

TEXAS DEPARTMENT OF MOTOR VEHICLES  
CONSUMER PROTECTION ADVISORY COMMITTEE  
MEETING

OPEN MEETING VIA TELEPHONE CONFERENCE CALL  
PURSUANT TO GOVERNOR'S MARCH 16, 2020  
TEMPORARY SUSPENSION OF CERTAIN OPEN MEETING PROVISIONS

Austin, Texas

Thursday,  
April 23, 2020  
1:30 p.m.

COMMITTEE MEMBERS:

Melissa Colvin  
Laird Doran  
Donna Ferguson  
Ruben Gonzalez  
Cheryl Johnson  
Will Johnson  
Ray Olah  
Robert Raney  
Jeanette Rash  
Michael Rigby  
James Snell  
Juan Solis

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P R O C E E D I N G S

1  
2 MR. RICHARDS: Good afternoon. I'm David  
3 Richards. I'm pleased to open the first meeting of the  
4 Consumer Protection Advisory Committee. I'm an associate  
5 general counsel at the Department of Motor Vehicles.

6 For ease of reference, I will refer to the  
7 advisory committee as CPAC, which is the acronym for this  
8 committee.

9 It is 1:30 p.m., and I'm now calling the CPAC  
10 meeting for April 23, 2020 to order. I want to note for  
11 the record that the public notice of this meeting,  
12 containing all items on the agenda, was filed with the  
13 Office of the Secretary of State on April 14, 2020.

14 This meeting is being held by telephone  
15 conference call in accordance with Texas Government Code  
16 Chapter 551, as temporarily modified under Governor Greg  
17 Abbott's authority to suspend certain statutes due to  
18 COVID-19.

19 Governor Abbott suspended various provisions of  
20 the Texas Open Meetings Act that require government  
21 officials and members of the public to be physically  
22 present at specified meeting locations. Under that  
23 suspension, the public will not be able to physically  
24 attend this meeting in person. Instead, the public may  
25 attend this meeting by calling the toll free number which

1 is posted in the agenda which was filed with the Office of  
2 the Secretary of State on April 15, 2020.

3 All advisory committee members, including  
4 myself, will be participating remotely via Webex. At this  
5 time please mute your phone for the entire duration of  
6 this meeting. I'm asking our Webex meeting host, Tameka  
7 Harris, to make sure all participant phones are muted,  
8 except for advisory committee members and those who are  
9 presenting. Callers will be removed for any disruption,  
10 including background noise.

11 I would like to remind all participants that  
12 this is a telephone conference call meeting. Because this  
13 meeting is being held by telephone conference call, there  
14 are a few things that will assist in making the meeting  
15 run smoother and assist the court reporter in getting an  
16 accurate record, such as department staff and any  
17 commenters should identify themselves before speaking.

18 Please speak clearly. Remember that there may  
19 be a slight delay due to the telephone conference call  
20 meeting, so please wait a little longer than usual before  
21 responding to participants. Please do not speak over  
22 others. And finally, speakers should ask the presiding  
23 officer to proceed and be sure to get recognized before  
24 speaking.

25 Because the number of dial-in participants is

1 limited, if you wish to address the board or speak on an  
2 agenda item during today's meeting, please send an email  
3 to GCO\_General@TxDMV.gov. Please identify yourself in the  
4 email, the specific item you're interested in commenting  
5 on, your name and address and whether you are representing  
6 anyone or just speaking for yourself. If your comment  
7 does not pertain to a specific agenda item, we will take  
8 your comment during the general comment portion of the  
9 meeting.

10 In accordance with department administrative  
11 rule, comments to the board will be limited to three  
12 minutes, then the call will be muted. Comments should be  
13 pertinent to the issues stated in your email. When  
14 addressing the board, please state your name and  
15 affiliation for the record.

16 Before we begin today, I'd like to remind all  
17 presenters and those in attendance of the rules of conduct  
18 at a board meeting. Under the department's rules under  
19 Section 206.22, the presiding officer is given authority  
20 to supervise the conduct of meetings. This includes the  
21 authority to determine when a speaker is being disruptive  
22 of the meeting or is otherwise violating the timing or  
23 presentation rules I just discussed.

24 Disruptive speakers will be muted, given a  
25 warning about disruptive behavior, and then removed from

1 the meeting about any continued disruption.

2           Advisory committee members, please let us know  
3 immediately if you're no longer able to participate for  
4 any reason. If your phone call drops or you're  
5 disconnected, TxDMV staff will interrupt the meeting to  
6 let us know and get you back on the line before we proceed  
7 with the agenda.

8           And now I'd like to have a roll call -- we're  
9 going to move on to agenda item 1.A. I'd like to have a  
10 roll call of advisory committee members. Please let me  
11 know if I mispronounce your name. When I call your name,  
12 please indicate if you are present.

13           First, Member Colvin?

14           MS. COLVIN: Present.

15           MR. RICHARDS: Member Doran?

16           MR. DORAN: Present.

17           MR. RICHARDS: Member Ferguson?

18           MS. FERGUSON: Present.

19           MR. RICHARDS: Member Gonzalez?

20           MR. GONZALEZ: Present.

21           MR. RICHARDS: Member Cheryl Johnson?

22           MS. JOHNSON: Present.

23           MR. RICHARDS: Member Will Johnson?

24           MR. JOHNSON: Present.

25           MR. RICHARDS: Member Olah? Member Olah?

1 (No response.)

2 MR. RICHARDS: Member Raney?

3 MR. RANEY: Present.

4 MR. RICHARDS: Member Rash?

5 MS. RASH: Present.

6 MR. RICHARDS: Member Rigby?

7 MR. RIGBY: Present.

8 MR. RICHARDS: Member Snell? Member Snell?

9 (No response.)

10 MR. RICHARDS: Member Solis? Member Solis?

11 (No response.)

12 MR. RICHARDS: Let me go back to Member Snell,  
13 because I thought I saw him earlier. Member Snell?

14 (No response.)

15 MR. RICHARDS: And finally, Member Solis?

16 MR. OLAH: This is Member Olah. Did you hear  
17 me that I'm present?

18 MR. RICHARDS: Great. I've got you now. Thank  
19 you, sir.

20 MR. OLAH: Thank you.

21 MR. RICHARDS: Member Snell and Member Solis,  
22 if you come on while we're discussing the meeting, please  
23 let us know.

24 Everyone, we do have a quorum.

25 At this time I'm going to move on to agenda

1 item 1.B, welcoming remarks. I'm going to turn the  
2 meeting over now to our executive director, Whitney  
3 Brewster, for some opening remarks.

4 MS. BREWSTER: Thank you, David, and good  
5 afternoon, everyone. For those who I have not had the  
6 opportunity to meet, my name is Whitney Brewster, and I'm  
7 the executive director of the department.

8 Thank you very much for taking the time out of  
9 your schedules, especially right now when I know everyone  
10 is grappling with the impacts of COVID-19, to join us for  
11 the first meeting of the Consumer Protection Advisory  
12 Committee of the Texas Department of Motor Vehicles.

13 Before we continue with introductions and then  
14 on to the agenda, I wanted to just make sure to provide  
15 you with some general background on the formation of this  
16 committee.

17 The Texas Department of Motor Vehicles, last  
18 legislative session in 2018, went through a top-to-bottom  
19 review by the legislature, which resulted in the passage  
20 of Senate Bill 604, and there were various recommendations  
21 in Senate Bill 604.

22 Of the recommendations adopted by the  
23 legislature, one of those recommendations included the  
24 establishment of formal advisory committees to assist the  
25 department staff and the board on decision-making.



1           Often in the past the department had utilized a  
2 more informal process, but recently the TxDMV Board  
3 adopted rules surrounding the establishment of advisory  
4 committees, such as this one, to make sure that there was  
5 inclusivity as well as transparency.

6           So this is the second advisory committee to be  
7 established so far. Late last year the Vehicle Titles and  
8 Registration Advisory Committee was created and also held  
9 a few meetings, and the input of the committee's  
10 membership has been extremely helpful in helping the  
11 department move forward with some of the more significant  
12 initiatives as well as policies, and I have absolutely no  
13 doubt that this committee will provide the same benefits  
14 to the department and ultimately the public.

15           This committee has some very significant topics  
16 to cover, including the protection of motorists'  
17 information and data, helping those who acquire the  
18 services of household goods movers, and the secure  
19 issuance of temporary tags and registration, to name a  
20 few.

21           We absolutely welcome your input and ideas, and  
22 I cannot express enough how appreciative we are for your  
23 time and your talents on this effort. Please know that  
24 our staff and I are here to help you with whatever  
25 information you may need to make informed decisions.

1           We have access to a vast amount of information,  
2 including information from other states and national  
3 associations to provide more background and context on  
4 these issues, so please do not hesitate to rely on TxDMV  
5 staff to get you the information that you need to be able  
6 to make decisions.

7           So in closing, thank you once again for your  
8 time and I will now turn the meeting back over to David.

9           David.

10          MR. RICHARDS: Great. Thank you, Director  
11 Brewster. Appreciate your comments.

12          We're going to have an agenda item coming up in  
13 a few minutes where you'll be able to give some background  
14 information, members, for each of you.

15          Until that time I'm going to move on to agenda  
16 item 2.A entitled Purpose, general information and scope  
17 of the advisory committee. If you'll please indulge me, I  
18 would appreciate it.

19          The purpose of the Consumer Protection Advisory  
20 Committee is to provide advice and to make recommendations  
21 to the Board of the Texas Department of Motor Vehicles on  
22 topics related to consumer protection issues.

23          You have been given the charge by the  
24 department to provide advice and recommendations  
25 regarding: one, securing titles when a motor vehicle

1 dealer goes out of business; number two, protecting DPPA  
2 information; number three, refunds from motor vehicle  
3 dealers and motor carriers transporting household goods;  
4 and number four, temporary tags.

5 No other topics will be discussed by this  
6 committee at this time. The committee provides advice and  
7 recommendations only as requested by the Texas Department  
8 of Motor Vehicles or our board.

9 I want to congratulate all of you for your  
10 appointment to this committee by the board, and thank you  
11 again for volunteering your time to assist the department  
12 and the board on this committee.

13 As appointed members of this committee, you're  
14 subject to both the Open Meetings Act and the Public  
15 Information Act. The Open Meetings Act provides that all  
16 public business should be performed in public view.

17 That means that any discussions you have  
18 regarding the work you perform with this committee must be  
19 done in a properly scheduled and posted open meeting.  
20 Members of this committee would violate state law by  
21 having a series of discussions on policy issues outside of  
22 these advisory committee meetings with other members.  
23 That is what is referred to as a walking quorum under the  
24 Open Meetings Act.

25 It is important that you refrain from

1 discussing advisory committee matters with other members  
2 outside of scheduled and posted open meetings. This  
3 includes avoiding meetings with other members outside of a  
4 properly posted open meeting, not calling other members on  
5 the phone to discuss advisory committee matters, and not  
6 using social media to discuss matters that are before the  
7 advisory committee.

8 Discussion with other members, even if less  
9 than a quorum, outside of a properly posted meetings for  
10 the purpose of secret deliberations violates the Open  
11 Meetings Act, also carries with it potential criminal  
12 penalties.

13 In addition, information exchanged in your role  
14 as an advisory committee member can be subject to public  
15 disclosure even if that information is in your private  
16 email or cell phone. This is because as advisory  
17 committee members, information you have regarding matters  
18 brought before the advisory committee may also be subject  
19 to open records laws.

20 Please be aware that any communications you  
21 have regarding this committee may be required to be  
22 disclosed in response to an open records from the public.

23 Finally, in order to ensure that the advisory  
24 committee meetings run smoothly, the advisory committees  
25 selects a presiding officer. The presiding officer is in

1 charge of making sure Robert's Rules of Order are followed  
2 to keep the decorum of the meeting.

3 The presiding officer will open the meeting,  
4 much as I did today, and ensure that a quorum of members  
5 are present. The presiding officer makes sure that  
6 members make motions and second the motions before voting,  
7 and makes sure that no one member has the floor longer  
8 than others wishing to provide input.

9 We'll be happy to provide some overview  
10 training on the mechanics of Robert's Rules of Order to  
11 anyone wanting to volunteer to be a presiding officer of  
12 this committee to ensure it runs efficiently in carrying  
13 out its purpose.

14 Some examples on how Robert's Rules are used to  
15 run meetings include: One, no member can speak twice to  
16 the same issue until everyone else wishing to speak has  
17 spoken on it once. All remarks by members must be  
18 directed to the presiding officer prior to speaking.

19 You obtain the floor by raising your hand or  
20 asking the presiding officer for the floor for the right  
21 to speak on a matter only when the person speaking has  
22 finished. It is important not to interrupt others and to  
23 share the right to speak with all other members.

