

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

April 8, 2014

9:41 a.m. to 10:55 a.m.

1002 Washington Avenue, Basement Level
Houston, Texas 77002

Board Members Present:

- Ken Ulmer, Chairman
- Timothy Straney
- Owen Wang
- Mazen Allaham
- Erma Palmer
- Shelly Richardson



1 CHAIRMAN ULMER: Elias Eid. If you'd step on up,
2 any witnesses that you have. Just have a seat right
3 there. Right here.

4 MR. ELIAS: Right here?

5 CHAIRMAN ULMER: Yeah, the table. Do you have
6 any witness or anything today?

7 MR. ELIAS: I have my lawyer. He's not here.

8 CHAIRMAN ULMER: Okay. Your lawyer's not here?

9 MR. ELIAS: No.

10 SGT. GRIFFIN: Do you want to step out and call
11 him?

12 CHAIRMAN ULMER: Yeah.

13 SGT. GRIFFIN: It might be a good idea.

14 CHAIRMAN ULMER: Yeah, if your attorney's not
15 here, you probably want to do that.

16 [Recess]

17 CHAIRMAN ULMER: So let's -- a little bit of
18 change of pace here. Let's move back to No. 1,
19 Mr. Elias Eid. Your attorney is here now, correct?

20 MR. STEWART: Yes.

21 CHAIRMAN ULMER: Okay. You guys come on up and
22 sit at the podium there. All right. We'll go ahead and
23 swear in the --

24 SGT. GRIFFIN: Everyone who's going to testify,
25 would you please raise your right hand?

1 [The witnesses were sworn by Sgt. Griffin]

2 CHAIRMAN ULMER: All right, sir.

3 SGT. GRIFFIN: This is a business revocation
4 hearing that was brought by Officer Larry Vaughn, and so
5 Officer Vaughn will outline the case and all the
6 evidence that goes with it.

7 CHAIRMAN ULMER: Okay.

8 OFFICER VAUGHN: Mr. Elias is being brought
9 before the Automotive Board to suspend his automotive
10 repair facility license for the following violations:
11 The fence requirement violations, parts on the ground
12 violations, inaccurate repair order/records
13 violations --

14 MR. ALLAHAM: I'm sorry, could you speak a little
15 louder?

16 OFFICER VAUGHN: Okay. Fence requirements
17 violations, the parts on the ground violations,
18 inaccurate repair orders/work order violations/records
19 and high weeds violations. Does everybody have a copy
20 of this?

21 CHAIRMAN ULMER: Yes, we do.

22 OFFICER VAUGHN: Okay. The Exhibits A to J show
23 the notice of violation, notice to appear, rights of
24 appeal, copy of the automotive repair facility
25 application, deed restrictions, certificate of

1 occupancy, d/b/a, his ARF license.

2 And H shows inspections that were done at his
3 business from May 12th to yesterday, April 14th. 4-14,
4 I'm sorry.

5 And I shows the photos were taken at the business
6 on those particular dates, 12-5-13, 1-14-14 and 4-7-14.

7 And J, supervisor, Sergeant Clark, did a
8 follow-up after one of the inspections in February 8,
9 2014.

10 CHAIRMAN ULMER: How many actual inspections have
11 taken place?

12 OFFICER VAUGHN: Including the one yesterday
13 before the board, I think eight.

14 CHAIRMAN ULMER: Eight inspections?

15 MR. ALLAHAM: We have like four of them, right?

16 OFFICER SHANNON: Three were taken in 2012.

17 CHAIRMAN ULMER: Okay. So --

18 OFFICER SHANNON: Uh-huh. Three were taken in
19 '13.

20 CHAIRMAN ULMER: If you will look at the
21 printout --

22 OFFICER SHANNON: Exhibit H. All the inspections
23 are under Exhibit H.

24 MR. ALLAHAM: Exhibit H?

25 OFFICER SHANNON: Yes, along with the notice.

1 OFFICER VAUGHN: The inspections, the contact
2 plus after, the citations -- copies of the citations
3 that were issued, they're all in Exhibit H.

4 MR. ALLAHAM: Exhibit H, this one?

5 OFFICER SHANNON: Yes, everything behind that.

6 CHAIRMAN ULMER: Is this at a strip center,
7 strip type center?

8 OFFICER VAUGHN: Yes, sir.

9 MR. ALLAHAM: It seems like it's not improving.
10 It's kind of falling behind as we go, correct?

11 OFFICER VAUGHN: On yesterday, when I went out
12 for the inspection, he had made some improvements, but
13 the big problem is he has a space that is clearly not
14 adequate for his business. He has cars that are taking
15 over the strip center, basically.

16 MR. ALLAHAM: As I'm looking here, 10-16 and 2013
17 you have only checked three violations.

18 OFFICER VAUGHN: Yes, sir.

19 MR. ALLAHAM: We go to the one after that, you
20 checked five. And then you go to the one after that,
21 you checked one, two, three, four, five, six, seven,
22 eight, nine.

23 OFFICER VAUGHN: That's correct, at that time
24 before he was basically told he was going to come before
25 the board is when he --

1 MR. ALLAHAM: And then the last --

2 OFFICER VAUGHN: -- started to do some of the
3 cleanup.

4 MR. ALLAHAM: The last one you did one, two,
5 three, four, five, six, seven. So --

6 OFFICER VAUGHN: Not great improvement, but some
7 improvement.

8 MR. ALLAHAM: Some improvement over the previous
9 time but not over the first time?

10 OFFICER VAUGHN: Correct.

11 MR. ALLAHAM: Nine violations. I don't call that
12 improvement.

13 CHAIRMAN ULMER: All right. Is that your case?

14 OFFICER VAUGHN: I'm sorry?

15 CHAIRMAN ULMER: Does that conclude your case,
16 everything you're presenting?

17 OFFICER VAUGHN: Yes, sir.

18 CHAIRMAN ULMER: Okay. So Mr. Elias --

19 MR. ELIAS: Yes.

20 CHAIRMAN ULMER: -- or Elias?

21 MR. ELIAS: Yes, sir.

22 CHAIRMAN ULMER: Elias?

23 MR. ELIAS: Yes, sir.

24 CHAIRMAN ULMER: Okay. This is your opportunity
25 to address the case that's been presented. You heard

1 the case that's been presented today. Do you have
2 anything that you would like to enter into evidence for
3 today?

4 MR. STEWART: We do. My name is Craig Stewart,
5 and I'm representing Mr. Elias. As some of y'all
6 know -- I've met a lot of you before, I was here
7 previously -- I work for Paul Kubosh's office.

8 I'm going to distribute some binders to those of
9 y'all who are here, the committee members, if I may.
10 I'll hang on to one for myself so we can all look
11 together.

12 The first thing I'd like to say is these are the
13 first time -- this is the first time that I've seen any
14 of these pictures that are in these exhibits here.
15 There were a series, I guess, of tickets written to
16 Mr. Elias, all of which were dismissed, you know, 15
17 violations, I guess, 15 dismissals regarding this. So
18 it would have been nice if -- you know, honestly, if
19 this would have been presented a lot earlier, a year
20 ago, two years ago, whenever these initial violations
21 were happening.

22 It's difficult to defend what happened a year or
23 two or three years ago, I guess, you know, when, you
24 know, we're called before the board just now.

25 When we look at the listed violations that are

1 causing the hearing, and those are on page 1 there of
2 your binders there. There are five violations,
3 basically, that have been cited as to why this hearing
4 has been called.

5 The first being the fencing wall requirement
6 under 8-30(d) of the City of Houston Municipal
7 Ordinances.

8 Second, parts being six inches above the ground,
9 which is section 8-30(i)(2).

10 Third, grass 9 inches above the ground, which is
11 section 8-30(j).

12 And section 8-30(l), which is that it requires
13 all requirements of the, pardon me, Fire Code and the
14 health and safety issues.

15 And, finally, that he has to maintain a proper
16 register of repairs.

17 Now, if you'll look, every photo in this binder,
18 save for the first one here, which is kind of an
19 overhead shot, is taken yesterday. So I think it's a
20 more accurate depiction of what's going on out there at
21 his shop.

22 And you don't see any trash, you don't see any
23 rubbish, you don't see, you know, this pile of mess and
24 weeds and whatever this is, you know, besides these
25 cars.

1 I mean this is not a depiction of the way
2 Mr. Eid's shop looks. It's just not. I've been out
3 there. I took the pictures.

4 CHAIRMAN ULMER: So let me ask you this. Are you
5 saying that these photos are inaccurate then, that it
6 didn't look like this at this particular time, or you're
7 just saying it's been cleaned up now?

8 MR. STEWART: I can't speak to that.

9 CHAIRMAN ULMER: Okay.

10 MR. STEWART: All right? Mr. Eid can address
11 that and some of the other people --

12 MR. ALLAHAM: You're saying we should ignore the
13 pictures of the police department inspectors actually
14 and from now on start sending attorneys to do this?

15 MR. STEWART: No, certainly not, but I think
16 that, you know, if there are these kind of issues, it
17 would have been nice to have seen this and dealt with
18 this two years ago, I guess, when it became a problem.
19 You know, I wish that --

20 MR. ALLAHAM: I'm sorry, I don't understand.
21 What do you mean by that?

22 MR. STEWART: Well, by this I know that Mr. Eid
23 has expressed to me, and I'll let him speak to this
24 more, but I think he's been a little frustrated at the
25 process as it's gone on, because he doesn't understand,

1 you know, how to correct things and what exactly needs
2 to be corrected and how to go about fixing any
3 deficiencies that are there.

