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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
NOTICE OF GENERAL BOARD MEETING

Wednesday, November 4, 2020 at 9:30 a.m.
Via Zoom and Teleconference

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which removes the requirement that a meeting location be made available for the public to gather for purposes of observing and commenting at the meeting. The New Motor Vehicle Board Meeting will be conducted via Zoom and teleconference. Board members will participate in the meeting from individual remote locations.

Members of the public can attend the meeting remotely via one of several options listed below. Written comments, if any, can be submitted at nmvp@nmvp.ca.gov or during the meeting.

To request a reasonable modification or accommodation for individuals with disabilities at this or any future Board meeting or to request any modification or accommodation for individuals with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Eugene Ohta at Eugene.Ohta@nmvp.ca.gov or (916) 445-1888.

Join Zoom Meeting

<https://us02web.zoom.us/j/88117954435?pwd=bGE3SkJxSWFuQ1NLR21HYTBPMWdldz09>

Meeting ID: 881 1795 4435

Passcode: 726280

One tap mobile

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Meeting ID: 881 1795 4435

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Items of business scheduled for the meeting are listed on the attached agenda. Recesses may be taken at the discretion of the Chairperson and items may be taken out of order.

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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

Wednesday, November 4, 2020 at 9:30 a.m.

Via Zoom and Teleconference

<https://us02web.zoom.us/j/88117954435?pwd=bGE3SkJxSWFuQ1NLR21HYTBPMWdldz09>

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)

1. **9:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Approval of the Minutes from the September 16, 2020, General Meeting.**
4. **Presentation of Resolution to Anthony A. Batarse, Jr., former Dealer Member.**
5. **Presentation of Resolution to Victoria Rusnak, former Dealer Member.**
6. **Presentation of Resolution to Glenn Stevens, former Public Member.**
7. **Annual Report on the Board Development Program - Board Development Committee.**
8. **Status report concerning the Board financial condition report for the previous fiscal year, the Annual Board Fee collection, and whether any fee adjustments are necessary - Fiscal Committee.**
9. **Update from the Ad Hoc Committee on Equity, Justice and Inclusion regarding its October 27, 2020 meeting and future events - Ad Hoc Committee.**

10. **Discussion regarding the 2021 New Motor Vehicle Board Industry Roundtable - Government and Industry Affairs Committee.**
11. **Discussion and consideration of amending the Board's Parliamentary Procedures to reflect the repeal of Article 3 (commencing with Section 3052) of Chapter 6 of Division 2 of the Vehicle Code - Policy and Procedure Committee.**
12. **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.
13. **Selection of Board meeting dates for 2021.**
14. **Public Comment. (Gov. Code § 11125.7)**
15. **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.
16. **Open Session.**
17. **Adjournment.**

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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board (“Board”) held a General meeting on September 16, 2020, via Zoom and teleconference. Kathryn Doi, President and Public Member, called the meeting of the Board to order at 9:07 a.m.

Ms. Doi welcomed everyone to the meeting and stated that the meeting materials are available on the Board’s website and hard copies of the materials can be requested by contacting the Board’s legal staff. The Board’s Executive Director, Timothy Corcoran, set forth the parameters for the meeting.

2. **ROLL CALL**

Board Members Present: Kathryn Ellen Doi
Anne Smith Boland
Inder Dosanjh
Ardashes “Ardy” Kassakhian
Daniel P. Kuhnert
Nanxi Liu
Bismarck Obando

Board Members Not Present: Ramon Alvarez C.

Board Staff Present: Timothy M. Corcoran, Executive Director
Robin P. Parker, Senior Staff Counsel
Danielle R. Phomsopha, Staff Counsel
Dawn Kindel, Assistant Executive Officer
Suzanne Luke, Administrative Services Analyst
Eugene Ohta, IT Tech
Makalla Johnson, Legal Office Assistant
Alejandro Martinez, Office Assistant

Anthony M. Skrocki, Administrative Law Judge

3. **RATIFICATION OF THE NOMINATION OF RAMON ALVAREZ C. AS THE BOARD'S VICE PRESIDENT, BY ALL MEMBERS OF THE BOARD**

The Public and Dealer members of the Board ratified the nomination of Ramon Alvarez C. as the Board's Vice President. Mr. Kassakhian moved to nominate Mr. Alvarez C. as Vice President. Mr. Obando seconded the motion to nominate Mr. Alvarez C. as Vice President. The motion carried unanimously.

4. **APPROVAL OF THE MINUTES FROM THE MARCH 5, 2020, SPECIAL MEETING, MARCH 5, 2020, GENERAL MEETING, AND JULY 10, 2020, SPECIAL MEETING**

Mr. Obando moved to adopt the March 5, 2020, Special Meeting minutes. Mr. Dosanjh seconded the motion. The motion carried unanimously.

Mr. Obando moved to adopt the March 5, 2020, General Meeting minutes. Mr. Kuhnert seconded the motion. The motion carried unanimously.

Mr. Obando moved to adopt the July 10, 2020, Special Meeting minutes. Mr. Kassakhian seconded the motion. The motion carried unanimously.

5. **CONSIDERATION OF PRESENTATION OF RESOLUTION TO ANTHONY A. BATARSE, JR., FORMER DEALER MEMBER**

Ms. Doi indicated that there was some Board turnover at the beginning of the year and Board Members Anthony Batarse, Victoria Rusnak, and Glenn Stevens rotated off the Board. So, it is the Board's tradition to prepare and present resolutions recognizing the contributions of Board members when they rotate off the Board. Consideration of these Resolutions were taken together.

Ms. Liu moved to present Anthony Batarse, Victoria Rusnak, and Glenn Stevens with Resolutions for their contributions to the New Motor Vehicle Board, to the motor vehicle industry, and to the people of California, as former members of the California New Motor Vehicle Board. Mr. Kassakhian seconded the motion. The motion carried unanimously.

Ms. Doi requested that the Board staff invite these former Board members to the next meeting, whether it is virtual or in-person, so the Resolutions can be presented to them.

6. **CONSIDERATION OF PRESENTATION OF RESOLUTION TO VICTORIA RUSNAK, FORMER DEALER MEMBER**

See Agenda Item 5.

7. **CONSIDERATION OF PRESENTATION OF RESOLUTION TO GLENN STEVENS, FORMER PUBLIC MEMBER**

See Agenda Item 5.

8. **DISCUSSION AND CONSIDERATION OF THE DEPARTMENT OF MOTOR VEHICLE'S REPORT OF INVESTIGATION REGARDING WHETHER RV'S-4-LESS, INC., DBA RVS 4 LESS' VIOLATED VEHICLE CODE SECTION 11713.23(b) AND (c)(2) AND ECLIPSE RECREATIONAL VEHICLES, INC. VIOLATED VEHICLE CODE SECTIONS 11713.22(a) AND 11713.23(a) AND (c)(1)**

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

Protest No. PR-2569-18

DISCUSSION AND CONSIDERATION OF THE DEPARTMENT OF MOTOR VEHICLE'S REPORT OF INVESTIGATION, BY THE PUBLIC MEMBERS OF THE BOARD

The members were provided with the Department of Motor Vehicles (DMV) Report of Investigation dated May 21, 2020.

Mr. Corcoran made a brief presentation of the DMV's investigative findings. On December 18, 2019, the Board submitted to the DMV a formal request that an investigation of RV's-4-Less, Inc., a dealer, and Eclipse Recreational Vehicles, Inc., a manufacturer, be conducted. Pursuant to this request, DMV's Investigations Division reviewed relevant documentation, evidence, depositions, Board meeting transcripts, and conducted independent interviews and investigation. The investigation concluded resulting in warning letters being issued to RV's-4-Less and Eclipse Recreational Vehicles for violations related to the manufacturer's failure to provide the dealer a signed recreational vehicle franchise agreement, and selling and shipping new recreational vehicles to the dealer without a written franchise, and to the dealer for receiving and selling new recreational vehicles without a written franchise.

No public comments were presented, and the Board took no further action on this matter.

9. **DISCUSSION AND CONSIDERATION OF WHETHER TO CREATE AN "AD HOC ADVISORY COMMITTEE ON EQUITY, JUSTICE AND INCLUSION," BY THE BOARD PRESIDENT**

Ms. Doi indicated that the genesis of this agenda item was that on June 12, 2020, the California State Transportation Agency (CalSTA) Secretary, David S. Kim, issued a statement on racial equity, justice, and inclusion in transportation. The statement reads:

"Transportation systems are about people and improving their quality of life. Unfortunately, those improvements historically have disproportionately benefitted certain segments of the population. Far too often, past transportation decisions quite literally put up barriers, divided communities,

and amplified racial inequalities, particularly in our Black and Brown neighborhoods. The California State Transportation Agency (CalSTA) strongly condemns systemic racism and discrimination in all forms, including those historically entrenched in transportation. Enhancing the lives of all Californians - particularly people of color and disadvantaged communities - by connecting individuals to jobs, healthcare, education, and other opportunities, lies at the heart of what we do and why. To that end, CalSTA firmly embraces racial equity, inclusion, and diversity. These values are foundational to achieving our vision of a cleaner, safer, more accessible and more connected future. We will be part of the solution. We will promote policies and programs that reflect principles of diversity, equity, and inclusion, and will work with stakeholders to identify areas of improvement. Through these and other efforts, transportation systems have the potential to achieve their intended purpose - to provide safe and equitable access to opportunity and truly enhance quality of life."

Ms. Doi commented that Secretary Kim has asked department directors and all of us to consider what actions we can all take to address equity, identify areas for improvement, and to identify policy concepts that advance equity within each of our departments and agencies, and externally to affect the people we serve. The New Motor Vehicle staff, including the ALJs, have met to discuss these issues. It seemed like an area where Board members might also have helpful perspectives to add to the discussion. Under Article 4 of the Board's Parliamentary procedures, the President of the Board may form committees and appoint members thereto for the purpose of performing any duty which is not otherwise prohibited by law.

Ms. Doi indicated that she is considering the creation of an Ad Hoc Advisory Committee on Equity, Justice, and Inclusion. Mr. Obando indicated that he appreciated Ms. Doi bringing this topic up and he is supportive of it both personally and professionally.

Mr. Kassakhian echoed what Mr. Obando said but was concerned about resources and time. Perhaps, instead of having a Board committee, a representative from the Board or staff could participate in a discussion with the DMV, if they have a similar committee. Mr. Kassakhian indicated that if there is nothing to preclude this from a legal standpoint that would be his suggestion and recommendation.

Mr. Corcoran indicated that the Board works with its partners at DMV; however, the Board is being asked to look at this within its specific scope. In the past, the Board held public meetings to discuss minority dealer ownership. This is something the Board may consider, and the Dealer Members' participation and industry contacts would be helpful.

Mr. Dosanjh commented that the role of DMV might be different than the Board's. He remarked on his own experience with General Motors. California, in his opinion, is challenging due to real estate regulation and the failure rate of American dealerships. Mr. Dosanjh proposed that the Board could ask the manufacturers to discuss their dealer development programs and plans.

Mr. Obando inquired about a timeframe or schedule for when CalSTA would like to review the recommendations. Mr. Corcoran responded that the timeframe is both short-term and long-term; something should be done publicly before the end of the year.

Mr. Dosanjh moved to create an Ad Hoc Delegated Committee on Equity, Justice and Inclusion. Mr. Obando seconded the motion. The motion carried unanimously.

10. **APPOINTMENT OF COMMITTEE MEMBERS TO THE AD HOC ADVISORY COMMITTEE ON EQUITY, JUSTICE, AND INCLUSION, BY THE BOARD PRESIDENT**

Ms. Doi made appointments to the newly created Ad Hoc Delegated Committee on Equity, Justice and Inclusion. Mr. Obando was appointed chair with Mr. Dosanjh, Ms. Smith Boland, and Mr. Alvarez as members, subject to Mr. Alvarez's acceptance of the position of membership on the committee. Mr. Obando and staff are to call the first noticed meeting and follow other proper procedures.

Based on Mr. Corcoran's question concerning quorum of the new Ad Hoc Committee, Ms. Doi also appointed herself as a member. If Mr. Alvarez declines to participate, then Ms. Doi would also decline and then this would be a three-member committee.

