

MOTOR VEHICLE DEALER BOARD MINUTES

August 18, 2020

The regular meeting of the Dealer Board was held via video conference with Cisco WebEx. The following persons were virtually present:

BOARD MEMBERS:

Carrie Ann Baumgart
Charla Berens
Ramona Graves Bode
Fletcher Flower
John Linton
Matthew Porter
Kevin Shaughnessy
Luke Walch
Michael Widhalm

**SENIOR DIRECTOR, SPECIALIZED
BUSINESS GROUP:**

Cory Amend

EXECUTIVE SECRETARY:

Chris Rouze

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

Chris Hartman
Gloria Breedon
John Opeka
Frank Agos
Josh Dexter
James Osborn
Eric Teklu
Steve Koenig
Frank Macias
Beth Spellerberg
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones
Torrey Samson

VISITORS:

Todd O'Connell, CIADA
Matthew Groves, CADA
Tim Jackson, CADA
Nemanja Vukovic, Ultra Motors, LLC
Suzi Karrer, SDO

President, John Linton, opened the meeting of August 18, 2020 at 9:00 a.m. Mr. Linton turned the floor over to Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze informed the Board that there is one change to the agenda as posted. The Exceptions hearing has been rescheduled for October 20, 2020 at 1:00 p.m. Conflicts Counsel will be available for the hearing. The rules that were recently promulgated have been posted to the Secretary of State and the Division's websites.

Ms. Rouze congratulated Ms. Ramona Graves-Bode and Mr. John Linton on their reappointment to the Board by Governor Polis and introduced his new appointee, Mr. Kevin Shaughnessy, of Phil Long Dealerships.

MINUTES

The minutes of the July 28, 2020 meeting were approved 7-0-1 (Mr. Shaughnessy abstained) with a correction made to page 3 in the Initial Decision of Carol Jean Raines. The Board voted to "deny" not "revoke" the license.

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **Ultra Motors, LLC #44777** – Motion was made to grant the license – passed 5-3 (Ms. Berens and Messrs. Porter and Widhalm opposed).

COMPLAINT INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Hartman informed the Board that we started with 231 cases, 77 new cases were opened and 118 cases were closed for the month, giving the Division a balance of 190 open cases. There were 440 background inquiries performed.

Affidavits of Probable Cause:

- **Alamo Financial Group, DL #38697** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Alamo Financial Group, Dealer #38697; 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.

The Board asked Executive Secretary Rouze to impose a higher than standard fine and incorporate an education component during her stipulation negotiations with Alamo Financial Group.

- **Approved Auto Mart, LLC, DL #42080** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Approved Auto Mart, LLC, Dealer #42080; 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.

- **Audi Denver, DL #8214** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Audi Denver, Dealer #8214; 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.
- **Auto RV America, DL #43532** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Auto RV America, Dealer #43532; 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.
- **Manuel Finest Auto Sales, DL #44074** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Manuel Finest Auto Sales, Dealer #44074; 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.
- **Pikes Peak Automotive Group, LLC, DL #42784** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Pikes Peak Automotive Group, LLC, Dealer #42784; 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.
- **Sosoon Mavashev, SL #181991** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Sosoon Mavashev, Salesperson #181991; and that the Colorado Motor Vehicle Dealer Board summarily suspend his motor vehicle salesperson license in accordance with C.R.S. 24-4-104 as he has been convicted of a mandatory disqualifying felony, has engaged in deliberate and willful acts and his conduct poses a threat to the public health, safety and welfare – passed unanimously.

A motion was made to delegate authority to the Executive Secretary to sign the summary suspension order – passed unanimously.

EXECUTIVE SECRETARY REPORT

Mr. Jones recused himself and left the meeting.

Ms. Rouze presented the following to the Board:

- **Initial Decision – Jacob Alexander Harding, Motor Vehicle Salesperson License #182825** – Motion was made to accept the Findings of Fact, Conclusions of Law, set aside the hearing officer’s recommendation, impose a fine of \$7500 and revoke the license – passed unanimously.

Mr. Jones returned to the meeting.

ATTORNEY GENERAL'S REPORT

Mr. Jones informed the Board that due to technical difficulties during oral arguments, the NEZ, Ltd. hearing has been rescheduled for next Tuesday. He will update the Board when a decision has been reached.

Mr. Jones informed the Board that their annual training is scheduled for next month and that additional details regarding same will be forthcoming.

New Business – None

Public Comment – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 9:56 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