4 CHAIRMAN ULMER: Well, as an attorney, I would
5 think that you would advise him to read City ordinance,
6 and it's pretty easy to figure that out.

7 MR. STEWART: Sure, and --

8 CHAIRMAN ULMER: As well, he's had a police
9 officer out there who has given him an inspection
10 report. Has he not received an inspection report every
11 time one of these inspections were done?

12 MR. STEWART: Right, but let's look at what's on
13 an inspection report. I've --

14 CHAIRMAN ULMER: Okay.

15 MR. STEWART: -- got a copy of one here. And on
16 the inspection report it will say -- and this is the
17 extent of what it will say -- failure to construct or
18 maintain a solid fence.

19 CHAIRMAN ULMER: Okay.

20 MR. STEWART: That's not clear to a normal
21 person, you know, how to fix that, right?

22 CHAIRMAN ULMER: Well, hold on, let's actually
23 get to that inspection report. Do you notice out there
24 to the side of it it actually states a specific section
25 where you find that?

1 MR. STEWART: Sure.

2 CHAIRMAN ULMER: So it would be pretty obvious to
3 me when I look at that and go hey, maybe I should go
4 read 8-51 and see what that says.

5 MR. STEWART: Maybe.

6 CHAIRMAN ULMER: Right?

7 MR. STEWART: I agree.

8 CHAIRMAN ULMER: Wouldn't you think that? I
9 mean --

10 MR. STEWART: Yes.

11 CHAIRMAN ULMER: That's the reason I actually
12 like these inspection reports. I think they're very
13 thorough.

14 MR. STEWART: I just wish there was a little bit
15 more detail with regards -- like I like the notes that
16 are on the bottom --

17 CHAIRMAN ULMER: I think we're --

18 MR. STEWART: -- of the one that was --

19 CHAIRMAN ULMER: -- spending a whole lot of time
20 talking about why this case hasn't been brought before
21 the board earlier, --

22 MR. STEWART: Uh-huh.

23 CHAIRMAN ULMER: -- when, in reality, auto
24 dealers is doing their due diligence in following up
25 with someone and trying to give them an opportunity to

1 repair the problems.

2 MR. STEWART: Sure.

3 CHAIRMAN ULMER: And they're not saying -- the
4 board has frowned in the past on people who were brought
5 to the board too quickly before they had an opportunity
6 to --

7 MR. STEWART: Right.

8 CHAIRMAN ULMER: -- fix some of their problems.
9 So I think it's an actual advantage for the business,
10 for the automotive -- for the auto dealers detail to
11 follow through with them in an attempt to get them back
12 on track.

13 I really think it's exactly the opposite of the
14 way that you're portraying it, in that they've given him
15 an inspection report that refers to the actual City
16 ordinance. I mean I think you're given a whole lot of
17 information.

18 MR. STEWART: Okay. Well, as of yesterday, when
19 the inspector was out there, when Officer Vaughn was out
20 there, he commended Mr. Eid for the improvement that he
21 had seen in certain aspects. He commended him on --
22 it's written here on the report, there's improvement on
23 work orders of vehicles.

24 You know, he's said that there's a lot of
25 improvement. You don't see the rubbish issues anymore.

1 You don't see the Fire Code issues anymore.

2 And I'm going to let Mr. Eid speak a little bit
3 about the status of his business and how things have
4 improved. It's not a downward trend that we're looking
5 at here. What we're looking at is he's addressed the
6 crux of the issues here, the main issues. I mean he's
7 not going to run a bad business. And I'm going to let
8 him talk a little bit about that.

9 Mr. Eid.

10 CHAIRMAN ULMER: Okay.

11 MR. ELIAS: My place is inside the shopping
12 center, and behind my shopping center is you have the
13 fence. And I park the car. In the front in a church,
14 the church let me park a car over there while I'm
15 building my own new shop.

16 And all the trash, you have a meat market behind
17 me, and you have a restaurant behind me. The floor all
18 full of trash, meat and bones in the trash, and you give
19 me all this kind of violation for it, and I say this is
20 not my things. This is not my cat. This is not my
21 trash. This is not my things. I do my best to clean it
22 up.

23 I go to a car. This officer come in around
24 1 o'clock always. I'm too busy, and I have a car. I
25 order parts on a car. I put it in the front of the car.

1 I'm working on the car and take off of old parts, put it
2 next to the car. After I finish it, I picked it up, I
3 put it inside the basket inside the shop, inside the
4 basket. Every week a junk yard come and pick it up.
5 And this is what I do. You know, he give me a violation
6 for all these kind of things.

7 He give me a violation for oil tank is not six
8 inch above ground. I'm look at it, and I call people,
9 is this six inch? Tell me no, it's eight inch. Why I
10 have a pallet and four-by-four and an oil tank inside
11 the cage.

12 I have big barrel. Officer Shannon come in
13 before him, and she tell me I need you put pan under oil
14 barrel. And I did buy one, and I put it in. And after
15 I put it in, you know, all of the trash and all this,
16 there's oil and paper and all this inside it. It's no
17 oil. It's no oil inside. It's only oil filter dry.

18 You know, they tell me no, I need it off of the
19 ground six inches. What I did, I take off of pallet, I
20 trash it, I put the pallet with six inches. It's done.

21 CHAIRMAN ULMER: Do you have any photos here of
22 the things that you're talking about or --

23 MR. ELIAS: Yes, sir, I do have photo here with
24 me here, too.

25 CHAIRMAN ULMER: Okay. Would you pass those out

1 to the board? I noticed in here I don't have any
2 photos -- I've got some outside photos.

3 MR. ALLAHAM: Here's the oil pan and it's sitting
4 on a four-by-four, and --

5 CHAIRMAN ULMER: Yeah.

6 MR. ALLAHAM: -- a four-by-four is not a six-inch
7 height.

8 CHAIRMAN ULMER: Right. Those are the same
9 thing.

10 OFFICER VAUGHN: Yeah, and I don't think he was
11 written for six inches for a barrel. He was written for
12 diking or for something else from six inches, like --

13 CHAIRMAN ULMER: Yeah, the actual --

14 OFFICER VAUGHN: -- batteries on the ground and
15 parts on the ground.

16 CHAIRMAN ULMER: The actual 55-gallon drum is
17 sitting on the ground.

18 OFFICER VAUGHN: Yes, in the photo.

19 MR. ELIAS: The drum is in the ground but inside
20 the oil pan. Officer Shannon, --

21 CHAIRMAN ULMER: Not in this photo it's not.

22 MR. ELIAS: -- she look --

23 CHAIRMAN ULMER: You have the photo in your
24 packet.

25 MR. ELIAS: Which is the one? I don't see it too

1 good.

2 MR. STEWART: What page is that?

3 CHAIRMAN ULMER: This is the first -- you have it
4 in your packet, as well.

5 MR. STEWART: I think this is what he's --

6 MR. ELIAS: Yeah, this one here? Okay.

7 CHAIRMAN ULMER: Hold it up. Let me see.

8 MR. ELIAS: This is a long time ago. I have it
9 in the basket, all the junk.

10 CHAIRMAN ULMER: Okay.

11 MR. ELIAS: And the pan in the floor.

12 CHAIRMAN ULMER: Well, do you have some photos of
13 it now?

14 MR. ELIAS: And Officer Shannon, she tell me put
15 pan. And I did put pan.

16 CHAIRMAN ULMER: Okay.

17 MR. ELIAS: Even she gave me two violations.

18 CHAIRMAN ULMER: Well, do you have some photos of
19 now?

20 MR. STEWART: Yes.

21 MR. ELIAS: Yes, sir, I do. I have a few.

22 OFFICER VAUGHN: I actually have some photos, as
23 well, that --

24 CHAIRMAN ULMER: Okay.

25 OFFICER VAUGHN: From yesterday.

1 CHAIRMAN ULMER: Okay.

2 MR. STEWART: We'd like to see the officer's
3 photos, if that's okay. I'm looking for the relevant
4 photos.

5 OFFICER SHANNON: They're in the -- in the
6 packet.

7 OFFICER VAUGHN: Well, no, no, no, I actually
8 took new ones yesterday. Like his attorney said, he has
9 some photos. His photos and my photos are clearly not
10 the same.

11 CHAIRMAN ULMER: Okay.

12 MS. CALABRESE: Do you have a copy for the
13 attorney?

14 MR. STEWART: I don't see one --

15 OFFICER VAUGHN: Yeah, I mean he can --

16 MR. STEWART: -- that's clear --

17 OFFICER VAUGHN: He can --

18 MR. STEWART: -- of the oil area. I've got more
19 photos that I didn't print out that I took yesterday.

20 CHAIRMAN ULMER: Well, why don't -- why don't you
21 take a look first at the officer's photos as of
22 yesterday.

23 MR. STEWART: Okay.

24 CHAIRMAN ULMER: And then we will, as well, begin
25 to pass around Mr. Elias's photos.

1 MR. STEWART: Sure.

2 MR. ELIAS: Yeah, this is the new.

3 MR. STEWART: There we go. This is --

4 MR. ELIAS: This is the new. Yeah, this is what
5 I did, but I take off the trash inside the basket in the
6 shop.

7 MR. STEWART: Can you hold it up so they can see
8 what you're referring to?

9 MR. ELIAS: And I put it in six inch --

10 CHAIRMAN ULMER: Show me which photo you're
11 referring to.

12 MR. ELIAS: I put it in six-inch wood under it,
13 and I put the trash, rotor and all this, in the tub.
14 Every week I have my son with a truck come and pick it
15 up. And this is oil tanks inside the cage in eight inch
16 above the ground.

