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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
A G E N D A
GENERAL MEETING

Hilton Los Angeles Airport
Newport B Room
5711 West Century Boulevard
Los Angeles, California 90045
(310) 410-4000

May 26, 2011

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. **10:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the March 29, 2011, General Meeting, and March 30, 2011, Special Meeting.**
5. **Oral Presentation before the Public Members of the Board.**
 - a. SHAYCO, INC., dba ONTARIO VOLKSWAGEN v. VOLKSWAGEN OF AMERICA, INC.
Protest No. PR-2265-10
 - b. HANLEES HILLTOP NISSAN v. NISSAN NORTH AMERICA, INC.
Protest No. PR-2291-11

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.

SHAYCO, INC., dba ONTARIO VOLKSWAGEN v. VOLKSWAGEN OF AMERICA, INC.
Protest No. PR-2265-10

Consideration of the Administrative Law Judge's Proposed Decision, by the Public Members of the Board.

b. Consideration of Proposed Order.

HANLEES HILLTOP NISSAN v. NISSAN NORTH AMERICA, INC.
Protest No. PR-2291-11

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

7. Open Session.

8. Consideration of petition requesting that the Board direct DMV to conduct an investigation of the matters contained therein and/or order DMV to exercise its authority and power to initiate disciplinary proceedings against Respondent's Occupational License pursuant to Vehicle Code section 3050(c)(1) and (3).

CALIFORNIA NEW CAR DEALERS ASSOCIATION v. CHRYSLER GROUP, a limited liability company
Petition No. P-458-11

Consideration of Petition requesting that the Board direct DMV to conduct an investigation of the matters contained therein and/or order DMV to exercise its authority and power to initiate disciplinary proceedings against Respondent's Occupational License, by the Public and Dealer Members of the Board.

9. Annual update concerning the Board's compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency, and the resultant Corrective Action Plan - Executive Committee.

10. **Annual review and consideration of Board delegations in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency - Executive Committee.**
11. **Discussion and consideration of who will attend the out-of-state trips for the 1st half of fiscal year 2011/2012 that were previously approved by the Board - Executive Committee.**
12. **Discussion and consideration of whether the Board can “advertise” its Consumer Mediation Program and the implications therein on the 1996 Performance Audit conducted by Business, Transportation & Housing Agency - Executive Committee.**
13. **Discussion of the Board’s lease on its current facility and potential alternative locations - Administration 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. **Consideration of nominee for the Solon C. Soteras Employee Recognition Award recipient as recommended by the Board Development Committee.**
16. **Semi-annual discussion and consideration of the methods for determining Board fees - Fiscal Committee.**
17. **Board financial condition report for the 3rd quarter of fiscal year 2010-2011 - Fiscal Committee.**
18. **Discussion and consideration of the Board’s proposed budget for fiscal year 2011-2012 - Fiscal Committee.**
19. **Status report on participant and audience responses to the questionnaire concerning the Board’s Industry/Attorney Roundtable - Government and Industry Affairs Committee.**
20. **Discussion concerning pending Legislation - Policy and Procedure Committee.**
 - a. **Legislation of Special Interest - none.**
 - b. **Legislation of General Interest.**
 - (1) **Assembly Bill 1215 (Assembly Member Blumenfield).**
 - (2) **Senate Bill 642 (Senator Padilla).**

- c. Pending Federal Legislation of General Interest.
 - (1) United States House of Representatives Bill 75 (U.S. Representative Jackson-Lee) - Automobile Dealers Fair Competition Act of 2011.

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

- A. Administrative Matters.
- B. Case Management.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

22. **Selection of Board meeting dates for the remainder of 2011.**

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

24. **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 Nicole Angulo at (916) 445-1888 or nangulo@nmvb.ca.gov.