

CITY OF HOUSTON AUTOMOTIVE BOARD HEARING

IN RE: AUTOMOTIVE REPAIR FACILITY
REPAIR LICENSE #101835
FOR EID CAR CARE
LOCATED AT 9650 S. KIRKWOOD DRIVE, A-1

July 8, 2014

9:18 a.m. to 10:16 a.m.

1002 Washington Avenue, Basement Level
Houston, Texas 77002

Board Members Present:

- Ken Ulmer, Chairman
- Timothy Straney
- Owen Wang
- Erma Palmer
- Shelly Richardson
- B.K. Sanchez



1 CHAIRMAN ULMER: All right. So our first person
2 is Elias Eid. Before we go any further, just I've kind
3 of skipped a whole step, but let me just explain to
4 everybody kind of what goes on and how the hearing
5 works, how the process works. If anybody has any
6 questions, please feel free to ask them after I get done
7 explaining all this to you.

8 No. 1, we have a couple of different types of
9 hearings here today, typically three. So we'll have
10 hearings for businesses, we'll have hearings for tow
11 truck drivers, operators who have been denied, and we'll
12 have hearings for salesmen who have been denied.

13 In any case, you're generally here because of
14 some type of a problem. Okay? For some reason you've
15 been denied or your license is up, you have some
16 problems with your business, and you're here for those
17 hearings.

18 A couple of things that I want you to understand.
19 No. 1, we're here to hear the case. That's what we're
20 here for. We're in business. Everyone on this board,
21 with the exception of one member that's a public member,
22 is here because we're in this industry in some shape,
23 form or fashion, some type of industry that relates to
24 the automotive business.

25 We do this not for fame and fortune, I can assure

1 you. We do it because we care about the business
2 industry, the automotive industry, and we care about the
3 city of Houston and how business is conducted here. We
4 want the city of Houston to have the best
5 automotive-related industry and business in the world,
6 really.

7 So we're not here to criticize you. We're not
8 here to penalize you. We're here to make sure that we
9 have the best businesses ever. So that being said, we
10 want you to get your entire case out here in front of
11 us. So if you don't tell us, we don't know. We can
12 only hear what you tell us and what you explain to us as
13 the scenario and the situation.

14 The thing that goes along with that is we want
15 your honesty. Please don't get up here and waste our
16 time. If you're here because of some type of a
17 situation that caused your license to get denied, we are
18 going to be looking at the case. We're going to be
19 looking at the witness statements. We're going to be
20 looking at what the officer wrote. We're going to be
21 looking at the entire thing.

22 So don't make it more colorful than it is. Okay?
23 It is what it is. We're reading it. You look very bad
24 when you try to make it look better than it really is.
25 It's much, much better for you if you just get up there

1 and be honest, I promise you.

2 I say this at every single board meeting. Every
3 single meeting someone gets up there and does it.
4 Please, just be frank, be forthcoming. The facts are
5 going to come out, anyway, because we're going to talk
6 about it.

7 If there is something that you want to get on
8 record, make absolutely sure that you do get that on
9 record.

10 If you are a business here today, as we have a
11 court reporter here, you will be required to have a
12 court reporter in order to appeal the decision of the
13 board if you don't like the decision of the board.

14 If you don't have a court reporter, you can't
15 appeal the decision, because it's appealed based on
16 exactly what was presented here today, not any new
17 evidence. So that's why it's very important for you to
18 present everything that you want to present in your
19 case.

20 If you are a salesman or you are a driver that
21 has a hearing here today, it will be audio and video
22 recorded, and that will be your appeal process. But,
23 there again, it's exactly the same, it's exactly what's
24 on the audio and video is what's being appealed. So you
25 won't have an opportunity to come back and say well, I

1 forgot to tell this, I forgot to say this part.

2 So please be frank about it and get everything
3 out that you want to get out, make absolutely sure that
4 we've heard all of the case, because we want to make a
5 good decision. We certainly don't want to make a bad
6 decision. And we can't make a good decision if we don't
7 have all the facts in front of us.

8 So everyone will be sworn in as you come up.
9 You'll be asked to raise your right hand. The police
10 department will swear you in. The police department
11 will then read the case against you, why you're here,
12 tell us exactly what's going on, and then we'll begin
13 the proceedings based on what type of a business that
14 you actually are.

15 If anyone has any questions about anything that's
16 going on, feel free to ask them during the hearing or
17 ask them right now, because we certainly want everybody
18 to kind of understand what's going on.

19 I apologize for you people who will have to sit
20 here through a lot of these cases. You're going to be
21 just like us. We're going to sit here through the
22 majority of them, and you kind of get an advantage,
23 because you kind of get to see how things work, and you
24 hopefully will be more frank and forward with us than
25 some of the people are sometimes when they're here for

1 the first time ever. Okay?

2 Any questions?

3 Great. Go ahead.

4 UNIDENTIFIED SPEAKER: Mr. Chairman, I just was
5 curious, when do they get to hear the results of that
6 hearing?

7 CHAIRMAN ULMER: The hearing here today?

8 UNIDENTIFIED SPEAKER: Yeah.

9 CHAIRMAN ULMER: Right now, as soon as you're
10 done.

11 UNIDENTIFIED SPEAKER: Oh, great.

12 CHAIRMAN ULMER: We will vote on each case that
13 comes up. Unless there's a continuance or something
14 along those lines, we vote on each case as they come up.

15 UNIDENTIFIED SPEAKER: Great.

16 CHAIRMAN ULMER: So we will settle the case one
17 way or another or continue it at that point in time.

18 UNIDENTIFIED SPEAKER: Thank you, sir.

19 CHAIRMAN ULMER: Okay. So Mister -- I know I'm
20 saying it wrong -- Eid?

21 MR. ELIAS: Eid.

22 CHAIRMAN ULMER: Okay. Sergeant, are you ready?

23 SGT. PROVOST: Good morning, gentlemen. I'm
24 Sergeant Michael Provost, and I'm going to be telling
25 you what's going on this morning. The first thing you

1 need to do is raise your right hand if you're both going
2 to be witnesses to this case so I can swear you in.

3 MR. STEWART: I'm his attorney, not a witness.

4 SGT. PROVOST: Okay.

5 [The witness was sworn by Sgt. Provost]

6 MR. STEWART: And I'd also ask that Mr. Nunn, if
7 he could raise his hand and take the same oath.

8 SGT. PROVOST: Okay.

9 [The witness was sworn by Sgt. Provost]

10 SGT. PROVOST: Could you all state your name just
11 for the record so we know who everyone is?

12 MR. NUNN: Udorn Nunn. Udorn Nunn.

13 SGT. PROVOST: Okay.

14 MR. STEWART: My name is Craig Stewart. I'm an
15 attorney with Paul Kubosh's office. And your name.

16 MR. ELIAS: My name, Eid Elias.

17 SGT. PROVOST: Okay. So today you're here --
18 Officer Vaughn has a case against -- against you and
19 your shop. He will be presenting the case today.

20 CHAIRMAN ULMER: Mr. Nunn, if you're going to
21 testify, you can move up to the table there. Just pull
22 a chair up. That way you don't have to move when you
23 get ready to testify.

24 MR. NUNN: All right.

25 SGT. PROVOST: Officer Vaughn, you can present

1 your case.

2 OFFICER VAUGHN: Okay. Eid's Car Care was
3 brought before the board back in March, I think. At
4 that time the board gave him 30 days to correct all his
5 violations.

6 30 days later, due to some type of scheduling or
7 notification issue, he wasn't seen. It actually
8 happened again 30 days later, and he didn't show. So
9 his attorney and he said that they didn't get notified.
10 So we gave them another 30 days. We went out -- I went
11 out and served him and gave him notification to show up
12 today.

13 The first -- the first 30 days when he had to
14 reappear, he made a lot of improvements, moved his
15 vehicles, but, of course, he didn't come before the
16 board, because he got a continuance.

17 Well, I went back on 6-10, which was like a
18 couple of weeks later before he was supposed to appear
19 again, and it was back to business as usual, all the
20 vehicles were back, he had a bunch of violations, and I
21 wrote him several tickets.

22 I went out yesterday and inspected again before
23 today's hearing, and he had several violations, and I
24 wrote several tickets, which you'll see on Exhibit B,
25 the second page.

1 LT. HITZMAN: Larry, can you go over the specific
2 violations?

3 OFFICER VAUGHN: Okay.

4 LT. HITZMAN: And what his notice said on his
5 letter.

6 OFFICER VAUGHN: Okay. On my inspection
7 yesterday I noted repaired vehicles held over 30 days
8 not behind a solid fence, use of disassembly area
9 without an approved plat. Those were noted on the
10 inspection form.

11 And then I wrote him three citations for storing
12 vehicles without current Texas registration and vehicle
13 inspection stickers, area to keep/store disabled
14 vehicles at a repair facility without a solid fence,
15 repair vehicles held over 30 days not behind a solid
16 fence.

17 The solid fence was an issue from the first time
18 he appeared before the board. His business is in a
19 shopping strip. He can't put up a solid fence. That
20 was part of why the board said that he needs to find a
21 new place to do business.

22 He did, but he continues to bring in more and
23 more vehicles and let them sit there for months at a
24 time, and he keeps piling up the vehicles. So that's
25 what he was written for yesterday.

