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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board (“Board”) held a Special meeting on March 5, 2020, in The William G. Brennan Hearing Room, at the Board’s offices.

Kathryn Doi, President and Public Member, called the meeting of the Board to order at 9:35 a.m.

2. **ROLL CALL**

Board Members Present: Kathryn Ellen Doi
Ardashes “Ardy” Kassakhian
Daniel P. Kuhnert
Anne Smith Boland (Dealer Member did not participate)

Board Members Not Present: Nanxi Liu
Bismarck Obando

Board Staff Present: Timothy M. Corcoran, Executive Director
Robin P. Parker, Senior Staff Counsel
Dawn Kindel, Chief of Staff

Mr. Corcoran indicated that the Board has a quorum for Agenda Items 4 and 5 but not for Agenda Item 7.

Ms. Doi noted that the Board’s newest Dealer Member, Anne Smith Boland, was sitting at the dais but due to the nature of the Special Meeting, Dealer Members are not to participate in the proceedings.

3. **PLEDGE OF ALLEGIANCE**

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

Ms. Doi commented that on February 24, 2020, Governor Newsom appointed Ms. Smith Boland as a Dealer Member and Daniel Kuhnert as a Public Member.

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

- a. PENINSULA AUTOMOTIVE PARTNERS III, LLC dba PENINSULA CHEVROLET CADILLAC v. GENERAL MOTORS, LLC
Protest Nos. PR-2637-19 and PR-2638-19

These matters were dismissed prior to the Board meeting so this item was pulled from the agenda.

Ms. Doi reminded the Dealer Members that they may not participate, hear, comment or advise other members upon or decide this matter and the other matters this morning. Ms. Doi read the following statement “comments by the parties or by their counsel that are made regarding any proposed decision, ruling, or order must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board.”

- b. VISTA FORD OXNARD, LLC, a Limited Liability Company, dba VISTA FORD LINCOLN OF OXNARD v. FORD MOTOR COMPANY, a corporation; FORD OF VENTURA, INC., dba FORD OF VENTURA, Intervenor
Protest No. PR-2575-18

Oral comments were presented before the Public Members of the Board. Halbert B. Rasmussen, Esq. of Scali Rasmussen represented Protestant. Jon Shuken, President of Vista Ford Oxnard, was also present. Colm A. Moran, Esq. of Hogan Lovells USA LLP represented Respondent. Michael M. Sieving, Esq. represented Intervenor. Mr. Sil Gonzales, Dealer Principal of Ford of Ventura and Mr. Michael Doyle, a consultant that works for the Auto Mall in the City of Ventura, were also present.

- c. R & H AUTOMOTIVE GROUP, INC. v. AMERICAN HONDA MOTOR CO., INC., ACURA AUTOMOTIVE DIVISION
Protest No. PR-2605-19

Duncan J. McCreary, Esq. of McCreary, PC represented Protestant. Lauren A. Deeb, Esq. of Nelson Mullins Riley & Scarborough LLP represented Respondent.

5. **CLOSED EXECUTIVE SESSION DELIBERATIONS**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Pursuant to Government Code section 11517(c)(2), the Board could adopt the proposed decision, make technical or other minor changes, reject the proposed decision and remand the case, or reject the proposed decision and decide the case upon the record.

a. **CONSIDERATION OF PROPOSED ORDER**

PENINSULA AUTOMOTIVE PARTNERS III, LLC dba PENINSULA CHEVROLET CADILLAC v. GENERAL MOTORS, LLC
Protest Nos. PR-2637-19 and PR-2638-19

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss Protests, by the Public Members.

These matters were dismissed prior to the Board meeting so this item was pulled from the agenda.

b. **CONSIDERATION OF PROPOSED DECISION**

VISTA FORD OXNARD, LLC, a Limited Liability Company, dba VISTA FORD LINCOLN OF OXNARD v. FORD MOTOR COMPANY, a corporation; FORD OF VENTURA, INC., dba FORD OF VENTURA, Intervenor
Protest No. PR-2575-18

Consideration of the Administrative Law Judge's Proposed Decision, by the Public Members of the Board.

The Public Members of the Board deliberated in closed Executive Session. Mr. Kassakhian moved to adopt the Administrative Law Judge's Proposed Decision. Ms. Doi seconded the motion. The motion carried unanimously.

c. **CONSIDERATION OF PROPOSED ORDER**

R & H AUTOMOTIVE GROUP, INC. v. AMERICAN HONDA MOTOR CO., INC., ACURA AUTOMOTIVE DIVISION
Protest No. PR-2605-19

Consideration of the Administrative Law Judge's Recommendation that Respondent's Motion to Dismiss be Granted and Proposed Order Granting Respondent's Motion to Dismiss, by the Public Members of the Board.

The Public Members of the Board deliberated in closed Executive Session. Mr. Kassakhian moved to adopt the Administrative Law Judge's Proposed Order. Mr. Kuhnert seconded the motion. Mr. Kassakhian moved to amend the motion to include changing "Nissan" to "Nissani" in paragraph 80, line 10. Mr. Kuhnert seconded the motion. The motion carried unanimously.

6. OPEN SESSION

The Public Members returned to Open Session. Ms. Doi announced the decisions in Agenda Item 5.

7. CONSIDERATION OF THE DEPARTMENT OF MOTOR VEHICLES' REQUEST FOR AN EXTENSION OF TIME TO CONDUCT ITS INVESTIGATION AND SUBMIT A WRITTEN REPORT TO THE BOARD AS TO WHETHER THE CARE BY VOLVO SUBSCRIPTION PROGRAM VIOLATES VEHICLE CODE SECTIONS 11713.3(o)(1), 3060(b), 11713.3(u) AND/OR 11713.19, BY THE PUBLIC MEMBERS OF THE BOARD

CALIFORNIA NEW CAR DEALERS ASSOCIATION v. VOLVO GROUP NORTH AMERICA LLC aka VOLVO CAR USA, LLC
Petition No. P-460-19

Consideration of the Department of Motor Vehicles' request, by the Public Members of the Board.

Ms. Doi reiterated that the Board lacked a quorum to rule on the request for an extension of time. No public comment was presented and the Board was informed that neither party objected to the extension of time.

8. ADJOURNMENT

With no further business to discuss, the meeting was adjourned at approximately 12:25 p.m.

Submitted by



TIMOTHY M. CORCORAN
Executive Director

APPROVED:



Kathryn Ellen Doi
President
New Motor Vehicle Board