

TEXAS DEPARTMENT OF MOTOR VEHICLES

BOARD MEETING

Texas Department of Motor Vehicles  
4000 Jackson Avenue  
Building 1  
Lone Star Room  
Austin, Texas 78731

Thursday,  
August 8, 2024  
9:00 a.m.

BOARD MEMBERS:

Charles Bacarisse, Chair  
Tammy McRae, Vice Chair  
Christian Alvarado (absent)  
Stacey Gillman  
Brett Graham  
Sharla Omumu  
John Prewitt  
Darren Schlosser

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P R O C E E D I N G S

1  
2 MR. BACARISSE: Good morning. It is 9:01 a.m.  
3 My name is Charles Bacarisse. And I am pleased to open  
4 the Board meeting of the Texas Department of Motor  
5 Vehicles. Just noting the time here, and I am calling  
6 this Board meeting for August 8, 2024, to order.

7 I want to note for the record that the public  
8 notice of this meeting containing all of the items on the  
9 agenda was filed with the Office of Secretary of State on  
10 July 31, 2024.

11 And before we begin today's meeting, I would  
12 like to ask everyone to please place your cell phones and  
13 other communications devices in silent mode. I just did  
14 mine. I have got to remember that.

15 Also as a courtesy to others, please don't  
16 engage in side conversations in the meeting room. You can  
17 step outside if you need to.

18 I want to welcome those who are with us for  
19 today's Board meeting. If you wish to address the Board  
20 or speak on an agenda item during today's meeting, please  
21 complete a speaker sheet at the registration table, or  
22 send an email to GCO\_general@txdmv.gov. I will read that  
23 again: GCO\_general@txdmv.gov.

24 Please identify in your email the specific item  
25 you are interested in commenting on, your name and

1 address, and whether you are representing anyone, or  
2 speaking for yourself. If your comment does not pertain  
3 to a specific agenda item, we will take your comment  
4 during the general public comment portion of the meeting.

5  
6 In accordance with the Department's  
7 administrative rule, comments to the Board will be limited  
8 to three minutes. To assist each speaker, a timer has  
9 been provided at the podium. The timer light will be  
10 green for the first two minutes, yellow when the speaker  
11 has one minute left, and then red when the speaker's time  
12 is up.

13 Individuals cannot accumulate time from other  
14 speakers. And comments should be pertinent to the issues  
15 stated on the comment sheet. When addressing the Board,  
16 please state your name and affiliation for the record.

17 And there are a few things that will also help  
18 to make the meeting run more smoothly, and assist our  
19 court reporter to get an accurate record. She is in the  
20 back of the room.

21 Please identify yourself before speaking.  
22 Speak clearly and slowly. Do not speak over others. Ask  
23 the Chairman for permission to speak. And be sure to get  
24 recognized before speaking.

25 And I would like to thank our court reporter

1 who is transcribing this meeting.

2 Before we begin today, I would like to remind  
3 all presenters and those in attendance of the rules of  
4 conduct at our Board meetings. In the Department's  
5 administrative rules, the Chair has authority to supervise  
6 the conduct of meetings. This includes the authority to  
7 determine when a speaker is being disruptive or demeaning  
8 of the meeting, or is otherwise violating the timing or  
9 presentation rules that I just discussed.

10 So now, I would like to move to Agenda Item 1,  
11 which is roll call, and establishment of a quorum. So,  
12 please respond when I call your name.

13 Board member Gillman, are you present?

14 MS. GILLMAN: Present.

15 MR. BACARISSE: Member Graham?

16 MR. GRAHAM: Present.

17 MR. BACARISSE: Vice Chair McRae.

18 MS. MCRAE: Here.

19 MR. BACARISSE: Member Omumu.

20 MS. OMUMU: Present.

21 MR. BACARISSE: Member Prewitt.

22 MR. PREWITT: Here.

23 MR. BACARISSE: Member Schlosser.

24 MR. SCHLOSSER: Here.

25 MR. BACARISSE: And please record that I,

1 Charles Bacarisse am here, too. Board member Alvarado is  
2 absent today, but we do have a quorum. Thank you.

3 Item 2 is our pledges of allegiance to the U.S.  
4 and Texas flags. So, I would ask everyone to stand. And  
5 I will now turn it over to Member Gillman to lead us in  
6 the U.S. pledge, and then Member Graham will lead us in  
7 the Texas pledge.

8 (Whereupon, the Pledge of Allegiance was  
9 recited.)

10 (Whereupon, a pledge to the Texas flag was  
11 recited.)

12 MR. BACARISSE: Thank you. Thank you, Members  
13 Gillman and Graham, for leading us in the pledges.

14 In the Chair's report section, I want to take a  
15 few moments, if I may, to look back just a little bit and  
16 recognize the robust and resilient efforts of everyone  
17 here at the Department in response to the global  
18 technology outage on Friday, July 19th. The CrowdStrike  
19 issue that affected almost every workstation, server,  
20 application and employee at the Texas DMV -- not to  
21 mention, our customers. Of course, it not only affected  
22 Texas DMV, but also other state agencies, many businesses  
23 and governments around the world.

24 Starting with our Information Technology  
25 Division, ITSD staff began implementing a disaster



1 recovery response process to start recovering 5,000 plus  
2 Department systems and computers, within two hours of that  
3 initial outage. In less than 24 hours, all primary  
4 Department systems were back online and individual  
5 workstations were recovered for critical staff by Saturday  
6 afternoon. The ITSD and the Vehicle, Titles, and  
7 Registration Division partnered with county tax offices  
8 across the state to develop a recovery guide that resulted  
9 in most county offices being open and ready for business  
10 at normal hours on that following Monday.

11 I believe I can say this with full agreement  
12 from this Board that this Department once again stepped up  
13 in record time to respond and overcome another situation  
14 that otherwise could have affected millions of Texans  
15 across the state. I commend the executive leadership,  
16 every division, and every employee in this Agency for  
17 their valiant efforts that kept this Department moving  
18 forward, and returning to normal operations really in  
19 record time.

20 I know that Vice Chair McRae also has some  
21 comments to add. And I welcome other Board members if  
22 they have comments as well.

23 Vice Chair McRae.

24 MS. MCRAE: Thank you, Chairman. I just want  
25 to say thank you. I would take this opportunity to thank

1 the Agency and everyone that was involved with this  
2 response.

3 And to be very direct, this Department is truly  
4 a rock star where situations like this are concerned.  
5 With the outage happening on a Friday, we had one business  
6 day and a weekend to recover. And our offices were all  
7 very busy.

8 But DMV staff were available throughout that  
9 weekend to make sure that we were back online, with every  
10 one of our work stations. So, we were ready to serve our  
11 customers first thing on Monday morning.

12 So, I feel like I just can't thank this Agency  
13 enough. And once again, I have witnessed how DMV has  
14 risen above the situation very quickly. So, thank you  
15 all.

16 MR. BACARISSE: Thank you.

17 Members, any other additional comments that you  
18 would like to make? Love to hear from you if you have  
19 any.

20 Member Pruitt.

21 MR. PREWITT: I just -- I echo Tammy's comments  
22 as well as yours, Chairman. And I would go on to  
23 congratulate Wendy and her team for winning the TASSCC  
24 2024 Project Excellence Award for cost-effective high  
25 value initiatives.

1           But I mean, to me, this is -- you know, when  
2 you win awards like this, and you respond to a disaster  
3 like we had most recently, I think the thing it indicates  
4 is just a culture of excellence and just a continued  
5 effort to always get better. And that, to me, defines  
6 DMV. So, thank you.

7           MR. BACARISSE: All right. Thank you.

8           I'd like to now move to Agenda Item 3(b) if I  
9 may. And he is not going to want me to do this. But I am  
10 going to, anyway. I want to recognize our Executive  
11 Director, Daniel Avitia, for 30 years of service to the  
12 State of Texas.

13           Daniel joined the Texas Department of Motor  
14 Vehicles in January of 2014. But since then, Daniel has  
15 served as Director of the Motor Vehicle Division, and was  
16 promoted to the Deputy Executive Director position in  
17 2020. And then we ruined his life forever in 2022, when  
18 he was appointed to this -- by this Board to be the  
19 Executive Director of the Department.

20           Prior to joining the Texas DMV, Daniel served  
21 in many leadership positions in Texas state government,  
22 including higher education. And Daniel's unwavering  
23 commitment not only to the Department, but also to the  
24 citizens of Texas and the stakeholders has been  
25 outstanding. And I am personally, very thankful.

1           His constant dedication has served this  
2 Department's mission well. Daniel strives for a culture  
3 that values and supports the Department that provides the  
4 best services to the constituents. And I think that plays  
5 out every time we have a challenging situation like the  
6 Crowdstrike problem.

7           The passion that he has for Texas DMV and its  
8 mission is evident. This Board wants to personally thank  
9 Daniel for his collaboration and his leadership during his  
10 tenure at the Department.

11           Daniel, congratulations to you on reaching 30  
12 years of state service, a milestone that this Board looks  
13 forward -- salutes you for, and looks forward to many more  
14 milestones to celebrate with you in the future. So,  
15 congratulations, Mr. Avitia.

16           MR. AVITIA: Thank you.

17           (Applause.)

18           MR. BACARISSE: I told Daniel, like so many  
19 long-serving state employees, that you can't skip the  
20 photo op later. Okay. So, just because you have been  
21 here a while, you have got to stick around for that.

22           MR. AVITIA: Indeed, Chairman. Thank you for  
23 those kind words.

24           MR. BACARISSE: Member Gillman.

25           MS. GILLMAN: I should have said something on

1 your, a, global technology outage. And I have just one  
2 comment about it. The global technology outage happened  
3 in July 19, you said?

4 MR. BACARISSE: I think that was the day.

5 MS. GILLMAN: But also on June 19, there was a  
6 cyberattack. And 50 percent -- more than 50 percent of  
7 all the car dealers across the country had -- was shut  
8 down because of this attack. So, it was all dealership  
9 operations. And many dealers, it wasn't all of their  
10 operations, but a part of their operations.

11 And then, you had the Crowdstrike happen. And  
12 then we had Hurricane Beryl in Houston. And so, yes. It  
13 has been a challenging time.

14 And the dealers and the DMV and the tax office  
15 have really had to work together to try and keep things  
16 moving for the citizens of Texas. And I also wanted to  
17 say thank you.

18 MR. BACARISSE: Yes.

19 Members, any other comments?

20 (No response.)

21 MR. BACARISSE: Thank you. We will now move on  
22 to Item 4(a). And we'll do the photo with the Board when  
23 we take up the 4(c) agenda item awards.

24 Agenda Item 4(a) is Daniel. Top of your list.  
25 So, go right ahead.

1 MR. AVITIA: Very good. Chairman, thank you.  
2 For the record, Daniel Avitia, Executive Director.

3 Thirty years seems to go by pretty quickly. It  
4 seems like a blink of an eye, almost. I look forward to  
5 many, many more years with this Department.

6 Chairman, Members, Agenda Item 4(a) can be  
7 found on page 7 of your Board books. This past June,  
8 several members of our staff attended the American  
9 Association of Motor Vehicle Administrators or AAMVA  
10 Region 2 conference in New Orleans, where they  
11 participated in industry discussions on current topics and  
12 solutions in one-on-one meetings and jurisdiction  
13 roundtables.

14 TxDMV brought home the well-deserved 2024  
15 Regional Improvement Through Efficiencies award for the  
16 TxDMV Consumer Relations automation project. Our CRD  
17 Director, Ms. Amanda Collins, was there to receive this  
18 award on behalf of the Agency.

19 I promise you, I don't make these in my garage.  
20 And they don't give them out freely. So, I am very proud  
21 of our Consumer Relations Division.

22 Deputy Executive Director Shelly Mellott and  
23 Consumer Relations Division director Amanda Collins joined  
24 AAMVA President Ian Grossman on the association's podcast  
25 to explain the Department's automation project, and did a

1 great job there. So, thanks to CRD, Government and  
2 Strategic Communications, IT again, and for everybody  
3 working together to improve all of our service that we  
4 provide to our customers.

5 Members, that concludes this item.

6 Item 4(b) can be found on page 8 of your Board  
7 materials. Here again, TxDMV staff participated in the  
8 TIADA 2024 Annual Conference from July 21st to July 23rd.

9 The conference brings together independent dealers from  
10 across the state to network and attend educational  
11 sessions in operational, financial, regulatory, and  
12 administrative matters of importance to the motor vehicle  
13 industry.

14 Department staff participated in the conference  
15 in various ways, including attending the conference to  
16 network with dealers and continuing to build productive  
17 relationships with the Association. Motor Vehicle  
18 Division staff managed a booth in the conference exhibit  
19 hall and provided dealers with information on licensing  
20 processes, administrative requirements, and system  
21 operations specific to their needs.

22 With assistance from VTR and Enforcement staff,  
23 Enforcement Division Director Corrie Thompson educated  
24 attendees on the best practices related to securing both  
25 data and physical items, such as tags and plates, within a

1 dealership. Department's Executive staff, led by Deputy  
2 Director Roland Luna, closed out the conference with a  
3 great update on House Bill 718 implementation.

4 The Department appreciates these opportunities  
5 to meet with large numbers of our core stakeholder  
6 communities, and certainly learn more about their needs  
7 and how we can better serve them.

8 I certainly want to thank the TIADA President,  
9 Mr. Eddie Hale for his hospitality, as well as Executive  
10 Director John Frullo and Director Earl Cook, for their  
11 hospitality and support. It was a wonderful conference,  
12 and very well attended, too.

13 Chairman, Members, that concludes that item.

14 Item 4(c) is our standard awards and  
15 recognition of years of service, my favorite part of the  
16 meeting. So, I will start with the first 20 years of  
17 service.

18 Remember, we recognize these staff for their  
19 outstanding service, and more importantly, their years of  
20 service. We celebrate these employees, because they are  
21 dedicated to the citizens of the State of Texas. I will  
22 begin with 20 years of service, actually.

23 We have Mr. Bryan Elliott with the Motor  
24 Carrier Division. With 25 years of service, Ms. Denise  
25 Cagle with the Motor Vehicle Division. With 25 years of



1 service, Ms. Cynthia Mendoza.

2 And finally, 30 years of state service, we have  
3 three folks. And I hope I say his name correctly, Mr.  
4 Scott Prevratil, Prevratil -- I tried, Wendy. My  
5 apologies. All right.

6 And of course, Mr. David Richards. Funny story  
7 about Mr. David Richards, not that he is a funny guy. He  
8 and I started together back in 2014, on the same day.  
9 Congratulations, David.

10 We also have the following individuals who  
11 retired from the Department. First, with 20 years of  
12 state service, Mr. Jamie Jaquez with the Enforcement  
13 Division.

14 We then have 22 years of service, Ms. Tonya  
15 Graef with the Motor Vehicle Division. And finally, 27  
16 years of service, Ms. Tania Sanders with the Vehicle  
17 Titles and Registration Division.

18 Chairman, I would like to say a few words about  
19 the folks that are with us today. We have three folks to  
20 be recognized today.

21 And I will start with Ms. Denise Cagle.  
22 Denise's kind, calm, and can do attitude has been amazing  
23 in the Oversize/Overweight Permit Branch for over 25  
24 years. She is a subject matter expert in weight  
25 tolerance, and a great Oversize/Overweight Permit lead.

1 It is a pleasure and an honor to work with her every day.

2

3 Denise, congratulations on your 25 years of  
4 service. Raise your hand, ma'am.

5 (Applause.)

6 MR. BACARISSE: Next, we have our very own HR  
7 Director, Ms. Cynthia Mendoza.

8 Raise your hand, Cynthia. Off to my left here.

9 Cynthia joined the Department in August of 2022  
10 as a Human Resources Division Director. Before joining  
11 the DMV, she served as a Human Resources Director for the  
12 Texas Department of Agriculture for 23 years.

