

TEXAS DEPARTMENT OF MOTOR VEHICLES
MOTOR VEHICLE INDUSTRY REGULATION ADVISORY COMMITTEE
(MVIRAC)
MEETING

OPEN MEETING VIA CONFERENCE CALL

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

Thursday,
August 24, 2023
1:07 p.m.

COMMITTEE MEMBERS:

David Blassingame
Michael Bradburn, Sr.
Christopher Donnelly
Laird Doran
Thomas Durant
Paul Elam
Lloyd "Buddy" Ferguson
Julio Gonzalez (absent)
Tony Hall
Russell Hayter
Charles Hicks (absent)
William Murphy
Stephen Prather, Sr.
Michael Provost (absent)
Franklin Sims (absent)
Trey Sralla
Scott Stark
Mike Sullivan
Kalien Thomas
Jimmy Vitela (absent)

ON THE RECORD REPORTING
(512) 450-0342

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P R O C E E D I N G

1
2 MR. RICHARDS: Good afternoon. My name is
3 David Richards, and I'm pleased to open the first meeting
4 of the Motor Vehicle Industry Regulation Advisory
5 Committee. I'm associate general counsel at the Texas
6 Department of Motor Vehicles. For ease of reference, I
7 will refer to the advisory committee as the MVIRAC, which
8 is the acronym for the committee.

9 Now 1:07 p.m., and I'm calling the MVIRAC
10 meeting for August 24, 2023, 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 August 16, 2023.

14 This meeting is being held by conference call
15 in accordance with Texas Government Code Section 551.125.

16 Members of the public may physically attend this meeting
17 in person at 4000 Jackson Avenue, Building 1, Lone Star
18 Conference Room, Austin, Texas 78731, or attend this
19 meeting by clicking the attendee link or calling the
20 telephone number which is posted on our agenda which was
21 filed with the Secretary of State on August 16, 2023.

22 We have at the present time four members of the
23 MVIRAC membership here, with the vast majority of the
24 advisory committee members participating remotely.

25 At this time, will all attendees please mute

1 yourselves for the entire duration of the meeting. I'm
2 asking our meeting host to make sure all participants are
3 muted except for the advisory committee members and those
4 who are presenting. Callers will be removed for any
5 disruption, including background noise.

6 I'd like to remind participants that this is a
7 conference call meeting. Because this meeting is being
8 held strictly by conference call, there are a few things
9 that will assist in making the meeting run smoother and
10 assist the court reporter in getting an accurate record:
11 number one, please identify yourself before speaking.
12 Speak clearly.

13 Remember that there may be a slight delay due
14 to the conference call format, so please wait a little
15 longer than usual before responding to participants.
16 Also, do not speak over others, and please ask the
17 presiding officer to proceed and be sure you get
18 recognized before speaking.

19 I would like to thank the court reporter who is
20 transcribing this meeting.

21 To make sure that we have an accurate recording
22 of this meeting, it's very important that advisory
23 committee members and anyone presenting today identify
24 themselves before speaking, and speak clearly and slowly.

25 If you wish to address the advisory committee

1 or speak on an agenda item at today's meeting, please
2 complete a speaker's sheet at the registration table.
3 Please identify in your email the specific item you're
4 interested in commenting on, your name, address, and
5 whether you're representing anyone or speaking for
6 yourself.

7 If your comment does not pertain to a specific
8 agenda item, we will take your comment in the general
9 public comment portion of the meeting. When addressing
10 the advisory committee, please state your name and
11 affiliation for the record.

12 Before we begin today, I'd like to remind all
13 presenters and those in attendance of the rules of conduct
14 at open meetings. In the department's rules under Title
15 43, Texas Administrative Code, Section 206.22, the
16 presiding officer is given authority to supervise the
17 conduct of the meetings. This includes the authority to
18 determine when a speaker is being disruptive of the
19 meeting or is otherwise violating the timing or
20 presentation rules I just discussed. Disruptive speakers
21 will be muted, given a warning about disruptive behavior,
22 then removed from the meeting for any continued
23 disruption.

24 Advisory committee members, if you become
25 disconnected from the call, please rejoin as soon as

1 possible. If you encounter technical difficulties, please
2 reach out to our technical support team members at
3 jeff.templeton@TxDMV.gov or zach.warden@TxDMV.gov, that's
4 Z-A-C-H, dot Warden, W-A-R-D-E-N @TxDMV.gov.

5 I'm going to move on to agenda item number 1,
6 Roll call and establishment of a quorum. And now I'd like
7 to have the roll call of the members. Please respond
8 verbally when I call your name; please indicate if you are
9 present.

