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Texas Department of Motor Vehicles
Board Meeting
Thursday, October 8, 2026
9:00 a.m.

4000 Jackson Avenue
Building 1, Lone Star Conference Room
Austin, Texas 78731

Reported by:
Steve Owen, CER/CDR-1232
Ken Owen & Associates, LP

APPEARANCES OF COUNSEL

TxDMV Board:

Charles Bacarisse, Chair

Tammy McRae, Vice Chair

Christian Alvarado

Chase Cooley

Brett Graham

Mark Jones

Sharla Omumu

Mark Roesler

Darren Schlosser

Staff:

Daniel Avitia, Executive Director for TxDMV

William Diggs, Director of the MVCPA

Annette Quintero, Director of Vehicle Titles & Registration

Clint Thompson, Director of Motor Carrier Division

Monique Johnston, Director of Motor Vehicle Division

Corrie Thompson, Director of Enforcement Division

Keith Yawn, Director Government & Strategic Communications

John Ralston, Budget Director

Jason Gonzalez, Director of Internal Audit Division-TxDMV

Laura Moriaty, General Counsel

Rachel Sechelski, Attorney

Carrie Fortner, Board Liaison/Management Analyst

Others in Attendance:

1 Karen Phillips, TADA

2 Bryan Harris

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1 CHARLES BACARISSE-BOARD CHAIR: Good morning. My
2 name is Charles Bacarisse and I'm pleased to open the
3 Board Meeting of the Texas Department of Motor Vehicles.
4 Welcome to everyone who has joined us today. It is now
5 9:08 a.m. and I am calling the Board Meeting for October
6 8, 2026 to order. Public notice of this meeting
7 containing all the items on the agenda was filed with the
8 Office of Secretary of State on September 30, 2026. To
9 ensure that no distractions from our agenda today, I'm
10 asking all attendees to please place your cell phones and
11 other communication devices in silent mode. Also, as a
12 courtesy to others, please do not engage in side
13 conversations in the meeting room. If you wish to address
14 the Board or speak on an agenda item during today's
15 meeting, please complete a speaker sheet at the
16 registration table or send an email to
17 gco_general@txdmv.gov that's gco_general@txdmv.gov.
18 Please identify in your email the specific item you are
19 interested in commenting on, your name and address, and
20 whether you are representing anyone or speaking for
21 yourself. If your comment does not pertain to a specific
22 agenda item, we'll take your comment during the general
23 public comment portion of the meeting. When addressing
24 the Board, please state your name and affiliation for the
25 record. In accordance with the Department's

1 administrative rule, comments to the Board will be limited
2 to three minutes. To assist each speaker, a timer has
3 been provided at the podium. The timer light will be
4 green for the first two minutes, yellow when the speaker
5 has one minute left, and red when the speaker's time is
6 up. Individuals cannot accumulate time from other
7 speakers and comments should be pertinent to the issue
8 stated on your comment sheet. There are a few things that
9 will help this meeting run smoothly and assist the court
10 reporter, in the back there, to get an accurate record.
11 When you're speaking, please identify yourself before
12 speaking, speak clearly and slowly, do not speak over
13 others and get recognized by the Chair before speaking. I
14 would like to thank our court reporter for transcribing
15 this meeting. Finally, I'd like to remind all presenters
16 and those in attendance that as Chair, I have the
17 authority to supervise the conduct of these meetings.
18 This includes the authority to determine when a speaker is
19 being disruptive of the meeting or is otherwise violating
20 the timing or presentation rules that I just discussed.
21 So with that, I think we have that covered and we can
22 begin by establishing a roll call for quorum. So please
23 respond verbally when I call your name. Member Alvarado
24 Are you present?

25 CHRISTIAN ALVARADO-BOARD MEMBER: Present.

1 CHARLES BACARISSE-BOARD CHAIR: Member Cooley?

2 CHASE COOLEY-BOARD MEMBER: Present.

3 CHARLES BACARISSE-BOARD CHAIR: Member Graham?

4 BRETT GRAHAM-BOARD MEMBER: Present.

5 CHARLES BACARISSE-BOARD CHAIR: Member Jones?

6 MARK JONES-BOARD MEMBER: Present.

7 CHARLES BACARISSE-BOARD CHAIR: Vice Chair McRae?

8 TAMMY McRAE-VICE CHAIR: Present.

9 CHARLES BACARISSE-BOARD CHAIR: Member Omumu?

10 SHARLA OMUMU-BOARD MEMBER: Present.

11 CHARLES BACARISSE-BOARD CHAIR: Member Roesler?

12 MARK ROESLER-BOARD MEMBER: Present.

13 CHARLES BACARISSE-BOARD CHAIR: Member Schlosser?

14 DARREN SCHLOSSER-BOARD MEMBER: Present.

15 CHARLES BACARISSE-BOARD CHAIR: And let the record
16 reflect that I, Charles Bacarisse am here too. So we have
17 a quorum. It's good to have everybody with us. Agenda
18 Item number 2 are the Pledges of Allegiance. Member
19 Schlosser will lead us in the U.S. Pledge. Member
20 Alvarado will lead us in the Texas Pledge. Please rise.

21 (Pledges to U.S. Flag and Texas Flag)

22 CHARLES BACARISSE-BOARD CHAIR: Thank you. We do not
23 have any chair reports today, so I'm not going to take up
24 agenda item 3. We're just going to move to agenda item 4,
25 which is the Executive Director's report. So let me turn

1 it over to Daniel Avitia for 4A and 4B.

2 DANIEL AVITIA-EXECUTIVE DIRECTOR: Chairman, Members,
3 thank you and good morning. For the record, my name is
4 Daniel Avitia. I have the pleasure of serving as the
5 Executive Director for the Texas Department of Motor
6 Vehicles. Agenda item 4A, which is staff's recent
7 attendance and the participation of the American
8 Association of Motor Vehicle Administrators Annual
9 International Conference say that five times Fast or
10 AAMVAAIC and the National Association of Motor Vehicle
11 Boards and Commissions, NAMVBC can be found on page six of
12 your board materials. The conferences were held in
13 Providence, Rhode Island this last week and events
14 provided a valuable opportunity for our leadership and
15 staff to stay informed about issues affecting motor
16 vehicle agencies nationwide and importantly, to learn what
17 other jurisdictions are doing throughout the country. Our
18 team participated in discussions covering a number of
19 areas that are directly relevant to our work, including
20 fraud prevention, electronic titling, National Motor
21 Vehicle Title Information System, or NMVTIS, VIN
22 inspections, data, and law enforcement and digital
23 identity. Overall, both conferences were a great
24 opportunity for our leadership and staff to bring back
25 information and perspectives that can assist our ongoing

1 efforts to modernize our services and work more
2 effectively for our customers and our partners. I want to
3 thank Corrie Thompson, Annette Quintero and Monique
4 Johnston for their presentations and their efforts at both
5 conferences this past week. Again, thank you ladies.
6 Chairman, Members that concludes agenda item 4A. I'll
7 move on to agenda item 4B. These are the awards in
8 recognition of years of service for our staff. 4B can be
9 found on page 7 of your board materials. At this time, I
10 would like to recognize our employees who have reached a
11 state service milestone. We celebrate each of these
12 employees, certainly showing our appreciation for their
13 recent their years of service and dedication to the
14 citizens of Texas. I'll begin with 20 years of state
15 service. We have Debbie Liu with Information Technology
16 Services Division, Melinda Moreno, Enforcement Division
17 with 25 years of state service, we have Clarissa
18 Rodriguez, Motor Vehicle Crime Prevention Authority
19 Division. Next, with 30 years of state service, we have
20 Lisa Selvera with Finance and Operations Division.
21 Lastly, we have the following retirees with 22 years of
22 state service, Ms. Carol Fallin with the Motor Carrier
23 Division. Also 22 years of state service, James Chesshire
24 with the Vehicle Title and Registration Division, 26 years
25 of state service. Uma Reddy, the Information Technology

1 Services Division. And lastly, with 31 years of state
2 service, Mr. Richard Goldsmith with the Motor Carrier
3 Division. Chairman, that concludes my Executive
4 Director's report. I appreciate the time this morning.

5 CHARLES BACARISSE-BOARD CHAIR: Thank you. Mr.
6 Avitia, do we have anybody present here that we need to
7 do?

8 DANIEL AVITIA-EXECUTIVE DIRECTOR: No, sir.

9 CHARLES BACARISSE-BOARD CHAIR: Okay, great. All
10 right, so we'll now move to agenda item number 5, which is
11 our contested case. We will have oral presentation from
12 the parties to this contested case. But first, General
13 Counsel Laura Moriatty will present the procedural history
14 and summary of the case. And then when she completes her
15 presentation, I'll come back and just explain how we run
16 the timing of the case so you know how we're going to
17 proceed. So, Ms. Moriatty, the floor is yours.

18 LAURA MORIATY: Thank you, sir. Good morning, Board.
19 I am Laura Moriatty, General Counsel for the Texas
20 Department of Motor Vehicles. The contested case for you
21 today is a license application denial case that the Texas
22 Department of Motor Vehicles Enforcement Division brought
23 against B. Harris and Associates, LLC doing business as
24 Asian European Auto Group, also known as Budget Used Cars.
25 I'm going to refer to that license applicant today as

1 Budget Used Cars. So Budget Used Cars is applied to the
2 Department for the issuance of a general distinguishing
3 number, which we know is a GDN. So the question for the
4 Board to decide today is whether to issue a GDN license to
5 Budget Used Cars. This case began when the Department
6 issued a notice of Department decision to Budget Used Cars
7 on November 21, 2025. Budget Used Cars requested a
8 hearing before the State Office of Administrative
9 Hearings, which I'll be referring to as SOAH. And the
10 Department set that hearing, it took place on March 24,
11 2026. The SOAH Administrative Law Judge issued a proposal
12 for decision on July 2, 2026. In the PFD, the ALJ noted
13 that the Board has authority to deny applications for a
14 wide variety of reasons under the Transportation Code, the
15 Occupations Code, and the Board rules. I'm just going to
16 walk through the ones that the ALJ found to be relevant in
17 this specific case. So, under the Transportation Code,
18 the Department must deny an application for a license if
19 the information in the application is not true. Also,
20 under the Transportation Code, the Department can deny a
21 license if the applicant fails to demonstrate that its
22 location meets the premises requirements and that includes
23 having a furnished office and sufficient space to display
24 at least five vehicles under the Board's Rules. Under the
25 Occupations Code and the Board's Rules, the Board may deny

1 an application if an applicant is unfit to perform the
2 duties and discharge the responsibilities of a license
3 holder and that can be due to the denial of a permit or
4 other authorization by a local, state or federal
5 regulatory authority, among other reasons. Also, when
6 deciding whether or not to issue a license, the Board must
7 consider mitigating factors. So the ALJ found that the
8 Department should deny Budget Used Cars as application for
9 a GDN license. That was because there were four separate
10 false and misleading statements in the application because
11 the proposed location does not meet the premises
12 requirements in the Board's rules, it does not have a
13 furnished office or space to display at least five
14 vehicles and because Budget Used Cars is unfit for
15 licensure due to the Travis County Tax Assessor-
16 Collector's Denial of Respondents Application for a Motor
17 Vehicle Title Service License based on suspected
18 fraudulent activity. Those were all the reasons that the
19 ALJ felt it was improper to issue a license. The ALJ did
20 find a mitigating factor in that applicant does not have
21 any criminal history, but nevertheless recommended that
22 you not issue so the Department's Enforcement Division
23 filed exceptions to the proposal for decision on July 10,
24 2026. They brought up clerical errors and pointed them
25 out to the judge. Budget Used Cars also filed exceptions

1 on July 14, 2026. They requested changes to the findings
2 of fact and conclusions of law and some of the statements
3 that the ALJ had made in the body paragraphs of the
4 proposal for decision. The Enforcement Division then
5 filed a reply to the exceptions on July 29, 2026, arguing
6 that the changes that Budget Used Cars had requested were
7 unnecessary or inappropriate. The ALJ agreed with the
8 Enforcement Division. In her exceptions letter of July
9 31, 2026, the ALJ corrected the clerical errors that the
10 Enforcement Division had identified but did not make any
11 of the changes that Budget Used Cars had presented in its
12 exceptions. And so for the Board meeting today, both
13 parties have requested to make oral argument before you.
14 The Texas Department of Motor Vehicles Enforcement
15 Division has provided written materials which are in your
16 Board book on pages 68 to 70. The respondent Budget Used
17 Cars did not file timely materials. So now I just want to
18 talk through your options for the proposal for decision so
19 that both the Board and the parties are on the same page
20 about what we can do today. At the outset, I need
21 everybody, the Board and the parties, to understand the
22 difference between the role of SOAH and the role of the
23 board. It's SOAH's job to hear the witnesses, to look at
24 the evidence, to decide what's believable, to decide
25 what's coming into the record, to make findings of fact

1 and conclusions of law, and to recommend a sanction to the
2 Board. It's the Board's job to decide if SOAH has made
3 the right interpretation of its laws and rules and whether
4 the sanction is right. It is not the Board's job to hear
5 new evidence, to make new findings of fact, to discover
6 new things that are not part of the SOAH record, you are
7 stuck with what SOAH did in that respect. So your choice
8 today is to accept the PFD as written, to accept the
9 findings of fact and conclusions of law and deny the
10 license. Alternatively, you could make changes to the
11 proposal for decision or to the sanction recommendation.
12 But if you do so, we have to comply with the government
13 code, which means that you can only make a change to a
14 finding of fact if there is a technical error, like a typo
15 in it. And you can only make a change to a conclusion of
16 law if the ALJ has misapplied or misinterpreted your
17 statutes or rules. And you have to explain why when you
18 make your motion under the government code, you have to
19 say what change you're requesting, what law was misapplied
20 or misinterpreted, why that new interpretation you have is
21 correct, and how it's supported by the findings of fact.
22 We can't make any decision that is not supported by the
23 facts as given to you by SOAH. So those are the ground
24 rules from a can and can't do perspective. And if there
25 are no questions for me, I will pass it back to Chairman

1 Bacarisse to talk through the procedure for the oral
2 arguments.

3 CHARLES BACARISSE-BOARD CHAIR: Members, any
4 questions for general Counsel here? Okay. Seeing none.
5 Thank you, Ms. Moriaty.

