

**MOTOR VEHICLE DEALER BOARD
MINUTES**

September 20, 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
Justin Franks
Joseph Gebhardt
Michael Jorgensen
Chris Langley
Stan Martin
Steven Perkins
Dominic Scrivner

MEMBERS ABSENT:

Lucky Heggs

SENIOR DIRECTOR OF ENFORCEMENT:

**SENIOR DEPUTY DIRECTOR OF
ENFORCEMENT:**

Lewis Koski

EXECUTIVE SECRETARY:

Bruce Zulauf

LEGAL ASSISTANT:

Leland Bebee

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

Chris Rouze
Chris Hartman
Gloria Breedon
John Opeka
Martin Kenney
Cheryl Morrison
Erika Garcia
Lori Loyd
Michael Harlost
Nit Hamby
Arleen Criddell Tapanen

ATTORNEY GENERAL'S OFFICE:

Y.E. Scott

VISITORS:

Marc Schellhorn
Michelle Jarrett, Avalanche Harley Davidson
Robin Lee, Grand Auto, Inc.
Rob Reeve, Hiker Trailer
Donna Scott, Hiker Trailer
Eric Hartsough, Dealer Services
Todd O'Connell, CIADA
Art Erwin, Christopher's Dodge World
Michelle Lee
Mike McKinnon, CIADA

President, Joseph Gebhardt, opened the meeting of September 20, 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 changes to the agenda as posted. Mr. Hegg will not be in attendance today.

Mr. Zulauf informed the Board that the 2016 National Association of Motor Vehicle Boards and Commissions (NAMVBC) conference, hosted by the Division this year in Denver, was successful. Among the many topics discussed were the *Beck Chevrolet Co., Inc. v. General Motors LLC* case and the future of the car industry as it pertains to *Autonomous Vehicles*.

Mr. Zulauf introduced the Division's new Agent in Charge, Ms. Chris Hartman and Licensing Supervisor, Ms. Lori Loyd.

MINUTES

The minutes of the August 16, 2016 meeting were approved unanimously with a correction made to page 2.

BACKGROUND INVESTIGATIONS TEAM

Ms. Breeden presented the following to the Board:

Dealer Applications:

- **Big Daddy's Used Cars LLC #38927** – Motion to table for 30 days – approved 6-1 (Perkins opposed).
- **Dun-Rite Manufacturing d/b/a Dun-Rite Trailers #43561** – Motion to deny the license based on incomplete application – approved unanimously.
- **Muddy River Manufacturing LLC d/b/a Hiker Trailer #43669** – Motion to grant the license – approved unanimously.
- **US Car Buying Group, Inc. d/b/a Auto Hero #43528** – Motion to deny the license based on incomplete application – approved unanimously.

Salesperson Applications:

- **Boroughs, Nathan Lee #193924** – Motion to grant the license – approved unanimously.
- **Galindo, Jose Alberto #192103** – Motion to deny the license based on unfitness of licensing character, unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony – approved unanimously.

- **Jarrett, Michelle Christine #193629** – Motion to grant the license – approved 6-1 (Scrivner opposed).
- **Nelson, Kenneth Ryan #A575763** – 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.

INVESTIGATIONS REPORT

Ms. Rouze presented the following to the Board:

Statistical Reporting – Ms. Rouze informed the Board that we started with 364 cases, 156 new cases were opened and 189 cases were closed for the month, giving the Division a balance of 331 open cases. There were 543 background inquiries performed.

Affidavits of Probable Cause:

- **Columbine Ford, DL #42433** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Columbine Ford, Dealer #42433; 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. Endter recused himself and left the room.

- **Maes, Jason James, SL #31021** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Maes, Jason James, Salesperson #31021; 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 a mandatory qualifying conviction – approved unanimously.

Salesperson Application:

- **Maes, Jason James #31021** – Motion to deny the license based on a mandatory disqualifying conviction, unfitness of criminal character and having been convicted of a misdemeanor under title 18 or any felony – approved unanimously.

Mr. Endter returned to the room.

EXECUTIVE SECRETARY'S REPORT

Mr. Zulauf presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – Tesla Motors, Inc., Dealer #41454** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.

Ms. Scott recused herself and left the room.

- **Initial Decision – Robin Michelle Lee, Salesperson License #187726** – Motion was made to uphold the recommended order and grant a conditional license based upon applicant providing the standard letter from the employing dealer which includes the normal terms and conditions – approved 5-2 (Martin and Langley opposed).
- **Initial Decision – April Gail Wilson, Salesperson License #180693** – Motion was made to accept the Findings of Fact, Conclusions of Law and to revoke the license – approved unanimously.

Ms. Scott returned to the room.

ATTORNEY GENERAL’S REPORT

Ms. Scott distributed an outline to Board members clarifying various violations they will review under Title 18.

New Business – No new business.

Public Comment – No public comment.

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:20 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