Seminar

37. **12-0189 ENF - Gold Star Motor Inc., DBA Gold Star Motor 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 maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
$250.00 and attend a Dealer Training Seminar

38. **12-0208 ENF - Lithia of Corpus Christi, Inc., DBA Lithia Chrysler Jeep Dodge of Corpus Christi**
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely pay lien on a motor vehicle traded in: Finance Code 348.408(c), Occ Code 2301.651(a)(4)
$500.00 and attend a Dealer Training Seminar

39. **12-0212 ENF - Erik Javier Ibarra, DBA E & E Auto Sales**
Failure to display buyer's guide: 16 C.F.R. 455.2, 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
$250.00 and attend a Dealer Training Seminar

40. **12-0227 ENF - Roberto D. Perez, DBA Lone Star Auto Plex**
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

41. **12-0232 ENF - Mike Mitchell & Steve Mitchell, DBA Playtime RV**
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
Failure to timely transfer title and pay sales tax: Transp Code 501.0234

$500.00 and attend a Dealer Training Seminar

42. 12-0258 ENF - Classic Chevrolet LTD, DBA Classic Hummer
Participated in a new motor vehicle show without obtaining written approval in a timely manner: Occ Code 2301.358
Attend a Dealer Training Seminar

43. 12-0265 ENF - Fernando Serna, Jr., DBA Fred Serna Motors
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
$250.00 and attend a Dealer Training Seminar

44. 12-0288 ENF - Jorge L. Aldape, DBA Linares Auto Center
Sold or offered to sell motor vehicles on consecutive Saturday and Sunday: Transp Code 728.002
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
$1,000.00 and attend a Dealer Training Seminar

45. 12-0292 ENF - Gerald T. Kotara, DBA J T 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
$500.00 and attend a Dealer Training Seminar

46. 12-0296 ENF - Frank Kent LTD, DBA Frank Kent Honda
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
$500.00

47. 12-0303 ENF - Yung Choe, DBA Max Auto Town
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

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

1. 12-0174 ENF - Jorge Zamora, DBA Jorge's Auto Sales
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

2. 12-0177 ENF - Enrique & Maria Guadalupe Narvaez, DBA Narvaez 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 meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
$250.00

3. **12-0250 ENF - Ryan Falls Quality Motors Inc., DBA Falls Motors**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

4. **12-0274 ENF - Jose Luis Coronado, DBA DLA Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

5. **12-0275 ENF - Efren P. Rodriguez, DBA Rodriguez Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

6. **12-0276 ENF - D & D Automotive Group, LLC, DBA 2 Amigos 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. **12-0282 ENF - Autos Omega, LLC, DBA Autos Omega LLC**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
$100.00

8. **12-0283 ENF - Faustino Garcia, DBA Garcia's Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

9. **12-0310 ENF - The Waupaca Corporation, DBA Down Under 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

10. **12-0313 ENF - Holiday Motors LLC, DBA Holiday Motors LLC**
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

11. **12-0407 ENF - Ruben Ortega Cazares, DBA Ortega's Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
$50.00

12. **12-0408 ENF - Leonardo Raggo, DBA Tito'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

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

1. **10-0063 ENF - Prestige Chrysler Northwest Inc., DBA Maxwell Chrysler Jeep Dodge**

2. **10-0585 ENF - McCombs Pontiac-GMC Truck LTD, DBA Red McCombs Superior Pontiac-GMC Truck**

3. **10-0598 ENF - Ruth P. Lopez, DBA Auto One**

4. **10-1010 ENF - Richard Roicki, DBA Pinnacle Motorcars**

5. **10-1734 ENF - Andy J Wooten, DBA A W Enterprises II**

6. **11-0149 ENF - Barry Brewer, DBA BJS Enterprize**

7. **11-0375 ENF - Richard Roicki, DBA Pinnacle Motorcars**

8. **11-1287 ENF - John A. Joseph, DBA Road Star Car Care Sales**

9. **12-0077 ENF - Philip J Kay, DBA Auto Outlet**

10. **12-0196 ENF - Jose Arambula, DBA Nena's Auto Sales**

11. **12-0242 ENF - T & J Import Motor Cars LLC, DBA T & J Import Motor Cars LLC**

