

TEXAS DEPARTMENT OF MOTOR VEHICLES

BOARD MEETING

William B. Travis Building
1701 N. Congress Avenue
Room 1-111
Austin, Texas 78701

Wednesday,
May 18, 2022
1:00 p.m.

BOARD MEMBERS:

Charles Bacarisse, Chair
Christian Alvarado
Stacey Gillman (absent)
Brett Graham
Tammy McRae
Sharla Omumu
John Prewitt
Manuel "Manny" Ramirez
Paul R. Scott

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<u>AGENDA ITEM</u>	<u>PAGE</u>
1. Roll Call and Establishment of Quorum	5
2. Pledges of Allegiance - U.S. and Texas	6
3. Chair's Reports	none
4. Executive Director's Reports	
A. Update on Temporary Tags, Fingerprinting and Pre-licensing Rules, and Responding to Law Enforcement Data Requests	6
B. Awards, Recognition of Years of Service, and Announcements	13
CLOSED SESSION	
5. The Board may enter into closed session under one or more of the following provisions of the Texas Open Meetings Act, Government Code Chapter 551, including briefing, discussion and deliberation regarding temporary tags and the temporary tag system, fingerprinting and prelicensing rules, and responding to law enforcement data requests:	15
Section 551.071	
Section 551.074	
Section 551.076	
Section 551.089	
6. Action Items from Closed Session	
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P R O C E E D I N G S

1
2 MR. BACARISSE: Good afternoon. My name is
3 Charles Bacarisse, and I'm pleased to open the Board
4 meeting of the Texas Department of Motor Vehicles. It is
5 1:02 p.m., and I am now calling the Board meeting for May
6 18, 2022, to order.

7 I want to note for the record that the public
8 notice of this meeting, containing all items on the
9 agenda, was filed with the Office of Secretary of State on
10 May 10, 2022. Before we begin today's meeting, please
11 place all cell phones and other communication devices in a
12 silent mode. And please, as a courtesy to others, do not
13 carry on side conversations or other activities in the
14 meeting room.

15 I want to welcome those who are with us for
16 today's Board meeting. Face coverings and social
17 distancing are not required at this meeting.

18 And if you wish to address the Board or speak
19 on an agenda item during today's meeting, please complete
20 a speaker's sheet at the registration table or send an
21 email to GCO_General@TxDMV.gov. Please identify in your
22 email the specific item you're interested in commenting
23 on, your name and address, and whether you're representing
24 anyone or speaking for yourself. If your comment does not
25 pertain to a specific agenda item, we will take your

1 comment during the general public comment portion of the
2 meeting.

3 In accordance with department administrative
4 rule, comments to the Board will be limited to three
5 minutes. To assist each speaker, a timer has been
6 provided. The timer light will be green for the first two
7 minutes, yellow for one minute, and then red when your
8 time is up.

9 Individuals cannot accumulate time from other
10 speakers. Comments should be pertinent to the issues
11 stated on the comment sheet, and when addressing the
12 Board, please state your name and affiliation for the
13 record.

14 There are few things that will assist us in
15 making the meeting run smoother and also assist the court
16 reporter in getting an accurate record: please identify
17 yourself before speaking, speak clearly, do not speak over
18 others, and please ask the chairman to proceed and be sure
19 to get recognized before speaking.

20 I'd like to also thank our court reporter who
21 is transcribing this meeting. To make sure we have an
22 accurate recording of this meeting, it's very important
23 that Board members and anyone presenting today identify
24 themselves before speaking and to speak clearly and
25 slowly.

1 Before we begin today, I'd like to remind all
2 presenters and those in the audience of the rules of
3 conduct at our Board meetings. In the department's
4 administrative rule, the Board chair is given authority to
5 supervise the conduct of the meetings, and this includes
6 the authority to determine when a speaker is being
7 disruptive of the meeting or is otherwise violating the
8 timing or presentation rules that I just discussed.

