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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board ("Board") held a General meeting on February 4, 2010, at the Hilton Los Angeles Airport, San Lorenzo D 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 10:42 a.m.

Present: Ramon Alvarez C. William G. Brennan, Executive Director
Ryan L. Brooks (arrived 10:43 a.m.) Howard Weinberg, General Counsel¹
Robert T. (Tom) Flesh Robin Parker, Senior Staff Counsel
Peter Hoffman
David C. Lizárraga (left 12:28 p.m.)
Haig Papaian
Glenn E. Stevens
David W. Wilson

Absent: Victoria R. Pearson

3. **PLEDGE OF ALLEGIANCE**

Mr. Flesh welcomed newly appointed Dealer Member Peter Hoffman to the Board. Mr. Hoffman indicated that it's a pleasure to be joining such a distinguished group.

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

4. **APPROVAL OF THE MINUTES FROM THE DECEMBER 10, 2009 GENERAL MEETING**

Mr. Alvarez C. moved to adopt the December 10, 2009, General Meeting minutes. Mr. Stevens seconded the motion. Mr. Hoffman did not vote as he was not yet a member. The motion carried unanimously.

¹ Subsequent to the meeting, Mr. Weinberg resigned as Board General Counsel.

5. **2010 ELECTION OF BOARD PRESIDENT AND VICE PRESIDENT - EXECUTIVE COMMITTEE**

Mr. Stevens moved to nominate Mr. Flesh as President. Mr. Wilson seconded the motion to nominate Mr. Flesh as President. Mr. Brooks moved to close the nominations, with Mr. Wilson seconding the motion. This motion to close the nominations carried unanimously. The motion to nominate Mr. Flesh as President carried unanimously.

Mr. Flesh moved to nominate Mr. Alvarez C. as Vice President. Mr. Brooks seconded the motion to nominate Mr. Alvarez C. as Vice President. Mr. Wilson moved to close the nominations, with Mr. Stevens seconding the motion. This motion to close the nominations carried unanimously. The motion to nominate Mr. Alvarez C. as Vice President carried unanimously.

Mr. Flesh thanked the staff for keeping up with the workload in light of the Governor's Executive Orders.

6. **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 INCOMING BOARD PRESIDENT**

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

- ADMINISTRATION COMMITTEE
Ryan Brooks, Chair
Peter Hoffman, Member
- BOARD DEVELOPMENT COMMITTEE
David C. Lizárraga, Chair
Ryan Brooks, Member
- EXECUTIVE COMMITTEE
Tom Flesh, Chair
Ramon Alvarez C., Member
- FISCAL COMMITTEE
Ramon Alvarez C., Chair
Victoria R. Pearson, Member
- GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE
David Wilson, Chair
Tom Flesh, Member

- POLICY AND PROCEDURE COMMITTEE
Glenn E. Stevens, Chair
David Wilson, Member

7. **DISCUSSION AND CONSIDERATION OF REVISING 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. THAT PROVIDES MEMBERS OF THE PUBLIC AN OPPORTUNITY TO COMMENT ON SUCH MATTERS AT THE END OF THE MEETING - AD HOC PUBLIC COMMENT COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Howard Weinberg concerning a revised Board policy on public comments in compliance with the Bagley-Keene Open Meeting Act during the consideration of Proposed Decisions, Orders or Rulings conducted pursuant to the Administrative Procedure Act. Mr. Weinberg reported that at the December meeting, the Board asked the staff to reconsider this matter in conjunction with the Committee.

The staff is recommending that the public not be permitted to comment on such agenda items because to permit public comment on proposed decisions and orders would not be part of the administrative record, and could influence Board decisions based on information that was not admitted by the ALJ at the time of the hearing. Further, any public comment given would not be given under oath, and would not be subject to cross examination. The opposing party would have no notice of what arguments, assertions, or purported evidence would be presented by a non-party public comment, and no ability or opportunity to prepare an appropriate response. Any response given would be to comments that are outside the record.

Mr. Hoffman moved to adopt the following Board policy as amended to include proposed decisions, rulings, and orders:

In compliance with section 11125.7, each agenda item other than an item that requires Board consideration of a proposed decision, ruling, or order, the President or presiding officer shall invite public comment after the item has been presented by staff. The President or presiding officer of the meeting may limit the number and/or the duration of the public comment or comments depending on the time constraints and size of the agenda.

The following language is to be part of the President's or presiding officer's introductory statement prior to Board consideration of proposed decisions, rulings, or orders is as follows:

"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 not

comment on such matters.”

Mr. Stevens seconded the motion. The motion carried unanimously.

