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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
SPECIAL MEETING

New Motor Vehicle Board
Hearing Room #1
1507 21st Street, Suite 330
Sacramento, California 95811

August 27, 2015

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, he or she may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7). However, comments by the parties or by their counsel that are made regarding any proposed decision, order, or ruling must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board. Members of the public may not comment on such matters.

1. **12:00 p.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Introduction and welcome of recently appointed Deputy Secretary and General Counsel for the California State Transportation Agency, Alicia M. B. Fowler - Board Development Committee.**
5. **Oral Presentation before the Public Members and Dealer Members of the Board.**

FUN BIKE CENTER v. BOMBARDIER RECREATIONAL PRODUCTS, INC.; BRP US INC.

Protest No. PR-2405-14

6. **Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision, make technical or other minor changes, reject the proposed decision and remand the case, or reject the proposed decision and decide the case upon the record.

Consideration of Proposed Order.

FUN BIKE CENTER v. BOMBARDIER RECREATIONAL PRODUCTS, INC.; BRP US INC.

Protest No. PR-2405-14

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Post-Discovery Motion to Dismiss, by the Public Members and Dealer Members of the Board.

7. **Open Session.**

8. **Discussion and consideration of public comments received after the 15-day notice on the Board's proposed rulemaking concerning sanctions (13 CCR § 551.21) - Policy and Procedure Committee.**

9. **Consideration of revised text to proposed rulemaking concerning sanctions (13 CCR § 551.21) - Policy and Procedure Committee.**

10. **Discussion and consideration of whether to designate the Board's Decision in *Adrenaline Powersports v. Polaris Industries, Inc.*, Protest No. PR-2418-15, as a Precedent Decision pursuant to Government Code section 11425.60, by the Public Members of the Board.**

11. **Consideration of the Board's Decision in light of Judgment Granting Capacity of Texas' Petition for Writ of Administrative Mandamus and the Court's Issuance of a Peremptory Writ of Mandate.**

GUARANTEE FORK LIFT, INC., dba GFL, INC. v. CAPACITY OF TEXAS, INC.
Protest No. PR-2361-13

Consideration of the Board's Decision in light of the Sacramento County Superior Court's Judgment granting Capacity of Texas' Petition for Writ of Administrative Mandamus and the Court's issuance of a Peremptory Writ of Mandate compelling the Board to set aside its Decision and issue a new Decision overruling the Protest and allowing termination of the franchise, by the Public Members of the Board.

12. **Public Comment. (Gov. Code § 11125.7)**

13. **Adjournment.**

To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Eugene Ohta at (916) 445-1888 or eohta@nmvb.ca.gov.