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

The New Motor Vehicle Board (“Board”) held a General meeting on November 7, 2022, via Zoom and teleconference. Bismarck Obando, President and Public Member, called the meeting of the Board to order at 9:32 a.m.

President Obando 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 at (916) 445-1888 or [nmvb@nmvb.ca.gov](mailto:nmvb@nmvb.ca.gov). President Obando also set forth the parameters for the meeting.

2. **ROLL CALL**

Board Members Present: Ramon Alvarez C.  
Anne Smith Boland  
Kathryn Ellen Doi  
Ardashes “Ardy” Kassakhian  
Bismarck Obando  
Jacob Stevens

Board Members Not Present: Ryan Fitzpatrick

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

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**

Member Doi moved to adopt 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. Member Alvarez seconded the motion. The motion carried unanimously.

4. **STATUS REPORT ON THE BOARD'S INTENDED MOVE TO DMV'S HEADQUARTERS IN SACRAMENTO**

Ms. Kindel and Mr. Corcoran provided an update concerning the Board's intended move to DMV headquarters. Ms. Kindel reported that the move-in date at DMV has been delayed from next summer to late 2023. Staff will have hoteling spaces available at DMV's campus on the second floor while the new suite is constructed. Staff will leave its current space on February 10, 2023.

Mr. Corcoran also indicated that moving from the current space earlier than anticipated will realize significant cost savings.

Member Doi inquired about the financial impact of the early move, when the new space will be available and whether staff will be located near each other in the DMV hoteling spaces. Ms. Kindel confirmed there will be savings of several months of rent. Staff will be located near each other with access to a printer in the hoteling space. Daily files will also be accessible on the first floor. The new suite will likely be available for move-in in November or December 2023.

Mr. Corcoran advised that it is not likely the Board will need to pay rent to DMV for the hoteling spaces during the temporary period.

Member Alvarez inquired about the availability of conference rooms at DMV. Mr. Corcoran stated that DMV has many large and small conference rooms, as well as the large Assembly Room available to reserve.

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

5. **ANNUAL UPDATE ON BOARD CONSUMER MEDIATION SERVICES PROGRAM**

As indicated in the memo provided, Ms. Moore reported the following statistics:

**Total Cases Received in the Mediation Program in 2021**

- The Program received a total of 388 cases, of which 193 of those cases were completely mediated and 195 of those cases were

unable to be mediated due to no jurisdiction, we received no response from the dealer/manufacturer, or the consumer abandoned the case.

- Out of those 193 cases, 71% were mediated successfully.
- 29% of mediated cases were closed because a successful resolution was not reached.

#### **Dealer Cases**

- Of the 193 cases received in Mediation, 113 were dealer related.
- 73% were mediated successfully.

#### **Manufacturer Cases**

- Of the 193 cases received in Mediation, 80 were manufacturer related.
- 69% of manufacturer cases were mediated successfully.

Ms. Moore noted this information is now reported on the quarterly administrative report.

Member Doi inquired about the current mediators. Ms. Moore indicated herself and Holly Victor are the current mediators. Member Doi expressed her appreciation for the mediators' hard work.

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

### **6. DISCUSSION AND CONSIDERATION OF THE REVISED NEW MOTOR VEHICLE BOARD LOGO**

The members were provided a memo regarding the consideration of a revised New Motor Vehicle Board logo. The Board's current logo was adopted in 2007. A DMV graphic artist provided the Board with several options for an updated logo, as displayed in the memo. The Board could also choose to retire a logo altogether. Should the Board choose to keep a logo, it would need to be made ADA compliant.

After a lengthy discussion, Member Kassakhian moved to edit Option 1 to remove the reflective properties and add "California" to the top and have staff bring back the edited logo for final adoption. Mr. Corcoran requested that the motion be edited to allow CalSTA to consent to the new logo. Mr. Kassakhian amended his motion accordingly. Member Stevens seconded the motion. The motion carried unanimously.

### **7. ANNUAL REPORT ON BOARD DEVELOPMENT PROGRAM**

Mr. Corcoran and Ms. Phomsopha provided an update concerning Board Development opportunities for the upcoming year. Ms. Phomsopha indicated that staff are always interested in getting Board Member input on activities for Board development. Given that Board Members and staff will be meeting in-person in the coming months, out-of-state

travel limitations will likely be lifted at the end of the COVID emergency period on February 28, 2023.

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

8. **UPDATE CONCERNING THE BOARD'S COMPLIANCE WITH THE 1996 PERFORMANCE AUDIT CONDUCTED BY BUSINESS, TRANSPORTATION & HOUSING AGENCY, AND THE RESULTANT CORRECTIVE ACTION PLAN**

Mr. Corcoran and Ms. Parker provided the members with an update regarding the Board's compliance with the 1996 performance audit. As indicated in the memo, the chart below provides a brief summary of the updates to the corrective action plan taken by the Board:

<b>Finding No.</b>	<b>Description</b>	<b>Update</b>
2	Duty Statements of the principal administrative official are not in conformance with the provisions of the "new" Administrative Procedure Act.	Appointment of Tim Corcoran as Executive Director on January 24, 2018, after the passing of Bill Brennan.
10	The Board should consider referring its consumer inquires to departments with primary jurisdiction and adequate resources.	In 2014 and 2016, letters were sent to government and private agencies to reinforce the Board's jurisdiction and services offered by the Consumer Mediation Services Program.
15	Board delegations are not formalized.	Reflects updates to the Board adopted delegations at the January 18, 2017, June 7, 2019, and February 16, 2021, General Meetings,
16	The Board should consider distribution of assignments.	In addition to the annual review by the Board President of the committee assignments, periodically Ad Hoc Committees are created. Deletes the reference to the meeting in which committees were most recently updated.
22	The Board does not have an Information Security Officer (ISO).	As of February 5, 2018, Tim Corcoran assumed these duties.
24	The computer system needs additional physical security devices.	Locks have been installed for all laptops, which recently replaced the desktop computers. The server is no longer housed at the Board's offices.
28(29)	Designation of economic conflict-of-interest filing officials is incomplete.	Proposed amendments approved at the February 16, 2021, General Meeting, were approved by the Fair Political Practices Commission in June 2022. The effective date is September 8, 2022.

Ms. Parker indicated she reviews the Board's compliance with the audit every year, however this memo was made an exception report in 2011 so this is a collection of updates over several years.

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

9. **REPORT ON THE BOARD'S FINANCIAL CONDITION AND RELATED FISCAL MATTERS**

The members were provided with a memorandum from Tim Corcoran, Dawn Kindel and Suzanne Luke. As indicated in the memo, the fourth quarter of Fiscal Year 2021-2022 began with a budget appropriation of \$1.87 million, ending with \$2.25 million reserve balance. Ninety-six percent (96%) of the appropriate budget for the fourth quarter was expended. Staff does not see a need for fee structure adjustments.

Ms. Luke indicated that the fee collection for the arbitration certification program was complete and \$1.6 million was collected on behalf of the Department of Consumer Affairs.

Member Doi inquired about the part-time staff salaries in the employee expenditures. Mr. Corcoran indicated that this allotment is for the ALJ salaries and is difficult to predict given the inability to predict the number of merits hearings per year. The Board does not expect a large number of merits hearings this year.

Ms. Parker shared that there is at least one merits hearing scheduled for February 2023. Staff are unaware of any other anticipated hearings going forward at this time but that is difficult to predict due to the tentative nature of the schedules.

Ms. Doi clarified that the information provided in the memo is retrospective for the fourth quarter of 2021-2022. Ms. Luke confirmed that these numbers are for the end of last fiscal year. Numbers for the coming fiscal year will be presented at a subsequent Board meeting. These numbers would have been presented at the June 2022 General Meeting that was cancelled. Staff do not yet have data for the first quarter of Fiscal Year 2022-2023 as it is provided by DMV in arrears.

Mr. Corcoran indicated that more up-to-date information is also provided in the quarterly administrative report so that Board Members have access to this information on a more timely basis.