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

The members were provided with a memorandum from Bill Brennan and Heather Collins. Mr. Brennan indicated that the number of phone calls received was 50% less than the previous year and the number of cases was 25% less. Additionally, he reported that the Consumer Mediation Services Program continues to be successful with 407 cases and 795 telephone calls in fiscal year 2008-2009. Out of the 407 cases, 316 cases were mediated with over 69% of those cases being successfully mediated. Mr. Brennan noted that this is an efficient program.

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, 2010. Mr. Lizárraga moved to adopt the Guide to include Mr. Hoffman’s suggested edits. Mr. Alvarez C. seconded the motion. The motion carried unanimously.

10. **CONSIDERATION OF WHETHER TO ORDER THE DEPARTMENT OF MOTOR VEHICLES TO WITHHOLD THE RENEWAL AND/OR SUSPEND THE EXISTING OCCUPATIONAL LICENSES FOR VICOO INDUSTRY INC. AND JMSTAR INC. FOR FAILURE TO FILE THE STATUTORILY REQUIRED SCHEDULES AND FORMULAS (VEH. CODE § 3064/3065 & § 3074/3075) - ADMINISTRATION COMMITTEE**

This matter was pulled from the agenda because a copy of the agenda via Certified Mail was not sent to the licensees. This matter will be agendized for the March meeting.

11. **ANNUAL REPORT CONCERNING OUT-OF-STATE TRAVEL PLANS FOR THE 2010-2011 FISCAL YEAR - FISCAL COMMITTEE**

Mr. Alvarez C. presided over this agenda item while Mr. Flesh stepped out of the meeting for a few minutes.

The members were provided with a memorandum from Bill Brennan and Dawn Kindel concerning the out-of-state travel plans for fiscal year 2010-2011. Proposals for six trips were requested including the following:

- The Executive Director, Staff Manager, and two Public Members to attend the National Association of Motor Vehicle Boards and Commissions Fall Workshop in September 2010, in Madison, Wisconsin.
- The Executive Director and one Public Member to attend the Recreational Vehicle Industry Association's 48th National Trade Show in December 2010, in Louisville, Kentucky.

Once the Board approves these trip requests, then they go to the Department of Motor Vehicles, Business, Transportation & Housing Agency, the Department of Finance, and the Governor's office for final approval. Once final administration approval is received, the Executive Committee will authorize which individuals will actually attend these trips.

Mr. Brooks moved to approve the six out-of-state trips requested by the Executive Director. Mr. Lizárraga seconded the motion. The motion carried unanimously.

12. **CONSIDERATION OF 2010 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* from Bill Brennan and Robin Parker. Ms. Parker reported that the Guide was minimally revised. The title page was updated to reflect the current composition of the Board. The sample modification notice, establishment or relocation notice, and off-site sale notice were modified for consistency and accuracy.

Mr. Alvarez C. moved to adopt the revised Guide. Mr. Stevens seconded the motion. The motion carried unanimously.

13. **ANNUAL REPORT CONCERNING 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 2009 are as follows:

- The Board adopted a policy concerning the presentation of public comment during Board consideration of a proposed decision, order, or ruling; the following language is to be inserted into the President's or presiding officer's introductory statement, as follows:

Comments by the parties or by their counsel that are made regarding any proposed decision 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.

(This policy was amended as indicated in Agenda item 7.)

- Judge Waits' training has been completed and she has been added to the Alternative Law and Motion ALJ Assignment Log, and the Merits and MSC Judge Assignment Log.
- ALJ Riggerbach's authority to include non-substantive procedural matters such as ordering discovery dates, briefing schedules and hearing dates, was reviewed and the Board approved its continuance.
- With regards to Delegation in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency, the Audit recommended that "Delegation authorities should be formally adopted by the Board. At its September 10, 2009, General Meeting, the members adopted the revised delegations that included minor grammatical changes. Additionally, the "Administrative Duties" delegation pertaining to "Procurement" was revised to delegate to the Executive Director "the authority to procure any necessary equipment, supplies, and services up to the amount budgeted in a line item of the Board's approved budget. If, due to extenuating circumstance, the necessary expenditure exceeds the amount budgeted, the Executive Director shall contact the members of the Fiscal Committee by telephone and discuss this matter. The Committee may authorize the procurement which may then be ratified by the full Board at its next regularly scheduled meeting."
- The Vision of the New Motor Vehicle Board was amended as follows:

Safeguard for the Board's constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves industry relations and reduces the need for costly litigation. Assist consumers in mediating concerns with dealers, manufacturers, and distributors licensed by the California Department of Motor Vehicles.

Develop methods that further improve the delivery of Board services in a timely and cost-effective manner. Educate Board members concerning industry matters, which further improve the Board's ability to equitably resolve industry disputes.

Mr. Hoffman had concerns over the Board policy concerning gifts and honoraria. Ms. Parker indicated that the staff could look into the existing policy and put this matter on the March agenda.