10 Member Blassingame?

11 MR. BLASSINGAME: Present.

12 MR. RICHARDS: Member Bradburn?

13 MR. BRADBURN: Present.

14 MR. RICHARDS: Member Donnelly?

15 MR. DONNELLY: [Inaudible; present in room].

16 MR. RICHARDS: Member Doran?

17 MR. DORAN: Present.

18 MR. RICHARDS: Member Durant?

19 MR. DURANT: Here.

20 MR. RICHARDS: Member Elam?

21 MR. ELAM: Present.

22 MR. RICHARDS: Member Ferguson?

23 MR. FERGUSON: Present.

24 MR. RICHARDS: Member Gonzalez?

25 (No response.)

1 MR. RICHARDS: Member Hall?
2 MR. HALL: Present.
3 MR. RICHARDS: Member Hayter?
4 MR. HAYTER: Present.
5 MR. RICHARDS: Member Hicks? Member Hicks?
6 (No response.)
7 MR. RICHARDS: Member Murphy?
8 MR. MURPHY: Here.
9 MR. RICHARDS: Member Prather? Member Prather?
10 (No response.)
11 MR. RICHARDS: Member Provost? Member Provost?
12 (No response.)
13 MR. RICHARDS: Member Sims? Member Sims?
14 (No response.)
15 MR. RICHARDS: Member Sralla?
16 MR. SRALLA: Present.
17 MR. RICHARDS: Member Stark?
18 MR. STARK: Present.
19 MR. RICHARDS: Member Sullivan?
20 MR. SULLIVAN: Present.
21 MR. RICHARDS: And Member Thomas?
22 MS. THOMAS: Present.
23 MR. RICHARDS: Member Vitela? Member Vitela?
24 (No response.)
25 MR. RICHARDS: Members, we have established a

1 quorum.

2 I will now move on to the next agenda item,
3 agenda item 1.B., Welcoming remarks and introduction of
4 advisory committee members. We will now move on to this
5 agenda item and I'll turn the meeting over to Executive
6 Director Daniel Avitia.

7 MR. AVITIA: Thank you, Mr. Richards.

8 Good afternoon, everyone. I will do my best
9 not to be disruptive, I promise.

10 Good afternoon, everyone. For the record, my
11 name is Daniel Avitia, and I have the pleasure of serving
12 as the executive director for the Texas Department of
13 Motor Vehicles.

14 Thank you for taking the time today to be a
15 part of this introductory meeting of the Motor Vehicle
16 Industry Regulation Advisory Committee -- try saying that
17 real fast ten times. Before we continue with the
18 introductions on the agenda, I wanted to provide you with
19 some background on the information of this committee.

20 The TxDMV Board several years ago adopted rules
21 surrounding the establishment of the advisory committees,
22 such as this one, to ensure inclusivity and transparency.

23 This is the second advisory committee to be established
24 so far.

25 In 2019, the Vehicle Title Registration

1 Advisory Committee was created and held a few meetings.
2 The input of that committee's membership has proven very
3 important in helping the department move forward with some
4 of our more significant initiatives and projects. I am
5 certain this committee will provide the same benefit and
6 more.

7 This committee has some significant topics to
8 cover, including the agency's administrative rule reviews
9 involving Chapters 206, Management; Chapter 215, Motor
10 Vehicle Distribution; Chapter 221, Salvage Vehicle
11 Dealers; and New Chapter 224, Contested Cases.

12 We welcome, always, your input and your honesty
13 and your ideas. I cannot express enough how much I
14 appreciate all of your time and your effort as we move
15 forward through these processes. Please know that our
16 staff and I are here to help you with whatever information
17 you need and whatever we can make available to you. We
18 have access to information from other states and the
19 national associations to provide more background and
20 content as we move again through these processes.

21 I want to thank you once again for your time
22 and your effort and for being here today for many of you
23 and those watching from afar.

24 I will now turn it back over to Mr. Richards.

25 MR. RICHARDS: Thank you, Daniel.

1 We're going to move on to the next agenda item,
2 agenda item 2.A., Purpose, general information and scope
3 of the advisory committee.

4 The purpose of the Motor Vehicle Industry
5 Regulation Advisory Committee is to provide advice and
6 make recommendation to the Board of the Texas Department
7 of Motor Vehicles on topics related to motor vehicle
8 industry issues. You've been given the charge by the
9 department to provide advice and recommendations over the
10 coming months regarding rule amendments to Title 43, Texas
11 Administrative Code, Chapter 206 which covers, as Daniel
12 said, TxDMV Management; Chapter 214 covering Motor Vehicle
13 Distribution; 221, which covers Salvage Vehicle Dealers;
14 and our New Chapter 224, Adjudicative Practice and
15 Procedure. No other topics will be discussed by his
16 committee at this particular time.

17 The committee provides advice and
18 recommendations only as requested by the Texas Department
19 of Motor Vehicles or our Board.