9 So now I'd like to move to roll call of the
10 Board members. Please respond verbally when I call your
11 name.

12 Board Member Alvarado, are you here?

13 MR. ALVARADO: Here.

14 MR. BACARISSE: Member Graham?

15 MR. GRAHAM: Here.

16 MR. BACARISSE: Member McRae?

17 MS. McRAE: Here.

18 MR. BACARISSE: Member Omumu?

19 MS. OMUMU: Here.

20 MR. BACARISSE: Member Prewitt?

21 MR. PREWITT: Here.

22 MR. BACARISSE: Member Ramirez?

23 Member Ramirez will be here shortly; I think he
24 is stuck in traffic.

25 Member Scott?

1 MR. SCOTT: Here.

2 MR. BACARISSE: And let the record reflect that
3 I, Charles Bacarisse, am here too. We have a quorum.

4 Also let the record reflect that Board Member
5 Gillman will be absent today.

6 Now let's move to agenda item 2, the pledges of
7 allegiance. Please, let's all stand and honor the country
8 and our state with pledges of allegiance, and I want to
9 turn it over to Member Prewitt to lead us in the U.S.
10 Pledge.

11 (The U.S. Pledge of Allegiance was recited.)

12 MR. BACARISSE: Member Ramirez was going to
13 lead us in the pledge to the Texas flag, but why don't we
14 all just jump in and do it.

15 (The Texas Pledge of Allegiance was recited.)

16 MR. BACARISSE: Thank you all. Please be
17 seated.

18 At this point I would like to move to chair
19 reports, but I don't have one, so that takes care of
20 agenda item 3.

21 Let's move to agenda item 4, and I'll turn it
22 over to Acting Executive Director Daniel Avitia for agenda
23 item 4.A.

24 MR. AVITIA: Thank you, Chairman.

25 Chairman, members, for the record, Daniel

1 Avitia, acting executive director.

2 I'm very pleased to report on the department's
3 progress and accomplishments related to our ongoing
4 efforts to combat the misuse and abuse of Texas temporary
5 tags. The department has made significant progress since
6 our last meeting and I'm happy to report that information.

7 MR. BACARISSE: Let me just note for the record
8 that Member Ramirez has arrived. He was delayed by
9 traffic, which we can all understand.

10 So welcome, Member Ramirez.

11 MR. RAMIREZ: Thank you.

12 MR. BACARISSE: We are on agenda item 4.A. The
13 executive director is in the midst of a report to us.

14 MR. AVITIA: Thank you, Chairman.

15 Members, as you are aware, there are two
16 components to House Bill 3927 which have been in place
17 since February of this year and immediately began reducing
18 access to fraudulent temp tags.

19 The first tool was the ability to place an
20 annual limit on the number of temporary tags available to
21 each individual licensee in the state. This process is
22 working smoothly for the department, as well as our
23 licensees. The tag limit system enhancements allow for
24 our staff to monitor temporary tag activity and identify
25 unusual activity for investigation more quickly.

1 The second major part of House Bill 3927
2 provided for the department's ability to immediately shut
3 off dealer access to the eTAG system when fraudulent or
4 suspicious activity is identified. To date we have used
5 this ability to revoke the eTAG to 50 licensees.
6 Subsequent review of these dealers continues to show that
7 their ability to engage in fraudulent activity has been
8 significantly curtailed by the imposition of dealer-
9 specific tag limits and the department's action to
10 identify and prevent further abuse.

11 The next big step, Chairman and members, on
12 this effort is the implementation of fingerprinting
13 requirements for licensees throughout the State of Texas.

14 The rules implementing this process were posted for
15 public comment on April 22 and are currently under
16 required external review by the State's Regulatory
17 Compliance Division.

18 We have simultaneously been working very
19 efficiently with the Department of Public Safety on the
20 backside of things to develop and implement requirements
21 following the Board's approval of the rules. We believe
22 this initiative can be operational this summer.

23 We also have made progress on the work of our
24 law enforcement partner side to develop better processes
25 for the request and provision of motor vehicle data used

1 in law enforcement investigations and enforcement actions.

