



**Newsletter of the  
Colorado Motor Vehicle  
Dealer Board  
and  
Auto Industry  
Division  
June 2004**

## **Director's Desk** *by Linda R Petkash, Executive Secretary*

### **Colorado General Assembly 2004 Legislation**

The Colorado General Assembly concluded its 2004 Legislative Session on May 5, 2004. Several House and Senate bills of significance to the motor vehicle industry were passed and signed by Governor Bill Owens. Following are summaries of these bills.

**HB04-1053** – Dealer must give notice to a prospective buyer of the acceptance or rejection of a motor vehicle purchase order agreement within a reasonable time period, as determined by the Board, on a finance or consignment sale. The Board will hold a rule hearing on July 13, 2004 to define "reasonable time period" and what constitutes "notice".

**HB04-1306** – Changes the law to give the Board the authority to charge a reissue fee to a salesperson who transfers his/her license. Effective August 4, 2004. (See new reissue procedure below.)

**\*\*A salesperson changing employers will no longer be able to transfer employment on their**

**present license.** The applicant will need to fill out a salesperson application, mark the box re-issue, have a manager sign application and submit the appropriate fee. (see fee schedule on page 3)

**HB04-1386** – An owner of a salvage motor vehicle that has been made roadworthy applies for a certificate of title for a rebuilt from salvage vehicle, must stamp onto the motor vehicle the words "Rebuilt from salvage" with each letter being not less than one-fourth inch in size. Such words shall be a salvage brand and be stamped in the following locations: motorcycle, on the frame in a visible location; trailer, adjacent to the public vehicle identification number; in all other motor vehicles, on the body post to which the driver's door latches, also known as the driver's door B pillar. Effective July 1, 2004.

#### **ROUTING BOX**

Owner  
Finance Manager  
General Manager  
Sales Manager



## **Investigation Insight** *by Supervisor Investigator Mary Marvin*

**General Managers and Finance Managers are salespeople.**

A motor vehicle salesperson is defined as any natural person who, for a salary, commission, or compensation of any kind, is employed either directly or indirectly, regularly or occasionally, by any motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of motor vehicles. (12-6-102(14) C.R.S.) Any person who negotiates a sale, purchase or exchange must be licensed as a salesperson. General

managers and finance managers must also be licensed. Managers may at some time deal with customers either in negotiating the finance part of the sales transaction; or, in finalizing the purchase or sales contract; or, in resolving a dispute. A dealership may be cited for employing an unlicensed salesperson and the salesperson may be cited for unlicensed sale activities. (12-6-118(3)(n), 12-6-120(2) C.R.S.)

# DEALER BOARD ACTIONS

**Steven M Potter, dba Auto Alliance LLC- Englewood - #36721** – nondelivery of title (3 counts); certificate of emissions; defrauding any buyer/seller (3 counts); failure to honor written agreement (3 counts); illegal sale (2 counts); employing unlicensed salesperson; place of business; forgery; filing a false instrument; false oath; exercising a privilege without being duly licensed. **\$180,000 FINE, RESTITUTION, LICENSE REVOKED.**

**Robert C Savi, dba Imports Wholesale-Denver-#4446** – advertising, cease advertising making reference to wholesale; change business name.

**Larry E Cain, Sr., dba C & J Auto Sales-Westminster-#35943** – failure to perform written agreement; defrauding any buyer/seller; fraudulent transaction. **\$18,000 FINE, 3 DAY SUSPENSION, 1 YEAR PROBATION, FULL RESTITUTION (\$16,200, 3 DAY SUSPENSION HELD IN ABEYANCE FOR FULL RESTITUTION).**

**Franklin A Delvescovo, dba Franklin Motors-Wellington-#4622** – defrauding any buyer/seller (5 counts); fraudulent transaction (5 counts); failure to honor check/draft to a dealer (4 counts); licensing/financial character; Colorado sales tax. **\$80,000 FINE (\$72,000 HELD IN ABEYANCE FOR 3 YEARS PROBATION), OBTAIN NEW SALES TAX LICENSE, PROOF OF ALL TAXES PAID WITHIN 120 DAYS, RESOLVE ALL COMPLAINTS, LICENSE SUSPENDED.**