11. **ACKNOWLEDGEMENT OF BOARD STAFF MILESTONES IN YEARS OF SERVICE, BY THE BOARD PRESIDENT**

Mr. Corcoran provided the members with a memo acknowledging Board staff milestones in years of service as indicated below:

Start Date with NMVB	Team Member	Years of Service	Date of Hire with the State
2/5/2018	Timothy Corcoran	19 years	12/1/2000
4/18/1989	Dawn Kindel	31 years	Same as NMVB
7/19/1993	Suzanne Luke	26 years	Same as NMVB
7/9/2019	Alejandro Martinez	1 year	Same as NMVB
3/12/1997	Eugene Ohta	19 years	Same as NMVB
1/4/1993	Robin Parker	27 years	Same as NMVB
10/27/2014	Danielle Phomsopha	5 years	Same as NMVB
11/3/2014	Makalla Turner	6 years	2/28/2014
11/6/2014	Holly Victor	6 years	6/25/2013

Ms. Doi thanked and recognized Alex for his one-year anniversary, which just passed. Ms. Doi also acknowledged other staff anniversaries and expressed her appreciation and thanks. Mr. Obando echoed Ms. Doi's comments and thanked the staff. Mr. Kassakhian also echoed their comments and added that he thinks the staff have been doing a fantastic job under very difficult circumstances.

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

12. **REPORT ON NON-SUBSTANTIVE CHANGES TO THE PROPOSED AMENDMENTS TO SECTION 551.12 (NOTICE OF ASSIGNMENT OF ADMINISTRATIVE LAW JUDGES; PEREMPTORY CHALLENGES) OF TITLE 13 OF THE CALIFORNIA CODE OF REGULATIONS - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Tim Corcoran and Robin Parker concerning non-substantive changes to the proposed amendments to Section 551.12 (Notice of Assignment of Administrative Law Judges; Peremptory Challenges) of Title 13 of the California Code of Regulations. Ms. Parker indicated that the Executive Committee approved non-substantive changes to the Authority Cited so the staff could proceed with the rulemaking. As indicated in the memo, the new changes are highlighted yellow as follows:

Note: Authority cited: Sections 3050, 3066, and 3080 and 3085.2, Vehicle Code. Reference: Section 3050(a), Vehicle Code; and Section 11425.40, Government Code.

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

13. **CONSIDERATION OF PERFORMANCE RATING CRITERIA FOR THE BOARD'S EXECUTIVE DIRECTOR POSITION - ADMINISTRATION COMMITTEE**

Miss Kindel provided the members with a revised template for the Performance Rating Criteria for the Executive Director position. Miss Kindel indicated that based on member feedback in March, the rating criteria have been reduced from five to three.

Mr. Kuhnert commented that the members should keep in mind the last six months and the way Mr. Corcoran has responded to COVID-19, since this is an extraordinary situation. Mr. Kassakhian seconded those comments and remarked that the criteria give the members a good platform by which to measure performance that is fair and something future Boards will be able to use. He also appreciated the help and support from staff in crafting this.

Mr. Kassakhian moved to adopt the Performance Rating Criteria. Ms. Liu seconded the motion. The motion carried unanimously.

14. **DISCUSSION OF THE BOARD'S RESPONSE TO THE COVID-19 PANDEMIC - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Tim Corcoran concerning the Board's response to the COVID-19 pandemic. Mr. Corcoran reported that he is grateful for the Board and having a staff that has been resilient through countless changes that

are sometimes weekly, daily, and even hourly. Many new processes, electronic filing of pleadings and virtual Board meetings, will likely be permanent fixtures. Ms. Doi remarked that Mr. Corcoran was being too modest because the Board really appreciates his leadership for the members during this time and commended the rest of the staff.

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

15. **CONSIDERATION OF A TEAM AWARD FOR THE 2020 SOLON C. SOTERAS EMPLOYEE RECOGNITION AWARD AS RECOMMENDED BY THE BOARD DEVELOPMENT COMMITTEE**

The members were provided with a memorandum from Tim Corcoran concerning a Team Award for the 2020 Solon C. Soteras Employee Recognition Award as recommended by the Board Development Committee. Mr. Corcoran noted that normally this is an individual award but that it became clear that every employee has been impacted tremendously by COVID-19, both personally and professionally, and all had different roles to play and contributions to make. Rather than naming just one employee, this was an opportunity for the Board to recognize the entire team and have a plaque made listing the names of the team and Board Members to give us something to look back on with more favor.

Ms. Lui agreed with Mr. Corcoran's comments and noted this unique time in history is one where, in order to get things done, it is a group effort, and she believes that the team deserves this award jointly.

Mr. Kassakhian echoed Ms. Liu's comments and added that one of the strongest assets that the staff and this group has is how agile they are to adapting to the various changes and it is remarkable that staff have accomplished everything that they would have being physically in the office, working remotely, and working well together.

Ms. Lui moved to adopt the recommendation of a Team Award for the 2020 Solon C. Soteras Employee Recognition Award that would include the procurement of a plaque to commemorate the occasion with each staff person's name inscribed on it. Mr. Kassakhian seconded the motion. The motion carried unanimously.

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

The members were provided with a memorandum from Tim Corcoran and Dawn Kindel concerning the Board's collection of its annual fee and those fees collected on behalf of the Arbitration Certification Program (ACP). Miss Kindel indicated that it has been difficult getting information from manufacturers and distributors due to the pandemic. The staff is about a month behind in collecting the Board's annual fee so a report will be presented at the November meeting.

As indicated in the memo, \$1,439,185.32 was requested to fund the ACP for fiscal year 2019/2020. A fee of \$.689 per vehicle was charged to 41 manufacturers and distributors. A total of \$1,439,112.97 had been collected from 39 manufacturers or distributors with two outstanding invoices.

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

17. **DISCUSSION CONCERNING PENDING LEGISLATION - LEGISLATIVE COMMITTEE**

- a. Pending Legislation of Special Interest: None
- b. Pending Legislation of General Interest:
 - (1) Assembly Bill 326 (Assembly Member Muratsuchi) pertaining to electric mobility manufacturers.
 - (2) Assembly Bill 2028 (Assembly Member Gonzales) pertaining to public meetings.

The members were provided with a memorandum from Tim Corcoran and Danielle Phomsopha concerning pending legislation. Ms. Phomsopha reported that both bills noted on the agenda failed to pass out of the legislature. Ms. Doi asked whether the bills might be in the next legislative session. Ms. Phomsopha indicated that Assembly Bill 2028 pertaining to public meetings has been resurrected in different formats so she will be monitoring this. With regards to Assembly Bill 326, pertaining to electric mobility manufacturers, she would not be surprised if this will be reintroduced.

Mr. Obando offered some perspective on this legislative session noting that both the Assembly and the Senate experienced very different situations in terms of how management of the flow of bills occurred, and towards the end of session there was a flurry of bills and a lot of bills did not pass. Mr. Obando believes many bills will roll over to the next year. Technical glitches, difficulties, and processes that were experienced this year will probably not happen next year, which means that there will probably be more bills. Mr. Obando foresees these two bills coming back.

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

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 indicated that several items have been and may continue to be postponed, either due to practical restraints that have been brought by various impacts of COVID-19, and the Board's ability to attend or hold in-person events, like the Industry Roundtable. In response to Ms. Doi's question, Mr. Corcoran indicated that he would prefer to see how the end of this calendar year goes, and then regroup and talk about what next year's roundtable might look like.

Mr. Obando commented that manufacturers and dealers sometimes do not participate in the Roundtable or leave right after, so this may present an opportunity for them to attend virtually. Ms. Doi indicated that if it does not look like the Board will be able to hold an in-person Industry Roundtable in 2021, it would be worth considering a virtual conference or roundtable.

With regards to case management, Ms. Parker indicated that 54 protests have been filed this year. Only 19 notices of termination have been received, which is a much lower number compared to 2009 and 2010 during the Great Recession. The 2017 modification protests for FCA will be resolved soon upon the filing of Proposed Stipulated Decisions and Orders. Judge Wong presided over the settlement conference in these cases and recently helped facilitate a settlement in the Santa Monica BMW case. Ms. Parker mentioned that Judge Wong is spearheading training for all the Board's judges with the help of Judge Skrocki, Judge Woodward Hagle, and Judge Pipkin.

Ms. Phomsopha indicated that since the members received this report, there have been nine new protests filed; seven establishment and two performance standard protests. In *Merced Truck and Trailer* (PR-2671-20) and *Bonander Auto* (PR-2673-20), the motions to dismiss were heard and the ruling deferred to see if counsel would like to schedule a Mandatory Settlement Conference.

In response to Ms. Doi's questions, Ms. Parker indicated that she anticipates one to three case management matters for the November 4, 2020, General Meeting. Ms. Parker indicated that a writ of mandate was filed regarding the Board's Decision in *Barber Honda*. In the *R & H Automotive Group* writ, a December 1, 2020 hearing has been set. In the Ford Motor Company writ pertaining to the Board's decision in *Vista Ford*, the opening brief was filed this week.

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

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

No additional public comment was presented.

20. **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. 20.

21. **OPEN SESSION**

The Public Members returned to Open Session. No action was taken.

22. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 11:17 a.m.

Submitted by

TIMOTHY M. CORCORAN
Executive Director

APPROVED: _____
Kathryn Ellen Doi
President
New Motor Vehicle Board



New Motor Vehicle Board RESOLUTION

WHEREAS, Mr. Anthony A. Batarse, Jr., was appointed to the Board in September 2013, by Governor Edmund G. Brown Jr., and was reappointed in March 2015, to serve as a dealer member of the **NEW MOTOR VEHICLE BOARD**; and,

WHEREAS, Mr. Batarse served on the Fiscal Committee as a Chair and member, and distinguished himself thereby; and

WHEREAS, Mr. Batarse actively engaged in the Board’s business by providing sound advice and leadership, was thoughtful, friendly and outgoing to staff and fellow members; and

WHEREAS, the foremost concern of Mr. Batarse is public service to the people of the State of California, being active in political and community affairs, with exemplary service and dedication in the best interest of his fellow citizens, which merits the highest praise and recognition, and

WHEREAS, Mr. Batarse has given with great unselfishness and dedication of his time and expertise to matters concerning the motor vehicle industry and helped direct and protect the welfare of the automotive industry in this State, which is vital to California's economy and public welfare, thereby enhancing the respect of the auto industry and public for the Board; and,

THEREFORE BE IT RESOLVED that each and every member of the **NEW MOTOR VEHICLE BOARD** joins in expressing their profound appreciation to Mr. Anthony A. Batarse, Jr. for his contribution to the Board, to the motor vehicle industry and to the people of the State of California.

Dated this 16th day of September 2020


KATHRYN ELLEN DOL, PRESIDENT


RAMON ALVAREZ C., VICE PRESIDENT


ANNE SMITH BOLAND


INDER DOSANJH


ARDASHES KASSAKHIAN


DANIEL P. KUHNERT


NANXI LIU


BISMARCK OBANDO



New Motor Vehicle Board RESOLUTION

WHEREAS, Ms. Victoria Rusnak was appointed to the Board in March 2009, by Governor Arnold Schwarzenegger to serve as a dealer member of the **NEW MOTOR VEHICLE BOARD**. She was reappointed by Governor Edmund G. Brown Jr. in October 2013 and March 2015; and,

WHEREAS, Ms. Rusnak served on several committees including Chair and member of the Fiscal Committee, served two terms as the Board's Vice President in 2014 and 2015, and distinguished herself thereby; and

WHEREAS, Ms. Rusnak actively engaged in the Board's business by providing sound advice and leadership, was thoughtful, friendly and outgoing to staff and fellow members; and

WHEREAS, the foremost concern of Ms. Rusnak is public service to the people of the State of California, being active in political and community affairs, with exemplary service and dedication in the best interest of her fellow citizens, which merits the highest praise and recognition, and

WHEREAS, Ms. Rusnak has given with great unselfishness and dedication of her time and expertise to matters concerning the motor vehicle industry and helped direct and protect the welfare of the automotive industry in this State, which is vital to California's economy and public welfare, thereby enhancing the respect of the auto industry and public for the Board; and,

THEREFORE BE IT RESOLVED that each and every member of the **NEW MOTOR VEHICLE BOARD** joins in expressing their profound appreciation to Mr. Victoria Rusnak for her contribution to the Board, to the motor vehicle industry and to the people of the State of California.

