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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

June 17, 2015

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 March 25, 2015, General Meeting.**
5. **Introduction of William “Sonny” Downer, Deputy Attorney General, assigned to the Board - Board Development Committee.**
6. **Oral Presentation before the Public Members of the Board.**
 - a. WEST COVINA MOTORS, INC., dba, CLIPPINGER CHEVROLET v. GENERAL MOTORS LLC
Protest No. PR-2348-12

WEST COVINA MOTORS, INC., dba, CLIPPINGER CHEVROLET v. GENERAL MOTORS LLC
Protest No. PR-2213-10

- b. ADRENALINE POWERSPORTS v. POLARIS INDUSTRIES, INC.
Protest No. PR-2418-15

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.

a. **Consideration of Proposed Orders.**

WEST COVINA MOTORS, INC., dba, CLIPPINGER CHEVROLET v. GENERAL MOTORS LLC
Protest No. PR-2348-12

WEST COVINA MOTORS, INC., dba, CLIPPINGER CHEVROLET v. GENERAL MOTORS LLC
Protest No. PR-2213-10

Consideration of the Administrative Law Judge's: Proposed Order Granting Respondent's "Motion to Dismiss Protest for Lack of Jurisdiction" (PR-2348-12); Proposed Order Denying "Protestant's Request that the Board Exercise Its Continuing Jurisdiction Over the Confidential Stipulated Decision of the Board Resolving Protest" (PR-2213-10); Proposed Order Granting Respondent's "Motion to Dismiss for Lack of Jurisdiction Protestant's Request that the Board Exercise Its Continuing Jurisdiction Over the Confidential Stipulated Decision of the Board Resolving Protest" (PR-2213-10); and Status of Franchise and Dismissal of Protest No. PR-2213-10, by the Public Members of the Board.

b. **Consideration of Proposed Order.**

ADRENALINE POWERSPORTS v. POLARIS INDUSTRIES, INC.
Protest No. PR-2418-15

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

8. **Open Session.**
9. **Discussion and consideration of who will attend the out-of-state trips for the 1st half of fiscal year 2015-2016 that were previously approved by the Board - Executive Committee.**
10. **Consideration of nominee for the Solon C. Soteras Employee Recognition Award recipient as recommended by the Board Development Committee.**
11. **Annual discussion and consideration of the methods for determining Board fees - Fiscal Committee.**
12. **Board financial condition report for the 3rd quarter of fiscal year 2014-2015 - Fiscal Committee.**
13. **Status report concerning the Board's collection of the Arbitration Certification Programs' annual fee - Fiscal Committee.**
14. **Discussion and consideration of the Board's proposed budget for fiscal year 2015-2016 - Fiscal Committee.**
15. **Report on the 12th New Motor Vehicle Board Industry Roundtable - Government and Industry Affairs Committee.**
16. **Consideration of revised text to proposed rulemaking concerning sanctions (13 CCR § 551.21) - Policy and Procedure Committee.**
17. **Discussion concerning pending legislation - Policy and Procedure Committee.**
 - a. Pending Legislation of Special Interest:
 - (1) Assembly Bill 287 (Assembly Members Gordon, Eggman and Mark Stone; Principal Coauthor Assembly Member Wilk)
 - (2) Assembly Bill 759 (Assembly Member Linder)
 - b. Pending Legislation of General Interest:
 - (1) Assembly Bill 1178 (Assembly Member Achadjian)

c. Pending Federal Legislation of General Interest:

- (1) United States House of Representatives Bill 679 (U.S. Representative Blumenauer) - Road Usage Charge Pilot Program Act of 2015
- (2) United States House of Representatives Bill 910 (U.S. Representative Miller) - Vehicle-to-Infrastructure Safety Technology Investment Flexibility Act of 2015
- (3) United States House of Representatives Bill 1181 (U.S. Representative Schakowsky) - Vehicle Safety Improvement Act of 2015
- (4) United States Senate Bill 304 (U.S. Senator Thune) - Motor Vehicle Safety Whistleblower Act
- (5) United States Senate Bill 617 (U.S. Senator Markey) - Repairing Every Car to Avoid Lost Lives Act (RECALL Act).

18. **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.

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

20. **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.