13 Since joining the Division, she has  
14 restructured the training groups, streamlined the hiring  
15 processes, updated policies and procedures for the  
16 Division and Agency, and hired a great human resources  
17 team to work with, all of whom are here today. Cynthia's  
18 dedication is an asset to the Department and does not go  
19 unnoticed.

20 Cynthia, congratulations on your 25 years.

21 (Applause.)

22 MR. BACARISSE: And again, we have Mr. David  
23 Richards, sitting off here to our right.

24 Raise your hand, David.

25 David joined the Department again in 2014, as

1 the Associate General Counsel. Over the past few years,  
2 David has handled many diverse legal issues for the  
3 Department, from serving as a civil rights officer to  
4 supporting the Department's division with legal research,  
5 rulemaking. And he certainly does a great job advising  
6 the Motor Vehicle Crime Prevention Authority Board.

7 David, congratulations on your 30 years of  
8 service, my friend.

9 (Applause.)

10 MR. AVITIA: Chairman, Members. Please join me  
11 at the front of the dais for a photo opportunity with  
12 these amazing folks.

13 (Whereupon, photographs were taken.)

14 MR. AVITIA: Chairman, Members, that concludes  
15 the Executive Director's report. I appreciate the time  
16 this morning.

17 MR. BACARISSE: Thank you, Mr. Avitia.

18 We will now move to Agenda Item 5, which is a  
19 contested case, which -- we have two today. The first on  
20 our list, on the agenda, is a Proposal for Decision here.

21 So, before we move to the oral presentation from the  
22 parties to the contested case, our General Counsel Laura  
23 Moriarty will present the procedural history and summary of  
24 the case.

25 So, Laura, I will turn the floor over to you.

1 MS. MORIATY: Good morning, Board. I am Laura  
2 Moriatty, General Counsel of the DMV.

3 Your first contested case for this morning in  
4 Item 5 is Tommie Vaughn versus Chastang Ford. This is a  
5 franchise relocation protest case that arose from Tommie  
6 Vaughn Ford protesting the Chastang Ford's relocation in  
7 Houston. Both Tommie Vaughn Ford and Chastang Ford are  
8 licensed dealers in Houston, Texas.

9 This case has gone through a hearing at the  
10 State Office of Administrative Hearings on July 24 through  
11 28, 2023. The administrative law judge issued a proposal  
12 for decision on January 16, 2024.

13 The administrative law judge found that there  
14 was good cause for the relocation of Chastang Ford. Both  
15 parties filed exceptions, and then replied to each others  
16 exceptions.

17 The ALJ did not make any changes or response to  
18 the exceptions. And sent a letter, letting us know that  
19 it was ready for your consideration on April 15, 2024.  
20 But now, the both parties want to settle.

21 So, they filed a motion requesting that the  
22 Board consider an agreed order that they filed. It would  
23 dismiss the case entirely.

24 So, the first question for you to consider  
25 today is whether you want to accept the agreed order. If

1 you vote to accept the agreed order, you will not have to  
2 discuss or consider the proposal for decision. And the  
3 agreed order will become final, which again will dismiss  
4 the case.

5 On the other hand, if the Board votes to reject  
6 the agreed order, then we will take up the proposal for  
7 decision and decide whether the ALJ's findings of fact and  
8 conclusions of law are what you want to accept. The  
9 question you would be answering then is whether there is  
10 good cause for Chastang Ford to relocate.

11 Both parties have time they requested to give  
12 oral presentation. And both parties have requested to  
13 first speak to you about the agreed order, and then  
14 reserve the rest of their time, should we continue on to  
15 consider a proposal for decision. So, if there are no  
16 other questions about that, I will turn it back over to  
17 Chairman Bacarisse.

18 MR. BACARISSE: Thank you, Laura.

19 Members, any questions about the summary of the  
20 case that Laura has laid out?

21 (No response.)

22 MR. BACARISSE: Seeing none, let's proceed. If  
23 I may. Under the Board's rules, a party that timely  
24 submitted a request to make an oral presentation will be  
25 allowed up to 15 minutes to make an oral presentation.

1           In this case, the protestant and the applicant  
2 both submitted timely requests to make that oral  
3 presentation today. This case is a little different  
4 because, as Laura mentioned, the parties have submitted  
5 for the Board's consideration an agreed order to settle  
6 the case.

7           Both parties have requested to speak to the  
8 Board about this agreed order. They have the option to  
9 use a portion of their allotted time, as Laura mentioned,  
10 to talk about the agreed order, and then reserve the  
11 remainder of their 15 minutes.

12           After the parties have presented the agreed  
13 order, I will ask for motions on the agreed order. If the  
14 agreed order passes by a majority vote, we will be done  
15 with this agenda item.

16           But if the agreed order fails, then we will  
17 turn to considering the proposal for decision as Laura  
18 described in this contested case. If that happens, the  
19 parties will have the reserved remainder of their 15  
20 minute presentation time to present to the Board on the  
21 PFD.

22           During oral presentations, time spent by a  
23 party responding to any Board questions is not counted  
24 against that parties' time. And the timer light once  
25 again will be green for the first 14 minutes, yellow when

1 there is one minute left, and then red when the parties'  
2 time is up.

3 I also would like to remind the Board members  
4 and the parties that the Board's decision must be based  
5 solely on evidence contained within the administrative  
6 record from the State Office of Administrative Hearings.  
7 If a Board member asks a question about evidence that is  
8 not in SOAH's administrative record for this case, the  
9 parties should respond by saying that the question is  
10 about evidence that is not in that administrative record.

11 Protestant Tommie Vaughn Motors, Incorporated,  
12 is represented by Mr. Mark Bankston, who will now make  
13 Tommie Vaughn Motors' oral presentation through the  
14 proposed agreed order.

15 So, good morning and welcome, Mr. Bankston.  
16 The podium is yours.

17 MR. BANKSTON: Good morning, Mr. Chairman,  
18 members of the Board. My name is Mark Allan Bankston, and  
19 I am proud to be here this morning to appear before you.  
20 It is an honor to be here on behalf of my client, Tommie  
21 Vaughn Ford and the Janke family, as counsel.

22 As mentioned, this is a relocation protest  
23 between two friendly competitors, Chastang Ford and Tommie  
24 Vaughn Ford. The protest was a lengthy process. All the  
25 issues were fully litigated in a very professional and

1 civil manner.

2 We appreciate Mr. Komkov and Mr. Bennett's  
3 efforts in that. Even though the parties were fighting,  
4 we got along pretty well and fully vetted these issues.

5 There is another protest that is being resolved  
6 at the same time as this protest between these parties.  
7 The parties are ready to get back to selling cars and  
8 serving their customers. And so, for that reason, we ask  
9 the Board to grant the joint motion to dismiss, and enter  
10 the agreed, final order of dismissal with prejudice.

11 And we appreciate your time this morning. If  
12 you have any questions, I am happy to answer them.

13 MR. BACARISSE: Thank you, Mr. Bankston.

14 Any questions from members?

15 Member Gillman, turn your mic on, make sure.

16 MS. GILLMAN: Thank you, Mr. Bankston. Talk to  
17 me. I don't understand. You said there is another case  
18 being resolved at this time?

19 And then you said there is a joint resolution.

20 Does that mean that the one that was intending to be  
21 heard today, plus the second is jointly being resolved?

22 MS. MORIATY: Mr. Chairman, if I may. I am  
23 sorry. I am concerned we are going to get outside the  
24 record because the other litigation to which counsel was  
25 referring is not part of the record in this case, I don't



1 believe.

2 MR. BANKSTON: That is correct.

3 MS. MORIATY: Oh, okay.

4 MR. BANKSTON: And I am sorry if I misspoke.  
5 That is not before you today. That is getting resolved  
6 before we ever get to the proposal for decision, or a  
7 hearing on the merits in front of SOAH. And through the  
8 great efforts of the Department's mediation process and  
9 their staff mediator, we were able to get that one  
10 resolved in addition to this one.

11 However, because we did have a merits hearing,  
12 we are asking that just the relocation protest -- that  
13 settlement agreement which is subject to an enforceable  
14 settlement agreement of both issues, but just the  
15 relocation protest be dismissed.

16 MR. BACARISSE: Members, any other questions of  
17 Mr. Bankston?

18 Member Pruitt, I see you are moving your  
19 microphone now. Okay. You are just rearranging.

20 Okay. Then no other questions, Members?

21 (No response.)

22 MR. BACARISSE: Thank you, Mr. Bankston.

23 MR. BANKSTON: Thank you.

24 MR. BACARISSE: Appreciate your time.

25 Applicant Chastang Enterprises Houston LLC d/b/a Chastang

1 Ford is represented by Bruce Bennett and Leon Komkov, who  
2 will now make an oral presentation for Chastang Ford. So,  
3 gentlemen, please.

4 MR. KOMKOV: Good morning, Mr. Chair, members  
5 of the Board. Thank you. I echo what Mr. Bankston said.

6 MR. BACARISSE: Please state your name for the  
7 record.

8 MR. KOMKOV: Oh, I am sorry. You had -- I  
9 obviously ignored. Leon Komkov, K-O-M-K-O-V, and I am  
10 here for Chastang Enterprises Houston, LLC.

11 MR. BACARISSE: Thank you.

12 MR. KOMKOV: It is always nice to come before  
13 the Board when we are making peace and not war. And so,  
14 that is what this morning is about, after three years.

15 Well fought, and I agree with Mr. Bankston,  
16 honorably fought, well litigated. But the parties desire  
17 to lay down their swords and get back to selling cars. We  
18 very much hope that the Board will entertain and enter the  
19 agreed order of dismissal that we have, ending this fight,  
20 and instructing the Board to continue with the relocation  
21 license processing.

22 I stand ready to answer any questions the Board  
23 may have. Thank you.

24 MR. BACARISSE: Thank you, Mr. Komkov.

25 Members, any questions for Counsel, here on

1 this item?

2 (No response.)

3 MR. BACARISSE: I think we are good. Thank  
4 you, sir.

5 MR. KOMKOV: All right. Thank you all.

6 MR. BACARISSE: Yes. Thank you.

7 Laura, are there any public comments on this  
8 particular agenda item?

9 MS. MORIATY: No, sir. No public comments.

10 MR. BACARISSE: Okay. Thank you.

11 I would -- the Chair would entertain a motion  
12 on Agenda Item 5.

13 MS. OMUMU: Mr. Chairman?

14 MR. BACARISSE: I am sorry. Yes.

15 MS. OMUMU: I would like to make the motion.

16 MR. BACARISSE: Okay.

17 MS. OMUMU: I move that the Board enter an  
18 agreed final order incorporating the findings of fact and  
19 conclusions of law in the parties' proposed agreed final  
20 order of dismissal with prejudice. I also move that the  
21 contested case before us today be dismissed with  
22 prejudice. I further move that Department licensing staff  
23 continue processing Chastang Ford's application for  
24 relocation with this protest resolved.

25 MR. BACARISSE: Thank you, Member Omumu.

1 Is there a second to that motion?

2 MS. MCRAE: I will second.

3 MR. BACARISSE: Okay. Vice Chair McRae. Okay.

4 Getting this down for the record.

5 Member Omumu, as a maker of this motion, do you  
6 need to say anything further or are we good?

7 MS. OMUMU: No. Just happy that both parties  
8 agreed to settle this.

9 MR. BACARISSE: Okay. Any further discussion  
10 on this motion, Members?

11 (No response.)

12 MR. BACARISSE: Thank you. Seeing none, I  
13 would now call the vote.

14 Board member Gillman.

15 MS. GILLMAN: Aye.

16 MR. BACARISSE: Board member Graham.

17 MR. GRAHAM: Aye.

18 MR. BACARISSE: Vice Chair McRae.

19 MS. MCRAE: Aye.

20 MR. BACARISSE: Board member Omumu.

21 MS. OMUMU: Aye.

22 MR. BACARISSE: Member Prewitt.

23 MR. PREWITT: Aye.

24 MR. BACARISSE: Board member Schlosser.

25 MR. SCHLOSSER: Aye.

1 MR. BACARISSE: And I, Charles Bacarisse vote  
2 aye as well. That is unanimous. So, that motion passes.

3

4 Thank you, gentlemen. Appreciate it.

5 The second item on our agenda this morning is  
6 the contested case, Item 6. And I am just moving towards  
7 that.

8 This is an oral presentation. The gentleman is  
9 with us this morning. So, unfortunately he did not sign  
10 up in time to have the full 15 minutes of time.

11 So, the person is limited to -- is it three  
12 minutes? Three minutes of presentation. And of course,  
13 Board members may ask questions.

14 This is the situation. During the oral  
15 presentations, this time spent by a party responding to  
16 any Board questions, of course, is not counted against the  
17 party's time. And the timer lights will be up. It will  
18 be green for the first two minutes, yellow for one minute,  
19 and then red when the time is up.

20 I also would like to remind Board members and  
21 the parties that the Board's decision must be based solely  
22 on the evidence contained within this administrative  
23 record from the State Office of Administrative Hearings.  
24 If a Board member asks a question about evidence that is  
25 not in SOAH's administrative record for this case -- and

1       sorry, I forgot to mention the case. It is SOAH Docket  
2       608-23-24732. The Texas Department of Motor Vehicles  
3       versus Whaley Boy, Incorporated, d/b/a WB Motors, Inc.

4               The petitioner for the Texas Department of  
5       Motor Vehicles is represented by Lorelei Evans, who will  
6       now -- is that right?

7               MS. MORIATY: I am supposed to give you an  
8       introductory talk, sir.

9               MR. BACARISSE: Very good. Okay.

10              MS. MORIATY: I am sorry.

11              MR. BACARISSE: I will give the floor the floor  
12       to you, our General Counsel Laura Moriaty.

13              MS. MORIATY: Thank you. I appreciate it. As  
14       you said, I am Laura Moriaty, General Counsel for the DMV.

15              The second case you will be looking at this  
16       morning is a licensure case brought by the Texas  
17       Department of Motor Vehicles against Whaley Boy  
18       Incorporated. Whaley Boy holds a general distinguishing  
19       number issued by the Department.

20              The questions for the Board to decide today are  
21       whether Whaley Boy violated the Board's statutes and  
22       rules. And if so, whether to revoke Whaley Boy's GDN, and  
23       what the appropriate monetary penalty is.

24              This case began when the Department issued a  
25       Notice of Department Decision on July 18, 2023. The

1 Department set the case for a hearing at the State Office  
2 of Administrative Hearings, which I will call SOAH, and  
3 the hearing took place on December 4, 2023.

4 The SOAH administrative law judge issued a  
5 proposal for decision on February 2, 2024. In the  
6 proposal for decision, the administrative law judge found  
7 that Whaley Boy had misused buyer's temporary tags between  
8 May 1, 2022, and April 30, 2023, by improperly issuing 174  
9 buyers tags, at least some of which were on vehicles that  
10 Whaley Boy had not sold.

11 Whaley Boy also violated the premises  
12 requirements in the Board's rules by not having a display  
13 area large enough to display at least five vehicles  
14 separated from any other businesses' display area by a  
15 barrier that cannot be readily removed; by not having a  
16 physical office location that is at least 100 square feet  
17 and again, separated from other businesses by a permanent  
18 interior walls on all sides; and not having posted  
19 business hours for each day of the week.

20 The ALJ noted that Respondent had three prior  
21 final orders from the Department in 2018, 2021, and 2022.

22 Those were all settlements of enforcement actions. None  
23 of the orders related to premises violations, and only one  
24 related to a temporary tag violation. That was an  
25 issuance of a buyers tag without a valid vehicle

1 inspection.

