

IN-SITE

A publication of the California New Motor Vehicle Board

March 2000

Edition 00:2



NEW MEMBERS JOIN BOARD

The month of February 2000 brought the appointment of two new members, one Public Member and one Dealer Member, to the ranks of the New Motor Vehicle Board. As a fitting opening to this issue of the In-Site, the Board and its staff take great pleasure in welcoming Wendy Brogin and David W. Wilson to their positions on the Board.

WENDY BROGIN

Wendy Brogin, Public Member, was appointed to the Board by the Speaker of the Assembly, Antonio R. Villaraigosa, effective February 7, 2000. (Ms. Brogin replaced Edith Perez.)

Ms. Brogin is an urban planning and governmental affairs consultant. A member of the American Institute of Certified Planners (AICP), she founded her own firm in 1990, bearing her name. She is a graduate of UCLA, having majored in Urban Geography, and minored in Political Science.

With her husband Nate and her three children - Lori, Jennifer, Michael - Ms. Brogin resides in the Sherman Oaks area of Los Angeles. Ms. Brogin currently serves as a Los Angeles County Local Government Services Commissioner. In 1984, she worked as a Senior Planner and Product Manager for Engineering Technology, Inc. Ms. Brogin has also been active with the Economic Alliance of the San Fernando Valley and the Valley Industry and Commerce Association.

Ms. Brogin is a member of Los Angeles City's Community Action Board, and a member of the Board

of Directors of the Days of Dialogue, and the Girl Scout Council of San Fernando Valley. Her current term will expire 1-15-03.

DAVID W. WILSON

David W. Wilson, Dealer Member, was appointed to the Board by Governor Gray Davis, effective February 28, 2000.

Mr. Wilson, of Orange County, has been involved in the motor vehicle industry for over thirty years. He has owned and operated several award-winning automobile dealerships including Toyota of Orange, Toyota of Huntington Beach, and Toyota of Riverside.

In addition, Mr. Wilson was the recipient in 1988 of the "Dealer of Distinction Award" from *Sports Illustrated* magazine and received the *Time Magazine* "Quality Dealer Award" in 1991.

Mr. Wilson's current term will expire on 1-15-03.

DOCKET

PROTESTS:

	<u>New Cases</u>	<u>Cases Open</u>	<u>Unassigned</u>
3060		10	3
3062		5	2
3064			
3065		1	
3065.1	1	1	1
Total Protests:	23		

PETITIONS:

3050	4
Total Petitions:	4



Mediation Statistics 1999/00 to date

Mediation Phone Calls Received	4,581
Complaint Forms Sent to Consumers	1,450
Cases Filed	350

BOARD ELECTS NEW OFFICERS

At its General Meeting of February 15, 2000, held at the Doubletree Guest Suites in Santa Monica, Robert T. (Tom) Flesh was elected to serve as President of the New Motor Vehicle Board. At the same meeting, Frederick E. (Fritz) Hitchcock was elected Board Vice President.

Mr. Flesh, a Public Member, was appointed to the Board by former Governor Pete Wilson in December 1996. In addition to his current position, Mr. Flesh has served as Vice President of the Board and Chair of the Board's Corrective Action Plan Committee. Mr. Flesh is President of Safety Investment Company, a real estate development and property management company. His current term will expire 1-15-01.

Mr. Hitchcock, a Dealer Member, was appointed to the Board by former Governor Pete Wilson in December 1997. In addition to his current position, Mr. Hitchcock

is Chair of the Board's Education Committee and is a member of the Board's Corrective Action Plan Committee. Mr. Hitchcock is Chairman/CEO of Hitchcock Automotive Resources, and President of Puente Hills Toyota, Puente Hills Ford/Lincoln/Mercury, Puente Hills Nissan, Puente Hills Mazda/Volkswagen, Northridge Toyota and Fullerton Toyota. His current term will expire 1-15-02.



