STATE OF CALIFORNIA

MEMO

To : POLICY AND PROCEDURE COMMITTEE **Date:** January 4, 2016
BISMARCK OBANDO, CHAIR
KATHRYN DOI, MEMBER

From : WILLIAM G. BRENNAN
ROBIN PARKER

Subject: ANNUAL REPORT CONCERNING BOARD ADOPTED POLICIES

Over the years, the Board has adopted a wide range of policies pertaining to Board operations. While these policies do not have the force of law, they serve as guides to the Board and staff. In addition, they may be modified or waived as the Board determines appropriate. The staff has consolidated the policies into a single document for purposes of consistency and to educate new members.

The enclosed summary provides the Board with an opportunity to review the policies and suggest changes as deemed appropriate. The changes from 2015 are noted in underline and strikeout font; they pertain to the adoption of updated publications, and reflect that the In-Site will be published bi-annually. There were no substantive changes.

This matter is being agendized for informational purposes only and no Board action is required.

If you have any questions or require additional information, please to not hesitate to contact me at (916) 324-6197 or Robin at (916) 323-1536.

Enclosure

cc: Glenn Stevens

NEW MOTOR VEHICLE BOARD ADOPTED POLICIES

Since 1996, the New Motor Vehicle Board ("Board") has adopted a wide range of policies pertaining to Board operations and practices. They supplement State and Department of Motor Vehicles (herein "Department" or "DMV") policies, and pertain to issues unique to Board operations. While these policies do not have the force of law, they serve as guides to the Board and staff.

BOARD MEETINGS		
CATEGORY	**POLICY**	**DATE**
Bagley-Keene Open Meeting Act Education and Compliance	The Office of the Attorney General recommended that the Board appoint a full-time employee of the Board who is an attorney as the Bagley-Keene compliance officer, rather than hire outside services. In order to comply with this recommendation, the General Counsel[1] is the Bagley-Keene Compliance Officer with responsibility for Board member education and compliance. The Bagley-Keene Open Meeting Act requires that all state bodies "designate a clerk or other officer or employee of the state body, who shall then attend each closed session of the state body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting." In order to ensure compliance, the General Counsel is responsible for maintaining the closed meeting minutes in accordance with the Bagley-Keene Open Meeting Act.	July 12, 1996; May 25, 2000
Board Meeting Procedures	The Board approved Parliamentary Procedures are to be utilized in the conduct of its meetings. In the event that a procedural issue arises which is not covered by the Parliamentary Procedures, the relevant provision(s) of Robert's Rules of Order, The Modern Edition (1989 Version) will control the situation to which the issue applies. The Board revised the Parliamentary Procedures to reflect the changes in organizational structure and the procedure for debate and voting.	March 18, 1997 - Business, Transportation & Housing Agency[2] Audit Recommendation 7; January 8, 2003; September 27, 2011

[1] Robin Parker, Senior Staff Counsel, is performing all of the duties previously assigned to the Board's General Counsel including but not limited to the Bagley-Keene Compliance Officer, maintaining the closed meeting minutes in accordance with the Bagley-Keene Open Meeting Act, the Audit Compliance Officer, and coordinating with the DMV's Chief Counsel in the event the Board elects to request DMV to take disciplinary actions against a licensee for failure to file statutorily mandated schedules and formulas.

[2] Business, Transportation & Housing Agency was superseded by the California State Transportation Agency on July 1, 2013.

CATEGORY	POLICY	DATE
Board Meeting Procedures -continued-	The presiding Administrative Law Judge ("ALJ") shall prepare a decision cover sheet/analysis which is provided to members with their meeting materials when a proposed decision or ruling is agendized. The decision cover sheet/analysis should be limited to two pages and not contain a recommendation.	December 8, 1998; May 25, 2000
Dealer Member Participation in Recreational Vehicle ("RV") Protests and Petitions	Dealer Board members may not participate in petitions involving RV licensees. Dealer members of the Board will participate in, hear, comment, or advise other members upon, or decide protests between RV dealers and franchisors, unless a Dealer Member also has an interest in an RV dealership in which case the Dealer Member will recuse himself or herself from participation in the matter, unless the parties stipulate to such participation. A stipulation concerning such participation was adopted.	December 11, 2003; January 31, 2007; March 28, 2007; November 15, 2007
Public Comment During Consideration of Proposed Decision, Order, or Ruling Conducted Pursuant to the Administrative Procedure Act	In compliance with section 11125.7, each agenda item other than an item that requires Board consideration of a proposed decision, ruling, or order, the President or presiding officer shall invite public comment after the item has been presented by staff. The President or presiding officer of the meeting may limit the number and/or the duration of the public comment or comments depending on the time constraints and size of the agenda. The following language is to be inserted into the President's or presiding officer's introductory statement prior to Board consideration of a proposed decision, ruling or order, as follows: "Comments by the parties or by their counsel that are made regarding any proposed decision, ruling, or 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. Members of the public may not comment on such matters."	September 10, 2009; February 4, 2010

