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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

New Motor Vehicle Board
Hearing Room #1
1507 21st Street, Suite 330
Sacramento, California 95811

December 11, 2014

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 July 15, 2014, General Meeting, and September 17, 2014, and September 19, 2014, Special Meetings.**
5. **Introduction and welcome of recently appointed Branch Chief of Occupational Licensing for the Department of Motor Vehicles, Tim Corcoran - Board Development Committee.**

6. **Oral Presentation before the Public Members of the Board.**

SAN JOSE YAMAHA POWERSPORTS v. YAMAHA MOTOR CORPORATION, U.S.A.

Protest No. PR-2394-14

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.

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

Consideration of Proposed Order.

SAN JOSE YAMAHA POWERSPORTS v. YAMAHA MOTOR CORPORATION, U.S.A.

Protest No. PR-2394-14

Consideration of the Administrative Law Judge's Recommendation that Respondent's Motion to Dismiss Protest Be Granted; and Proposed Order Granting Respondent's Motion to Dismiss, by the Public Members of the Board.

8. **Open Session.**

9. **Closed Executive Session.**

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

Discussion and advice from legal counsel concerning pending litigation.

NISSAN NORTH AMERICA, INC. v. CALIFORNIA NEW MOTOR VEHICLE BOARD; SANTA CRUZ NISSAN, INC. dba SANTA CRUZ NISSAN

Sacramento Superior Court No. 34-2014-80001963

Protest No. PR-2358-13

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

10. **Open Session.**

11. **Annual update concerning the development and use of the Board's website - Administration Committee.**
12. **Annual Report on Board Development Program - Board Development Committee.**
13. **Board financial condition report for the previous fiscal year - Fiscal Committee.**
14. **Consideration of out-of-state travel plans for fiscal year 2015-2016 - Fiscal Committee.**
15. **Discussion and consideration of the upcoming Industry Roundtable - Government and Industry Affairs Committee.**
16. **Consideration of revisions to proposed regulatory amendments to Section 551.21 of Title 13 of the California Code of Regulations (Sanctions - Bad Faith Actions) - Policy and Procedure Committee.**
17. **Consideration of 2015 Rulemaking Calendar - Policy and Procedure Committee.**
18. **Annual report concerning Board adopted policies - Policy and Procedure Committee.**
19. **Annual report on the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee.**
20. **Discussion concerning legislation - Policy and Procedure Committee.**
 - a. Enacted Legislation of Special Interest: Assembly Bill 988 (Assembly Member Jones)
 - b. Enacted Legislation of General Interest: Assembly Bill 1732 (Assembly Member Stone)
 - c. Pending Federal Legislation of General Interest: None
21. **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.
22. **Selection of Board meeting dates for 2015.**

23. **Annual report of staff participation in the Our Promise Campaign formerly the California State Employees Charitable Campaign (CSECC).**

24. **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.

25. **Open Session.**

26. **Public Comment. (Gov. Code § 11125.7)**

27. **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.