IN SITE

California NMVB Newsletter

State of California
Gray Davis, Governor

*Business, Transportation
and Housing Agency*
Maria Contreras-Sweet, Secretary

Department of Motor Vehicles
Steven Gourley, Director

New Motor Vehicle Board
Robert T. (Tom) Flesh, President
Frederick E. (Fritz) Hitchcock,
Vice-President

Members
Wendy Brogin
Manning J. Post
Joseph D. Putnam
Solon C. Soteras
David W. Wilson

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Sacramento, California 95814
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REVENUE

NEW MOTOR VEHICLE DEALER License Fee:	\$373,146.00
NEW MOTOR VEHICLE BOARD Filing fee:	6,600.00
NEW MOTOR VEHICLE BOARD Annual fee:	-0-
NEW MOTOR VEHICLE BOARD Hearing Transcripts:	1347.45
Arbitration Cert. Program Reimbursement	2,920.45
Total	\$ 388,013.90
(month ending 1/31/2000)	

HISTORY OF ST. PATRICK

The man who became St. Patrick, patron saint of Ireland, was born in Wales around AD 385. Until the age of 16 he considered himself a pagan, converting during a six-year period of captivity by a group of Irish marauders. After his escape from slavery, he traveled to Gaul, studying in a monastery under St. Germain, bishop of Auxerre.

Patrick was appointed as second bishop to Ireland where he was quite successful converting pagans to Christianity. He also established monasteries, schools and churches during his thirty-year mission. St. Patrick

retired to County Down and died on March 17 AD 461.

The popular belief that St. Patrick was responsible for driving snakes out of Ireland is, apparently, just **BLARNEY!**

St. Patrick's Day was first celebrated in the United States in 1737.



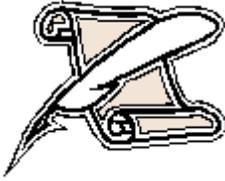
UPDATE ON *MARLEY, SABA*

MARLEY vs. GM

The parties informed the Board that they have reached a confidential settlement. On February 25, 2000, pursuant to the Petitioner's Request for Dismissal, Marley v. GM, was dismissed with prejudice.

SABA vs. KAWASAKI

On October 15, 1999, Judge Thomas, Orange County Superior Court, applied the Independent Judgement Test for the standard of review and granted the writ of mandate filed by Saba A. Saba. On January 14, 2000, oral arguments were presented on a Motion for Reconsideration filed by Kawasaki. Judge Thomas denied the Motion for Reconsideration. The Board was commanded to vacate its August 12, 1999, Decision overruling the protest, and accept and issue the May 17, 1999, Proposed Decision of Administrative Law Judge Marilyn Wong which conditionally sustained the protest. At its February 15, 2000, Special Board meeting, the Public members of the Board complied with the Court's Judgment on Peremptory Writ of Mandate. The Decision was sent to the parties and the Board's public mailing list.



1999 DMV LEGISLATION

The legislation below represents a portion of the new laws, effective January 1, 2000, which impact licensees of the Department of Motor Vehicles. The descriptions were prepared by DMV's Legislative Office as an overview of those new laws which will have the most impact. This is not a complete report of all new bills which changed sections of the Vehicle Code, or related codes which affect departmental operations. Additional information may be obtained from the DMV website - www.dmv.ca.gov.

AB 159 (Floyd) Clarifies that only those dealers applying for an original "used vehicle" dealer's license are required to take the written examination through DMV prior to licensure. The bill also increases the smog inspection fee dealers may collect from customers from \$45 to \$50, plus the actual cost of the certificate.

SB 378 (Kelley) Required DMV to work cooperatively with the Departments of Corporations and Financial Institutions in investigating improper collateral recovery operations by those not properly licensed as vehicle repossessioners.

SB 974 (Speier) Makes a number of important clarifications to existing law regarding the responsibilities of persons conducting motor vehicle auction sales. Expresses legislative intent that auto auctions be conducted by licensed California dealers only. Would enhance current disclosure laws to better inform the purchaser of all fees and charges added to the bid price.

SB 1092 (O'Connell) Requires that vehicle conditional sale contracts include the method for calculating the positive or negative value of a trade-in vehicle and requires that this value be reflected in the total down payment specified in the contract.

