AGENDA BOARD MEETING

TEXAS DEPARTMENT OF MOTOR VEHICLES 200 EAST RIVERSIDE, BUILDING 150, ROOM 1.B1 AUSTIN, TEXAS 78704 THURSDAY, MARCH 10, 2011 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
- 2. RESOLUTION ADOPTING CONTRACT APPROVAL PROCEDURES

 Jim Campbell
- 3. SPECIAL RECOGNITION OF OUTGOING BOARD MEMBER JIM CAMPBELL
- 4. 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, §2301.204 (Warranty Performance Complaints)
 - E. Consideration of Franchise Case Dismissal Orders under Occupations Code Chapter 2301
- 5. BRIEFINGS, DISCUSSION and POSSIBLE ACTION

Specialty License Plate Marketing Program Revenue and Statistics Report – Randy Elliston

- 6. RESOLUTIONS for INDIVIDUAL CONSIDERATION RULES and CONTESTED CASES
 - A. Adoption of Rules under Title 43, Texas Administrative Code
 - Chapter 217, Vehicle Titles and Registration Randy Elliston Subchapter B. Motor Vehicle Registration §217.28, Specialty License Plates, Symbols, Tabs, and Other Devices
 - 2. Subchapter D. Non-Repairable and Salvage Motor Vehicles Randy Elliston §217.62, Requirement for Non-repairable or Salvage Vehicle Title

Board of the Texas Department of Motor Vehicles Agenda: March 10, 2011

B. Proposal of Rules under Title 43, Texas Administrative Code Chapter 218, Motor Carriers – Aline Aucoin

- 1. Subchapter A. General Provisions §218.2(7)(A)(v), Definitions
- 2. Subchapter B. Motor Carrier Registration §218.11, Motor Carrier Registration
- C. Consideration of Warranty Performance Proposals For Decision Under Occupations Code Chapter 2301 Bill Harbeson
 - 10-0297 CAF Felicia N. Jones v Mazda North American Operations.
 ALJ recommends the complaint be dismissed
 - 2. 10-0304 CAF Stephen Binder v Gulf States Toyota, Inc ALJ recommends the complaint be dismissed
 - 3. 11-0009 CAF Richard Kane v BMW of North America, LLC ALJ recommends the complaint be dismissed
- D. Consideration of Enforcement Motions for Disposition Based on Default under Occupations Code Chapter 2301 – Bill Harbeson (see attached itemized List B)

7. ACTION ITEMS

- A. Approval of Specialty Plate Designs-Randy Elliston Vendor Plates
 - 1. Coppel Cowboys
 - 2. Houston Rockets
 - 3. Brigham Young University
 - 4. Deep In The Heart
 - 5. Fort Worth Cats
 - 6. Freebirds World Burrito
 - 7. Guadalupe River Trout
 - 8. Large Star White/Pink
 - 9. Purdue University
 - 10. Texas Longhorns Orange
 - 11. Texas Nurse Practitioners
 - 12. Texas Stars Hockey
 - 13. UT Brownsville
 - 14. USA Pride
 - 15. Rather be Golfing

Non-Vendor Plate

- 16. Texas Masons
- B. Approval of Business Process Analysis Contracts Ed Serna
- C. Expenditure of Funds to Refresh County Tax Assessor Equipment Ed Serna

8. 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:

- stakeholders
- advisory committees
- industry
- media
- Governor's office
- legislative
- intergovernmental relations
- strategic planning
- budget
- audit

B. Executive Director Reports – Ed Serna (Including designated staff)

Report on TxDMV-related activities identified by the Executive Director as noteworthy, which may include reports on:

- monthly financial statement
- agency operations
- media
- equipment
- personnel
- intergovernmental relations
- Vision 21 update
- results of survey of employee engagement
- legislative

9. EXECUTIVE SESSION

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.

Section 551.074 - Personnel matters. Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.

10. ACTION ITEMS FROM EXECUTIVE SESSION

11. 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 DMV staff.

