

MOTOR VEHICLE DEALER BOARD MINUTES

September 18, 2018

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

BOARD MEMBERS:

Fletcher Flower
John Linton
Steven Perkins
Jason White
Michael Widhalm

MEMBERS ABSENT:

Carrie Baumgart
Ramona Graves Bode
Lucky Heggs
Matthew Porter

EXECUTIVE SECRETARY:

Bruce Zulauf

LEGAL ASSISTANT:

Beth Spellerberg

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

Chris Rouze
Chris Hartman
John Opeka
Frank Agos
Josh Dexter
Cheryl Morrison
Erika Garcia
Eric Teklu
Chris Clements
Steve Koenig
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Brad Jones

VISITORS:

Todd O'Connell, CIADA
Matthew Groves, CADA
Art Erwin, Christopher's Dodge World

President, Steven Perkins, opened the meeting of September 18, 2018 at 10:00 a.m. Mr. Perkins turned the floor over to Executive Secretary, Bruce Zulauf.

AGENDA REVIEW AND ANNOUNCEMENTS

Mr. Zulauf informed the Board there were no changes to the agenda as posted. Ms. Baumgart, Ms. Graves Bode and Messrs. Heggs and Porter will not be in attendance today. There will be a rulemaking hearing today at 1:00 p.m.

The Auto Industry Pierce office will close Friday, September 28, 2018 and will reopen for business October 2, 2018 at 143 Union Blvd, Ste. 350, Lakewood, CO 80228.

MINUTES

The minutes of the August 21, 2018 meeting were approved unanimously. The minutes of the August 23, 2018 telephonic meeting were approved unanimously.

BACKGROUND INVESTIGATIONS TEAM

Ms. Breedon presented the following to the Board:

Dealer Applications:

- **Tri State Used Auto LLC #44171** – Motion to deny the license based on 12-6-118(3) (c), C.R.S. in addition to Regulation 12-6-118(3)(g) of the Board’s rules and regulations – approved unanimously (Mr. Perkins as Chair voted).
- **Tri State Used Auto LLC #44178** – Motion to deny the license based on 12-6-520(3)(b), C.R.S. and 12-6-504(2)(b) of the Board’s rules and regulations – approved unanimously (Mr. Perkins as Chair voted).

Salesperson Applications:

- **Alford, Randall Brannon #182976** – Motion to grant the license – approved unanimously (Mr. Perkins as Chair voted).
- **Reynolds, Steven Travis #652509** – Motion to deny the license based on unfitness of financial character, unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony (Mr. Perkins as Chair voted).

EXECUTIVE SECRETARY REPORT

Mr. Zulauf presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Mesa Motors #7118** – Motion to accept the Proposed Stipulation and Final Agency Order – approved 4-1 (Mr. Perkins as Chair voted) (Mr. Widhalm opposed).
- **Proposed Stipulation and Final Agency Order – Heuberger Motors, Inc. #230** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Perkins as Chair voted).
- **Proposed Stipulation and Final Agency Order – Spirit Lake Motorsports #41890** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Perkins as Chair voted).
- **Proposed Stipulation and Final Agency Order – Tatos Auto Sales #39199** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Perkins as Chair voted).
- **Proposed Stipulation and Final Agency Order – Bob Penkhus Volvo Mazda, Inc. #360** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Perkins as Chair voted).

- **Proposed Stipulation and Final Agency Order – Summit Auto, LLC #4390** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously (Mr. Perkins as Chair voted).

Mr. Jones recused himself and left the room.

- **Initial Decision – Lubomir Danielov Arabadjiev, Salesperson License #182208** – Motion to accept the findings of fact, conclusions of law and grant a conditional license based upon the applicant providing the standard letter from the employing dealer which includes the normal terms and conditions and to report probation violations to the Motor Vehicle Dealer Board – approved 4-1 (Mr. Perkins as Chair voted) (Mr. White opposed).

Mr. Jones returned to the room.

INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Hartman informed the Board that we started with 289 cases, 156 new cases were opened and 153 cases were closed for the month, giving the Division a balance of 292 open cases. There were 349 background inquiries performed.

Affidavits of Probable Cause:

- **Car2Green, DL #43086** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Car2Green, Dealer #43086; 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 (Mr. Perkins as Chair voted).
- **Groove Subaru of Silverthorne, DL #43362** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Groove Subaru of Silverthorne, Dealer #43362; 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 (Mr. Perkins as Chair voted).
- **Monte Vista Cooperative, DL #5002** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Monte Vista Cooperative, Dealer #5002; 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 (Mr. Perkins as Chair voted).
- **O’Meara Volkswagen of Thornton, DL #42815** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to O’Meara Volkswagen of Thornton, Dealer #42815; 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 (Mr. Perkins as Chair voted).
- **John Howard Angel, SL #30982** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to John Howard Angel, Salesperson #30982; 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 has been convicted of a mandatory qualifying felony and his conduct poses a threat to the public health, safety and welfare – approved unanimously (Mr. Perkins as Chair voted).

- **Carmin Christopher Gulli, SL #196497** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Carmin Christopher Gulli, Salesperson #196497; and that the case be assigned to the Colorado Department of Revenue Hearings Division for a hearing on the merits – approved unanimously (Mr. Perkins as Chair voted).

ATTORNEY GENERAL’S REPORT

Mr. Jones announced that the change from title 12 to 44 will probably be reflected in documents presented to the Board for review at their monthly meeting in October and during upcoming rulemaking meetings.

The Division, on behalf of the Board, uploaded three sets of recodified regulations with the Secretary of State’s office. The recodification pertains to the Auto Industry Division regulation of motor vehicle and powersports salespersons, dealers and the Executive Director’s office regulations that pertain to manufacturers.

The changes will not be published until sometime in October.

New Business – None

Public Comment – None

The meeting of the Motor Vehicle Dealer Board was adjourned at 11:10 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