24 Remarks must be courteous, and members must  
25 avoid to referring to viewpoints by alluding to other

1 members by name or by suggested motives. You expect the  
2 presiding officer to protect your right to speak even if  
3 it turns out you're a minority of one in your opinion.

4 The presiding officer helps ensure the other  
5 members hear you out and allow you the same time as  
6 everyone else. This encourages members to give your  
7 fellow members their rightful turn to speak. Listen to  
8 them. You may hear something that affects the way you  
9 think as well.

10 Lastly, we are recording this meeting. Before  
11 you speak, please state your name for the record so we  
12 have a record of it and also what each person said during  
13 the meeting.

14 Are there any questions at this time before I  
15 move on?

16 (No response.)

17 MR. RICHARDS: All righty. Hearing none, we're  
18 now going to move to agenda item 2.B, which is nominations  
19 and selection of advisory committee presiding officer.

20 Again, for the record, my name is David  
21 Richards, and I'm associate general counsel at the TxDMV.

22 Texas law requires the advisory committee to select a  
23 presiding officer from its members. The presiding officer  
24 will preside over the advisory committee and report to the  
25 TxDMV and our board.

1 I think at this time what we'd like to do is  
2 have each member introduce themselves, provide some  
3 information on your background, and finally let us know if  
4 you're interested in being the presiding officer for CPAC.

5 I'm just going to start with Member Colvin.  
6 Would you state your name for the record, give us a little  
7 background information, and let us know if you're  
8 interested in serving as the presiding officer for CPAC.

9 Member Colvin.

10 MS. COLVIN: Melissa Colvin. I have 17 years  
11 in transportation, it's an interest that I have, and yes,  
12 I would be interested in serving as a member.

13 MR. RICHARDS: Great. Thank you, Member  
14 Colvin.

15 Member Doran, would you state your name for the  
16 record, give us a little background, and answer if you're  
17 interested in serving as presiding officer.

18 MR. DORAN: Thank you. My name is Laird Doran.  
19 I'm an attorney in Houston, Texas. I have a long  
20 background in dealing with motor vehicle issues, both  
21 dealer franchise issues as well as other legal issues that  
22 come up in the motor vehicle industry. And yes, if called  
23 upon to do so, I would be happy to serve as the presiding  
24 officer.

25 MR. RICHARDS: Thank you, Member Doran.

1           We'll move on to Member Ferguson. Please state  
2 your name for the record, give us a little background  
3 information, and also let us know if you're interested in  
4 serving as the presiding officer of CPAC.

5           MS. FERGUSON: My name is Donna Ferguson. I am  
6 with the vehicle registration office under Shay Luedecke,  
7 the tax assessor-collector of Bell County, and I have been  
8 doing titles and registration here for 13 years.

9           I don't think I would qualify to serve because  
10 I don't have the knowledge for a presiding officer.

11           MR. RICHARDS: Okay. Thank you very much,  
12 Member Ferguson.

13           Next I'd move on to Member Gonzalez. Please  
14 state your name for the record, give us a little  
15 background, and also if you're interested in serving as  
16 the presiding officer.

17           MR. GONZALEZ: As far as rules and regulations,  
18 I am on my second term of being a tax assessor-collector  
19 here in El Paso County, and I'm a little weak in the  
20 Robert's Rules of Order so I'm not very familiar with  
21 that, but I can learn. So I think there's other members  
22 that are more qualified than I am at this time, so I think  
23 I'm going to just yield and learn the process for now.  
24 Thank you.

25           MR. RICHARDS: Thank you very much, Member



1 Gonzalez.

2 I'm going to move on to Member Cheryl Johnson.

3 Would you please state your name for the record, give us  
4 a little background information, and also let us know if  
5 you're interested.

6 MS. JOHNSON: Good afternoon. Cheryl Johnson,  
7 Galveston County tax assessor-collector. I'm in my 16th  
8 year. I was appointed by the governor to serve on the DMV  
9 Board when it was first created, representing the county  
10 tax assessor-collectors.

11 I would be interested in serving possibly not  
12 as the lead presiding officer but in one of the secondary  
13 positions.

14 MR. RICHARDS: Okay. Thank you very much,  
15 Member Cheryl Johnson.

16 We're going to move on to Member Will Johnson.

17 Again, state your name for the record, please provide us  
18 a little background on you, and also whether you're  
19 interested in serving as the presiding officer of the  
20 CPAC.

21 MR. JOHNSON: Thank you, David.

22 Good afternoon, everybody. My name is Will  
23 Johnson. I'm the police chief in Arlington, Texas where  
24 I've served as chief for the last eight years. I've been  
25 a police officer for 26 years, and I'm currently vice

1 president for the International Association of Chiefs of  
2 Police, which is the largest professional police  
3 organization in the United States, and an executive board  
4 member for the Major City Chiefs organization.

5 I think I would echo Ms. Johnson's comments. I  
6 don't believe that I would want to be the presiding  
7 officer, but if called upon, I would serve as one of the  
8 secondary officers.

9 MR. RICHARDS: Thank you, Member Will Johnson,  
10 and thank you for your service.

11 MR. JOHNSON: Thank you.

12 MR. RICHARDS: I'm going to move on to our next  
13 member, Member Olah. Please state your name for the  
14 record, give us a little background information, and let  
15 us know if you're interested in serving as presiding  
16 officer.

17 MR. OLAH: Sure. Let me make sure everyone can  
18 hear me. Can everyone hear?

19 MR. RICHARDS: I think so.

20 MR. OLAH: Great. My name is Ray Olah. I am  
21 an attorney here in Austin. I'm an assistant attorney  
22 general with the Consumer Protection Division at the  
23 Attorney General's Office. I've had two stints there for  
24 a total of about 22 years, dealing with consumer matters,  
25 mostly in the insurance arena; that is going after

1 insurance companies on various matters, both property and  
2 casualty and life, accident and health companies.

3 Other than that, a relevant experience, I used  
4 to be a car salesman way back when for Nyle Maxwell, long  
5 before the Maxwell dealerships grew to what they are  
6 today, it was a small used car dealership.

7 I will yield to others as to being a presiding  
8 officer due to my sometimes hectic litigation schedule  
9 which sometimes can take me out of town.

10 Thank you.

11 MR. RICHARDS: Thank you very much, Member  
12 Olah.

13 Next member we'd like to hear from, Member  
14 Raney, please state your name for the record, give us a  
15 little background information, and also if you're  
16 interested in serving as presiding officer.

17 MR. RANEY: My full name is Robert Raney. I've  
18 been in this business, the car lot business, primarily  
19 used car lot, buyer, payer, all aspects of the car  
20 industry, about 25 years now.

21 My current position, I'm operations manager  
22 with Mesquite Holdings here in San Antonio, which we own  
23 approximately about 5 GDNs and three physical locations.  
24 I oversee the day-to-day operations of all locations from  
25 the financing aspects to the insurance to the legal, new

1 actions, anything happening, going on with, of course, the  
2 backside of the car lots. I also am partial owner of an  
3 insurance agency.

4 I also sit on the planning and zoning  
5 commission for the City of Converse, which I'm very  
6 familiar with Robert's Rules. I've been on the planning  
7 and zoning commission for approximately eight years now.  
8 I'm also co-char, as well, on that.

9 Besides that, on the other side of everything,  
10 I'm also a treasurer for this other board for a motorcycle  
11 organization here in San Antonio which is also nationwide  
12 called Guardians of Children. Some of you may have heard  
13 of that.

14 So yes, my plate is full but I always scrape  
15 out time to volunteer to help out where help is needed,  
16 and I am interested in being presiding officer, and I do  
17 have the experience and the background for that.

18 MR. RICHARDS: Great. Thank you very much,  
19 Member Raney.

20 We're going to move on to Member Rash. Would  
21 you do the same for us, please?

22 MS. RASH: Yes. My name is Jeanette Rash, and  
23 I'm in Houston, Texas, part of the SafeClear/Tow and Go  
24 Program, it's something that I came up with.

25 I've actually had a 40-year career in writing

1 legislation for towing, storage and in-time auto salvage,  
2 so I'm very familiar with lien laws and such as that. I  
3 was on the Tow Truck Advisory Board from 2007 until last  
4 year, but I would not want to be the presiding officer,  
5 though. Thank you very much.

6 MR. RICHARDS: Thank you very much, Member  
7 Rash.

8 Next I want to call on Member Rigby. State  
9 your name for the record.

10 MR. RIGBY: Michael Rigby. I'm an attorney who  
11 is board certified in administrative law and currently  
12 serve as general counsel for the Office of Consumer Credit  
13 Commissioner for the OCCC.

14 My agency regulates the purchase of motor  
15 vehicles through retail installment contracts, and I've  
16 been there about five years now. I think there's other  
17 folks who are more qualified to serve as presiding  
18 officer, so I would yield to them.

19 MR. RICHARDS: Thank you very much, Member  
20 Rigby.

21 Member Snell, if you would state your name for  
22 the record, give a little background, and let us know if  
23 you're interested in presiding.

24 MR. SNELL: This is Jim Snell. I'm in Dallas.  
25 I am a automobile dealer. I've been in the business for

1 about 40 years. I have three dealerships in Dallas,  
2 Frisco and Austin. And I would not be interested in being  
3 the presiding officer.

4 MR. RICHARDS: Thank you very much, Member  
5 Snell.

6 And finally, Member Solis, I don't know if  
7 you've made it to the call, but if you did, would you  
8 please state your name for the record, give us a little  
9 background information, and let us know if you're  
10 interested in serving as presiding officer. Member Solis.

11 (No response.)

12 MR. RICHARDS: Everyone, it looks like Member  
13 Solis is not with us at this time. What we're going to do  
14 is take about a five-minute break, and the break will give  
15 you time to decide if you want to make a motion to either  
16 name yourself or someone else to serve as presiding  
17 officer.

18 I would ask the host to put everyone on mute  
19 for about five minutes, and then we'll come back after  
20 that five-minute period and we will vote.

21 Thank you.

22 (Whereupon, a brief recess was taken.)

23 MR. RICHARDS: Okay, everyone. This is David  
24 Richards again, for the record. I'm reconvening the CPAC  
25 meeting to order. It is now 2:03 p.m. on April 23, 2020.

1 CPAC will use Robert's Rules of Order when  
2 conducting the meeting. To take any action you must first  
3 raise your hand or ask the presiding officer -- which is  
4 me at the moment -- for the right to speak on a matter.

5 Once the presiding officer grants you the floor  
6 or the right to speak, you must make a motion, and another  
7 person must second the motion. To make a motion to name  
8 someone to be presiding officer, the motion could be the  
9 following: I make a motion to name John Smith to be the  
10 CPAC presiding officer. You can even make a motion to  
11 name yourself to be the presiding officer.

12 To second the motion, a different member on the  
13 CPAC committee should say Second or I second the motion.  
14 A person cannot second their own motion.

15 So at this time, we're going to take up the  
16 motion, I'll entertain motions for the presiding officer.

17 Does anyone want to make a motion to name someone to be  
18 the CPAC presiding officer at this time?

19 MR. DORAN: Yes. This is Laird Doran. I would  
20 like to make a motion to name Robert Raney as presiding  
21 CPAC officer.

22 MS. JOHNSON: Cheryl Johnson, I will second  
23 that.

24 MR. RICHARDS: The motion has been made by  
25 Member Doran and seconded by Member Cheryl Johnson. Is

1 there any further discussion?

2           Hearing none, I will call your name and ask you  
3 whether you vote to name Member Robert Raney as the  
4 presiding officer by stating your name and then indicating  
5 yes or now.

6           Member Colvin?

7           MS. COLVIN: Melissa Colvin. Yes.

8           MR. RICHARDS: Thank you.

9           Member Doran?

10          MR. DORAN: Laird Doran. Yes.

11          MR. RICHARDS: Member Ferguson?

12          MS. FERGUSON: Donna Ferguson. Yes.

13          MR. RICHARDS: Member Gonzalez?

14          MR. GONZALEZ: Ruben Gonzalez. Yes.

15          MR. RICHARDS: Member Cheryl Johnson?

16          MS. JOHNSON: Cheryl Johnson. Yes.

17          MR. RICHARDS: Member Will Johnson?

18          MR. JOHNSON: Will Johnson. Yes.

19          MR. RICHARDS: Member Olah?

20          MR. OLAH: Ray Olah. Yes.

21          MR. RICHARDS: Member Raney?

22          MR. RANEY: Robert Raney. Yes.

23          MR. RICHARDS: Member Rash?

24          MS. RASH: Jeanette Rash. Yes.

25          MR. RICHARDS: Member Rigby?



1 MR. RIGBY: Michael Rigby. Yes.

2 MR. RICHARDS: Member Snell?

3 MR. SNELL: Jim Snell. Yes.

4 MR. RICHARDS: And Member Solis, are you with  
5 us? Member Solis?

6 (No response.)