17 OFFICER VAUGHN: Yeah, that's not -- that's not
18 one of your violations.

19 MR. WANG: Officer Vaughn, every time you go to
20 his shop, do you show him all his mistakes?

21 OFFICER VAUGHN: Absolutely.

22 MR. WANG: And before you make a picture for
23 this, he knows the picture is from his shop?

24 OFFICER VAUGHN: Yes, sir.

25 MR. WANG: Every time you did tell him how to

1 correct the problem?

2 OFFICER VAUGHN: Yes, sir.

3 MR. WANG: But this problem exist from 2012 to
4 2014. The last time you inspection the property still
5 have some problem there?

6 OFFICER VAUGHN: Yes, sir, still have some
7 problems there. And as well as Sergeant Clark went
8 there and explained it, as well. And he was also with
9 me yesterday and explained what needed to be done to get
10 him in compliance.

11 MR. WANG: So this was in his shop you make this
12 picture yesterday?

13 OFFICER VAUGHN: Those are not my photos.

14 MR. STEWART: No, those are his photos. His
15 photos were not yesterday. When were those taken,
16 Mr. Elias?

17 MR. ELIAS: I don't remember exactly, but it's
18 several days ago.

19 MR. WANG: Several days ago?

20 MR. ELIAS: Yeah, it's not -- I don't know
21 exactly. It may have a date in it in the back --

22 MR. ALLAHAM: Okay. The thing is -- the thing is
23 I mean you could clean up and take a couple pictures,
24 but what we're looking for is to be clean all the time.
25 That's why the inspector goes in unannounced and check

1 your shop.

2 So just to clean up for a day, it's not enough.
3 If you bring me a picture that says it's clean, that's
4 not enough, because I don't know how long you've been --

5 MR. ELIAS: I do clean it every day, but, see --

6 MR. ALLAHAM: So what you need to pass is his
7 inspection. Keep it clean. He might show up tomorrow.
8 He might show up a week from now. He might show up a
9 month from now. That's why you need to keep it clean.
10 When he shows up and give us a report that it's clean
11 and no violations, that's what we go by.

12 But you bring me a picture. I mean I could go in
13 my business, I had a violation, then I would fix it for
14 a day, and then next day I don't do anything, then that
15 doesn't do us any good.

16 MR. ELIAS: What I -- what I can do with the junk
17 parts that I take it off out of a car --

18 MR. ALLAHAM: What I'm trying to tell you is you
19 have to pass his inspection.

20 MR. ELIAS: Officer, he come in to me, he park
21 the car in the street, and with his camera, and a
22 customer tell me what you do? You do all the camera
23 things? A picture of everything. What I have to do?
24 Come in the shop, sign here, sign here, and thank you.
25 That's it. He never tell me I need to do this, I need

1 to do this, I need to do this.

2 MR. ALLAHAM: He does that not just to you. He
3 goes to a lot of businesses. I mean he's not just --

4 MR. ELIAS: This is good, except somebody new for
5 it.

6 MR. ALLAHAM: So how come --

7 MR. ELIAS: You can teach them --

8 MR. ALLAHAM: -- everybody passes it --

9 MR. ELIAS: -- what they have to do.

10 Mr. ALLAHAM: -- and you don't?

11 MR. WANG: Officer Vaughn represent the City of
12 Houston to inspect your shop. It's your duty, your
13 obligation to keep your shop pass the City ordinance.
14 Okay? And this supposed to pass everything. If Officer
15 Vaughn, since 2012, come to your place until 2014, he
16 give you two years time to correct the problem, and you
17 still have a problem, --

18 MR. ELIAS: 2012?

19 MR. WANG: -- that --

20 MR. ALLAHAM: Let me ask you something. How
21 about failure to maintain accurate records? That was --
22 that was yesterday.

23 MR. ELIAS: What is it?

24 MR. ALLAHAM: Failure to maintain accurate
25 records, you know, like work orders. That's correct,

1 right?

2 OFFICER VAUGHN: That's correct.

3 MR. ALLAHAM: Okay. How come you don't have that
4 yesterday?

5 MR. ELIAS: I don't understand.

6 MR. STEWART: He says you don't have accurate
7 work orders.

8 MR. ELIAS: Accurate work orders?

9 MR. ALLAHAM: That's one of the violations.

10 OFFICER VAUGHN: Yeah, so when I first started
11 going out there to inspect, he had work orders on
12 vehicles or no work order at all.

13 MR. ALLAHAM: Right.

14 OFFICER VAUGHN: No information, not the date he
15 took it in, not the work he was going to do on it,
16 nothing. There was nothing on it.

17 MR. ALLAHAM: Right.

18 OFFICER VAUGHN: And some he didn't even have a
19 work order.

20 MR. ALLAHAM: Right.

21 OFFICER VAUGHN: So yesterday when I went --
22 well, before Sergeant Clark went. He explained it to
23 him. I explained to him you need to have this
24 completely filled out. We need to know the day it came
25 in, what type of work you're doing on the vehicle, you

1 know, who is the person that owns the car. That wasn't
2 even on some of the work orders.

3 He has made some improvements on that. He has.
4 But I still found some that didn't have the date that it
5 came in, that didn't have the vehicle information on it.

6 MR. ALLAHAM: That's what I'm talking about, like
7 he already knows that he's supposed to keep accurate
8 records on all the vehicles that he has, but still he
9 failed yesterday, and he had prior knowledge of what the
10 officer was looking for.

11 OFFICER VAUGHN: Yeah, and not only that, the
12 work orders are placed in the windshield and the
13 dashboard. Public just walking by, they can see all
14 these people's information on it.

15 MR. ALLAHAM: Right.

16 OFFICER VAUGHN: You know, personal information
17 on the work order that -- the ones that did have it, you
18 know, because they're parked all over the shopping
19 strip, and you can see in the --

20 MR. ALLAHAM: So I mean --

21 OFFICER VAUGHN: -- pictures that I took
22 yesterday.

23 MR. ALLAHAM: -- those are supposed to be done
24 but still failed to do it on some of the vehicles.

25 OFFICER VAUGHN: That's correct.

1 CHAIRMAN ULMER: Mr. Elias, I want to ask you a
2 question. You stated that in this photo that those oil
3 drums in that tank are six inches off the ground?

4 MR. ELIAS: The one in the tank?

5 MR. STEWART: The one --

6 CHAIRMAN ULMER: Yeah.

7 MR. STEWART: -- that he's showing.

8 CHAIRMAN ULMER: On this photo.

9 MR. ELIAS: One photo oil?

10 CHAIRMAN ULMER: The photo you just held up.

11 MR. ELIAS: The one photo oil?

12 CHAIRMAN ULMER: Uh-huh.

13 MR. ELIAS: It's more than six.

14 CHAIRMAN ULMER: No, it's not.

15 MR. ELIAS: I swear. I measure --

16 CHAIRMAN ULMER: There's a standard height --

17 MR. ELIAS: -- did the measurement.

18 CHAIRMAN ULMER: -- for pallets. That's a pallet
19 that's underneath it.

20 MR. ELIAS: And under it you have a four-by-four,
21 too, under the pallet.

22 CHAIRMAN ULMER: Did you actually measure it?
23 Because it doesn't look like six inches to me.

24 OFFICER VAUGHN: I didn't actually measure it.

25 CHAIRMAN ULMER: A pallet is about five inches

1 thick, but the oil drum is no more than five or six
2 inches off the ground. It's less than six inches, for
3 sure.

4 And, as well, the oil drum's been leaking. You
5 can see where it's leaked on the ground.

6 MR. ELIAS: An oil?

7 CHAIRMAN ULMER: Yeah.

8 MR. ELIAS: Okay.

9 CHAIRMAN ULMER: You don't agree that that's oil
10 leaking on the ground?

11 MR. ELIAS: Oh, this is -- okay. I --

12 CHAIRMAN ULMER: Is that six inches off the
13 ground? Answer me that.

14 MR. ELIAS: This -- this is not oil. This is not
15 oil.

16 CHAIRMAN ULMER: What is that?

17 MR. ELIAS: I moved to this shop. This mechanic
18 shop was open for one year.

19 CHAIRMAN ULMER: It says, "Freedom Oil Recycling,
20 used oil." That's what it says on the side of it.

21 MR. ELIAS: This is old oil inside it, yes.

22 CHAIRMAN ULMER: Okay.

23 MR. ELIAS: I'm here in the shop for two years
24 and a half. This has been here -- for 18 years it's
25 there. It's a mechanic shop for 20 years.

1 oil on the ground. I can see it.

2 MR. ELIAS: This is not oil on the ground.

3 CHAIRMAN ULMER: Officer, is that oil that's on
4 the ground all around this tank?

5 OFFICER VAUGHN: Yes, sir, it is.

6 CHAIRMAN ULMER: Okay.

7 OFFICER VAUGHN: It is.

8 CHAIRMAN ULMER: It appears to be oil to me.

9 OFFICER VAUGHN: And he has attempted to clean
10 some of it up, but just yesterday they like pressure
11 washed or something the area around the business, and
12 there's clearly some type of oily fluid that's just
13 running into the drain that they washed up. They didn't
14 dry sweep it or whatever.

