

1 NEW MOTOR VEHICLE BOARD
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3 Sacramento, California 95814
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CERTIFIED MAIL

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8 STATE OF CALIFORNIA
9 NEW MOTOR VEHICLE BOARD
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11 In the Matter of the Appeal of)

12 SAN JOSE NISSAN; ALMADEN TOYOTA;)
13 ALMADEN PONTIAC, dbaALMADEN)
14 DAIHATSU; ALMADEN HYUNDAI;)
15 DANHO CORPORATION, dba)
16 ALMADEN HONDA; CERRITO CHEVROLET;)
17 CMC OLDSMOBILE CADILLAC, dba)
18 CMC OLDSMOBILE CADILLAC; and)
19 CERRITO MOTORCOACH LIMITED,)

20 Appellants,)

21 vs.)

22 DEPARTMENT OF MOTOR VEHICLES,)

23 Respondent.)

Appeal No. A-109-90

FINAL ORDER

24 TO: Michael G. Coder, Esq.
25 Attorney for Appellants
26 Coder, Tuel & Flanagan
27 8801 Folsom Boulevard
28 Suite 172
Sacramento, California 95826

Marilyn Schaff, Esq.
Bernard Lu, Esq.
Attorneys for Respondent
Legal Office
Department of Motor Vehicles
Post Office Box 932382
Sacramento, California 94232-3820

1 The above-entitled matter was heard by the Board during
2 its regularly scheduled meeting held on October 24, 1991 in Los
3 Angeles, California. After consideration of all evidence in the
4 administrative record, the oral and written arguments of counsel
5 for the parties, and the evidence adduced at the Board meeting
6 of October 24, 1991, the following determinations were made
7 pursuant to Vehicle Code sections 3053 and 3054:

- 8 1) The Department proceeded within its jurisdiction;
- 9 2) The Department proceeded in a manner consistent with
10 the law;
- 11 3) The Department's decision is supported by the
12 findings;
- 13 4) The findings are supported by the weight of the
14 evidence in the light of the whole record reviewed in its
15 entirety, including any and all relevant evidence adduced at any
16 hearing of the Board; and
- 17 5) The penalty, as provided in the decision of the
18 Department, is commensurate with the findings.

19 Accordingly, it is hereby ordered that the decision of the
20 Department is affirmed and the Final Order of the Department is
21 adopted as the Final Order of the New Motor Vehicle Board in
22 this matter.

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This decision shall become effective forthwith.

DATED: October 30, 1991

NEW MOTOR VEHICLE BOARD

By Robert J. Beckus
ROBERT J. BECKUS
Board Member

Frank S. Zolin, Director, DMV
Frank Ketchel, Acting Program Manager
Occupational Licensing, DMV
Legal Office, DMV