1 CHAIRMAN ULMER: Mr. Eid, this is your
2 opportunity to --

3 MR. ELIAS: Officer come in to me, he give me a
4 violation, a car in the street. This is not my car in
5 the street. Never. I have my worker -- three people
6 work in my place. They park in the side. It's a side
7 street. It's not the main street. And the officer, he
8 know that. And he even ask me who's the Nissan? I told
9 him this is my wife car. He never tell me nothing.
10 This is before he give me a violation.

11 CHAIRMAN ULMER: So can you -- can you clarify
12 for me -- you have the officer's packet there in front
13 of you, as well.

14 MR. ELIAS: Yes.

15 CHAIRMAN ULMER: Where are you referring to?

16 MR. STEWART: We don't have the current -- the
17 current packet, I guess.

18 MR. ELIAS: I do have a picture for everything.
19 I take it yesterday, 5 o'clock.

20 CHAIRMAN ULMER: Okay.

21 OFFICER VAUGHN: He didn't get any the citations
22 for parking on the street or working on the vehicles in
23 the street. I didn't even note that.

24 CHAIRMAN ULMER: The officer says he didn't give
25 you any citations for parking on the street.

1 OFFICER VAUGHN: Yesterday.

2 MR. ELIAS: The first time, not yesterday, day
3 before.

4 CHAIRMAN ULMER: Day before yesterday?

5 MR. ELIAS: Hold on.

6 OFFICER VAUGHN: Previously he was written, like
7 the first time he came and the photos --

8 CHAIRMAN ULMER: Like two months ago?

9 OFFICER VAUGHN: Three months ago.

10 CHAIRMAN ULMER: Three months ago. Okay.

11 OFFICER VAUGHN: The photo shows a mechanic
12 working on the vehicle in the street. The board told
13 him about that.

14 CHAIRMAN ULMER: Right.

15 OFFICER VAUGHN: So -- but he didn't get another
16 citation for that. That was when he first came.

17 CHAIRMAN ULMER: Okay. Mr. Eid, are you talking
18 about three months ago? Is that what you're talking
19 about?

20 MR. ELIAS: It's a violation he come --

21 CHAIRMAN ULMER: What's the date?

22 MR. STEWART: He's talking about in general the
23 issues that have been brought up by the inspectors
24 throughout the process here.

25 CHAIRMAN ULMER: Well, he said specifically,

1 though, he got a citation. I'm trying to find out what
2 citation he's referring to. Is it something in this
3 packet?

4 MR. ELIAS: You want me to give to you?

5 MR. STEWART: No, it's nothing that's in your
6 packet, but --

7 CHAIRMAN ULMER: Can you just look at it and tell
8 me the date on it?

9 MR. ELIAS: Do you want me to come and give it to
10 you?

11 CHAIRMAN ULMER: You can. I'm just asking for
12 the date on the actual citation.

13 MR. ELIAS: He give me more those violations, he
14 give me for --

15 MR. STEWART: He's looking at, I guess,
16 6-10-2014, which the police officer was -- Officer
17 Vaughn referenced.

18 CHAIRMAN ULMER: Uh-huh.

19 MR. STEWART: It looks like there's four
20 violations. The same violations for 7-7, for the most
21 part.

22 CHAIRMAN ULMER: So what are the violations?

23 MR. STEWART: Inspection -- or storing a vehicle
24 without current Texas registration and inspection,
25 failure to maintain proper records of automotive repair

1 facility, operating an automotive repair facility
2 without a solid gate and no dog license.

3 CHAIRMAN ULMER: Well, there's not anything on --
4 about a car in the street, though, is there?

5 MR. STEWART: Right, that's nothing we're talking
6 about right now.

7 CHAIRMAN ULMER: Okay.

8 MR. STEWART: Let me -- can I kind of address
9 some of this first, and then --

10 CHAIRMAN ULMER: Sure.

11 MR. STEWART: -- we'll have Mr. Eid speak?

12 CHAIRMAN ULMER: Sure.

13 MR. STEWART: Mr. Eid did go take a bunch of
14 pictures yesterday of the current situation at his shop.

15 CHAIRMAN ULMER: Okay.

16 MR. STEWART: He, obviously, is in a location
17 where it is a little difficult to operate, as we've
18 discussed several times before this board. He's put up
19 fencing to block the view, which is apparent in this
20 picture here.

21 CHAIRMAN ULMER: Okay. If you could, just go
22 ahead and pass those around.

23 MR. STEWART: Sure. I was going to kind of
24 address them one by one, --

25 CHAIRMAN ULMER: I think the City attorney --

1 MR. STEWART: -- if that's okay with you.

2 CHAIRMAN ULMER: Well, I mean if you want to
3 address them one by one, it's okay, but the City
4 attorney needs to mark them, as well.

5 MR. CHILDS: Yeah, can we mark them and have them
6 included in the --

7 MR. STEWART: Yes, I would like to.

8 MR. CHILDS: Okay.

9 MR. STEWART: Yes, please. There's 20
10 photographs there. Those were all taken yesterday,
11 according to Mr. Eid again. He went out there yesterday
12 afternoon and took all these pictures.

13 In a nutshell, his shop is clean, and I don't
14 think Officer Vaughn will argue with me on that. He's
15 cleaned up most of the violations that he's faced. He's
16 taken -- you know, he used to have, when we first
17 discussed, you know, some of the situations at the shop,
18 there were -- you know, some of the early pictures that
19 Officer Vaughn took showed, you know, rags on the ground
20 and cars everywhere, and it showed like an oil container
21 in the back, and there was a question of it being
22 properly diked.

23 He's purchased and installed the oil container
24 inside the shop now, and that is properly diked, which
25 Officer Vaughn, I'm sure, will attest to.

1 He has towed off numerous cars from his shop and
2 is trying to alleviate, you know, the problem of the
3 cars being parked everywhere in the parking lot.

4 He doesn't really have cars stored everywhere. I
5 mean you can look at the photographs there and kind of
6 see the condition of, you know, the parking lot and the
7 cars that are there.

8 A good many of the cars that are in that parking
9 lot are not Mr. Eid's cars at all. There's a church
10 located next door to him in that shopping center that
11 has, you know, services day and night, seven days a
12 week, it seems like. And, you know, we've addressed a
13 lot of this in the past hearings.

14 As far as ongoing violations, he's installed the
15 screening there on the fence to, you know, try and abide
16 by the requirements and still, you know, do what the
17 landlord requires. Obviously, you know, he's sort of,
18 you know, walking that tightrope between what the City
19 of Houston wants him to do, obviously, and what the
20 landlord will allow him to do.

21 He's purchased a new property where he's going to
22 be able to more easily abide by all the regulations of
23 the City, you know, and, you know, maintain all the
24 vehicles behind a solid fence and everything. He has a
25 huge property that he's purchased. How large is it,

1 nearly an acre; is that right?

2 MR. ELIAS: It's one acre.

3 MR. STEWART: So he's not going to have these
4 problems in the future. We're just trying to sort of
5 bridge to getting him in that new shop while the permits
6 are approved and everything else here.

7 As far as the specific accusations that we're
8 dealing with today, I guess, which is repairing vehicles
9 held over 30 days not behind solid fence, he does
10 have -- you know, he's trying to meet the City's
11 requirement there of having a solid fence.

12 You can see in the picture that there is a fence
13 there with material to block the view, and as far as --

14 CHAIRMAN ULMER: If you don't mind, I have one
15 specific question.

16 MR. STEWART: Sure.

17 CHAIRMAN ULMER: I've numbered the photos. Yeah,
18 go ahead and start passing them around.

19 MR. STEWART: Sure.

20 CHAIRMAN ULMER: I numbered the photos just so
21 that we have them numbered --

22 MR. STEWART: Certainly.

23 CHAIRMAN ULMER: -- and we can refer to them. So
24 I've numbered this one No. 15.

25 MR. STEWART: Okay.

1 CHAIRMAN ULMER: It's a photograph of a car on a
2 jack stand.

3 MR. ELIAS: This not my car. Somebody stole a
4 tire. Where I parked my car, it's --

5 CHAIRMAN ULMER: So this isn't one of your --

6 MR. ELIAS: No, sir.

7 CHAIRMAN ULMER: -- cars at all?

8 MR. ELIAS: No, sir.

9 CHAIRMAN ULMER: Okay. I just didn't know what
10 the picture was for.

11 MR. ELIAS: I know. You see this area?

12 CHAIRMAN ULMER: Uh-huh.

13 MR. ELIAS: I can show you something.

14 MR. STEWART: Do you mind if he approaches?

15 CHAIRMAN ULMER: No, he can. I just was confused
16 about the car --

17 MR. ELIAS: You see what happened? You see this
18 elevate complete?

19 CHAIRMAN ULMER: Uh-huh.

20 MR. ELIAS: I pay \$600 every month.

21 CHAIRMAN ULMER: Okay.

22 MR. ELIAS: And officer, he tell me no park car
23 over there. I don't park my --

24 CHAIRMAN ULMER: Who told you don't park cars
25 over there?

1 MR. ELIAS: Officer.

2 OFFICER VAUGHN: I don't have a --

3 CHAIRMAN ULMER: Okay.

4 MR. ELIAS: He tell me no park car over there. I
5 don't park my car over there, and I pay \$600 for
6 parking.

7 CHAIRMAN ULMER: Well --

8 MR. ELIAS: I have only two car over there
9 parking, Chevrolet truck and the Honda Accord, and I
10 have title. And officer every time come up to me, he
11 love give me violation.

