

**MOTOR VEHICLE DEALER BOARD  
MINUTES  
June 21, 2016**

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

**BOARD MEMBERS:**

Anthony Brownlee  
Robert Endter  
Justin Franks  
Joseph Gebhardt  
Michael Jorgensen  
Chris Langley  
Stan Martin  
Deborah Thompson  
Jason Wagner

**MEMBERS ABSENT:**

**SENIOR DIRECTOR OF ENFORCEMENT:**

Ron Kammerzell

**SENIOR DEPUTY DIRECTOR OF ENFORCEMENT:**

Lewis Koski

**EXECUTIVE SECRETARY:**

Bruce Zulauf

**LEGAL ASSISTANT:**

Leland Bebee

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

Chris Rouze  
Matt Heap  
Martin Kenney  
Gloria Breedon  
John Opeka  
Erika Garcia  
Meghan Tanis  
Nit Hamby  
Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:**

Brendon Reese  
Skip Spear

**VISITORS:**

Jacque Gebhardt  
Erik Slaughter, One Source Auto  
Eric Hartsough, Dealer Services  
Todd O'Connell, CIADA  
Saul Larsen, DORA  
Art Erwin, Christopher's Dodge World  
Timothy Jackson, CADA  
Tammi McCoy, CADA

President, Jason Wagner, opened the meeting of June 21, 2016 at 9:08 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 corrections to the agenda as posted. Mr. Brendon Reese will fill in for Ms. Scott today. Conflicts Counsel, Skip Spear, will advise the Board on a matter that was tabled last month.

Mr. Zulauf introduced the Division's new Criminal Investigator, Mr. Frank Agos. Mr. Matt Heap has been promoted to Chief of Investigations for the Marijuana Enforcement Division and will be leaving the Auto Industry Enforcement Division.

Board member, Mr. Anthony Brownlee, is vacating his seat after serving a two-year term. Board officers, Mr. Jason Wagner, president and Ms. Deborah Thompson, 2<sup>nd</sup> vice-president, are vacating their seats after serving two consecutive 3-year terms. Mr. Zulauf presented all three with plaques of appreciation for their service to the citizens of Colorado. He informed all that the Governor would be appointing replacement Board members in the next few weeks.

## **MINUTES**

The minutes of the May 17, 2016 meeting were approved unanimously.

## **BACKGROUND INVESTIGATIONS TEAM**

Ms. Breeden presented the following to the Board:

### **Salesperson Applications:**

- **Ankeney, Randal David Robert #186141** – Motion to deny the license based on unfitness of licensing character, unfitness of criminal character and prior board action – approved unanimously.
- **Calderon, Kevin Joseph #192686** – Motion to deny the license based on unfitness of criminal character and prior board action – approved unanimously.
- **Charlson, Timothy James #31253** – Motion to grant the license – approved unanimously.
- **Cook, William Ray #152413** – Motion to grant the license – failed 3-5 (Jorgensen, Langley, Gebhardt, Martin and Endter opposed). Motion to deny the license based on unfitness of criminal character – approved 5-3 (Brownlee, Thompson and Franks opposed).
- **Jamison, Matthew Charles #568481** – Motion to deny the license based on unfitness of criminal character – approved unanimously.
- **Slaughter, Erik Anton #25308** – Motion to grant the license – approved unanimously.

## EXECUTIVE SECRETARY'S REPORT

Mr. Zulauf presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Arapahoe Kia, Dealer #40899** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Golden Road Auto, Dealer #41686** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Family Trucks & Vans, Dealer #8343** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.

## INVESTIGATIONS REPORT

Mr. Heap presented the following to the Board:

**Statistical Reporting** – Mr. Heap informed the Board that we started with 394 cases, 161 new cases were opened and 160 cases were closed for the month, giving the Division a balance of 395 open cases. There were 251 background inquiries performed.

### **Affidavits of Probable Cause:**

- **Accurate Auto Sales #41129** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Accurate Auto Sales, Dealer #41129; 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.
- **Two M Plus, Inc., DL #42017** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Two M Plus, Inc., Dealer #42017; 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.
- **Coloradomotive, LLC, DL #43140** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Coloradomotive, LLCs, Dealer #43140; 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.
- **Salim's Silver Star Automobile Services, Inc., DL #3269** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Salim's Silver Star Automobile Services, Inc., Dealer #3269; 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.
- **Joshua Maliszewski, SL #184645** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Joshua Maliszewski, Salesperson #184645; and that the case be assigned to the Colorado Department of Revenue Hearings Department 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.

## **EXECUTIVE SECRETARY'S REPORT (cont'd.)**

Mr. Zulauf presented the following to the Board:

- **Initial Decision – Armijo, Joey Felix , Salesperson License #555939**

Mr. Reese recused himself and left the room. Mr. Spear appeared as Conflicts Counsel to advise the Board on the Armijo case. The Board discussed the findings of fact, conclusions of law and the recommended order with Mr. Spear. After considerable discussion relevant to New Mexico vs. Colorado law and conclusions of law, the Board made the following motion:

- To withdraw the Board's review of this initial decision and, therefore, without exceptions being filed the initial decision is now final agency action as a matter of law - approved unanimously.

Mr. Reese returned to the room.

## **ATTORNEY GENERAL'S REPORT**

Mr. Reese presented the following to the Board:

- The Court of Appeals decision regarding the Freeman Case was reversed by the Supreme Court.
- Informal Opinion concerning General Motor's Factory Pre-Owned Collection Program business model – The Executive Secretary and the Attorney General's office will develop a memorandum or a policy statement for review by the Board at next month's meeting. Once approved, the document will be forwarded to the Executive Director for perusal.

**New Business** – There was a brief general discussion of the 14-day time frame regarding new temporary permits. Ms. McCoy stated that CADA has requested an immediate reprieve from Title and Registration while the rule is being redone.

**Public Comment** – No public comment.

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:28 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