## AGENDA BOARD MEETING

# TEXAS DEPARTMENT OF MOTOR VEHICLES 200 EAST RIVERSIDE, BUILDING 150, ROOM 1B.1 AUSTIN, TEXAS 78704 THURSDAY, MAY 10, 2012 3:00 P.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 - CONTESTED CASES

- A. Warranty Performance Proposal For Decisions Under Occupations Code Chapter 2301 Mark Gladney
  - 11-0285 CAF Waco Motorsports v. Titan Imports Inc. ALJ recommends dismissal
  - 2. 11-0286 CAF Waco Motorsports v. Titan Imports Inc. ALJ recommends dismissal
  - 12-0100 CAF Charles McMaster v. Chrysler Group 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
  Proposal of Rules under Title 43, Texas Administrative Code
  Chapter 215. Motor Vehicle Distribution Bill Harbeson

§§215.82-215.83, §215.86 and §215.112

## 5. BRIEFINGS and ACTION ITEMS

- A. Draft Strategic Plan Linda Flores
- B. Update on the Search for and Potential Action on the Selection of Executive Director Victor Vandergriff
- C. Approval of Agency Operation Boundaries Victor Vandergriff
- D. Board Committee Appointments and Work Assignments Victor Vandergriff

## E. Advisory Committee Updates

- Advisory Committee on Motor Vehicle License Processing Blake Ingram and Bill Harbeson
- Advisory Committee on Tax Assessor Collector ("TAC") Standards Cheryl Johnson and Randy Elliston
- Oversize/Overweight Transitioning Advisory Committee Johnny Walker and Aline Aucoin
- Appointment and Organization of the Motor Carrier Advisory Committee Johnny Walker and Aline Aucoin

## 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:

- executive search services
- 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. Interim Executive Director Reports - Linda Flores (Includes other designated staff)

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

- Monthly Financial Report Linda Flores
- TxDMV Automation project Dawn Heikkila and Gary Gordier
- IT Initiatives Update Dawn Heikkila

Facilities Update - Dawn Heikkila

### 7. 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.

## 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 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

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

## 1. 10-0348 ENF - Dr. Zeke's Auto Sales, DBA Dr. Zeke's Auto Sales

Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)

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

## 2. 10-1633 ENF - Grant Nichols, DBA Trinity Motors

Advertised the amount of down payment in connection with a credit transaction without including the terms of repayment: 43 TAC 215.263 \$1,500.00 and attend a Dealer Training Seminar.

## 3. 10-1644 ENF - US Trade Finance Inc., DBA Equipment Exports of Texas

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) \$750.00 and attend a Dealer Training Seminar.

### 4. 11-0470 ENF - Hector Morin, DBA Morin Enterprises

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 \$250.00 and attend a Dealer Training Seminar.

### 5. 11-0742 ENF - Lincoln Samaroo, DBA Endeavor Auto Sales

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

Failure to have dealer or a bona fide employee present during posted business hours: Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B)

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)

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

## 6. 11-0888 ENF - Daniel Garcia, DBA Genesis Auto Sales

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

## 7. 11-0965 ENF - Rodriguez Ford Mercury Inc., DBA Rodriguez Ford Mercury 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.

## 8. 11-1170 ENF - Mission Chrysler Jeep Inc., DBA Mission 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 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

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 Failure to allow purchaser to select county for registration: Transp Code

501.0234(d),(e)

Failure to have written consignment agreement: 43 TAC 215.144(g)

Failure to fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7)

Failure to fulfill written agreement relating to extended warranty or GAP insurance policy: Occ Code 2301.651(a)(4) and (a)(7)

Sold trade in prior to customer securing financing for new vehicle: Occ Code 2301.651(a)(6)

License is expired. Oppose new or renewal for a period of four (4) years.

## 9. 11-1387 ENF - Stanley Rice, DBA Rice Auto Sales

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00 and attend a Dealer Training Seminar.

