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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board (“Board”) held a General meeting on November 12, 2015, in Hearing Room #1, at the Board’s offices.

2. **ROLL CALL**

Glenn Stevens, President and Public Member, called the meeting of the Board to order at 10:41 a.m.

Present: Kathryn Ellen Doi
Rahim Hassanally (arrived 11:40 a.m.)
David C. Lizárraga
Bismarck Obando (arrived 12:07 p.m.)
Victoria Rusnak
Glenn E. Stevens

William G. Brennan, Executive Director
Robin P. Parker, Senior Staff Counsel
Danielle R. Vare, Staff Counsel

Absent: Ramon Alvarez C.
Ryan L. Brooks
Anthony A. Batarse Jr.

Mr. Brennan indicated that there was a quorum for Agenda Items 20-24, since only the Public Members could participate but that there wasn’t a quorum for the administrative matters. A full quorum was expected by 11:00 a.m.

3. **PLEDGE OF ALLEGIANCE**

This matter was postponed until after Agenda Item 25.

4. **APPROVAL OF THE MINUTES FROM THE JUNE 17, 2015, GENERAL MEETING, AND AUGUST 27, 2015, SPECIAL MEETING**

This matter was postponed until after Agenda Item 25.

5. **INTRODUCTION OF MICHAEL GOWE, DEPUTY ATTORNEY GENERAL, ASSIGNED TO THE BOARD - BOARD DEVELOPMENT COMMITTEE**

This matter was postponed until after Agenda Item 25.

6. **REPORT ON NON-SUBSTANTIVE CHANGES TO THE PROPOSED REGULATORY TEXT OF SECTION 551.21 OF TITLE 13 OF THE CALIFORNIA CODE OF REGULATIONS - EXECUTIVE COMMITTEE**

This matter was postponed until after Agenda Item 25.

7. **DISCUSSION AND CONSIDERATION OF WHO WILL ATTEND THE OUT-OF-STATE TRIPS FOR THE 2ND HALF OF FISCAL YEAR 2015-2016 THAT WERE PREVIOUSLY APPROVED BY THE BOARD- EXECUTIVE COMMITTEE**

This matter was postponed until after Agenda Item 25.

8. **ANNUAL UPDATE CONCERNING THE DEVELOPMENT AND USE OF THE BOARD'S WEBSITE - ADMINISTRATION COMMITTEE**

This matter was postponed until after Agenda Item 25.

9. **ANNUAL REPORT ON BOARD DEVELOPMENT PROGRAM - BOARD DEVELOPMENT COMMITTEE**

This matter was postponed until after Agenda Item 25.

10. **BOARD FINANCIAL CONDITION REPORT FOR THE PREVIOUS FISCAL YEAR AND STATUS REPORT ON THE BOARD'S PROPOSED BUDGET FOR FISCAL YEAR 2015-2016 - FISCAL COMMITTEE**

This matter was postponed until after Agenda Item 25.

11. **DISCUSSION AND CONSIDERATION OF THE UPCOMING INDUSTRY ROUNDTABLE - GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE**

This matter was postponed until after Agenda Item 25.

12. **DISCUSSION CONCERNING LEGISLATION - POLICY AND PROCEDURE COMMITTEE**

a. Enacted Legislation of Special Interest:

- (1) Assembly Bill 759 (Assembly Member Linder)
- (2) Assembly Bill 1178 (Assembly Member Achadjian)

- b. Pending Legislation of Special Interest:
 - (1) Assembly Bill 287 (Assembly Members Gordon, Eggman and Mark Stone; Principal Coauthor Assembly Member Wilk)
 - (2) Senate Bill 16 (Senator Beall)
- c. Enacted Legislation of General Interest: none
- d. Pending Legislation of General Interest: none
- e. Pending Federal Legislation of General Interest:
 - (1) United States House of Representatives Bill 679 (U.S. Representative Blumenauer) - Road Usage Charge Pilot Program Act of 2015
 - (2) United States House of Representatives Bill 1181 (U.S. Representative Schakowsky) - Vehicle Safety Improvement Act of 2015
 - (3) United States Senate Bill 304 (U.S. Senator Thune) - Motor Vehicle Safety Whistleblower Act
 - (4) United States Senate Bill 617 (U.S. Senator Markey) - Repairing Every Car to Avoid Lost Lives Act (RECALL Act)

This matter was postponed until after Agenda Item 25.

