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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD  
**MINUTES**

The New Motor Vehicle Board ("Board") held a General meeting on April 23, 2009, at the Hilton Los Angeles Airport, San Lorenzo E Room, 5711 West Century Boulevard, Los Angeles, California.

2. **ROLL CALL**

Robert T. (Tom) Flesh, President of the Board, called the meeting of the Board to order at 10:05 a.m.

Present:	Ramon Alvarez C. Robert T. (Tom) Flesh David C. Lizárraga Haig Papaian Victoria R. Pearson Glenn E. Stevens David W. Wilson	William G. Brennan, Executive Director Howard Weinberg, General Counsel Robin Parker, Senior Staff Counsel
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Absent: Ryan L. Brooks  
Alan J. Skobin

3. **PLEDGE OF ALLEGIANCE**

Mr. Stevens led the members and staff in the Pledge of Allegiance.

4. **INTRODUCTION AND WELCOME OF NEWLY APPOINTED DEALER BOARD MEMBER, VICTORIA PEARSON, RUSNAK AUTO GROUP**

Mr. Flesh welcomed newly appointed Dealer Member Victoria R. Pearson, Rusnak Auto Group. Ms. Pearson indicated that she was honored to be named to the Board and will be open to all views presented at Board hearings, and promised to be honest and fair.

5. **APPROVAL OF THE MINUTES FROM THE FEBRUARY 5, 2009, AND MARCH 24, 2009, GENERAL MEETINGS**

Mr. Alvarez moved to adopt the February 5, 2009, General Meeting minutes. Mr. Stevens seconded the motion. The motion carried unanimously. Mr. Papaian did not vote because he did not attend the meeting, and Ms. Pearson did not vote because she was not yet appointed as a member.

Mr. Alvarez moved to adopt the March 24, 2009, General Meeting minutes. Mr. Lizárraga seconded the motion. The motion carried unanimously. Mr. Papaian did not vote because he did not attend the meeting, and Ms. Pearson did not vote because she was not yet appointed as a member.

23. **ORAL PRESENTATION BEFORE THE PUBLIC MEMBERS OF THE BOARD**

Agenda items 23-25 were taken out of order to accommodate counsel for the parties. The Dealer Members did not participate in Agenda items 23-25 because they involved a dispute between a franchisee and franchisor.

Mr. Flesh indicated that this matter was originally scheduled for the Board's March 24, 2009, General Meeting. Just prior to the Board meeting, there was a Chapter 11 Bankruptcy filing on behalf of Protestant. Given the automatic stay, the Board did not take any action. On April 7, 2009, counsel for Respondent indicated that the Bankruptcy stay had been modified and the Board was authorized to consider the Proposed Order. The Board received a copy of the modified stay on April 10, 2009.

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

Carlos Negrete made an appearance on behalf of Protestant. Allen S. Resnick of Jeffer, Mangels, Butler & Marmaro, LLP and Randall L. Oyler, Esq. of Barack Ferrazzano made an appearance on behalf Respondent.

Prior to any discussion, Mr. Flesh indicated that he has utilized the services of Mr. Resnick's firm, Jeffer, Mangels, Butler & Marmaro but that he has no relationship with Mr. Resnick. In light of this disclosure, Mr. Negrete indicated that he did not waive any potential conflict because he could not ascertain whether or not there was one. Mr. Flesh recused himself from participation and Mr. Stevens presided over this matter. Additionally, Mr. Flesh requested that General Counsel, Howard Weinberg, provide guidance on what constitutes a conflict.

Oral comments were not presented before the Public Members of the Board. Mr. Negrete represented that on April 22, 2009, Protestant filed a Notice of Removal in the United States Bankruptcy Court, Central District of California, Santa Ana Division. He argued that the filing of the Notice of Removal removes jurisdiction of the Board and any proceedings

relating to Platinum Motors should not go forward or any further action taken. Mr. Resnick concurred with this representation, although he believes that the removal is improper. He represented that a further order from the Bankruptcy Court was expected momentarily. This matter was postponed until the end of the agenda to ascertain whether the Bankruptcy Court issued an order concerning the removal.

24. **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.