15 MR. ALLAHAM: And see those pictures, the ones
16 that they show the trash bags?

17 MR. ELIAS: That's the people for the trash.

18 MR. ALLAHAM: I know, but --

19 MR. ELIAS: Yes. You know, every time --

20 MR. ALLAHAM: -- that tells me a couple of hours
21 before you took that picture that shop was a mess.

22 MR. STEWART: Those -- those aren't his trash.
23 That's the people next door to him.

24 MS. CALABRESE: Excuse me.

25 MR. ELIAS: This is next door, is not me.

1 MR. STEWART: He took those pictures --

2 MS. CALABRESE: Mr. Stewart --

3 MR. ELIAS: I take a picture for it.

4 MS. CALABRESE: Mr. Stewart --

5 MR. STEWART: Yes.

6 MR. ELIAS: This all the time you have windy. It
7 come into my shop. My shop is right away on the corner.

8 MR. ALLAHAM: Why, they don't have a dumpster
9 over there? Is that your dumpster or --

10 MR. ELIAS: It's not mine. My dumpster in the
11 front of building all the way.

12 MS. CALABRESE: Mr. Stewart, you're going to have
13 to either be the attorney or take the oath and be a
14 witness, but you can't be both. Okay?

15 MR. STEWART: Okay.

16 MS. CALABRESE: If you're going to elicit
17 evidence, it needs to come from someone else, not you.

18 MR. STEWART: Sure.

19 SGT. CLARK: I'd like to say that regarding that
20 trash situation you just brought up, there is a
21 restaurant that like faces Bissonnet facing north which
22 is around the corner. He's like on the south and east
23 corner of this strip center that's at Bissonnet and
24 Kirkwood on the southwest corner.

25 Now, there is a restaurant over there. I'm not

1 sure what kind of restaurant it is, but they do put a
2 lot of trash and food garbage out there. The day I was
3 there, there was actually a -- like a pan you would
4 roast a turkey in, and, you know, the juices and all
5 that stuff that's so delicious, they just set it
6 outside.

7 And, of course, the cats, the feral cats, are
8 going to come from miles around. And they're not a very
9 clean restaurant.

10 So, in his defense, that food garbage in that
11 trash, the dumpsters, I do believe that's a restaurant
12 issue that he has trouble controlling.

13 MR. ALLAHAM: Anyway, do you guys -- do you guys
14 write him up for that?

15 OFFICER VAUGHN: No.

16 SGT. CLARK: That's another --

17 OFFICER VAUGHN: That was going to be my point.
18 That hasn't been an issue.

19 MR. ALLAHAM: Right.

20 OFFICER VAUGHN: The trash that I took photos of
21 and stuff, that's in and around his vehicles that he has
22 stored in the back that are not behind the solid fence,
23 as well.

24 MR. ALLAHAM: And the vehicles held over 30 days,
25 that's why the fence requirement --

1 OFFICER VAUGHN: Yes, sir.

2 MR. ALLAHAM: -- comes in, right?

3 OFFICER VAUGHN: Yes, sir.

4 MR. WANG: Do you have a fence around your place
5 now?

6 MR. ELIAS: In the back I have a fence. In the
7 front, no fence. It's a shopping center.

8 MR. ALLAHAM: Okay. But you have cars that have
9 been sitting here for more than 30 days.

10 MR. ELIAS: I have -- I have cars. I'm order
11 parts. Like I have two --

12 MR. ALLAHAM: Okay. But --

13 MR. ELIAS: It's over 30 days I have it, yes.

14 MR. ALLAHAM: The City ordinance says if you're
15 going to keep it more than 30 days, then you're a
16 storage, then you're going to have a fence. I mean it's
17 not my decision. It's that's what the City ordinance.

18 MR. STEWART: Now, I think that to resolve that
19 issue --

20 MR. ALLAHAM: I mean I can understand why he does
21 keep them, and I have a lot of friends in the business
22 that they do that, but still I mean you have to comply
23 with --

24 MR. STEWART: Certainly.

25 MR. ALLAHAM: -- the City ordinance.

1 MR. STEWART: Certainly.

2 MR. ALLAHAM: I mean it's not up to me.

3 MR. STEWART: I think part of the biggest problem
4 that Mr. Eid is facing here is part of the limitations
5 of his space. And I think --

6 SGT. CLARK: That's exactly what it is.

7 OFFICER VAUGHN: That's exactly what it is.

8 MR. STEWART: And Officer Vaughn and Sergeant
9 Clark, I believe it is -- is that what --

10 SGT. CLARK: Yes.

11 MR. STEWART: -- have addressed that. He's not
12 willfully failing to comply with any sorts of
13 regulations, and he's trying to make efforts to clean up
14 his shop and do what's necessary.

15 MR. ALLAHAM: Okay. Do you think he'll clean it
16 in 30 days if we give him 30 days continuance?

17 MR. STEWART: Yes.

18 MR. ALLAHAM: Okay. And he's going to have to go
19 through his inspection and pass his inspection. Do you
20 agree there?

21 MR. STEWART: Yes, and I think that in 30 days we
22 can -- I can get him to where he can pass inspection.

23 SGT. CLARK: I just want to make it clear -- and
24 Eid and I talked about this in February when I went out
25 there, because I spent a lot of time with him walking

1 around. He was very concerned. He called me, left
2 messages. So I went over there. It's going to be hard
3 for him to build a solid fence at this location, because
4 it is a strip center, and they require certain alleyways
5 to be open.

6 Now, a solid fence means just that, solid. We're
7 not talking about a solid cyclone fence. That's not
8 solid. You can see through it, you know. Solid is
9 meant to hide, basically, from the public's view.

10 MR. ALLAHAM: I think he's got to probably end up
11 fixing that problem some other way.

12 SGT. CLARK: Right.

13 MR. ALLAHAM: Like not having cars for over 30
14 days.

15 SGT. CLARK: Right. And he has a lot of people
16 that he does business with that come in, they're on hard
17 times, and they need something done, and they can't pay
18 this week, and then that turns into a month, and it
19 just -- the cars -- and being the type of person he is,
20 he wants to try to help them, but the problem is, is
21 they wind up leaving their cars, and they don't get
22 disposed of. They don't come and get them.

23 MR. ALLAHAM: Okay. Well, that's one issue. How
24 about the other issues?

25 OFFICER VAUGHN: The car issue, just let me touch

1 on that one second. He -- he has way too many vehicles.
2 There's -- and not enough space even if he had a solid
3 fence. There's no room. He would be encroaching on
4 every other business that's in that shopping strip.

5 He can't do what he does there there. He needs
6 to move to a better location where he can store all the
7 vehicles behind a fence, he can work on all the vehicles
8 he wants, and then he won't have all these other
9 violations. He has to work on his work orders, the
10 fence issue, parts on the ground, you know, that type of
11 thing. But it's just not going to happen at that
12 location.

13 You can clearly see in the video -- in the photos
14 that he has cars taking up almost every parking space on
15 the southeast side of that shopping strip.

16 MR. STEWART: May I respond briefly?

17 MR. ALLAHAM: Yeah.

18 MR. STEWART: I think that officer -- you know, I
19 agree with Officer Vaughn's assessment that, you know,
20 that location is a problem, which is why Mr. Eid is
21 right now in the process of trying to work on getting a
22 new location, and Mr. Elick here, if he can briefly
23 address those issues, --

24 MR. ELICK: Sure.

25 MR. STEWART: -- what's going on with that.

1 SGT. GRIFFIN: If you could please state your
2 name for the record.

3 MR. ELICK: Yeah, I'm Jerry Elick, E-l-i-c-k,
4 Nova Development & Construction. We designed him a
5 brand new building. He bought the land on 8611 South
6 Kirkwood on the north side of his current lease space,
7 which the landlord very seldom mowed the grass. I've
8 been over there many, many times, and it's a joke.

9 But, anyway, but he bought this ground. So he's
10 going to put a brand new building in there, clean
11 building for all the regulations, and that -- we're
12 going through the permitting process right now. And as
13 he -- he has just about an acre of ground.

14 He started off with a six-bay facility, has now
15 put on two more bays for the first building later. He's
16 got a lot of parking in the back. He's got tons of
17 parking. He's got an acre of ground. The visibility
18 sits up close to Kirkwood.

19 And he also has enough ground, besides the
20 parking in the back, to put another building back there
21 if he wants it for more inside space so he can work on
22 more cars.

23 He has an awful good business. I've been over
24 there so many times. It's amazing the business that he
25 has, but he has made an effort to buy the ground, hired

1 me to design the building, which I did. Now it's on the
2 -- now it's in the City. As soon as that's out, we
3 start building the thing.

4 CHAIRMAN ULMER: What's the time frame on that?

5 MR. ELICK: Ask the City. I don't know.

6 CHAIRMAN ULMER: Well, I mean you're a builder.

7 What is your --

8 MR. ELICK: Oh, I'd say probably about -- before
9 you get the permit -- it's in County right now for
10 draining into the bayou there, Braes Bayou, the
11 drainage. That should be out this week, their approval
12 to drain into the bayou or the bayou, whatever you want
13 to say. And then after that, as soon as they get that,
14 they'll put it into the plans, take it back to the City.
15 And who knows how long it takes?

