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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD

**A G E N D A**  
**GENERAL MEETING**

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

March 24, 2009

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).

1. **2:00 p.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the February 5, 2009, General Meeting.**
5. **Oral Presentation before the Public Members of the Board.**
  - a. CARLSEN SUBARU v. SUBARU OF AMERICA, INC.  
Protest No. PR-2096-07
  - b. PMG MOTORSPORTS, INC. ("PMG") v. AMERICAN SUZUKI MOTOR CORPORATION  
Protest No. PR-2141-08

- c. PLATINUM MOTORS LLC, a California limited liability company v. AUTOMOBILI LAMBORGHINI, S.p.A  
Protest No. PR-2140-08

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.

a. **Consideration of Proposed Decision after Remand.**

CARLSEN SUBARU v. SUBARU OF AMERICA, INC.  
Protest No. PR-2096-07

Consideration of the Administrative Law Judge's Proposed Decision after Remand, by the Public members of the Board.

b. **Consideration of Proposed Order.**

PMG MOTORSPORTS, INC. ("PMG") v. AMERICAN SUZUKI MOTOR CORPORATION  
Protest No. PR-2141-08

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss, by the Public members of the Board.

c. **Consideration of Proposed Order.**

PLATINUM MOTORS LLC, a California limited liability company v. AUTOMOBILI LAMBORGHINI, S.p.A  
Protest No. PR-2140-08

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss Protest, by the Public members of the Board.

7. **Open Session.**

8. **Annual review of the Board's mission and vision statements - Executive Committee.**

9. **Annual update on training programs attended by staff - Administration Committee.**
10. **Annual update on Board Consumer Mediation Services Program - Administration Committee.**
11. **Consideration of the revised *Guide to the New Motor Vehicle Board* to include information on statutory and regulatory changes - Administration Committee.**
12. **Status report concerning manufacturer and distributor compliance with Vehicle Code sections 3064/3074 and 3065/3075 (the filing of statutorily required schedules and formulas) - Administration Committee.**
13. **Report on the number of new vehicle dealerships, manufacturers, and distributors closing in 2008 - Board Development Committee.**
14. **Board member education concerning changes to the Administrative Procedure Act, Bagley-Keene Open Meeting Act, Political Reform Act, and Public Records Act - Board Development Committee.**
15. **Board financial condition report for the 1<sup>st</sup> half of fiscal year 2008-2009 - Fiscal Committee.**
16. **Consideration of out-of-state travel plans for fiscal year 2009-2010 - Fiscal Committee.**
17. **Consideration of 2009 revisions to the *Informational Guide for Manufacturers and Distributors* which outlines their obligations to provide notices, schedules, and formulas mandated by the California Vehicle Code and Civil Code to the New Motor Vehicle Board and/or impacted dealers - Policy and Procedure Committee.**
18. **Annual review of Board adopted policies - Policy and Procedure Committee.**
19. **Consideration of a revised *New Motor Vehicle Board Administrative Law Judges' Benchbook* - Policy and Procedure Committee.**
20. **Discussion concerning pending Legislation - Policy and Procedure Committee.**
  - a. Pending Legislation that impacts the Board.
    - (1) Senate Bill 95 (Senator Corbett) - Car Buyer's Protection Act of 2009.
  - b. Pending Legislation of general interest.
    - (1) Assembly Bill 5 (Assembly Member Evans) - Electronic Discovery Act.

- (2) Senate Bill 373 (Senator Walters).
  - (3) Senate Bill 424 (Senators Padilla, Florez, and Harman) - Dealer Franchise Fairness Act of 2009.
- c. Pending Federal Legislation of general interest.
- (1) United States House of Representatives Bill 100 (U.S. Representative Drier) - Commonsense Auto Recovery Act of 2009.
  - (2) United States House of Representatives Bill 120 (U.S. Representative Frelinghuysen).
  - (3) United States House of Representatives Bill 159 (U.S. Representative Pascrell).
  - (4) United States House of Representatives Bill 385 (U.S. Representative Rodgers) - Consumer Auto Relief Act of 2009 or the CAR Act of 2009.
  - (5) United States Senate Bill 209 (U.S. Senator Boxer).
  - (6) United States Senate Bill 247 (U.S. Senator Feinstein) - Accelerated Retirement of Inefficient Vehicles Act of 2009.
  - (7) United States Senate Bill 271 (U.S. Senator Cantwell) - Fuel Reduction using Electrons to End Dependence on the Mid-East (FREEDOM) Act of 2009.
  - (8) United States Senate Bill 333 (U.S. Senator Mikulski).

**21. Executive Director's Report.**

- A. Administrative Matters.
- B. Case Management.
  - (1) Status of Protests.
  - (2) Status of Petitions.
  - (3) Status of Appeals.
  - (4) Matters Resolved.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

**22. Annual report of staff participation in the California State Employees Charitable Campaign (CSECC).**

**23. Appointment of Committee members to the Administration Committee, Board Development Committee, Fiscal Committee, Government and Industry Affairs Committee, and Policy and Procedure Committee, by the Board President.**

**24. Selection of Board meeting dates for 2009.**

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

**26. 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 Kathy Tomono at (916) 445-1888 or [ktomono@nmvb.ca.gov](mailto:ktomono@nmvb.ca.gov).