7 MR. RICHARDS: Okay. Member Solis is not with  
8 us.

9 Members, the vote is unanimous for Member Raney  
10 to serve as the CPAC presiding officer.

11 Congratulations, Member Raney.

12 MR. RANEY: Thank you, members. First of all,  
13 I will promise I will do the best job possible.

14 MR. RICHARDS: Thank you, Presiding Officer  
15 Raney.

16 Okay, members, we're going to move on to agenda  
17 item 2.C, the nomination and selection of the first vice  
18 chair of CPAC.

19 MS. JOHNSON: President Officer Robert Raney,  
20 this is Cheryl Johnson. I'd like to ask permission to  
21 speak and be recognized.

22 MR. RICHARDS: Member Cheryl Johnson, please,  
23 you have the floor.

24 MS. JOHNSON: I'd like to make a motion to  
25 appoint Member Doran as the first vice chair.

1 MR. RICHARDS: Okay. I have a motion from  
2 Member Cheryl Johnson to appoint or select Member Laird  
3 Doran as the first vice chair of CPAC. Is there a second?

4 MR. RANEY: I will second that motion.

5 MR. RICHARDS: And you are?

6 MR. RANEY: Robert Raney.

7 MR. RICHARDS: Okay. Members, we have a motion  
8 by Member Cheryl Johnson to appoint or select Member Laird  
9 Doran as the first vice chair of CPAC, and a second by  
10 Presiding Officer Robert Raney. Any further discussion?

11 (No response.)

12 MR. RICHARDS: Hearing none, I'm going to call  
13 for the vote. Again, when I call your name vote for Laird  
14 Doran as the first vice chair by stating your name and  
15 then again indicating yes or no.

16 So to begin, Member Colvin?

17 MS. COLVIN: Melissa Colvin. Yes.

18 MR. RICHARDS: Member Doran?

19 MR. DORAN: Laird Doran. Yes.

20 MR. RICHARDS: Member Ferguson?

21 MS. FERGUSON: Member Ferguson. Yes.

22 MR. RICHARDS: Member Gonzalez?

23 MR. GONZALEZ: Member Gonzalez. Yes.

24 MR. RICHARDS: Member Cheryl Johnson?

25 MS. JOHNSON: Member Cheryl Johnson. Yes.

1 MR. RICHARDS: Member Will Johnson?

2 MR. JOHNSON: Will Johnson. Yes.

3 MR. RICHARDS: Member Olah?

4 MR. OLAH: Ray Olah. Yes.

5 MR. RICHARDS: Presiding Officer Raney?

6 MR. RANEY: Raney. Yes.

7 MR. RICHARDS: Member Rash?

8 MS. RASH: Jeanette Rash. Yes.

9 MR. RICHARDS: Member Rigby?

10 MR. RIGBY: Michael Rigby. Yes.

11 MR. RICHARDS: And finally, Member Snell?

12 MR. SNELL: Jim Snell. Yes.

13 MR. RICHARDS: Let the record reflect it was a  
14 unanimous vote. Congratulations, Member Laird Doran, for  
15 being appointed the first vice chair of CPAC.

16 Members, we're going to move on to the next  
17 agenda item, that is agenda item 2.D, nominations and  
18 selection for second vice chair.

19 MS. JOHNSON: This is Member Cheryl Johnson. I  
20 would like for permission to speak and be recognized.

21 MR. RICHARDS: Member Cheryl Johnson, you have  
22 the floor.

23 MS. JOHNSON: I would like to make a motion to  
24 nominate Melissa Colvin as second vice chair.

25 MR. RICHARDS: Member Cheryl Johnson has made a

1 motion to appoint Melissa Colvin as second vice chair. Is  
2 there a second?

3 MR. OLAH: Ray Olah. Second.

4 MR. RICHARDS: The motion by Member Cheryl  
5 Johnson has been seconded by Member Olah. Is there any  
6 further discussion?

7 (No response.)

8 MR. RICHARDS: Hearing none, I'm going to call  
9 for the vote. Again, I'm going to go down the list of  
10 members. Please state your name for the record and either  
11 a yes or no.

12 Member Colvin?

13 MS. COLVIN: Melissa Colvin. Yes.

14 MR. RICHARDS: Member Doran?

15 MR. DORAN: Laird Doran. Yes.

16 MR. RICHARDS: Member Ferguson?

17 MS. FERGUSON: Donna Ferguson. Yes.

18 MR. RICHARDS: Member Gonzalez?

19 MR. GONZALEZ: Member Gonzalez. Yes.

20 MR. RICHARDS: Member Cheryl Johnson?

21 MS. JOHNSON: Cheryl Johnson. Yes.

22 MR. RICHARDS: Member Will Johnson?

23 MR. JOHNSON: Will Johnson. Yes.

24 MR. RICHARDS: Member Olah?

25 MR. OLAH: Ray Olah. Yes.

1 MR. RICHARDS: Member Raney?

2 Mr. RANEY: Raney. Yes.

3 MR. RICHARDS: Member Rash?

4 MS. RASH: Jeanette Rash. Yes.

5 MR. RICHARDS: Member Rigby?

6 MR. RIGBY: Michael Rigby. Yes.

7 MR. RICHARDS: And finally, Member Snell?

8 MR. SNELL: Jim Snell. Yes.

9 MR. RICHARDS: Members, the vote was unanimous  
10 for Melissa Colvin to serve as your second vice chair.  
11 Congratulations to Member Colvin.

12 MR. RICHARDS: At this time we're going to move  
13 to agenda item 2.E, recommendations of advisory committee  
14 for presentation to the board.

15 Members, our administrative rule on advisory  
16 committees requires the committee to report their  
17 recommendations to our board. Recommendations must be in  
18 writing and include any necessary supporting materials.

19 The presiding officer of CPAC or the presiding  
20 officer's designee may appear before our board to present  
21 the committee's advice and recommendations. In addition,  
22 CPAC can provide advice and recommendations to our  
23 executive director, Whitney Brewster, as necessary. Our  
24 board will consider CPAC's written recommendations and  
25 reports that you submit.

1           At this time I'd like to discuss, consider and  
2 possibly take action on presenting CPAC's written  
3 recommendations to our board or executive director.

4           For example, CPAC can decide it will attend the  
5 board meeting and make a presentation in addition to  
6 submitting its written recommendations, or it can decide  
7 any other details about how and who will submit the  
8 various written recommendations to our board.

9           And finally, the CPAC can decide it will not  
10 decide anything on this issue at this meeting today, but  
11 will think about it and will present its written  
12 recommendations on a case-by-case basis and discuss and  
13 decide at the next meeting.

14           Members, let me ask you would any of you like  
15 to recommend how the advisory committee should proceed  
16 along the guidelines that I suggested, or would you like  
17 to consider it and then decide at your next meeting? I'll  
18 open the floor up to the members.

19           MR. RANEY: I'd like to consider for the next  
20 meeting, get ahead of this a little bit and get some  
21 details in writing.

22           MR. RICHARDS: Okay. Could you state your name  
23 for the record, please?

24           MR. RANEY: I totally apologize. Sitting on  
25 the planning and zoning commission using Robert's Rules,

1 you should figure I'd know this already. Raney.

2 MR. RICHARDS: Member Raney, your motion is to  
3 wait and consider, decide at the next meeting. Is there a  
4 second to that motion?

5 MS. JOHNSON: Cheryl Johnson. I'll second it.

6 MR. RICHARDS: Thank you, Member Johnson.

7 Any further discussion on membership  
8 considering it after this meeting and then coming back at  
9 the next meeting to make a decision on how it's going to  
10 present to our board? Any further discussion?

11 (No response.)

12 MR. RICHARDS: If not, I will call for the  
13 vote, and I'm going to go down the list again. If you're  
14 in favor of the motion to hold off until the next CPAC  
15 meeting regarding the recommendations to the DMV Board or  
16 to Executive Director Brewster, say yes.

17 Member Colvin? Or say no.

18 MS. COLVIN: Melissa Colvin. Yes.

19 MR. RICHARDS: Member Doran?

20 MR. DORAN: Laird Doran. Yes.

21 MR. RICHARDS: Member Ferguson?

22 MS. FERGUSON: Donna Ferguson. Yes.

23 MR. RICHARDS: Member Gonzalez?

24 MR. GONZALEZ: Member Gonzalez. Yes.

25 MR. RICHARDS: Member Cheryl Johnson?

1 MS. JOHNSON: Cheryl Johnson. Yes.

2 MR. RICHARDS: Member Will Johnson?

3 MR. JOHNSON: Will Johnson. Yes.

4 MR. RICHARDS: Member Olah?

5 MR. OLAH: Ray Olah. Yes.

6 MR. RICHARDS: Presiding Officer Raney?

7 MR. RANEY: Robert Raney. Yes.

8 MR. RICHARDS: Member Rash?

9 MS. RASH: Jeanette Rash. Yes.

10 MR. RICHARDS: Member Rigby?

11 MR. RIGBY: Michael Rigby. Yes.

12 MR. RICHARDS: And finally, Member Snell?

13 MR. SNELL: Jim Snell. Yes.

14 MR. RICHARDS: Thank you, members. The vote  
15 was unanimous, and this will be an agenda item at our next  
16 meeting.

17 At this time we'll move on to agenda 2.F, which  
18 is the implementation plan for advisory committee  
19 recommendations.

20 Here today to assist with this particular  
21 agenda item will be Managing Attorney Brian Ge from our  
22 Enforcement Division, and Division Director Jeremiah  
23 Kuntz, division director for Vehicle Titles and  
24 Registration.

25 They will lead the discussion on the following



1 items: the first item is refunds from motor vehicle  
2 dealers and motor carriers transporting household goods;  
3 the second item title when a motor vehicle dealer goes out  
4 of business; the third item is protecting DPPA  
5 information; and finally, the issue of temporary tags.

6 It's my understanding that Managing Attorney  
7 Brian Ge will lead off. Brian, I will turn the meeting  
8 over to you, and then Jeremiah Kuntz will follow.

9 MR. GE: Thank you, David.

10 This is Brian Ge. Good afternoon, members. I  
11 am the managing attorney for the Enforcement Division. I  
12 am here to introduce the topic of refunds by motor vehicle  
13 dealers and motor carriers transporting household goods.

14 As Executive Director Brewster mentioned  
15 earlier, as part of TxDMV's Sunset bill, the Texas  
16 Legislature gave the department the authority to order  
17 refunds in certain situations.

18 The exact language can be found on page 30 of  
19 the written materials that were distributed to you prior  
20 to this meeting, but to summarize those sections, the  
21 department can order a licensee to provide a refund to a  
22 consumer if a licensee violates Chapter 2301 of the Texas  
23 Occupations Code or if a household goods mover violates  
24 Chapter 643 of the Texas Transportation Code.

25 We need your help to shape the contours of that

1 refund authority. To aid in that effort, we included  
2 several questions in your written materials that we would  
3 like you to consider for our next meeting where we will  
4 really delve into the subject matter.

5 Does anyone have any questions for me?

6 (No response.)

7 MR. GE: All right. Back to you, David.

8 MR. RICHARDS: Thank you very much, Brian.

9 Next we're going to move on to the second item,  
10 title when a motor vehicle dealer goes out of business.  
11 For that presentation we will have Division Director  
12 Jeremiah Kuntz of the Vehicle Titles and Registration  
13 Division.

14 Jeremiah.

15 MR. KUNTZ: Good afternoon, members. This is  
16 Jeremiah Kuntz. I'm the director of the Vehicle Titles  
17 and Registration Division. A pleasure to be here before  
18 you today. I know some of you and look forward to meeting  
19 those of you who I've not had the pleasure of working with  
20 in the past.

21 So I've got a few items that I'll actually be  
22 covering today. I'm hoping to not be too lengthy with it  
23 but wanted to present these concepts for your  
24 consideration as you start to delve into consumer  
25 protection and any potential changes that could be

1 recommended to the current policies and procedures that we  
2 have related to these topics.

3 So the first one I'll be talking about today is  
4 titling when a motor vehicle dealer goes out of business.

5 In the written materials this actually starts on page 1  
6 of the written materials, and what you see before you is a  
7 registration and title bulletin.

8 These are bulletins that we send out to our  
9 stakeholders, which would be industry folks as well as our  
10 county tax assessor-collectors, providing them information  
11 about how to implement new policies and procedures.

12 During the last legislative session, the 86th  
13 Legislative Session, the legislature passed House Bill  
14 3842 which authorized the department to establish titling  
15 requirements and waive fees paid to a dealer by a  
16 purchaser.

17 For a little bit of background for those of you  
18 who many not be familiar with that process, auto dealers,  
19 licensed auto dealers in the state of Texas are required  
20 to apply for title on behalf of any purchaser that  
21 purchases a vehicle from their dealership.

