

<p><b>STATE OF COLORADO</b>  <b>OFFICE OF ADMINISTRATIVE COURTS</b>  1525 Sherman Street, 4<sup>th</sup> Floor  Denver, Colorado 80203  MVDB Case No. 15-1750</p> <hr/> <p><b>COLORADO DEPARTMENT OF REVENUE, MOTOR VEHICLE DEALER BOARD,</b></p> <p>Petitioner,</p> <p>v.</p> <p><b>PAYLESS FINANCIAL GROUP, LLC,</b>  <b>WHOLESALE LICENSE NUMBER 41575</b></p> <p>Respondent.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Cynthia H. Coffman, Attorney General  BRADFORD C. JONES, Reg. No. 42583,  Assistant Attorney General*  1300 Broadway, 8<sup>th</sup> Floor  Denver, CO 80203  Telephone: 720-508-6355  Fax: 720-508-6038  E-Mail: Bradford.Jones@coag.gov  *Counsel of Record</p>	<p>Case No.: MV 20170003</p>
<p><b>STIPULATION AND FINAL AGENCY ORDER</b></p>	

**IT IS HEREBY STIPULATED & AGREED** by and between the Colorado Department of Revenue, Motor Vehicle Dealer Board (“Board”) and Payless Financial Group, LLC, (“Respondent”) (collectively the “Parties”) in lieu of further legal action:

1. The Board has jurisdiction over Respondent and the subject matter of this Stipulation and Final Agency Order (“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. Respondent has been licensed as a motor vehicle wholesaler under license no. 41575 in the State of Colorado at all times relevant herein.

3. The Board has alleged that Respondent violated the following:
  - A. One (1) count of willful misrepresentation, circumvention, or concealment of or failure to disclose, through whatsoever subterfuge or device, any of the material particulars or the nature thereof required to be stated or furnished to the buyer in violation of section 12-6-118(3)(i), C.R.S., failing to disclose on the contract form when a motor vehicle is known by the wholesaler to have sustained material damage at any one time from any one incident in violation of 1 CCR § 205-1 Reg. No. 12-6-118(3)(i), and violating provisions of part 1 of Title 12, Article 6 and regulations promulgated by the Board in contravention of section 12-6-118(3)(c), C.R.S.;
  - B. One (1) count of having defrauded any buyer, seller, motor vehicle salesperson, or financial institution to such person's damage in violation of section 12-6-118(3)(e), C.R.S.;
  - C. One (1) count of having made a fraudulent or illegal sale, transaction, or repossession in violation of section 12-6-118(3)(h), C.R.S.;
  - D. One (1) count of willfully violating state law respecting commerce or motor vehicles by engaging in deceptive trade practices in violation of section 12-6-118(3)(o), C.R.S., To Wit: Failure to disclose that a vehicle has sustained material damaged at any one time from any one incident, pursuant to section 6-1-708(1)(b), C.R.S.;
  - E. Four (4) counts of having engaged in improper business operation by failing to display license as required by section 12-6-109, C.R.S., having engaged in the business for which wholesalers are licensed without maintaining a business office required by 1 CCR § 205-1 Reg. No. 12-6-108(1)(e), having improper record retention as required by 1 CCR § 205-1 Reg. No. 12-6-108(1)(e), failing to notify the Board of any change in business address or status as required by section 12-6-116(4), C.R.S, and violating provisions of part 1 of Title 12, Article 6 and regulations promulgated by the Board in contravention of section 12-6-118(3)(c), C.R.S.
4. The Respondent understands that:
  - A. Respondent has the right to be represented by an attorney of the Respondent's choice, at the Respondent's expense.
  - B. Respondent has the right to a formal hearing in accordance with article 6 of Title 12, C.R.S.;

- C. By entering into this Order, Respondent knowingly and voluntarily waives the right to a hearing, and relieves the Board of its burden of proving the violations alleged herein;
  - D. Respondent knowingly and voluntarily waives 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. Respondent knowingly and voluntarily waives the right to judicial review of this matter.
5. 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 the following:
- A. One (1) count of having made a fraudulent or illegal sale, transaction, or repossession in violation of section 12-6-118(3)(h), C.R.S.
  - B. One (1) count for failing to disclose any of the material particulars required to be stated or furnished to the buyer in violation of section 12-6-118(3)(i) C.R.S.;
7. Respondent agrees, in lieu of subsequent administrative proceedings, to submit to the following sanctions:
- A. Respondent relinquishes its license. The relinquishment shall have the same force and effect of a revocation order after hearing;
  - B. Respondent shall be fined \$10,000.00 for the admissions in paragraph 6 above;
  - C. The \$10,000.00 fine shall be deferred and payable only if Respondent applies for, and is granted, any type of license that the Board is authorized to issue concerning motor vehicles or powersports vehicles;
  - D. If Respondent applies for a motor vehicle or powersports dealer license, at any time in the future, the Respondent must comply with all requirements for Board licensure then in effect in addition to complying with paragraph 7C above;

E. Respondent shall not engage in any act that would require licensure by the State of Colorado unless Respondent obtains the appropriate licensure.