16 CHAIRMAN ULMER: Well, and I think --

17 MR. ELICK: Because I mean some of them are fast,
18 some of them are slower than heck.

19 CHAIRMAN ULMER: Well, and let me just -- you
20 know, I think the big problem here is it looks like he's
21 a terrible neighbor. I mean this is a strip center with
22 other businesses, right? Aren't there other
23 businesses --

24 OFFICER VAUGHN: Yes.

25 CHAIRMAN ULMER: -- in this strip center?

1 OFFICER VAUGHN: Yes.

2 CHAIRMAN ULMER: I mean if you look at the
3 parking in the strip center, there are actually cars
4 jacked up with jack stands underneath them in the
5 parking lot of the strip center.

6 OFFICER VAUGHN: In the middle of --

7 CHAIRMAN ULMER: Yeah, how dangerous is that for
8 other people walking around and kids that may come into
9 a strip center?

10 MR. STEWART: I have some letters here from all
11 of his neighbors here in the strip center --

12 MR. ELIAS: That is next to me --

13 MR. STEWART: -- that I'd like to submit to you
14 guys.

15 CHAIRMAN ULMER: Absolutely. Do your letters
16 depict that the -- that his neighbors are happy with
17 the --

18 MR. STEWART: Yes.

19 CHAIRMAN ULMER: They're thrilled about cars
20 being jacked up in the parking lot with a jack stand
21 underneath them?

22 MR. ELIAS: I don't have no problem. The same
23 church next to me.

24 MR. STEWART: May I read those into the record
25 or --

1 CHAIRMAN ULMER: You can pass them around, but
2 we'll certainly make sure that a copy is available for
3 the record.

4 MR. STEWART: Sure. Thank you.

5 OFFICER VAUGHN: Yeah, nobody's -- nobody's
6 doubting his repair ability. That's not the issue. The
7 issue is the violations that he's, you know, --

8 MR. ALLAHAM: Right.

9 OFFICER VAUGHN: -- clearly committing. He does
10 have a good flow of business there, and he does try to
11 do good work on the cars that he -- that he has there.
12 He just has no space, and he's just committing these
13 violations. Nobody's saying that he's not a good person
14 or anything like that. That's not the issue. You know,
15 so --

16 MR. ALLAHAM: What's the illegal dumping of
17 hazardous waste about?

18 OFFICER VAUGHN: Well, that was one of the photos
19 that I saw when they washed down -- that washed down the
20 sidewalk or whatever. They didn't like dry sweep it and
21 pick it up and dispose of it. It's running into the
22 drain.

23 MR. ALLAHAM: Okay.

24 MS. RICHARDSON: Yeah, that's -- that is a real
25 big no-no.

1 MR. ALLAHAM: See, there are some things there is
2 no excuse. I mean I can see the excuse of not having
3 enough room and -- but there is no excuse for not
4 maintaining records of all the vehicles.

5 MS. RICHARDSON: Yeah.

6 MR. ALLAHAM: There is no excuse for that illegal
7 dumping. There is no excuse for no dikes. Garbage,
8 there is no excuse for that. Or the auto parts on the
9 ground, no excuse for that.

10 I mean there is a lot of things. I mean if you
11 have like one or two things on here, then we can see
12 your problem, but there is a lot of other stuff, and we
13 don't see an improvement from the previous inspections.

14 MR. STEWART: I think that --

15 MS. RICHARDSON: From what I --

16 MR. STEWART: I'm sorry, I didn't mean to
17 interrupt.

18 MR. ALLAHAM: You know, if we go to 2013,
19 10-16-13, he had like only three violations.

20 MR. STEWART: I think Mr. Eid is going to see
21 this as a kind of a come to Jesus moment, if you will,
22 where, you know, I think that he realizes the importance
23 of this, and that's why he's purchased the land and why
24 he's trying to have, you know, a facility where he can
25 have the proper fence all the way around it and have,

1 you know, the cars where he can help people out. I mean
2 it's not the most wealthy area of town. This is where
3 his shop is located, and he does help people and work
4 with people, you know, when they can't pay and things
5 like that.

6 He's a good guy and a good mechanic. I
7 understand, definitely, that he's got to abide by every
8 regulation that the City of Houston has. We can't have,
9 you know, shop owners that, you know, don't. I realize
10 that. That's the point of this board and that's the
11 point of the regulations.

12 I think that having spoken to this body and maybe
13 working closer hand in hand over the next -- you know,
14 if you were willing to give him a 30-day continuance
15 here, you know, working hand in hand with the inspectors
16 and, you know, with Officer Vaughn here and Sergeant
17 Clark, I think that he can correct these deficiencies.
18 I know he's trying to. I genuinely believe, after
19 having conversations with Mr. Eid, that he just honestly
20 doesn't understand certain things that maybe need to be
21 done.

22 When we talked about the diking, I mean he
23 testified, you know, he thought that, you know, it was
24 supposed to be there. He had it under there. And then
25 somebody said oh, this is a problem and take it off, and

1 then he took it off.

2 So I mean I think that most of this could be
3 pretty easily rectified except for the sheer number of
4 cars. And I think even that, you know, working with
5 your customers, you should be able to get that resolved
6 in that sort of a time frame to where all of the cars
7 are -- you know, where we don't have a bunch of cars
8 there.

9 MR. WANG: We respect what you say, but this
10 board, way so, so many shop, when the police
11 representative City of Houston come to shop, they don't
12 care until the day the police sends them to the board.
13 They say oh, license going to suspend. Then they decide
14 to do something. In the last few years, they ignore the
15 police. They ignore the City of Houston. This is a
16 first problem we have here.

17 The second is I know you say he build -- he
18 bought some land or whatever, but even the permit is not
19 approved yet.

20 MR. STEWART: Right.

21 MR. WANG: Okay? After the permit approval, you
22 build a commercial building. By my personal experience,
23 we have other real estate issues, too. Take a minimum
24 one year to build a good commercial business. So how
25 much more day he did stay there to constantly violation?

1 Especially the third thing is Officer Vaughn and
2 the sergeant made clearly that location by that
3 business, there's no way to pass. In the beginning he
4 choose the wrong location to start this business. Okay?
5 Too many vehicles. And he give customer a payment plan
6 while he extend it. So vehicles stay there over 30
7 days, over six months or even over a year. So there's
8 no way that the location can pass City ordinance.

9 Only thing is, is like you were saying about
10 people help him, better location, everything. So he did
11 make his business qualify prior to business. If he
12 stayed there, Officer Vaughn go there, still don't pass,
13 still don't pass, still don't pass or pass one day and
14 automatic come back, don't pass. He still going to come
15 back here. There the location do not qualify to open
16 this business, do not qualify the way he run business,
17 unless all the customer come that don't want to pay, he
18 tell them go home right away.

19 According to this, I say he only can take two
20 cars, three cars a day. You know, the picture you make,
21 only this picture is clear, is bright. Another picture,
22 it's dark. But, you see, Officer Vaughn he made
23 pictures all clear, all clear. So what's the
24 difference?

25 On this, to us, we don't know how long you can

1 really solve this problem. We don't know 30 days. You
2 maybe on 30 days then day -- then one day you can make
3 it pass, but after one week everything come back here.
4 Your location cannot took so many car, cannot give a
5 customer one months or two months or three months
6 payment, something like this. He just can't to run
7 business in that location. That cause his problem.

8 MR. STEWART: Well, I think that the only real
9 deficiency, and I guess the crucial deficiency with the
10 location, is just with the sheer number of cars that he
11 can have there and have -- you know, and abide by the
12 30-day deal. I mean that's the main problem.

13 OFFICER VAUGHN: And the work order thing. I
14 mean he cleaned up around there, but --

15 MR. STEWART: Right.

16 OFFICER VAUGHN: -- clearly from some of the
17 first pictures that I took that are in the exhibit, he
18 had parts everywhere, cars everywhere, expired
19 registration, no plate, expired inspection, I mean
20 work -- I mean with no work orders that it was just word
21 of mouth that he did with somebody who brought their car
22 in. So vehicles, work orders, I mean he needs to
23 document what he's doing.

24 MR. STEWART: Right.

25 OFFICER VAUGHN: I mean that's -- that's the

1 requirements, so --

2 MR. STEWART: And, again, if you're willing to
3 give us, you know, the 30 days, at least, to get his
4 house in order there and do what he needs to do to maybe
5 even get somebody in the office to run all of that and
6 handle just that aspect of it, I think that that
7 would --

8 MR. WANG: The vehicles stay there over 30 days,
9 what are you going to do?

10 MR. STEWART: Well, I mean I guess he'll have to
11 give vehicles back to people.

12 MS. CALABRESE: Why don't you let him tell us --

13 MR. STEWART: Sure.

14 MS. CALABRESE: -- what he's going to do, rather
15 than --

16 MR. STEWART: Sure.

17 MS. CALABRESE: -- what you think may happen?

18 MR. ELIAS: I cannot do it 30 days. I cannot put
19 fence in -- in the property.

20 OFFICER VAUGHN: It's not his -- he's leasing the
21 place. It's not his property, so I mean putting a fence
22 up, how can you say you're going to do that?

23 MR. ELIAS: For the trash, it's not my trash.

24 OFFICER VAUGHN: We never discussed that.

25 MR. ELIAS: Meat is not mine.

1 MR. ALLAHAM: Maybe you're not --

2 CHAIRMAN ULMER: Yeah.

3 MR. ALLAHAM: -- taking this --

4 CHAIRMAN ULMER: They're not --

5 MR. ELIAS: The car coming in through shop for a
6 dealer by an auction, no inspection sticker, no
7 registration in it, what to do with me? I fix the car
8 and call them. The car ready. The inspection sticker
9 in it and gone. What I can do if the car in the shop
10 don't have registration, inspection sticker?