Dated this 16th day of September 2020


KATHRYN ELLEN DOL, PRESIDENT


RAMON ALVAREZ C., VICE PRESIDENT

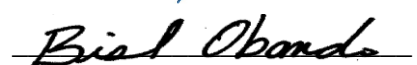

ANNE SMITH BOLAND


INDER DOSANJH


ARDASHES KASSAKHIAN


DANIEL P. KUHNERT


NANXI LIU


BISMARCK OBANDO



New Motor Vehicle Board RESOLUTION

WHEREAS, Mr. Glenn E. Stevens was duly appointed by Governor Gray Davis in March 2000, and reappointed in May 2003, to serve as a public member of the **NEW MOTOR VEHICLE BOARD**. He was reappointed by Governor Arnold Schwarzenegger in January 2008, and again by Governor Edmund G. Brown Jr. in September 2013 and March 2015; and,

WHEREAS, Mr. Stevens served on numerous committees, most recently as Chair of the Policy and Procedure Committee and Ad Hoc Committee to Review the Mission and Vision Statements, and member of the Government and Industry Affairs Committee; served five terms as the Board’s President in 2003, 2004, 2014, 2015, and 2016 and two terms as Vice President in 2002 and 2011; assisted the Board in many other capacities; and distinguished himself thereby; and

WHEREAS, Mr. Stevens actively engaged in the Board’s business by providing sound advice and leadership, was thoughtful, friendly and outgoing to staff and fellow members; and

WHEREAS, the foremost concern of Mr. Stevens is public service to the people of the State of California, being active in political and community affairs, with exemplary service and dedication in the best interest of his fellow citizens, which merits the highest praise and recognition, and

WHEREAS, Mr. Stevens has given with great unselfishness and dedication of his time and expertise to matters concerning the motor vehicle industry and helped direct and protect the welfare of the automotive industry in this State, which is vital to California's economy and public welfare, thereby enhancing the respect of the auto industry and public for the Board; and,

THEREFORE BE IT RESOLVED that each and every member of the **NEW MOTOR VEHICLE BOARD** joins in expressing their profound appreciation to Mr. Glenn E. Stevens for his contribution to the Board, to the motor vehicle industry and to the people of the State of California.

Dated this 16th day of September 2020


KATHRYN ELLEN DOL, PRESIDENT


RAMON ALVAREZ C., VICE PRESIDENT


ANNE SMITH BOLAND


INDER DOSANJH


ARDASHES KASSAKHIAN


DANIEL P. KUHNERT


NANXI LIU


BISMARCK OBANDO

STATE OF CALIFORNIA



MEMO

To: FISCAL COMMITTEE
ANNE SMITH BOLAND, CHAIR
NANXI LIU, MEMBER

Date: October 16, 2020

From: TIMOTHY CORCORAN
DAWN KINDEL
SUZANNE LUKE

Subject: BOARD FINANCIAL CONDITION REPORT FOR THE PREVIOUS FISCAL YEAR, THE ANNUAL BOARD FEE COLLECTION, AND WHETHER ANY FEE ADJUSTMENTS ARE NECESSARY

The following is a financial summary of the Board's expenditures and revenues through the close of Fiscal Year 2019-2020.

<i>Expenditures</i>		<i>Revenue</i>	
Budget Appropriation	\$1,789,474	Beginning Reserve Balance	*adj \$2,397,000
Expenditures	\$1,514,138	Revenues	\$1,787,087
Unexpended Appropriation	\$275,336	Total	\$4,184,087
		Current reserve balance	\$2,669,949

The Board expended 85% of its appropriated budget in Fiscal Year 2019-2020.

Attached for your review is a detailed summary of the Board's fund condition as well as itemized Revenue and Expense statements.

Given the current reserve balance, staff does not see a need for an adjustment to the Board's fee structure at this time. Based on preliminary indicators, vehicle sales for 2020 remain strong. Staff will continue to monitor new vehicle sales along with expenditures and report any need for adjustments of industry fees at future meetings.

The Board's annual manufacturer/distributor fee collection is currently underway. When the collection is complete, a total of \$967,514.85 will be accumulated.

This memorandum is being provided for informational purposes only, and no Board

action is required. If you have any questions prior to the Board Meeting, please contact me at (916) 324-6197 or Dawn Kindel at (916) 323-7201.

Attachments as stated

New Motor Vehicle Board Fund Condition Statement - Fiscal Year 2019-2020

Revenue and Expenditures July 1, 2019, through June 30, 2020 - (100% of fiscal year)

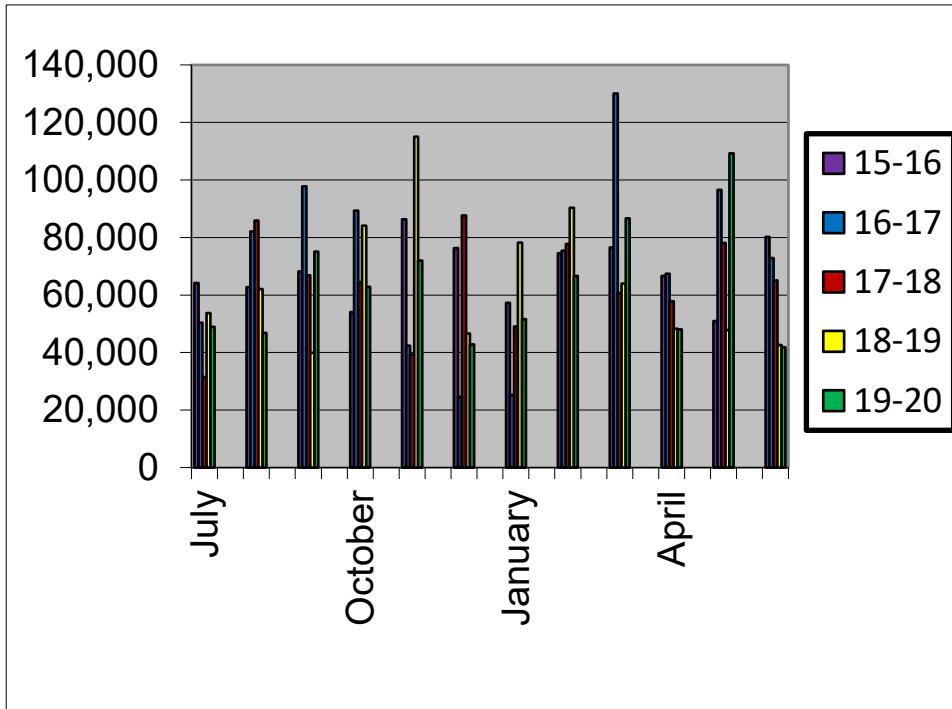
	<u>2017-2018</u>		<u>2018-2019</u>		<u>2019-2020</u>
BEGINNING RESERVES	2,016,910		2,358,872		2,623,082
Prior Year Adjustment	<u>-179,910</u>		<u>-133,872</u>		<u>-226,082</u>
Adjusted Beginning Balance	1,837,000		2,225,000		2,397,000
REVENUES					
NMVB Fees and Misc. Revenue					
0100 Dealer License Fee	763,999		772,540		752,377
0200 NMVB Filing Fee	13,213		17,400		11,200
0300 NMVB Annual Fee	1,089,981		1,032,686		1,022,039
0800 Miscellaneous Services	1,472		1,314		0
1000 Arbitration Program	3,275		2,744		1,471
Total Revenues	1,871,940		1,826,684		1,787,087
Adjusted Beginning Balance	1,837,000		2,225,000		2,397,000
Totals, Resources	3,708,940		4,051,684		4,184,087
EXPENDITURES					
Payroll Expense (included benefits)					
Budgeted	1,379,227		1,425,227		1,526,286
Expended	1,111,064	81%	1,126,204	79%	1,263,837
Operating Expense and Equipment					
Budgeted	263,188		263,188		263,188
Expended	239,004	91%	302,398	115%	250,301
Encumbrance Balance	0 ³		0 ³		0 ³
	*encumb rolled over (3,680)		*encumb rolled over (16,981)		*encumb roll over (6,935)
					0
Total - Payroll and Operating Expense	1,350,068	82%	1,428,602	85%	1,514,138
ADDITIONAL EXPENDITURES:					
Pro Rata charges (estimate)	101,864		128,000		114,000
*(final adjustments pending Governor's report)					
NOTE: *includes additional adjs: SCO/Fiscal/etc.					
DMV Administrative charges	78,000 ⁴		78,000 ⁴		78,000 ⁴
*(deduction made in prior year adjustment)					
Total Budgeted	1,642,415		1,688,415		1,789,474
Total Expended	1,350,068	82%	1,428,602	85%	1,514,138
RESERVES	2,358,872		2,623,082		2,669,949

³ Funds encumbered but not yet expended are treated as expenditures. Encumbrance balances are held in abeyance for two years after fiscal year's end, and any balance remaining after two years is released and returned to the Board's fund.

⁴ Administrative charges are included in the total budget authorized by the department for support in areas such as personnel, budget, and business services; however, this amount is not treated as an allocation and is not captured in the attached detail.

	15-16	16-17	17-18	18-19	19-20
July	64,200.00	50,376.00	31,415.00	53,667.00	48,900.00
August	62,700.00	82,057.00	85,886.00	62,100.00	46,800.00
September	68,148.00	97,783.00	66,836.00	39,900.00	75,102.00
October	54,000.00	89,275.00	64,500.00	84,087.00	62,876.00
November	86,358.00	42,410.00	39,250.00	115,050.00	72,000.00
December	76,272.00	24,600.00	87,600.00	46,585.00	42,764.00
January	57,300.00	25,220.00	49,060.00	78,220.00	51,600.00
February	74,528.00	75,410.00	77,772.00	90,300.00	66,600.00
March	76,500.00	130,017.00	60,758.00	63,938.00	86,700.00
April	66,600.00	67,375.00	57,782.00	48,303.00	48,000.00
May	50,910.00	96,550.00	78,040.00	47,790.00	109,215.00
June	80,230.00	72,860.00	65,100.00	42,600.00	41,820.00
Ytd	817,746.00	853,933.00	763,999.00	772,540.00	752,377.00

**DEALER FEES
FIVE YEAR COMPARISON**



DEPARTMENT OF MOTOR VEHICLES

Revenue Summary

fiscal year 2019-2020

4th Quarter

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Object Code 1213													
0100-New MV Dir Lic.	48,900.00	46,800.00	75,102.00	62,876.00	72,000.00	42,764.00	51,600.00	66,600.00	86,700.00	48,000.00	109,215.00	41,820.00	752,377.00
0200-NMVB Filing Fee	1,200.00	2,000.00	2,000.00	400.00	200.00	400.00	1,200.00	1,000.00	0.00	200.00	400.00	2,200.00	11,200.00
0300-NMVB Annual Fee	0.00	736,326.00	271,305.00	7,674.00	0.00	0.00	0.00	6,734.00	0.00	0.00	0.00	0.00	1,022,039.00
1213 Object Total	50,100.00	785,126.00	348,407.00	70,950.00	72,200.00	43,164.00	52,800.00	74,334.00	86,700.00	48,200.00	109,615.00	44,020.00	1,785,616.00
Object Code 1425													
0800-Misc. Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1425 Object Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Object Code 1614													
1000-Arbitration Program ¹	0.00	0.00	1,471.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,471.00
1614 Object Total	0.00	0.00	1,471.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,471.00
Revenue this Month	50,100.00	785,126.00	349,878.00	70,950.00	72,200.00	43,164.00	52,800.00	74,334.00	86,700.00	48,200.00	109,615.00	44,020.00	1,787,087.00
Revenue													
Year to date	50,100.00	835,226.00	1,185,104.00	1,256,054.00	1,328,254.00	1,371,418.00	1,424,218.00	1,498,552.00	1,585,252.00	1,633,452.00	1,743,067.00	1,787,087.00	1,787,087.00

¹ Reimbursement of costs associated with collection of Arbitration Certification Program Fees

NEW MOTOR VEHICLE BOARD
EXPENDITURE REPORT FOR THE FOURTH QUARTER OF FISCAL YEAR 2019-2020
(100% of fiscal year)

ACCOUNT CODE	DESCRIPTION	BUDGETED AMOUNT	EXPENDITURE YEAR TO DATE	%	BALANCE REMAINING	%
1000	PAYROLL EXPENSE					
0030	Salaries - full time staff	904,090	790,897.00		113,193	
0330	Salaries - part time staff	74,196	70,381.00		3,815	
0830	Overtime	0	2,860.00		-2,860	
0990	Salary Savings (minus)	0	0.00		0	
0020	TOTAL - salary expense	978,286	864,138.00		114,148	
1010	TOTAL - staff benefits	548,000	399,699.00		148,301	
1000	CATEGORY TOTAL PAYROLL EXPENSE	1,526,286	1,263,837.00	83%	262,449	17%
3000	OPERATING EXPENSE AND EQUIPMENT					
2010	General Expense					
2050	Dues and membership	4,000	4,723.00		-723	
2230	Library purchases	10,000	8,403.00		1,597	
2260	Minor equipment	300	1,057.00		-757	
2270	Office equipment - rent/maintenance/repair	200	0.00		200	
2380	Miscellaneous general expense	200	291.00		-91	
2391	Miscellaneous office supplies	7,300	4,283.00		3,017	
2395	Meeting expense	2,000	2,311.00		-311	
2010	Total - General Expense	24,000	21,068.00		2,932	

