

MOTOR VEHICLE DEALER BOARD MINUTES

February 16, 2021

The regular meeting of the Dealer Board was held via video conference with Cisco Webex. The following persons were virtually present:

BOARD MEMBERS:

Charla Berens
Fletcher Flower
Ramona Graves Bode
John Linton
Matthew Porter
Kevin Shaughnessy
Luke Walch
Michael Widhalm

MEMBERS ABSENT:

Carrie Ann Baumgart

**SENIOR DIRECTOR, SPECIALIZED
BUSINESS GROUP:**

Cory Amend

EXECUTIVE SECRETARY:

Chris Rouze

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

Chris Hartman
Gloria Breeden
Erika Garcia
Cheryl Morrison
John Opeka
Frank Agos
Josh Dexter
Beth Spellerberg
Arleen Criddell Tapanen
Suzi Karrer

ATTORNEY GENERAL'S OFFICE:

Brad Jones
Torrey Samson

VISITORS:

David Cardella, CIADA
Matthew Groves, CADA
Corey Markham

President, John Linton, opened the meeting of February 16, 2021 at 9:03 a.m. Mr. Linton turned the floor over to Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze informed the Board that there are no changes to the agenda as posted. Ms. Baumgart will not be in attendance today. Ms. Rouze informed the Board that in addition to next month's regularly scheduled meeting, the Board will have an Exceptions hearing and Emergency Rulemaking as the current rules will expire in March.

MINUTES

The minutes of the January 19, 2021 meeting were approved 5-0-2 (Ms. Bode and Mr. Porter abstained).

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **Colorado Junk Cars LLC #44868** – Motion to grant the license – passed unanimously.
- **JR Super Auto #44889** – Motion to deny the license based on unfitness of criminal character – passed unanimously.

General Counsel, Brad Jones, advised the Board to enter into executive session to seek legal advice in regard to the VS1 Automotive LLC matter.

Board entered into Executive Session at 9:13 a.m. and returned to Open Session at 10:16 a.m.

- **VS1 Automotive LLC #44841** – Motion to deny the license based on incomplete application, material misstatements and unfitness of financial character – passed unanimously.

Salesperson Application:

- **McAllister-Devoe, Thomas M. #206980** – Motion to deny the license based on unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony – passed unanimously.

EXECUTIVE SECRETARY REPORT

Mr. Jones and Ms. Samson recused themselves and left the meeting. Ms. Rouze presented the following to the Board:

- **Initial Decision – Jonathan F. Vignon, Motor Vehicle Salesperson License #206373** – Motion was made to accept the Findings of Fact, Conclusions of Law and to uphold the hearing officer's recommendation to deny the license – passed unanimously.

Mr. Jones and Ms. Samson returned to the meeting.

ATTORNEY GENERAL'S REPORT

Mr. Jones presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Naim Kargar #172208** – Motion to accept the Proposed Stipulation and Final Agency Order – passed unanimously.

COMPLAINT INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Hartman informed the Board that we started with 237 cases, 82 new cases were opened and 77 cases were closed for the month, giving the Division a balance of 242 open cases. There were 180 background inquiries performed.

Mr. Flower recused himself and left the meeting

Affidavit of Probable Cause:

- **William Dean Ward, SL #120187** – Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to William Dean Ward, Salesperson License #120187; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – passed unanimously.

Mr. Flower returned to the meeting.

New Business – None

Public Comment – Mr. Matthew Groves of CADA informed the Board that they were contacted by General Motors who was asking about modifying advertising rules, specifically Rule #3. Ms. Rouze stated that it would probably be best to discuss modifications during formal rulemaking, which would give stakeholders the opportunity to weigh in.

Mr. David Cardella of CIADA brought up some recently proposed legislation.

An individual asked the status of his change in entity application. Ms. Rouze advised that Ms. Breeden would contact him with an update.

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:56 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
Executive Secretary