

**AGENDA  
BOARD MEETING  
TEXAS DEPARTMENT OF MOTOR VEHICLES  
200 EAST RIVERSIDE, BUILDING 150, ROOM 1B.1  
AUSTIN, TEXAS 78704  
THURSDAY, JULY 12, 2012  
9:00 A.M.**

All agenda items are subject to possible discussion, questions, consideration, and action by the Board of the Texas Department of Motor Vehicles. Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. The Board reserves the right to discuss any items in executive session where authorized by the Open Meetings Act.

**1. CALL TO ORDER**

- A. Roll Call and Establishment of Quorum
- B. Excuse Absences
- C. Public Comment

**2. CONSENT AGENDA – Bill Harbeson** (see attached itemized list A)

- A. Consideration of Enforcement Agreed Orders under Occupations Code, Chapter 2301
- B. Consideration of Enforcement Notice of Violation Citation Agreed Orders under Occupations Code, Chapter 2301
- C. Consideration of Enforcement Dismissal Orders under Occupations Code, Chapter 2301
- D. Consideration of Settlement and Dismissal Orders under Occupations Code, Section 2301.204 (Warranty Performance Complaints)
- E. Consideration of Franchise Case Dismissal Orders under Occupations Code, Chapter 2301

**3. RESOLUTIONS for INDIVIDUAL CONSIDERATION - CONTESTED CASES**

**A. Consideration of Franchise Proposal for Decision under Occupations Code Chapter 2301 - Bill Harbeson**

- 1. **MVD Docket No. 10-0048.LIC; SOAH Docket No. 608-10-5694.LIC; RCJD Motors, Inc., d/b/a Richardson Chrysler-Jeep-Dodge, Applicant, and Chrysler Group, LLC, Intervenor, v. Huffines Dodge Plano, L.P. d/b/a Huffines Chrysler-Jeep Dodge Plano, Protestant**
- 2. **MVD Docket No. 12-0246.ENF; SOAH Docket No. 608-12-3071; In the Matter of the License(s) of Edge of 17, Inc. d/b/a Five Star Auto Group**

**B. Warranty Performance Proposals For Decision under Occupations Code Chapter 2301 - Mark Gladney**

- 1. **11-0182 CAF - Dick Madison v. Carriage Inc**  
ALJ recommends repair
- 2. **11-0273 CAF - Richard N. Fowler v. Ford Motor Company**

ALJ recommends repair

- C. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code Chapter 2301 - Bill Harbeson**  
(see attached itemized list B)
- 4. RESOLUTIONS for INDIVIDUAL CONSIDERATION - RULES**  
**Adoption of Rules under Title 43, Texas Administrative Code**
  - A. Chapter 215, Motor Vehicle Distribution - Bill Harbeson**  
**Subchapters D, E, and F**
  - B. Chapter 217, Vehicles Titles and Registration - Randy Elliston**  
**Subchapters A, B, and C**
- 5. BRIEFINGS and ACTION ITEMS**
  - A. Update on the Search for and Potential Action on the Selection of Executive Director - Victor Vandergriff**
  - B. Approval of Minutes from the June 19, 2012 Board Meeting - Victor Vandergriff**
  - C. Preliminary FY 2013 MOU between TxDOT and TxDMV - Dawn Heikkila and Jennifer Soldano**
  - D. Recommended FY 2013 Operating Budget - Linda Flores**
  - E. Preliminary FY 2014-FY 2015 Legislative Appropriations Request - Linda Flores**
  - F. Board Committee Appointments and Work Assignments - Victor Vandergriff**
  - G. Advisory Committee Updates**
    - S.B. 529 Advisory Committee - Board Member Raymond Palacios and Board Member Laura Ryan
  - H. Approval for Specialty Plate Designs - Randy Elliston**  
Dallas Stars
- 6. BRIEFINGS, DISCUSSION and POSSIBLE ACTION**  
**ADMINISTRATIVE UPDATES**
  - A. Chair Reports - Victor Vandergriff**  
Report on TxDMV-related activities involving the Chairman or identified by him as noteworthy, which may include activities involving:
    - executive search services
    - business process analysis
    - organizational assessment update
    - stakeholders
    - board committees
    - advisory committees
    - industry
    - media
    - Governor's office
    - legislative

- intergovernmental relations
- strategic planning
- budget
- audit
- rulemaking

**B. Interim Executive Director Reports - Linda Flores  
(Includes other designated staff)**

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

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

**7. EXECUTIVE SESSION**

**A. Section 551.071** – Consultation with and advice from legal counsel regarding:

- a. pending or contemplated litigation, a settlement offer, or
- b. any item on this agenda.