ACCOUNT CODE	DESCRIPTION	BUDGETED AMOUNT	EXPENDITURE YEAR TO DATE	%	BALANCE REMAINING	%
2410	Printing					
2440	Office copier expense - rent/maintenance	1,750	1,166.00		584	
2480	Miscellaneous printing expense	1,750	0.00		1,750	
2410	Total - Printing	3,500	1,166.00		2,334	
2610	Postage -meter rental & service, FedEx	9,000	4,359.00		4,641	
2910	Travel In-State					
2920	Lodging, mileage, misc.	2,000	3,409.00		-1,409	
2940	Commercial air transportation	5,250	10,671.00		-5,421	
2950	Rental cars / other travel expense	7,750	5,260.00		2,490	
2910	Total - Travel In-State	15,000	19,340.00		-4,340	
3110	Travel Out-of-State					
3120	Lodging, mileage, misc.	1,000	0.00		1,000	
3140	Commercial air transportation	1,000	648.00		352	
3150	Other travel expense/Rental cars	500	957.00		-457	
3110	Total - Travel Out-of-State	2,500	1,605.00		895	
3320	Training	3,038	3,346.00		-308	
3430	Rent - non State owned building	165,000	157,964.00		7,036	
3445	Janitorial services	0	0.00		0	
3450	Security services	550	0.00		550	
3470	Facilities planning - DGS	10,000	3,804.00		6,196	
3820	Professional services - internal (Attorney General)	12,000	23,473.00		-11,473	
4020	Professional services - external (court reporters)	18,000	13,518.00		4,482	

ACCOUNT CODE	DESCRIPTION			%	BALANCE REMAINING	%
4324	Data processing software	0	658.00		-658	
4350	Data processing minor equipment	0	0.00		0	
4380	Pro rata statewide expense (114,000 TBA)	0	0.00		0	
4520	Equipment replacement	600	0.00		600	
CATEGORY TOTAL						
3000	OPERATING EXPENSE AND EQUIPMENT	263,188	250,301.00	95%	12,887	5%

1000	PAYROLL EXPENSE	1,526,286	1,263,837.00	83%	262,449	17%
3000	OPERATING EXPENSE AND EQUIPMENT	263,188	250,301.00	95%	12,887	5%
Total - Payroll and Operating Expense		1,789,474	1,514,138.00	85%	275,336	15%
	Pro rata statewide expense (114,000) allotment	1	(see above)		0.00	
	Encumbrance balance (rolled over \$6,935)	2			0.00	
			1,514,138.00	85%		
	DMV Administrative charge (78,000)	3	78,000	78,000.00	100%	0
Grand total - fiscal year 2019-2020		1,867,474	1,592,138.00	85%	275,336	15%

¹ Pro rata statewide expense is budgeted and expended on a quarterly basis; however, it does not show as an expenditure on DMV's reports. The Board will deduct the Pro rata expense at the end of FY 19/20.

² Funds encumbered (for specific purchases) but not yet expended are treated as expenditures. Encumbrance balances are held in abeyance for two years after fiscal year's end, and any balance remaining after two years is released and returned to the Board's fund.

³ DMV Administrative charges are included in the total budget authorized by the department for support in areas such as personnel, budget, and business services; however, this amount is not treated as an allocation and is not captured in the attached detail - deduct end of FY 19/20.

STATE OF CALIFORNIA

MEMO



To : POLICY AND PROCEDURE COMMITTEE
DANIEL KUHNERT, CHAIR
INDER DOSANJH, MEMBER

Date: October 6, 2020

From : TIMOTHY M. CORCORAN
ROBIN P. PARKER

Subject: DISCUSSION AND CONSIDERATION OF AMENDING THE BOARD'S PARLIAMENTARY PROCEDURES TO REFLECT THE REPEAL OF ARTICLE 3 (COMMENCING WITH SECTION 3052) OF CHAPTER 6 OF DIVISION 2 OF THE VEHICLE CODE.

The Board adopted Parliamentary Procedures were recently amended at the December 2, 2019, General Meeting to automatically fill vacant committee Chair positions with the Member. Effective January 1, 2020, the provisions pertaining to appeals were repealed. The proposed changes as reflected in the attached Parliamentary Procedures are as follows:

ARTICLE 5. DEBATE AND VOTING

...

2. Once the debate has concluded, a vote shall be taken on the motion, which requires the majority of the Members present to pass. Once a motion regarding a Protest, or Petition, and Appeal has been passed by majority vote, there shall be no further debate on the matter and no reconsideration of the vote. On all other matters, the Members of the Board have the right to reconsider the matter and take any action which they deem appropriate. The Members of the Board may, however, discuss the effect of the Board action or any matter ancillary to implementing the Board action taken by the vote.

...

This matter is being agendized for consideration at the November 4, 2020, General Meeting. If you have any questions or require additional information, please do not hesitate to contact me at (916) 324-6197 or Robin at (916) 323-1536.

Attachment

cc: Kathryn E. Doi, President

NEW MOTOR VEHICLE BOARD

PARLIAMENTARY PROCEDURES

November 4, 2020

PREFACE

The following set of parliamentary procedures were adopted by the New Motor Vehicle Board as its Parliamentary Rules at its General Meeting of March 18, 1997 and will dictate the procedure to be followed at all subsequent meetings of the Board until amended, modified, or superseded by order of the Board. The rules were subsequently amended on January 8, 2003, to reflect the change in senior management from Executive Secretary to Executive Director. The rules concerning debate and voting were approved at the September 27, 2011, General Meeting. At the December 2, 2019, General Meeting, changes were approved to automatically fill vacant committee Chair positions with the Member.

Definitions. The following definitions apply to the text of the parliamentary rules that follow. The terms to be defined appear here in alphabetical order.

BOARD. The New Motor Vehicle Board of the State of California.

DEALER MEMBER. A member of the Board who is licensed as a new motor vehicle dealer pursuant to Vehicle Code section 11700, et seq.

EXECUTIVE DIRECTOR. The Executive Director of the New Motor Vehicle Board.

MEETING. An official gathering of members in one area to transact business for a period during which there is no interruption longer than a recess.

MEMBER. A person with the right to full participation, including the right to vote, on any particular issue pending before the Board.

PRESIDENT. The President of the New Motor Vehicle Board.

PUBLIC MEMBER. A member of the Board who is not licensed as a new motor vehicle dealer pursuant to Vehicle Code section 11700, et seq.

VICE-PRESIDENT. The Vice-President of the New Motor Vehicle Board.

ARTICLE 1. MEETINGS OF THE BOARD - GENERAL

1. Except as provided for herein, the meetings of the Board shall be held in public and shall be subject to the requirements and provisions of the Bagley-Keene Open Meeting Act. (Government Code section 11120, et seq.)

2. Meetings of the Board shall be designated as either "General" or "Special" Meetings. General Meetings are those meetings in which both Dealer Members and Public Members participate and may include as items of business any matter in which the Board may legally be involved. General Meetings shall contain, as items of business, the consideration for approval of the minutes of all previous meetings for which minutes have

not been approved, as well as the presentation of the Executive Director's Report. Special Meetings may be those meetings in which only Public Members may participate, or may be those meetings which contain business in which all members may participate. Special Meetings, however, shall not include as items of business the consideration of minutes or the presentation of the Executive Director's Report.

3. A General or Special Meeting may be called at any time by the President of the Board or by any five members of the Board.

4. Notice. Notice of a Board meeting is a written announcement giving the date, time, and place of the start of a meeting, given to all Board Members as well as all interested parties, a reasonable time in advance. Notice of Board meetings shall be in compliance with the provisions of the Bagley-Keene Open Meeting Act.

ARTICLE 2. INTRODUCTION OF BUSINESS - AGENDA

1. All items of business to be considered by the Board at either a General or Special Meeting of the Board shall be included in the agenda for that meeting.

2. The agenda for each meeting shall be prepared by the Executive Director of the Board. The President shall determine, in advance of the meeting, which items of business and their order shall be placed on the agenda for the next meeting of the Board.

3. Any other member of the Board may request that a particular item of business be placed on the agenda for any subsequent meeting of the Board. Any such request shall be made to the Executive Director of the Board at least fifteen (15) days prior to the date scheduled for the Board Meeting.

ARTICLE 3. OFFICERS OF THE BOARD

1. The members of the Board shall elect a President and Vice-President at the first General Meeting of each calendar year. Either officer may be a Dealer Member or Public Member of the Board. The term of each office shall be for one year. The newly elected officers shall assume their duties at the conclusion of the meeting at which they were elected. Reelection to either office is unrestricted during membership on the Board.

2. The election of officers shall be a specific item of business on the agenda for the first General Meeting of each calendar year. At the time the matter is considered, any member may nominate any other member for the office of President and/or Vice-President. There are no restrictions on the number of members who may be nominated for either position during this process. At any time after at least one Board Member is nominated for each office, any member may move that the nomination of officers be closed. If the motion is seconded and carried by majority vote, the nominating process shall be deemed concluded. After the nominating process is concluded, the Members of the Board shall cast their vote for a nominated Member for each office. No Board Member may vote for more than one nominated Member for each office. The voting shall be done

by oral poll. Any Board Member may abstain from voting for a nominated Member for either office.

ARTICLE 4. BOARD COMMITTEES

1. The President of the Board may form committees and appoint Members thereto for the purpose of performing any duty which is not otherwise prohibited by law. The President may appoint a Chair, however, each Member of any Board committee shall have equal standing on that committee with respect to committee action. In the event the Chair of a committee is vacant due to any reason, the Member of that committee will automatically become the Chair; the Member position will then be vacant until the President makes an appointment.

2. The formation of committees and the appointments of Members thereto shall be entered into the minutes of the meeting at which such activities occur.

ARTICLE 5. DEBATE AND VOTING

1. In any order of business before the Board which requires Board action or resolution, the Board shall have the opportunity to debate the matter before taking action thereon. Debate is any spoken comment on the merits of a pending matter, whether or not a motion has been made regarding the issues raised by the agenda item. At any time during the debate on an item, any Board Member may make a motion regarding the matter. If a motion is made regarding a particular item, the President or presiding officer shall ask for a second. If there is no second, the motion dies and the Board may continue its debate. If there is a second, the President or presiding officer shall ask if there is any further discussion. If there is no further discussion, then the matter shall be voted upon. If a dispute arises as to whether debate shall continue, the issue shall be resolved by majority vote, unless there is a motion "to order the previous question," in which case an immediate vote must be taken requiring a two-thirds majority.

2. Once the debate has concluded, a vote shall be taken on the motion, which requires the majority of the Members present to pass. Once a motion regarding a Protest, or Petition, and Appeal has been passed by majority vote, there shall be no further debate on the matter and no reconsideration of the vote. On all other matters, the Members of the Board have the right to reconsider the matter and take any action which they deem appropriate. The Members of the Board may, however, discuss the effect of the Board action or any matter ancillary to implementing the Board action taken by the vote.

3. If a motion regarding a matter pending before the Board is made, seconded, and voted upon, but the motion fails to receive a majority of the votes of the present Members, then the motion shall be deemed defeated and debate on the matter shall resume. In order for the Board to act on such a matter, an additional motion shall be necessary consistent with the procedure set forth above. Nothing in these Parliamentary Rules shall be deemed to prohibit any Member from making a motion similar or identical to one which has already been defeated by previous vote.

4. 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 shall convene in a closed Executive Session to deliberate on the decisions to be 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.

5. A Member has the right to change his or her vote any time during the voting process and before the decision on the motion has been finally and conclusively pronounced by the President or presiding officer, but not afterwards.

6. No Member is allowed to explain his vote during the voting process; such an explanation is debate and should have been offered during the course of debate.

7. A Member must be present to vote, but he or she need not have been present during the debate. Furthermore, the Member can vote on any matter in which that Member may legally participate, even if the Member was not present at another meeting at which the same matter was considered by the Board.

ARTICLE 6. QUORUM REQUIREMENTS

1. A quorum is the minimum number of Members who must be present at a meeting for the transaction of business. The requirements for a quorum are set forth in Vehicle Code section 3010.

ARTICLE 7. MINUTES

1. The Board shall prepare and keep minutes of the items of business which transpire at all meetings of the Board. The minutes of the public sessions of the meetings of the Board shall be approved by the Board at the General Meeting next following the one to which the minutes apply.

2. Pursuant to the provisions of the Bagley-Keene Open Meeting Act, the Board shall maintain a minute book of all Executive Sessions of the Board, which shall be kept confidential and shall be available only to members of the Legislature or to a court in connection with litigation involving an alleged violation of the open meeting laws during the Executive Session. Neither the minute book nor the information which it memorializes may be released by the Board Members or staff.

3. The minutes shall contain a summary of all action taken by the Board during the public session of each Board meeting. The minutes shall reflect the name of the Member who makes any motion, the name of the Member who seconds any such motion, and the vote of the Board on the motion. If the vote on any particular matter takes place during Executive Session, the minutes of the public session shall reflect the identity of the Member who made motion regarding the matter, the Member who seconded the motion, and the vote of the Members of the Board on that matter.