20 We'd like to congratulate each of you for your
21 appointment to this committee by the Board, and thank you
22 again very much for volunteering your valuable time to
23 assist the department and the Board by serving on this
24 committee.

25 As appointed members of this committee, you are

1 subject to both the Open Meetings Act and the Public
2 Information Act. Just a little bit of information on
3 that. The Open Meetings Act provides that all public
4 business shall be performed in public view. That means
5 any discussion you have regarding the work that you
6 perform for this committee must be done in a properly
7 scheduled and posted open meeting.

8 During an open meeting, please refrain from
9 communicating with each other through text or email, since
10 those communications cannot be seen or heard by the
11 public. Members of this committee can also violate state
12 law by having discussions on policy issues outside these
13 advisory committee meetings with other members. That is
14 what is referred to as a walking quorum.

15 And under the Open Meetings Act it's also
16 important that you refrain from discussing advisory
17 committee matters with other members outside scheduled and
18 properly posted meetings. This includes avoiding meeting
19 with other members outside of a properly posted meeting,
20 not calling or emailing other members to discuss advisory
21 committee matters, and not using social media to discuss
22 matters that are before the advisory committee.
23 Discussion with other members, even if less than a quorum,
24 outside of a properly posted meeting can violate the Open
25 Meetings Act, which also carries with it potential

1 criminal penalties.

2 In addition, information exchanged in your role
3 as an advisory committee member can be subject to public
4 disclosure, even if that information is in your private
5 email or cell phone. This is because as advisory
6 committee members, information you have regarding matters
7 before this advisory committee may also subject you to
8 Open Records laws. Please be aware that you have an
9 obligation to preserve your communications regarding this
10 committee, and any communications you have regarding this
11 committee may be required to be disclosed in response to
12 an Open Records request from the public.

13 Finally, in order to ensure that the advisory
14 committee meetings run smoothly, the advisory committee
15 selects a presiding officer. The presiding officer is in
16 charge of making sure Robert's Rules of Order are followed
17 to keep the quorum of the meeting. The presiding officer
18 will open the meeting, much as I did today, and ensure
19 that a quorum of members are present. The presiding
20 officer makes sure that members make motions and second
21 the motion before voting, and makes sure that no member
22 has the floor longer than others wishing to speak.

23 We will be happy to provide the membership of
24 this advisory committee with any training on the mechanics
25 of Robert's Rules of Order, and anybody wanting to know,

1 we can help in that respect.

2 Some of the examples of how Robert's Rules of
3 Order are used to run meetings, I'll just lay these out.
4 No member can speak twice to the same issue until everyone
5 else wishing to speak on an issue has spoken at least
6 once. All remarks by members must be directed to the
7 presiding officer prior to speaking.

8 You obtain the floor by raising your hand or
9 asking the presiding officer for the floor or the right to
10 speak on a matter, only when that person that is speaking
11 has finished. Finally, it's important not to interrupt
12 others and share the right to speak with all members.
13 Remarks must be courteous and members must avoid referring
14 to viewpoints by alluding to other members by name or
15 suggested motive.

16 You expect your presiding office to protect
17 your right to speak, even if it turns out you're a
18 minority of one with regard to your opinion. The
19 presiding officer helps to ensure that other members hear
20 you out and allow you the same time as everyone else gets.

21 This encourages members to give your fellow members their
22 rightful time to speak. Listen to them, you may hear
23 something that affects the way you're thinking as well.

24 Lastly, we're recording this meeting so, again,
25 before you speak, please state your name so that we may

1 get a record of what each person said.

2 Are there any questions before I move on?

3 (No response.)

4 MR. RICHARDS: Hearing none, I'll move on to
5 agenda item 2.B., Nominations and selection of advisory
6 committee presiding officer.

7 Texas law requires advisory committees to
8 select a presiding officer from its membership. The
9 presiding officer will preside over the advisory committee
10 and report to the TxDMV and our Board.

11 What we're going to do now is go through the
12 membership that are on this call. Each member, we'd like
13 to provide some information about your background, state
14 whether you're interested in being presiding officer of
15 the MVIRAC.

16 I'm going to start at the top of the list. I'm
17 not sure, Member Blassingame, are you on this call?

18 MR. BLASSINGAME: Yes.

19 MR. RICHARDS: Would you like to give a little
20 background, please, sir?

21 MR. BLASSINGAME: I spent 48 years in the
22 automotive business. I own a consulting company right
23 now, Blassingame Consulting. I consult to franchised
24 dealers, independents and lease companies as to management
25 and best practices, and that's really the story, by golly.

1 MR. RICHARDS: Are you interested in serving as
2 presiding officer?

3 MR. BLASSINGAME: Yes.

4 MR. RICHARDS: Okay. Thank you.
5 Member Bradburn?

6 MR. BRADBURN: My name is Mike Bradburn. I'm
7 in law enforcement 30-plus years. I worked at DMV before.

8 I've been a part of the legislation cycle to
9 get some of the paper tag bills and inspection bills
10 passed. I am not interested.

