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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

MINUTES

The New Motor Vehicle Board (“Board”) held a Special meeting on June 7, 2019, at the Glendale City Hall, Council Chamber Room, 613 E. Broadway, 2nd Floor, Glendale, California 91206

2. **ROLL CALL**

Kathryn Doi, President and Public Member, called the meeting of the Board to order at 12:38 p.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	

Absent: Glenn E. Stevens

3. **PLEDGE OF ALLEGIANCE**

Ms. Liu led the members and staff in the Pledge of Allegiance.

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

Ms. Doi read the following statement “comments by the parties or by their counsel that are made regarding any proposed decision, ruling, or order must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board.” Furthermore, she indicated that since this is an adjudicative matter as described in Government Code section 11125.7(e), therefore members of the public may not comment on such matters.

- a. MAVERICK AUTO GROUP 2, LLC, a California Limited Liability Company v. VOLKSWAGEN GROUP OF AMERICA, INC., a New Jersey Corporation
Protest No. PR-2581-18

Oral comments were presented before the Public Members of the Board. Halbert B.

Rasmussen, Esq. of Scali Rasmussen represented Protestant. Richard H. Otera, Esq. and Lauren A. Deeb, Esq. of Nelson Mullins Riley & Scarborough LLP represented Respondent.

- b. FAIRFIELD IMPORTS THREE, LLC, a California Limited Liability Company v. HYUNDAI MOTOR AMERICA, a California Corporation
Protest Nos. PR-2582-18 and PR-2583-18

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

- c. FAIRFIELD IMPORTS THREE, LLC, a California Limited Liability Company v. MITSUBISHI MOTORS NORTH AMERICA, INC., a California Corporation
Protest No. PR-2586-18

Oral comments were presented before the Public Members of the Board. Halbert B. Rasmussen, Esq. of Scali Rasmussen represented Protestant. Lisa M. Gibson, Esq. of Nelson Mullins Riley & Scarborough LLP represented Respondent.

5. **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**

MAVERICK AUTO GROUP 2, LLC, a California Limited Liability Company v. VOLKSWAGEN GROUP OF AMERICA, INC., a New Jersey Corporation
Protest No. PR-2581-18

Consideration of the Administrative Law Judge's "Proposed Order Granting 'Respondent Volkswagen of America, Inc., an Operating Unit of Volkswagen Group of America, Inc.'s Motion To Dismiss Protest'", by the Public Members.

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

Obando moved to adopt the Administrative Law Judge's Proposed Order with the following amendments:

1. Paragraph 16, page 8, line 18, replace the reference to Section "3060" with "3061."
2. Paragraph 17, page 9, line 4, replace the reference to Section "3060" with "3061."

Mr. Kassakhian seconded the motion. The motion carried unanimously.

b. **CONSIDERATION OF PROPOSED ORDER**

FAIRFIELD IMPORTS THREE, LLC, a California Limited Liability Company
v. HYUNDAI MOTOR AMERICA, a California Corporation
Protest Nos. PR-2582-18 and PR-2583-18

Consideration of the Administrative Law Judge's "Proposed Order Granting Respondent Hyundai Motor America's Motion to Dismiss Protests", by the Public Members.

This matter was pulled from the agenda because the protests were dismissed just prior to the meeting.

c. **CONSIDERATION OF PROPOSED ORDER**

FAIRFIELD IMPORTS THREE, LLC, a California Limited Liability Company
v. MITSUBISHI MOTORS NORTH AMERICA, INC., a California Corporation
Protest No. PR-2586-18

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

Mr. Obando moved to adopt the Administrative Law Judge's Proposed Order with the following amendments:

1. Paragraph 16, page 8, line 20, replace the reference to Section "3060" with "3061."
2. Paragraph 17, page 9, line 1, replace the reference to Section "3060" with "3061."

Mr. Kassakhian seconded the motion. The motion carried unanimously.

The Public Members returned to Open Session. Ms. Doi announced the decision in Agenda Item 5.

7. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 1:56 p.m.

Submitted by

TIMOTHY M. CORCORAN
Executive Director

APPROVED: _____
Kathryn Ellen Doi
President
New Motor Vehicle Board