TEXAS DEPARTMENT OF MOTOR VEHICLES

FINANCE AND AUDIT COMMITTEE MEETING

Texas Department of Motor Vehicles
4000 Jackson Avenue
Lone Star Room
Austin, Texas 78731

Wednesday, August 7, 2024

COMMITTEE MEMBERS:

Brett Graham, Chair Tammy McRae Sharla Omumu John Prewitt

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PROCEEDINGS

MR. GRAHAM: Well, good afternoon. My name is Brett Graham, and I'm pleased to open the Finance and Audit Committee meeting of the Texas Department of Motor Vehicles.

It is 2:00 p.m., and I am now calling the committee meeting for August 7, 2024, to order. I want to note for the record that the public notice of this meeting, containing all items on the agenda, was filed with the Office of the Secretary of State on July 30, 2024, my birthday.

Before we begin today's meeting, please place all cell phones and other communication devices in silent mode, and please, as a courtesy to others, do not carry on side conversations in the meeting room.

I want to welcome those who are with us today for today's committee meeting.

If you wish to address the committee or speak on an agenda item during today's meeting, please complete a speaker's sheet at the registration table or send an email to GCO_General@TxDMV.gov. Please identify in your email the specific item you are interested in commenting on, your name and address, and whether you are representing anyone or speaking for yourself. If your comment does not pertain to a specific agenda item, we

will take your comment during the general public comment portion of the meeting.

In accordance with the department's administrative rule, comments to the committee will be limited to three minutes. To assist each speaker, a timer has been provided. The timer light will be green for the first two minutes, yellow when the speaker has one minute left, and then red when the speaker's time is up.

Individuals cannot accumulate time from other speakers. Comments should be pertinent to the issue stated on the comment sheet. When addressing the committee, please state your name and affiliation for the record.

There are a few things that will assist in making the meeting run smoother and assist the court reporter in getting an accurate record: please identify yourself before speaking; speak clearly and slowly; do not speak over others; ask the chairman for permission to speak, and be sure to get recognized before speaking.

I would like to thank our court reporter who is transcribing this meeting.

Before we begin today, I'd like to remind all presenters and those in attendance of the rules of conduct of our committee meeting. In the department's administrative rule, I have the authority to supervise the

conduct of this meeting. This includes the authority to 1 determine when a speaker is being disruptive of the meeting or is otherwise violating the timing and 3 4 presentation rules I just discussed. 5 This meeting agenda stated that a quorum of the 6 Board may be present at this meeting, however, Board 7 members who are not members of the Finance and Audit 8 Committee will not vote on any committee agenda items 9 today, nor will any Board action be taken. 10 I see that Members Omumu, Prewitt and McRae are present for the meeting. Actually, I was supposed to 11 12 recognize Board members, and they are Board members but they're also members of this committee, and there are no 13 14 other Board members present. 15 Now I'll have a roll call of the committee 16 members. Please respond verbally when I call your name. 17 Vice Chair McRae? MS. McRAE: Here. 18 19 MR. GRAHAM: Member Omumu? 20 MS. OMUMU: Present. MR. GRAHAM: Member Prewitt? 21 22 MR. PREWITT: Here. 23 MR. GRAHAM: And let the record reflect that I,

At this time we will stand and honor our

Brett Graham, am here too. We have a quorum.

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1	country and state with the pledges of allegiance. I will
2	now turn it over to Member Prewitt for the U.S. Pledge.
3	(The U.S. Pledge of Allegiance was recited.)
4	MR. GRAHAM: Member McRae.
5	(The Texas Pledge of Allegiance was recited.)
6	MR. GRAHAM: Thank you.
7	MR. GRAHAM: Okay. Let's see here. We will
8	now proceed to agenda item 3.
9	Do we have any comments or announcements today?
10	Any public comment?
11	MS. MORIATY: I don't have any public comments,
12	if you don't have any public comments or announcements,
13	sir.
14	MR. GRAHAM: I do not.
15	How about the executive director?
16	MR. AVITIA: Chairman, I have no comments or
17	announcements today, but thank you.
18	MR. GRAHAM: Okay. Then we'll move on to item
19	4, Fiscal year 2025 recommended operating budget for the
20	fiscal year that begins September 1, 2024, and ends August
21	31, 2025. This is an action item, and at this time I'll
22	turn it over to John Ralston.
23	MR. RALSTON: Good afternoon. For the record,
24	my name is John Ralston, and I'm the budget director for
25	the Finance and Operations Division.