13. **CONSIDERATION OF PROPOSED REGULATIONS - POLICY AND PROCEDURE COMMITTEE**

- a. Definitions (13 CCR § 550);
- b. Dismissals of Petitions, Appeals, and Protests (13 CCR § 551.8);
- c. Notice of Assignment of Administrative Law Judges; Peremptory Challenges (13 CCR § 551.12);
- d. Filing Fees (13 CCR § 553.40);
- e. Hearings by Board or by Administrative Law Judge (13 CCR § 590);
- f. Notice of Hearing of Protest (13 CCR § 591); and
- g. Continuances (13 CCR § 592).

This matter was postponed until after Agenda Item 25.

14. **ANNUAL REPORT ON STAFF PARTICIPATION IN THE OUR PROMISE CAMPAIGN FORMERLY THE CALIFORNIA STATE EMPLOYEES CHARITABLE CAMPAIGN (CSECC)**

This matter was postponed until after Agenda Item 25.

15. **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.

This matter was postponed until after Agenda Item 25.

16. **SELECTION OF BOARD MEETING DATES FOR 2016**

This matter was postponed until after Agenda Item 25.

17. **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

This matter was postponed until after Agenda Item 25.

18. **OPEN SESSION**

This matter was postponed until after Agenda Item 25.

19. **PUBLIC COMMENT (Gov. Code § 11125.7)**

Tim Brownlee presented public comment prior to the Board convening in closed Executive Session. Mr. Brownlee indicated that he looked over the Proposed Decision and findings by the Superior Court and noted that it has been 1,010 days since the notice of termination was issued and the manufacturer has not been allowed to terminate GFL's franchise. The dealership continues to operate and is having commerce and commercial activity with California citizens. Mr. Brownlee indicated that there are findings by both the Board and the Court that are of concern to him such as unauthorized use of trade secrets. He hopes that the Board puts an end to the deceptive misrepresentation by a person that is licensed and who is in a position to interact with California citizens.

Denise Kendrick, the President of GFL, Inc., also presented public comments. She indicated that she has retained new counsel, Jonathan Michaels of MLG Automotive Law. He will represent GFL, Inc. in the writ and appeal that was just filed. Mr. Michaels is seeking an emergency stay of execution.

20. **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

- a. NISSAN NORTH AMERICA, INC., a California corporation v. CALIFORNIA NEW MOTOR VEHICLE BOARD, a California state agency; SANTA CRUZ NISSAN, INC., dba SANTA CRUZ NISSAN, a California corporation
Sacramento Superior Court No. 34-2014-80001963
Protest No. PR-2358-13

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

The Public Members of the Board convened in closed Executive Session. An attorney-client work product privileged memorandum from Robin Parker, Senior Staff Counsel was provided to the members to justify the closed Executive Session. The members participated in a discussion of this matter with Michael Gowe, Deputy Attorney General. No action was taken.

- b. 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
Protest No. PR-2361-13

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

The Public Members of the Board convened in closed Executive Session. An attorney-client work product privileged memorandum from Robin Parker, Senior Staff Counsel was provided to the members to justify the closed Executive Session. The members participated in a discussion of this matter with Michael Gowe, Deputy Attorney General.

Ms. Doi made a motion to file an appeal in *Capacity of Texas, Inc.* Mr. Lizárraga seconded the motion. The motion carried unanimously.

21. **OPEN SESSION**

The members returned to open session and Ms. Parker announced that the Board by unanimous vote would be filing an appeal in *Capacity of Texas, Inc. v. New Motor Vehicle Board.*

Mr. Stevens indicated that in light of this, Agenda Items 22-24 would be take off the agenda.