6 LAURA MORIATY: Thank you.

7 CHARLES BACARISSE-BOARD CHAIR: Let me further
8 explain how we're going to run the hearing. Under the
9 Board's rules, a party that timely submitted a request to
10 make an oral presentation will be allowed up to 15 minutes
11 to make that presentation. In this case, the petitioner
12 submitted a timely request to make this oral presentation.
13 During the presentation, time spent by a party responding
14 to any Board questions is not counted against that party's
15 time. The timer light will be green for the first 14
16 minutes, then yellow when there's one minute left, and
17 then red when the party's time has expired. I would also
18 like to remind Board Members and the parties that the
19 Board's decision must be based solely on the evidence
20 contained within the administrative record from the State
21 Office of Administrative Hearings, which is what Ms.
22 Moriaty explained to us. And if a Board Member asks a
23 question about evidence that is not in the SOAH's
24 administrative record for this case, the parties should
25 respond by saying the question is about evidence that's

1 not in the administrative record and that question will be
2 stricken. Respondent B. Harris Associates, LLC, d/b/a as
3 Asian European Auto Group, also known as Budget Used Cars,
4 is represented by Bryan Harris, who will now make the oral
5 presentation. Mr. Harris, please approach the podium.
6 And your time is on.

7 BRYAN HARRIS: Well, thank you. Well, good morning.
8 Good morning, Chairman. Good morning, Members of the
9 Board. I want to say thank you for this opportunity.
10 It's quite a great opportunity. I want to say thank you
11 for all the folks that came out, took upon a time to be
12 here this morning. I want to say thank you to every other
13 person. My name is Bryan Harris and service has been a
14 trait of my whole life as included in the PDF mention of
15 my service with the Department of Peacekeeping in the
16 Middle East. Service has been my whole life. So after
17 service which is included in the PDF with the Department
18 of Peacekeeping, I came out to Austin, Texas and still
19 taught to serve. And I started serving in the area of
20 serving used cards of general public. So since I came
21 from my service with the department, I mean in the Middle
22 East, I've been in Austin helping to serve the community.
23 And as you can imagine the growing population, there came
24 a demand for title processing. So as a person, service
25 oriented, I told myself, well, what can I do? Can I just

1 sit and sell cars? I'd rather help the growing
2 population. At the time, we all know the history you go
3 out of DMV, long wait line, people had to leave jobs and
4 all of that. So I started to serve again. I started
5 helping the community to do title transfer. So title
6 transfer is what I've been doing. I'm not a lawyer, I'm
7 representing myself and I'm just trying to read through
8 some of the things that I have prepared. So please bear
9 with me. So as a person, service oriented, serving the
10 community, the tax office issue that refused to renew my
11 application for an allegation, they said that they
12 suspected fraudulent action of me signing a paper at the
13 tax office. And when they said that, I said, well that
14 interesting. I tried to appeal. I appeal within the time
15 frame of appeal. My appeal was not given no light, it was
16 denied, not denied rather, I went through all red tapes
17 and I couldn't see no green light. And when I asked, I
18 said, well, I wanted to see the Board at a time to explain
19 because you said you suspected and this is something very
20 key. I'm a person who I lived my entire life as including
21 in a PDF or no criminal record. I try to serve and if you
22 told me that you suspect some fraudulent act and you said
23 there's a video, so that makes it easier because you say
24 you suspect it and there's a video so you should show it.
25 You know, in a country of rule and law, you know, when

1 people do wrong, they should, I mean they should face the
2 crime. I told the tax office to present that
3 unfortunately to date, they have not presented it. I
4 said, okay, what about the video? You say you saw me on
5 the video, so get the video as well. They have not
6 presented the video. Today, coming here to present my
7 case, I brought out which is included in the PDF. It's
8 not a new evidence is including PDF's original copy of
9 what they said they suspected me of doing. To date they
10 couldn't prove it that they suspected me. They said
11 suspicion. Even within the document before you, it's
12 listed there as suspicion. So what am I here to do or to
13 say today is that I'm not here to ask for you to give me a
14 license today. I'm here to ask that the statement of the
15 tax office or rather the TxDMV claiming or categorizing me
16 as unfit should be redressed, should be reconsidered on a
17 basis that as I have been here, there have been no public
18 complaint from the general public. We understand some of
19 the reason of the bull is to be able or the labor of
20 unfit. It should be based on certain reasons. There have
21 been no complaints about me or my business from the
22 general public to date. From Google, my business also
23 from the TxDMV itself. There have been no complaint. So
24 you are labeling a guy who does a small business as unfit.
25 But there has been no public complaint. This is very

1 heavy. A person who tried to render service to the
2 general public, you are labeling him as unfit. But to
3 date there's no public. There's no complaint from the
4 public. There's no complaint from or they have been sent
5 to the TxDMV about my business. There's no complaint from
6 anywhere. I also am a member of the Better Business
7 Bureau. The Better Business Bureau as a small business
8 owner like me, we pay almost \$65. That's a hard earned
9 money to pay \$65 every month. But what do we pay to get
10 confidence to the consumer? So say, hey, I'm not only
11 doing business, I'm a credible person. And just like I
12 said, all right, my record shows in the PDF, it shows that
13 I have no criminal record. It also shows that I have
14 almost a decade and a half experience with the Department
15 of Peacekeeping. I mean to serve with the Department of
16 Peacekeeping for a decade and a half is not an easy thing
17 because we have strict restrictions. Serving overseas,
18 you are governed by strict rules. Do this, can't do this,
19 can't do that. I've been there for almost one and a half
20 decades with no complaint as well. So that brings, that
21 tells you a little more about me. And it's also evidence
22 from what I do my business there have been no complaint
23 because why? I'm just a service person. I like to render
24 service, I like to help. And that's why I do best. In
25 the PDF you have so some of the reason here is the word

1 alone, the PDF says that traffic counter denied based on
2 suspected or alleged fraudulent activities alone makes me
3 unfit. So I want us to imagine they're using the word
4 unfit alone. The page 8 rather page 18, which your rule
5 that you have does not say alone. Your rule you have does
6 not say alone. They are labeling me unfit for one reason.
7 But the rules that you have before you honorable Board
8 Members, it doesn't say alone. So I'm giving you that
9 chance because I mean the rule also says that the board
10 will consider five categories together. Five categories
11 together. Mitigating factor. I will show you here that I
12 will show you what I'm asking. If you look at, if you
13 look at the PDF page 14 service or complaint, it state
14 that there have been no complaints. Just like I said, I
15 have an A plus rating with the Better Business Bureau. It
16 also state there. So imagine they are saying that I have
17 fraudulent activity or rather suspected of fraudulent
18 activity from me. But they are not being able to prove
19 it. They said they have a video. They have not been able
20 to prove it. The video is there. So the video, if your
21 video is there, the video should show what is fraudulent.
22 So there's nothing hidden. If there's no video, yeah,
23 maybe, but there is a video, so it should show what is
24 fraudulent. To date there has not been nothing showing
25 what is fraudulent. And just like I said, we all know

1 that with any document you have to do at the tax office,
2 you got to have one important document, which is the Power
3 of Attorney. So someone wants you to go and do something
4 on their behalf, they give you a Power of Attorney, and
5 with that Power of Attorney you are able to execute on
6 their behalf. I had that Power of Attorney in the
7 transaction that they are talking about, which is in the
8 PDF. The second part here that I have to show. The rule
9 should weigh on other issues as well. The board says that
10 determining a person unfit based on another regulatory
11 factor. The subsection then says that the board will
12 consider five things. The occupation code requirement,
13 the statutory misrepresentation provision, the specific
14 licensing criteria, mitigating factor and other evidence
15 of unfit. The department's owned exhibit lacks some of
16 these things that label me unfit. But what are some of
17 the reasons? I heard in the department presentation that
18 they talk about premises at some part. I don't know if I
19 captured it that well, they talk about premises. Applying
20 for a dealer license, you submit your application, your
21 application is reviewed, they review your application.
22 And if they see some things that needs attention, I mean,
23 the rule says that they should alert you to correct or
24 comment on those. So if you go to a dealership and see
25 that it will have a display of five cars and they have a

1 display of four cars, you just say, well, the rule says
2 that you should have a display of five cars. And if you
3 can't have a display of five cars, tell why. And if that
4 is not convincing, then we'll check that. Because that's
5 part of the rules. That is statutory rules. The rule
6 says that you should have a computer in your office. If
7 you come to the office, there's no computer in the office
8 you don't just go and say you don't have computer in your
9 office, so your application is denied. The rule doesn't
10 say that. In my layman thinking, the rule says the
11 investigator or whoever going on site should ask the
12 person say, the rule says that you should have a computer
13 in your office. And we come here, there's no computer in
14 the office. So some of these things the rule says, it's
15 like. And one of the things I want to really get into is
16 like, I believe that the Texas DMV is not in the business
17 of closing small businesses. It's not in the business.
18 Is that what the Texas DMV is for it's not there to close
19 small businesses. It's there to help small business.
20 Because small businesses like us, we are there to help the
21 public. So I believe the Texas DMV is not there to be
22 closing small businesses. So work with small business and
23 say, hey, this is the rules. The rules says this, you
24 should have this, and this is not there. What are you
25 doing for this? If you can't respond to that, then we'll

1 tell you, say, yeah, you're not fit. Or rather, we cannot
2 approve your application because you know what? You are
3 required to have a computer in your office. You are
4 required to have five display of cars you don't have five.
5 So we can give the person some little room to address
6 issues. I mean, that's just in a civilized world, as we
7 are in that what it's supposed to be, give people the
8 opportunity to address issues. And some of the things I
9 want to say is like deliver me unfit, but give me no
10 opportunity to address it. You say I am unfit. You say
11 you suspect it. And I know that in a developed and
12 civilized world, as we are in, you do not prosecute
13 someone because suspicion. You prosecute someone because
14 of what is factual, what is proven. So I don't come here
15 and say, oh, you know what, I suspect you of stealing. So
16 you know why you're going to be persecuted because I
17 suspected you. And you said that there are videos, but
18 you fail to prove in the video that the suspicion you have
19 alleged is proven. So if you look in the exhibit like 18
20 on page 2, it says a person is unfit if a final order
21 issued. Okay, so another party I try to put here is that
22 the department witness, Mr. Petrol, he testified that the
23 PDF record on page 13 that I failed to produce meaningful
24 mitigating evidence. But the Department's own Exhibit 18
25 on page I think 157 listed the mitigating document, I gave

1 the licensing committee emails of the tax. So what they
2 are saying here, what I'm trying to say here is that I
3 applied for a license and you apply for a license. At the
4 time that I applied, or rather applied for my renewal of
5 my license, the case with the tax office was still
6 ongoing. So imagine I submitted my application into the
7 tax to the TxDMV for my renewal of my application. At the
8 same time, I have ongoing case with the tax office about
9 this allegation. So I want you to all see the, see the
10 facts here. Almost the same time I apply. Sorry, almost
11 the same time I applied my case is still ongoing with the
12 tax office on this fraudulent activities suspicion is not
13 settled. I asked for audience with the bull. I've not
14 given audience with the bull. All right. So I submitted
15 my application with the fact that in clear mind that it's
16 still ongoing. I did not know that it's been like
17 finalized. I never been prosecuted. And still. So when
18 I submitted it, and at one time I was asked, I was asked,
19 do you have any issue with any other regulating agency? I
20 say, oh, yes. Not only did I have issue, I sent them all
21 the emails that I have with this regulatory body, the tax
22 office. So what I know here, it just common sense that I
23 know that you take every paper you take to the tax office.
24 I understand. I mean, you don't have, this is not rocket
25 science. Every paper you take at the tax office, I know

1 the tax office, the DMV work together. I mean, that's
2 just a straight thing. I know they work together. I know
3 everything they do. They work together. I'm also note
4 that former staff of the tax office, or rather TxDMV are
5 staff of the tax office. So I know for sure. So it's not
6 that I'm hiding something which I told them. Oh, sorry.
7 I'm running out of time. So. Yeah. So some of the facts
8 that I want to show here, go ahead and

9 CHARLES BACARISSE-BOARD CHAIR: just wrap up your
10 testimony. You're out of time.

11 BRYAN HARRIS: Oh, okay.

12 CHARLES BACARISSE-BOARD CHAIR: Just go ahead and
13 finish what you want to share with us.

14 BRYAN HARRIS Thank you. Thank you so much. Thank
15 you so much, your honor, for this.

16 CHARLES BACARISSE-BOARD CHAIR: You have a few
17 minutes, okay.

18 BRYAN HARRIS: Yes, sir. Yeah. So, I mean, I'm
19 very, I'm very. I'm.

20 CHARLES BACARISSE-BOARD CHAIR: That's alright. If
21 you had a closing statement or something.

22 BRYAN HARRIS: Yeah, Yeah, I think. Yes. Thank you,
23 sir.

24 CHARLES BACARISSE-BOARD CHAIR: Sure.

25 BRYAN HARRIS: So in my closing, what I mean, what I

1 mean, I understand that when information in an application
2 untruth, the status say the department shall deny. I am
3 not asking the board to ignore that. I'm not disputing
4 the inaccuracy of some of the things that in my
5 application or all of that. I'm not here to contest all
6 of that. My first request is that the matter be reminded
7 again, because there's some facts that are still on the
8 line here. That's one of the things I'm repealing for.
9 If the rule which the Rule 224.200A allows that the weight
10 Rule 215.89 requires in the mitigation record can be
11 addressed, that those things should be addressed. If the
12 Board does not remit, or rather, alternatively, my request
13 here is narrow. I believe that within what section
14 2001.058 let you do is to extend the bold conclusion. I
15 mean concludes that the law requires denial of the
16 application. Denial of this application of two things.
17 First strike the paragraph the purpose. I mean the
18 paragraph that labels me unfit. That's why I really
19 trying to address here because in the rule here which is I
20 mean phone on page paragraph 2, the allegation for the PDF
21 is saying alone. You're trying to label me unfit.

