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STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

**M I N U T E S**

The New Motor Vehicle Board ("Board") held a General meeting on March 13, 2013, in Hearing Room #1, at the Board's offices.

## 2. ROLL CALL

Bismarck Obando, President and Public Member, called the meeting of the Board to order at 2:34 p.m.

Present:

Ramon Alvarez C.
Ryan L. Brooks
Robert T. (Tom) Flesh
David C. Lizárraga
Peter Hoffman (arrived 2:42 p.m.)
Bismarck Obando
Victoria Rusnak
Glenn E. Stevens
David W. Wilson

William G. Brennan, Executive Director
Dana F. Winterrowd, Staff Counsel
Dawn Kindel, Office Manager

## 3. PLEDGE OF ALLEGIANCE

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

## 4. APPROVAL OF THE MINUTES FROM THE JANUARY 22, 2013, GENERAL MEETING, AND FEBRUARY 22, 2013, SPECIAL MEETING

Mr. Stevens moved to adopt the January 22, 2013, General Meeting minutes. Mr. Flesh seconded the motion. Mr. Brooks abstained from voting because he was not in attendance. The motion carried unanimously.

Only the Public Members considered the February 22, 2013, Special Meeting minutes. Mr. Flesh moved to adopt the minutes. Mr. Lizárraga seconded the motion. The motion carried unanimously.

5. **PRESENTATION OF RESOLUTION TO GEORGE VALVERDE, FORMER DIRECTOR, DEPARTMENT OF MOTOR VEHICLES**

This matter was postponed pending the arrival of Mr. Valverde (after Agenda Item 14).

6. **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

This matter was postponed until after the administrative matters were discussed by the Dealer and Public Members (after Agenda Item 10, which was taken out of order).

7. **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 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.

The Board never convened in closed Executive Session so this item was taken off the agenda.

8. **OPEN SESSION**

The Public Members remained in Open Session having not gone into closed Executive Session.

9. **STATUS REPORT ON THE DEPARTMENT OF MOTOR VEHICLES' INVESTIGATION OF ROADTREK MOTORHOMES, INC. FOR VIOLATING VEHICLE CODE SECTION 3070(B) IN PROTEST NOS. PR-2199-10 AND PR-2201-10, BY THE PUBLIC MEMBERS OF THE BOARD**

This matter was postponed until after Agenda Item 6, which was taken out of order.

10. **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**

This matter was postponed until after Agenda Item 20.

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

The members were provided with the Board's current Mission and Vision Statements. Mr. Brennan indicated that the Vision statement was amended last year. Mr. Brennan recommended that the Board continue with the current statements. No Board action was taken as this matter was for informational purposes only.

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

The members were provided with a memorandum from Bill Brennan and Kathy Tomono concerning training programs attended by the staff since the last report. Miss Kindel reported that a lot of training is done via webcasts sponsored by the National Judicial College; there is no cost for the training other than the Administrative Law Judges' time. For several of the webcasts, they are able to participate in the training from their homes.

13. **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 provided with a memorandum from Bill Brennan, Robin Parker, and Dana Winterrowd along with summaries of the Administrative Procedure Act, Bagley-Keene Open Meeting Act, Political Reform Act, and Public Records Act. A number of resource materials were also provided. Mr. Winterrowd indicated that there were no substantive changes but alerted the members to the Fair Political Practices Commission's handout on limitations and restrictions on gifts, honoraria, and travel.

## 14. BOARD FINANCIAL CONDITION REPORT FOR THE 2RD QUARTER OF FISCAL YEAR 2012-2013 - FISCAL COMMITTEE

The members were provided with a memorandum from Bill Brennan, Dawn Kindel and Suzanne Luke concerning the Board's financial condition for the 2nd quarter of fiscal year 2012-2013. Miss Kindel indicated that the Board expended 46% of its appropriated budget through the end of the 2nd quarter. Furthermore, the Board is projecting $1.2 million in revenues but $1.5 million in expenditures thereby impacting the Board's reserves. Mr. Brennan indicated that the amount the Board collects for dealer fees is less than the $700,000 projected. No Board action was taken as this matter was for informational purposes only.