11 MR. RICHARDS: Thank you, Member Bradburn.

12 MR. RICHARDS: Member Donnelly?

13 MR. DONNELLY: [Inaudible]

14 MR. RICHARDS: You're not interested? Okay.
15 Thank you, sir.

16 Member Doran?

17 MR. DORAN: Yes. My name is Laird Doran, vice
18 president of government relations and senior counsel for
19 the Friedkin Group, based in Houston, Texas. It's a
20 consortium of companies that includes Gulf States Toyota,
21 the private distributor for Toyota here in Texas.

22 I have been engaged, one way or another,
23 representing stakeholders in the motor vehicle industry
24 for going on about 20 years, both in private practice and
25 now as in-house lawyer. And I'm a lobbyist as well.

1 I am not interested in serving as the presiding
2 officer.

3 And before I turn it over, Mr. Richards, I did
4 want to just mention that for those of us that have dialed
5 in or are doing this via Webex, we cannot hear, for
6 example, when Mr. Donnelly was maybe answering a question
7 there, so for purposes of preserving the record or getting
8 a good record, we're not getting the audio from anybody
9 else in the room except for whoever is at the podium, like
10 yourself.

11 Thank you.

12 MR. RICHARDS: Thank you, Member Doran.

13 Let's go back to Member Donnelly.

14 MR. DONNELLY: Thanks, Laird.

15 My name is Chris Donnelly. I've been in the
16 automotive industry for about 34 years in various forms,
17 most recently the last four years having my own
18 independent auto dealership in Conroe, Texas.

19 I would serve if I needed to, but I'm not
20 interested in serving at this point.

21 MR. RICHARDS: Thank you, sir.

22 Member Durant?

23 MR. DURANT: A quick point of order. There is
24 a Member Durant and a Member Doran, and I am Thomas
25 Durant. I will try my best to enunciate the T in Durant

1 so that we don't get it confused with the Texas drawl we
2 have.

3 I'm the general counsel for Classic Chevrolet
4 and the Classic family of dealerships; that's 19
5 dealerships in Texas, Oklahoma and Florida. I'm pleased
6 to be on this committee. It is my first time, however,
7 and I'm not interested in being nominated today. Thank
8 you.

9 MR. RICHARDS: Thank you, Member Durant.

10 Member Elam?

11 MR. ELAM: Good afternoon, everyone. I'm Phil
12 Elam. I'm the executive director of the Texas
13 Recreational Vehicle Association, been here ten years,
14 been in association executive business for 40 years,
15 registered lobbyist. I grew up working in my uncle's RV
16 dealership and auto dealership in Baytown.

17 I'm not interested in serving in that capacity.
18 Thank you.

19 MR. RICHARDS: Thank you, sir.

20 Member Ferguson?

21 MR. FERGUSON: Yes. Thank you, Mr. Richards.

22 My name is Buddy Ferguson. I've been
23 representing manufacturers and distributors for
24 approximately 35 years in front of the agency, and also in
25 courts across the country.

1 Happy to be a part of the committee, but I'm
2 not interested in serving as the presiding officer. Thank
3 you.

4 MR. RICHARDS: Thank you, sir.

5 Member Gonzalez, are you on the call? Member
6 Gonzalez?

7 (No response.)

8 MR. RICHARDS: Okay. We'll move on to Member
9 Hall.

10 MR. HALL: Good afternoon. Tony Hall. I spent
11 2-1/2 years working for the Texas DMV and the last year
12 and a half I've been senior manager for government affairs
13 for Carvana. For those of y'all that are not familiar
14 with Carvana, we do online vehicle sales. We have the
15 iconic vending machines; we are in approximately 38
16 states.

17 So certainly have a full plate. I will forego
18 the opportunity.

19 MR. RICHARDS: Thank you, Member Hall.
20 Member Hayter?

21 MR. HAYTER: Russell Hayter. I'm glad to be
22 back on this committee again. I enjoyed serving last time
23 and look forward to another good year or two on this.

24 I am retired after 38 years as a licensed
25 insurance adjuster. I worked in special investigations

1 unit as an investigator, claims and auto salvage
2 supervisor and as a general claims supervisor.

3 I look forward to attending some of the
4 meetings in the future and glad to be here in a virtual
5 capacity right now. Thank you, sir.

6 MR. RICHARDS: Are you interested in serving as
7 presiding officer?

8 MR. HAYTER: Not as presiding officer.

9 MR. RICHARDS: Thank you, sir.
10 Member Hicks? Member Hicks?

11 (No response.)

