

MOTOR FUEL METERING AND QUALITY WORKGROUP

Licensing Division Staff Report **February 27, 2020**

Statistics

Service Company	New	New % Online	Renewed	Online Renewal	Population
FY 2020	0	0%	0	0%	0

Service Technicians	New	New % Online	Renewed	Online Renewal	Population
FY 2020	0	0%	0	0%	0

Distributor Wholesaler Jobber	New	New % Online	Renewed	Renewed % Online	Population
FY 2020	0	0%	0	0%	0

Facilities/Devices	New	New % Online	Renewed	Renewed % Online	Population
FY 2020	0	0%	0	0%	0

Supplier	New	New % Online	Renewed	Renewed % Online	Population
FY 2020	0	0%	0	0%	0

Motor Fuel Metering and Quality Workgroup

Enforcement Division Staff Report

February 27, 2020

Personnel updates:

- Hired John Medlock as Chief Prosecutor to fill the vacancy created when Ron Foster was promoted to Director of Enforcement. John has been a licensed attorney for over 12 years and is currently employed with TDLR in the Enforcement Division as a Senior Prosecutor. He has over 6 years of experience as a Prosecutor in Enforcement and has served as a Senior Prosecutor since January last year. John graduated from Texas Tech University in 2003 with a Bachelor's Degree in Finance and Management, and completed law school at Texas Wesleyan University School of Law in 2007. He also attended the National Institute for Trial Advocacy through the SMU School of Law in 2013. Since 2017, John has held a position as an Adjunct Professor with the Texas A&M School of Law where he teaches courses in public policy and Texas government. John will start his new role as Chief Prosecutor on March 1st.

Enforcement Key Statistics

Shown below are the key statistics for the Motor Fuel Metering and Quality (FMQ) program from September 1, 2019, through January 31, 2020.

<u>Statistic</u>	<u>Count</u>
Complaints Received	471
Cases Opened	391
Cases Closed	207

<u>Case Outcomes</u>	<u>Count</u>
Insufficient Evidence	103
Referred to Another Agency	83
Warning Letter	10
Withdrawn by Complainant	8
Informally Resolved	3

<u>Alleged Violations at Opening</u>	<u>Count</u>
Fuel quality	150
Fuel quantity	96
Skimmers	72
Device not in working order	36
Pricing	35
Expired license	28
Unlicensed activity	10
Labeling requirements	3

SB 2119 Implementation, Activities, and Accomplishments

- On September 11, 2019, Management Analyst Chris Russey attended the Fuel and Convenience Summit in San Antonio. During the summit, Chris answered questions on TDLR's enforcement process and program implementation activities.
- On October 7, 2019, Sergeant Adam Colby with Tyler Police Department conducted a training on the detection and removal of payment skimmers on gas pumps for Department staff. Sergeant Colby's training included an overview of the different types of skimmers, methods for skimmer detection, and the efforts that are being made by law enforcement agencies around the state to combat this type of fraud.
- On February 12, Management Analyst Chris Russey attended the Fuel and Convenience Summit in Arlington. During the summit, Chris answered questions on TDLR's enforcement process and program implementation activities.
- We have developed complaint resolution procedures specific to the Motor Fuel Metering and Quality program. These procedures outline how to establish jurisdiction, identify and obtain necessary evidence, and factors to consider when resolving these types of complaints.

REGULATORY PROGRAM MANAGEMENT DIVISION REPORT
Fuel Metering and Quality Workgroup Meeting
February 27, 2020 1:30 P.M.

a. Personnel Updates

Since the program transferred to TDLR, for the FMQ team, we have hired:

- Tim Faske – Team Lead, located in Austin, previously with TDA
- Jonathan Rogers – Dallas area, previously with TDA
- Billy Hord – Austin area, previously with TDA
- Timothy Morales – Panhandle area, previously with TDA
- Juan Zarate – Valley area, previously with TDA
- Matthew Williams – Tyler area, previously with TDA
- Richard Bolton – Houston area, previously with TDA

Stuart Strnad was also hired as the new Business & Consumer Safety Section Manager, effective February 18, 2020. Stuart had been with TDA since 1998.

b. Statistics

- RPM staff have assisted Enforcement with 80 complaints since the team was formed.
- RPM staff have taken over responsibility for skimmer complaints with the launch of the online skimmer complaint form on January 22nd. The team has received and investigated an additional 23 skimmer complaints since that date.

c. SB 2119 Implementation, Activities and Accomplishments

Senate Bill 2119 in the 86th Legislature transferred oversight of the Motor Fuels program from the Texas Department of Agriculture (TDA) to TDLR, effective September 1, 2019. The RPM Division has Program Specialists in the field to conduct onsite investigations of skimmer and fuel quantity complaints.

To date, RPM has:

- Assisted in the collaborative meetings within TDLR to create a framework for how the agency's FMQ program would look from licenses and applications to proposed rules
- Researched other states' processes and procedures
- Drafted processes and procedures for the RPM FMQ team
- Coordinated with labs who contracted with TDA (ex. Tribologik) to continue services
- Assisted with the IAC and MOU between TDA and TDLR
- Collaborated with TCEQ on a possible MOU related to underground storage tanks
- Presented to industry groups regarding the transition between TDA and TDLR
- Attended and are set to attend skimmer trainings with law enforcement
- Attended the Southern Weights and Measures associations interim meeting in Tennessee
- Hired and trained seven staff for the motor fuels team
- Monitored and assigned all incoming complaints for the first several months they came to TDLR, including forwarding fuel quality complaints to the OAG
- Worked closely with Enforcement to inventory, transfer, store and assign equipment to field staff
- Assisted in the development of motor fuels program forms
- Assisted in the development of new fuel pump stickers which were introduced to the public on January 7, 2020
- Assisted in the development of an online skimmer complaint form which went live January 22nd and is monitored consistently for speedy investigations
- Is currently working with OAG pre-fusion center to create the process for transferring confirmed skimmer complaints for legal action
- Is currently working with TxDOT to develop MOU regarding storage of TDLR field equipment