

AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
THURSDAY, SEPTEMBER 13, 2012
9:00 A.M.

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

1. CALL TO ORDER

- A. Roll Call and Establishment of Quorum
- B. Public Comment
- C. Comments and Announcements from Chairman and Board Members

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

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

3. RESOLUTIONS for INDIVIDUAL CONSIDERATION - CONTESTED CASES

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

- 1. 12-0044 CAF - Deepa Kurian v. BMW of North America, LLC**
ALJ recommends dismissal
- 2. 12-0117 CAF - Tex Propane Co. v. General Motors LLC**
ALJ recommends dismissal
- 3. 12-0135 CAF - Trina Latin v. Nissan North America, Inc.**
ALJ recommends dismissal

B. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code Chapter 2301 - Bill Harbeson
(see attached itemized list B)

4. RESOLUTIONS for INDIVIDUAL CONSIDERATION - RULES

- A. Adoption of Rules under Title 43, Texas Administrative Code Chapter 215, Motor Vehicle Distribution - Bill Harbeson**
§§215.82-215.83, §215.86 and §215.112

- B. Proposal of Rules under Title 43, Texas Administrative Code
Chapter 215, Motor Vehicle Distribution - Bill Harbeson**
 - **Subchapter D.** §215.105, Notification of License Application; Protest Requirements, and §215.107, Hearing
 - **New Under Subchapter D.** §215.116, Lease or Sublease Listing; §215.117, Market Value Property Appraisal; §215.118, Determination of Affected County for Dealership Relocation; and §215.119, Standing to Protest
 - **Subchapter I.** §215.307, Notice of Hearing
- 5. BRIEFINGS and ACTION ITEMS**
- A. Board Committee Update**
 - Finance Committee - Raymond Palacios
Approval of FY 2013 Internal Audit Plan
 - B. Advisory Committee Update**
 - SB 529 Advisory Committee - Raymond Palacios and Laura Ryan
 - C. Approval of HB 2357 Data Consolidation Study - Jeremiah Kuntz**
 - D. TxDMV Automation Projects - Dawn Heikkila**
 1. RTS Refactoring
 2. Web/Dealer/e-Titles
 - E. Discussion of Future Rulemaking**
 1. 43 Tex. Admin. Code § 208.7, Transition of Vacant Positions - Sharon Brewer
 2. Tex. Transp. Code Ann. § 502.045, Delinquent Registration - Randy Elliston (43 Tex. Admin. Code § 217.22, Motor Vehicle Registration)
 - F. Approval of Agency Operational Boundaries as Defined by Department Policies of the TxDMV Board**
- 6. REPORTS**
- A. Monthly Financial Report - Linda Flores**
 - B. Executive Director Reports - Whitney Brewster**

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

 1. Interim General Counsel
 2. FY 2013 TxDMV and TxDOT Memorandum of Understanding (MOU)
 3. Board Approved Contracts Update - Web Design, Texas Department of Information Resources (Data Center Services), and Texas Department of Criminal Justice
 4. Completion of TxPROS
- 7. EXECUTIVE SESSION**
- A. Section 551.071 - Consultation with and advice from legal counsel regarding:**
 1. pending or contemplated litigation, a settlement offer;
 2. on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly

- conflicts with Government Code, Chapter 551; or
3. any item on this agenda.

B. Section 551.074 - Personnel matters.

1. Discussion relating to the appointment, employment (including General Counsel), evaluation, reassignment, duties, discipline, or dismissal of personnel.
2. Discussion relating to the employment, evaluation (including performance measures) and duties of the Executive Director, including discussion of the following Board approved policy documents as they relate to the job responsibilities and duties of the Executive Director: TxDMV Goals and Objectives; TxDMV Strategic Framework; TxDMV Board Key Performance Indicators; Organizational Assessment Final Report; and the Agency Operational Boundaries as Defined by Department Policies of the TxDMV Board.

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 Stacy Steenken by telephone at (512) 302-2380.

