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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD

**A G E N D A**

**GENERAL MEETING**

Mission Inn Hotel  
Monterey Room  
3649 Mission Inn Avenue  
Riverside, California 92501  
(951) 784-0300

June 5, 2009

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. **10:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the April 23, 2009, General Meeting.**
5. **Oral Presentation before the Public Members of the Board.**
  - a. PLATINUM MOTORS LLC, a California limited liability company v. AUTOMOBILI LAMBORGHINI, S.p.A.  
Protest No. PR-2140-08
  - b. POWERHOUSE MOTORSPORTS GROUP, INC. v. YAMAHA MOTOR CORPORATION, U.S.A.  
Protest No. PR-2122-08

**6. 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.**

PLATINUM MOTORS LLC, a California limited liability company v. AUTOMOBILI LAMBORGHINI, S.p.A.  
Protest No. PR-2140-08

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss Protest, by the Public members of the Board.

**b. Consideration of Proposed Order.**

POWERHOUSE MOTORSPORTS GROUP, INC. v. YAMAHA MOTOR CORPORATION, U.S.A.  
Protest No. PR-2122-08

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss Protest, by the Public members of the Board.

**7. Open Session.**

**8. Annual update concerning the Board's compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency, and the resultant Corrective Action Plan - Executive Committee.**

**9. Annual review and consideration of Board delegations in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency - Executive Committee.**

**10. Consideration of revised Vision Statement to more accurately reflect the licensees within the Board's jurisdiction - Executive Committee.**

**11. Discussion and consideration of who will attend the out-of-state trips for the 1<sup>st</sup> half of fiscal year 2009/2010 that were previously approved by the Board - Executive Committee.**

12. **Consideration of nominee for the Solon C. Soteris Employee Recognition Award recipient as recommended by the Board Development Committee.**
13. **Board financial condition report for the 3<sup>rd</sup> quarter of fiscal year 2008-2009 - Fiscal Committee.**
14. **Status report concerning the Board's collection of the Arbitration Certification Programs' annual fee - Fiscal Committee.**
15. **Discussion and consideration of the Board's proposed budget for fiscal year 2009-2010 - Fiscal Committee.**
16. **Status report concerning the Mandatory Settlement Conference judge rotation which will revert to include all merits hearing administrative law judges - Policy and Procedure Committee.**
17. **Review and consideration of Polly Rigggenbach's Administrative Law Judge appointment which encompasses non-substantive procedural functions - Policy and Procedure Committee.**
18. **Discussion and consideration of Board policy on public comments in compliance with the Bagley-Keene Open Meeting Act (Gov. Code § 11120 et seq.), during consideration of Proposed Decisions, Orders or Rulings conducted pursuant to Government Code section 11500, et seq. - Policy and Procedure Committee.**
19. **Discussion concerning pending Legislation - Policy and Procedure Committee.**
  - a. **Pending Legislation of Special Interest.**  
There is no pending legislation of special interest at this time.
  - b. **Pending Legislation of General Interest.**
    - (1) Assembly Bill 5 (Assembly Member Evans) - Electronic Discovery Act.
    - (2) Assembly Bill 1237 (Assembly Members Garrick and Duvall).
    - (3) Assembly Bill 1494 (Assembly Member Eng).
    - (4) Senate Bill 95 (Senator Corbett) - Car Buyers' Protection Act of 2009.
    - (5) Senate Bill 373 (Senator Walters).
    - (6) Senate Bill 424 (Senators Padilla, Florez, and Harman).
  - c. **Pending Federal Legislation of General Interest.**
    - (1) United States House of Representatives Bill 100 (U.S. Representative Drier) - Commonsense Auto Recovery Act of 2009.
    - (2) United States House of Representatives Bill 120 (U.S. Representative Frelinghuysen).
    - (3) United States House of Representatives Bill 159 (U.S. Representative

- Pascrell).
- (4) United States House of Representatives Bill 385 (U.S. Representative Rodgers) - Consumer Auto Relief Act of 2009 or the CAR Act of 2009.
  - (5) United States House of Representatives Bill 1550 (U.S. Representative Sutton) - the Consumer Assistance to Recycle and Save Act of 2009.
  - (6) United States House of Representatives Bill 2224 (U.S. Representative Terry)
  - (7) United States Senate Bill 209 (U.S. Senator Boxer).
  - (8) United States Senate Bill 247 (U.S. Senator Feinstein) - Accelerated Retirement of Inefficient Vehicles Act of 2009.
  - (9) United States Senate Bill 271 (U.S. Senator Cantwell) - Fuel Reduction using Electrons to End Dependence on the Mid-East (FREEDOM) Act of 2009.
  - (10) United States Senate Bill 333 (U.S. Senator Mikulski).

**20. 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.

**21. Appointment of committee members to the Administration Committee, by the Board President.**

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

**23. 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@nrvb.ca.gov](mailto:ktomono@nrvb.ca.gov).