2 The other violations addressed in the prior  
3 orders were failure to pay vehicle sales taxes, a failure  
4 to apply for title and registration in connection with the  
5 sale of a vehicle, and a failure to keep or produce  
6 records.

7 The ALJ recommended that the Board suspend  
8 Whaley Boy's GDN for one year, and assess a penalty of  
9 \$17,400. So, that is \$100 per misused temporary tag.

10 On February 14, 2024, the Department's  
11 attorneys filed exceptions to the decision that are  
12 included in your Board materials. The ALJ issued a  
13 response to those exceptions, but did not make any changes  
14 in response to them and submitted the case to you for  
15 consideration on March 12, 2024.

16 Both parties received notice that the Board  
17 would hear this case today. But only Department's  
18 attorney announced that she wanted to make an oral  
19 argument. So, as the Chairman said earlier, we will hear  
20 from the Department's attorney for her full time.

21 And then we will be able to hear from Alejandro  
22 Whaley, who has signed up for public comment on behalf of  
23 Whaley Boy, for three minutes during the public comment  
24 period.

25 So, I need to review your options today as you



1 review this proposal for decision. At the outset, it is  
2 always important to remember how the role of SOAH is  
3 different than your role.

4 The role of SOAH is to find the facts, decide  
5 what comes into the record, and what stays out, decide  
6 what witnesses are believable, what evidence is  
7 believable. And they give that to you as findings of  
8 fact. They also make recommendations on findings of fact  
9 and conclusions of law and then they recommend a penalty.

10

11 You cannot try to interfere with SOAH's role by  
12 hearing new evidence or making new findings of fact.  
13 Those are -- that is completely SOAH's job. Your role  
14 here today is to figure out whether SOAH properly  
15 interpreted your statutes and rules, and to figure out  
16 what the appropriate penalty is in the case.

17 So, you have three options. You could just  
18 accept the PFD. If you do, that means we are going to do  
19 a one-year suspension of Whaley Boy's GDN and a civil  
20 penalty of \$17,400.

21 Your other options are to amend the PFD, to  
22 make changes potentially to the findings of fact or  
23 conclusions of law, or to have a sanction that is  
24 different from what the ALJ recommended. But if you do  
25 that, we have to have the motion to comply with Section

1 2001.058(e) of the Government Code, which requires that if  
2 we are going to make a change to a finding of fact we have  
3 to be just correcting a technical error like a typo.

4 And if we are making a change to a conclusion  
5 of law or the ultimate penalty, we have to explain how the  
6 ALJ misapplied or misinterpreted the statutes, the rules,  
7 the written policies, or some prior decision that we were  
8 relying on.

9 So, when you make a motion to change a  
10 conclusion of law or the penalty or a finding of fact, we  
11 have to identify the specific change we are requesting,  
12 explain why we are making that change. And if it is a  
13 change to a conclusion of law or the penalty, we need to  
14 explain why the interpretation was incorrect, how the  
15 findings of fact support the interpretation. We can't do  
16 anything that isn't supported by the findings of fact.  
17 And then, explain how this is all supported by our  
18 interpretation of the statutes and rules.

19 Now, you have a third option, which is to  
20 remand back to SOAH. And we can only do that if we need  
21 SOAH to make new findings of fact on areas that it hasn't  
22 made findings of fact on, or clarify something. We can't  
23 ask them to change their decision, or to make findings of  
24 fact that contradict what they have already said.

25 And SOAH doesn't have to accept our remand.

1 They could just reject it and send it right back to us.

2 So, the area where you have the largest  
3 discretion is in the penalty. We just need to comply with  
4 the statutes there, and explain why we are doing it.  
5 Under the statutes, the amount of civil penalty for  
6 temporary tag misuse must be at least \$50 per tag, and can  
7 be no more than \$10,000 per tag.

8 In deciding the amount of the civil penalty,  
9 the Occupations Code requires the Board to consider the  
10 seriousness of the violation, the economic damage to the  
11 public caused by the violation, the history of previous  
12 violations, the amount necessary to deter a future  
13 violation, any efforts to correct the violation. And then  
14 there is that fun catch-all, any other matters that  
15 justice may require.

16 Similarly, when you are deciding whether to  
17 revoke, we have to make sure that the reason for  
18 revocation is one of the reasons listed under the  
19 Transportation Code, or the Occupations Code. But those  
20 include violation of the Board rules or statutes, the  
21 failure to maintain the qualifications for licensure,  
22 which could include failure to meet the premises  
23 requirements. And misuse, or allowing someone else to  
24 misuse a temporary tag.

25 So, if we make a motion, just make sure we are

1 explaining why we are making the change, and how it is  
2 supported by those legal authorities. So, with all of  
3 that, I will turn it back over to Chairman Bacarisse to  
4 start the oral presentations.

5 MR. BACARISSE: Thank you. So, at this point,  
6 is Lorelei Evans here?

7 MS. MORIATY: She is, sir.

8 MR. BACARISSE: If she is ready to present,  
9 we'll just have you begin. Ms. Evans is the petitioner  
10 for the Texas Department of Motor Vehicles. And she is --  
11 will make the Department's oral presentation.

12 You have 15 minutes. So, good morning and  
13 welcome.

14 MS. EVANS: Good morning, Chairman, Board  
15 members, Mr. Avitia. My name is Lorelei Evans. I am the  
16 enforcement attorney who tried this case at SOAH.

17 During the introduction, I believe it was  
18 stated that this was a licensure case, when it is actually  
19 respectfully, an enforcement case. So, I think that was  
20 just accidentally stated.

21 But this case involves two types of  
22 allegations. One is buyer tag misuse of 174 buyers  
23 temporary tags, and the dealer's failure to maintain basic  
24 premise requirements.

25 Prior to today's hearing, I did submit written

1 materials for your consideration, which consisted of a  
2 draft proposed final order. I highlighted a number of  
3 issues with the conclusions of law and findings of fact,  
4 where there was mostly typographical errors to the ALJ's  
5 PFD, that I would request that you review and take into  
6 consideration my suggested changes. And I am going to  
7 defer to those written materials and not cover them during  
8 my oral presentation. But I am happy to answer any  
9 questions that you might have regarding anything in those  
10 written materials.

11 So, my oral presentation today is going to be  
12 solely focused on why a revocation is not just justified,  
13 but warranted in this current case. It is the only  
14 appropriate sanction for the premise violations that are  
15 ongoing, and that were founded during this hearing.

16 So, on the hearing date, the Respondent  
17 admitted, as well as the ALJ found, that there were three  
18 premise violations. So, these are uncontested. They  
19 occurred. And those occurred on June 22, 2023, during a  
20 site inspection.

21 The investigator found that the Respondent  
22 failed to have a designated display area that was  
23 separated from a shared business location with another  
24 dealership. He was required to have a designated area  
25 that had a material barrier that cannot readily be

1 removed, and could display at least five vehicles. So, he  
2 was found not to have had that.

3 Additionally, he was required to have posted  
4 business hours for each day of the week. And then  
5 finally, and the most serious, was that he did not have an  
6 office space that was at least 100 square feet with  
7 permanent walls on each side of his office space,  
8 separated from that shared business location with another  
9 dealer.

10 So, if you were to walk into the office, and  
11 you can see from the photographs, that there were two  
12 desks for the two different dealerships. And there was no  
13 partition or a permanent wall that would allow you to have  
14 private transactions, as well as any sort of financial  
15 documentation that would be received from a consumer. All  
16 of that is open up to the public, or whoever walks into  
17 that door, and not separated.

18 So, we have to kind of go back from when these  
19 requirements came into play. So, the Board adopted new  
20 rules under the Texas Administrative Code 215.140.5(h)(I).

21 And those rules were adopted January 1, 2023.

22 And there was reasoning behind it, which was  
23 there was significant tag misuse. And a lot of the things  
24 that were identified were some of these business locations  
25 and dealers premises that did not seem to have further

1 common trends, I would say.

2 So one of it was that you would have these  
3 shared locations that did not have what appeared to be  
4 individual business office spaces that were private. That  
5 there was parking lots, but you couldn't tell whose  
6 inventory belonged to what dealership, and it made it very  
7 difficult, if a customer was going to come to that  
8 dealership, to know which inventory belonged to which  
9 dealer. If an investigator came, being able to identify,  
10 again, which vehicles belong to which dealer.

11 So, these were things that were identified by  
12 the Board that required some new changes to the premise  
13 requirements. And so, those came into effect January 1,  
14 2023. So, the Respondent's license was valid when -- he  
15 met all the premise requirements when he obtained his  
16 license, but the rules changed during that license period.

17 The Occupations Code 2301.263 requires that all  
18 licensees, whether they are new licensees or under a  
19 previous license, must conform to those new Board rules  
20 and laws that take effect during the term of that license.

21 So, the Respondent was still required to meet the new  
22 rules that went into effect on January 1, 2023. There was  
23 no grandfather clause. Excuse me.

24 So, the new premise rules were enacted in  
25 January 1, 2023. And there were several changes. And

1 again, it was intended to combat a lot of the tag misuse  
2 that was seen, and to ensure that -- these rules were  
3 intended to protect consumers.

4 So, they are not arbitrary. There is reasoning  
5 behind each of these new premise rules. And most  
6 legitimate dealerships already met the rules. So, it was  
7 only a few dealerships that had to make some changes.

8 The issue here is that, despite the new rules  
9 going into effect on January 1st, on June 22nd, when that  
10 investigator did the site inspection, nearly six months  
11 after the rules went into effect, he found these  
12 deficiencies. He notified the Respondent of these  
13 deficiencies.

14 The Respondent wasn't there at the dealership  
15 during his normal business hours. But he was able to  
16 communicate that these issues were present, and they  
17 needed to be fixed.

18 The Respondent on the date of the hearing,  
19 December 4, 2023, nearly a year after the rules went into  
20 effect, was still -- there was no evidence that he was in  
21 compliance. So, they still remained uncured. There has  
22 been no efforts by the Respondent to make any of the  
23 requested changes.

24 So, the issue here is that, not just that they  
25 were present, but they are continual and they haven't been



1 fixed. The uncured premise violations alone warrant  
2 revocation of the dealer's license. However, couple it  
3 with the 174 substantiated allegations of tag misuse also  
4 present in this case, a sanction of revocation is  
5 absolutely justified and appropriate. Respondent had  
6 nearly a year before the hearing to come into compliance,  
7 and had not.

8 As stated earlier, these rules are not  
9 arbitrary. They were rules that were enacted by the Board  
10 for a specific purpose. It will set a big precedent to  
11 other dealers if they are not required to follow the rules  
12 that the Board has enacted. And again, the whole purpose  
13 was to protect consumers, and to ensure the legitimacy of  
14 these offices and business spaces.

15 Revocation for the premise violations is  
16 authorized under Transportation Code Section  
17 503.038(a)(7), (12), and (14). So, when a dealer fails to  
18 maintain the qualifications for a general distinguishing  
19 number, misuses, or allows another to misuse a temporary  
20 tag authorized under the Chapter, or otherwise violates a  
21 chapter rule, or a Board rule adopted under the Chapter,  
22 revocation is proper, and it is allowed.

23 The dealer would not be approved for a license,  
24 if he were to apply currently. He would not be allowed to  
25 renew the license. So, he should not be allowed to have

1 and keep a license. And revocation, again, is the only  
2 appropriate sanction in this case.

3 With regard to the civil penalty, the  
4 Petitioner originally recommended the penalty of \$174,000,  
5 which was \$1,000 per tag violation. But I defer to the  
6 Board on what they believe is just and fair under the  
7 circumstances of this case when determining the  
8 appropriate penalty, and in line with previous Board  
9 decisions on tag misuse.

10 But the Petitioner respects that you --  
11 respectfully requests that you reject the ALJ's  
12 recommendation to suspend the license for a one-year  
13 period, and instead, impose a revocation of the dealer's  
14 license. Thank you.

15 MR. BACARISSE: Thank you, Ms. Evans.

16 Are there questions from Board members?

17 (No response.)

18 MR. BACARISSE: Seeing none. Laura, I would  
19 hand this back to you.

20 MS. MORIATY: So, yes. We have a public  
21 commenter, sir.

22 MR. BACARISSE: Yes.

23 MS. MORIATY: Alejandro Whaley. You may  
24 approach the podium and speak to the Board for three  
25 minutes.

1 MR. BACARISSE: Mr. Whaley, thanks for making  
2 time to come today.

3 MR. WHALEY: Thank you.

4 MR. BACARISSE: We appreciate hearing from you.

5 MR. WHALEY: Okay. I don't know too much about  
6 what to say. So, I didn't -- I tried to get a lawyer,  
7 but --

8 MR. BACARISSE: Would you do me a favor. Just  
9 say your name for the record, so that we get it right.

10 MR. WHALEY: Okay. I am Alejandro Whaley. I  
11 am the owner of WB Motors. I was accused of misusing  
12 dealer tags.

13 And I just heard about the -- I wasn't aware of  
14 the building. I thought that was going through on the  
15 other guy. I haven't heard anything from anybody about  
16 that one.

17 The misuse, saying that I didn't have enough  
18 space. I have a large sign in front of the building. I  
19 am the primary lessee on the building, and I have one guy  
20 that shares the room with me. And it is about 200, 300  
21 square feet.

22 But they are still going back and forth.  
23 Because they are telling him that he is grandfathered in,  
24 which he sent me the information on that. But it is still  
25 ongoing.

1           So, he was already there before they changed  
2 the rules. So, I had no control over that. And they are  
3 still going back and forth with -- their case is still  
4 open with them. I think she worked there with him.

5           But as far as the dealer tags, I was not aware  
6 of the dealer tags at the time. When they told me, I was  
7 in shock, myself. And they completely right then shut me  
8 down. Which, I was confused.

9           And I didn't know -- because I had come in  
10 there. I wasn't there when they came and said that they  
11 heard about the dealer tags. I wasn't in my car lot.

12           When they told me that, I immediately contacted  
13 them, and let them know that, hey, I will try to figure  
14 this out. But they immediately shut me down. I had one  
15 tag that they showed me.

16           They gave me a list, and said, do you recognize  
17 any of these cars? I said, there is only one that I  
18 noticed, which was my nephew. Which I told them.

19           I said, yes. That one I did. Because he moved  
20 out of town.

21           He stayed with me and he needed a car. And he  
22 couldn't afford to pay all of it right then. So, I did  
23 it. Like, two or three times, maybe, with him only.

24           And then, when they told me that I was doing  
25 wrong, once they came, Mr. Schultz, I wasn't there. And

1 they told me, hey. Which one of you did.

2 I said, this one. But I can go home and take  
3 care of this now. I immediately, the next day, corrected  
4 that situation, and went and got his car registered.

5 They were saying that -- oh, and I told her. I  
6 didn't know where it come from. I had just gotten  
7 burglarized. I had got burglarized about like, five or  
8 six months.

9 I showed them the police report, because I  
10 didn't know where else it could come from. I wasn't  
11 having a lot of people working for me. So, I've kind of  
12 been doing research after the fact to see what I could  
13 narrow it down to.

14 I tried to get a lawyer. For the last year and  
15 a half, I have been trying to get a lawyer. I couldn't  
16 find nobody.

17 So, I have been digging, doing research myself.

18 I can't find nobody to help me in this case. So, I have  
19 been only digging myself to try to find some information.

20 I couldn't find nothing.

21 They said that I did it. When I showed them  
22 proof that I got burglarized. Computers, monitors, five  
23 of my cars got stolen. And I didn't have nothing else  
24 that I could think of, that can happen.

25 So, that is all I have. I know I wouldn't do

1 it. I have been in business ten years. I never ever  
2 misused a tag.