Today I'll be presenting the department's recommended FY 2025 operating budget for approval by the TxDMV Finance and Audit Committee. The materials I will refer to are included in your Board book, starting on page 5.

The recommended FY 2025 operating budget totals \$301.7 million and supports 902 FTEs. It includes operating funds for services, consumables, and equipment and includes within that number \$32.9 million in capital projects. Of the total budget, \$200.7 million is funded through the new appropriations adopted in June of 2023 by the legislature in the General Appropriations Act. An additional \$101 million is authorized in contingencies for specific legislation and the carry-forward of unexpended balances from FY 2024.

The carry-forward of funds from FY 2024 include the capital funds in our automation project, cybersecurity, HQ maintenance capital, regional service center maintenance, the regional service center expansions in Dallas and Houston, and for the accounts receivable project.

The contingencies in FY 2025 include the carry-forward of funds for the implementation of House Bill 718 and MVCPA for the implementation of Senate Bill 224.

Together these funds are used to conduct day-to-day

operations for our programs and indirect administration divisions, and to support technology projects and enhancements.

These expenditures will be fully funded from the TxDMV Fund 10, the General Revenue Fund for MVCPA, and federal reimbursements. Fund 10 is supported by TxDMV revenue collections, which are shown on page 12 of your materials.

The FY 2025 budget is the second year of the biennial budget, and the key highlights is that this is the continuation of a number of mission critical projects and initiatives that began in FY 2024. These initiatives that started in 2024 and will continue into 2025 include: the implementation of House Bill 718 related to replacing temporary paper tags with plates; RTS replacement modernization Phase 1; additional regional service center locations in Dallas and Houston; the increase for salary adjustments and new FTEs to address workload and initiatives in multiple TxDMV programs.

For MVCPA, funding for 2025 includes: continuing implementation of SB 224 to coordinate with other state agencies on addressing catalytic converter theft.

We're at the halfway point of the biannual budget that is ambitious, but this budget will

1	significantly improve the TxDMV and have a positive impact
2	for the future. The major projects and initiatives that
3	started in FY 2024 and will continue into 2025 are
4	integral to TxDMV's goals and objectives and reflects a
5	commitment in investing resources that will improve how we
6	serve our customers.
7	This concludes my remarks, and I'm happy to
8	answer any questions.
9	MR. GRAHAM: Okay. Thank you, Mr. Ralston.
10	Do we have any public comments?
11	MS. MORIATY: No, sir, we do not.
12	MR. GRAHAM: Well, with that, I will now
13	entertain a motion regarding agenda item 4.A.
14	MS. McRAE: Chairman, I'd like to make a
15	motion.
16	MR. GRAHAM: Okay, Member McRae.
17	MS. McRAE: I move that the committee recommend
18	that the Board approve the fiscal year 2025 operating
19	budget, as presented by staff.
20	MR. GRAHAM: Okay. Thank you.
21	Do we have a second?
22	MR. PREWITT: Second.
23	MR. GRAHAM: Second from Member Prewitt. Any
24	further discussion?
25	(No response.)

MR. GRAHAM: Hearing none, I'll call the vote. 1 2 Vice Chair McRae? 3 MS. McRAE: Aye. 4 MR. GRAHAM: Member Omumu? 5 MS. OMUMU: Aye. 6 MR. GRAHAM: Member Prewitt? 7 MR. PREWITT: Aye. 8 And I, Brett Graham, vote aye as MR. GRAHAM: 9 Let the record reflect that there are four votes 10 for and no votes against. The motion passes. 11 Thank you, Mr. Ralston. We'll now move to agenda item 4.B, and I'll turn it back over to you, sir. 12 13 MR. RALSTON: For the record, John Ralston, 14 budget director for Finance and Operations Division. 15 Agenda item 4.B is an action item. We are 16 requesting to obtain the Board's delegation of approval of 17 contracts and signature authority for contracts up to and including \$1 million, as well as those exceeding \$1 18 19 million, as authorized under Government Code 2261.254. 20 So this contract delegation goes hand-in-hand 21 and is a part of our implementation of the FY 2025 budget. 22 The Government Code 2261.254 authorizes a state agency to 23 enter into a contract for the purchase of goods or 24 services that has a value exceeding \$1 million only if the 25

governing body of the state agency approves the contract

and the approved contract is signed by the presiding officer of the governing body. 2261.254 also allows the governing body to delegate this authority for approval of signature to the executive director or deputy executive director of the agency.