4. Any Board Member may request that the proposed minutes of a prior meeting be amended to more accurately reflect the business which transpired at that meeting. If any other member objects to the amendment, the matter shall be resolved by majority vote. If no other member so objects, then the minutes for the meeting shall be amended as requested.

5. After the minutes are prepared, the Executive Director shall sign the minutes before they are submitted to the Board for approval. When the minutes are approved, they shall be signed by the President of the Board.

6. After the minutes for any Board meeting have been approved, they may be changed only by a motion to amend the approved minutes.

ARTICLE 8. GENERAL

1. In the event that a procedural issue arises which is not covered by these parliamentary procedures, the relevant provision(s) of Robert's Rules of Order, The Modern Edition (1989 Version) shall control the situation to which the issue applies.



***EXECUTIVE
DIRECTOR'S
REPORT***

November 4, 2020

A.
ADMINISTRATIVE
MATTERS

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
ADMINISTRATION COMMITTEE			
<u>1. Revision of the Board's Policy Concerning the In-Site, a Periodic Newsletter</u> Tim Corcoran; Administration Committee	Since 1999, the Board has published The In-Site newsletter in order to advise dealers, manufacturers/distributors, and other interested parties about its activities, cases, and decisions. Given the availability of this information on the Board's website, the small number of entities on the public mailing list, and the limited number of staff, it may be time to retire the In-Site to better focus on other projects.	January 2021	In progress. The revised Guide will be presented at the January 2021 General Meeting.
<u>2. Update Guide to the New Motor Vehicle Board</u> Robin Parker; Administration Committee	Update the <i>Guide to the New Motor Vehicle Board</i> to incorporate statutory and regulatory changes.	January 2021	In progress. The revised Guide will be presented at the January 2021 General Meeting.
<u>Performance Review Criteria for Executive Director Position</u> Dawn Kindel; Administration Committee	Develop performance review criteria for the Executive Director position so the annual review is more meaningful with defined criteria.	September 2020	Completed At the September 16, 2020, General Meeting, the members approved the Performance Review Criteria
BOARD DEVELOPMENT COMMITTEE			
<u>1. Schedule Board Member Education Presentations</u> Danielle Phomsopha; Board Development Committee	Develop a schedule for prioritizing topics and speakers for Board member education presentations for upcoming meetings	November 2020	In progress. Topics and speakers for Board member education will be discussed at the November 4, 2020, General Meeting.

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
<u>Solon C. Soteris</u> <u>Employee</u> <u>Recognition</u> <u>Award Recipient</u> Tim Corcoran; Board Development Committee	Compile the nominations provided by staff and select a nominee for the Solon C. Soteris Employee Recognition Award.	September 2020	<u>Completed</u> At the September 16, 2020, General Meeting, the members approved a Team Award.
FISCAL COMMITTEE			
1. <u>Quarterly Fiscal Reports</u> Dawn Kindel, Suzanne Luke; Fiscal Committee	Quarterly fiscal reports will be provided to the Committee and scheduled for upcoming Board meetings.	Ongoing	In progress. The 1 st quarter report for fiscal year 2019-2020 was presented at the March 5, 2020, General Meeting. The report for fiscal year 2019-2020 will be presented at the November 4, 2020, General meeting.
2. <u>Report Concerning Out-of-State Travel Plans</u> Dawn Kindel; Fiscal Committee	The staff will provide a report concerning the out-of-state travel plans for fiscal year 2020-2021.	January 2021	In progress. A report will be presented for consideration at the January 2021 General Meeting.
3. <u>Status Report on the Collection of Fees for the Arbitration Certification Program</u> Dawn Kindel, Suzanne Luke; Fiscal Committee	The staff will provide a report concerning the annual fee collection for the Department of Consumer Affairs, Arbitration Certification Program.	June 2021	In progress. A status report will be provided at the June 2021 General Meeting.

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
4. <u>Proposed Board Budget for the Next Fiscal Year</u> Dawn Kindel, Suzanne Luke; Fiscal Committee	The staff in conjunction with the Fiscal Committee will discuss and consider the Board's proposed Budget for fiscal year 2019-2020.	June 2021	In progress. The 2020-2021 Budget will be presented for consideration at the June 2021 General Meeting.
<u>Status Report on the Collection of Fees for the Arbitration Certification Program</u> Dawn Kindel, Suzanne Luke; Fiscal Committee	The staff will provide a report concerning the annual fee collection for the Department of Consumer Affairs, Arbitration Certification Program.	September 2020	Completed At the September 16, 2020, General Meeting, the members were provided with a report on the ACP fees.
GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE			
1. <u>Host Industry Roundtable</u> Tim Corcoran, Dawn Kindel, Danielle Phomsopa; Government and Industry Affairs Committee	Host the traditional Industry Roundtable with representatives from car, truck, motorcycle and recreational vehicle manufacturers/ distributors, dealers, in-house and outside counsel, associations and other government entities.	TBD 2021	In progress. The staff is beginning to work on the planning stage for the 2021 Roundtable.
LEGISLATIVE COMMITTEE			
POLICY AND PROCEDURE COMMITTEE			
1. <u>Revised Parliamentary Procedures</u> Robin Parker; Policy and Procedure Committee	Amend Board adopted Parliamentary Procedures to reflect that appeals were repealed effective January 1, 2020.	November 2020	In progress. The draft amended Parliamentary Procedures will be considered at the at the November 4, 2020, General Meeting.

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
<p>2. <u>Annual Rulemaking Calendar</u> Danielle Phomsopha; Policy and Procedure Committee</p>	<p>Consideration of the annual rulemaking calendar.</p>	<p>January 2021</p>	<p>In progress. The 2021 Rulemaking Calendar will be considered at the January 2021, General Meeting.</p>
<p>3. <u>Update New Motor Vehicle Board Administrative Law Judges Benchbook</u> Robin Parker; Policy and Procedure Committee</p>	<p>Update the <i>New Motor Vehicle Board Administrative Law Judge's Benchbook</i>.</p>	<p>January 2021</p>	<p>In progress. The revised ALJ Benchbook will be considered at the January 2021, General Meeting.</p>
<p>4. <u>Update the Informational Guide for Manufacturers and Distributors</u> Robin Parker; Policy and Procedure Committee</p>	<p>Update the <i>Informational Guide for Manufacturers and Distributors</i>.</p>	<p>January 2021</p>	<p>In progress. The updated Guide will be at the January 2021, General Meeting.</p>
<p>5. <u>Update the Export or Sale-For-Resale Prohibition Policy Guide</u> Robin Parker; Policy and Procedure Committee</p>	<p>Update the <i>Export or Sale-For-Resale Prohibition Policy Guide</i> for Vehicle Code section 3085 protests filed by an association, as defined.</p>	<p>January 2021</p>	<p>In progress. The Guide will be considered at the January 2021, General Meeting.</p>

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
<p>6. <u>Report on the Assignment of Cases to Board Administrative Law Judges</u> Danielle Phomsopha; Policy and Procedure Committee</p>	<p>Annual report on the assignment of cases to Board Administrative Law Judges (“ALJs”).</p>	<p>January 2021</p>	<p>In progress. A report on the assignment of cases to Board ALJs will be presented at the January 2021, General Meeting.</p>
<p>7. <u>Promulgate Substantive Amendments to Regulations that Pertain to Assembly Bill 179 and Petitions</u> Danielle Phomsopha; Policy and Procedure Committee</p>	<p>In compliance with the Administrative Procedure Act, amend the Board’s regulations to implement several substantive regulations as a result of the passage of Assembly Bill 179 (Ch. 796, effective January 1, 2020). Clarify that the petitioner can file declarations or other evidence or documents that support the petition and that exhibits may be submitted by declaration in Respondent’s answer to a petition.</p>	<p>March 2021</p>	<p>In progress. The Board approved the text at the December 2, 2019, and March 5, 2020, General Meetings.</p>
EXECUTIVE COMMITTEE			
<p>1. <u>Review and Consideration of Board Adopted Delegations</u> Robin Parker; Executive Committee</p>	<p>At the March 18, 1997, General Meeting, the Board adopted the former Budget and Finance Committee’s analysis of the duties of the Board Members and staff in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency. These delegations are reviewed by the staff, and amendments are considered as needed by the Board.</p>	<p>January 2021</p>	<p>In progress. This matter is being agendized for consideration at the January 2021, General Meeting.</p>

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
AD HOC COMMITTEE ON EQUITY, JUSTICE AND INCLUSION			
1. <u>Develop Strategies for Board Consideration</u> Tim Corcoran; Ad Hoc Committee	Develop strategies for the Board's consideration, which advance California State Transportation Agency's stated goal of "Enhancing the lives of all Californians – particularly people of color and disadvantaged communities..."	Ongoing	In progress. The Committee's first public meeting is October 27, 2020.

B. CASE MANAGEMENT

CASE VOLUME

SEPTEMBER 2, 2020 THROUGH OCTOBER 20, 2020

VEHICLE CODE SECTION	DESCRIPTION	NEW CASES	RESOLVED CASES	PENDING CASES
3060	Termination	0	0	17
3060	Modification	0	2	18
3062	Establishment	7	2	8
3062	Relocation	0	4	2
3062	Off-Site Sale	0	0	0
3064	Delivery/Preparation Obligations	0	0	0
3065	Warranty Reimbursement	0	0	1
3065.1	Incentive Program Reimbursement	0	1	4
3065.3	Performance Standard	2	0	4
3065.4	Retail Labor Rate or Retail Parts Rate	0	0	0
3070	Termination	0	0	0
3070	Modification	0	0	0
3072	Establishment	0	0	0
3072	Relocation	0	0	0
3072	Off-Site Sale	0	0	0
3074	Delivery/Preparation Obligations	0	0	0
3075	Warranty Reimbursement	0	0	0
3076	Incentive Program Reimbursement	0	0	0
3085	Export or Sale-for-Resale	0	0	0
3050(c)	Petition	0	0	0
TOTAL CASES:		9	9	54

PENDING CASES

BY CASE NUMBER

ABBREVIATIONS			
ALJ	Administrative Law Judge	Bd.Mtg.	Board Meeting
HRC	Hearing Readiness Conference	IFU	Informal Follow-Up
MH	Merits Hearing	CMH	Continued Merits Hearing
RMH	Resumed Merits Hearing	MSC	Mandatory Settlement Conference
CMSC	Continued Mandatory Settlement Conference	RMSC	Resumed Mandatory Settlement Conference
MTCP	Motion to Compel Production	MTC	Motion to Continue
MTD	Motion to Dismiss	PHC	Pre-Hearing Conference
CPHC	Continued Pre-Hearing Conference	RPHC	Resumed Pre-Hearing Conference
PD	Proposed Decision	POS	Proof of Service
PSDO	Proposed Stipulated Decision and Order	ROB	Ruling on Objections
CROB	Continued Ruling on Objections	RROB	Resumed Ruling on Objections
SC	Status Conference	CSC	Continued Status Conference
RFD	Request for Dismissal		
* Consolidated, non-lead case			

Protests

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
1. PR-2492-17 1-18-17	All Protestants signed a PSDO	Ellis Family Stores, LLC, a California limited liability company, dba Fiat of Glendale v. FCA US LLC, a Delaware limited liability company	P: Tim Robinett R: Randy Oyler, Bob Davies, Mary Stewart	Modification
2. PR-2499-17* 1-19-17	All Protestants signed a PSDO	Stevens Creek Luxury Imports, Inc. dba AutoNation Alfa Romeo Stevens Creek v. FCA US LLC	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Randy Oyler, Bob Davies, Mary Stewart	Modification

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
3. PR-2501-17 1-19-17	Case is tracking corresponding Alfa Romeo/Fiat matters	Stevens Creek Luxury Imports, Inc. dba AutoNation Maserati Stevens Creek v. Maserati North America, Inc.	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Randy Oyler, Bob Davies, Mary Stewart	Modification
4. PR-2506-17* 1-23-17	Case is tracking corresponding Alfa Romeo/Fiat matters	Rusnak/Pasadena, dba Rusnak Maserati of Pasadena v. Maserati North America, Inc.	P: Christian Scali R: Randy Oyler, Bob Davies, Mary Stewart	Modification
5. PR-2512-17* 1-23-17	Case is tracking corresponding Alfa Romeo/Fiat matters	Niello Italian Imports, Inc., dba Niello Maserati v. Maserati North America, Inc.	P: Christian Scali R: Randy Oyler, Bob Davies, Mary Stewart	Modification
6. PR-2515-17* 2-2-17	All Protestants signed a PSDO	HWM Auto Corp., dba McKevitt Alfa Romeo v. FCA US LLC	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Randy Oyler, Bob Davies, Mary Stewart	Modification
7. PR-2542-17 11-13-17	Matter stayed pending appeal	Putnam Automotive, Inc., dba Putnam Subaru v. Subaru of America, Inc.	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Lisa M. Gibson	Modification Satellite Warranty Facility
8. PR-2553-18 1-26-18	Matter stayed pending appeal	Putnam Automotive, Inc., dba Putnam Subaru v. Subaru of America, Inc.	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Lisa M. Gibson	Termination Satellite Warranty Facility

