

P.O. Box 188680
Sacramento, California 95818-8680
Telephone: (916) 445-1888
Board staff contact: Robin Parker
www.nmvb.ca.gov
DMV press contact: (916) 657-6438
dmvpublicaffairs@dmv.ca.gov

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

Wednesday, January 12, 2022 at 9:30 a.m.
Via Zoom and Teleconference

Through January 31, 2022, Government Code section 11133 authorizes the New Motor Vehicle Board ("Board") to hold meetings through teleconference and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the Board. The requirements that each teleconference location be accessible to the public and that members of the public be able to address the Board at each teleconference location have temporarily been suspended.

The 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 nmvb@nmvb.ca.gov or during the meeting. 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.

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 Robin Parker at Robin.Parker@nmvb.ca.gov or (916) 445-1888.

Join Zoom Meeting

<https://us02web.zoom.us/j/87000999221?pwd=ODg1WllkQnoxUUUYwNVhWRE9XUFNxUT09>

Meeting ID: 870 0099 9221

Passcode: 018878

One tap mobile

+16699009128,,87000999221#,,,,*018878# US (San Jose)

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Dial by your location

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+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 870 0099 9221

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Find your local number: <https://us02web.zoom.us/j/87000999221?pwd=ODg1WllkQnoxUUUYwNVhWRE9XUFNxUT09>

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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

AGENDA

GENERAL MEETING

Wednesday, January 12, 2022 at 9:30 a.m.

Via Zoom and Teleconference

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Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, he or she may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7) However, comments by the parties or by their counsel that are made regarding any proposed decision, order, or ruling must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board. Members of the public may not comment on such matters.

1. **9:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Presentation of Resolution to Daniel P. Kuhnert, former Public Board Member.**
4. **Board member education concerning Statement of Incompatible Activities (Gov. Code § 19990; *Fisher v. State Personnel Bd.* (2018) 25 Cal. App. 5th 1) by John T. McGlothlin, Deputy Attorney General assigned to the Board - Board Development Committee.**
5. **2022 Election of Board President and Vice President - Executive Committee.**
6. **Annual review and appointment of Committee members to the Administration Committee, Board Development Committee, Fiscal Committee, Government and Industry Affairs Committee, Legislative Committee, and Policy and Procedure Committee, and Ad Hoc Committee (if applicable), by the incoming Board President.**

7. **Appointment of Board Member designee in compliance with the Board's 1997 "Revised Board Policy Regarding Representation in Court Actions" by the incoming Board President.**
8. **Status report on the Board's intended move to DMV's headquarters in Sacramento - Administration Committee.**
9. **Report on the Board's financial condition for the 1st quarter of Fiscal Year 2021-2022 - Fiscal Committee.**
10. **Discussion regarding the 2022 New Motor Vehicle Board Industry Roundtable to encompass the Workshop on Equity, Justice and Inclusion - Government and Industry Affairs Committee.**
11. **Annual report concerning Board adopted policies - Policy and Procedure Committee.**
12. **Consideration of 2022 Rulemaking Calendar - Policy and Procedure Committee.**
13. **Annual report on the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee.**
14. **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.
15. **Public Comment. (Gov. Code § 11125.7)**
16. **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.
17. **Open Session.**

18. **Oral Presentation before the Public Members of the Board.**

- a. SANTA MONICA MOTOR GROUP dba SANTA MONICA CHRYSLER JEEP DODGE RAM v. FCA US LLC
Protest Nos. PR-2652-20, PR-2653-20, PR-2654-20, and PR-2655-20
- b. WESTERN TRUCK PARTS & EQUIPMENT COMPANY LLC DBA WESTERN TRUCK CENTER, a California limited liability company v. VOLVO TRUCKS NORTH AMERICA, a division of VOLVO GROUP NORTH AMERICA, LLC, a Delaware limited liability company
Protest No. PR-2740-21

19. **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 Decision.**

SANTA MONICA MOTOR GROUP dba SANTA MONICA CHRYSLER JEEP DODGE RAM v. FCA US LLC
Protest Nos. PR-2652-20, PR-2653-20, PR-2654-20, and PR-2655-20

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

b. **Consideration of Proposed Order.**

WESTERN TRUCK PARTS & EQUIPMENT COMPANY LLC DBA WESTERN TRUCK CENTER, a California limited liability company v. VOLVO TRUCKS NORTH AMERICA, a division of VOLVO GROUP NORTH AMERICA, LLC, a Delaware limited liability company
Protest No. PR-2740-21

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

20. **Open Session.**

21. **Adjournment.**

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