Pursuant to Section 30.06, Penal Code (the trespass 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.

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

2. CONSENT AGENDA

A. CONSIDERATION OF ENFORCEMENT AGREED ORDERS UNDER OCCUPATIONS CODE, CHAPTER 2301

1. 10-0378 ENF - Sepia Fisher, DBA S & E Auto Maxx

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

2. 10-0519 ENF - Avant's Automotive Inc., DBA Avant's Automotive

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) \$500.00 and attend a Dealer Training Seminar.

3. 10-0522 ENF - A Fountainwood, LLC, DBA Integrity Auto

Failure to comply with a Final Order: Occ Code 2301.651(a)(3) \$500.00 and attend a Dealer Training Seminar.

4. 10-0780 ENF - Gail Hewitt, DBA Hall Motors

Failure to maintain complete records: 43 TAC 215.144(a)

Failure to take assignment of title or MCO: Transp Code 503.038(a)(3) and 43 TAC 215.141(a)(13)

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

\$1,000.00

5. 10-0786 ENF - Quick Car Credit Inc., DBA Capitol Car Credit

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Misuse of buyers supplemental temporary E-tag: Transp Code 503.063(g), 43 TAC 215.151, 215.152, 215.155, Transp Code 503.038(a)(12) and 43 TAC 215.141(a)(10),(11) \$2,500.00

6. 10-0788 ENF - Clayton Motor Company Inc., DBA Clayton Motor Company Inc.

Failure to maintain complete records: 43 TAC 215.144(a)

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

\$500.00 and attend a Dealer Training Seminar.

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

7. 10-0816 ENF - Enrique Gonzalez / Ernesto Gonzalez, DBA South Park Motors

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$500.00 and attend a Dealer Training Seminar.

8. 10-0938 ENF - Chapa Inc., DBA Chapa Auto Sales

Failure to maintain complete records: 43 TAC 215.144(a)

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)

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

9. 10-1062 ENF - Holiday Motors, LLC, DBA Holiday Motors, LLC

Failure to maintain complete records: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
\$1,000.00

10. 10-1118 ENF - David Wayne Leathers, DBA Triple L Auto Sales

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: 43 TAC 215.144(a)
\$300.00 and attend a Dealer Training Seminar.

11. 10-1130 ENF - House of Wheels Inc., DBA House of Wheels Inc.

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) \$2.000.00

12. 10-1147 ENF - James L. Tingle, DBA James Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to have inventory separated from another dealer's inventories housed at the same physical location: Transp Code 503.032 and 43 TAC 215.140 \$250.00 and attend a Dealer Training Seminar.

13. 10-1148 ENF - Sessum Motors Inc., DBA Sessum Motors Inc.

Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
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: 43 TAC 215.144(a)

\$500.00

14. 10-1179 ENF - Nathal-Rodriguez Corporation, DBA Jim Miller Motors

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

15. 10-1195 ENF - Shamrock R V LLC., DBA Shamrock R V LLC

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

16. 10-1258 ENF - R T Thomas Inc., DBA Flash 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 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)

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

17. 10-1268 ENF - Roby's Produce Company, Inc., Hollywood Auto Center Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$250.00

18. 10-1294 ENF - Brandon Olson, Debra J. Olson, DBA The Family Exchange 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 maintain complete records: 43 TAC 215.144(a) License is revoked, oppose any new or renewal for a period of 5 years.

19. 10-1295 ENF - Kenneth Hill, DBA H & H Auto Sales

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$500.00 and and attend a Dealer Training Seminar.

20. 10-1297 ENF - Sami's Auto Sales Inc., DBA Sami's 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 \$500.00 and attend a Dealer Training Seminar.

21. 10-1325 ENF - Khoa Pham, DBA All Foreign Cars & Parts

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

22. 10-1368 ENF - Liduvina Castaneda, DBA Lilly'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 maintain complete records: 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 \$500.00 and attend a Dealer Training Seminar.