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
9. PR-2570-18 8-22-18 Reopened 9-4-20	Opening briefs due: 10-14-20 Reply briefs due: 10-23-20 Oral argument, if any: 11-2-20	Courtesy Automotive Group, Inc., dba Courtesy Subaru of Chico v. Subaru of America, Inc.	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Lisa M. Gibson, Crispin Collins	Termination/ PSDO Dispute
10. PR-2626-19 5-7-19	RPHC: 10-23-20	Johnson Ford, Inc., dba Antelope Valley Ford Lincoln v. Ford Motor Company	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Elizabeth A. McNellie, Marcus McCutcheon	Modification
11. PR-2633-19 7-10-19	Parties working on settlement	NextMotors Corporation, a California Corporation v. Mitsubishi Motors North America, Inc., a California Corporation	P: Christian J. Scali, Jade F. Jurdi R: Lisa M. Gibson, Lauren Deeb, Crispin Collins	Termination
12. PR-2639-19* 8-15-19	Parties working on settlement	NextMotors Corporation, a California Corporation v. Mitsubishi Motors North America, Inc., a California Corporation	P: Christian J. Scali, Jade F. Jurdi R: Lisa M. Gibson, Lauren Deeb, Crispin Collins	Termination
13. PR-2640-19* 8-15-19	Parties working on settlement	NextMotors Corporation, a California Corporation v. Mitsubishi Motors North America, Inc., a California Corporation	P: Christian J. Scali, Jade F. Jurdi R: Lisa M. Gibson, Lauren Deeb, Crispin Collins	Termination
14. PR-2648-19 12-16-19	HRC: 1-8-21 MH: 2-22-21 (5 days)	Prieto Automotive, Inc., a California Corporation, dba Subaru of Sonora v. Subaru of America, Inc.	P: Michael Sieving R: Lisa M. Gibson, Crispin Collins, Amy M. Toboco	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
15. PR-2649-20 1-2-20	RPHC: 10-23-20	Johnson Ford, Inc., dba Antelope Valley Ford Lincoln v. Ford Motor Company	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Elizabeth McNellie, Marcus McCutcheon	Performance Standard
16. PR-2652-20* 1-10-20	HRC: 10-22-20 MH: 12-7-20 (7 days)	Santa Monica Motor Group dba Santa Monica Chrysler Jeep Dodge Ram v. FCA US (Chrysler)	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Mark T. Clouatre, John P. Streelman, Blake A. Gansborg, Crispin Collins	Franchisor Incentive
17. PR-2653-20* 1-10-20	HRC: 10-22-20 MH: 12-7-20 (7 days)	Santa Monica Motor Group dba Santa Monica Chrysler Jeep Dodge Ram v. FCA US (Dodge)	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Mark T. Clouatre, John P. Streelman, Blake A. Gansborg, Crispin Collins	Franchisor Incentive
18. PR-2654-20* 1-10-20	HRC: 10-22-20 MH: 12-7-20 (7 days)	Santa Monica Motor Group dba Santa Monica Chrysler Jeep Dodge Ram v. FCA US (Jeep)	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Mark T. Clouatre, John P. Streelman, Blake A. Gansborg, Crispin Collins	Franchisor Incentive

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
19. PR-2655-20* 1-10-20	HRC: 10-22-20 MH: 12-7-20 (7 days)	Santa Monica Motor Group dba Santa Monica Chrysler Jeep Dodge Ram v. FCA US (RAM)	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Mark T. Cloutre, John P. Streelman, Blake A. Gansborg, Crispin Collins	Franchisor Incentive
20. PR-2657-20 2-7-20	RPHC: 10-23-20	Auto Legend LLC, a California Limited Liability Company, dba Acura of Fremont v. America Honda Motor Company, Inc., a corporation	P: Halbert B. Rasmussen, Monica J. Baumann R: Lauren Deeb, Melissa Fletcher Allaman, Steve McKelvey	Warranty
21. PR-2661-20 4-20-20	ROB: 11-20-20 HRC: 1-29-21 MH: 3-15-21 (3 days)	South County Hyundai of Gilroy, LLC dba South County Hyundai of Gilroy, a California limited liability company v. Hyundai Motor America, a California corporation (60-day notice)	P: Victor P. Danhi, Franjo M. Dolenac R: Richard H. Otera, Lisa M. Gibson, Jessica M. Higashiyama	Termination
22. PR-2662-20 4-27-20	ROB: 11-17-20 HRC: 3-1-21 MH: 4-12-21 (4 days)	Towne Motor Company dba Towne Ford, a California corporation v. Ford Motor Company, a Delaware corporation	P: Victor P. Danhi, Franjo M. Dolenac R: Elizabeth A. McNellie, Marcus McCutcheon	Establishment
23. PR-2663-20 5-22-20	ROB: 11-18-20 HRC: 1-15-21 MH: 3-1-21 (5 days)	Fer Rancho Mirage, LLC dba Ferrari of Rancho Mirage v. Ferrari North America, Inc.	P: Elizabeth L. Kolar, Benjamin T. Runge R: Colm Moran	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
24. PR-2664-20* 5-26-20	ROB: 11-20-20 HRC: 1-29-21 MH: 3-15-21 (3 days)	South County Hyundai of Gilroy, LLC dba Genesis of Gilroy, a California limited liability company v. Hyundai Motor America, a California corporation (15-day notice)	P: Victor P. Danhi, Franjo M. Dolenac R: Richard H. Otera, Lisa M. Gibson, Jessica M. Higashiyama	Termination
25. PR-2665-20* 5-26-20	ROB: 11-20-20 HRC: 1-29-21 MH: 3-15-21 (3 days)	South County Hyundai of Gilroy, LLC dba South County Hyundai of Gilroy, a California limited liability company v. Hyundai Motor America, a California corporation (15-day notice)	P: Victor P. Danhi, Franjo M. Dolenac R: Richard H. Otera, Lisa M. Gibson, Jessica M. Higashiyama	Termination
26. PR-2666-20 5-28-20	Proposed Order Pending Board Consideration	South County CDJR LLC dba South County Chrysler Dodge Jeep Ram Fiat, California limited liability company v. FCA US LLC, a Delaware limited liability company [Chrysler]	P: Victor P. Danhi, Franjo M. Dolenac R: Mark Clouatre, John Streelman, Blake Gansborg, Crispin Collins	Termination
27. PR-2667-20* 5-29-20	Proposed Order Pending Board Consideration	South County CDJR LLC dba South County Chrysler Dodge Jeep Ram Fiat, California limited liability company v. FCA US LLC, a Delaware limited liability company [Dodge]	P: Victor P. Danhi, Franjo M. Dolenac R: Mark Clouatre, John Streelman, Blake Gansborg, Crispin Collins	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
28. PR-2668-20* 5-28-20	Proposed Order Pending Board Consideration	South County CDJR LLC dba South County Chrysler Dodge Jeep Ram Fiat, California limited liability company v. FCA US LLC, a Delaware limited liability company [Jeep]	P: Victor P. Danhi, Franjo M. Dolenac R: Mark Clouatre, John Streelman, Blake Gansborg, Crispin Collins	Termination
29. PR-2669-20* 5-28-20	Proposed Order Pending Board Consideration	South County CDJR LLC dba South County Chrysler Dodge Jeep Ram Fiat, California limited liability company v. FCA US LLC, a Delaware limited liability company [RAM]	P: Victor P. Danhi, Franjo M. Dolenac R: Mark Clouatre, John Streelman, Blake Gansborg, Crispin Collins	Termination
30. PR-2670-20* 6-1-20	ROB: 11-20-20 HRC: 1-29-21 MH: 3-15-21 (3 days)	South County Hyundai of Gilroy, LLC dba Genesis of Gilroy, a California limited liability company v. Hyundai Motor America, a California corporation (60-day notice)	P: Victor P. Danhi, Franjo M. Dolenac R: Richard H. Otera, Lisa M. Gibson, Jessica M. Higashiyama	Termination
31. PR-2671-20 6-3-20	Intended ruling granting MTD; Respondent to draft Proposed Ruling	Merced Truck & Trailer, Inc., a California Corporation v. Daimler Truck North America, LLC, and Does 1-50, inclusive	P: Donald E. Bonander, in Pro Per R: Megan O. Curran, Dyana K. Mardon, Roberta F. Howell	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
32. PR-2673-20 6-4-20	Intended ruling granting MTD; Respondent to draft Proposed Ruling	Bonander Auto, Truck & Trailer, Inc., a California Corporation v. Daimler Truck North America, LLC	P: Donald E. Bonander, in Pro Per R: Megan O. Curran, Dyana K. Mardon, Roberta F. Howell	Termination
33. PR-2674-20 6-4-20	RMSC: 11-24-20	R&L Motors, Inc. dba Rogers and Rogers Kia, a California corporation v. Kia Motors America, Inc., a California corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Michael L. Turrill	Termination
34. PR-2675-20 6-8-20	ROB: 11-23-20 HRC: 4-2-21 MH: 5-17-21 (3 days)	Selma Auto Mall, Inc., dba Selma Mazda v. Mazda North America Operations	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Lisa M. Gibson, Crispin Collins, Amy M. Toboco	Performance Standard
35. PR-2682-20 6-30-20	RPHC: 10-26-20	Cavenah Powersports, LLC, da Socal Honda Powersports v. American Honda Motor Co., Inc. (Motorcycles)	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Marcus McCutcheon, Billy M. Donley, J. Keith Russell, Lisa L. Virgen	Relocation
36. PR-2683-20* 6-30-20	RPHC: 10-26-20	Cavenah Powersports, LLC, da Socal Honda Powersports v. American Honda Motor Co., Inc. (Scooters)	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Marcus McCutcheon, Billy M. Donley, J. Keith Russell, Lisa L. Virgen	Relocation

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
37. PR-2684-20* 6-30-20	RPHC: 10-26-20	Cavenah Powersports, LLC, da Social Honda Powersports v. American Honda Motor Co., Inc. (UTVs)	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Marcus McCutcheon, Billy M. Donley, J. Keith Russell, Lisa L. Virgen	Establishment
38. PR-2685-20* 7-29-20	All Protestants signed a PSDO	S.J. Denham, Inc. d/b/a S J Denham Chrysler - Jeep v. FCA US LLC (FIAT)	P: Randy J. Denham, in pro per	Modification
39. PR-2686-20* 7-29-20	All Protestants signed a PSDO	Lithia of Santa Rosa, Inc. d/b/a Lithia Chrysler Dodge Jeep Fiat of Santa Rosa v. FCA US LLC (FIAT)	P: Bryan B. DeBoer, in pro per	Modification
40. PR-2687-20* 7-29-20	All Protestants signed a PSDO	DCH Temecula Motors LLC d/b/a DCH Chrysler Dodge Jeep Ram Fiat Temecula v. FCA US LLC (FIAT)	Bryan B. DeBoer, in pro per	Modification
41. PR-2688-20* 7-29-20	All Protestants signed a PSDO	Lithia of Eureka, Inc. d/b/a Lithia Chrysler Dodge Jeep Fiat of Eureka v. FCA US LLC (FIAT)	Bryan B. DeBoer, in pro per	Modification
42. PR-2689-20* 7-29-20	All Protestants signed a PSDO	Champion Dodge, LLC d/b/a Champion Chrysler Jeep Dodge Ram Fiat v. FCA US LLC (FIAT)	Paul A. Antepará, in pro per	Modification

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
43. PR-2690-20* 7-29-20	All Protestants signed a PSDO	Victorville Motors Inc., d/b/a Victorville Motors Chrysler Jeep Dodge Ram Fiat v. FCA US LLC (FIAT)	Timothy S. Watts, in pro per	Modification
44. PR-2691-20* 7-29-20	All Protestants signed a PSDO	Champion Auto Group, LLC d/b/a Champion Alfa Romeo Fiat v. FCA US LLC (Alpha Romeo)	Paul A. Anteparra, in pro per	Modification
45. PR-2692-20* 7-29-20	All Protestants signed a PSDO	Ellis Family Stores, LLC d/b/a Alfa Romeo and Fiat of Glendale v. FCA US LLC (Alpha Romeo) [3060(m)]	David J. Ellis, in pro per	Modification
46. PR-2693-20* 7-29-20	All Protestants signed a PSDO	Westlake Coach Company, LLC d/b/a Alfa Romeo of Westlake v. FCA US LLC (Alpha Romeo)	Thomas O’Gara, in pro per	Modification
47. PR-2695-20* 9-4-20	RPHC: 10-26-20	Cavenah Powersports, LLC, da Social Honda Powersports v. American Honda Motor Co., Inc. (ATVs)	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Marcus McCutcheon, Billy M. Donley, J. Keith Russell, Lisa L. Virgen	Establishment
48. PR-2696-20 9-14-20	RPHC: 11-6-20	Ford of Montebello, Inc., d/b/a Ford of Montebello v. Ford Motor Company	P: Norris J. Bishton, Jr., Jeffrey S. Gubernick R: Steven M. Kelso, Breeanna Brewer, Christopher Mair	Establishment