3 Just, this is the way I have been living, for  
4 15 years I have been in the car industry. I did my own --

5 MR. BACARISSE: Go ahead, and finish your  
6 sentence.

7 MR. WHALEY: I have been in the car industry  
8 for 15 years. I started a Nissan in McKinney. I did  
9 finance there for five years, and I decided to do it on my  
10 own. And I didn't have any guidance.

11 So, all the penalties that she said I did, I  
12 did get some -- because I didn't have -- you don't have  
13 schooling on how to be a dealer. So, I had to learn by  
14 getting fines, which I paid every fine that they told me.

15 And I never done them again.

16 I was never accused again. Dealer tags was  
17 something that -- this is my life. This is not just a  
18 job. This is my career.

19 I would never misuse a dealer tag. That was  
20 just --

21 MR. BACARISSE: All right. I thank you for  
22 your time. Thank you.

23 Staff here, because members may have questions  
24 for you, if you will just hang with us for a minute. I am  
25 going to ask the members.

1                   Members, do y'all have any questions for Mr.  
2 Whaley?

3                   MS. MCRAE: I have a question.

4                   MR. BACARISSE: Vice Chair McRae.

5                   MS. MCRAE: Mr. Whaley, I have been in this  
6 business for 39 years. And I do believe that there is  
7 dealer training that is provided. I think our General  
8 Counsel could speak more accurately to that.

9                   But I do believe there is dealer training that  
10 is available. And you have never taken advantage of that?

11                   MR. WHALEY: Yes, ma'am, After the first --  
12 after the first one, the first offense that I got, I took  
13 a dealer training. I got the certificate for that.

14                   I sent them that as well. I showed them that I  
15 did take the training. But that was like, three or four  
16 years before then.

17                   And I never -- it wasn't a problem of dealer  
18 tags, so I didn't -- I know not to do that. That is  
19 something I know not to do. And that is something I  
20 didn't do at all.

21                   Like I said, I got burglarized. I got, after  
22 going through it, looking at it, I found so much other  
23 evidence that they did to me. Whoever broke in my  
24 building, and stole my information.

25                   I just didn't have time to submit it. Because

1 when I found that I had to come here, that I could come  
2 here, and announce that I can show you guys proof, I  
3 didn't have time to upload it, and show you guys.

4 Like, hey, this is what I found. Like, I have  
5 got like ten cars that is in impounds. They are saying  
6 that they are mine, that I never owned.

7 I got my mail, my name, my personal information  
8 going to -- I put a post out on Facebook, asking for a  
9 lawyer. People started sending me stuff.

10 One girl sent me a letter. She said,  
11 Alejandro, I got your name on about 15 tow tags coming to  
12 my house.

13 I am like, how did you do that? I don't even  
14 know -- I didn't even know where she lived. I don't even  
15 know her like that at all. I know who she was, but I  
16 didn't know nothing about where she lived at. And she is  
17 telling me that mail going to her house in my name.

18 So, I was like -- I started gathering  
19 information to try and figure out what is it. And I could  
20 never. I tried to get lawyers, and nobody could come help  
21 me. Because I got multiple dollars that I owe in total.

22 So, it is not just this that is going on. It  
23 is actually a lot going on outside of this, since I got  
24 burglarized. And I am not blaming it on that. I don't  
25 know where it comes from. Somehow, somebody got my



1 information.

2 MR. BACARISSE: Thank you, sir.

3 Members, any other questions?

4 (No response.)

5 MS. MORIATY: Mr. Chairman, if I may. I would  
6 just caution that a lot of the information that you just  
7 heard is outside the record. So, if we have questions  
8 about what is in or outside with the record, let's just  
9 check with the Agency's attorney as well. Just to -- so  
10 we make sure we know.

11 MR. BACARISSE: Sure. Okay. Great. Thank  
12 you.

13 Any other questions, Members?

14 (No response.)

15 MR. BACARISSE: Thank you, sir. Appreciate  
16 your time. In that situation, do we need to come back and  
17 kind of understand what is --

18 MS. MORIATY: If you have any questions for Ms.  
19 Evans, you are welcome to ask them. But its up to the  
20 Board.

21 MR. BACARISSE: Members, do you have any  
22 questions for Ms. Evans, based on Mr. Whaley's comments?

23 (No response.)

24 MR. BACARISSE: Good. Okay. Seeing none, I  
25 the Chairman would entertain a motion on this agenda item.

1 Anybody want to make a motion?

2 MS. MCRAE: I'll make a motion.

3 MR. BACARISSE: Vice Chair McRae.

4 MS. MCRAE: I move that the Board adopt  
5 Findings of Fact 2 through 18, and 20 through 21, and  
6 Conclusions of Law 1 through 8, as set out in the proposal  
7 for decision. I further move that the Board modify  
8 Findings of Fact 1 and 19, because the administrative law  
9 judge made technical errors in those findings of fact by  
10 incorrectly stating dates.

11 In Finding of Fact 1, the administrative law  
12 judge misstated the date on which the Department-issued  
13 Respondent's GDN. I move that Finding of Fact 1 be  
14 amended to state, Whaley Boy, Inc. holds general  
15 distinguishing number P131278, a license issued by the  
16 Texas Department of Motor Vehicles on October 20, 2015,  
17 and is considered a dealer.

18 In Finding of Fact 19, the administrative law  
19 judge misstated the date the second amended notice was  
20 issued and misstated the date that the Department's  
21 investigator visited Respondent's dealership. I move that  
22 Finding of Fact 19 be amended to state, the Department has  
23 issued a second amended Notice Of Department Decision,  
24 dated November 20, 2023. The notice alleged that  
25 Respondent violated statutes and rules relating to a

1 dealer's permanent place of business, on or about June 22,  
2 2023. And regarding the use of issuance of e-tags from on  
3 or about May 20, 2022, through April 2023.

4 I also move that the Board strike Conclusions  
5 of Law 9, and amend Conclusions of Law 10 through 12, as  
6 follows. Conclusion of Law 10, Respondent should be  
7 assessed a penalty of \$87,000 for issuing 174 e-tags  
8 without corresponding vehicle sales.

9 Conclusion of Law 11, Respondent should not be  
10 assessed a monetary penalty for failing to comply with  
11 certain Department premises requirements, because the  
12 Department did not request a monetary penalty for those  
13 violations. Conclusion of Law 12, Respondent's GDN  
14 license should be revoked.

15 These amendments are necessary because the  
16 administrative law judge improperly applied or interpreted  
17 Texas Transportation Code 503.095, and 503.038,  
18 Occupations Code 2301.651, and 2301.801, and the factors  
19 specified in the Department's disciplinary matrix, when  
20 she recommended a one-year suspension and a penalty of  
21 \$100 per improperly issued temporary tag, for a total  
22 penalty of \$17,400.

23 Conclusion of Law 9 should be struck, because  
24 it is a sanction recommendation that reflects the ALJ's  
25 misinterpretation of the sanctioning statutes, rules and

1 guidelines. The Board and not the ALJ is the ultimate  
2 decision maker about sanctions.

3 To determine the appropriate penalty for misuse  
4 of temporary tags, the Board looks at factors in  
5 Occupations Code 2301.801, including the seriousness of  
6 the violation and the amount necessary to deter a future  
7 violation. Misuse of temporary buyers tags is a very  
8 serious offense, a terrible breach of the trust that the  
9 state puts in a GDN holder when it allows the licensee  
10 access to the state's temporary tag system.

11 Finding of Fact 11 shows that Respondent's  
12 misuse was particularly serious because he issued  
13 temporary tags for vehicles that he had not sold. A  
14 strong sanction is necessary to create a sufficient  
15 deterrent to Respondent and others like him, who attempted  
16 to misuse temporary tags.

17 Respondent has shown that he is not easily  
18 deterred through his three prior disciplinary orders,  
19 described in Finding of Fact 18. The record in this case  
20 also shows that Respondent was not deterred, even when the  
21 Department's investigator informed the Respondent that he  
22 was under investigation for temporary tag misuse, because  
23 Respondent improperly issued another temporary tag after  
24 meeting with the investigator.

25 The ALJ's recommended sanction of \$100 per

1 misused temporary tag is not sufficient to address these  
2 concerns. A penalty of \$500 per each improperly issued  
3 temporary tag would offer more deterrent value and would  
4 better reflect the seriousness of the violation.

5 Conclusion of Law 10 must therefore be changed to statute  
6 that Respondent should be assessed a penalty of \$87,000  
7 for issuing 174 e-tags without corresponding vehicle  
8 sales.

9 Under Transportation Code 503.038, cancellation  
10 or revocation of a GDN license is appropriate when a GDN  
11 license holder has failed to maintain the qualifications  
12 for that license, including maintaining premises that meet  
13 the requirements of the Board's rules. Findings of Fact 4  
14 and 5 show that Respondent has premise violations that put  
15 him in violation of the Department's rules.

16 While the Department did not request a monetary  
17 penalty for those violations, a sanction is necessary to  
18 address the premises violations, and revocation is the  
19 appropriate sanction. Conclusion of Law 11 should  
20 therefore be changed to reflect that the Department  
21 requested a sanction other than a monetary penalty to  
22 address the premises violation.

23 Moreover, revocation is an appropriate sanction  
24 under Transportation Code 503.038, when a GDN license  
25 holder has misused or allowed the misuse of temporary

1 tags. Findings of Fact 8 through 11, and 16 show that  
2 Respondent either misused 174 temporary tags, or allowed  
3 the misuse, by failing to change its password when he knew  
4 his computer had been stolen.

5 Moreover, Findings of Fact 11 states that  
6 Respondent issued temporary tags on vehicles he had not  
7 sold. Taking into account the seriousness, serious  
8 violations from Respondent's misuse of 174 temporary tags,  
9 combined with his premise violations, revocation is  
10 appropriate in this case.

11 Respondent's prior orders, noted in Findings of  
12 Fact 18, shows that Respondent needs a strong deterrent,  
13 and a one-year suspension is insufficient. Conclusion of  
14 Law 12 should therefore be changed to state that  
15 Respondent's GDN license should be revoked. Based on the  
16 findings of fact and conclusions of law, with these  
17 modifications, I move that the Board revoke Respondent's  
18 GDN license, and issue a penalty of \$87,000.

19 MR. BACARISSE: Is there a second to that  
20 motion?

21 MR. SCHLOSSER: I'll second it.

22 MR. BACARISSE: Member Schlosser seconds.

23 Now, we can have any discussion of the Board  
24 here. Is there any -- are there any questions or  
25 discussion? Any questions for Laura or the legal team?

1 Member Graham.

2 MR. GRAHAM: Thank you. I support the motion  
3 generally. I certainly support revocation of the license.

4 I am kind of just trying to work through it  
5 mentally, as far as the fine, when we don't have true  
6 clarity as to the misuse of those tags. We know they were  
7 misused. We don't really know -- I mean, there is no  
8 evidence to support that they were sold improperly, only  
9 that they were misused.

10 So, I am just trying to figure out where that  
11 scale should come down on misuse that falls in sort of  
12 that vague category. And I don't know what that is. I  
13 just kind of wanted to have that quick discussion, and  
14 see. I would appreciate any Board input on that.

15 MR. BACARISSE: Member Gillman, did you have a  
16 comment or question?

17 MS. GILLMAN: Thank you, Mr. Chairman. Yes. I  
18 also did not disagree with the violations that have  
19 occurred here. I am particularly sensitive to the  
20 printing of tags when a vehicle is not in inventory, or if  
21 you have not sold the vehicle.

22 It is a clear violation in my eyes, and I think  
23 that Mr. Whaley should have reacted sooner, and with more  
24 respect for the rules and provisions and privileges of  
25 being a dealer.

1           The premises violations, I am a little bit more  
2 sympathetic, because premises rules change. And I am not  
3 sure that the Department does enough to explain and get  
4 those rules out.

5           So, I am feeling that revocation based on  
6 premises violations is too strong. I feel that the  
7 penalty of \$87,000 as presented in the motion is also too  
8 strong.

9           And like I said, I am -- I cannot and won't  
10 defend the clear violations here. But I just don't put as  
11 much weight as \$87,000. And therefore, I tend to agree  
12 with the ALJ's recommendation of \$17,000 in that regard.

13           MR. BACARISSE: Do you have a request for a  
14 friendly amendment, or is there some action you would like  
15 the Board to consider, based on your comments?

16           MS. GILLMAN: Perhaps.

17           MR. BACARISSE: Well, let's hear it. Let's get  
18 on with it. We have got one. Let's go.

19           MS. GILLMAN: I don't exactly know how to have  
20 a -- may I request a friendly amendment?

21           MS. MORIATY: It is Laura Moriatty. We need to  
22 tell her what the friendly amendment is.

23           MR. BACARISSE: Yes. You have to make the  
24 friendly amendment, and then the maker of the motion gets  
25 an opportunity to accept or reject.



1 MS. MORIATY: If your friendly amendment is  
2 to -- Member Gillman, it sounds like you might just want  
3 to accept the PFD.

4 MS. GILLMAN: That is correct.

5 MS. MORIATY: That would be an alternate  
6 motion.

7 MS. GILLMAN: That is correct.

8 MS. MORIATY: But you could make that as an  
9 alternative motion.

10 MR. BACARISSE: Well, we can't make that.

11 MS. MORIATY: Right.

12 MR. BACARISSE: We have a motion on the floor.

13 MS. MORIATY: It would be a substitute motion.  
14 And you would have to vote on it.

15 MR. BACARISSE: Yes.

16 MS. MORIATY: It might be easier to vote on the  
17 current motion and see what happens, and decide then if  
18 you want to make that separate motion.

19 MR. BACARISSE: Unless, yes. Okay.

20 Member McRae, Vice Chair McRae.

21 MS. MCRAE: I would just like to say that Texas  
22 was under attack. This Agency was under attack in 2023  
23 with the misuse of temporary tags, and we acted swiftly  
24 and to try to eradicate that behavior in this state.

25 And I agree with something that Member Gillman

1 stated. We have outstanding, some of the greatest dealers  
2 in this state. And for those dealers, I am most thankful.

3 It is a privilege to do business in this state.

4 And for the gross negligence of someone either  
5 by not changing a password, or allowing the sharing of a  
6 password, or whatever the case may be. To turn a blind  
7 eye, and not oversee your business as required, I think is  
8 as -- it is, like I said, gross negligence.

9 But some of these vehicles that these were  
10 issued to, we don't know if they were even able to be on  
11 the roadways, whether they were salvage vehicles, or any  
12 of that kind of information, we don't have. So, these  
13 vehicles, there is a reason why there is records. There  
14 is a reason why all of that is required.

15 And to have 174 tags issued on vehicles that  
16 was not sold by a dealer, I think is -- I just think that  
17 is unacceptable in the State of Texas. And I stand behind  
18 my motion.

19 MR. BACARISSE: Okay. We have a motion and a  
20 second. Any other questions. We don't need to make -- if  
21 we have question, let's ask the question. And let's move  
22 the agenda.

23 Any other questions, Members?

24 (No response.)

25 MR. BACARISSE: Seeing none, the Chair will

1 call the roll for this vote. Member Gillman.

2 MS. GILLMAN: Nay.

3 MR. BACARISSE: Board member Graham.

4 MR. GRAHAM: Aye.

5 MR. BACARISSE: Vice Chair McRae.

6 MS. MCRAE: Aye.

7 MR. BACARISSE: Board member Omumu.

8 MS. OMUMU: Nay.

9 MR. BACARISSE: Member Prewitt.

10 MR. PREWITT: Aye.

11 MR. BACARISSE: Member Schlosser.

12 MR. SCHLOSSER: Aye.

13 MR. BACARISSE: And I, Charles Bacarisse vote  
14 aye as well. It shows here that we have two negative and  
15 four, five positive. So, it passes five to two. Thank  
16 you.