23. 10-1448 ENF - Alma F. Quirl, DBA Graham St. 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: 43 TAC 215.144(a) Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$1,000.00 and attend a Dealer Training Seminar.

24. 10-1457 ENF - Enrique Tejeda, DBA TM Auto Sales

Failure to maintain complete records: 43 TAC 215.144(a)
Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)
\$500.00 and attend a Dealer Training Seminar.

25. 10-1470 ENF - Manjit Singh, DBA Harris Motors

Misuse of metal plates: 43 TAC 215.141(a)(10)
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)
Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 \$1,000.00 and attend a Dealer Training Seminar.

26. 10-1642 ENF - Straight Line Automotive Group LLC, Straight Line Automotive Group LLC

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 \$1,500.00

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

27. 10-1645 ENF - Moe Mishler, DBA Half Moon Auto Export

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) 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 maintain complete records: 43 TAC 215.144(a) \$3,000.00

28. 10-1688 ENF - Julio Cesar Alfaro, DBA Alfaro 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 \$500.00 and attend a Dealer Training Seminar.

29. 10-1708 ENF - Girgis N. Agaybi, DBA M A 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 timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.

30. 10-1771 ENF - Jose Guadalupe Gutierrez, DBA Gutierrez 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 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: 43 TAC 215.144(a)
Failure to take assignment of title: Transp Code 503.038(a)(3)
\$2,000.00

31. 10-1778 ENF - A N Auto Sales Inc., DBA A N Auto Sales Inc.

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

32. 10-1779 ENF - Samuel B. Oviawe, DBA General and Import Motors

Failure to maintain complete records: 43 TAC 215.144(a)

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

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)

Attend a Dealer Training Seminar.

33. 11-0028 ENF - Arbil Motors Inc., DBA Arbil Motors Inc.

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

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

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 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

\$500.00

34. 11-0077 ENF - RRPFG Limited Partnership, DBA Randall Reed's Prestige Ford Lincoln Mercury

Failure to produce records with (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

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

501.0234(d),(e)

\$750.00

35. 11-0173 ENF - Silver City Auto Sales Inc., DBA Silver City Auto Sales

Misuse of Internet-Down buyer temporary tag: Transp Code 503.0631 and 43 TAC 215.151, 215.153, 215.155 and 215.158

Failure to maintain complete records: 43 TAC 215.144(a)

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

501.0234(d),(e)

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

36. 11-0182 ENF - S & S Overseas Inc., DBA S & S Overseas 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 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.

37. 11-0193 ENF - Texas Velez Auto Sales LLC., DBA Texas Velez Auto Sales LLC 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 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) \$500.00 and attend a Dealer Training Seminar.

38. 11-0194 ENF - Clement's Auto Sales LLC., DBA Clement's Auto Sales LLC

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e)

\$1,200.00 and attend a Dealer Training Seminar.

39. 11-0202 ENF - Fredis Benitez, DBA Benitez Auto Sales

Sold or offered to sell motor vehicles on consecutive Saturday and Sunday: Transp Code 728.002 \$250.00

40. 11-0209 ENF - Shoppa's Material Handling, LTD, DBA Shoppa's

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) \$5,000.00

41. 11-0215 ENF - Roby's Produce Company, Inc., DBA Hollywood Auto Center

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

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

42. 11-0242 ENF - John Parks, DBA J'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 maintain complete records: 43 TAC 215.144(a) Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$1,000.00 and attend a Dealer Training Seminar.

43. 11-0253 ENF - Austin Infiniti Inc., DBA Austin Subaru

Sold a motor vehicle without certificate of title or title receipt: Transp Code 501.152 Failure to timely transfer title and pay sales tax: Transp Code 501.0234 \$500.00 and attend a Dealer Training Seminar.

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

44. 11-0255 ENF - Chidiac, LLC., DBA Accent 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 Failure to maintain complete records: 43 TAC 215.144(a) \$500.00 and attend a Dealer Training Seminar.

