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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

February 4, 2014

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. **9:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the November 12, 2013, Special Meeting, and November 13, 2013, General Meeting.**
5. **2014 election of Board President and Vice President - Executive Committee.**
6. **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 incoming Board President.**

7. **Appointment of Board Member designee in compliance with the Board’s 1997 “Revised Board Policy Regarding Representation in Court Actions”, by the incoming Board President.**
8. **Discussion concerning impact of Senate Bill 155, by Jonathan Morrison, Director of Legal & Regulatory Affairs, CNCDA, and Robin Parker, Senior Staff Counsel, New Motor Vehicle Board.**
9. **Oral Presentation before the Public Members of the Board.**

STOCKTON AUTOMOTIVE DEVELOPMENT LLC dba STOCKTON NISSAN  
v. NISSAN NORTH AMERICA, INC.  
Protest No. PR-2351-12

10. **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/proposed order, make technical or other minor changes, reject the proposed decision/proposed order and remand the case, or reject the proposed decision/proposed order and decide the case upon the record.

**Consideration of Proposed Order.**

STOCKTON AUTOMOTIVE DEVELOPMENT LLC dba STOCKTON NISSAN v.  
NISSAN NORTH AMERICA, INC.  
Protest No. PR-2351-12

Consideration of the Administrative Law Judge’s Proposed Order Dismissing the Protest for Lack of Jurisdiction, by the Public Members of the Board.

11. **Open Session.**

12. **Discussion and consideration of request for consent to file an amicus curiae letter in support of Yamaha Motor Corp., U.S.A.'s Petition for Review to the California Supreme Court of the November 26, 2013 published Court of Appeal decision upholding in all respects a verdict adverse to Yamaha.**

POWERHOUSE MOTORSPORTS GROUP, INC. v. YAMAHA MOTOR CORPORATION, U.S.A.

Protest No. PR-2122-08; San Luis Obispo County Superior Court No. CV098090; Second Appellate District Court of Appeal No. B236705; and California Supreme Court No. S215677

13. **Closed Executive Session.**

Pursuant to Government Code section 11126(e)(1), all members of the Board shall convene in a closed Executive Session.

**Discussion and advice from legal counsel concerning pending litigation.**

TERRY DOE, Petitioner vs. DEPARTMENT OF MOTOR VEHICLES, NEW MOTOR VEHICLE BOARD, and DOES 1 to 50, inclusive, Respondents

Sacramento County Superior Court No. 34-2013-80001488

Discussion and advice from the Board's legal counsel concerning pending litigation, by all members of the Board.

14. **Open Session.**

15. **Closed Executive Session.**

Pursuant to Government Code section 11126(a)(1), all members of the Board shall convene in a closed Executive Session.

**Discussion of a personnel matter - Executive Committee.**

16. **Open Session.**

17. **Discussion concerning the National Automobile Dealers Association Convention by Glenn Stevens, Public Member - Board Development Committee.**

18. **Annual update on Board Consumer Mediation Program - Administration Committee.**

19. **Consideration of the revised *Guide to the New Motor Vehicle Board* to include information on statutory and regulatory changes - Administration Committee.**

20. **Annual update concerning the development and use of the Board's website - Administration Committee.**
21. **Consideration of out-of-state travel plans for fiscal year 2014-2015 - Fiscal Committee.**
22. **Status report on the Board's collection of its annual fees - Fiscal Committee.**
23. **Discussion and consideration of the upcoming Industry Roundtable - Government and Industry Affairs Committee.**
24. **Consideration of proposed regulations - Policy and Procedure Committee.**
  - a. Definitions (13 CCR § 550);
  - b. Application of Subchapter (13 CCR § 550.10);
  - c. Authority (13 CCR § 551);
  - d. Challenge (13 CCR § 551.1);
  - e. Subpoenas; Motion to Quash (13 CCR § 551.2);
  - f. Testimony by Deposition (13 CCR § 551.6);
  - g. Notice of Assignment of Administrative Law Judges; Peremptory Challenges (13 CCR § 551.12);
  - h. Sanctions - Bad Faith Actions (13 CCR § 551.21);
  - i. Adoption and Objection to Proposed Stipulated Decision and Order (13 CCR § 551.22);
  - j. Filing Fees (13 CCR § 553.40);
  - k. Form; Separate Protests (13 CCR § 583); and,
  - l. Acceptance of Filing (13 CCR § 598).
25. **Consideration of 2014 Rulemaking Calendar - Policy and Procedure Committee.**
26. **Consideration of 2014 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.**
27. **Annual report concerning Board adopted policies - Policy and Procedure Committee.**
28. **Annual report on the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee.**
29. **Discussion and consideration of proposed revisions to the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee.**

30. **Discussion concerning the Car Buyers Protection Act and its impact on the Board and the vehicle industry - Policy and Procedure Committee.**
31. **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.
32. **Annual report of staff participation in the California State Employees Charitable Campaign (CSECC).**
33. **Closed Executive Session.**

Pursuant to Government Code section 11126(a)(1), all members of the Board shall convene in a closed Executive Session.

**Consideration of annual performance review for Executive Director - Executive Committee.**
34. **Open Session.**
35. **Public Comment. (Gov. Code § 11125.7).**
36. **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](mailto:nangulo@nmvb.ca.gov).