17 We'll now move on to Agenda Item 7. These are  
18 rule adoptions, and we'll hear from Corrie Thompson.

19 MS. THOMPSON: Yes. Good morning, Chairman,  
20 Vice Chair McRae, Members of the Board. Director of ETF,  
21 Corrie Thompson, Director of the Enforcement Division.

22 I am presenting Agenda Item 7 for you today,  
23 which begins in 215 in your Board book. And before you is  
24 a recommendation to approve the adoption of amendments, a  
25 new section, and a repeal to 43 Texas Administrative Code

1 Chapter 223, relating to compliance and investigations.

2           These recommendations serve as a general  
3 cleanup in connection with the rule review being conducted  
4 by the Department. And they are also necessary to revise  
5 the title of the Chapter, by removing the word "Division,"  
6 following Compliance and Investigations, because that  
7 division was disbanded and reorganized under the  
8 Enforcement Division several years ago.

9           These amendments are also necessary to bring  
10 the rules into alignment with statute, to clarify existing  
11 requirements, improve readability and consistency, to  
12 describe the Department's methods and procedures for  
13 counties to report fraud, waste and abuse to the  
14 Department, and to update the Department's processes for  
15 external risk based monitoring regarding external users of  
16 the Department's Registration and Title System.

17           New 223.5 would replace Subchapter B, 223.101,  
18 which is being repealed. These proposed changes were  
19 published in the *Texas Register* for public comment  
20 following the April Board meeting, and we received no  
21 comment.

22           There will be no significant fiscal  
23 implications in connection with the amendments, the new  
24 section, or the repeal. And if the Board adopts new  
25 223.5, the amendments, and the repeal during this meeting,

1 we anticipate publication in the August 23rd issue of the  
2 *Texas Register*, with an effective date of August 29th.

3 So, I am happy to answer any questions. And if  
4 there aren't, then I would ask the Board to approve the  
5 adoption of new 225, the amendments, and the repeal.

6 MR. BACARISSE: Thank you, Ms. Thompson.

7 Members, any questions for Ms. Thompson on  
8 Agenda Item 7?

9 (No response.)

10 MR. BACARISSE: Seeing none, the Chair would  
11 entertain a motion on Agenda Item 7.

12 MR. SCHLOSSER: Member Schlosser. I will make  
13 a motion.

14 MR. BACARISSE: Yes, sir. Please.

15 MR. SCHLOSSER: I move that the Board approve  
16 the adoption of 43 Texas Administrative Code Chapter 223,  
17 as recommended by staff, for publication in the *Texas*  
18 *Register*. In addition, I move the Board grant the  
19 Department the authority to make changes to the preamble  
20 and text of the Chapter 223 revisions based on non-  
21 substantive corrections made by *Texas Register*.

22 MR. BACARISSE: Thank you. Is there a second  
23 to this motion?

24 MS. GILLMAN: I second.

25 MR. BACARISSE: Member Gillman. Thank you.

1 Any further discussion on this motion, Members?

2 (No response.)

3 MR. BACARISSE: Seeing none. I would now call  
4 the vote, please.

5 Member Gillman.

6 MS. GILLMAN: Aye.

7 MR. BACARISSE: Member Graham.

8 MR. GRAHAM: Aye.

9 MR. BACARISSE: Vice Chair McRae.

10 MS. MCRAE: Aye.

11 MR. BACARISSE: Member Omumu.

12 MS. OMUMU: Aye.

13 MR. BACARISSE: Member Prewitt.

14 MR. PREWITT: Aye.

15 MR. BACARISSE: Member Schlosser.

16 MR. SCHLOSSER: Aye.

17 MR. BACARISSE: And I, Charles Bacarisse vote  
18 aye as well. It is unanimous. Thank you.

19 Agenda Item 8 is rule review and adoption under  
20 Government Code 2001.039. And we will hear from our  
21 General Counsel, Laura Moriaty.

22 General Counsel Moriaty.

23 MS. MORIATY: Good morning, Board. Laura  
24 Moriaty, General Counsel, back for more. Today you have  
25 the opportunity to do rule reviews, adopt rule reviews for

1 two of our chapters: Chapter 208 which covers employment  
2 practices, and Chapter 223, which covers the Compliance  
3 and Investigation Division.

4 Every state agency that adopts rules has to  
5 comply with the Government Code by examining them every  
6 four years to make sure that the reasons for initially  
7 adopting them continue to exist. Chapter 208 was last  
8 reviewed in 2019, and Chapter 223 was last reviewed in  
9 2020.

10 So, actually, we are almost on time with these.

11 We published our notice for intent to review with these  
12 chapters with the *Texas Register*. But we did not receive  
13 any public comments.

14 We went through the rule review process. We  
15 identified the amendments and repeals that needed to be  
16 made. For Chapter 208, we didn't identify any amendments.

17 But for Chapter 223, you just adopted the necessary  
18 amendments and repeals.

19 So, this motion will readopt the remaining  
20 provisions in both chapters and we will be good to go for  
21 another four years. And with that, I am open to  
22 questions.

23 MR. BACARISSE: Any questions, Members, for Ms.  
24 Moriarty on this Agenda Item 8?

25 (No response.)

1 MR. BACARISSE: No. I am stunned that there  
2 were no public comments. That is amazing. And we have  
3 none today on this.

4 MS. MORIATY: Right. No public comments today,  
5 either, sir.

6 MR. BACARISSE: Right. Thank you. Seeing no  
7 questions, the Chair would entertain a motion on Agenda  
8 Item 8.

9 MS. MCRAE: I'll make the motion, Chairman.

10 MR. BACARISSE: Vice Chair McRae.

11 MS. MCRAE: I move that the Board approve the  
12 notice of the readoptions of 43 Texas Administrative Code,  
13 Chapters 208 and 223 as recommended by staff for  
14 publication in the *Texas Register*. In addition, I move  
15 that the Board grant the Department the authority to make  
16 changes to the notice of re-adoption of Chapters 208 and  
17 223, based on non-substantive corrections made by the  
18 *Texas Register*.

19 MR. BACARISSE: Thank you, Vice Chair McRae.  
20 And is there a second for that motion?

21 MR. GRAHAM: Second.

22 MR. BACARISSE: Member Graham. Thank you.  
23 And any further discussion on this motion,  
24 members?

25 (No response.)



1 MR. BACARISSE: I will now call the vote,  
2 seeing no discussion.

3 Member Gillman.

4 MS. GILLMAN: Aye.

5 MR. BACARISSE: Member Graham.

6 MR. GRAHAM: Aye.

7 MR. BACARISSE: Vice Chair McRae.

8 MS. MCRAE: Aye.

9 MR. BACARISSE: Member Omumu.

10 MS. OMUMU: Aye.

11 MR. BACARISSE: Member Prewitt.

12 MR. PREWITT: Aye.

13 MR. BACARISSE: Member Schlosser.

14 MR. SCHLOSSER: Aye.

15 MR. BACARISSE: And I, Chair Bacarisse vote aye  
16 as well. It is unanimous. Thank you.

17 Now we move to Agenda Item 9. And Laura will  
18 stay up there, and run through this agenda item on Chapter  
19 223.

20 MS. MORIATY: I believe we are on Chapter 218  
21 right now.

22 MR. BACARISSE: Oh 218, sorry.

23 MS. MORIATY: But, I am still Laura Moriatty,  
24 General Counsel.

25 So, this is Chapter 218, which is our Motor

1 Carrier chapter, and we are proposing the rule review for  
2 this one. Again, this is the time when we come under the  
3 Government Code to look at it, and decide whether the  
4 reasons for initially adopting continue to exist.

5 Chapter 218 was last reviewed in 2015. So, we  
6 are behind on this one. And in that time, it could be  
7 that the statutory authority has changed because the  
8 Legislature has been in session, or that the practices at  
9 either the Agency or the industry have changed.

10 If either of those happen, we are going to need  
11 to align with statute. We are -- we have identified some  
12 amendments and repeal for Chapter 218. And those will be  
13 coming ahead before you in Agenda Item 11.

14 But for this item, we are recommending that you  
15 open the rule review for Chapter 218.

16 If you vote to open the rule review, then staff  
17 will publish the notice of intent to review in the *Texas*  
18 *Register*. We'll ask the public to send us comments on  
19 whether the reasons for initially adopting this continue  
20 to exist. And then, in December, we will bring you back  
21 both any public comments we get as a result of that  
22 publication, and the rule amendments and repeals for you  
23 to consider adopting. You will have the opportunity to  
24 review any public comments on both of those.

25 So with that, I am open to questions.

1 MR. BACARISSE: Thank you, Ms. Moriaty.

2 Members, are there any questions for Ms.  
3 Moriaty on Agenda Item 9?

4 (No response.)

5 MR. BACARISSE: Seeing none, the Chair would  
6 entertain a motion.

7 Were there no public comments on this item?

8 MS. MORIATY: No public comments, sir.

9 MR. BACARISSE: Okay. Fine. The chair would  
10 entertain a motion on Agenda Item 9.

11 MR. GRAHAM: Chairman, I will make a motion.

12 MR. BACARISSE: Member Graham.

13 MR. GRAHAM: I move that the Board approve the  
14 proposed notice of intention to review 43 Texas  
15 Administrative Code, Chapter 218 as recommended by staff,  
16 for publication in the *Texas Register*. I also move that  
17 the Board grant the Department the authority to make  
18 changes to the proposed notice of intention to review  
19 Chapter 218, as they are approved by the Department's  
20 General Counsel as necessary for compliance with the state  
21 or federal law, or for acceptance by the Secretary of  
22 State for filing and publication in the *Texas Register*.

23 In addition, I move that the Board grant the  
24 Department the authority to make changes to the proposed  
25 notice of intention to review Chapter 218, based on non-

1 substantive corrections made by the *Texas Register*.

2 MR. BACARISSE: Thank you, Member Graham.

3 Is there a second for this motion?

4 MS. GILLMAN: I second.

5 MR. BACARISSE: Member Gillman. Thank you.

6 We have a motion and a second. Any further  
7 discussion on this agenda item, Members?

8 (No response.)

9 MR. BACARISSE: Seeing none. The Chair would  
10 call the vote, please.

11 Member Gillman.

12 MS. GILLMAN: Aye.

13 MR. BACARISSE: Member Graham.

14 MR. GRAHAM: Aye.

15 MR. BACARISSE: Vice Chair McRae.

16 MS. MCRAE: Aye.

17 MR. BACARISSE: Member Omumu.

18 MS. OMUMU: Aye.

19 MR. BACARISSE: Member Prewitt.

20 MR. PREWITT: Aye.

21 MR. BACARISSE: Member Schlosser.

22 MR. SCHLOSSER: Aye.

23 MR. BACARISSE: And I, Charles Bacarisse vote  
24 aye as well. It is unanimous. Thank you.

25 MS. MORIATY: Thank you.

1 MR. BACARISSE: Thank you. Agenda Item 10, is  
2 Advisory Committee recommendations on the Motor Carrier  
3 Regulation Advisory Committee. And well, it is M -- I  
4 don't know how you say that acronym. We will have General  
5 Counsel -- Associate General Counsel Aline Aucoin to brief  
6 us on this, please.

7 So, good morning Aline.

8 MS. AUCOIN: Good morning, Board members and  
9 Executive Director Avitia. I am Aline Aucoin, Associate  
10 General Counsel for the Texas Department of Motor  
11 Vehicles. This is a briefing item only and it begins on  
12 page 233 of your Board book.

13 Under our DMV rule, the Board is required to  
14 consider the written recommendations of an advisory  
15 committee regarding proposed amendments to the  
16 Department's rules. In December, the Motor Carrier  
17 Regulation Advisory Committee, and we have been  
18 pronouncing the acronym MC-RAC.

19 MR. BACARISSE: Okay. Thank you.

20 (General laughter.)

21 MS. AUCOIN: So, MCRAC --

22 MR. BACARISSE: I got all tangled up on that.  
23 Thank you.

24 MS. AUCOIN: Lots of acronyms.

25 MR. BACARISSE: Thank you.

1 MS. AUCOIN: So, the MCRAC committee met in  
2 December to review and discuss the Department's potential  
3 amendments to two sections of our Motor Carrier rules:  
4 Sections 218.13 and 218.14. And the MCRAC was created to  
5 consider recommendations to the Board on topics related to  
6 motor carrier registration, as well as motor carrier  
7 regulation.

8 And the focus of that December MCRAC meeting  
9 was to discuss potential amendments to our rules to detect  
10 and prevent what we call a chameleon motor carrier. And a  
11 chameleon carrier is a carrier that attempts to continue  
12 operating under a certificate of registration which is  
13 issued by DMV without addressing a prior violation of the  
14 law.

15 They do that by trying to operate under a  
16 different certificate of registration. And there are two  
17 types of chameleon carrier. One is a motor carrier who  
18 violates the law, and then applies for a new certificate  
19 of registration from DMV, using a different person's name  
20 or a different legal entity.

21 And the other type of chameleon carrier is a  
22 motor carrier who already has more than one certificate of  
23 registration. And the moment they violate the law and get  
24 in trouble under one of their certificates of  
25 registrations, they then start operating under one of

1 their other existing certificates of registration.

2 The MCRAC made recommendations that were both  
3 informal and formal. On their informal recommendations,  
4 the Department addressed all of the informal  
5 recommendations and modified our proposed amendments.

6 There were two formal recommendations. And the  
7 Department addressed one of the formal recommendations  
8 entirely, as recommended by the MCRAC. But there was  
9 another MCRAC recommendation that would have deleted  
10 proposed language that was specifically targeted to  
11 getting information that we need to detect and prevent  
12 chameleon carriers.

13 So, instead of just outright deleting that  
14 proposed language, we modified it to address the MCRAC,  
15 their concerns. And their concern really was that this  
16 was language requesting information on the applicants  
17 managers and operators who oversee the applicant's  
18 business activities. And the MCRAC members thought that  
19 that requirement would have applied to a lot of their  
20 employees, including employees who don't necessarily  
21 direct the operations of the motor carrier.

22 And there is also a requirement for motor  
23 carriers to update their information. And some of those  
24 motor carriers have a lower level employee, and there is a  
25 lot of turnover.

1           So, we think that we addressed the MCRAC's  
2 concerns by modifying the language. And again, we need  
3 that information to detect an affiliation between an  
4 existing motor carrier who has violated the law and the  
5 applicant. And there is lots of different pieces of  
6 information that we can use to do that.

7           And one common affiliation factor is, they have  
8 the same owners. They have the same managers. And we  
9 just need that information to do our jobs, to detect and  
10 prevent the chameleon carriers.

11           And our primary goal is to prevent chameleon  
12 carriers from the very outset, just not even let them get  
13 a certification of registration. So, that is why we  
14 couldn't just outright delete that language. But we  
15 modified it.

16           And the Board will consider the recommended  
17 amendments to Section 218.13 in the next agenda item, at  
18 Agenda Item 11. But again, this is just a briefing to  
19 provide the Board with MCRAC's recommendations for you all  
20 to consider when you take action on Agenda Item 11.

21           And I am happy to answer any questions.

22           MR. BACARISSE: Thank you, Ms. Aucoin.

23           Members, are there any questions?

24           MR. PREWITT: Just a comment, Mr. Chairman.

25           Just as a member of the motor carrier industry, I just



1 want to thank MCRAC for all their hard work and the  
2 diligence in eliminating chameleon carriers. Thank you.

3 MS. AUCOIN: Thank you.

4 MR. BACARISSE: Any other questions or  
5 comments?

6 (No response.)