These updated contract approval procedures will

These updated contract approval procedures will simplify the delegation of approval and signature in alliance with the authorities in statute. Contracts up to and including \$1 million will be delegated to the executive director and he may further delegate that authority if he so chooses. Those exceeding \$1 million will be delegated only to the executive director.

We will continue to present within the department's operating budget contracts that are expected to exceed \$200,000 for the upcoming fiscal year for informational purposes and will report and seek approval for other contracts which is statutory requirement.

That concludes my remarks on item 4.B.

MR. GRAHAM: Okay. Thank you, Mr. Ralston.

Any questions from the members?

(No response.)

MR. GRAHAM: And just for clarification, this is in line with previous requests in previous cycles. Is that correct?

MR. RALSTON: That is correct.

1	MR. GRAHAM: All right. Thank you.
2	MS. OMUMU: Mr. Chairman?
3	MR. GRAHAM: Yes, ma'am.
4	MS. OMUMU: I'd like to make a motion, please.
5	MR. GRAHAM: Yes, Member Omumu.
6	MS. OMUMU: I move that the committee recommend
7	that the Board approve the revised contract approval
8	procedures and delegate contract approval and signature
9	authority to the executive director or his designee, as
10	presented by staff.
11	MR. GRAHAM: Okay. Thank you.
12	Do we have a second?
13	MR. PREWITT: I'll second.
14	MR. GRAHAM: Second from Member Prewitt. Any
15	further discussion?
16	(No response.)
17	MR. GRAHAM: Hearing none, I'll call the vote.
18	Vice Chair McRae?
19	MS. McRAE: Aye.
20	MR. GRAHAM: Member Omumu?
21	MS. OMUMU: Aye.
22	MR. GRAHAM: Member Prewitt?
23	MR. PREWITT: Aye.
24	MR. GRAHAM: And I, Brett Graham, vote aye as
25	well. Let the record reflect there are four votes for and

zero votes against the motion and it passes.

Thank you, Mr. Ralston.

Okay. Let's go to agenda item C, the fiscal year 2026-2027 legislative appropriations update. This is a briefing item only, and I will turn it over to Glenna Bowman.

MS. BOWMAN: Thank you. Good afternoon,
Chairman Graham, members of the committee, and Director
Avitia. For the record, I'm Glenna Bowman, chief
financial officer for TxDMV.

Today I'm just providing an update on our FY 2026-27 Legislative Appropriations Request, known as the LAR. As we have discussed previously with the Board, the LAR has two primary components; there's our baseline funding and our exceptional items.

In June of 2024 this year, the Board approved a motion to authorize a baseline increase not to exceed 5 percent. After additional analysis, the baseline amount for '26-27 is estimated to be \$424.5 million which represents a 4.7 percent increase over FY '24-25. The major baseline increases include cost increases in postage and freight services, data center services through the Department of Information Resources, and the implementation of new communication and technology contracts.

There are no changes to the exceptional items 1 2 that were presented in June. We still have our 3 Registration and Titling System modernization project and 4 enhancing and improving core services and customer 5 support. Those amounts have not changed from what was 6 presented previously. 7 We did receive the LAR policy letter and 8 instructions that we've been waiting for. They were 9 released on July 28, and our LAR is to be submitted no 10 later than August 23. That concludes my remarks, and I'm happy to 11 12 answer any questions. 13 MR. GRAHAM: Okay. Thank you. 14 Do we have any questions for Ms. Bowman? 15 (No response.) 16 MS. BOWMAN: Thank you. 17 MR. GRAHAM: Thank you. We will now move to agenda item 4.D. Internal 18 19 Audit Division status update. This is a briefing item 20 only, and I will turn it over to our interim auditor, Jason Gonzalez. 21 22 Thank you, Jason. 23 MR. GONZALEZ: Thank you. 24 Good afternoon, Chairman Graham, committee

members, and Director Avitia. For the record, my name is

25

Jason Gonzalez, interim Internal Audit director.