12 MR. RICHARDS: I'll move on. Member Murphy?

13 MR. MURPHY: William Murphy. I've been in the
14 auto industry for 30 years. I appreciate the opportunity
15 to be on this committee, but I'm not interested in serving
16 in that capacity. Thank you.

17 MR. RICHARDS: Thank you, sir.

18 Member Prather? Member Prather?

19 MR. PRATHER: This is Steve Prather. I've been
20 in the car business all my adult life. I'm now retired.
21 I've owned car dealerships and I've been a vice president
22 for Sonic Automotive prior to my retirement.

23 And I'm not interested in serving as the
24 presiding officer, but I'm glad to be on your committee.

25 MR. RICHARDS: Thank you, sir.

1 How about Member Provost? Member Provost?

2 (No response.)

3 MR. RICHARDS: Member Sims? Member Sims?

4 (No response.)

5 MR. RICHARDS: Member Sralla?

6 MR. SRALLA: I'm Trey Sralla, back on the
7 committee. Thanks for getting me back on the committee
8 this time around.

9 I'm in the power sports business, motorcycles,
10 for 32 years. I own a motorcycle dealership, Eddie Hill's
11 Fun Cycles in Wichita Falls, Texas. I'm currently the
12 president of the Texas Motorcycle Dealers Association and
13 I spent 12 years on the Wichita Falls Independent School
14 District Board of Trustees.

15 So I've got a lot of experience in committee
16 type work, and glad to be here. I don't necessarily need
17 to be the presiding officer; I'll be happy to serve
18 wherever needed.

19 MR. RICHARDS: Thank you, sir.

20 MR. STARK: Good afternoon to everyone. Scott
21 Stark. I have served in my illustrious career in the
22 retail business, washing cars 30 years ago. Since then
23 I've been involved in multiple facets of it.

24 I'm the immediate past national dealer council
25 chairman for a major franchise. I also sat on a 501(c)(3)

1 for 12 years as the executive chairman of the board. I
2 have been involved in operation or owning 14 different
3 franchises over my lifetime, currently own four.

4 And while I'm happy to be back on the committee
5 from the previous time and I'd serve in any capacity, I do
6 not wish to pursue presiding officer.

7 MR. RICHARDS: Thank you, sir.

8 Member Sullivan?

9 MR. SULLIVAN: Yes, sir. Thank you, David.

10 Mike Sullivan. I'm director of governmental
11 affairs and corporate partnerships for Group One
12 Automotive, former Harris County tax assessor-collector
13 and voter registrar, and currently serve on the boards of
14 TADA and the Georgia Auto Dealers Association.

15 And I will second the nomination of the person
16 who volunteered to be presiding officer.

17 MR. RICHARDS: Thank you, Member Sullivan.

18 Member Thomas?

19 MS. THOMAS: Hi. My name is Kalien Thomas. My
20 family owns Frontier Truck Parts and Equipment, and we
21 specialize in 18-wheelers and garbage trucks and garbage
22 truck parts. I have been with the company for 20 years.

23 And I am not interested in serving as presiding
24 officer at this time.

25 MR. RICHARDS: Thank you.

1 Member Vitela, are you on this call? Member
2 Vitela?

3 (No response.)

4 MR. RICHARDS: All right, members. I was going
5 to call a five-minute break so everyone could consider
6 whether they want to serve as presiding officer, but since
7 we have one, I will not call a break and I will move on
8 forward here with the following.

9 MVIRAC will use Robert's Rules of Order when
10 conducting their meetings. To take any action you must
11 first raise your hand or ask the presiding officer --
12 which is me at the moment -- for the right to speak on a
13 matter. Once the presiding officer grants you the floor,
14 i.e., the right to speak, you must make a motion and
15 another person must second that motion.

16 To make a motion to name someone to be the
17 presiding officer, the motion could be: I make a motion
18 to name John Smith to be the MVIRAC presiding officer.
19 You can even make a motion and name yourself as presiding
20 officer. To second a motion, a different member should
21 say: I second, or I second the motion. A person cannot
22 second their own motion, obviously.

23 Does anyone want to make a motion for someone
24 to be MVIRAC presiding officer at this time?

25 MR. SRALLA: This is Member Sralla. I'd like

1 to make a motion. I'd like to make a motion for David
2 Blassingame to serve as the presiding officer of the
3 MVIRAC.

4 MR. RICHARDS: Thank you. A motion has been
5 made. Is there a second?

6 MR. STARK: Second.

7 MR. RICHARDS: A second has been made to the
8 initial motion to name David Blassingame as presiding
9 officer of the MVIRAC advisory committee.

10 I will call your name now to ask whether you
11 vote to name Member Blassingame as the presiding officer.
12 By stating your name and then you indicate either yes or
13 no.

