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STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD  
**MINUTES**

The New Motor Vehicle Board (“Board”) held a General meeting on June 7, 2019, at the Glendale City Hall, Council Chamber Room, 613 E. Broadway, 2<sup>nd</sup> Floor, Glendale, California 91206

2. **ROLL CALL**

Kathryn Doi, President and Public Member, called the meeting of the Board to order at 10:32 a.m.

Present: Ramon Alvarez C. Timothy M. Corcoran, Executive Director  
Anthony A. Batarse Jr. Robin P. Parker, Senior Staff Counsel  
Kathryn Ellen Doi Danielle R. Phomsopha, Staff Counsel  
Ardashes “Ardy” Kassakhian Dawn Kindel, Chief of Staff  
Nanxi Liu  
Bismarck Obando

Absent: Rahim Hassanally  
Victoria Rusnak  
Glenn E. Stevens

3. **PLEDGE OF ALLEGIANCE**

Mr. Kassakhian led the members and staff in the Pledge of Allegiance. Ms. Doi thanked Mr. Kassakhian for hosting the meeting and making all of the arrangements.

4. **INTRODUCTION AND WELCOME OF NEWLY APPOINTED PUBLIC MEMBER NANXI LIU**

Ms. Doi welcomed newly appointed Public Member Nanxi Liu to the Board and provided the following background and comments:

Ms. Liu was appointed to the Board by the Speaker of the Assembly, Anthony Rendon, in April of 2019.

Ms. Liu is the founder and CEO of Enplug, a leading digital display software company that enables businesses to manage and distribute content across multiple screens. The company is headquartered in Los Angeles and has offices in Brazil, Australia, Japan, Poland and the United Kingdom.

Ms. Liu also founded Nanoly Bioscience, a biotech company that develops polymers that enable vaccines and therapeutics to survive without refrigeration. She currently serves on its board.

An advocate for women in the tech movement, Ms. Liu is a partner at XFactorVentures, which invests in women-founded businesses. As a producer of the Amazon TV series, The Bay, Ms. Liu received an Emmy Award. She was also recognized for these accomplishments by Forbes Magazine, which named her a Forbes "30 under 30."

Passionate about community service, Ms. Liu serves on the Board of Directors for the National Foster Youth Institute and the Los Angeles Police Foundation. In 2018, Ms. Liu received UC Berkeley's Sather Gate Young Volunteer of the Year Award for her work in fundraising for the university. Ms. Liu double majored in Business Administration and Political Economy at UC Berkley.

Ms. Liu commented that it is a pleasure to be on the Board and she is impressed with the work the Board is doing and hopes to be a great contributor toward it moving forward.

5. **APPROVAL OF THE MINUTES FROM THE APRIL 10, 2019, GENERAL MEETING**

Mr. Batarse moved to adopt the April 10, 2019, General Meeting minutes. Mr. Obando seconded the motion. The motion carried unanimously.

6. **PRESENTATION OF RESOLUTION TO HONORABLE MAURICE (MO) SANCHEZ, RETIRED MANUFACTURER ATTORNEY**

At the January 24, 2019, General meeting, the members unanimously moved to present the Honorable Maurice (Mo) Sanchez, retired manufacturer attorney and current Superior Court Judge, with a Resolution in appreciation for his dedication and service to the State.

Ms. Doi remarked that in addition to capably representing manufacturers, Judge Sanchez regularly attended the Board's Industry Roundtable. He also made a special effort to attend a presentation of this nature when Mike Flanagan, a dealer attorney, retired several years ago. Additionally, Judge Sanchez attended the memorial service of the Board's former Executive Director, Bill Brennan. Judge Sanchez has been part of the Board for many years and will be missed.

Also present were Teri Sanchez, Rich Otera, Lisa Gibson, Lauren Deeb, Rachel (a

summer associate at Nelson Mullins), and Gavin Hughes.

Judge Sanchez thanked everyone for this honor, which he will treasure always and provided the following comments:

It's somewhat fitting that I'm here at the Board on the day after my birthday. As Ms. Parker knows, I was often involved in a hearing or an argument or something on my birthday. It just seemed to always work out that way, but anyway yesterday was my birthday.

I started practicing before the Board in 1986 and did so for 32 years and I very much enjoyed being a member of the small Bar that regularly practices before the Board. It was tough when I was appointed to leave an area of the law just when I was starting to figure it out.