I'll be providing an update on internal and external engagements. I'll also be requesting approval of the fiscal year 2025 Internal Audit Plan.

The department recently completed the investigation process audit, which can be found on page 27 of your Board book. Before I discuss the details of the engagement, I'd like to thank Corrie and her team. They were great partners and this project could not have been completed without their efforts.

So thank you, Corrie.

The audit objective was to evaluate the intake process for complaints. The method around investigations are prioritized and the actions taken on investigation results. Overall, this project was positive but some areas were identified where information and processes could be clarified or better defined. The audit identified four results and had eight audit recommendations.

Just for some background, the department's

Enforcement Division investigates consumer complaints and
processes cases from consumers, law enforcement and other
agencies on the business practices of dealers,
manufacturers, converters, and motor carriers.

Enforcement's 55 investigators, 12 attorneys and two case

advisors handle complaints dealing with motor vehicles, motor carriers and Lemon Law. In fiscal year 2023, Enforcement received 23,000 cases and closed over 20,000 cases on these types of complaints.

We identified four strengths. First was that Enforcement has started the process of updating procedures to ensure investigation timeliness and documentation uniformity. Next, Enforcement is working with licensees to settle cases to reduce the need for hearings which could lead to shorter case closure times. Also, that Enforcement developed processes to ensure penalties are collected. And finally, Enforcement has ensured the key performance indicators have been reported accurately.

The first audit result was the complaint priority levels can be better defined and used to effectively manage cases. Enforcement assigns priority levels to complaints it receives, which provides investigators with a timeline in which an investigation should be completed.

There are three priority levels; those are high, medium and low priority. High priority cases, for example, include public safety related cases, and should be completed in 30 days. Medium priority cases include cases involving licensees conducting business outside of their licensed classification, and should be completed in

60 days. Low priority cases involving advertising should be completed in 90 days.

Most case priorities were high or low and we thought that by expanding the use of priority levels, the complaint closure times could be reduced. Using all the priority levels could reduce the number of cases assigned a high priority level which could improve Enforcement's time to complete other lower priority cases, and therefore reduce complaint times.

Internal Audit made two recommendations concerning these results. One was the recommendation to update procedures concerning priority levels, and the second was to coordinate with ITSD to ensure that priorities assigned by eLICENSING are working as intended.

Audit result two was while there is consistency in investigation documentation, opportunities exist to strengthen case communication and oversight. Enforcement generally ensured that cases were documented uniformly in accordance with its procedures. Specifically, almost all cases had all elements of an investigation completed.

Enforcement provides each complainant with an acknowledgment email that provides information such as Enforcement informing the complainant that the complaint was received, a case number and the assigned investigator's name and contact details. Some cases were

missing opening or closing emails.

Auditors determined that some cases took longer than 90 days which would require the investigation process to provide periodic updates, however, the required updates were not consistently provided. Internal Audit recommended that Enforcement ensure investigation results are documented consistently and that opening and closing emails are provided. We also recommended that Enforcement work with ITSD to ensure that the 90-day status updates are sent when required. Finally, we recommended that Enforcement ensure that it sends all notices after the minimum waiting period in instances where doing so could reduce case closure times, for example, non-responsive cases.

Audit result three was that actions and penalties were enforced but penalties were not always assessed within established guidelines. So Enforcement generally applied a disciplinary matrix when assessing penalties on its cases, however, there were closed cases that did not have a final penalty assessed within the range provided by the disciplinary matrix. These cases had final penalties that were less than the stated minimum.

According to Enforcement, attorneys can use their own discretion when assessing penalties. So we

recommended that penalties assessed in cases are within range provided by the disciplinary matrix or that we document the justification to support why we're assessing penalty outside of that range.

Audit result four was that key performance indicators were accurately reported, but could be expanded to provide more visibility. Internal Audit recommended Enforcement consider expanding their KPIs based on the results of researching other licensing agencies KPIs. For example, other Texas regulatory agencies have metrics such as the percentage of complaints resolved within six months and average time of days for resolution with predetermined goals.