22. **CONSIDERATION OF PEREMPTORY WRIT OF MANDAMUS IN CAPACITY OF TEXAS, INC. v. NEW MOTOR VEHICLE BOARD; GUARANTEED (SIC) FORKLIFT, INC., DBA GFL, INC. (REAL PARTY IN INTEREST), SACRAMENTO COUNTY SUPERIOR COURT, CASE NO. 34-2014-80001848-CU-WM-GDS**

GUARANTEE FORK LIFT, INC., dba GFL, INC. v. CAPACITY OF TEXAS, INC.
Protest No. PR-2361-13

Consideration of the Sacramento County Superior Court's Peremptory Writ of Mandamus wherein the Court commanded the Board to set aside its April 10, 2014 Decision in Protest No. PR-2361-13, and remanded the matter to the Board to issue a new decision overruling Guarantee Forklift, Inc., dba GFL, Inc.'s protest thereby allowing the termination of its Capacity of Texas franchise in the above-referenced matter, by the Public Members of the Board.

This matter was taken off the agenda.

23. **ORAL PRESENTATION BEFORE THE PUBLIC MEMBERS OF THE BOARD**

GUARANTEE FORK LIFT, INC., dba GFL, INC. v. CAPACITY OF TEXAS, INC.
Protest No. PR-2361-13

This matter was taken off the agenda.

24. **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.

CONSIDERATION OF DECISION

GUARANTEE FORK LIFT, INC., dba GFL, INC. v. CAPACITY OF TEXAS, INC.
Protest No. PR-2361-13

Consideration of the Board's Decision in light of the Sacramento County Superior Court's Judgment on Writ of Mandamus, by the Public Members of the Board.

This matter was taken off the agenda.

25. **OPEN SESSION**

The Board remained in open session.

3. **PLEDGE OF ALLEGIANCE**

Mr. Hassanally led the members and staff in the Pledge of Allegiance.

4. **APPROVAL OF THE MINUTES FROM THE JUNE 17, 2015, GENERAL MEETING, AND AUGUST 27, 2015, SPECIAL MEETING**

Mr. Lizárraga moved to adopt the June 17, 2015, General Meeting minutes, and August 27, 2015, Special Meeting minutes. Ms. Doi seconded the motion. The motion carried unanimously.

5. **INTRODUCTION OF MICHAEL GOWE, DEPUTY ATTORNEY GENERAL, ASSIGNED TO THE BOARD - BOARD DEVELOPMENT COMMITTEE**

Mr. Stevens welcomed Michael Gowe, Deputy Attorney General. Mr. Gowe indicated that he has been with the Attorney General's Office since 2008. He was previously in the private sector. Michael indicated that the work he does is in the Employment and Administrative Mandate Section. He also represents the Department of Motor Vehicles. In his spare time, Michael teaches an advanced writing class at UC Berkeley and introductory law, legal writing and oral argument at Hastings.

6. **REPORT ON NON-SUBSTANTIVE CHANGES TO THE PROPOSED REGULATORY TEXT OF SECTION 551.21 OF TITLE 13 OF THE CALIFORNIA CODE OF REGULATIONS - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Robin Parker concerning non-substantive changes to the proposed regulatory text of Sections 551.21 of Title 13 of the California Code of Regulations. Ms. Parker indicated that the Executive Committee approved non-substantive changes so the staff could proceed with the rulemaking, which is pending with the Office of Administrative Law. As indicated in the memo, the changes are as follows:

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 128.5, ~~2023.010, 2023.020, 2023.030, and 2023.040~~, Code of Civil Procedure; Section 11455.30, Government Code; and Section 3050.2, Vehicle Code.

There was no Board action as this matter was for information only.

After the Board meeting, the Office of Administrative Law approved the rulemaking which is effective January 1, 2016.

