

2415 1st Avenue, MS L242
Sacramento, California 95818
Telephone: (916) 445-1888
Board staff contact: Alex Martinez
[New Motor Vehicle Board website](#)
DMV press contact: (916) 657-6438
dmvpublicaffairs@dmv.ca.gov

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board (“Board”) held a Special meeting on November 1, 2024, at Glendale City Hall, Council Chamber Room, 613 E. Broadway, 2nd Floor, Glendale, California 91206.

Ardashes (“Ardy”) Kassakhian, President and Public Member, called the meeting of the Board to order at 8:38 a.m.

2. **ROLL CALL**

Public Members Present: Kathryn Ellen Doi
Ardashes “Ardy” Kassakhian
Bismarck Obando
Jacob Stevens

Dealer Members Present: Anne Smith Boland
Ashley Dena (arrived during the meeting after roll call)
Brady Schmidt (arrived during the meeting after roll call)

Board Staff Present: Timothy M. Corcoran, Executive Director
Kim Vaye, Assistant Director and Equity Officer
Robin P. Parker, Chief Counsel
Jason Rose, Senior Staff Counsel

Tammy Bayne, Administrative Law Judge

Mr. Corcoran indicated that a quorum was established for case management.

3. **PLEDGE OF ALLEGIANCE**

Member Kassakhian led the members and staff in the Pledge of Allegiance.

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

KM3G INC., d/b/a PUTNAM KIA OF BURLINGAME v. KIA AMERICA INC.
Protest No. PR-2803-22

President Kassakhian reminded the Dealer Member in attendance and any others that may arrive, that they may not participate in, hear, comment or advise other members upon or decide Agenda Items 4-5.

President Kassakhian read the following statement “[c]omments 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 proceeding. No other information or argument will be considered by the Board. This is an adjudicative matter that will be deliberated on in closed Executive Session. Therefore, pursuant to subdivision (e) of Government Code section 11125.7, members of the public may not comment on this matter.”

Oral comments were presented before the Public Members of the Board. Gavin M. Hughes, Esq. of the Law Offices of Gavin M. Hughes represented Protestant. John J. Sullivan, Esq. and Jonathan R. Stulberg, Esq. of Hogan Lovells US 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.

CONSIDERATION OF PROPOSED DECISION

KM3G INC., d/b/a PUTNAM KIA OF BURLINGAME v. KIA AMERICA INC.
Protest No. PR-2803-22

Consideration of the Administrative Law Judge’s Proposed Decision, by the Public Members of the Board.

The Public Members of the Board deliberated in closed Executive Session. Member Obando moved to remand the Administrative Law Judge’s Proposed Decision for additional briefing and/or to open the record for additional evidence or testimony for the purpose of making a determination pursuant to subdivision (a) of Vehicle Code section

3065.4 "for a declaration of the franchisee's retail labor rate." Additionally, for the Judge to reconsider paragraphs 161-174 in the subheading entitled "[t]he Consequences of Putnam's Failure to Conform its Submission to the Express Requirements of Section 3065.2" and paragraph 120. Member Stevens seconded the motion. The motion carried unanimously.

The Public Members returned to Open Session. President Kassakhian announced the decision in Agenda Item 5.

7. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at approximately 10:18 a.m.

Submitted by



TIMOTHY M. CORCORAN
Executive Director

APPROVED:



Ardashes ("Ardy") Kassakhian
President
New Motor Vehicle Board