**B. Section 551.074** – Personnel matters.

Discussion relating to the appointment, employment, evaluation, reassignment, and duties of Executive Director. Update from the board search committee regarding the status of the search process for the position of Executive Director of the Texas Department of Motor Vehicles and discussion as warranted.

**8. ACTION ITEMS FROM EXECUTIVE SESSION**

**9. ADJOURNMENT**

The Board will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Board. No action will be taken on matters that are not part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Board members may respond in accordance with Texas Government Code Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting.

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

Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than 2 days in advance, so that appropriate arrangements can be made. Contact Gail Anderson by telephone at (512) 467-3853.

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

CERTIFYING OFFICIAL: Brett Bray, General Counsel, (512) 467-3853

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

2. **A. Consideration of Enforcement Agreed Orders under Occupations Code, Chapter 2301**
  1. **10-1056 ENF - Vidal Palma, DBA VIPA Automotor**

Permitted the use of its GDN or the location for which the GDN was issued for the purpose of avoiding the requirements of Chapter 503 in connection with the sale of salvage: Transp Code 503.038(a)(11)  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Misuse of temporary dealer tag(s): Transp Code 503.038(a)(12):  
43 TAC 215.141(a)(10)  
Misuse of old style buyer temporary tag: Transp Code 503.063 and TAC 215.139  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
Sold or offered to sell a motor vehicle at an unlicensed location:  
Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136  
Failure to allow purchaser to select county for registration:  
Transp Code 501.0234(d),(e)  
\$1,500.00
  2. **10-1231 ENF - Marcial Salazar, DBA Auto Marc**

Sold or offered to sell motor vehicles on consecutive Saturday and Sunday:  
Transp Code 728.002  
\$250.00
  3. **10-1786 ENF - Precision Investments Inc., DBA Precision Investments Inc.**

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Failure to take assignment of title or MCO: Transp Code 503.038(a)(3)  
and 43 TAC 215.141(a)(13)  
Failure to timely pay lien on a motor vehicle traded in: Finance Code 348.408(c),  
Occ Code 2301.651(a)(4)  
\$2,500.00
  4. **11-0379 ENF - Ray Neils Auto Sales Inc., DBA Ray Neils Auto Sales Inc.**

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and  
503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155,  
Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and  
Occ Code 2301.651(a)(8)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
Attend a Dealer Training Seminar.
  5. **11-1077 ENF - Tomas Baralta-Balcazar, DBA Star's Motors**

Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14);  
43 TAC 215.140(1)(B)  
Sold or offered to sell a motor vehicle at an unlicensed location:  
Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136  
\$500.00 and attend a Dealer Training Seminar.

**Board of the Texas Department of Motor Vehicles**  
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- 6. 11-1139 ENF - Killer Motorsports LLC, DBA Killer Motorsports**  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
Sold or offered to sell new motor vehicles without the appropriate license:  
Occ Code 2301.251 and 2301.252 and 43 TAC 215.141(a)(21)  
\$250.00
- 7. 11-1145 ENF - Kermit Motor Company, Inc., DBA Kermit Motor Company, Inc.**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
\$250.00
- 8. 11-1162 ENF - Jorge I. Castillo, DBA Master Tune Up**  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Failure to make dealership records available for inspection: 43 TAC 215.144(a)  
and 43 TAC 215.141(a)(3)  
\$500.00 and attend a Dealer Training Seminar.
- 9. 11-1212 ENF - Cransh Motors Inc., DBA Quick Pick Auto**  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
Cease and desist
- 10. 11-1465 ENF - Dale Vaughan, DBA Guaranteed Auto Sales**  
Failed to attend a Dealer Training Seminar in compliance with a Final Order:  
Occ Code 2301.651(a)(3)  
\$250.00
- 11. 12-0672 ENF - Marvin Lemus, DBA Lemus Used Cars**  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
Filed a false title and tax document: Transp Code 503.038(a)(2)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152  
\$2,500.00 and attend a Dealer Training Seminar.
- 12. 12-0730 ENF - K.W. Ministries, Inc., DBA C.R.U.S.H. Auto Sales**  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152  
\$1,000.00 and attend a Dealer Training Seminar.
- 13. 12-0745 ENF - P & N Collins, LLC, DBA Pat Collins Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Failure to make dealership records available for inspection: 43 TAC 215.144(a)  
and 43 TAC 215.141(a)(3)  
\$500.00 and attend a Dealer Training Seminar.
- 14. 12-0846 ENF - Alma F. Quirl, DBA Graham St Motors**