22 CHARLES BACARISSE-BOARD CHAIR: I think you've made
23 that point, sir.

24 BRYAN HARRIS: Oh, okay.

25 CHARLES BACARISSE-BOARD CHAIR: We understand that.

1 BRYAN HARRIS: Oh, okay. Okay.

2 CHARLES BACARISSE-BOARD CHAIR: We need to wrap up.

3 BRYAN HARRIS: Okay, so because of time I would like
4 to end by saying this and speaking to all of you here.
5 Originally I'm from Africa, Liberia. Coming this far is a
6 privilege and I'm very thankful for giving me the chance
7 that you can listen to me. Just by listening to me giving
8 me this chance to be here alone. I really applaud this
9 process. I believe in you. We believe in you. Our faith
10 is now in your hands. As a small business, I believe that
11 the Texas DMV is not in the business to be closing small
12 business like me. Because what could happen I will be
13 ending up under the bridge and all of you here will pass
14 under the bridge. And people you see under the bridge
15 could be the next. I could be the next person. From your
16 decision today. What I'm asking this Board to look at is
17 some of the facts. A person into business for years with
18 no record, no criminal record, no public, no harm to the
19 public.

20 CHARLES BACARISSE-BOARD CHAIR: Sir, we've heard
21 those comments. I'm going to have to ask you to just
22 stop. We appreciate your time. You've gone well over
23 your time and we understand your position and I appreciate
24 it.

25 BRYAN HARRIS: Thank you. Thank you so much, sir.

1 CHARLES BACARISSE-BOARD CHAIR: Thank you.

2 BRYAN HARRIS: Thank you, sir.

3 CHARLES BACARISSE-BOARD CHAIR: Members, any
4 questions on this? Ms. Moriaty, do you have any further.

5 LAURA MORIATY: I don't have any questions.

6 CHARLES BACARISSE-BOARD CHAIR: Okay, you don't have
7 any questions, but. Members, any questions? Seeing none.
8 Should we hear now from Ms. Rachel Sechelski or is she
9 here? Okay. She's coming up. Okay, great. She is
10 representing the Texas DMV. So. Good morning. Go ahead.

11 RACHEL SECHELSKI: Good morning. Chairman Bacarisse,
12 Members of the Board, Executive Director of Avitia. For
13 the record, my name is Rachel Sechelski and I am the
14 enforcement attorney who represented the department in
15 this case before SOAH. General Counsel Moriaty already
16 did a great job of explaining the procedural history of
17 this case. So I'll try to keep my presentation brief and
18 just highlight a few points. This is a licensure fitness
19 case and it essentially boils down to whether or not this
20 Respondent's GDN application should be approved or should
21 be denied. There are three main grounds for denial that
22 we sought when we recommended that their application be
23 denied. The Respondent provided false and misleading
24 answers to four different questions in their application.
25 They failed to disclose that their Motor Vehicle Title

1 Service License had been denied by the Travis County Tax-
2 Assessor Collector's Office or Tax Office as I will refer
3 to it, and they failed to meet or maintain premises
4 requirements at their proposed license location. Now,
5 Respondent does not dispute that the answers in their
6 application were false or inaccurate, but considers them
7 to be "administrative omissions" as they referenced in
8 their closing statement to the ALJ. However, these were
9 not simple clerical errors or administrative omissions.
10 In their responses to these questions in the GDN
11 application, Respondent failed to disclose all previous
12 licenses issued by the Department. Respondent failed to
13 disclose disciplinary action taken by a regulatory
14 authority. Respondent failed to disclose other
15 applications they had previously submitted for the same
16 proposed license location and Respondent failed to
17 disclose that they were previously disciplined and signed
18 an agreed order with the Department which was prompted
19 following a complaint that was made. Respondent certified
20 that all information submitted in their application was
21 true, complete and correct when they submitted that
22 application. Respondent has argued that any omissions did
23 not mislead the Department since the Department could
24 easily verify their own records. But I would point out
25 that the ALJ in her PFD disagreed with this notion. She

1 specifically said, quote, the ALJ's interpretation of that
2 argument is the applicant should be able to answer no when
3 the answer should be yes and omit requested information as
4 long as the Department can provide their honest answers
5 within its own records. And that's not what the law says.
6 The ALJ continued; further, the unwillingness of applicant
7 to give honest answers regarding matters already in the
8 Department's records creates concern over the veracity of
9 answers that are answers, excuse me, that are less easily
10 vetted. And she pondered whether the Department would
11 have even known about the Title Service license denial had
12 the Tax Office not notified the Department prior to the
13 license being submitted. The Tax Office did notify the
14 Department via email that it had denied respondents Title
15 service license prior to the submission of this
16 application. In that email which was admitted as
17 petitioners Exhibit 12 at SOAH, the tax office stated that
18 Respondents title service license was denied based on
19 quote fraudulent activity. Specifically, the alleged
20 Respondent came in to process a title transaction and was
21 told that a Statement of Fact was needed. They claimed he
22 attempted to sign the form in front of the clerk and she
23 told him he was not able to sign on behalf of his
24 customer. The clerk walked away from her desk to get a
25 supervisor, while she was away they stated that there was

1 video of him reaching across the desk to grab the
2 Statement of Fact form and sign it. The Tax Office
3 attached to their email a Notice of Intent to Deny letter,
4 a denial letter, and still photos from surveillance
5 footage of the alleged transaction. Department rules do
6 not require independent verification of disciplinary
7 action taken by another regulatory authority. Ultimately,
8 we do not re litigate another regulatory authority's
9 decision. The allegations which led to the denial are
10 indeed concerning, but the disciplinary action itself by
11 the regulatory authority is evidence of unfitness under
12 Texas Administrative Code 215.89 subsection (b)(4).
13 Lastly, respondent does not dispute that their proposed
14 license location did not and does not comply with premises
15 requirements since they admitted during the hearing that
16 they had vacated the property. Respondent failed to
17 notify the Department of their change of address until
18 March 2026, mere weeks before the Hearing on the Merits.
19 The PFD also mentions that Respondent likewise failed to
20 notify the Tax Office of their change of address, which is
21 another basis of their denial. If Respondent's GDN
22 application is approved today, then Respondent will still
23 have to provide to the Motor Vehicle Division a new
24 proposed license address and meet all premises
25 requirements prior to that license issuing. It boils down

1 to this, Respondent submitted and certified false answers
2 in their GDN application, answers which Respondent does
3 not dispute but attempts to minimize. There is a reason
4 the Legislature enacted Texas Transportation Code
5 503.034(a)(1) which requires the Department to deny an
6 application for the issuance of a GDN if the Department is
7 satisfied from the application or other information before
8 it that the information in the application is not true.
9 The Board also has discretionary authority to deny a
10 license as mentioned by General Counsel Laura Moriaty, but
11 503.034 of the transportation Code mandates that the
12 Department deny a GDN application if it contains
13 information that is not true. Based on the foregoing and
14 considering all factors required by statute and rule, we
15 are recommending a final order be issued adopting findings
16 of fact 1 through 22 and conclusions of law 1 through 10
17 as set forth in the proposal for decision and that
18 Respondent's application be denied. A copy of a proposed
19 final order is available for your consideration on page 68
20 of the board book. I've also included a copy of
21 Petitioners Exhibit 18 on pages 69 and 70 of the board
22 book, which further outlines factors to be considered for
23 fitness. This concludes my presentation, but I'm happy to
24 answer any questions you all may have. Thank you.

25 CHARLES BACARISSE-BOARD CHAIR: Thank you, ma'am. Any

1 questions for council members?

2 CHASE COOLEY-BOARD MEMBER: Yes.

3 CHARLES BACARISSE-BOARD CHAIR: Member Cooley.

4 CHASE COOLEY-BOARD MEMBER: Hello, ma'am. Mr. Harris
5 said that at the time of his application, the issue with
6 the other agency regarding the title service was
7 unresolved.

8 RACHEL SECHELSKI: That is not accurate on the
9 timeline of things. The Tax Office has their own rules
10 that they are to abide by under the Texas Administrative
11 Code 425 and Texas Transportation Code 520. Part of their
12 rules and part of their Notice of Intent to Deny letter
13 states that they have to---if the applicant disagrees with
14 their decision to deny, since it is a Notice of Intent to
15 Deny, then they must submit an appeal in a certain way
16 within 20 days from the date of the notice. That is how
17 their rules are set up. I believe Mr. Harris interpreted
18 that from the date he received the notice, which is not
19 what the rules state. The rules state from the date of
20 the notice. So the appeal, that was emailed to the Tax
21 Office, which it should have been sent in a different
22 format according to their actual denial letter, which was
23 part of the administrative record, it was not timely. And
24 that's why the denial letter that we were sent by the Tax
25 Office, when they notified the Department that this denial

1 had occurred. And just to let the Department know,
2 because they did know at the time that there was a GDN.
3 Basically, they just wanted to let the Department know and
4 the appeal was not timely. If he had anything ongoing, it
5 would have been after that process. But it was a final
6 denial.

7 CHASE COOLEY-BOARD MEMBER: Had he received the
8 intent to deny by the time you did the application?

9 RACHEL SECHELSKI: Yes. I can give you a timeline if
10 it helps.

11 CHASE COOLEY-BOARD MEMBER: I was just wondering if
12 it was close. He made it seem as if.

13 RACHEL SECHELSKI: It was close, I will admit it was
14 close. It was a period from the Notice of Intent to Deny
15 letter January 28th of 2022. He had 20 days from that
16 date, which would have been February 17th. No appeal was
17 received at that point by them. They sent him an actual
18 denial letter February 24th. The evidence that he
19 presented, which was part of the mitigating evidence at
20 the hearing, included a tracking which showed that he
21 actually received it February 5, meaning that he had a
22 time period between February 5 and February 17 to appeal,
23 if that was something he, and he did not choose to or did
24 not meet that deadline. And the license application in
25 this case was submitted March 4, 2022, after the February

1 24 denial.

2 CHASE COOLEY-BOARD MEMBER: Okay. Thank you.

3 CHARLES BACARISSE-BOARD CHAIR: Members. Any other
4 questions? I think we're good. Thank you very much. I
5 appreciate it.

6 RACHEL SECHELSKI: Thank you,

7 CHARLES BACARISSE-BOARD CHAIR: Laura, are there any
8 other public comments?

9 LAURA MORIATY: No, sir. No public comments on this
10 item.

11 CHARLES BACARISSE-BOARD CHAIR: Okay. Having no
12 public comments, the Chair would now entertain a motion on
13 agenda item 5.

14 BRETT GRAHAM-BOARD MEMBER: I'll make a motion.

15 CHARLES BACARISSE-BOARD CHAIR: Member Graham.

16 BRETT GRAHAM-BOARD MEMBER: I move that the Board
17 adopt findings of facts number 1 through 22 and
18 conclusions of law numbers 1 through 10, that from the
19 proposal for decision, as administered, as amended by the
20 administrative law judge's exceptions letter on July 31,
21 2026. Based on the findings of facts and conclusions of
22 law, and in keeping with administrative law judge's
23 recommendation, I move that the Board find that Respondent
24 is unfit for licensure and deny the respondent's
25 application for a GDN license.

1 CHARLES BACARISSE-BOARD CHAIR: Is there a second to
2 that motion?

3 TAMMY McRAE-VICE CHAIR: I second.

4 CHARLES BACARISSE-BOARD CHAIR: Member McRae. Vice
5 Chair McRae. Thank you. Board Member Graham, as the
6 member, as the maker of this motion, are there any other
7 deliberations that you think. Is there any comment you'd
8 like to have? Go ahead.

