

**MOTOR VEHICLE DEALER BOARD
MINUTES
July 18, 2023**

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

BOARD MEMBERS:

Kathleen Chandler
Fletcher Flower
Matthew Gebhardt
Amanda Gordon
David Guttenberg
Kevin Shaughnessy
Seth Wong

MEMBERS ABSENT:

Charla Berens

SENIOR DIRECTOR - SBG:

Michael Phibbs

ACTING EXECUTIVE SECRETARY:

John Opeka

DEPT. OF REVENUE SBG/AID STAFF:

Frank Agos
Gloria Breeden
Joshua Dexter
Billy Maestas
Neal Robinson
Lisa Garcia
Cheryl Morrison
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Sarah Killeen

VISITORS:

President, Amanda Gordon, opened the meeting of July 18, 2023, at 9:01 a.m. Ms. Gordon turned the floor over 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, Shannon Gray.

Mr. Opeka informed the Board that Ms. Berens will not be in attendance today.

Mr. Opeka turned the floor over to Sr. Assistant Attorney General, Ms. Sarah Killeen, to conduct the statutorily required election of officers to the Board for fiscal year 2024 pursuant to section 44-20-104(2) C.R.S.

Ms. Killeen stated that Board officers shall be elected for President, 1st Vice-President and 2nd 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 2023-2024:

- Amanda Gordon - President
- Kevin Shaughnessy - 1st Vice President
- David Guttenberg - 2nd Vice President

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

MINUTES

The minutes of the June 20, 2023, meeting was approved 5-0-1 (Mr. Wong abstained).

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **All Auto Nation Auto Sales #45620** - Motion to deny the license due to incomplete application - approved unanimously.
- **All Rental Center, Inc. #5633** - Motion to deny the license based on unfitness of financial character and incomplete application - approved unanimously.

- **Gifty Auto Sale, LLC #45818** - Motion to table until the next meeting for additional financial information - approved unanimously.
- **The Right Ride Auto Sales, LLC #45784** - Motion to grant the license - approved unanimously.

COMPLAINT INVESTIGATIONS REPORT

Mr. Agos presented the following to the Board:

Statistical Reporting - Mr. Agos informed the Board that we started with 391 cases, 117 new cases were opened, and 93 cases were closed, giving the Division a balance of 415 open cases. There were 43 background inquiries performed.

Affidavits of Probable Cause:

- **Auto World, LLC, DL #38461** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Auto World, LLC, Dealer License #38461; 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.
- **White Wings Motors, DL #44621** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to White Wings Motors, Dealer License #44621 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.
- **Melissa Dawn Malone, SL #210551** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Melissa Dawn Malone, Salesperson License #210551; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits - passed unanimously.

New Business - Ms. Chandler inquired if the Board might provide support to Industry members regarding the recent rise in auto thefts in Colorado.

President Gordon stated that CADA and CIADA have provided initiatives for protecting dealers at large.

Sr. Director Phibbs stated that he is on the Board of the Colorado Auto Theft Prevention Task Force Board and that for the last six months, there has been a decrease in deaths with

initiatives that have been implemented. Sr. Director Phibbs further stated that new legislation, from the last session, has been passed a law that should help considerably with prosecutions.

Sr. Director Phibbs provided this URL, <https://csp.colorado.gov/services-we-provide/colorado-auto-theft-prevention-authority>, for the Board's review.

Public Comment - None

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:09 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