I want to thank the members of the Bar that practice before the Board. I have faced some formidable opposing counsel over the years from the great Ken Murphy, Sid Pilot, Al Spar, Houston Tuel, Mike Flanagan and Gavin Hughes. Despite our differences and always being opposite of each other, we managed to get along pretty well and for that I'm grateful. It made practice before the Board a joy, rather than a chore.

Thanks to the Executive Directors of the Board that I've had the pleasure of working with including Sam Jennings and his second, Mike Sieving, Tom Novi, my former fellow modern day monarch Bill Brennen, may he rest in peace, and now Tim Corcoran.

There have been too many Board members to list them all, but I would be remiss if I didn't mention Ms. Doi, Mr. Stevens, Tom Flesh, David Lizarraga, Ryan Brooks, Bismarck Obando, Mr. Batarse and Fritz Hitchcock, Dave Wilson, Ramon Alvarez, Mr. Kassakhian.

And Ms. Liu, unfortunately your first meeting is my last, so I'm not going to have a chance to appear in front of you again, but I think you'll really enjoy this Board. It's terrific.

Thanks to the administrative law judges that I appeared in front of including of course Tony Skrocki, Jerold Prod, Marilyn Wong, Doug Drake, Diana Woodward Hagle and Marybelle Archibald, to name a few. Little did I know it at the time, but you were my role models for my new job.

A special thank you to Robin Parker, who has always been gracious and generous with the vast amount of knowledge she has amassed in her years at the Board. She's really the glue, in my opinion, that holds the Board together.

And also many thanks to Danielle Phomsopha and the staff of the Board including Dawn Kindel, Makalla Turner, Eugene Ohta and the many others who have always been extremely kind and helpful to me.

But most of all, I want to thank my wife of 39 years, Teri, without whom I couldn't have done any of this. Now you know who the talented one in the family is.

Since I'm assigned to the Family Law Panel, I can sincerely hope that I never see any of you in my courtroom in the future. Mike Sieving has already promised to pay for me every chance he gets, so I told him I would have blank forms prepared, so he can just sign them and submit them immediately.

But I really want to thank all the people on the manufacturers' side too. I didn't get to work with them very much, because I was always opposite one of the other dealer attorneys that I mentioned, but of course Rich Otera who heads up the office of Nelson Mullins, which is where I last practiced before assuming the bench. Steve McKelvey, I know I'm forgetting a ton of people, but Colm Moran, Allen Resnick, all those folks that I never really got to work with them as much as just consult with them and talk to them.

But I want to thank the Board again for this great honor and it's really been wonderful. And I do miss it. The one thing I do miss about practicing law is practicing in front of this Board, because it was such a wonderful experience for me. Thank you.

Gavin Hughes commented that he really enjoyed working with Mo and was very lucky to do so. The Bench is lucky to have him. Not only is Mo a great attorney but a decent human being: fair, tremendous integrity, really smart, and sometimes his jokes were funny. Lastly, Mr. Hughes remarked that "I think [Mo] is going to be fantastic on the Bench and make us all proud."

Judge Sanchez also thanked Lisa Gibson. When he left the practice of law he handed it off to the person in who's hands it would be taken care of and he wouldn't have to worry.

Ms. Parker commented that she has known Mo since she started at the Board and that in addition to missing him, she will miss his "hypotheticals" that often resulted in something being filed with the Board.

Ms. Gibson commented on Mo's great intellect and the way he humanized the manufacturer, what they were trying to do, and also engaged in the adversarial process. Since Mo left, she often asks "What would Mo do?" and more often "How would Mo do it?"

That is something Ms. Gibson learned from Mo.

7. **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 BOARD PRESIDENT**

Kathryn Doi provided the members with a memo on the current composition of the Board Committees and a description of each. After a brief discussion off the record, President Doi made the following committee appointments:

- **ADMINISTRATION COMMITTEE**  
Bismarck Obando, Chair  
Ardy Kassakhian, Member
- **BOARD DEVELOPMENT COMMITTEE**  
Ardy Kassakhian, Chair  
Nanxi Liu, Member
- **EXECUTIVE COMMITTEE**  
Kathryn Ellen Doi, President  
Bismarck Obando, Vice President
- **FISCAL COMMITTEE**  
Anthony A. Batarse, Jr., Chair  
Nanxi Liu, Member
- **GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE**  
Ramon Alvarez C., Chair  
Glenn E. Stevens, Member
- **POLICY AND PROCEDURE COMMITTEE**  
Glenn E. Stevens, Chair  
Ramon Alvarez C., Member

8. **DISCUSSION AND CONSIDERATION OF REVISING THE BOARD'S LEGISLATIVE POLICY - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Tim Corcoran and Robin Parker concerning revising the Board's Legislative Policy. As indicated in the memo, at the August 20, 1996, General Meeting, the members adopted the following 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.