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

10. **REPORT ON ADDING A VIRTUAL PAYMENT METHOD FOR STAKEHOLDERS' FILING FEES, DOCUMENT REQUEST FEES AND ANNUAL BOARD FEES**

The members were provided with a memorandum from Dawn Kindel and Holly Victor regarding a virtual payment method for stakeholders' fees. Lee Moore reported that the Board collects annual fees as well as case filing fees and document request fees. Historically, these fees have been collected via check or credit card payment over the phone. Many stakeholders requested the ability to pay fees online, so the Board implemented virtual payments in late summer 2022. For the annual fee collection, Ms. Moore reported that by October 10, 2022, 63 of 168 manufacturers paid their fees. Of those 63 manufacturers, 46% paid electronically. As of the end of October 2022, 150 manufacturers paid their fees and 45% paid electronically.

Next year staff anticipates rolling out ACH, to allow stakeholders to pay via check online.

Member Stevens inquired how the service fee was determined. Ms. Moore indicated that the fee was set by ACI Worldwide Inc., the entity providing this service to the Board, and there was not room for negotiation.

Member Alvarez indicated the service fee can be negotiated and encouraged staff to do so. Mr. Corcoran clarified that the contract was already negotiated by the Department of General Services and any agencies who choose to use it, can sign on. Ms. Kindel confirmed this and also explained that the contract is renewed and renegotiated after 2-3 years.

Member Smith Boland thanked Ms. Moore for her work and also indicated support for implementing the ACH process in the future.

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

11. **REPORT OF THE NEW MOTOR VEHICLE BOARD'S RECENT INDUSTRY ROUNDTABLE**

The members were provided with a memorandum from Tim Corcoran and Danielle Phomsopha regarding the Board's recent Industry Roundtable held via Zoom on September 28-29. Ms. Phomsopha indicated Day 1 had 31 attendees and Day 2 had 22 attendees. Positive feedback was received on the surveys and over 90% found this year's topic timely and of value to their businesses.

Given that the Board is likely moving toward in-person events, staff recommend hosting the Roundtable event in Spring, as done in previous years, in order to avoid end-of-the-year conflicting events that may have led to the lower attendance this year. Staff also look forward to hosting the event in a hybrid format to allow for in-person attendance as well as live-streaming for those who cannot attend in-person.

In regard to the upcoming year, Board staff recommend hosting the next annual Roundtable event in 2024 given the Board's move and lack of permanent location at DMV headquarters in the beginning of 2023.

Member Smith Boland commended staff on the excellent work in preparing the event. Member Alvarez also commended staff and discussed having another virtual event next year and then moving back to an in-person event in 2024. Mr. Corcoran indicated that the preference would be to host the next Roundtable event in-person in 2024 given that staff are moving to a temporary space and then to a permanent space at an unknown time in 2023 and skipping hosting a Roundtable in 2023 would give staff a reprieve during this time. Member Alvarez agreed and also suggested this would allow the Electric Vehicle industry to evolve as well.

Mr. Corcoran also reminded the Board that there appears to be some “Zoom fatigue” evidenced partially by the attendance numbers. Although the surveys indicated 72% preferred a virtual event, only those attending virtually responded to the survey.

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

12. **DISCUSSION CONCERNING ENACTED LEGISLATION**

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

The members were provided with a memorandum from Tim Corcoran and Danielle Phomsopha concerning pending legislation. Ms. Phomsopha reported that AB 2956 was the Transportation Omnibus bill which included clean-up language for the Board’s statutes, including deleting obsolete references to the Board’s prior Appeals jurisdiction.

AB 1604 does not require any specific action on behalf of the Board but includes important reporting requirements for some agencies and Board staff wanted to highlight this bill for the members.

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

13. **CONSIDERATION OF THE 2022 EDITION OF THE NEW MOTOR VEHICLE BOARD ADMINISTRATIVE LAW JUDGES’ BENCHBOOK**

The members were provided with a memorandum and 2022 edition of the *New Motor Vehicle Board Administrative Law Judges’ Benchbook*. Ms. Parker reported that there were a number of substantive and non-substantive changes.

Staff are recommending that future updates to the Benchbook be provided on the Executive Director's Report, since it is an internal training manual.

Member Stevens moved to adopt the 2022 edition of the *New Motor Vehicle Board Administrative Law Judges' Benchbook* as amended. Member Doi seconded the motion. The motion carried unanimously.

