

# Licensing Division

## Staff Report for the Motor Fuel Metering and Quality Advisory Board

May 16, 2023

### Statistics

Service Technicians	New	New % Online	Renewed	Online Renewal	Population
FY 2022	97	28%	60	97%	669
FY 2023 Qtr 1	11	90%	23	82%	655
FY 2023 Qtr 2	7	90%	17	82%	643

Service Companies	New	New % Online	Renewed	Online Renewal	Population
FY 2022	5	N/A	34	N/A	88
FY 2023 Qtr 1	1	N/A	1	N/A	88
FY 2023 Qtr 2	4	N/A	2	N/A	85

Suppliers	New	New % Online	Renewed	Online Renewal	Population
FY 2022	12	N/A	61	42%	84
FY 2023 Qtr 1	0	N/A	1	0%	85
FY 2023 Qtr 2	0	N/A	2	100%	84

Dis/Job/Wholesalers	New	New % Online	Renewed	Online Renewal	Population
FY 2022	11	N/A	249	89%	337
FY 2023 Qtr 1	3	N/A	6	0%	343
FY 2023 Qtr 2	1	N/A	12	60%	326

Device Facilities	New	New % Online	Renewed	Online Renewal	Population
FY 2022	680	N/A	4629	N/A	12632
FY 2023 Qtr 1	234	N/A	120	18%	12917
FY 2023 Qtr 2	133	N/A	1060	18%	12975

## **Current Projects**

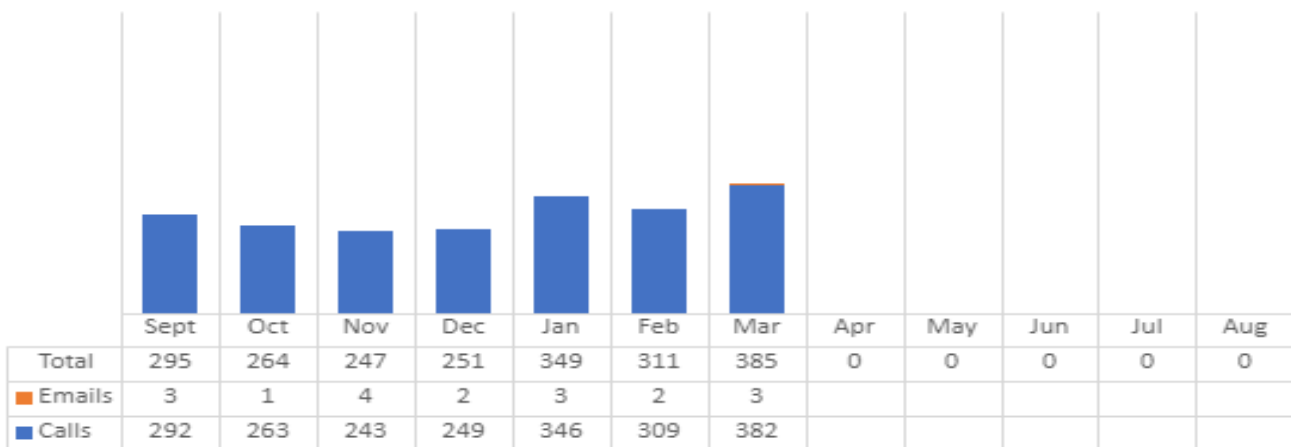
Monitor renewal invoices paid through new online system.