12 CHAIRMAN ULMER: So are you -- are you saying --

13 MR. ELIAS: It's not my car.

14 CHAIRMAN ULMER: You're saying this isn't your
15 car?

16 MR. ELIAS: No, it's not my car.

17 CHAIRMAN ULMER: Okay.

18 MR. ELIAS: Somebody stole a tire.

19 CHAIRMAN ULMER: I don't know that he's
20 specifically said this was your car. I mean has --

21 MR. ELIAS: Is not --

22 CHAIRMAN ULMER: Officer, do you --

23 OFFICER VAUGHN: I don't have --

24 CHAIRMAN ULMER: Are you aware of --

25 OFFICER VAUGHN: I'm not aware of that at all.

1 CHAIRMAN ULMER: Okay.

2 OFFICER VAUGHN: I didn't take a picture of that.
3 He took that picture and presented --

4 CHAIRMAN ULMER: What --

5 OFFICER VAUGHN: -- that to the board.

6 CHAIRMAN ULMER: Now, Mr. Eid, --

7 MR. ELIAS: Yes, sir.

8 CHAIRMAN ULMER: -- do you remember at our first
9 hearing --

10 MR. ELIAS: Yes, sir.

11 CHAIRMAN ULMER: -- you did have a bunch of cars
12 on jack stands, --

13 MR. ELIAS: No, no more.

14 CHAIRMAN ULMER: -- and you agreed they were
15 yours?

16 MR. ELIAS: No more.

17 CHAIRMAN ULMER: Okay.

18 MR. STEWART: Right, but all --

19 CHAIRMAN ULMER: But there were a lot of those
20 cars.

21 MR. ELIAS: It's no more.

22 CHAIRMAN ULMER: Okay. I understand. I'm just
23 saying that --

24 MR. ELIAS: Yes.

25 CHAIRMAN ULMER: -- that's the reason --

1 MR. ELIAS: It's in the front.

2 CHAIRMAN ULMER: -- this picture confused me.

3 MR. ELIAS: Not in the back.

4 CHAIRMAN ULMER: Okay.

5 MR. ELIAS: You see right here, with me here in
6 the first -- last ticket he give me, 9600 Kirkwood. I
7 don't work on 9600 Kirkwood. Do you see 9600 Kirkwood?
8 This is my parking. I pay for parking, and I cannot
9 park for it. Now not going -- you cannot take it off
10 out of my shop.

11 CHAIRMAN ULMER: So your --

12 MR. ELIAS: The landlord. If I park my car next
13 to my shop, I'm in trouble. I park it in my area. I
14 pay for parking. I'm in trouble.

15 CHAIRMAN ULMER: So he's referring to Exhibit C.

16 LT. HITZMAN: Mr. Eid, can you go have a seat so
17 we can have this on camera and everything?

18 CHAIRMAN ULMER: It references three --

19 OFFICER VAUGHN: Location?

20 CHAIRMAN ULMER: Yeah.

21 OFFICER VAUGHN: 9600 Kirkwood. They -- his shop
22 is at 9650 Kirkwood. 9600, when you write a ticket, you
23 put the hundred block.

24 CHAIRMAN ULMER: Okay. So that's just the
25 hundred block of the shop?

1 OFFICER VAUGHN: Correct.

2 CHAIRMAN ULMER: Okay.

3 OFFICER VAUGHN: Yeah.

4 CHAIRMAN ULMER: Okay. What is your address,
5 Mr. Eid?

6 MR. ELIAS: 9650 South Kirkwood, Suite A-1.

7 CHAIRMAN ULMER: Right. You understand he's just
8 referencing your address, right?

9 MR. ELIAS: This -- when he put it in, 9600
10 Kirkwood, when he -- parking, well, I pay for it, and I
11 cannot use it by authorized officer. He tell me this
12 your car. You cannot park it over here.

13 MR. STEWART: His understanding is, is that he's
14 citing him for these cars that are not his cars being
15 outside the fenced-in area and for being worked on
16 outside that area, which are the two violations that
17 we're dealing with here.

18 CHAIRMAN ULMER: Okay.

19 MR. STEWART: The car that's on jack stands is
20 not Mr. Eid's car. He's not working on that car.

21 CHAIRMAN ULMER: Well, the officer's clearly said
22 he hasn't cited him for that car.

23 MR. STEWART: Okay.

24 OFFICER VAUGHN: 9600 Kirkwood on the citation is
25 for court purposes.

1 MR. STEWART: Right.

2 OFFICER VAUGHN: It has to be the hundred block.
3 It has nothing to do with his address being at 9600.

4 MR. STEWART: Right, I'm --

5 OFFICER VAUGHN: His address is 9650.

6 MR. STEWART: Right.

7 OFFICER VAUGHN: His complaint about the cars
8 parked on the street, he doesn't have a citation for
9 that.

10 MR. STEWART: Right.

11 OFFICER VAUGHN: Yesterday he didn't get one.

12 MR. ELIAS: Every time he come in --

13 MR. STEWART: Hold on. Let's -- let me hear what
14 the officer has to say. Just a second.

15 OFFICER VAUGHN: So I'm confused about what he's
16 trying to present to the board. The cars that are
17 stored are cars, in my photos that I took yesterday, are
18 all around the shopping strip. You can clearly see
19 mechanics working on the cars in the pictures. Those
20 cars on that block near his shop are just spread out.

21 You mentioned a church next door. The church is
22 not having any service. And I thought that might be a
23 problem, so I asked him for work orders for some of
24 those vehicles that were parked in front of the shop,
25 and he presented them. They're in that exhibit. So

1 those cars he's working on, they're at his shop, not the
2 church.

3 CHAIRMAN ULMER: My exhibit doesn't have those
4 photos.

5 OFFICER VAUGHN: There's only one packet --

6 CHAIRMAN ULMER: Okay. That's --

7 OFFICER VAUGHN: -- that's being passed down.

8 CHAIRMAN ULMER: -- going around. Okay.

9 OFFICER VAUGHN: Yes.

10 CHAIRMAN ULMER: Okay.

11 MS. PALMER: The vehicles that's parked between
12 the yellow stripes --

13 MR. ELIAS: In the back?

14 MS. PALMER: No, I believe that's in the front.

15 MR. ELIAS: Okay.

16 MS. PALMER: Are any of those your parking spots?

17 MR. ELIAS: In the front, all my car -- is four
18 cars is my car.

19 MS. PALMER: In between the yellow stripes. So
20 how many do you have?

21 MR. ELIAS: What do you mean?

22 MR. STEWART: He has four parking spots, I
23 believe is what --

24 MR. ELIAS: I have the front four parking spot --

25 MS. PALMER: Okay.

1 MR. ELIAS: In the -- in the drive -- in the
2 front of shop I have three parking plus inside the shop,
3 inside and behind. And in the church area, I have -- I
4 get with the church area, tell me Eid, park your car any
5 time, no problem, none whatsoever. They have notarized
6 paper. I give you notarized paper. You want me come in
7 with you to court, I come into court with you. I don't
8 have no problem. I never have no problem with church.

9 Only I have a problem with the officer come and
10 watch me across the street sitting for 15 minutes. The
11 time I see him, he come and drive to my front of the
12 shop and holding his phone like this in front of my
13 customer like I'm selling drugs. Every customer come
14 and tell me like I'm drugs --

15 CHAIRMAN ULMER: Mr. Eid, --

16 MR. ELIAS: I'm selling drugs.

17 CHAIRMAN ULMER: -- you understand, Mr. Eid, the
18 officer's doing his job. I mean you've got to admit the
19 first set of photos that we saw of your business were
20 pretty in dismay. Were you proud of --

21 MR. ELIAS: I don't understand --

22 CHAIRMAN ULMER: -- what the --

23 MR. ELIAS: -- the exact --

24 CHAIRMAN ULMER: -- officer brought forward? I
25 mean I wasn't.

1 MR. ELIAS: I don't understand exactly --

2 CHAIRMAN ULMER: So you're --

3 MR. ELIAS: Three months --

4 CHAIRMAN ULMER: Yeah, but we're here to talk
5 about what is the case with your business. That's what
6 we're here to talk about.

7 MR. ELIAS: I'm doing my best to clean up shop.
8 I'm doing --

9 CHAIRMAN ULMER: Mr. Eid, when this board gave
10 you a 30-day continuance, that 30-day continuance, and I
11 remember specifically exactly what we talked about, we
12 said all problems must be fixed before you come back to
13 the board.

14 MR. ELIAS: I did --

15 CHAIRMAN ULMER: And you actually got a lot more
16 than 30 days, right? But you remember that
17 conversation --

18 MR. ELIAS: Yes, sir, I do.

19 CHAIRMAN ULMER: -- you and I had? We said when
20 you leave here, you've got to fix all these problems,
21 and when you come back to us, they all have to be fixed.

22 MR. ELIAS: I fixed --

23 CHAIRMAN ULMER: And you actually got a lot more
24 time than what you were allowed, because we gave you 30
25 days. You even said I need 30 days, right?

1 MR. STEWART: May I respond, --

2 CHAIRMAN ULMER: Sure.

3 MR. STEWART: -- Mr. Chairman?

4 So regarding the specific violations, I guess,
5 that we're dealing with, and regarding this that's in
6 front of us here today, again, I think that the key is
7 is he's trying to keep all of his vehicles, you know, to
8 try and turn everything over quicker, try and not store
9 umpteen vehicles for these long periods of times, which
10 is why you don't see the whole shopping center covered
11 in vehicles like in some of the pictures that I'm sure
12 Officer Vaughn presented earlier.