7. **DISCUSSION AND CONSIDERATION OF WHO WILL ATTEND THE OUT-OF-STATE TRIPS FOR THE 2ND HALF OF FISCAL YEAR 2015-2016 THAT WERE PREVIOUSLY APPROVED BY THE BOARD- EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Bill Brennan concerning who will attend out-of-state trips for the 2nd half of fiscal year 2015-2016. As indicated in the memo, at the December 11, 2014, General Board meeting, the Board members approved the following out-of-state travel plans for the second half of fiscal year 2015-2016:

- Two trip requests are for the Executive Director and one Board member to attend the National Automobile Dealers Association Convention and Expo in March 2016, in Las Vegas, Nevada and the NAMVBC Executive Committee meeting.

The staff recommended that Mr. Brennan and one Board Member attend NADA. Mr. Brennan indicated that the NAMVBC was also having an Executive Committee meeting and it is important that he attend since he is the President.

Mr. Stevens indicated that he was planning to attend NADA and would pay his own expenses. Ms. Doi indicated the same. Mr. Brooks and Mr. Obando would need to be consulted regarding their interest in attending. The Board pays the NADA fees for all of the members who attend. Ms. Rusnak suggested that Ms. Parker attend in lieu of a Public Member. Mr. Brennan indicated that the justifications for two staff members would be difficult.

Mr. Stevens moved to authorize Mr. Brennan and one Board member, or two staff members to attend NADA; Mr. Brennan could make this determination. Ms. Rusnak seconded the motion. The motion carried unanimously.

8. **ANNUAL UPDATE CONCERNING THE DEVELOPMENT AND USE OF THE BOARD'S WEBSITE - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Eugene Ohta updating the development and use of the Board's website. Mr. Ohta reported on the number of hits to the website, and indicated that the Spanish mediation page is new. Mr. Brennan indicated that Spanish-speaking consumers are accessing the website given the increase in hits and the number of mediation complaints and calls. Furthermore, Mr. Brennan indicated that about 70% of the hits to the website are for mediation. Ms. Doi inquired whether there is any outreach to the Spanish speaking community and also if other languages should be added to the website. Mr. Brennan indicated that he would consult with DMV and report back to the Board.

As indicated in the memo, the chart below shows a comparison of the top 10 pages that were viewed during visits to the website during 2013/2014 and 2014/2015.

	Website Pages	2013/2014 Annual Hits	Website Pages	2014/2015 Annual Hits
1	Home Page	9,610	Home Page	10,550
2	Mediation	6,794	Mediation	5,817
3	Forms	929	Spanish Mediation	1,533
4	Protest	798	Forms	879
5	Board Meetings	794	Board Meetings	828
6	Board Members	775	Protests	814
7	Statutes	555	Board Members	752
8	Regulations	487	Final Protest Decisions	584
9	FAQ	477	Statutes	556
10	Site Map	117	Regulations	532

9. **ANNUAL REPORT ON BOARD DEVELOPMENT PROGRAM - BOARD DEVELOPMENT COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Danielle Vare reporting on the Board Development Program. Ms. Vare reported that she is working with Mr. Hassanally on a dealership tour, and welcomed suggestions from the members. Mr. Brennan indicated that the Industry Roundtable is in March 2016. Mr. Lizárraga suggested that training be held the same day as the meetings.

10. **BOARD FINANCIAL CONDITION REPORT FOR THE PREVIOUS FISCAL YEAR AND STATUS REPORT ON THE BOARD'S PROPOSED BUDGET FOR FISCAL YEAR 2015-2016 - FISCAL COMMITTEE**

The members were provided with a memorandum from Bill Brennan, Dawn Kindel, and Suzanne Luke concerning fiscal year 2014-2015. Miss Kindel indicated that the Board expended 86% of its appropriated budget through the end of fiscal year 2014-2015. The Board was appropriated \$1.6 million. According to Miss Kindel, this is the third year in a row that the Board's revenues exceeded its expenditures so the reserve balance is being built up. The reserve balance at the end of the fiscal year was \$884,000 but additional adjustments will be made to that. Mr. Brennan reported that one line item of interest that was changed significantly from last fiscal year is the pro rata charged by the State. Last fiscal year it was \$188,000 and this fiscal year it is projected to be \$106,000 less.

