

**AGENDA  
BOARD MEETING  
TEXAS DEPARTMENT OF MOTOR VEHICLES  
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM  
AUSTIN, TEXAS 78731  
THURSDAY, JUNE 14, 2018  
8:00 A.M.**

All agenda items are subject to possible discussion, questions, consideration, and action by the Board of the Texas Department of Motor Vehicles (Board). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. Presentations may be made by the identified staff or Board member or other staff as needed. The Board reserves the right to discuss any items in executive session where authorized by the Open Meetings Act.

- 1. Roll Call and Establishment of Quorum**
- 2. Pledge of Allegiance**
- 3. Chair's Reports** - Chairman Raymond Palacios
- 4. Executive Director's Reports** - Whitney Brewster
  - A. Sunset Review Status Update
  - B. Enterprise Projects Update
  - C. Progress Report on Operations of Compliance and Investigations Division
  - D. Survey of Employee Engagement (SEE) Results
  - E. Performance Quality Recognition Program Awards
  - F. Awards, Recognition of Years of Service, and Announcements

**CONTESTED CASES**

- 5. Denial of Renewal Application, Revocation of General Distinguishing Number, and Appeal to SOAH under Texas Occupations Code, §53.021 and §53.022; and 43 Texas Administrative Code, §§215.88(i), 215.89(b), and 215.306.**  
MVD Docket No. 17-0045.ENF; SOAH Docket No. 608-17-0908.ENF;  
*Texas Department of Motor Vehicles v. Putnam Darwin Richardson d/b/a Casual Car Sales* - Daniel Avitia and Brian Coats
- 6. Dealership's Protest against New Point Application under Occupations Code, §2301.652.** MVD Docket No. 16-0028.LIC; SOAH Docket No. 608-17-1285.LIC;  
*Burns Motors, Ltd., Protestant v. Payne Edinburg, LLC d/b/a Payne Chrysler, Dodge, Jeep, Ram and FCA US, LLC, Applicant* - Daniel Avitia and Michelle Lingo

### **RULES - ADOPTION**

- 7. Chapter 217, Vehicle Titles and Registration** - Jeremiah Kuntz  
Amendments, §217.122 and §217.123  
New, §§217.125 - 217.130  
(Relating to motor vehicle record information and DPPA)  
(*Proposal Published March 16, 2018 - 43 Tex. Reg. 1621*)
- 8. Chapter 218, Motor Carriers** - Jimmy Archer  
Amendments, §218.13  
(Relating to the requirement for sole proprietor applicants to scan a copy of their identification document into the eLINC system, as well as rule language cleanup regarding HB 3254)  
(*Proposal Published March 2, 2018 - 43 Tex. Reg. 1245*)
- 9. Chapter 219, Oversize and Overweight Vehicles and Loads** - Jimmy Archer  
Amendments, §§219.2, 219.34, 219.35, and 219.36  
(Relating to definitions and clarification of statutory language)  
(*Proposal Published March 2, 2018 - 43 Tex. Reg. 1249*)

### **RULES - PROPOSAL**

- 10. Chapter 215, Motor Vehicle Distribution** - Corrie Thompson
  - Amendments, §215.85  
(Relating to used motor vehicle referral fees)
  - Amendments, §215.155  
(Relating to exemptions from the vehicle inspection requirements under Transportation Code, Chapter 548)

### **BRIEFINGS AND ACTION ITEMS**

- 11. Specialty Plate Designs** - Jeremiah Kuntz
  - A. Gulf Coast, New Design Proposed by My Plates under Transportation Code, §504.851
  - B. Smokey Bear, New Design Proposed by Texas A&M's Forest Service under Transportation Code, §504.801
- 12. Finance & Audit Committee Update** - Committee Chair Caraway
  - A. Consideration of Committee Recommendation for:**
    - Board Approval to Submit Carryforward and Capital Authority for Headquarters Maintenance Appropriation - Linda M. Flores and Renita Bankhead
  - B. Briefing Items**
    1. Preliminary FY 2020 - 2021 Legislative Appropriation Request, Baseline and Exceptional Items - Linda M. Flores and Renita Bankhead
    2. Peer Review Results – Sandra Menjivar-Suddeath
    3. FY 2019 Draft Internal Audit Plan - Sandra Menjivar-Suddeath

4. Internal Audit Division Status Report - Sandra Menjivar-Suddeath
  - Training and Travel Audit
  - Texas Commission on Law Enforcement (TCOLE) Advisory Service
  - Social Media Audit
  - FY 2018, Third Quarter, Follow-Up Results

**13. Board Key Performance Indicators and Balanced Scorecard - Tom Shindell**

**14. Legislative and Public Affairs Update - Caroline Love (BRIEFING ONLY)**

**15. Assembled Vehicles Workgroup Update - Jeremiah Kuntz (BRIEFING ONLY)**

**EXECUTIVE SESSION**

**16. 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:**

- **Section 551.071** - Consultation with and advice from legal counsel regarding:
  - pending or contemplated litigation, or a settlement offer;
  - a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code, Chapter 551; or
  - any item on this agenda.
- **Section 551.074** - Personnel matters.
  - Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.
- **Section 551.089** - Security devices or security audits:
  - the deployment, or specific occasions for implementation, of security personnel or devices; or
  - a security audit.

**17. Action Items from Executive Session**

**18. Public Comment**

**19. Adjournment**

The Board will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Board. No action will be taken on matters that are not part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Board members may respond in accordance with Government Code, Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting.

Agenda items may be presented by the named presenters or other TxDMV staff.

Pursuant to Sections 30.06 and 30.07, Penal Code (trespass by license holder with a concealed or openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun or a handgun that is carried openly.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact Carrie Fortner by telephone at (512) 465-3044.

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

CERTIFYING OFFICIAL: David D. Duncan, General Counsel, (512) 465-5665.