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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
GENERAL MEETING

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

June 26, 2013

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. **9:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the March 13, 2013, General Meeting.**
5. **Consideration of presentation of Resolution to Jerold A. Prod, retiring Administrative Law Judge.**

6. **Closed Executive Session.**

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

Discussion and advice from legal counsel concerning pending litigation.

TERRY DOE, Petitioner vs. DEPARTMENT OF MOTOR VEHICLES, NEW MOTOR VEHICLE BOARD, and DOES 1 to 50, inclusive, Respondents
Sacramento County Superior Court No. 34-2013-80001488

Discussion and advice from the Board's legal counsel concerning pending litigation, by all members of the Board.

7. **Open Session.**

8. **Closed Executive Session.**

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

Discussion of a personnel matter - Executive Committee.

9. **Open Session.**

10. **Report on non-substantive changes to the proposed regulatory text of Sections 553 and 553.20 of Title 13 of the California Code of Regulations - Executive Committee.**

11. **Discussion and consideration of revised Board policy concerning the allocation of court reporter fees in light of Section 551.7 of Title 13 of the California Code of Regulations - Administration Committee.**

12. **Consideration of nominee for the Solon C. Soteras Employee Recognition Award recipient as recommended by the Board Development Committee.**

13. **Annual discussion and consideration of the methods for determining Board fees - Fiscal Committee.**

14. **Board financial condition report for the 3rd quarter of fiscal year 2012-2013 - Fiscal Committee.**

15. **Status report concerning the Board's collection of the Arbitration Certification Programs' annual fee - Fiscal Committee.**

16. **Discussion and consideration of the Board's proposed budget for fiscal year 2013-2014 - Fiscal Committee.**

17. **Report on the 10th New Motor Vehicle Board Industry Roundtable - Government and Industry Affairs Committee.**
18. **Discussion concerning pending Legislation - Policy and Procedure Committee.**
 - a. Legislation of Special Interest.
 - (1) Assembly Bill 988 (Assembly Member Jones)
 - (2) Senate Bill 155 (Senator Padilla)
 - b. Legislation of General Interest.
 - (1) Assembly Bill 225 (Assembly Member Nestande)
 - (2) Senate Bill 686 (Senator Jackson)
 - c. Pending Federal Legislation of General Interest.

None
19. **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.
20. **Selection of Board meeting dates for the remainder of 2013.**
21. **Public Comment. (Gov. Code § 11125.7).**
22. **Oral Presentation before the Public Members of the Board.**
 - a. BURBANK KAWASAKI, INC. v. KAWASAKI MOTORS CORP., U.S.A., a Corporation
Protest Nos. PR-2328-12 and PR-2333-12
 - b. M&M AUTOMOTIVE GROUP, INC., dba INFINITI OF OAKLAND v. INFINITI WEST, a Division of Nissan North America, Inc.
Protest No. PR-2360-13

23. **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.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision/proposed order, make technical or other minor changes, reject the proposed decision/proposed order and remand the case, or reject the proposed decision/proposed order and decide the case upon the record.

a. **Consideration of Proposed Decision.**

BURBANK KAWASAKI, INC. v. KAWASAKI MOTORS CORP., U.S.A., a Corporation
Protest Nos. PR-2328-12 and PR-2333-12

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

b. **Consideration of Proposed Order.**

M&M AUTOMOTIVE GROUP, INC., dba INFINITI OF OAKLAND v. INFINITI WEST, a Division of Nissan North America, Inc.
Protest No. PR-2360-13

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

24. **Open Session.**

25. **Oral Arguments before the Public Members of the Board Pursuant to Government Code section 11517(c)(2)(E)(ii).**

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

26. **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 oral and written arguments, and Board Decision.

SHAYCO, INC., dba ONTARIO VOLKSWAGEN v. VOLKSWAGEN OF AMERICA, INC.

Protest No. PR-2265-10

In light of the oral arguments and written arguments, consideration of whether or not the Board should overrule or sustain the above-referenced protest, by the Public Members of the Board.

27. **Open Session.**

28. **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.