

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

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7 STATE OF CALIFORNIA  
8 NEW MOTOR VEHICLE BOARD  
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11 In the Matter of the Appeal of: )  
12 SMYTHE BUICK, INC., dba ) APPEAL NO. A-123-90  
SMYTHE BUICK-ISUZU-GMC TRUCK, )  
13 Appellant, )  
14 vs. ) FINAL ORDER  
15 DEPARTMENT OF MOTOR VEHICLES )  
16 Respondent. )  
17

18 TO: William B. Clayton, Esq.  
19 Attorney for Appellant  
Stone, Clayton & McEvoy  
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21 Marilyn Schaff, Esq.  
22 Assistant Chief Counsel  
Bernard Lu, Esq.  
23 Staff Counsel  
24 Attorneys for Respondent  
Department of Motor Vehicles  
Legal Office  
25 Post Office Box 932382  
Sacramento, California 94232-3820

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1 On September 21, 1990, the New Motor Vehicle Board met and  
2 considered the above-entitled matter. After considering the  
3 administrative record and the briefs and arguments of counsel  
4 for the parties, it was determined by the Board that Findings of  
5 Fact numbers IV, VI, and VIII of the Department of Motor  
6 Vehicles, as contained in the Director's Decision dated March  
7 22, 1990, are not supported by the weight of the evidence. As  
8 such, the Director's Decision is amended to delete these  
9 Findings of Fact. Furthermore, Determination of Issues numbers  
10 I and II are deleted and the following is substituted therefor:

11 I  
12 There was insufficient clear and convincing evidence  
13 presented to establish to a reasonable certainty that cause  
14 exists for discipline of Respondent's license.

15 The Director's Decision is further amended to delete the  
16 Order contained therein and, in its place, substitute the  
17 following:

18 ORDER

19 No discipline shall be imposed upon the license of  
20 Respondent as a result of this matter.

21 DATED:

22 10-2-90

NEW MOTOR VEHICLE BOARD

23 By 

24 MANNING J. POST  
25 Vice-President  
26 New Motor Vehicle Board

27 A.A. Pierce, Director, DMV  
28 John Lancara, Acting Program Manager  
Occupational Licensing, DMV