

**MOTOR VEHICLE DEALER BOARD  
MINUTES  
August 16, 2022**

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

**BOARD MEMBERS:**

Charla Berens  
Kathleen Chandler  
Fletcher Flower  
Amanda Gordon  
Kevin Shaughnessy

**SENIOR DIRECTOR, SBG:**

Cory Amend

**EXECUTIVE SECRETARY:**

Chris Rouze

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

John Opeka  
Gloria Breeden  
Michael Calo  
Frank Agos  
Joshua Dexter  
Cheryl Morrison  
Erika Garcia  
Billy Maestas  
Rob Urbach  
Suzi Karrer  
Kyle Boyd  
Beth Spellerberg  
Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:**

Sarah Killeen

**VISITORS:**

Art Erwin, Christopher's Dodge Ram, Inc.  
Jeremy Johnston  
Michael Brienza

President, Amanda Gordon, opened the meeting of August 16, 2022, at 9:02 a.m. Ms. Gordon turned the floor over to Executive Secretary, Chris Rouze.

Ms. Rouze announced 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, Suzanne Karrer.

## **AGENDA REVIEW AND ANNOUNCEMENTS**

Ms. Rouze informed the Board that next month, during the regular business meeting, they will receive their statutorily, mandated annual training. The training will be conducted by Sr. Assistant Attorney General, Sarah Killeen.

Last Friday, the Governor appointed Ms. Berens to the Board for a second term. The Governor also appointed Seth Wong as a public member and David Guttenberg as a used motor vehicle dealer member. Mr. Wong and Mr. Guttenberg will attend next month's meeting. Yesterday, Mr. Tesfaye resigned from the Board, and we will be working on finding a replacement for the remainder of his term.

Well-deserved congratulations were given to John Opeka who has been promoted to the position of Deputy Director of the Auto Industry Division. In addition, on August 11<sup>th</sup>, the Colorado Women's Chamber of Commerce honored their top 25 most powerful women in business. Among the honorees was the Board's president, Ms. Amanda Gordon.

## **MINUTES**

The minutes of the July 19, 2022, meeting was approved 4-0-1 (Mr. Flower abstained).

## **BACKGROUND INVESTIGATIONS REPORT**

Ms. Breeden presented the following to the Board:

### **Dealer Applications:**

- **The Right Ride Auto Sales #45437** - Motion to deny the license based on an incomplete application - passed unanimously.
- **Top Hand Trailers, LLC #44566** - Motion to deny the license based on an incomplete application - passed unanimously.

### Salesperson Application:

- **Huber, Ryan William Waite #209554** - Motion to grant the license - passed unanimously.
- **Serracino, Nicholas Richard #188136** - Motion to deny the license based on applicant's current ineligibility - passed unanimously.

### EXECUTIVE SECRETARY REPORT

Ms. Rouze presented the following to the Board:

- **Proposed Stipulation and Final Agency Order - Auto Pro Buys, #44390** - Due to a procedural error, Ms. Rouze re-presented this stipulation.

Motion to accept the Proposed Stipulation and Final Agency Order - passed unanimously.

Ms. Killeen recused herself and turned off her video and microphone.

- **Initial Decision - Jesse Manuel Zuniga, Motor Vehicle Salesperson License #175986** - Motion was made to accept the Findings of Fact, Conclusions of Law, and uphold the recommended order to deny the license - passed unanimously.

Ms. Killeen returned to the meeting.

### COMPLAINT INVESTIGATIONS REPORT

Mr. Opeka presented the following to the Board:

**Statistical Reporting** - Mr. Opeka informed the Board that we started with 294 cases, 128 new cases were opened, and 110 cases were closed, giving the Division a balance of 312 open cases. There were 251 background inquiries performed.

### Affidavit of Probable Cause:

- **Adesa Colorado Springs, DL #40823** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Adesa Colorado Springs, Dealer License #40823; 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.

- **BBT Motors, DL #43190** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to BBT Motors, Dealer License #43190; 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.
- **Clayton Bagwell, SL #192685** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Clayton Bagwell, Salesperson License #192685; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits - passed unanimously.
- **James Giles, SL #131279** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to James Giles, Salesperson License #131279; and that the Colorado Motor Vehicle Dealer Board summarily suspend his motor vehicle salesperson's license in accordance with C.R.S. 24-4-104 as he has engaged in deliberate and willful acts, his conduct poses a threat to the public health, safety and welfare and he has been convicted of a mandatory disqualifying felony, which precludes him from holding a salesperson license - passed unanimously.

**Public Comment** - None

**New Business** - 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