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

CERTIFYING OFFICIAL: Whitney Brewster, Executive Director, (512) 467-3883

**Board of the Texas Department of Motor Vehicles
Attached List A
September 13, 2012
Agenda Items 2.A. - E.
Consent Agenda**

2. **A. Consideration of Enforcement Agreed Orders under Occupations Code, Chapter 2301**
 1. **10-1014 ENF - D J Abghary, Sohaila M. Abghary, DBA GMB Credit Co.**

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)
\$1,000.00 and attend a Dealer Training Seminar.
 2. **10-1635 ENF - Mir-Mohsen Azizi, DBA Prime Finance**

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)
Misrepresentation in an application or other document filed with the agency: Transp Code 503.038(a)(6) and 43 TAC 215.141(a)(19)
\$500.00 and attend a Dealer Training Seminar.
 3. **11-0179 ENF - Mark Fischrupp, DBA Houston Auto Broker**

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 maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$1,000.00 and attend a Dealer Training Seminar.
 4. **11-0224 ENF - Twin City Auto Kingdom LLC, DBA Twin City Auto Kingdom LLC**

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
License is revoked and oppose new or renewal for 2 years
 5. **11-1219 ENF - Working Man's Auto Sales LLC, DBA Working Man's Auto Sales LLC.**

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)
Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14)
\$250.00 and attend a Dealer Training Seminar.
 6. **11-1250 ENF - Torresdey Motors Corp, DBA Torresdey Motors Corp**

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

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Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
\$250.00 and attend a Dealer Training Seminar.

- 7. 11-1460 ENF - Shafaamri Incorporated, DBA Texas Import Sales**
Failure to comply with a Final Order: Occ Code 2301.651(a)(3)
Cease and desist
- 8. 12-0390 ENF - Cardwell Chevrolet, LLC, DBA Q Chevrolet**
Removal of MSRP prior to first retail sale: 15 U.S.C 1233
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 pay lien on a motor vehicle traded in: Finance Code 348.408(c), Occ Code 2301.651(a)(4)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
\$1,250.00
- 9. 12-0979 ENF - Jack David Tarpley, Jr., DBA Tarpley & Associates**
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$250.00 and attend a Dealer Training Seminar.
- 10. 12-1191 ENF - Port Lavaca Dodge Chrysler Jeep, Inc., DBA Port Lavaca Dodge Chrysler Jeep**
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
\$1,000.00 and attend a Dealer Training Seminar.
- 11. 12-1208 ENF - Tom Benson Imports, Inc., DBA Benson Honda**
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
Attend a Dealer Training Seminar.
- 12. 12-1224 ENF - Sergio P. Perez, DBA A.S.A.P. Auto Sales**
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
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)
\$250.00 and attend a Dealer Training Seminar.
- 13. 12-1225 ENF - Stanley Rice, DBA Rice Auto Sales**
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)
\$1,000.00 and attend a Dealer Training Seminar.
- 14. 12-1237 ENF - Lawrence E. Edwards, DBA Best Buy Auto Sales**

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

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

\$250.00 and attend a Dealer Training Seminar.

15. 12-1254 ENF - Juan D. Henriquez, DBA Foremost Auto Sales

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$1,000.00 and attend a Dealer Training Seminar.

16. 12-1346 ENF - Jose A. Perez, DBA Waco Auto Center

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$250.00

17. 12-1404 ENF - Michael Eugene Hines, DBA DFW Imports

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Attend a Dealer Training Seminar.

18. 12-1422 ENF - Texas Autoplex, Inc., DBA Texas Autoplex, Inc.

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
\$250.00 and attend a Dealer Training Seminar.

19. 12-1423 ENF - North Texas Auto Services, Inc., DBA ebuymotorz

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

20. 12-1434 ENF - Corey C. Toney, Clarette L. Toney, DBA Classic C Auto Sale

Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and 503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152
Attend a Dealer Training Seminar.

21. 12-1448 ENF - Duncanville Chevrolet, L.L.C., Freedom Chevrolet Buick GMC

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)

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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
\$2,000.00

- 22. 12-1451 ENF - Sheree Papes Robertson, DBA Arrow Auto Sales**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Attend a Dealer Training Seminar.
- 23. 12-1453 ENF - Perception Motorsport Inc., DBA Perception Motorsport Inc.**
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Sold or offered to sell motor vehicles on consecutive Saturday and Sunday: Transp
Code 728.002
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$1,000.00 and attend a Dealer Training Seminar.
- 24. 12-1468 ENF - Globeone International, Inc., DBA Lone Star Cars**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
\$500.00 and attend a Dealer Training Seminar.
- 25. 12-1510 ENF - Mark H. Davies, DBA Greater Houston Automotive**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Delivered title directly to retail buyer: Transp Code 501.0234, 503.038(a)(14), Tax
Code 152.0411 and 43 TAC 215.141(a)(23)
\$500.00 and attend a Dealer Training Seminar.
- 26. 12-1521 ENF - Joe Myers Automotive Inc., DBA Joe Myers Toyota**
Failure to fulfill written agreement with retail purchaser: Occ Code 2301.651(a)(7)
Failure to allow purchaser to select county for registration: Transp Code
501.0234(d),(e)
\$500.00 and attend a Dealer Training Seminar.
- 27. 12-1535 ENF - Iride Auto, Inc., DBA iRide Auto, Inc.**
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
Attend a Dealer Training Seminar.
- 28. 12-1540 ENF - West Franklin LLC, DBA Ultimate Motors**
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
\$500.00 and attend a Dealer Training Seminar.
- 29. 12-1548 ENF - Ezgo Auto Sales, LLC, DBA E-Z Go Auto Sales**
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Attend a Dealer Training Seminar.

