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

The New Motor Vehicle Board (“Board”) held a Special meeting on August 15, 2019, in The William G. Brennan Hearing Room, at the Board’s offices.

2. **ROLL CALL**

Kathryn Doi, President and Public Member, called the meeting of the Board to order at 10:30 a.m.

Present:	Kathryn Ellen Doi	Timothy M. Corcoran, Executive Director
	Ardashes “Ardy” Kassakhian	Robin P. Parker, Senior Staff Counsel
	Nanxi Liu	Danielle R. Phomsopha, Staff Counsel
	Bismarck Obando	
	Glenn E. Stevens	

3. **PLEDGE OF ALLEGIANCE**

Mr. Obando led the members and staff in the Pledge of Allegiance.

4. **CONSIDERATION OF PETITION REQUESTING THAT THE BOARD DIRECT DMV TO CONDUCT AN INVESTIGATION OF THE MATTERS CONTAINED THEREIN OR ORDER DMV TO EXERCISE ITS AUTHORITY AND POWER TO INITIATE DISCIPLINARY PROCEEDINGS AGAINST RESPONDENT’S OCCUPATIONAL LICENSE PURSUANT TO VEHICLE CODE SECTION 3050(c)(1) AND (3)**

CALIFORNIA NEW CAR DEALERS ASSOCIATION v. VOLVO GROUP NORTH AMERICA LLC aka VOLVO CAR USA, LLC  
Petition No. P-460-19

Consideration of Petition requesting that the Board direct DMV to conduct an investigation of the matters contained therein or order DMV to exercise its authority and power to initiate disciplinary proceedings against Respondent’s Occupational License, by the Public Members of the Board.

Michael Cypers, Esq. and Julie R. F. Gerchik, Esq. of Glaser Weil Fink Howard Avchen &

Shapiro LLP represented Petitioner. Colm A. Moran, Esq. of Hogan Lovells US LLP represented Respondent.

Lengthy presentations were presented by counsel for the parties along with comments from Keith Fradenburg, representing Niello Volvo, and Peter Wexler, Head of Care by Volvo.

The Public Members of the Board deliberated in Open Session. Ms. Doi asked if any member wanted to make a motion to dismiss the petition; no motion was made.

Mr. Obando moved to grant Petitioner's request for relief as it pertains to the Department of Motor Vehicles ("DMV") investigation of Care by Volvo pursuant to Vehicle Code section 3050(c)(1). Mr. Stevens seconded the motion. Ms. Doi asked for clarification as to whether all four alleged violations should be referred to DMV for investigation. Mr. Obando amended his motion to include an investigation by DMV of all four issues raised in the petition (Veh. Code §§ 11713.3(o)(1), 3060(b), 11713.3(u) and/or 11713.19). Mr. Stevens seconded the amended motion. The motion carried unanimously.

Mr. Stevens moved to extend DMV's deadline to respond with the results of its investigation from 90 days, as requested by Petitioner, to 180 days from the date of the Board meeting. Mr. Obando seconded the motion. The motion carried unanimously.

After a brief discussion, no action was taken regarding Petitioner's request pursuant to Vehicle Code section 3050(c)(3) that the Board order DMV to exercise its authority and power to initiate disciplinary proceedings against Volvo's manufacturer license.

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

No additional public comment was presented.

6. **ORAL PRESENTATION BEFORE THE PUBLIC MEMBERS OF THE BOARD**

- a. FAIRFIELD IMPORTS TWO, LLC, a California Limited Liability Company v. NISSAN NORTH AMERICA, INC., a California Corporation  
Protest Nos. PR-2587-18, PR-2588-18, PR-2597-18 and PR-2598-18

Ms. Doi disclosed that she is very active in a local organization called My Sister's House and Paul Blanco's Good Car Company or some Paul Blanco's organization is a sponsor and frequent contributor. She does not think this requires her to recuse herself but wanted to disclose this.

