

2415 First Avenue
P. O. Box 1828
Sacramento, CA 95809
(916) 445-1888

NEW CAR DEALERS POLICY AND APPEALS BOARD

STATE OF CALIFORNIA

In the Matter of)	
)	
ROBERT E. SYKES, dba)	
FAMILY FUN-MOBILIVEN,)	
)	
Appellant,)	Appeal No. A-30-72
)	
v.)	Filed: September 27, 1972
)	
DEPARTMENT OF MOTOR VEHICLES)	
)	
Respondent.)	

Time and Place of Hearing: September 13, 1972, 2:30 p.m.
Director's Conference Room
Department of Motor Vehicles
2415 First Avenue
Sacramento, CA 95809

For Appellant: Robert L. Mezzetti
Mezzetti & Testa
300 South First Street, Suite 210
San Jose, CA 95113

For Respondent: Honorable Evelle J. Younger
Attorney General
By: John E. Barsell
Deputy Attorney General

FINAL ORDER

On August 24, 1972, Robert E. Sykes, dba Family Fun-Mobiliven, filed an appeal with this board from an action of the department taken on August 9, 1972 rejecting and

returning to the appellant an application filed with the department by appellant for a new car dealer license, and also rejecting and returning to appellant fees in the sum of \$91.00. The department's action, which was taken in the form of a letter to appellant from staff counsel of the department, was a declaration that the application could not be entertained because appellant had filed an earlier application which was then pending on an appeal to this board. Having read the administrative record, considered the points and authorities submitted by the appellant and the oral arguments of both parties, the matter having been submitted to the board for decision, the board makes the following findings, conclusions and order.

I

Respondent proceeded in a manner contrary to law when, on August 9, 1972, it refused to process appellant's application for a vehicle dealer's license, submitted to respondent on July 7, 1972, and returned to appellant that application and the fees which had also been submitted.

II

Respondent, by a letter under date of August 24, 1972, to appellant, informed appellant that the department was prepared to process the application of July 7, 1972, and requested appellant to "resubmit" the application.

III

Respondent is hereby directed to accept and process the application of July 7, 1972, providing the application and

requisite fees are resubmitted to the department within 10 days after this final order is filed. Respondent is further directed to proceed with its investigation under Section 11704 Vehicle Code as expeditiously as is practicable. The application, when resubmitted with appropriate fees as herein specified, shall be deemed filed on the date it was originally filed, namely, July 7, 1972, and the 120 day time limitation contained in subsection (d) of Section 11704 Vehicle Code shall commence as of July 7, 1972.

IV

This order shall be effective when served on the parties.

AUDREY B. JONES

GILBERT D. ASHCOM

ROBERT B. KUTZ

MELECIO H. JACABAN

W. H. "H" McBRIDE

ROBERT A. SMITH

WINFIELD J. TUTTLE

A-30-72

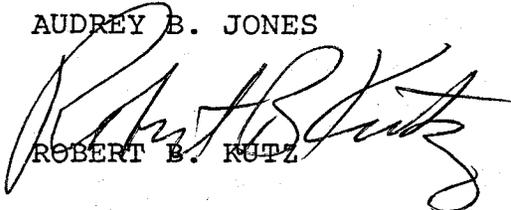
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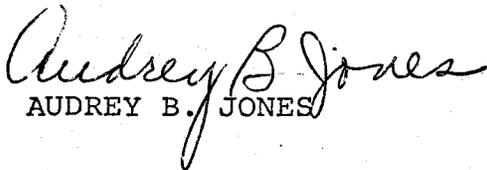
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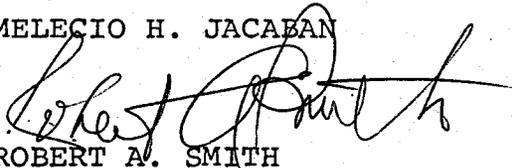
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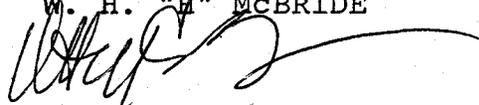
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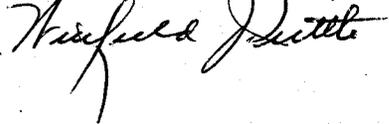
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