Ms. Parker indicated that the revised policy establishes a Legislative Committee that will assist staff in providing bill analyses to the California State Transportation Agency (CalSTA) and the Department of Motor Vehicles (DMV). There would be three delegations to the Executive Director: Two delegations pertain to the Executive Director being able to approve the analyses if there is not sufficient time to run it by the Legislative Committee. An additional delegation allows the Executive Director to discuss pending legislation of special interest with stakeholders. The revised policy, according to Ms. Parker, gives the Board an opportunity to express its opinion on legislation directly to CalSTA and the DMV. Also, in the event there is legislation the Board wants to take a position on, it can as long as it goes through the approval process with CalSTA.

Ms. Doi explained that historically the Board has not taken a position on legislation even if it directly impacts the Board. And so, the thought was to have more input into the process leading up to the official Executive Branch position on legislation directly affecting the Board.

Mr. Obando moved to adopt the revised policy. Mr. Alvarez seconded the motion. The motion carried unanimously.

The revised policy is as follows:

A Legislative Committee was created. The composition is the Executive Committee unless otherwise designated by the Board President. The Legislative Committee will provide California State Transportation Agency (CalSTA) with its own analysis, drafted by staff counsel and approved by the Committee on any Legislation of Special Interest. If there is insufficient time for Committee approval, the Executive Director is delegated the power to approve the analysis. The Committee will be provided a copy of the analysis and fully briefed.

The Committee will continue to provide the Department with bill analyses at the Department's request, drafted by staff counsel and approved by the Committee on any Legislation of Special Interest. If there is insufficient time for Committee approval, the Executive Director is delegated the power to approve the analysis. The Committee will be provided a copy of the analysis and fully briefed.

In the bill analyses provided to CalSTA, the Committee will not take a formal position on any bill, with the exception of Legislation of Special Interest that proposes to drastically increase or reduce the Board's statutory authority and/or workload or intends to eliminate the Board. Absent CalSTA approval, the Committee will not publicly take a position on any bill.

The Committee delegates to the Executive Director the ability to discuss pending Legislation of Special Interest with stakeholders or sponsors regarding technical input without prior Committee approval.

A Legislative Committee analysis will not be subject to disclosure under the Public Records Act.

The Board staff will provide technical and procedural advice to stakeholders on pending legislation. The Board will participate in industry discussions of legislation, if requested. 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. The full Board will be apprised of legislation of both special and general interest (as defined) at noticed Board Meetings. Absent CalSTA approval, the Board would not publicly take a position on any bill.

9. **DISCUSSION AND CONSIDERATION OF THE BOARD'S MISSION AND VISION STATEMENTS - EXECUTIVE COMMITTEE**

The members were provided with the Board's current Mission and Vision Statements. Mr. Corcoran reminded the members that each year they have the opportunity to review the mission and vision statements to determine whether those statements should remain in place or be amended. Mr. Corcoran indicated that if the Board considered making changes, perhaps this task should be assigned to an ad hoc committee that would propose modifications for the Board to consider or potentially assign staff and a committee to take a closer look and come back with recommendations.

Mr. Obando commented that usually a vision statement is a little tighter and cleaner so this may be something to look at; it should be a tag line of what the Board is doing. Since it has been a decade since there have been revisions, as a member of the Executive Committee, they wanted to bring this to the full Board to see if there should be revisions. Mr. Obando also remarked whether the vision statement compliments the mission statement. Mr. Corcoran indicated that if the Board has changes in mind that could be discussed at this meeting. Alternatively, if this requires staff work and potentially committee involvement, then recommendations could be presented at a future meeting. Mr. Kassakhian agreed with creating a committee and developing a tighter vision statement.

10. **DISCUSSION AND CONSIDERATION OF THE FOLLOWING BY THE BOARD PRESIDENT**

A. **FORM A LEGISLATIVE COMMITTEE AS AN ADDITIONAL BOARD MEMBER ADVISORY COMMITTEE PERTAINING TO LEGISLATIVE POLICY**

Ms. Doi created a Legislative Committee consistent with the revised Legislative Policy discussed earlier in the meeting. The Executive Committee, Kathryn Doi and Bismarck Obando, comprise the members of this committee.