**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.

No action was taken in light of the filing of the Notice of Removal.

25. **OPEN SESSION**

The members remained in open session having never gone into closed Executive Session.

Mr. Flesh resumed presiding over the meeting.

6. **ANNUAL REVIEW OF THE BOARD'S MISSION AND VISION STATEMENTS - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Bill Brennan concerning the annual review of the Board's Mission and Vision Statements. Mr. Brennan indicated that the Mission and Vision Statements have been utilized by the Board since 2005. Furthermore, from the staff's perspective, Mr. Brennan indicated that the statements have served the Board well and he does not have any recommendations to change the statements at this time. However, the staff was open to any Board Member recommendations or suggestions. Mr. Flesh suggested that the Vision Statement more accurately reflect the licensees within the Board's jurisdiction. This matter will be considered by the Board at the June 5, 2009, General Meeting in Riverside.

7. **ANNUAL UPDATE ON TRAINING PROGRAMS ATTENDED BY STAFF - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Dawn Kindel updating the members on staff training programs attended by the Board's staff. Mr. Brennan reported that the staff is encouraged to participate in training. Additionally, Mr. Brennan indicated that the Board was well within its training budget. Mr. Flesh wanted to confirm that the National Judicial College training for Robin Parker was still in compliance with the Governor's Executive Order. Mr. Brennan indicated that this training is in compliance and has been approved by Business, Transportation & Housing Agency.

8. **ANNUAL UPDATE ON BOARD CONSUMER MEDIATION SERVICES PROGRAM - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Heather Collins. Mr. Brennan reported that the Consumer Mediation Services Program continues to be successful with 521 cases and 1,378 telephone calls in fiscal year 2006-2007. Out of the 521 cases, 421 cases were mediated with over 65% of those cases being successfully mediated. Mr. Brennan noted that this is a successful program and that the staff does an excellent job. He further stated that the provision eliminating the mediation program as a program under the Board was redacted from Senate Bill 95, pending in the state legislature. The members requested that on future reports, the number of website hits pertaining to the mediation program be in the annual update.

9. **CONSIDERATION OF THE REVISED GUIDE TO THE NEW MOTOR VEHICLE BOARD TO INCLUDE INFORMATION ON STATUTORY AND REGULATORY CHANGES - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum and revised *Guide to the New Motor Vehicle Board* from Bill Brennan and Howard Weinberg. Mr. Weinberg summarized the changes to the Guide and updated the codes to include statutory changes effective January 1, 2009. Mr. Alvarez moved to adopt the Guide. Mr. Lizárraga seconded the motion. The motion carried unanimously.

10. **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**

The members were provided with a memorandum from Bill Brennan and Polly Riggensbach updating manufacturer and distributor compliance with the Board's request that statutorily mandated schedules or formulas be filed with the Board. Mr. Brennan reported that overall this year's response to the letters requesting compliance has improved significantly over last year. Furthermore, he reported that of the 267 manufacturers/distributors within the Board's jurisdiction, 59% or 157 have compliant filings. The total number of manufacturers since 2007 has increased from 189 to 267.

11. **REPORT ON THE NUMBER OF NEW VEHICLE DEALERSHIPS, MANUFACTURERS, AND DISTRIBUTORS CLOSING IN 2008 - BOARD DEVELOPMENT COMMITTEE**

Mr. Brennan provided the members with a memorandum concerning the number of new vehicle dealerships, manufacturers and distributors going out of business in 2008. Mr. Brennan reported that there is no legal requirement for a dealership, manufacturer or distributor to notify the DMV office of Occupational Licensing (OL) when a company ceases to operate and goes out of business. The Board receives information regarding closures primarily from OL and its own fee collection efforts. Additionally, the report provided was augmented by information from news articles and the California New Car Dealers Association, California Recreation Vehicle Dealers Association and the California Motorcycle Dealers Association. Mr. Brennan reported the closures as follows:

<b>TYPE OF BUSINESS</b>	<b>NO. OF CLOSURES</b>
Automobile dealers	131
Automobile manufacturers/distributors	1
RV dealers	26
RV manufacturers/distributors	13
Motorcycle dealers	15
Motorcycle manufacturers/distributors	9
ATV dealers	5
ATV manufacturers/distributors	3

The members requested that Howard Weinberg verify if a dealer or manufacturer has to file a notice regarding a dealer's termination. Also, Mr. Flesh requested that the staff stay current on the annual Board fees owed by dealers and manufacturers, and start collecting the manufacturer fees sooner in lieu of waiting until June. Mr. Brennan indicated that he will research the feasibility of collecting the fees earlier.