## 5. PRESENTATION OF RESOLUTION TO GEORGE VALVERDE, FORMER DIRECTOR, DEPARTMENT OF MOTOR VEHICLES

The members presented a Resolution to George Valverde, former DMV Director, for his contribution to the New Motor Vehicle Board, to the motor vehicle industry, and to the people of the State of California. Mr. Obando thanked Mr. Valverde for his service on behalf of the Board. On behalf of the staff, Mr. Brennan thanked Mr. Valverde for making the Board an integral part of DMV's operation and for providing it with any needed services in such a timely fashion. Mr. Valverde thanked the members for this acknowledgment. DMV's partnership and collaboration with the Board as well as Mr. Brennan made his job easier. Mr. Valverde mentioned Assembly Bill 1215 which was signed by Governor Brown in 2011. He was particularly proud of this legislation because it changed how new car dealers interact with DMV and automated much of DMV's operation. Mr. Hoffman thanked Mr. Valverde on behalf of the car dealers for his efforts on AB 1215. Mr. Wilson thanked Mr. Valverde for the relationship new car dealers enjoyed under his tenure; it was a symbiotic relationship and much friendlier organization. Mr. Flesh also thanked Mr. Valverde for his involvement in the Industry Roundtable. Mr. Stevens thanked Mr. Valverde for always being available and making his staff available to the Board to implement new projects and ideas. Lastly, Mr. Alvarez echoed Mr. Hoffman's appreciation for his work on AB 1215. The members then presented Mr. Valverde with the Resolution.

## 15. DISCUSSION AND CONSIDERATION OF DEALER/MANUFACTURER BOARD FEE ADJUSTMENTS - FISCAL COMMITTEE

Mr. Obando recommended that the remaining administrative matters be considered thereby allowing the Dealer Members to leave prior to the consideration of the *Shayco* matter (Agenda Item 6).

The members were provided with a memorandum from Bill Brennan and Dawn Kindel concerning whether it is necessary for the Board to increase the annual Board fee paid by dealers and manufacturers/distributors. Mr. Brennan indicated that if the Board continues with the present fee structure, in 2016-2017 the Board will have expended its reserve and be "in the red." The staff is recommending a fee increase for dealers and manufacturers/ distributors. Two options were presented to the members. Both options increase the

Annual Board Fee per manufacturer or distributor to $.60 per vehicle with a tiered minimum and increase the dealer fee to $400.00. Option 1, is a two-tiered fee structure ($300.00 if 1-250 vehicles were distributed or $450.00 if 251-806 vehicles were distributed). Option 2, is a four-tiered structure ($300.00 if 1-50 vehicles were distributed; $350.00 if 51-250 vehicles were distributed; $400.00 if 251-550 vehicles were distributed or $450.00 if 551-806 vehicles were distributed). After a lengthy discussion, Mr. Wilson moved to adopt the fee proposal in Option 1. Ms. Rusnak seconded the motion. The motion carried unanimously.

16. **CONSIDERATION OF PROPOSED REGULATIONS INCREASING THE ANNUAL BOARD FEE (13 CCR §§ 553 AND 553.20) - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Robin Parker concerning the text of the proposed regulatory amendments. As indicated in Agenda Item 15, there were two options.

Mr. Hoffman moved to adopt Option 1 of the proposed regulations. Mr. Flesh seconded the motion. The motion carried unanimously.

The text is as follows: [1]

§ 553. Annual Board Fee.

(a) Pursuant to section 11723 of the Vehicle Code, every applicant for a license as a new motor vehicle dealer or dealer branch, and every applicant for renewal of a license as a new motor vehicle dealer or dealer branch, shall pay to the department for each issuance or renewal of such license, the sum of $~~300.00~~ 400.00, per year of licensure, in addition to all other fees now required by the Vehicle Code.

For the purposes of this section, a dealer or dealer branch which is enfranchised to sell both new motorcycles and new motor vehicles other than motorcycles shall be subject to a licensing fee for sales of motorcycles and a licensing fee for sales of motor vehicles other than motorcycles.

(b) Pursuant to section 3016 of the Vehicle Code, every new motor vehicle manufacturer and distributor shall pay to the Board an annual fee of $~~.45~~ .60 per new motor vehicle distributed by the manufacturer or distributor which was sold, leased, or otherwise distributed in California to a consumer of such new motor vehicles during the preceding calendar year, provided, that the fee to be paid by each manufacturer or distributor shall not be less than $300.00 if 1-250 vehicles were distributed or $450.00 if 251-806 vehicles were distributed.

The board may waive fees for a new motor vehicle manufacturer or distributor licensed in California, based on a determination that the manufacturer or distributor either does not sell vehicles in California or does not have an independent dealer or dealer branch in California.

[1] The text in Sections 553 and 553.20 reflects a non-substantive change that was subsequently approved by the Executive Committee, which will be presented to the full Board for their information at the June 2013 General Meeting.

NOTE: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 3016 and 11723, Vehicle Code.

§ 553.20. Determination of Annual Board Fee.

