

**MOTOR VEHICLE DEALER BOARD  
MINUTES  
December 17, 2013**

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

**BOARD MEMBERS:**

Joe Gebhardt  
John Schenden  
Jason Wagner  
Deborah Thompson  
Stan Martin  
Lee Yoder

**MEMBERS ABSENT:**

Beau Smith  
Chris Hefty  
Fred Wegener

**SENIOR DIRECTOR OF  
ENFORCEMENT:****EXECUTIVE SECRETARY:**

Bruce Zulauf

**LEGAL ASSISTANT:**

Leland BeBee

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

Chris Rouze  
Matt Heap  
Eric Hartsough  
Gloria Breeden  
Margaret Jungmann  
Kaye Kopecky  
John Opeka  
Cheryl Morrison  
Bud Heinrich  
Arleen Criddell-Tapanen  
Glenville Kedie  
Rebecca Medina  
Joe Scalabrini

**ATTORNEY GENERAL'S OFFICE:**

Y.E. Scott  
Brendon Reese

**BUDGET OFFICE:****VISITORS:**

Mary Marvin, CAPSS  
Todd O'Connell, CIADA  
Tami McCoy, CADA  
Troy D. Hines

Vice President, Jason Wagner opened the meeting of December 17, 2013, at 9:15 a.m. Mr. Wagner turned the floor over to Executive Secretary, Bruce Zulauf.

## **AGENDA REVIEW AND ANNOUNCEMENTS**

Mr. Zulauf informed the Board that there were no additions or corrections. Mr. Zulauf announced that we will have a Rulemaking Workshop at the conclusion of the Board Meeting to discuss two rules that are in draft form. Mr. Zulauf said we are not pushing the Board to move forward with formal rulemaking. Mr. Hefty, Sheriff Wegener, and President Beau Smith will not be in attendance today.

## **MINUTES**

The minutes of the November 19, 2013 Board meeting were approved unanimously.

## **ATTORNEY GENERAL'S OFFICE REPORT**

Ms. Scott presented the following to the Board:

- Highlands Ranch Motor Company, LLC – Dealer License #36003  
Proposed Stipulation and Final Agency Order – approved unanimously
- David Wilson – License Salesperson #35281  
Proposed Stipulation and Final Agency Order – approved unanimously

## **EXECUTIVE SECRETARY'S REPORT**

Mr. Zulauf presented the following to the Board:

- **Proposed Stipulation and Final Agency Order – SOCO Motors, LLC, Dealer #42411 -**  
Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Larry H. Miller Liberty Toyota Scion Colorado Springs, Dealer #0095 –** Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – United Auto, LLC, Dealer #41940 –**  
Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order – Greenwood Automotive, Dealer #39525 –**  
Motion to approve the Proposed Stipulation and Final Agency Order – approved unanimously.

Ms. Scott and Mr. Opeka recused themselves and left the room.

- **Initial Decision – Aldridge, Curtis #132705 –** Motion to accept the Findings of Fact, and the Conclusions of Law, and the recommendations of the Hearing Officer to not discipline the license – approved unanimously.

- **Initial Decision – Hines, Troy D. #184359** – Motion to accept the Findings of Fact, and modify the Conclusions of Law to strike the language in Conclusion of Law #6 (sentences 2, 3, & 4), and all of Conclusion of Law #7, and accept the recommendations of the Hearing Officer to grant a conditional license – approved unanimously.
- **Initial Decision – Madnikoff, Charles #155659** – Motion to accept the Findings of Fact and Conclusions of Law and the recommendations of the Hearing Officer – approved unanimously.

Ms. Scott and Mr. Opeka returned to the room.

The board took a 10 minute break. The Board resumed at 10:00 am

## **BACKGROUND INVESTIGATIONS TEAM**

John Opeka presented the following:

### **Salesperson Applications:**

- **Aagaard, Ashlie #179620** – Motion to approve conditional license based upon proof of establishing a payment plan to pay fines within 60 days. – approved unanimously.
- **Droll, Randi #182771** – Motion to approve the license – approved unanimously.
- **Espinosa, Gary #182807** – Motion to deny based on unfitness of criminal character, financial character, and licensing character – approved unanimously.
- **Laferrara, Anthony #164289** – Motion to approve the license – approved unanimously.
- **Levins, Michael #185699** – 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.
- **Raudales, Eddie #184370** – Motion to deny the license on the basis of unfitness of criminal character and failure to disclose – approved unanimously.