12. **12-0264 ENF - Pasando Resources Inc., DBA Texas Star Trading**

13. **12-0329 ENF - Xexes Inc., DBA Texas Toys**

14. **12-0333 ENF - Agustin Caballero, DBA Mill Ave Auto Works #3**

15. **12-0336 ENF - Ronnie Lee Norris, DBA R & N Auto Sales Dont Walk**

16. **12-0339 ENF - The Automotive Resource Corporation, DBA The Automotive Resource Corporation**

17. **12-0343 ENF - Jeff Thomas / Amy Thomas, DBA Thomas Properties**

18. **12-0354 ENF - Nxcess Motorcars Inc., DBA Nxcess Motorcars**

D. Consideration of Settlement and Dismissal Orders under Occupations Code,

Board of the Texas Department of Motor Vehicles
Attached List A
January 12, 2012
Agenda Items 2.A. - E.
Consent Agenda

Section 2301.204 (Warranty Performance Complaints)

1. **11-0163 CAF - Chayce and Jason Daugherty v. Kia Motors America, Inc.**
   Settlement Order
   The vehicle was repaired

2. **12-0019 CAF - Prema Kelly v. General Motors LLC**
   Settlement Order
   Complaint was resolved by trade assist

3. **12-0038 CAF - Richard A. O'Doneell v. General Motors LLC**
   Settlement Order
   Resolved by an extended service contract

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

1. **10-0025 LIC - Mr. Yamaha, Inc. d/b/a Mr. Motorcycle, Protestant v. Triumph Motorcycles America, Limited, Respondent**

2. **10-0028 LIC - Cantwell Chrysler (Kingsville) Ltd. d/b/a Cantwell Dodge Jeep Chrysler, Complainant v. Chrysler Group, LLC, Respondent**

3. **11-0004 LIC - Action Powersports, Inc., Complainant v. Yamaha Motor Corporation USA, Respondent**

4. **11-0008 LIC - Autobahn Imports, LP d/b/a Land Rover of Ft. Worth, Complainant v. Jaguar Land Rover North America, LLC, Respondent**

5. **11-0023 LIC - Quad J Enterprises, LLC d/b/a A-1 Quad Sports, Applicant v. Redrock Equipment Group, LLC d/b/a Lubbock Powersports, Protestant**

Board of the Texas Department of Motor Vehicles
Attached List B
January 12, 2012
Agenda Item 3.B.
Motions for Disposition Based on Default

3. B. 11-0562 ENF - Mireye Chavez, DBA Rudy'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 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)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: $2,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid

2. 11-0580 ENF - Glenn Clifford Maleske, DBA Friendly Glenn's Auto Sales
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)
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
Proposed Sanction: $1,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid

3. 11-0601 ENF - J & S Moreno, Inc., DBA J & S Auto Sales
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: $1,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid

4. 11-0691 ENF - Mark D. Gindin, DBA 993 Sports Cars
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)
Failure to take assignment of title or MCO: Transp Code 503.038(a)(3) and 43 TAC 215.141(a)(13)
Proposed Sanction: License is revoked

5. 11-0920 ENF - Ignition Cycle, Inc., DBA Ignition Cycle, Inc.
Engaged in business as a dealer, directly or indirectly, without a license: Transp Code 503.021
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)
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)

Failure to timely file Motor Vehicle Inventory Tax statements: Transp Code 503.038(a)(10) and Tax Code 23.122
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: $9,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid

6. 11-1159 ENF - Juan G Cavazos, DBA J C Auto Sales #2
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)
Failure to fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7)
Proposed Sanction: License is revoked. $2,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid