

1507 - 21st Street, Suite 330
Sacramento, California 95811
Telephone: (916) 445-1888
Contact Person: Makalla Turner
www.nmvb.ca.gov

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
GENERAL MEETING

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

February 10, 2016

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 November 12, 2015, General Meeting.**
5. **Introduction and welcome of Brian Soublet, Chief Counsel and Deputy Director of the Legal Affairs Division, Department of Motor Vehicles - Board Development Committee.**

6. **Discussion concerning the state of the automotive industry in terms of projections and legislation by Curt Augustine, Director of Policy & Government Affairs, Alliance of Automobile Manufacturers, and Brian Maas, President, California New Car Dealers Association (CNCDA) - Board Development Committee.**

7. **Oral Presentation before the Public Members of the Board.**

PUTNAM MOTORS, INC., dba PUTNAM LEXUS v. TOYOTA MOTOR SALES, U.S.A., INC.

Protest No. PR-2428-15

8. **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.

PUTNAM MOTORS, INC., dba PUTNAM LEXUS v. TOYOTA MOTOR SALES, U.S.A., INC.

Protest No. PR-2428-15

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

9. **Open Session.**

10. **Closed Executive Session.**

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

Discussion and advice from legal counsel concerning pending litigation.

CAPACITY OF TEXAS, INC. v. NEW MOTOR VEHICLE BOARD, a California State Administrative Agency; GUARANTEE FORKLIFT, INC. DBA GFL, INC.
Sacramento Superior Court No. 34-2014-80001848
California Court of Appeal, Third District Court, Case No. C080679
Protest No. PR-2361-13

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

11. **Open Session.**
12. **2016 Election of Board President and Vice President - Executive Committee.**
13. **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.**
14. **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.**
15. **Review and consideration of Board delegations in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency - Executive Committee.**
16. **Annual update on Consumer Mediation Program - Administration Committee.**
17. **Consideration of the revised *Guide to the New Motor Vehicle Board* to include information on statutory and regulatory changes - Administration Committee.**
18. **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.**
19. **Discussion regarding translating the Consumer Mediation Services portion of the website into additional languages - Administration Committee.**
20. **Status report concerning the Board's financial condition for the 1st quarter of fiscal year 2015-2016 and status on the Board's collection of its annual fees - Fiscal Committee.**
21. **Consideration of out-of-state travel plans for fiscal year 2016-2017 - Fiscal Committee.**

22. **Discussion and consideration of the upcoming Industry Roundtable - Government and Industry Affairs Committee.**
23. **Consideration of 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.**
24. **Consideration of the *Export or Sale-For-Resale Prohibition Policy Protest Guide* (Vehicle Code section 3085, et seq.) - Policy and Procedure Committee.**
25. **Consideration of 2016 Rulemaking Calendar - Policy and Procedure Committee.**
26. **Annual report concerning Board adopted policies - Policy and Procedure Committee.**
27. **Consideration of the 2016 edition of the *New Motor Vehicle Board Administrative Law Judges' Benchbook* - Policy and Procedure Committee.**
28. **Annual report on the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee.**
29. **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.
30. **Selection of Board meeting dates for 2016.**
31. **Public Comment. (Gov. Code § 11125.7)**
32. **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 Makalla Turner at (916) 445-1888 or mturner@nmvb.ca.gov.