Ms. Scott recused herself and left the room.

- **Bassam, Sawaged #185570** – Motion to deny the license based on unfitness of criminal character and licensing character – approved unanimously.

Ms. Scott returned to the room.

- **Smith, Taryn #185477** – Motion to approve the license – approved unanimously.
- **Toscano, Vincent #177366** – Motion to table for 30 days – approved unanimously.

### **INVESTIGATION REPORT:**

Chief of Investigations Chris Rouze presented the following:

**Statistical Reporting** – Ms. Rouze informed the Board that we started with a 578 cases, 167 new cases were opened and 138 cases were closed for the month, giving the Division a balance of 607 open cases. There were 488 background inquiries performed.

**Affidavits of Probable Cause:**

- **Colorado Springs Dodge, DL #39506** - Motion that the Board finds probable cause for a hearing based upon the Affidavit of Probable Cause presented to the Board today respective to Colorado Springs Dodge, Dealer #39506; 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.
- **Carflex, DL #3332** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Carflex, Dealer #3332; that the case be assigned to the Colorado Motor Vehicle Dealer Board for a hearing on the merits and that Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.

**Ms. Thompson recused herself from the room.**

- **Credit Union Auto Buying Service, Inc., DL #39117** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Credit Union Auto Buying Service, Inc., Dealer #39117; that the case be assigned to the Office of Administrative Courts for a hearing on the merits and that Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously (due to Ms. Thompson’s recusal, Vice President of the Board, Jason Wagner, provided 5<sup>th</sup> vote for unanimous approval).

**Ms. Thompson returned to the room.**

- **Georgis Auto Sales, DL #42236** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Georgis Auto Sales, Dealer #42236; that the case be assigned to the Colorado Motor Vehicle Dealer Board for a hearing on the merits and that Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.
- **Jaguar Colorado Springs, Inc., DL #38564** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Jaguar Colorado Springs, Inc., Dealer #38564; that the case be assigned to the Office of Administrative Courts for a hearing on the merits and that Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.
- **Land Rover Colorado Springs, Inc., DL #8158** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Land Rover Colorado Springs, Inc., Dealer #8158; that the case be assigned to the Office of Administrative Courts for a hearing on the merits and that Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.

- **Red Noland Infiniti, DL #7761** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Red Noland Infiniti, Dealer #7761; that the case be assigned to the Office of Administrative Courts for a hearing on the merits and that Executive Secretary be permitted to engage in settlement negotiations pursuant to C.R.S. 12-6-104 – approved unanimously.
- **Baca, Pablo G., SP #180933** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Baca, Pablo G., Salesperson, #180933; that the case be assigned to the Colorado Department of Revenue, Hearings Division for a hearing on the merits. – approved unanimously.
- **Haynes, Jillian Marie, SP #177457** – Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Haynes, Jillian Marie, Salesperson, #177457; that the case be assigned to the Colorado Department of Revenue, Hearings Division for a hearing on the merits. – approved unanimously.

**New Business** – Mr. Zulauf informed the Board of the possibility of an audit of the Board, and the Division, by the State Auditor’s Office. Mr. Zulauf stated that he received information of a request by a member of the Legislative Audit Committee for the audit. The Board was briefed on how the process may work and some potential time frames. Mr. Zulauf shared the request letter with the Board. There was general discussion about the nature of the request. Mr. Zulauf stated he would keep the Board informed as more information was forthcoming.

**Public Comment** – Todd O’Donnell of CIADA suggested that if the Division brought back the Wheels publication and placed it on their website, CIADA could provide assistance with a link on the CIADA website.

Tami McCoy of CADA offered the same sort of help with links from their website. Additionally, she stated that CADA has been proactive with the education of their members related to proper salesperson licensing. She stated she would again relay this concern to their membership.

The regular meeting of the Motor Vehicle Dealer Board was adjourned at 11:20 p.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