

**COLORADO DEPARTMENT OF REVENUE
MOTOR VEHICLE DEALER BOARD**

Case Nos. BD 16-2076 & 19-0340

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF: HIS MOTORCAR COMPANY, LLC
Used Motor Vehicle Dealer License 39843

Respondent.

IT IS HEREBY STIPULATED & AGREED by and between the Colorado Department of Revenue, Auto Industry Division (“Division”), Motor Vehicle Dealer Board (“Board”) and HIS Motorcar Company, 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 20 of Title 44, C.R.S. (formally 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 always licensed as a used motor vehicle dealer in the State of Colorado relevant herein.
3. The Board has alleged in this case that Respondent violated the following:
 - A. Engaging in its business through the employment of an unlicensed motor vehicle salesperson in violation of section 12-6-118(3)(n), C.R.S. [now section 44-20-121(3)(l), C.R.S.].
4. Respondent understands that:
 - A. Respondent has the right to be represented by an attorney of Respondent’s choice, at Respondent’s expense;
 - B. Respondent has the right to a formal hearing in accordance with former article 6 of Title 12 (now 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. The Respondent admits to the allegations alleged 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 shall pay a fine of \$10,000.00, in resolution of the allegations provided above;
 - B. Of the \$10,000.00, \$5,000.00 of the fine amount shall be paid in three (3) installments as follows:
 - a. \$1,750.00 due by the 15th of the month following the Board meeting when this Stipulation is approved;
 - b. \$1,750.00 due by the 15th of the second month following the Board meeting when this Stipulation is approved; and
 - c. \$1,500.00 due by the 15th of the third month following the Board meeting when this Stipulation is approved.
 - C. The remaining \$5,000.00 of the fine shall be held in abeyance and payable only if Respondent has any additional violations of statutes and regulations during the one (1) year period following the date this Stipulation and Final Agency Order is approved by the Board; and
 - D. Respondent shall contract with the Colorado Independent Automobile Dealers Association ("CIADA") for their on-site Pre-Licensing Class. Respondent shall contract for the Pre-Licensing Class to be completed within sixty (60) days from the date this Stipulation and Final Agency Order is approved by the board. Respondent shall file a Certificate of Compliance from the Pre-Licensing Class with the Executive Secretary at the Auto Industry Division within thirty (30) days after completion. Respondent shall be responsible for all costs associated with the Pre-Licensing Class.
8. If Respondent commits a future violation of any statute or regulation listed in paragraph 3 of this Order within twelve (12) months of the date this Order becomes effective, Respondent understands and agrees that the corresponding allegation in

paragraph 3 in this Order will be deemed admitted for the sole purpose of establishing the appropriate sanction for the new violation.

9. Respondent acknowledges that the Board has sufficient credible evidence to support a finding of a violation by Respondent for the allegations listed in paragraph 3 of this Order, should the case proceed to hearing.
10. Respondent agrees to strictly adhere to and to completely fulfill all requirements established in this Order.
11. 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.
12. Each Party shall bear its own costs and fees incurred in this action.
13. 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.
14. 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.
15. The provisions of this Order shall be enforceable by the Parties before the Colorado Motor Vehicle Dealer Board, by any lawful remedy.
16. 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.
17. 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. [formally article 6 of Title 12], except that this Order cannot be appealed.
18. 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.
19. If this matter is referred to hearing for violation of this Order, this Order shall be admissible as evidence.
20. 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 sanctions, 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.

21. Once effective, this Order becomes a public record in the Board's custody at all times.
22. Effective Date. This Order becomes an order of the Board when accepted by the Board and signed by an authorized representative of the Board.
23. This Order is a full and final resolution of case numbers BD 16-2076 & 19-0340. 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.
24. 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:

HIS Motorcar Company, LLC
2310 S. Raritan Street
Englewood, CO 80110
25. All correspondence and notices to the Board must be provided to the Board at the following address:

Colorado Motor Vehicle Dealer Board
Chris Rouze, Executive Secretary
1707 Cole Boulevard, Suite 300
Lakewood, Colorado 80401
26. 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.
27. This Order may be signed in counterparts, each of which has full force and effect upon execution by all Parties.
28. 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.
29. 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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Date _____

Date 5/7/2025

Date _____

Date 6/18/2025

AGREED TO BY:

John Opeka Digitally signed by John Opeka
Date: 2025.08.19 12:04:12
+0600

John Opeka
Director/ Executive Secretary
Auto Industry Division
Motor Vehicle Dealer Board

8/19/2025

Date

FOR THE RESPONDENT:

Jerry
A. Burke
HIS Motorcar Company, Owner

Date

APPROVED AS TO FORM:

Michael McKinnon, # 24689
Attorney for Respondent

Date

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


Date

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

ORDERED AND ENTERED this 19th day of August, 2025.

COLORADO MOTOR VEHICLE DEALER BOARD

BY:



David Guttenberg, First Vice-President
Colorado Motor Vehicle Dealer Board
1707 Cole Boulevard, Suite 300
Lakewood, CO 80401

AG-0008

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, and personal service (as noted), this 20th day of August, 2025, addressed as follows:

HIS Motorcar Company, LLC
2310 S. Raritan Street
Englewood, CO 80110

Michael G. McKinnon, # 24689
5984 South Prince Street, Suite 1000
Littleton, Colorado 80120
Mgmckinnon@msn.com

Sarah Killeen, # 31992
Senior Assistant Attorney General
1300 Broadway, 8th Floor
Denver, Colorado 80203
Sarah.Killeen@coag.gov

John Opeka, Executive Secretary
Colorado Motor Vehicle Dealer Board
Director
Auto Industry Division
1707 Cole Blvd., Suite 300
Lakewood, Colorado 80401
(Placed in Board File)

Lisa Garcia
Legal Assistant
Auto Industry Division
1707 Cole Blvd., Suite 300
Lakewood, Colorado 80401

Lisa Garcia
Digitally signed by Lisa Garcia
Date: 2025.08.20 10:16:49 -06'00'

Lisa Garcia, Legal Assistant
Auto Industry Division