

**MOTOR VEHICLE DEALER BOARD  
MINUTES**

**August 16, 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:**

Robert Endter  
Joseph Gebhardt  
Lucky Heggs  
Chris Langley  
Stan Martin  
Steven Perkins

**MEMBERS ABSENT:**

Justin Franks  
Michael Jorgensen  
Dominic Scrivner

**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  
Gloria Breeden  
John Opeka  
Martin Kenney  
Cheryl Morrison  
Erika Garcia  
Michael Harlost  
Nit Hamby  
Lisha Duran  
Arleen Criddell Tapanen

**ATTORNEY GENERAL'S OFFICE:**

Y.E. Scott  
Skip Spear

**VISITORS:**

Eric Hartsough, Dealer Services  
Todd O'Connell, CIADA  
Art Erwin, Christopher's Dodge World

President, Joseph Gebhardt, opened the meeting of August 16, 2016 at 9:04 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 corrections to the agenda as posted. Conflicts Counsel, Skip Spear, will advise the Board on the Remand Decision matter in the Executive Secretary's Report.

Mr. Zulauf introduced the Division's new Background Investigation Specialist, Mr. Michael Harlost, and two contract employees, Ms. Nit Hamby and Ms. Lisha Duran.

Mr. Zulauf introduced new board member, Mr. Lucky Heggs. The Oath of Office was administered to him by Ms. Rouze pursuant to Section 12-6-104(1) C.R.S. during his orientation.

## **MINUTES**

The minutes of the July 19, 2016 meeting were approved unanimously.

## **BACKGROUND INVESTIGATIONS TEAM**

Ms. Breeden presented the following to the Board:

### **Salesperson Applications:**

- **Autio, Michael Joe #574040** – Motion to grant the license – approved unanimously.
- **Beyer, Chase Avery #176220** – Motion to grant the license – approved unanimously.
- **Cardo, Marcus Ramiro #184752** – Motion to grant the license – approved unanimously.
- **Dale, Douglas Alan #163814** – Application removed from report.
- **Delafuente, Estevan Antonio #193537** – Motion to grant the license – approved unanimously.
- **Driscoll, Neil Edward III #130754** – Motion to grant the license – approved unanimously.
- **Elzinga, Jamison Cole #168881** – Motion to grant a conditional license and that the applicant provide proof when they have successfully completed the deferred sentence – approved unanimously.
- **Garvie, Robert Stuart #193071** – 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.
- **Manjarres, Elberto Mauricio #164373** – Motion to deny the license based on unfitness of financial character – approved unanimously.
- **Pereyra, Martin Luis, Jr. #193631** – 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.
- **Silvia, Maximilian #193037** – 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 – AutoNation Chrysler Jeep West, Dealer #4303** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.

Ms. Scott recused herself and left the room.

- **Initial Decision – Clayton Dale Bagwell, Salesperson License #192685** – Motion was made to accept the Findings of Fact, Conclusions of Law and uphold the Hearing officer's recommendation and grant a conditional license – approved 4-1 (Langley opposed).
- **Initial Decision – Karen Marie Freeman, Salesperson License #192688** – Motion was made to accept the Findings of Fact, Conclusions of Law and to uphold hearing officer recommendation and grant a conditional license based upon applicant payment plan remains current – approved 4-1 (Langley opposed).

A motion was made to enter Executive Session pursuant to C.R.S. section 24-6-402(3)(a)(II); for the expressed purpose of seeking legal advice for a specific legal question in the matter of Ronald Horatio Jenkins – passed unanimously.

**Board entered into Executive Session at 9:53 a.m. and Resumed Open Session at 10:15 a.m.**

- **Reconsideration of Remand Decision – Ronald Horatio Jenkins, Salesperson License #193263** – After Board discussion, a motion was made to accept Draft #2, provided by Conflicts Counsel, for the Final Board Order – passed unanimously.

Ms. Scott returned to the room.

## INVESTIGATIONS REPORT

Ms. Rouze presented the following to the Board:

**Statistical Reporting** – Ms. Rouze informed the Board that we started with 353 cases, 144 new cases were opened and 133 cases were closed for the month, giving the Division a balance of 364 open cases. There were 440 background inquiries performed.

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

- **AFG Auto Sales, LLC, DL #42539** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to AFG Auto Sales, LLC, Dealer #42539; 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.
- **Guerra Autos, Wholesaler, DL #37304** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Guerra Autos, Wholesaler, Dealer #37304; 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.

- **Kargar, Naim, SL #172208** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Kargar, Naim, Salesperson #172208; and that the case be assigned to the Colorado Department of Revenue, Hearings Division for a hearing on the merits – approved unanimously.
- **Erik’s Auto Broker, Wholesaler, DL #43384** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Erik’s Auto Broker, Wholesaler, Dealer #43384; 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.

Motion that the Board issue a Cease & Desist Order – approved unanimously.

- **Balboa Autos, DL #42518** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Balboa Autos, Dealer #42518; 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.
- **Ramirez, Daniel, SL #131816** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Ramirez, Daniel, Salesperson #131816; 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.
- **Antillon, Eduviges Ramon, SL #155458** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Antillon, Eduviges Ramon, Salesperson #155458; 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.

A motion to grant Delegation of Authority to Executive Secretary to sign Summary Suspension Orders for Guerra Autos and Daniel Ramirez cases – approved unanimously.

**New Business** – No new business.

**Public Comment** – No public comment.

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:37 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