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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
GENERAL MEETING

Glendale City Hall
Council Chamber Room
613 E. Broadway, 2nd Floor
Glendale, California 91206
(818) 548-2094

April 28, 2023

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. **10:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the January 25, 2023, General Meeting.**
5. **Presentation of Resolution to Nanxi Liu, former Public Member.**
6. **Consideration of presentation of Resolution to Ramon Alvarez C., former Dealer Member.**
7. **Discussion concerning the state of the automotive industry by manufacturer and dealer representatives - Board Development Committee.**

8. **Consideration of the revised *Guide to the New Motor Vehicle Board* to include information on statutory and regulatory changes - Administration Committee.**
9. **Update on Board Development Activities - Board Development Committee.**
10. **Board member education concerning the Administrative Procedure Act and Bagley-Keene Open Meeting Act - Board Development Committee.**
11. **Board member education concerning the Political Reform Act and Public Records Act - Board Development Committee.**
12. **Annual review of New Motor Vehicle Board mission and vision statements - Executive Committee.**
13. **Report on the Board's financial condition for the 2nd quarter of Fiscal Year 2022-2023 - Fiscal Committee.**
14. **Discussion concerning pending legislation - Legislative Committee.**
 - a. Pending Legislation of Special Interest:
 - (1) Assembly Bill 473 (Assembly Member Aguiar-Curry) - Motor vehicle manufacturers, distributors, and dealers.
 - b. Pending Legislation of General Interest:
 - (1) Senate Bill 544 (Senator Laird) - Bagley-Keene Open Meeting Act: teleconference.
 - (2) Assembly Bill 1617 (Assembly Member Wallis) – Vehicles: recreational off-highway vehicles.
 - c. Pending Federal Legislation of General Interest: None
15. **Discussion and consideration of proposed regulatory amendments to eliminate references to facsimile and residence addresses in Section 595 of Title 13 of the California Code of Regulations (Format of First Page; Format and Filing of Papers) and make gender neutral - Policy and Procedure Committee.**
16. **Discussion and consideration of proposed regulatory amendments - Policy and Procedure Committee.**
 - A. Challenge (13 CCR § 551.1)
 - B. Testimony by Deposition (13 CCR § 551.6)
 - C. Intervention; Grant of Motion; Conditions (13 CCR § 551.13)
 - D. Request for Informal Mediation (13 CCR § 551.14)
 - E. Informal Mediation Process (13 CCR § 551.16)

- F. Sanctions (13 CCR § 551.21)
 - G. Interpreters and Accommodation (13 CCR § 551.23)
 - H. Transmittal of Fees by Mail (13 CCR § 553.72)
 - I. Contents (13 CCR § 555)
 - J. Procedure at Hearings (13 CCR § 580)
 - K. Article 7. New Motor Vehicle Board – Conflict-of-Interest Code
17. **Discussion and consideration of temporary authorization of discretion to the Executive Director to assign additional merits hearings to the Office of Administrative Hearings outside the current “Merits Hearing Judge Assignment Log” - Policy and Procedure Committee.**
18. **Review and consideration of Board delegations in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency - Executive Committee.**
19. **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.
20. **Closed Executive Session.**
- Pursuant to Government Code section 11126(a)(1), all members of the Board shall convene in a closed Executive Session.
- a. **Discussion and consideration of personnel matters - Administration Committee.**
- Discussion and consideration of personnel matters, by all members of the Board.
- b. **Consideration of annual performance review for Executive Director - Executive Committee.**
- Consideration of annual performance review for Executive Director, by all members of the Board.
- c. **Oral interview of the Administrative Law Judge candidates via Zoom - Administration Committee.**
- Oral interview of the Administrative Law Judge candidates via Zoom, by all members of the Board.

d. **Consideration of the Administrative Law Judge nominee - Administration Committee.**

Consideration of the Administrative Law Judge nominee, by all members of the Board.

21. **Open Session.**

22. **Discussion and consideration of whether to designate the following Board Decisions as Precedent Decisions pursuant to Government Code section 11425.60, by the Public Members:**

- (1) Protest No. PR-2418-15 *Adrenaline Powersports v. Polaris Industries, Inc.*
- (2) Protest No. PR-2534-17 (consolidated) *Porter Auto Group, L.P. v. FCA US LLC*
- (3) Protest No. PR-2605-19 *R&H Automotive Group, Inc. v. American Honda Motor Co., Inc., Acura Automotive Division*
- (4) Protest No. PR-2180-09 *Jackson Ford-Mercury, Inc., dba The New Jackson Ford-Mercury v. Ford Motor Company*

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

MICHAEL CADILLAC, INC., dba MICHAEL CHEVROLET CADILLAC v. GENERAL MOTORS LLC

Protest Nos. PR-2813-22 and PR-2814-22

24. **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.

Consideration of Proposed Order.

MICHAEL CADILLAC, INC., dba MICHAEL CHEVROLET CADILLAC v. GENERAL MOTORS LLC

Protest Nos. PR-2813-22 and PR-2814-22

Consideration of the Administration Law Judge's Proposed Order Granting Respondent's motion to dismiss.

25. **Open Session.**

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

27. **Adjournment.**

To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Danielle Phomsopha at (916) 445-1888 or danielle.phomsopha@nmvb.ca.gov.