This concludes the Enforcement Division's investigation process audit report. Do you have any questions?

MR. GRAHAM: Any questions from members?

(No response.)

MR. GRAHAM: Okay.

MR. GONZALEZ: We also completed work on the inventory management audit. The inventory management audit is in the reporting phase. The report has been completed and we're awaiting management responses. The audit objective was to evaluate the department's processes on accounting for and reporting on controlled assets

throughout the state.

We also had an external engagement. The CPA desk audit was performed by the Comptroller and the title of it is Commercial Charge Card Rebate Program. So the Texas Comptroller of Public Accounts performed a desk audit of the commercial card rebate program and rebates earned at 99 state agencies. The audit's objective was to determine whether agencies complied with the requirement of Texas Government Code Section 2251.03 for agencies to take advantage of early payment discounts or rebates.

CitiBank North America is the current State of Texas charge card service provider for procurement and travel purchases. So the CitiBank charge card contract contains a rebate program based on the total annual expenditures of all participating entities.

So overall, the department had positive results as it earned 93 percent of the minimum rebate amount.

Maximum rebate amounts generally require payment on the same day of the credit card invoice, and same-day payment is not always possible due to invoice receipts and required reconciliation for the goods received. Our accounts payable process requires us to ensure that goods have been received prior to payment, and deviation from this process and reliability on the credit card statement to process payment quickly could require deviation from

our established processes.

We did incur \$104.44 in late payments but this was an outlier, and it was most likely due to a late invoice and not from a breakdown in our accounts receivables process. Only five agencies had a higher rebate percentage than the department. And also our average number of days from statement to payment was 17 days, which is well within the Prompt Payment Act's 30-day requirement.

Does anyone have any questions on that?
(No response.)

MR. GONZALEZ: Finally, we completed our risk assessment and our Internal Audit Plan. And this is an action item, so we'll be asking for your approval.

So to complete our annual risk assessment, we conducted interviews with all division directors, deputy directors, executive management, and select senior managers. The risk assessment identified 93 operational risks and we evaluated those based on financial impact, operational impact and reputational impact. Other factors included how critical the operations are, the division size, if there's been any turnover, and just the overall budget of the division.

We used the risk assessment to develop the fiscal year 2025 Audit Plan, which can be found on page 64

of your Board book.

The proposed Internal Audit Plan includes information on risk-based audits, advisory services, required activities and division initiatives. We identified 13 engagements to be conducted in the next fiscal year, consisting of five risk-based audits, three advisory services, and five required activities. The Internal Audit Plan also includes four alternative engagements, and the proposed engagements and advisory services can be found on page 66 of your Board book.

Required engagements include the fiscal year 2024 Internal Audit Annual Report, our quality assurance and improvement Program, internal assessment -- we conduct that every year -- and our audit recommendation implementation status, which is just our followup activities based on previous audit recommendations. It also includes the fiscal year 2026 risk assessment and Internal Audit Plan, and a proposed Internal Audit Division peer review.

The peer review is when we -- we're members of a group, the State Auditors. It's just a forum of all state agencies and we collectively perform work for each other and peer reviews for each other and it saves agencies from having to hire external auditors to do them. So you bank points. We've done two and so we should have

enough points to have a peer review performed.

Proposed audits include an audit on fleet

management, information security and specialty plates.

Advisory services include a review of the Consumer

Relations Division's quality assurance processes, and

Motor Carrier licensing processes. Value added services

include fraud, waste and abuse investigations, external

audit and review coordination, and just general work group

participation.

And this concludes my update and I'd be happy to answer any questions.

MR. GRAHAM: Okay. Thank you.

MR. GONZALEZ: Yes, sir.

MR. GRAHAM: Do any of the members have questions for Mr. Gonzalez?

MR. PREWITT: I do.

MR. GRAHAM: Yes, sir, Mr. Prewitt.

MR. PREWITT: In regards to the information security audit, given the CrowdStrike event that happened a couple of weeks ago, do you change the audit procedure profile that you go through historically? Will that change?

