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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board ("Board") held a General meeting on March 16, 2016, in Hearing Room #1, at the Board's offices.

2. ROLL CALL

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

Present: Anthony A. Batarse Jr.
Ryan L. Brooks
Kathryn Ellen Doi
David C. Lizárraga
Bismarck Obando
Glenn E. Stevens

William G. Brennan, Executive Director
Robin P. Parker, Senior Staff Counsel
Danielle R. Vare, Staff Counsel

Absent: Ramon Alvarez C.
Rahim Hassanally
Victoria Rusnak

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF THE MINUTES FROM THE FEBRUARY 10, 2016, GENERAL MEETING

Mr. Batarse moved to adopt the February 10, 2016, General Meeting minutes. Ms. Doi seconded the motion. Mr. Brooks abstained from voting. The motion carried unanimously.

5. 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 recommended that the Board continue with the current statements but is open to

any suggestions. No Board action was taken as this matter was for informational purposes only.

6. **UPDATE CONCERNING THE BOARD'S COMPLIANCE WITH THE 1996 PERFORMANCE AUDIT CONDUCTED BY BUSINESS, TRANSPORTATION & HOUSING AGENCY, AND THE RESULTANT CORRECTIVE ACTION PLAN - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Robin Parker updating the corrective action taken for each audit finding and a matrix providing the chronology for each. Ms. Parker indicated that the Board last reviewed the audit in July 2014. Since there were minor updates to audit findings 6 (time devoted to hearing cases), 12 (case management quality assurance system), 15 (Board delegations) and 16 (distribution of assignments, i.e. committees), this matter was brought to the Board's attention. No Board action was taken as this matter was for informational purposes only.

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

The members were provided with a memorandum from Bill Brennan and Dawn Kindel concerning training programs attended by the staff since the last report. Miss Kindel indicated that this is a snapshot of all training classes that have been attended by the staff in the last year; the report does not change much from year-to-year. She highlighted that Ms. Vare took a Microsoft Access class to assist with her duties related to the pre-delivery obligation and warranty filings. No Board action was taken as this matter was for informational purposes only.

8. **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 Danielle Vare 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. Ms. Parker noted one change to the written materials pertaining to Section 590 of the Board's regulations which was being amended to reflect Assembly Bills (759 and 1178). The Office of Administrative Law determined that the amendments proposed by the Board were substantive and needed to proceed with regular rulemaking. Ms. Vare indicated that there were no substantive changes impacting the Board, and she did not have anything to add from the summaries submitted. No Board action was taken as this matter was for informational purposes only.

9. **BOARD FINANCIAL CONDITION REPORT FOR THE 2ND QUARTER OF FISCAL YEAR 2015-2016 - 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 2015-2016. Ms. Luke indicated that the Board expended 43% of its $1.6 million appropriated budget through the second quarter of fiscal year 2015-2016. Furthermore, she indicated that expenditures totaled $692,000, the beginning reserve balance was $884,000, revenues were $1.38 million, and the current reserve balance is $1.577 million. Mr. Batarse indicated that the figures look good and the Board should end up with a reserve as good as last fiscal year. Mr. Brennan reported that dealer license fees continue to increase which indicates the industry is recovering and looking stronger than it did several years ago. Mr. Stevens inquired about the Board's lease which is current through 2018. Mr. Obando questioned if the pro rata fee was firm. Ms. Luke indicated it was at $80,964. No Board action was taken as this matter was for informational purposes only.

10. **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)

b. Pending Legislation of General Interest: none

(1) Senate Bill 16 (Senator Beall)

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 1181 (U.S. Representative Schakowsky) - Vehicle Safety Improvement Act of 2015
(3) United States Senate Bill 304 (U.S. Senator Thune) - Motor Vehicle Safety Whistleblower Act
(4) United States Senate Bill 617 (U.S. Senator Markey) - Repairing Every Car to Avoid Lost Lives Act (RECALL Act)

The members were provided with a memorandum from Bill Brennan and Danielle Vare concerning pending legislation. Ms. Vare reported that Assembly Bill 287 will be taken off future reports since the CNCDA indicated it will be "parked". However, the staff will continue to monitor it and report to the Board as needed. No Board action was taken as this matter was for informational purposes only.

11. 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 indicated that there are no administrative problems and the office is running smoothly. He also provided the members with an update on the other most popular languages behind English and Spanish as a result of the 2014 DMV Study: (1) Vietnamese (9,000); (2) Mandarin (7,600); (3) Cantonese; (4) Korean; and (5) Tagalog. Mr. Brennan indicated that he thinks the Board is fine only providing the Consumer Mediation portion of the website in Spanish at this time. He reminded the members that the Board staff is also conducting an internal language survey and will have the results at the January 2017 meeting. If the Board's numbers differ significantly from DMV's then it could consider potentially adding another language. Ms. Doi commented that if other languages aren't offered you might not get the calls. Mr. Brooks suggested having a single line on the website that "If you speak this language call here." Miss Kindel indicated that the Board could do something like this on the website because DMV offers interpreters in 30 languages. Additionally, Mr. Brooks indicated that the Board of Pharmacy had other languages on its website and suggested that the staff consult with it. After a brief discussion, Mr. Brennan indicated that he will look into the members' suggestions and report back to the Board.

Ms. Parker reported that the Hearing Readiness Conference in *Hayward Nissan* is set for March 24 with the hearing on April 25, which would be the first merits hearing in some time. Additionally, she indicated that the hearing on Nissan's Supplemental Notice of Non-Compliance in *Santa Cruz Nissan* is scheduled for an in-person hearing with Judge Hagle.

With regards to judicial matters, Ms. Parker reported that the writ pertaining to Lexus' request for an extension of time to audit Mr. Putnam's dealership's warranty claims is being briefed with oral arguments in April.

Ms. Vare indicated that since the members received the written report, six protests have been closed.

Mr. Brennan congratulated and welcomed Mr. Lizárraga back to the Board. Mr. Stevens wanted Mr. Lizárraga appointed to a committee at the next meeting. Mr. Brennan reminded the members that the June 28, 2016, Board meeting would be in San Jose at Mr. Hassanally's Chevrolet dealership. There would also be a tour of the dealership.

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

No additional public comment was presented.

13. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 3:01 p.m.

Submitted by

WILLIAM G. BRENNAN
Executive Director

APPROVED:

Glenn E. Stevens
President
New Motor Vehicle Board