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
49. PR-2697-20* 9-14-20	RPHC: 11-6-20	Fox Hills Auto, Inc., d/b/a Airport Marina Ford v. Ford Motor Company	P: Norris J. Bishton, Jr., Jeffrey S. Gubernick R: Steven M. Kelso, Breeanna Brewer, Christopher Mair	Establishment
50. PR-2698-20* 9-14-20	RPHC: 11-6-20	Central Ford Automotive, Inc., d/b/a Central Ford v. Ford Motor Company	P: Norris J. Bishton, Jr., Jeffrey S. Gubernick, Gavin Hughes R: Steven M. Kelso, Breeanna Brewer, Christopher Mair	Establishment
51. PR-2699-20* 9-14-20	RPHC: 11-6-20	Los Feliz Ford, Inc., d/b/a Star Ford Lincoln v. Ford Motor Company	P: Norris J. Bishton, Jr., Jeffrey S. Gubernick, Gavin Hughes R: Steven M. Kelso, Breeanna Brewer, Christopher Mair	Establishment
52. PR-2700-20* 9-14-20	RPHC: 11-6-20	Bob Wondries Motors, Inc., d/b/a Bob Wondries Ford v. Ford Motor Company	P: Norris J. Bishton, Jr., Jeffrey S. Gubernick R: Steven M. Kelso, Breeanna Brewer, Christopher Mair	Establishment
53. PR-2701-20 9-14-20	RPHC: 11-6-20	Central Ford Automotive, Inc., dba Central Ford v. Ford Motor Company	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Marcus McCutcheon, Elizabeth McNellie	Performance Standard

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
54. PR-2702-20* 9-14-20	RPHC: 11-6-20	Los Feliz Ford, Inc., dba Star Ford Lincoln v. Ford Motor Company	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Marcus McCutcheon, Elizabeth McNellie	Performance Standard

Petitions

CASE NUMBER/ DATE FILED	STATUS	PETITION	COUNSEL

C. JUDICIAL REVIEW

Judicial Review

Either the Protestant/Petitioner/Appellant or Respondent seeks judicial review of the Board's Decision or Final Order by way of a petition for writ of administrative mandamus (Code of Civil Procedure, § 1094.5). The writ of mandamus may be denominated a writ of mandate (Code of Civil Procedure, § 1084).

1. BARBER GROUP, INC., dba BARBER HONDA, a California corporation v. CALIFORNIA NEW MOTOR VEHICLE BOARD, a California state agency; AMERICAN HONDA MOTOR CO., INC., a California corporation, and GALPINSFIELD AUTOMOTIVE, LLC
Sacramento County Superior Court No. 34-2020-80003479
New Motor Vehicle Board No. CRT-279-20
Protest No. PR-2539-17

At the July 10, 2020, Special Meeting, the Public Members of the Board adopted ALJ Dwight Nelsen's Proposed Decision as the Board's final Decision. The Decision overruled the protest and permitted American Honda to proceed with the establishment of Galpinsfield Automotive, LLC at the proposed location in North Bakersfield.

On August 27, 2020, Barber Honda filed a "Verified Petition for Writ of Administrative Mandate, Traditional Mandate and Seeking Stay." The writ was served on September 14, 2020. A copy of the record has been requested.

Barber Honda contends that the Board's actions in adopting the Proposed Decision constitute an abuse of discretion because: (1) The Board's Decision is not supported by the evidence; (2) The Decision is not supported by the findings; (3) Barber Honda was not provided a fair hearing; and (4) The Board's hearing did not proceed in a manner required by law.

Barber Honda requests that the Superior Court consider additional evidence that could not have been produced during the merits hearing or that was improperly excluded at the hearing including the COVID-19 pandemic, higher unemployment in Bakersfield, sharp declines in automotive sales, and the impact to the oil and gas industry in Bakersfield.

Barber Honda seeks the issuance of a peremptory writ of administrative mandate directing the Board to set aside and vacate its Decision and to adopt and issue a new and different decision sustaining the protest. In the alternative, the issuance of a writ of traditional mandate directing the Board to set aside and vacate its Decision and to adopt and issue a new and different decision sustaining the protest. Also, alternatively, Barber Honda seeks the issuance of a writ of administrative or traditional mandate directing the Board to set aside and vacate its Decision and to "consider evidence improperly excluded from the underlying hearing and to issue findings required by Sections 3063 and 11713.13(b)." Barber Honda also seeks the issuance of a stay pending the judgment of the writ of

administrative mandate directing the Board to stay the operation of the Decision until judgment by the court.

Kathryn Doi, Board President, determined that there is an interest in participating in the writ via the Attorney General's Office to address several procedural issues.

2. R&H AUTOMOTIVE GROUP, INC., a California corporation v. CALIFORNIA NEW MOTOR VEHICLE BOARD, a California state agency; AMERICAN HONDA MOTOR CO., INC. ACURA AUTOMOTIVE DIVISION, INC., a California Corporation, Real Party in Interest
Los Angeles County Superior Court, Central District No. 20STCP01262
New Motor Vehicle Board No. CRT-278-20
Protest No. PR-2605-19

At the March 5, 2020, General Meeting, the Public Members of the Board adopted ALJ Skrocki's Recommendation and Proposed Order Granting Respondent's Motion to Dismiss as the Board's final Decision.

R&H Automotive filed a "Petition for Writ of Administrative Mandate, Writ of Traditional Mandate, and Seeking Stay" on April 3, 2020.

R&H Automotive contends that the Proposed Order drafted by the ALJ and adopted by the Board includes conclusions that are unsupported by the findings. Petitioner alleges it provided evidence regarding its failure to attend the Mandatory Settlement Conference (MSC) and produce documents. Additionally, Petitioner claims the findings drafted by the ALJ and adopted by the Board are not supported by the evidence. Next, Petitioner maintains the ALJ's order finding its failure to comply with discovery and MSC obligations "as to counsel are without notice in violation of procedural due process and unsupported by the factual record."

Petitioner argues that in adopting the ALJ's Proposed Order, "the Board exceeded its jurisdictional authority and its actions constitute an abuse of discretion because (1) the Board's decision is not supported by evidence, (2) the decision is not supported by the findings, (3) petitioner was not provided a fair trial, and (4) the Board's hearing did not proceed in a manner required by law."

R&H Automotive seeks the issuance of a peremptory writ of administrative mandate directing the Board to set aside and vacate its Decision and "to adopt and issue a new and different decision reinstating the Protest." Alternatively, Petitioner seeks: (1) issuance of a writ of traditional mandate directing the Board to set aside and vacate its Decision and "to adopt and issue a new and different decision reinstating the Protest;" and (2) issuance of a writ of administrative or traditional mandate directing the Board to set aside and vacate its Decision and "consider evidence improperly excluded from the underlying hearing or evidence discovered after the hearing." Petitioner seeks a stay pending the judgment of the writ.

On May 28, 2020, Petitioner's "Ex Parte Application for Temporary Restraining Order to Compel the Real Party in Interest to Return the \$186,000 Improperly

Taken from Petitioner Without Authorization or, in the Alternative, Order to show Case Re: The Unauthorized Taking of Same” was denied.

Kathryn Doi, Board President, determined that there is not a state interest at issue in the writ so the Board will not participate via the Attorney General’s Office.

At the July 14, 2020 Trial Setting Conference, the Judge Chalfant set an Order to Show Cause re Dismissal for Failure to Appear and for Failure to Order the Administrative Record for July 30, 2020 at 9:30 a.m. in Department 85. *At the September 10, 2020, trial setting conference, the Judge set the hearing for December 1, 2020 at 1:30 p.m. in Department 85 and set the briefing schedule with Petitioner’s opening brief due on September 29, 2020. Petitioner’s “Ex Parte Application to Continue Deadline on Petitioner’s Opening Brief” for a 30-day continuance was granted on September 25, 2020. Petitioner’s Opening Brief is due October 29, 2020, Real Party in Interest’s Opposition is due December 4, 2020, Petitioner’s Reply Brief is due December 22, 2020, the Trial Notebook and Administrative Record is to be lodged with the Court on or before December 30, 2020, the Joint Appendix (hard copy) is to be lodged with the Court on or before December 30, 2020, and the hearing is now set for January 12, 2021.*

3. FORD MOTOR COMPANY, a corporation v. CALIFORNIA NEW MOTOR VEHICLE BOARD, a California state agency; VISTA FORD OXNARD, LLC dba VISTA FORD LINCOLN OF OXNARD, a California LLC; and FORD OF VENTURA, INC. dba VENTURA FORD
Ventura County Superior Court No. 56-2020-00542092-CU-WM-VTA
New Motor Vehicle Board No. CRT-277-20
Protest No. PR-2575-18

At the March 5, 2020, General Meeting, the Public Members of the Board adopted ALJ Kymberly Pipkin’s Proposed Decision as the Board’s final Decision. The Decision sustained the protest and did not permit Ford Motor Company (“Ford”) to proceed with the relocation of Ford of Ventura, Inc. dba Ventura Ford (“Ventura Ford”) at the proposed location in the Ventura Auto Center.

On April 17, 2020, Ford served a Petition for Writ of Administrative Mandate. Ford contends that: (1) The Board erred as a matter of law and engaged in a prejudicial abuse of discretion in failing to dismiss the protest based upon the waiver of protest rights contained in the “Stipulation for Settlement and Order Thereon” in Protest No. PR-1569-97 regarding the proposed relocation; (2) The Board’s decision that Vista Ford Oxnard, LLC dba Vista Ford Lincoln of Oxnard (“Vista Ford”) met its burden of establishing good cause under Vehicle Code 3063 was not supported by the findings of ALJ Pipkin and was based on matters not relevant under the Vehicle Code; and (3) The Board’s finding that Vista Ford met its burden of establishing good cause under Vehicle Code 3063 was not supported by the evidence presented at the hearing before ALJ Pipkin and was based on matters not relevant under the Vehicle Code.

Ford seeks the issuance of a peremptory writ of administrative mandate directing the Board to set aside and vacate its Decision and to adopt and issue a new and

different Decision rejecting the Recommended Decision of ALJ Pipkin dated January 17, 2020: (1) dismissing the Protest on the basis that Vista Ford's predecessor Mike Wallace Ford effectively waived Vista Ford's right to protest the proposed relocation; or (2) finding that Vista Ford failed to satisfy its burden to show good cause under Vehicle Code Section 3063.

Kathryn Doi, Board President, determined that there is not a state interest at issue in the writ so the Board will not participate via the Attorney General's Office.

During the July 27, 2020, Status Hearing, the following briefing schedule was set: Ford's brief is due Thursday, September 10, 2020; Vista Ford's Opposition is due Tuesday, October 13, 2020; and Ford's Reply to the Opposition is due Friday, October 30, 2020. The hearing on the writ is scheduled for Monday, November 16, 2020, at 1:30 p.m. in Department 41. *A hearing on Elizabeth McNellie's application pro hac vice will be held on November 10, 2020, at 8:30 a.m. in Department 41.*

4. GENERAL MOTORS LLC v. CALIFORNIA NEW MOTOR VEHICLE BOARD; FOLSOM CHEVROLET, INC. d/b/a FOLSOM CHEVROLET, Real Party in Interest
Los Angeles County Superior Court No. BS175257
New Motor Vehicle Board No. CRT-276-18
Protest No. PR-2483-16

At the August 13, 2018, General Meeting, the Public Members of the Board adopted ALJ Evelyn Matteucci's Proposed Decision as amended as the Board's final Decision. The Decision sustained the protest and did not permit GM to terminate the protesting dealer's Chevrolet franchise.

On September 27, 2018, General Motors LLC (GM) filed a Petition for Writ of Administrative Mandate. GM contends that in adopting the Proposed Decision, the Board exceeded its jurisdictional authority and committed numerous prejudicial abuses of discretion. GM seeks a peremptory writ of administrative mandate directing the Board to set aside and vacate its Decision and adopt a new and different decision overruling the protest or, in the alternative, to strike down the termination provisions of Sections 3060 and 3061 of the Vehicle Code as unconstitutional on their face and/or as applied. The Board received the writ on October 3, 2018. A copy of the record has been requested and is being copied.