14 Member Blassingame?

15 MR. BLASSINGAME: Yes.

16 MR. RICHARDS: Member Bradburn?

17 MR. BRADBURN: Member Bradburn, yes.

18 MR. RICHARDS: Member Donnelly?

19 MR. DONNELLY: Yes.

20 MR. RICHARDS: Member Doran, without a T.

21 MR. DORAN: Yes.

22 MR. RICHARDS: Thank you.

23 Member Durant?

24 MR. DURANT: Yes.

25 MR. RICHARDS: Member Elam?

1 MR. ELAM: Member Elam, yes.

2 MR. RICHARDS: Member Ferguson?

3 MR. FERGUSON: Member Ferguson, yes.

4 MR. RICHARDS: Member Gonzalez? Member

5 Gonzalez?

6 (No response.)

7 MR. RICHARDS: Member Hall?

8 MR. HALL: Member Hall, yes.

9 MR. RICHARDS: Member Hayter?

10 MR. HAYTER: Yes.

11 MR. RICHARDS: Member Hicks? Member Hicks?

12 (No response.)

13 MR. RICHARDS: Member Murphy?

14 MR. MURPHY: Yes.

15 MR. RICHARDS: Member Prather?

16 MR. PRATHER: Member Prather, yes.

17 MR. RICHARDS: Thank you.

18 Member Provost?

19 (No response.)

20 MR. RICHARDS: Member Sims?

21 (No response.)

22 MR. RICHARDS: Member Sralla?

23 MR. SRALLA: Yes.

24 MR. RICHARDS: Member Stark?

25 MR. STARK: Yes.

1 MR. RICHARDS: Member Sullivan?

2 MR. SULLIVAN: Yes.

3 MR. RICHARDS: Member Thomas?

4 MS. THOMAS: Yes.

5 MR. RICHARDS: I believe Member Vitela is not
6 on the call.

7 We have a majority vote for David Blassingame
8 to serve as presiding officer. Congratulations, Member
9 Blassingame.

10 MR. BLASSINGAME: Thank you.

11 MR. RICHARDS: Thank you, sir.

12 We're going to move on to agenda item 2.C.,
13 Nominations and selection of first vice chair.

14 Members, this individual acts as presiding
15 officer when the presiding officer is not available, and
16 will make presentations to the Board.

17 Does anyone want to make a motion to name
18 someone to be first vice chair? Do we have a motion to be
19 first vice chair, or did we lose connection?

20 MR. BRADBURN: Member Bradburn. I'd like to
21 speak.

22 MR. RICHARDS: It's an exciting job.

23 I'm sorry, did you make a motion?

24 MR. BRADBURN: Member Bradburn. Can I speak,
25 please?

1 MR. RICHARDS: Sure. Go right ahead.

2 MR. BRADBURN: If nobody else will do it, I'll
3 nominate myself to back up our first chair.

4 MR. RICHARDS: Thank you.

5 Is there a second to that?

6 MR. HALL: Second.

7 MR. RICHARDS: Tony Hall seconds the motion.
8 Any further discussion on that or any other motions?

9 (No response.)

10 MR. RICHARDS: Okay. I'm going to go ahead and
11 call the membership again. Again, if you're in favor of
12 the motion, please answer by saying yes.

13 Member Blassingame?

14 MR. BLASSINGAME: Yes.

15 MR. RICHARDS: Member Bradburn, I trust I can
16 count on you to say yes.

17 MR. BRADBURN: Yes.

18 MR. RICHARDS: Member Donnelly?

19 MR. DONNELLY: Yes.

20 MR. RICHARDS: Member Doran?

21 MR. DORAN: Yes.

22 MR. RICHARDS: Member Durant?

23 MR. DURANT: Yes.

24 MR. RICHARDS: Member Elam?

25 MR. ELAM: Member Elam, yes.

1 MR. RICHARDS: Member Ferguson?

2 MR. FERGUSON: Yes.

3 MR. RICHARDS: Member Hall?

4 MR. HALL: Yes.

5 MR. RICHARDS: Member Hayter?

6 MR. HAYTER: Yes.

7 MR. RICHARDS: Member Murphy?

8 MR. MURPHY: Yes.

9 MR. RICHARDS: Member Prather?

10 MR. PRATHER: Yes.

11 MR. RICHARDS: Member Sims? Member Sims?

12 (No response.)

13 MR. RICHARDS: Member Sralla?

14 MR. SRALLA: Yes.

15 MR. RICHARDS: Member Stark?

16 MR. STARK: Yes.

17 MR. RICHARDS: Member Sullivan?

18 MR. SULLIVAN: Yes.

19 MR. RICHARDS: Member Thomas?

20 MS. THOMAS: Yes.

21 MR. RICHARDS: Thank you, members. We have a
22 majority vote in favor of Member Bradburn serving as first
23 vice chair.

24 Thank you, Member Bradburn, for your
25 willingness to serve in that capacity, and

1 congratulations.

