

Licensing Division

Staff Report for Motor Fuel Metering and Quality Workgroup – October 7, 2020

Personnel Updates

Staff is working from home with one team member in office daily.

Statistics

Since program transfer:

Licenses issued from TDLR

FY 2020- 2 licenses (suppliers)

FY 2021-1 license (Device)

Applications Received

78

Direct Customer Contacts to Licensing

August 2020

Email/Web-78

September 2020

Email/Web -54

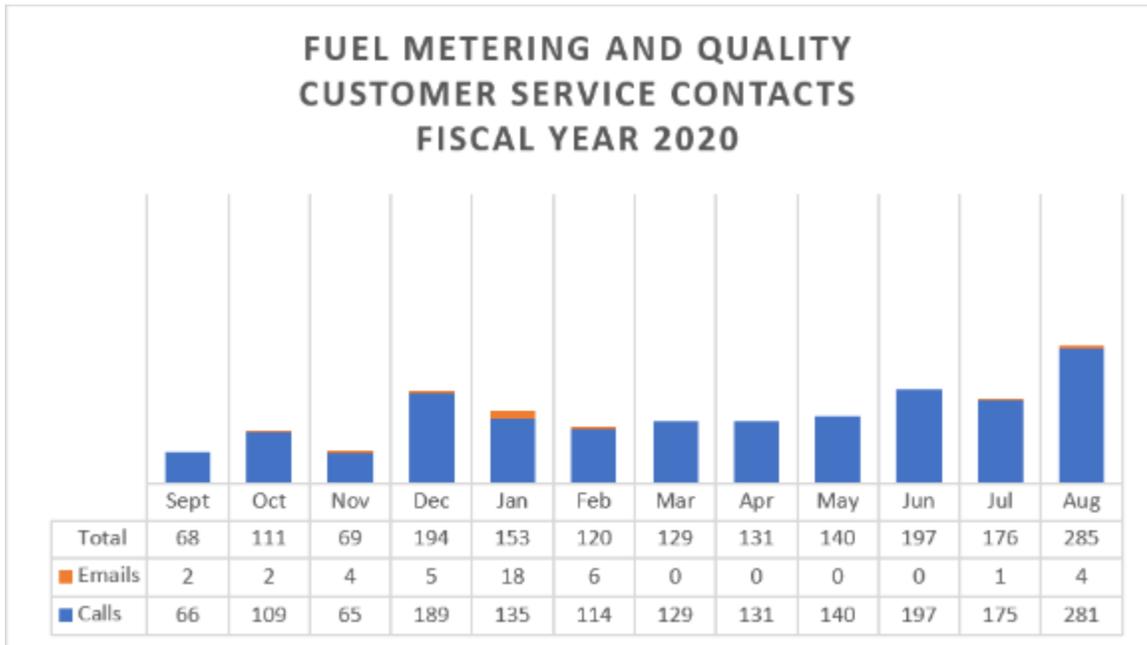
Current Projects

Continuing to work with our IT department with forms and computer system for processing of applications and renewals for FMQ customers.

Motor Fuel Metering and Quality Workgroup Customer Service Division Staff Report

October 7, 2020

Statistics



MOTOR FUEL METERING AND QUALITY WORKGROUP

ENFORCEMENT DIVISION STAFF REPORT

OCTOBER 7, 2020

Personnel Updates:

On March 1, John Medlock was promoted to Chief Prosecutor. John has worked for TDLR for 7 years, previously serving as a Prosecutor and Senior Prosecutor in the Enforcement Division.

On May 1, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.

On February 15, Jackie Revilla was promoted to Legal Assistant Supervisor. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant and Senior Legal Assistant in the Enforcement Division.

On February 15, Debbie Hawkins was promoted to Legal Assistant Supervisor. Debbie has worked for TDLR for 8 years as a Legal Assistant in the Enforcement Division.