**Board of the Texas Department of Motor Vehicles**  
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Failure to comply with a Final Order: Occ Code 2301.651(a)(3)  
\$500.00 and attend a Dealer Training Seminar.

- 15. 12-0959 ENF - All Star Imports Inc., DBA Legend Kia**  
Failure to allow purchaser to select county for registration:  
Transp Code 501.0234(d),(e)  
\$500.00
- 16. 12-0997 ENF - Raymundo Enrique Ramos, DBA West Side Cars**  
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
\$500.00 and attend a Dealer Training Seminar.
- 17. 12-0987 ENF - Luxe RGV Auto Group LLC, DBA Luxe RGV Auto Group LLC**  
Sold or offered to sell salvage vehicles without the proper license:  
Occ Code 2301.651(a)(3) and 43 TAC 217.72(a)  
\$1,000.00 and attend a Dealer Training Seminar.
- 18. 12-1024 ENF - Global Auto Motors, LLC, DBA Global Motor Cars**  
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152  
\$250.00 and attend a Dealer Training Seminar.
- 19. 12-1197 ENF - Triad Motors LP, DBA Hovey Motorcars**  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
\$500.00
- 20. 12-1211 ENF - Robert R. Saxton, DBA City Motor Company**  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
\$1,000.00 and attend a Dealer Training Seminar.
- 21. 12-1232 ENF - Andres Baca, DBA Friendly Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)  
Failure to have dealer or a bona fide employee present during posted business hours: Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
License is revoked. Oppose new or renewal for 2 years

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

- 22. 12-1277 ENF - Cash Star Motors, Inc., DBA Cash Star Motors, Inc.**  
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00 and attend a Dealer Training Seminar.
  
- 23. 12-1329 ENF - Cleo Bay Imports, Inc., DBA Cleo Bay, Cleo Bay Honda, Cleo Bay Subaru, Cleo Bay Used Cars**  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$1,000.00
  
- B. Consideration of Enforcement Notice of Violation Citation Agreed Orders under Occupations Code, Chapter 2301**
  - 1. 12-1280 ENF - Adriana Loya Martinez, DBA AS Motors**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a) \$200.00
  
  - 2. 12-1284 ENF - Ali Rouhani / Alex Zarei, DBA Royal Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00
  
  - 3. 12-1285 ENF - Luxer Motors, DBA Luxer Motors**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00
  
  - 4. 12-1287 ENF - Jose Rosales, DBA J & A. Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to observe right of way: 43 TAC 215.140(11)(c) \$200.00
  
  - 5. 12-1290 ENF - Maria M. Trevino, DBA Lion's Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) \$100.00
  
  - 6. 12-1295 ENF - Alfredo Cepeda, DBA Cega Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Failure to take assignment of title: Transp Code 503.038(a)(3) \$250.00
  
  - 7. 12-1307 ENF - Farah Farah, DBA Popular Motors Fleet Sales**  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14