11. **DISCUSSION AND CONSIDERATION OF THE UPCOMING INDUSTRY ROUNDTABLE - GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE**

The members were provided with a memorandum from Bill Brennan and Danielle Vare concerning the March 17, 2016, Industry Roundtable. Ms. Vare reported that the Board has potential topics for discussion and would accept any feedback on topics from the industry. Ms. Rusnak indicated that she has a conflict and will miss the March 16 Board meeting and the Industry Roundtable. The Committee indicated that it will get together to finalize the topics.

12. **DISCUSSION CONCERNING LEGISLATION - POLICY AND PROCEDURE COMMITTEE**

- b. Enacted Legislation of Special Interest:
 - (1) Assembly Bill 759 (Assembly Member Linder)
 - (2) Assembly Bill 1178 (Assembly Member Achadjian)

- b. Pending Legislation of Special Interest:
 - (1) Assembly Bill 287 (Assembly Members Gordon, Eggman and Mark Stone; Principal Coauthor Assembly Member Wilk)
 - (2) Senate Bill 16 (Senator Beall)
- c. Enacted Legislation of General Interest: none
- d. Pending Legislation of General Interest: none
- e. Pending Federal Legislation of General Interest:
 - (1) United States House of Representatives Bill 679 (U.S. Representative Blumenauer) - Road Usage Charge Pilot Program Act of 2015
 - (2) United States House of Representatives Bill 1181 (U.S. Representative Schakowsky) - Vehicle Safety Improvement Act of 2015
 - (3) United States Senate Bill 304 (U.S. Senator Thune) - Motor Vehicle Safety Whistleblower Act
 - (4) United States Senate Bill 617 (U.S. Senator Markey) - Repairing Every Car to Avoid Lost Lives Act (RECALL Act)

The members were provided with a memorandum from Bill Brennan and Danielle Vare concerning pending legislation. Ms. Parker reported on the implementation of Assembly Bills 759 and 1178. The Board is hosting an Administrative Law Judges Roundtable in January, will send out a public mailing, and update the website. All guides will also be updated. Ms. Parker reported that the *Guide to the New Motor Vehicle Board* and *Informational Guide for Manufacturers and Distributors* were already drafted waiting for Board approval. A new *Export or Sale-for-Resale Prohibition Policy Guide* implementing Assembly 1178 will be drafted. Other than rulemaking which the Board is considering today, all internal case management updates have been drafted. Ms. Vare reported there have been no updates from the memo the members received. There is a federal bill of interest that passed both houses that Ms. Vare will report on at the next meeting.

13. **CONSIDERATION OF PROPOSED REGULATIONS - POLICY AND PROCEDURE COMMITTEE**

- c. Definitions (13 CCR § 550);
- d. Dismissals of Petitions, Appeals, and Protests (13 CCR § 551.8);
- c. Notice of Assignment of Administrative Law Judges; Peremptory Challenges (13 CCR § 551.12);
- d. Filing Fees (13 CCR § 553.40);
- e. Hearings by Board or by Administrative Law Judge (13 CCR § 590);
- f. Notice of Hearing of Protest (13 CCR § 591); and
- g. Continuances (13 CCR § 592).

The members were provided with a memorandum from Bill Brennan and Robin Parker concerning proposed regulations to reflect the new recreational vehicle provisions in Article 5 of the Vehicle Code and the new export or sale-for-resale protest provisions in Article 6 that are effective January 1, 2016. The changes are limited to amending the definitions of protest and protestant, and adding a number of references to the new provisions in existing regulations. The majority of these changes are non-substantive.

Ms. Doi inquired whether the California New Car Dealers Association was consulted in drafting the proposed regulations and suggested that they should be. Ms. Parker indicated that she would.

