

**MOTOR VEHICLE DEALER BOARD
MINUTES
November 15, 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
Kevin Shaughnessy
Seth Wong

MEMBERS ABSENT:

Amanda Gordon
David Guttenberg

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
James Osborn
John Bulman
Cheryl Morrison
Suzi Karrer
Kyle Boyd
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Sarah Killeen
Sue Kim
Sarah Bomgardner
Lisa Michaels

VISITORS:

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

1st Vice President, Kevin Shaughnessy, opened the meeting of November 15, 2022, at 9:04 a.m. Mr. Shaughnessy 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 informed the Board that Ms. Gordon and Mr. Guttenberg would not be in attendance today. Sue Kim of the Attorney General's office is in attendance today to present proposed Final Orders to the Board regarding the two Initial Decisions reviewed during last monthly's meeting.

MINUTES

The minutes of the October 18, 2022, meeting was approved unanimously (Mr. Shaughnessy as Chair voted).

ADJUDICATORY COUNSEL REPORT

Ms. Kim presented the following to the Board:

- **Proposed Final Board Order - 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 (Mr. Shaughnessy as Chair voted).
- A motion was made to delegate authority to 1st Vice President, Kevin Shaughnessy to sign the final Order - passed unanimously (Mr. Shaughnessy as Chair voted).
- **Proposed Final Board Order - 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 (Mr. Shaughnessy as Chair voted).

- A motion was made to approve a revised Order to increase the sanction from \$500.00 to \$1000.00 for failure to report - passed unanimously (Mr. Shaughnessy as Chair voted).
- A motion was made to delegate authority to 1st Vice President, Kevin Shaughnessy to sign the final Order - passed unanimously (Mr. Shaughnessy as Chair voted).

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Salesperson Applications:

A motion was made to enter Executive Session to get legal advice regarding the Yoana Balderas Garcia case - passed unanimously (Mr. Shaughnessy as Chair voted).

Board entered Executive Session at 9:42 a.m. and returned to Open Session at 10:02 a.m.

- **Garcia, Yoana Balderas #200801** - Motion to grant the license - passed unanimously (Mr. Shaughnessy as Chair voted).
- **Martinez-Dupire, Andre #205462** - Motion to grant the license - passed unanimously (Mr. Shaughnessy as Chair voted).

EXECUTIVE SECRETARY REPORT

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

Ms. Rouze presented the following to the Board:

- **Initial Decision - Chelsey Dakota Salazar, Motor Vehicle Salesperson License #210538** - Motion was made to accept the Findings of Fact, Conclusions of Law and uphold the recommended order to deny the license - passed unanimously (Mr. Shaughnessy as Chair voted).
- **Initial Decision - Kareem Williams, Motor Vehicle Salesperson License #207938** - Motion was made to accept the Findings of Fact, Conclusions of Law, set aside the recommended sanctions due to the mandatory disqualifying conviction and revoke the license - passed unanimously (Mr. Shaughnessy as Chair voted).

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 314 cases, 109 new cases were opened, and 103 cases were closed, giving the Division a balance of 320 open cases. There were 187 background inquiries performed.

Affidavits of Probable Cause:

- **Colorado Auto Finders, DL #35942** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Colorado Auto Finders, Dealer License #35942; 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 stipulation negotiations pursuant to C.R.S. 44-20-104 - passed unanimously (Mr. Shaughnessy as Chair voted).
- **Nations Auto Inc II, DL #38571** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Nations Auto Inc II, Dealer License #38571; 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 stipulation negotiations pursuant to C.R.S. 44-20-104 - passed unanimously (Mr. Shaughnessy as Chair voted).
- **John Leonard Derasmo, Jr., SL #184270** - Motion that the Board find probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to John Leonard Derasmo, Jr., Salesperson License #184270; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits - passed unanimously (Mr. Shaughnessy as Chair voted).

Public Comment - Ms. Chandler inquired if the public could assist with filling the two vacancies on the Board. Ms. Rouze advised that the search for both openings is progressing.

New Business - None

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:27 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