

**AGENDA**  
**BOARD MEETING**  
**TEXAS DEPARTMENT OF MOTOR VEHICLES**  
**4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM**  
**AUSTIN, TEXAS 78731**  
**THURSDAY, FEBRUARY 7, 2019**  
**8:30 A.M.**

All agenda items are subject to possible discussion, questions, consideration, and action by the Board of the Texas Department of Motor Vehicles (Board). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. Presentations may be made by the identified staff or Board member or other staff as needed. The Board reserves the right to discuss any items in executive session where authorized by the Open Meetings Act.

- 1. Roll Call and Establishment of Quorum**
- 2. Pledges of Allegiance - U.S. and Texas**
- 3. Chair's Reports** - Chairman Raymond Palacios
  - A. Chair's Annual Report to Governor on State of Affairs 2018
  - B. Recognition of Service - Departing Members Caraway and Hardy
- 4. Executive Director's Reports** - Whitney Brewster
  - A. Status Update on Implementation of Sunset Advisory Commission's Recommendations
  - B. Summary of FY 2018 Operational Plan
  - C. Awards, Recognition of Years of Service, and Announcements

**CONTESTED CASE**

- 5. Licensure Application Denial and Appeal to SOAH under Occupations Code, §§53.021(c), (d)(1)(B)(i), and 53.022-023; and under 43 Texas Administrative Code, §215.88(j)(12).** MVD Docket No. 17-0176876; SOAH Docket No. 608-18-4937.ENF; *Texas Department of Motor Vehicles, Enforcement Division v. Shawn Booker d/b/a Haul of Fame Transportation* - Daniel Avitia and Casey Nichols

**RULES - ADOPTION**

- 6. Chapter 217, Vehicle Titles and Registration** - Jeremiah Kuntz  
Amendments, §217.84  
(Relating to proof of paid claim and salvage language cleanup)  
(*Proposal Published October 26, 2018 - 43 Tex. Reg. 7107*)

- 7. Chapter 219, Oversize and Overweight Vehicles and Loads**
  - A. Rule Review, Government Code, §2001.039 - Sarah Swanson  
(*Proposal Published October 26, 2018 - 43 Tex. Reg. 7224*)
  - B. Amendments, §219.101 - Corrie Thompson  
(Relating to notice of the designated time and location for inspector to inspect records)  
(*Proposal Published October 26, 2018 - 43 Tex. Reg. 7109*)

### **RULES - PROPOSAL**

- 8. Chapter 206, Management** - Sarah Swanson  
Amendments, §206.92 and §206.93  
Repeals, §206.94 and §206.95  
New, §§206.94-206.99  
(Relating to advisory committees and implementation of Sunset Advisory Commission's Recommendation 1.7)
- 9. New Chapter 223, Compliance and Investigations Division** - Sarah Swanson  
(Relating to county tax assessor-collector reporting of suspected fraud, waste, or abuse and implementation of Sunset Advisory Commission's Recommendation 2.2)
- 10. Chapter 208, Employment Practices** - Sarah Swanson  
Rule Review, Government Code, §2001.039
- 11. Chapter 209, Finance** - Sarah Swanson  
Rule Review, Government Code, §2001.039
- 12. Chapter 210, Contract Management** - Sarah Swanson  
Rule Review, Government Code, §2001.039

### **BRIEFINGS AND ACTION ITEMS**

- 13. Rescind Resolution Authorizing Creation of Advisory Committees** - Sarah Swanson
- 14. Policy - TxDMV Guidance on Contested Cases Presented to the Board** - Sarah Swanson
- 15. Specialty Plate Designs** - Jeremiah Kuntz
  - A. Jackson State University, New Design Proposed by My Plates under Transportation Code, §504.851
  - B. University of Virginia, New Design Proposed by My Plates under Transportation Code, §504.851

**16. Finance and Audit Committee Update - Committee Chair Caraway (BRIEFINGS ONLY)**

- A. FY 2018 End of Year Reports - Linda M. Flores and Sergio Rey
  - Annual Financial Report
  - Annual Report of Nonfinancial Data
- B. FY 2019 First Quarter Financial Report - Linda M. Flores and Renita Bankhead
- C. FY 2020-2021 Legislative Appropriations Request, Baseline and Exceptional Items Update - Linda M. Flores and Renita Bankhead
- D. Internal Audit Division Status Report - Sandra Menjivar-Suddeath and Derrick Miller
  - FY 2019 Internal Audit Plan Status Update
  - FY 2019 First Quarter Internal Audit Recommendation Follow-Up Memorandum
  - Employee Classification and Hiring Process Audit Report
  - Lemon Law Investigation and Resolution Audit Report

**17. Legislative and Public Affairs - Caroline Love (BRIEFING ONLY)**  
86th Legislative Session Update

**EXECUTIVE SESSION**

**18. The Board may enter into closed session under one or more of the following provisions of the Texas Open Meetings Act, Government Code, Chapter 551:**

- **Section 551.071** - Consultation with and advice from legal counsel regarding:
  - pending or contemplated litigation, or a settlement offer;
  - 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
  - any item on this agenda.
- **Section 551.074** - Personnel matters.
  - Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel, including the General Counsel.
- **Section 551.089** - Security devices or security audits:
  - the deployment, or specific occasions for implementation, of security personnel or devices; or
  - a security audit.

**19. Action Items from Executive Session**

**20. Public Comment**

**21. 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 Government Code, Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting. In accordance with 43 Texas Administrative Code, §206.22, any person wishing to address the Board must complete a speaker's form at the registration table prior to the agenda item being taken up by the Board. Public comment will only be accepted in person. Each speaker will be limited to three minutes and time allotted to one speaker may not be reassigned to another speaker.

Agenda items may be presented by the named presenters or other TxDMV staff.

Pursuant to Sections 30.06 and 30.07, Penal Code (trespass by license holder with a concealed or openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun or a handgun that is carried openly.

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 two days in advance, so that appropriate arrangements can be made. Contact Carrie Fortner by telephone at (512) 465-3044.

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

CERTIFYING OFFICIAL: Sarah Swanson, Interim General Counsel, (512) 465-5665.