

**MOTOR VEHICLE DEALER BOARD
MINUTES
January 20, 2015**

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
Joseph Gebhardt
Michael Jorgensen
Stan Martin
Deborah Thompson
Jason Wagner

MEMBERS ABSENT:

Anthony Brownlee
Justin Franks
Chris Hefty

**SENIOR DIRECTOR OF
ENFORCEMENT:**

EXECUTIVE SECRETARY:

Bruce Zulauf

LEGAL ASSISTANT:

Leland Bebee

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

Chris Rouze
Matt Heap
Martin Kenney
John Opeka
Gloria Breeden
Cheryl Morrison
Dave Heinrich
Kaye Kopecky
Joe Scalabrini
Erika Garcia
Brenda Berens
Arleen Criddell-Tapanen

ATTORNEY GENERAL'S OFFICE:

Y.E. Scott

VISITORS:

Todd O'Connell, CIADA
Tammi McCoy, CADA
Art Erwin, Christopher's Dodge World
Jacob Mauro, Summers Auto
James Cruikshank, O'Meara Ford

President, Jason Wagner, opened the meeting of January 20, 2015, at 9:25 a.m. Mr. Wagner turned the floor over to Executive Secretary, Bruce Zulauf.

AGENDA REVIEW AND ANNOUNCEMENTS

Mr. Zulauf informed the Board there were no additions and one correction to the agenda. At the request of applicant's attorney, the Appeal of Denial of dealership license application for General Auto Sale, LLC has been rescheduled for March 17, 2015. As a result of this rescheduling, the agenda was amended to discuss the 2015 rulemaking agenda and the legislative update presented after the Division reports. Messrs. Hefty, Brownlee and Franks will be absent today and Mr. Zulauf introduced the Division's new licensing specialist, Brenda Berens.

MINUTES

The minutes of the December 16, 2014 meeting were approved unanimously.

ATTORNEY GENERAL'S REPORT

Ms. Scott informed the Board that the suit filed by Donald Fymbo in U.S. District Court involving numerous parties including the Motor Vehicle Dealer Board has been appealed to the 10th Circuit Court of Appeals.

EXECUTIVE SECRETARY'S REPORT

Mr. Zulauf presented the following to the Board:

Ms. Scott recused herself and left the room.

- 1. Final Order – Randal David Robert Ankeney
Motor Vehicle Salesperson License #186141** – Motion to approve the Final Order – approved unanimously.

Ms. Scott returned to the room.

BACKGROUND INVESTIGATIONS TEAM

John Opeka presented the following to the Board:

Salesperson Applications:

- **Angeles-Villalobos, Miguel #188759** – Motion to grant the license – approved unanimously.
- **Aviles, Jose #188810** – Motion to grant a conditional license based upon applicant providing the standard letter from the employing dealer which includes the normal terms and conditions – approved unanimously.

- **Cruikshank, James #180793** – Motion to grant a conditional license based upon applicant complying with terms of his probation and providing the standard letter from the employing dealer which includes the normal terms and conditions. Additionally, Mr. Cruikshank will pay the outstanding court fees and fines prior to issuance of a conditional license. – approved unanimously.
- **DeLeon, Richard #188884** – Motion to deny the license based on unfitness of financial character and unfitness of criminal character – approved unanimously.
- **Gray, Sadea #188914** – Motion to grant the license – approved unanimously.
- **Mann, Jeffrey #189045** – Motion to grant the license – approved (4-1, Jorgensen opposed).
- **Mauro, Jacob #188567** – Motion to grant the license – approved unanimously.
- **Missbrenner, Eric #185607** – Motion to deny the license based on unfitness of criminal character and failure to disclose – approved unanimously.
- **Taylor, Christopher #188563** – Motion to grant the license – approved unanimously.

INVESTIGATION REPORT

Chief of Investigations Chris Rouze presented the following to the Board:

Statistical Reporting – Ms. Rouze informed the Board that we started with 429 cases, 151 new cases were opened and 150 cases were closed for the month, giving the Division a balance of 430 open cases. There were 355 background inquiries performed.

Affidavits of Probable Cause:

- **Ghent Chevrolet Cadillac, DL #142** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Ghent Chevrolet Cadillac, Dealer #142; 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.
- **Lada Auto Sales, DL #41171** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Lada Auto Sales, Dealer #41171; and that the Colorado Motor Vehicle Dealer Board summarily suspends the motor vehicle dealer's license in accordance with C.R.S. 24-4-104 – approved unanimously.
- **Jerry Cecil Hunter, SP #181154** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Jerry Cecil Hunter, Salesperson #181154; and that the case be assigned to the Colorado Department of Revenue, Hearings Division for a hearing on the merits – approved unanimously.

New Business – No New Business

Public Comment – No Public Comment

The Board took a 10 minute break.

WEBSITE

Mr. Zulauf made a presentation of the Division's website outlining the 2015 rulemaking agenda. He stated that the Division plans to have a rule for the Board to consider adopting by June 30, 2015. The minutes and audio recordings of all stakeholder meetings will be posted to the website.

The Division has started posting Board Actions to the website covering the past two years. Currently, only Stipulations have been posted. Initial Decisions for the past two years will be forthcoming. Going forward, all actions will be posted monthly to the website following each Board meeting.

LEGISLATIVE UPDATE

Mr. Zulauf stated that during legislative session, the Executive Director's Office (EDO) requests comments on Bills from the Division every day.

Ms. Rouze, the Division's subject matter expert, assumes the task of writing fiscal and technical notes to correct language used in statutes in other Division's which may impact the Auto Industry Division.

The regular meeting of the Motor Vehicle Dealer Board was adjourned at 10:55 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