**Ricky Marks, dba R&A Auto-Aurora-#4333** – defrauding any buyer/seller; failure to perform written agreement; unfitness. **\$43,500 FINE (\$40,000 HELD IN ABEYANCE FOR 1 YEAR PROBATION), 5 DAY SUSPENSION, LIMITED TO WHOLESALE LICENSE FOR 1 YEAR.**

**Monawara Masad, dba Hollywood Auto Sales, Inc.-Denver-#4094** – defrauding any buyer/seller (4 counts), nondelivery of title (3 counts); fraudulent transaction (2 counts); misrepresentation; failure to perform written agreement; place of business. **\$120,000 FINE, RESTITUTION, LICENSE REVOKED.**

**Steven K Rohac, dba Rohac Motors-Englewood-#3365** – nondelivery of title (2 counts); unfitness. **\$55,400 FINE, (\$45,500 HELD IN ABEYANCE FOR 3 YEARS PROBATION), RESTITUTION, 5 DAYS SUSPENSION.**

**John R Sale, dba J Sales-Denver-#8800** – failing to perform written agreement; defrauding any buyer/seller; fraudulent transaction. **\$30,000 FINE, RESTITUTION, LICENSE REVOKED.**

**Jack P Jameson, dba J&J Auto Sales-Denver-#8263** – nondelivery of title (12 counts); defrauding any buyer/seller (13 counts); unfitness. **\$260,000 FINE, RESTITUTION, LICENSE REVOKED.**

**Stephen Schmidt, dba Schmidt Imports-Sterling-#311** - **\$90,000 FINE, SANCTIONS. ORDERED.**

**Richard Newendyke, dba Kelly's International Auto Sales, Inc.-Englewood-#4763** – nondelivery of title (19 counts); defrauding any buyer/seller (4 counts); failure to honor written agreement (2 counts); fraudulent sale (20 counts); place of business. **\$460,000 FINE, RESTITUTION, LICENSE REVOKED.**

**David T O'Neal, dba Auto Management.Com LLC-Denver-#4478** – defrauding any buyer/seller (2 counts); fraudulent transaction (2 counts). **\$40,000 FINE, FULL RESTITUTION, LICENSE REVOKED.**

**Stansell H Greer III, Salesperson** – failure to comply with Board Order. **\$7,000 FINE (\$7,000 HELD IN ABEYANCE FOR 3 YEARS PROBATION); RESOLVE ALL COMPLAINTS WITHIN 60 DAYS.**

**Roth A Anderson, Salesperson** – forgery (2 counts); false oath (2 counts); fraudulent business practice; exercising privilege without being duly licensed; unfitness. **\$60,000 FINE (\$40,000 HELD IN ABEYANCE FOR 5 YEARS PROBATION), 6 MONTHS SUSPENSION.**

**Robert Villanueva, Salesperson** – fraudulent business practice (6 counts); misappropriation of funds (6 counts). **\$120,000 FINE, RESTITUTION, LICENSE REVOKED.**

**Michael R Slate, Salesperson** – violation of Board Order. **LICENSE REVOKED.**

**STATE OF COLORADO  
LICENSE FEE SCHEDULE  
Effective July 1, 2004**

**Dealers/Wholesalers/Buyer Agents/Auctions**

Original .....	325
*Renewal .....	270
Temporary Out-of-State Dealer.....	145
 Original Manufacturer/Distributor.....	325
*Renewal .....	270
 Original Manufacturer Representatives..	75
Renewal Manufacturer Representatives.....	55
 Original Salesperson .....	75
Renewal .....	55
Additional/Multiples .....	55
**Reissue Salesperson.....	55

**Miscellaneous Fees**

Additional Location.....	135
Off-Premise Permit .....	55
Class Change.....	75
Address Change....	75
Ownership Change .....	75
Name Change.....	75

\*The following staggered license fees will only apply to designated licensees:

13 month renewal.....	\$293
14 month renewal.....	315
15 month renewal.....	338
16 month renewal.....	360

