

Cause No. _____

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	DALLAS COUNTY, TEXAS
v.	§	
	§	
RRPFG, Limited Partnership	§	
d/b/a Randall Reed’s Prestige	§	_____ JUDICIAL DISTRICT
Ford Lincoln Mercury,	§	
Defendant.	§	

AGREED FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiff, the State of Texas, acting by and through Attorney General Greg Abbott, and Defendant RRPFG, Limited Partnership, d/b/a Randall Reed’s Prestige Ford Lincoln Mercury, have consented to the entry of the Agreed Final Judgment and Permanent Injunction and jointly move that the Court enter this Agreed Final Judgment and Permanent Injunction.

The Court, after considering the agreement of the parties and the pleadings, is of the opinion that the said agreement should be and hereby in all things approved, and accordingly, that this Agreed Final Judgment and Permanent Injunction should be and is hereby entered.

1. STIPULATIONS

1.1 Plaintiff and Defendant stipulate to the amount of the monetary judgments specified herein.

1.2 Plaintiff and Defendant stipulate that Defendant’s indebtedness to the State of Texas for civil penalties specified herein is non-dischargeable pursuant to 11 U.S.C § 523(a)(7).

1.3 Defendant waives the issuance and service of a writ of injunction and acknowledges by the signature below that Defendant has received notice and receipt of this injunction.

2. DEFINITIONS

2.1 “Clean Scanning” means the use of one vehicle to aid in the state required emissions testing of another vehicle. This includes attaching one vehicle to the testing equipment while manually entering the VIN of a different vehicle or testing one vehicle but issuing the inspection certificate (or sticker) to a different vehicle.

2.2 “VIN” means the vehicle identification number.

3. INJUNCTIVE RELIEF

3.1 IT IS THEREFORE ORDERED THAT Defendant RRPFG, Limited Partnership, d/b/a Randall Reed’s Prestige Ford Lincoln Mercury, and Defendant’s officers, agents, servants, employees, and all persons in active concert or participation with Defendant who receive actual notice of this Order by service or otherwise, shall be permanently prohibited from the following acts and practices:

- A. Engaging in the “clean scanning” of vehicles;
- B. Selling or offering for sale any vehicle not properly inspected when Defendant represents, expressly or by implication, that such vehicle has been inspected and possesses a valid inspection sticker;
- C. Issuing an inspection sticker to a vehicle which has not been properly inspected;
- D. Representing, expressly or by implication, that a vehicle has been inspected when the vehicle has not been properly inspected;
- E. Representing, expressly or by implication, that a vehicle possesses a valid inspection sticker and/or inspection certificate, when the vehicle has not been issued a passing inspection certificate as a result of an inspection on that vehicle;

- F. Falsely representing, expressly or by implication, that a vehicle meets all Texas emissions standards;
- G. Using a vehicle for emissions inspections to issue passing inspection stickers to more than one vehicle;
- H. Using a vehicle for emissions inspections to issue a passing inspection sticker to a different vehicle;
- I. Falsely representing, expressly or by implication, that a vehicle is free from emissions-related defects or problems which would have been detected during a vehicle emissions inspection;
- J. Failing to disclose to consumers that a vehicle has not been inspected to determine whether the vehicle has emissions-related defects or problems which would have been detected during a vehicle emissions inspection; and
- K. Failing to disclose to consumers that a vehicle has not been issued a valid inspection sticker.

3.2 IT IS FURTHER ORDERED THAT Defendant RRPFPG, Limited Partnership, d/b/a Randall Reed's Prestige Ford Lincoln Mercury for a period of five years beginning from the date of this judgment:

- A. Provide a copy of this Agreed Final Judgment and Permanent Injunction or a summary of the terms of this injunction to the following people at Randall Reed's Prestige Ford Lincoln Mercury (the dealership): the dealership's general manager; any managers, directors, or supervisors who oversee the used-car division of the dealership; any managers, directors, or supervisors who oversee the vehicle inspection station at the dealership; and any employees who perform state

inspections of vehicles at the dealership. This provision applies to current employees and future employees.

- B. Provide training regarding proper emissions testing procedures to all current and future employees who perform state inspections of vehicles at the dealership.
- C. At least once every six month period, contact the Texas Department of Public Safety to determine whether there have been any irregularities in vehicle emissions tests performed at the dealership.

4. MONETARY RELIEF

4.1 IT IS FURTHER ORDERED that the State of Texas shall have judgment against Defendant RRPFPG, LP in the amount of TWO HUNDRED TWENTY SEVEN THOUSAND DOLLARS AND NO CENTS (\$227,000.00) as civil penalties pursuant to Tex. Bus. & Com. Code Ann. § 17.47(c)(1). It is further ordered that these civil penalties are for a governmental unit and are not compensation for actual pecuniary loss.

4.2 IT IS FURTHER ORDERED that that State of Texas shall have judgment against Defendant RRPFPG, LP in the amount of FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) as reasonable and necessary attorneys fees and investigation costs.

4.3 As evidenced by the signature below, Defendant has received actual notice of this permanent injunction.

4.4 IT IS FURTHER ORDERED that the Clerk of this Court shall, upon request of Plaintiff, issue a Writ of Permanent Injunction in conformity with the law and terms of this Order to Defendant RRPFPG, LP.

4.5 This Final Judgment shall in no way affect the rights of individual citizens.

4.6 All costs of court are to be paid by Plaintiff.

4.7 All relief not granted herein is denied.

Signed on this _____ day of _____ 2010.

JUDGE PRESIDING

AGREED:

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