8. This Stipulation and Final Agency Order constitutes a finding by the Board that the Respondent has engaged in fraudulent conduct that supports the opening of Respondent's surety bond for the purpose of reimbursement of any loss or damage suffered by any retail consumer. Respondent agrees not to oppose the opening of the surety bond.

9. Respondent agrees to strictly adhere to and to completely fulfill all requirements established in this Order.

10. This Order will not become an order of the Board unless and until the Board approves it. If this Order is not approved by the Board, it is void, and the Parties shall not be bound by any provisions hereof or admissions herein.

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

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

13. The Parties agree to cooperate fully and to execute any and all supplementary documents and to take all additional actions necessary or appropriate to give full force and effect to the terms and intent of this Order.

14. The provisions of this Order shall be enforceable by the Parties before the Colorado Motor Vehicle Dealer Board, by any lawful remedy.

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

16. This 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 Order cannot be appealed.

17. Respondent agrees that any violation of this Order may constitute grounds for disciplinary action and, if proven, may constitute a basis for further sanctions or for any other remedy authorized by law.

18. If this matter is referred to hearing for violation of this Order, this Order shall be admissible as evidence.

19. If an alleged violation of this Order is taken to hearing and the facts that constitute the violation are not proven, the Board shall not impose any additional sanction, and this Order shall remain operative and in full force and effect. Respondent must comply with the terms of this Order during the pendency of, and after the conclusion of, such disciplinary action.

20. Once effective, this Order becomes a public record in the Board's custody at all times.

21. Effective Date. This Order becomes an order of the Board when accepted by the Board and signed by an authorized representative of the Board.

22. This Order is a full and final resolution of case numbers BD15-1750. This 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.

23. Respondent shall immediately provide written notice to the Board of any change of Respondent's address. Any notice required under this Order shall be valid if provided, in writing, to the last known written address provided to the Board by Respondent, which currently is:

Payless Financial Group, LLC  
Leonid Minevich, Owner  
14710 E. Purdue Place  
Aurora, CO 80014

24. All correspondence and notices to the Board must be provided to the Board at the following address:

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

25. Should any term or provision of this Order be declared invalid or become inoperative for any reason, such invalidity or failure does not affect the validity of any other term or provision hereof.

26. This Order may be signed in counterparts, each of which has full force and effect upon execution by all Parties.

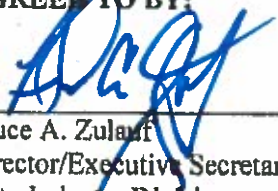
27. Respondent warrants that it possesses the legal authority to enter into this Order and that it has taken all actions required by its procedures, by-laws, and/or applicable laws to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Order and to bind Respondent to its terms.

28. The person executing this Order on behalf of Respondent warrants that such person has full authorization to execute this Stipulation and Final Agency Order.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.**

**SIGNATURE PAGE TO FOLLOW.**

**AGREED TO BY:**

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

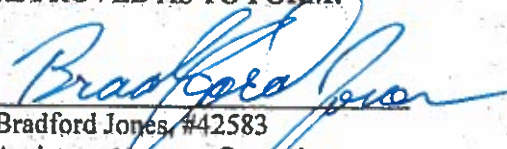
9/19/17  
 \_\_\_\_\_  
 Date

**FOR THE RESPONDENT:**

  
 \_\_\_\_\_  
 Leonid Minevich, Owner  
 Payless Financial Group, LLC.

9/19/17  
 \_\_\_\_\_  
 Date

**APPROVED AS TO FORM:**

  
 \_\_\_\_\_  
 Bradford Jones, #42583  
 Assistant Attorney General  
 Attorney for the Board

9/19/17  
 \_\_\_\_\_  
 Date

Date

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

ORDERED AND ENTERED this 18<sup>th</sup> day of SEPTEMBER, 2017.

MOTOR VEHICLE DEALER 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 September 2017, addressed as follows:

Payless Financial Group, LLC  
Leonid Minevich, Owner  
14710 E. Purdue Place  
Aurora, CO 80014

Leonid Minevich  
Address:  
  
paylessfg@gmail.com



CC: Bruce Zulauf, Executive Secretary  
Colorado Motor Vehicle Dealer Board  
(For Board File)