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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

New Motor Vehicle Board
Hearing Room #1
1507 21st Street, Suite 330
Sacramento, California 95811

December 10, 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). However, comments by the parties or by their counsel that are made regarding any proposed decision, ruling, or order must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board. Members of the public may comment on such matters at the end of the meeting.

1. **9:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the September 10, 2009, General Meeting.**
5. **Oral Presentation before the Public Members of the Board.**
 - a. WALTER TIMMONS ENTERPRISES, INC., dba TIMMONS VOLKSWAGEN v. VOLKSWAGEN GROUP OF AMERICA, INC.
Protest No. PR-2146-09
 - b. CALABASAS EURO AUTO GROUP, LLC v. AUTOMOBILI LAMBORGHINI, S.p.A.
Protest No. PR-2174-09

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 Decision.

WALTER TIMMONS ENTERPRISES, INC., dba TIMMONS VOLKSWAGEN
v. VOLKSWAGEN GROUP OF AMERICA, INC.
Protest No. PR-2146-09

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

b. Consideration of Proposed Order.

CALABASAS EURO AUTO GROUP, LLC v. AUTOMOBILI LAMBORGHINI,
S.p.A.
Protest No. PR-2174-09

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. Status report concerning manufacturer and distributor compliance with Vehicle Code sections 3064/3074 and 3065/3075 (the filing of statutorily required schedules and formulas) - Administration Committee.**
- 9. Discussion concerning the number of hits to the Board's website - Administration Committee.**
- 10. Board financial condition report for the previous fiscal year - Fiscal Committee.**
- 11. Status report concerning the Board's financial condition for the 1st quarter of fiscal year 2009-2010 and status on the Board's collection of its annual fees - Fiscal Committee.**
- 12. Discussion and consideration of 2010 Industry Roundtable - Government and Industry Affairs Committee.**

13. Discussion concerning legislation - Policy and Procedure Committee.

- a. Legislation of Special Interest – none.
- b. Legislation of General Interest.
 - (1) Senate Bill 95 (Senator Corbett) – California Car Buyers’ Protection Act of 2009.
- c. Pending Federal Legislation of General Interest.
 - (1) United States House of Representatives Bill 100 (U.S. Representative Dreier) - 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 Rogers) - Consumer Auto Relief Act of 2009 or the CAR Act of 2009.
 - (5) United States House of Representatives Bill 1550 (U.S. Representative Sutton) - Consumer Assistance to Recycle and Save Act of 2009.
 - (6) United States House of Representatives Bill 2224 (U.S. Representative Terry).
 - (7) United States House of Representatives Bill 2743 (U.S. Representative Maffei) - Automobile Dealer Economic Rights Restoration Act of 2009.
 - (8) United States House of Representatives Bill 2750 (U.S. Representative LaTourette) - Automobile Dealer Economic Rights Restoration Act of 2009.
 - (9) United States House of Representatives Bill 2796 (U.S. Representative LaTourette) - Automobile Dealer Economic Rights Restoration Act of 2009.
 - (10) United States House of Representatives Bill 3311 (U.S. Representative Blumenauer).
 - (11) United States House of Representatives Bill 3367 (U.S. Representative Levin) - Heavy Duty Hybrid Truck Incentives Improvement Act of 2009.
 - (12) United States House of Representatives Bill 3435 (U.S. Representative Obey)
 - (13) United States House of Representatives Bill 3450 (U.S. Representative Jackson-Lee) - Automobile Dealers Fair Competition Act of 2009.
 - (14) United States Senate Bill 209 (U.S. Senator Boxer).
 - (15) United States Senate Bill 247 (U.S. Senator Feinstein) - Accelerated Retirement of Inefficient Vehicles Act of 2009.
 - (16) United States Senate Bill 271 (U.S. Senator Cantwell) - Fuel Reduction using Electrons to End Dependence on the Mid-East (FREEDOM) Act of 2009.
 - (17) United States Senate Bill 333 (U.S. Senator Mikulski).

- (18) United States Senate Bill 1135 (U.S. Senator Stabenow) - Drive America Forward Act of 2009.
- (19) United States Senate Bill 1200 (U.S. Senator Feinstein) - Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009.
- (20) United States Senate Bill 1304 (U.S. Senator Grassley) - Automobile Dealer Economic Rights Restoration Act of 2009.

14. **Annual report of staff participation in the California State Employees Charitable Campaign (CSECC).**

15. **Selection of Board meeting dates for 2010.**

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. **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.

18. **Open Session.**

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

20. **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@nmbv.ca.gov.