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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD  
**A G E N D A**  
**GENERAL MEETING**

Sheraton Ontario Airport Hotel  
Joshua Room  
429 North Vineyard Avenue  
Ontario, California 91764  
(909) 937-8000

September 30, 2004

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, you may want to attend.

1. **8:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Approval of the Minutes from the April 21, 2004, Special meeting, and the April 22, 2004, General meeting.**
4. **Closed Executive Session.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board shall convene in a closed Executive Session to deliberate on the decisions to be reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

a. **Consideration of Proposed Decision.**

RAY FLADEBOE LINCOLN-MERCURY, INC., FLADEBOE AUTOMOTIVE GROUP, INC. v. AMERICAN ISUZU MOTORS, INC.  
Protest No. PR-1880-03

Consideration of the Administrative Law Judge's Proposed Decision, by the Dealer and Public members of the Board.

**b. Consideration of Proposed Decision.**

RAY FLADEBOE LINCOLN-MERCURY, INC., FLADEBOE AUTOMOTIVE GROUP, INC. v. AMERICAN ISUZU MOTORS, INC.  
Protest No. PR-1881-03

Consideration of the Administrative Law Judge's Proposed Decision, by the Dealer and Public members of the Board.

**5. Open Session.**

**6. Consideration of Recommendation.**

AUTO STIEGLER, INC. v. MERCEDES-BENZ USA, LLC  
Protest No. PR-1898-04

Consideration of recommendation that the Executive Director seek direction from the New Motor Vehicle Board that Mercedes-Benz USA, LLC, recover attorneys' fees and costs from Camarilla, Inc., d/b/a V.I.P. Auto Upholstery and its attorney for failure to comply with authorized discovery without substantial justification for that failure (Veh. Code § 3050.2(b)), by the Public members of the Board.

**7. Consideration of Ford Motor Company's request for re-extension of time to own and operate Sunnyvale Lincoln Mercury Sales, Inc., in preparation for a sale to a successor independent franchisee in compliance with Vehicle Code section 11713.3(o)(2)(A), by the Dealer and Public members of the Board.**

**8. Report that Gateway Chevrolet Motor Company, Inc. has ceased operating a dealership business, having sold the assets associated with that business to another entity.**

**9. Consideration of whether to request the Department of Motor Vehicles to withhold renewal of the occupational license of Western Golf Car Manufacturing, Incorporated, for failure to provide the data necessary to calculate the annual Board fee (13 CCR § 553.75 and Veh. Code § 3050(c)(3)) - Administration Committee.**

**10. Annual update concerning the number of monthly hits to the Board's web site and where information is being sought - Administration Committee.**

**11. Consideration of suggestion by Marco Antonio Firebaugh, Chair, Latino Legislative Caucus, and Judy Chu, Chair, Asian Pacific Islander Caucus, that the Board invite a group of major vehicle manufacturers to appear at its November 4, 2004, General meeting, in San Francisco to summarize their current policy and plans, and the status of their efforts to increase diversity among new vehicle franchisees - Board Development Committee.**

12. **Consideration of Employee Recognition Award recipient as recommended by the Board Development Committee; Consideration of suggestion that the Employee Recognition Award be renamed the “Solon C. Soteras Employee Recognition Award” - Board Development Committee.**
13. **Status report concerning the Board’s financial condition for fiscal year 2003-2004 - Fiscal Committee.**
14. **Status report concerning the Board’s collection of the Arbitration Certification Programs’ annual fee - Fiscal Committee.**
15. **Consideration of out-of-state travel for fiscal year 2004-2005 - Fiscal Committee.**
16. **Status report on participant and audience responses to the questionnaire concerning the Board’s 3<sup>rd</sup> Annual Industry Roundtable - Government and Industry Affairs Committee.**
17. **Consideration of providing Governor Schwarzenegger an assessment of the impact associated with the California Performance Review’s recommendation that the New Motor Vehicle Board be eliminated - Policy and Procedure Committee.**
18. **Consideration of revising Cara Peralta’s appointment as Settlement Conference Administrative Law Judge (ALJ) to encompass the non-substantive procedural function of issuing Pre-Hearing Conference Orders; designation of Anthony Skrocki as the Law and Motion Judge; and utilization of the remaining judges for merits hearings - Policy and Procedure Committee.**
19. **Discussion concerning Pending Legislation - Policy and Procedure Committee.**
  - a. Pending Legislation that impacts the Board.
    - (1) Assembly Bill 1968 (Assembly Member Dutra) [failed passage]
    - (2) Assembly Bill 2848 (Assembly Member Keene)
    - (3) Senate Bill 1711 (Senator Bowen) [failed passage]
  - b. Pending Legislation of general interest.
    - (1) Assembly Bill 1839 (Assembly Member Montanez)
    - (2) Assembly Bill 2363 (Assembly Member Correa) [failed passage]
    - (3) Assembly Bill 2369 (Assembly Member Correa) [failed passage]
    - (4) Assembly Bill 2656 (Assembly Member Jackson) [failed passage]
    - (5) Senate Bill 584 (Senator Alarcon) [failed passage]
    - (6) Senate Bill 1721 (Senator Bowen) [failed passage]

20. **Executive Director's Report.**

- a. Administrative Matters.
- b. Status of Protests.
- c. Status of Petitions.
- d. Status of Appeals.
- e. Judicial Review.
- f. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- g. Other.

21. **Adjournment.**

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To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Kathy Tomono at (916) 445-2080 or [k\\_tomono@pacbell.net](mailto:k_tomono@pacbell.net).

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