2 Three separate initiatives are being implemented this
3 month and into June to improve the request process.

4 First, we've hired several employees to create
5 a centralized law enforcement contact center which will be
6 operated out of the Enforcement Division. This contact
7 center will provide a centralized point of contact for law
8 enforcement officers and will be staffed with analysts
9 familiar with motor vehicle data and the mechanisms to
10 process data requests.

11 The team will credential law enforcement
12 officers for data access, guide them through the most
13 efficient process available, and assist with the
14 identification of useful information for the specific
15 investigation. The team is expected to be in place by mid
16 June.

17 Second, once credentialed, law enforcement
18 officers can also gain access to the TxDMV closed data
19 portal where they can directly access regularly updated
20 motor vehicle data sets through a web-based system
21 available 24 hours, seven days a week. The team has been
22 working with law enforcement representatives to identify
23 the most useful initial data sets to make available
24 through this closed data portal.

25 Third, and finally, we continue working very

1 cooperatively with the Department of Public Safety to make
2 the TxDMV motor vehicle data available to law enforcement
3 through the State Fusion Center. We have participated in
4 productive discussions and coordination meetings with DPS
5 to provide detailed information on TxDMV systems and
6 related motor vehicle data and proceeding forward with
7 this initiative through DPS very well.

8 A number of additional temporary tag projects
9 remain underway, such as system security enhancements and
10 research into redesign options, and we expect to have
11 further progress and updates for you in the very near
12 future, Chairman and members. The entire department
13 remains committed to providing quality services to the
14 motor vehicle public statewide.

15 Chairman, this concludes my remarks on this
16 item. I'm happy to answer any questions.

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

18 Members, are there any questions on this
19 report, comments?

20 (No response.)

21 MR. BACARISSE: I'm just curious, Daniel, as
22 you open the law enforcement -- I'm not going to use the
23 right term, it's not the Fusion Center but it's the --

24 MR. AVITIA: The law enforcement contact
25 center.

1 MR. BACARISSE: Contact center.

2 MR. AVITIA: Yes, sir.

3 MR. BACARISSE: Is there a way to kind of pilot
4 that a little bit so that we make sure that when you
5 really open it wide that it's working like it should?

6 MR. AVITIA: Yes, sir. So the plan is very
7 much to pilot that with a subset group of law enforcement
8 officials -- not just the law enforcement contact center
9 but also the closed data portal -- so that we make sure
10 that it is exactly what law enforcement needs. And if
11 not, then we tweak it from there and make changes.

12 Great question. Thank you.

13 MR. BACARISSE: I think that's important, that
14 when we do open it wide that it works exactly as we
15 anticipated and law enforcement needs.

16 MR. AVITIA: Absolutely, yes, sir. Thank you.

17 MR. BACARISSE: That's great.

18 Members, any other questions?

19 (No response.)

20 MR. BACARISSE: Aline, is there anyone here to
21 comment on item 4.A publicly?

22 MS. AUCOIN: For the record, Aline Aucoin,
23 acting general counsel for the Texas Department of Motor
24 Vehicles.

25 David Kohler is here to comment on agenda item

1 4.A.

2 MR. BACARISSE: Oh, great.

3 Okay, Mr. Kohler, please come forward. Good
4 afternoon.

5 MR. KOHLER: Good afternoon, Mr. Chairman,
6 Madam Chair, Board members. Thank you for allowing me to
7 be here today. Again, David Kohler, Central Texas law
8 enforcement, and I'm here representing myself.

9 All I wanted to do was give another opportunity
10 to thank staff and thank this Board for the light years
11 that y'all have left in the last three to four months,
12 compared to the last several years on all of these items,
13 and it's very appreciated. So that's my comments.

14 MR. BACARISSE: We appreciate that, and we're
15 glad to see this progress like you are.

16 And I do want to thank this whole team, from
17 Daniel to everybody, for grabbing this bull by the horns
18 and getting it to the point where we're about ready to
19 turn it on so then the work comes with making it work
20 right. So the job is not done, but we're making progress.