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- 30. 12-1549 ENF - Leticia Ibarra, DBA Deluxe Auto Sales**
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
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
\$1,000.00 and attend a Dealer Training Seminar.
- 31. 12-1594 ENF - Sam L. Musia, DBA Carrrrs**
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)
Cease and desist
- B. Consideration of Enforcement Notice of Violation Citation Agreed Orders under Occupations Code, Chapter 2301**
- 1. 12-1438 ENF - Monica K. Loera, DBA Twins 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
- 2. 12-1494 ENF - Roberto Cruz, DBA RC Auto Sales**
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)
Failure to display license: 43 TAC 215.140(14)
\$250.00
- 3. 12-1495 ENF - Juan Manuel Villarreal, DBA Johnny Lingo Motors**
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)
Failure to have business hours posted at the dealer's location: Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
\$250.00
- 4. 12-1504 ENF - Josephine Lopez, DBA Lobo Motors**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$150.00
- 5. 12-1508 ENF - Kerry Thompson, DBA Chevy Ford Motorplex**
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)
Failure to display license: 43 TAC 215.140(14)
\$300.00
- 6. 12-1517 ENF - Timothy Wayne Reed, DBA Unique Auto Sales**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)

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\$200.00

7. **12-1532 ENF - Carabajal Motor Company LLC, DBA Carabajal Motor Company**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
\$100.00
8. **12-1543 ENF - Anna Basurto, DBA Basurto's Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$50.00
9. **12-1544 ENF - Abdulrahman Al-Zeyadi, DBA Southwest Marketing Company**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$50.00
10. **12-1545 ENF - Tommy Yorkman LLC, DBA Legacy Motor Co.**
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$150.00
11. **12-1575 ENF - Texas Motor Import Inc., DBA Texas Motor Import Inc.**
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)
\$200.00
12. **12-1583 ENF - Big Tex Motors Inc., DBA Big Tex Motors Inc.**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$50.00
13. **12-1601 ENF - Barsa Auto Inc., DBA Franklin Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$50.00
14. **12-1608 ENF - Donny Pinkston / WC Pinkston, DBA Pinkston Auto Sales**
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
\$50.00
15. **12-1609 ENF - Bassam Suleiman Telfah, DBA Telfah Auto**
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
16. **12-1627 ENF - Orr Motors of Waco Inc., DBA Greg May Honda**
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

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17. 12-1628 ENF - Jeff Hunter Motors Inc., DBA Jeff Hunter Scion, Jeff Hunter Toyota
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

18. 12-1629 ENF - Fleet Plus Inc., DBA Fleet Plus Inc.
Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
\$200.00

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

- 1. 10-0583 ENF - Mission Chrysler Jeep, Inc., DBA Mission Chrysler Jeep**
- 2. 10-0584 ENF - Mission Chrysler Jeep, Inc., DBA Mission Chrysler Jeep**
- 3. 11-0304 ENF - Mission Chrysler Jeep, Inc., DBA Mission Chrysler Jeep**
- 4. 11-0813 ENF - 1997 Auto Depot, Inc., DBA 1997 Auto Depot Inc.**
- 5. 11-1207 ENF - Lorena Rodriguez Morales, DBA Unicar**
- 6. 11-1210 ENF - Gustavo Galindo, Juan Dominguez, DBA Galindo's Auto Sales**
- 7. 11-1381 ENF - Marc E. Kennedy, DBA Retrotex Auto Sales & Service**
- 8. 11-1383 ENF - Alton Smith, DBA Alton's Auto Sales**
- 9. 11-1385 ENF - McNatt Sanger, Inc., DBA Luttrull McNatt Chevrolet**
- 10. 11-1391 ENF - Pablo Sanchez Chavez, DBA Horizon Motorcycle Sales**
- 11. 11-1404 ENF - J & S Moreno, Inc., DBA J & S Auto Sales**
- 12. 12-0044 ENF - Kirk Lee Yost, DBA Car & Truck Town**
- 13. 12-0403 ENF - Deborah A. Taylor / David E. Head, DBA Heads Auto Sales**
- 14. 12-1042 ENF - Pep Boys Manny Moe & Jack of Delaware, Inc., DBA Pep Boys**
- 15. 12-1356 ENF - Edge of 17, Inc., DBA Five Star Auto Group**
- 16. 12-1506 ENF - Alexandria Investments Group Inc., DBA Amazon Auto Sales**