MR. GONZALEZ: No. So we most likely would outsource that. And so as we determine our objectives for that audit, we would discuss that with ITSD and with the

1	party that we contracted with.
2	MR. PREWITT: Okay. Thank you.
3	MR. GONZALEZ: Yes, sir.
4	MR. GRAHAM: Good question.
5	Any other questions from the members?
6	(No response.)
7	MR. GRAHAM: Okay.
8	MR. GONZALEZ: Thank you.
9	MR. GRAHAM: Thank you.
10	MR. PREWITT: Thank you.
11	MS. MORIATY: I'm sorry, Chairman. You need to
12	vote.
13	MR. GRAHAM: Yes.
14	MS. MORIATY: We're on item 4.E.
15	MR. GRAHAM: Did you have something? All
16	right. No public comments?
17	MS. MORIATY: No public comments, sir.
18	MR. GRAHAM: Okay. All right. Then I'll
19	entertain a motion.
20	(General talking and laughter.)
21	MR. PREWITT: I happen to have a motion.
22	MR. GRAHAM: Yes, Member Prewitt.
23	MR. PREWITT: I move that the committee
24	recommend that the Board approve the fiscal year 2025
25	Internal Audit Plan, as presented by staff.

1	MS. OMUMU: I second.
2	MR. GRAHAM: Okay. Second from Member Omumu.
3	And do we have any further discussion?
	-
4	MR. AVITIA: Chairman, if I may?
5	MR. GRAHAM: Yes, Executive Director Avitia.
6	MR. AVITIA: I don't want to interrupt the
7	vote, but certainly want to recognize Jason and thank him
8	for stepping into the Internal Audit director role.
9	You've done a fine job for us in the past and I
10	know you'll do a great job for the Board and the
11	department. I appreciate your partnership, sir.
12	MR. GONZALEZ: Thank you. I appreciate it.
13	It's been a pleasure for like the last week.
14	(General laughter.)
15	MR. AVITIA: Thank you, Chairman.
16	MR. GRAHAM: Okay. All right. Thank you for
17	that comment, and we do appreciate you very much.
18	I will call the vote.
19	Vice Chair McRae?
20	MS. McRAE: Aye.
21	MR. GRAHAM: Member Omumu?
22	MS. OMUMU: Aye.
23	MR. GRAHAM: Member Prewitt?
24	MR. PREWITT: Aye.
25	MR. GRAHAM: And I, Brett Graham, vote aye as

1	well. The motion carries unanimously.
2	Thank you, Mr. Gonzalez.
3	MR. GONZALEZ: Thank you.
4	MR. GRAHAM: Okay. We will now move to agenda
5	item 5, closed session. I do not believe we have any
6	closed session items to address, so we will now move to
7	public comment.
8	MS. MORIATY: There is no public comment, sir.
9	MR. GRAHAM: Okay. No public comment.
10	Then we'll go to 8, Adjournment. Unless
11	there's any further business, I would entertain a motion
12	to adjourn.
13	MS. McRAE: I would like to make a motion to
14	adjourn, Chairman.
15	MR. GRAHAM: Yes, Member McRae would like to
16	make a motion to adjourn.
17	MS. OMUMU: Second.
18	MR. GRAHAM: And a second from Member Omumu,
19	boxing out Member Prewitt.
20	(General laughter.)
21	MR. GRAHAM: Committee members, when I call
22	your name, please state the vote for the record.
23	Vice Chair McRae?
24	MS. McRAE: Aye.
25	MR. GRAHAM: Member Omumu?

1	MS. OMUMU: Aye.
2	MR. GRAHAM: Member Prewitt?
3	MR. PREWITT: Aye.
4	MR. GRAHAM: I, Brett Graham, vote aye as well.
5	Let the record reflect it is unanimous, this meeting is
6	adjourned.
7	(Whereupon, at 2:28 p.m., the meeting was
8	adjourned.)

1 CERTIFICATE 2 MEETING OF: 3 TxDMV Finance & Audit Committee 4 LOCATION: Austin, Texas 5 DATE: August 7, 2024 6 I do hereby certify that the foregoing pages, 7 numbers 1 through 28, inclusive, are the true, accurate, 8 and complete transcript prepared from the verbal recording 9 made by electronic recording by Nancy H. King before the 10 Texas Department of Motor Vehicles. DATE: August 19, 2024 11 12 13 14 15 16 17 /s/ Nancy H. King 18 (Transcriber) 19 20

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