9 BRETT GRAHAM-BOARD MEMBER: I'll just say the reason
10 I brought this motion forwards is after hearing the
11 testimony here today, it does seem apparent that there's
12 not a lot of question as to whether the facts and findings
13 of this case are accurate. There is questioned. There's
14 some question as to whether it should be applied in the
15 way that it's been applied. But at the end of the day,
16 as. As an agency, we're here to uphold these rules as
17 directed by statute and as directed by the legislature.
18 So given that information, I do not see any aspect of this
19 case where the administrative law judge did not properly
20 apply or interpret the applicable law, nor do I see where
21 a prior administrative decision on which the
22 administrative law judge relied was incorrect. So to me,
23 the facts are the facts. The statute and the laws are the
24 laws. Like it, don't like it, but it's pretty
25 straightforward to me. That's why I brought this motion,

1 Mr. Chairman.

2 CHARLES BACARISSE-BOARD CHAIR: Thank you Member
3 Graham. Members, are there anyone else wish to comment at
4 this point? The Chair sees no further Members wishing to
5 make comments. So we'll now call for the vote. Please.
6 Board Members, when I call your name, please state your
7 vote for the record. Member Alvarado?

8 CHRISTIAN ALVARADO-BOARD MEMBER: Aye.

9 CHARLES BACARISSE-BOARD CHAIR: Member Cooley?

10 CHASE COOLEY-BOARD MEMBER: Aye.

11 CHARLES BACARISSE-BOARD CHAIR: Member Graham?

12 BRETT GRAHAM-BOARD MEMBER: Aye.

13 CHARLES BACARISSE-BOARD CHAIR: Member Jones?

14 MARK JONES-BOARD MEMBER: Aye.

15 CHARLES BACARISSE-BOARD CHAIR: Vice Chair McRae?

16 TAMMY McRAE-VICE CHAIR: Aye.

17 CHARLES BACARISSE-BOARD CHAIR: Member Omumu?

18 SHARLA OMUMU-BOARD MEMBER: Aye.

19 CHARLES BACARISSE-BOARD CHAIR: Member Roesler?

20 MARK ROESLER-BOARD MEMBER: Aye.

21 CHARLES BACARISSE-BOARD CHAIR: Member Schlosser?

22 DARREN SCHLOSSEDR-BOARD MEMBER: Aye.

23 CHARLES BACARISSE-BOARD CHAIR: I, Chair Bacarisse
24 vote aye as well. It's unanimous. Thank you. We now
25 move to agenda item number 6, Rule Adoption chapter 215

1 and I will turn it over to Monique Johnston for
2 presentation on this agenda item. Ms. Johnston, floor is
3 yours.

4 MONIQUE JOHNSTON: Chairman, Members, and Director
5 Avitia, good morning. For the record, my name is Monique
6 Johnston, I'm the Director of the Motor Vehicle Division.
7 Today we're asking the Board's permission to adopt
8 Revisions to Chapter 215, Motor Vehicle Distribution in
9 Title 43 of the Texas Administrative Code. This rule is
10 listed on your agenda as item 6, and details may be found
11 beginning on page 71 of your board book. The rule package
12 adopts amendments, new sections, and repeals to chapter
13 215 and in conjunction with the Notice of Intent to review
14 rules in compliance with Government Code 2001.039. By
15 adopting Chapter 215 amendments and repeals, the
16 Department accomplishes the following goals: to further
17 enable a successful transition from temporary tags to
18 license plates consistent with responsibilities to protect
19 consumers, deter fraud and support operations; enhance
20 Department enforcement capabilities and streamline and
21 modernize language to improve readability. With those
22 goals in mind, I would like to briefly highlight a few
23 significant sections in chapter 215 changes. First is
24 license plate transition. Two new rules 215.15 and
25 215.159, assist dealers in managing license plate

1 inventory and facilitating retail sales. This includes
2 215.153, which expands the authorized use of the buyer's
3 purple provisional plate, as well as 215.159, which allows
4 a dealer with multiple locations to store and manage
5 license plates at a centralized location, also known as
6 centralized plate storage. Changes supporting license
7 plate transition also include amendments to increase
8 certain dealer temporary license plate allocations to
9 better support or align with their business needs.

10 Second, the adopted changes will enhance enforcement
11 capabilities. 215.121, 215.141 and 215.175 will enhance
12 the enforceability of the Motor Vehicle Records Disclosure
13 Act by adding a sanction for violating that Act. 215.141
14 will add new license plate related violations based on
15 consumer complaints such as issuing the wrong type of
16 license plate for a vehicle transaction or voiding and
17 reissuing the same plate to extend the title and
18 registration filing deadline. Adoption of this rule
19 package will also refine certain premise requirements,
20 specifically providing clarification of the signage
21 requirements to include adding flexibility to permanent
22 signage mounting requirements as well as changing the
23 required display area to eliminate the need for physical
24 barriers that are not easily removable and to allow that
25 the five display areas be marked or identified by signage.

1 Department research shows this change would be easier for
2 our dealers to implement and comply with consistently
3 would also be a standard that is easier to interpret and
4 enforce and would pose low risk for consumer harm.
5 Stakeholder input was received, excuse me, the Board
6 proposed these rules at the April 2026 Board Meeting and
7 were published for public comment on April 24, 2026 in the
8 Texas Register. The Department received comments from the
9 following associations: the Texas Automobile Dealers
10 Association or TADA, the Texas Independent Auto Dealers
11 Association or TIADA, and the Texas Recreational Vehicle
12 Association or TRVA. The Department considered all
13 written comments and is recommending a number of changes
14 to the text adoption in response to several of these
15 comments. These comments are reflected in the text
16 provided on your Board materials beginning on page 104.
17 These recommendations include withdrawing proposed new
18 215.107 regarding line make transfers so that the
19 Department can reconsider the wording that stakeholders
20 found confusing. The Department also recommends
21 withdrawing certain proposed amendments and repeals in
22 several sections of chapter 215 as outlined in the
23 executive summary on page 72 of your board materials.
24 These proposed rule revisions would have streamlined rule
25 language and removed language that was redundant with

1 statute, but the stakeholders identified as making these
2 rules less helpful for the public. The Department is also
3 recommending revised amendments to 215.244 and 215.270 at
4 adoption to remove the proposed new definitions related to
5 dealer advertising violations. The Department instead
6 recommends addressing these issues through legislative
7 recommendations for statutory changes that will be
8 addressed under agenda item number 10 today. The
9 department also recommends revised amendments to 215.120
10 to retain existing references to manufacture and converter
11 standard license plates while clarifying who is the
12 subject to the rule's requirements. Additionally, the
13 Department recommends revised amendments to 215.159 to
14 allow multiple dealers to utilize centralized plate
15 storage location and to provide greater operational
16 flexibility regarding license plate storage. Finally, the
17 Department is recommending adopting additional stakeholder
18 requested revisions and several minor clarifying non
19 substantive changes for consistency, readability and
20 statutory accuracy. With those modifications, the
21 Department requests your approval of these new section
22 amendments and repeals. If approved for adoption, the
23 rules would be effective October 29, 2026. This concludes
24 my remarks and I'm happy to answer any questions you have.

25 CHARLES BACARISSE-BOARD CHAIR: Thank you, Ms.

1 Johnston. Members, any questions for Ms. Johnston on this
2 item?

3 MARK JONES-BOARD MEMBER: Mr. Chairman, I have a
4 question please.

5 CHARLES BACARISSE-BOARD CHAIR: Member Jones.

6 MARK JONES-BOARD MEMBER: Director Johnston, on
7 section 215.153, this is an amendment I believe we've said
8 to increase the flexibility of use on provisional license
9 plates?

10 MONIQUE JOHNSTON: For the record, Monique Johnston
11 that is correct.

12 MARK JONES-BOARD MEMBER: Could you explain that to
13 me as to what previously they were specifically used for
14 and what now they'll be available to use for?

15 MONIQUE JOHNSTON: My understanding the previous use
16 was if you didn't have a certain type of plate in your
17 inventory. So if you're a dealer who doesn't normally
18 deal like say the example everyone uses is farm truck and
19 you don't have the farm truck plate, you could use the
20 purple provisional plate on that. This also expands it to
21 so it if you don't have a general issue plate for that
22 type of plate in your vehicle inventory, you use the
23 purple provisional plate. Also if you, when you purchase
24 the vehicle's purchased and they're eligible for an exempt
25 plate, you can use the purple provisional plate. So it

1 expands it for that and also for fleet purchases so you
2 can use that on there if you don't have the fleet plates
3 in your inventory.

4 MARK JONES-BOARD MEMBER: Okay, thank you very much
5 for that.

6 MONIQUE JOHNSTON: And if I missed anything, Annette
7 Quintero is here to address that, if I missed something.

8 CHARLES BACARISSE-BOARD CHAIR: Thank you. Members,
9 any other questions for Ms. Johnston? Seeing none.
10 Laura, are there any public comments?

11 LAURA MORIATY: Yes sir, we do have a public comment.
12 Karen Phillips from TADA.

13 CHARLES BACARISSE-BOARD CHAIR: Ms. Phillips, please
14 come talk with us.

15 KAREN PHILLIPS: Good morning Board. Karen Phillips
16 with TADA. Board Members and Chairman and Executive
17 Director. First of all I want to thank the Board as well
18 as staff for making some of the changes that we had
19 discussed. Also want to thank Corrie Thompson as well as
20 Monique Johnston to making a change to 140 allowing a
21 dealer to affix or to etch on an extended or exterior
22 window, wall or door a sign. This I think will allow for
23 a more ease transition for renewals as well as by sales
24 when you are going through the licensing process. Also
25 want to thank Corrie with respect to the centralized plate

1 storage. This was something that we had requested and I
2 think it will also be helpful for those dealers who do are
3 wanting and needing a centralized plate storage. I do
4 have one request today and that has to do with 120,
5 215.120 which has to do with, today the heading states
6 standard plates and the text of the rule has to do with
7 manufacturers, distributors and converters plates. And so
8 I would ask that the heading also state manufacturers,
9 distributors, converters, standard plates. When you
10 juxtapose this rule, excuse me, to other rules which are
11 in this subchapter you'll see that we have dealers license
12 plates in 138 you have dealer standard license plates in
13 139. And so in order for this to track the Transportation
14 Code, which also discusses manufacturer's license plates
15 and converters plates in chapter 503, this will allow any
16 reader to understand that this particular rule has to do
17 with manufacturers and distributors and converters. And
18 so we would just like for that clarification to be made in
19 the heading. The other issue that I'd like to just bring
20 up has to do with sanctions. And franchise dealers are
21 subject to sanctions in 121 as well as 141. GDN holders
22 and such are subject to sanctions in 141. 121 has to do
23 with manufacturers, distributors, converters and franchise
24 dealers. Franchise dealers who have licenses, both as a
25 franchise dealer as well as a GDN holder, are subject to

1 two rules which have to do with sanctions. The first
2 sanction is in 121, which is 18 sanctionable issues, and
3 141, which is 35. And even though if you looked at a VIN
4 diagram, we would be sanctionable for both issues that are
5 listed in both of those rules, such as failure to maintain
6 records required under Occupations Code 2305, we could be,
7 as a franchise dealer, sanctioned for two different rules
8 for the same thing. So I would just like to bring that to
9 your attention and perhaps in the future maybe that could
10 be addressed. Thank you.

11 CHARLES BACARISSE-BOARD CHAIR: Thank you. Ms.
12 Phillips, hang in there just a minute because we may have
13 some questions. Members, any questions for Ms. Phillips
14 on what she has presented here? Member Graham? Anyone?

15 BRETT GRAHAM-BOARD MEMBER: I know it's like the mute
16 button on your computer. You never know. You just never
17 know.

18 CHARLES BACARISSE-BOARD CHAIR: You don't.

19 BRETT GRAHAM-BOARD MEMBER: I mean, so, so both, both
20 of these issues that you bring up are really wordsmithing.
21 Clarification.

22 KAREN PHILLIPS: Clarification. Correct.

23 BRETT GRAHAM-BOARD MEMBER: And so if I could maybe
24 just understand from Council or Corrie.

25 CHARLES BACARISSE-BOARD CHAIR: Yeah.

1 BRETT GRAHAM-BOARD MEMBER: Is there a reason not to
2 just put these clarifications into place or is there a
3 reason that's not necessary? I'd just like to hear.

4 CHARLES BACARISSE-BOARD CHAIR: Don't go far, Karen.
5 Corrie, could you speak to those questions Member Graham
6 has?

7 CORRIE THOMPSON: Yes, absolutely. Corrie Thompson,
8 Director of the Enforcement Division. So I would say
9 while the conduct might be within the scope of both
10 215.121 and 215.141, the subchapters speak to different
11 licensed entities. So the first subchapter C speaks to
12 franchise dealers, manufacturers, distributors,
13 converters, I believe. And then the other one is GDN
14 holders and in transit license holders. And so we have
15 these different enumerated sanctions, as Karen previously
16 stated. But in practice, while we could theoretically
17 cite a dealer for holding a franchise license which also
18 has a GDN attached to it, we're looking at one specific
19 set of facts whenever a complaint comes in. And so, so
20 we're sanctioning under that. So if it was the sale of a
21 used vehicle, we would be citing for the used vehicle
22 provision and we would penalize accordingly. We have
23 never in the history of me being part of the Enforcement
24 Division, double stacked violations that way against a
25 dealer and penalized them twice for one set of facts to

1 provide that clarification

2 CHARLES BACARISSE-BOARD CHAIR: Does that?

3 BRETT GRAHAM-BOARD MEMBER: And so, and so what I
4 heard you say is the language, while the language could
5 allow you to double stack, it's not the intent or has not
6 historically been the intent.