12. **BOARD MEMBER EDUCATION CONCERNING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, BAGLEY-KEENE OPEN MEETING ACT, POLITICAL REFORM ACT, AND PUBLIC RECORDS ACT - BOARD DEVELOPMENT COMMITTEE**

The members were given a memorandum from Bill Brennan and Howard Weinberg showing the changes that have occurred to the Administrative Procedure Act, Bagley-Keene Open Meeting Act, Political Reform Act and Public Records Act. The changes that may be of importance to the Board and its members were highlighted in the memo. Mr. Weinberg stated that the gift limit increased from \$390 to \$420.

13. **BOARD FINANCIAL CONDITION REPORT FOR THE 1<sup>ST</sup> HALF OF FISCAL YEAR 2008-2009 - FISCAL COMMITTEE**

The members were provided with a memorandum from Bill Brennan, Dawn Kindel, and Linda Lighter concerning the Board financial condition report for the 1<sup>st</sup> and 2<sup>nd</sup> quarters of

Fiscal Year 2008-2009. Mr. Brennan reported that the Board expended 45% of its appropriated budget for the first half of the fiscal year. Furthermore, with the furloughs resulting from the Governor's Executive Order and by not filling a vacant position, the Board should realize \$90,000 in payroll savings. The Board's operating expenses were only 24% of its appropriated budget for the first half of the fiscal year. Mr. Brennan anticipated an overall savings of 14-15% on the Board's entire budget at the end of the fiscal year.

14. **CONSIDERATION OF OUT-OF-STATE TRAVEL PLANS FOR FISCAL YEAR 2009-2010 - FISCAL COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Dawn Kindel concerning out-of-state travel plans for fiscal year 2009-2010. Mr. Brennan indicated that the out-of-state travel requests were already submitted to Business, Transportation & Housing Agency and the Governor because of the various deadlines. Travel proposals for nine trips were submitted. Two of the trip requests are for the Executive Director and the Staff Manager to attend the National Association of Motor Vehicle Boards and Commissions Fall Workshop in September 2009, in Charleston, South Carolina. Seven of the trips are for the Board's five public members, the Executive Director and the Staff Manager to attend the National Automobile Dealers Association Annual Convention and Expo and the National Association of Motor Vehicle Boards and Commissions Winter Workshop in Orlando, Florida, February 13-16, 2010. The Executive Committee makes the final determination as to which individuals are authorized to actually attend these trips.

Mr. Wilson moved to affirm and ratify the nine out-of-state trips submitted by the Executive Director. Mr. Alvarez seconded the motion. The motion carried unanimously.

15. **CONSIDERATION OF 2009 REVISIONS TO THE INFORMATIONAL GUIDE FOR MANUFACTURERS AND DISTRIBUTORS WHICH OUTLINES THEIR OBLIGATIONS TO PROVIDE NOTICES, SCHEDULES, AND FORMULAS MANDATED BY THE CALIFORNIA VEHICLE CODE AND CIVIL CODE TO THE NEW MOTOR VEHICLE BOARD AND/OR IMPACTED DEALERS - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a memorandum and revised *Informational Guide for Manufacturers and Distributors*. Ms. Parker reported that the Guide was minimally revised. The title page was updated to reflect the current composition of the Board. Footnote 4 on page 5 was updated to reflect the addition of Vehicle Code section 331.3 that defines "recreational vehicle franchise." The OL 124 Form on pages 9-10 was updated to reflect the June and July 2008 version. Lastly, page 11 was updated to reflect a new OL contact for manufacturer and distributor inquiries.

