



POSITION DUTY STATEMENT

<b>Division:</b> New Motor Vehicle Board	<b>Classification Title:</b> 5780 Attorney IV
<b>Branch:</b> New Motor Vehicle Board	<b>Working Title:</b> Board Chief Counsel
<b>Unit:</b> New Motor Vehicle Board	<b>Tenure/Timebase:</b> Permanent Fulltime
<b>Position City:</b> Sacramento	<b>Position County:</b> Sacramento County
<b>Position Number:</b> 015-5780-001	<b>CBID/Bargaining Unit:</b> R02
<p><b>Conflict of Interest Classification:</b> Yes</p> <p>This position is designated under the Conflict of Interest Code. This position is responsible for making or participating in the making of governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete Form 700 within 30 days of appointment. Failure to comply with the Conflict of Interest Code requirements may void the appointment.</p>	
<b>Medical Evaluation:</b> No	<b>Bilingual Language:</b> Unknown
<b>Sensitive Position:</b> No	<b>DMV Employee Pull Notice:</b> No
<b>Fingerprint/Live Scan:</b> Yes	<b>Professional License:</b> Yes
<b>Work Week Group:</b> SE	<b>Effective Date:</b> 07/16/2020

<b>Direction Statement and General Description of Duties:</b> Under the general direction of the Executive Director, New Motor Vehicle Board (NMVB), in the NMVB Legal Division, the Attorney IV independently performs a board range of professional Legal work including, but not limited to, the following duties:	
<b>Percentage and Essential/Marginal Functions:</b>	
30%	<p><b>(E)</b></p> <p>(E) Chief Counsel and Advisor. As the New Motor Vehicle Board (NMVB) Chief Counsel, advises the NMVB Executive Director and the appointed board members on a wide range of highly complex and sensitive legal matters with significant consequence to the NMVB's ability to maintain the public trust as a quasi-judicial state agency. Acts as</p>



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	<p>NMVB's compliance officer for such matters as Conflict of Interest Code compliance, Bagley-Keene Open Meeting Act compliance, and Fair Political Practices Commission compliance, in addition to compliance with the general provisions of the Administrative Procedures Act applicable to the conducting of administrative hearings and adoption of decisions. Advises NMVB members and staff on findings of agency performance audits, and makes recommendations to the Executive Director and the board for mitigation of identified deficiencies. Provides sound advice on sensitive legal matters including, but not limited to, impact of proposed legislation on the NMVB, reviewing the legal adequacy of Administrative Law Judge proposed decisions, interpretation and analysis of laws, court decisions, and rules and regulations. Advises whether NMVB should appear in cases at higher courts, such as writs of NMVB decisions, and serves as a subject matter expert and co-counsel with the Deputy Attorney General. Independently drafts the most complex Board orders and notices.</p>
25%	<p><b>(E)</b></p> <p>(E) Legal Opinions. Researches and analyzes the most complex and difficult legal principles and precedents in responding to sensitive opinion requests, e.g. the participation of dealer members in certain NMVB proceedings, challenges to the NMVB's role and jurisdiction, and challenges to the constitutionality of NMVB actions and decisions. Writes complex legal advice memoranda, ensuring opinions are timely, accurate and complete, and presents alternative courses of action and analysis of those alternatives where appropriate, with recommendations.</p>
15%	<p><b>(E)</b></p> <p>(E) Legal Division Lead. Acts in a lead capacity over support staff, assuring the intake and disposition of all legal filings are handled timely and accurately. These duties consist of managing the timing of discovery, and establishing settlement conferences, briefing schedules on law and motion issues, and hearings on motions and the merits. Evaluates and ensures the legal correctness of all Board orders and notices that are issued. Provides oversight of the most complex Pre-Hearing Conferences and Status Conferences. Functions as the Board's expert on complicated case management issues and Board procedures.</p>
10%	<p><b>(E)</b></p> <p>(E) Liaison. Represents the NMVB in recurring meetings with California State Transportation Agency (CalSTA) General Counsel, and with counterpart Chief Counsels at sister departments such as Department of Transportation (CalTrans) and the Department of Motor Vehicles (DMV). Researches and analyzes legal issues impacting the state's transportation infrastructure and reports on the legal activities and significant actions of</p>



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	<p>the NMVB requiring escalation. Serves as a liaison to the California Attorney General's Office, and consults with their counsel for outside counsel legal opinion where appropriate, and secures from that office representation for the NMVB in litigation where there exists a significant state interest.</p>
10%	<p><b>(E)</b></p> <p>(E) Training and Education Development. Independently maintains the NMVB's Guide to the New Motor Vehicle Board as well as the New Motor Vehicle Board Administrative Law Judges' Benchbook, and functions as the NMVB's chief training officer for board members and judges. Provides continuing, in-depth training to the Board's Administrative Law Judges concerning the procedures and laws to be followed in conducting Board hearings and settlement conferences, and the applicable statutory and decisional law which applies to actions before the Board. Reviews all draft Proposed Decisions/Proposed Orders/Orders submitted by the Board's Administrative Law Judges for consistency, clarity, and to ensure findings are supported by the evidence. Provides education to vehicle manufacturers, distributors, dealers, and attorneys as to the jurisdiction of the NMVB, and the correct procedures for bringing franchise disputes to the Board for adjudication.</p>
5%	<p><b>(E)</b></p> <p>(E) Public Records Act Requests. Independently reviews draft responses to the most complex and most sensitive Public Record Act requests concerning NMVB activities, actions, and decisions.</p>
5%	<p><b>(M)</b></p> <p>(M) Attends Training and Conferences. Attends continuing education/training classes as needed and stays apprised of developments in all legal issues affecting the services related to NMVB. Attends and participates in conferences relevant to NMVB and the new motor vehicle industry in general.</p>

<p><b>Supervision Received:</b> The incumbent reports to and receives general direction from the Executive Director.</p>
<p><b>Supervision Exercised and Staff Numbers:</b> None.</p>



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<b>Physical Requirements:</b> The position is located in and office setting in Sacramento. Travel to attend meetings and conferences may be required
<b>Special Requirements:</b> Active member of the California State Bar. Knowledge of and experience with the laws and regulations that govern the motor vehicle industry. Knowledge and experience in formulating and implementing regulations necessitated by legislation. Judicial Writing and Decision Making certificates are desirable.
<b>Personal Contacts:</b> The incumbent is in close, frequent, and regular contact with members of the Board, DMV Legislative and Legal Division staff, and other federal, state, private and local agencies, such as the California Transportation Agency, and the California New Car Dealers Association.

EMPLOYEE ACKNOWLEDGMENT

I have read and understand the duties listed above and I certify that I possess essential personal qualifications including integrity, initiative, dependability, good judgment, and the ability to work cooperatively with others; and a state of health consistent with the ability to perform the assigned duties as described above with or without reasonable accommodation. (If you believe you may need to request reasonable accommodation to perform the duties of this position, discuss your request with your manager/supervisor who will engage with you in the interactive process.)

EMPLOYEE NAME	EMPLOYEE SIGNATURE	DATE

MANAGER/SUPERVISOR ACKNOWLEDGMENT

I certify this duty statement represents a current and accurate description of the essential functions of the position. I have discussed the duties of this position with the employee and provided the employee a copy of this duty statement

MANAGER/SUPERVISOR NAME	MANAGER/SUPERVISOR SIGNATURE	DATE