22 They have 30 days to make application in the  
23 county tax assessor-collector's office, and there are  
24 times in which a purchaser has gone to a dealership,  
25 they've purchased a vehicle and entered into an agreement

1 with them either for financing or have paid cash to that  
2 dealership and the dealership subsequent goes out of  
3 business for various reasons, either their license is no  
4 longer good, they've filed bankruptcy, they've just folded  
5 up shop and have closed down the business, but there could  
6 be any number of reasons why a dealership has gone out of  
7 business and they have failed to apply for title on behalf  
8 of the consumer.

9 So recently we've adopted -- and I'll cover  
10 this and then kind of come back a little bit -- recently  
11 we have adopted administrative rules covering the  
12 definition of what going out of business entails.

13 The current definition is in Administrative  
14 Code 217.16, and it defines a dealer has gone out of  
15 business if the dealer's license has been closed or has  
16 expired or operations have ceased at the licensed location  
17 as determined by the department. So it gives latitude to  
18 the department to make that determination that a  
19 dealership is no longer in business.

20 For all practical purposes -- and I know our  
21 Enforcement Division director is on the call as well if  
22 you've got questions for how they actually make those  
23 determinations, we could have her talk about that -- an  
24 Enforcement investigator may go out and inspect the  
25 location that we have on the license and determine that

1 there's nobody there, they've got a closed sign on their  
2 window, it's boarded up, there's no vehicles on the lot  
3 anymore, there could be any number of things that they  
4 observe that would cause them to make that determination.

5 But in accordance with the statute, once that  
6 determination has been made, a customer is given the  
7 ability to come in and actually apply to have the fees  
8 waived for the title, the registration, as well as a  
9 temporary tag that could be issued to that consumer, one  
10 30-day permit, that would allow them to operate the  
11 vehicle while all of this is going on.

12 And so we have the authority through these  
13 rules and through the statute to waive those fees for  
14 consumers in order to better protect them. In the state's  
15 mind they've paid some amount to that dealership for those  
16 title and registration fees to be paid on their behalf and  
17 they were not paid to the state, and therefore, they are  
18 in our minds a harmed party in this transaction. This  
19 gives them the ability to get title and registration  
20 without having to come out of pocket additional money that  
21 they potentially already paid to that dealership.

22 And we have established a process by which this  
23 will occur. As I mentioned, it would involve our  
24 Enforcement investigators making a determination that the  
25 dealership has been closed. What a customer would do is

1 actually either come in to the tax assessor-collector  
2 office or our department, but ultimately, if they go in to  
3 a tax assessor-collector office, that information would be  
4 provided to the department for processing, and we would  
5 make that final determination that the dealership has been  
6 closed.

7 We would provide a letter to the customer that  
8 outlines each specific fee that should be waived by the  
9 tax assessor-collector when the customer comes in to make  
10 application for title and registration. That letter will  
11 actually have an itemized list and the total amount of  
12 fees to be waived.

13 The system is set up so that the tax assessor-  
14 collectors can waive those fees in our registration and  
15 titling database, and provide that customer with title  
16 and registration that they are entitled to.

17 The thing that is probably the main problem  
18 that most of these customers will have is they are not in  
19 possession of the original title or those kind of  
20 documents that the dealership was going to make  
21 application with.

22 As such, our rules address that and allow for  
23 the customer to bring in their installment contract, a  
24 bill of sale, any documentation that they have from that  
25 dealership where they've actually signed for the vehicle,

1 they've entered into an agreement or contract with the  
2 dealership, and that will provide us with the evidence of  
3 the buyer's ownership into that vehicle. And so that's  
4 the kind of documentation we would review and make a  
5 determination off of that documentation hat fees should be  
6 waived.

7           So obviously if they bring in their contract  
8 that says that they purchased a vehicle and it itemizes  
9 out all of the different title, registration, inspection  
10 fees, county, road and bridge fees, all of those fees are  
11 itemized and listed out and that customer paid cash to the  
12 dealership, then obviously we would waive all of those  
13 fees. If any of those fees are missing or not accounted  
14 for on that documentation, then those fees would not be  
15 waived as they're not itemized on that contract.

16           So that is kind of an overview of the process  
17 that has come out of that legislation from the last  
18 legislative session, and before I move on, I can answer  
19 any questions now or I can move on to the next one.

20           MS. JOHNSON: Member Johnson. I have a  
21 question and I'd like to ask permission to speak and be  
22 recognized.

23           MR. RICHARDS: Yes, Member Johnson, please go  
24 ahead.

25           MS. JOHNSON: Mr. Kuntz, I'm curious, in the

1 document it says the department will not waive motor  
2 vehicle sales tax but the county tax assessor-collector  
3 may waive the fees per the Tax Code when proof of payment  
4 is submitted.

5 Is this permissive or is this -- I want to make  
6 sure we keep the standards through the state that every  
7 tax assessor-collector is treating every customer the  
8 same, so do they have this as an option or will they waive  
9 it as long as the proof of payment is submitted?

10 MR. KUNTZ: So you're raising a very good  
11 question. The sales tax is, I believe, what you're  
12 referring to, the sales tax that the customer has paid for  
13 the vehicle.

14 Unfortunately, it is not under the jurisdiction  
15 of the Department of Motor Vehicles, and so therefore we  
16 don't have jurisdiction over the waiving of that, the  
17 Comptroller would have that jurisdiction, and so that's  
18 something that would have to be addressed by the  
19 Comptroller through their administrative rulemaking  
20 process.

21 MS. JOHNSON: So it's not permissive by the  
22 county tax assessor-collector, they're not necessarily  
23 making that decision; it would be the Comptroller telling  
24 the tax assessor-collectors what to do?

25 MR. KUNTZ: So unfortunately, I would not be



1 able to provide the committee with any recommendation on  
2 how that process would work with the Comptroller. That's  
3 something we would have to get the Comptroller's input on  
4 to provide to the tax assessor-collectors on that  
5 authority. I wouldn't be able to opine one way or the  
6 other.

7 MS. JOHNSON: Okay. Thank you.

8 MR. KUNTZ: Yes, ma'am.

9 MR. JOHNSON: Member Will Johnson with a  
10 question.

11 MR. RICHARDS: Member Will Johnson, please  
12 proceed.

13 MR. JOHNSON: My question really extends on the  
14 previous discussion as it relates to, if I understand  
15 paragraph 4 of the documents that you submitted, the  
16 consumer has already paid these fees and has already paid  
17 taxes and the dealer has failed to execute on the  
18 transaction.

19 And I understand that you said that the tax  
20 collection was outside of Department of Motor Vehicles,  
21 but I'm curious, what obligations does the dealer have --  
22 as I understand it, they have to get a surety bond before  
23 they can operate business -- for the consumer to be  
24 protected against the bond that the dealership had for  
25 these tax monies that were received but not turned over to

1 the tax collector?

2 MR. KUNTZ: So the paragraph, I believe -- and  
3 I'll attempt to answer this -- on page 1 it's the  
4 paragraph: "The department will not waive motor vehicle  
5 sales and use tax paid by the purchaser to out-of-business  
6 dealers; however, the county tax assessor-collector may  
7 waive the fees per Tax Code 152.041 when proof of payment  
8 is submitted to the county with the title application."

9 What that is calling out is it's not the  
10 department's jurisdiction over sales tax, and that's why  
11 it's giving that citation, "the tax assessor-collector may  
12 waive the fees per Tax Code 152.041."

13 And what we're trying to say is the letter that  
14 you are going to receive from the department is not going  
15 to cover the sales tax as that's not within the  
16 jurisdiction of the department. Sales tax are all under  
17 the jurisdiction of the Comptroller or local governmental  
18 entities, depending on what kind of sales tax we're  
19 talking about. In this case, motor vehicle sales tax is  
20 the jurisdiction of the Comptroller.

21 So our letter is not going to address and what  
22 that is intending to call out is we are not waiving it as  
23 it is not in our jurisdiction but there are statutory  
24 provisions that a tax assessor-collector may rely upon in  
25 Chapter 152.041, and so we're pointing them to that code

1 or their discretion in working with the Comptroller on how  
2 to waive those sales tax fees.

3 As to the bond that a dealership pays, I would  
4 have to involved Corrie Thompson, who is with our  
5 Enforcement Division, as to how those bonds are structured  
6 and who they are made payable to.

7 And I don't know, Corrie, if you've got  
8 information on that that you'd be able to share.

9 MS. THOMPSON: This is Corrie Thompson.  
10 Jeremiah, I figured you were going to try to ping on that  
11 at some point so I started trying to look up the statute.

12 I believe we are looking at the security  
13 requirement in Transportation Code 503.033(d) which says a  
14 person may recover against a surety bond or other security  
15 if a person obtains against a person issued a motor  
16 vehicle general distinguishing number or wholesale motor  
17 vehicle auction general distinguishing number a judgment  
18 assessing damages and reasonable attorney fees based on an  
19 act or omission of which the bond is conditioned that  
20 occurred during the term for which the general  
21 distinguishing number was valid and the bond is  
22 conditioned -- one of the terms is on the transfer by the  
23 applicant of good title to the motor vehicle that they've  
24 offered for sale. So it does seem that a person would be  
25 able to recover under the bond but they would need to

1 obtain that judgment.

2 MR. JOHNSON: So my closing thought would be  
3 that just as you're pointing them to the Tax Code to help  
4 the consumer that's been wronged by this dealership that  
5 you make some reference in the letter that they have an  
6 avenue to pursue against the surety bond for any tax money  
7 that they had to pay twice.

8 Thank you.

9 MR. KUNTZ: Yeah, and so one of the other  
10 things that I do want to kind of bring up along those  
11 lines is the House bill that passed this legislation -- so  
12 you kind of made a reference there, and I want to kind of  
13 hone in that, because I think you made a very good point  
14 that we need to kind of talk about -- is if the department  
15 waives the fees, so let's say the department waives title,  
16 registration, all the fees that are owed to the department  
17 and the consumer paid that to the dealership but those  
18 were waived, the department has the ability to go after  
19 that bond as well to recoup the fees that were paid by the  
20 consumer to the dealership that were not paid to the  
21 department, so we have an ability to collect on those as  
22 well.

23 You're also correct that that consumer under  
24 that chapter of the code would also have the ability to  
25 recoup any fees that they've had to pay twice. Let's say

1 the sales tax was not waived for some reason, they would  
2 have the ability to go after that bond as well.

3 MR. JOHNSON: Thank you.

4 MR. GONZALEZ: Permission to speak. This is  
5 Ruben Gonzalez.

6 MR. RICHARDS: Yes, Member Gonzalez, please  
7 proceed.

8 MR. GONZALEZ: Thank you very much.

9 How are you doing, Jeremiah? This is Ruben in  
10 El Paso.

11 MR. KUNTZ: Doing great.

12 MR. GONZALEZ: I was thinking that the intent  
13 of the legislation is to help the consumer, and there's an  
14 avenue for the DMV to go against the dealer's bond because  
15 they post a \$25,000 bond.

16 Why could we not make the recommendation that  
17 because it's a package deal that the consumer has been  
18 denied full access to title and registration, because of  
19 the sales tax not being paid, include that as a package  
20 when the department goes and tries to get their fees on  
21 title and registration, because you're waiving it, help  
22 the consumer out and make it a package deal on behalf of  
23 the consumer so they can get their respective sales tax  
24 credit also and allow the county to get their fees  
25 ultimately as part of the collection process?

1           To make the consumer go separately, file  
2 separately and seek a court order through a judgment  
3 through a judge and give them their portion of the refund  
4 money back because the dealer is not going to be available  
5 to return that money, why cannot the department consider  
6 adding that customer as part of your lawsuit to get your  
7 money back on the dealer's bond?

8           That is my question and ultimately my  
9 recommendation in this type of situation.

10           MR. KUNTZ: So I'll have to defer to general  
11 counsel a little bit on that. That's something that the  
12 department could take back and look at. As it stands  
13 right now, just because of the separation between us and  
14 the Comptroller on jurisdiction over those fees, we would  
15 not have the ability to just outright do that.

16           That does not mean -- and again, I'll kind of  
17 defer to general counsel on this -- I would assume that if  
18 the State of Texas was going to be filing against a bond,  
19 that's going to be done with the Attorney General's  
20 Office, and that would be done as a package deal, but I'll  
21 defer to our general counsel on that.

22           MR. RICHARDS: This is David Richards,  
23 associate general counsel.

24           Mr. Kuntz is correct. And let me just say,  
25 members, y'all are asking great, great questions, and

1 that's why we formed this committee, that's why you were  
2 selected, because you have a wealth of information and  
3 knowledge, and these issues can be further ferreted  
4 through and discussed. But we would have to do a package  
5 deal, Member Gonzalez, if talking about going the route  
6 you're speaking of.

7 So I will turn it back to Mr. Kuntz.

8 MR. KUNTZ: All right. I'll entertain any  
9 other questions on this topic, or we can move on to the  
10 next one. I'll leave it up to the committee.