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

**Board of the Texas Department of Motor Vehicles
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Consent Agenda**

Section 2301.204 (Warranty Performance Complaints)

1. **11-0152 CAF - Roldolfo Hernandez v. Chrysler Group LLC**
Order of Dismissal
Complainant failed to move forward with complaint
 2. **12-0044 CAF - Deepa Kurian v. BMW of North America, LLC**
ALJ recommends dismissal
 3. **12-0190 CAF - Gerry Wolf v. General Motors LLC**
Order of Dismissal
Complainant withdrew the complaint
 4. **12-0197 CAF - Christopher Smith v. Ford Motor Company**
Order of Dismissal
Complainant withdrew the complaint
 5. **12-0202 CAF - Ollie Myles v. Chrysler Group LLC**
Order of Dismissal
Complainant no longer owns vehicle
- E. Consideration of Franchise Case Dismissal Orders under Occupations Code, Chapter 2301**
1. **11-0026 LIC - Gunn Chevrolet, Ltd., Applicant v. Krueger Service, Inc. d/b/a Valmark Chevrolet, Protestant and General Motors, LLC, Intervenor**
 2. **11-0031 LIC - Krueger Service, Inc. d/b/a Valmark Chevrolet, Protestant v. General Motors, LLC, Respondent**

Board of the Texas Department of Motor Vehicles
Attached List B
September 13, 2012
Agenda Item 3.B.
Motions for Disposition Based on Default

3. **B. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code Chapter 2301**
 1. **10-0241 ENF - Lonestar Auto Brokers Inc., DBA Lonestar Auto Brokers Inc.**

Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 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: \$4,000.00 civil penalty
 2. **10-0242 ENF - Abeer A. Abotaleb, DBA Flag Auto**

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)
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)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$5,000.00 civil penalty
 3. **10-0374 ENF - Beene & Griffith Inc., DBA Double B Boat & RV Storage**

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)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$2,000.00 civil penalty
 4. **10-0386 ENF - Northwest Pre-Owned, LLC, DBA Northwest Pre-Owned, LLC**

Failure to answer the telephone, have it answered by a bona fide employee or to have an answering machine or service in operation during posted business hours: Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B)
Failure to have 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 have dealer or a bona fide employee present during posted business hours: Transp Code 503.032, 503.038(a)(14) and 43 TAC 215.140(1)(B)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
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
Proposed Sanction: \$6,000.00 civil penalty
 5. **10-0394 ENF - Paramount Credit Inc., DBA 5 Star Auto Plex**

Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)

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Agenda Item 3.B.
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 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 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)

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

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: \$9,000.00 civil penalty

6. 10-0456 ENF - Macdron Motors, LLC., DBA Macdron Motors, LLC

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

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

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. 10-0636 ENF - Thomas Rogers, John Williams, DBA On The Border Motorcycle 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 timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$2,000.00 civil penalty

8. 10-0638 ENF - Enrique's Super Cycles LLC., DBA Enrique's Super Cycles LLC

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)

Proposed Sanction: \$2,000.00 civil penalty

9. 10-0698 ENF - Brenda Joyce Clayton, DBA Best Motor Company

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: \$4,000.00 civil penalty

10. 10-0699 ENF - Toys for Less Inc., DBA Toys 4 Less

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

Failure to take assignment of title: Transp Code 503.038(a)(3)

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)

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

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Motions for Disposition Based on Default

Proposed Sanction: \$7,000.00 civil penalty

11. 10-0721 ENF - Top Eshop, Inc., DBA Top Eshop

Aided and abetted the unlicensed sale of a motor vehicle: Occ Code 2301.351
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Sold or offered to sell motor vehicles on consecutive Saturday and Sunday: Transp Code 728.002
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$6,000.00 civil penalty

