

STATE OF NEW JERSEY
NEW JERSEY MOTOR VEHICLE FRANCHISE COMMITTEE

Minutes by Commission Secretary Chris Hillmann of actions taken at the Open Session of the New Jersey Motor Vehicle Franchise Committee via TEAMS and conference call on Thursday, October 21, 2024.

Present:

Latrechia Littles-Floyd. Chair & Chief Administrator of the New Jersey Motor Vehicle Commission, Franchise Committee Chair

Jeremy Hollander, Deputy Director, Office of Consumer Protection, Division of Consumer Affairs, Committee Member

Melanie Willoughby Executive Director, NJ Business Action Center, New Jersey Dept of State, Committee Member

Deputy Attorney General Jennifer Jaremback, New Jersey Department of Law and Public Safety, Attorney to the Committee

Chair Latrecia Littles-Floyd convened the Open Session at 2:00 p.m. in accordance with the Open Public Meetings Act.

Agenda Approval:

Committee Member Jeremy Hollander moved to accept the proposed agenda, Committee Member Melanie Willoughby seconded the motion and it was unanimously adopted.

The following agenda items were presented for approval:

Presentation of Administrative Law Judge's Initial Decision and Action by Franchise Committee

Discussion of Administrative Law Judge Nanci G. Stokes' Initial Decision, In the Matter of Hudson County Motors, Inc., v. Volvo Trucks North America & Gabrielli Truck Sales of New Jersey, Inc., OAL Docket Number MFC 05579-24; MVC Staff presented the issue for determination by the Franchise Committee

Public Comment on Item:

1. Jeremiah Hawkes spoke on behalf of Gabrielli Trucking.
2. Keith Russell spoke on behalf of Volvo Trucks.
3. Tom Russomano spoke on behalf of Hudson Motors.
4. Russell Shanks and Paul Rypkema spoke together. Mr. Shanks asked Mr. Rypkema questions during their three-minute testimony.
5. Romolo Gabrielli spoke on behalf of Gabrielli Trucking.

(next)

Upon conclusion of public comments, Chair Littles-Floyd requested comments from the Committee members. Committee Member Jeremy Hollander moved for an executive session for the purpose of advice from counsel. Committee Member Melanie Willoughby moved to accept the motion, and it was unanimously adopted.

Executive Session:

The Committee moved to executive session, which was held for approximately twenty minutes. During the Executive Session, the Committee requested legal advice from DAG Jennifer Jarembak regarding the meaning of terms used in the Franchise Practices Act (“FPA”) that were not defined by the FPA. In addition, the Committee sought legal advice on the procedures under both the Open Public Meetings Act and the FPA regarding the issuance of a decision in this matter. The DAG provided legal advice on all issues raised.

Vote by Committee to adopt, reject, or modify the Initial Decision:

The Board Secretary then took a roll call vote on the matter before the Committee. Committee Member Jeremy Hollander moved to reject the Initial Decision; he stated the Initial Decision should be modified to include interlocutory order until such time the ALJ could hear the issue and render a decision on the final merits.

Committee Member Melanie Willoughby voted to adopt the Initial Decision; Chair Latrecia Littles-Floyd voted to adopt the Initial Decision.

Chair Latrecia Littles-Floyd stated that the Initial Decision was adopted by a vote of two-to-one.

The Chair noted a final decision will be issued accordingly and asked for a motion to adjourn.

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Committee Member Melanie Willoughby and seconded by Committee Member Jeremy Hollander and unanimously adopted at 2:43pm.