11 MS. RASH: Member Rash. I have a quick  
12 question.

13 MR. RICHARDS: Member Rash, you have the floor.

14 MS. RASH: We have a lot of trouble whenever a  
15 dealer goes bankrupt or sells, and we always have to go  
16 through the Bankruptcy Court. Would that not also have to  
17 be something that the consumer has to do, because it seems  
18 like the Bankruptcy Court trumps everything?

19 MR. KUNTZ: So obviously -- and again, I'll  
20 kind of answer a little bit from my perspective and then  
21 I'll turn it over to our general counsel to answer kind of  
22 the Bankruptcy Court issues.

23 This particular statute was born out of that  
24 exact scenario, in order to assist consumers that  
25 potentially have a dealership that has gone out of

1 business due to a bankruptcy or some issue like that that  
2 they have failed to stay open, and so I want to kind of  
3 clarify this, that there is a fine distinction -- and I  
4 know that this is something that we would want to very  
5 much consider.

6 A lot of times in bankruptcy the dealership has  
7 not closed, so depending on what type of bankruptcy, the  
8 dealership may still be in business, and that is something  
9 that is a very good observation that you're making, where  
10 we've got many problems where you have a bankrupt  
11 dealership who's having trouble filing for title.

12 So what this was really intended to do here was  
13 address when those dealerships have fully gone out of  
14 business; i.e., they've lost their license, they've  
15 abandoned the location, those kind of things, there is  
16 nobody else left at the dealership to talk to or anything.

17 It gives consumers a way out for them to obtain title and  
18 registration.

19 If there is a bankruptcy and there's still  
20 issues going on, our definition of out of business is not  
21 necessarily covered there. But I will also defer to our  
22 general counsel and our Enforcement director as well to  
23 help out on that one.

24 MR. RICHARDS: This is David Richards, for the  
25 record.



1           What Director Kuntz says I agree with. We do  
2 at times deal with bankruptcy situations. The statute was  
3 really, as he said, a non-bankruptcy type scenario where  
4 they just truly go out of business. In many cases, if not  
5 all cases, the Bankruptcy Court pretty much dictates once  
6 the filing takes place.

7           I will say, though, that we have been  
8 successful in working through the Office of the Attorney  
9 General to work through the Bankruptcy Court in cases to  
10 assist consumers to gain their titles. We continue to do  
11 that; we have some that we're dealing with now.

12           So all hope is not lost if bankruptcy is filed  
13 but it does make matters a lot more difficult for  
14 consumers, but as Director Kuntz mentioned, this  
15 particular provision was dealing with just where they  
16 strictly go out of business and we're not dealing with a  
17 bankruptcy proceeding.

18           I don't know if Corrie Thompson wants to chime  
19 in. I'll mute my mic if you'd like to.

20           MS. THOMPSON: This is Corrie Thompson,  
21 director of Enforcement.

22           Bankruptcies, as they relate to the Enforcement  
23 Division, speak only to whether or not we continue to  
24 pursue administrative enforcement action during the term  
25 of the bankruptcy, so we have less involvement with that

1 when it comes to helping consumers obtain title during  
2 those times.

3 MR. RICHARDS: Thank you very much, Director  
4 Thompson.

5 Mr. Kuntz, I'll turn it back over to you unless  
6 any members have any further questions on the subject.

7 MR. KUNTZ: Okay. Well, with that, I will move  
8 on to our next topic, and this one is one that I think  
9 just about everybody as a consumer, and even stakeholders  
10 are consumers in this situation, this is something that I  
11 think is near and dear to just about everybody's heart,  
12 and that is protecting Driver's Privacy Protection Act  
13 information.

14 And so for those of you who are not familiar  
15 with DPPA, the Driver's Privacy Protection Act is a  
16 federal law that protects a motor vehicle record, the  
17 title and registration information that we have in our  
18 database becomes protected.

19 And that law as a federal law, there's also a  
20 state law that mirrors it very closely and that is the --  
21 I'm trying to remember the acronym for it, but I think  
22 it's the Motor Vehicle Record Disclosure Act, and that is  
23 the state law that is very similar to the federal law  
24 covering these protections that are afforded to motor  
25 vehicle records.

1           When we talk about motor vehicle records and  
2 Driver's Privacy Protection Act information, the thing  
3 that is probably most important to understand is that what  
4 we are talking about is personal information, and so that  
5 is the person's name, their address, any other information  
6 that we have that would be potentially Social Security  
7 number, driver's license number, any medical or disability  
8 information, all of those pieces of information that are  
9 considered personal information, those are the things that  
10 are protected by the DPPA.

11           Now, what DPPA does is it basically starts and  
12 says personal information contained in a motor vehicle  
13 record is protected and shall not be disclosed. It then  
14 goes on to list out required disclosures and permitted  
15 disclosures.

16           And really what we're going to talk about,  
17 because it's the thing that falls within the jurisdiction  
18 of the department, obviously if there's required  
19 disclosure, the department has no choice, we have to give  
20 the records to the entity that's requesting those.

21           Those are very limited in scope on the entities  
22 that can obtain records under required disclosure -- I  
23 don't have that statute up in front of me right now -- but  
24 the main focus we're going to talk about it is permitted  
25 disclosure.

1           And so the way that I generally look at  
2 permitted disclosure is these are entities that have a  
3 need for motor vehicle records in order to identify an  
4 individual owner of a vehicle -- and I know we've got some  
5 stakeholders on the line that definitely fall into that  
6 category and I'll kind of go over the big ones -- but when  
7 you look on page 13 of your documents, this is kind of a  
8 list of different entities that have obtained or have  
9 permitted purposes or have gotten information from the  
10 department in the past, and we'll kind of talk through  
11 some of these, but as an example, a tow truck company.

12           So under state law there's a requirement that  
13 if your vehicle is towed for a non-consent tow -- in other  
14 words, you did not call the tow truck company and ask them  
15 to tow your vehicle, you were parked at a parking meter or  
16 you abandoned your vehicle, something like that, or you  
17 did not consent to the towing of your vehicle -- they have  
18 a requirement to notify the owner within a certain number  
19 of days.

20           Obviously, they have a business need, a  
21 statutory requirement to notify and so they've got a need  
22 to access that data so they can determine who the owner of  
23 the vehicle is so that they can send that official notice  
24 to the owner of that vehicle. So that's just one example.

25           Another example that we have very frequently is

1 auto dealers, so one of our largest consumers of our data  
2 are auto dealers, and they would access our data for the  
3 primary purpose of determining the actual ownership of a  
4 vehicle that's been traded in to their dealership.

5 So a customer comes in, they have a vehicle,  
6 they don't have the title to the vehicle, they're saying,  
7 I want to trade in my vehicle to you and purchase a new  
8 one, those dealerships have access to our information to  
9 verify the validity of the information that's been  
10 provided to them, and that's a permitted disclosure under  
11 state law and our administrative rule.

12 So those are just kind of two examples that I  
13 can give that are kind of frequent examples that you would  
14 see for folks that need to access our data.

15 So from this list what you will see is we've  
16 kind of got broad categories, so government, so federal,  
17 state, county, city, law enforcement and toll road  
18 entities fall into permitted disclosure.

19 They have specific sections in code, both  
20 federally and at the state level, to access records for  
21 official government purposes. As I mentioned, towing and  
22 salvage companies, so these are some folks that have  
23 received information from us in the past. Automobile and  
24 automotive sales, so mechanic shops, body shops, new  
25 automotive dealers, used automotive dealers, bank lenders,

1 title services, auto title service consultants.

2 Insurance industry, you've got insurance  
3 companies, agencies, agents, adjustors. And then we've  
4 got others and I'll kind of go into this, hospitals,  
5 schools, homeowner associations, defensive driving  
6 schools, law offices, resellers and private investigators.

7 So one of the things to just kind of talk about  
8 our process at the department, we've really got records  
9 that can be accessed in a couple of different ways. One  
10 is -- and the counties have this ability to do records as  
11 well -- a customer would come in and say, I need my own  
12 motor vehicle record and they would fill out what we refer  
13 to as a 275, which is a request for motor vehicle record;  
14 they would pay the associated fees and be provided with  
15 motor vehicle record, either the digital record or their  
16 title history or whatever it is that they're looking for.

17 So that's a way that people can access that is just in  
18 person over the counter.

19 County offices do some of these, our regional  
20 service centers also provide services, especially if  
21 you're needing a title history, our regional service  
22 centers do that, and I'll kind of talk a little bit about  
23 that since I threw that out there.

24 There's motor vehicle records which are the  
25 metadata that's contained in our database, so that's the

1 digital record of your information. And then we also have  
2 title histories, which are actual scanned images of the  
3 paper application for title, the title that was  
4 surrendered with the application, all the supporting  
5 information that went into that application for title.  
6 Those are kept in a different database and those are  
7 actual scanned images and we refer to those as a title  
8 history because it's got the history of all the paper  
9 documents that were submitted.

10 So you can obtain those in person using that  
11 form. You can also -- and the primary thing that we're  
12 talking about here is we've got businesses that have  
13 access to our MVINET system, which is our Motor Vehicle  
14 Information Network, or system, and those are users who  
15 have credentials to log in and basically use either a VIN  
16 number or a license plate number to query for the owner's  
17 name, address, that kind of information for the purposes  
18 of notifying them or obtaining the information, like I  
19 said, for a dealership, verifying the information provided  
20 to them.

21 Kind of the third way that folks access the  
22 records is through what we refer to as the master file and  
23 weekly updates, and folks that get the master file and  
24 weekly updates, those folks actually get the entire  
25 database -- our database has about 66 million records in

1 it -- and then they would get weekly updates, so the  
2 weekly update is the file that has all the transactions  
3 that occurred the previous week.

4 And so those folks load that information into  
5 their own database, they then update it weekly with the  
6 information that they receive from the department, and  
7 then utilize it for the purposes that they are intending  
8 to utilize it for.

9 Some examples of that, a lot of times other  
10 governmental entities would be the folks that fall into  
11 that category, toll road authorities, universities that  
12 are doing statistical analysis.

13 So you've got TTI, which would be the Texas  
14 Transportation Institute, potentially they want to do  
15 analysis on how many vehicles are in a certain zip code,  
16 those kind of files would be the types of files they would  
17 need in order to do that kind of analysis and research.

18 But we have recently undergone a rewrite of our  
19 administrative rules to help bolster the vetting of these  
20 folks that are coming in and entering into a contract with  
21 the department, and so those are the folks that have  
22 MVINET access or the access to the master file and weekly  
23 updates.

24 That process has changed substantially for us  
25 in the last year. We have transitioned that. It used to



1 be a function of our IT department, that's transferred  
2 over to my division, and we are now vetting those, all the  
3 existing contract holders using a new vetting application  
4 that they submit in accordance with our new administrative  
5 rules that cover this.

6 And those rules now require if you are a  
7 dealership you must provide us your license as a dealer,  
8 if you're an insurance company you have to provide your  
9 insurance license, so we are verifying their license  
10 status, we are verifying their location of business,  
11 verifying that they do have a permitted purpose.

12 And I will tell you through this process we  
13 have weeded out folks that we have determined do not have  
14 a permitted purpose, and we have terminated their access  
15 to the system.

16 And so we have undergone a pretty extensive  
17 vetting process that's taken us quite a bit of time.  
18 There are approximately 2,600 contract holders for MVINET  
19 access, and we have I think it's 32 vendors that receive  
20 the weekly files.

21 And so we are going through that process of re-  
22 vetting all of them and trying to clean that process up,  
23 but this is something that we kind of want to talk with  
24 the Consumer Protection Advisory Committee about things  
25 that we should potentially be looking for, different

1 entities, and I can tell you on this list there are  
2 entities that have received data in the past that we no  
3 longer will provide access to.

4 And so that's another thing that we would  
5 potentially want the advisory committee to look at is  
6 looking at this and figuring out are there other consumer  
7 protections that we could put in place around this data to  
8 further secure it while also ensuring that the business  
9 community that has a legitimate permitted purpose has the  
10 ability to access these records in order to conduct their  
11 business.

12 I know that was a lot, but I will kind of move  
13 into questions on this one. I'm sure folks may have  
14 questions.

15 MR. DORAN: Laird Doran here would like to be  
16 recognized with a question.

17 MR. RICHARDS: Member Doran, you have the  
18 floor.

19 MR. DORAN: Thank you. This question is for  
20 Jeremiah. Thank you for that really holistic overview,  
21 that was very helpful. The question I had, you mentioned  
22 that there were 2,600 contract holders, and my question is  
23 do they all have the same level of access or are there  
24 certain terms of usage that apply to different users?

25 So by way of example, you know, R.L. Polk,

1 which is a firm that many in the automotive industry use  
2 to track vehicle sales and to look at which automotive  
3 brand is performing well against another automotive brand  
4 by market share, et cetera; they may have certain needs  
5 for certain fields of data but maybe not others.

