

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

Case No. 24A005
BD 23-0759

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF: KAETE MCKINNON
Salesperson License Number: 206981

Respondent.

IT IS HEREBY STIPULATED & AGREED by and between the Colorado Department of Revenue, Auto Industry Division (“Division”), Motor Vehicle Dealer Board (“Board”) and Kaete McKinnon (“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. On April 29, 2023, the Board filed a Notice of duty to Answer, Notice of Hearing, and Notice of Charges against Respondent, in which the Board alleged four (4) charges of violations. On July 9, 2024, the Board filed a First Amended Notice of Duty to Answer, Notice of Hearing, and Notice of Charges.

4. 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.

5. 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 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.
6. Respondent agrees, in lieu of subsequent administrative proceedings, to submit to the following sanctions:
- A. Respondent shall pay a fine of \$500.00;
 - B. Of the \$500.00 fine, \$250.00 shall be paid within 30 days of the execution date of this Stipulation and Final Agency Order; and
 - C. The remaining \$250.00 fine shall be held in abeyance and payable when and if Respondent reapplies for a license with the Division; and
 - D. Respondent agrees to assist with, and testify in, any related administrative hearings.
7. Respondent agrees to strictly adhere to and to completely fulfill all requirements established in this Order.
8. 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.
9. Each Party shall bear its own costs and fees incurred in this action.
10. 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.
11. 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.
12. The provisions of this Order shall be enforceable by the Parties before the Colorado Motor Vehicle Dealer Board, by any lawful remedy.
13. 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.

14. 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.

15. 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.

16. Respondent acknowledges that the Board has sufficient credible evidence to support a finding of a violation by the Respondent for each of the allegations listed in the Notice of Charges, should the case proceed to hearing

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 23-0759 (also designated as Colorado Dept. of Revenue, Hearings Division case no. 24A005). 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:

Kaete McKinnon
[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
Chris Rouze, Division Director /Executive
Secretary
1707 Cole Boulevard, Suite 300
Lakewood, Colorado 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 she possesses the legal authority to enter into this Order and that she has taken all actions required to bind herself 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 Digitally signed by Chris J. Rouze
Date: 2024.10.17 16:29:44 -0600

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

Date

FOR THE RESPONDENT:

Kaete R. McKinnon
Kaete McKinnon
Respondent

09/26/2024

Date

APPROVED AS TO FORM:



Shawn Hillewaert
Barringer Law Firm
5660 Greenwood Plaza Blvd.
Suite 445
Greenwood Village, Colorado 80111
E-Mail: shawn@barringerlawfirm.com
Counsel for Respondent McKinnon

9/26/2024
Date



Sarah Killeen, #31992
Senior Assistant Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th Floor
Denver, Colorado
*Counsel for the Colorado
Motor Vehicle Dealer Board*

10/9/2024
Date

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

ORDERED AND ENTERED this 15th day of October, 2024

COLORADO MOTOR VEHICLE DEALER BOARD

BY:  _____
Amanda Gordon, 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, and personal service (as noted), this 17th day of October, 2024, addressed as follows:

Kaete McKinnon
[REDACTED]

Chris J. Rouze, Executive Secretary
Colorado Motor Vehicle Dealer Board
Director, Auto Industry Division
1707 Cole Boulevard, Suite 300
Lakewood, Colorado 80401
(Placed in Board File)

Shawn Hillewaert
Barringer Law Firm
5660 Greenwood Plaza Blvd.
Suite 445
Greenwood Village, Colorado 80111
E-Mail:
shawn@barringerlawfirm.com
Counsel for Respondent McKinnon

Sarah Killeen, 31992*
Senior Assistant Attorney General
Sarah.Killeen@coag.gov

Digitally signed by
Lisa Garcia
Lisa Garcia
Date: 2024.10.17
16:53:35 -06'00'

Lisa Garcia
Legal Assistant to Auto Industry
Division