BOARD MEMBERS		
CATEGORY	**POLICY**	**DATE**
Board Development	In order to ensure familiarity with Board operations and the new motor vehicle industry in general, the Board will provide new member orientation and ongoing educational seminars to new and existing members.	July 18, 2000
Gifts and Honoraria	The Board shall comply with the statutory requirements of the Political Reform Act. In general, the Act provides for a limitation on gifts received by state board members as follows: ▪ Gifts provided for or arranged by a lobbyist or lobbying firm if the lobbyist or firm are registered to lobby the member or the employee's agency are prohibited if the aggregate value exceeds $10 per calendar month from a single lobbyist or lobbying firm. ▪ State board members and designated staff may not accept gifts aggregating more than $420[3] from any other single source if that gift would have to be reported on the recipient's Statement of Economic Interest (Form 700). Gifts received from a single source, totaling $50 or more in a calendar year generally must be reported. The definition of "single source" is set forth in the NMVB Conflict-of-Interest, Appendix B – Disclosure Category which was approved by the Fair Political Practices Commission July 3, 2013, and the Secretary of State on July 24, 2013. The amendments were operative August 23, 2013. With regards to honoraria, the Act provides that members of state boards may not receive honoraria from any source that would be required to be reported on the Form 700 for that official.	April 27, 2001; March 23, 2010

[3] The gift amount is $460.00 (2 CCR §§ 18700 and 18940.2). For purposes of Government Code section 89503, the adjusted annual gift limitation of $460.00 is in effect January 1, 2015, through December 31, 2016.

COURT PROCEEDINGS		
CATEGORY	**POLICY**	**DATE**
Court Participation on Issues of Interest to the Board	The Board, as a general rule, should not substantively participate in mandamus actions in which a Board decision is challenged. When the Board renders a final decision which is challenged by way of a petition for writ of administrative mandamus, and an important State interest is not raised in the mandamus proceeding, then the Board shall notify the parties to the proceeding of the Board's policy not to appear in the mandamus action, and request that the parties so notify the court and keep it on the proof of service list. As such, unless the court specifically requests otherwise, the Board would not file any pleadings in the court action, which would obviate the necessity of involvement by the office of the Attorney General. However, in mandamus actions in which an important State issue is raised, the Board would have the option to participate by the filing of pleadings opposing the petition and by presenting oral arguments on only those limited issues affecting the State interest. In such situations, prior to Board participation, the matter would be presented to the full Board for review at a regularly scheduled meeting of the Board. In the absence of sufficient time for consideration at a noticed Board meeting, the President, or a Board member designated by the President, can authorize the filing of appropriate pleadings in opposition to the petition and/or the presentation of oral arguments. When this occurs, a copy of the petition and supporting documents would be mailed to each Board member with an indication that the President, or his or her designee, has authorized Board participation. Any Board member who objects to Board participation would then immediately so notify staff and the matter would be scheduled for discussion at either the next general meeting of the Board or, if three public members request, then at a special meeting of the Board. Any appearance by the Board would be made by the office of the Attorney General or, with the consent of the Attorney General, by the Board's own counsel.	October 22, 1996, February 12, 1997; March 18, 1997 - Business, Transportation & Housing Agency Audit Recommendation 5