Mr. Stevens moved to adopt the revised Guide. Mr. Wilson seconded the motion. The motion carried unanimously. As with the *Guide to the New Motor Vehicle Board*, Mr. Flesh requested that only the pages with changes be provided to the entire Board next year in an effort to save resources.

16. **ANNUAL REVIEW OF BOARD ADOPTED POLICIES - POLICY AND**

## **PROCEDURE COMMITTEE.**

The members were provided with a memorandum from Bill Brennan and Robin Parker concerning the annual review of Board adopted policies. The new policies that were approved in 2008 are as follows:

- The Board policy on court participation on issues of interest to the Board was enhanced to reflect the specific language as contained in the Board's February 12, 1997 "Board Policy Regarding Representation in Court Actions" and March 18, 1997, "Revised Board Policy Regarding Representation in Court Actions". Additionally, the members clarified that when a Dealer Member is President, only those matters in which a Dealer Member would be disqualified from having heard in the first place are delegated. For 2008, President Skobin designated Tom Flesh, Public Member and Vice President.
- In the event of Judge Skrocki's unavailability, an "Alternate Law and Motion ALJ Assignment Log" was established with Judges Archibald, Hagle, Prod, and Wong. Upon completion of Judge Waits' training, she will be added to the assignment log. Robin Parker was added to the "Alternate Law and Motion ALJ Assignment Log" and authorized to preside over law and motion matters in the event no other ALJ is available within a reasonable timeframe and the parties so stipulate.
- ALJ Riegenbach's authority was extended for a 12-month period to include non-substantive procedural matters such as ordering discovery dates, briefing schedules and hearing dates. This authority will be reviewed in six-months to see if the Board wants to continue the authorization or adjust the authority.
- On an interim six-month basis, Judges Wong and Riegenbach will preside over all Mandatory Settlement Conferences while the Board attempts to hire additional ALJs. This was extended in May 2008, for an additional six-month period. It was also extended for an additional six-month period in November 2008.
- The Board's 2006 policy that allowed the legal staff to accept, subject to stipulation of the parties, the offer to use litigants' conference rooms or offices for purposes of conducting a Mandatory Settlement Conference so long as all of the requirements of Section 18944.2 of Title 2 of the California Code of Regulations are met, was made moot due to an amendment to the regulation and a September 2, 2008, informal letter from the Fair Political Practices Commission.
- The Board designated the General Counsel to service as its Audit Compliance Officer to ensure that all facets of the 1996 Business, Transportation & Housing Agency Performance Audit are complied with. This includes the Corrective Action Plan Committee's proposal which was adopted by the Board at its December 8, 1998, General meeting, and the Audit Review Committee's recommendations concerning restructuring the senior management positions which were adopted at the May 25, 2000, General meeting. An annual report shall be provided to the

Board each June updating the Board's compliance.

- With regards to Delegation in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency, at its November 20, 2008, General Meeting, the members adopted revised delegations with updated statutory language and formal Board delegations of duties that occurred at noticed meetings.

17. **CONSIDERATION OF A REVISED NEW MOTOR VEHICLE BOARD ADMINISTRATIVE LAW JUDGES' BENCHBOOK - POLICY AND PROCEDURE COMMITTEE**

The members were given the current version of the *New Motor Vehicle Board Administrative Law Judges Benchbook*. Mr. Weinberg stated the nature and scope of any potential changes to the 2009 Edition would be limited to minor grammatical and editorial corrections, and suggested no new edition is necessary.

18. **DISCUSSION CONCERNING PENDING LEGISLATION - POLICY AND PROCEDURE COMMITTEE**

- a. Pending Legislation of special interest.
  - (1) Senate Bill 95 (Senator Corbett) - Car Buyer's Protection Act of 2009.
- b. Pending Legislation of general interest.
  - (1) Assembly Bill 5 (Assembly Member Evans) - Electronic Discovery Act.
  - (2) Assembly Bill 1494 (Assembly Member Eng).
  - (3) Senate Bill 373 (Senator Walters).
  - (4) Senate Bill 424 (Senators Padilla, Florez, and Harman) - Dealer Franchise Fairness Act of 2009.
- 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 Senate Bill 209 (U.S. Senator Boxer).
  - (7) United States Senate Bill 247 (U.S. Senator Feinstein) - Accelerated Retirement of Inefficient Vehicles Act of 2009.
  - (8) United States Senate Bill 271 (U.S. Senator Cantwell) - Fuel

Reduction using Electrons to End Dependence on the Mid-East (FREEDOM) Act of 2009.