6 And so the question is among those 2,600  
7 contract holders that have access to the data, do they all  
8 enjoy the same level of access or can that be restricted  
9 based upon the type of business that is needing the data?

10 MR. KUNTZ: Yeah, that's a very good question.

11 There's really two types of sets of data that you're  
12 getting, and I made reference to them. The MVINET system,  
13 which has I'll call it the instantaneous access to run a  
14 VIN or a license plate, is going to pull back the motor  
15 vehicle records, so it's going to pull back that data  
16 that's really the same thing that law enforcement would  
17 see if they ran a license plate roadside.

18 It is limited in the number of fields that it  
19 is presenting back. It is presenting more basic  
20 information like name, address, the vehicle information,  
21 so make, body, year, all those kind of things, but it does  
22 not get into some more of the transactional type data  
23 surrounding the title that maybe was applied for, like how  
24 much was paid for the vehicle, the sales price, the sales  
25 tax that was collected, the fees that were paid for that

1 vehicle, any other indicators that may be in the motor  
2 vehicle record are not presented in that system.

3 The master file and weekly updates have many  
4 more fields of data and to your reference, R.L. Polk, we  
5 refer to them as like an IT service or a reseller, they  
6 get that big file because they do just like you said, they  
7 crack the file and look at a bunch of different fields.  
8 They may look at sales in a zip code and they've got the  
9 sales price and the different factors and data that's in  
10 that master file that's not contained in the MVINET  
11 access.

12 But beyond that, those are the only two data  
13 set options. We do not go down to the data level on  
14 access. That is something that we have contemplated that  
15 would require coding, it is something that we have talked  
16 about internally, but we would have to change our system  
17 to code for that to make those selections per recipient.

18 Did that answer your question?

19 MR. DORAN: Yes, Jeremiah, it did. And I have  
20 another question, and I don't know whether proper protocol  
21 is to wait till we go around the horseshoe or to just ask  
22 it now.

23 MR. RICHARDS: This is David Richards again,  
24 for the record.

25 Members, are there any other members that have

1 a question before Member Doran asks his second question?

2 (No response.)

3 MR. RICHARDS: Hearing none, Member Doran, you  
4 may ask your second question, please.

5 MR. DORAN: Thank you.

6 Jeremiah, I was just wondering if you could  
7 speak to the question of whether there are certain terms  
8 and conditions that are imposed upon the 2,600 contract  
9 holders, maybe things about data sharing parameters,  
10 prohibitions on the resale of that data, or anything of  
11 that nature.

12 MR. KUNTZ: Yes. So we do have a contract, and  
13 that's something if the advisory committee was interested,  
14 we could get you a sample of that contract. It is a  
15 standard template that we utilize, we don't alter it, we  
16 don't allow for modifications to it, it's the standard  
17 contract that we provide.

18 Yes, there are stipulations, there are in our  
19 administrative rules penalties for misuse. If you're  
20 caught misusing the data, there are provisions that allow  
21 us to terminate your access to the system.

22 As far as resellers are concerned, as you  
23 mentioned, R.L. Polk, folks that take our data, repackage  
24 it and then resell it, there are some statutory  
25 restrictions as well as, I believe, in our administrative

1 rule restrictions on not re-disclosing the information in  
2 the same format that you received it.

3 So they should not be, in accordance with state  
4 law and our contracts and everything, reselling the entire  
5 database as they got it. So if you got the database and  
6 then you just turned around and sold it to somebody else,  
7 you did nothing to it, you've not made any changes, you've  
8 not done an analysis, any of that kind of stuff, then that  
9 would not be authorized.

10 MR. DORAN: Thank you. That was very helpful.

11 MR. RICHARDS: Members, David Richards again,  
12 for the record. Any other questions for Director Kuntz on  
13 the issue of DPPA information at this time?

14 MR. DORAN: Laird Doran again. To take  
15 Jeremiah up on the offer, if agency personnel would be  
16 willing to share the template with the CPAC group, I think  
17 that would be helpful.

18 MR. KUNTZ: I'm sure we can get that to the  
19 members. Yes.

20 MR. DORAN: Thank you.

21 MR. RICHARDS: Okay. We're going to move on to  
22 temporary tags. Director Kuntz.

23 MR. KUNTZ: Yes. And, Tameka, I had a question  
24 for you. I know we have the presentation that we have in  
25 the documentation. Are we just going to go over it that

1 way? I didn't know if you wanted to present it or not, or  
2 if we had that functionality. If not, I can just go over  
3 it and folks can follow along. Tameka, are you there?

4 MS. HARRIS: I'm sorry. Tameka, for the  
5 record.

6 So we did not prepare to present since this is  
7 a teleconference however, the members and public have been  
8 provided with that PowerPoint.

9 MR. KUNTZ: All right. Perfect. Okay.

10 So members, in your packet of information the  
11 presentation I'll be going over relates to temporary  
12 permits, or temporary tags, as we refer to them. It  
13 starts on page 31 of your materials.

14 So I've given this presentation a couple of  
15 times and I've actually done a couple of on-camera  
16 interviews with Director Thompson as well, and so I have a  
17 lot of information about this and hopefully this will be  
18 informative to you and provide you a little information  
19 about how all of this works.

20 So temporary tags, there's really kind of two  
21 systems that we handle: it's timed permits and dealer-  
22 issued permits. So I will start with timed permits, and  
23 so on page 33 of your document you will see temporary  
24 timed permits.

25 There are four types of timed permits, a 72-

1 hour permit, 144-hour permit, a one-trip permit, and a 30-  
2 day permit. So we call them timed permits because they  
3 have a certain amount of time that they're good for, and  
4 then they expire so they're something that's transient,  
5 they're temporary in nature.

6 There are three ways to obtain those permits:  
7 a county tax office, a regional service center of the DMV,  
8 and then we have some timed permits that are provided for  
9 on our website at TxDMV.gov.

10 Any timed permit that is provided to a customer  
11 is able to be queried through TLETS, which is the system  
12 that law enforcement uses to run a license plate or a  
13 temporary tag like this, and they are not authorized to be  
14 issued to apprehended vehicles or vehicles issued a  
15 salvage or non-repairable title.

16 Salvage and non-repairable titled vehicles are  
17 not authorized to be operated on the roadway, and  
18 apprehended vehicles are vehicles that were basically  
19 apprehended by a law enforcement officer for not having  
20 proper registration on it on them. They cannot apply for  
21 a temporary permit, as they are required to get  
22 registration.

23 And I'm sorry for the disruption. I'm  
24 telecommuting from home, and my three-year-old just walked  
25 into my office.



1 History of timed permits. October of 2010  
2 implementation of timed permits database in RTS, and that  
3 database allowed for that real-time entry of timed permit  
4 records, printing of those receipts and tags, reprinting  
5 and inquiry. So this is when those paper tags were first  
6 brought into the state of Texas.

7 A little bit of history that goes back before  
8 2010, for those of you who remember in the old days, Texas  
9 used to use cardboard tags which were kind of a heavy  
10 cardboard stock that were issued by dealerships, they were  
11 also issued by the county tax assessor-collectors, and  
12 generally they did not have a unique number on them, it  
13 could not be queried, there was no number for law  
14 enforcement to look up, and the only thing that was  
15 written on those, usually in a Sharpie marker, was the  
16 expiration date of the cardboard tag. So in 2010 we moved  
17 away from those and got into print-on-demand temporary  
18 tags which can be issued a unique number.

19 September of 2014 the web permit system was  
20 launched, and it allowed for the issuance of timed  
21 permits, all of these timed permits on our website.

22 May of 2018 we added new security features to  
23 those printed timed permits. We added a 2D hologram --  
24 and you'll see all of these -- bar code, state seal and  
25 Bezier curve.

1           And in June of 2018, the 30-day and one-trip  
2 permits were removed from our online system. That removal  
3 of that was actually at the request of law enforcement due  
4 to the fraudulent use of those permits in Texas as well as  
5 in other states. Today we are continuing to try and  
6 identify ways to prevent fraud and misuse of these tags.

7           On to page 35, so as I mentioned, we were  
8 receiving calls from out of state. We were getting calls  
9 from New York, Michigan, other states where customers were  
10 using our system to print temporary tags and try and  
11 operate their vehicles in those jurisdictions without  
12 having to get their local registration.

13           We also were made aware that customers were  
14 reproducing permits by printing them and the system, we  
15 found out, had not been locked down on the PDF and was  
16 allowing for the modification of that PDF image, which is  
17 why those permits were taken offline.

18           Current solutions that we have that are  
19 ongoing, and this is on page 36. We limit the number of  
20 30-day permits to three for a VIN number, and that's set  
21 in our RTS system as well as the online system. Limited  
22 the issuance of 30-day permits to only Texas titled or  
23 registered vehicles, so we put in a restriction that if we  
24 did not have a record of that vehicle in the state of  
25 Texas, those vehicles could not issue a temporary permit.

1 That was to help out with the out-of-states.

2 We added the security features to assist in  
3 identifying reproduced or fraudulent permits -- and you'll  
4 see those in a second -- in April of 2018. We locked the  
5 PDF June of 2018, removed 30-day and one-trip. We left  
6 72-hour and 144-hour up -- and I'll talk a little bit  
7 about that in a second -- and then temporarily stopped the  
8 issuance of 30-day and one-trip permits until further  
9 programming can be made.

10 So those are still not available on our  
11 website. You can still obtain them in a county office or  
12 a regional service center office, but you cannot access  
13 those online.

14 And page 37, these are some additional things  
15 that have been done. December of 2018 we actually started  
16 capturing IP addresses of those permits, so when somebody  
17 logs in from their computer, we are capturing the IP  
18 address of where that permit was issued.

19 The origination or destination of a one-trip is  
20 required in our systems, so when you go in to apply for a  
21 one-trip permit, the origination or destination, one of  
22 those points must be a place in the state of Texas.

23 And upon entry of a VIN in web permits, a  
24 confirmation pop-up now appears prompting verification of  
25 the vehicle year, make and body style, so we are doing

1 some VIN decoding to give them prompts to make sure that  
2 we've got the right vehicle.

3 Query of permits by VIN is now available. It  
4 used to only be able to be queried by license plate number  
5 or the permit number; you can now query by VIN. And we  
6 are also capturing the vehicle color on the temporary  
7 permit, and that was added in 2019.

8 And the effective date of the permit is limited  
9 to one year from the date of issuance, so you can pre-  
10 purchase a permit if you know that you're going to pick up  
11 a vehicle in a month or something, you could pre-purchase  
12 that permit, but it cannot be for more than one year into  
13 the future.

14 We have some future solutions that we are  
15 looking at that are on our list of enhancements to the  
16 system. One is potentially adding a DL validation for  
17 issuance of a 30-day or a one-trip permit.

18 In order to bring that system back online, we  
19 would need to have a DL validation. That way we would  
20 require you to put in your driver's license to  
21 definitively know who is applying for those permits.

22 Limiting the number of one-trip permits a  
23 single vehicle can obtain, so it would be a single, you  
24 can't get more than one. Allowing for reprinting of  
25 30-day and one-trip permits once limitations are made, so

1 there's some reprint functionality that we're looking at.

2 Preventing the issuance of 72-hour and 144-hour  
3 permits for motorcycles. We had some individuals that  
4 were trying to obtain these types of permits for  
5 motorcycles. That's important and I'll talk a little bit  
6 about this.

7 72-hour and 144-hour permits are only for  
8 commercial vehicles, so those are for like your heavy  
9 trucks, your 18-wheeler type vehicles, those kind of  
10 vehicles, and they are really meant for carriers that are  
11 not from the state.

12 The primary purpose of them is a carrier  
13 potentially in Louisiana that does not want to get  
14 international registration, they're going to drop one load  
15 across the border in Texas, they only want to operate in  
16 Texas for 72 hours, they don't want to pay full  
17 registration, that permit is available to them, but it's  
18 only available to motor carriers, and so it's not  
19 available to consumers, to regular passenger vehicles,  
20 consumers that are using it day to day.

21 Correct the 30-day permit expiration date for  
22 permits printed in Mountain Time. We had an issue with  
23 Mountain Time calculating the date depending on what hour  
24 of the day they printed those if you printed it at  
25 midnight Central Standard Time, effectively.

1           And then defaulting effective date or start  
2           date for a 30-day permit through the date of purchase and  
3           preventing the ability to modify the effective date. So  
4           that would limit you only to 30 days going forward from  
5           the date you purchase it, not allowing you to purchase  
6           those for a future date and time.

7           Other enhancements: Further enhancing the  
8           security features by adding a Bezier curve and larger  
9           state seal, so we've got some new designs for the  
10          backgrounds. Those are watermarks on the tags.

11          For web permits, if there's no record found for  
12          the VIN, the information should not retrieve, so if they  
13          can't do a VIN validation, then it would not allow it.  
14          And then what we call a reCAPTCHA, which is something to  
15          prevent a bot from trying to access our web application  
16          and print off lots of permits at one time.