13 I mean Officer Vaughn has several times talked
14 about the progress that he's made and how much better
15 his shop is. The floors are immaculate. The oil is
16 contained and not anywhere. There's -- they're not
17 dumping any oil or anything like that. There's no kind
18 of environmental violations.

19 The shop itself is working hard to abide by every
20 regulation of the City of Houston. Mr. Eid has spent
21 months and many thousands of dollars to try and abide by
22 every regulation. He's, you know --

23 CHAIRMAN ULMER: Can you give us some examples --

24 MR. STEWART: Sure, sure.

25 CHAIRMAN ULMER: -- of what he's spent?

1 MR. STEWART: Like I said, he's put in the oil --
2 the new oil rig. He -- I don't know how to describe it.
3 Forgive me.

4 MR. ELIAS: The oil tank.

5 MR. STEWART: I'm not a mechanic. The new oil
6 tank that's inside the shop.

7 CHAIRMAN ULMER: Does he have receipts or
8 anything for these costs that he's spent?

9 MR. ELIAS: Yes, I do. I have -- for fence, my
10 new property cost me 25,000. I do have receipt.

11 CHAIRMAN ULMER: Not the new property. The
12 property where you're at where these violations are.

13 MR. STEWART: Did you bring your receipts?

14 MR. ELIAS: I have it at accountant.

15 CHAIRMAN ULMER: You have what?

16 MR. ELIAS: Accountant, he have -- I give it to
17 my accountant.

18 MR. STEWART: His accountant has it.

19 MR. ELIAS: I don't do my accounting paper.

20 CHAIRMAN ULMER: Okay. So what did you spend? I
21 mean your attorney said you --

22 MR. ELIAS: Well, I did --

23 CHAIRMAN ULMER: -- spent thousands of dollars.

24 MR. ELIAS: I did --

25 CHAIRMAN ULMER: What did you --

1 MR. ELIAS: I did --

2 CHAIRMAN ULMER: -- spend to try to get --

3 MR. ELIAS: I did -- I did for a fence. I put
4 somebody cutting grass for shopping center. I'm not
5 supposed to be cutting it. I did the cleanup supply
6 complete. I make stuff little here by little here by
7 little here.

8 MR. STEWART: So he's hired an outside -- what
9 he's --

10 MR. ELIAS: I hired somebody clean up complete.

11 MR. STEWART: I know sometimes his English is a
12 little broken, but --

13 CHAIRMAN ULMER: Right.

14 MR. STEWART: -- he's hired a separate contractor
15 to mow the grass and keep everything neat and organized
16 outside, even though that should be the responsibility
17 of the landlord. He's purchased the inside oil tank.

18 He's hired people to clean up the -- you know,
19 make sure all of the oil stains are removed and things
20 like that, like we had discussed earlier at an earlier
21 hearing.

22 He's installed the fencing material behind the
23 fence, you know, which is a cost of several hundred
24 dollars, I believe.

25 OFFICER VAUGHN: Which is just temporary fencing.

1 MR. STEWART: Right.

2 OFFICER VAUGHN: It's not -- it's not solid. It
3 just has a little mesh screen --

4 MR. STEWART: Right.

5 OFFICER VAUGHN: -- across of it.

6 MR. STEWART: There's photographs of it.

7 CHAIRMAN ULMER: That being said, do we have the
8 definition of solid fence in chapter 8?

9 SGT. PROVOST: We do. It's in chapter 8.

10 CHAIRMAN ULMER: Do you know what -- I didn't
11 know off the top of my head which one it was, either.
12 What actual article it is, do you know?

13 MR. ELIAS: The solid fence cost me \$25,000.

14 CHAIRMAN ULMER: \$25,000?

15 MR. ELIAS: \$25,000 --

16 MR. STEWART: He put a solid fence on --

17 MR. ELIAS: -- for my property.

18 MR. STEWART: -- another property.

19 CHAIRMAN ULMER: On another property?

20 MR. STEWART: Right.

21 CHAIRMAN ULMER: Not on this property?

22 MR. STEWART: Right, but it's something -- it's
23 to be able to --

24 OFFICER VAUGHN: Section 8-30(d), fencing
25 requirements.

1 SGT. PROVOST: Officer Vaughn, could you tell
2 what his violation -- as of yesterday, what was his
3 violation?

4 OFFICER VAUGHN: Yesterday violations were he got
5 three citations.

6 SGT. PROVOST: Okay.

7 OFFICER VAUGHN: Storing vehicles without current
8 Texas registration and vehicle inspection sticker, area
9 to keep, store and dismantle vehicles in repair facility
10 without a solid fence. They're working on cars
11 everywhere in the parking lot. And repair vehicles held
12 over 30 days not behind a solid fence.

13 So I have photos from the first time I ever went
14 out there for inspection and photos from yesterday, and
15 some of the same vehicles are still around there, and
16 they're not behind the solid fence. You can see them.

17 SGT. PROVOST: So the real point for us is that
18 he's had three months, basically, to stop storing
19 vehicles past 30 days which he's ignored?

20 OFFICER VAUGHN: Correct.

21 SGT. PROVOST: Okay. And that's still going on
22 today? He's still storing them outside his mesh
23 fence -- even if his fence did qualify, he's still doing
24 what you told him not to do three months ago?

25 OFFICER VAUGHN: Correct.

1 SGT. PROVOST: Okay. You're still storing cars
2 with bad inspection stickers and all that stuff, and you
3 know that you can't do it.

4 MR. ELIAS: Is -- you look in the picture, and
5 the car you talk about it, it's a foreign car. I just
6 got the parts for it.

7 And even I have 1992 Lexus I order parts by
8 dealership. It's coming after a month and a half. And
9 I don't want to keep moving it. Somebody be hitting it.
10 I park it in the corner where's my parking area.

11 SGT. PROVOST: I understand what you're saying,
12 but the bottom line is that you're still keeping them
13 outside that fence past 30 days. Regardless of your
14 reason, you're still breaking the law. You're still
15 going against what ordinances told you not to do, and
16 you have -- that's not going to be an excuse.

17 If that's the case, every automotive repair
18 business in this city would have that same excuse. So I
19 mean you had three months to do this, and you've done
20 nothing. You still have the same main violations,
21 regardless of your reason.

22 So unless you have something good to say about
23 that, you're still breaking the law. And what's going
24 to prove to us that you're not going to continue to do
25 it? You've continued to do it even though you've been

1 written tickets for it, even though you've been to the
2 board.

3 So you still continue to store those cars outside
4 30 days and give us an excuse that parts or whatever.
5 It doesn't matter what your excuse is. You can't
6 continue to break the law just because of what? What's
7 your reason?

8 MR. ELIAS: I never do break the law. It's --

9 SGT. PROVOST: You are. You're breaking the law.

10 MR. ELIAS: It's a nice car. It's not junk car.

11 SGT. PROVOST: Okay.

12 MR. ELIAS: It's not sitting in the bricks.

13 SGT. PROVOST: It's still sitting --

14 MR. ELIAS: It's a clean car.

15 SGT. PROVOST: Sir, if you have a work order and
16 they're past that 30 days, it has to be behind a solid
17 fence. Officer Vaughn has been telling you this ever
18 since three months ago, February or March, when he
19 started approaching you with this. And you have ignored
20 that.

21 This board told you they were going to give you
22 30 days. You've had 90, and you're still ignoring it.

23 MR. NUNN: Is it behind the fence?

24 MS. PALMER: What is this area behind the plat?

25 OFFICER VAUGHN: Well, what he's doing is working

1 on the cars out in the parking lot. It's not even in
2 his fence. He's just taking parts off cars, the
3 mechanics are working on them out in the open area, even
4 way past -- he said he had four parking spaces, three in
5 front and four across.

6 If you look in those pictures, he's got cars all
7 the way down that shopping strip where they just go out
8 there and work on them.

9 MS. PALMER: Okay.

10 OFFICER VAUGHN: When I went out there on 6-10 to
11 do an inspection, he had maybe eight cars blocking the
12 entrance and exit to the shopping strip. And I asked
13 why -- you know, I couldn't get in the lot, and I had to
14 go all the way around. I go why are these cars here?
15 He told me somebody tried to break in his shop, so he
16 parked all the cars where his camera could see them,
17 which is blocking the entrance and exit.

18 I asked him well, what if a fire happens? The
19 fire trucks can't even get in the parking lot to put out
20 the fire. And I told him to move them. He moved them.
21 That's him on 6-10 on one of my inspections.

22 So I mean he just kind of does what he wants to
23 do in that corner.

24 MS. RICHARDSON: Do you still have the ambulance
25 on your property?

1 MR. ELIAS: That one, I have it in the back, in
2 the building.

3 MS. RICHARDSON: Okay. That work order is dated
4 March the 29th. Do you still have the 2005 Hyundai
5 Santa Fe?

6 MR. ELIAS: Yes, ma'am. This is the owner, she
7 pass away, and her mom, she fixing her car, and she paid
8 little by little. She want to give to her son.

