

**COLORADO DEPARTMENT OF REVENUE HEARINGS DIVISION  
ON BEHALF OF THE COLORADO MOTOR VEHICLE DEALER BOARD**

Case No. BD15-1275

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**STIPULATION AND FINAL ORDER**

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**IN THE MATTER OF:     KYLE JENSEN  
                                  Motor Vehicle Salesperson Number: 181470**

**Respondent.**

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**IT IS HEREBY STIPULATED AND AGREED UPON** by and between the Colorado Department of Revenue, Motor Vehicle Dealer Board ("Board") and Kyle Jensen, ("Respondent") (collectively the "Parties") in lieu of further legal action:

1. The Board has jurisdiction over the Respondent and the subject matter of this Stipulation and Final Agency Order as set forth in article 6 of Title 12, C.R.S. and the Administrative Procedure Act, article 4 of Title 24, C.R.S.

2. The Respondent has been licensed as a motor vehicle salesperson in the State of Colorado at all times relevant.

3. The Board has alleged that Respondent violated the following:

- A. Two (2) counts of § 12-6-118 (5)(q), C.R.S. The license of a motor vehicle salesperson may be denied, revoked, or suspended, if the Respondent willfully violated any state or federal law respecting commerce or motor vehicles, or any lawful rule or regulation respecting commerce or motor vehicles promulgated by any licensing or regulating authority pertaining to motor vehicles, under circumstances in which the act constituting the violation directly and necessarily involves commerce or motor vehicles.

Count 1 Perjury – A person commits perjury on a motor vehicle registration application if such person knowingly makes a materially false statement on a motor vehicle registration application that such person does not believe to be true, under oath required or authorized by law. § 42-3-122(1), C.R.S.

Count 2 Offering A False Instrument For Recording – A person commits offering a false instrument for recording in the second degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be

registered, filed or recorded or become part of the records of that public office or public employee. § 18-5-114(3), C.R.S.

4. The Respondent understands that:
  - A. The Respondent has the right to be represented by an attorney of the Respondent's choice, at the Respondent's expense;
  - B. The Respondent has the right to a formal hearing in accordance with article 6 of Title 12, C.R.S.;
  - C. By entering into this Stipulation and Final Agency Order, the Respondent is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Stipulation and Final Agency Order, and relieves the Board of its burden of proving such facts;
  - D. The Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board; and,
  - E. The Respondent is knowingly and voluntarily giving up the right to judicial review of this matter.

5. The Respondent acknowledges receipt of sufficient notice, sufficient advisement of rights, and sufficient process in the proceedings of this case, and desires to resolve all issues, which were the subject of the investigation, by entering into this Stipulation and Final Agency Order.

6. The Respondent admits to two (2) counts of § 12-6-118-5(q), C.R.S. The license of a motor vehicle salesperson may be denied, revoked, or suspended, if the Respondent willfully violated any state or federal law respecting commerce or motor vehicles, or any lawful rule or regulation respecting commerce or motor vehicles promulgated by any licensing or regulating authority pertaining to motor vehicles, under circumstances in which the act constituting the violation directly and necessarily involves commerce or motor vehicles.

7. The Respondent agrees, in lieu of subsequent administrative proceedings, to submit to the following sanctions:

- A. The Respondent shall pay a fine of \$500.00 for each admitted count. The Respondent agrees \$500.00 shall be due and payable within 60 days from the date of the approval of this Stipulation by the Board. The remaining balance, amounting to \$500.00, will be held in abeyance until April 30, 2019.

B. The Respondent agrees to obtain a letter signed by his current employer stating that Greenwood Auto Broker is aware of the charges against Respondent and this Stipulation and Final Agency Order. If Respondent changes employment to a different dealership during the period of this Stipulation and Final Agency Order, Respondent must obtain a letter from the new dealership.

8. The Parties mutually agree to strictly adhere to and to completely fulfill all requirements established in this Stipulation and Final Agency Order.

9. The Respondent is aware that this Stipulation and Final Agency Order will not become an order of the Board unless and until the Board approves it. If this Stipulation and Final Agency Order is not approved by the Board, it is void, and the Respondent shall not be bound by any provisions hereof or admissions herein.

10. Each Party shall bear its own costs and fees incurred in this action.

11. This Stipulation and Final Agency Order is the complete integration of all understandings between the parties. No addition, deletion, or amendment, except as mutually agreed to in a writing signed by both Parties, shall have any force or effect whatsoever.

12. The Parties agree to cooperate fully and to execute any and all supplementary documents and to take all additional actions that may be necessary or appropriate to give full force and effect to the basic terms and intent of this Stipulation and Final Agency Order and which are not inconsistent with its terms.

13. The provisions of this Stipulation and Final Agency Order shall be enforceable by the Parties before the Colorado Motor Vehicle Dealer Board, by any lawful remedy.

