

MINUTES OF THE MVRB FEBRUARY 13, 2014 BOARD MEETING

17 North State, Suite 1200, Chicago, IL

The meeting of the Illinois Motor Vehicle Review Board is called to order at 11:00 a.m. by Chairman Terrence O'Brien.

Present Members: Mary Beth Averkamp, Nicholas Dizonno, Frank Olivo, Roger McGinty, Michael Chvatal, Joseph Rizzo Jr. and Chairman O'Brien.

No members of the public are present.

Also present: Cindy McMahon from the Secretary of State's Office. Present Dean Maragos, counsel to the board. Terry Gregory from the Secretary of State's Office is present via telephone.

Minutes of the November 14, 2013 meeting are reviewed. A motion to approve the minutes is made by Roger McGinty and seconded by Joseph Rizzo. All are in favor. The minutes of the November 14, 2013 meeting are approved.

NEW BUSINESS:

Hearing Officers Mark Kuchler and Michael McCafferty have submitted summaries of their open protest files. Each summary is reviewed and discussed by the board.

Chairman O'Brien asks if there is any other new business such as Exceptions or Proposed Decisions to review or proposed. Terry Gregory states there are none.

Dean Maragos informs the board that the Supreme Court's decision is to not hear Appellate Court #4-08-0893 regarding General Motors Corporation v. Motor Vehicle Review Board and North Shore, et al. Because the Supreme Court would not hear this case, the manufacturer has prevailed as far as the attorney fees are concerned. Currently the law reads there is only one standard to collect attorney fees and costs and that is the fees are to be awarded to the substantially prevailing party. The Illinois Appellate Court's Opinion finds that not only does the party have to prevail, but must also prove wrongful misconduct. Dean says proving wrongful misconduct in addition to prevailing is not in the statute. Dean is working on legislation to take a pro-active step to stop this additional requirement for dealers to have to prove something that is not in the statute by making changes through legislation to clarify the law.

Additional New Business:

The next scheduled meeting is confirmed as May 8, 2014 at 11:00 a.m., Suite 1200, 17 N. State Street in Chicago. A motion is made by Roger McGinty and seconded by Joseph Rizzo to adjourn the meeting. The motion is carried and the meeting is adjourned.