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

**Monday, November 7, 2022 at 9:30 a.m.
Via Zoom and Teleconference**

Through July 1, 2023, 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 nmvp@nmvp.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 Danielle Phomsopha at danielle.phomsopha@nmvp.ca.gov or (916) 445-1888.

Join Zoom Meeting
[Zoom link](#)

Meeting ID: 854 3406 1395
Passcode: 525081
One tap mobile
+16699009128,,85434061395#,,,,*525081# US (San Jose)
+16694449171,,85434061395#,,,,*525081# US

Dial by your location
+1 669 900 9128 US (San Jose)
+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)

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Passcode: 525081

Find your local number: <https://us02web.zoom.us/j/85434061395>

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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

Monday, November 7, 2022 at 9:30 a.m.
Via Zoom and Teleconference

[Zoom link](#)

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. **Approval of the Minutes from the March 30, 2022, General Meeting and March 30, 2022, and August 25, 2022, Joint Meetings of the Government and Industry Affairs Committee and Ad Hoc Committee on Equity, Justice and Inclusion.**
4. **Status report on the Board's intended move to DMV's headquarters in Sacramento - Administration Committee.**
5. **Annual update on Board Consumer Mediation Services Program - Administration Committee.**
6. **Discussion and consideration of the revised New Motor Vehicle Board logo - Administration Committee.**

7. **Annual report on Board Development Program - Board Development Committee.**
8. **Update concerning the Board's compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency, and the resultant Corrective Action Plan - Executive Committee.**
9. **Report on the Board's financial condition and related fiscal matters - Fiscal Committee.**
 - a. Report on the Board's Financial Condition for the 4th Quarter of Fiscal Year 2021-2022.
 - b. Status report concerning the Board's collection of the Arbitration Certification Programs' annual fee.
 - c. Discussion and consideration of the Board's proposed budget for the next fiscal year, and whether any dealer/manufacturer fee adjustments are necessary.
10. **Report on adding a virtual payment method for stakeholders' filing fees, document request fees and annual Board fees - Fiscal Committee.**
11. **Report on the New Motor Vehicle Board's recent Industry Roundtable - Government and Industry Affairs Committee and Ad Hoc Committee on Equity, Justice and Inclusion.**
12. **Discussion concerning enacted legislation - Legislative Committee.**
 - a. Enacted Legislation of Special Interest:
 - (1) Assembly Bill 2956 (Assembly Members Friedman, Fong, Berman, Cunningham, Daly, Gipson, Kalra, Nazarian, O'Donnell, and Ward) - Transportation
 - b. Enacted Legislation of General Interest:
 - (1) Assembly Bill 1604 (Assembly Member Holden) - The Upward Mobility Act of 2022: boards and commission: civil service: examinations: classifications
13. **Consideration of the 2022 edition of the *New Motor Vehicle Board Administrative Law Judges' Benchbook* - 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. **Selection of Board meeting dates for 2023.**

16. **Closed Executive Session.**

- a. Pursuant to Government Code section 11126(a)(1), all members of the Board shall convene in a closed Executive Session.

Discussion and consideration of personnel matters - Administration Committee.

Discussion and consideration of personnel matters, by all members of the Board.

- b. Pursuant to Government Code section 11126(e)(1), all members of the Board shall convene in a closed Executive Session.

Discussion and advice from legal counsel concerning pending litigation.

Discussion and advice from the Board's legal counsel concerning pending litigation, by all members of the Board.

17. **Open session.**

18. **Discussion and consideration of proposed regulation regarding representation in protests or petitions (13 CCR § 551.26) - Policy and Procedure Committee.**

19. **Public Comment. (Gov. Code § 11125.7)**

20. **Closed Executive Session.**

Pursuant to Government Code section 11126(e)(1), the Public Members of the Board shall convene in a closed Executive Session.

Discussion and advice from legal counsel concerning pending litigation.

SUBARU OF AMERICA, INC. v. NEW MOTOR VEHICLE BOARD; COURTESY AUTOMOTIVE GROUP, INC., DBA COURTESY SUBARU OF CHICO, Real Party in Interest

California Superior Court, Alameda County Case No. 22CV010968

New Motor Vehicle Board No. CRT-282-22

Protest No. PR-2570-18

Discussion and advice from the Board's legal counsel concerning pending litigation, by the Public Members of the Board.

21. **Open Session.**

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

BONANDER AUTO, TRUCK & TRAILER, INC., a California Corporation v. DAIMLER TRUCK NORTH AMERICA, LLC
Protest No. PR-2673-20

23. **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) Findings, Conclusions, and Recommendations Following Order of Remand.

BONANDER AUTO, TRUCK & TRAILER, INC., a California Corporation v. DAIMLER TRUCK NORTH AMERICA, LLC
Protest No. PR-2673-20

Consideration of the Administrative Law Judge's (Proposed) Findings, Conclusions, and Recommendations Following Order of Remand, by the Public Members of the Board.

24. **Open Session.**

25. **Consideration of the following by the Public Members of the Board in:**

COURTESY AUTOMOTIVE GROUP, INC., dba COURTESY SUBARU OF CHICO v. SUBARU OF AMERICA, INC.
Petition No. P-463-22

a. **Petitioner's Motion to File Unredacted Petition Under Seal.**

Consideration of Petitioner's Motion to File Unredacted Petition Under Seal, by the Public Members of the Board.

b. **Respondent's Request for Official Notice in Support of Verified Response to Petition.**

Consideration of Respondent's Request for Official Notice in Support of Verified Response to Petition, by the Public Members of the Board.

- c. **Consideration of Petition requesting that the Board direct the Department of Motor Vehicles (DMV) to conduct an investigation of the matters contained therein and/or make a determination to order DMV to take action against Respondent's Occupational License pursuant to Vehicle Code section 3050(b)(1) and (3).**

Consideration of Petition requesting that the Board direct DMV to conduct an investigation of the matters contained therein and/or make a determination to order DMV to take action against Respondent's Occupational License pursuant to Vehicle Code section 3050(b)(1) and (3), by the Public Members of the Board.

26. **Public Comment. (Gov. Code § 11125.7)**

27. **Adjournment.**

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