

MOTOR VEHICLE DEALER BOARD MINUTES

November 19, 2019

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

BOARD MEMBERS:	Carrie Ann Baumgart Charla Berens Ramona Graves Bode John Linton Matthew Porter Jason White Michael Widhalm
MEMBERS ABSENT:	Fletcher Flower Luke Walch
SENIOR DIRECTOR OF ENFORCEMENT:	Cory Amend
ACTING EXECUTIVE SECRETARY:	Chris Rouze
DEPT OF REVENUE, AID, ENFORCEMENT DIVISION STAFF:	Chris Hartman Gloria Breedon John Opeka Frank Agos Josh Dexter Cheryl Morrison Erika Garcia Jim Osborn Mark Beck Hunter Helton Tim Rotter Doug Knox Beth Spellerberg Margaret Jungmann Arleen Criddell Tapanen
ATTORNEY GENERAL'S OFFICE:	Brad Jones Danielle Lewis
VISITORS:	Todd O'Connell, CIADA David Cardella, CIADA Eugene Kunz Matthew Groves, CADA Art Erwin, Christopher's Dodge Ram Donia Amick, Racing Paul Scudo, Executive Director – Step Denver

President, John Linton, opened the meeting of November 19, 2019 at 9:00 a.m. Mr. Linton turned the floor over to Acting Executive Secretary, Chris Rouze.

AGENDA REVIEW AND ANNOUNCEMENTS

Ms. Rouze informed the Board there were no changes to the agenda as posted. Messrs. Flower and Walch will not be in attendance today. Conflicts Counsel, Danielle Lewis will present a proposed Final Order in the Cole A. Kline matter for the Board's review.

Ms. Rouze stated that Group 1 new rules will become effective November 30, 2019. Ms. Rouze informed the Board that the Division offices will be closed for the holidays as follows:

- **Thanksgiving – Thursday, November 28th and Friday, November 29th**
- **Christmas Eve – Tuesday, December 24th**
- **Christmas Day – Wednesday, December 25th**
- **New Year's Eve – Tuesday, December 31st – Offices will close early at 2:00 p.m.**

The December Board meeting is scheduled for Tuesday, December 17th.

MINUTES

The minutes of the October 15, 2019 meeting were approved 4-0-3 (Ms. Bode and Messrs. White and Porter abstained).

BACKGROUND INVESTIGATIONS REPORT

Ms. Breeden presented the following to the Board:

Salesperson Applications:

- **Cooperstein, Andrea #204193** – Motion to grant the license – approved unanimously.
- **Diguglielmo, Matthew #675544** – 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.

Mr. Jones requested the Board go into Executive Session to discuss the Eugene Kunz matter.

A motion was made to enter Executive Session pursuant to C.R.S. 24-6-402(3)(a)(II) and C.R.S. 24-6-402(3)(a)(III); for the expressed purpose of seeking legal advice for specific legal questions regarding the Eugene Kunz matter – passed unanimously.

The Board entered into Executive Session at 9:07 a.m. and resumed Open Session at 9:27 a.m.

- **Kunz, Eugene #119601** – Motion to grant the license – approved unanimously.
- **Reichstein, Calan #204663** – 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.

EXECUTIVE SECRETARY REPORT

Ms. Rouze presented the following to the Board:

Mr. Jones recused himself and left the room. Assistant Attorney General, Danielle Lewis appears as Conflicts Counsel.

- **Final Order – Cole A. Kline, Salesperson License #131680** – Motion to accept the Final Order – approved unanimously.

Mr. Jones returned to the room.

- **Proposed Stipulation and Final Agency Order – Driven to Donate #43154** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Rush Truck Center, Denver #8865** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Executive Group #7022** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Donald Boyd Schoonover #159818** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Precision Imports #14** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.

COMPLAINT INVESTIGATIONS REPORT

Ms. Hartman presented the following to the Board:

Statistical Reporting – Ms. Hartman informed the Board that we started with 329 cases, 118 new cases were opened and 170 cases were closed for the month, giving the Division a balance of 277 open cases. There were 438 background inquiries performed.

Affidavits of Probable Cause:

- **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 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 – approved unanimously.
- **Central Autos, DL #3215** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Central Autos, Dealer #3215; 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 – approved unanimously.

- **Coloradomotive LLC., DL #43140** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Coloradomotive LLC., Dealer #43140; 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 – approved unanimously.
- **Dale Spradley Motors, Inc., DL #138** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Dale Spradley Motors, Inc., Dealer #138; 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 – approved unanimously.
- **Integra Motorsports, LLC (MV), DL #44303** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Integra Motorsports, LLC (MV), Dealer #44303; 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 – approved unanimously.
- **Integra Motorsports, LLC (PS), DL #44261** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Integra Motorsports, LLC (PS), Dealer #44261; 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 – approved unanimously.
- **Media Auto Inc., DL #4753** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Media Auto Inc., Dealer #4753; 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 – approved unanimously.
- **Perkins Motor Company, DL #248** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Perkins Motor Company, Dealer #248; 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 – approved unanimously.
- **Power World, LLC (MV), DL #41357** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Power World, LLC (MV), Dealer #41357; 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 – approved unanimously.
- **Power World, LLC (PS), DL #40125** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Power World, LLC (PS), Dealer #40125; 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 – approved unanimously.
- **Rocky Mountain Auto Brokers Inc., DL #38395** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Rocky Mountain Auto Brokers Inc., Dealer #38395; 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 – approved unanimously.

- **Estevan Gaitlin, Jr., SL #188383** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Estevan Gaitlin, Jr., Salesperson #188383; and that the case be assigned to the Colorado Department of Revenue Hearing Division for a hearing on the merits – approved unanimously.

New Business – Mr. Jones informed the Board that he, and his colleagues, filed an answer brief in the NEZ Ltd. case on November 7th. The reply brief, from the applicant, is due November 28th. Mr. Jones anticipates a continuance.

Public Comment – Mr. Todd O’Connell, Executive Director of CIADA, introduced Mr. David Cardella who will be replacing him at the end of 2020.

Mr. O’Connell went on to say that Board member, Mr. Michael Widhalm, was honored with the CIADA Quality Dealer of the Year Award.

The meeting of the Motor Vehicle Dealer Board was adjourned at 10:11 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 Rouze
Acting Executive Secretary