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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 21<sup>st</sup> Street, Suite 330  
Sacramento, California 95811

January 18, 2017

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 September 13, 2016, General Meeting.**
5. **Consideration of Peremptory Writ of Mandamus in *Capacity of Texas, Inc. v. New Motor Vehicle Board; Guaranteed (sic) Forklift, Inc., dba GFL, Inc. (Real Party in Interest)*, Sacramento County Superior Court, Case No. 34-2014-80001848-CU-WM-GDS.**

GUARANTEE FORK LIFT, INC., dba GFL, INC. v. CAPACITY OF TEXAS, INC.  
Protest No. PR-2361-13

Consideration of the Sacramento County Superior Court's Peremptory Writ of Mandamus wherein the Court commanded the Board to set aside its April 10, 2014 Decision in Protest No. PR-2361-13, and remanded the matter to the Board to issue a new decision overruling Guarantee Forklift, Inc., dba GFL, Inc.'s protest thereby allowing the termination of its Capacity of Texas franchise in the above-referenced matter, by the Public Members of the Board.

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

GUARANTEE FORK LIFT, INC., dba GFL, INC. v. CAPACITY OF TEXAS, INC.  
Protest No. PR-2361-13

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 Decision.**

GUARANTEE FORK LIFT, INC., dba GFL, INC. v. CAPACITY OF TEXAS, INC.  
Protest No. PR-2361-13

Consideration of the Board's Decision in light of the Sacramento County Superior Court's Judgment on Writ of Mandamus, by the Public Members of the Board.

8. **Open Session.**

9. **Report on the National Association of Motor Vehicle Boards and Commissions (NAMVBC) Fall Conference by Bill Brennan, Executive Director, New Motor Vehicle Board and NAMVBC President - Board Development Committee.**

10. **2017 Election of Board President and Vice President - Executive Committee.**

11. **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 incoming Board President.**

12. **Appointment of Board Member designee in compliance with the Board's 1997 "Revised Board Policy Regarding Representation in Court Actions" by the incoming Board President.**

13. **Review and consideration of Board delegations in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency - Executive Committee.**
14. **Annual update on Consumer Mediation Program and discussion regarding the Board's language survey - Administration Committee.**
15. **Consideration of the revised *Guide to the New Motor Vehicle Board* to include information on statutory and regulatory changes - Administration Committee.**
16. **Status report concerning manufacturer and distributor compliance with Vehicle Code sections 3064/3074 and 3065/3075 (the filing of statutorily required schedules and formulas) - Administration Committee.**
17. **Board financial condition report for the previous fiscal year - Fiscal Committee.**
18. **Status report concerning the Board's financial condition for the 1<sup>st</sup> quarter of fiscal year 2016-2017 and status on the Board's collection of its annual fees - Fiscal Committee.**
19. **Consideration of out-of-state travel plans for fiscal year 2017-2018 - Fiscal Committee.**
20. **Discussion and consideration of the upcoming Industry Roundtable - Government and Industry Affairs Committee.**
21. **Consideration of revisions to the *Informational Guide for Manufacturers and Distributors*, which outlines their obligations to provide notices, schedules, and formulas mandated by the California Vehicle Code and Civil Code to the New Motor Vehicle Board and/or impacted dealers - Policy and Procedure Committee.**
22. **Consideration of the *Export or Sale-For-Resale Prohibition Policy Protest Guide* (Vehicle Code section 3085, et seq.) - Policy and Procedure Committee.**
23. **Annual report concerning Board adopted policies - Policy and Procedure Committee.**
24. **Discussion and consideration of an extension of time for Administrative Law Judge Wong to preside over all Mandatory Settlement Conferences - Policy and Procedure Committee.**
25. **Annual report on the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee.**

26. **Discussion concerning Assembly Bill 287(effective January 1, 2017) - Policy and Procedure Committee.**
27. **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.
28. **Annual report on staff participation in the Our Promise Campaign formerly the California State Employees Charitable Campaign (CSECC).**
29. **Selection of Board meeting dates for 2017.**
30. **Public Comment. (Gov. Code § 11125.7)**
31. **Closed Executive Session.**

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

- a. **Oral interviews of the Administrative Law Judge candidates, by all members of the Board - Administration Committee.**
  - b. **Consideration of the Administrative Law Judge nominees, by all members of the Board - Administration Committee.**
  - c. **Consideration of annual performance review for Executive Director - Executive Committee.**
32. **Open Session.**
  33. **Consideration of whether to request the Department of Motor Vehicles to withhold the renewal and/or suspend the existing occupational license for Taxa Inc. dba Cricket Trailer for failure to pay the annual Board fee (13 CCR § 553) - Administration Committee.**
  34. **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 Holly Victor at (916) 445-1888 or [Holly.Victor@NMVB.CA.GOV](mailto:Holly.Victor@NMVB.CA.GOV).