
IN-SITE

A publication of the California New Motor Vehicle Board

July 2000

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MARIE BROOKS HONORED FOR BOARD SERVICE

At the May 25, 2000, General meeting, Mrs. Marie K. Brooks, former Dealer member of the New Motor Vehicle Board was honored for her service on the Board. Appointed in 1992 by former Governor Pete Wilson, Mrs. Brooks was a Board member until January 2000, and served as Vice President in 1996.

A Chevrolet dealer since 1963, Mrs. Brooks became a Nissan dealer in 1989, and has been a Pontiac dealer since 1992. She is President of Ellis Brooks Chevrolet, Inc., President and founder of Ellis Brooks Leasing, and Partner/Vice President of Ellis Brooks Motors, Yreka.

In addition to her public service on the Board, Mrs. Brooks is a Founding Director of Golden Gate Bank, serving as Chairman of the Board from 1979 - 1984, and a member of the Downtown Association, serving as President in 1992. Mrs. Brooks has served on the Boards of Directors of the San Francisco Chamber of Commerce, the San Francisco Motor Car Association, the San Francisco Motor Car Dealers Association, Marshall Hale Hospital, Children's Hospital of San Francisco, the San Francisco Y.M.C.A., the Salvation Army, and Junior Achievement of the Bay Area, and served on the Advisory Board of the Small Business Administration as well. A Founding Member of the Committee of 200, Mrs. Brooks is also a member of Women Entrepreneurs,



Marie Brooks, third from right, is joined by Board members David Wilson, Fritz Hitchcock, Wendy Brogin, Joseph Putnam, Solon Soteras, Tom Flesh and Glenn Stevens

neurs, Women's Forum West, the St. Francis Yacht Club, the Olympic Club, the Commonwealth Club, the Lake Merced Church of Christ, and the Rotary Club of San Francisco. From 1992 - 1997, Mrs. Brooks served as a Commissioner of the San Francisco International Airport. In 1975, Northwood Institute named her Distinguished Woman of the Year.

A Resolution, signed by Board members Wendy Brogin, Tom Flesh, Fritz Hitchcock, Joseph Putnam, Sol Soteras, and the late Manning Post, was presented to Mrs. Brooks by Board President, Tom Flesh. Addressing the meeting, Mrs. Brooks stated that the New Motor Vehicle Board "is an extremely important Board for the dealers in California," and added that she is "honored to have been a part of it."

The Board and its staff would like to express their gratitude to Mrs. Brooks for her service to the people of California and to the automotive industry of the State by her membership on the Board.

REVENUE



NEW MOTOR VEHICLE DEALER License Fee:	\$377,485.00
NEW MOTOR VEHICLE BOARD Filing fee:	14,000.00
NEW MOTOR VEHICLE BOARD Annual fee:	-0-
NEW MOTOR VEHICLE BOARD Hearing Transcripts:	27,200.30
Arbitration Cert. Program Reimbursement	2,920.45
Total	\$ 421,605.75

(month ending 5/31/00)

The Committee recommended that the Board's organization structure and duties of the Executive Secretary and Assistant Executive Secretary be redefined to eliminate all duties related to hearing Board cases. The Executive Secretary position would be recast as the Board's Executive Director, with responsibility for all administrative and statutory functions of the Board, including the processing of cases filed with the Board, and conducting informal mediation conferences designed to efficiently and expeditiously settle disputes whenever possible. This position would include all statutory responsibilities of the Board's "secretary." The Assistant Executive Secretary's duties would be changed to that of General Counsel, again, eliminating any involvement in hearing specific cases. The General Counsel would analyze proposed decisions and rulings, and advise the Board

Continued on Page 5

AUDIT REVIEW COMMITTEE ENHANCES NMVB OPERATIONS

At its May 25, 2000, General meeting, the Board considered two reports from the Audit Review Committee. The Committee consists of Tom Flesh, Chair, Public member, and Fritz Hitchcock, Dealer member. The first report concerned restructuring senior management job duties. The Committee found that the current duties of the Executive Secretary and Assistant Executive Secretary combine responsibility for both administrative and judicial functions. Additionally, the Committee found that the current organization chart does not clearly describe the organization of Board staff and responsibilities. And finally, the Committee found no compelling rationale to support cases being heard by Administrative Law Judges from the Office of Administrative Hearings. The Committee felt strongly that Board cases should be heard by the Board's Administrative Law Judges.

