

**MOTOR VEHICLE DEALER BOARD
MINUTES**

January 17, 2017

The regular meeting of the Dealer Board was held at the Department of Revenue offices, Lakewood, Colorado. The following persons were present:

BOARD MEMBERS:

Robert Endter
Justin Franks
Joseph Gebhardt
Lucky Heggs
Michael Jorgensen
Chris Langley
Stan Martin
Steven Perkins
Dominic Scrivner

MEMBERS ABSENT:

SENIOR DIRECTOR OF ENFORCEMENT:

Ron Kammerzell

EXECUTIVE SECRETARY:

Bruce Zulauf

LEGAL ASSISTANT:

Leland Bebee

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

Chris Rouze
Chris Hartman
Gloria Breedon
John Opeka
Cheryl Morrison
Erika Garcia
Michael Harlost
Tim Rotter
Josh Dexter
Chris Clements
Frank Macias
Nit Hamby
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Brendon Reese

VISITORS:

Eric Hartsough, Dealer Services
Todd O'Connell, CIADA
James Tohal, Grand West Kia (Solon)
Tammi McCoy, CADA
Tim Jackson, CADA
Michael Dommermuth, CADA

President, Joseph Gebhardt, opened the meeting of January 17, 2017 at 9:08 a.m. Mr. Gebhardt turned the floor over to Executive Secretary, Bruce Zulauf.

AGENDA REVIEW AND ANNOUNCEMENTS

Mr. Zulauf informed the Board there were no changes to the agenda as posted. There will be an open discussion of Board Policy 15-001.

MINUTES

The minutes of the December 20, 2016 meeting were approved unanimously.

BACKGROUND INVESTIGATIONS TEAM

Ms. Breeden presented the following to the Board:

Salesperson Applications:

- **Salzano, Vincenzo #194964** – Motion to deny the license based on unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony – approved unanimously.
- **Tohal, James John #194953** – Motion to table 30 days for additional information – approved unanimously.

EXECUTIVE SECRETARY'S REPORT

Mr. Zulauf presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Auto Connect, Dealer #43462** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.

INVESTIGATIONS REPORT

Ms. Rouze presented the following to the Board:

Statistical Reporting – Ms. Rouze informed the Board that we started with 275 cases, 145 new cases were opened and 143 cases were closed for the month, giving the Division a balance of 277 open cases. There were 470 background inquiries performed.

Affidavits of Probable Cause:

- **Aladdin Motors, LLC, DL #43657** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Aladdin Motors, LLC, Dealer #43657; and that the Colorado Motor Vehicle Dealer Board summarily suspend their motor vehicle dealer’s license in accordance with C.R.S. 24-4-104 as they have engaged in deliberate and willful acts and their conduct poses a threat to the public health, safety and welfare – approved unanimously.
- **Street Smart Auto Brokers, DL #41918** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Street Smart Auto Brokers, Dealer #41918; 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. 12-6-104 – approved unanimously.
- **Greenwood Automotive, DL #43269** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Greenwood Automotive, Dealer #43269; and that the case be assigned to the Colorado Motor Vehicle Dealer Board for a hearing on the merits and that the Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.
- **Jensen, Kyle, SL #181470** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Jensen, Kyle, Salesperson #181470; and that the case be assigned to the Colorado Department of Revenue Hearings Division for a hearing on the merits – approved unanimously.
- **Goree, Justin Kyle, SL #193381** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Goree, Justin Kyle, Salesperson #193381; and that the case be assigned to the Colorado Department of Revenue Hearings Division for a hearing on the merits and that the Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.
- **Little, Tammie R., SL #188017** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Little, Tammie R., Salesperson #188017; and that the case be assigned to the Colorado Department of Revenue Hearings Division for a hearing on the merits and that the Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.

ATTORNEY GENERAL’S REPORT

Mr. Reese presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Jerry Garsez, Salesperson #28853** – Motion to accept the Proposed Stipulation and Final Agency Order – approved 6-2 (Langley and Scrivner opposed).

Board took a 10 min. break

OPEN BOARD DISCUSSION – Review Board Policy #15-001

Mr. Zulauf stated that CADA requested a review of Board Policy #15-001. Mr. Zulauf gave a brief history of when and why Policy #15-001 was adopted by the Board.

Mr. Jackson, Ms. McCoy and Mr. Dommermuth from CADA and Mr. O’Connell from CIADA addressed the Board in open discussion.

There was a lengthy discussion and review of the Policy. The Board requested that Mr. Reese prepare a redraft of the Policy for clarification purposes. Mr. Reese’s redraft will be discussed at the February Board meeting.

New Business – No new business.

Public Comment – No public comment.

The meeting of the Motor Vehicle Dealer Board was adjourned at 11:20 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.)

Bruce Zulauf
Executive Secretary