9 MS. RICHARDSON: Uh-huh. I don't see any totals
10 down here.

11 MR. ELIAS: What is it?

12 MS. RICHARDSON: This is dated April the 24th.
13 It's just for an alternator, need to --

14 MR. ELIAS: I put error --

15 MS. RICHARDSON: -- something -- it says
16 something --

17 MR. ELIAS: -- from inside alternator.

18 MS. RICHARDSON: -- from the daughter.

19 Do you still have a 2003 Chevy Impala?

20 MR. ELIAS: Yes, ma'am.

21 MS. RICHARDSON: Okay. That is dated March the
22 14th. Security problem.

23 MR. ELIAS: That when I order --

24 MS. RICHARDSON: Yeah, I know what that's for.

25 MR. ELIAS: I order security box. It's worth

1 almost \$350.

2 MS. RICHARDSON: You know, they keep them -- you
3 know, yeah, they keep them in stock.

4 MR. ELIAS: This only four car --

5 MS. RICHARDSON: Chevy --

6 MR. ELIAS: -- I'm talking about why.

7 MS. RICHARDSON: Chevy has -- Chevy has problems
8 with their, you know, security. It's --

9 MR. ELIAS: Yes, ma'am, this --

10 MS. RICHARDSON: You know, it's within the --

11 MR. ELIAS: Yes, ma'am. This only four cars when
12 they talk about it.

13 MS. RICHARDSON: Okay.

14 MR. ELIAS: And I don't want to move it. I mean
15 it's a running car. I don't want to scratch it. I
16 don't want to damage it. I order parts. Even I show
17 him the Suburban, the one you see, I have the seat, and
18 even I open the trunk, I show it to him. I just got the
19 seat. I'm going to finish it and get it done.

20 MS. RICHARDSON: But I don't understand. Why is
21 this vehicle still here? I mean it's March.

22 MR. ELIAS: What is it?

23 MS. RICHARDSON: You know, I mean it's been --

24 CHAIRMAN ULMER: She's asking why the vehicle is
25 still there.

1 MS. RICHARDSON: Yeah, if it's --

2 CHAIRMAN ULMER: I mean it's been there since
3 March.

4 MR. ELIAS: For the parts. The parts the
5 problem.

6 MS. RICHARDSON: The security problem --

7 MR. ELIAS: The parts --

8 MS. RICHARDSON: -- is an easy job to fix.

9 MR. ELIAS: I don't have no parts.

10 CHAIRMAN ULMER: You're saying you can't get
11 parts?

12 MR. ELIAS: No, get the parts ready --

13 CHAIRMAN ULMER: Well, let me -- let's back up
14 for one second.

15 MR. ELIAS: Yes, sir.

16 MS. RICHARDSON: For a 2003, yes, you can.

17 CHAIRMAN ULMER: So, real quickly, the pictures
18 that you've shown us of your solid fence, what is that?
19 Is that a tarp that you've attached to the fence?

20 MR. STEWART: It's not a tarp. It's a -- it's a
21 special material --

22 MR. ELIAS: It's a special material.

23 MR. STEWART: -- designed for that purpose that
24 it's being used for there.

25 CHAIRMAN ULMER: Okay.

1 MR. ELIAS: So nobody can see through --

2 CHAIRMAN ULMER: So what type --

3 MS. RICHARDSON: It's just a mesh.

4 CHAIRMAN ULMER: -- of material is it?

5 MS. RICHARDSON: I've got some of it.

6 MR. STEWART: Right.

7 CHAIRMAN ULMER: It's just a mesh type material?

8 MS. RICHARDSON: It's just a mesh --

9 MR. STEWART: Right. It's -- essentially it's --

10 CHAIRMAN ULMER: Let me read you -- let me read
11 you the definition of solid fence. Okay? Because I
12 mean you're -- you are making the assumption that that
13 solid fence you put up is going to suffice.

14 MR. STEWART: Right.

15 CHAIRMAN ULMER: All fences shall be constructed
16 of wood, masonry, corrugated sheet metal, chain link or
17 any combination thereof, provided, however, that any one
18 side of an automotive wrecking or salvage yard or
19 automotive repair facility shall be bounded by a fence
20 or wall constructed of only one of the above materials.

21 Chain-link fences shall be constructed of
22 galvanized chain-link fencing with wood or metal slats
23 or strips run through all links of the chain-link fence.

24 All fences or walls shall extend downward to
25 within three inches of the ground and shall test plumb

1 and square at all times. That fence that you put up
2 does not meet this definition.

3 MR. STEWART: What is the purpose of the wood or
4 metal slats?

5 CHAIRMAN ULMER: I'm just telling you what the
6 definition of it is in City ordinance.

7 MR. STEWART: Right.

8 CHAIRMAN ULMER: And it goes into very great
9 detail.

10 MR. STEWART: Right. I understand.

11 CHAIRMAN ULMER: So it doesn't say you can put
12 anything up there that you want.

13 MR. STEWART: Right.

14 CHAIRMAN ULMER: And it's done to maintain an
15 orderly appearance throughout neighborhoods,
16 communities, things of that nature.

17 MR. STEWART: Exactly.

18 CHAIRMAN ULMER: That's the purpose of it.

19 MR. STEWART: Right.

20 CHAIRMAN ULMER: So this material that you have
21 put up there, and I'm not familiar with the material,
22 but if it's not a material -- the reason these materials
23 were chosen and the reason that it specifically implies
24 they need to be plumb and test plumb at all times is
25 because we don't want fences falling down. We don't

1 want material on a fence like, you know, construction
2 mesh that is only designed to last for a short period of
3 time and it's going to be deteriorated by the sun.

4 Have you ever seen what happens to a tarp out in
5 the sun in a couple of months? It becomes raggedy
6 strips that are blowing in the wind. And that's what
7 I'm afraid is going to happen with the material that you
8 put up there.

9 We haven't seen any receipts for that material or
10 a demonstration of that type of material or any
11 description of that material to say this is what it's
12 for, and it will last five years in the sun.

13 MR. STEWART: Sure.

14 CHAIRMAN ULMER: We haven't seen any of those
15 things. So I think what we've kind of done is try to
16 circumvent the 30-day rule by putting some type of
17 material. It looks like tarps to me in the photos,
18 maybe it's not. Do you -- can you give me some more
19 information on this material that you've chosen? Is
20 that what it's for?

21 MR. ELIAS: It looks --

22 MR. STEWART: Yes.

23 MR. ELIAS: -- like a tarp. This is special for
24 fence.

25 MR. STEWART: It's a mesh.

1 CHAIRMAN ULMER: It looks like a tarp.

2 MR. STEWART: Like one of the board members said.

3 MR. ELIAS: It looks like a tarp.

4 MR. STEWART: She was familiar with it.

5 MR. ELIAS: It's special for fence. I ordered
6 it --

7 CHAIRMAN ULMER: Where did you -- where did you
8 buy it?

9 MR. ELIAS: I ordered it -- Anthony was --
10 Anthony, --

11 CHAIRMAN ULMER: Okay.

12 MR. ELIAS: -- a friend of mine, he ordered it
13 for me.

14 CHAIRMAN ULMER: Okay.

15 MR. ELIAS: And the one he come in with me was
16 doing my shop, the new shop. He ordered it for me.

17 CHAIRMAN ULMER: How do you attach it to the
18 fence?

19 MR. ELIAS: Yeah.

20 CHAIRMAN ULMER: How? How do --

21 MR. ELIAS: Which one?

22 CHAIRMAN ULMER: -- you attach it?

23 MR. STEWART: There's grommets, I believe, where
24 it --

25 MR. ELIAS: Which one, other fence?

1 CHAIRMAN ULMER: Yes.

2 MR. ELIAS: Other fence is solid fence.

3 CHAIRMAN ULMER: No, no, no, this fence.

4 MR. ELIAS: This fence?

5 CHAIRMAN ULMER: Do you have photos of it?

6 MR. STEWART: He's asking how it's attached.

7 MR. ELIAS: Attached by -- it's plastic tie.

8 OFFICER VAUGHN: Zip ties.

9 MS. RICHARDSON: Ties?

10 MR. ELIAS: You have a special --

11 CHAIRMAN ULMER: So you use zip ties to --

12 OFFICER VAUGHN: Zip ties.

13 MR. ELIAS: -- special area --

14 OFFICER VAUGHN: Right.

15 CHAIRMAN ULMER: So it's basically a tarp that
16 you've zip tied to the fence?

17 MR. STEWART: It's not a tarp. It's specially
18 designed for --

19 MR. ELIAS: It's --

20 MR. STEWART: -- the purpose for --

21 MR. ELIAS: It's for fence.

22 MR. STEWART: -- which he's using it right now.

23 MS. RICHARDSON: Yeah.

24 CHAIRMAN ULMER: Okay.

25 MR. STEWART: It's designed to be used as it is

1 here.

2 CHAIRMAN ULMER: Do you -- I mean, do you have
3 something to show that's what it's designed for?

4 MR. STEWART: I mean we can --

5 CHAIRMAN ULMER: Do you have a receipt or --

6 MR. STEWART: -- send you an internet link or
7 something, whatever you'd like.

8 CHAIRMAN ULMER: I still don't believe that this
9 meets this definition.

10 MR. STEWART: Sure.

11 CHAIRMAN ULMER: I mean --

12 MS. RICHARDSON: Yeah, because -- because I mean,
13 you know, --

14 CHAIRMAN ULMER: I think the key is --

15 MS. RICHARDSON: -- we're having a conversation
16 here that --

17 CHAIRMAN ULMER: -- that it really doesn't meet
18 the definition.

19 MS. RICHARDSON: -- that's the troubling part,
20 because it is not -- we go by the guidelines that have
21 been laid out by the City in chapter 8. And at this
22 time that does not meet those guidelines. So I can't
23 even understand why we're even having this conversation
24 about this mesh. He read off to you exactly what the
25 requirements are. We see this all the time, and you're

1 arguing with us over it, well, this is a fence, this is
2 a fence, this a fence. It's a temporary cover-up.