## 10. 11-1528 ENF - Rogers Marine Inc., DBA Rogers Marine Inc.

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) Cease and desist

## 11. 12-0197 ENF - Juan F. Garza, DBA Garza'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 \$500.00 and attend a Dealer Training Seminar.

### 12. 12-0300 ENF - An Corpus Christi Chevrolet LP. DBA Champion Chevrolet

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.

## 13. 12-0361 ENF - Joel Rascon, DBA J-M Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to keep a dealer's plate log: TAC 215.138(d)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$1,000.00

## 14. 12-0386 ENF - Eugenio Ramirez Mena, DBA Basket Land Imports

Falsified or forged tax or title document: Transp Code 503.038(a)(1)
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 \$1,500.00 and attend a Dealer Training Seminar.

## 15. 12-0423 ENF - Town East Ford II LP, DBA Town East Ford

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) 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 Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$2,500.00

## 16. 12-0436 ENF - 9220 Montana Cars for Sale LLC, DBA 4 U Motors

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

## 17. 12-0456 ENF - Jesus G. Armendariz, DBA Rodeo Motors

Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136 Failure to maintain complete records 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.

## 18. 12-0467 ENF - Narciso Huasco, DBA ONW 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 \$500.00

## 19. 12-0468 ENF - Love Chrysler Dodge Jeep LLC, DBA Love Chrysler Dodge Jeep LLC

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
Attend a Dealer Training Seminar.

## 20. 12-0485 ENF - Van Hyundai II LP, DBA Van Hyundai

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$500.00

## 21. 12-0486 ENF - Natural Gas Vehicles Texas, Inc., DBA Auto Check

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) 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.

## 22. 12-0506 ENF - Chreshaun Morrow, DBA Xclusive Automotives

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

## 23. 12-0563 ENF - Dallas Pick A Part, LLC, DBA Dallas Auto Recycling

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 \$800.00 and attend a Dealer Training Seminar.

## 24. 12-0566 ENF - Bennie R. Norris, DBA Friendly Auto Plex

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.

## 25. 12-0598 ENF - Royal Imports Inc., DBA Crown Kia Crown Isuzu of Longview

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 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
\$6,500.00 and attend a Dealer Training Seminar.

## 26. 12-0622 ENF - leda Enterprise Inc., DBA Dallas Roadster

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

## 27. 12-0629 ENF - Jorge Lopez, DBA J's Auto Sales

Permitted the use of its GDN or the location for which the GDN was issued for the purpose of avoiding the requirements of Chapter 503: Transp Code 503.038(a)(14) Failure to 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 \$2,000.00 and attend a Dealer Training Seminar.

## 28. 12-0659 ENF - Karzilla LLC, DBA Karz

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

**29. 12-0661 ENF - Tex-Mex Auto Sales, LLC, DBA Tex-Mex Auto 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 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.

## 30. 12-0664 ENF - Pristine Motors LLC, DBA Pristine Motors 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.

31. 12-0671 ENF - Power Sports of Dallas, LLC., DBA Power Sports of Dallas, LLC 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.

## 32. 12-0682 ENF - Gruver Ford Inc., DBA Gruver Ford 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) \$500.00 and attend a Dealer Training Seminar.

## 33. 12-0693 ENF - Texas Dodge LP, DBA Texas Dodge LP

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) \$250.00 and attend a Dealer Training Seminar.

### 34. 12-0712 ENF - Justus N. Udeji, DBA Allied Imports

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 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.

## 35. 12-0721 ENF - Manuel Ibarra, Jr., DBA Fort Worth Auto Exchange

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.

### 36. 12-0725 ENF - Kenneth L. Keppler Jr., DBA Legend Motor Cars

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

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

\$500.00 and attend a Dealer Training Seminar.

## 37. 12-0728 ENF - Kyle Chapman Motor Sales LP, DBA Kyle Chapman Motor Sales Advertised a savings on a used motor vehicle: 43 TAC 215.262(e) \$1,000.00 and attend a Dealer Training Seminar.

## 38. 12-0739 ENF - Jesus Garfias, DBA G 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 \$500.00 and attend a Dealer Training Seminar.