**B. FORM AN AD HOC COMMITTEE TO REVIEW INDUSTRY RELATED ADVERTISING LAWS**

By way of background, Mr. Corcoran indicated that in joint meetings with DMV and stakeholders regarding potential regulatory changes, the DMV asked if the Board would offer its assistance by hosting a public industry meeting to gather stakeholder input. Given the Board's expertise and the fact that the Board does not have jurisdiction or authority to establish those rules, the Board is well-suited to assist. A two-member advisory committee and Board staff would work with DMV to host pre-regulatory meetings to gather stakeholder input and potentially come up with information that could be worthwhile to DMV in exploring the pros and cons of making changes.

Ms. Doi thought the Dealer Members would be particularly valuable serving in the role of gathering industry and stakeholder input into some of the key issues facing the industry. Mr. Alvarez indicated he would like to be on this committee. Mr. Batarse indicated that he does not have the time to serve on this committee. Ms. Doi suggested Ms. Liu serve on this committee. Mr. Corcoran will support this committee.

Ms. Doi created an Ad Hoc Committee to review industry related advertising laws. Mr. Alvarez is the chair and Ms. Liu is the member.

**C. FORM AN AD HOC COMMITTEE TO REVIEW THE BOARD'S MISSION AND VISION STATEMENTS**

Ms. Doi created an Ad Hoc Committee to review the Board's Mission and Vision Statements. Mr. Stevens was appointed chair subject to his approval and Mr. Kassakhian was appointment a member. Mr. Corcoran was assigned to this committee.

**D. APPOINTMENT OF MEMBERS TO THE AD HOC COMMITTEES**

As indicated above, Ms. Doi appointed Mr. Alvarez chair of the Ad Hoc Committee to review industry related advertising laws and Ms. Liu was appointed member. Ms. Doi appointed Mr. Stevens subject to his agreement chair of the Ad Hoc Committee to review the Board's Mission and Vision Statements and Mr. Kassakhian was appointed member.

**11. REVIEW AND CONSIDERATION OF BOARD DELEGATIONS IN COMPLIANCE WITH THE 1996 PERFORMANCE AUDIT CONDUCTED BY BUSINESS, TRANSPORTATION & HOUSING AGENCY - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Tim Corcoran and Robin Parker updating the Board delegations that were originally adopted in 1997 in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency. As indicated in the memo, effective January 1, 2019, Vehicle Code sections 3050, 3050.1,

and 3050.7 were amended to remove references to Article 6 Export or Sale-for-Resale Prohibition Policy protests. Article 6, commencing with Section 3085, was repealed so the delegations needed to be updated.

Ms. Parker indicated that in light of the revised Legislative Policy, an additional update was proposed to reflect the delegations to the Executive Director. The following change in Administrative Duties was proposed:

Legislative Policy

If there is insufficient time for Legislative Committee approval, the Board delegated to the Executive Director the power to approve legislative analyses pertaining to Legislation of Special Interest that are submitted to California State Transportation Agency and the Department of Motor Vehicles. The Legislative Committee delegates to the Executive Director the ability to discuss pending Legislation of Special Interest with stakeholders or sponsors regarding technical input without prior committee approval. (June 7, 2019)

Mr. Alvarez moved to adopt the Board delegations as amended. Mr. Obando seconded the motion. The motion carried unanimously.

12. **DISCUSSION CONCERNING PENDING LEGISLATION - EXECUTIVE COMMITTEE**

- A. Pending Legislation of Special Interest: Assembly Bill 179 (Assembly Member Reyes)
- B. Pending Legislation of General Interest: Assembly Bill 380 (Assembly Member Frazier)
- C. Pending Federal Legislation of General Interest: None

The members were provided with a memorandum from Tim Corcoran and Danielle Phomsopha concerning pending legislation. Ms. Phomsopha reported that Assembly Bill 380 did not pass out of the house of origin and Assembly Bill 179 unanimously passed out of the Assembly and has been referred to the Senate Transportation and Judiciary Committees.

13. **DISCUSSION AND CONSIDERATION OF BOARD ADOPTED POLICY CONCERNING CONFIDENTIAL PROPOSED STIPULATED DECISIONS AND ORDERS PURSUANT TO VEHICLE CODE SECTION 3050.7 - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Tim Corcoran and Robin Parker pertaining to a Board adopted policy concerning confidential Proposed Stipulated Decisions and Orders (PSDO) pursuant to Vehicle Code section 3050.7. Ms. Doi

indicated that she raised this issue when the Public Members were looking at a recent PSDO regarding the Board's authority to adopt them as confidential given the Board is a public board and in general its proceedings are open to the public.

