

**MOTOR VEHICLE DEALER BOARD  
MINUTES  
March 19, 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:**

Jason Wagner  
John Schenden  
Deborah Thompson  
Fred Wegener  
Stan Martin  
Chris Hefty  
Joe Gebhardt

**MEMBERS ABSENT:**

Beau Smith

**SENIOR DIRECTOR OF  
ENFORCEMENT:**

Ron Kammerzell

**EXECUTIVE SECRETARY:**

**LEGAL ASSISTANT:**

Leland Bebee

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

Chris Rouze  
Matt Heap  
Gloria Breedon  
Margaret Jungmann  
Ellen Hardman  
John Opeka  
Erika Garcia  
Kaye Kopecky  
Eric Hartsough  
Bud Heinrich  
Brenda Fredricey

**ATTORNEY GENERAL'S OFFICE:**

Y.E. Scott  
Michael Shea

**BUDGET OFFICE:**

Mary Marvin, CAPSS  
Debra Woodley, CIADA  
Tammi McCoy, CADA  
Art Erwin, Christopher's Dodge World  
James T. Richardson, The Car Guy, Maaliki  
Motors  
Dean Fabiano, Grand Auto

Arthur Suyatetsky, Skyy Automotive  
Jihad Salameh, Dream Car

Vice President of the Board, Jason Wagner opened the meeting of March 19, 2013, at 9:10 a.m. Mr. Wagner turned the floor over to Chief of Investigations Chris Rouze.

## **AGENDA REVIEW AND ANNOUNCEMENTS**

Ms. Rouze informed the Board that there were no corrections or modifications to the agenda.

Mr. Zulauf will not be in attendance; Mr. Smith will not be present as he is in Detroit.

Ms. Rouze stated the August Board meeting is scheduled for the 20<sup>th</sup>. That date may not work for the Division due to a training conflict. Mr. Zulauf has asked that the Board reserve Thursday, August 15<sup>th</sup> as the probable meeting date.

Ms. Rouze stated Mr. Zulauf also asked that the Board reserve the second meeting dates in September, October and November for possible rulemaking. Those dates are: September 26<sup>th</sup>, October 24<sup>th</sup>, and November 26<sup>th</sup>.

The April 16<sup>th</sup> Board meeting agenda include: fee setting, Budget will make a formal presentation about the Division's spending authority, the budgetary considerations; and the Board's recommendations which will reflect the direct and indirect costs of the Division.

## **MINUTES**

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

## **BUDGET**

No presentation was made.

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

Y.E. Scott did not have any Stipulations to present. Ms. Scott introduced Assistant Attorney General Michael Shea to the Board explaining Mr. Shea will be assisting with the hearings. Mr. Shea gave the Board a brief summation of his history.

## **EXECUTIVE SECRETARY'S REPORT**

Ms. Rouze presented the following to the Board:

- **Proposed Stipulation and Final Agency Order & Affidavit – Larri Acosta, Salesperson #170963** – Motion to accept the Proposed Stipulation and Final Agency Order– approved unanimously.

- **Proposed Stipulation and Final Agency Order & Affidavit – Stephen I. Bouchard, Salesperson #20225** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – Chanbrook Enterprizes, Inc., d/b/a Street Smart Auto Brokers, license #41918** – Motion to accept the Proposed Stipulation and Final Agency Order– approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – Maleki Inc., d/b/a Bonanza Auto Sales, license #42057** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – AAA Colorado Auto Source, LLC, d/b/a AAA Colorado Auto Source, license #3169** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – SBN Properties, LLC., d/b/a Todays Auto Sales, license #41908** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – Gleasol #5, Inc., d/b/a Longmont Kia, license #39849** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – Happy Harrys Auto Sales, Inc., d/b/a Happy Harrys Auto Sales, Inc., license #38711** – Motion to accept the Proposed Stipulation and Final Agency Order with correction – approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – Buy Right Auto Sales, LLC d/b/a Buy Right Auto Sales, LLC., license #41295** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – Beal Automotive, LLC., d/b/a Access Auto Sales, license #41563** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.
- **Proposed Stipulation and Final Agency Order & Affidavit – Global Source, LLC., d/b/a G&G Auto Brokers, license #40354** – Motion to accept the Proposed Stipulation and Final Agency Order – approved unanimously.

**Ms. Scott and Mr. Shay recused themselves and left the room.**

- **Initial Decision – Kosyakov, Oleg Viktorovic, #30273** – Motion to accept the Findings of Fact, Conclusions of Law, and Hearing Officer’s recommendations to deny the license – approved unanimously.

