

1507 - 21st Street, Suite 330
Sacramento, California 95811
Telephone: (916) 445-1888
Contact Person: Kathy Tomono
www.nmvb.ca.gov

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

Hilton Los Angeles Airport
Carmel Room
5711 West Century Boulevard
Los Angeles, California 90045
(310) 410-4000

November 15, 2007

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, he or she may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7).

1. **9:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Approval of the Minutes from the September 7, 2007, General Meeting.**
4. **Oral Arguments before the Public Members of the Board.**
 - a. NADER AUTOMOTIVE GROUP, LLC, AND NADER EGHTESAD v. VOLKSWAGEN OF AMERICA, INC.
Protest No. PR-2045-07
 - b. NADER AUTOMOTIVE GROUP, LLC, AND NADER EGHTESAD v. AUDI OF AMERICA, INC.
Protest No. PR-2046-07
 - c. BISA ENTERPRISES, INC. dba SUZUKI OF EL CAJON v. AMERICAN SUZUKI MOTOR CORPORATION
Protest No. PR-2031-06

5. **Closed Executive Session deliberations.**

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 convenes in closed Executive Session to deliberate the decisions 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 Order.**

NADER AUTOMOTIVE GROUP, LLC, AND NADER EGHTESAD v. VOLKSWAGEN OF AMERICA, INC.
Protest No. PR-2045-07

Consideration of the Administrative Law Judge's Recommendation that Respondent's Motion to Dismiss Protest Be Granted; and Proposed Order Granting Respondent's Motion to Dismiss, by the Public Members of the Board.

b. **Consideration of Proposed Order.**

NADER AUTOMOTIVE GROUP, LLC, AND NADER EGHTESAD v. AUDI OF AMERICA, INC.
Protest No. PR-2046-07

Consideration of the Administrative Law Judge's Recommendation that Respondent's Motion to Dismiss Protest Be Granted; and Proposed Order Granting Respondent's Motion to Dismiss, by the Public Members of the Board.

c. **Consideration of Proposed Order.**

BISA ENTERPRISES, INC. dba SUZUKI OF EL CAJON v. AMERICAN SUZUKI MOTOR CORPORATION
Protest No. PR-2031-06

Consideration of the Administrative Law Judge's Proposed Order Denying "Motion of Protestant Bisa Enterprise's Request to Withdraw its Dismissal", by the Public Members of the Board.

d. **Consideration of Proposed Decision after Remand.**

FORTY-NINER SIERRA RESOURCES, INC., dba FORTY-NINER SUBARU v. SUBARU OF AMERICA
Protest No. PR-1972-05

Consideration of the Administrative Law Judge's Proposed Decision after Remand, by the Public Members of the Board.

6. **Open Session.**
7. **Consideration of the Recreation Vehicle Industry Association's (RVIA) request that the Board reconsider its policy concerning Dealer Board Member participation in Article 5 recreational vehicle protests (Veh. Code §§ 3070, 3072, 3074, 3075, and 3076) - Policy and Procedure Committee.**
8. **Consideration of the Board policy concerning Dealer Board Member participation in Article 5 recreational vehicle protests (Veh. Code §§ 3070, 3072, 3074, 3075, and 3076) - Policy and Procedure Committee.**
9. **Discussion and analysis concerning who is marketing "Smart Car of America" vehicles in the United States and whether all of the California licensing requirements have been satisfied; discussion and analysis concerning the marketing of Tesla Motors vehicles - Executive Committee.**
10. **Consideration of updated business cards that reflect the new logo - Executive Committee.**
11. **Annual Report on Board Development Program - Board Development Committee.**
12. **Status report concerning the Board's financial condition for fiscal year 2006-2007 - Fiscal Committee.**
13. **Report on the Board's Attorney Roundtable held September 28, 2007, along with participant responses to the evaluation form concerning the event - Government and Industry Affairs Committee.**
14. **Discussion and consideration of options for the Board's 7th Annual Industry Roundtable in terms of frequency, location, and other industry events - Government and Industry Affairs Committee.**
15. **Discussion concerning Legislation - Policy and Procedure Committee.**
 - (1) Assembly Bill 305 (Assembly Member Ma) [Chaptered 9/21/07]
 - (2) Assembly Bill 1092 (Assembly Member Emmerson) [Chaptered 10/10/07]
 - (3) Senate Bill 729 (Senator Padilla) [Chaptered 10/10/07]

16. **Executive Director's Report.**

- A. Administrative Matters.
- B. Case Management.
 - (1) Status of Protests.
 - (2) Status of Petitions.
 - (3) Status of Appeals.
 - (4) Matters Resolved.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

17. **Selection of Board meeting dates for 2008.**

18. **Closed Executive Session.**

Pursuant to Government Code section 11126(a)(1), all members of the Board shall convene in a closed Executive Session.

Consideration of annual performance review for Executive Director - Executive Committee.

19. **Open Session.**

20. **Public Comment. (Gov. Code § 11125.7).**

21. **Adjournment.**

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) 445-1888 or ktomono@nmvb.ca.gov.