Ms. Parker provided an overview of the process for PSDOs and the benefits compared to a merits hearing. The staff recommended that if the parties jointly agree that the terms of a PSDO are confidential and should be maintained under Board seal to effect the agreed upon terms and conditions, then that should be the criteria the Board uses for maintaining PSDOs confidentially. This would avoid the Board having an underground regulation. In response to Ms. Doi's question, Ms. Parker explained that by not establishing any criteria other than what is outlined above and having Government Code authority to allow the Board to maintain these documents confidentially, the Board could defend any challenges. This approach was vetted with the Attorney General's office. In response to Ms. Liu's question, Ms. Parker explained that this policy would only apply to confidential PSDOs.

Mr. Obando moved to adopt the policy. Mr. Kassakhian seconded the motion. The motion carried unanimously.

14. **CONSIDERATION OF NOMINEE FOR THE SOLON C. SOTERAS EMPLOYEE RECOGNITION AWARD RECIPIENT AS RECOMMENDED BY THE BOARD DEVELOPMENT COMMITTEE**

At the July 18, 2000, General Meeting, the members adopted an Employee Recognition Award Program to recognize staff for their accomplishments. The program was renamed the Solon C. Soteris Employee Recognition Award. The staff submitted employee nominations to the Board Development Committee, Ardy Kassakhian, who ultimately recommended Suzanne Luke as the Employee Recognition Award recipient. Mr. Corcoran commented that Suzanne has taken on a number of special projects, is positive, always happy to help, does exceptional work, and impacts the morale of the office by her pleasant demeanor. Ms. Doi requested that Mr. Corcoran convey the Board's appreciation for all Suzanne's hard work. The Board has exceptional staff, a lot of long-time staff, including Suzanne. She is always extremely cheerful and pleasant as well as provides the members with support.

Mr. Alvarez moved to adopt the Committee's recommendation. Mr. Kassakhian seconded the motion. The motion carried unanimously.

15. **BOARD FINANCIAL CONDITION REPORT FOR THE 3<sup>RD</sup> QUARTER OF FISCAL YEAR 2018-2019 - FISCAL COMMITTEE**

The members were provided with a memorandum from Tim Corcoran, Dawn Kindel, and Suzanne Luke concerning the Board financial condition report for the 3<sup>rd</sup> quarter of fiscal year 2018-2019. Miss Kindel indicated a payroll expense will be forthcoming since the Board filled a vacant position. The invoices to manufacturers and distributors will go out next month and it appears that vehicles sales will be higher than they were the previous

year. Miss Kindel reported that dealer fees are also going to be a little higher than last fiscal year. In response to Ms. Doi's question, Miss Kindel explained the Board's revenues and expenditures and the source of the revenue. Mr. Alvarez inquired as to the number of new cars sold in 2018; Miss Kindel indicated there were 2,326,000. The Board does not track used vehicles. Mr. Alvarez requested the used car number for the past three years. Mr. Alvarez suggested that the Board take a look at the used car industry because at some point a "new" car becomes a "used" car. Mr. Corcoran remarked that DMV regulates the used car industry. The difference from the Board's perspective is there is no franchise system so the Board is not presently involved in the used car side of the industry.

As indicated in the memo, the following is a financial summary of the Board's expenditures and revenues through the 3<sup>rd</sup> quarter of Fiscal Year 2018-2019.

<i><b>Expenditures</b></i>		<i><b>Revenue</b></i>	
Budget Appropriation	\$1,688,415	Beginning Reserve Balance	*\$2,358,872
Expenditures	\$1,108,288	Revenues	\$1,679,647
Unexpended Appropriation	\$580,127	Total	\$4,038,519
		Current reserve balance	\$2,930,231

16. **STATUS REPORT CONCERNING THE BOARD'S COLLECTION OF THE ARBITRATION CERTIFICATION PROGRAMS' ANNUAL FEE - FISCAL COMMITTEE**

The members were provided with a memorandum from Tim Corcoran, Dawn Kindel , and Holly Victor concerning the Board's collection of the Arbitration Certification Programs' annual fee. Ms. Doi inquired into what this fee was, what the moneys are used for, and whether the Board should take a closer look at the fee given it has a role in providing the money to this program. According to Ms. Doi, it appears the Board is a pass-through for collecting fees to fund the Department of Consumer Affairs Arbitration Certification (ACP) Program. Miss Kindel indicated that the Board's role is collecting fees for a completely different department under a completely different cabinet agency and the Board has no input in the ACP's budget.