45. 11-0264 ENF - Third Coast Auto Group LP, DBA Third Coast Auto Group 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 \$500.00 and attend a Dealer Training Seminar.

46. 11-0267 ENF - Classic Chevrolet LTD, DBA Classic Hummer

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 \$500.00

47. 11-0268 ENF - Cardenas Enterprises Inc., DBA Cardenas Toyota BMW

Failure to allow purchaser to select county for registration: Transp Code 501.0234(d),(e) \$250.00

48. 11-0270 ENF - Sewell Ford Inc., DBA Sewell Ford Lincoln Mercury

Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code 2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136 \$250.00 and attend a Dealer Training Seminar.

49. 11-0274 ENF - Farrr Inc., DBA Triple R 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: 43 TAC 215.144(a) \$1,000.00 and attend a Dealer Training Seminar.

50. 11-0275 ENF - Harold F. Hurst, Jr., DBA Hurst Motor Cars

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

51. 11-0276 ENF - Toliver Brothers, LLP, DBA Toliver Brothers, LLP

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to maintain complete records: 43 TAC 215.144(a)

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

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

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

52. 11-0281 ENF - Adebayo Ishola, DBA Gateway Auto Imports

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4)
Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43
TAC 215.140(1)(B)
\$100.00 and attend a Dealer Training Seminar.

53. 11-0306 ENF - Dianne Segrest, DBA Big G Auto Sales

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

Attend a Dealer Training Seminar.

54. 11-0307 ENF - Don Elliott Chevrolet Inc., DBA Don Elliott Auto World

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

\$250.00 and attend a Dealer Training Seminar.

55. 11-0332 ENF - Tom D. Griffin, DBA Griffin's Classic Cars

Failure to take assignment of title or MCO: Transp Code 503.038(a)(3) and 43 TAC 215.141(a)(13)

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.

56. 11-0351 ENF - Automotive Promotion Consultants Inc., DBA Texas Auto Liquidators

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: 43 TAC 215.144(a) \$500.00

57. 11-0384 ENF - Robert Lee Barney, DBA Riverside Auto Center

Failure to maintain complete records: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Cease and desist

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

58. 11-0411 ENF - Brick Inc., DBA Lone Star Chrysler Dodge Jeep

Failed to post notice of owners' rights under the Lemon Law in the area where its customers usually pay for repairs: Occ Code 2301.613

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

Failure to display license: 43 TAC 215.140(14)

Failure to maintain complete records: 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

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

B. CONSIDERATION OF ENFORCEMENT NOTICE OF VIOLATION CITATION AGREED ORDERS UNDER OCCUPATIONS CODE, CHAPTER 2301

1. 11-0212 ENF - Richmond Car Co., DBA Richmond Car Co.

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

2. 11-0353 ENF - Try Star Auto, DBA Try Star Auto

Failure to display buyer's guide: 16 C.F.Ř. 455.2, Occ Code 2301.651(a)(4)
Failure to maintain complete records: 43 TAC 215.144(a)
Failure to meet premises requirement(s): Transp Code 503.032 and 503.038(a)(14); 43 TAC 215.140(1)(B)
\$300.00

3. 11-0356 ENF - Triple R Auto Sales Inc., DBA Triple R. 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: 43 TAC 215.144(a) \$200.00

4. 11-0357 ENF - Texas Auto Plex Inc., DBA Texas Auto Plex 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 \$150.00

5. 11-0359 ENF - J-3 Auto Ranch, DBA J-3 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 \$150.00

6. 11-0372 ENF - Pablo Guerrero, DBA KP'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 maintain complete records: 43 TAC 215.144(a)

\$250.00

7. 11-0517 ENF - Carroll Gene Mabery, DBA Mabery's Trucks
Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14
Failure to maintain complete records: 43 TAC 215.144(a)
\$150.00