NMVB E-Mail: nmvb@pacbell.net



COURT CASES

The Board does not participate in any action unless a state interest is implicated. The Board is participating in the following court cases marked by an asterisk(*):

Department of Motor Vehicles vs. New Motor Vehicle Board; Chrysler Motor Corporation, Real party in Interest

Marvin H. Leaf, individually and on behalf of others similarly situated vs. New Motor Vehicle Board; Toyota Motor Distributors, Inc., and Toyota Motor Sales U.S.A., Inc., Real Party in Interest

* Rolls-Royce Motor Cars Inc. vs. New Motor Vehicle Board; Robert Pond, Real Party in Interest

Saba A. Saba, SBD Partners, Inc., and Honda Kawasaki Sportcenter vs. New Motor Vehicle Board; Kawasaki Motor Corp., U.S.A., Real Party in Interest

* Rolls-Royce Motor Cars Inc. vs. New Motor Vehicle Board and Sam W. Jennings; Robert Pond, Real party in Interest

WEBSITE UPDATE



The project to bring the Board into the e-government era is fast approaching completion. Thanks to the invaluable assistance of DMV webmaster, Darrel Carter, final editing touches are being integrated into the body of information which will comprise the site.

Site users will be able to learn about the Board and its operations, and will be able to research information concerning proceedings before the Board. A forms section will provide downloadable samples of all forms of pleadings, and applications for interested individual status, *pro hac vice* and fee waivers, to name a few.

Stay tuned - we're hoping for a late spring kickoff!

CMCDA

2000 State Convention
Indian Wells, California

Wednesday, April 26, 2000

2:00 pm Registration

Thursday, April 27, 2000

8:00 am Dealers Breakfast Conference
Speaker Alan E. Cabito

Friday, April 28, 2000

8:00 am Dealers Breakfast Conference
Speaker Colin Powell

Saturday, April 29, 2000

8:00 am Dealers Breakfast Conference
Speaker Dr. James Canton

--CORRECTION--

In our last issue, we incorrectly reported that Mrs. Lucille Mazeika was appointed to the Board by former Governor Pete Wilson. Mrs. Mazeika was appointed as a Public Member in 1984 by former Governor George Deukmejian. We regret any inconvenience this error may have caused.



Lew Webb vs. Toyota

The Protest was received by the Board on August 30, 1999. Protestant Lew Webb Toyota of Buena Park ("Webb") submitted the matter pursuant to Vehicle Code section 3062. The action was taken following receipt of notice of the proposed relocation of Fullerton Toyota into Webb's relevant market area.

A Board-conducted Mandatory Settlement Conference was held on October 1, 1999. The matter was not settled as a result of that conference.

The parties completed discovery, and the Hearing on the merits commenced the week of December 13, 1999, and resumed on January 11, 2000 through January 21, 2000. Closing arguments were presented in Hearing Room 1 of the Board's offices on February 17, 2000.

On March 2, 2000, Webb filed a Request for Dismissal. The matter was dismissed with prejudice.

NMVB BOARD MEETING

Calendar 2000

(first six months)



Special Board Meeting

March 13, 2000

2:30 pm (tentative*) - Sacramento
New Motor Vehicle Board
Hearing Room #1
1507 21st Street, Suite 330
Sacramento, California

General Board Meeting

March 14, 2000

8:30 am (tentative*) - Sacramento
New Motor Vehicle Board
Hearing Room #1
1507 21st Street, Suite 330
Sacramento, California



General Board Meeting

April 28, 2000

1:00 pm (tentative*) - Indian Wells
Hyatt Grand Champions Resort
44-600 Indian Wells Lane
Indian Wells, California

General Board Meeting

May 25, 2000

8:30 am (tentative*) - Sacramento
New Motor Vehicle Board
Hearing Room #1
1507 21st Street, Suite 330
Sacramento, California



General Board Meeting

June 2000

Date and time to be determined

*Agenda is mailed 10 days prior to the meeting