

**MOTOR VEHICLE DEALER BOARD  
MINUTES  
July 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

**ACTING EXECUTIVE SECRETARY:**

John Opeka

**DEPT. OF REVENUE SBG/AID STAFF:**

Frank Agos  
Cheryl Morrison  
Joshua Dexter  
Billy Maestas  
Tim Rotter  
John Bulman  
Lisa Garcia  
Jason Stern  
Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:**

Sarah Killeen

**VISITORS:**

Bryttany Larson  
Rob Waterman

President, Amanda Gordon, opened the meeting of July 16, 2024, at 9:00 a.m. Ms. Gordon relinquished the floor to Acting Executive Secretary, John Opeka.

## **AGENDA REVIEW AND ANNOUNCEMENTS**

Mr. Opeka 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, Dan Carr.

Mr. Opeka informed the Board that Ms. Rouze will not be in attendance today. The election of Board officers will be held today and presided over by Sr. Assistant Attorney General, Sarah Killeen.

There is a provision in the state constitution which allows incumbent Board members to continue in their duties until they are reappointed or until their successors become qualified.

Ms. Chandler, Ms. Gordon and Mr. Flower are authorized to continue to serve on the Board until new appointments by the Governor. Their terms are extended until such time.

Mr. Opeka relinquished the floor to Ms. Killeen to conduct the statutorily required election of officers to the Board for fiscal year 2025 pursuant to section 44-20-104(2) C.R.S.

Ms. Killeen stated that Board officers shall be elected for President, 1<sup>st</sup> Vice-President and 2<sup>nd</sup> Vice-President each year during the month of July. Ms. Killeen explained the election process and conducted the elections.

The following Board officers were elected for fiscal year 2024-2025:

- Amanda Gordon - President
- Kevin Shaughnessy - 1<sup>st</sup> Vice President
- David Guttenberg - 2<sup>nd</sup> Vice President

Ms. Killeen turned the floor over to President, Amanda Gordon.

## **MINUTES**

The regular meeting of the Motor Vehicle Dealer Board scheduled for June 18, 2024, was canceled due to lack of a quorum.

The minutes of the May 21, 2024, meeting was approved.

## BACKGROUND INVESTIGATIONS REPORT

Ms. Morrison presented the following to the Board:

### Dealer Applications:

- **Karma Auto Sales, LLC #46485** - Motion to deny the license based on unfitness of financial character - approved 6-1 (Ms. Chandler opposed).
- **Prime Automotive, LLC #46592** - Motion to deny the license based on unfitness of criminal character and unfitness of financial character - approved unanimously.

Ms. Berens asked if the Board was subject to HB24-1004, which she believes goes into effect August 2024. Ms. Killeen stated that she would address the inquiry at the next meeting.

### Salesperson Applications:

- **Kirkpatrick, Rory Lee #215370** - Motion to grant the license - approved 6-1 (Ms. Berens opposed).
- **Larson, Bryttany Vesta Lea #213188** - Motion to deny the license based on unfitness of criminal character - approved unanimously.

## COMPLAINT INVESTIGATIONS REPORT

Mr. Agos presented the following to the Board:

**April Statistical Report** - Mr. Agos informed the Board that we started with 559 cases, 140 new cases were opened, and 130 cases were closed, giving the Division a balance of 569 open cases. There were 320 background inquiries performed.

**May Statistical Report** - Mr. Agos informed the Board that we started with 569 cases, 115 new cases were opened, and 109 cases were closed, giving the Division a balance of 575 open cases. There were 189 background inquiries performed.

### Affidavits of Probable Cause:

- **ClearShift, DL #44050** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to ClearShift, Dealer License #44050; 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.

- **Courtesy Acura, DL #455** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Courtesy Acura, Dealer License #455; 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.
- **Credible Auto Sales, DL #42974** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Credible Auto Sales, Dealer License #42974; 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.
- **Stephanie Morris Nissan, DL #45467** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Stephanie Morris Nissan, Dealer License #45467; 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.
- **Robert Thomas Surrat, Jr., SL #209385** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Robert Thomas Surrat, Jr., Salesperson License #209385; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits - passed unanimously.

**New Business** - None

**Public Comment** - None

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:05 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