

AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
THURSDAY, OCTOBER 4, 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
Proposed 2019 Board Meeting Schedule
- 4. Executive Director's Reports** - Whitney Brewster
 - A. Overview of FY 2019 Operational Plan
 - B. Update on Fraud Training for County Tax Assessor-Collectors
 - C. Introduction of Human Resources Director, Matthew Levitt
 - D. Awards, Recognition of Years of Service, and Announcements

CONTESTED CASE

- 5. Licensure Application Denial and Appeal to SOAH under Occupations Code, §53.021 and §53.022; and under 43 Texas Administrative Code §§215.88(i), 215.89(b), and 215.306.** MVD Docket No. 18-0183795.ENF; SOAH Docket No. 608-18-3358.ENF; *Texas Department of Motor Vehicles, Enforcement Division v. Marshone Sheppard d/b/a MFJ Auto Shop* - Daniel Avitia and Brian Coats

RULE - ADOPTION

- 6. Chapter 215, Motor Vehicle Distribution** - Corrie Thompson
Amendments, §215.155
(Relating to exemptions from the vehicle inspection requirements under Transportation Code, Chapter 548)
(*Proposal Published July 6, 2018 - 43 Tex. Reg. 4547*)

RULES - PROPOSAL

- 7. Chapter 219, Oversize and Overweight Vehicles and Loads**
 - A. Rule Review, Government Code, §2001.039 - Aline Aucoin
 - B. Amendments, §219.101
(Relating to notice of the designated time and location for inspector to inspect records) - Corrie Thompson

- 8. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz**
Amendments, §217.27
(Relating to personalized license plates)

- 9. Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz**
Amendments, §217.84
(Relating to proof of paid claim and salvage language cleanup)

BRIEFINGS AND ACTION ITEMS

- 10. Legislative and Public Affairs Committee Update - Committee Chair Treviño**
Consideration of Committee Recommendations and Briefings:
 - A. Board Approval of Recommended Legislation to the 86th Legislature Pursuant to Transportation Code, §1001.025 - Caroline Love
 - B. Agency Process for Legislative Session, including continuing Sunset Legislation Process - Caroline Love (BRIEFING ONLY)
 - C. Implementation of Sunset Advisory Commission's Recommendations - Whitney Brewster (BRIEFING ONLY)
 - D. Board Approval of Policy, TxDMV Guidance on Enforcement Case Prioritization and Complaint Resolution, to Implement Sunset Advisory Commission's Recommendations 3.4. and 3.5. - Corrie Thompson

- 11. Finance and Audit**
 - A. Internal Audit Charter - Sandra Menjivar-Suddeath
 - B. Internal Audit Division Status Report - Sandra Menjivar-Suddeath (BRIEFING ONLY)
 - FY 2018 Fourth Quarter Follow-Up Activities Memorandum
 - FY 2018 Annual Audit Report
 - FY 2018 Quality Assurance and Improvement Program Report
 - C. FY 2020 - 2021 Legislative Appropriation Request, Baseline and Exceptional Items - Linda M. Flores and Renita Bankhead (BRIEFING ONLY)
 - D. Fourth Quarter Financial Summary - Linda M. Flores and Renita Bankhead (BRIEFING ONLY)

12. Projects and Operations

- A. Delegation of Signature Authority to the Executive Director for Execution of the Kiosk Pilot Contract - Jonathan O'Quinn
- B. Progress Report on Operations of Compliance and Investigations Division - Tim Menke (BRIEFING ONLY)

EXECUTIVE SESSION

13. 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.

14. Action Items from Executive Session

15. Public Comment

16. 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: Sarah Swanson, Associate General Counsel, (512) 465-5665.