7 MR. BACARISSE: Thank you, Ms. Aucoin.  
8 Appreciate it. Thank you.

9 We'll now move to Agenda Item 11, which is  
10 Chapter 218, Motor Carriers. And Mr. Archer will brief us  
11 on this.

12 MR. ARCHER: Good morning.

13 MR. BACARISSE: Good morning.

14 MR. ARCHER: Chair Bacarisse, Executive  
15 Director Avitia, Board members, for the record, my name is  
16 Jimmy Archer. I am the Director of the Motor Carrier  
17 Division.

18 As General Counsel Moriaty and Associate  
19 General Counsel Aucoin laid out, this is going to be the  
20 proposed rule amendments to Chapter 218, based on MCRAC  
21 and our rule review. This item is 11 on today's agenda,  
22 and the materials are found beginning on page 236 of your  
23 Board books.

24 For the Board's consideration, I am presenting  
25 these proposed rule amendments to 43 Administrative Code,

1 Chapter 218, for approval and publication in the *Texas*  
2 *Register*. The proposed rule amendments are necessary  
3 because the Department is proposing a review of these  
4 rules under Texas Administrative Code, Chapter 218.

5 It applies the Government Code Section  
6 2001.039. Proposed amendments and repeal would clean up  
7 the language in Chapter 218.

8 The proposed amendments are necessary to do the  
9 following: requiring new applicants for operating  
10 authority to provide the Department with more information  
11 and documents so the Department can detect and prevent  
12 chameleon carriers; make the rules consistent with the  
13 Department's current practices and processes; make the  
14 rules consistent with current law; delete language for  
15 which the Department does not have rulemaking authority;  
16 clarify and delete unnecessary language; and otherwise  
17 clean up the rule text.

18 The proposed repeal is necessary to delete  
19 language for which the Department does not have rulemaking  
20 authority. There will be no significant fiscal  
21 implications due to the proposed amendments and repeal.

22 And I ask that the Board approve these proposed  
23 rule amendments for publication and comment. I am happy  
24 to answer any questions you might have.

25 MR. BACARISSE: Thank you, Mr. Archer. Are

1 there any questions for Mr. Archer on this action item  
2 before we entertain a motion?

3 (No response.)

4 MR. BACARISSE: Seeing none, is there a motion  
5 on this agenda item?

6 MR. PREWITT: Mr. Chairman.

7 MR. BACARISSE: Member Prewitt. My name is  
8 John Prewitt. I move that the Board approve the proposed  
9 amendments and repeal in 43 Texas Administrative Code,  
10 Chapter 218, as recommended by staff, for publication in  
11 the *Texas Register*.

12 I also move that the Board grant the Department  
13 the authority to make changes to the preamble and text of  
14 the proposed Chapter 218 revisions that are approved by  
15 the Department's General Counsel as necessary for  
16 compliance with the state or federal law, or for  
17 acceptance by the Secretary of State for filing and  
18 publication in the *Texas Register*.

19 In addition, I move the Board grant the  
20 Department the authority to make changes to the preamble  
21 and text of proposed Chapter 218 revisions, based on the  
22 non-substantive corrections made by the *Texas Register*.

23 MR. BACARISSE: Thank you, Member Prewitt.

24 Is there a second for that motion?

25 MS. OMUMU: I second.

1 MR. BACARISSE: Member Omumu.

2 Laura, are there any public commenters on  
3 Agenda Item 11?

4 MS. MORIATY: No, sir. No public comments.

5 MR. BACARISSE: All right. Thanks.

6 Is there any other question from the Board  
7 members about this motion that we have before us?

8 (No response.)

9 MR. BACARISSE: Seeing none. The Chair will  
10 call the vote, please.

11 Member Gillman.

12 MS. GILLMAN: Aye.

13 MR. BACARISSE: Member Graham.

14 MR. GRAHAM: Aye.

15 MR. BACARISSE: Vice Chair McRae.

16 MS. MCRAE: Aye.

17 MR. BACARISSE: Member Omumu.

18 MS. OMUMU: Aye.

19 MR. BACARISSE: Member Prewitt.

20 MR. PREWITT: Aye.

21 MR. BACARISSE: Member Schlosser.

22 MR. SCHLOSSER: Aye.

23 MR. BACARISSE: And I, Chair Bacarisse vote aye  
24 as well. It is unanimous.

25 And we now move to Agenda Item 12. Chapter

1 224 -- Corrie Thompson is here to brief us. This is an  
2 action item, so --

3 MS. THOMPSON: Yes.

4 MR. BACARISSE: Good morning, Ms. Thompson.

5 MS. THOMPSON: Hello again, Chairman, Vice  
6 Chair McRae, Board members, Director Avitia. I am still  
7 Corrie Thompson, Director of the Enforcement Division.

8 Presenting the last rule item for you, Agenda  
9 Item 12, which begins on page 350 in your Board books.  
10 And before you now is a recommendation to approve the  
11 publishing of proposed amendments to 43 Texas  
12 Administrative Code, 224.27 and 224.54, in the *Texas*  
13 *Register* for public comment.

14 The proposed amendments to these rules make  
15 minor conforming changes to support the implementation of  
16 House Bill 718, which eliminates the use of temporary tags  
17 when purchasing a motor vehicle, and replaces them with  
18 metal license plates, effective July 1, 2025. Proposed  
19 amendments in 224.27 delete the phrase "temporary tag  
20 database," and replace it with "license plate system."

21 And then, proposed amendments to 224.54 would  
22 delete the phrases "or temporary tags" and "internet down  
23 tag." Another proposed amendment to 224.54 would  
24 delete -- would correct missing punctuation. There are no  
25 financial implications associated with the proposal.

1           And if there are no questions, I would ask the  
2 Board to approve publication in the *Texas Register*, so  
3 that we may receive public comment.

4           MR. BACARISSE: Great. Are there any public  
5 comments on this particular item?

6           MS. MORIATY: No, sir. No public comments.

7           MR. BACARISSE: Thank you. In this situation,  
8 we would love to entertain a motion, I believe on Agenda  
9 Item 12. If a member has a motion to make. Or if they  
10 have questions for Ms. Thompson.

11          MS. GILLMAN: Chairman, I have a motion.

12          MR. BACARISSE: Member Gillman.

13          MS. GILLMAN: I move that the Board approve the  
14 proposed amendments to 43 Texas Administrative Code,  
15 Chapter 224, as recommended by staff for publication in  
16 the *Texas Register*. I also move that the Board grant the  
17 Department the authority to make changes to the preamble  
18 and the text of the proposed Chapter 224 amendments that  
19 are approved by the Department's General Counsel, as  
20 necessary for compliance with state or federal law, or for  
21 acceptance by the Secretary of State for filing and  
22 publication in the *Texas Register*.

23                 In addition, I move that the Board grant the  
24 Department the authority to make changes to the preamble  
25 and text of the proposed Chapter 224 amendments, based on

1 non-substantive corrections made by the *Texas Register*.

2 MR. BACARISSE: Thank you.

3 Is there a second for that motion?

4 MR. SCHLOSSER: I'll second.

5 MR. BACARISSE: Member Schlosser. Thank you.

6 All right. There's a motion and a second. Is  
7 there any further discussion on this Agenda Item 12?

8 (No response.)

9 MR. BACARISSE: Seeing none. I would call the  
10 vote, please.

11 Member Gillman.

12 MS. GILLMAN: Aye.

13 MR. BACARISSE: Member Graham.

14 MR. GRAHAM: Aye.

15 MR. BACARISSE: Vice Chair McRae.

16 MS. MCRAE: Aye.

17 MR. BACARISSE: Member Omumu.

18 MS. OMUMU: Aye.

19 MR. BACARISSE: Member Prewitt.

20 MR. PREWITT: Aye.

21 MR. BACARISSE: Member Schlosser.

22 MR. SCHLOSSER: Aye.

23 MR. BACARISSE: And I, Chair Bacarisse vote  
24 aye. Thank you. It is unanimous.

25 And we are now moving to Agenda Item 13, which

1 is briefing on Finance and Audit Committee update.

2 Chairman Graham, you had a meeting yesterday.  
3 Your subcommittee had a meeting yesterday. Do you have  
4 any comments to make on that before we --

5 MR. GRAHAM: I certainly do.

6 MR. BACARISSE: Please. The floor is yours.

7 MR. GRAHAM: Thank you, Chairman, Executive  
8 Director Avitia, and Members. Yesterday, Vice Chair  
9 McRae, Members Omumu, and Prewitt, and myself participated  
10 in the Finance and Audit Committee meeting.

11 MR. BACARISSE: I turned it on.

12 MR. GRAHAM: All right. Sorry. My bad.

13 Do you want me to start over, or did you get  
14 it? It is nothing important. That part is not important.  
15 I am getting to the important stuff.

16 We had a meeting, and we received briefings  
17 from the staff. And I will be walking through some of  
18 those things currently.

19 So, first was Agenda Item 13(a), which is the  
20 Fiscal Year 2025 recommended operating budget for the  
21 fiscal year that begins September 1, 2024, and ends August  
22 31, 2025. And this will be an action item.

23 Director of Budgeting and Forecasting, John  
24 Ralston, provided information on the fiscal year 2025  
25 recommended operating budget. The fiscal year 2025



1 recommended operating budget totals \$301.7 million and  
2 supports 902 FTEs, in addition to amounts sufficient for  
3 the Department day-to-day operations.

4           The fiscal year 2025 budget includes funding  
5 for the following major initiatives and projects that  
6 began in fiscal year 2024, and will carry forward into  
7 fiscal year 2025. Those items include: \$34.6 million for  
8 the implementation of House Bill 718, relating to the  
9 replacement of temporary paper tags with metal plates;  
10 \$30.3 million in new funding to continue the  
11 implementation of Senate Bill 224, which is the bill to  
12 deter catalytic converter crime; and \$20.2 million for the  
13 carryforward of funds from fiscal year 2024, related to  
14 the first year of funding for Senate Bill 224  
15 implementation.

16           \$5.3 million for the fiscal year 2025 costs  
17 that are related to salary adjustments. \$4.2 million for  
18 the carryforward of funds to replace -- related to the  
19 first phase of RTS. And \$1.7 million for the continued  
20 implementation of additional Regional Service Center  
21 locations in Dallas and Houston. And \$1.9 million for new  
22 FTEs added in fiscal year 2024, to address the workload,  
23 and initiatives, and multiple TxDMV programs.

24           So the fiscal year 2025 recommended budget  
25 document also contains information on the estimated

1 revenues, the capital project expenditures, and estimated  
2 major contracts for fiscal year 2025.

3 The Finance and Audit Committee recommended to  
4 the full Board approval of the fiscal year 2025  
5 recommended operating budget. I will stop there, and see  
6 if anybody has a question. And if I can't answer it, I am  
7 sure Mr. Ralston will be glad to.

8 MR. BACARISSE: Thank you, Chairman Graham. I  
9 think this is a transformational time, this next year and  
10 a half, two years for the Agency, with so many big  
11 projects going on. And enormous both in capital and  
12 programming and everything in between, so your plate is  
13 full. And I appreciate your and your Committee's work  
14 with our staff on these important issues.

15 Members, any questions of Chairman Graham on  
16 this? Or any questions of staff on this report?

17 (No response.)

18 MR. BACARISSE: We are going to get more of it  
19 here, soon.

20 (No response.)

21 MR. BACARISSE: No. You are off the hook.  
22 Thank you. I appreciate it.

23 MR. GRAHAM: Okay. Are we going to take these  
24 individually, or --

25 MS. MORIATY: Right. We need to get a vote on

1 this one before we soldier on.

2 MR. BACARISSE: Yes. You are going to vote on  
3 this one. Okay. So, I am sorry. It just said briefing  
4 only for me.

5 MR. GUTHRIE: So, there is probably a pretty  
6 good chance that I have a prepared motion for this  
7 somewhere.

8 MR. BACARISSE: Well, that would be great. I  
9 will take you up on it. It is an action item.

10 Sorry. I will be watching my agenda more  
11 closely. The chair would entertain a motion on this  
12 Chairman Graham's presentation.

13 MR. GRAHAM: Yes. I would be glad to do that.

14 MR. BACARISSE: Okay.

15 MR. GRAHAM: Mr. Chairman, I move that the  
16 Board approve the fiscal year 2025 operating budget as  
17 recommended by staff.

18 MR. BACARISSE: Thank you. That is short and  
19 sweet and to the point.

20 Is there any public comment on this, Laura,  
21 before we --

22 MS. MORIATY: No, sir. There is no public  
23 comment.

24 MR. BACARISSE: Okay. That is great. Excuse  
25 me.

1                   This is Agenda Item 13(a) and Member Graham  
2 made the motion. Is there a second?

3                   MR. PREWITT: Second.

4                   MR. BACARISSE: And Member Prewitt is the  
5 seconder. Are there any further questions or discussion  
6 on this Agenda Item approving the budget?

7                   (No response.)

8                   MR. BACARISSE: Seeing none. The Chair would  
9 call the vote, please.

10                   Member Gillman first.

11                   MS. GILLMAN: Aye.

12                   MR. BACARISSE: Member Graham.

13                   MR. GRAHAM: Aye.

14                   MR. BACARISSE: Vice Chair McRae.

15                   MS. MCRAE: Aye.

16                   MR. BACARISSE: Member Omumu.

17                   MS. OMUMU: Aye.

18                   MR. BACARISSE: Member Prewitt.

19                   MR. PREWITT: Aye.

20                   MR. BACARISSE: Member Schlosser.

21                   MR. SCHLOSSER: Aye.

22                   MR. BACARISSE: And I, Chair Bacarisse vote aye  
23 as well.

24                   Brett, thanks for leading a great Committee  
25 meeting yesterday. And a very, very full plate. That is

1 now Agenda Item 13(a). Continue, please, for Agenda Item  
2 13(b).

3 MR. GRAHAM: I'm trying to remember what show  
4 it was where they would say, but wait, there is more.

5 MR. BACARISSE: But wait. There is more.

6 MR. GRAHAM: That is right. There is more.

7 (General laughter.)

8 MR. GRAHAM: All right. We also had a  
9 discussion related to the delegation of contract approval,  
10 and signature authority for the Executive Director.  
11 Director of Budget and Forecasting, John Ralston, provided  
12 information on this delegation of contract approval and  
13 signature authority.

14 And as I am sure some of you will remember, the  
15 Government Code 2261.254 requires that the Board either  
16 approve or delegate approval and signature authority for  
17 contracts over \$1 million. Historically, each year, the  
18 Board has delegated approval and signature authority for  
19 routine Department contracts to the Executive Director,  
20 and has approved the operating budget, which has  
21 constituted approval of contracts contained therein. The  
22 Department has proposed a revised contract approval  
23 procedures to simplify these approvals, and align more  
24 closely with what is authorized and required by statute.

25 Under these revised procedures, the Executive

1 Director will be delegated the authority to approve and  
2 sign all contracts, up to and including \$1 million, with  
3 the authority to further delegate to staff. Additionally,  
4 any contracts of \$1 million or more, the Executive  
5 Director is delegated the authority to sign and approve,  
6 but may not further delegate that authority.

7 The Department will continue to present all  
8 expected contracts within the operating budget for  
9 information purposes, and will continue to bring contracts  
10 required by law to be approved by the Board. And  
11 regarding 13(b), that is what I have on 13(b). And this  
12 is an action item.

13 MR. BACARISSE: Great.

14 Members, are there any questions for Chairman  
15 Graham, or staff, on Agenda Item 13(b), the designation of  
16 authority to sign contracts?

17 (No response.)