**\*\*HB04-1306 - Salesperson reissue fee effective August 4, 2004**

**ATTENTION DEALERS/SALESPERSON:** Effective August 4, 2004 a salesperson changing employers will no longer be able to transfer employment on their present license. The applicant will need to fill out a salesperson application, mark the box reissue, have a manager sign application and submit the appropriate fee. (see fee schedule above)

**Incomplete Salesperson Application:** Question 6 on the Salesperson Application asks "have you ever been arrested, charged with, convicted of or pled no contest to any felony or misdemeanor crime in the past 10 years, excluding traffic. The key word is **ARRESTED**. Even if the charges were dismissed or deferred, you would still need

to disclose **AND** provide court documents listing the original charges and final disposition. Failure to disclose your criminal history is considered a material misstatement in an application for a license (12-6-118 C.R.S.) and could be grounds for denial. If you fail to provide the necessary court documents with your application, your application will be considered an incomplete application and rejected and sent back to the dealer for completion. The sales applicant is **not** permitted to sell motor vehicles or engage in any sales activities until such time as the complete application is returned to this office. Once this office has received a complete application, a license will be issued and mailed to the dealer.

**Fort Collins Licensing Seminar – Effective July 1, 2004**

Due to low attendance, the licensing seminar held on the second Wednesday of every month in Fort Collins will be by appointment only. If you interested in attending this seminar please call Kaye Kopecky, Public Information Officer at 303-205-5784 or email her at [akopecky@spike.dor.state.co.us](mailto:akopecky@spike.dor.state.co.us).



**NEW WEBPAGE ADDRESS**

The Auto Industry Division's webpage address has changed. The new address is **[www.mv.state.co.us/dlr/dealer.html](http://www.mv.state.co.us/dlr/dealer.html)**.

## Reminder to Dealers

All AID forms are available on our website and can be downloaded; however, when submitting these forms make sure that you fill them out thoroughly and accurately and provide the **correct number of copies**.

Besides obtaining all AID forms, our website contains other written material regarding the Auto Industry Division. Please check out our Internet home page website at [www.mv.state.co.us/dlr/dealer.html](http://www.mv.state.co.us/dlr/dealer.html). You may also email our Public Information Officer at [dealers@spike.dor.state.co.us](mailto:dealers@spike.dor.state.co.us) with any questions or concerns.

### DEALER BOARD MEMBERS

**President**, Fred Emich

**First Vice President**, Gretchen Olson

**Second Vice President**, Jeff Carlson

Bob Feder, Jon Kroneberger, Steve Perkins,  
Mark Striegnitz, Jim Varner, Dale Spradley

**Executive Secretary**, Linda Petkash

### AUTO INDUSTRY DIVISION

**Division Director**, Linda Petkash

**Licensing Manager**, Debby Shriver

**Investigator Supervisor**, Mary Marvin

**Public Information Officer**, Kaye Kopecky

Correspondence is welcome. Address to:

Auto Industry Division

1881 Pierce Street, Lakewood, CO 80214

Phone: (303) 205-5604 FAX: (303) 205-5977

E-mail: [dealers@spike.dor.state.co.us](mailto:dealers@spike.dor.state.co.us)

Internet: [www.mv.state.co.us/dlr/dealer.html](http://www.mv.state.co.us/dlr/dealer.html)

## C A L E N D A R

**Dealer Board Business Meeting:** Second Tuesday of each month at 9:00 am, 1881 Pierce St, Lakewood.

**Dealer Board Hearings:** Fourth Tuesday of each month, if necessary, at 9:00 am, 1881 Pierce St, Lakewood.

**License Law Seminar - Colorado Springs:** First Tuesday of each month at 10:00 am, 4420 Austin Bluffs Parkway, Colorado Springs.

**License Law Seminar - Ft Collins: BY APPOINTMENT ONLY** Second Wednesday of each month at 10:00 am, 1121 W Prospect Road, Ft. Collins.

**License Law Seminar - Lakewood:** Third Tuesday of each month at 9:00 am, 1881 Pierce St, in the Department of Revenue Building, Conf. Rm. C, Lakewood.

**Note: Times and locations are subject to change.**

Call the Auto Industry Division at (303) 205-5784.

**Please note:** While every effort is made to make the information in *Wheels* as accurate and helpful as possible, it is not offered as a substitute for legal advice.

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