7 CORRIE THOMPSON: Absolutely. So if we had a
8 franchise dealer knowing they hold both licenses, we could
9 cite both licenses in a document, we could cite both rule
10 provisions. And if the Department were to do that, which
11 we do not currently in practice, but if we were, then we
12 would still only impose one penalty for the one vehicle
13 sales transaction that occurred under that license.

14 BRETT GRAHAM-BOARD MEMBER: And so I guess the point
15 here is we love our current regime who has no intent to do
16 such things. But should we protect against the future if
17 that is the intent of the rule?

18 CORRIE THOMPSON: In my opinion, I would say that we
19 wouldn't want to lose the provisions that would allow the
20 Department to sanction a franchise dealer for failure to
21 maintain records if it needed to be done pursuant to the
22 specific franchise license. And if you remove that
23 provision, it would be my opinion that you'd be doing so.

24 BRETT GRAHAM-BOARD MEMBER: Okay. And then on the
25 manufacturers section 120?

1 CORRIE THOMPSON: The plates, I believe that Monique
2 could better speak to that. But I thought that we agreed
3 with the comment that was made there and that we were
4 adding that language back. Laura might have a
5 clarification on that point.

6 LAURA MORIATY: Yes, sir, we added it. We added it
7 back to the body, but we did not change the title. I
8 think that we could potentially change the title at
9 adoption. Let me preface all of this by saying we are at
10 adoption. Our ability to change things now is extremely
11 limited. We cannot change 215.121's scope at this point.
12 We could not limit it. That is an excellent
13 recommendation for future rulemaking that we can consider
14 going forward. But today I don't see a way to get there
15 with what we've proposed. However, with regard to
16 215.120, we have limited that to manufacturers,
17 distributors and converters. So if Ms. Phillips believes
18 that that should be more clarified in the title, I believe
19 that is something we could do today. We could clarify the
20 title.

21 CHARLES BACARISSE-BOARD CHAIR: Do you need a motion
22 specifically on that?

23 LAURA MORIATY: Yeah, we sure would, but I could
24 help. We could take a little break and I could help draft
25 one.

1 CHARLES BACARISSE-BOARD CHAIR: Should we take a
2 recess momentarily?

3 LAURA MORIATY: Are there any other questions or.

4 CHARLES BACARISSE-BOARD CHAIR: Yeah, right.

5 BRETT GRAHAM-BOARD MEMBER: I mean, that's all I had.
6 Thank you.

7 CHARLES BACARISSE-BOARD CHAIR: Okay, members, any
8 other questions? The chair would entertain a brief recess
9 to work through some language, if that's acceptable to the
10 Board. Is everybody okay with that? I see. Kind of
11 unanimous consent. So we'll be in a brief recess of
12 the meeting now. Thank you. It's 10:11 a.m.

13 RECESS

14 CHARLES BACARISSE-BOARD CHAIR: It is 10:28 a.m. and
15 I am reconvening this meeting of the Board of the Texas
16 Department of Motor Vehicles. We had taken a brief recess
17 to work through some language and proposed rules. So
18 we're back. And, Ms. Moriatty, do you want to reset us on
19 this or where do we?

20 LAURA MORIATY: There's been a draft motion that's
21 been distributed to the Board, so if anyone wants to make
22 that motion, that's our next step.

23 CHARLES BACARISSE-BOARD CHAIR: Great. Thank you.
24 Members, I know this is quick, and you. But you were
25 involved in the conversation, so the chair would entertain

1 a motion on agenda item 6, if you've had a chance to read
2 it.

3 BRETT GRAHAM-BOARD MEMBER: Mr. Chairman, I'll make
4 that motion.

5 CHARLES BACARISSE-BOARD CHAIR: Member Graham. Okay.
6 Member Vice Chairman McRae, did you have something?

7 TAMMY McRAE-VICE CHAIR: No, go ahead.

8 BRETT GRAHAM-BOARD MEMBER: She was trying to steal
9 my motion, Mr. Chairman.

10 CHARLES BACARISSE-BOARD CHAIR: Do you want to second
11 that?

12 BRETT GRAHAM-BOARD MEMBER: I move.

13 CHARLES BACARISSE-BOARD CHAIR: Okay, wait a minute.
14 We need a second. Is there a second?

15 LAURA MORIATY: Sir, you don't have a motion yet.

16 CHARLES BACARISSE-BOARD CHAIR: Oh, we don't have a
17 motion yet. How about that? Y'all just don't want to
18 second something that Brett wants to do. Come on. Okay.
19 Go ahead. Member Graham, please.

20 BRETT GRAHAM-BOARD MEMBER: All right, Mr. Chairman.
21 Thank you. I will now read the motion. I move that the
22 Board approve the adoption of amendments, new sections and
23 repeals in 43 Texas Administrative Code Chapter 215 as
24 recommended by staff with the exception of section
25 215.120. I move the Board adopt amendments to 215.120 as

1 presented by staff, with the addition of an amendment to
2 the title of the section so that it reads, standard
3 license plates for manufacturers, distributors and
4 converters. I move that the Board direct staff to publish
5 these adopted rule revisions in the Texas Register. In
6 addition, I move the Board grant the Department authority
7 of make all necessary changes to the preamble to reflect
8 the changes to the title of section 215.120 and to make
9 additional and to make additional to the preamble in Texas
10 recommended by the Office of the Texas Secretary of State
11 for purposes of filing in the Texas Register.

12 CHARLES BACARISSE-BOARD CHAIR: Thank you. Member
13 Graham, is there a second to that motion?

14 TAMMY McRAE-VICE CHAIR: I would like to make a
15 second.

16 CHARLES BACARISSE-BOARD CHAIR: Thank you. Vice
17 Chair McRae. Any further discussion on this motion?
18 Seeing none, the Chair will call the roll for the vote.
19 Please. Member Alvarado?

20 CHRISTIAN ALVARADO-BOARD MEMBER: Aye.

21 CHARLES BACARISSE-BOARD CHAIR: Member Cooley?

22 CHASE COOLEY-BOARD MEMBER: Aye.

23 CHARLES BACARISSE-BOARD CHAIR: Member Graham?

24 BRETT GRAHAM-BOARD MEMBER: Aye.

25 CHARLES BACARISSE-BOARD CHAIR: Member Jones?

1 MARK JONES-BOARD MEMBER: Aye.

2 CHARLES BACARISSE-BOARD CHAIR: Vice Chair McRae?

3 TAMMY McRAE-VICE CHAIR: Aye.

4 CHARLES BACARISSE-BOARD CHAIR: Member Omumu?

5 SHARLA OMUMU-BOARD MEMBER: Aye.

6 CHARLES BACARISSE-BOARD CHAIR: Member Roesler?

7 MARK ROESLER-BOARD MEMBER: Aye.

8 CHARLES BACARISSE-BOARD CHAIR: Member Schlosser?

9 DARREN SCHLOSSER-BOARD MEMBER: Aye.

10 CHARLES BACARISSE-BOARD CHAIR: And I, Chair

11 Bacarisse vote aye as well. It's unanimous. Thank you.

12 Thanks for everyone's collaboration and work here. Thank

13 you. We now move to agenda item number 7. And we'll turn

14 it over to Annette Quintero to walk us through that one.

15 So, Ms. Quintero, good morning.

16 ANNETTE QUINTERO: Good morning. Chairman Bacarisse,

17 Members and Executive Director Avitia. I am Annette

18 Quintero, Director of the Vehicle Titles and Registration

19 Division. I'm presenting agenda item number 7 on page 288

20 of your board book regarding amendments to chapter 217 of

21 the Texas Administrative Code and requesting board

22 approval for adoption of the proposed amendments. The

23 amendments represent a comprehensive review of Chapter 217

24 intended to improve clarity, remove outdated and

25 duplicative provisions, align Department rules with

1 statute and current business practices, and modernize
2 several administrative processes. The proposal was
3 published in the Texas Register on June 26, 2026, and the
4 Department received two written comments from the Texas
5 Auto Dealers Association and the Texas Independent Auto
6 Dealers Association. Both organizations expressed
7 concerns regarding the removal of certain provisions that,
8 while duplicative of statute, provide helpful guidance to
9 the public and regulated community. In response to those
10 comments, the Department withdrew proposed revisions to 14
11 sections and modified seven additional sections at
12 adoption. These changes preserve language that
13 stakeholders identified as important for understanding and
14 complying with the Department requirements. Several
15 amendments provide operational and customer service
16 improvements. These changes clarify when ownership
17 documents may be corrected versus rejected due to
18 alterations and formalize existing procedures for issuing
19 certified copies of title when electronically released
20 titles were mailed to third parties. The amendments to
21 217.40 require applicants to provide a United States
22 Department of Transportation number when applying for a 72
23 hour or 144 hour permit consistent with current Department
24 procedures intended to deter fraud and ensure permits are
25 issued to legitimate applicants. The amendments also

1 modernized apportioned registration requirements to
2 reflect current electronic business practices. Changes
3 include consolidating application and fee calculation
4 requirements, removing outdated paper submission and
5 payment processes, and clarifying eligibility requirements
6 for the issuance of license plates, temporary cab cards,
7 and cab cards. The amendments also provide registrants
8 greater flexibility by allowing operational records to be
9 submitted in any format during audits and permitting
10 conferences related to fee assessments, registration
11 cancellations, or revocations to be conducted by telephone
12 or video conference. One of the more significant changes
13 implements Transportation Code 502.0024 by establishing an
14 extended registration process for trailers, semi trailers,
15 and pole trailers with a gross weight of 7500 pounds or
16 less. Under the amendments, eligible owners may register
17 these vehicles for periods of up to five years, providing
18 greater flexibility in reducing the frequency of
19 registration renewals. Finally, the amendments update
20 motor vehicle records provisions to reflect the
21 Department's transition from temporary tag records to
22 ePLATE system established through House Bill 718. The
23 amendments to 217.125 also clarify that a requester
24 seeking motor vehicle information under the Motor Vehicle
25 Theft Permitted disclosure provisions of transportation

1 code 730.007 must provide proof of a theft complaint filed
2 with law enforcement agency or a law enforcement report
3 documenting the complaint. This requirement helps ensure
4 the legitimacy of the request before personal motor
5 vehicle information is released. Overall, these
6 amendments improve clarity, modernize Department
7 processes, strengthen fraud prevention measures, and align
8 chapter 217 with current business, current statutes, and
9 business practices while incorporating stakeholder
10 feedback to preserve provisions that provide valuable
11 guidance. Staff respectfully request the Board's
12 consideration and approval of the amended rules as
13 presented by staff for adoption.

14 CHARLES BACARISSE-BOARD CHAIR: Thank you, Ms.
15 Quintero. Members, any questions for Ms. Quintero on this
16 item? Laura, Are there any public comments?

17 LAURA MORIATY: Yes, sir, there are. Karen Phillips
18 from TADA.

19 CHARLES BACARISSE-BOARD CHAIR: Great. Good morning.

20 KAREN PHILLIPS: Good morning. Karen Phillips with
21 TADA. I simply really wanted to thank the Board and the
22 staff for returning the policy and purpose rules back into
23 the rules as previously proposed because they inform and
24 they give notice. They give guidance to the public, to
25 licensees as well as to this agency and other agencies.

1 And so they serve as an explanatory function for rules
2 that follow and can provide understanding of legislative
3 intent. So my purpose right now is just to thank you for
4 putting the public policy and purpose rules back in place.
5 Thank you.

6 CHARLES BACARISSE-BOARD CHAIR: Ms. Phillips, we
7 appreciate that. And we appreciate your collaboration all
8 along the way on this and many other issues as well. Any
9 other questions, members? Seeing none, the Chair would
10 entertain a motion on agenda item 7.

11 TAMMY McRAE-VICE CHAIR: I would like to make a
12 motion.

13 CHARLES BACARISSE-BOARD CHAIR: Vice Chair McRae.

14 TAMMY McRAE-VICE CHAIR: I move that the Board
15 approve the adoption of amendments and repeals in 43 Texas
16 Administrative Code Chapter 217 as recommended by staff
17 for publication in the Texas Register. In addition, I
18 move that the Board grant the department authority to make
19 non substantive changes to the preamble and text as
20 recommended by the Office of the Texas Secretary of State
21 for purposes of filing in the Texas Register.

22 CHARLES BACARISSE-BOARD CHAIR: Thank you. Is there
23 a second to that motion?

24 SHARLA OMUMU-BOARD MEMBER: I'll second.

25 CHARLES BACARISSE-BOARD CHAIR: Member Omumu. Close.

1 It was close. Any further discussion on this agenda item?
2 Seeing none, the Chair will call for the vote. Member
3 Alvarado?

4 CHRISTIAN ALVARADO-BOARD MEMBER: Aye.

5 CHARLES BACARISSE-BOARD CHAIR: Member Cooley?

6 CHASE COOLEY-BOARD MEMBER: Aye.

7 CHARLES BACARISSE-BOARD CHAIR: Member Graham?

8 BRETT GRAHAM-BOARD MEMBER: Aye.

9 CHARLES BACARISSE-BOARD CHAIR: Member Jones?

10 MARK JONES-BOARD MEMBER: Aye.

11 CHARLES BACARISSE-BOARD CHAIR: Vice Chair McRae?

12 TAMMY McRAE-VICE CHAIR: Aye.

13 CHARLES BACARISSE-BOARD CHAIR: Member Omumu?

14 SHARLA OMUMU-BOARD MEMBER: Aye.

15 CHARLES BACARISSE-BOARD CHAIR: Member Roesler?

16 MARK ROESLER-BOARD MEMBER: Aye.

17 CHARLES BACARISSE-BOARD CHAIR: Member Schlosser?

18 DARREN SCHLOSSER-BOARD MEMBER: Aye.

19 CHARLES BACARISSE-BOARD CHAIR: And I, Chair Bacarisse
20 vote aye as well. Unanimous. Thank you. And we'll move
21 to agenda item number 8, which is some rule review here,
22 and I will turn it over to Laura Moriatty to walk us
23 through it.