# CUSTOMER SERVICE DIVISION

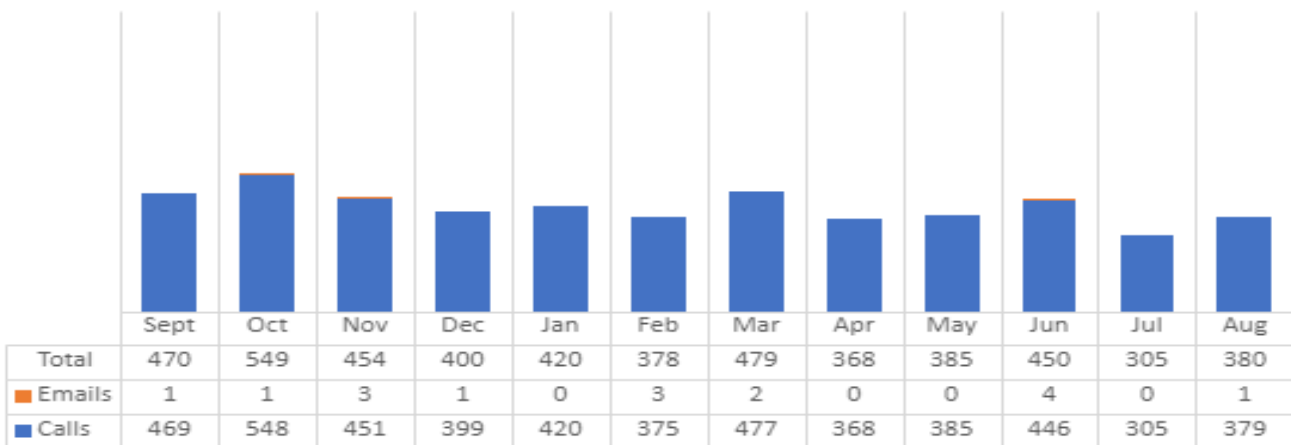
Staff Report for the Motor Fuel Metering and Quality Advisory Board  
May 16, 2023

## Statistics

**FUEL METERING AND QUALITY  
CUSTOMER SERVICE CONTACTS  
FISCAL YEAR 2023**



**FUEL METERING AND QUALITY  
CUSTOMER SERVICE CONTACTS  
FISCAL YEAR 2022**



# Enforcement Division

## Staff Report for the Motor Fuel Metering and Quality Advisory Board May 16, 2023

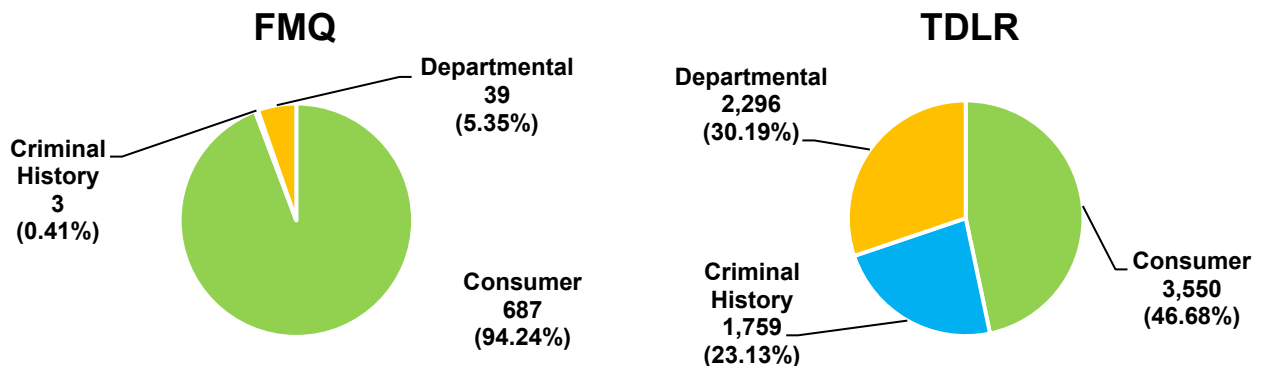
### Statistics Fiscal Year 2023:

Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Motor Fuel Metering and Quality (FMQ) program and for all TDLR programs combined through **March** of **Fiscal Year 2023**:

Complaints Received by Source	FMQ	TDLR
Consumer complaints	714	8,023
Department initiated complaints	40	2,251
Criminal History Records reviewed for licensure	33	47,711
<b>Total Complaints Received</b>	<b>787</b>	<b>57,985</b>

Key Statistic	FMQ	TDLR
Cases opened	729	7,605
Cases closed	707	6,469
Average time to close (days)	172.56	208.43
% of cases resolved within 6 months	66.34%	57.00%
% of cases resulting in disciplinary action	8.20%	9.82%
Cases pending at end of March	613	7,686

### Source of cases opened through March of Fiscal Year 2023



<b>Case Outcomes</b>	<b>FMQ</b>	<b>TDLR</b>
Commission Orders	0	8
Default Orders	10	222
Agreed Orders	61	357
Penalties Assessed	\$101,475.00	\$1,359,625.00
Penalties Collected	\$70,475.00	\$562,775.00
Licenses Revoked (Disciplinary)	0	27
Licenses Suspended	0	2
Licenses Denied/Revoked (Criminal History)	0	68
Cease & Desist Orders	0	6
Informally Resolved	636	5,834