18 MR. BACARISSE: No.

19 Laura, any public commenters on this item?

20 MS. MORIATY: No, sir. No public comments.

21 MR. BACARISSE: Okay. Thank you.

22 I would entertain a motion on Agenda Item 13,  
23 if there is one.

24 MR. GRAHAM: Mr. Chairman, I have a motion.

25 MR. BACARISSE: Member Graham.

1 MR. GRAHAM: I move that the Board approve the  
2 revised contract approval procedures and delegate contract  
3 approval and signature authority to the Executive Director  
4 or his designee as recommended by staff.

5 MR. BACARISSE: And is there a second for this  
6 motion?

7 MR. PREWITT: Second.

8 MR. BACARISSE: Member Prewitt.

9 MR. PREWITT: Yes.

10 MR. BACARISSE: Thank you. Is there any  
11 further discussion with this motion, now we have a motion  
12 and a second?

13 (No response.)

14 MR. BACARISSE: Seeing none. I will call the  
15 vote, please.

16 Member Gillman.

17 MS. GILLMAN: Aye.

18 MR. BACARISSE: Member Graham.

19 MR. GRAHAM: Aye.

20 MR. BACARISSE: Vice Chair McRae.

21 MS. MCRAE: Aye.

22 MR. BACARISSE: Member Omumu.

23 MS. OMUMU: Aye.

24 MR. BACARISSE: Member Prewitt.

25 MR. PREWITT: Aye.

1 MR. BACARISSE: Member Schlosser.

2 MR. SCHLOSSER: Aye.

3 MR. BACARISSE: And I, Chair Bacarisse vote aye  
4 as well. It is unanimous. Thank you.

5 Chairman Graham, please continue with your  
6 update on Agenda Item 13(c).

7 MR. GRAHAM: I'd be glad to. Chief Financial  
8 Officer Glenna Bowman provided an update on the fiscal  
9 year '26-'27 legislative appropriations process.

10 The Legislative Appropriations Request, or LAR  
11 has two components. It has baseline funding and it has  
12 exceptional items. In June of 2024, the Board approved a  
13 motion to authorize a baseline increase, not to exceed 5  
14 percent. After additional analysis, the baseline amount  
15 for fiscal year 2026-27 is estimated to be \$424.5 million,  
16 which represents a 4.7 percent increase over fiscal year  
17 2024-2025.

18 Now, major baseline increases are for cost  
19 increases of postage, freight, services, data center  
20 services, implementation of communication and technology  
21 contracts, and things such as that. There are no changes  
22 to the exceptional items that were presented in June of  
23 2024, which were registration and titling RTS  
24 modernization, enhance and improve core services and  
25 customer support. The LAR policy letter and instructions



1 that were released on July 28th, and TxDMV's LAR must  
2 be -- this must be submitted by August 23rd.

3 So, that is what I have on 13(c), which was the  
4 LAR information. And Ms. Bowman is here to answer any  
5 questions on this item.

6 MR. BACARISSE: Members, any questions for  
7 Chairman Graham on 13(c)?

8 (No response.)

9 MR. BACARISSE: Seeing none, please continue,  
10 Chairman Graham.

11 MR. GRAHAM: Okay. How about -- I was going to  
12 say how about one more, but I have got two. All right,  
13 13(d).

14 MR. BACARISSE: Do them both.

15 MR. GRAHAM: But wait, there is more.

16 MR. BACARISSE: Yes. There is more.

17 MR. GRAHAM: Internal Audit Division update.  
18 This is a briefing item only also. Interim Internal Audit  
19 Director Jason Gonzalez briefed the Committee, Mr.  
20 Chairman, on the Internal Audit Division status update.

21 The investigation processes audit was  
22 completed. The audit covered complaint prioritization,  
23 investigation timeliness, investigation documentation,  
24 uniformity of assessed penalties, and a penalty collection  
25 as it pertains to the investigative process.

1           The report identified four results, which  
2 included number one, improved definition of complaint  
3 priority levels; two, strengthening case communication and  
4 oversight. Third was assessing penalties within  
5 established guidelines. And the fourth was expanding key  
6 performance indicators to provide more visibility.

7           The Internal Audit Division made eight  
8 recommendations related to updating procedures to better  
9 define complaint priority levels and provide training to  
10 ensure consistency, establishing processes for timely  
11 notices to be sent to ensure efficient case closure,  
12 considering the expansion of key performance indicators  
13 for more transparency, working with ITS to ensure system  
14 flags and notifications are set up properly, ensuring that  
15 introductory and closure emails are provided to  
16 complainants, and making sure penalties assessed in cases  
17 are within the ranges established in the established  
18 disciplinary matrix or providing comments that support  
19 those decisions clearly.

20           And so, that -- you know, that audit went quite  
21 a while, and they worked really hard. I think it came out  
22 very good. Some good findings. And I think it will be  
23 really beneficial to the Agency.

24           Also, the inventory management audit has been  
25 provided. Field work has been completed. It has been

1 provided to management for their review, and responses.

2 That audit covers purchasing and receiving,  
3 segregation of duties, the onsite inventory verification  
4 process, which is only going to become more and important  
5 very soon.

6 MR. BACARISSE: Very, very important. Yes.

7 MR. GRAHAM: And the reporting processes,  
8 process for missing assets. Also, the Texas Comptroller  
9 of Public Accounts completed a desk audit. It was a -- we  
10 didn't know it was coming, but it came.

11 MR. BACARISSE: That is the way that works.

12 MR. GRAHAM: And it was sort of like, hello.  
13 We are here. And that desk audit was of the commercial  
14 charge card rebate program, and it involved audits on 97  
15 state agencies, including us, of course.

16 The audit's objective was to determine  
17 compliance with the Texas Government Code for agencies to  
18 take advantage of early payment discounts and rebates, as  
19 required by statute in fiscal year 2023. The Department  
20 spent approximately \$282,000 with Citibank credit cards.  
21 The Department paid 89 percent of its expenses in less  
22 than 30 days, and earning 93 percent of the rebate amount.

23 However, the Department incurred \$104.44 in  
24 late interest payments, which in the big picture, that is  
25 like one little booboo.

1 MR. BACARISSE: Yes.

2 MR. GRAHAM: So, not bad. And a CPA  
3 recommended that agencies change payment processes to take  
4 advantage of rebates, and by receiving card account  
5 statements online, work with Citibank to develop automated  
6 reconciliation and make partial payments based on  
7 supporting documentation as costs arise.

8 And I think the last thing I will add on this  
9 audit was, as I recall, out of the 99 state agencies on a  
10 percentage basis, we're fourth, fifth.

11 VOICE: We were like number six. There were  
12 five better than us.

13 MR. GRAHAM: They said there was five better  
14 than us. We are still trying to flesh that out. But they  
15 say we are number five out of 99, so --

16 MR. BACARISSE: That's pretty good.

17 MR. GRAHAM: Yes.

18 MR. BACARISSE: Mr. Gonzalez. Good morning.

19 MR. GONZALEZ: Good morning. Thank you for  
20 having me. For the record, this is Jason Gonzalez,  
21 Internal Audit Director.

22 You are correct. We are number five out of 99.

23 MR. BACARISSE: That is pretty good.

24 MR. GONZALEZ: Not too bad. Yes.

25 MR. GRAHAM: If we weren't really busy, we

1 would go fight them and try to prove we are really better  
2 than that. But top five --

3 MR. BACARISSE: We'll take it.

4 MR. GRAHAM: The first time in my life I have  
5 been you know, top fives.

6 MR. BACARISSE: Yes. That is right.

7 (General laughter.)

8 MR. GRAHAM: We will take it; it's good.

9 MR. BACARISSE: Yes.

10 MR. GRAHAM: Okay. All right. Mr. Chairman, I  
11 have one more. That is not an action item.

12 MR. BACARISSE: No. We are not done.

13 MR. GRAHAM: But I do have one last thing. And  
14 it is very, very important.

15 MR. BACARISSE: Item (e).

16 MR. GRAHAM: And it is an action item.

17 MR. BACARISSE: Yes, sir.

18 MR. GRAHAM: And it involves the Internal Audit  
19 Plan.

20 The interim Internal Audit Director, Jason  
21 Gonzalez, briefed the Committee on the fiscal year 2025  
22 Internal Audit Plan, which of course, is required. The  
23 Internal Audit team conducted their annual risk assessment  
24 by interviewing the Executive Director's office, all  
25 division directors, and selected deputy division directors

1 and senior managers. These interviews resulted in the  
2 fiscal year '25 Internal Audit Plan.

3 The Internal Audit Plan consists of five  
4 required audit activities that include the Internal Audit  
5 annual report, the quality assurance and improvement  
6 program, the audit recommendation implementation status  
7 reporting, the annual risk assessment and audit plan  
8 development, and an external peer review. Additionally,  
9 the plan includes five internal audits that include  
10 reviews of fleet management, information security, public  
11 information requests, network infrastructure and  
12 monitoring, and special plates. Finally, the audit plan  
13 includes three advisory projects that include motor  
14 carrier licensing, Consumer Relations Division quality  
15 assurance, and contract monitoring.

16 The Internal Audit Division is requesting that  
17 the Board approve the proposed fiscal year 2025 Internal  
18 Audit Plan.

19 And I will conclude by saying that obviously  
20 that became a bigger, more difficult task, what is ahead  
21 of us. But Jason Gonzalez, who has been -- has worked in  
22 the capacity as interim before. And we have total  
23 confidence in him.

24 And he is going to have his hands full, but we  
25 will make it work. So, this is an action item, Mr.

1 Chairman.

2 MR. BACARISSE: Yes, sir.

3 MR. GRAHAM: Thank you.

4 MR. BACARISSE: Yes, sir. I want to echo  
5 Chairman Graham's comments about Mr. Gonzalez.

6 Thank you again for stepping in, and taking  
7 this responsibility for us. And you are a great team  
8 player. We appreciate it.

9 So, we do have an Agenda Item (e), which is an  
10 action item.

11 Ms. Healy, are there any public commenters on  
12 this agenda item?

13 MS. MORIATY: I can tell you that there is no  
14 public comments. I am not sure whether she can.

15 MR. BACARISSE: That is all right. I want to  
16 keep her in the game. I am just going to go let her sit  
17 there, you know, poor lady. Okay. I might do that.

18 MS. HEALY: No, there are not.

19 MR. BACARISSE: Thank you. Thank you very  
20 much.

21 (General laughter.)

22 MR. BACARISSE: Well, yes. I am going to do  
23 that every now and then. Okay. Keep you on your toes.  
24 So, thank you.

25 The Chair would entertain a motion on Agenda

1 Item (e).

2 MR. SCHLOSSER: I have a motion.

3 MR. BACARISSE: Member Schlosser.

4 MR. SCHLOSSER: Short and sweet. I move that  
5 the Board approve the fiscal year 2025 Internal Audit Plan  
6 as recommended by staff.

7 MR. BACARISSE: And is there a second?

8 MR. PREWITT: Second.

9 MR. BACARISSE: Member Prewitt. Thank you.

10 Any further discussion on this agenda item?

11 (No response.)

12 MR. BACARISSE: Seeing none. The Chair will  
13 call the vote, please.

14 Member Gillman.

15 MS. GILLMAN: Aye.

16 MR. BACARISSE: Member Graham.

17 MR. GRAHAM: Aye.

18 MR. BACARISSE: Vice Chair McRae.

19 MS. MCRAE: Aye.

20 MR. BACARISSE: Member Omumu.

21 MS. OMUMU: Aye.

22 MR. BACARISSE: Member Prewitt.

23 MR. PREWITT: Aye.

24 MR. BACARISSE: Member Schlosser.

25 MR. SCHLOSSER: Aye.



1 MR. BACARISSE: And I, Member Bacarisse vote  
2 aye as well. It is unanimous. Thank you.

3 MR. GRAHAM: That concludes my report.

4 MR. BACARISSE: Thank you, Chairman Graham.  
5 Great work. And there is a lot coming your way,  
6 absolutely.

7 We move now to Agenda Item 14, Legislative and  
8 Public Affairs. We will hear from Mr. Yawn. And this is  
9 also an action item, Members.

10 So, good morning, Keith. It is still morning.  
11 It is, yes.

12 MR. YAWN: Good morning. I am Keith Yawn,  
13 Director of Government and Strategic Communications.  
14 Agenda Item 14 before you is an action item. It would  
15 start seeking approval of proposed legislative  
16 recommendations to the 89th Texas Legislature.

17 As you recall, I was before you in June during  
18 the Legislative and Public Affairs Committee meeting and  
19 the full Board meeting, presenting staff proposed  
20 legislative revision recommendations. They are in your  
21 packet.

22 As a reminder, these recommendations relate to  
23 amendments to Title Act requirements, amendments to  
24 registration and license plate requirements, and  
25 amendments to oversize and overweight permitting

1 requirements. There are a total of twelve general  
2 recommendations. Half of these have previously been  
3 approved by the Board in previous legislative cycles, and  
4 half are new to this legislative cycle for the 89th  
5 session.

6 The staff continued discussing these  
7 recommendations and vetting them through our stakeholder  
8 groups, industry representatives, and members of the  
9 public since our last meeting in June. And to date, there  
10 have been no material revisions identified as necessary to  
11 the recommendations proposed in June. There was a minor  
12 grammatical correction identified that has been made to  
13 Item 10(c).

14 So, with that, I would be happy to answer any  
15 remaining questions related to these, or seek approval of  
16 these recommendations for communication to legislative  
17 offices for their consideration as legislation.

18 MR. BACARISSE: Thank you, Mr. Yawn.

19 Members, any questions of Mr. Yawn on our  
20 legislative agenda coming up here?

21 (No response.)

22 MR. BACARISSE: No. I think we are all in  
23 agreement. Thank you. That is wonderful.

24 Are there any public comments, Ashley?

25 MS. HEALY: No, sir, there are not.

1 MR. BACARISSE: Thank you. In that case, the  
2 Chair would entertain a motion on Agenda Item 14, of  
3 Legislative and Public Affairs.

4 MS. OMUMU: Mr. Chairman, I would like to make  
5 a motion, please.

6 MR. BACARISSE: Member Omumu.

7 MS. OMUMU: I move that the Board approve the  
8 89th Regular Session legislative recommendations as  
9 presented by staff.

10 MR. BACARISSE: And is there a second to that  
11 motion?

12 MR. SCHLOSSER: I will second it.

13 MR. BACARISSE: Member Schlosser. Is there any  
14 further discussion on this agenda item, Members?

15 (No response.)

16 MR. BACARISSE: Seeing none. I will call the  
17 roll, please.

18 Member Gillman.

19 MS. GILLMAN: Aye.

20 MR. BACARISSE: Member Graham.

21 MR. GRAHAM: Aye.

22 MR. BACARISSE: Vice Chair McRae.

23 MS. MCRAE: Aye.

24 MR. BACARISSE: Member Omumu.

25 MS. OMUMU: Aye.

1 MR. BACARISSE: Member Prewitt.

2 MR. PREWITT: Aye.

3 MR. BACARISSE: Member Schlosser.

4 MR. SCHLOSSER: Aye.

5 MR. BACARISSE: And I, Member Bacarisse vote  
6 aye as well. It is unanimous.

7 Thank you, Keith. Go get them. Yes.

8 MR. YAWN: Good luck.

9 MR. BACARISSE: Yes. That is right. Yes.

10 We now move to Agenda Item 15, which is next --  
11 is Permitting and Routing Optimization System, TxPROS, all  
12 that kind of good stuff.

13 So, William is -- you are not William. But  
14 good morning.

15 MR. PAYNE: Not William. Good morning,  
16 Chairman, Board members, Executive Director Avitia. For  
17 the record, I am Brad Payne, Director of Purchasing for  
18 the Department.