Member Doi clarified that the memo included the request to provide future updates on the Executive Director's Report and wanted to clarify if the previous motion included that request.

Member Doi moved to provide future updates to the Benchbook on the Executive Director's Report. Member Stevens seconded the motion. The motion carried unanimously.

#### 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.

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 stated that current travel restrictions related to the pandemic may be lifted early next year and may result in our ability to travel out-of-state. Other restrictions on travel to certain states may remain. Therefore, the National Association of Motor Vehicle Boards and Commissions event may be added back on the Board's schedule.

Ms. Parker reported that there are 64 open protests. In regard to notices, the Board has received 17 notices of termination this year so far. The highest number of notices of termination received was 164 in 2010. This year the Board has received 720 modification notices and staff have more to process. The Board has received 10 notices of establishment and three notices of relocation, which is consistent with the previous three years' of notices.

In regard to the petition for writ of mandate in *Subaru of America v. New Motor Vehicle Board*, several matters were taken under submission by the Judge at a hearing held the prior week, including Courtesy's Demurrer and Subaru's Motion to Compel. In regard to the *Barber Honda* appeal, the Board received a 30-day continuance to file its brief.



Ms. Phomsopha provided an update in *Western Truck Parts v. New Motor Vehicle Board*: the court's tentative ruling denied the petition for writ of mandate. After oral argument, the court took the matter under submission and the Board is awaiting a final ruling. After the November 7, 2022, General Meeting, the court denied the writ.

The Board's non-substantive, updated conflict-of-interest code was approved by the Fair Political Practices Commission and was effective September 8, 2022. In addition, the rulemaking removing "registered mail" language was approved and effective October 1, 2022.

President Obando inquired as to the details of the changes to the Board's conflict-of-interest code. Ms. Phomsopha clarified that the Board reorganized the code for clarity and updated Ms. Kindel's position.

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

15. **SELECTION OF BOARD MEETING DATES FOR 2023**

The Board members selected the following Board meeting dates for 2023:

- January 25, 2023, via Zoom beginning at 9:30 a.m.
- April 28, 2023, in Glendale beginning at 10:00 a.m.
- September 21, 2023, in Sacramento beginning at 10:00 a.m.
- December 8, 2023, in Riverside beginning at 10:00 a.m.
- The Industry Roundtable will be scheduled in 2024.

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**

The Public and Dealer Members convened in Closed Executive Session to discuss Agenda Item No. 16(a).

- 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**

The Public and Dealer Members convened in Closed Executive Session to discuss Agenda Item No. 16(b). An attorney-client work product privilege memorandum from Robin Parker, Chief Counsel, was provided to the members to justify the closed Executive

Session. The members participated in a discussion of this matter with John T. McGlothlin, Deputy Attorney General. No action was taken.

17. **OPEN SESSION**

The Board Members returned to Open Session. President Obando announced there was no Board action taken in regard to Agenda Item 16.

18. **DISCUSSION AND CONSIDERATION OF PROPOSED REGULATION REGARDING REPRESENTATION IN PROTESTS OR PETITIONS (13 CCR § 551.26)**

The members were provided a memorandum from Tim Corcoran and Robin Parker regarding formalizing the Board's process of allowing non-California attorney representatives appear before the Board. Ms. Parker indicated that since 1977, the Board has allowed out-of-state in-house attorneys to appear before it, and out-of-state attorneys from private law firms have been allowed since the mid-to-late 1980s. As the Board did not have a regulation in regard to out-of-state attorneys, the Board patterned its process after the California Rules of Court. Historically, the Board allowed out-of-state attorneys with the association of local, California counsel. This practice was vetted by the State Bar as recently as July 2022. The consistent response from the State Bar is they do not have jurisdiction over the Board as they are only interested in the courts. The proposed regulation would formalize this process as follows:

13 CCR § 551.26. Representation in Protests or Petitions.

Any party shall have the right to appear at any hearing by representing itself, by counsel, or by other representative.

Note: Authority cited: Section 3050, Vehicle Code. Reference: Section 3050, Vehicle Code.

Member Doi noted that the language of proposed regulation is broad enough to allow a party to be represented by anyone, including non-attorney representatives from California and out-of-state.