Upon receipt of the information required by Section 553.10(a), or as determined by Section 553.10(b), the Board shall calculate the Annual Board Fee to be paid by each manufacturer and distributor by multiplying the annual fee per vehicle (as set forth in Section 553(b)) by the number of new motor vehicles distributed by the manufacturer or distributor in the preceding calendar year provided, that the fee to be paid by each manufacturer or distributor shall not be less than $300.00 <u>if 1-250 vehicles were distributed or $450.00 if 251-806 vehicles were distributed</u>. The Board shall thereafter send a written notice by regular mail or electronic-mail to each manufacturer and distributor stating the number of new motor vehicles distributed by the manufacturer or distributor and the amount of the fee to be paid.

Payment of the fee shall be made to the New Motor Vehicle Board no later than thirty (30) days after the date of receipt of the notice.

NOTE: Authority cited: Section 3050(a) and 3016, Vehicle Code. Reference: Sections 3016 and 3050(a), Vehicle Code.

Mr. Obando read the following statement into the record:

> Given the Board's decision to go forward with the proposed regulations, I hereby delegate to the Executive Director the ministerial duty of proceeding through the rulemaking process in compliance with the Administrative Procedure Act. Notice of the proposed rulemaking will be published in the California Regulatory Notice Register and will be sent to the Public Mailing List. During the public comment period, I want to invite and encourage written and oral comments. Additionally, a public hearing at the Board's offices may be held to accept oral and written comments.
>
> By the Board instructing staff to go forward with the proposed regulations, this does not necessarily indicate final Board action. If any written or oral comments are received, the full Board will consider the comments and reconsider the text of the proposed regulations. Furthermore, if the staff decides that substantive modifications to the proposed text are necessary, the Board will consider those modifications at a noticed meeting. However, non-substantive changes involving format, grammar, or spelling suggested by the Office of Administrative Law or the staff will not be considered by the Board because they are non-regulatory in nature. They will be considered by the Executive Committee and ultimately reported to the Board at a future meeting. If there are no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

## 17. **CONSIDERATION OF THE 2013 EDITION OF THE *NEW MOTOR VEHICLE BOARD ADMINISTRATIVE LAW JUDGES' BENCHBOOK* - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a memorandum and revised *Administrative Law Judges' Benchbook* from Bill Brennan and Robin Parker. Mr. Winterrowd reported that there were very few changes. As indicated in the memo, the changes for 2013 were limited to:

- "New as of 2013" on pages 6-7.
- Footnote 9 on page 8 was revised to reflect the new Board policy on the allocation of court reporter fees and costs.
- The section on the discovery of electronically stored information was updated on pages 11-12.
- Part VI – Ethical Matters on page 70 and Disqualification on page 76 were updated to reflect revisions to the Code of Judicial Ethics.

Mr. Stevens moved to adopt the revised *Administrative Law Judges' Benchbook*. Mr. Flesh seconded the motion. The motion carried unanimously.

## 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)

c. Pending Federal Legislation of General Interest.

None

The members were provided with a memorandum from Bill Brennan and Dana Winterrowd concerning pending legislation. Mr. Winterrowd reported that nothing had changed since the members received the February 26 memo.

## 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.

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 walked the members through the schedule for the Industry Roundtable being held March 14.

Mr. Winterrowd reported that since the members received their written report, there had been one new protest filed and in the two oldest protests (*Michael Porsche* and *Mother Lode Motors Kia*), the parties are negotiating complex settlements.

With regards to judicial matters, Mr. Winterrowd reported that the court denied the writ in *Santa Monica Auto Group*. Furthermore, in the writs pertaining to *Mega RV Corp v. Roadtrek Motorhomes, Inc.* all of those cases have been consolidated in the Orange County Superior Court before Judge Chaffee.

20. **SELECTION OF BOARD MEETING DATES FOR 2013**

The members were provided with a memorandum from Bill Brennan concerning Board meeting dates for 2013. Mr. Brennan suggested polling the members concerning dates so the Dealer Members could leave.

