

**MOTOR VEHICLE DEALER BOARD
MINUTES
March 21, 2017**

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

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| BOARD MEMBERS: | Robert Endter Justin Franks Lucky Heggs Chris Langley Stan Martin Steven Perkins Dominic Scrivner |
| MEMBERS ABSENT: | Joseph Gebhardt Michael Jorgensen |
| 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 Frank Macias Mark Kelley Joshua Dexter Steve Koenig Annamarie Steenbock Arleen Criddell Tapanen |
| ATTORNEY GENERAL'S OFFICE: | Brendon Reese Allison R. Ailer Y.E. Scott |
| VISITORS: | Eric Hartsough, Dealer Services Todd O'Connell, CIADA Tammi McCoy, CADA John Whiteley, Tesla Ryan Nelson Kirk Schnurr Art Erwin, Christopher's Dodge World Lawrence Johnson, Woodman Nissan Mamie Ling, AGO Craig Johnson Randal David Ankeney Michael McKinnon |

Vice-president, Stan Martin, opened the meeting of March 21, 2017 at 9:00 a.m. Mr. Martin 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. Messrs. Gebhardt and Jorgensen will not be in attendance today. Allison Ailer, Conflicts Counsel, will advise the Board during Exceptions hearings. Mr. Kammerzell will give the Board an update on legislative matters. The final day of the legislative session is May 10th. Fee setting is scheduled for next month and the Board's recommendations will go to the Chief Financial Officer and Executive Director for final decision.

MINUTES

The minutes of the February 21, 2017 meeting were approved unanimously.

LEGISLATIVE UPDATE – Mr. Kammerzell briefed the Board on HB17-1270 Agency Discretion in Enforcing Rules for Small Businesses, which could potentially impact some of the authority of the Board when it comes to levying fines. SB17-002 Compulsory Rule Review and SB17-186 Regulatory Burden on Businesses are currently in Senate Appropriations Committee. Finally, the Sunset Bill, SB17-240, has been drafted, introduced and making its way through the legislative process. The decision item to add four FTEs to Division staff has made its way through the process and was approved in early March.

BACKGROUND INVESTIGATIONS TEAM

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **Sommer Enterprises, LLC d/b/a Loveland Auto Brokers #43132** – Motion to grant the license – approved unanimously.

Salesperson Applications:

- **Gutierrez, Eric #179827** – 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.
- **Humble, Cody James #191869** – 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.
- **Johnson, Lawrence Olivier #193009** – Motion to grant the license – approved unanimously.
- **Perez, Nathan John #195864** – Motion to deny the license based on unfitness of criminal character – approved 5-1 (Perkins opposed).
- **Whiteley, John Richard #195850** - 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.
- **Lovett, Mark Anthony #195464** – Motion to deny the license based on unfitness of criminal character, unfitness of financial character and having been convicted of a misdemeanor under title 18 or any felony – approved unanimously.

EXECUTIVE SECRETARY'S REPORT

Mr. Zulauf presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Steadfast Motors, Dealer #42479** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Durango Ford Lincoln, Dealer #42387** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Durango Kia, Dealer #42385** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Durango Toyota, Dealer #42386** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Durango Value Autos, Dealer #42862** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Justin Kyle Goree, Salesperson #193381** – Motion to accept the Proposed Stipulation and Final Agency Order – approved 5-1 (Langley opposed).

Mr. Heggs recused himself and left the room.

- **Proposed Stipulation and Final Agency Order – Brandon Dodge on Broadway, Dealer #41767**– Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.

Mr. Heggs returned to the room. Mr. Reese recused himself and left the room.

- **Initial Decision – Kenneth Ryan Nelson #194010** – Motion to accept the Findings of Fact, Conclusions of Law and to accept the recommended order – approved 5-1 (Langley opposed).
- **Initial Decision – Kirk Edward Schnurr #181031**– Motion to accept the Findings of Fact, Conclusions of Law and to accept the recommended order – approved unanimously.

Board took a 10 minute break. Mr. Reese returned to the room.

Mr. Franks recused himself and left the room.

REVIEW OF INITIAL DECISIONS UPON FILING OF EXCEPTIONS

Case #SD16-2324

Randal David Robert Ankeney – Applicant/Appellant

Michael G. McKinnon, Esq., appearing on the Applicant/Appellant

Y.E. Scott, Esq., Temporary, Assistant Attorney General, appearing on behalf of the State

Oral arguments were heard pursuant to the exceptions process.

After Board discussion, a motion was made to affirm the Findings of Fact and Conclusions of Law and uphold the Recommended Order to deny the license – passed unanimously.

Mr. Franks returned to the room.

REVIEW OF INITIAL DECISIONS UPON FILING OF EXCEPTIONS

Case #SD16-2596

Eduviges Ramon Antillon – Applicant/Appellant

Craig D. Johnson, Esq., appearing on the Applicant/Appellant

Y.E. Scott, Esq., Temporary, Assistant Attorney General, appearing on behalf of the State

Oral arguments were heard pursuant to the exceptions process.

After Board discussion, a motion was made to take the matter under advisement until next meeting – passed 5-1 (Franks opposed).

ATTORNEY GENERAL'S REPORT

Mr. Reese explained the default judgment process to the Board.

INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Rouze informed the Board that we started with 282 cases, 140 new cases were opened and 169 cases were closed for the month, giving the Division a balance of 253 open cases. There were 532 background inquiries performed.

Affidavits of Probable Cause:

- **Angels Auto 2 LLC, DL #43126** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Angels Auto 2 LLC, Dealer #43126; 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.
- **Antera Auto Sales, DL #41699** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Antera Auto Sales, Dealer #41699; 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.
- **Class Cars LLC, DL #39919** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Class Cars LLC, Dealer #39919; 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.
- **David Michael Vandriel, SP #185389** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to David Michael Vandriel, Salesperson #185389; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – approved unanimously.

- **HM Brown and Associates, DL #41489** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to HM Brown and Associates, Dealer #41489; 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.
- **Internet Auto Brokers, DL #38759** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Internet Auto Brokers, Dealer #38759; 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.
- **Rebecca L. Bruntz, SP #162012** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Rebecca L. Bruntz, Salesperson #162012; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – approved unanimously.
- **Spradley Barr Ford Lincoln of Greeley, Inc., DL #40027** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Spradley Barr Ford Lincoln of Greeley, Inc., Dealer #40027; 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.
- **David Phillip Vondy, SP #172557** – Affidavit pulled to be presented at a later date.
- **The Auto Sheriff, DL #42868** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to The Auto Sheriff, Dealer #42868; 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.
- **Thomas N. Glapion, SP #158389** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Thomas N. Glapion, Salesperson #158389; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – approved unanimously.
- **Eloi Trujillo, SP #154342** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Eloi Trujillo, Salesperson #154342; and that the Colorado Motor Vehicle Dealer Board summarily suspend his motor vehicle salesperson's license in accordance with C.R.S. 24-4-104 as he has engaged in deliberate and willful acts and his conduct poses a threat to the public health, safety and welfare – approved unanimously.

New Business – No new business.

Public Comment – No public comment.

The meeting of the Motor Vehicle Dealer Board was adjourned at 12:16 p.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