11 MR. ALLAHAM: Why don't you have work order on
12 this car?

13 CHAIRMAN ULMER: Well, I don't think you've been
14 cited for --

15 MR. ELIAS: I do have a work order, but --

16 CHAIRMAN ULMER: -- not having registration on
17 vehicles.

18 MR. ELIAS: I do have a work order. It's not
19 filled out complete. And now they're just telling me
20 about it. Sergeant come into the shop. He take picture
21 in it. He tell me this is good now, but I need a little
22 bit put the VIN number in the -- in the work order.
23 This is why I started doing it like this. That's it.

24 OFFICER VAUGHN: So over six months of going
25 there, inspections and stuff, he constantly tells us I'm

1 buying some property, I'm going to be moving. You know,
2 so he's been talking about it, but he's never done
3 anything about it. And then just now when we told him
4 he's going to come to the board, we're going to bring
5 him to the board, he started to clean up a little bit,
6 but he's been talking about moving for at least six
7 months.

8 And yesterday when I went out there he even said
9 that -- he and his wife were saying that they were
10 having some problems securing financing and stuff to get
11 everything they needed, but they were planning to move.
12 So that's okay, but in the meantime I explained that you
13 can't constantly be in violation for months or a year at
14 a time just because you're going to move and you're
15 going to build a new building, you know.

16 MS. RICHARDSON: My concern is, is the -- I'm
17 sorry, I was late today. Some of the vehicles have been
18 out there for over 30 days. What is the oldest vehicle
19 that you have on your property? I mean property that's
20 been there for over 30 days. You know, are we looking
21 at 60, 90 days that they have been on the property?

22 MR. ELIAS: Some car I have three months.

23 MS. RICHARDSON: What?

24 MR. ELIAS: Three months. A brand new car.

25 MS. RICHARDSON: A few months. Okay.

1 MR. ELIAS: I have like four car is mine. I'm
2 going to sell to Pick A Parts.

3 MS. RICHARDSON: What you need to do is under
4 Texas Property Code -- I can't remember the -- that
5 section -- I don't know if you have it on your work
6 order or not -- you need to make sure that your
7 customers understand that they cannot keep that vehicle
8 over 70 -- over 30 days, and you have to send them a
9 certified letter, and you can take possession of that
10 vehicle.

11 And I feel like that your customers are taking
12 advantage of you. They're dumping their problem on you,
13 and then it's becoming your problem for the City. And
14 you cannot allow this to happen.

15 We turn away work -- I sit on three-quarters of
16 an acre, you know, and I turn away good work, because I
17 know, No. 1, I can't get to it. No. 2, I don't have the
18 room.

19 So you're not -- I know that you want to take
20 care of your customer, but your customer is not taking
21 care of you. And after -- and you need to make sure
22 that they understand after 30 days, if they have not
23 picked up that vehicle, you can -- you can sell it.

24 SGT. GRIFFIN: Another problem you're going to
25 run into if you don't keep adequate records, it will

1 make it a lot more difficult for you to secure a
2 mechanic's lien on those vehicles if they don't come
3 back.

4 MS. RICHARDSON: That's right.

5 SGT. GRIFFIN: Last year this board heard a case
6 of a guy who did something similar to what you did, he
7 would help out people but never did work orders. Those
8 people never came to get their cars. He had a lot full
9 of cars for which he had no paperwork and no legal way
10 to get a mechanic's lien on it.

11 MS. RICHARDSON: And he couldn't sell them.

12 SGT. GRIFFIN: And he's not allowed to sell them.

13 MR. ELIAS: I send -- I send a lot of car to the
14 storage lot. You know, like a couple of months ago, I
15 send almost 10, 15 cars --

16 SGT. GRIFFIN: Okay. You need to stop right
17 there.

18 MS. RICHARDSON: Yeah, you need to stop right
19 there.

20 CHAIRMAN ULMER: Don't go any further, because
21 what you're talking about is illegal. You can't do
22 that. So don't even -- you can't sell cars to a storage
23 lot. So don't go there.

24 MR. ELIAS: I no sell a car to the storage --

25 MR. STEWART: No, no, I think he said --

1 MR. ELIAS: I send it to the storage, which would
2 be the auction.

3 CHAIRMAN ULMER: Send it. Okay. We all thought
4 you said you sell them --

5 MR. ELIAS: No, no, I don't sell no car, no, no,
6 no.

7 MS. RICHARDSON: Yeah, you send them to --

8 MR. ELIAS: I don't do that.

9 MS. RICHARDSON: Yeah, you send them to the --

10 MR. ELIAS: Only to the storage.

11 MS. RICHARDSON: You send them to the storage
12 lot. Then what do you do? Do you pay that storage fee?

13 MR. ELIAS: Huh?

14 MR. STEWART: Are you paying the fee?

15 MS. RICHARDSON: Are you paying that storage fee
16 when you send --

17 CHAIRMAN ULMER: No, he's having them towed --

18 MR. ELIAS: No, ma'am, I never pay nothing.

19 MS. RICHARDSON: Oh, he's having them towed.

20 MR. ELIAS: What I do, I call wrecker truck, and
21 you pull the ticket, and you call it in to HPD --

22 CHAIRMAN ULMER: Okay.

23 MR. ELIAS: -- and for private property --

24 CHAIRMAN ULMER: So you're having them towed away
25 from your property?

1 MR. ELIAS: Yes, sir.

2 CHAIRMAN ULMER: And that is the proper action
3 that you need to take. I think really what we're
4 talking about here is there are a lot of things that you
5 can take care of, and some of them are being a better
6 neighbor. I mean these pictures clearly depict a lot of
7 trash, parts and things like that that make you a very
8 bad neighbor in that strip center.

9 The other part is the records keeping. And even
10 in your attorney's presentation here it says you're
11 doing a better job of keeping records. It doesn't -- it
12 says you have become better. It doesn't say you're
13 keeping good records.

14 Let me tell you something. It's easy to keep
15 good records. You all of a sudden begin to keep records
16 on everything. So you don't allow someone to drop a car
17 off until you have filled out a work order, they sign
18 it, you have all of the information off the vehicle.
19 That's when you allow them to leave the car.

20 There are specific reasons that this is in place.
21 If the police department comes in and runs all the VIN
22 numbers on every car in your place, and some of them are
23 stolen and you don't have a work order, then who's the
24 thief? You're the thief. You don't have a work order
25 to show it came from somewhere else.

1 This is a protection of you. So you must have
2 these work orders in place. You must clean up your
3 facility. If that officer comes at noontime, and I
4 heard you testify that he came at noon and you hadn't
5 had a chance to clean up yet, the pictures that we're
6 seeing are not pictures of things that happened from
7 8 a.m. to noon.

8 MR. ELIAS: It's 1 o'clock.

9 CHAIRMAN ULMER: Their pictures -- no.

10 MR. ELIAS: That's only one time. He came in 1
11 o'clock.

12 CHAIRMAN ULMER: Okay. But I'm saying these
13 photos do not depict something that got dirty between
14 8 a.m. and noon. They depict trash that's been there
15 for a long time. This stuff didn't just get here in a
16 few hours.

17 MS. RICHARDSON: And there's --

18 CHAIRMAN ULMER: I mean the photos are very
19 obvious that -- that photo right there, if I had another
20 business in that strip center, I would move. I would
21 leave. That's a -- that's a picture that I would be
22 ashamed to know that the front of my facility looked
23 like this.

24 MR. ELIAS: Which picture is this?

25 MS. RICHARDSON: There's two other instances --

1 CHAIRMAN ULMER: It's in your packet. It's in
2 your packet.

3 OFFICER VAUGHN: Yeah, it's in there.

4 MS. RICHARDSON: There's two other entities that
5 could walk on your premises, the EPA and the fire
6 department.

7 MR. ELIAS: You talk about this -- this picture?

8 MR. ALLAHAM: I'm going to have a motion to give
9 him 30 days.

10 CHAIRMAN ULMER: Okay.

11 MR. ALLAHAM: And if he doesn't pass inspection
12 in 30 days, I'm sorry, we're going to have to take his
13 license.

14 CHAIRMAN ULMER: Well, let's -- let's sum up. We
15 have someone who has a motion ready for the board.
16 Okay? So one of the board members has a motion. I
17 think you've got an idea of what that motion is. Is
18 there anything that you would like to add additionally
19 to get it on the record right now before the board makes
20 that motion?

21 MR. STEWART: I think -- can we have Ron speak?
22 I know he's here just as to the general state of the
23 place and --

24 CHAIRMAN ULMER: Sure, could we --

25 MR. STEWART: -- that it's improving.

1 CHAIRMAN ULMER: -- get you to state your name?

2 MR. GOSSER: Yes, Ronald Gosser.

3 CHAIRMAN ULMER: Okay.

4 MR. GOSSER: I own a wrecker service, Gosser's
5 Wrecker Service.

6 CHAIRMAN ULMER: Okay.

7 MR. GOSSER: Every time Eid comes to me saying
8 that he's had citations or warnings, he'll tell me what
9 cars need to be moved, or he'll get with the owner of
10 the vehicle and either they come pick it up or have it
11 towed to their house at their expense. Then I'll do so.
12 If he can't get ahold of them, he'll tell me I've
13 already sent them letters on this, I've tried
14 communicating with the owners on this vehicle, this
15 vehicle, and he'll send them to the storage lot as a
16 private property tow.

