



MEMO

To : POLICY AND PROCEDURE COMMITTEE **Date:** December 27, 2016
 KATHRYN DOI, CHAIR
 RYAN BROOKS, MEMBER

From : WILLIAM G. BRENNAN
 ROBIN PARKER

Subject: DISCUSSION AND CONSIDERATION OF AN EXTENSION OF TIME FOR ADMINISTRATIVE LAW JUDGE MERILYN WONG TO PRESIDE OVER ALL MANDATORY SETTLEMENT CONFERENCES

BACKGROUND

At the June 28, 2016, General Meeting, Marilyn Wong was designated the Mandatory Settlement Conference ALJ and will preside over all settlement conferences for an interim period of six months while the Board attempts to hire additional ALJs. Since the Board approved this designation, Kymberly Pipkin was added back to the assignment log. This now enables ALJs Woodward Hagle, Pipkin and Ryerson to preside over the upcoming merits hearings.

In 2016, there were two merits hearings for a total of 20 hearing days as indicated below:

| Case | ALJ | Hearing | Board Meeting |
|--|----------------|---|--------------------|
| Hooman Automotive Group, dba Hooman Chrysler Jeep Dodge Ram v. Fiat Chrysler Automobiles (Protest Nos. PR-2429-15, PR-2430-15, PR-2431-15 and PR-2432-15) | Woodward Hagle | May 16-20, 2016 (5 days) | September 13, 2016 |
| Dependable Dodge, Inc. v. Fiat Chrysler Automobiles, Inc. (Protest Nos. PR-2435-15 and PR-2436-15) | Pipkin | August 15-19, 2016, August 29-31, 2016, September 1-2, 2016, September 6-9, 2016, September 28, 2016 (Telephonic) (15 days) | March 15, 2017 |

The chart below indicates the upcoming hearings that have tentatively been scheduled for 2017.

| Case | ALJ (tentative) | Hearing | Proposed Meeting |
|--|--------------------|---|------------------|
| California New Car Dealers Association v. Jaguar Land Rover North America, LLC (Protest No. PR-2463-16) | Woodward Hagle | Telephonic April 8, 2016 January 9, 2017 (5 days) | June 2017 |
| Walter Timmons Enterprises, Inc. dba Timmons Subaru v. Subaru of America, Inc. (Protest No. PR-2422-15) | Ryerson | Continued telephonic hearing January 9, 2017 (The parties are working on a settlement) | June 2017 |
| Ball Automotive Group dba Ball Kia v. Kia Motors America, Inc. (Protest No. PR-2419-15) | Wong | May 8, 2107 (12 days) | October 2017 |
| Downtown Auto Center dba Downtown Subaru v. Subaru of America, Inc. (Protest No. PR-2403-14) | TBA | May 22, 2017 (8 days) (The parties are working on a settlement) | November 2017 |
| Carstens Chevrolet, Inc. dba Carstens Motors v. General Motors, LLC (Protest No. PR-2488-16) | TBA | July 17, 2017 (5-10 days) | January 2018 |
| Brown Automotive, Inc. dba Puente Hills Nissan v. Nissan North America, Inc. (Protest No. PR-2470-16) | TBA | July 24, 2017 (5 days) | January 2018 |
| Sunroad KMI Auto, Inc. dba Kearny Mesa Infiniti v. Nissan North America, Inc. (Protest No. PR-2475-16) | TBA | August 22, 2017 (12 days) | February 2018 |
| Folsom Chevrolet, Inc., dba Folsom Chevrolet v. General Motors, LLC (Protest No. PR-2483-16) | TBA | October 2, 2017 (10 days) | April 2018 |

The staff has been trying to recruit ALJ candidates from referrals provided by existing ALJs and retired annuitants who would meet the qualifications of an ALJ. The staff had preliminary interviews with two candidates on December 14, 2016. The Board has an established policy concerning the hiring of ALJs and interviews the candidates at a noticed meeting. Given the lengthy training and mentoring provided to new ALJs, it is unlikely that newly hired ALJs would be assigned merits hearings until late 2017 or early 2018.

RECOMMENDATION

It is recommended that ALJ Wong continue to preside over all Mandatory Settlement Conferences for an additional six-month period. This enables ALJs Woodward Hagle, Pipkin, and Ryerson to preside over the merits hearings tentatively scheduled for 2017. An update concerning this interim assignment will be agendaized for the June 2017, General Meeting.

This matter is being agendaized for consideration at the January 18, 2017, General meeting.

If you have any questions or would like additional information, please do not hesitate to contact me at (916) 324-6197 or Robin at (916) 323-1536.

cc: Glenn Stevens, President