

# NEW HAMPSHIRE MOTOR VEHICLE INDUSTRY BOARD

## OFFICIAL MINUTES

*Minutes of Board Meeting - May 14, 2009*

Approved and adopted by the Board by unanimous vote on September 3, 2009

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### ATTENDANCE:

Mr. Lloyd Freese  
Mr. William Fenollosa  
Mr. Robert Copeland  
Mr. Christopher Casco, Chair  
Mr. William Perry

### EXCUSED:

Mr. Walter McCarthy  
Mr. Archie Burnett, II

### OTHERS:

None

Chair Mr. Casco declared the meeting open with a quorum of Board members present at 9:32 a.m.

### NEW BUSINESS:

1. The Board welcomed new member William Perry. Mr. Perry operated automobile dealerships for many years. He served on the Autocap board with the Automobile Dealers Association. That board mediates disputes between dealers and customers.
2. The Board voted to approve the draft minutes for the meeting held on December 12, 2008. Mr. Freese moved to accept the minutes and Mr. Copeland **SECONDED** the motion. Vote was **UNANIMOUS**.
3. The Board acknowledged that the first filed case of 2009, McDevitt Trucks, has been resolved by agreement of the parties.
4. The second case of 2009 was filed in the matter of Manchester Volkswagen, 09-02. The chair distributed copies of the case filing to the members. The case is a dealer termination protest dealing with the dealership's loss of its floor plan financing

agreement. The case has been scheduled for a pre-hearing conference for June 4, 2009 at 1:00 p.m. Board members need not attend as the rules dictate that the chair conducts the conference, and the details of the conference are confidential.

5. The Board discussed the status of the other pending case, Seacoast Imported Auto, Inc. d/b/a Nissan of Stratham v. Nissan Motor Corporation U.S. All of the correspondence received since the motion hearing held on this case on 12/12/08 was reviewed. The parties have been unable to provide an agreed upon hearing date because discovery issues remain unresolved. At this time, no hearing date has been scheduled because the Board's last order issued in the case requires the parties to provide an agreed upon date and Stratham has been unable to do so. This case has been pending for several years. Mr. Copeland moved and Mr. Fenollosa **SECONDED** the motion that the Board issue an order to the parties requiring each side to indicate in writing all of its discovery requests, the time they were made, and the response by the other side to each request. Each side must present a detailed memorandum outlining this information at a hearing in approximately 60 days to resolve all remaining discovery requests so that the matter may be scheduled for a final hearing. Vote on this motion was **UNANIMOUS** to approve it. The motion to compel filed by Stratham was moved held in abeyance by Mr. Casko, and **SECONDED** by Mr. Copeland. Vote was **UNANIMOUS**.

#### OTHER BUSINESS:

1. The chair verified that all members have filed their financial disclosure forms with the Secretary of State. Mr. Freese was unsure and it will be confirmed that his form has been completed and submitted.
2. The Board authorized the expenditure from the Board's account of up to \$159 for a 1 year subscription to Automotive News for the chair, moved by Mr. Copeland and **SECONDED** by Mr. Freese. Vote was unanimous.
3. The Board discussed the term of service and whether terms to the Board are indefinite. Previously, it was thought that this change had been made but it is uncertain whether legislation to make such change passed.
4. Mr. Copeland and Mr. Perry need door security cards. Those will be obtained and provided.
5. The Board discussed new legislation important to it. The new law giving dealers more rights, described as the dealer bill of rights, was discussed. This is HB 153.
6. The subscription to Lexus Nexus will be reviewed to determine if it is necessary. The Board has previously authorized the purchase of the subscription.

#### ADJOURNMENT:

Mr. Perry moved to adjourn. Mr. Freese **SECONDED**. Vote was **UNANIMOUS**. The Chair declared the meeting **ADJOURNED** at 11:25 a.m.