IN SITE

California NMVB Newsletter

State of California
Gray Davis, Governor

*Business, Transportation
and Housing Agency*
Maria Contreras-Sweet, Secretary

Department of Motor Vehicles
Steven Gourley, Director

New Motor Vehicle Board
Robert T. (Tom) Flesh, President
Frederick E. (Fritz) Hitchcock,
Vice-President

Members

Wendy Brogin
Joseph D. Putnam
Solon C. Soteras
Glenn E. Stevens
David W. Wilson

Questions or comments:

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DOCKET

PROTESTS

<u>Vehicle Code Section</u>	<u>Active</u>	<u>Unassigned*</u>
3060		
Termination	5	2
Modification	0	3
3062		
Establishment	4	1
Relocation	1	0
Satellite Warranty Facility	0	0
3064		
Delivery&Preparation	0	0
3065		
Warranty Reimbursement	1	0
3065.1		
Incentive Compensation	0	0

TOTAL PROTESTS: 17

*Received by the Board but does not yet have an assigned number.

PETITIONS

3050(c) 3

TOTAL PETITIONS: 3

APPEALS

3050(b) 1

TOTAL APPEALS: 1

MATTERS RECENTLY RESOLVED

Since the May 25, 2000, Board meeting, a total of five (5) protests have been resolved and are not included in the above figures.



JUDICIAL UPDATE

CHRYSLER v. DMV

In August 1994, the Department of Motor Vehicles (“Department”) filed an Accusation against Chrysler Motors Corporation (“Chrysler”) for alleged violations of the Vehicle Code and Civil Code. These alleged violations pertained to the advertisement, sale, and delivery of 119 motor vehicles to purchasers in the State of California. The subject vehicles had been reacquired by Chrysler from the original retail buyers allegedly for nonconformities which would qualify each as a “lemon” under California’s “Lemon Law.” In 1996, Chrysler filed an Appeal with the Board after the Department issued a final order suspending its manufacturer license and special plates for 45 days. On August 20, 1997, the Board ordered the Decision of the Department remanded to take additional evidence and to reconsider its decision based on a number of issues. On or about September 17, 1997, the Department filed a Petition for Writ of Administrative Mandamus with the Sacramento County Superior Court. Judge Bond granted the writ to the extent that it modified the Board’s Order, and denied it to the extent that the Board’s order remanded the matter to the Office of Administrative Hearings’ Administrative Law Judge. On November 20, 1998, the Department filed a Notice of Appeal. The Appellate Court rendered an unpublished opinion which affirmed the trial court’s judgment. The principal issue in the Court’s disposition of the appeal was the Board’s determination that there was relevant evidence which in the exercise of reasonable diligence could not have been produced at the hearing before the Administrative Law Judge. At the Board’s July 18, 2000, General meeting, the members will reconsider the final order in light of the trial court’s judgment.

Remember...

...the Board can be reached via e-mail at:

nmvb@pacbell.net



BOARD TO MEET AT PETERSEN

The Board's next meeting, scheduled for July 18, 2000, promises to provide a genuinely enjoyable experience for anyone with an interest in or an association with the history and culture of the automotive industry. At the suggestion of Public member Solon Soteras, and with the assistance of his personal friend, Bruce Meyer, we have secured as the meeting site, the Founder's Lounge of the Petersen Automotive Museum. Mr. Meyer, a prominent Beverly Hills businessman, is also an avid collector of automobiles and serves as Chair of both the Museum's Foundation and of the Checkered Flag 200, a distinguished group of Museum benefactors. The Museum is located at 6060 Wilshire Boulevard, Los Angeles.

Named after the noted Southern California automobile enthusiast and founder of Petersen Publishing, Robert E. Petersen, the Museum opened its doors in 1994. The Museum is part of the Los Angeles County Natural History Museum and is located near the famous La Brea Tar Pits.

Dedicated to the "interpretive study of the automobile and its influence on our culture and lives," the Museum occupies over 300,000 square feet of space in its four-story structure, and includes many rare and classic cars, trucks and motorcycles in its collection.

Displays trace the automobile's history, including exhibits depicting early Los Angeles, where the American automotive culture truly came into its own. Other galleries include displays of race cars, celebrity and motion picture cars, as well as vintage motorcycles and concept cars.

The Board's meeting is scheduled for 10:00 a.m. in the Founder's Lounge on the fourth floor of the Museum. Please join us for this special opportunity.



