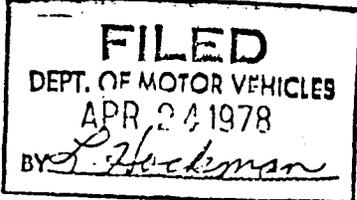


NMVB



STATE OF CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES

In the Matter of the Accusation of)
FILLMORE MOTORS, INC.,)
A Corporation,)
Respondent.)

CASE NO. D-1729

DECISION AFTER REMAND

WHEREAS the New Motor Vehicle Board has remanded the above-entitled matter to the department for a reassessment of penalty in light of the Board's Order, a copy of which is attached hereto and by this reference incorporated herein; now therefore the Proposed Decision of the Administrative Law Judge, a copy of which is attached hereto and by this reference incorporated herein, is hereby adopted by the Director of Motor Vehicles of the State of California as her Decision in the above matter, except the order on pages 13, 14 and 15 of the Proposed Decision which is not adopted, and the following substituted therefor:

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The dealer's license and special plates (D & TR 9705) heretofore issued to respondent Fillmore Motors, Inc., a corporation, are hereby suspended for fifteen (15) days as to each of the causes for discipline as set forth in paragraphs VIII, IX, X,

1 XI, XIII, XXIII and XXIV of the determination of issues herein, and
2 said license and special plates are in addition hereby suspended
3 for five (5) days as to each of the causes for discipline as set
4 forth in paragraphs I, II, III, V, XIV, XV, XVII, XVIII, XIX and
5 XX of the determination of issues herein and said license and
6 special plates are in addition hereby suspended for one (1) day as
7 to each of the causes for discipline as set forth in paragraphs IV,
8 VI, VII, XVI, XXI and XXII of the determination of issues herein,
9 all said penalties to run concurrently, provided further, however,
10 that respondent is also placed on probation for a period of two
11 (2) years upon the following terms and conditions, to-wit:

12 1. Said license and special plates are suspended
13 for a period of fifteen (15) days, and respondent shall
14 wholly refrain from doing business under its said dealer's
15 license or special plates for said period of fifteen (15)
16 days from and after the effective date of the decision
17 herein.

18 2. Respondent shall obey all the laws of the United
19 States, the State of California, or its subdivisions, and
20 the rules and regulations of the Department of Motor
21 Vehicles now or hereafter in effect.

22 3. Any license issued to respondent during a period
23 of two (2) years shall be issued as a probationary license
24 and then only if it is determined that respondent has fully
25 complied with the terms and conditions hereof and that no
26 cause for refusal to issue, suspend or revoke has intervened
27 or exists.

1 Should separate appeals be taken from this order as the
2 order pertains to vehicles over which the New Motor Vehicle Board
3 has jurisdiction and as it pertains to vehicles over which the
4 New Motor Vehicle Board has declined to exercise its jurisdiction,
5 then the fifteen (15) day suspension of respondent's license shall
6 not be implemented until final disposition of both appeals.

7 Should the Director of Motor Vehicles at any time
8 during the existence of said probationary license or the renewal
9 thereof determine upon satisfactory evidence that respondent has
10 violated any of the terms or conditions under which said license
11 was issued, she may in her discretion and after notice and hearing,
12 vacate the stay order and reimpose the stayed portion of the
13 penalty; and if no such determination is made, the stay shall
14 become permanent.

15 This DECISION AFTER REMAND shall become effective

16 JUN 6 1978

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18 IT IS SO ORDERED

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21 DORIS V. ALEXIS
22 Director
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