

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

STATE OF CALIFORNIA

NEW CAR DEALERS POLICY & APPEALS BOARD

In the Matter of )  
)  
DICK GRIHALVA CHEVROLET, )  
a California corporation, )  
)  
Appellant, ) Appeal No. A-45-73  
)  
vs. ) FILED: May 31, 1974  
)  
DEPARTMENT OF MOTOR VEHICLES )  
OF THE STATE OF CALIFORNIA, )  
)  
Respondent. )  
\_\_\_\_\_ )

Time and Place of Hearing: May 8, 1974, 11:00 a.m.  
1020 "N" Street, Room 102  
Sacramento, CA 95814

For Appellant: George E. Leaver, Esq.  
Attorney at Law  
Getz, Aikens & Manning  
5900 Wilshire Blvd., Suite 770  
Los Angeles, CA 90036

For Respondent: R. R. Rauschert, Legal Adviser  
Department of Motor Vehicles  
By: Henry J. Ahler  
Legal Counsel

FINAL ORDER

Dick Grihalva Chevrolet, a California corporation,  
enfranchised as a new car dealer, hereinafter referred to as

"appellant", appealed to this board from a disciplinary action taken against the corporate license by the Department of Motor Vehicles following proceedings pursuant to Section 11500 et seq. Government Code.

The Director of Motor Vehicles, adopting the proposed decision of the hearing officer, found that appellant: (1) failed in 23 instances to give written notice to the department within three days following the transfer of the vehicles; (2) failed in 265 instances to mail or deliver the reports of sale of new vehicles (together with documents and fees) to the department within 20 days; (3) failed in three (3) instances to mail or deliver reports of sale (together with documents and fees) to the department within 30 days; (4) in 40 instances charged purchasers of vehicles excessive registration fees.

The director, adopting the hearing officer's proposed decision, imposed the following penalty:

For the 3-day notice violations, 5 days' suspension;  
for the 20-day notice violations, 10 days' suspension;  
for the failure to report in 30 days, 15 days' suspension;  
for the overcharges, 10 days' suspension; all suspensions to run concurrently for a 15-day suspension with 14 days stayed for a period of one year under the usual terms and conditions of probation.

The only issue before us on appeal is the appropriateness of the penalty with the appellant contending that under all of the circumstances of this case the penalty is too harsh and severe and should be reduced to provide for only a 10-day suspension, with all of the ten days stayed for a one-year period of probation under the terms as set forth in the director's decision. We disagree.

Having duly considered the administrative record and appellant's briefs and argument before this board on appeal, we find the penalty imposed by the Director of Motor Vehicles to be appropriate and commensurate with the findings.

The Decision of the Director of Motor Vehicles is affirmed in its entirety.

This final order shall become effective June 28, 1974.

WINFIELD J. TUTTLE

THOMAS KALLAY

ROBERT A. SMITH

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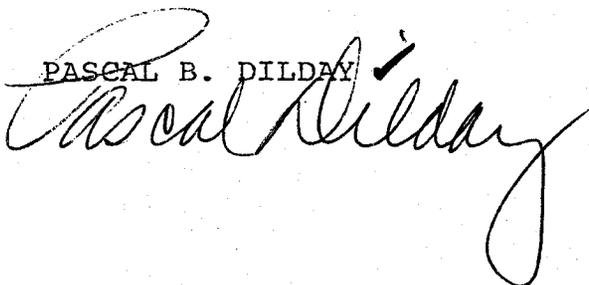
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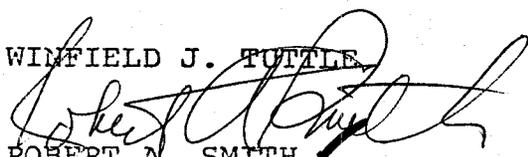
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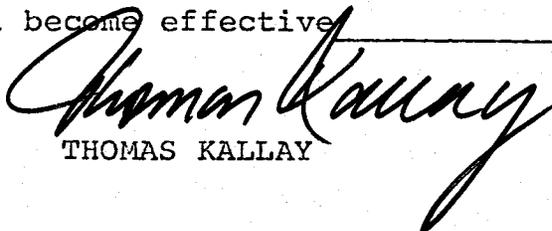
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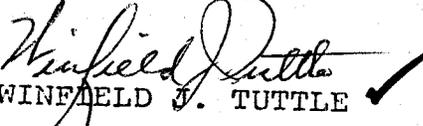
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