

## Proposed Text of Regulations

### **§ 551.14. Request for Informal Mediation.**

(a) Prior to initiating a petition pursuant to section 3050(b) of the Vehicle Code, either party may request that the board mediate any honest difference of opinion or viewpoint existing between any member of the public and any new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative.

(b) Participation in informal mediation is voluntary, informal, and nonadversarial.

(c) The request for informal mediation shall set forth the nature of the matter which the board is requested to mediate. The request for informal mediation shall comply substantially with the following requirements:

(1) Include the name, mailing address and telephone number of the person requesting informal mediation; the name, mailing address and telephone number of their attorney or authorized agent if any, and the name and address of the licensee or applicant for license whose activities or practices are in question.

(2) Insofar as is known to the person requesting informal mediation, include the names, ~~residence addresses~~ and ~~business~~ addresses of persons and the dates, places and specific actions or practices involved in the matter.

(3) Describe the relief or disposition of the matter which the person requesting informal mediation would consider acceptable.

(d) A copy of the request for informal mediation shall be served on the licensee or applicant for license whose activities or practices are in question and proof of service (in compliance with Sections 1013a, 1013b and 2015.5, Code of Civil Procedure) thereof shall accompany the request for informal mediation filed with the executive director of the board.

(e) The form of the request for informal mediation shall substantially conform with the provisions of Article 6 herein.

(f) Article 1, section 553.40 shall apply to all requests for informal mediation.

NOTE: Authority cited: Section 3050(a), Vehicle Code. Reference: Section 3050, Vehicle Code.

### **§ 555. Contents.**

The petition shall set forth in clear and concise language the nature of the matter which the petitioner wishes the board to consider. The petition shall comply substantially with the following requirements:

(a) Include the name, mailing address and telephone number of the petitioner; the name, mailing address and telephone number of petitioner's attorney or authorized agent if any, and the name and address of the licensee or applicant for license (hereinafter referred to as "respondent") whose activities or practices are in question. All correspondence with petitioner and notices to petitioner shall be addressed to petitioner's said address, if appearing in person, or to the address of petitioner's attorney or agent, if represented by an attorney or agent. Petitioner shall promptly give the

executive director and respondent written notice by mail of all subsequent changes of address or telephone number.

(b) Insofar as is known to petitioner, include the names, ~~residence addresses and business~~ addresses of persons and the dates, places and specific actions or practices involved in the matter.

(c) If the actions or practices described in the petition are believed to be in violation of law, a concise recitation of applicable law and citation to the applicable statutes or other authorities.

(d) If the petitioner desires that the board mediate, arbitrate or resolve a difference between the petitioner and respondent, recite that fact and describe the relief or disposition of the matter which petitioner would consider acceptable.

(e) The petitioner may submit, as exhibits to the petition, photographic, documentary or similar physical evidence relevant to the matter referred to in the petition, in which event an appropriate description of the exhibits shall be set forth in the petition sufficient to identify them and to explain their relevancy.

(f) The petitioner shall set forth in the petition an estimate of the number of days required to complete the hearing.

(g) The petitioner shall set forth in the petition a request for a prehearing conference if one is desired.

NOTE: Authority cited: Section 3050(a), Vehicle Code. Reference: Section 3050, Vehicle Code.

### **§ 595. Format of First Page; Format and Filing of Papers.**

(a) The first page of all papers shall be in the following form:

(1) Commencing in the upper left hand corner and to the left of the center of the page, the name, office address (~~or if none, the residence address~~), mailing address (if different ~~from the office or residence address~~), electronic-mail address (if available), and the telephone number ~~and facsimile number (if available)~~ of the attorney or agent for the party in whose behalf the paper is presented, or of the party appearing in person. If the party is represented by an attorney, the state bar number of the attorney shall be beside the name of the attorney.

(2) Below the name, address and telephone number, and centered on the page, the title of the board. Below the title of the board, in the space to the left of the center of the page, the title of the proceeding, e.g., John Doe, petitioner (or protestant) v. Richard Roe, respondent, as the case may be.

(3) To the right of and opposite the title, the number of the proceeding which shall be assigned consecutively by the executive director in the order of filing in petition and protest proceedings. The same number shall not be assigned to more than one petition or protest.

(4) Immediately below the number of the proceeding, the nature of the paper, e.g., "Request for Informal Mediation," "Petition," "Protest," "Answer," "Request for Hearing," "Petitioner's Opening Brief," etc. If the paper is a "Petition", the first allegation of the petition shall state the name and address of the respondent and whether the respondent

is the holder of or an applicant for an occupational license of the type issued by the department such that the respondent is subject to the jurisdiction of the board.

(5) The dates of the hearing and any future pre-hearing or settlement conferences, if known.

(b) In addition to a paper copy, the board may direct a party to submit pleadings or other papers by electronic means if the party is able to do so.

(c) A party may obtain proof of the filing of a paper by submitting either an extra copy of the paper or a copy of the first page only, with a self-addressed, return envelope, postage prepaid. The copy will be returned to the party with the date of filing indicated.

(d) Papers may be filed with the board by ~~facsimile~~ or electronic-mail transmission. Unless required by the ALJ or by order of the board, the original paper need not be filed with the board if the party obtains telephonic or other confirmation from the board that a complete and legible copy of the papers was received.

(e) Notwithstanding Code of Civil Procedure Section 1013(a), papers delivered to the board by the U.S. Postal Service or other means are deemed filed on the date actually received by the board. Papers hand delivered to the board and complete papers received by ~~facsimile~~ or electronic-mail transmission during regular business hours (8 a.m. to 5 p.m.) will be filed on the date received. Papers received after regular business hours are deemed filed on the next regular business day.

(f) Protests sent by U.S. Postal Service certified or registered mail are deemed received by the board on the date of certified or registered mailing and will be filed as of the date of the certified or registered mailing.

NOTE: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 3050 and 3051, Vehicle Code.