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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board (“Board”) held a Special meeting on July 16, 2012, at the Hilton Los Angeles Airport, San Lorenzo E Room, 5711 West Century Boulevard, Los Angeles, California.

2. **ROLL CALL**

Bismarck Obando, Vice President of the Board and Public Member, called the meeting of the Board to order at 11:12 a.m. (the meeting started late due to a delayed flight).

Present: Ryan L. Brooks William G. Brennan, Executive Director
Robert T. (Tom) Flesh Robin Parker, Senior Staff Counsel
David C. Lizárraga (left at 11:22 a.m.)
Bismarck Obando

Absent: Glenn E. Stevens

3. **PLEDGE OF ALLEGIANCE**

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

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

SANTA MONICA AUTO GROUP, dba SANTA MONICA INFINITI v. INFINITI WEST,
a Division of NISSAN NORTH AMERICA, INC.
Protest No. PR-2330-12

Mr. Obando read the following statement “comments by the parties or by their counsel that are made regarding any proposed decision, proposed order, or proposed 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.” Furthermore, he indicated that since this is an adjudicative matter as described in Government Code section 11125.7(e), therefore members of the public may not comment on such matters.

Oral comments were presented before the Public Members of the Board. Tina Hopper,

Esq. of Callahan Thompson Sherman & Caudill, LLP, represented Protestant. Maurice Sanchez, Esq. of Baker & Hostetler LLP, represented Respondent.

5. **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

SANTA MONICA AUTO GROUP, dba SANTA MONICA INFINITI v. INFINITI WEST, a Division of NISSAN NORTH AMERICA, INC.
Protest No. PR-2330-12

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

The Public Members of the Board deliberated in closed Executive Session. Mr. Brooks moved to adopt the Administrative Law Judge's Proposed Order. Mr. Flesh seconded the motion. The motion carried unanimously by a 3-to-0 vote.

6. **OPEN SESSION**

The Public Members returned to Open Session. Ms. Parker announced the decision in Agenda Item 5.

7. **ADJOURNMENT**

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

Submitted by

WILLIAM G. BRENNAN
Executive Director

APPROVED: _____
Bismarck Obando
Vice President
New Motor Vehicle Board