

MOTOR VEHICLE DEALER BOARD MINUTES

July 28, 2020

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

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

MEMBERS ABSENT: Matthew Porter

EXECUTIVE SECRETARY: Chris Rouze

**DEPT OF REVENUE,
AID, ENFORCEMENT
DIVISION STAFF:** Chris Hartman
Gloria Breedon
Beth Spellerberg

ATTORNEY GENERAL'S OFFICE: Brad Jones

VISITORS: David Cardella, CIADA

President, John Linton, opened the meeting of July 8, 2020 at 9:30 a.m. Mr. Linton turned the floor over to Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze informed the Board there were no changes to the agenda as posted. Mr. Porter will not be in attendance today.

Ms. Rouze stated that the appointment or reappointment of Board members is forthcoming. She went on to say that a provision was found in the State Constitution and also in case law that allows incumbent Board members to continue their duties until they are reappointed or until their successors become qualified.

The Exceptions hearing will follow the regularly scheduled Board meeting next month on August 18, 2020 at 1:00 p.m. Conflicts Counsel will be available for the hearing. In addition, the emergency rules that were put in place will expire in August, which requires additional rulemaking be done in regard to the pandemic and the public health orders.

Ms. Rouze turned the floor over to Senior Assistant Attorney General, Brad Jones to conduct the Board elections pursuant to section 44-20-104(2).

Mr. Jones explained the election process. All elected officers will serve for fiscal year 2020/2021. The following Board officers were elected:

- John Linton – President
- Ramona Graves-Bode – 1st Vice President
- Carrie Ann Baumgart – 2nd Vice President

MINUTES

The minutes of the June 16, 2020 meeting were approved 5-0-1 (Ms. Bode abstained).

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **Denver Auto Company #39817** – Motion was made to deny the license based on incomplete application – passed unanimously.
- **Zipnby Motors LLC #44673** – Motion to deny the license based on unfitness of criminal character – passed unanimously.

Salesperson Applications:

- **Cardona, Jonathan #205216** – Motion to grant a conditional license based upon applicant providing the standard letter from the employing dealer which includes the normal terms and conditions – passed unanimously.
- **Whitcomb, Andrew N. #170842** – Motion to grant the license – passed unanimously.

COMPLAINT INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Hartman informed the Board that we started with 272 cases, 79 new cases were opened and 120 cases were closed for the month, giving the Division a balance of 231 open cases. There were 140 background inquiries performed.

Affidavits of Probable Cause:

- **Car2Green, DL #43086** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Car2Green, Dealer #43086; 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.

- **Neighborhood Auto Brokers, LLC, DL #43547** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Neighborhood Auto Brokers, LLC, Dealer #43547; 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.
- **Springs Auto Sales, DL #41388** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Springs Auto Sales, Dealer #41388; 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.
- **South Bay Motors LLC, DL #41960** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to South Bay Motors LLC, Dealer #41960; 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.
- **Allison Kay Snyder, SL #198446** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Allison Kay Snyder, Salesperson #198446; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – passed unanimously.
- **Jason Eugene Thomas, SL #149825** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Jason Eugene Thomas, Salesperson #149825; 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 – passed unanimously.

EXECUTIVE SECRETARY REPORT

Mr. Jones recused himself and left the meeting.

Ms. Rouze presented the following to the Board:

- **Initial Decision – Joni Rena Tims Motor Vehicle Salesperson License #156995** – Motion was made to accept the Findings of Fact, Conclusions of Law, and the hearing officer's recommendation to grant a conditional license – passed unanimously.
- **Initial Decision – Mandi S. Cook Motor Vehicle Salesperson License #182450** – Motion was made to accept the Findings of Fact, Conclusions of Law, set aside the hearing officer's recommendation and to open the bond and revoke the license – passed unanimously.
- **Initial Decision – Carol Jean Raines Motor Vehicle Salesperson License #182239** – Motion was made to accept the Findings of Fact, Conclusions of Law, set aside the hearing officer's recommendation and deny the license – passed unanimously.

Mr. Jones returned to the meeting.

ATTORNEY GENERAL'S REPORT

Mr. Jones presented the following to the Board:

Mr. Jones informed the Board that he will be attending the Nez, Ltd. hearing tomorrow and will provide an update the Board when a decision has been made by the appellate court.

- **Proposed Stipulation and Final Agency Order – Tripoli Auto Sales LLC #42180** – Motion to accept the Proposed Stipulation and Final Agency Order – passed unanimously.

New Business – None

Public Comment – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:38 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