3 We go by chapter 8, what is written in chapter 8.
4 If you have an issue with that, then you need to go to
5 city council and say you need to change the ordinance.

6 MR. ELIAS: This here I put it in stability
7 fence. I cannot put solid fence. Solid fence is going
8 to cost me a lot of money.

9 MS. RICHARDSON: That is not our problem.

10 CHAIRMAN ULMER: Yeah, it's -- that -- you're
11 talking about something that's --

12 MS. RICHARDSON: And I understand.

13 CHAIRMAN ULMER: -- really not our issue.

14 MS. RICHARDSON: I understand. You know, I had
15 to go through the same thing with -- you know, with my
16 company when I opened it up 22 years ago. You know, I
17 have a solid fence, you know, and I have to go by those
18 rules.

19 MR. STEWART: Right.

20 MS. RICHARDSON: You have to go by those rules --

21 MR. STEWART: And on --

22 MS. RICHARDSON: -- if you're going to be in
23 business.

24 MR. STEWART: On his new property he has solid
25 fencing around it --

1 MS. RICHARDSON: We're not talking about the new
2 property.

3 MR. STEWART: Right, I understand.

4 MS. RICHARDSON: We're talking about what is
5 current.

6 MR. STEWART: Right.

7 MS. RICHARDSON: Let's don't even go to the new
8 property. I could care less about the new property --

9 MR. STEWART: Right.

10 MS. RICHARDSON: -- right now.

11 CHAIRMAN ULMER: I believe the officer has
12 something to add.

13 OFFICER VAUGHN: Yes. Regardless, it is a
14 temporary fix, but it doesn't meet the code. But,
15 regardless, just like you read off the four vehicles
16 that I took photos of, they have all been there longer
17 than 30 days, and I only did four, and there's more, but
18 I thought four would be enough for the board, but,
19 regardless, those vehicles are still held longer than 30
20 days, and they are not behind that temporary fence.
21 They're out in the front of the --

22 MS. RICHARDSON: And these are simple. These are
23 simple. These are in and out, --

24 CHAIRMAN ULMER: So, Mr. Eid, are these --

25 MS. RICHARDSON: -- you know, repairs.

1 CHAIRMAN ULMER: -- are these vehicles that we
2 talked about and we asked you about, are they not behind
3 the fence?

4 MR. ELIAS: Which one?

5 CHAIRMAN ULMER: They're outside?

6 MR. STEWART: The four that he just discussed
7 with you.

8 MR. ELIAS: I park it in the front one parking
9 outside.

10 CHAIRMAN ULMER: So they are not behind the
11 fence?

12 MR. ELIAS: It's nice car. Nothing about it --

13 CHAIRMAN ULMER: Right, but you would agree
14 they're not behind the fence? Okay.

15 MR. STEWART: But I don't think he --

16 CHAIRMAN ULMER: That was our point.

17 MR. STEWART: I don't think he's storing them out
18 there in front of the shop, are you?

19 OFFICER VAUGHN: There's no where else --

20 MR. ELIAS: I move it.

21 OFFICER VAUGHN: -- to store it.

22 MR. ELIAS: Move it.

23 OFFICER VAUGHN: They're out there, and they're
24 always out there.

25 MS. PALMER: So, Mr. Eid, I think it would be

1 looked as it did in the beginning, right? It's not full
2 of cars all the way down to the end like it was in the
3 beginning, right?

4 OFFICER VAUGHN: It's still full of cars. Every
5 space is not full of cars, but it's still full of cars.
6 I mean you can see it in the photos that I took
7 yesterday.

8 MR. STEWART: I still haven't seen the photos
9 that you took --

10 MS. RICHARDSON: You just said a key word,
11 shopping --

12 CHAIRMAN ULMER: Would you --

13 MS. RICHARDSON: -- center.

14 CHAIRMAN ULMER: Would you pass those photos that
15 we have there as Exhibit D to the --

16 MS. RICHARDSON: It's not set up for an
17 automotive repair facility. It is a shopping center.

18 MR. STEWART: Right, which is why he's trying to
19 purchase the new land that you don't want to hear about.

20 OFFICER VAUGHN: Yeah, but the whole issue is,
21 which is what we said when we -- the first board hearing
22 was no one's saying that he doesn't do good work --

23 MR. STEWART: Right.

24 OFFICER VAUGHN: -- or repair cars on his
25 repaired vehicles. We're saying that where he is is not

1 sufficient for the amount of business that he does. He
2 needs to have that new space. He needs to move to that
3 new space.

4 SGT. PROVOST: How long before the new shop
5 opens?

6 MR. ELIAS: I send it for the County. I get the
7 County permit, and I send it for the City. And they
8 tell me like 11, 12 days it's going to give me permit
9 for City, and the guy start build it right away. You
10 know, I'm not going to start until I have a permit in my
11 hand --

12 SGT. PROVOST: So how long -- I mean I need a --
13 tell me an estimated time you're talking about before
14 your new shop is going to open.

15 MR. ELIAS: I'll be honest with you, I ask the
16 guy how long he going to take to build the building. He
17 tell me about four months.

18 LT. HITZMAN: So he has to build a building on
19 the property?

20 MR. ELIAS: Yes.

21 LT. HITZMAN: There's nothing on it already?

22 MR. STEWART: Right.

23 MR. ELIAS: It's going to take him about four
24 months.

25 MR. STEWART: He just has like a fence around it,

1 for that morning or something.

2 MR. ELIAS: I have them -- I moved them around
3 and I put it back. I don't move it far away. I know
4 somebody broken in. Last -- before we come in, somebody
5 robbed me, stole a car out of there and stole my phone
6 and he saw everything. Every time he come and give me a
7 violation. And this is why you see the car, I park it
8 in the front.

9 CHAIRMAN ULMER: It's not the officer's fault
10 that someone come and robbed you.

11 MR. STEWART: Right.

12 CHAIRMAN ULMER: I mean the issues that we're
13 talking about here are housekeeping issues. These are
14 the issues that we're talking about.

15 MR. STEWART: Can we hear from Mr. Nunn and --

16 CHAIRMAN ULMER: Certainly.

17 MR. STEWART: -- his interactions --

18 CHAIRMAN ULMER: Certainly.

19 MR. STEWART: -- with the shop?

20 MR. NUNN: Yeah, I've known Mr. Eid for about
21 eight years. He moved from another mechanic shop. He
22 used to work with his brother. He has his own shop now.
23 He's very efficient at the work he does with my
24 vehicles. I have four vehicles over there. I let
25 him -- I had a diesel vehicle, the one ton, I had a

1 problem with, with a transmission. He took it in the
2 shop and had checked it out, found out it was just a
3 fuel filter, a very simple fuel filter. He told me to
4 buy ACDelco fuel filter instead of an aftermarket one,
5 and it worked out great.

6 But every time I went to his shop, you know, he
7 was very clean. He did my job fast, and I left. You
8 know, he does all of my inspections as well in the back
9 of his shop, and he's very etiquette about putting my
10 car in the shop, because of the state -- I guess the DOT
11 regulations over there got to insist that the car's got
12 to be in the shop to get --

13 CHAIRMAN ULMER: Right.

14 MR. NUNN: -- to get inspected on that end. But
15 he's done very good work for me over there.

16 MR. STEWART: And he works on your car inside the
17 shop, you say?

18 MR. NUNN: Yes.

19 CHAIRMAN ULMER: Are you aware of vehicles being
20 worked on outside the shop? I mean we actually have
21 photos of vehicles being repaired --

22 MR. NUNN: When I was there --

23 CHAIRMAN ULMER: -- in the parking lot.

24 MR. NUNN: When I was there, I've seen them --
25 when other cars drive up, he just opened the hood up and

1 looked and give them a quote, and then if they want to
2 get it done, then he -- and he pulls it in if he can
3 work on it. If he can't work on it, he tells them
4 you've got to come back later when I was there.

5 CHAIRMAN ULMER: Do you live near his shop?

6 MR. NUNN: No, I live on the Katy side of town.

7 CHAIRMAN ULMER: Okay.

8 MR. NUNN: Yeah.

9 CHAIRMAN ULMER: Do you see -- you kind of
10 understand what -- you know, these are neighborhood
11 protection issues that we're --

12 MR. NUNN: Yeah.

13 CHAIRMAN ULMER: -- really talking about --

14 MR. NUNN: Well --

15 CHAIRMAN ULMER: -- here, and --

16 MR. NUNN: When I was there one time --

17 CHAIRMAN ULMER: -- those are really the things
18 that we're keying in on.

19 MR. NUNN: Right. I went there one time. The
20 church was -- I guess they had a church next door. They
21 were out there barbecuing and cars all over the place,
22 and I didn't think -- I didn't know what was going on.
23 I thought it was some kind of activity or some festival
24 or something, but that's the only time I seen. But
25 those were nice cars that he was working on when they

1 would have some church going on.