## 39. 12-0741 ENF - John M. McGee, DBA Family 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 \$250.00 and attend a Dealer Training Seminar.

## 40. 12-0743 ENF - Corvette Warehouse LLC, DBA Corvette Warehouse 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 \$500.00 and attend a Dealer Training Seminar.

## 41. 12-0746 ENF - Ray A. Felts/Rusel Felts, DBA Credit Motor Company

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to have dealer or a bona fide employee present during posted business hours: Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B) \$250.00 and attend a Dealer Training Seminar.

## 42. 12-0747 ENF - Charlie Thomas Chevrolet LTD, DBA Champion Mitsubishi

Failed to identify a motor vehicle by model year, make, and model line and style when the price is advertised: 43 TAC 215.251(a) \$2,000.00

## 43. 12-0748 ENF - Enrique Garcia, DBA Engar Auto Sales

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.

## 44. 12-0749 ENF - Value Car Mart, LLC, DBA Value Car Mart, 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) \$500.00

## 45. 12-0785 ENF - Maher Bsiso, DBA Safeway Motor Company

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) \$250.00 and attend a Dealer Training Seminar.

## 46. 12-0795 ENF - Aldemar Guzman, DBA AG Auto Sales

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.

## 47. 12-0806 ENF - In & Out Auto, LLC DBA First Place Auto Center

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)
Engaged in business as a dealer, directly or indirectly, without a license: Transp Code 503.021

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,500.00 and attend a Dealer Training Seminar.

## 48. 12-0807 ENF - Wessam G Atia, Malak Anees Samaan, DBA All Stars Auto Sales

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154

\$500.00 and attend a Dealer Training Seminar.

## 49. 12-0811 ENF - Lake Conroe Motors Inc., DBA Lake Conroe Motors Inc.

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) Operated as a lessor or lease facilitator without the appropriate license: Occ Code 2301.251, 2301.252 or 2301.253

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

## 50. 12-0827 ENF - BLT Auto Sales & Repairs Limited Liability Company, DBA BLT Auto Sales & Repairs Limited Liability Company

Failed to provide written notice of repaired or replaced odometer: Occ Code 2301.651(a)(4) \$500.00

## 51. 12-0848 ENF - Seguin RV, Inc., DBA Seguin RV

Defrauded purchaser: Occ Code 2301.651(a)(6) \$500.00 and attend a Dealer Training Seminar.

## 52. 12-0849 ENF - Five Star Ford of Texas LTD, DBA Five Star Ford

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$1,500.00

## 53. 12-0850 ENF - TODVT Limited Partnership, DBA Toyota of Dallas

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$500.00

## 54. 12-0887 ENF - Jesus Cruz Orellana, DBA Javier's Auto Sales

Misuse of old style buyer temporary tag: Transp Code 503.063 and TAC 215.139 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) Attend a Dealer Training Seminar.

## 55. 12-0905 ENF - Rosalinda Paras Uresti, DBA Lucky 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 \$500.00 and attend a Dealer Training Seminar.

## 56. 12-0906 ENF - Neighborhood Motors, LLC., DBA Neighborhood Motors, LLC Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Attend a Dealer Training Seminar.

## 57. 12-0926 ENF - An Luxury Imports LTD, DBA BMW 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 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

### 58. 12-0927 ENF - Richard Brewster, DBA Cowboy Trucks

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
\$750.00 and attend a Dealer Training Seminar.

## 59. 12-0932 ENF - William E. Kuykendall/Jerry D. Kuykendall, DBA Circle Kars and Truck Sales

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

## 60. 12-0933 ENF - Accel Auto Group LLC, DBA Accel Auto Group LLC

Misuse of dealer's metal plate: Transp Code 503.038(a)(5) and 43 TAC 215.141(a)(10)

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 \$750.00 and attend a Dealer Training Seminar.

## 61. 12-0935 ENF - Southwest Auto & Truck Sales Inc., DBA Southwest Auto & Truck Sales, 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) \$250.00 and attend a Dealer Training Seminar.