- C. CONSIDERATION OF ENFORCEMENT DISMISSAL ORDERS UNDER OCCUPATIONS CODE, CHAPTER 2301
- 1. 10-0333 ENF Ramiro Ruiz, DBA Ruiz Auto Sales
- 2. 10-0393 ENF Alexandria Investment Group Inc., DBA Amazon Auto Group
- 3. 10-0976 ENF William Don Allen, DBA Grand Saline Autoplex
- 4. 10-1574 ENF Steven G. Gaines, DBA Steve's Clean Cars
- 5. 10-1737 ENF Doha Investment Group LLC., DBA Dallas Auto Mart
- 6. 11-0140 ENF Sami's Auto Sales, Inc., DBA Sami's Auto Sales Inc.
- 7. 11-0190 ENF Oscar Ortiz Jr., DBA Ortiz Brothers Auto Sales
- 8. 11-0210 ENF Sami's Auto Sales, Inc., DBA Sami's Auto Sales Inc.
- 9. 11-0428 ENF Blue Traid Trailers, LLC., DBA Blue Traid Trailers LLC
- D. CONSIDERATION OF SETTLEMENT AND DISMISSAL ORDERS UNDER OCCUPATIONS CODE, §2301.204 (Warranty Performance Complaints)
- 10-0258 CAF Kristina Torosyan v. BMW of North America, LLC Order of Dismissal Complainant no longer owns the vehicle
- 2. 10-0271 CAF Pamela A. Gardner v. General Motors LLC Reacquired Vehicle Settlement Order

Respondent has replaced the vehicle

- 10-0298 CAF Su and Paul A. Griffith v. American Honda Motor Co. Settlement Order Respondent repaired Complainant's vehicle
- 4. 10-0312 CAF Cindy L. Manchaca v. General Motors LLC

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

Settlement Order

Both parties have reached a settlement agreement

5. 10-0314 CAF - Justin Nenni v. BMW of North America, LLC

Reacquired Vehicle Settlement Order Respondent has replaced the vehicle

6. 11-0008 CAF - Santa Anna Carrillo v. General Motors LLC

Settlement Order

Respondent repaired Complainant's vehicle

7. 11-0015 CAF - Joshua Avalos v. American Honda Motor Co., Inc.

Order of Dismissal

Complainant no longer owns the vehicle

8. 11-0021 CAF - Charles Youngblood v. Chrysler Group LLC.

Order of Dismissal

Complaint failed to move forward

9. 11-0026 CAF - Rachel Walton v. Arctic Cat Sales Inc.

Settlement Order

Respondent repaired Complainant's vehicle

10. 11-0040 CAF - Thomas M. Kyger v. Jaguar Cars and Jaguar Credit Corporation

Settlement Order

Both parties have reached a settlement agreement

11. 11-0042 CAF - Christopher Bass v. Chrysler Group LLC

Order of Dismissal

Complainant no longer owns the vehicle

12. 11-0056 CAF - Melisa McDowell v. Chrysler Group LLC

Settlement Order

Respondent provided a cash settlement to Complainant

13. 11-0076 CAF - Jimmy Uptergrove v. Ford Motor Company.

Settlement Order

Respondent repaired Complainant's vehicle

Attached List A March 10, 2011 Agenda Item 2 Consent Orders

- E. CONSIDERATION OF CASE DISMISSAL ORDERS UNDER OCCUPATIONS CODE CHAPTER 2301
- 10-0023 LIC Gatesville Automotive, Ltd., d/b/a Country Ford, Complainant v. Ford Motor Company, Respondent Protest Withdrawn with Prejudice
- 10-0030 LIC TMBC, LLC d/b/a Tracker Boat Center, Applicant v. Sharon L. Ballint d/b/a Brazos Cycles & ATVs, Protestant Protest withdrawn
- 3. 10-0032 LIC Joe Harrison Motors, Inc. d/b/a Joe Harrison Motor Sports, Protestant v. American Honda Motor Co., Inc., Respondent Protest Withdrawn with Prejudice
- 4. 11-0010 LIC G W Imports, LP d/b/a Goodson Acura, Applicant v. McDavid Plano-Acura, LLC d/b/a David McDavid Acura, Protestant Protest Withdrawn with Prejudice