21 MR. KOHLER: Correct. Thank you so much.

22 MR. BACARISSE: You bet.

23 MS. McRAE: Thank you.

24 MR. BACARISSE: Aline, any other public comment
25 on this agenda item?

1 MS. AUCOIN: Aline Aucoin, for the record.

2 No one else is here in person to comment on
3 agenda item 4.

4 MR. BACARISSE: Okay. Thank you.

5 Let's move to agenda item 4.B, if we may,
6 please.

7 MR. AVITIA: Chairman, thank you. Again,
8 Daniel Avitia, for the record.

9 Chairman, I want to recognize the efforts of
10 our Motor Carrier Division, MCD. Earlier this month at
11 the American Association of Motor Vehicle Administrators
12 Region II Conference, TxDMV was recognized and won both a
13 regional and international security award for 2022 in the
14 category of fraud prevention and detection award for the
15 motor vehicle agency and for the motor carrier safety
16 improvement process.

17 AAMVA's security awards recognize achievements
18 and safety improvement processes. The award will be
19 presented to the TxDMV this September at the Annual AAMVA
20 International Conference in Baltimore, Maryland.

21 As background, MCD undertook a two-stage
22 programming effort to enhance the safety and fraud
23 prevention features of the state's oversize and overweight
24 permitting system, the Texas Permitting and Routing
25 Optimization System, known as TxPROS. Motor carriers

1 applying for a permit to transport oversize and overweight
2 loads are now denied that permit if the carrier has been
3 placed out of service for safety reasons by the Federal
4 Motor Carrier Safety Administration or the Texas
5 Department of Public Safety. As of April 27, 2022, the
6 new security enhancement has denied permits to 48 carriers
7 who were found to be out of service, while at the same
8 time over 472,000 permit applications passed the screening
9 process.

10 Members, please join me in congratulating the
11 Motor Carrier Division on this achievement.

12 MR. BACARISSE: Well done.

13 (Applause.)

14 MR. AVITIA: Chairman, members, this concludes
15 my remarks on agenda items 4.A and 4.B as they relate to
16 the executive director's reports. Thank you.

17 MR. BACARISSE: Great. Thank you. I
18 appreciate that.

19 Members, any questions on item 4.B?

20 (No response.)

21 MR. BACARISSE: Let me mention that even though
22 we have public comment listed as agenda item 7, we're
23 going to take up the public comment period before we go
24 into executive session.

25 So let me ask General Counsel Aline Aucoin, are

1 there any comments signed up from the public to speak?

2 MS. AUCOIN: Aline Aucoin, for the record.

3 There are no comments -- no one has signed up
4 to comment on the public comment section.

5 MR. BACARISSE: Okay. Very good. Thank you.

6 In that case, we'll now take up agenda item
7 number 5 and we're going to go into closed session. It is
8 now 1:17 p.m. on May 18, 2022. We will go into closed
9 session under Texas Government Code Section 551.071,
10 551.074, 551.076, and 551.089.

11 For those of you in the audience, I anticipate
12 being in closed session for approximately four hours, and
13 we will reconvene in open session after that.

14 With that, we are now recessed from this public
15 meeting and we're going into closed session.

16 (Whereupon, at 1:17 p.m., the meeting was
17 recessed, to reconvene this same day, Wednesday, May 18,
18 2022, following conclusion of the executive session.)

19 MR. BACARISSE: It is now 4:54 in the
20 afternoon, and the Board of the Texas DMV is now back in
21 session, open session.

22 Before we move on to the next agenda item, I'd
23 like to provide a few comments regarding the decorum of
24 this meeting.

25 I mean, it's all family here, but do I need to

1 read this, Aline?

2 MS. AUCOIN: No.

3 MR. BACARISSE: Thank you. Let the record
4 reflect I've been given permission by the interim general
5 counsel not to read my scripts. Very good.

