

1507 - 21st Street, Suite 330
Sacramento, California 95811
Telephone: (916) 445-1888
Contact Person: Nicole Angulo
www.nmvb.ca.gov

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
SPECIAL MEETING

The New Motor Vehicle Board ("Board") held a Special meeting on September 17, 2014, at the DoubleTree by Hilton San Diego - Hotel Circle, Cabrillo Room, 1515 Hotel Circle South, San Diego, California.

2. **ROLL CALL**

Glenn Stevens, President and Public Member, called the meeting of the Board to order at 2:04 p.m.

Present: Ryan Brooks
Kathryn Ellen Doi
Bismarck Obando
Glenn E. Stevens
William G. Brennan, Executive Director
Robin Parker, Senior Staff Counsel

Absent: David C. Lizárraga

3. **PLEDGE OF ALLEGIANCE**

Ms. Parker led the members and staff in the Pledge of Allegiance.

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

SANTA CRUZ NISSAN, INC., dba SANTA CRUZ NISSAN v. NISSAN NORTH AMERICA, INC.
Protest No. PR-2358-13

Mr. Stevens read the following statement "comments by the parties or by their counsel that are made regarding any proposed decision, ruling, or order 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. Gavin M. Hughes, Esq. of the Law Offices of Michael J. Flanagan represented Protestant along with Michael J. Flanagan, Esq. and Danielle R. Vare, Esq. Also present were James Courtright and Ernest Courtright. Maurice Sanchez, Esq. and Lisa M. Gibson, Esq. of Baker & Hostetler LLP represented Respondent along with Cecil Davis, in-house counsel for Nissan.

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.

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.

CONSIDERATION OF PROPOSED DECISION FOLLOWING BOARD'S ORDER SUSTAINING THE PROTEST AND REMANDING THE MATTER

SANTA CRUZ NISSAN, INC., dba SANTA CRUZ NISSAN v. NISSAN NORTH AMERICA, INC.

Protest No. PR-2358-13

Consideration of the Administrative Law Judge's Proposed Decision Following Board's Order Sustaining the Protest and Remanding the Matter, by the Public Members of the Board.

The Public Members of the Board deliberated in closed Executive Session. Mr. Stevens moved to adopt the Administrative Law Judge's "Proposed Decision Following Board's Order Sustaining the Protest and Remanding the Matter" as amended. In paragraph 10, line 13, on page 4, the date "July 14, 2014" was changed to "July 3, 2014". Ms. Doi seconded the motion. The motion carried unanimously.

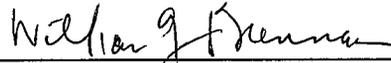
6. **OPEN SESSION**

The Public Members returned to Open Session. Ms. Parker announced the decision in Santa Cruz Nissan.

7. ADJOURNMENT

With no further business to discuss, the meeting was adjourned at approximately 4:30 p.m.

Submitted by



WILLIAM G. BRENNAN
Executive Director

APPROVED:



Glenn E. Stevens
President
New Motor Vehicle Board