CATEGORY	POLICY	DATE
Court Participation on Issues of Interest to the Board -continued-	When a Dealer Member is President, only those matters in which a Dealer Member would be disqualified from having heard in the first place are delegated. Furthermore, if you have a Dealer Member as Board President, and a Public Member as Vice President, then the designation should automatically go to the Vice President.	June 26, 2008
Filing Amicus Briefs	The Board will not file any amicus briefs without the consent of Business, Transportation & Housing Agency ("Agency"). As a prerequisite to requesting the consent of Agency, the Board must (a) discuss and approve the consent request at a noticed public meeting, or (b) in the case where time constraints do not permit the foregoing the President may authorize the request for consent. In any instance when the President authorizes the request, a notice shall be immediately sent to Board members. If any member seeks immediate review of this action, the member may request that the President call a special meeting of the Board to discuss the matter. If there is no such immediate review requested, the matter will be included in the agenda of the next regularly scheduled Board meeting. If the Board determines that it does not want to file the amicus brief, the request for consent will be withdrawn.	July 12, 1996 - Business, Transportation & Housing Agency Audit Recommendation 4
CONSUMER MEDIATION PROGRAM		
Consumer Mediation Program	The goal of the Consumer Mediation Program is to informally mediate solutions to disputes between consumers and new car dealers, manufacturers, and distributors. Staff will provide consumers information on the Lemon Law, and refer such complaints to the appropriate entity for resolution. Complaints for which other agencies have exclusive jurisdiction will also be referred to those agencies. Program activities will not be advertised, nor will consumer newsletters be disseminated. Rather, activities will be based on referrals from other agencies and sources. Vehicle Code section 3078 requires that the staff recommend to a member of the public that he or she consult with the Department of Consumer Affairs when seeking a refund involving the sale or lease of, or a replacement of, a recreational vehicle. The Board adopted the use of a Mediation Checklist for Recreational Vehicle	December 8, 1998 - Business, Transportation & Housing Agency Audit Recommendation 1 and 10. April 22, 2004

CATEGORY	POLICY	DATE
Consumer Mediation Program -continued-	Jurisdiction when dealing with complaints from the public regarding RVs. The checklist will enable staff to guide the consumer through key Lemon Law criteria, and enable the consumer to choose the proper course of action to pursue. An inter-agency memo will be sent to agencies the Board refers to and those that refer to the Board to reinforce the Board's jurisdiction and services offered by the Consumer Mediation Program.	May 26, 2011
HEARING OFFICERS/ADMINISTRATIVE LAW JUDGES[4]		
Appointment of Hearing Officers	Under section 590 of Title 13 of the California Code of Regulations, Robin Parker, Senior Staff Counsel, was appointed by the Board as a hearing officer for the purposes of conducting pre-hearing conferences, rulings on discovery objections, and mandatory settlement conferences. Anthony Skrocki was designated the Law and Motion Administrative Law Judge responsible for hearing all pre-hearing and discovery motions. In the event of Judge Skrocki's unavailability, an "Alternate Law and Motion ALJ Assignment Log" was established with Judges Hagle and Wong. Robin Parker was added to the "Alternate Law and Motion ALJ Assignment Log" and authorized to preside over law and motion matters in the event no other ALJ is available within a reasonable timeframe and the parties so stipulate.	August 21, 1997; September 30, 2004; June 26, 2008; November 20, 2008
	In January 2005, the Board appointed three Administrative Law Judges: Richard J. Lopez;[5] Jerold A. Prod;[6] and Norman Gregory (Greg) Taylor.[7] Marybelle Archibald[8] was also appointed, as was Diana Woodward Hagle. Linda Waits was also appointed as an ALJ (she resigned in October	January 26, 2005; September 21, 2005; April 5, 2006; December 13, 2007; September 27,

[4] The term hearing officer and Administrative Law Judge are used interchangeably throughout this document. Effective January 1, 2004, references to "hearing officer" were changed to "administrative law judge" in Vehicle Code sections 3000 et seq. The Board's regulations and job classifications for hearing officer were also changed to Administrative Law Judge.

[5] Due to a work-related conflict, Judge Lopez resigned from the Board effective June 30, 2007. Judge Lopez was removed from the MSC and Merits Judge Assignment Logs.

[6] Judge Prod retired in August 2013, so he was taken off all of the assignment logs.

[7] Due to a work-related conflict, Judge Taylor resigned from the Board. However, in August 2006, Judge Taylor was hired on a contract basis and was available on an initial six-month basis. An extension of this contract was granted until May 14, 2007. On May 1, 2007, Judge Taylor was removed from the MSC and Merits Judge Assignment Logs.

[8] In March 2011, Judge Archibald resigned effective after the completion of the Proposed Decision and Proposed Decision Following Remand in *Shayco, Inc., dba Ontario Volkswagen* v. *Volkswagen of America, Inc.*, Protest No. PR-2265-10.