17          All right. So I'm on page 40 now. The first  
18          one I will show you is the 72-hour permit and the key  
19          features. That one in the top left is the original one.  
20          You can see it's just got a plain white background. As of  
21          May 21 of 2018 you can see we added a state seal, there is  
22          now a bar code that law enforcement can scan to verify  
23          that the information in the bar code is the same as what's  
24          in the record.

25          You can see the unique number that is printed

1 across the permit tag that has lines that go through it.  
2 At the top right-hand corner you've got what we refer to  
3 as the Bezier curve. These are the security features to  
4 help out with preventing somebody from altering or  
5 manufacturing their own temporary permits.

6 I will tell you, and it's what I've said many,  
7 many times on camera as well as to law enforcement, the  
8 primary security feature on this tag is not any of those  
9 background features, it is the unique number itself.

10 The fact that law enforcement can actually run  
11 that number and pull up a record in our system gives them  
12 vast amounts of information so if somebody has altered  
13 that expiration date and they run the number and it comes  
14 back as a different expiration date, obviously that is a  
15 critical piece of information for law enforcement for  
16 detecting fraudulent use of these tags.

17 When you go down to 72-hour permits, you can  
18 see the security features -- this is on page 41 -- the  
19 security features are exactly the same on those as well.  
20 One-trips are, again, the same, and I'm going to move  
21 through these quickly since the security features are all  
22 the same. And then 30-day permits as well on page 43.

23 Before I move on to dealer tags, does anybody  
24 have any question about timed permits?

25 MS. COLVIN: Melissa Colvin. May I have

1 permission to speak?

2 MR. RICHARDS: Member Colvin, you have the  
3 floor.

4 MS. COLVIN: I do have a question on the timed  
5 permits. What about if they're bought through Comdata, is  
6 it still going to show the issuance of the state?

7 MR. KUNTZ: I'm not familiar with buying those  
8 through Comdata.

9 MS. COLVIN: Okay.

10 MR. KUNTZ: We do not authorize anybody else to  
11 resell permits. The only places that you can obtain  
12 permits are the county office, our regional service  
13 center, or our online system. We have not authorized any  
14 vendors to produce and sell temporary tags.

15 MS. COLVIN: For CMV units?

16 MR. KUNTZ: CMV units?

17 MS. COLVIN: For the commercial motor vehicles.

18 MR. KUNTZ: Yeah. 72-hour and 144-hour  
19 permits, no, those are not authorized to be resold by  
20 anybody.

21 MS. COLVIN: That's how trucking companies are  
22 getting the permits, they're getting it through Comdata,  
23 and I have numerous experiences with owner-operators or  
24 drivers that are buying permits through Comdata, 24-hour,  
25 72-hour permits. That way they're not having to buy the



1 registration.

2 MR. KUNTZ: I know that there used to be those  
3 vendors that were authorized to do that. Our Motor  
4 Carrier Division used to sell them blocks of permits. I'm  
5 not aware that that practice is continuing anymore, so I'm  
6 not sure how they are obtaining authority to sell these  
7 permits, unless they're going into a county office or  
8 going online for the customer, but they're doing the same  
9 thing the customer could do themselves. I mean, our  
10 online system provides customers the ability to do 72-hour  
11 and 144-hour permits.

12 MS. COLVIN: Okay. I do have one more  
13 question.

14 MR. KUNTZ: Okay.

15 MS. COLVIN: On the time cap you said that they  
16 were able to buy three 30-day permits?

17 MR. KUNTZ: Correct.

18 MS. COLVIN: What about the 24-, and the 72-  
19 hour permits, is there a cap on those?

20 MR. KUNTZ: I do not believe that there is a  
21 cap on those. I would have to verify that, but I do not  
22 believe that there is a cap on them.

23 MS. COLVIN: Is there a way to verify that and  
24 get back with me?

25 MR. KUNTZ: We can provide the committee with

1 information on that.

2 MS. COLVIN: Thank you.

3 MR. KUNTZ: Are there any other questions on  
4 timed permits?

5 (No response.)

6 MR. KUNTZ: Okay. With that we will move on to  
7 what we refer to as the dealer eTAGs. So as I just  
8 mentioned before, the method to obtain timed permits is a  
9 county tax office, regional service center or our online  
10 system.

11 Dealer eTAGs actually have their own stand-  
12 alone system for the issuance of eTAGs, and so it used to  
13 be a stand-alone eTAG system, it is now in what the  
14 department refers to as webDEALER. And so as you move on  
15 to page 45, webDEALER is an application that is available  
16 to all licensed dealers in the state of Texas and it has  
17 what is known as eTAGs.

18 The eTAG system has now been integrated into  
19 the webDEALER application. So any dealership that has a  
20 license with the department is authorized to access the  
21 eTAG system, and that's by state law we provide access to  
22 those dealers.

23 eTAGs, just like timed permits, can be queried  
24 by law enforcement. They do have a unique number that can  
25 be queried through NLETS and TLETS, and the different tag

1 types. There is a dealer or converter vehicle specific  
2 tag, a dealer agent specific tag, a buyer's tag, and an  
3 internet down tag. Probably the most frequently used tags  
4 that you will see out on the roadway are the buyer's tag  
5 or internet down tag, and those are temporary tags that  
6 are issued to a purchaser of a motor vehicle at a  
7 dealership.

8 So the history of dealer tags. So you see  
9 issuance of temporary tags on cardboard stock, that's what  
10 I referred to before as well. Dealers used to use third  
11 parties for their cardboard stock, they would actually  
12 print their P number or their license number on the  
13 temporary tag, and then they would fill in with a black  
14 Sharpie marker the expiration date of the tag, and they  
15 would issue those to the purchasers of their vehicles.

16 In October of 2008, the eTAG system, the web-  
17 based system was launched, and eliminated the cardboard  
18 stock and allowed for on-demand printing of tags on  
19 regular just 8-1/2 x 11 paper. Dealers print these  
20 themselves on 8-1/2 x 11 paper in their dealership and  
21 they don't have to go anywhere to obtain these tags.

22 And this is what I referred to before, April of  
23 2018 the legacy eTAG system moved into webDEALER and the  
24 new security features were added, the same security  
25 features you saw on the previous tags. And today,

1 obviously, we continue to identify ways to prevent fraud  
2 of these tags as well.

3 So very similarly, future solutions that we're  
4 looking at for these tags would be IP address reporting,  
5 and I believe that feature has already been turned on at  
6 this point so that is now an active feature for the dealer  
7 eTAG system. Further enhancing the security features by  
8 adding the larger state seal and wider curves. The dealer  
9 information to show in MVINET on all dealer eTAGs issued.

10 There are certain data elements that were not present on  
11 certain types of tags that law enforcement has requested.

12 That way they could go back and identify the dealership,  
13 not just the owner of the vehicle.

14 And then entry and validation of Texas driver's  
15 license or identification card number prior to issuance of  
16 eTAG. This is something that I believe we would  
17 definitely want to get some input from the advisory  
18 committee on.

19 This is something that law enforcement is very  
20 interested in and that is actually capturing driver's  
21 license information for the owner of the vehicle in that  
22 eTAG system so that law enforcement can identify that on  
23 the tag itself. They are concerned at this point of the  
24 fraudulent issuance of dealer tags by licensed dealers.

25 So I will go over these tags as I move on to

1 page 48. I'll cover converter vehicle specific tags. A  
2 converter is somebody who actually makes modifications to  
3 a vehicle prior to first sale. This is not body shops or  
4 anything like that that are doing work on vehicles after  
5 the vehicle has been sold, so when a vehicle is new and  
6 they're going to make modifications to that vehicle, maybe  
7 they're going to add handicap accessible ramps or those  
8 kind of things to the vehicle, that's a converter.

9           Converters have the ability to have these tags  
10 to display on the vehicles that they're moving around.  
11 And so you can see a sample here, Seagrave Fire Apparatus,  
12 so this would potentially be a converter that's doing fire  
13 vehicles, fire trucks and that kind of thing.

14           The next slide is 49 and these are dealer  
15 vehicle specific tags. These tags can be used by the  
16 dealership when the vehicle is not purchased by anybody  
17 but they are needing to move the vehicle around.

18           It has the specific vehicle's information on  
19 these tags, so it actually has the VIN number entered into  
20 the database for the specific car that it's going to be  
21 affixed to. This tag can only be affixed to that one  
22 vehicle; it cannot be taken off that vehicle and put on  
23 another vehicle.

24           But this would allow the dealership to operate  
25 those vehicles prior to them being sold. Examples of this

1 could be they're wanting to move a vehicle from one  
2 dealership to another and they need to transport it, they  
3 could use these tags to transport those vehicles from  
4 dealership to dealership.

5 A dealer agent specific tag, and the key  
6 difference here between this tag and the one right above  
7 it is the thing that is specific is these tags are issued  
8 to an individual, they are not vehicle specific.

9 So these tags do not have a VIN number on them,  
10 they can be moved around from vehicle to vehicle, but only  
11 are issued to a specific agent of the dealership. So the  
12 example that I hear all the time is a dealership has  
13 somebody that they send to auction to go purchase vehicles  
14 for them, that's their authorized agent, they would have  
15 tags provided to their authorized agent to affix to those  
16 vehicles that they purchase at auction in order to  
17 transport them back to the dealership's location.

18 Law enforcement can query these numbers on  
19 here. The thing that law enforcement does not like  
20 particularly about these tags is that they are not  
21 associated to a specific vehicle, and so they can be moved  
22 around from vehicle to vehicle.

23 Here is probably the most prevalent tag that is  
24 out on the roadway that's issued through the eTAG system,  
25 and that is a Texas buyer's tag. As I mentioned before,

1 this is the paper tag that's issued when you purchase a  
2 vehicle from a new or used vehicle dealer, and it's  
3 affixed to the vehicle and serves as proof of purchase by  
4 that buyer until the license plates, title and all of that  
5 can be processed in the county tax assessor-collector's  
6 office. So this allows a purchaser of a vehicle to drive  
7 off of the lot of the dealership and operate that vehicle  
8 until such time as the title paperwork is properly applied  
9 for and approved.

10 Internet down tags, this is essentially the  
11 same thing as a buyer's tag, but it is used for when the  
12 internet potentially is down. Dealerships are authorized  
13 to print these out in advance of potential outages for the  
14 network. They have these -- that way if they sell a  
15 vehicle they can affix this to the vehicle, and then once  
16 the internet or their system comes back up, they're  
17 required to enter that information into the system to make  
18 sure that law enforcement would be provided that  
19 information on that customer that's operating the vehicle.

20 So as you can see, it has spaces for them to  
21 enter an expiration date, year, make and VIN on the actual  
22 tag itself, and allows law enforcement to see that  
23 information and then verify it through the system.

24 With that, I have now gone through all of the  
25 temporary tags that the department has available, and I am

1 more than happy to entertain any questions.

2 MS. JOHNSON: Cheryl Johnson, requesting  
3 permission to speak and be recognized.

4 MR. RICHARDS: This is David Richards, for the  
5 record.

6 Member Johnson, you have the floor.

7 MS. JOHNSON: Mr. Kuntz, I'm curious, so DMV  
8 wants input on obtaining Texas driver's licenses on these  
9 specific tags, but it seems as though some of these would  
10 be more significant to have a tag tied to them than  
11 others.

12 For example, a dealer agent specific tag  
13 absolutely should have a TDL, in my personal opinion. So  
14 are you looking for recommendations for each one of these,  
15 or did you have something specific in mind?

16 MR. KUNTZ: So we've been looking at agent  
17 tags. We actually have another solution that we are  
18 potentially looking at to try and create a different  
19 method by which to issue agent tags.

20 I know law enforcement -- just to kind of get  
21 y'all up to speed, we have been meeting with law  
22 enforcement on this specific issue of misuse of the dealer  
23 tag system by licensed auto dealers, and these are  
24 potentially auto dealers that are potentially selling a  
25 tag to somebody who did not purchase a vehicle from them



1 and basically getting them a tag for a vehicle that should  
2 not be operated on the roadway that doesn't have  
3 registration for any number of reasons why.

4 And so what they are really looking for is to  
5 be able to tie back to who was actually issued that tag so  
6 that they can pull that information when they potentially  
7 have somebody that's got one of these tags that should  
8 not.

9 MS. JOHNSON: May I ask permission to ask a  
10 second question, please?

11 MR. RICHARDS: Yes, you have the floor, Member  
12 Johnson.

13 MS. JOHNSON: So my only concerns are with  
14 buyer's tags, so I think that that makes sense what you're  
15 looking for, but with the buyer's tag, if they're trying  
16 to tie these to a specific driver's license, could there  
17 not be multiple drivers to tie a buyer's tag to?