6 The Board will now take up agenda item 6,
7 Action items from closed session, and the chair would
8 entertain a motion on agenda item 6.A, if there is one.

9 Is that you, Member Graham?

10 MR. GRAHAM: That must be me. I thought I was
11 6.B, so I wasn't sure what was going on 6.A, or A and B.
12 I was a little unclear.

13 MR. BACARISSE: Well, we're going to do A and B
14 together, the two motions together, one motion.

15 MR. GRAHAM: Mr. Chairman and illustrious
16 members of the Board, I move that the Board appoint Daniel
17 Avitia as the executive director of the Texas Department
18 of Motor Vehicles at a salary of \$210,850 per year,
19 effective upon acceptance of the offer and contingent on
20 satisfying all TxDMV human resources requirements.
21 Department staff is directed to the necessary actions to
22 implement the actions authorized by this motion.

23 MR. BACARISSE: We have a motion from Member
24 Graham. Is there a second?

25 MR. PREWITT: Second.

1 MS. McRAE: Second.

2 MR. BACARISSE: There are multiple seconds.
3 I'm going to give it to Prewitt, but I'll write your name
4 down too.

5 MS. McRAE: All right.

6 MR. BACARISSE: We have a motion and a second.
7 Is there any further discussion on this item?

8 MR. GRAHAM: Mr. Chairman.

9 MR. BACARISSE: Member Graham.

10 MR. GRAHAM: I'd just like to say that I really
11 appreciate the efforts of the interim executive director
12 through a very difficult time period and really great
13 work, and great work by the team as we continue to get our
14 hands around this crisis. So thank you.

15 MR. AVITIA: Thank you, Member Graham.

16 MR. BACARISSE: I think that is widely held and
17 much echoed.

18 MR. SCOTT: Mr. Chairman.

19 MR. BACARISSE: Yes, Member Scott.

20 MR. SCOTT: In addition to the interim
21 executive director, I'd like to just call out our deputy
22 executive director during this time. Shelly, I think, has
23 done a great job for us and I appreciate that. And it's
24 been one of those times and her hanging in there with the
25 Board and with the agency, her support and her loyalty I

1 appreciate and acknowledge.

2 MR. BACARISSE: Indeed. Very professional and
3 very much appreciated, Shelly. Thank you.

4 And I've said this before but I'll say it again
5 as well, since we're passing around thank yous. A big
6 thank you to Aline Aucoin and her stepping into the role
7 as interim general counsel and helping manage this group
8 and the agency in this time. Thank you, and much, much
9 appreciation. Thank you for your professionalism.

10 Is there any further discussion on this motion?

11 Yes, Member Ramirez.

12 MR. RAMIREZ: I'd like to echo everybody else's
13 sentiments. I think you've done an incredible job
14 stepping in to a very, very tumultuous time. And your
15 spirit of collaboration working with all the department
16 heads, working with all the stakeholders, it's not a very
17 easy thing to do. It's a very heavy lift.

18 And so I hope that you take this gesture as our
19 commitment to you as our ED going forward. So I'm very
20 supportive of the motion, and we're very lucky and
21 fortunate to have you here.

22 MR. AVITIA: Thank you very much, Member
23 Ramirez.

24 MR. BACARISSE: Any further comments? Member
25 McRae.

1 MS. McRAE: I will just say, since we're
2 already in five o'clock traffic anyway.

3 (General laughter.)

4 MS. McRAE: Daniel, I just would like to tell
5 you what a pleasure it has been working with you in this
6 position and to all of the DMV members out here. This has
7 been a rough time and y'all have absolutely rose to the
8 top, and not only working with the Board and all of your
9 stakeholders but also pulling in the law enforcement,
10 which was missing.

11 That was something that is crucial to the
12 overall success of this agency. And so I appreciate all
13 of your efforts by you and your team to pull them into
14 this and to get all of this straightened out. Y'all have
15 accomplished so much in a very short period of time.

16 And we know there's even greater changes on the
17 horizon, and so just kudos to you and the whole DMV team
18 out here.

