

**MOTOR VEHICLE DEALER BOARD
MINUTES
September 20, 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
David Guttenberg
Kevin Shaughnessy
Seth Wong

EXECUTIVE SECRETARY:

Chris Rouze

DEPT. OF REVENUE AID/SBG STAFF:

John Opeka
Frank Agos
Gloria Breeden
Michael Calo
Joshua Dexter
Cheryl Morrison
Erika Garcia
James Osborn
Neal Robinson
Rob Urbach
Suzi Karrer
Beth Spellerberg
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Sarah Killeen

VISITORS:

Art Erwin, Christopher's Dodge Ram, Inc.
Matthew Groves, CADA

President, Amanda Gordon, opened the meeting of September 20, 2022, at 9:29 a.m. Ms. Gordon turned the floor over to Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

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.

Ms. Rouze introduced the new Board members, Mr. Seth Wong and Mr. David Guttenberg. Ms. Rouze also introduced the Division's new criminal investigator, Ms. San Trieu.

Ms. Rouze turned the floor over to AAG Sarah Killeen for the Board's required annual training.

In accordance with C.R.S. 24-3.7-102 Best Practices for State Boards and Commissions, the Board entered their required annual training.

The Board took a 20-minute break.

The regular meeting of the Motor Vehicle Dealer Board resumed at 11:20 a.m.

MINUTES

The minutes of the August 16, 2022, meeting was approved 4-0-2 (Mr. Guttenberg and Mr. Wong abstained).

EXECUTIVE SECRETARY REPORT

Ms. Rouze presented the following to the Board:

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

- **Initial Decision - Andrew Lee Jenkins, III, Motor Vehicle Salesperson License #209683** - Motion was made to accept the Findings of Fact, Conclusions of Law, and uphold the recommended order and deny the license - passed unanimously.

Ms. Killeen returned to the meeting.

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **Fusion Motorsports #42852** - Motion to deny the license based on an incomplete application - passed unanimously.
- **IronPlanet, Inc. #45555** - Motion to deny the license based on an incomplete application - passed unanimously.

Salesperson Applications:

- **Dreiling, Tyler Chase #211163** - Motion to grant the license - passed unanimously.
- **Gallegos, Richard Wayne #155990** - Motion to table until the October meeting in lieu of applicant's proof of payment plans for income tax and county debts - Shaughnessy & Chandler (Yes), (Ms. Berens, Flower, Guttenberg, and Wong opposed). Motion fails 2-4.

Motion was made to deny the license based on unfitness of financial character - passed unanimously.

- **Ruth, James Christian #211272** - Motion to grant the license - passed unanimously.

COMPLAINT INVESTIGATIONS REPORT

Mr. Opeka presented the following to the Board:

Statistical Reporting - Mr. Opeka informed the Board that we started with 312 cases, 122 new cases were opened, and 116 cases were closed, giving the Division a balance of 318 open cases. There were 393 background inquiries performed.

Affidavits of Probable Cause:

- **2 Mazda, DL #44988** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to 2 Mazda, Dealer License #44988; 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.

- **Big Daddy's Auto, DL #44365** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Big Daddy's Auto, Dealer License #44365; 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.
- **David's Auto Sales, DL #39709** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to David's Auto Sales, Dealer License #39709; 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.
- Mr. Wong recused himself and turned off his video and microphone.
- Mr. Wong returned to the meeting.
- **O'Meara Buick GMC, DL #44014** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to O'Meara Buick GMC, Dealer License #44014; 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.

Public Comment - None

New Business - None

The meeting of the Motor Vehicle Dealer Board was adjourned at 12:13 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 J. Rouze
Executive Secretary