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

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
\$150.00

- 8. 12-1331 ENF - Jose Rodriguez, DBA Rodriguez Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
\$150.00
  - 9. 12-1332 ENF - Mutassem N. Elouri, DBA Nexar Motors**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
\$200.00
  - 10. 12-1333 ENF - July Susana Diaz, DBA ACA Auto Motors**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
\$250.00
  - 11. 12-1351 ENF - Mondo Motors Inc., DBA Mondo Motors Inc.**  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
\$50.00
  - 12. 12-1352 ENF - Patricio Ramirez, DBA R & S Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Failure to meet premises requirement(s): Transp Code 503.032 and  
503.038(a)(14); 43 TAC 215.140(1)(B)  
\$250.00
  - 13. 12-1373 ENF - Kyle Davis Avery, DBA Amigo Auto Sales**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
\$100.00
  - 14. 12-1394 ENF - Farr Inc., DBA Triple R. Motors**  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
\$50.00
- C. Consideration of Enforcement Dismissal Orders under Occupations Code,  
Chapter 2301**
- 1. 10-0977 ENF - BHPH, Inc., DBA Orr Autosmart, Orr Wholesale Outlet**
  - 2. 11-1462 ENF - Komoto Power Sports LLC, DBA Komoto Power Sports LLC**
  - 3. 12-0558 ENF - High Hopes Incorporated, DBA Heritage Mitsubishi**



**Board of the Texas Department of Motor Vehicles  
Attached List A  
July 12, 2012  
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- 4. 12-1308 ENF - Lufkin Motors, Inc., DBA Loving Toyota Scion**
  
- D. Consideration of Settlement and Dismissal Orders under Occupations Code, Section 2301.204 (Warranty Performance Complaints)**
  - 1. 12-0153 CAF - Kenneth Bost v. General Motors LLC**  
Order of Dismissal  
Complainant withdrew the action
  
  - 2. 12-0157 CAF - Dean and Kristan Brown v. Frontier RV**  
Order of Dismissal  
Complainant withdrew the action
  
  - 3. 12-0185 CAF - Michael Flowers v. Chrysler Group LLC**  
Order of Dismissal  
Complainant no longer owns the vehicle
  
- E. Consideration of Franchise Case Dismissal Orders under Occupations Code, Chapter 2301**
  - 1. 12-0012 LIC; Burns Motors, Ltd., Applicant v. Ed Payne Motors, LLP, Protestant**
  
  - 2. 12-0015 LIC; Big Toy World, LLC, Applicant v. Frank Albert Herzik d/b/a Texotic Motorsports, Protestant**

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

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

**1. 10-0954 ENF - Greg James Country Motors LC, DBA Lonestar Scooters and ATV's**

Failure to answer the telephone, have it answered by a bona fide employee or to have an answering machine or service in operation during posted business hours:

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

Failure to provide satisfactory and reasonable evidence of regularly and actively engaged in business as a motor vehicle dealer: Transp Code 503.038(a)(9), 43 TAC 215.141(a)(14)

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

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

Proposed Sanction: \$10,000.00 civil penalty

**2. 10-0955 ENF - Martha Bedolla, DBA Cardenas Autoplex**

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

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

Proposed Sanction: \$3,000.00 civil penalty

**3. 11-0622 ENF - Don E. Strong Jr., DBA Strong Enterprises**

Misuse of old style buyer temporary tag: Transp Code 503.063 and TAC 215.139

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and

503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155,

Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and

Occ Code 2301.651(a)(8)

Failure to answer the telephone, have it answered by a bona fide employee or to have an answering machine or service in operation during posted business hours:

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

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

Sold or offered to sell a motor vehicle at an unlicensed location:

Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136

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

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

Proposed Sanction: \$10,000.00 civil penalty

**4. 11-0885 ENF - DAR Inc., DBA Funtime RV Sales**

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

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

Failure to timely transfer title to out of state purchaser: 43 TAC 215.144(f)

Proposed Sanction: \$20,000.00 civil penalty

**5. 11-1005 ENF - Teodora Pleites, DBA Legacy Auto Sales**

Misuse of old style buyer supplemental temporary tag: Transp Code 503.063(f),

43 TAC 215.151, 215.152, 215.153, 215.155, Occ Code 2301.651(a)(4),

Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10),(11)

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

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

Failure to have business hours posted at the dealer's location: Transp Code 503.032  
and 503.038(a)(14); 43 TAC 215.140(1)(B)

