

**MOTOR VEHICLE DEALER BOARD
MINUTES
October 18, 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

SENIOR DIRECTOR OF SBG:

Cory Amend

EXECUTIVE SECRETARY:

Chris Rouze

DEPT. OF REVENUE SBG/AID STAFF:

John Opeka
Frank Agos
Gloria Breeden
Michael Calo
Joshua Dexter
Cheryl Morrison
Erika Garcia
Kyle Boyd
Beth Spellerberg
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Sarah Killeen
Sue Kim
Sarah Bomgardner
Lisa Michaels

VISITORS:

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

President, Amanda Gordon, opened the meeting of October 18, 2022, at 9:05 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 stated that the Board may wish to get legal advice on two matters in the Executive Secretary's Report. Conflicts Counsel, Ms. Sue Kim, along with Sarah Bomgardner and Lisa Michaels of the Attorney General's office are in attendance today to advise. Ms. Chandler will leave the meeting today at 10:00 a.m.

MINUTES

The minutes of the September 20, 2022, meeting was approved unanimously.

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **Green Eyed Motors #45583** - Motion to deny the license based on an incomplete application - passed unanimously.
- **Mile High Car Company #45606** - Motion to deny the license based on an incomplete application - passed unanimously.

Salesperson Applications:

- **Garcia, Yoana Balderas #200801** - Motion to table until the November meeting - passed unanimously.
- **Poyner, Stephen James #211203** - Motion to deny the license based on unfitness of financial character and unfitness of criminal character - passed unanimously.

EXECUTIVE SECRETARY REPORT

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

Ms. Rouze presented the following to the Board:

- **Initial Decision - Taelon Philip Padilla, Motor Vehicle Salesperson License #207886** - Motion was made to accept the Findings of Fact, Conclusions of Law, and uphold the recommended order due to the mandatory disqualifying conviction and deny the license - passed unanimously.

A motion was made to enter Executive Session to seek legal advice regarding the Jacob Lee Marquez and Louis Carlos Gutierrez matters - passed unanimously.

Board entered Executive Session at 9:26 a.m. and returned to Open Session at 10:20 a.m.

- **Initial Decision - Jacob Lee Marquez, Motor Vehicle Salesperson License #166091** - Motion was made to accept the Findings of Fact, Conclusions of Law set aside the recommended order and suspend the license for seven (7) consecutive days and impose a fine of \$1500.00 due and payable in 30 days - passed unanimously.
- **Initial Decision - Louis Carlos Gutierrez, Motor Vehicle Salesperson License #201441**- Motion was made to accept the Findings of Fact, Conclusions of Law set aside the recommended order and suspend the license for seven (7) consecutive days and impose a fine of \$2000.00 due and payable in 30 days - passed unanimously.

Ms. Killeen returned to the meeting. The Board took a 5-minute break.

ATTORNEY GENERAL'S REPORT

On the advice of General Counsel, Sarah Killeen, a motion was made to enter Executive Session to seek legal advice regarding the Auto Source, LLC case - passed unanimously.

Board entered Executive Session at 11:16 a.m. and returned to Open Session at 11:32 a.m.

Ms. Killeen presented the following to the Board:

- **Proposed Stipulation and Final Agency Order - Auto Source, LLC #36440** - Motion to accept the Proposed Stipulation and Final Agency Order - passed unanimously.

COMPLAINT INVESTIGATIONS REPORT

Mr. Opeka presented the following to the Board:

Statistical Reporting - Mr. Opeka informed the Board that we started with 318 cases, 100 new cases were opened, and 104 cases were closed, giving the Division a balance of 314 open cases. There were 227 background inquiries performed.

Affidavits of Probable Cause:

- **Rocky Mountain Eurosport, LLC, DL #44993** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Rocky Mountain Eurosport, LLC, Dealer License #44993; 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.
- **Rocky Mountain Eurosport Parker, LLC, DL #44992** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Rocky Mountain Eurosport Parker, LLC, Dealer License #44992; 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.
- **Jamie Antillon, SL #29476** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Jamie Antillon, Salesperson License #29476; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits - passed unanimously.

Public Comment - Mr. David Cardella or CIADA welcomed the newly appointed Board members and thanked them for their service.

Beth Spellerberg informed the Board that she has accepted another position with the Department of Revenue and thanked them for their service to the state of Colorado.

New Business - None

The meeting of the Motor Vehicle Dealer Board was adjourned at 11:45 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