GM contends that: (1) The Board, by its own admission, has never allowed a sales-based termination of a dealer agreement, unless it was accompanied by other grounds for termination; (2) The findings in the Decision are not supported by substantial evidence, its conclusions are not supported by its findings, and it failed to proceed in a manner required by law; (3) The ALJ altered the language of subdivision (g) of Section 11713.3 in order to "broadly and generally find RSI [retail sales index] unreasonable—a conclusion that neither the ALJ nor the Board had jurisdiction to make;" (4) There was no meaningful opportunity to rebut the Proposed Decision; (5) The Decision "invents impossible qualifications on GM's sales performance standards, gutting the terms of valid and binding contracts GM entered into with all of its Chevrolet dealers;" (6) The Board's longstanding refusal to approve sales-based terminations constitutes an underground regulation that

cannot be enforced under controlling law and that precludes any claim that the Board is an impartial tribunal in termination cases; and, (7) The language and application of the Vehicle Code's termination provisions are unconstitutional under both the California and United States Constitution, violating basic due process and equal protection rights.

Kathryn Doi, then Vice President and Attorney Member, determined there is a State interest at issue in the writ so the Board will participate via the Attorney General's Office. The writ challenges the Board's jurisdiction and could affect future Board cases. Michael Gowe, Deputy Attorney General, has been retained to represent the Board.

GM stipulated to December 10, 2018, as the date for the Board to file its Motion to Transfer Action to the Sacramento County Superior Court, which was scheduled for hearing on Tuesday, April 2, 2019, at 9:30 a.m. in Department 82. Folsom Chevrolet filed a Notice of Joinder in the Board's Motion to Transfer. The hearing on Mark Clouatre's Pro Hac Vice Application was also heard April 2. The Motion to Transfer was denied. The Pro Hac Vice Application was granted.

The hearing on the writ scheduled for January 21, 2020, was continued at the request of Petitioner's counsel, to April 30, 2020 at 1:30 p.m. GM's opening brief is due December 20, 2019. Folsom Chevrolet's and the Board's oppositions are due February 14, 2020. GM's reply brief is due April 3, 2020. The parties stipulated to a 30-page limit for opening and responding memoranda, and 20 pages for the reply memorandum. However, the Court refused to sign the stipulation to file briefs that exceeded the page limits under California Rule of Court, rule 3.1113. Instead, the court ordered that each party move ex parte to receive permission to file a longer brief. On January 16, 2020, the Court denied GM's motion and set the following limits: 20 pages for opening briefs and responsive briefs; 15 pages for reply. GM already filed its brief, so it needed to comply with the new page limits. The parties proposed January 27, 2020, for GM's revised opening brief, Folsom Chevrolet and the Board's oppositions were filed March 9, 2020, and GM's reply brief is due April 15, 2020.

On April 14, 2020, the Court issued the following order: "Based on current conditions including, but not limited to, the spread of Covid-19, the need for social distancing, and the states of emergency having been declared by Governor Gavin Newsom and President Donald Trump, the General Orders issued by the Presiding Judge and Statewide Orders issued by the Chief Justice, the court finds good cause to continue the hearing on the petition for writ of mandate set for April 30, 2020, to July 30, 2020, at 1:30 p.m. in Department 82."

During the July 30, 2020, hearing on the writ, the Judge made no changes to her tentative ruling. Of note: (1) the Judge said it was ok for the Board to use the factors listed in Vehicle Code section 11713.13(g) in accessing good cause to terminate;(2) GM wants to eliminate paragraphs 217-223 of the Decision but the Judge said a lot in those paragraphs pertain to (1) above; (3) the Judge was not persuaded that the Board as a whole misconstrued or misapplied the Section 11713.13(g) factors; and (4) the Judge has a problem with finding a violation of

Section 11713.13(g). Phase II of the hearing (whether the Board's findings were supported by substantial evidence and any other remaining grounds for reversal) will be on October 9, 2020 at 10:00 a.m. *This hearing was continued to October 23, 2020.*

D.
NOTICES FILED

PURSUANT TO
VEHICLE CODE SECTIONS
3060/3070 AND 3062/3072

NOTICES FILED

PURSUANT TO VEHICLE CODE SECTIONS 3060/3070 AND 3062/3072

SEPTEMBER 2, 2020 THROUGH OCTOBER 20, 2020

These are generally notices relating to termination or modification (sections 3060 and 3070) and establishment, relocation, or off-site sales (sections 3062 and 3072).

SECTION 3060/3070	No.	SECTION 3062/3072	No.
ACURA		ACURA	
AUDI		AUDI	
BMW		BMW (includes Mini)	
FCA (Chrysler, Jeep, Dodge, RAM)		FCA (Chrysler, Jeep, Dodge, RAM)	
FCA (Alfa Romeo, FIAT)		FCA (Alfa Romeo, FIAT)	
FCA (Maserati)		FCA (Maserati)	
FERRARI		FERRARI	
FORD		FORD	
GM (Buick, Cadillac, Chevrolet, GMC)	1	GM (Buick, Cadillac, Chevrolet, GMC)	
HARLEY-DAVIDSON		HARLEY-DAVIDSON	
HONDA		HONDA	
HYUNDAI/GENESIS		HYUNDAI	
INFINITI		INFINITI	
JAGUAR		JAGUAR/LAND ROVER	
KAWASAKI		KAWASAKI	
KTM		KTM	
KIA		KIA	
LEXUS		LEXUS	
MAZDA		MAZDA	
MERCEDES		MERCEDES	
MINI		MINI	
MITSUBISHI		MITSUBISHI	
NISSAN		NISSAN	
POLARIS		POLARIS	
PORSCHE		PORSCHE	
SAAB-SCANIA		SAAB-SCANIA	
SUBARU		SUBARU	
SUZUKI		SUZUKI	
TOYOTA		TOYOTA	
VOLKSWAGEN		VOLKSWAGEN	
VOLVO TRUCKS		VOLVO	
YAMAHA	1	YAMAHA	
MISCELLANEOUS	2	MISCELLANEOUS	
TOTAL	4	TOTAL	0

STATE OF CALIFORNIA



MEMO

To: ALL BOARD MEMBERS

**From: TIMOTHY M. CORCORAN
NEW MOTOR VEHICLE BOARD
(916) 445-1888**

Subject: UPCOMING BOARD MEETING DATES

Date: October 22, 2020

The following identifies planned Board meeting dates:

- January/February 2021, General Meeting (date and location to be determined)
- March/April 2021, General Meeting (date and location to be determined)
- Industry Roundtable (date and location to be confirmed)
- June/July 2021, General Meeting (date and location to be determined)
- September/October 2021, General Meeting (date and location to be determined)
- November/December 2021, General Meeting (date and location to be determined)

If you have any questions or concerns about any of the upcoming Board meetings, please do not hesitate to call me at (916) 324-6197.

NEW MOTOR VEHICLE BOARD

PERFORMANCE APPRAISAL

FOR

EXECUTIVE DIRECTOR

INSTRUCTIONS

1. The NMVB Performance Appraisal process is based on the principle that performance should be evaluated on a regular basis in order to provide recognition of effective performance and as a tool to provide guidance in improving future performance.
2. If the Executive Director is not at the maximum range of salary, the Board may recommend a salary increase. Salary increase recommendations must be approved by the Governor's Office. To qualify for such increases, the Executive Director must meet or exceed performance expectations, as determined by the Board. This form is used to document the Board's recommendation for a salary increase.
3. To indicate the rating of any performance factor, an "X" mark should be placed in the appropriate rating column and in the "Overall Rating" column on each page. Additional spaces have been provided to accommodate other critical performance factors identified by the Board.
4. Comments to the Executive Director should:
 - Be constructive and provide guidance for future performance
 - Include factual examples of work especially well or poorly done
 - Give specific suggestions for performance improvement.
5. The Overall Ratings must be consistent with the factor ratings and comments, but there is no prescribed formula for computing the Overall Rating.
6. Overall Comments may consist of a summary of comments from specific categories, general comments or comments on other job-related factors which the rater wishes to discuss. Additional pages may be attached.

7. The Board will discuss the appraisal with the Executive Director and give him or her a signed copy. In signing the appraisal, the Executive Director merely acknowledges that s/he has reviewed the appraisal and has discussed it with the raters. His/her signature does not indicate agreement with the ratings or comments.
8. The original copy of the appraisal, signed by both the Board President and the Executive Director, will be maintained in the Executive Director's Official Personnel File.

PERFORMANCE APPRAISAL RATING SYSTEM

The rating system consists of three (3) Ratings Categories, as defined below:

Exceeds Standards

Performance significantly exceeds the Board's expectations due to the efforts and ability of the Executive Director when considering the job in its entirety. Significantly above-standard performance may be exhibited by consistently completing assignments in advance of deadlines; implementing plans and/or procedures to increase efficiency or effectiveness of work; working independently with little direction; and consistently meeting Board goals.

Meets Standards

Performance of the Executive Director meets the minimum expectations of the Board. The Executive Director adequately performs the duties and responsibilities of the position.

Needs Improvement

The Executive Director's performance fails to meet the Board's minimum expectations due to lack of effort and/or ability when considering the job in its entirety. Performance requires improvement in numerous and/or important aspects of the position.

Performance Factor		Ratings		
1. Relationship with the Board		Exceeds Standards	Meets Standards	Needs Improvement
1	Maintains respect and trust of Board members.			
2	Provides Board with advice during consideration of issues.			
3	Keeps Board informed of progress of Board programs on a regular basis.			
4	Remains impartial and treats all Board members in a professional manner.			
5	Functions as an effective liaison between Board and Board Staff.			
6	Provides Board with complete, clear, and accurate reports, minutes, etc.			
7	Responds promptly to requests for information from Board members.			
8	Is readily available to Board members.			
9	Responds appropriately to constructive suggestions from Board members.			
OVERALL RATING: Relationship with the Board				

Comments: (Attach additional pages, if necessary)

Performance Factor Ratings

	2. Execution of Board Policy	Exceeds Standards	Meets Standards	Needs Improvement
1	Understands and complies with the overall policies, laws and regulations of the Board.			
2	Implements Board policies.			
3	Efforts lead towards successful accomplishment of goals.			
	OVERALL RATING: Board Programs			

Comments: (Attach additional pages, if necessary)

Performance Factor Ratings

	3. Board Programs	Exceeds Standards	Meets Standards	Needs Improvement
1	Ensures effective and efficient management of Board programs			
2	Keeps Board apprised of program and process developments			
3	Keeps Board informed of case load statistic and trends			
	OVERALL RATING: Board Programs			

Comments: (Attach additional pages, if necessary)

Performance Factor		Ratings		
4. Governmental Relations		Exceeds Standards	Meets Standards	Needs Improvement
1	Keeps the Department of Motor Vehicles and CalSTA informed of Board issues, problems, and accomplishments.			
2	Maintains a positive working relationship with other State Agencies.			
3	Manages Board legislative program and efforts.			
4	Manages sunset review process as needed.			
5	Acts as a liaison and participates in national organizations or alliances.			
6	Represents the Board effectively before the Legislature as needed.			
OVERALL RATING: Governmental Relations				

Comments: (Attach additional pages, if necessary)

Performance Factor		Ratings		
5. Administrative Functions		Exceeds Standards	Meets Standards	Needs Improvement
1	Plans, organizes and directs Board administrative functions and staff.			
2	Provides oversight, direction and management of the Board's annual budget, expenditures and revenues.			
3	Keeps Board apprised of budget developments.			
4	Identifies, recommends, and as directed, seeks necessary changes to laws and regulations through proposed legislation and/or the Office of Administrative Law (OAL).			
5	Ensures compliance and enforcement of departmental, state and federal policies and procedures.			
6	Develops and executes sound personnel practices and procedures.			
OVERALL RATING: Administrative Functions				

Comments: (Attach additional pages, if necessary)

Performance Factor

Ratings

	6. Public Liaison	Exceeds Standards	Meets Standards	Needs Improvement
1	Represents the Board before the public.			
2	Solicits and gives attention to problems and opinions of all groups and individuals.			
3	Represents the Board before industry associations to provide information regarding the Board's laws, regulations, programs and policies.			
	OVERALL RATING: Public Liaison			

Comments: (Attach additional pages, if necessary)

OVERALL RATING

NAME:

DATE OF BOARD MEETING WHEN RATING OCCURRED:

The overall rating must be consistent with the factor rating and comments, but there is no prescribed formula for computing the overall rating.

EXCEEDS STANDARDS

MEETS STANDARDS

NEEDS IMPROVEMENT

OVERALL COMMENTS *(Attach additional pages, if necessary)*

I HAVE PARTICIPATED IN A DISCUSSION OF OVERALL JOB PERFORMANCE

Executive Director Signature

Date _____

President Signature

Date _____

Salary Increase recommendation (if applicable):

No increase No increase (at maximum) Recommended Increase: _____%

Effective Date of Salary Increase: _____

(Salary increase recommendations must be approved by the Governor's office)