2 We'll move on now to agenda item 2.D.,
3 Nominations and selection for second vice chair.

4 Members, this individual will act as presiding
5 officer when the presiding officer and the first vice
6 chair are not available, and to gather and organize
7 presentations to the Board.

8 Is there anyone out there that would like to
9 make a motion to name somebody as second vice chair or
10 name themselves?

11 MR. SRALLA: Member Sralla. I'll volunteer to
12 name myself if nobody else wants to do it.

13 MR. RICHARDS: Is there a second to Member
14 Sralla's motion?

15 MR. HALL: Second.

16 MR. RICHARDS: Member Hall seconds the motion.

17 Any further discussion?

18 (No response.)

19 MR. RICHARDS: Hearing none, I'm going to call
20 the membership list again. Please answer yes if you're in
21 favor, no if you're not.

22 Member Blassingame?

23 MR. BLASSINGAME: Yes.

24 MR. RICHARDS: Member Bradburn?

25 MR. BRADBURN: Yes.

1 MR. RICHARDS: Member Donnelly?
2 MR. DONNELLY: Yes.
3 MR. RICHARDS: Member Doran?
4 MR. DORAN: Yes.
5 MR. RICHARDS: Member Durant?
6 MR. DURANT: Yes.
7 MR. RICHARDS: Member Elam?
8 MR. ELAM: Member Elam, yes.
9 MR. RICHARDS: Member Ferguson?
10 MR. FERGUSON: Yes.
11 MR. RICHARDS: Member Hall?
12 MR. HALL: Yes.
13 MR. RICHARDS: Member Hayter?
14 MR. HAYTER: Yes.
15 MR. RICHARDS: Member Murphy?
16 MR. MURPHY: Yes.
17 MR. RICHARDS: Member Prather?
18 MR. PRATHER: Yes.
19 MR. RICHARDS: Member Sims?
20 (No response.)
21 MR. RICHARDS: Member Sralla, I'll mark you as
22 a yes since you volunteered.
23 Member Stark?
24 MR. STARK: Yes.
25 MR. RICHARDS: Member Sullivan?

1 MR. SULLIVAN: Yes.

2 MR. RICHARDS: Member Thomas?

3 MS. THOMAS: Yes.

4 MR. RICHARDS: Thank you.

5 Members, we have a majority vote for Member
6 Sralla to serve as second vice chair.

7 Thank you, Member Sralla, for your willingness
8 to serve as second vice chair, and congratulations.

9 I'm going to move on to agenda item 2.E.,
10 Recommendations of advisory committee for presentation to
11 the Board.

12 Members, our administrative rule on advisory
13 committees allows for the committee to make
14 recommendations to the Board and to the department. The
15 recommendations must be in writing and include any
16 necessary supporting materials. The presiding officer of
17 MVIRAC or the presiding officer's designee may appear
18 before our Board to present the committee's advice and
19 recommendations. In addition, MVIRAC can provide advice
20 and recommendations to our executive director, Daniel
21 Avitia, as necessary.

22 Our Board will consider MVIRAC's written
23 recommendations and reports that you submit. When MVIRAC
24 comes up with its recommendations at our next meeting,
25 MVIRAC can decide if it will attend the Board meeting and

1 make a presentation in addition to submitting written
2 materials or recommendations. It can determine how it
3 will submit its recommendations to our Board at the next
4 meeting.

5 I wanted to introduce these as options at this
6 meeting to give you an opportunity to discuss or ask
7 questions, if you had any, and time to think about the
8 next advisory committee meeting.

9 Are there any questions about this particular
10 agenda item?

11 (No response.)

12 MR. RICHARDS: Hearing none, I'm going to move
13 on to agenda item 2.F., implementation plan for this
14 advisory committee.

15 This involves regarding amendments to
16 Administrative Rules Chapter 206, which pertains to
17 management of the agency; Chapter 215, Motor Vehicle
18 Distribution; Chapter 221, Salvage Vehicle Dealers; and
19 new Chapter 224, Adjudicative Practice and Procedure.
20 These amendments are the result of the rule review process
21 found under Government Code Section 2001.039.

22 Texas Government Code requires that a state
23 agency occasionally review each of the rules to determine
24 whether the reasons for initially adopting a rule continue
25 to exist to make sure that the rule matches current

1 statute and matches current practices of the Texas DMV.

2 Each of the chapters that we're going to
3 discuss today is undergoing a rule review, typically every
4 four years. The amendments that we will bring to you at
5 the next meeting are intended to make sure that the rule
6 matches the current statute and current practices.

7 I have two of my colleagues at the DMV that
8 will be speaking on the chapters and some of the issues
9 that they're looking at. I'll call first Monique
10 Johnston, division director of the Motor Vehicle Division.