10. **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 off the record, Bismarck Obando, President, made the following committee appointments:

- ADMINISTRATION COMMITTEE
  Peter Hoffman, Chair
  Ryan Brooks, Member

- BOARD DEVELOPMENT COMMITTEE
  Ryan Brooks, Chair
  David Lizárraga, Member

- EXECUTIVE COMMITTEE
  Bismarck Obando, Chair
  Peter Hoffman, Member

- FISCAL COMMITTEE
  Victoria Rusnak, Chair
  Tom Flesh, Member

- GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE
  Tom Flesh, Chair
  David Wilson, Member

- POLICY AND PROCEDURE COMMITTEE
  Ramon Alvarez, Chair
  Glenn Stevens, Member

6. **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

Mr. Obando read the following statement into the record:

> As you may know, the one-year grace period for three of our members (Victoria Rusnak, Glenn Stevens, and David Wilson) expired on January 15, 2012. In accordance with Government Code section 1782 the Board is required to notify the "appropriate appointing authority" that vacancies exists for the three Board positions, one of which is a public member and two are dealer members. Section 1782 provides that "Notwithstanding any other provision of the law…Except as provided in Section 1774 [relating to appointments subject to Senate confirmation], the person occupying the vacated…seat on the board…shall continue to serve until notified by the appropriate appointing authority." These appointments are not subject to confirmation by the Senate. In light of these provisions, the Board has been in contact with Business, Transportation and Housing Agency as well as the Governor's Appointments Office. Members Rusnak, Stevens and Wilson are continuing to serve on the Board until either reappointed or notified by the Governor that their respective terms have expired.

Mr. Obando indicated that counsel for the parties in *Shayco, Inc.* have been apprised of these provisions and do not object to Public Member Glenn Stevens' participation in this matter. Both Messrs. Resnick and Hughes indicated as such.

Mr. Obando provided the following procedural overview to the members and audience:

> This is the case of *Shayco, Inc., dba Ontario Volkswagen v. Volkswagen of America, Inc.*, Protest No. PR-2265-10. Volkswagen sought to establish a new Volkswagen franchise in Montclair, California. Protestant is the only Volkswagen franchise located within the relevant market area of the proposed new dealer; Protestant is located approximately 8.65 to 8.7 air miles from the proposed new dealership location. A merits hearing was held before Administrative Law Judge Marybelle D. Archibald January 10 through January

14, 2011, and January 18 through January 20, 2011.

At the May 26, 2011, General Meeting, the Public Members remanded this matter to ALJ Archibald to either take additional evidence or briefing on the good cause factor at Vehicle Code section 3063(b), which is the effect on the retail motor vehicle business and the consuming public in the relevant market area; specifically, the 19.4% of sales that Ontario Volkswagen is making in the Montclair RMA. The motion carried by a 3:1 vote.
The parties submitted additional briefs, evidence, and declarations in response to the remand order. The Proposed Decision Following Remand recommended that the protest be overruled. It was considered and rejected by the Public Members at the General Meeting of September 27, 2011. At that meeting the Members decided to sustain the protest.

At the December 13, 2011, General Meeting, the Public Members adopted their final decision sustaining the protest.

Volkswagen filed a writ of administrative mandamus in Sacramento County Superior Court. The Court granted Volkswagen's writ. In summary, the Court concluded that:

- The Board failed to proceed in the manner required by law when it rejected the proposed decision and made its own decision without first providing the parties the opportunity to present either oral or written argument to the Board itself.
- The Board's failure to proceed in the manner required by law deprived the parties of a fair hearing.
- The matter shall be remanded to the Board with directions to reconsider the matter in compliance with Government Code section 11517(c)(2)(E)(ii) by deciding it upon the record after affording the parties an opportunity to present oral or written argument.
- The writ shall direct the Board to vacate its final decision in this case, dated December 13, 2011.

At the February 22, 2013, Special Meeting, in compliance with the Court's ruling, the Public Members vacated the Board's final decision dated December 13, 2011.

This is the time set for argument. However, the parties have made several requests that the Board issue orders on questions that are preliminary to, but also closely related to, those arguments.

The first question posed by the Respondent both informally and formally, is whether the Board should allow the parties to submit additional evidence.

The second question, posed formally by the Protestant, depends on the

resolution of the first question. The Protestant asks the Board to strike portions of Respondent's brief based on Protestant's contentions that those portions introduce evidence not now part of the administrative record and which constitutes additional evidence not presently authorized by the Board.

Due to developments discussed below, that second question remains pending.

Relative to the first question, whether the Board should allow additional evidence the Executive Director, in consultation with Board Member Stevens and myself, issued two orders, denying Respondent's informal and formal requests to do so. Those orders are in your materials and are entitled:

1. "Order Denying Volkswagen of America, Inc.'s Request to Reopen the Record and Supplement It with Additional Evidence", and

2. "Order Denying Volkswagen of America, Inc.'s Motion to Augment the Record and/or Request for Official Notice."

The orders are dated February 14, 2013, and February 25, 2013, respectively, and were intended to resolve a preliminary issue fairly and expeditiously.