14. **ANNUAL REPORT ON THE ASSIGNMENT OF CASES TO BOARD ADMINISTRATIVE LAW JUDGES - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Polly Riggerbach concerning the assignment of cases to Board ALJs in 2009.

15. **CONSIDERATION OF PROPOSED REGULATIONS - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a memorandum and proposed regulatory revisions from Bill Brennan and Robin Parker.

Mr. Stevens, as Committee Chair, discussed that this project had been on the back burner for over a year. As a result of the final Committee meeting, he determined that the proposed regulations were necessary and brings the Board up to date with other administrative hearing procedures.

Ms. Parker reported that by letter dated September 17, 2009, Michael M. Sieving of the Law Offices of Michael M. Sieving requested that the proposed regulations be placed on the December 10, 2009, agenda. After discussing the need for additional staff and Committee review, this matter was placed on today's agenda.

Additionally, Ms. Parker reported that by formalizing the regulations, it allows more accessibility to attorneys that want to enter into this field of law. Furthermore, she went to great lengths to ensure the proposed regulations are consistent with the Office of Administrative Hearings' regulations. Ms. Parker indicated that due to the volume of the proposed regulations, the rulemaking would be broken into manageable pieces and reported to the Board at each General meeting via the Executive Director's report.

Mr. Wilson moved to approve the proposed regulatory revisions with the change to Section 551.19(c) as suggested by Mr. Hoffman. Subdivision (c) shall read: "Briefing may be permitted by stipulation of the parties or by order of the board." Mr. Hoffman seconded the motion. The motion carried unanimously.

- a. Definitions (13 CCR § 550);
- b. Subpoenas; Motion to Quash (13 CCR § 551.2);
- c. Settlement Conference: Separation of Powers (13 CCR § 551.11);
- d. Notice of Assignment of Administrative Law Judges; Peremptory Challenges (13 CCR § 551.12);
- e. Request for Informal Mediation (13 CCR § 551.14);
- f. Request for Discovery; Informal Mediation (13 CCR § 551.15);
- g. Conversion of Informal Mediation to Petition; Confidentiality (13 CCR § 551.17);
- h. Motions; Form, Briefing, and Hearings (13 CCR § 551.19);
- i. Conduct of Hearing; Protective Orders (13 CCR § 551.20);
- j. Sanctions - Bad Faith Actions (13 CCR § 551.21);
- k. Interpreters and Accommodation (13 CCR § 551.23);

- l. Service; Proof of Service (13 CCR § 551.24);
- m. Substitution and Withdrawal of Counsel (13 CCR § 551.25);
- n. Service of Petition upon Respondent(s) (13 CCR § 555.1);
- o. Form and Filing of Petition (13 CCR § 556);
- p. Answer-Time of Filing; Form and Content (13 CCR § 558);
- q. Additional Evidence and Argument in Support of Petition (13 CCR § 561);
- r. Form of Appeal (13 CCR § 567);
- s. Form; Separate Protests (13 CCR § 583);
- t. Service of Protest upon Franchisor (13 CCR § 584);
- u. Filing of Protest, Schedules of Compensation for Preparation and Delivery Obligations, Warranty Reimbursement Schedules or Formulas, and Franchisor Incentive Program Reimbursement Pursuant to Vehicle Code sections 3064, 3065, 3065.1, 3074, 3075, and 3076 (13 CCR § 586);
- v. Notice of Hearing of Protest (13 CCR § 591);
- w. Papers Defined - Approved Forms (13 CCR § 593);
- x. Notices (13 CCR § 593.1);
- y. Failure to File or to Timely File Statutorily Required Notices, Schedules, or Formulas (13 CCR § 593.3)
- z. Size of Paper, Pagination, Etc. (13 CCR § 594);
- aa. Format of First Page; Format and Filing of Papers (13 CCR § 595); and
- bb. Last Page; Signature (13 CCR § 597).

16. **CONSIDERATION OF ANNUAL RULEMAKING CALENDAR - POLICY AND PROCEDURE COMMITTEE**

The members were provided with the 2010 Rulemaking Calendar. Ms. Parker reported that if the calendar is approved by the Board, it is then submitted to Business, Transportation & Housing Agency for their approval, and ultimately published in the California Regulatory Notice Register by the Office of Administrative Law.

Mr. Alvarez C. moved to adopt the 2010 Rulemaking Calendar. Mr. Stevens seconded the motion. The motion carried unanimously.

17. **DISCUSSION CONCERNING LEGISLATION - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Howard Weinberg updating them on legislation. Mr. Weinberg reported that there was nothing to report at the State level but that Federal legislation was enacted (H.R. 3288) concerning a binding arbitration program to give rejected Chrysler and GM dealers the opportunity to seek arbitration through the American Arbitration Association. Furthermore, he reported that 71 dealers in California were seeking arbitration.

- a. Pending Legislation of Special Interest - none.
- b. Pending Legislation of General Interest - none.