17 And he was at one point possibly wrong in a lot
18 of things that you're stating he's done, but I have seen
19 improvements to where his shop is a very clean shop
20 compared to what it used to be, but he doesn't try to
21 keep vehicles there longer than necessary. He'll call
22 me to move them around or -- and --

23 CHAIRMAN ULMER: Let me just ask you one
24 question.

25 MR. GOSSER: Sure.

1 CHAIRMAN ULMER: I'm looking at pictures here
2 that were provided by your attorney and Mr. Elias, and
3 I'm looking at the entrances to this parking lot. To
4 make absolutely sure, I know you guys are doing some
5 private property towing from here. There are no signage
6 at these entrances --

7 MR. GOSSER: No.

8 CHAIRMAN ULMER: -- to state that the cars can be
9 towed off.

10 MR. GOSSER: I just go by his consensual tow.

11 CHAIRMAN ULMER: Right, but you can't do that.

12 MR. GOSSER: Okay.

13 CHAIRMAN ULMER: That's a private property tow.
14 Under State law, the signage has to be in place, --

15 MR. GOSSER: Okay.

16 CHAIRMAN ULMER: -- because this is a piece of
17 property that has multiple businesses parking there. So
18 there has to be signage at every single entrance.

19 MR. GOSSER: Okay.

20 CHAIRMAN ULMER: The signs have to meet State
21 law. They have to have the universal towing symbol on
22 them. They have to have a number where the consumer can
23 reach someone 24 hours a day. Even if they're cars that
24 have been left with him, makes no difference. They
25 cannot be removed from this facility until they're

1 removed -- until proper notice is placed -- those signs
2 must be up 24 hours before that towing can take place.
3 There's a minimum and a maximum height they can be
4 placed at. And every single entrance from any roadway
5 has to be signed. Okay?

6 MR. GOSSER: Okay.

7 CHAIRMAN ULMER: So that signage needs to be put
8 in place just to keep you from violating the law. He
9 would as well be violating the law. Even if he signed
10 the invoice, he can't -- he can't forego someone's
11 rights --

12 MR. GOSSER: Okay.

13 CHAIRMAN ULMER: -- having their car towed.
14 Okay? So let's make sure that you take care of that. I
15 appreciate the fact that you're there to help him and
16 move some of these cars, but the sheer number of cars,
17 the way they're parked, they're not even parked in
18 parking spaces in many cases here, I mean that's what's
19 really creating the problems here.

20 MR. GOSSER: And I know the majority of the
21 problems are the issue of the vehicles in the front. I
22 mean he has had me move them and just set them in the
23 back where it's fenced in.

24 CHAIRMAN ULMER: Okay.

25 MR. GOSSER: But, again, he doesn't have

1 authority to fence in certain locations and --

2 MS. PALMER: Officer Vaughn, you were going to
3 say something?

4 CHAIRMAN ULMER: I'm sorry.

5 OFFICER VAUGHN: He just said moving the vehicles
6 around. That goes back to the 30-day thing. If you
7 look at some of those photos that we first took that we
8 documented in Exhibit H, there is cars across the
9 street, there's ambulances that were on the street that
10 have moved down in the parking lot, still -- they're
11 still his, you know, concern.

12 MR. ALLAHAM: So he just kind of --

13 OFFICER VAUGHN: He's just like shuffling them
14 like he's playing dominoes or something. Those vehicles
15 have still been over there 90, 120 days, they've been
16 there forever, because I'm taking pictures of them every
17 time I go out there. They're just not in the same spot.

18 MR. ALLAHAM: Well, I mean --

19 MR. WANG: So there's no way he can solve this
20 problem unless he move?

21 OFFICER VAUGHN: Unless he moves or document then
22 tow all those vehicles that he's -- he's had for six
23 months or more.

24 MR. ALLAHAM: I'm proposing he has 30 days, and I
25 don't care how he cleans it up --

1 CHAIRMAN ULMER: Well, let's make sure they've
2 got their last before you make that motion.

3 Mr. Elias, do you understand what he's saying
4 here?

5 MR. ELIAS: Yes, I understand. Yes, that they
6 come and look at it. It's not my car over there. You
7 want me to move it?

8 CHAIRMAN ULMER: Let me ask you a question.

9 MR. ELIAS: Yes, sir.

10 CHAIRMAN ULMER: Go to -- look at your packet and
11 go to Exhibit I, Exhibit I.

12 MR. ELIAS: Okay.

13 CHAIRMAN ULMER: Do you see that photo with all
14 those ambulances and stuff parked up on the street and
15 the hood up on the van?

16 MR. ELIAS: It's already moved already. Nothing
17 in the street.

18 CHAIRMAN ULMER: But are those your vehicles that
19 you were working on?

20 MR. ELIAS: This vehicle is running. I park it
21 over there. I park it over there, yes.

22 CHAIRMAN ULMER: Okay. So you're parking
23 vehicles on the street that you're working on?

24 MR. STEWART: He's not --

25 MR. ELIAS: I don't park it. The customer park

1 it over there and I move it.

2 CHAIRMAN ULMER: Well, who put the hood up on the
3 van then? The customer put the --

4 MR. ELIAS: Which one?

5 CHAIRMAN ULMER: The hood's up on the van, the
6 very first van.

7 MR. ELIAS: I want to jump it to start it to move
8 it on the side.

9 CHAIRMAN ULMER: So you were working on cars on
10 the street that are parked on the street, right?

11 MS. RICHARDSON: You cannot do that.

12 MS. PALMER: Yes.

13 MS. RICHARDSON: You cannot do that.

14 MR. ELIAS: I jump it. Is it working?

15 CHAIRMAN ULMER: But are those all your cars that
16 you're working on? That's the question I'm asking.

17 MR. ELIAS: The van -- yes, call it yes, yes.

18 CHAIRMAN ULMER: Yes. Okay. So they're all
19 their cars that you're working on?

20 MR. ELIAS: Yes, sir.

21 CHAIRMAN ULMER: You can't park those cars on the
22 street.

23 MR. ELIAS: I move all of them.

24 CHAIRMAN ULMER: Okay.

25 MR. ELIAS: I wish the officer had tell me I need

1 to no move -- no leave car in the street.

2 OFFICER VAUGHN: I have done that.

3 MR. ELIAS: You know what he did?

4 OFFICER VAUGHN: I have done that.

5 CHAIRMAN ULMER: Yeah.

6 MR. ELIAS: He did write the violation. And I
7 tell him I don't work in the street, Officer. I move
8 it. It's my car. I'll move it.

9 MS. RICHARDSON: You can't park it on the street.
10 You cannot park it on the street.

11 CHAIRMAN ULMER: Mr. Elias, --

12 MR. STEWART: I move all of them now.

13 CHAIRMAN ULMER: -- the officer told you --

14 MS. RICHARDSON: You can't park it on the street.

15 CHAIRMAN ULMER: When he noticed you and he gave
16 you a citation, that's a notice.

17 MR. ELIAS: I did move all of them now. It's
18 nothing in the street.

19 MR. STEWART: I had a conversation with Eid about
20 this, and he's no longer parking cars in the street.

21 CHAIRMAN ULMER: Okay.

22 MR. ELIAS: I never be -- put one car in the
23 street.

24 CHAIRMAN ULMER: And, Mr. Elias, what I want you
25 to understand, these officers have eight documented

1 inspections they've gone out to your facility. Eight.
2 The oldest one is in 2012, April of 2012. That's two
3 years. Okay? That they've been talking to you, writing
4 you citations, violations, reports, and every one of
5 them has been bad. You haven't had a good one yet. Two
6 years worth of reports.

7 And you now are still sitting here telling me
8 that you don't have any problems and that you're filling
9 out most of your invoices and things like that. That's
10 not the answer here. The answer is to correct all of
11 the problems, not a couple, not some today and some
12 tomorrow. You've had two years to get all this stuff
13 fixed.

14 At this point in time, your license is in
15 jeopardy. If this board takes your license, you leave
16 here not being able to take in any more work, not one
17 more job, complete only the jobs on your premises and
18 possibly face arrest if you continue to do that.

19 So this is a pretty serious matter, and I don't
20 think you've taken it too seriously so far based on all
21 of these inspections and them getting worse, not better.
22 Maybe now you're taking it serious, but prior to this it
23 doesn't appear that you've taken it too seriously.
24 Would that be a fair assessment? Would that be a fair
25 assessment of what's happened so far?

1 MR. ELIAS: I guess, yeah.

2 CHAIRMAN ULMER: Okay. With that, if you guys
3 don't have anything else to add, I think we have a
4 motion from the board that is possibly in line with what
5 you're asking for. Okay?

6 MR. ELIAS: Now what I'm doing --

7 MR. STEWART: Okay. Just wait, just wait.

8 CHAIRMAN ULMER: Okay. Mr. Allaham, did you have
9 a motion?

10 MR. ALLAHAM: Yes, sir, I would have a motion to
11 give him 30 days to fix all those problems, and in 30
12 days if he doesn't fix them, he's going to loose his
13 license.

14 CHAIRMAN ULMER: So, in other days, 30 -- in
15 other words, 30 days for complete compliance with an
16 inspection report and is satisfactory?

