

MOTOR VEHICLE DEALER BOARD MINUTES

September 15, 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 Breeden
John Opeka
Frank Agos
Josh Dexter
Mark Kelley
Doug Knox
Frank Macias
Tim Rotter
Erika Garcia
Cheryl Morrison
Beth Spellerberg
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones
Torrey Samson

VISITORS:

Todd O'Connell, CIADA
Matthew Groves, CADA
Emily Vanatta
Josh Floryance
Art Irwin, Christopher's Dodge Ram
Suzanne Karrer, SDO

President, John Linton, opened the meeting of September 15, 2020 at 9:02 a.m. Mr. Linton turned the floor over to Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze informed the Board that there are no changes to the agenda as posted. The Exceptions hearing will be held at 1:00 p.m. following next month's regularly scheduled meeting. The Board's annual training will be held at the end of today's meeting.

MINUTES

The minutes of the August 18, 2020 meeting were approved unanimously.

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Salesperson Applications:

- **Collins, Colton #206430** – Motion made to grant a conditional license based upon applicant providing the standard letter from the employing dealer which includes the normal terms and conditions – passed 5-1 (Ms. Berens opposed).
- **Rambin, Taylor #206093** – Motion made to deny the license based on unfitness of criminal character and unfitness of financial character – passed 7-1 (Mr. Shaughnessy abstains).
- **Reid, Barry #206429** – Motion made to grant a conditional license based upon applicant providing the standard letter from the employing dealer which includes the normal terms and conditions – passed unanimously.
- **Saavedra, Michael #206172** – Motion made to grant the license – passed unanimously.

COMPLAINT INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Hartman informed the Board that we started with 190 cases, 89 new cases were opened and 66 cases were closed for the month, giving the Division a balance of 213 open cases. There were 314 background inquiries performed.

Affidavits of Probable Cause:

- **Jumping Jack Cash, DL #43471** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Jumping Jack Cash, Dealer #43471; 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.
- **Yoana Balderas-Garcia, SL #200801** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Yoana Balderas-Garcia, Salesperson #200801; and that the Colorado Motor Vehicle Dealer Board summarily suspend her motor vehicle salesperson license in accordance with C.R.S. 24-4-104 as she has been convicted of a mandatory disqualifying felony, has engaged in deliberate and willful acts and her conduct poses a

threat to the public health, safety and welfare and that the Board delegate authority to the Executive Secretary to sign the summary suspension order – passed unanimously.

EXECUTIVE SECRETARY REPORT

Mr. Jones and Ms. Samson recused themselves and left the meeting.

Ms. Rouze presented the following to the Board:

- **Initial Decision – Emily Marie Vanatta, Motor Vehicle Salesperson License #205056** – Motion was made to accept the Findings of Fact and Conclusions of Law and modified the recommendations for a conditional license to include the standard terms & conditions as well as the two conditions recommended by the Hearing Officer. Conditions include not engaging in any criminal activity for one year and must maintain a Colorado driver’s license in good standing with no suspensions or revocations for one year – passed unanimously.

Mr. Jones and Ms. Samson returned to the meeting.

ATTORNEY GENERAL’S REPORT

Mr. Jones informed the Board that on September 10, 2020, the Colorado Court of Appeals affirmed their decision to exercise judicial restraint in recognition of the deference that is owed an Agency as a fact finder in regard to the Nez Ltd. case. As a result, the request to reweigh the evidence was declined.

Mr. Jones suggested the Board go into executive session to discuss a pending hearing before DOR’s Hearings Division **case no. 20A011 David J. Karner Motor Vehicle Salesperson License #200014, BD19-0778**.

A motion was made to enter into executive session in order to seek legal advice pursuant to section 24-6-402(3)(a)(II), C.R.S. specifically regarding the pending court action in the matter of David J. Karner – passed unanimously.

The Board entered into Executive Session at 9:37 a.m. and Resumed Open Session at 10:15 a.m.

Mr. Jones stated that the Board did not take any formal actions or votes at this time regarding the David J. Karner matter.

The Board took a five minute break.

New Business – None

Public Comment – None

The Board entered into annual Best Practices Boards and Commissions Training.

The meeting of the Motor Vehicle Dealer Board was adjourned at 11:55 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