

# MOTOR VEHICLE DEALER BOARD MINUTES

**May 19, 2020**

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

**BOARD MEMBERS:**

- Carrie Ann Baumgart
- Charla Berens
- Ramona Graves Bode
- Fletcher Flower
- John Linton
- Matthew Porter
- Luke Walch
- Jason White
- Michael Widhalm

**EXECUTIVE SECRETARY:** Chris Rouze

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

- Chris Hartman
- Gloria Breedon

**ATTORNEY GENERAL'S OFFICE:**

- Brad Jones
- Keenan Lorenz

President, John Linton, opened the meeting of May 19, 2020 at 9:01 a.m. Mr. Linton turned the floor over to Executive Secretary, Chris Rouze.

## **AGENDA REVIEW AND ANNOUNCEMENTS**

Ms. Rouze informed the Board there were no changes to the agenda as posted. On May 7, 2020, Deputy Executive Director Heidi Humphreys accepted and approved the recommended fees and they have posted to our website. Conflicts Counsel Keenan Lorenz, will be present to provide legal advice, if requested on an Initial Decision recently received by the Division.

## **MINUTES**

The minutes of the April 3, 2020 Emergency Rulemaking hearing, the April 21, 2020 Board meeting and the May 1, 2020 Emergency Rulemaking hearing were approved unanimously.

## **BACKGROUND INVESTIGATIONS REPORT**

Ms. Breedon presented the following to the Board:

### **Tabled Dealer Applications Update:**

**Tec Truck & Trailer #43070** – Ms. Breeden informed the Board that a notation in Gentax indicated the applicant's business has been closed since March 31<sup>st</sup>.

**Zipnby Motors LLC #44673** – Ms. Breeden informed the Board that numerous attempts were made to Arizona's Attorney General and Inspector General offices and both have been nonresponsive. Ms. Breeden hopes to have more information by next month's meeting.

### **Salesperson Applications**

- **Arunachalam, Mayuran #188164** – Motion to grant the license – passed 4-3 (Mr. White, Ms. Berens and Mr. Walch opposed) (Mr. Porter abstains).
- **Cantrell, Jordan #205822** – Motion to grant a conditional license with standard terms and conditions – passed unanimously (Mr. Porter abstains).
- **Littles, DeVante - #204666** – Motion to deny the license based on incomplete application – passed unanimously.
- **Martinez-Dupire, Andre #205462** – Motion to deny the license based on unfitness of criminal character and having been convicted of a crime, pursuant to article 3, 4 or 5 of title 18 C.R.S. – passed unanimously.

### **BOARD DISCUSSION – *Request for Off-Premise Permit***

Overland Expo has requested an off-premise permit for an event planned in August with a list of manufacturers and dealers expected to attend. Manufacturers cannot sell to the public in Colorado.

If Board approves, applications will be sent to each dealer/manufacturer. Manufacturers must be licensed in their respective states.

Ms. Rouze stated that they must obtain a temporary license before applying for a Class 1 off-premise permit 90 days prior to the event.

The Board only has jurisdiction over dealers, not the manufacturers. If any displays will be allowed, it would have to be approved by the Executive Director.

Mr. Walch made a motion to proceed with permits – approved 7-1 (Mr. White opposed).

### **COMPLAINT INVESTIGATIONS REPORT**

Ms. Hartman presented the following to the Board:

**February Statistical Reporting** – Ms. Hartman informed the Board that we started with 298 cases, 163 new cases were opened and 157 cases were closed for the month, giving the Division a balance of 304 open cases. There were 381 background inquiries performed.

**March Statistical Reporting** – Ms. Hartman informed the Board that we started with 304 cases, 130 new cases were opened and 160 cases were closed for the month, giving the Division a balance of 274 open cases. There were 351 background inquiries performed.

**April Statistical Reporting** – Ms. Hartman informed the Board that we started with 274 cases, 83 new cases were opened and 56 cases were closed for the month, giving the Division a balance of 301 open cases. There were 57 background inquiries performed.

**Affidavits of Probable Cause:**

- **Ethio Motors, Inc., DL #43792** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Ethio Motors, Inc., Dealer #43792; 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.
- **GoJo Autos, DL #44311** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to GoJo Autos, Dealer #44311; 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.
- **Marini Diesel Inc., DL #43332** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Marini Diesel Inc., Dealer #43332; 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.

**EXECUTIVE SECRETARY REPORT**

Ms. Rouze presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Dale Spradley Motors, Inc. #138** – Motion to accept the Proposed Stipulation and Final Agency Order – passed 7-1 (Widhalm opposed).
- **Proposed Stipulation and Final Agency Order – Balboa Autos #42518** – Motion to accept the Proposed Stipulation and Final Agency Order – passed unanimously.
- **Proposed Stipulation and Final Agency Order – Hogley Parts & Accessories #38486** – Motion to accept the Proposed Stipulation and Final Agency Order – passed unanimously.

Mr. Jones and Mr. Widhalm recused themselves, turned off their video and muted their devices. Mr. Keenan Lorenz, Conflicts Counsel, introduced himself.

- **Initial Decision – Blaine Koker-Tatalovich, Motor Vehicle Salesperson License #203683** – Motion made to accept the Hearing Officer's recommendation that the Board's denial of the license be reversed and that Applicant be granted a conditional license with standard terms and conditions – passed unanimously (Ms. Bode abstains).
- **Initial Decision – Arturo Pena Cook, Motor Vehicle Salesperson License #174221** – Motion was made to accept the Findings of Fact, Conclusions of Law, set aside the hearing officer's recommendation and to open the bond and revoke the license – passed unanimously (Ms. Bode abstains).

Mr. Jones and Mr. Widhalm rejoined the meeting.

## ATTORNEY GENERAL'S REPORT

Mr. Jones presented the following to the Board:

- **Colorados Car Connection LLC – Matthew Sochar – BD16-2765**

Colorados Car Connection LLC was owned 100% by Matthew Sochar. Mr. Sochar is requesting the Board remove his name and address from the stipulation that is posted on the website. Mr. Jones stated there is no requirement or prohibition for the Board posting online since they are a consumer protection Board, which is specifically outlined in Article 20 of Title 44.

Ms. Rouze stated that historically, the Board posted disciplinary actions in the Wheels publication, which also included names and addresses. There have been three or four requests to redact information in the past which the Board has denied. Ms. Rouze suggested the Board may want to continue the practice thereby alleviating the appearance of not providing the level of consumer protection expected from the Board.

Mr. Linton indicated that in paragraph 20 of the Stipulation, it clearly states that the Order becomes public record of the Board.

Mr. Porter made a motion to deny Matthew Sochar's request to redact his name and address from the Stipulation and Final Agency Order posted to the Motor Vehicle Dealer Board website – passed unanimously (Ms. Bode abstains).

**New Business** – Mr. Widhalm asked if any dealers had surrendered their licenses due to the COVID-19 Pandemic. Ms. Breeden indicated there has been none.

**Public Comment** – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:31 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