- (9) United States Senate Bill 333 (U.S. Senator Mikulski).

The members were provided with a memorandum from Bill Brennan and Howard Weinberg updating them on pending legislation. Mr. Weinberg reported that Senate Bill 95 was amended to increase the dealer bond from \$50,000 to \$100,000. Also, this bill was amended to remove the language that eliminated the Board's Consumer Mediation Services Program.

19. **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.

Mr. Brennan provided the members with a report on Administrative Matters that identified all pending projects, the Board staff and committee assigned, estimated completion dates, and status.

Ms. Parker reported that since the materials were mailed to the members, three protests were closed and three new protests were filed. Also, Ms. Parker provided the members with handouts that provided historical information on the number of protests filed as well as the number of termination notices filed. These handouts indicated as follows:

- For calendar year 2004, there were 45 protests including 5 RV
- For calendar year 2005, there were 49 protests including 3 RV
- For calendar year 2006, there were 49 protests:
  - 3060(t) – 14
  - 3060(m) – 1
  - 3062(e) – 25
  - 3062(r) – 5
  - 3065.1 – 3
  - 3075 – 1
- For calendar year 2007, were 65 protests:

- 3060(t) – 18 (1 motorcycle, 2 bus)
  - 3060(m) – 3
  - 3062(e) – 20 (2 motorcycle, 1 ATV)
  - 3062(r) – 13
  - 3065 – 3
  - 3065.1 – 4
  - 3070(t) – 3 (one filed as 3060(t) but really an RV)
  - 3070(m) – 1
- For calendar year 2008, there were 42 protests:
    - 3060(t) – 21
    - 3060(m) – 1
    - 3062(e) – 9
    - 3062(r) – 9
    - 3065 – 0
    - 3065.1 – 1
    - 3070(t) – 1
  - For calendar year 2009, there were 16 protests through April 16, 2009:
    - 3060(t) – 7
    - 3062(r) – 2
    - 3062(e) – 1
    - 3065 – 1
    - 3070(t) – 3
    - 3075 – 2

The following summarizes the number of termination notices received in 2007, 2008, and 2009 year-to-date:

Year	Product	15-day notices	60-day notices	Total
2007	Automobile, motorcycle, ATV, trailer, heavy duty truck	6	23	29
2007	Recreational vehicle	3	2	5
2008	Automobile, motorcycle, ATV, trailer, heavy duty truck	30	17	47
2008	Recreational vehicle	5	0	5
4-20-09	Automobile, motorcycle, ATV, trailer, heavy duty truck	19 <sup>1</sup>	26 <sup>2</sup>	45
4-20-09	Recreational vehicle	2	0	2

Mr. Weinberg reported on judicial matters and indicated that in *Carlsen Subaru, Inc., dba*

<sup>1</sup> The following is the breakdown of 15-day notices: 11 cars; 3 trailers; 4 motorcycles; and 1 ATV. Four notices were initially issued as 60-day termination notices and four subsequent notices were issued as 15-day termination notices [3 for Nissan and 1 for Toyota].

<sup>2</sup> The following is the breakdown of 60-day notices: 17 motorcycles; 8 cars; and 1 heavy duty truck.

*Carlsen Subaru, Petitioner v. New Motor Vehicle Board, Respondent, Subaru of America, Inc., Real Party in Interest*, the Sacramento County Superior Court stayed the Board's decision that overruled the protest and allowed Subaru to establish a new dealer in Burlingame, California. A hearing on the writ is scheduled for June 5, 2009. With regards to *Nader Automotive Group, LLC and Nader Eghtesad, Petitioner v. New Motor Vehicle Board, Respondent; Volkswagen of America, Inc., Real Party in Interest*, the 3<sup>rd</sup> District Court of Appeal reversed the order of dismissal and the two pending writs will go forward. Mr. Weinberg reported that *Forty-Niner Sierra Resources, Inc., Petitioner v. New Motor Vehicle Board, Respondent; Subaru of America, Inc., Real Party in Interest*, was dismissed. Lastly, there has been no activity in *Serpa Automotive Group, Inc., Petitioner v. New Motor Vehicle Board, Respondent; Volkswagen of America, Inc., Real Party in Interest*.