2 CHAIRMAN ULMER: When was that? I mean --

3 MR. NUNN: It was a church organization over
4 there.

5 CHAIRMAN ULMER: Right, but when was that?

6 MR. NUNN: It was on a Saturday.

7 CHAIRMAN ULMER: Okay. I don't think our
8 officers have been out there --

9 MR. NUNN: Yeah.

10 CHAIRMAN ULMER: -- on a Saturday.

11 MR. NUNN: It was on a Saturday probably about
12 maybe 4 or 5 o'clock.

13 CHAIRMAN ULMER: Okay.

14 MR. NUNN: In that time.

15 CHAIRMAN ULMER: Officer, did you have some
16 things to add?

17 OFFICER VAUGHN: Once again, we are not talking
18 about the quality of work --

19 MR. NUNN: Yeah.

20 OFFICER VAUGHN: -- he does. That has nothing to
21 do with why he's here. It's his violations. I mean if
22 he fixed your car with an ACDelco filter or whatever and
23 he did a good job, okay. That's not why we're here.
24 We're talking about his violations. So he needs to fix
25 those things.

1 MR. STEWART: Eid does good work at a fair price,
2 and, you know, he tries to help people out, which I
3 think is why --

4 CHAIRMAN ULMER: But, remember, that's --

5 MR. STEWART: -- some of this --

6 CHAIRMAN ULMER: Those are great issues.

7 MR. STEWART: I understand.

8 CHAIRMAN ULMER: And I appreciate that.

9 MR. STEWART: Right.

10 CHAIRMAN ULMER: But I think it's very clear why
11 we're here.

12 MR. STEWART: Right.

13 CHAIRMAN ULMER: We have some specific
14 violations, some specific reports, --

15 MR. STEWART: Sure.

16 CHAIRMAN ULMER: -- and we're really wasting
17 everybody's time talking about what great work he does.
18 I appreciate that. Okay? That helps the automotive
19 industry. But the dismay that his business is in hurts
20 the automotive industry much more than doing great work,
21 and it hurts the community, it hurts the environment, it
22 hurts all of these things, and those things have not
23 been taken care of.

24 Do you have anything to present us to show that
25 these reports are not accurate?

1 MR. STEWART: I mean we've presented 20 pictures
2 and the testimony of Eid and his witness here. I mean I
3 think that it speaks for itself. I mean I think that
4 when you compare the before pictures, the first pictures
5 that Officer Vaughn ever took, and the pictures that
6 were taken yesterday, it's night and day.

7 CHAIRMAN ULMER: Right.

8 MR. STEWART: It's night and day.

9 CHAIRMAN ULMER: You were here for the first
10 hearing, correct?

11 MR. STEWART: Yes.

12 CHAIRMAN ULMER: And you remember us specifically
13 speaking of and saying this business has to be 100
14 percent when you come back?

15 MR. STEWART: Right, I do.

16 CHAIRMAN ULMER: And do you agree now that we've
17 had more than twice as much time as was initially
18 allotted for that?

19 MR. STEWART: Right. Yes.

20 CHAIRMAN ULMER: Okay. We -- this board told
21 Mr. Eid we have no problem, we'll give you another
22 continuance. Okay? So we did that. And now he's had
23 more than twice the amount of time that you originally
24 gave him.

25 MR. STEWART: Right.

1 CHAIRMAN ULMER: And do you feel like his
2 business is a hundred percent to compliance?

3 MR. STEWART: I feel like he's in compliance,
4 yes.

5 CHAIRMAN ULMER: You feel like -- so you feel
6 like that solid fence meets that ordinance that I read
7 to you?

8 MR. STEWART: I feel like it meets -- it's
9 substantially in compliance, that it meets the purpose
10 of the ordinance.

11 CHAIRMAN ULMER: So -- but it doesn't meet the
12 description of a solid fence.

13 MR. NUNN: I --

14 CHAIRMAN ULMER: Do you have something to add?

15 MR. NUNN: I had a quick question. I didn't know
16 about his fence situation or anything, but I have -- I
17 have those slats you're talking about. I can tell him
18 where to get them at. There's a Foster Fence Company
19 off of Highway 90 --

20 CHAIRMAN ULMER: Well, unfortunately, I think
21 we're beyond that point.

22 MR. NUNN: Yeah.

23 CHAIRMAN ULMER: That should have been done a
24 month ago, because that was really the alternative.

25 MR. NUNN: Well, if he knew the definition, he

1 probably could have got them correctly, but --

2 OFFICER VAUGHN: It's his responsibility.

3 MR. NUNN: -- if he didn't know --

4 CHAIRMAN ULMER: We made it clear.

5 MR. NUNN: Yeah.

6 CHAIRMAN ULMER: It was very clear in the first
7 meeting --

8 MR. NUNN: Right.

9 CHAIRMAN ULMER: -- what that definition was.

10 MR. NUNN: Yeah, I can tell him where to get
11 them.

12 MR. SANCHEZ: I have a question. This is
13 Benjamin Sanchez, for the record. Do we have a copy of
14 the notice of violations from the last hearing from
15 which this was continued?

16 OFFICER VAUGHN: Yes.

17 SGT. PROVOST: Yes.

18 CHAIRMAN ULMER: You mean the initial hearing?

19 MR. SANCHEZ: When did the last hearing --

20 CHAIRMAN ULMER: Two hearings ago.

21 SGT. PROVOST: Is that the one from March 24th?

22 OFFICER VAUGHN: Yeah, yeah.

23 MR. SANCHEZ: Whatever the basis of the hearing
24 is.

25 CHAIRMAN ULMER: March 24th, yes.

1 MR. STEWART: I mean I've seen -- I've seen
2 violations for weeds, which he specifically addressed by
3 hiring an outside contractor to do that, even though
4 he's in a unit that is supposed to be maintained.

5 I've seen violations for parts on the floor,
6 which there's not a single part on the floor.

7 I've seen violations for rat harborage, and
8 there's no rat harborage.

9 I've seen tickets or violations for a cat or a
10 dog, and there's no cat or a dog in his shop.

11 OFFICER VAUGHN: But there was when the tickets
12 were written.

13 MR. STEWART: Right, but there's --

14 OFFICER VAUGHN: Okay.

15 MR. STEWART: -- none yesterday, right?

16 OFFICER VAUGHN: Okay. I just want to make
17 sure --

18 CHAIRMAN ULMER: You're saying these are things
19 that have been corrected?

20 MR. STEWART: Right. I'm saying he's taken
21 extensive remediation measures here. He really has.
22 I've seen tickets for illegal disposal of waste where
23 there was some runoff, and he's corrected all of that.
24 Or violations that were marked on here.

25 I've seen violations for illegal dumping, and

1 there's no illegal dumping, no garbage piled up, no
2 nothing. He's talked to his neighbors, and he's worked
3 with the neighbors to make sure that they're trying to
4 keep their trash in a little bit better order, because
5 there's -- what is it, a meat market next to it that --

6 MR. ELIAS: They did see.

7 MR. STEWART: -- keeps their stuff --

8 MR. ELIAS: He never take no picture for it.

9 MR. STEWART: -- messy.

10 MR. ELIAS: Yesterday they take picture of my
11 stuff.

12 MR. STEWART: They've --

13 CHAIRMAN ULMER: That officer --

14 MR. ELIAS: They didn't take picture for that.

15 CHAIRMAN ULMER: That officer is not charged with
16 taking care of a meat market. Remember --

17 MR. STEWART: They've given him violations for
18 having cars parked on the street, and there weren't cars
19 parked on the street to be worked on or anything like
20 that.

21 His workers are authorized to park along the curb
22 for a less than 24-hour period just like anybody else in
23 the city of Houston can.

24 I've seen numerous violations that have all been
25 corrected, and right now we're arguing over whether or

1 not this is -- you know, whether this fence meets the
2 statutory definition for the most part.

3 MR. SANCHEZ: Counsel, this is Benjamin Sanchez
4 again for the record. We should all identify ourselves
5 since we do have a court reporter and not talk over each
6 other when we're doing this.

7 The violation notice that originally set this
8 hearing in place, there was an agreement, was there not,
9 that all the violations in this notice would be complied
10 with, correct?

11 MR. STEWART: We had discussed that, yes.

12 MR. SANCHEZ: And, in fact, you and your client
13 had agreed to do that within a certain amount of time,
14 correct?

15 MR. STEWART: Yes, we're -- we're --

16 MR. SANCHEZ: Okay. So what -- I'm just going to
17 go through these one by one real quick. I'm not going
18 to go over all --

19 MR. STEWART: Sure.

20 MR. SANCHEZ: -- the evidence. It seems that one
21 of the violations was several vehicle parts scattered on
22 the ground. I don't see that as a violation. So we can
23 assume that violation is correct. No. 3 says that there
24 should be no excess grass or weeds. I don't see any
25 violations. So I assume that's correct. No. 4 says

1 that there should be a register of each repair the
2 person has made to the -- to the vehicles, a description
3 of each motor vehicle that is repaired. I believe that
4 is correct. I don't think that is the registration
5 you're talking about now, correct?

6 OFFICER VAUGHN: Correct.

7 MR. SANCHEZ: Then we also had the violation
8 regarding maintaining documentation on the vehicles
9 being repaired in your place of business. I don't think
10 that's a current violation, correct?

11 OFFICER VAUGHN: No.

12 MR. SANCHEZ: So while we're here -- so what
13 we're here on really, even though there may be new
14 violations, the agreement was that he was supposed to
15 take care of these violations within a certain amount of
16 time. What we're still left with, though, is violation
17 No. 1, which is the fence, correct?

18 OFFICER VAUGHN: That is correct.

19 MR. SANCHEZ: And you would agree that even
20 though these other violations have been fixed, you still
21 didn't fix the fence, correct?

