

# MOTOR VEHICLE DEALER BOARD MINUTES

**July 16, 2019**

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

**BOARD MEMBERS:**

- Fletcher Flower (appeared via video conference)
- Ramona Graves Bode
- John Linton
- Matthew Porter
- Jason White
- Michael Widhalm

**MEMBERS ABSENT:**

**EXECUTIVE SECRETARY:** Bruce Zulauf

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

- Chris Rouze
- Chris Hartman
- Gloria Breedon
- John Opeka
- Frank Agos
- Josh Dexter
- Cheryl Morrison
- Erika Garcia
- Steve Koenig
- Frank Macias
- Eric Teklu
- Tim Rotter
- Jim Osborn
- Brian Schurmann
- Mark Beck
- Douglas Knox
- Devon Acker
- Beth Spellerberg
- Margaret Jungmann
- Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:** Brad Jones

**VISITORS:**

- Todd O'Connell, CIADA
- Art Erwin, Christopher's Dodge Ram
- Suzi Karrer, SDO

Executive Secretary Zulauf opened the meeting of July 16, 2019 at 9:00 a.m. Once the annual election of Board officers is concluded, Mr. Zulauf will turn the floor over to the newly elected President.

## AGENDA REVIEW AND ANNOUNCEMENTS

Mr. Zulauf informed the Board there were no changes to the agenda as posted. The Oaths of Office for new Board members will take place when the Governor appoints the remaining three members.

The Division is at full staff. Ms. Rouze introduced new employees, Devon Acker, Licensing Specialist, Mark Beck, Criminal Investigator and Douglas Knox, Criminal Investigator.

## CALENDAR

The rulemaking agenda will be posted to website the end of this week. Board members are invited to attend stakeholder meetings. September 26 and October 24, 2019 are reserved for possible Rulemaking Hearing.

Mr. Jones, General Counsel, will provide the required Best Practices training for the Board in September. The training should last approximately three (3) hours.

A motion was made to have Mr. Jones chair the election process for the Board – passed unanimously.

Mr. Jones explained the election process. All elected officers will serve for fiscal year 2019/2020. The following Board officers were elected:

- John Linton – President
- Ramona Graves-Bode – 1<sup>st</sup> Vice President
- Jason White – 2<sup>nd</sup> Vice President

Mr. Jones turned the floor over to President, John Linton.

## MINUTES

The minutes of the June 18, 2019 meeting were approved unanimously.

## BACKGROUND INVESTIGATIONS TEAM

Ms. Breeden presented the following to the Board:

### Dealer Applications:

- **Colorado Motorwerks #44449** – Motion to deny the license based on unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony, unfitness of financial character and incomplete application – approved unanimously.
- **Grace Motors #43684** – Motion to grant the license – approved 4-1 (Mr. White opposed).

### Salesperson Applications:

- **Rhannane, Said #187646** – Motion to deny the license based on unfitness of licensing character, unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony – approved unanimously.

- **Romero, Jocilynn Marie #675550** – 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.
- **Salzano, Vincent #194964** – Motion to deny the license based on unfitness of licensing character, unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony – approved unanimously.

## EXECUTIVE SECRETARY REPORT

Mr. Zulauf presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Grand Mesa Motorsports, LLC #42019** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Jumping Jack Cash (MV) #43471** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Jumping Jack Cash (PS) #43403** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Maaliki Motors #37307** – Motion to accept the Proposed Stipulation and Final Agency Order – approved 4-1 (Mr. Widhalm opposed).

## INVESTIGATIONS REPORT

Mr. Agos presented the following to the Board:

**Statistical Reporting** – Mr. Agos informed the Board that we started with 289 cases, 140 new cases were opened and 118 cases were closed for the month, giving the Division a balance of 311 open cases. There were 372 background inquiries performed.

### Affidavits of Probable Cause:

- **A & A Auto LLC, DL #3062** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to A & A Auto LLC, Dealer #3062; 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.
- **Avalanche Automotive LLC, DL #38634** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Avalanche Automotive LLC, Dealer #38634; 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.
- **Central Denver Auto Sales, DL #40810** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Central Denver Auto Sales, Dealer #40810; 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.

- **Internet Auto Brokers, DL #38759** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Internet Auto Brokers, Dealer #38759; 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.
- **Lexury Auto Collection LLC, DL #42902** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Lexury Auto Collection LLC, Dealer #42902; 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.
- **Midtown Motors Inc., DL #41687** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Midtown Motors Inc., Dealer #41687; 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.
- **Tripoli Auto Sales LLC, DL #2180** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Tripoli Auto Sales LLC, Dealer #2180; 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.
- **Arturo Pena Cook, SL #174221** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Arturo Pena Cook, Salesperson #174221; and that the Colorado Motor Vehicle Dealer Board summarily suspend his motor vehicle salesperson license in accordance with C.R.S. 24-4-104 as he has engaged in deliberate and willful acts and his conduct poses a threat to the public health, safety and welfare – approved unanimously.

A motion was made to delegate authority to the Executive Secretary to sign the Final Order in the matter of Arturo Pena Cook – passed unanimously.

Initial motion by Mr. Porter was withdrawn.

- **David John Karner, SL #200014** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to David John Karner, Salesperson #200014; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – approved unanimously.
- **Isiah Quinonez, SL #197557** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Isiah Quinonez, Salesperson #197557; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – approved unanimously.

## ATTORNEY GENERAL'S REPORT

Mr. Jones informed the Board that the Best Practices training will cover certain areas and he will talk about specific subject matter the Board deals with in the organic Statue as well as its relevance in pertinent case law.

During the August meeting, Mr. Jones may ask the Board to make a motion to delegate Executive Secretary Zulauf authority to approve the training prior to the Board receiving the training in September.

Board took a 15 minute break.

**Open Discussion – Forms Approval for new “Business Disposal” license – Pursuant to C.R.S. 44-20-104(h)–**

Ms. Rouze gave the Board an overview of and presented the new business disposal license application, which will take effect August 2, 2019.

Mr. Jones suggested the Board follow the same guidelines adopted for Dealers/Wholesalers in regard to net worth and credit score when assessing business disposal applications.

A motion was made to approve the new document(s) DR2994, DR2995, DR2996 and DR2997 as presented – approved unanimously.

**New Business** – None

**Public Comment** – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:45 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.)*

Bruce Zulauf  
Executive Secretary