24 LAURA MORIATY: Hello again Board. Laura Moriatty,
25 General Counsel of the DMV. Today you have the

1 opportunity to adopt the rule reviews for Chapter 215 and
2 Chapter 217 of your rules. Chapter 215 covers motor
3 vehicle distribution, and Chapter 217 covers vehicle
4 titles and registration. As you know, every state agency
5 is required by the government code to review its rules
6 every four years and determine whether the reasons for
7 initially adopting those rules continue to exist. We
8 published our notice of review of these chapters in the
9 Texas Register, and we did not receive any public
10 comments. In the course of the rule review, we determined
11 that the reasons for initially adopting both 215 and 217
12 do continue to exist. You have already adopted rule
13 amendments that were identified as part of this rule
14 review in the preceding agenda items 6 and 7. So this
15 agenda item allows you to readopt the remaining provisions
16 of Chapter 215 and 217 to close out the rule review and to
17 be good for another four years. So today, staff is
18 recommending that we conclude the rule review and readopt
19 the remaining unamended provisions of 215 and 217. And
20 with that, I'm open to questions.

21 CHARLES BACARISSE-BOARD CHAIR: Thank you, Laura.
22 Thank you. Members, any questions for Ms. Moriatty? The
23 chair sees none the chair would entertain. Are there any
24 public comments?

25 LAURA MORIATY: No public comments, sir.

1 CHARLES BACARISSE-BOARD CHAIR: Sorry. Thank you.

2 MARK JONES-BOARD MEMBER: Mr. Chairman, I'd like to
3 make a motion.

4 CHARLES BACARISSE-BOARD CHAIR: Member Jones? Yes.
5 Thank you.

6 MARK JONES-BOARD MEMBER: I move that the Board
7 approve the notice of readoption of 43 Texas
8 Administrative Code chapters 215 and 217 as recommended by
9 staff for publication in the Texas Register. In addition,
10 I move that the Board grant the Department the authority
11 to make non substantive changes to the notice of
12 readoption as recommended by the Office of the Texas
13 Secretary of State for purposes of filing in the Texas
14 Register.

15 CHARLES BACARISSE-BOARD CHAIR: Thank you Member
16 Jones. Is there a second?

17 DARREN SCHLOSSER-BOARD MEMBER: I'll second.

18 CHARLES BACARISSE-BOARD CHAIR: Member Schlosser.
19 Okay, thank you. Any further discussion, Members seeing
20 none. The chair would call the roll for the vote, please.
21 Member Alvarado?

22 CHRISTIAN ALVARADO-BOARD MEMBER: Aye.

23 CHARLES BACARISSE-BOARD CHAIR: Member Cooley?

24 CHASE COOLEY-BOARD MEMBER: Aye.

25 CHARLES BACARISSE-BOARD CHAIR: Member Graham?

1 BRETT GRAHAM-BOARD MEMBER: Aye.

2 CHARLES BACARISSE-BOARD CHAIR: Member Jones?

3 MARK JONES-BOARD MEMBER: Aye.

4 CHARLES BACARISSE-BOARD CHAIR: Vice Chair McRae?

5 TAMMY McRAE-VICE CHAIR: Aye.

6 CHARLES BACARISSE-BOARD CHAIR: Member Omumu?

7 SHARLA OMUMU-BOARD MEMBER: Aye.

8 CHARLES BACARISSE-BOARD CHAIR: Member Roesler?

9 MARK ROESLER-BOARD MEMBERR: Aye.

10 CHARLES BACARISSE-BOARD CHAIR: Member Schlosser?

11 DARREN SCHLOSSER-BOARD MEMBER: Aye.

12 CHARLES BACARISSE-BOARD CHAIR: Thank you. And I,
13 Chair Bacarisse vote aye as well. Thank you.

14 LAURA MORIATY: Thank you.

15 CHARLES BACARISSE-BOARD CHAIR: Thank you, Laura.

16 Agenda item number 9 is chapter 218, Motor Carriers. And
17 we'll turn it over to Clint Thompson to walk us through
18 this one. Good morning, Mr. Thompson.

19 CLINT THOMPSON: Thank you. Morning. Clint
20 Thompson, Director of the Motor Carrier Division. Agenda
21 item 9 starts on page 423 of your board book. This is an
22 action item to adopt amendments in a repeal in chapter
23 218. Specifically, one of the changes pertains to a self
24 proprietor motor carrier applicant for registration and
25 additional cleanup. In 218.2, we are amending the

1 definition of USDOT number to include the statutory
2 reference in 643.064 to make it clear where the
3 requirement comes from. 218.11 is your comprehensive
4 repeal. Now, two of those provisions being repealed are
5 contained in Chapter 643 pertinent to who is required to
6 be registered as a motor carrier under chapter 643. They
7 are duplicative of statute therefore, we're removing them.
8 The third provision in 218.11 that is being repealed is
9 also being incorporated into 218.13 that you'll see. And
10 basically that stipulates that a USDOT number must remain
11 active with Federal Motor Carrier Safety Administration to
12 be valid. So no changes there, we're just merely removing
13 it from 218.11 to put it in 218.13. The other change that
14 you'll see in 218.13, again relating to a sole proprietor
15 motor carrier applicant for motor carrier registration.
16 The requirement is for the Social Security number to be
17 provided at the time of application. That is consistent
18 with current practice and also consistent with a recent
19 Attorney General opinion that we received. So no change
20 to how we do things today. The changes in 218.14 merely
21 remove the reference to 218.11 which is being repealed
22 with this adoption, and replaces it with the pertinent
23 statutory provisions. This was presented for proposal at
24 the June board meeting and we received no public comments
25 at that time. Glad to take any questions that y'all may

1 have to recommend adoption.

2 CHARLES BACARISSE-BOARD CHAIR: Thank you, Mr.
3 Thompson. Questions for Mr. Thompson, Members? Any
4 questions? Any public comment Laura?

5 LAURA MORIATY: No, sir. No public comment.

6 CHARLES BACARISSE-BOARD CHAIR: Okay. No other
7 questions for Mr. Thompson? The chair would entertain a
8 motion on agenda item 9.

9 MARK ROESLER-BOARD MEMBER: I'll make a motion.

10 CHARLES BACARISSE-BOARD CHAIR: Member Roesler.

11 MARK ROESLER-BOARD MEMBER: I move the Board approve
12 the adoption of the amendments and repeal in 43 Texas
13 Administrative Code Chapter 218 as recommended by staff
14 for publication in the Texas Register. In addition, I
15 move the Board grant the Department the authority to make
16 non substantive changes to the preamble and text as
17 recommended by the Office of the Texas Secretary of State
18 for purposes of filing in the Texas Register.

19 CHARLES BACARISSE-BOARD CHAIR: Is there a second in
20 this motion?

21 DARREN SCHLOSSER-BOARD MEMBER: I'll second.

22 CHARLES BACARISSE-BOARD CHAIR: Member Schlosser.
23 Okay, thank you. And any further discussion, Members?
24 Seeing none. The chair will call the roll, please.
25 Member Alvarado?

1 CHRISTIAN ALVARADO-BOARD MEMBER: Aye.

2 CHARLES BACARISSE-BOARD CHAIR: Member Cooley?

3 CHASE COOLEY-BOARD MEMBER: Aye.

4 CHARLES BACARISSE-BOARD CHAIR: Member Graham?

5 BRETT GRAHAM-BOARD MEMBER: Aye.

6 CHARLES BACARISSE-BOARD CHAIR: Member Jones?

7 MARK JONES-BOARD MEMBER: Aye.

8 CHARLES BACARISSE-BOARD CHAIR: Vice Chair McRae?

9 TAMMY McRAE-VICE CHAIR: Aye.

10 CHARLES BACARISSE-BOARD CHAIR: Member Omumu?

11 SHARLA OMUMU-BOARD MEMBER: Aye.

12 CHARLES BACARISSE-BOARD CHAIR: Member Roesler?

13 MARK ROESLER-BOARD MEMBER: Aye.

14 CHARLES BACARISSE-BOARD CHAIR: Member Schlosser?

15 DARREN SCHLOSSER-BOARD MEMBER: Aye.

16 CHARLES BACARISSE-BOARD CHAIR: And I, Chair Bacarisse
17 vote aye as well. Thank you. Thank you, Mr. Thompson.
18 Appreciate it. Agenda item 10 is our Legislative and
19 Public Affairs update and we'll have Mr. Yawn come and
20 present to us. So, Keith, the floor is yours.

21 KEITH YAWN: Mr. Chairman, Board Members, Director
22 Avitia. Good morning. Keith Yawn, Director of Government
23 and Strategic Communications for the Department. Agenda
24 item 10, beginning on page 455 of your board book is
25 approval of proposed draft statutory recommendations to

1 the 90th Texas Legislature. As previously presented,
2 Texas Transportation Code 1001.025 authorizes the Board to
3 recommend statutory changes to improve department
4 operations to the legislature. During the August board
5 meeting, we presented two statutory change proposals to
6 you for consideration. Following that presentation, staff
7 distributed the draft proposals to stakeholder
8 associations and representatives for review and comment.
9 We received comments from numerous stakeholders, including
10 the Texas Automobile Dealers Association, the Texas
11 Independent Automobile Dealers Association, the Texas
12 Recreational Vehicle Dealers Association, the Texas
13 Motorcycle Dealers Association, and several county tax
14 collector offices. Department staff from the general
15 counsel motor vehicle and enforcement divisions reviewed
16 the comments and agreed to revise the proposed drafts to
17 address the received comments. The drafts included in
18 your board materials include those revisions with the
19 changes highlighted. Staff continue to believe these
20 items---the proposals are necessary to maintain the
21 Department's ability to ensure consumer protection within
22 the motor vehicle industry. The first proposal, beginning
23 on page 456 of your board book, seeks to clarify statutory
24 authorization for the Department's fingerprint based
25 background check process applied to licensed applicants.

1 Last session, Senate Bill 2587 revised the authorizing
2 statute in Texas Government Code 411. A recent FBI review
3 of the new language determined that the revisions do not
4 meet federal requirements due to the use of overly broad
5 language for certain categories of identified individuals.
6 The proposal revises statute to preserve existing fraud
7 mitigation operations within the licensing process while
8 addressing these federal concerns. This recommendation
9 would have no fiscal impact on Department operations and
10 does not expand the program or make any operational
11 changes to its application. The revisions made to this
12 proposal to address stakeholder comments include adding a
13 reference to members of an LLC, adding language to clarify
14 the level of manager subject to the process, and
15 clarifying the license type subject to the process using
16 both their common names and their code references and
17 Occupations Code. The second proposal, beginning on page
18 459 of your board book, addresses recent judicial
19 interpretations related to the Department's enforcement of
20 dealer advertising requirements. Texas Occupations Code
21 2301 outlines the process for filing a complaint against a
22 license holder for an advertising violation. Before
23 proceeding with enforcement actions on identified
24 violations, the statute requires the Department to first
25 provide the involved license holder with notice and an

1 opportunity to cure the specific advertising violation.
2 Recent court and SOAH opinions have interpreted the
3 statute to require a separate notice and opportunity to
4 cure each advertisement violation. However, individual
5 vehicle advertisements are transitory in nature. By the
6 time the Department Enforcement Division receives a
7 complaint about the advertisement and sends a notice to
8 cure, the advertisement has likely already been removed or
9 discontinued by the dealer, either because the advertised
10 vehicle has been sold or the dealer is advertising other
11 vehicles. This effectively creates a block on effective
12 enforcement. The proposal changes the violation notice
13 and cure process to allow the Department to pursue
14 enforcement of violations when the license holder has been
15 previously notified provided notice of a violation of the
16 same Board rule relating to advertising but continues to
17 violate regulatory requirements regardless of whether the
18 subsequent violation involves the same vehicle. Staff
19 revised the proposal based on stakeholder feedback to
20 include a requirement for the Department to define through
21 rule the maximum time period between an initial violation
22 notice and when a new opportunity to cure that same type
23 of violation would be available to the dealer. This
24 recommendation also would not have a fiscal impact on
25 Department operations, but would allow the Department to

1 properly enforce advertising regulations applicable to
2 motor vehicle dealers, which in turn supports consumer
3 protection efforts. Mr. Chairman, this concludes my
4 remarks unless there are any questions and as a reminder,
5 this is an action item for the Board.

6 CHARLES BACARISSE-BOARD CHAIR: Yes, thank you, Mr.
7 Yawn. Members, any questions on this agenda item? Seeing
8 none. Laura, do we have any public comment?

