

# MOTOR VEHICLE DEALER BOARD MINUTES

**September 17, 2019**

The regular meeting of the Dealer Board was held at the Department of Revenue offices, Lakewood, Colorado. The following persons were present:

**BOARD MEMBERS:**

Charla Berens  
Fletcher Flower  
Ramona Graves Bode  
Matthew Porter  
Luke Walch  
Michael Widhalm

**MEMBERS ABSENT:**

Carrie Baumgart  
John Linton  
Jason White

**SENIOR DIRECTOR OF ENFORCEMENT:**

Cory Amend

**ACTING EXECUTIVE SECRETARY:**

Chris Rouze

**DEPT OF REVENUE,  
AID, ENFORCEMENT  
DIVISION STAFF:**

Chris Hartman  
Gloria Breedon  
John Opeka  
Frank Agos  
Josh Dexter  
Cheryl Morrison  
Erika Garcia  
Tim Rotter  
Steve Koenig  
Leland Bebee  
Beth Spellerberg  
Margaret Jungmann  
Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:**

Brad Jones

**VISITORS:**

Jami McCoy, CIADA  
Suzi Karrer, SDO  
Chuck Halberstadt

1st Vice President, Ramona Graves Bode, opened the meeting of September 17, 2019 at 9:05 a.m. Ms. Bode turned the floor over to Acting Executive Secretary, Chris Rouze.

## **AGENDA REVIEW AND ANNOUNCEMENTS**

Ms. Rouze informed the Board that the Governor reappointed Ms. Carrie Ann Baumgart, representing new motor vehicle dealers and introduced two new Board appointees, Ms. Charla Berens, representing public members and Mr. Luke Walch, representing used motor vehicle dealers. Ms. Baumgart and Messrs. Linton and White will not be in attendance today.

## **CALENDAR**

**October 15, 2019** - 9:00 a.m. – Regularly scheduled Board meeting

1:00 p.m. – Formal Rulemaking Hearing

The last three items of the Executive Secretary Report will be presented next month as Conflicts Counsel, Skip Spear, is unable to attend today's meeting.

### **Board entered into required Best Practices Boards and Commissions Training.**

The regularly scheduled Board meeting resumed at 1 p.m. Ms. Bode announced that Mr. Flower has left the meeting.

## **MINUTES**

The minutes of the August 20, 2019 meeting were amended with a change to the wording of the last two cases of the Investigations Report from "Tabled for 30 days" to "Withdrawn" – approved 3-0-2 (Ms. Berens and Mr. Walch abstained).

## **BACKGROUND INVESTIGATIONS REPORT**

Ms. Breeden presented the following to the Board:

### **Dealer Application:**

- **Bee's Auto Sales #44528** – Motion to grant the license – approved unanimously.

## **COMPLAINT INVESTIGATIONS REPORT**

Mr. Opeka presented the following to the Board:

**Statistical Reporting** – Mr. Opeka informed the Board that we started with 267 cases, 194 new cases were opened and 149 cases were closed for the month, giving the Division a balance of 312 open cases. There were 427 background inquiries performed.

### **Affidavits of Probable Cause:**

- **Rocky Mountain Kawasaki (MV), DL #36086** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Rocky Mountain Kawasaki (MV), Dealer #36086; 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 – approved unanimously.

- **Rocky Mountain Kawasaki (PS), DL #40254** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Rocky Mountain Kawasaki (PS), Dealer #40254; 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 – approved unanimously.
- **Rush Truck Center, Denver, DL #8865** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Rush Truck Center, Denver, Dealer #8865; 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 – approved unanimously.
- **TrailersPlus, DL #42649** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to TrailersPlus, Dealer #42649; 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 – approved unanimously.
- **Tynans Kia, DL #41551** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Tynans Kia, Dealer #41551; 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 – approved unanimously.

## **EXECUTIVE SECRETARY REPORT**

Ms. Rouze presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – John Elway Chevrolet #41988** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – RKR Auto Sales, LLC #43629** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Groove Subaru of Silverthorne #43362** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Central Denver Auto Sales #40810** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Lazy Days RV #43441** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – United Auto, LLC #41940** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Initial Decision – Cole A. Kline, Salesperson License #131680** – Withdrawn to confer with Conflicts Counsel.

- **Initial Decision – John Howard Angel, Salesperson License #30982** – Withdrawn to confer with Conflicts Counsel.
- **Proposed Final Order of Default Judgment – Hi Tech Auto Care, LLC #41741** – Withdrawn to confer with Conflicts Counsel.

**New Business** – None

**Public Comment** – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 1:36 p.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 Rouze  
Acting Executive Secretary