19 MR. BACARISSE: Hear, hear.

20 MS. McRAE: Really appreciate you.

21 MR. AVITIA: Thank you, Vice Chair, very much
22 appreciate it.

23 MR. BACARISSE: Well said.

24 Members, any other comment?

25 (No response.)

1 MR. BACARISSE: Hearing none, I will call for
2 the vote, please. Answer when I call your name.

3 Member Alvarado?

4 MR. ALVARADO: 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 Ramirez?

14 MR. RAMIREZ: Aye.

15 MR. BACARISSE: Member Scott?

16 MR. SCOTT: Aye.

17 MR. BACARISSE: And I, Chairman Bacarisse, vote
18 aye as well. This is unanimous.

19 So congratulations, Mr. Avitia.

20 MR. AVITIA: Chairman, thank you.

21 (Applause.)

22 MR. BACARISSE: Would you like to say anything?

23 MR. AVITIA: I had prepared something just in
24 case.

25 (General laughter.)

1 MR. BACARISSE: Oh, good.

2 MR. AVITIA: Chairman, members, thank you from
3 the bottom of my heart. It is an honor to be selected and
4 entrusted to be the TxDMV's next executive director. I am
5 humbled to continue the leadership and development of this
6 amazing agency.

7 With the help of dedicated staff, backing and
8 leadership from the Board, and with widespread support
9 from our stakeholders and constituents, including law
10 enforcement, I'm excited to accept this position, with
11 deep humility and great eagerness to keep the department
12 moving forward in the right direction.

13 Chairman, members, I thank you very much.

14 (Applause.)

15 MR. BACARISSE: I have to share a story,
16 Daniel. When we were going through a lot of conversation
17 with various members, I was on the phone with various
18 members and working towards you becoming interim. And
19 then later when we were thinking about asking if you would
20 become the executive director, my wife was watching all
21 this and she said, Hey, have you asked him if he'll take
22 the job if we offer it?

23 (General laughter.)

24 MR. BACARISSE: These are the greatest moments
25 where things get crystallized. And so I did call him and

1 very ethereally I said, If a Board were to extend an
2 invitation for you to do this, would you be interested?
3 And thankfully, he said, Yes, I'd be interested.

4 (General laughter.)

5 MR. BACARISSE: We are very thankful for that
6 and now we have a lot more work to do.

7 As we adjourn, I want to ask, members, if we
8 could gather for a photo with the new executive director.

9 So if anybody has got an phone -- look at that, Carrie is
10 ready.

11 So at this point, unless there's any further
12 business, I would entertain a motion to adjourn.

13 MS. McRAE: I move.

14 MR. BACARISSE: So moved by Member McRae. Is
15 there a second?

16 MS. OMUMU: Second.

17 MR. BACARISSE: By Member Omumu.

18 I have to call the roll on this. Member
19 Alvarado?

20 MR. ALVARADO: Aye.

21 MR. BACARISSE: Member Graham?

22 MR. GRAHAM: Aye.

23 MR. BACARISSE: Member McRae?

24 MS. McRAE: Aye.

25 MR. BACARISSE: Member Omumu?

1 MS. OMUMU: Aye.

2 MR. BACARISSE: Member Prewitt?

3 MR. PREWITT: Aye.

4 MR. BACARISSE: Member Ramirez?

5 MR. RAMIREZ: Aye.

6 MR. BACARISSE: Member Scott?

7 MR. SCOTT: Aye.

8 MR. BACARISSE: And I, Chairman Bacarisse, vote
9 aye too. We are adjourned.

10 (Whereupon, at 5:02 p.m., the meeting was
11 adjourned.)

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C E R T I F I C A T E

MEETING OF: TxDMV Board
LOCATION: Austin, Texas
DATE: May 18, 2022

I do hereby certify that the foregoing pages, numbers 1 through 24, 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: May 25, 2022

/s/ Nancy H. King
(Transcriber)

On the Record Reporting
7703 N. Lamar Blvd., #515
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