

MOTOR VEHICLE DEALER BOARD MINUTES

November 17, 2020

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

BOARD MEMBERS:

Carrie Ann Baumgart
Charla Berens
Ramona Graves Bode
Fletcher Flower
John Linton
Kevin Shaughnessy
Michael Widhalm

MEMBERS ABSENT:

Matthew Porter
Luke Walch

**SENIOR DIRECTOR, SPECIALIZED
BUSINESS GROUP:**

Cory Amend

EXECUTIVE SECRETARY:

Chris Rouze

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

Chris Hartman
Gloria Breedon
Cheryl Morrison
Erika Garcia
John Opeka
Frank Agos
Josh Dexter
Tim Rotter
Jim Osborn
Beth Spellerberg
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones
Keenan Lorenz
Torrey Samson

VISITORS:

David Cardella, CIADA
Matthew Groves, CADA
Art Irwin, Christopher's Dodge Ram
Suzi Karrer, SDO
Del Knouse
Ray Burgio
Athina Sweigard
David Slone
Chris Soles
Adam Landkammer

President, John Linton, opened the meeting of November 17, 2020 at 9:21 a.m. Mr. Linton turned the floor over to Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze informed the Board that there are no changes to the agenda as posted. Mr. Walch will not be in attendance today. The Senior Director of the Specialized Business Group, Cory Amend, has a presentation for the Board. Ms. Rouze turned the floor over to Senior Director Amend.

At Governor Polis's request, Senior Director Amend shared a slide presentation with stakeholders outlining the increase of Coronavirus cases, hospitalizations and deaths in the state of Colorado. The key takeaways are that the pandemic has worsened over the last few weeks. Entering the holiday season, we are expecting numbers to continue to increase.

The Governor would like the Board to champion the message in their businesses that for the remainder of November, to only interact with members of their households, wear masks and stay home if you are sick. The other initiative of the Governor's office is to download the phone app used for COVID-19 contact tracing, which can be found on the Colorado Department of Public Health and Environment page or the Governor's page.

Mr. Shaughnessy asked if the presentation could be provided to Board members for distribution in their dealerships.

Ms. Berens asked how many people have downloaded the contact tracing app.

Senior Director Amend advised he would get back to the Board with answers to these questions.

MINUTES

The minutes of the October 20, 2020 meeting were approved unanimously.

EXECUTIVE SECRETARY REPORT

Ms. Rouze presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Marini Diesel, Inc. #43332** – Motion to accept the Proposed Stipulation and Final Agency Order – passed unanimously.

Ms. Baumgart recused herself and left the meeting.

- **Proposed Stipulation and Final Agency Order – Markley Motors, Inc. #17** – Motion to accept the Proposed Stipulation and Final Agency Order – passed unanimously.

Ms. Baumgart returned to the meeting.

- **Proposed Stipulation and Final Agency Order – GoJo Auto, LLC #44311** – Motion to accept the Proposed Stipulation and Final Agency Order – passed unanimously.

Mr. Jones recused himself and left the meeting.

- **Proposed Final Board Order – Calan Edward Reichstein, Motor Vehicle Salesperson License #204663** – Motion to accept the Final Board Order – passed unanimously.

Mr. Jones returned to the meeting.

ATTORNEY GENERAL’S REPORT

Mr. Jones presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Naim Kargar #172208** – Motion to table for 30 days – passed unanimously.
- **Proposed Stipulation and Final Agency Order – Affordable Auto, Inc. #43586** – Motion to table for 60 days and have General Counsel renegotiate a fine to be due and payable – passed 5-1 (Shaughnessy opposed).
- **Proposed Stipulation and Final Agency Order – Emrakh Gafurov #192034** – Motion to accept the Proposed Stipulation and Final Agency Order. Respondent relinquishes his license and a fine of \$1,000 due and payable if Respondent applies for and is granted any future license – passed unanimously.
- **Proposed Stipulation and Final Agency Order – David Karner #200014** – Motion to accept the Proposed Stipulation and Final Agency Order – Respondent needs to pay \$1,000 of the \$8,000 fine and attend a pre-licensing class prior to receiving a permanent license. The remaining \$7,000 of the fine will be held in abeyance for one year – passed unanimously.

The Board took a five minute break.

Senior Director Amend informed the Board that he is expecting to receive authorization this afternoon to distribute the slide presentation to the Board with any new updates included. He further went on to say that as of four days ago, there are roughly one million Coloradans using the contact tracing app.

Mr. Widhalm asked that if there is another county, state shutdown, will dealers still be classified as essential workers/businesses. Senior Director Amend stated that the Governor’s office is cognizant of businesses small and large and barring a few tweaks here and there, he expects businesses will continue to operate as they have been.

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Application:

- **VSI Automotive, LLC #44841** – Motion to table for 30 days to confirm payment of fines or if a payment plan is in place – passed unanimously.

Salesperson Applications:

- **Lavoie, Alex #206611** – Motion to grant the license – passed unanimously.

COMPLAINT INVESTIGATIONS REPORT

Mr. Agos presented the following to the Board:

Statistical Reporting – Mr. Agos informed the Board that we started with 204 cases, 92 new cases were opened and 95 cases were closed for the month, giving the Division a balance of 202 open cases. There were 378 background inquiries performed.

Affidavits of Probable Cause:

- **HIS Motor Company, LLC, DL #39843** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to HIS Motor Company, LLC, Dealer #39843; 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.
- **Marlon Monzon, SP #158070** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Marlon Monzon, Salesperson #158070; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – passed unanimously.
- **Jakwan Tyree Myrick, SP #204180** – Affidavit withdrawn

New Business – None

Public Comment – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 11:14 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