

**MOTOR VEHICLE DEALER BOARD
MINUTES
August 15, 2023**

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
Kevin Shaughnessy

MEMBERS ABSENT:

Fletcher Flower
Seth Wong

SENIOR DIRECTOR - SBG:

Michael Phibbs

EXECUTIVE SECRETARY:

Chris Rouze

DEPT. OF REVENUE SBG/AID STAFF:

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

ATTORNEY GENERAL'S OFFICE:

Sarah Killeen

VISITORS:

David Cardella, CIADA
Michael Groves, CADA
Abdissa Dirirsa, Gifty Auto Sales, LLC
Shanna Lee Cathey

President, Amanda Gordon, opened the meeting of August 15, 2023, at 9:00 a.m. Ms. Gordon turned the floor over to Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze 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.

Ms. Rouze informed the Board that Messrs. Flower and Wong will not be in attendance today.

Ms. Rouze informed the Board that during the September meeting, she will present a revised Delegation of Authority for the Board's review. In addition, the Board will have their annual training which will be conducted by Sr. Assistant Attorney General, Sarah Killeen. The regular business meeting will follow immediately thereafter.

MINUTES

The minutes of the July 18, 2023, meeting was approved 4-0-1 (Ms. Berens abstained).

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **55 Million, LLC #45762** - Motion to deny the license due to an incomplete application - approved unanimously.
- **Gifty Auto Sale, LLC #45818** - Motion to grant the license - approved unanimously.

Salesperson Application:

- **Cathey, Shanna Lee #212506** - Motion to deny the license based on unfitness of financial character and unfitness of criminal character - approved 4-1 (Mr. Shaughnessy opposed).

EXECUTIVE SECRETARY REPORT

Ms. Rouze presented the following to the Board:

- **Initial Decision - Richard Robert Otero-Romero, Motor Vehicle Salesperson License #167050** - Motion to accept the Findings of Fact, Conclusions of Law, set aside the recommendation and revoke the license based on the mandatory disqualifying conviction - passed unanimously.

COMPLAINT INVESTIGATIONS REPORT

Mr. Opeka presented the following to the Board:

Statistical Reporting - Mr. Opeka informed the Board that we started with 415 cases, 99 new cases were opened, and 93 cases were closed, giving the Division a balance of 421 open cases. There were 262 background inquiries performed.

Affidavits of Probable Cause:

- **Central Autos, DL #3215** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Central Autos, Dealer License #3215; 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.
- **Tylor Korang Amoako, SL #203459** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Tylor Korang Amoako, Salesperson License #203459; and that the Colorado Motor Vehicle Dealer Board summarily suspend the 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 and he has a mandatory disqualifying conviction, which precludes him from holding a salesperson license - passed unanimously.
- **Sergio Angelo Ramirez, SL #185490** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Sergio Angelo Ramirez, Salesperson License #185490; and that the Colorado Motor Vehicle Dealer Board summarily suspend the 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 and he has a mandatory disqualifying conviction, which precludes him from holding a salesperson license - passed unanimously.

New Business - Mr. Shaughnessy asked if it was in the best interest of the public that hearing officer's recommendations are limited and would it require legislation or rulemaking to effect a change.

Ms. Rouze advised that a statutory change would be required to modify the limits of hearing officer's recommendations and it could not be done through rulemaking since it would conflict with rulemaking statutes.

Ms. Killeen stated that the policy behind this is that the Board has the authority to issue discipline so even if a statutory change were made, the matter would still come before the Board.

Public Comment - None

The meeting of the Motor Vehicle Dealer Board was adjourned at 9:32 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