

MOTOR VEHICLE DEALER BOARD MINUTES

January 21, 2020

The regular meeting of the Dealer Board was held at the Department of Revenue offices, Lakewood, Colorado. The following persons were present:

BOARD MEMBERS:

Carrie Ann Baumgart
Charla Berens
Ramona Graves Bode
John Linton
Michael Widhalm

MEMBERS ABSENT:

Fletcher Flower
Matthew Porter
Luke Walch
Jason White

SENIOR DIRECTOR OF ENFORCEMENT:

Cory Amend

ACTING EXECUTIVE SECRETARY:

Chris Rouze

**DEPT OF REVENUE,
AID, ENFORCEMENT
DIVISION STAFF:**

Christine Hartman
John Opeka
Frank Agos
Josh Dexter
Cheryl Morrison
Erika Garcia
Jim Osborn
Steve Koenig
Frank Macias
Brian Schurmann
Beth Spellerberg
Margaret Jungmann
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones

VISITORS:

Todd O'Connell, CIADA
David Cardella, CIADA
Matthew Groves, CADA
Art Erwin, Christopher's Dodge Ram
Suzi Karrer, SDO

President, John Linton, opened the meeting of January 21, 2020 at 9:00 a.m. Mr. Linton turned the floor over to Acting Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze informed the Board there were no changes to the agenda as posted. Messrs. Flower, Porter, Walch and White will not be in attendance today. Ms. Rouze advised the Board to keep the whole day open for next month's meeting since there is a possibility a hearing may be scheduled for same date. The legislative session has begun and Ms. Rouze will keep all apprised of bills introduced that may impact the Board and the Division.

MINUTES

Approval of the Minutes of the December 17, 2019 meeting were tabled until next month.

BACKGROUND INVESTIGATIONS REPORT

Ms. Morrison presented the following to the Board:

Dealer Applications:

- **Colorado Motorscars #44646** – Motion to grant the license – approved 4-1 (Mr. Linton as Chair voted) (Berens opposed).
- **White Wings Motors #44621** – Motion to grant the license – approved unanimously (Mr. Linton as Chair voted).

Salesperson Applications:

- **Raines, Carol Jean #182239** – Motion to deny the license based on unfitness of financial character and unfitness of criminal character – approved unanimously (Mr. Linton as Chair voted).
- **Sumruud, Brigitte N. #204861** – Motion to grant a conditional license based upon applicant providing the standard letter from the employing dealer which includes the normal terms and conditions – approved unanimously (Mr. Linton as Chair voted).
- **Vanatta, Emily M. #205056** – Motion to deny the license based on unfitness of financial character and unfitness of criminal character – approved unanimously (Mr. Linton as Chair voted).
- **Xiong, David #202395** – Motion to deny the license based on unfitness of financial character, unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony – approved unanimously (Mr. Linton as Chair voted).

EXECUTIVE SECRETARY REPORT

Ms. Rouze presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Tynan's Kia #41551** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Linton as Chair voted).
- **Proposed Stipulation and Final Agency Order – Media Auto, Inc. #4753** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Linton as Chair voted).

- **Proposed Stipulation and Final Agency Order – Perkins Motor Company, Inc. #248** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Linton as Chair voted).
- **Proposed Stipulation and Final Agency Order – Rocky Mountain Auto Brokers, Inc. #38395** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Linton as Chair voted).

Mr. Jones recused himself and left the room.

- **Initial Decision – David Anthony Volckmann, Motor Vehicle Salesperson License #181096** – Motion was made to accept the Findings of Fact, Conclusions of Law, set aside the hearing officer's recommendation and revoke the license – approved unanimously (Mr. Linton as Chair voted).
- **Initial Decision – David R. Wilson Motor Vehicle Salesperson License #30327** – Motion was made to accept the Findings of Fact, Conclusions of Law, set aside the hearing officer's recommendation and revoke the license – approved unanimously (Mr. Linton as Chair voted).

Mr. Jones returned to the room.

COMPLAINT INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Hartman informed the Board that we started with 242 cases, 140 new cases were opened and 152 cases were closed for the month, giving the Division a balance of 230 open cases. There were 430 background inquiries performed.

Affidavits of Probable Cause:

- **Carflex, DL #3332** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Carflex, Dealer #3332; and that the case be assigned to the Office of Administrative Courts for a hearing on the merits and that the Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 44-20-104 – approved unanimously (Mr. Linton as Chair voted).
- **Hogley Parts & Accessories, DL #38486** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Hogley Parts & Accessories, Dealer #38486; and that the case be assigned to the Office of Administrative Courts for a hearing on the merits and that the Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 44-20-104 – approved unanimously (Mr. Linton as Chair voted).
- **Premier Truck and Auto Center, DL #43752** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Premier Truck and Auto Center, Dealer #43752; and that the case be assigned to the Office of Administrative Courts for a hearing on the merits and that the Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 44-20-104 – approved unanimously (Mr. Linton as Chair voted).

- **Salvador Parra Aparicio, SP #195176** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Salvador Parra Aparicio, Salesperson #195176; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – approved unanimously (Mr. Linton as Chair voted).
- **Omar Rachid Maaliki, SP #171227** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Omar Rachid Maaliki, Salesperson #171227; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – approved unanimously (Mr. Linton as Chair voted).
- **Jose Alejandro Rivera-Segura, SP #198720** – Motion to table for 30 days – approved unanimously (Mr. Linton as Chair voted).

ATTORNEY GENERAL’S REPORT

Mr. Jones presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Mayuran V. Arunachalam, Motor Vehicle Salesperson License #188164** – Motion to accept the proposed Stipulation and Final Agency Order – approved unanimously (Mr. Linton as Chair voted).

New Business – None

Public Comment – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:09 a.m.

(Note: The Minutes of the Motor Vehicle Dealer Board summarize the contents of the meeting. They are not verbatim transcripts and are based principally upon the digital recording of the meeting and upon the later collaboration of staff attendees to ensure that the summary faithfully captures the matters before the Board and the actions the Board took. The digital recording of the meeting is a permanent record of the Board, retained in the electronic filing system of the Auto Industry Division, and is available as a resource for review, as needed.)

Chris J. Rouze
Acting Executive Secretary