11 MS. JOHNSTON: Thanks, David.

12 Monique Johnston, director of the Motor Vehicle
13 Division.

14 So as has already been covered by my colleague,
15 today's purpose is previewing upcoming rules on which
16 TxDMV will appreciate your feedback at future meetings.
17 Chapter rule reviews are to be done every four years. In
18 some cases it's been longer than that for us, so we have a
19 lot of catching up to do.

20 In chapter rule review, each rule is looked at
21 and we have three options: we can repeal it if it's no
22 longer needed, keep it as is, or propose a rule change.
23 Speaking of change, a lot of change has happened since our
24 last rule review. For example, the introduction of
25 eLICENSING and some other systems means that processes and

1 tools have changed, so the rules need to be updated to
2 reflect those changes. Additionally, we are looking at
3 rule changes requested by license holders and industry
4 best practices.

5 Chapters undergoing rule review, as we've
6 already discussed, are Chapter 206 which is Management,
7 Chapter 215 which covers Motor Vehicle Distribution,
8 Chapter 221 which covers Salvage Vehicle Dealers, and a
9 new chapter. As part of the rule review, we are looking
10 at ways to make the rules easier to follow.

11 Today's contested case rules spread out among
12 four chapters, 206, 215, 218 and 219, so we are proposing
13 moving all contested case rules into one chapter, New
14 Chapter 224.

15 Prior to the next meeting, we will send you a
16 draft of the rule text to review and look forward to your
17 input at the next time we meet.

18 Thank you.

19 MR. RICHARDS: Members, our next speaker is
20 Corrie Thompson, director of our Enforcement Division.

21 MS. THOMPSON: Good afternoon, everyone.

22 I don't have too much to add on to what the
23 Motor Vehicle Division director, Monique Johnston, just
24 spoke to. But the primary purpose of the rule amendments
25 that we'll be bringing to this advisory committee, as

1 Monique stated, will be to kind of pull out all of the
2 mentions to contested case procedures for our
3 administrative hearings from Chapter 206, 215 as it
4 pertains to regular motor vehicle dealers, 221 as it
5 pertains to salvage dealers, and pull that all into a New
6 Chapter 224.

7 As it relates to Enforcement, we do also have
8 some recommended changes in Chapters 215 and 221 that will
9 speak to changes to premises requirements and to records
10 maintenance requirements.

11 So we will be looking forward to bringing that
12 to the committee for input and recommendations going
13 forward.

14 Thank you.

15 MR. RICHARDS: Thank you, Corrie.

16 Members, are there any questions regarding the
17 remarks made by either Monique Johnston or Corrie Thompson
18 at this time?

19 MR. DORAN: Presiding Officer, this is Member
20 Doran.

21 MR. RICHARDS: Yes.

22 MR. DORAN: I had a question about the New
23 Chapter 224. Is it anticipated that there will be any
24 substantive changes to contested case rules, or is it
25 merely collecting those from those four chapters that were

1 mentioned and ensuring that they're all properly placed
2 into the new chapter?

3 MS. THOMPSON: Corrie Thompson.

4 Yes, Member Doran, there are no planned
5 substantive changes whenever we are opening up the New
6 Chapter 224. The plan is to take out the existing rules
7 and restructure them so that we are covering everything
8 that's in existing rule, just in one chapter for ease of
9 use.

10 MR. DORAN: Thank you.

11 MR. RICHARDS: Thank you, Corrie.

12 Members, the next agenda item is public
13 comment. Are there any public comments, Tameka, today?

14 (No response.)

15 MR. RICHARDS: We have no public comments.

16 As such, the final agenda item for today's
17 meeting is agenda item number 4. Adjournment. If there's
18 no other business to discuss, I'll entertain a motion to
19 adjourn.

20 MR. HALL: So moved.

21 MR. RICHARDS: Member Hall makes a motion to
22 adjourn. Is there a second?

23 MR. BLASSINGAME: Second.

24 MR. RICHARDS: We have a second and a motion to
25 adjourn. All in favor?

1 (A chorus of ayes.)

2 MR. RICHARDS: Thank you.

3 The meeting is now adjourned at 1:47. Members,
4 thank you very much. We look forward to our next meeting
5 which I understand is September 13 at 1:00 p.m.

6 Thank y'all. Have a good day.

7 (Whereupon, at 1:47 p.m., the meeting was
8 adjourned.)

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C E R T I F I C A T E

MEETING OF: TxDMV Motor Vehicle Industry Regulation
Advisory Committee

LOCATION: Austin, Texas

DATE: August 24, 2023

I do hereby certify that the foregoing pages,
numbers 1 through 37, inclusive, are the true, accurate,
and complete transcript prepared from the verbal recording
made by electronic recording by Nancy H. King before the
Texas Department of Motor Vehicles.

DATE: September 5, 2023

/s/ Nancy H. King
(Transcriber)

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