CATEGORY	POLICY	DATE
Appointment of Hearing Officers -continued-	2010). In September 2011, the Board appointed three Administrative Law Judges: Lonnie M. Carlson (he resigned in October 2014), Kymberly M. Pipkin and Victor D. Ryerson. These judges have been added to all of the assignment logs.	2011
Case Assignments	The Board ALJs (excluding Robin Parker and Anthony Skrocki) will preside over merits hearings. To preserve the random selection of ALJs as well as the even distribution of cases, ALJs will be assigned on a rotational basis at the Hearing Readiness Conference utilizing an assignment log similar to the Merits Judge Substitution Log adopted by the Board at its January 8, 2003, meeting. If the judge selected to preside over the next hearing is not available, the Board will attempt to schedule the merits hearing with the next Board ALJ on the log. If for any reason no judge is available, the hearing will be scheduled with an OAH Judge. The new ALJs will be assigned utilizing this process.	September 30, 2004; April 21, 2005
	On an interim basis, ALJs will be assigned based upon a Merits and MSC Judge Assignment Log. All of the ALJs (Archibald, Lopez and Prod until they resigned) were assigned to the respective logs. The effectiveness of this interim system was reported at the March 8, 2006, General meeting. Diana Woodward Hagle was added to the assignment logs, as was Judge Taylor until his contract expired. Judge Wong requested that she be added to the MSC Log.	November 16, 2005; April 5, 2006; September 28, 2006
	The assignment logs were updated as follows: ▪ If an ALJ's case resolves prior to the commencement of the hearing but after assignment of the matter, the ALJ is inserted first in the rotation so that he or she would be the next ALJ to receive the first opportunity to preside over a merits hearing. ▪ If an ALJ must decline presiding over a merits hearing because he or she was the Mandatory Settlement Conference ALJ, then the ALJ is inserted back into the rotation. Once the merits hearing in which	February 4, 2014

CATEGORY	POLICY	DATE
Case Assignment s -continued-	▪ the conflict arose is assigned; the ALJ with the conflict would be the next judge to receive the first opportunity to preside over a merits hearing. ▪ An Alternative Merits Judge Assignment Log with Merilyn Wong was created.	
Cited Proposed Decisions/ Rulings/Orders	Historically, the Board staff has prepared two versions of proposed decisions, rulings, and orders. One version contained citations to the record and the other version did not. The Board staff will prepare only one version of proposed decisions, rulings, and orders that contains citations to the record. Additionally, the following sentence will be included in all Board issued proposed decisions, rulings, and orders: "The references to testimony, exhibits, or other parts of the record contained herein are examples of the evidence relied upon to reach a finding, and are not intended to be all-inclusive."	January 26, 2006
Hearing Officer Selection	The following process shall be used in the examination and selection of Board Hearing Officers. (1) The civil service testing panel for the hearing officer classification shall consist of, at a minimum, one member of the Board, one Board employee approved by the Board, the Department's designated representative from its Human Resources Branch (who serves as panel chairman), and a public member assigned from a list certified by the State Personnel Board. (2) Once the civil service list for the classification has been certified by the Department, the actual hiring interview will be conducted by the Administration Committee of the Board. (The Board may also wish to appoint an alternate Board member to this committee in the event that one of the committee members is unavailable for the hiring interview). This committee may request that a member of the Board's executive staff participate in this process as well. (3) Once the hiring committee selects one or more qualified and desirable applicants from the list,	December 8, 1998; November 28, 2000

CATEGORY	POLICY	DATE
Hearing Officer Selection -continued-	these individual(s) will be requested, if practical, to attend the next scheduled General Meeting of the Board, at which time they will be asked to make a brief presentation to the Board concerning their qualifications and experience. Members of the Board will be given an opportunity to ask questions of these applicants. The Board members will then vote on whether to actually hire these individuals as hearing officers. If one or more of the applicants are hired, the Board will then modify the numerical designation on the hearing officer list to assign a number or numbers to the new hearing officers.	
Reclassification of Hearing Officer to Administrative Law Judge	The Hearing Officer series specification which includes Hearing Officer I, Hearing Officer II, and Chief Hearing Officer was changed to an Administrative Law Judge class with two salary ranges, Range A and Range B. This change was necessitated by the passage of Assembly Bill 1718 (Chaptered September 22, 2003) that transferred the authorization granted to a hearing officer to an Administrative Law Judge and deleted references to hearing officer in the Vehicle Code. Also, the responsibilities and duties assigned to incumbents of the Hearing Officer class were no longer an accurate representation. Implementation of this change will require approval of the State Personnel Board and the Department of Personnel Administration, which was completed September 2012.	November 7, 2003
Source of Board Hearing Officers	The Board will utilize Board Hearing Officers (Administrative Law Judges) as opposed to judges from the Office of Administrative Hearings ("OAH") because it is more efficient, cost effective, and affords the parties an effective means to resolve disputes. Using Board Hearing Officers that have a full understanding of the franchise relationship, the automotive industry, terminology, practices, and the law, is of obvious benefit to the Board and litigants. Other factors include: (1) costs for hearing officers, court reporters, and transcripts; (2) turnaround time for hearing dates and proposed decisions or rulings; and (3) unlike the Board, OAH is not involved in discovery unless the parties file a motion requesting its involvement.	August 20, 1996; December 8, 1998; May 25, 2000 - Business, Transportation & Housing Agency Audit Recommendation 1

