

## **MINUTES OF THE MVRB AUGUST 14, 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, Joe Rizzo, Frank Olivo and Michael Chvatal, Roger McGinty, Bruce Adelman and Chairman O'Brien.

Also present: Thomas Rubbone and Cindy McMahon from the Secretary of State's Office. Also present Dean Maragos, counsel to the board. Terry Gregory from the Secretary of State's Office is present via telephone. No members of the public are present.

Minutes of the May 8, 2014 meeting are reviewed. A motion is made by Roger McGinty and seconded by Mary Beth Averkamp. Michael Chvatal and Bruce Adelman abstain from the vote due to not being present at the May 8, 2014 meeting. All others are in favor. The minutes are approved.

### **NEW BUSINESS:**

Chairman Terrence O'Brien asks for nominations to elect a chairperson and vice-chairperson. Frank Olivo nominates Terrence O'Brien to be re-elected as chairperson. Joseph Rizzo seconds the motion. No other nominations are made. A role call is made and all are in favor. Terrence O'Brien is re-elected as Chairperson of the Motor Vehicle Review Board. Chairman O'Brien asks for nominations to elect a vice-chairperson. Joseph Rizzo is nominated for vice-chairperson by Roger McGinty. Terrence O'Brien seconds the motion. No other nominations are made. All are in favor and Joseph Rizzo is re-elected as Vice-Chairperson of the Motor Vehicle Review Board.

Meetings for fiscal year 2015 are confirmed as follows:

August 14, 2014 at 11:00 a.m.  
November 13, 2014 at 11:00 a.m.  
February 5, 2015 at 11:00 a.m.  
May 14, 2015 at 11:00 a.m.

A motion is made by Roger McGinty and seconded by Joseph Rizzo to confirm the fiscal 2015 meeting schedule. All are in favor and the 2015 meeting schedule is confirmed. All meetings will be held at Suite 1200, 17 N. State Street, Chicago, Illinois.

Dean Maragos discusses the matter of drafting a rule to make it mandatory that all dealers must be represented by legal counsel for the purpose of filing and proceeding with their protests. Terry O'Brien suggests that Dean should contact H.W. Devlin, the legislative liaison for the Secretary of State to discuss the proper procedure to go forward with this matter. Dean will also refer to a past memorandum he prepared regarding the issue.

Dean Maragos also discusses the issue of awarding attorney fees to the prevailing party at the outcome of a Motor Vehicle Review Board Protest. In Dean's opinion, the Motor Vehicle Franchise Act statute is meant to allow the award of attorney fees to the party based solely upon the outcome of the party substantially prevailing. Dean informs the board there was an appellate court district that ruled the party must prevail and also must prove wrong doing to obtain the award of attorney's fees. Dean says the Attorney General's office is in agreement with him on this matter and suggests establishing new legislation that will specifically delineate the statute. Dean says he will have a memorandum regarding this issue for the next meeting.

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

Additional New Business:

The next scheduled meeting is confirmed as November 13, 2014 at 11:00 a.m., Suite 1200, 17 N. State Street in Chicago. A motion is made by Roger McGinty and seconded by Frank Olivo to adjourn the meeting. The motion is carried and the meeting is adjourned.