

MOTOR VEHICLE DEALER BOARD MINUTES

June 15, 2021

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

BOARD MEMBERS:

Carrie Ann Baumgart
Charla Berens
Fletcher Flower
Ramona Graves Bode
John Linton
Luke Walch
Michael Widhalm

MEMBERS ABSENT:

Matthew Porter
Kevin Shaughnessy

EXECUTIVE SECRETARY:

Chris Rouze

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

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

ATTORNEY GENERAL'S OFFICE:

Sarah Killeen
Brad Jones
Torrey Samson

VISITORS:

David Cardella, CIADA
Art Erwin
Cheng Li
Courtney Blinn
Maximilian Pil

President, John Linton, opened the meeting of June 15, 2021 at 9:12 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. Messrs. Porter and Shaughnessy will not be in attendance today.

Ms. Rouze informed the Board there will be a discussion item regarding a request for a temporary motor vehicle dealer license for an upcoming event. July renewals, which are already coming in, reflect the 35% fee reduction.

MINUTES

The minutes of the May 18, 2021 meeting were approved 5-0-1 (Ms. Bode abstained).

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Application:

- **Top Rides LLC #44958** – Motion to grant the license – passed unanimously.

Salesperson Application:

- **Kulikowski, Jaimie #207926** – Motion to table until next meeting for additional documentation – passed unanimously.

EXECUTIVE SECRETARY REPORT

Mr. Jones, Ms. Samson and Ms. Killeen recused themselves and left the meeting.

Ms. Rouze presented the following to the Board:

- **Initial Decision – Hector R. Verdin, Jr., Motor Vehicle Salesperson License #192163** – Motion was made to accept the Findings of Fact, Conclusions of Law, set aside the recommended sanctions and order revocation of the license as Mr. Verdin has been convicted of a class 5 felony, which is a mandatory disqualifying conviction – passed unanimously.

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

COMPLAINT INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Hartman informed the Board that we started with 256 cases, 130 new cases were opened and 106 cases were closed for the month, giving the Division a balance of 280 open cases. There were 256 background inquiries performed.

Affidavits of Probable Cause:

- **Auto Integrity, DL #3479** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Auto Integrity, Dealer #3479; 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.
- **Auto Source LLC, DL #36440** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Auto Source LLC, Dealer #36440; 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.

ATTORNEY GENERAL'S REPORT

Mr. Jones presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Salvador Parra Aparicio, Salesperson Motor Vehicle License #195176** – Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.

New Business – Overland Expo's request for an out-of-state temporary dealer licenses for an upcoming event was approved unanimously.

Mr. Walch informed the Board that Tesla has been removing vehicle features through software and questioned whether the Board should investigate further, as this practice might violate advertising rules. Vehicles are offered for sale with the self-driving feature being advertised and then removed after the sale through software. This particular feature can be valued at approximately \$10,000. Ms. Rouze suggested scheduling a discussion with Tesla during the Board's July or August meeting so the matter can be thoroughly reviewed by all concerned parties.

Ms. Breeden asked if the Associations (CADA, CIADA) could assist with advising applicants to allow the Division a reasonable amount of time to process new dealer and transfer of ownership applications as submission of documents, a week or two for processing puts a strain on the Division's resources and processing turnaround time.

Public Comment – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 9:49 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