17 MR. ALLAHAM: That's correct.

18 CHAIRMAN ULMER: Okay. Do you understand the
19 motion that's been made, that --

20 MR. ELIAS: Yes, sir.

21 CHAIRMAN ULMER: -- essentially what would
22 happen?

23 Okay. Do I have a second for that motion?

24 MS. RICHARDSON: I'll second that motion.

25 CHAIRMAN ULMER: I have a second for that motion.

1 All in favor of that motion?

2 MS. RICHARDSON: Aye.

3 [All members present raised their hands except
4 Mr. Wang]

5 CHAIRMAN ULMER: Is anyone opposed to that
6 motion?

7 [Mr. Wang raised his hand]

8 CHAIRMAN ULMER: Okay.

9 MR. STEWART: We have one opposing to that
10 motion. Motion carries.

11 Okay. Mr. Elias, what's happened is you've been
12 given 30 days to correct all these problems. Okay? I
13 understand you've done some things and you've made some
14 progress, but you have been given 30 days, and you will
15 get another notice, you'll be back before the board next
16 month. Okay? And when you come back before the board,
17 let me make this very clear, provide some documentation
18 that you've corrected all these problems of your own.

19 The officer is going to provide documentation of
20 whatever's there. He's going to have photos. He's
21 going to have an inspection report. He's going to have
22 all those things that are going to take place before you
23 come back to this board.

24 The motion was total compliance. So you have to
25 have complete compliance with everything that's wrong

1 there, and you have to have a satisfactory inspection
2 report. Okay? Otherwise, the board's going to
3 certainly frown on the fact that you haven't met the
4 requirements of the motion that was made today. Okay?
5 You understand that?

6 MR. ELIAS: Yes.

7 CHAIRMAN ULMER: Okay.

8 MR. ELIAS: What I can do about a fence?

9 CHAIRMAN ULMER: Well, if you don't keep vehicles
10 over 30 days, you don't need a fence. Your correction
11 is not to keep vehicles over 30 days.

12 MR. ALLAHAM: Get rid of those cars.

13 MR. STEWART: May I ask the board a couple of
14 questions?

15 CHAIRMAN ULMER: Sure.

16 MR. STEWART: Just to assist him in getting in
17 compliance. Regarding this fence, the fence that's
18 needed, if he's going to have these vehicles, is a chain
19 link fence going to be sufficient?

20 OFFICER VAUGHN: No.

21 MS. RICHARDSON: No.

22 CHAIRMAN ULMER: No. A chain link fence does not
23 meet the requirement. Let me suggest that you go to
24 Chapter 8 of City of Houston Code of Ordinance.

25 MR. STEWART: Sure. Now, I've read it. It's a

1 little confusing and ambiguous.

2 CHAIRMAN ULMER: It is a solid fence, though. It
3 gives a complete description of a solid fence.

4 MR. ALLAHAM: See how they put that solid
5 fence --

6 MR. STEWART: Okay.

7 CHAIRMAN ULMER: It gives a very complete
8 description. So a chain link fence with wooden slats or
9 metal slats in it completely obscuring the view is
10 acceptable.

11 MR. STEWART: Okay.

12 CHAIRMAN ULMER: A solid metal fence is
13 acceptable. A solid wood fence is acceptable. It must
14 be in good repair, good -- I mean it's a long, broad
15 section, and it gives you a whole lot of requirements,
16 and it's very, very clear.

17 MR. STEWART: And as far as -- I mean, obviously,
18 you know, he doesn't own the property. He has a
19 landlord. But I mean I guess he's going to have to get
20 out there and mow it himself and square all that away.

21 CHAIRMAN ULMER: These requirements are there
22 based on good housekeeping, --

23 MR. STEWART: Right.

24 CHAIRMAN ULMER: -- you know, neighborhood
25 protection issues and things of that nature.

1 MR. STEWART: Right.

2 CHAIRMAN ULMER: If it's his business, and he's
3 the one doing business there, he's the one responsible
4 for these things. It's just like a fire extinguisher.
5 It's not the landlord's responsibility to put a fire
6 extinguisher there. These are City ordinances that must
7 be met.

8 MS. RICHARDSON: I suggest that the wrecker
9 driver, since you have a good working relationship with
10 him and know how he does all these vehicles, I think
11 maybe you should go through his lot with him and see
12 what vehicles has been there and get them off the
13 property.

14 MS. PALMER: And you need to pay closer attention
15 to what Officer Vaughn is instructing you to do.

16 MR. ALLAHAM: That's really the trick. If you
17 work with him and get that clear --

18 MS. PALMER: Right.

19 MR. ALLAHAM: -- as an inspection, you're good.

20 MR. STEWART: And I'll assist in that process, as
21 well. I mean I'll try and help facilitate
22 communication --

23 MS. PALMER: That would be great.

24 MR. STEWART: -- with Officer Vaughn and try and
25 bring him into compliance.

1 CHAIRMAN ULMER: And, please, you know, document
2 the counteraction that's going on here, the things that
3 are being done to correct these issues. Chapter 8 is --
4 it is a City ordinance, it is boring reading, but it's
5 not that long. You can read all of chapter 8 in a short
6 period of time, and it gives you all the overview of
7 everything that we're talking about.

8 You know, customers' cars being held over 30 days
9 is not acceptable. And really that's there because they
10 don't want storage lots to become in place of an
11 automotive repair facility. That's really what it's
12 there for.

13 MS. RICHARDSON: And you need to get a stamp or
14 something put on each work order and get that customer
15 to sign it, vehicles will be towed after 30 days. That
16 is to protect you from a lawsuit.

17 MS. PALMER: And these are put in place for the
18 duration that you're at this location. This is not just
19 a one time --

20 CHAIRMAN ULMER: It looks like he has a
21 commercial invoice. It looks appropriate.

22 MS. RICHARDSON: Do you have an invoice with you?

23 MR. ELIAS: Yes.

24 MS. RICHARDSON: I would like to look at that
25 invoice.

1 MR. GOSSER: Is there anything he can do with the
2 property he's already purchased towards helping him in
3 any way?

4 OFFICER VAUGHN: Read chapter 8.

5 CHAIRMAN ULMER: Yeah, chapter 8 gives you a
6 whole bunch of specifics.

7 MS. CALABRESE: These guys are always willing to
8 answer questions.

9 CHAIRMAN ULMER: Right.

10 MS. CALABRESE: They've told him a million times.
11 So they'll time him a million more.

12 CHAIRMAN ULMER: We've got a motion. We've had
13 that motion pass.

14 MS. RICHARDSON: Okay.

15 CHAIRMAN ULMER: We need to move on.

16 MS. RICHARDSON: Okay. Right here you have Texas
17 Property Code 70.001. You have that on your work order.
18 So you get them to sign it. That is your protection.
19 After -- but this must go out within 30 days that the
20 vehicle is there. So you're protected right there to
21 have that vehicle towed off.

22 CHAIRMAN ULMER: Okay. Let's give him that, the
23 work orders, back so he's got them.

24 MS. RICHARDSON: And whatever the outcome is 30
25 days from now, the officers will be back at some other

1 point in time. Just because they visited you this time,
2 they might show up a year from now, they might show up
3 two years from now, but they always keep tabs on
4 everybody.

5 CHAIRMAN ULMER: Do I have the --

6 SGT. GRIFFIN: We don't do a letter like this
7 for --

8 CHAIRMAN ULMER: Oh, we don't?

9 SGT. GRIFFIN: No.

10 CHAIRMAN ULMER: Okay. So, Mr. Elias, you've
11 been given 30 days. Understand we want to make sure
12 that you --

13 MR. ELIAS: No problem.

14 CHAIRMAN ULMER: -- completely understood what
15 your process --

16 MR. ELIAS: I will do that. I'll buy the fence.

17 CHAIRMAN ULMER: I'm sorry?

18 MR. ELIAS: I'll buy the fence, no problem, the
19 fence.

20 MR. STEWART: I'll talk to him. We'll work it
21 out.

22 CHAIRMAN ULMER: Yeah, you need to speak to your
23 attorney, because if you have cars that are kept over 30
24 days, the fence is going to be a problem. You're not
25 going to be able to keep any cars over 30 days if you

1 can't provide the fence.

2 Now, you don't have to have them within a fence.
3 You can rent more space and put them inside. As long as
4 they're not outside, that's the correction.

5 MR. ELIAS: I do have a fence in the back, but
6 it's not complete cover. Is this --

7 MS. CALABRESE: Listen to the police officers
8 when they tell you what you have to do.

9 MR. ELIAS: I can do that.

10 MS. CALABRESE: Talk to them. They are more than
11 willing --

12 MR. ELIAS: So it's going to take more than 30
13 days finish car in the back.

14 MS. CALABRESE: Sir, let's stop arguing, and
15 let's start listening to the police officers. How about
16 that?

17 MR. ELIAS: Okay.

18 CHAIRMAN ULMER: Okay?

19 MR. ELIAS: Okay.

20 CHAIRMAN ULMER: All right.

21 MR. STEWART: Thank y'all.

22 CHAIRMAN ULMER: Thank you.

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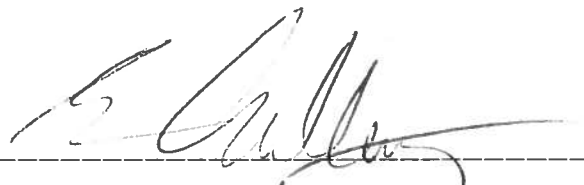
REPORTER'S CERTIFICATION

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

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

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

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



Shawn Kelley, Texas CSR No. 3448
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