14. The Respondent expressly acknowledges having read and understood completely the terms of this Stipulation and Final Agency Order. The Respondent enters this Stipulation and Final Agency Order knowingly and voluntarily, after the opportunity to consult with counsel, and with full understanding of the legal consequences of this Stipulation and Final Agency Order. The Respondent expressly states that the Respondent believes the terms of this Stipulation and Final Agency Order are lawful, fair, conscionable, and appropriate to reach a full and final resolution of this disciplinary matter.

15. This Stipulation and Final Agency Order and all its terms shall have the same force and effect as an order entered by the Board after hearing pursuant to article 6 of Title 12, C.R.S. except that this Stipulation and Final Agency Order cannot be appealed.

16. The Respondent agrees that any violation of this Stipulation and Final Agency Order may constitute grounds for disciplinary proceedings pursuant to the Motor Vehicle Dealer Licensing Law and if proven may constitute a basis for further disciplinary action or for any other remedy authorized by law. In the event this matter is referred to hearing for violation of this Stipulation and Final Agency Order, this Stipulation and Final Agency Order shall be admissible as evidence. In the event an alleged violation of this Stipulation and Final Agency Order is taken to hearing and the facts that constitute the violation are determined not to be proven, the Board shall not take any disciplinary action, and this Stipulation and Final Agency Order shall remain operative and in full force and effect. The pendency of any disciplinary action pursuant to this Stipulation and Final Agency Order shall not affect the obligation of the Respondent to continue to comply with the terms of this Stipulation and Final Agency Order during the pendency of and after the conclusion of such disciplinary action.

17. This Stipulation and Final Agency Order is a public record in the Board's custody at all times.

18. **Effective Date.** This Stipulation and Final Agency Order shall become an order of the Board when accepted by the Board and signed by an authorized representative of the Board.

19. This Stipulation and Final Agency Order is a full and final resolution of case number BD15-1275. This Stipulation and Final Agency Order does not resolve any other cases, complaints or matters, known or unknown to the Parties, as of the effective date of this Stipulation and Final Agency Order.

20. The Respondent shall immediately provide in writing to the Board any change of the Respondent's legal address, in order for any notice required under this Stipulation and Final Agency Order or any necessary follow-up to this Stipulation and Final Agency Order to be made in a timely and efficient manner. Any notice required under this Stipulation and Final Agency Order shall be valid only if provided, in writing, to the Parties at their respective legal addresses, which the Parties acknowledge are

currently as follows:

A. Board:

Colorado Department of Revenue,  
Auto Industry Division  
Attention: Bruce A. Zulauf,  
Division Director/Executive Secretary  
1881 Pierce Street, Suite 112  
Lakewood, Colorado 80214

B. Respondent:

Kyle Jensen  
[REDACTED]  
[REDACTED]

21. Should any term or provision of this Stipulation and Final Agency Order be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

22. This Stipulation and Final Agency Order may be signed in counterparts, each of which will have full force and effect upon execution by all Parties.

23. The Respondent warrants that it possesses the legal authority to enter into this Stipulation and Final Agency Order and that it has taken all actions required by its procedures, by-laws, and/or applicable laws to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Stipulation and Final Agency Order and to bind the Respondent to its terms. The person executing this Stipulation and Final Agency Order on behalf of the Respondent warrants that such person has full authorization to execute this Stipulation and Final Agency Order.

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SIGNATURE PAGE TO FOLLOW**

**AGREED TO BY:**



\_\_\_\_\_  
Bruce A. Zulauf  
Director/Executive Secretary  
Auto Industry Division  
Motor Vehicle Dealer Board

2/20/18

\_\_\_\_\_  
Date

**FOR THE RESPONDENT:**

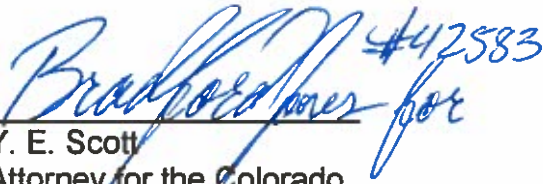


\_\_\_\_\_  
Kyle Jensen

2/7/18

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Y. E. Scott  
Attorney for the Colorado  
Motor Vehicle Dealer Board

2/14/18

\_\_\_\_\_  
Date

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BOARD ORDER TO FOLLOW**


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The Stipulation and Final Agency Order is approved and its terms are hereby adopted as an Order of this Board.

ORDERED AND ENTERED this 20 day of February, 2018.

COLORADO MOTOR VEHICLE BOARD

BY:

  
Stan Martin, President

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within STIPULATION AND FINAL AGENCY ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 20<sup>th</sup> day of February 2018, addressed as follows:

Kyle Jensen  


Y. E. Scott  
Senior Assistant Attorney General  
1300 Broadway 8<sup>th</sup> Floor  
Denver, CO 80203

  
Arleen Criddell-Tapanen  
Assistant to Director

cc: Bruce A. Zulauf, Executive Secretary  
Colorado Motor Vehicle Dealer Board  
Director, Auto Industry Division  
1881 Pierce Street, Room 112  
Lakewood, CO 80214  
(Placed in Board File)