On August 31, Investigations Manager Gregg Dodson retired after 22 years of service with TDLR. Gregg oversaw the Investigations Section within the Enforcement Division, which includes 42 investigators. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

On August 31, Prosecution Legal Assistant Manager Daryl Kunze retired after 18 years of service with TDLR. Daryl oversaw the Prosecution Legal Assistant Section within the Enforcement Division, which includes 33 legal assistants and administrative assistants. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

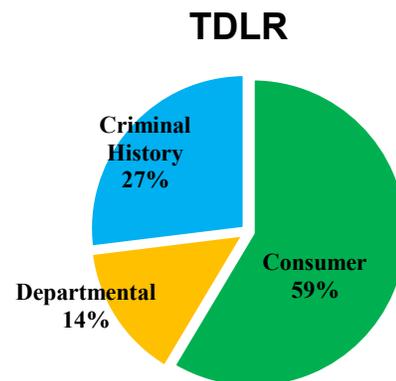
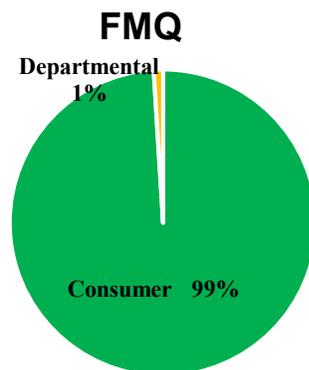
On August 31, Senior Investigator Esmer Arguijo retired after 21 years of service with TDLR. Esmer conducted investigations of cases in the building and mechanical, water well, and property tax programs.

Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Motor Fuel Metering and Qualify (FMQ) program and for all TDLR programs combined for **Fiscal Year 2020:**

Performance Measure	FMQ	TDLR
Cases opened	912	10,465
Cases closed	647	9,763
Average time to close (days)	44.16	157.58
% of cases resolved within 6 months	97.99%	68.64%
% of cases resulting in disciplinary action	0%	13.48%
Cases Pending	266	5,850

Source of cases opened for Fiscal Year 2020



Case Outcomes	FMQ	TDLR
Commission Orders	0	28
Default Orders	0	344
Agreed Orders	0	853
Penalties Assessed	\$0	\$2,367,701.00
Penalties Collected	\$0	\$1,283,217.16
Licenses Revoked (Disciplinary)	0	62
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	0	240
Cease & Desist Orders	0	46
Informally Resolved	647	8,365

FMQ Alleged Violations at Opening for Fiscal Year 2020

Alleged Violation:	Count
Fuel quality	344
Fuel quantity	246
Device not in working order	152
Pricing	95
Skimmers	73*
Expired license	42
Unlicensed activity	38
Labeling requirements	5
Failed to display license	1

*Enforcement Skimmer complaint statistics are from September 1, 2019 through December 31, 2019. The responsibility to handle these complaints was transferred to the Regulatory Program Management Division on January 1, 2020.

Regulatory Program Management Division Motor Fuel Metering and Quality (FMQ)

Staff Report – Oct. 7, 2020

Personnel Updates

FMQ has six Program Specialists assigned strategically throughout the state. Program Specialists are an essential part of the FMQ Program and perform skimmer, fuel quantity and fuel quality technical inspections in response to complaints received by TDLR.

In addition to the regional staff that work with industry in the field, there are three FMQ staff in Austin that manage operations, including the RPM Business and Consumer Safety Manager. Austin FMQ staff monitor and process skimmer reports throughout the day in order to expedite inspections and transmit findings to the Office of the Attorney General.

Statistics

Fiscal Year 2020 January – August 31st

Skimmers

- Skimmer Complaints Filed – 186
- Number of Skimmers Found – 45
- Merchant Report Filed – 8
- Number of Skimmers Found, Reported by Merchants – 19

Technical Inspections

- Fuel Quantity – 116
- Fuel Quality – 23

Current Projects

As technical experts, FMQ staff are developing technical materials, technical inspection procedures and training presentations to be used as program resources to ensure fair regulation while providing consumer protection for motor fuel metering device performance, fuel quality and skimmers. Items in development include:

- FMQ Program staff training manual with sections specifically addressing skimmers, device performance and fuel quality
- Standard Operating Procedures (SOPs)
- TDLR FMQ Certification Training Program for staff performing technical inspections.
- Skimmer survey project using skimmers found to map data

Outreach

FMQ staff were an integral part of the transfer of the FMQ Program from TDA to TDLR and provided necessary subject matter expertise throughout the transition. Staff have worked closely with the Office Strategic Communication to develop outreach materials throughout the past year to keep licensees, consumers, and industry stakeholders informed on updates about the transition to TDLR.

FMQ Staff monitors the FMQ TechInfo email box daily to provide responses to technical questions from the public, merchants/operators, service companies and service technicians.