18 MR. KUNTZ: That is possible, yes. This is  
19 obviously something that, yes, we believe this merits  
20 definitely some discussion with folks in the industry,  
21 obviously this group, as well, representing consumers, law  
22 enforcement obviously has their opinion as well.

23 And so I think it's something that we are  
24 definitely wanting to look at the potential benefits as  
25 well as any potential drawbacks to requiring that as a

1 requirement to issue a buyer's tag. So the things that  
2 you're raising, those are definitely kind of the pros and  
3 cons that we would be wanting to weigh, or have this  
4 committee weigh in making recommendations on how to move  
5 forward with that.

6 MS. JOHNSON: Then my question would be back to  
7 the chair is how would you want to receive input from the  
8 committee on an issue like this.

9 MR. RICHARDS: This is David Richards, for the  
10 record.

11 MS. JOHNSON: Cheryl Johnson. I'm sorry. Go  
12 ahead.

13 MR. RICHARDS: David Richards, for the record.  
14 Member Johnson and members, we can take  
15 suggestions, written suggestions by email. If you want to  
16 submit it to me or to Tameka Harris as the host, we can  
17 take it that way. But written comments would be the  
18 preferred form of submission, as far as I'm concerned.

19 MR. KUNTZ: And I do want to add, I wouldn't  
20 want to limit the committee's deliberation on this.  
21 Obviously we have presented some of the functionality that  
22 we're looking at from a technology standpoint, but to the  
23 extent that the committee has any further recommendations  
24 on how to protect consumers, you know, figure out ways to  
25 prevent fraudulent use of these tags, we would definitely

1 want to get recommendations from the committee on any  
2 enhancements or changes that you believe would be  
3 warranted.

4 MR. RICHARDS: David Richards, for the record  
5 again.

6 Let me clarify my statement. What I was  
7 talking about is in the interim before our next meeting if  
8 you want to submit anything in writing that's fine, but  
9 for sure you can suggest to your presiding officers agenda  
10 items that you'd like to talk about.

11 Clearly we have four subject matter areas that  
12 we're going to be dealing with, but definitely we will  
13 discuss them and want you to discuss them and bring your  
14 expertise to the table at our meetings, so there are  
15 different forums that you can use.

16 You're welcome to contact us individually if  
17 you have legal questions or questions for the presenters  
18 today, but we will definitely allow you and want you to  
19 talk about them at our next meetings. They will  
20 ultimately form your recommendations to Executive Director  
21 Brewster and the board.

22 MR. JOHNSON: Will Johnson, requesting  
23 permission to speak.

24 MR. RICHARDS: David Richards, for the record.  
25 Mr. Johnson, you may speak, you have the floor.

1 MR. JOHNSON: Thank you. Excellent  
2 presentation on the buyer's tags, and certainly it's a  
3 heavily utilized resource for both the consumers and the  
4 dealers, and with any resource that is useful, it's also  
5 subject to fraud and exploitation.

6 I certainly would echo the comments that were  
7 made on increasing the data points to establish the  
8 validity of buyer's tags. Driver's license number  
9 certainly is a useful data point that has already been  
10 mentioned, and just because a driver's license is included  
11 as a data point does not exclude other drivers from the  
12 ability to drive a vehicle with a buyer's tag, so I just  
13 wanted to make that point.

14 But secondarily, I would ask, from a consumer  
15 protection aspect, what we could do to inform the buyer of  
16 the protections that they have in the rules for these  
17 buyer's tags. because another fraudulent activity is when  
18 dealers issue the tag they don't seek the permanent tag in  
19 a timely manner and at the conclusion of 30 days either  
20 reissue another tag to the buyer and the buyer doesn't  
21 have the ability to defend themselves against why the  
22 dealer hasn't gotten legitimate tags.

23 And so I think the Department of Motor Vehicles  
24 should require dealers to give an information sheet or a  
25 fact sheet to the consumers that lets them know what their

1 rights are in this process and what the requirements of  
2 the dealers are to get them their legitimate tags, and  
3 maybe a complaint line or a hotline that the consumer  
4 could follow up on if they are confronted with a dealer  
5 that's not behaving ethically. So that would be my  
6 recommendation for additional consumer protection.

7 MR. RICHARDS: Thank you, Member Will Johnson.

8 MS. THOMPSON: This is Corrie Thompson,  
9 director of Enforcement, requesting permission to speak.

10 MR. RICHARDS: David Richards, for the record.

11 Corrie, sure, you have the floor.

12 MS. THOMPSON: I just wanted to speak on that  
13 for a moment. So you're speaking to something that is  
14 temp tag adjacent, so in our enforcement system what  
15 you're speaking to would be the most common violation that  
16 we see consumers file complaints on, that's failure to  
17 timely transfer title.

18 Consumers do have the option and do often file  
19 complaints with the department when a dealer has failed to  
20 timely transfer their title and continues to either issue  
21 buyer's tags or have to go to the tax office to obtain 30-  
22 day permits for those consumers, so we do regularly  
23 receive those complaints from consumer populations.

24 MR. RICHARDS: Thank you, Corrie.

25 Any other questions or comments from the

1 members?

2 MS. RASH: This is Member Rash.

3 I just wanted to say that with the Tow and Go/  
4 SafeClear program in Houston, the paper tags have been  
5 very detrimental when we started and we've learned how to  
6 work around so many of them.

7 I would like to go back to the Harris County  
8 deputies as doing authorizations and the police department  
9 of the City of Houston and see just where the shortcomings  
10 are, particularly for the public that we're trying to give  
11 a free tow to.

12 And again, I had talked to Clint Thompson about  
13 it because it had gotten so bad that we were basically  
14 even struggling to do a free tow program for the public.

15 MR. RICHARDS: Thank you, Member Rash.

16 Any other comments by members on this issue?

17 MR. GONZALEZ: Permission to speak. This is  
18 Ruben Gonzalez in El Paso.

19 MR. RICHARDS: David Richards, for the record.  
20 Member Gonzalez, you have the floor.

21 MR. GONZALEZ: Thank you. Yes, sir. Here in  
22 El Paso I have an enforcement team, and one of the biggest  
23 concerns that they have is the authorized agent tag. That  
24 seems to be a big problem among the dealers.

25 Dealers print one tag and they keep on making

1 copies and put it on vehicles and they keep on driving  
2 these vehicles. And of course, there's a lot of loss of  
3 revenue and basically it's a fraud issue, but we're very  
4 concerned about that.

5 And also, there seems to be a lack of training  
6 and education regarding these same permits that are  
7 available to the dealer community and the public, so we're  
8 very concerned about that.

9 We've made a list of concerns, and I'd like to  
10 be able to present them to the membership, to the  
11 committee for further discussion on our next meeting, if  
12 that's possible.

13 Thank you.

14 MR. RICHARDS: David Richards, for the record.

15 Absolutely, Member Gonzalez. Sounds like a  
16 great idea.

17 Any other questions or comments on this agenda  
18 item?

19 MR. SNELL: Jim Snell with a comment.

20 MR. RICHARDS: Member Snell, you have the  
21 floor.

22 MR. SNELL: One possible solution that dealers  
23 had available to them in the past was to become deputized  
24 where we could provide the hard tags at the time of sale  
25 to a customer, which solved a lot of problems, and so that

1 would be helpful from a dealer's standpoint.

2 The other issue that we have as dealers is we  
3 issue a buyer's tag, we apply for the plates in a timely  
4 manner, we get the plates in, and then it is next to  
5 impossible to get a lot of customers to come in and  
6 actually pick up their plates, so that's an issue also,  
7 it's not always the dealer that is holding up getting the  
8 permanent plates on the car.

9 MR. RICHARDS: David Richards, for the record.

10 Thank you, Member Snell.

11 MR. KUNTZ: This is Jeremiah real quick. So to  
12 address the first item that you brought up of becoming a  
13 deputy, there is actually administrative code with the  
14 department that allows a county tax assessor-collector to  
15 deputize a dealer to issue license plates and stickers  
16 that we refer to them as dealer deputies.

17 That is allowed for in administrative rule.  
18 You have to go through your county tax assessor-collector  
19 to get authorized as a deputy, but it is an option that's  
20 currently available.

21 MR. SNELL: This is Member Snell again.

22 The issue is that not all county tax assessors  
23 want you to be a deputy, and so it's not as easy as it  
24 would sound.

25 MR. KUNTZ: Agreed. It's at the discretion of



1 the county tax assessor-collector.

2 MR. RICHARDS: Members, David Richards, for the  
3 record.

4 Any other comments or questions for Mr. Kuntz?

5 (No response.)

6 MR. RICHARDS: David Richards again, for the  
7 record.

8 Members, we're going to move on to our next  
9 agenda item, number 3, public comment. I have been  
10 apprised by Paralegal Krystal Beckley, of the Office of  
11 General Counsel, that there are no public comments that  
12 have been made online at this meeting.

13 And before I entertain a motion to adjourn, I  
14 want to first thank you, members, for volunteering to  
15 serve on the CPAC committee and let you know, and I tink I  
16 speak for Director Brewster and the agency, as well as the  
17 board, that we truly value your service, we look forward  
18 to working with you overt he coming months, and thank you  
19 very much again for all that you're going to be doing for  
20 the State of Texas.

21 I also want to thank our presenters today,  
22 Jeremiah Kuntz, Corrie Thompson and Brian Ge for  
23 presenting. Great presentations, great information. I  
24 think you as members will see that there's a wealth of  
25 information and talent here at the agency and these are

1 some of that talent presenting today.

2 I want to thank our Webex hostess, Tameka  
3 Harris, for what must have been at least three million  
4 emails that she sent out over the course of the last month  
5 or so, as well as Krystal Beckley.

6 I want to thank our IT support division for  
7 arranging and putting this call together. It's amazing  
8 that we had no drops, no hiccups, nothing, so kudos to our  
9 IT section.

10 Thanks to the DMV staff who were invited and  
11 were listening today.

12 Thank you for letting me serve as your  
13 presiding officer today. The next meeting Member Raney  
14 will take over as presiding officer.

15 And without further ado, I would say please  
16 stay safe and we look forward to seeing everybody in  
17 person, hopefully at our next meeting. If not, we'll do  
18 this again.

19 With that, I will entertain a motion from any  
20 of the members to adjourn the meeting.

21 MR. RANEY: I'll make a motion to adjourn.

22 Member Raney.

23 MR. RICHARDS: And you are who, Mr. Raney?

24 MR. RANEY: Member Raney.

25 MR. RICHARDS: Okay. Do we have a second? Do

1 we have a second to adjourn the meeting?

2 MR. JOHNSON: Will Johnson. Second.

3 MR. RICHARDS: Okay. Great. A motion has been  
4 made by Presiding Officer Raney and a second by Member  
5 Will Johnson. Anybody have any discussion?

6 MR. RANEY: Member Raney would like the floor  
7 for just a second.

8 MR. RICHARDS: Pardon me?

9 MR. RANEY: Member Raney would like the floor  
10 just for a second.

11 MR. RICHARDS: Sure.

12 MR. RANEY: I've been quiet during most of  
13 this, I've been soaking it in, I do have quite a bit of  
14 comments, but I'm an email junkie. Is everybody's  
15 information going to be given out to everybody so we can  
16 communicate with each other during this, or does it have  
17 to all go specifically through Texas DMV?

18 MR. RICHARDS: We'd like to be the repository,  
19 Member Raney, of the information. Some of the  
20 information I gave in my opening remarks about talking to  
21 members outside of an open meeting apply.

22 We want to make sure we're cognizant of the  
23 Open Meetings Act and that we don't engage in any  
24 violations or even come close or constitute a walking  
25 quorum of the committee.

1           After this meeting we can send each of the  
2 members guidelines to follow, and we welcome a give-and-  
3 take dialogue with each of you, so we'll be sending  
4 something out to you. Does that help?

5           MR. RANEY: Yes. I'm sorry, I was muted out.

6           And I understand the Open Meetings Act more  
7 than probably most people do, and what is the minimum for  
8 this? So I believe our open meeting would limited to five  
9 at one time, if I'm not mistaken. Correct? So anything  
10 less than that can communicate and wouldn't be considered  
11 an open meeting? Hello?

12           (Pause.)

13           MR. RICHARDS: I'm sorry, I was muted. This  
14 meeting has been adjourned.

15           (Whereupon, at 3:50 p.m., the meeting was  
16 adjourned.)

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C E R T I F I C A T E

MEETING OF: TxDMV Consumer Protection Advisory  
Committee

LOCATION: Austin, Texas

DATE: April 23, 2020

I do hereby certify that the foregoing pages,  
numbers 1 through 93, inclusive, are the true, accurate,  
and complete transcript prepared from the verbal recording  
made by electronic recording by Elizabeth Stoddard before  
the Texas Department of Motor Vehicles.

DATE: April 28, 2020

/s/ Nancy H. King  
(Transcriber)

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Transcription, Inc.  
7703 N. Lamar Blvd., Ste 515  
Austin, Texas 78752