20. **ANNUAL REPORT OF STAFF PARTICIPATION IN THE CALIFORNIA STATE EMPLOYEES CHARITABLE CAMPAIGN (CSECC)**

Robin Parker reported on the success of the Board's 2008 California State Employees Charitable Campaign. Ms. Parker reported that Governor Schwarzenegger, who chaired the campaign for both 2007 and 2008, set the goal for \$10 million. Ms. Parker indicated the Board raised a total of \$3,170 for the campaign this year. The Board achieved these goals with 100% participation from the staff and participation from several Administrative Law Judges and a Board Member. Furthermore, a report just received from Business, Transportation & Housing Agency indicated the Board achieved Gold Participation and Silver Per Capita.

21. **APPOINTMENT OF COMMITTEE MEMBERS TO THE ADMINISTRATION COMMITTEE, BOARD DEVELOPMENT COMMITTEE, FISCAL COMMITTEE, GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE, AND POLICY AND PROCEDURE COMMITTEE, BY THE BOARD PRESIDENT**

After a brief discussion, President Flesh made the following committee appointments:

- ADMINISTRATION COMMITTEE  
Haig Papaian, Chair  
Ramon Alvarez C., Member
- BOARD DEVELOPMENT COMMITTEE  
Ryan L. Brooks, Chair  
Victoria R. Pearson, Member
- EXECUTIVE COMMITTEE  
Tom Flesh, President  
Ramon Alvarez C., Vice President
- FISCAL COMMITTEE  
Ramon Alvarez C., Chair

David C. Lizarraga, Member

- GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE  
Tom Flesh, Chair  
David Wilson, Member
- POLICY AND PROCEDURE COMMITTEE  
Glenn Stevens, Chair  
David Wilson, Member

The assignments to the Administration Committee will be revisited at the June 5<sup>th</sup> General Meeting in Riverside.

22. **SELECTION OF BOARD MEETING DATES FOR 2009**

The members were provided with a memorandum from Bill Brennan concerning upcoming Board meeting dates. The members went off the record for this discussion. Ms. Parker announced the following meeting dates: September 10, 2009, General Meeting, location to be determined; and December 10, 2009, General Meeting in Sacramento.

23. **ORAL PRESENTATION BEFORE THE PUBLIC MEMBERS OF THE BOARD**

Mr. Stevens presided over Agenda items 23-25, as Mr. Flesh recused himself from such participation.

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

Counsel for the parties was asked to return to the meeting for resumption of this matter. Mr. Stevens noted that Mr. Negrete was not counsel of record in Platinum Motors LLC v. Automobili Lamborghini, S.p.A. Astrid Keuylian accepted Mr. Negrete as counsel of record for Platinum Motors. Mr. Stevens noted that the staff had been in contact with the Board's offices and that no orders had been received from the Bankruptcy Court, and in light of this the Board would proceed to discuss the merits of the Proposed Order.

Mr. Negrete indicated that an order does not get issued on a Notice of Removal and that the Board is divested of jurisdiction. Furthermore, he argued that any further proceeding by this Board is in violation. Mr. Resnick acquiesced and this matter was taken off calendar.

In the event the Board has an order from the Bankruptcy Court, a Special Meeting will be expeditiously scheduled for Public Member consideration without Mr. Flesh's participation.

26. **PUBLIC COMMENT. (GOV. CODE § 11125.7)**

Mr. Flesh presided over the remainder of the meeting. No additional public comment was

presented.

27. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 12:15 p.m.

Submitted by

\_\_\_\_\_  
WILLIAM G. BRENNAN  
Executive Director

APPROVED: \_\_\_\_\_  
Robert T. (Tom) Flesh  
President  
New Motor Vehicle Board