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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board ("Board") held a Special meeting on August 24, 2010, at the Crown Plaza Hotel Los Angeles - Commerce Casino, Ruby Room, 6121 E. Telegraph Road, Commerce, California.

2. **ROLL CALL**

Robert T. (Tom) Flesh, President of the Board, called the meeting of the Board to order at 10:02 a.m.

Present: Ramon Alvarez C. (arrived 10:22 a.m.) William G. Brennan, Executive Director
Robert T. (Tom) Flesh Robin Parker, Senior Staff Counsel
Peter Hoffman Jeffrey Schwarzschild, Deputy Attorney
David C. Lizárraga General
Haig Papaian
Victoria R. Pearson
Glenn E. Stevens

Absent: Ryan Brooks
David W. Wilson

3. **PLEDGE OF ALLEGIANCE**

Mr. Stevens led the members and staff in the Pledge of Allegiance. Mr. Flesh thanked Mr. Papaian for making the arrangements for the meeting today.

4. **ORAL PRESENTATION BEFORE THE PUBLIC AND DEALER MEMBERS OF THE BOARD**

a. MEGA RV CORP., dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
Protest No. PR-2234-10

MEGA RV CORP., dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
Protest No. PR-2235-10

MEGA RV CORP., dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
Protest No. PR-2236-10

This matter was postponed until after Agenda item 4(b).

- b. JACKSON FORD-MERCURY, INC., dba THE NEW JACKSON FORD-MERCURY v. FORD MOTOR COMPANY
Protest No. PR-2180-09

Pursuant to Vehicle Code section 3050(d), Protestant in pro per and counsel for Respondent stipulated to allow Dealer Member participation.

Mr. Flesh read the following statement "comments by the parties or by their counsel that are made regarding any proposed decision or proposed order must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board." Furthermore, he indicated that since this is an adjudicative matter as described in Government Code section 11125.7(e), therefore members of the public may not comment on such matters."

Oral comments were presented before the Public and Dealer Members of the Board. There was no appearance on behalf of Protestant. Donald H. Cram, Esq. of Severson & Werson represented Respondent.

- a. MEGA RV CORP., dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
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Given the three McMahon's RV protests involve recreational vehicles both Public and Dealer Members will participate.

Mr. Flesh read the following statement "comments by the parties or by their counsel that are made regarding any proposed decision or proposed order must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board." Furthermore, he indicated that since this is an adjudicative matter as described in Government Code section 11125.7(e), therefore members of the public may not comment on such matters."

Oral comments were presented before the Public and Dealer Members of the Board. Tina Hopper, Esq. of the Law Offices of Michael M. Sieving represented Protestant. Louis S. Chronowski, Esq., of Seyfarth Shaw LLP represented Respondent.

5. **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 ORDER**

MEGA RV CORP., dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
Protest No. PR-2234-10

MEGA RV CORP., dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
Protest No. PR-2235-10

MEGA RV CORP., dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
Protest No. PR-2236-10

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

The Public and Dealer Members of the Board deliberated in closed Executive Session. Mr. Flesh moved to adopt the proposed order. Mr. Hoffman seconded the motion. The motion carried unanimously.

At Mr. Stevens' request, whether to designate the Board's decision as a precedential decision will be considered at the October 8, 2010, General Meeting.

b. **CONSIDERATION OF PROPOSED ORDER**

JACKSON FORD-MERCURY, INC., dba THE NEW JACKSON FORD-MERCURY v. FORD MOTOR COMPANY
Protest No. PR-2180-09

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

The Public and Dealer Members of the Board deliberated in closed Executive Session. Mr. Flesh moved to adopt the proposed order. Mr. Lizárraga seconded the motion. The motion carried unanimously.

6. OPEN SESSION

The Public and Dealer Members returned to Open Session. Ms. Parker announced the decisions in Agenda Items 5(a) and 5(b).

7. ADJOURNMENT

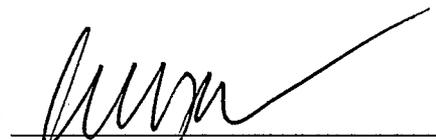
Mr. Hoffman moved to adjourn the meeting. Ms. Pearson seconded the motion. The motion carried unanimously. With no further business to discuss, the meeting was adjourned at approximately 10:52 a.m.

Submitted by



WILLIAM G. BRENNAN
Executive Director

APPROVED:



Robert T. (Tom) Flesh
President
New Motor Vehicle Board