- **Initial Decision – Krause, Jay Bradley, #181957** – Motion to accept the Findings of Fact, Conclusions of Law, and Hearing Officer’s recommendations to deny the license – approved unanimously.
- **Initial Decision – Kruger, Eric Shane, #177867** – Motion to accept the Findings of Fact, Conclusions of Law, and grant a conditional license with Hearing Officer’s recommendation #2 (strike #1 and #3) – approved unanimously.
- **Initial Decision – Shifrin, Leonid, #170147** – pulled from report, Mr. Shifrin has filed exceptions.
- **Initial Decision – Williams, Calvin Edwin, #18289** – Motion to accept the Findings of Fact, Conclusions of Law, and grant a conditional license with Hearing Officer’s recommendation #2 (strike #1) – approved unanimously.

**Ms. Scott and Mr. Shay returned to the room.**

## **BACKGROUND INVESTIGATIONS TEAM**

Matt Heap presented the following:

- **Consolidated Finance Corporation #42486** – Motion to deny the license on the basis of unfitness of financial character and failure to provide a complete application – approved unanimously.
- **Freelance Automotive LLC #42526** – Motion to approve a dealer license – approved 5-1 (Wegener)
- **General Auto Sale LLC #42451** – Motion made to table a decision until the next meeting – withdrawn. Motion to deny the license on the basis of unfitness of financial character – approved unanimously.
- **JM Motors #42556** – Motion to deny the license on the basis of unfitness of financial character – approved unanimously.
- **M Trading Company LLC #42527** – Motion to approve the license – approved unanimously.
- **PS Auto #42545** - Motion to approve the license – approved unanimously.
- **Sky Automotive LLC #42552** - Motion to deny the license application on the basis of unfitness of criminal character or record and unfitness of financial character or record – approved 4-2 (Thompson, Martin)
- **Salesperson Applications- Blumer, Jason M. #183348** - Motion to approve – approved 4-3 (Wagner votes) (Martin, Thompson, Wegener).

- **Fabiano, Dean P. #183409** - Motion to deny the license application on the basis of unfitness of criminal character or record and having been convicted of a misdemeanor under title 18 or any felony – approved unanimously.
- **Salesperson Affidavits: Medina, Thomas #28687** - Motion that the Board finds probable cause based upon the Affidavit of Probable Cause presented to the Board today respective to Medina, Thomas, Salesperson #28687; that the case be assigned to the Colorado Department of Revenue Hearings Division for a hearing on the merits – approved unanimously.

## **INVESTIGATION REPORT:**

Agent in Charge Chris Rouze presented the following:

**Statistical Reporting** – Ms. Rouze informed the Board that we started with 443 cases, 133 new cases were opened and 167 cases were closed for the month, giving the Division a balance of 409 open cases. 213 backgrounds inquiries were completed

### **Affidavits of Probable Cause:**

- **Milehightrailers.com, #37365** - Motion that the Board finds probable cause for a hearing based upon the Affidavit of Probable Cause presented to the Board today respective to Milehightrailers.com, dealer #37365; that the case be assigned to the Colorado 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.
- **Shelby G.T., #38881** - Motion that the Board finds probable cause for a hearing based upon the Affidavit of Probable Cause presented to the Board today respective to Shelby G.T., dealer #38881; that the case be assigned to the Colorado 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.
- **Soco Motors, #42411** – Motion that the Board finds probable cause for a hearing based upon the Affidavit of Probable Cause presented to the Board today respective to Soco Motors, dealer #42411; that the case be assigned to the Colorado Motor Vehicle Dealer Board 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.

**New Business** – Mr. Gebhardt asked if we could obtain additional information on off premise permits before a decision is made on fee setting. He wondered if there should be a difference between the Auto Show and a sale across the street from another dealership. Ms. Rouze explained that Ms. McCoy had submitted an open records request and had obtained records of off premise permits. Ms. McCoy was asked if she would address the Board. Ms. McCoy stated she was putting her ideas together and would be ready to present them to the Board at the next meeting.

Mr. Hefty inquired as to the possibility of the AG's office providing an opinion on whether or not we could require that fees that are received be designated for enforcement of curbing. Ms. Rouze explained that this was not an AG item, but a JBC item. Mr. Kammerzell explained that this was part of the budgetary process. We would have to prepare a decision item, get it signed off by the Executive Director, and then it goes through the Office of State Planning and Budget. Basically, we need to get spending authority.

**Public Comment** – There was no public comment.

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