## 62. 12-0937 ENF - Sebastien Labonne, DBA Power Motors

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

## 63. 12-0945 ENF - Alamo Used Cars, LLC, DBA Alamo RV's

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

## 64. 12-0948 ENF - Timberwood Auto Group LLC., DBA Timberwood Auto Group 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) \$500.00 and attend a Dealer Training Seminar.

## 65. 12-0952 ENF - Union Motor Company, LLC, DBA Traditions Chevrolet

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.

## 66. 12-0953 ENF - Salvador Diaz, Gabriel Diaz, DBA Auto's Morelia

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 timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00 and attend a Dealer Training Seminar.

## 67. 12-0963 ENF - Autotainment Partners Limited Partnership, DBA Planet Ford

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

## 68. 12-0964 ENF - Charlie T's Autos, Inc., DBA Talisman Motor City

Advertised the amount of down payment in connection with a credit transaction without including the terms of repayment: 43 TAC 215.263 \$1,500.00 and attend a Dealer Training Seminar.

## 69. 12-0969 ENF - Brilliant Stone Enterprises, Inc., DBA Kinroad USA

Aided and abetted the unlicensed sale of a motor vehicle: Occ Code 2301.351 \$500.00

## 70. 12-0972 ENF - Wade A. Delk / David M. Spina, DBA Patriot 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 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 timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00 and attend a Dealer Training Seminar.

## 71. 12-0990 John M. Lade, DBA Lade 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) \$500.00 and attend a Dealer Training Seminar.

## 72. 12-1138 ENF - Pro-Active Inc., DBA Pro-Active 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 timely transfer title and pay sales tax: Transp Code 501.0234 Attend a Dealer Training Seminar.

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

## 1. 12-0652 ENF - Jorge Gonzalez, DBA J & D 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

## 2. 12-1009 ENF - RJ Auto Motors Inc., DBA RJ Auto 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 Misuse of metal plates: 43 TAC 215.138 \$250.00

## 3. 12-1050 ENF - Abbie Cheu, DBA El Paso Cars

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Misuse of temporary dealer tag(s): Transp Code 503.038(a)(12):43 TAC 215.141(a)(10) \$200.00

## 4. 12-1071 ENF - Bruno Huizar, DBA Huizar Motors

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)
Misuse of metal plates: 43 TAC 215.138
\$300.00

## 5. 12-1079 ENF - Flamingo Motors Inc., DBA Flamingo Motors

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

## 6. 12-1081 ENF - Orodonez Associates Corporation, DBA DeLa Siena 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

## 7. 12-1083 ENF - Guillermo Munoz, DBA Best Deal Auto Sales

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

Failure to display license: 43 TAC 215.140(14)

No metal dealer plate record: 43 TAC 215.139(i) or (j)

300.00

## 8. 12-1085 ENF - Marshall Import Automotive LP, DBA Marshall Scion, Marshall Toyota

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

## 9. 12-1088 ENF - Patterson Motors of Marshall Inc., DBA Patterson Chrysler Dodge Jeep

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

## 10. 12-1089 ENF - Sharon Cornelius, DBA S & R Auto Sales

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

### 11. 12-1090 ENF - S & R RV Sales & Rentals LLC, DBA S & R RV Sales & Rentals

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

## 12. 12-1091 ENF - Fords Used Cars Inc., DBA Fords Used Cars Inc.

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Failure to produce records within (15) days: 43 TAC 215.144(d) and 215.141(a)(3)
Failure to observe right of way: 43 TAC 215.140(11)(c)
\$250.00

## 13. 12-1094 ENF - B & B Automotive Inc., DBA B & B Automotive 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

## 14. 12-1095 ENF - Shirley Bosse, DBA Bosse's 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

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)

\$250.00

## 15. 12-1096 ENF - Jonathan D. McCain, DBA Patriot Auto Mart

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

## 16. 12-1097 ENF - Ron Ethridge, DBA R & D Motors

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

## 17. 12-1098 ENF - Anac Corp, DBA Champion 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

## 18. 12-1099 ENF - Autos Guerrero Corp., DBA Autos Guerrero

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Misuse of temporary dealer tag(s): Transp Code 503.038(a)(12):43 TAC 215.141(a)(10) \$200.00