CATEGORY	POLICY	DATE
Separation of Powers	The Board rules prevent the Administrative Law Judge at a settlement conference from presiding at the hearing on the merits or in any proceeding relating to motions for temporary relief or interim orders unless otherwise stipulated by the parties (13 CCR § 551.11).	September 9, 1998
CASE PROCESSING		
Administrative Procedure Act	To ensure compliance with the Administrative Procedure Act, the Board has adopted the following discretionary procedures: ▪ Alternative Dispute Resolution (Government Code section 11420.10, et seq.), which allows the Board, with the consent of all the parties, to refer a dispute to mediation by a neutral mediator, binding arbitration by a neutral arbitrator, or nonbinding arbitration by a neutral arbitrator. Informal Hearings (Government Code section 11445.10, et seq.), which allows the Board to permit informal hearings in certain limited instances. The informal hearing procedure provides a forum in the nature of a conference in which a party has an opportunity to be heard by the presiding officer. ▪ Declaratory Decisions (Government Code section 11465.10, et seq.), which provides for issuance of a declaratory decision as to the applicability to specified circumstances of a statute, regulation, or decision within the primary jurisdiction of the Board.	August 21, 1997
Case Management Procedures	In an effort to ensure the expeditious management of protests and petitions, staff will refer, as necessary, a specific matter to the appropriate ALJ for review, and/or staff will report the status of the case to the Board as an agenda item at a scheduled Board meeting to allow for Board action and the opportunity for the parties to appear and comment. In an effort to ensure that protest matters proceed to hearing within the statutorily mandated time frame, the Board staff is directed to adhere to the mandates of Vehicle Code section 3066, which provides that hearings may not be postponed beyond 90 days from the Board's original order setting the hearing date, and Title 13 of the California Code of Regulations section 592	April 27, 2001

CATEGORY	POLICY	DATE
Case Management Procedures -continued-	which provides that hearings may not be continued within 10 days of the date for hearing except in extreme emergencies. Any request for a continuance which would violate the above referenced sections or when it appears that it would be beneficial to the expeditious management of the case will be referred to the assigned "merits" ALJ for review. Petition matters that do not proceed to hearing within a reasonable period of time will also be referred to the assigned "merits" ALJ for review.	
Case Assignment Reports	In order to ensure that the mechanism for assigning cases to Board ALJs is working fairly and efficiently, the Board will receive periodic updates on the status of assigning cases to Board ALJs.	September 12, 2000; November 28, 2000
Review of Case Status	The legal staff will review the status of all cases that are at least one year old no less frequently than once each quarter. The parties will be contacted informally or a telephonic Status Conference will be noticed to ascertain what action, if any, the Board can take to resolve the dispute.	July 12, 1996
ADMINISTRATION		
Acceptance of Credit Card Payments	The Board will allow the acceptance of credit card payments for all Board fees and costs subject to Master Service Agreements (13 CCR § 553.40).	April 26, 2002; February 2005
Administrative Law Judge Guide	The Board will establish and maintain a *New Motor Vehicle Board Administrative Law Judges' Benchbook*.	April 26, 2002; March 11, 2003; March 9, 2004; March 8, 2005; March 8, 2006; March 28, 2007; May 2, 2008; April 23, 2009; June 15, 2010; December 13, 2011; March 20, 2012; March 13, 2013; July 15, 2014; March 25, 2015

