

NEW HAMPSHIRE MOTOR VEHICLE INDUSTRY BOARD

UNAPPROVED/UNOFFICIAL – MINUTES

These minutes are DRAFT minutes and are posted here to comply with RSA 17-E:6. The Board has not voted to accept them. Changes may/may not be made prior to their adoption at the next Board meeting.

Draft Minutes of Board Meeting - June 26, 2008

ATTENDANCE:

Mr. Archie Burnett, II
Mr. Robert Copeland
Mr. Lloyd Freese
Mr. William Fenollosa
Mr. Walter McCarthy
Mr. Curtis Duclos, Chairman

The Chairman declared the meeting open at 10:00 AM with a quorum of members present.

OLD BUSINESS:

Mr. Duclos stated that he had put on the notice that there would be a discussion of amended MVIB administrative rules and he felt that that had already been accomplished and there was nothing pending regarding that. He then stated they would move on to the next item, which was to vote on the prior meeting minutes of November 29, 2007. The Board Members reviewed the minutes. **Mr. Burnett** moved that the minutes be accepted as presented. **Mr. Fenollosa** seconded the motion. **Motion Carried.**

Mr. Duclos indicated that Lakeview Dodge and Chrysler Motors, LLC had their prehearing in February 2008. A letter received on May 30th included Lakeview's Notice of Dismissal with Prejudice. Each party waived any rights to recover any attorneys fees and the parties waive all rights of appeal therefore concluding that case.

Seacoast Imported Auto d/b/a Nissan of Stratham is a case that started back in 1998/1999. They do wish to go forward with a hearing. Counsel is seeking the Board establish a hearing date or dates in mid-September 2008. After discussion of available time to each of the Board members, the Board has established date(s) that are available on September 18th and September 19th. Discussion was held on having Seacoast Imported Auto resubmit paperwork rather than trying to resurrect paperwork that has previously been submitted at varying times over the timespan of ten years.

NEW BUSINESS:

Mr. Duclos presented a letter that was received in September-2007 from Toyota regarding primary market area adjustments Toyota provides their dealers regarding changes take place on January 1st. The Board suggests filing the letter unless an objection is received.

MVIB money has been put in a revolving fund per the advice of Mr. Colby, Director of Administration, Department of Safety

The Department of Safety will ask that a Hearings Examiner provide any necessary legal advice to Board.

Mr. Duclos stated he had received information on going to a seminar in September in Seattle, Washington. Discussion was to table this information for review at a later time.

Mr. Fenollosa stated that the MVIB had a program called Lexus Nexus that Ms. Brown used extensively suggesting Mr. Duclos may want to look into keeping this program. Mr. Duclos asked that the members vote on Lexus Nexus and also for the Board to pay the National Association Boards of Commission's dues. **Mr. Copeland** made a motion to continue Lexus Nexus and to pay the dues to belong to the Board. **Mr. McCarthy** seconded the motion. **Motion Carried.**

The Chair asked if there was anyone who wished to speak on topics to come before the Board; Mr. Copeland spoke on the subject of franchises being presented to the Board when they go into business or change the franchise. He is not sure what to do when the letters are received, suggesting the Board notify the Secretary of State's office or put them on disc. Mr. Duclos stated he had put quite a lot of information into an electronic format.

The Board questioned the status of Next-Step Motors. Mr. Duclos stated the last thing he has is an Order on Reconsideration that Ms. Brown signed in November-2004. Mr. Duclos will locate the history of this case. The Board asked questions regarding various cases. Mr. Duclos stated he would send DVDs to the Board Members once the information was compiled electronically.

It was decided a meeting would not be scheduled until after the September hearing.

ADJOURNMENT:

Mr. Freese **MOVED** to adjourn. Mr. Copeland **SECONDED**. Vote was **UNANIMOUS**. The Chair declared the meeting **ADJOURNED**.