## 19. 12-1100 ENF - Javier Barrio, DBA Sunrise Auto Center

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 comply with foreign dealer rule: 43 TAC 215.147
\$300.00

## 20. 12-1110 ENF - Arlo James Stewart, DBA Sunnyvale 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)
Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43
TAC 215.140(1)(B)
\$300.00

### 21. 12-1125 ENF - Pegues Hurst Motor Co., DBA Pegues Hurst Motor Co.

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

## 22. 12-1126 ENF - Fernando's Auto Sales LLC, DBA Fernando's Auto Sales LLC

Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)

\$100.00

### 23. 12-1141 ENF - Richard Wade Dickinson, DBA Area Motors

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)
\$300.00

## 24. 12-1143 ENF - Cesar Zetuche, Carlos Aquirre, DBA C & I Auto Sales

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

## 25. 12-1144 ENF - Frederico Aguillon, DBA Aguillon 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. 12-1154 ENF - Barney L. Stagner, DBA Barney's Auto Sales

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

### 27. 12-1155 ENF - Safeway Trading Inc., DBA Mario 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 \$150.00

### 28. 12-1156 ENF - Big Sea Limited Partnership, DBA Auto Town Sales

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

## 29. 12-1167 ENF - AMC Auto Inc., DBA Apple Motor Co.

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$150.00

## 30. 12-1168 ENF - Brenda Joyce Clayton, DBA Best Motor Co.

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$150.00

## 31. 12-1169 ENF - Daisy Salinas, DBA Salinas 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) \$150.00

## 32. 12-1171 ENF - Ebrahim Moosavi, DBA Auto Mainland

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

- 33. 12-1178 ENF Juan J. Ventora-Jr., Hector Ventura, DBA Ventura Auto Sales #1 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
- **34. 12-1179 ENF Jacobs Auto Sales**, **DBA Jacobs Auto Sales**Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00
- **35. 12-1180 ENF Finn's Discount Auto Inc., DBA Finn's Discount Auto Inc.** Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00
- **36. 12-1187 ENF Raymond Doyle Thompson, DBA B & K Used Cars** Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 \$50.00
- 37. 12-1188 ENF Robert F. Sanchez, DBA Big Star Auto Center 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 observe right of way: 43 TAC 215.140(11)(c) \$250.00
- C. Consideration of Enforcement Dismissal Orders under Occupations Code, Chapter 2301
- 1. 10-0632 ENF Julio C. Cruz, DBA Turcios Auto Sales
- 2. 10-0900 ENF Uptown Cars Inc., DBA Uptown Cars Inc.
- 3. 10-0974 ENF Casa Ford, Inc., DBA Casa Ford Lincoln Mercury
- 4. 11-0297 ENF Ramirez Chrysler Jeep Dodge Inc., DBA Ramirez Family Auto Center
- 5. 11-1461 ENF James (Corky) Basinger, DBA Corky's Motor Co.
- 6. 12-0319 ENF Agustin Alvarado, DBA Jackie's Motors
- 7. 12-1022 ENF Christopher L. Wimbush, DBA Priced Right Auto Sales
- D. Consideration of Settlement and Dismissal Orders under Occupations Code, Section 2301.204 (Warranty Performance Complaints)

1. 11-0198 CAF - John and Lisa O'Docharty v. Gulf Stream Coach, Inc.

