

MINUTES OF THE MVRB NOVEMBER 12, 2015 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: Roger McGinty, Michael Chvatal, Joe Rizzo Jr., Bruce Adelman, Frank Olivo and Chairman O'Brien.

Also present: Cindy McMahon and Terry Gregory from the Secretary of State's Office and Dean Maragos, counsel to the board. Katie Gregory, a member of the public is present.

Amended Minutes of the May 14, 2015 are reviewed. A motion is made by Roger McGinty and Seconded by Frank Olivo to accept the amended minutes. All are in favor. The Amended Minutes from the May 14, 2015 meeting are approved.

The Minutes of the August 13, 2015 meeting are reviewed. A motion is made by Michael Chvatal to accept the minutes and seconded by Joseph Rizzo. All Motor Vehicle Review Board Members are in favor. The minutes are approved.

NEW BUSINESS:

Hearing Officers Mark Kuchler has submitted summaries of his open protest files. The summary is reviewed and discussed by the board.

The chairman brings up the issue of having an additional MVRB Hearing Officer appointed. There is only one hearing officer at this time. The board and Dean discuss the issue. Cindy McMahon said she will check on the status of future appointment of an additional hearing officer.

Terry Gregory, secretary to the board, discusses the In-Active Protest List with the board. These are cases where the fees have not yet been collected or still pending in another court such as bankruptcy, estate, or the case is under appeal.

The Proposed Decision of Hearing Officer Kuchler relating to Champion Cycle Center, Inc. v. Kawasaki Motors Corp. MVRB 273-13, is reviewed and discussed by the Board. A motion is made by Michael Chvatal and seconded by Roger McGinty to accept the hearing officer's Proposed Decision. All are in favor. A Final Order will be prepared and sent to the parties.

Dean Maragos, counsel to the board, discusses his Memorandum of Law-New Motor Vehicle Review Board Administrative Rules & Regulations-Collection of Hearing Fees & Costs. Dean would like the board to consider some possible amendments to the Procedures To Follow Upon Receipt Of A Notice Of Protest Under the Motor Vehicle Franchise Act; Motor Vehicle Franchise Act Section 815 ILCS 710/13; and also amendments to the 92 Il Administrative Code, Ch II, Part 1001 Subpart G: Motor Vehicle Franchise Act 1001.790 Hearing Expenses; Attorney Fees.

A motion is made by Michael Chvatal to ask Dean to draft a motion that includes points of discussion regarding the changes in procedures, to be brought before the board for a vote. Discussion includes but not limited to the following:

1. A \$500.00 appearance fee to be charged to both parties.
2. \$1,000.00 additional penalty if costs and fees are not paid within 60 days of Final Order date. The costs and fees are actually due 15 days from receipt of Final Order.
3. A hold is to be put on the liable party making them unable to conduct business if all costs and fees are not paid within 60 days of Final Order date.

The draft should be included with the packet to be sent out prior to the next meeting on February 11, 2016. The motion is seconded by Roger McGinty. All are in favor. Motion approved.

Additional New Business:

The next scheduled meeting is confirmed as February 11, 2016 at 11:00 a.m., Suite 1200, 17 N. State Street in Chicago. Chairman O'Brien asks for a motion to adjourn the meeting. A motion is made by Michael Chvatal and seconded by Frank Olivo to adjourn. The motion is carried and the meeting is adjourned.