CATEGORY	POLICY	DATE
Annual Board Fee in Light of Two-Year License Renewal	The Annual Board fee of $225.00 for dealers and $0.338 per vehicle sold in California, with a minimum of $225.00, for manufacturers and distributors will remain unchanged in light of the Department of Motor Vehicles two-year Occupational License renewal.[9]	September 21, 2005
Annual Board Fee Waiver Criteria	The Board will exempt from collection of its annual fee all manufacturers or distributors of motor vehicles (including motorcycles, recreational vehicles, and all-terrain vehicles) within the purview of its jurisdiction who do not have independent dealers in California or do not sell vehicles in California (13 CCR § 553(b)). Although a manufacturer or distributor may be exempt from collection of the annual Board fee, the Board will continue to exercise jurisdiction over these licensees. An annual questionnaire (Data Summary Form) will be sent to all exempted licensees concerning whether they have dealers or sold vehicles in California during the prior calendar year.	September 6, 2001; see also amendment to 13 CCR § 553(b) operative September 2003
Arbitration Certification Program Fee Collection	The Board will exercise its discretion to collect or not collect fees when the amount to be collected is nominal, and provide the Department of Consumer Affairs, Arbitration Certification Program with an accounting of the manufacturers and the amounts owed but not collected as a result of the Board exercising its discretion.	January 31, 2007
Audit Compliance Officer	The Board has designated the General Counsel[10] to service as its Audit Compliance Officer to ensure that all facets of the 1996 Business, Transportation & Housing Agency Performance Audit are complied with. This includes the Corrective Action Plan Committee's proposal which was adopted by the Board at its December 8, 1998, General meeting, and the Audit Review Committee's recommendations concerning restructuring the senior management positions which were adopted at the May 25, 2000, General meeting. This report was made an exception report.	November 20, 2008; May 26, 2011

[9] At its February 4, 2011, General Meeting, the members approved reinstating the Annual Board Fee per manufacturer or distributor to $.45 per vehicle with a minimum of $300.00 and the dealer fee to $300.00. This proposed rulemaking was effective March 30, 2012.

[10] See footnote 1.

CATEGORY	POLICY	DATE
Budget Process	The Fiscal Committee will meet each May to review the Board's proposed budget. Consideration of the budget will be agendized each June. This enables the Board to take a more active role in the budget process.	September 7, 2007
Delegation in Compliance with the 1996 Performance Audit Conducted by Business, Transportation & Housing Agency	The Audit recommended that "Delegation authorities should be formally adopted by the Board. Delegations which include signature authority should specify transaction type or dollar limits where applicable and should distinguish between the granting of powers reserved to the Board and duties arising from existing statutory provisions already reserved to individuals". In November 1996, the Budget and Finance Committee (Joe Drew and Lucille Mazeika) prepared an analysis of the duties of the Board members and staff that was adopted by the Board at its March 18, 1997, General Meeting. The Committee considered all of the duties of the Board and staff, and recognized those which, by statute or regulation, are retained by the Board or are already delegated to designated individuals.	March 18, 1997 - Business, Transportation & Housing Agency Audit Finding 15
	At its November 20, 2008, General Meeting, the members adopted revised delegations with updated statutory language and formal Board delegations of duties that occurred at noticed meetings.	November 20, 2008
	At its September 10, 2009, General Meeting, the members adopted the revised delegations that included minor grammatical changes. Additionally, the "Administrative Duties" delegation pertaining to "Procurement" was revised to delegate to the Executive Director "the authority to procure any necessary equipment, supplies, and services up to the amount budgeted in a line item of the Board's approved budget. If, due to extenuating circumstance, the necessary expenditure exceeds the amount budgeted, the Executive Director shall contact the members of the Fiscal Committee by telephone and discuss this matter. The Committee may authorize the procurement which may then be ratified by the full Board at its next regularly scheduled meeting."	September 10, 2009
	This matter was made an exception report.	May 26, 2011

CATEGORY	POLICY	DATE
Delegation in Compliance with the 1996 Performance Audit Conducted by Business, Transportation & Housing Agency -continued-	Senate Bill 155 (chaptered October 3, 2013 and effective January 1, 2014), made a number of non-substantive and substantive changes that resulted in updated delegations being adopted at the July 15, 2014, General Meeting.	July 15, 2014
Delegation of Authority Concerning Promulgating Regulations	The Board will delegate to the Executive Director the ministerial duty of proceeding through the rulemaking process in compliance with the Administrative Procedure Act. All substantive changes to the proposed text suggested by Board staff, the public, or the Office of Administrative Law will be brought before the members at the next meeting. Non-substantive changes suggested by the Office of Administrative Law or staff will be submitted to the Executive Committee for consideration and ultimately reported to the Board at the next meeting.	April 26, 2002
Document Requests	The Board will charge fees for document requests that are consistent with Evidence Code section 1563, and all fees for document requests that total $10.00 or less (less than 40 pages and less than 15 minutes of actual labor) will be waived by the Board, subject to review and approval by the Executive Director.	October 22, 1996; September 6, 2001; December 13, 2006
Document Retention Policy	The Board adopted Document Retention Policy: ▪ The Board's judicial and administrative case files will be retained in their entirety, including exhibits and transcripts, at the Board's offices for a period of ten years after the case is no longer active. ▪ After the expiration of the ten-year period, all Final Decisions along with all briefs submitted at the close of the administrative record will be separately retained as permanent public records, and stored at the Board's offices. The remainder of each file, i.e., exhibits and transcripts, will then be confidentially destroyed. ▪ Records of consumer complaints that are received by the Mediation Services Program will be retained for three years after the case is closed followed by confidential destruction. ▪ Administrative records including, but not limited to, budget reports, travel expense claims, purchase agreements, and property	October 29, 2002

