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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
GENERAL MEETING

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

September 27, 2011

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, order, or ruling 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.

1. **10:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the May 26, 2011, General Meeting.**
5. **Oral Presentation before the Public Members of the Board.**
 - a. SHAYCO, INC., dba ONTARIO VOLKSWAGEN v. VOLKSWAGEN OF AMERICA, INC.
Protest No. PR-2265-10

- b. SANTA MONICA GROUP, INC. v. GENERAL MOTORS LLC
Protest Nos. PR-2263-10 and PR-2264-10
- c. LEEHAN INC. HANLEES HILLTOP NISSAN v. NISSAN NORTH AMERICA, INC.
Protest No. PR-2307-11

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 Following Remand.**

SHAYCO, INC., dba ONTARIO VOLKSWAGEN v. VOLKSWAGEN OF AMERICA, INC.
Protest No. PR-2265-10

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

b. **Consideration of Proposed Decision Re: Cross Motions by Protestant and Respondent.**

SANTA MONICA GROUP, INC. v. GENERAL MOTORS LLC
Protest Nos. PR-2263-10 and PR-2264-10

Consideration of the Administrative Law Judge's "Proposed Decision Re: Cross Motions by Protestant and Respondent", by the Public Members of the Board.

c. **Consideration of Proposed Order.**

LEEHAN INC. HANLEES HILLTOP NISSAN v. NISSAN NORTH AMERICA, INC.
Protest No. PR-2307-11

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

7. **Open Session.**

8. Discussion and consideration of the Department of Motor Vehicle's Investigation in *California New Car Dealers Association v. Chrysler Group, a limited liability company*, Petition No. P-458-11, by the Public and Dealer Members of the Board.
9. Discussion and consideration of out-of-state trips for fiscal year 2011/2012 that were previously approved by the Board - Executive Committee.
10. Consideration of the revised *Guide to the New Motor Vehicle Board* to include information on statutory and regulatory changes - Administration Committee.
11. Annual Report on Board Development Program - Board Development Committee.
12. Status report concerning the Board's collection of the Arbitration Certification Programs' annual fee - Fiscal Committee.
13. Discussion and consideration of 2012 Industry/Attorney Roundtable - Government and Industry Affairs Committee.
14. Discussion and consideration of modifying the Board's Parliamentary Procedures concerning debate and voting - Policy and Procedure Committee.
15. Discussion and consideration of public comments received so far on the Board's proposed rulemaking for Section 553 (Annual Board Fee) of Title 13 of the California Code of Regulations - Policy and Procedure Committee.
16. Discussion concerning Pending Legislation - Policy and Procedure Committee.
 - a. Legislation of Special Interest.
 - (1) Senate Bill 642 (Senator Padilla).
 - (2) Assembly Bill 656 (Assembly Member Huber).
 - b. Legislation of General Interest.
 - (1) Assembly Bill 1215 (Assembly Member Blumenfield).
 - c. Pending Federal Legislation of General Interest.
 - (1) United States House of Representatives Bill 75 (U.S. Representative Jackson-Lee) - Automobile Dealers Fair Competition Act of 2011.

17. Executive Director's Report.

- A. Administrative Matters.
- B. Case Management.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

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 the Administrative Law Judge applicants, by all members of the Board - Administration Committee.

19. Open Session.

20. Selection of Board meeting dates for 2012.

21. Public Comment. (Gov. Code § 11125.7).

22. 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 Nicole Angulo at (916) 445-1888 or nangulo@nmvb.ca.gov.