19 MR. BACARISSE: Right. Welcome.

20 MR. PAYNE: I will be discussing Agenda Item  
21 15, which is on page 437 of your Board book, regarding the  
22 pending procurement for the Texas Permitting and Routing  
23 Optimization System or TxPROS. This is a briefing item  
24 only.

25 The Government Code 2261.255 requires that the

1 Procurement Director or contract management office of the  
2 Department submit information to the Board on the  
3 solicitation process for any contract that has a value  
4 exceeding \$5 million. This agenda item will provide the  
5 Board with information about the pending procurement for  
6 the TxPROS system, which has an estimated value that could  
7 exceed \$5 million.

8 TxPROS is the online portal for permitting of  
9 size and weight loads used by both motor carriers and  
10 in-house by permit specialists in the Motor Carrier  
11 Division. This system issues more than 700,000 permits  
12 annually.

13 The Department's existing contract to maintain  
14 the TxPROS system was established in September of 2016,  
15 and is coming up for expiration soon. The historical  
16 compensation for this contract is around \$600,000  
17 annually. So, with that in mind, the Department estimates  
18 that the lifetime value of the new eight-year contract  
19 could exceed \$5 million.

20 So, with that I am before the Board today,  
21 verifying that I have reviewed the pending solicitation  
22 documents, and verifying that solicitation and purchasing  
23 method and contractor selection process comply with state  
24 law and Agency policy, as required by Government Code.  
25 With that, I am available for any questions.

1 MR. BACARISSE: Thank you, Mr. Payne.

2 Members, are there questions on this very  
3 important piece of software or program that will drive our  
4 optimization, routing optimization? Can't say it.

5 (No response.)

6 MR. BACARISSE: I don't see any questions. No  
7 questions. All right.

8 Mr. Payne, thank you.

9 MR. PAYNE: Thank you all.

10 MR. BACARISSE: Appreciate it.

11 We'll now move to Agenda Item 16. And I really  
12 will turn it over to William Diggs at this point. So, I  
13 just got ahead of myself.

14 Good morning.

15 MR. DIGGS: Good morning, Mr. Chairman,  
16 Members, and Executive Director Avitia. It is a pleasure  
17 to be here with you today to provide you with a brief  
18 update on MVCPA activities.

19 For the record, I am William Diggs. I am the  
20 Director of the MVCPA. I was introduced as the new  
21 Director of the MVCPA to the MVCPA Board on December 7th,  
22 in Houston, which became effective on December 15th.

23 I want to thank Executive Director Avitia and  
24 Deputy Executive Director Luna, right over there -- he is  
25 behind that pillar -- for their continued support.

1           For your awareness, the MVCPA is governed by a  
2 seven member board, appointed by the Governor. The  
3 Chairman of the MVCPA Board is Chief Mike Rodriguez, the  
4 Chief of Police of Laredo Police Department. The MVCPA  
5 program is made up of 15 FTEs: myself, the Director, the  
6 Deputy Director, three law enforcement trainers, three  
7 Grant Specialists, an Audit manager, three auditors, one  
8 Insurance Collections Specialist, and one administrative  
9 support staff, and one management analyst.

10           And I am happy to report, my Division is full.  
11 We have no vacancies. So, thank you.

12           So now, I want to give you a brief update on SB  
13 224 catalytic converter strategy. The 88th Texas  
14 Legislature, with the passage of SB 224, provided a total  
15 of \$24.6 million in FY '24 and \$30.3 million in FY '25.  
16 The funding is being used to support efforts in deterring  
17 catalytic converter theft throughout Texas.

18           To date, the funding has been distributed as  
19 follows. For FY '24, there were a total of 34 grantees,  
20 law enforcement agencies, totaling \$15.5 million. The  
21 state partners agencies, which are: the Texas Department  
22 of Public Safety distributed \$2.3 million; the Texas  
23 Department of Licensing and Regulation, we distributed  
24 just under half a million dollars; and the TxDMV, \$1.3  
25 million.

1           In FY '25, to date, our Board approved on July  
2 19th in Houston 24 grantees, law enforcement agencies,  
3 totaling \$7.2 million. State partner agencies -- the  
4 Texas DPS is \$1.7 million for FY '25. And TDLR and TxDMV  
5 are to be determined the level of funding for FY '25.

6           The MVCPA was charged with the development and  
7 implementation of SB 224 plan of operation to coordinate  
8 activities with the Texas Department of Public Safety, the  
9 Texas Department of Licensing and Regulations, and the  
10 Texas Department of Motor Vehicles. The SB 224 Plan of  
11 Operation became effective in January of 2024.

12           The Plan of Operation describes a strategy to  
13 ensure regulated persons are not inserting stolen  
14 catalytic converters into the legitimate stream of  
15 commerce and provide risk-based targeting and random  
16 auditing of the records of regulated entities. SB 224  
17 created enhanced criminal penalties related to criminal  
18 conduct involving catalytic converters, and administrative  
19 penalties relating to regulatory provisions for the metal  
20 recycling entity.

21           An advisory committee was formed by the MVCPA  
22 Board which meets quarterly. The advisory committee is  
23 made up of industry stakeholders, law enforcement  
24 officers, and state partner agencies. The Committee is  
25 chaired by an MVCPA Board Member. She is the Texas DPS



1 Major Sharon Jones.

2           The conversations are fluid and fruitful, with  
3 all participants providing invaluable information. As to  
4 date, we have had a total of three of these advisory  
5 committee meetings throughout Texas: one of them in El  
6 Paso, one in Houston, and one in San Marcos.

7           Bimonthly virtual meetings have been conducted  
8 with the senior staff from the state partner agencies, and  
9 the Texas DPS, the Texas Department of Motor Vehicles, and  
10 the Texas Department of Licensing and Regulations. These  
11 meetings focus on development of risk-based factors,  
12 intelligence sharing, and ensuring there are no unmet  
13 needs in support of partner agency SB224 activities.  
14 Interagency contracts have been executed with both of the  
15 Texas DPS, and TDLR.

16           Now, I would like to transition to our Motor  
17 Vehicle Crime Prevention strategy, which is our MVCPA task  
18 force funding. The MVCPA provides financial support to  
19 law enforcement agencies to combat motor vehicle theft and  
20 burglary through the creation of single and multi  
21 jurisdictional task forces. Funding is provided for  
22 investigators, analysts, equipment, vehicles, technology,  
23 prosecutor support, and educational activities, to include  
24 operational expenses.

25           The 88th Texas Legislature provided \$24.2

1 million in FY '24 and \$24.9 million in FY '25 for the  
2 Motor Vehicle Crime Prevention strategy.

3 The FY '24 highlights -- there were 25  
4 grantees, law enforcement agencies, that were awarded  
5 \$22.2 million. And for FY '25, through our July 19th  
6 meeting in Houston, the MVCPA Board awarded 25 grantees,  
7 \$23.9 million. And we have pending for approval five  
8 grantees that will be re-addressed in our October Board  
9 meeting, and that total is \$2.2 million.

10 And then, I would like to just give you a brief  
11 update from our conference that was held in Houston on  
12 July 15th through the 19th. The Motor Vehicle Crime  
13 Prevention Authority hosted its annual conference in  
14 Houston with over 280 -- was that my timer? Am I up?

15 MR. BACARISSE: No. That was just us.

16 (General laughter.)

17 MR. DIGGS: So, anyway -- so in Houston we had  
18 over 280 law enforcement officers and grant management  
19 staff in attendance. The event was filled with numerous  
20 sessions and discussions regarding grant administration,  
21 auto theft related courses, community outreach, social  
22 media, law enforcement officer health, financial planning,  
23 effects of catalytic converter theft, victims assistance  
24 grants, and cargo theft.

25 And I do want to say thank you to Member

1 Schlosser for being an instructor during our conference.

2 And again, thank you so much for all your efforts.

3 The staff of the Vehicle Title and Registration  
4 Division, in the law enforcement assistance team, and the  
5 Enforcement Division participated in sessions covering SB  
6 224, state partner agency responsibilities, and the use of  
7 our lead team here that works in Enforcement.

8 The MVCPA Board and I presented the following  
9 awards during our banquet on Thursday night. The  
10 Partnership Award went to Gina Doolittle. She is an  
11 analyst that works in the Galveston County Auto Crimes  
12 Task Force.

13 The Investigator of the Year Award went to  
14 Special Agent James McNalley. He is with the National  
15 Insurance Crime Bureau. He is assigned to the Tarrant  
16 County task force, an amazing investigator.

17 The Commander of the Year Award went to  
18 Lieutenant Tolan Harding of the Houston Police Department.  
19 He is in the Auto Crimes Task Force, an extremely dynamic  
20 law enforcement officer, phenomenal.

21 And then, the Chairman's Award went to Sergeant  
22 Brian Rodan, with the Dallas PD Auto Theft Task Force.  
23 This year's Task Force of the Year went to the El Paso PD  
24 Auto Theft Task Force. They do an absolutely phenomenal  
25 job up there on the border, in El Paso.

1           And so, with that, I am going to close. Again,  
2 I would like to thank you for giving me the opportunity to  
3 provide you with an update. I look forward to a  
4 successful year working collaboratively together with  
5 Daniel and Roland to make a difference in the lives of all  
6 Texas citizens.

7           And with that, I will take any questions.

8           MR. BACARISSE: Great, Mr. Diggs. Let me just  
9 take a moment of personal privilege to say thank you for  
10 your leadership of the MVCPA over this period of time. I  
11 think that everybody is cheering your work and your  
12 approach, and it is getting stronger. So, we appreciate  
13 it.

14           Members, any other comments or questions of Mr.  
15 Diggs?

16           Member Schlosser.

17           MR. SCHLOSSER: Mr. Diggs, I just want to take  
18 this opportunity to say you are doing a phenomenal job.  
19 You are an incredible leader of the organization, in  
20 working with the Houston Police Auto Theft Division as I  
21 do, seeing it first hand. You are doing a fabulous job,  
22 and your team is amazing.

23           The conference was one of the best I have ever  
24 attended. I had excellent instructional time. And I was  
25 very fortunate to be able to present there.

1 I am always loving the opportunity to explain  
2 the vehicle fraud world. And so, any chance I get, I try  
3 to. And the conference was a huge success.

4 All of those people that received awards from  
5 that were extremely deserving. I know all of them  
6 personally, everybody from Gina Doolittle down in  
7 Galveston to James McNally. And our own personal  
8 Lieutenant Harding, who is the Commander of our task force  
9 at Houston. Of course, El Paso just does phenomenal.

10 So, once again, they are just an amazing group  
11 of people; you all chose very well for the awards. I  
12 agree wholeheartedly with all of your selections, and how  
13 that worked out. So, I look forward to continue  
14 partnership with you all, and seeing what all we can do to  
15 fight crime.

16 MR. DIGGS: Well, thank you both for your kind  
17 words. I really appreciate it. I also wanted to say I  
18 have 14 amazing staff members now. They participated and  
19 helped getting this conference together along with Major  
20 Sharon Jones.

21 And I would be remiss if I didn't mention David  
22 Richards over here, and all the support he has provided  
23 me. And I am so thankful for him, and his counsel. Thank  
24 you.

25 MR. BACARISSE: But wait. There is more.

1 Executive Director Avitia.

2 MR. AVITIA: Just one more. Chairman, thank  
3 you.

4 William, I echo the Chairman and Member  
5 Schlosser's comments. I am excited for the future of  
6 MVCPA under your leadership. Great job, sir.

7 MR. DIGGS: Thank you.

8 MR. BACARISSE: Thank you. Appreciate your  
9 time. All right.

10 We're coming to Agenda Item 17, which is our  
11 closed session. We are going to take that up.

12 First of all, are there any other public  
13 commenters? Ashley?

14 MS. HEALY: No, sir, there are not.

15 MR. BACARISSE: Okay. Thank you. Since there  
16 are none, let me note that the time is now 11:08 a.m. And  
17 on August 8, 2024, we will go into closed session under  
18 Texas Government Code, Section 551.071, 551.074, 551.076,  
19 and 551.089.

20 For those of you in the audience, I anticipate  
21 being in this closed session for approximately one hour.  
22 And we will reconvene in open session after that. With  
23 that, we are now recessed from the public meeting. We are  
24 going to closed session.

25 (Whereupon, the Board recessed into Executive

1 Session at 11:08 a.m.)

2 MR. BACARISSE: Okay. It is now 12:32 p.m.  
3 and the Board of the Texas DMV is now back in open  
4 session.

5 We will now take up Agenda Item 18, and that is  
6 the performance evaluation of the Executive Director,  
7 including any modifications to compensation.

8 Are there any public comments on this, Ashley?

9 MS. HEALY: No, sir, there are not.

10 MR. BACARISSE: Okay. Thank you. All right.

11 There are no public comments.

12 I would entertain a motion regarding Agenda  
13 Item 18.

14 MR. GRAHAM: I have a motion, Mr. Chairman.

15 MR. BACARISSE: Member Graham.

16 MR. GRAHAM: I move the Board approve the  
17 evaluation of the Executive Director, Mr. Daniel Avitia  
18 from our closed session, increase Mr. Avitia's salary to  
19 \$230,000, effective September 1, 2024, and authorize  
20 Department staff to take the necessary actions to  
21 implement the actions authorized by this motion.

22 MR. BACARISSE: And do I have a second to that  
23 motion?

24 MS. MCRAE: Second.

25 MS. GILLMAN: Second.

1 MR. BACARISSE: Member McRae, Member Gillman.  
2 I'll give everybody credit. All right. So, now we have a  
3 motion and a second on the floor.

4 Is there any further discussion on this motion?  
5 (No response.)

6 MR. BACARISSE: Seeing none. Hearing none. I  
7 would now call the roll, please.

8 Member Gillman.

9 MS. GILLMAN: Aye.

10 MR. BACARISSE: Member Graham.

11 MR. GRAHAM: Aye.

12 MR. BACARISSE: Vice Chair McRae.

13 MS. MCRAE: Aye.

14 MR. BACARISSE: Member Omumu.

15 MS. OMUMU: Aye.

16 MR. BACARISSE: Member Prewitt.

17 MR. PREWITT: Aye.

18 MR. BACARISSE: Member Schlosser.

19 MR. SCHLOSSER: Aye.

20 MR. BACARISSE: And I, Member Bacarisse vote  
21 aye. It is unanimous.

22 Congratulations, Daniel.

23 So, now moving to Agenda Item 20. Unless there  
24 is further business, I would like to entertain a motion to  
25 adjourn.



1 MR. GRAHAM: So moved.

2 MR. BACARISSE: Graham.

3 MS. MCRAE: Second.

4 MS. MCRAE: McRae.

5 MR. BACARISSE: Any discussion on this motion?

6 (No response.)

7 MR. BACARISSE: None. Let's vote. Member

8 Gillman.

9 MS. GILLMAN: Aye.

10 MR. BACARISSE: Member Graham.

11 MR. GRAHAM: Aye.

12 MR. BACARISSE: Vice Chair McRae.

13 MS. MCRAE: Aye.

14 MR. BACARISSE: Member Omumu.

15 MS. OMUMU: Aye.

16 MR. BACARISSE: Member Prewitt.

17 MR. PREWITT: Aye.

18 MR. BACARISSE: Member Schlosser.

19 MR. SCHLOSSER: Aye.

20 MR. BACARISSE: And I, Bacarisse vote aye, too.

21 It is unanimous. We are adjourned.

22 (Whereupon, the meeting was concluded at 12:31

23 p.m.)

C E R T I F I C A T E

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MEETING OF: TxDMV Board  
LOCATION: Austin, Texas  
DATE: August 8, 2024

I do hereby certify that the foregoing pages, numbers 1 through 114, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Texas Department of Motor Vehicles.

DATE: August 20, 2024

/s/ Carol Bourgeois  
(Transcriber)

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