Member Stevens moved to adopt the proposed new regulation. Member Kassakhian seconded the motion. The motion carried unanimously.

President Obando read the following statement into the record:

Given the Board's decision to go forward with the proposed regulation, I hereby delegate to the Executive Director the ministerial duty of proceeding through the rulemaking process in compliance with the Administrative Procedure Act. Notice of the proposed rulemaking will be published in the California Regulatory Notice Register and will be sent to the Public Mailing

List. During the public comment period, I want to invite and encourage written and oral comments. Additionally, a public hearing at the Board's offices may be held to accept oral and written comments.

By the Board instructing staff to go forward with the proposed regulation, this does not necessarily indicate final Board action. If any written or oral comments are received, the full Board will consider the comments and reconsider the text of the proposed regulation. Furthermore, if the staff decides that substantive modifications to the proposed text are necessary, the Board will consider those modifications at a noticed meeting. However, non-substantive changes involving format, grammar, or spelling suggested by the Office of Administrative Law or the staff will not be considered by the Board because they are non-regulatory in nature. They will be considered by the Executive Committee and ultimately reported to the Board at a future meeting. If there are no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

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

No additional public comment was presented. A lunch break was taken and subsequently a quorum of the Public Members was confirmed. Dealer Member Anne Smith Boland was also present to observe.

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.

The Public Members convened in Closed Executive Session to discuss Agenda Item No. 20. An attorney-client work product privilege memorandum from Robin Parker, Chief Counsel, was provided to the members to justify the closed Executive Session. The members participated in a discussion of this matter with John T. McGlothlin, Deputy Attorney General. No action was taken.

21. **OPEN SESSION**

The Board Members returned to Open Session. President Obando announced there was no action taken in regard to Agenda Item 20.

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

This item was pulled from the agenda at the request of parties as they work to settle this matter.

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.

This item was pulled from the agenda at the request of parties as they work to settle this matter.

24. **OPEN SESSION**

Board Members remained in 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.

President Obando reminded the Dealer Members in attendance, that only the Public Members will consider this matter because the petition involves a dispute between a franchisee and a franchisor. Further, even though these matters pertain to the Board adopted Stipulated Decision and ALJ Matteucci's Confidential Decision, both filed under Board seal, all discussions and deliberations will be held in open session, as there is no authority authorizing a closed session discussion. Lastly, given the overlapping facts in the petition, motion to seal, and request for official notice, President Obando asked counsel to address all three matters in their opening presentations. But first, he requested counsel address Petitioner's Motion to consider the Declaration of Kimberly Wright and Respondent's Opposition.

Oral comments were presented before the Public Members of the Board. Gavin M. Hughes, Esq. and Robert A. Mayville, Jr., Esq. of the Law Offices of Gavin M. Hughes represented Protestant. Lisa M. Gibson, Esq. and Amy Toboco, Esq. of Nelson Mullins

Riley & Scarborough LLP represented Respondent.

Member Kassakhian was not present for the oral comments so he did not participate in this matter.

Member Doi moved to admit the Declaration of Kimberly Wright. Member Stevens seconded the motion. The motion carried unanimously.

Member Stevens moved to file the unredacted petition under seal. Member Doi seconded the motion. The motion carried unanimously.

Member Doi moved to officially notice the documents offered by Respondent for official notice. Member Stevens seconded the motion. The motion carried unanimously.

In regard to the merits of the petition, the Public Members suggested the parties attempt to settle the matter privately. After a brief recess, both parties agreed to attempt to settle the issues alleged in the Petition. After the meeting, the Board continued this matter to the January 25, 2023, General Meeting or next regularly scheduled meeting pursuant to stipulation of counsel for the parties.

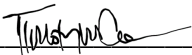
26. **PUBLIC COMMENT (Gov. Code § 11125.7)**

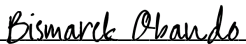
No additional public comment was presented.

27. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 3:33 p.m.

Submitted by

  
\_\_\_\_\_  
TIMOTHY M. CORCORAN  
Executive Director

APPROVED:   
\_\_\_\_\_  
Bismarck Obando  
President  
New Motor Vehicle Board