22 MR. STEWART: I disagree with that analysis. I
23 think he's substantially in compliance, and I think he's
24 doing what he physically can do to abide by it.

25 MR. SANCHEZ: Well, I will tell you that the

1 ordinance -- the -- there is no substantial compliance
2 standard, but certainly the board is free to take this,
3 and, you know, we've done this before, but it's up to
4 the board as to whether or not the fact that he's
5 improved on some but not all, but I want to make it
6 clear, since we do have an attorney here and we do have
7 a court reporter here, that the -- he hasn't been given
8 a notice of hearing on the new citations, correct?

9 OFFICER VAUGHN: Yes, he got new citations
10 yesterday.

11 MR. SANCHEZ: Right, but he had not received a
12 notice of hearing on that?

13 OFFICER VAUGHN: Oh, no.

14 MR. SANCHEZ: So what we're here on -- in
15 essence, what we're here on is the fence now? So I
16 appreciate the fact that we've gone over all these other
17 violations, and I guess we could consider it, but we're
18 not really here on those violations.

19 So the question, I think, that this board has to
20 answer for now, because these other violations may come
21 up for a hearing, but they're not before us now, is
22 whether or not we revoke the license because he still
23 doesn't have a fence that meets the ordinance definition
24 of the fence.

25 So with that respect, I think we could pretty

1 much narrow the focus of our hearing and try to get to a
2 conclusion.

3 CHAIRMAN ULMER: And I think, to add to that just
4 a little bit, that is a twofold issue. If he does not
5 have vehicles that are held over 30 days, he doesn't
6 have these fence issues. So he could have done either
7 one of two things, construct a fence or not hold cars
8 over 30 days. It was made very clear.

9 As Mr. Eid has testified here today, he
10 literally -- the vehicles that he spoke about, does not
11 have them behind what he calls a solid fence, and he
12 left them out front, because he said they looked okay,
13 so he could park them in the parking lot. But they were
14 over 30 days. They are three, four, five months. Some
15 of them from prior to this hearing even.

16 And those vehicles are not -- have not been put
17 behind anything solid, not been put inside. They've
18 been left out. Correct, Mr. Eid?

19 MR. ELIAS: That's only car --

20 CHAIRMAN ULMER: That's what you testified
21 earlier.

22 MR. ELIAS: That's only car I'm going for parts,
23 that's it. It's next to the shop, next to the corner.

24 CHAIRMAN ULMER: Right, but those vehicles are
25 not behind any solid fence. They're out in the parking

1 lot.

2 MR. ELIAS: It's not solid fence next to it.
3 It's like it's all --

4 MR. STEWART: His question is those four cars.

5 MR. ELIAS: -- all like --

6 MR. STEWART: Those four cars that you were --

7 MR. ELIAS: -- three, and nobody can see through
8 it. Only the officer tell me when he come and look at
9 it that he says I see --

10 CHAIRMAN ULMER: But the cars are not behind
11 that?

12 MR. ELIAS: No, it's --

13 CHAIRMAN ULMER: They're out in --

14 MR. ELIAS: -- not behind the fence --

15 CHAIRMAN ULMER: -- the parking lot, right?

16 MR. ELIAS: Behind the bush.

17 CHAIRMAN ULMER: Behind the bush?

18 MR. ELIAS: Yeah. It's a nice bush in the front,
19 and we had --

20 CHAIRMAN ULMER: Okay. But the cars are in the
21 parking lot, correct?

22 MR. ELIAS: In the parking lot.

23 CHAIRMAN ULMER: Okay.

24 LT. HITZMAN: You understand the ordinance
25 doesn't give an exception because you -- you think it's

1 a nice car or because you're waiting on parts? It says
2 if it's more than 30 days, it has to be behind the
3 fence. That's just what we're trying to get you to
4 understand. It doesn't give an exception because it's a
5 nice car and you can park it up front all the time.

6 MR. ELIAS: I'll move it. I'll move it.

7 CHAIRMAN ULMER: Do y'all have any additional
8 information to add, or do we have any additional
9 comments or questions from the board?

10 MR. STEWART: I think that's it. I mean in a
11 nutshell, just to wrap up, you know, he's doing
12 everything he can to try and fix all these issues. He's
13 fixed numerous issues. There's numerous things that are
14 no longer even on the radar here as board member Sanchez
15 addressed here.

16 We just -- you know, if it's going to require
17 slats in the fence, then I'll get him to go put slats in
18 the fence. I mean it is what it is, so -- get him to
19 move those four cars that are out front. But he's in
20 substantial compliance with the law. He's doing his
21 very best every day to run a good shop, a fair shop, a
22 clean shop and to abide by all the laws of the City of
23 Houston and to make sure that it's a shop that we can be
24 proud of in our neighborhoods and in our city.

25 He helps people every day. One of the reasons he

1 had these cars is because, you know, like he was
2 discussing, you know, he would work with people on
3 payments.

4 And I understand that maybe that's not something
5 that -- that he should be doing, but out of the goodness
6 of his heart, that's what he's doing. He's trying to
7 help people.

8 MR. SANCHEZ: Okay. Counsel, may I ask
9 point-blank what it is you're seeking here today?

10 MR. STEWART: We're seeking to allow him to stay
11 in business.

12 MR. SANCHEZ: But what is -- what is your
13 specific request?

14 MR. STEWART: My specific request is that this
15 board take all of these factors into consideration and
16 to basically rule that he may continue to do business
17 then.

18 MR. WANG: Mr. Chairman, I remember --

19 MR. STEWART: And to not revoke his ability to do
20 business.

21 MR. WANG: His -- by my memory, because we worked
22 together to solve this case, we clearly say comply all
23 ordinance, --

24 CHAIRMAN ULMER: You've got to speak up.

25 MR. WANG: -- not only for the violation, which

1 that means on March he maybe have 10 violation. He
2 correct eight violation, but he make another five, six
3 new violation. Okay? On that day we says all the
4 violation, and made that clearly, including it's not
5 there. We say all the violation -- violation, because
6 Officer Vaughn make it clear, he said he's not -- he's
7 good technician, he's good shop, but that location no
8 way to qualify all the City ordinance. There's no way
9 in this shopping center to make a legal shop. Okay?
10 But still we'll give him 30 days to make clearly for
11 everything.

12 Lawyer Sanchez say only count the first time the
13 violation he correct, and the new violation we cannot
14 count. I don't think this is the agreement we make on
15 that time.

16 MR. SANCHEZ: Well, my concern, Chairman Wang, is
17 that we want to protect the board's decision, and we
18 want to make sure that the record is clear so that there
19 are no issues on appeal, because, obviously, we have a
20 court reporter here.

21 So I would urge the board that if we're going to
22 revoke his license, that we do so on the violation of
23 the fence, which is clearly noticed, and that we not --
24 it would be my request that we not on the record
25 consider other things other than the violations that

1 were already noticed.

2 With that -- with that said and with the
3 counsel's request that we not revoke, I'm going to make
4 a motion that we do revoke.

5 CHAIRMAN ULMER: I have a motion that we revoke
6 the -- we deny the appeal -- no, it's not an appeal.
7 It's a revocation. So that we have a motion that we
8 continue the revocation. Do I have a second for that
9 motion?

10 MR. WANG: It's not an appeal?

11 CHAIRMAN ULMER: It's not an appeal. It's a
12 revocation. So Mr. Sanchez is making a motion to revoke
13 his automotive repair facility license.

14 MR. WANG: Okay. I second.

15 CHAIRMAN ULMER: Mr. Wang seconds that motion.
16 All in favor of that motion?

17 [All members present raised their hands]

18 Anyone opposed to that motion?

19 No one's opposed.

20 All right. Mr. Eid, your license has been
21 revoked at this point in time. You can do no new
22 business. You can complete the business that you have
23 on hand right now, today, and you will have to be able
24 to document that you're only completing business that
25 you have on hand today. Okay? Do you understand that?

1 You do not have a license to take in any new business.
2 You can complete only the vehicles that you actually
3 have today.

4 MR. STEWART: We'd ask to be provided a full copy
5 of the file of everything, of all the exhibits and
6 documents and everything.

7 CHAIRMAN ULMER: What we will provide you with
8 today is a letter that explains the revocation.

9 MR. STEWART: Sure.

10 CHAIRMAN ULMER: You can request any documents
11 that you want in writing under the Open Records Act, but
12 this wouldn't be the proper place to do that. So any
13 documents that you do want, please request those -- go
14 through the Open Records Act.

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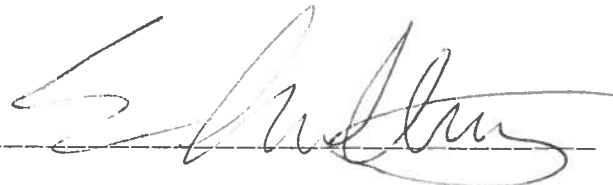
1 REPORTER'S CERTIFICATION

2 I, Shawn Kelley, Certified Shorthand Reporter
3 No. 3448 in and for the State of Texas, hereby certify
4 to the following:

5 That the transcript of the City of Houston
6 Automotive Board hearing is a true record of the City of
7 Houston Automotive Board hearing.

8 I further certify that I am neither counsel for,
9 related to, nor employed by any of the parties in the
10 matter in which this proceeding was taken, and further
11 that I am not financially or otherwise interested in the
12 outcome of the matter.

13 Certified to by me this 4th day of September,
14 2014.

15
16 

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