Oral comments were presented before the Public Members of the Board. Michael J. DeSantis, Esq. of Scali Rasmussen represented Protestant. Steven M. Kelso, Esq. of Greenberg Traurig, LLP represented Respondent. Cecil Davis, in-house counsel for Nissan, was also present.

- b. ROUNDTREE BEVERLY HILLS, LLC, a California Limited Liability Company v. NISSAN NORTH AMERICA, INC., a California Corporation  
Protest Nos. PR-2613-19 and PR-2616-19

These matters were dismissed prior to the Board meeting so this item was pulled from the agenda.

- c. MOTORINI, Inc., dba LA CYCLESPO RTS v. VANDERHALL MOTOR WORKS, INC.  
Protest No. PR-2599-18

This matter was dismissed prior to the Board meeting so this item was pulled from the agenda.

- d. PAUL BLANCO'S GOOD CAR COMPANY SACRAMENTO dba PAUL BLANCO'S KIA (CA 303) v. KIA MOTORS AMERICA, INC.  
Protest No. PR-2617-19

Oral comments were presented before the Public Members of the Board. No appearance was made on behalf of Protestant. Colm A. Moran, Esq. of Hogan Lovells US LLP represented Respondent.

## 7. **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 ORDER**

FAIRFIELD IMPORTS TWO, LLC, a California Limited Liability Company v. NISSAN NORTH AMERICA, INC., a California Corporation  
Protest Nos. PR-2587-18, PR-2588-18, PR-2597-18 and PR-2598-18

Consideration of the Administrative Law Judge's "Proposed Order Granting 'Nissan North America, Inc.'s Motion to Dismiss Protests of Fairfield Imports Two, LLC'", by the Public Members.

The Public Members of the Board deliberated in closed Executive Session. Mr.

Stevens moved to adopt the Administrative Law Judge's Proposed Order. Mr. Obando seconded the motion. The motion carried unanimously.

b. **CONSIDERATION OF PROPOSED ORDER**

ROUNDTREE BEVERLY HILLS, LLC, a California Limited Liability Company v. NISSAN NORTH AMERICA, INC., a California Corporation  
Protest Nos. PR-2613-19 and PR-2616-19

Consideration of the Administrative Law Judge's "Proposed Order Granting 'Nissan North America, Inc.'s Motion to Dismiss Roundtree Beverly Hills, LLC's Protests'", by the Public Members.

These matters were dismissed prior to the Board meeting so this item was pulled from the agenda.

c. **CONSIDERATION OF PROPOSED ORDER**

MOTORINI, Inc., dba LA CYCLESPTS v. VANDERHALL MOTOR WORKS, INC.  
Protest No. PR-2599-18

Consideration of the Administrative Law Judge's "Proposed Order Dismissing Protest for Lack of Jurisdiction", by the Public Members.

This matter was dismissed prior to the Board meeting so this item was pulled from the agenda.

d. **CONSIDERATION OF PROPOSED ORDER**

PAUL BLANCO'S GOOD CAR COMPANY SACRAMENTO dba PAUL BLANCO'S KIA (CA 303) v. KIA MOTORS AMERICA, INC.  
Protest No. PR-2617-19

Consideration of the Administrative Law Judge's "Proposed Order Granting 'Motion of Respondent Kia Motors America, Inc. to Dismiss Protest for Lack of Jurisdiction'", by the Public Members.

The Public Members of the Board deliberated in closed Executive Session. Mr. Stevens moved to adopt the Administrative Law Judge's Proposed Order. Ms. Liu seconded the motion. The motion carried unanimously.

8. **OPEN SESSION**

The Public Members returned to Open Session. Ms. Doi announced the decisions in Agenda Item 7.

9. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 2:37 p.m.

Submitted by

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TIMOTHY M. CORCORAN  
Executive Director

APPROVED: \_\_\_\_\_  
Kathryn E. Doi  
President  
New Motor Vehicle Board

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