**Top FMQ Alleged Violations at Opening  
through March of Fiscal Year 2023**

<b>Alleged Violation:</b>	<b>Count</b>
Fuel quality	306
Fuel quantity	180
Device not in working order	126
Unlicensed	84
Pricing	59
Expired license	24
Operated without Device Perform Review	16
Failed to display license	15
Labeling requirements	10
Criminal history	3
Failed to pay dishonored check	3

**FMQ Violations Resulting in Disciplinary Action  
through March of Fiscal Year 2023**

<b>Violation:</b>	<b>Count</b>
Unlicensed	22
Fuel quality	16
Expired license	15
Device not in working order	12
Labeling requirements	7
Operated without Device Perform Review	6
Failed to display license	5
Failed to cooperate with Department	5
Pricing	5
Fuel quantity	1

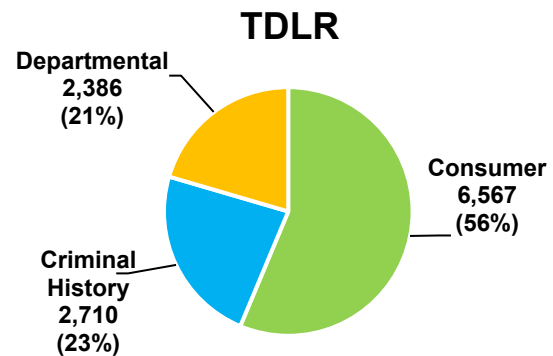
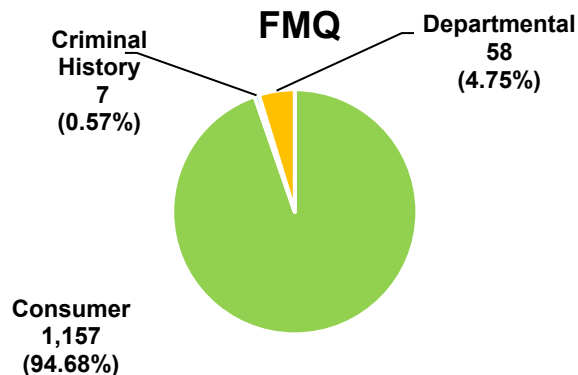
## Statistics Fiscal Year 2022:

Shown below are the Complaints Received, Enforcement Performance Measures and Key Statistics for the Motor Fuel Metering and Quality (FMQ) program and for all TDLR programs combined for **Fiscal Year 2022**:

Complaints Received by Source	FMQ	TDLR
Consumer complaints	1,165	14,098
Department initiated complaints	59	2,368
Criminal History Records reviewed for licensure	50	48,488
<b>Total Complaints Received</b>	<b>1,274</b>	<b>64,954</b>

Key Statistic	FMQ	TDLR
Cases opened	1,222	11,663
Cases closed	1,435	11,754
Average time to close (days)	208.25	215.79
% of cases resolved within 6 months	52.75%	57.64%
% of cases resulting in disciplinary action	4.04%	10.81%
Cases pending at end of FY2022	591	6,540

### Source of cases opened for Fiscal Year 2022



Case Outcomes	FMQ	TDLR
Commission Orders	0	27
Default Orders	9	384
Agreed Orders	58	749
Penalties Assessed	\$81,200.00	\$2,588,310.00
Penalties Collected	\$62,300.00	\$1,322,419.50
Licenses Revoked (Disciplinary)	1	50
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	0	182
Cease & Desist Orders	0	17
Informally Resolved Enforcement Division	1,368	10,486

## FMQ Alleged Violations at Opening for Fiscal Year 2022

Alleged Violation:	Count
Fuel quality	357
Fuel quantity	313
Device not in working order	257
Unlicensed	169
Pricing	141
Expired license	97
Operated without device performance review	25
Labeling requirements	25
Failed to display license	16
Criminal history	8

## FMQ Violations Resulting in Disciplinary Action for Fiscal Year 2022

Violation:	Count
Unlicensed	19
Device not in working order	15
Expired license	13
Labeling requirements	12
Fuel quality	8
Pricing	5
Failed to display license	2
Operated without device performance review	2
Refused or interfered with inspection or investigation	2
Failed to comply with an order	1