CATEGORY	POLICY	DATE
Document Retention Policy -continued-	survey reports, will be retained, in the Board's offices for eight years from the end of the fiscal year in which the document was prepared, followed by confidential destruction. ▪ Employee personnel files, which include documents relating to health benefits, payroll deductions, performance appraisals, and the like, will be retained for eight years beyond separation followed by confidential destruction.	
Electronic Public Mailing List	The Board will maintain a permanent Electronic Public Mailing List.	September 6, 2001
Employee Recognition	The Board will utilize an Employee Recognition Award Program to recognize staff members for their outstanding accomplishments. On at least an annual basis, employee nominations based on merit are submitted to the Board Development Committee and a recipient is selected in coordination with the Executive Director. The Employee Recognition Award program was renamed the "Solon C. Soteras Employee Recognition Award".	July 18, 2000; September 30, 2004; March 8, 2006
Facsimile Document Requests	There will be no charge for document requests sent via facsimile. However, if an individual required an excessive number of documents be sent via fax, then he or she could be referred to an attorney support service.	December 13, 2006
Financial Reports	In order to keep the Board apprised of its financial condition, the Board will receive quarterly financial updates at regularly scheduled Board meetings.	May 25, 2000; July 18, 2000
In-Site Newsletter	In order to advise dealers, manufacturers, distributors, and other interested parties about the Board, a newsletter, the *In-Site*, will be published ~~quarterly~~ bi-annually (January and August.) The *In-Site* should emphasize Board activities, cases, and decisions.	June 8, 1999; November 28, 2000; June 17, 2015
Information Security	The Executive Director is the Liaison Information Security Officer and responsible for ensuring compliance with information security procedures. This ensures that the Board complies with the Government Code that requires each agency have an officer who is responsible for insuring that the organization's systems and procedures are in compliance.	August 20, 1996; December 12, 2000

CATEGORY	POLICY	DATE
Informational Materials	The Board will establish and maintain a *Guide to the New Motor Vehicle Board* and any necessary related materials.	February 12, 1997 - Business, Transportation & Housing Agency Audit Recommendation 13; February 26, 1999; September 6, 2001; December 5, 2002; December 11, 2003; December 16, 2004; January 26, 2006; January 31, 2007; February 11, 2008; April 23, 2009; February 4, 2010; September 27, 2011; March 20, 2012; January 22, 2013; April 9, 2014; February 11, 2015
	The Board will establish and maintain an *Informational Guide for Manufacturers and Distributors* that assists factory personnel in complying with California's franchise laws including the statutorily required notices.	September 6, 2001; January 8, 2003; March 9, 2004; January 26, 2005 and 2006; January 31, 2007; February 11, 2008; April 23, 2009; February 4, 2010 and 2011; March 20, 2012; January 22, 2013; April 9, 2014; February 11, 2015
Internal Board Audits	In order to ensure that the Board is scheduled for audits at predetermined fixed intervals, the Board will be considered one of the divisions of DMV for purposes of scheduled compliance audits.	February 12, 1997
Legislative Policy	The Board will participate in industry discussion of legislation if requested, but it will not take a formal position on any particular bill. This will ensure that the Board explains its operations and helps the parties better understand what the fiscal and operational ramifications, if any, will be.	August 20, 1996

