

**BEFORE THE MOTOR VEHICLE DEALER BOARD
STATE OF COLORADO**

Case No. BD 21-0143 (DOR'S Hearing Division Case No. 21A004)

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF: **NICHOLAS RICHARD SERRACINO**
Motor Vehicle Salesperson Number: 188136

Respondent.

IT IS HEREBY STIPULATED & AGREED by and between the Colorado Department of Revenue, Auto Industry Division (“Division”), Motor Vehicle Dealer Board (“Board”) and Nicholas Richard Serracino (“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 20 of Title 44, 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 salesperson in the State of Colorado at all times relevant herein.

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

A. Felony conviction/plea to crime under article 4 of Title 18, C.R.S. in violation of section 44-20-121(8)(a)(I), C.R.S. [Charge I in the Notice of Charges].

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 20 of Title 44, 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. Respondent admits to violating the allegation listed in paragraph 3 of this Stipulation and Final Agency Order.

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

- A. Respondent relinquishes his motor vehicle salesperson license. The relinquishment shall have the force and effect of a revocation order following a hearing.
- B. Payment of a fine of \$500.00 for the admission of the violation as listed in paragraph 3 of this Order.
- C. The fine of \$500.00 is deferred and payable only if Respondent applies for, and is granted by the Board, any type of motor vehicle or powersports license in the future, including a motor vehicle salesperson license, a powersports vehicle salesperson license, wholesaler license, and any type of motor vehicle or powersports vehicle dealer license.
- D. If Respondent applies for any type of license issued by the Board, at any time in the future, Respondent must comply with all requirements for Board licensure then in effect in addition to paying the \$500.00 fine.
- E. Respondent agrees not to engage in any act that would require a license issued by the State of Colorado until Respondent obtains appropriate licensure.

8. Respondent agrees to strictly adhere to and to completely fulfill all requirements established in this Stipulation and Final Agency Order.

9. 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.

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

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

12. 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.

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

14. 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 Stipulation and Final Agency 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.

15. 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 20 of Title 44, C.R.S. except that this Order cannot be appealed.

16. 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.

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

18. 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.

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

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

21. This Order is a full and final resolution of case number BD 21-0143 (Hearings Division case no. 21A004). 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.

22. 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:

Nicholas Richard Serracino

[REDACTED]
[REDACTED]
[REDACTED]

23. 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: Chris J. Rouze, Division Director/ Executive Secretary
1707 Cole Blvd., Suite 300
Lakewood, CO 80401

24. 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.

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

26. Respondent warrants that he possesses the legal authority to enter into this Order and that he has taken all actions required to bind himself to its terms.

27. The person executing this Order on behalf of 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:

Chris J. Rouze
Director/Executive Secretary
Auto Industry Division
Motor Vehicle Dealer Board

Date

FOR THE RESPONDENT:

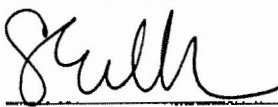


Nicholas Richard Serracino
Respondent

7/1/2021

Date

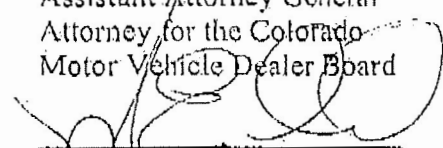
APPROVED AS TO FORM:



Sarah Killeen, #31992
Assistant Attorney General
Attorney for the Colorado
Motor Vehicle Dealer Board

7/9/2021

Date



Melissa Esquibel, #28625
Attorney for Respondent

7/1/21

Date

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

ORDERED AND ENTERED this _____ day of _____, 2021.

COLORADO MOTOR VEHICLE DEALER BOARD

BY: _____
John Linton, 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, or/and electronic service (as noted), this 24th day of September, 2021, addressed as follows:

Nicholas Richard Serracino
[REDACTED]
[REDACTED]
[REDACTED]

Chris J. Rouze, Executive Secretary
Colorado Motor Vehicle Dealer Board
Director, Auto Industry Division
1707 Cole Blvd., Suite
Lakewood, Colorado 80401
(Placed in Board File)

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Assistant Attorney General
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Denver, CO 80203
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Pueblo, CO 81003
Email: melesq72@gmail.com
Attorney for Respondent

Beth A. Spellerberg

*Beth A. Spellerberg, Legal Assistant II
Auto Industry Division*