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JAN 22 1992

New Motor Vehicle Board

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| FILED DEPT. OF MOTOR VEHICLES JAN 17 1992 By <u>Aswell</u> |
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STATE OF CALIFORNIA

DEPARTMENT OF MOTOR VEHICLES

In the Matter of the Accusation of

CMC OLDSMOBILE CADILLAC,
A Corporation, dba
CMC OLDSMOBILE CADILLAC, and
CERRITO MOTORCOACH LIMITED,

CASE NO. D-4000
OAH NO. N-34640

ORDER IMPLEMENTING
DECISION

Respondent.

Pursuant to the Final Order of the New Motor Vehicle Board, Appeal No. A-110-90, the decision of the Department of Motor Vehicles was affirmed and the Final Order of the Department was adopted as the Final Order of the New Motor Vehicle Board in this matter effective October 30, 1991.

The Decision in the above-entitled matter shall become effective upon filing as a public record. The revocation of Respondent's dealer's license and special plates no. D-20682 shall commence on that date.

DATED: JAN 6 1992

Frank S. Zolin
FRANK S. ZOLIN
Director

1 NEW MOTOR VEHICLE BOARD
2 1507 - 21st Street, Suite 330
3 Sacramento, California 95814
4 Telephone: (916) 445-1888

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 CMC OLDSMOBILE CADILLAC, dba)
13 CMC OLDSMOBILE CADILLAC and) Appeal No. A-110-90
14 CERRITO MOTORCOACH LIMITED,)
15 Appellants,)
16 vs.) FINAL ORDER
17 DEPARTMENT OF MOTOR VEHICLES,)
18 Respondent.)

19 TO: Michael G. Coder, Esq.
20 Attorney for Appellants
21 Coder, Tuel & Flanagan
22 8801 Folsom Boulevard
23 Suite 172
24 Sacramento, California 95826

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

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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