

**NMVB**

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JAN 22 1992  
New Motor Vehicle Board

FILED  
DEPT. OF MOTOR VEHICLES  
JAN 17 1992  
By *Crowell*

STATE OF CALIFORNIA  
DEPARTMENT OF MOTOR VEHICLES

In the Matter of the Accusation of  
SAN JOSE NISSAN,  
A Corporation,

CASE NO. D-3994  
OAH NO. N-34675

ORDER IMPLEMENTING  
DECISION

Respondent.

Pursuant to the Final Order of the New Motor Vehicle Board, Appeal No. A-114-90, 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-06189 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 SAN JOSE NISSAN, )  
13 ) Appellant, )  
14 vs. )  
15 DEPARTMENT OF MOTOR VEHICLES, )  
16 Respondent. )  
17 )

18 Appeal No. A-114-90  
19 FINAL ORDER

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

26 Marilyn Schaff, Esq.  
27 Bernard Lu, Esq.  
28 Attorneys for Respondent  
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