COURT CASES

The Board does not participate in any action unless a state interest is implicated. The Board is participating in the following court cases marked by an asterisk(*):

Department of Motor Vehicles vs. New Motor Vehicle Board; Chrysler Motor Corporation, Real Party in Interest

Marvin H. Leaf, individually and on behalf of others similarly situated vs. New Motor Vehicle Board; Toyota Motor Distributors, Inc., and Toyota Motor Sales U.S.A., Inc., Real Party in Interest

* Rolls-Royce Motor Cars Inc. vs. New Motor Vehicle Board; Robert Pond, Real Party in Interest

Saba A. Saba, SBD Partners, Inc., and Honda Kawasaki Sportcenter vs. New Motor Vehicle Board; Kawasaki Motor Corp., U.S.A., Real Party in Interest

* Rolls-Royce Motor Cars Inc. vs. New Motor Vehicle Board and Sam W. Jennings; Robert Pond, Real Party in Interest

* Sterling Truck Corporation vs. New Motor Vehicle Board; Sacramento Valley Ford Truck Sales, Inc., Real Party in Interest



Mediation Statistics 1999/00 to date

Mediation Phone Calls Received	6,846
Complaint Forms Sent to Consumers	2,170
Cases Filed	523

AUDIT REVIEW COMMITTEE...

Continued from Page 2

thereon. Additionally, the General Counsel would advise the Executive Director and the Board on all other legal matters of interest to the Board. Both positions will be Civil Service appointments with a Career Executive Assignment (CEA) class designation.

The Board unanimously adopted the Committee's report. At its July 18, 2000, General meeting, a status report will be provided on the implementation of the Committee's recommendations.

Secondly, the Audit Review Committee investigated and proposed a consolidation of the Board's ten advisory committees. It was unanimously decided that the functions of the existing advisory committees would be consolidated into four committees as follows: (1) Administration Committee, Wendy Brogin, Chair, and Joseph Putnam, member; (2) Policy and Procedure

Committee, Glenn Stevens, Chair, and David Wilson, member; (3) Board Development Committee, Solon Soteras, Chair, and Joseph Putnam, member; and, (4) Executive Committee (includes Audit Review Committee), Tom Flesh, Chair, and Fritz Hitchcock, member.

If you would like additional information concerning the action taken by the Board, please contact the staff at (916) 445-2080 or via e-mail at nmvb@pacbell.net.

UPCOMING

HEARINGS**

PR-Unassigned

Brian's Classic Auto v. Panoz Auto
July 3, 2000, 10:00am (Motion - telephonic)

P-426-99

Robert Pond v. Rolls-Royce
July 14, 2000, 10:00am (Motion - telephonic)

P-426-99

Robert Pond v. Rolls-Royce
July 17, 2000, 2:00pm (Motion - telephonic)

PR-Unassigned

Barwick Imports, Inc. v. Nissan North America, Inc.
July 17, 2000, 2:00pm (Motion - at NMVB)

P-424-99

Toyota v. Leaf
August 18, 2000, 10:00am (Merits - at NMVB)

**Dates are subject to change.

UPCOMING BOARD MEETINGS

General Board Meeting

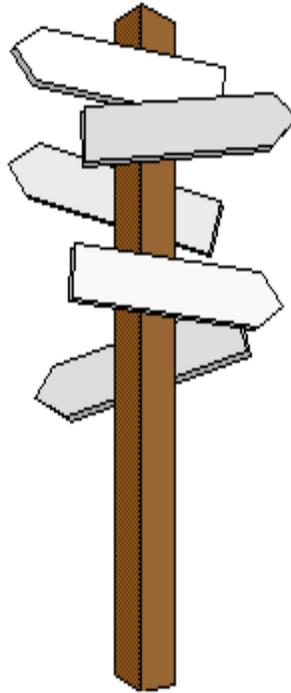
July 18, 2000

Petersen Automotive Museum

6060 Wilshire Boulevard

Los Angeles

10:00 a.m.



General Board Meeting

September 12, 2000

Grand Hyatt

345 Stockton Street

San Francisco

*Time to be determined

General Board Meeting

October 17, 2000*

General Board Meeting

November 28, 2000*

(*Agenda with time and location details is mailed 10 days prior to the meeting)



...AND IMPROVED

The Board is in the process of replacing its antiquated telephones with a new digital system. This will provide clearer connections, fewer problems with disconnects, and will provide new features

such as individual voice mail for staff. Other features include the ability to transfer incoming calls directly to DMV and other State agencies and improved conference calling.

The Board is also looking into updating its computer wiring to enable faster connections for purposes of accessing data and printing. This comes just in time, as a new color printer system will handle the ever-increasing demand for the In-Site. Since its inception, we have gone from a circulation of around 150 to the current 2500 - 3000 produced for this edition.

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