Board of the Texas Department of Motor Vehicles Attached List B March 10, 2011 Agenda Item 3.C. Motions for Disposition Based on Default

C. CONSIDERATION OF ENFORCEMENT MOTIONS FOR DISPOSITION BASED ON DEFAULT UNDER OCCUPATIONS CODE CHAPTER 2301

1. 10-0505 ENF - Thomas Burleson, DBA Western 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 display license: 43 TAC 215.140(14)

Failure to maintain complete records: 43 TAC 215.144(a)

Proposed Sanction: \$2,000.00 civil penalty and oppose any new or renewal

applications until this penalty is paid.

2. 10-0529 ENF - Virlar Automotive Group, LTD, DBA Virlar Automotive Group, LTD

Failure to maintain complete records: 43 TAC 215.144(a) Sold or offered to sell a motor vehicle at an unlicensed location: Occ Code

2301.362(a), Transp Code 503.021 and 503.027, 43 TAC 215.136 Failure to timely transfer title and pay sales tax: Transp Code 501.0234

Proposed Sanction: \$1,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

3. 10-0629 ENF - David C. Deaver, DBA David C. Deaver Motors

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

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 timely transfer title and pay sales tax: Transp Code 501.0234 Proposed Sanction: \$1,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

4. 10-0747 ENF - Joseph Adam Jobe, DBA East Bound 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

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

Failure to meet premises requirement(s): 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: 43 TAC 215.144(a)

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

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

Proposed Sanction: \$8,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

Board of the Texas Department of Motor Vehicles Attached List B March 10, 2011 Agenda Item 3.C. Motions for Disposition Based on Default

5. 10-0784 ENF - Jeffrey Wayne Walker, DBA Best Choice Auto Sales

Indirectly facilitated the unlicensed sale of a motor vehicle: Transp Code 503.038(a)(11)

Failure to maintain complete records: 43 TAC 215.144(a)

Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Proposed Sanction: \$4,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

6. 10-0912 ENF - Adam John Armstrong, DBA North Star Motor Cars

Failure to notify of change of address or telephone number: 43 TAC 215.141(a)(6) 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 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) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Proposed Sanction: \$3,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

7. 10-0986 ENF - Hafford Equipment Co. Inc., DBA Hafford Equipment Co. Inc.

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

Proposed Sanction: \$3,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

8. 10-1103 ENF - Oscar Nestor Mancillas, DBA Bonanza Auto Sales

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 with (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: \$1,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

9. 10-1115 ENF - Daniel Boyd Tucker, DBA Bankers Choice

Failure to maintain complete records: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$1,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

Board of the Texas Department of Motor Vehicles Attached List B March 10, 2011 Agenda Item 3.C. Motions for Disposition Based on Default

10. 10-1183 ENF - USA Cars Inc., DBA USA Cars

Failure to display buyer's guide: 16 C.F.R. 455.2, Occ Code 2301.651(a)(4) Failure to remove Texas plates: Transp Code 502.451, 43 TAC 17.14 Failure to maintain complete records: 43 TAC 215.144(a) Failure to timely transfer title and pay sales tax: Transp Code 501.0234 Proposed Sanction: \$3,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

11. 10-1383 ENF - A Fountainwood, LLC, DBA Integrity Auto

Failure to maintain complete records: 43 TAC 215.144(a)
Failure to timely transfer title and pay sales tax: Transp Code 501.0234
Proposed Sanction: \$1,500.00 civil penalty and oppose any new or renewal applications until this penalty is paid.

12. 10-1386 ENF - Robert Craig McKinley Jr., DBA ATC Sales & Service

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 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: 43 TAC 215.144(a)

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

Sold or offered to sell 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: \$5,000.00 civil penalty and oppose any new or renewal applications until this penalty is paid.