Miss Kindel explained that the ACP provides third-party monitoring and certification of manufacturers who provide arbitration to California consumers when they are having a problem with a new vehicle. The money that the Board collects for ACP is based on vehicle sales. And, since the Board already has that data from DMV, Miss Kindel believes this is why the Board was delegated this responsibility. Mr. Corcoran added that the statute is prescriptive in what the Board's narrow role is.

As indicated in the memo, \$1.348 million was collected from 41 manufacturers and distributors.

17. **DISCUSSION AND CONSIDERATION OF THE BOARD'S PROPOSED BUDGET FOR FISCAL YEAR 2019-2020 - FISCAL COMMITTEE**

The members were provided with a memorandum from Tim Corcoran, Dawn Kindel, and Suzanne Luke concerning the Board's proposed budget for fiscal year 2019-20. Miss Kindel reported that since DMV administers the Board's budget, it provides the Board with line item allocations. The line item allocations don't change unless the Board asks for a change through a budget change proposal. So the allocations remain the same for each of the Board's expenditures or operating expenses. The line allocations for the upcoming fiscal year have not been provided yet. Other than the allocation for out-of-state travel and payroll, any other items the Board is allocated money for can be shared between line items. Ms. Kindel reported that the Board's proposed budget for the upcoming fiscal year is \$1,751,000, which is an increase of \$62,000.

Mr. Kassakhian moved to adopt the proposed budget. Mr. Alvarez seconded the motion. The motion carried unanimously.

18. **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. Corcoran 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. Corcoran highlighted two items for the members:

- (1) A file hosting service for delivery of Board meeting materials and case documents. In conjunction with Mr. Kassakhian, the staff is exploring options that might be available to modernize the way meeting materials are provided to the members whether in an aftermarket product like Dropbox or a State-built product. In response to Ms. Doi's question, Mr. Kassakhian explained that this would be for overly voluminous materials and also saves paper. Mr. Corcoran mentioned that DMV has a secure file transfer cloud service, which is an option staff is looking at. Miss Kindel added that she is looking to get accounts for each of the Board members so the staff could post information to a secure site and members would be able to review and print the materials.
- (2) The National Association of Motor Vehicle Boards and Commissions' annual conference is being held in Sacramento. Mr. Corcoran indicated that the topics are substantive and over 50 attendees have registered so far. Ms. Doi inquired as to staff expectations in terms of Board member participation. Mr. Corcoran indicated that Board staff typically attend and conduct presentations but since California is the host state, Board members and departments heads would also attend the entire event or the sessions they are most interested in. Additionally, if a member wanted to speak at an event, moderate a topic, or greet attendees at the reception,

that is also an option. Mr. Obando recommended that the members attend as it is interesting to learn how other states operate, it is educational, and good for networking. Additionally, Mr. Obando commented that on the recent draft agenda that there were a lot of good sessions but it did not look like there was enough time allocated.

Ms. Parker reported that a total of 31 protests have been filed this year. A new protest was filed and several protests were dismissed since the members received their materials. The *Momentum Kia* and *Momentum Hyundai* protests were dismissed at the request of the protestants.

Ms. Phomsopha indicated that the Board's Conflict of Interest Code Rulemaking was approved by the Office of Administrative Law and effective June 20, 2019. Additionally, three protests were dismissed in *First Priority Bus v. Lion Electric Co.* There was a one-day merits hearing on the modification protest and the parties settled all three protests including two termination protests. Lastly, the relocation notice was withdrawn in *Tustin Mazda v. Mazda* so it should be dismissed shortly.

19. **SELECTION OF BOARD MEETING DATES FOR THE REMAINDER OF 2019**

The members were provided with a memorandum from Tim Corcoran concerning Board meeting dates for the remainder of 2019. The members went off the record for this discussion. Ms. Doi indicated that the following meetings were set: August 15, 2019, Special Meeting in Sacramento; September 18, 2019, Special Meeting for stakeholder input on industry advertising laws in Sacramento; and December 2, 2019, General Meeting in Riverside.

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

No additional public comment was presented.

21. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 12:10 p.m.

Submitted by

\_\_\_\_\_  
TIMOTHY M. CORCORAN  
Executive Director

APPROVED: \_\_\_\_\_  
Kathryn E. Doi  
President

## New Motor Vehicle Board