9 LAURA MORIATY: Yes, sir, we have a public comment
10 from Karen Phillips at TADA.

11 CHARLES BACARISSE-BOARD CHAIR: Wonderful. Good
12 morning.

13 KAREN PHILLIPS: Good morning again. Karen Phillips
14 with TADA. And TADA does support the amendments that are
15 being suggested with respect to the fingerprinting
16 provision and is very much in support of that. With
17 respect to the CURE provision, we still have a couple of
18 concerns because as you know, the time component as to the
19 notice period and a subsequent violation and response back
20 to the DMV from the dealer when they or whomever, whatever
21 licensee it is that receives a notice of a complaint is
22 not included. The only response back was that the Board
23 would be adopting rules on this issue. We would prefer
24 that this information be incorporated into the statute
25 instead of waiting for rules to go forward. There are

1 several reasons for that. With the statutory changes
2 which would incorporate this information, you could have
3 the bill to have a immediate effect instead of waiting for
4 rules to be proposed and adopted. And of course this
5 would also resolve the issue of having to review the same
6 rule over and over again by the Board. So if we could
7 incorporate this information into the statute instead of
8 waiting and allowing it to be part of a rulemaking, that's
9 what we would suggest and recommend. Thank you.

10 CHARLES BACARISSE-BOARD CHAIR: Thank you. Just hang
11 in there for a minute, Karen. Members, any questions on
12 on this item and Ms. Phillips comments?

13 MARK JONES-BOARD MEMBER: Mr. Chairman, I'd like to
14 ask a question.

15 CHARLES BACARISSE-BOARD CHAIR: Member Jones.

16 MARK JONES-BOARD MEMBER: Mr. Yawn, could you tell
17 me what the---is there a specified time as to if a dealer
18 gets in violation of a advertising? Is there a period of
19 time where they can't do it again or they're going to be
20 in more trouble? Does it restart timer ever restart?

21 CHARLES BACARISSE-BOARD CHAIR: Corrie Thompson,
22 please.

23 CORRIE THOMPSON: Conveniently place behind my place
24 behind him. So Corrie Thompson, Director of the
25 Enforcement Division. Currently the Department's practice

1 is to receive an advertising complaint, send out the Cure
2 Notice as specified in statute and then there's a five
3 year old look back period that we're currently using. So
4 if the dealer violates how we use it the same provision so
5 say it was 215.250, a pricing violation, they didn't lay
6 out the pricing equation correctly, they left something
7 out then if they subsequently violated the same provision,
8 same rule again within that five year period on a
9 different advertisement, as we have tried in the past, we
10 would send out the notice of department decision. The
11 recent case said as Mr. Yawn specified, that the
12 Department needed to be looking at the exact same
13 advertisement. And so with the statutory change request
14 we're both trying to say that what we mean and how we've
15 treated it in the past that because advertisements are
16 transitory or fleeting in nature, they're not long
17 duration runs, a vehicle sale occurs, that advertisement
18 comes down. We're trying to say with the change that we
19 would like it to be a violation of the same rule provision
20 within whatever period of time we come up with in rule,
21 but that it could be for a different advertisement. And
22 so what Karen is saying is that she would like the time
23 period for the look back specified there. So my concern
24 with that is if we limit ourselves to the statutory
25 language, say we put in two years for the look back period

1 and then we learn that that's not long enough or it's too
2 long and maybe we need it to be one year, then the
3 Department doesn't have the flexibility that we may need
4 to just make that change with coming to the Board for a
5 rule. We then have to go back to the legislature and get
6 another statutory change for that. So that was the
7 Department's reasoning in not specifying that in statute.
8 The second thing that she's saying is that she would like
9 to see it specified in the rule language that the time
10 period for somebody to respond to the notice of cure is
11 specified in there as well. Currently, the Department
12 does not have a time period for the dealer to respond and
13 actually tell us that they have cured the violation
14 because again, advertisements, transitory in nature,
15 they're disappearing. We don't have any mandate that a
16 dealer come back to us currently and tell us that they
17 have corrected that provision. It's simply like a warning
18 that's going out saying, hey, we've received notice that
19 you violated this rule provision. Please don't do it
20 again.

21 CHARLES BACARISSE-BOARD CHAIR: Members any other
22 questions on this point? I see Member Jones in a
23 contemplative mode there. He may be thinking. I'm just
24 curious. And you know, as a public member, I'm one of
25 the. Well, I'll speak for myself. As a public member,

1 I'm one of the least informed people about the inner
2 workings of this type of thing. So my question is, would
3 it make sense or could we still, based on the timing of
4 things, roll this to a legislative suggestion rather than
5 a rule suggestion, as Ms. Phillips had discussed?

6 CORRIE THOMPSON: That I will leave to general
7 counsel.

8 CHARLES BACARISSE-BOARD CHAIR: Keith's sneaking up on
9 you from behind too. Yep. Yeah. So just inform us of
10 that if you would, please.

11 KEITH YAWN: Yeah. So, Keith Yawn, Director of
12 Government Strategic Communications. You have a lot of
13 options available to you and how you handle this, and
14 Laura can provide you with the specifics on appropriate
15 motions, but you can absolutely make changes to this that
16 we don't have the same types of posting requirements for
17 these that you see, with rules. So you can make any
18 changes that you want to these proposals. These are your
19 proposals to the legislature.

20 CHARLES BACARISSE-BOARD CHAIR: As to the timing of
21 it mechanically, does that place any kind of a crunch on
22 you and your work? Talk to me about the timing of
23 preparation for a legislative proposal.

24 KEITH YAWN: Right. Well, it clearly takes us
25 outside an ideal timeline and schedule, but it's still a

1 workable timeline. The bill filing period will be
2 beginning here at the beginning of November, but it
3 doesn't close until mid March. And so we still have time,
4 if the Board feels that there are changes still needed to
5 this, we still have time to make those changes and to
6 speak to legislative offices about them for them to
7 consider appropriate action.

8 CHARLES BACARISSE-BOARD CHAIR: So if this were on
9 the December agenda as a legislative proposal, that
10 wouldn't ruin your session, would it?

11 KEITH YAWN: No, no, it wouldn't ruin the session.
12 It makes it more difficult the further we push it out.
13 But it can still have traction.

14 CHARLES BACARISSE-BOARD CHAIR: Okay, thank you.
15 Yes. Member Cooley, turn your mic on, please, sir. Thank
16 you.

17 CHASE COOLEY-BOARD MEMBER: So we're talking about
18 asking the legislature to specify just a one time period
19 on this look back. Are there other rules that the
20 legislature is that involved in or do they generally defer
21 to the DMV?

22 CORRIE THOMPSON: In terms of Texas Department of
23 Motor Vehicle Sanction Authority, the advertising
24 provisions are the only place in statute that mandate that
25 the Department send a cure or a warning for the first

1 offense. None of the other violations that the Department
2 can pursue against the licensed population have
3 specifications like that that mandate a warning.

4 MARK JONES-BOARD MEMBER: Director Thompson.

5 CHARLES BACARISSE-BOARD CHAIR: Member Jones.

6 MARK JONES-BOARD MEMBER: So every other warning that
7 the DMV would send to a dealer specifically has a date by
8 which at what time the dealer would need to respond to be
9 compliant?

10 CORRIE THOMPSON: That would not be correct.

11 MARK JONES-BOARD MEMBER: That's not correct.

12 CORRIE THOMPSON: So in the case of an advertising
13 cure letter, there's no specified time period for the
14 dealer to respond and say, hey, yes, we've cured it,
15 here's how we've cured it with a regular warning. So say
16 a dealer has a first time violation for a failure to
17 timely transfer title, just one, they've been licensed for
18 a year or two, then we'll send them a warning letter.
19 We'll say, hey, you know the rules say that you have to
20 specify that you have to transfer title within this
21 specified period of time. This is your warning that that
22 is a violation, please comply going forward. There's
23 nothing that says in our warning letter that they have to
24 respond to us within a certain period of time. There are
25 other types of letters that we send regarding regular

1 inactive cases, we call them, to make sure that a dealer
2 is actively engaged and licensed as a dealer where you
3 have to sell five cars in a calendar year. There are
4 instances where we're engaged with an appraisal district
5 or a tax assessor collector office about a dealer's
6 activity. And there we do mandate a response from the
7 dealer in order to confirm that they should still maintain
8 their license.

9 MARK JONES-BOARD MEMBER: Okay. So advertising is
10 not the only situation where a dealer would not be
11 required to respond within a time period.

12 CORRIE THOMPSON: Correct.

13 MARK JONES-BOARD MEMBER: Okay. Thank you.

14 CHARLES BACARISSE-BOARD CHAIR: Members, any other
15 questions?

16 SHARLA OMUMU-BOARD MEMBER: Mr. Chairman, I just have
17 a comment.

18 CHARLES BACARISSE-BOARD CHAIR: Member Omumu.

19 SHARLA OMUMU-BOARD MEMBER: If we could push this
20 item until the December meeting, I think that would be
21 wise. Advertising in general has a ton of hair on it.
22 And I think that we have to educate the agency a little
23 bit more around just speaking from distributors and
24 manufacturers, the difference between a manufacturer
25 rebate, a dealer advertised rebate, or even a dealer

1 enhancing the manufacturer distributor rebate or advert.
2 So I just think we need to do a little bit more diligence
3 in this before we push forward, if possible.

4 CHARLES BACARISSE-BOARD CHAIR: In either way, either
5 a rule or legislatively.

6 SHARLA OMUMU-BOARD MEMBER: Preferred legislatively,
7 but a rule would be fine in my book too.

8 CHARLES BACARISSE-BOARD CHAIR: Okay, but you're
9 suggesting that we pause till the December meeting?

10 SHARLA OMUMU-BOARD MEMBER: Please.

11 CHARLES BACARISSE-BOARD CHAIR: Okay. I'm sorry, Mr.
12 Yawn.

13 KEITH YAWN: Mr. Chairman. Keith Yawn, Director of
14 Government Strategic Communications. I also wanted to
15 comment one of Ms. Phillips comments too, just to clarify
16 for the Board. Implementation of legislation once it
17 passes. So were the proposal before you now to pass, for
18 example, requiring the Department to through rule, define
19 something of this nature, the bill would have an effective
20 date, most likely of the beginning of the fiscal year,
21 because most legislation does. But that does not start
22 the clock on, for example, enforcement of this, because
23 that rule, that requirement to pass rule is in there, that
24 becomes the implementation for the Department of the bill.
25 And we would not be pursuing enforcement of actions until

1 the implementation of the legislation was complete. As an
2 example, Senate Bill 2807 with the automated vehicle
3 legislation, it had an effective date of last September
4 1st. The bill was not actually implemented and operating
5 until May 28th of this year. So that's a good real world
6 example of the difference between a bill's technical
7 effect date and when a state agency actually comes
8 together to make it operational.

9 CHARLES BACARISSE-BOARD CHAIR: Member Cooley.

10 CHASE COOLEY-BOARD MEMBER: So what we're talking
11 about here, I want to clarify. We're talking about asking
12 the legislature, at least with the advertising piece, to
13 set the look back time period as opposed to allow the DMV
14 to make the rule setting the look back period?

15 KEITH YAWN: The staff proposal is to ask the
16 legislature to have the Department set the look back
17 period. The public comments you heard were to have this,
18 the legislature do that themselves through the statute.

19 CHASE COOLEY-BOARD MEMBER: Okay. That's the only
20 dispute here though is who is setting the look back
21 period?

22 KEITH YAWN: Yes.

23 CHARLES BACARISSE-BOARD CHAIR: And Member Cooley,
24 just for your, you know, everybody, my question was just
25 one of operationally, which would be better not, you know,

1 not necessarily one. I don't have an opinion. I was just
2 questioning would it have value to us to pursue
3 legislation versus our rulemaking capabilities. But I
4 leave that to those of you on the Board who understand
5 this issue much more intimately than I do. Member Jones.

6 MARK JONES-BOARD MEMBER: I'd like to agree with
7 Member Omumu. I would like to see if maybe we could do
8 more discussion on this and move this item to the December
9 meeting.

10 CHARLES BACARISSE-BOARD CHAIR: Okay. Is there a
11 motion for the Chair? We would need a motion. Would
12 someone like to make one? Do we need to pause briefly
13 while we make one? Or how. How are we doing?

14 SHARLA OMUMU-BOARD MEMBER: Is it possible, Mr.
15 Chairman, for us to approve everything, with the exception
16 of the advertising to move forward to the 90th
17 legislature?

18 CHARLES BACARISSE-BOARD CHAIR: I think I just need a
19 motion. And if you want to pause for a moment while we
20 draft that up to include everything we need and exclude
21 things we don't, I'm fine with that. I'm fine with us
22 taking a brief moment to huddle up and someone can come
23 with a motion. I think I see smiley faces from the
24 attorneys on that.

25 LAURA MORIATY: Yes, sir. That would be great, sir.

1 Just a minute.

2 CHARLES BACARISSE-BOARD CHAIR: Shall we do that? Is
3 that all right great. Okay, so it's 11 o'clock. We'll
4 take a brief recess to work through a motion on agenda
5 item 11. Thank you.

6 RECESS

7 CHARLES BACARISSE-BOARD CHAIR: Okay, team and
8 visitors and friends, it's now 11:16 a.m. and I am calling
9 the Board Meeting back into session. Thank you all for
10 your collaboration and work here. I do think we have
11 arrived at a motion that the chair would entertain on
12 agenda item 10. If whomever it is would like to make that
13 motion.

14 CHASE COOLEY-BOARD MEMBER: I'd like to make a
15 motion.

16 CHARLES BACARISSE-BOARD CHAIR: Member Cooley.

17 CHASE COOLEY-BOARD MEMBER: I move that the Board
18 approve the 90th legislative session statutory
19 recommendations as presented by staff.