12. 10-0723 ENF - Jerry W. Weeks, DBA Jerry's Outdoor Sports

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: \$2,000.00 civil penalty

13. 10-0724 ENF - Paramount Credit Inc., DBA 5 Star Auto Plex

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 notify of change of address or telephone number: 43 TAC 215.141(a)(6)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failed to discharge a lien within 10 days of final payment: Transp Code 501.115(a)
Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$7,000.00 civil penalty

14. 10-0737 ENF - David L. Larkins, DBA Buy Rite Autos

Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$1,000.00 civil penalty

15. 10-0925 ENF - Vanesa Vallejo, DBA Easy Ride Motors

Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$2,000.00 civil penalty

16. 10-0946 ENF - Michael Robert Troyer Jr., DBA City Auto Group

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)
Sold or offered to sell motor vehicles without the appropriate license for that type of motor vehicle: Transp Code 503.038(a)(14)
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
Proposed Sanction: \$5,000.00 civil penalty

17. 10-0959 ENF - Ronald J. Coots, DBA Oasis Car Sales & Spa

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

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Motions for Disposition Based on Default

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)

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

Proposed Sanction: \$3,000.00 civil penalty

18. 10-0980 ENF - Moon Motors Inc., DBA Moon Motors

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

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

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

Proposed Sanction: \$3,000.00 civil penalty

19. 10-0995 ENF - Fiesta One Lincoln Mercury LTD, DBA Fiesta Dodge, Fiesta Lincoln Mercury, Fiesta Auto Center

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

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

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

Proposed Sanction: \$3,000.00 civil penalty

20. 10-1058 ENF - Jimmy Wayne Cook Jr., DBA Freedom Motors

Advertised the amount of down payment in connection with a credit transaction without including the terms of repayment: 43 TAC 215.263

Proposed Sanction: \$2,000.00 civil penalty

21. 10-1750 ENF - Deniza Alvertown Gilmanova, DBA RD Auto Group

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

Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)

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)

Proposed Sanction: \$6,000.00 civil penalty

22. 11-0099 ENF - Michel S. Kanaan, DBA MNK Motors

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

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

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

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

Proposed Sanction: \$7,000.00 civil penalty

23. 11-0273 ENF - First 24 Auto Sales, LLC, DBA First 24 Auto Sales, LLC

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

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

Failure to 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: \$16,000.00 civil penalty

24. 11-0280 ENF - RV and Boat Liquidators Inc., DBA RV and Boat Liquidators Inc.

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

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

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

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

Proposed Sanction: \$3,000.00 civil penalty

25. 11-0445 ENF - Hyatt Imports Inc., DBA Hyatt Imports Inc.

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

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

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

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

Proposed Sanction: \$6,000.00 civil penalty

26. 11-1010 ENF - Basel R. Saad, DBA Alpha Motor Company

Failure to timely file Motor Vehicle Inventory Declaration reporting sales: Transp Code
503.038(a)(10) and Tax Code 23.121

Proposed Sanction: \$2,000.00 civil penalty

27. 11-1022 ENF - Hi-End Luxury Motors Inc., DBA Champion Sport Motors

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

Failure to maintain a proper bond: Transp Code 503.033

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

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

28. 11-1168 ENF - Shirley McClure, DBA North Loop Motor Sports

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

Proposed Sanction: \$1,000.00 civil penalty

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Agenda Item 3.B.
Motions for Disposition Based on Default

29. 12-0164 ENF - Clearwater Financial Services Inc., DBA Apex Motors

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

30. 12-0318 ENF - Josh Whitesell, Inc., DBA Dallas Ft. Worth Truck & Equipment

Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6)
Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43
TAC 215.140(1)(B)
Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code
2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136
Filed a false title and tax document: Transp Code 503.038(a)(2)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$2,500.00 civil penalty

31. 12-0375 ENF - Chad Collins, DBA EA Motors

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Misuse of buyer temporary E-tag: Transp Code 503.063, 503.0631 and
503.038(a)(14), 43 TAC 215.151, 215.152, 215.153 and 215.155, Transp Code
503.038(a)(12) and 43 TAC 215.141(a)(10)(11) and Occ Code 2301.651(a)(8)
Failure to have business hours posted at the dealer's location: Transp Code 503.032
and 503.038(a)(14); 43 TAC 215.140(1)(B)
Failure to have business hours posted at the dealer's location: Transp Code 503.032
and 503.038(a)(14); 43 TAC 215.140(1)(B)
Failure to maintain complete records by licensed dealer or auction: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$6,000.00 civil penalty