Mr. Stevens moved to adopt the proposed regulations. Mr. Obando seconded the motion. The motion carried unanimously.

Mr. Stevens read the following statement into the record:

Given the Board's decision to go forward with the proposed regulations, I hereby delegate to the Executive Director the ministerial duty of proceeding through the rulemaking process in compliance with the Administrative Procedure Act. Notice of the proposed rulemaking will be published in the California Regulatory Notice Register and will be sent to the Public Mailing List. During the public comment period, I want to invite and encourage written and oral comments. Additionally, a public hearing at the Board's offices may be held to accept oral and written comments.

By the Board instructing staff to go forward with the proposed regulations, this does not necessarily indicate final Board action. If any written or oral comments are received, the full Board will consider the comments and reconsider the text of the proposed regulations. Furthermore, if the staff decides that substantive modifications to the proposed text are necessary, the Board will consider those modifications at a noticed meeting. However, non-substantive changes involving format, grammar, or spelling suggested by the Office of Administrative Law or the staff will not be considered by the Board because they are non-regulatory in nature. They will be considered by the Executive Committee and ultimately reported to the Board at a future

meeting. If there are no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

14. **ANNUAL REPORT ON STAFF PARTICIPATION IN THE OUR PROMISE CAMPAIGN FORMERLY THE CALIFORNIA STATE EMPLOYEES CHARITABLE CAMPAIGN (CSECC)**

Mr. Ohta reported that he co-chaired the campaign with Holly Victor this year. Since there weren't any merits hearings this year, the donations were down from previous years. Almost 50% of the donations come from the sale of waters and sodas during hearings. Mr. Ohta indicated that the Board raised a total of \$1,992 for the 2015 campaign through generous donations made by Administrative Law Judges and staff, and through fundraising events. Mr. Brennan indicated that both Eugene and Holly did a very good job on the campaign. Eugene was instrumental in getting donations for raffles.

15. **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.

Mr. Brennan provided the members with a report on Administrative Matters that identified all pending projects, the Board staff and committee assigned, estimated completion dates, and status. Mr. Brennan indicated that the industry was doing well so there were not as many protests filed, or hearings or settlement conferences this year. New employees were being trained. Mr. Brennan mentioned that a December meeting wasn't necessary since there was no case management. Mr. Brennan reported that he and Miss Kindel met with DMV on a statewide exercise initiated by the Governor's Office pertaining to leadership and making sure procedures were current. The Board was able to provide up-to-date forms and documents in an organized fashion since the staff have been working on these types of tasks as downtime projects. Lastly, Mr. Brennan requested the members provide suggestions for Board member education. Mr. Stevens suggested that the Board visit the BMW Design Studio again. Mr. Obando suggested that the CNCDA discuss the state of the industry such as projections and legislative issues in January or February.

With regards to judicial matters, Ms. Parker reported that Mega RV has been fully briefed and we are waiting to see if either side requests oral arguments. Additionally, about thirteen 60-day notices of termination have been filed that don't relate to a bankruptcy or a manufacturer ceasing to do business. Of those 7 or 8 termination protests have been filed for a total of 20 protests and one petition Ms. Vare reported that 18 protests are pending. Mr. Stevens noted that the backlog of old cases is gone.

16. **SELECTION OF BOARD MEETING DATES FOR 2016**

The members were provided with a memorandum from Bill Brennan concerning Board

meeting dates for 2016. The members went off the record for this discussion. Mr. Stevens announced that the next General Meeting was February 10, 2016, in Sacramento with the time to be determined based on flights.

17. **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

The members convened in Closed Executive Session to discuss Agenda Item No. 17.

18. **OPEN SESSION**

The Public Members returned to Open Session.

26. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 12:50 p.m.

Submitted by

WILLIAM G. BRENNAN
Executive Director

APPROVED: _____

Glenn E. Stevens
President
New Motor Vehicle Board