CATEGORY	POLICY	DATE
Licensees for Purposes of Collecting Annual Board Fees	In an effort to ensure those entities that can benefit from the Board's assertion of jurisdiction are properly assessed fees, those licensees that manufacture or distribute products that are legally outside of the Board's jurisdiction because they do not produce motor vehicles regularly used on highways, would be eliminated from the Board's jurisdiction for purposes of collecting the annual Board fee (13 CCR § 553).	April 27, 2001
Mission and Vision Statements	It is the "mission" of the New Motor Vehicle Board to enhance relations between dealers and manufacturers throughout the state by resolving disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner. It is the "vision" of the New Motor Vehicle Board to safeguard for the Board's constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves industry relations and reduces the need for costly litigation, and thereby further reducing the burden on California taxpayers. Assist consumers in mediating concerns with dealers, manufacturers, and distributors licensed by the California Department of Motor Vehicles. Develop methods that further improve the delivery of Board services in a timely and cost-effective manner. Educate Board members concerning industry matters, which further improve the Board's ability to equitably resolve industry disputes.	March 6, 2001; April 24, 2003; April 22, 2004; March 8, 2005; March 8, 2006; March 28, 2007; June 26, 2008; April 24, 2009; June 5, 2009; March 23, 2010; March 29, 2011; March 20, 2012; May 22, 2012; March 13, 2013; April 9, 2014; March 25, 2015
Out-Of-State Travel	The Board will approve the budgetary allotment for and participation in any out-of-state travel. It will review all out-of-state travel proposals prior to the time the requests for out-of-state travel are submitted to Agency. Prior Board review and approval will also be obtained when any previously approved out-of-state trip is modified as to time, individuals traveling, or destinations.	July 12, 1996 - Business, Transportation & Housing Agency Audit Recommendation 19
Statutorily Mandated Schedules or Formulas	The Board approved the following policy to address manufacturers and distributors who are not in compliance with the filings required by Vehicle Code sections 3064/3074 (current delivery and preparation obligations (PDI) and PDI schedule of compensation) and 3065/3075 (warranty reimbursement schedule or formula).	December 13, 2007

CATEGORY	POLICY	DATE
Statutorily Mandated Schedules or Formulas -continued-	The policy for achieving compliance is as follows: (1) Send an initial notice in January of each year directed to all manufacturers identified by the DMV as being within the Board's jurisdiction and having dealers in California. Manufacturers with current filings, i.e., less than three years old, will also receive the notice to encourage current up-to-date filings. The manufacturers will have eight (8) weeks from the date of the notice to submit compliant documents. (2) Send a "Second Notice" to all manufacturers who have not responded or do not already have current documents on file with the Board, giving the manufacturers an additional four (4) weeks from the date of the letter to comply. (3) Send a "Third and Final Notice to all noncompliant manufacturers explaining that the matter will be placed on the Board's next agenda for Board consideration as to whether or not to exercise the Board's authority under Vehicle Code section 3050(c) unless compliant filings are received within two (2) weeks from the date of the letter. (4) If compliant filings are not timely submitted, the matter will be placed on the Board's next agenda and a letter will be sent via Certified Mail, Return Receipt Requested, to the licensee along with a copy of the agenda. (5) At the noticed Board meeting, the members will determine whether to request that the DMV withhold the renewal and/or suspend the existing occupational license of the manufacturer for failure to comply with the pertinent Vehicle Code sections. (6) If the Board decides to seek licensing action, the Board's General Counsel[11] will coordinate with the DMV's Chief Counsel to have the DMV take disciplinary actions against the licensee.	

[11] See footnote 1.

CATEGORY	POLICY	DATE
Transcript Policy	The Board will allow the parties to purchase transcripts directly from the court reporter. The Board will continue to purchase transcripts from the court reporting service. For all merits hearings and dispositive motions, reporting costs including transcript fees, appearance and transcript delivery fees, per diem costs, Realtime set-up fees, expedite rates, and cancellation fees will be allocated as follows: 1. For the first hearing day (merits or dispositive motion), the Board will be responsible for arranging reporting services, paying for the reporter's appearance fee, the delivery fee and any other costs excluding Realtime set-up fees, and the Board's cost of the hearing transcript. Counsel will remain responsible for purchasing their own transcript, if desired. 2. For each subsequent day, the Board will arrange reporting services and will order the parties, on an equal basis, to pay the contracted court reporter service for the reporter's appearance fee, the delivery fee and any other costs including Realtime set-up fees, and the Board's cost of the hearing transcript. Counsel will remain responsible for purchasing their own transcript(s), if desired. 3. In any other instance, where any party or parties deem reporting services necessary (including requests for reporter's appearance and for transcripts), the requesting party (or parties on any basis they agree upon) will be responsible for arranging reporter services and will be responsible for payment to the reporting service of the reporter's appearance fees, the delivery fee, and any other costs. Counsel can utilize the Board's contracted reporting service. The requesting party or parties will also be responsible for providing the Board with a certified copy of the transcript. Counsel will remain responsible for purchasing their own transcript(s), if desired. These revisions are effective July 1, 2013.	March 12, 2002, April 26, 2002 March 20, 2012, June 26, 2013

CATEGORY	POLICY	DATE
Website	On the Board's website, consumers can access the Board's Consumer Mediation Pamphlet in Spanish.	September 21, 2005