Order of Dismissal

Complainant withdrew the action

2. 11-0234 CAF - Waco Motorsports v. Titan Imports, Inc

Order of Dismissal

No jurisdiction

3. 11-0284 CAF - Waco Motorsports v. Titan Imports, Inc

Order of Dismissal

No jurisdiction

4. 12-0056 CAF - Randall W. Selby, Jr. v. Chrysler Group LLC

Settlement Order

Complainant accepted a cash settlement

5. 12-0071 CAF - Lynn Andrews, Sr. v. Mercedes-Benz USA, LLC

Order of Dismissal

No jurisdiction

6. 12-0075 CAF - Kristian J. Francisco v. Jaguar Land Rover North America, LLC

Order of Dismissal

Complainant did not move forward

7. 12-0080 CAF - Betty G. and Enoch L. Freeman v. Ford Motor Company

Settlement Order

Complainant accepted a cash settlement

8. 12-0089 CAF - Lawrence P. Marlin v. BMW of North America, LLC

Settlement Order

The vehicle has been repaired

- E. Consideration of Franchise Case Dismissal Orders under Occupations Code, Chapter 2301
- 1. 11-0028 LIC Hutchens Innovative Partners, LLC d/b/a Lone Star Emergency Vehicles, Protestant v. Triton Ambulance Builders, LLC
- 2. 12-0006 LIC Khwaja Gharib Nawaz, LLC d/b/a Dallas Power Sports v. Amaranthine, LLC d/b/a Blitz Moped and LCJ, LLC

## Board of the Texas Department of Motor Vehicles Attached List B May 10, 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. 10-0351 ENF - Kenneth Lyons, DBA Lazy "S" Auto Sales

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

Proposed Sanction: \$3,000.00 civil penalty

## 2. 10-1371 ENF - Bryan Stephen Tyner, DBA XLR8 Auto Sales

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

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

Failure to allow purchaser to select county for registration: Transp Code

501.0234(d),(e)

Proposed Sanction: \$3,000.00 civil penalty

## 3. 10-1407 ENF - Tarrant County Marina Enterprises Inc., DBA Lauderdales

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 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

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)

Proposed Sanction: \$4,000.00 civil penalty

## 4. 11-0136 ENF - TZ Finance Inc., DBA DFW 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 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)

Proposed Sanction: \$10,000.00 civil penalty

## 5. 11-0456 ENF - CAF Financial Limited Liability Company, DBA Vista Auto Sales

Aided and abetted the unlicensed sale of a motor vehicle by allowing the use of its GDN number: Occ Code 2301.351

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 maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)

Failure to provide/maintain proper written authority to its agent or representatives:

Transp Code 503.038(a)(14), 43 TAC 215.148

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)

## Board of the Texas Department of Motor Vehicles Attached List B May 10, 2012 Agenda Item 3.B. Motions for Disposition Based on Default

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: \$15,000.00 civil penalty

## 6. 11-0464 ENF - Prime Motorsports LLC, Prime Motorsports LLC

Aided and abetted or indirectly facilitated the sale of a motor vehicle by allowing the use of GDN: Occ Code 2301.351(2) and Transp Code 503.021

Failure to provide proper written authority to its agent or representatives: Transp Code 503.038(a)(14), 43 TAC 215.148

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 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)

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

Falsified or forged tax or title document: Transp Code 503.038(a)(1) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

Proposed Sanction: \$10,000.00 civil penalty

## 7. 11-0909 ENF - Richard Alexander / Darin Alexander, DBA Alexander Automotive

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)

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: \$1,500.00 civil penalty

## 8. 11-0911 ENF - Lily Joan Aleksander, DBA Irv's Auto Sales

Aided and abetted or indirectly facilitated the sale of a motor vehicle by allowing the use of GDN: Occ Code 2301.351(2) and Transp Code 503.021

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 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) 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

## Board of the Texas Department of Motor Vehicles Attached List B May 10, 2012 Agenda Item 3.B. Motions for Disposition Based on Default

Failure to allow purchaser to select county for registration: Transp Code

501.0234(d),(e)

Proposed Sanction: \$6,000.00 civil penalty

## 9. 11-0919 ENF - Santos Vieyra Esquivel, DBA Esquivel Auto Sales

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

Failure to have dealer or a bona fide employee present during posted business hours:

Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B)

Proposed Sanction: \$1,000.00 civil penalty

## 10. 12-0430 ENF - Stephen A. Ojukwu, DBA Nations 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 Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Proposed Sanction: \$3,000.00 civil penalty