- c. Federal Legislation of General Interest.
 - (1) United States House of Representatives Bill 3288 (U.S. Representative Olver) - Consolidated Appropriations Act, 2010.

- d. 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.

18. **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.

Mr. Brennan indicated that a General Meeting was scheduled for March 23, 2010 in Sacramento, and the Industry/Attorney Roundtable was scheduled for March 24 in West Sacramento. The topics for the Roundtable have been approved by the Committee and speakers are being confirmed. For the General Meeting, Mr. Brennan indicated that DMV Director George Valverde was planning to attend and provide an update on DMV. The Board has commenced the fee collection for the Department of Consumer Affairs, Arbitration Certification Program, and over 60% of the funds have already been collected. Furthermore, the furloughs were still in place although several unions have pending lawsuits that are under some level of appeal from the administration.

Mr. Flesh noted the passing of Jim Ryan, a long-time employee of BMW who recently provided the members and staff with a tour of the BMW Hydrogen 7 Series vehicle. Mr. Brennan indicated that the upcoming edition of the In-Site contained an article on Jim Ryan.

Prior to discussing case management, it was learned that there would not be a quorum of Public Members present at the March 23 meeting to consider a proposed decision. After a discussion both on and off the record, a Special Meeting for the Public Members only was set for March 9 (with a back up date of March 15) at 1:30 p.m. Mr. Papaian offered to provide the Board with a room and coffee at the Commerce Casino – Crown Plaza Hotel.

Ms. Parker reported that since the materials were mailed to the members, three protests were closed and seven new protests were filed. There were a total a 41 open protests. Furthermore, for 2009, there were a total of 54 protests.

Mr. Weinberg reported on judicial matters and indicated that two new cases were filed in

court against the Board. First, Volkswagen filed a writ in Los Angeles County Superior Court with Timmons Volkswagen as the real party in interest. Since there is no State interest, the Board will not be participating in this case. Second, Calabasas Euro Auto Group, Inc. filed a writ against the Board also in Los Angeles County Superior Court.

Mr. Weinberg reported on the existing judicial matters as well. In *Platinum Motors, LLC, Petitioner v. California New Motor Vehicle Board, Respondent, Automobili Lamborghini, S.p.A., Automobili Lamborghini America, LLC, Real Party in Interest*, there were no dates set. Second, in *Powerhouse Motorsports Group, Inc. and Timothy L. Pilg, Petitioners v. Yamaha Motor Corp, Inc., Respondent; Powerhouse Motorsports, Petitioner v. New Motor Vehicle Board, Respondent, Yamaha Motor Corp Inc., Real Party in Interest*, there have been dates set on motions and counter motions. In *Carlsen Subaru, Inc., dba Carlsen Subaru, Petitioner v. New Motor Vehicle Board, Respondent, Subaru of America, Inc., Real Party in Interest*, the opening statement in appellate court is due March 4. With regards to the two *Nader Automotive Group* cases, Mr. Weinberg reported there has been a published decision. Lastly, he reported that 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*.

19. **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

This matter was postponed until after Agenda item 22.

20. **OPEN SESSION**

This matter was postponed until after Agenda item 22.

21. **CLOSED EXECUTIVE SESSION**

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

DISCUSSION AND ADVICE FROM LEGAL COUNSEL CONCERNING PENDING LITIGATION

CALABASAS EURO AUTO GROUP LLC v. NEW MOTOR VEHICLE BOARD OF CALIFORNIA

Los Angeles County Superior Court – Stanley Mosk Courthouse

Discussion and advice from the Board's General Counsel concerning pending

litigation, by the Public members of the Board.

The Public Members of the Board convened in closed Executive Session to discuss this agenda item.

Mr. Stevens moved to hire the Attorney General to represent the Board in the pending litigation without waiting for service and to file whatever response the Attorney General deems appropriate to accelerate the trial date. Mr. Brooks seconded the motion. The motion carried unanimously. Mr. Lizárraga left prior to the vote but agreed to hire the Attorney General.

22. **OPEN SESSION**

Public members returned to open session. Mr. Brooks reported that the Attorney General would represent the Board and expedite the process.

19. **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

The members of the Board convened in closed Executive Session to discuss this agenda item.

20. **OPEN SESSION**

The members returned to open session and Mr. Flesh reported that no action was taken as a result of the closed Executive Session and thanked Mr. Brennan for the wonderful service this past year and for leading the staff.

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

No additional public comment was presented.

24. **ADJOURNMENT**

With no further business to discuss, Mr. Brooks moved to adjourn the meeting in the name of Jim Ryan who passed away. Mr. Wilson seconded the motion. The motion carried unanimously. The meeting was adjourned at approximately 12:46 p.m.

Submitted by

WILLIAM G. BRENNAN
Executive Director

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