

**MOTOR VEHICLE DEALER BOARD
MINUTES
April 16, 2024**

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

BOARD MEMBERS:

Charla Berens
Kathleen Chandler
Matthew Gebhardt
Amanda Gordon
David Guttenberg
Michael Hatchett
Kevin Shaughnessy
Seth Wong

MEMBERS ABSENT:

Fletcher Flower

EXECUTIVE SECRETARY:

Chris Rouze

DEPT. OF REVENUE SBG/AID STAFF:

John Opeka
Frank Agos
Gloria Breeden
Joshua Dexter
Billy Maestas
Frank Macias
John Bulman
San Trieu
Lisa Garcia
Cheryl Morrison
Jason Stern
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Sarah Killeen

VISITORS:

David Cardella, CIADA
Devin Saunders, CADA
Michael McKinnon
Teshome Tesfaye

President, Amanda Gordon, opened the meeting of April 16, 2024, at 9:01 a.m. Ms. Gordon turned the floor over to Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze stated that meetings of the Colorado Motor Vehicle Dealer Board are opened to the public and are recorded. Members of the press may be in attendance and all comments, contributions, videos, images, and documents presented during the public session of the Colorado Motor Vehicle Dealer Board are considered public open records. Members of the media should direct any inquiries about this meeting and or open records to the Division's public information officer, Shannon Gray.

Ms. Rouze informed the Board that Mr. Flower will not be in attendance today. Ms. Kristi Piazza, Budget Manager, will present the Board with the next fiscal year proposed fee setting recommendation for their consideration and submission to the Executive Director for approval.

MINUTES

The minutes of the March 19, 2024, meeting was approved.

FEE SETTING

Kristi Piazza, Budget Manager for the Specialized Business Group, reminded the Board that last year the Budget team proposed a 35% reduction in fees which was approved. Even though there has been an increase in direct and indirect costs during the last fiscal year due to inflation, the Budget team propose that current fees remain the same for the next fiscal year.

Ms. Piazza stated that this assumption is based on collaboration with Director Rouze and the Auto Industry Division and the Budget team's projection of a relatively flat revenue growth in the level of expenditures the Division will assume. The material in the fee packet will reflect proposed fees remaining unchanged.

Ms. Chandler made a motion to accept the proposed recommendation that fees remain the same for the next fiscal year - passed unanimously.

Ms. Berens suggested, for historical reference, the Budget team provide the Board with the Division's beginning fund balance for the last 10 years at the next fiscal year fee setting. Ms. Piazza made note to provide the same for the next fee setting.

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **A &G Auto Sales, LLC #46379** - Motion to deny the license based on unfitness of financial character - approved 6-1 (Ms. Chandler opposed).
- **GT Auto Sales, LLC #46420** - Motion to grant the license - approved 4-3 (Ms. Berens and Messrs. Gebhardt and Hatchett opposed).
- **Premium Car Rentals #46323** - Motion to grant the license - approved 5-2 (Ms. Berens and Mr. Gebhardt opposed).
- **Turbo Max Auto Sales, LLC #46444** - Motion to grant the license - approved unanimously.

Salesperson Applications:

- **Garcia, Jorge Andres Hernandez #208396** - Motion to table for additional information - approved unanimously.
- **Jokhadze, Vakhtang #212529** - Motion to deny the license based on unfitness of criminal character - approved unanimously.

Ms. Killeen recused herself, turned off her audio, video and left the meeting.

EXECUTIVE SECRETARY REPORT

Ms. Rouze presented the following to the Board:

- **Review Initial Decision Upon Default from the Office of Administrative Courts - De Kam Auto Brokers, Used Motor Vehicle Dealer License #41434** - Motion to accept the Findings of Fact, Conclusions of Law, revoke the license, impose a \$70,000.00 fine and make an expressed finding of fraud so that the bond can be opened - passed unanimously.
- **Review Initial Decision and Determine Final Order - Melissa Dawn Malone, Salesperson License #210551** - Motion to accept the Findings of Fact, Conclusions of Law, set aside the recommended sanctions, suspend the license for one (1) year and impose a \$500.00 fine - passed unanimously.

Ms. Killeen returned to the meeting.

ATTORNEY GENERAL'S REPORT

Ms. Killeen presented the following to the Board:

- **Proposed Stipulation and Final Agency Order - Namrood Auto Sales, LLC, Motor Vehicle Dealer License #44606** - Motion to accept the proposed Stipulation and Final Agency Order - passed unanimously.

COMPLAINT INVESTIGATIONS REPORT

Mr. Opeka presented the following to the Board:

Statistical Reporting - Mr. Opeka informed the Board that we started with 533 cases, 120 new cases were opened, and 105 cases were closed, giving the Division a balance of 548 open cases. There were 183 background inquiries performed.

Affidavits of Probable Cause:

- **Car Zone, DL #43579** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Car Zone, Dealer License #43579; 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 - passed unanimously.
- **Larry H. Miller Chrysler Dodge Jeep Ram 104th, DL #45307** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Larry H. Miller Chrysler Dodge Jeep Ram 104th, Dealer License #45307; 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 - passed unanimously.
- **Metric Offroad, LLC, DL #44080** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Metric Offroad, LLC, Dealer License #44080; 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 - passed unanimously.
- **Tec Truck & Trailer, DL #43070** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Tec Truck & Trailer, Dealer License #43070; 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 - passed unanimously.

New Business - None

Public Comment - None

The meeting of the Motor Vehicle Dealer Board was adjourned at 9:53 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