20 CHARLES BACARISSE-BOARD CHAIR: Is there a second on
21 that.

22 SHARLA OMUMU-BOARD MEMBER: I'll second.

23 CHARLES BACARISSE-BOARD CHAIR: Member Omumu. Okay,
24 any further discussion? Seeing none, Members I'll call
25 the roll please for the vote. Member Alvarado?

1 CHRISTIAN ALVARADO-BOARD MEMBER: Aye.

2 CHARLES BACARISSE-BOARD CHAIR: Member Cooley?

3 CHASE COOLEY-BOARD MEMBER: Aye.

4 CHARLES BACARISSE-BOARD CHAIR: Member Graham?

5 BRETT GRAHAM-BOARD MEMBER: Aye.

6 CHARLES BACARISSE-BOARD CHAIR: Member Jones?

7 MARK JONES-BOARD MEMBER: Aye.

8 CHARLES BACARISSE-BOARD CHAIR: Vice Chair McRae?

9 TAMMY McRAE-VICE CHAIR: Aye.

10 CHARLES BACARISSE-BOARD CHAIR: Member Omumu?

11 SHARLA OMUMU-BOARD MEMBER: Aye.

12 CHARLES BACARISSE-BOARD CHAIR: Member Roesler?

13 MARK ROESLER-BOARD MEMBER: Aye.

14 CHARLES BACARISSE-BOARD CHAIR: And I, let's see,
15 where are we. Member Schlosser?

16 DARREN SCHLOSSER-BOARD MEMBER: Aye.

17 CHARLES BACARISSE-BOARD CHAIR: And I, Chair

18 Bacarisse vote aye as well. Thank you. Unanimous. So
19 now we move to agenda item 11 and John Ralston will give
20 us a briefing on our finance and audit. John, floor is
21 yours.

22 JOHN RALSTON: Good morning Chairman Bacarisse, Board
23 Members, and Executive Director Avitia. For the record,
24 my name is John Ralston and I'm the Budget and Forecasting
25 Director for the Finance and Operations Division. In your

1 board materials, starting on page 461 is item 11A, and
2 this is our FY2026 Annual Report of Revenues and
3 Expenditures, and this is a briefing item only. This
4 report provides financial information for the period from
5 September 1, 2025 through August 31, 2026, which
6 represents our entire FY2026 fiscal year. The report
7 contains information on actual revenues, budgeted and
8 actual expenditures for the fiscal year. It also includes
9 a standalone report for the TxDMV Fund 10 and information
10 on selected statistics that may have an impact on our
11 revenues and expenses. The key highlights from the report
12 that I will bring to your attention, starting first on the
13 revenues, TxDMV collected \$2.4 billion in revenue in all
14 funds in FY 2026 and that's a 4.6% increase over
15 collections made in the prior year. The increase is
16 attributable to growth in the major fee depositing
17 categories. This includes registration transactions,
18 title transactions, motor carrier permitting, and process
19 and handling fees. Just a reminder, the majority of what
20 we collect does go to the State Highway Fund and TxDOT.
21 In narrowing our focus within the all funds total, our
22 TxDMV Fund 10 revenue collections totaled \$221.8 million
23 and this amount is an 11.5% increase over the prior year.
24 The increase in Fund 10 revenue collections is primarily
25 driven by the implementation of the \$10 metal plate fee

1 that started in July of 2025, just prior to the beginning
2 of the year, and also the elimination of the \$1 online
3 discount that went into effect on December 8, 2025. Both
4 those revenue actions were consistent with what our
5 projections for the fiscal 2026 and acted as we had
6 forecasted. The Fund 10 TxDMV Fund 10 is the fund that
7 covers all of our operations except for motor vehicle
8 Crime Prevention Authority and the Registration and
9 Titling System Modernization Project. Those two are
10 funded by general revenue and the financing proceeds for
11 the Camp Hubbard Renewal construction project. Turning
12 over to the expenditure side of our financials, total
13 expenditures in FY2026 were \$313.6 million for all funds.
14 Of that total, \$211 million is within the TxDMV Fund 10,
15 with our remaining expenditures covered by general revenue
16 for Motor Vehicle Crime Prevention Authority, the RTSM
17 Project, and the Camp Hubbard Renewal Project. Our major
18 expenditure categories continue to be what we normally see
19 in a year. This includes payroll, postage, license plates
20 and charges for data center services. In the Motor
21 Vehicle Crime Prevention Authority Program, the majority
22 of the expenditures are for grant awards and within the
23 Camp Hubbard Renewal Project, we had a total of \$80.6
24 million was expended in FY 2026, and that project is
25 funded through financing proceeds. FY 2026 was notable

1 for a full year expenditure activity for multiple
2 initiatives that began in the prior biennium. This
3 included activities related to the implementation of metal
4 plates, expenditures for the Camp Hubbard Renewal
5 Construction Project, activities in MVCPA related to the
6 implementation of the Catalytic Converter Theft Prevention
7 Program. We also saw in FY 2026 the first expenditures
8 for the Registration and Titling System Modernization
9 project. And that project will continue and see more
10 activity in that in FY 2027. In conclusion, FY 2026 was a
11 strong year financially. There were no major surprises or
12 issues in the year. We collected sufficient revenues to
13 cover our expenditures, revenues and expenditures
14 performed at as projected. And we continue to maintain a
15 strong financial position and this will continue and carry
16 forward for us into FY 2027. And that concludes my
17 remarks. Happy to answer any questions that you may have.

18 CHARLES BACARISSE-BOARD CHAIR: Thank you, Mr.
19 Ralston. Members, any questions for Mr. Ralston on this
20 presentation? Mr. Ralston, did you tell me that we grew
21 by 4.6% in revenue collections?

22 JOHN RALSTON: 4.6% across all funds.

23 CHARLES BACARISSE-BOARD CHAIR: Across all funds.

24 JOHN RALSTON: Correct.

25 CHARLES BACARISSE-BOARD CHAIR: Okay, thank you. All

1 right, any other. Any other questions, members? No.

2 Okay. Any public comments, Laura?

3 LAURA MORIATY: No, sir. No public comments.

4 CHARLES BACARISSE-BOARD CHAIR: Okay, great, John,
5 thank you. Appreciate it. So, before we move to the
6 next. Sorry. We'll now take up agenda item 11B, which is
7 Jason Gonzalez and internal audit. So both internal and
8 external audit engagements, I think. Right. So Mr.
9 Gonzalez, the floor is yours.

10 JASON GONZALEZ: Good morning. Chairman Bacarisse,
11 Executive Director Avitia, Board Members. For the record,
12 I'm Jason Gonzalez, Director of the Internal Audit
13 Division. This is a briefing item only. I'll be
14 providing an update on internal and external audit
15 recommendations. A description of the engagements can be
16 found on page 475 of your board materials. The internal
17 engagements were all included in the approved internal
18 audit plan. First is the License Plate Inventory
19 Management Advisory. The current objective is to evaluate
20 the design of license plate inventory distribution and
21 inventory management processes. The advisory is currently
22 in planning. The audit team has been reviewing statute
23 standard operating procedures and then they started
24 conducting interviews and developing flowcharts for
25 current processes. The team will continue through

1 planning through the end of the month and should start
2 fieldwork in November. We plan on providing VTR with the
3 draft report in December. The Internal Audit Division has
4 also started conducting follow up activities for audit
5 recommendations that are either overdue or due in the
6 first quarter. The objective is to validate whether audit
7 recommendations have been implemented. The recommendation
8 follow up includes obtaining support for audit
9 recommendations to ensure that their reported risk have
10 been mitigated. This project will conclude in the end of
11 November. Next, the Quality Assurance and Improvement
12 Program Review is in reporting phase. The objective is to
13 provide a summary of the Internal Audit Division's
14 activities in compliance with applicable audit standards.
15 This was a self assessment and we found several things
16 such as we met compliance with performance standards, we
17 met our key performance indicators which was an
18 improvement from last year. We had a couple that we did
19 not. For example, completion of our internal audit plan,
20 timely processing of fraud waste and abuse complaints and
21 conducting educational outreach activities. Next, the
22 annual activities report is in reporting. This is just
23 the report on that we have to complete annually every year
24 that it's basically just what we can we complete in the
25 previous fiscal year and that's part of government code.

1 Last year we completed 10 engagements which consisted of
2 three audits, two advisory services, three follow up
3 activities and two compliance reports that provided
4 management with information and analysis to assist in
5 initiating improvements to operations and to strengthen
6 internal controls. Any questions so far?

7 CHARLES BACARISSE-BOARD CHAIR: Members, any
8 questions? No.

9 JASON GONZALEZ: So the final internal engagement
10 is the network security audit. This is in reporting. The
11 objective was to evaluate network security controls. The
12 control maturity level, basically it's readiness or
13 baselines. Network transformation, planning and
14 governance and the future state of network security. This
15 audit was conducted by Weaver and we're in the process of
16 scheduling closing meetings with ITSD so that we can
17 present them with results. The first external peer
18 review. So first, as far as external peer reviews we have
19 one that's being conducted by the. Oh, excuse me, I've
20 misspoke. So our external peer review is worded weird.
21 Our external peer review was restarted. That's where we
22 go---we basically go through an audit of the internal
23 audit function. That's being conducted by the audit
24 director of the officer of the governor and a senior
25 auditor at the Teacher Retirement System of Texas. This

1 is stopped and started. We're hoping this is the final
2 stop and start, so it should be completed in December.
3 The Texas Department of Public Safety's Crime Records
4 Division performed a Criminal Justice Information services
5 or technical security audit that's called the CJIS audit,
6 and that's to ensure compliance with federal CJIS security
7 requirements. And the Department received a report that
8 we are compliant with those standards. And then finally,
9 the Texas Workforce Commission is performing a review on
10 the Department's compliance with Texas Labor Code, that's
11 just started and we've provided them information and we're
12 not quite sure when they'll be done, but it should. I
13 don't think it takes very long, so it should be soon. And
14 then. Sorry, this one's the final one. The Comptroller
15 is finalizing a routine audit of potential duplicate
16 payments. That's, we're just awaiting a final report, but
17 we're not anticipating having any findings on that. We
18 should be compliant with that as well. And that concludes
19 my presentation. Do you have any questions?

20 CHARLES BACARISSE-BOARD CHAIR: Members, any questions
21 for Mr. Gonzalez? No.

22 JASON GONZALEZ: I was told to keep it short and
23 sweet, so hopefully I succeeded.

24 CHARLES BACARISSE-BOARD CHAIR: Well, Jason, you
25 always do well.

1 JASON GONZALEZ: Thank you.

2 CHARLES BACARISSE-BOARD CHAIR: We appreciate it,
3 both you and John. Thank you.

4 JASON GONZALEZ: Thank you.

5 CHARLES BACARISSE-BOARD CHAIR: Absolutely. Thank
6 you. Laura, any public comments on this?

7 LAURA MORIATY: No, sir. No public comments.

8 CHARLES BACARISSE-BOARD CHAIR: Thank you. Before we
9 take up the next agenda item, I would like to note that we
10 have public comment listed as agenda item 14. That's
11 general public comment. However, we'll take a public
12 comment before we go into closed session. Is there, are
13 there any other public commenters listed?

14 LAURA MORIATY: No other public comments, sir.

15 CHARLES BACARISSE-BOARD CHAIR: Okay, great. Thank
16 you. So we now move to agenda item number 12, which is
17 closed session. We're going to go into closed session.
18 It is now 11:28 a.m. in the morning. On October 8, 2026,
19 we'll go into closed session under Texas Government Code
20 sections 551.071, 551.074, 551.076, 551.0761 and 551.089.
21 For those of you in the audience, I anticipate being in
22 this closed session for approximately one hour, and we'll
23 reconvene in open session after that. With that, we are
24 now recessed from the public meeting and we're going into
25 closed session.

1 Texas Department of Motor Vehicles

2 Board Meeting

3 Thursday, October 8, 2026

4 9:00 a.m.

5
6 4000 Jackson Avenue

7 Building 1, Lone Star Conference Room

8 Austin, Texas 78731

9
10 REPORTER'S CERTIFICATE

11 I, Steve Owen, Reporter and Notary Public for the
12 State of Texas, hereby certify to the following:

13 I certify that I am neither counsel for, related
14 to, nor employed by any of the parties or attorneys in
15 the action in which this proceeding was taken, and
further that I am not financially or otherwise
interested in the outcome of the action.

16 Certified to me this 19th of October, 2026

17
18
19
20 Steve Owen, CER-1232; CDR-1232
Notary Commission No. 10000679
Commission Expires: 10/28/2026
21 Firm Registration No. 115
Ken Owen & Associates, LP
22 2525 Wallingwood Drive; Bldg. 6; Suite A
Austin, Texas 78746
23 (512) 472-0880
steve@kenowen.com
24
25

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3 I, Steve Owen, legal transcriptionist, do hereby
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11 I further certify that I am not neither attorney
12 for, nor a relative or employee of any of the parties to
13 the action; further, that I am not a relative or employee
14 of any attorney employed by the parties hereto, nor
15 financially or otherwise interested in the outcome of this
16 matter.

17 In witness thereof, I have hereunto set my hand
18 this 19th of October 2026.

19
20
21 _____
22 Steve Owen

23 Legal Transcriber
24
25

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