

P.O. Box 188680  
Sacramento, California 95818-8680  
Telephone: (916) 445-1888  
Contact Person: Robin Parker  
[www.nmvb.ca.gov](http://www.nmvb.ca.gov)

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

The New Motor Vehicle Board (“Board”) held a Special meeting on September 15, 2021, via Zoom and teleconference. On behalf of President Obando, Kathryn Doi, Public Attorney Member, called the meeting of the Board to order at 1:03 p.m.

Ms. Doi welcomed everyone to the meeting and specially welcomed Scott Wyckoff, General Counsel, California State Transportation Agency, who was observing the meeting. Ms. Doi 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 at (916) 445-1888 or [nmvb@nmvb.ca.gov](mailto:nmvb@nmvb.ca.gov).

2. **ROLL CALL**

Board Members Present: Kathryn Ellen Doi  
Ardashes “Ardy” Kassakhian  
Nanxi Liu  
Bismarck Obando  
Jacob Stevens

Dealer Member Present: Anne Smith Boland, Member

Board Staff Present: Timothy M. Corcoran, Executive Director  
Dawn Kindel, Assistant Executive Officer  
Robin P. Parker, Chief Counsel  
Danielle R. Phomsopha, Senior Staff Counsel  
Lee Moore, Mediation Analyst

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

Ms. Doi reminded Ms. Smith Boland, the Dealer Member in attendance, that she may not participate in, hear, comment or advise other members upon or decide Agenda Items 3 and 4.

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.” Furthermore, she indicated that since this is an adjudicative matter as described in Government Code section 11125.7(e) and (f), members of the public may not comment on this matter.

PRIETO AUTOMOTIVE, INC., a California Corporation, dba SUBARU OF SONORA v. SUBARU OF AMERICA, INC.  
Protest No. PR-2648-19

Oral comments were presented before the Public Members of the Board. Michael M. Sieving, Esq., Attorney at Law, represented Protestant. On behalf of Protestant, Manuel Prieto and Mona Llamas were also present. Lisa M. Gibson, Esq. and Adrienne L. Toon, Esq, of Nelson Mullins Riley & Scarborough LLP represented Respondent. Ray Smit and Scott Farabee were also present on behalf of Respondent.

#### 4. **CLOSED EXECUTIVE SESSION DELIBERATIONS**

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

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

#### **CONSIDERATION OF PROPOSED DECISION**

PRIETO AUTOMOTIVE, INC., a California Corporation, dba SUBARU OF SONORA v. SUBARU OF AMERICA, INC.  
Protest No. PR-2648-19

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. Stevens moved to adopt the Administrative Law Judge’s Proposed Decision as amended. The last row of the chart entitled “Protestant’s Subaru and Ford Sales” in Paragraph 46, page 23, line 21 commencing with “2020 through November” is deleted. The revised chart is as follows:

Protestant's Subaru and Ford Sales

Year	Subaru Sales	Combined Subaru and Ford sales
2017	\$12,600,027	\$33,618,390
2018	\$18,261,106	\$42,273,663
2019	\$20,511,347	\$40,953,933

The sentence that follows is added before "(Exs. R-310, R-311.)" in Paragraph 46, page 23, line 22: "For 2020 through November, combined Subaru and Ford sales were \$37,591,435 and annualized combined Subaru and Ford sales were \$41,008,838." Mr. Obando seconded the motion. The motion carried unanimously.

5. **OPEN SESSION**

The Public Members returned to Open Session. Ms. Doi announced the decision in Agenda Item 4.

6. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 2:48 p.m.

Submitted by



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TIMOTHY M. CORCORAN  
Executive Director

APPROVED: \_\_\_\_\_



Bismarck Obando  
President  
New Motor Vehicle Board