However, upon further reflection, after consultation with the Executive Director, and in light of information and arguments submitted by counsel, Board Member Stevens and I determined that the better practice would be to submit the question of whether to allow additional evidence to all of the Board's Public Members, as a whole, for consideration and decision. That decision was based on several factors, including;

First, the issue of whether the Board should allow submission of additional evidence is an issue to which the applicable law specifically refers. I understand that law is Government Code section 11517, subdivision (c)(2)(E) which provides in pertinent part that the Board may, "Reject the proposed decision, and decide the case upon the record, including the transcript, or upon an agreed statement of the parties, with or without taking additional evidence."

Second, a relatively significant period of time has passed since the close of evidence in the matter.

Third, any decision on the first question could have a significant impact on the parties' rights, particularly depending on the nature and extent of any additional evidence that might be allowed or submitted;

Fourth, for the benefit of the parties, the public, and the administration of the

Board's functions, the primary objective is a process for resolution of this dispute that is, as far as possible, the fairest, the most reasonable, the most transparent, and scrupulously compliant with applicable law. That objective would include the opportunity of the Public Members of the Board to consider and decide, not myself in consultation with Member Stevens and staff.

Again, I note that should the Board decide that it wishes to consider and decide, the Board may (depending on the Board's decision on the first question) consider and decide the second question regarding the Protestant's motion to strike portions of the Respondent's brief.

The following procedures are proposed in order to enable the Board's Public Members, as a whole, to consider and decide these questions.

First, should the Board wish to reach, reconsider and decide the first question, the Board should express its intent to reconsider the previous two orders issued by the Executive Director, which I just referenced.

Again, those orders are the, "Order Denying Volkswagen of America, Inc.'s Request to Reopen the Record and Supplement It with Additional Evidence," dated February 14, 2013, and the "Order Denying Volkswagen of America, Inc.'s Motion to Augment the Record and/or Request for Official Notice," dated February 25, 2013.

Such action would then enable the Board's Public Members, as a whole, to consider and decide whether to allow additional evidence or have the parties to proceed based upon the existing record.

Gavin M. Hughes, Esq. of the Law Offices of Michael J. Flanagan represented Protestant. Allen Resnick, Esq., and Ryan Mauck, Esq. of Jeffer, Mangels, Butler & Mitchell LLP represented Respondent.

After consideration of the oral arguments, Mr. Brooks moved to allow the parties to submit additional information and give the parties equal time to submit briefs based on data as of March 13, 2013. Mr. Brooks amended his motion to allow for "open discovery." Mr. Flesh seconded the motion. Mr. Stevens amended Mr. Brooks' motion such that each side would submit declarations (not briefs) with a limit of 20 pages with attached exhibits. Then, each side would be given an opportunity to object to each other's declarations. No depositions or additional testimony were permitted. Then a Special Meeting would be set to hear oral arguments. Mr. Brooks seconded Mr. Stevens' amendment to his original motion. The motion carried by a four-to-one vote with Mr. Flesh opposed.

The members established the following schedule:

- April 5, 2013 (subsequently changed to April 12, 2013), to file and serve simultaneous declarations and exhibits.

- April 19, 2013, to file and serve objections to the declarations. The objections are limited to 10 pages in a two-column format, and are evidentiary objections.
- May 7, 2013, tentative Special Meeting to hear oral arguments (subsequently changed to June 26, 2013, to allow the filing of proposed findings of fact in the form of a draft proposed decision with citations to the administrative record and to the declarations and exhibits filed April 12, 2013).
- June 6, 2013, tentative Board decision (subsequently change to 10 days prior to the August Board Meeting).
- June 17 or 18, 2013, Special Meeting to consider the Board's tentative decision (subsequently changed to on or before August 26, 2013).

9. **STATUS REPORT ON THE DEPARTMENT OF MOTOR VEHICLES' INVESTIGATION OF ROADTREK MOTORHOMES, INC. FOR VIOLATING VEHICLE CODE SECTION 3070(B) IN PROTEST NOS. PR-2199-10 AND PR-2201-10, BY THE PUBLIC MEMBERS OF THE BOARD**

Mr. Brennan indicated that the investigation is in progress and the Board will be provided with a report prior to the June meeting. [After the meeting, the Orange County Superior Court ordered the Board to stay its administrative orders and decisions in the above-referenced protests, including the referral for an investigation to DMV.]

21. **PUBLIC COMMENT (Gov. Code § 11125.7)**

No additional public comment was presented.

22. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 5:03 p.m.

Submitted by

_____
WILLIAM G. BRENNAN
Executive Director

APPROVED: _____
Bismarck Obando
President
New Motor Vehicle Board