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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
GENERAL MEETING

Mission Inn Hotel
Mediterranean Terrace
3649 Mission Inn Avenue
Riverside, California 92501
(951) 784-0300

December 2, 2019

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. **9:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Introduction and welcome of newly appointed Dealer Member Inder Dosanjh.**
5. **Approval of the Minutes from the June 7, 2019, General Meeting, and June 7, 2019, August 15, 2019, September 18, 2019, and October 10, 2019, Special Meetings.**
6. **Presentation of Resolution to David C. Lizárraga, former Public Member.**

7. **Introduction and welcome of recently appointed Undersecretary for the California State Transportation Agency, Elissa Konove - Board Development Committee.**
8. **Introduction and welcome to Tom Wilson, Chief of Investigations, Department of Motor Vehicles - Board Development Committee.**
9. **Report on the National Association of Motor Vehicle Boards and Commissions (NAMVBC) Fall Conference by Tim Corcoran, Executive Director, New Motor Vehicle Board and Dawn Kindel, New Motor Vehicle Board Chief of Staff and NAMVBC Treasurer - Board Development Committee.**

10. **Oral Presentation before the Public and Dealer Members of the Board.**

RV'S-4-LESS, INC., dba RVS 4 LESS v. ECLIPSE RECREATIONAL VEHICLES, INC.

Protest No. PR-2569-18

11. **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.

RV'S-4-LESS, INC., dba RVS 4 LESS v. ECLIPSE RECREATIONAL VEHICLES, INC.

Protest No. PR-2569-18

Consideration of the Administrative Law Judge's "Proposed Order Dismissing the Protest," by the Public and Dealer Members of the Board.

12. **Open Session.**

13. **Pursuant to Vehicle Code section 3050(c)(1), consideration of referral to the Department of Motor Vehicles to conduct an investigation and make a written report concerning RV's-4-Less, Inc., dba RVS 4 Less' alleged violations of Vehicle Code section 11713.23(b) and (c)(2), by the Public Members of the Board.**

RV'S-4-LESS, INC., dba RVS 4 LESS v. ECLIPSE RECREATIONAL VEHICLES, INC.

Protest No. PR-2569-18

14. **Pursuant to Vehicle Code section 3050(c)(1), consideration of referral to the Department of Motor Vehicles to conduct an investigation and make a written report concerning Eclipse Recreational Vehicles, Inc.'s alleged violations of Vehicle Code sections 11713.22(a) and 11713.23(a) and (c)(1), by the Public Members of the Board.**

RV'S-4-LESS, INC., dba RVS 4 LESS v. ECLIPSE RECREATIONAL VEHICLES, INC.

Protest No. PR-2569-18

15. **Appointment of Inder Dosanjh to a Committee by the Board President.**
16. **Report on non-substantive changes to the proposed amendments to Section 551.25 of Title 13 of the California Code of Regulations (substitution or withdrawal of counsel) - Executive Committee.**
17. **Annual update concerning the development and use of the Board's website - Administration Committee.**
18. **Discussion and consideration of the use of a file hosting service for delivery of Board meeting materials and case documents - Administration Committee.**
19. **Discussion and consideration of revised Board policy concerning manufacturer and distributor compliance with Vehicle Code sections 3064/3074 and 3065/3075 (the filing of statutorily required schedules and formulas) in light of Assembly Bill 179 - Administration Committee.**
20. **Annual Report on the Board Development Program - Board Development Committee.**
21. **Discussion of the Board financial condition report for the previous fiscal year, and the Annual Board Fee and whether any fee adjustments are necessary - Fiscal Committee.**
22. **Discussion regarding the 2020 New Motor Vehicle Board Industry Roundtable - Government and Industry Affairs Committee.**
23. **Discussion concerning enacted legislation of Special Interest: Assembly Bill 179 (Assembly Member Reyes) - Legislative Committee.**

24. Consideration of proposed regulations - Policy and Procedure Committee.

- A. Definitions (13 CCR § 550) [non-substantive and substantive amendments];
- B. Authority (13 CCR § 551);
- C. Dismissals of Petitions and Protests (13 CCR § 551.8) [non-substantive and substantive amendments];
- D. Notice of Assignment of Administrative Law Judges; Peremptory Challenges (13 CCR § 551.12);
- E. Request for Informal Mediation (13 CCR § 551.14);
- F. Request for Discovery; Informal Mediation (13 CCR § 551.15);
- G. Informal Mediation Process (13 CCR § 551.16);
- H. Conversion of Informal Mediation to Petition; Confidentiality (13 CCR § 551.17);
- I. Substitution or Withdrawal of Counsel (13 CCR § 551.25);
- J. Noncompliance (13 CCR § 553.30) [non-substantive and substantive amendments];
- K. Filing Fees (13 CCR § 553.40) [non-substantive and substantive amendments];
- L. Noncompliance (13 CCR § 553.75);
- M. Petitioners (13 CCR § 554);
- N. Contents (13 CCR § 555);
- O. Service of Petition upon Respondent(s) (13 CCR § 555.1);
- P. Form and Filing of Petition (13 CCR § 556) [non-substantive and substantive amendments];
- Q. Notice to Respondent; First Consideration (13 CCR § 557);
- R. Answer-Time of Filing; Form and Content (13 CCR § 558) [non-substantive and substantive amendments];
- S. Additional Evidence and Argument in Support of Petition (13 CCR § 561);
- T. Action by the Board (13 CCR § 562);
- U. Decision (13 CCR § 564);
- V. Repeal Article 3. Appeals from Decisions of the Department (13 CCR § 566-577);
- W. Service of Protest upon Franchisor (13 CCR § 584);
- X. Filing of Protest, Schedules of Compensation for Preparation and Delivery Obligations, Warranty Reimbursement Schedules, Retail Labor Rate, Retail Parts Rate and Franchisor Incentive Program Reimbursement Pursuant to Vehicle Code Sections 3064, 3065, 3065.1, 3065.4, 3074, 3075, and 3076 (13 CCR § 586);
- Y. Filing of Protest Pursuant to Vehicle Code Section 3065.1 (13 CCR § 586.5);
- Z. Hearings by Board or by Administrative Law Judge (13 CCR § 590);
- AA. Notice of Hearing of Protest (13 CCR § 591);
- BB. Continuances (13 CCR § 592);
- CC. Failure to File or to Timely File Statutorily Required Notices of Schedules (13 CCR § 593.3);
- DD. Format of First Page; Format and Filing of Papers (13 CCR § 595);
- EE. Last Page; Signature (13 CCR § 597);

25. **Discussion and consideration of amending the Board's Parliamentary Procedures to automatically fill vacant committee chair positions with the member - Policy and Procedure Committee.**
26. **Discussion concerning whether the Board should promulgate regulations pertaining to petitions seeking relief pursuant to subdivision (c)(1) and/or (c)(3) of Vehicle Code section 3050 (Department of Motor Vehicles investigation and/or licensing action) - Policy and Procedure Committee.**
27. **Discussion and consideration of the Board's mission and vision statements -Ad Hoc Committee.**
28. **Discussion of industry-related advertising laws and September 18, 2019, public forum - Ad Hoc 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 2020.**
31. **Closed Executive Session.**

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

 - A. **Oral interview of the Administrative Law Judge candidate, by all members of the Board - Administration Committee.**
 - B. **Consideration of the Administrative Law Judge nominee, by all members of the Board - Administration Committee.**
32. **Open Session.**
33. **Public Comment. (Gov. Code § 11125.7)**
34. **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 Eugene Ohta at (916) 445-1888 or Eugene.Ohta@nmvb.ca.gov.