### Case Highlights:

- **Case Number: FMQ20220010345; Sunoco Retail LLC**  
 An Agreed Order was entered into December 27, 2022, in which Respondent accepted an administrative penalty of \$1,500. Respondent failed to cooperate with the Department. An Investigator made an unannounced onsite visit and the employee on duty refused to provide information or allow the Investigator to check the pumps for possible mechanical issues. Before the refusal, the Department's Investigator presented the official Department Notice of Investigation, a copy of the complaint, was dressed in a Department logoed shirt, and drove a Department's marked truck.
- **Case Number: FMQ20210014706; 1 Stop at Gulf LLC**  
 An Agreed Order was entered into December 5, 2022, in which Respondent accepted an administrative penalty of \$2,250. Respondent operated eight (8) unregistered devices at the facility located at 1406 W Gulf Bank Road in Houston, Texas. The Department Investigator observed multiple vehicles parked at the gas pumps receiving fuel during the on-site visit. The Respondent failed to register these devices before operating at the facility.

## **Rescinded Stop-Sale Orders:**

Since February 22, 2023, the following Stop-Sale Orders have been discharged:

- **288 Manvel, Inc d/b/a Sedona Food Mart in Manvel, Texas**  
On February 22, 2023, 288 Manvel, Inc d/b/a Sedona Food Mart in Manvel, Texas was rescinded when the Respondent made the necessary remediations to correct the fuel quality issue.



# Regulatory Program Management Division

## Motor Fuel Metering and Quality (FMQ)

Staff Report – May 16, 2023

### Statistics

*Fiscal Year 2023 (September 1, 2022 – March 31, 2023)*

#### Skimmers

- Skimmer Complaint Inspections Conducted by TDLR – 241
- Skimmers Identified and Removed by TDLR – 33
- Merchant Reports Received by TDLR – 136
- Skimmers Identified & Removed by Merchants, Service Companies & Others – 170

#### Technical Inspections

- Fuel Quantity Inspections – 55
- Fuel Quality Inspections – 35

*Fiscal Year 2022 (September 1, 2021 – August 31, 2022)*

#### Skimmers

- Skimmer Complaint Inspections Conducted by TDLR – 545
- Skimmers Identified and Removed by TDLR – 114
- Merchant Reports Received by TDLR – 266
- Skimmers Identified & Removed by Merchants, Service Companies & Others – 278

#### Technical Inspections

- Fuel Quantity Inspections – 138
- Fuel Quality Inspections – 54

### Current Projects

- Over the past few months, the FMQ team has been attending the FCIC law enforcement trainings as time allows to help educate law enforcement regarding the role TDLR plays in skimmer detection and skimmer reporting.
  - FCIC Skimmer & Fuel Theft Training
    - April 6<sup>th</sup>, 2023 – Corpus Christi, TX (Juan Zarate)
    - April 26<sup>th</sup>, 2023 – Georgetown, TX (Billy Hord, Chris Russey, Charlotte Melder and Christina Kaiser)

- On March 21, TDLR staff attended a training at Source University in Arlington to further their knowledge of motor fuel devices and storage tanks. In attendance were the RPM motor fuels team and management, Enforcement investigators and prosecutors and their management, and three investigators from the Financial Crimes Intelligence Center (FCIC). During this training staff received a detailed explanation of how motor fuel is delivered, stored, and dispensed, and the circumstances which may lead these processes to fail. Those in attendance were also able to interact with actual storage tanks and their internal mechanisms, a task that is typically not an option as they are buried underground.
- The FMQ team continues to work closely with Tribologik (the lab contracted to perform fuel quality analysis) to review ASTM standards and the tolerances applied to the fuel samples that are collected across the state.
- The FMQ team continues to work with the Enforcement Division to standardize fuel quality testing and inspection procedures.
  - Develop additional step by step guidance doc. For fuel quality to develop a more consistent inspections process.
  - Develop Safety Guidelines during technical inspection.

## Outreach

- On April 12, RPM Motor Fuels Program Specialist Richard Bolton conducted a training for Geo Environmental, a Licensed Service Company (LSC) in Houston. During the training, Richard outlined the requirements for conducting and reporting DPR's and skimmers and answered questions from those in attendance.
- FMQ staff continue to work with Merchants, Law Enforcement, Service Technicians and Service Companies regarding the required skimmer reporting. Staff continue to provide outreach during technical inspections to assist in device registration, Consumer Information Stickers (CIS) and the reporting of skimmer(s) found along with Device Performance Review (DPR).
- FMQ Staff continue to monitor the FMQ TechInfo email box daily to provide responses to technical questions from the public, merchants/operators, service companies and service technicians.