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

Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14),  
Tax Code 152.0411 and 43 TAC 215.141(a)(23)

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

Proposed Sanction: License is revoked and \$6,000.00 civil penalty

**6. 11-1035 ENF - South Texas Motor Sports, LLC, DBA South Texas Motor Sports, LLC**

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

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

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

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

Proposed Sanction: \$4,000.00 civil penalty

**7. 11-1041 ENF - J & S Moreno, Inc., DBA J & S Auto Sales**

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and  
503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155,  
Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and  
Occ Code 2301.651(a)(8)

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

Filed a false inventory tax statement: Transp Code 503.038 (a)(2) and (10)

Proposed Sanction: \$2,500.00 civil penalty

**8. 11-1066 ENF - Tommy Yorkman, LLC, DBA Legacy Motor Company**

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and  
503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155,  
Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and  
Occ Code 2301.651(a)(8)

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

Proposed Sanction: \$1,000.00 civil penalty

**9. 11-1084 ENF - Del Greco Motors Inc.**

Failure to make dealership records available for inspection:

43 TAC 215.144(a) and 43 TAC 215.141(a)(3)

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

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

Proposed Sanction: License is revoked and \$3,000.00 civil penalty

**10. 12-0293 ENF - Jesus Marroquin, DBA Marroquin's Motors**

Falsified or forged tax or title document: Transp Code 503.038(a)(1)

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

Proposed Sanction: \$3,000.00 civil penalty

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

- 11. 12-0462 ENF - Virlar Automotive Group, LTD., DBA Virlar Automotive Group, LTD**  
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)  
Proposed Sanction: License is revoked
- 12. 12-0723 ENF - Jackie Dewayne Citelli, DBA Arcadia RV Superstore**  
Misuse of Internet-Down buyer temporary tag: Transp Code 503.0631 and 43 TAC 215.151, 215.153, 215.155 and 215.158  
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)  
Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152  
Proposed Sanction: \$6,000.00 civil penalty
- 13. 12-0726 ENF - Jose L. Mendoza, DBA J & J Auto Sales**  
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)  
Permitted the use of its GDN or the location for which the GDN was issued for the purpose of avoiding the requirements of Chapter 503: Transp Code 503.038(a)(14)  
Misuse of temporary dealer tag or failed to comply with recordkeeping requirements: Transp Code 503.062, 503.0626 and 503.068 and 43 TAC 215.151, 215.152, 215.153 and 215.154  
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
Failure to make dealership records available for inspection: 43 TAC 215.144(a) and 43 TAC 215.141(a)(3)  
Filed a false title and tax document: Transp Code 503.038(a)(2)  
Failed to discharge a lien within 10 days of final payment: Transp Code 501.115(a)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234  
Failure to remain actively engaged in business as a motor vehicle dealer by failing to sell at least five (5) vehicles in a 12 month period: Transp Code 503.038(a)(9) and Tax Code 23.121  
Proposed Sanction: \$12,000.00 civil penalty
- 14. 12-0830 ENF - Elite Auto, Inc., DBA Elite Auto, Inc.**  
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)  
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14  
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)  
Filed a false title and tax document: Transp Code 503.038(a)(2)  
Misrepresentation in an application or other document filed with the agency: Transp Code 503.038(a)(6) and 43 TAC 215.141(a)(19)  
Failure to timely transfer title and pay sales tax: Transp Code 501.0234

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

Proposed Sanction: \$8,000.00 civil penalty

**15. 12-0894 ENF - Stacia L. Ftaiti, DBA Tunsy Motors**

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)

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

Proposed Sanction: \$1,000.00 civil penalty

**16. 12-0986 ENF - Del Greco Motors Inc.**

Failure to maintain a proper bond: Transp Code 503.033

Failure to timely file Motor Vehicle Inventory Declaration reporting sales:

Transp Code 503.038(a)(10) and Tax Code 23.121

Failure to timely file Motor Vehicle Inventory Tax statements:

Transp Code 503.038(a)(10) and Tax Code 23.122

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

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

Proposed Sanction: License is revoked and \$11,000.00 civil penalty