

<p>STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman Street, 4th Floor Denver, Colorado 80203 MVDB Case No. BD11-030</p> <hr/> <p>COLORADO DEPT OF REVENUE, MOTOR VEHICLE DEALER BOARD,</p> <p>Petitioner,</p> <p>v.</p> <p>GO MOTORS, INC. LICENSE NUMBER 3142,</p> <p>Respondent.</p>	
<p>Cynthia H. Coffman, Attorney General Y. E. SCOTT, Senior Assistant Attorney General* 1300 Broadway, 8th Floor Denver, CO 80203 Telephone: 720-508-6344 FAX: 720-508-6038 (FAX) E-Mail: ye.scott@state.co.us Registration Number: 20342 *Counsel of Record</p>	<p>Case No.: MV2015-0003</p>
<p>STIPULATION AND FINAL AGENCY ORDER</p>	

IT IS HEREBY STIPULATED AND AGREED to by and between the Colorado Department of Revenue, Motor Vehicle Dealer Board ("Board") and Go Motors. ("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 ("Stipulation") 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. At all relevant times, Respondent was licensed as a used motor vehicle dealer in the State of Colorado with Greg Kotsaftis being the sole owner.

3. The Board has alleged that the Respondent violated:

A. Section 12-6-118(3)(o), C.R.S., 4 counts of violating state or federal law respecting commerce or motor vehicles, or any lawful rule or regulation respecting commerce or motor vehicles promulgated by any licensing authority pertaining to motor vehicles, under circumstances in which the act constituting the violation directly and necessarily involves commerce or motor vehicles;

i. Two counts of failure to deliver or facilitate the delivery of the certificate of title to a purchaser or the holder of a chattel mortgage on a motor vehicle within thirty days after the date of sale of such vehicle in violation of section 42-6-112, C.R.S.

ii. One count of lending or knowingly permitting the use by one not entitled thereto a certificate of title, registration card, or registration number plate issued to the lending or permitting person in violation of section 42-3-121(1)(c), C.R.S.;

iii. One count of committing forgery, if, with intent to defraud, such person falsely makes, completes, alters, or utters a written instrument which is or purports to be, or which is calculated to become or to represent if completed: A public record or an instrument filed or required by law to be filed or legally fileable in or with a public office or public servant in violation of section 18-5-102(1)(d), 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 and is so represented;

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, the Respondent is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Stipulation, 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.

Go Motors Stipulation

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.

6. For purposes of this Stipulation, Respondent admits to:

One (1) count of violating section 12-6-118(3)(o), C.R.S., violating state or federal law respecting commerce or motor vehicles, or any lawful rule or regulation respecting commerce or motor vehicles promulgated by any licensing authority pertaining to motor vehicles, under circumstances in which the act constituting the violation directly and necessarily involves commerce or motor vehicles; to wit, failure to deliver or facilitate the delivery of the certificate of title to a purchaser or the holder of a chattel mortgage on a motor vehicle within thirty days after the date of sale of such vehicle in violation of section 42-6-112, C.R.S.

One (1) amended count of violating section 12-6-118(3)(o), C.R.S., violating state or federal law respecting commerce or motor vehicles, or any lawful rule or regulation respecting commerce or motor vehicles promulgated by any licensing authority pertaining to motor vehicles, under circumstances in which the act constituting the violation directly and necessarily involves commerce or motor vehicles; to wit, theft in violation of section 18-4-401(1)(2)(d), C.R.S. .

One (1) count of a violation of section 12-6-118(3)(c), C.R.S. violation of any terms and provisions of part 1, article 6, of title 12 or any rule or regulation promulgated by the board under this part 1, article 6, title 12; by permitting the use by one not entitled a registration number plate issued to the lending or permitting person in violation of section 42-3-121(1)(c), C.R.S.

One (1) amended count of a violation of section 12-6-118(3)(e), C.R.S. defrauding a buyer to such person's damage.

Based upon this admission, the Board is authorized to impose the sanctions set forth in this Stipulation.

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

A. The Respondent is assessed a fine of \$40,000.00.

B. \$20,000.00 of Respondent's fine shall be due and payable within sixty (60) days from the date this Stipulation is approved by the Board.

C. \$20,000 of Respondent's fine shall be due and payable prior to Respondent's receiving any license authorized for issuance by the Board.

Go Motors Stipulation

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. The Respondent agrees to strictly adhere to and to completely fulfill all requirements established in this Stipulation.

10. The Respondent is aware that this Stipulation will not become an order of the Board unless and until the Board approves it. If this Stipulation is not approved by the Board, it is void, and the Respondent 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 Stipulation is the complete integration of all understandings between the parties. No addition, deletion, or amendment, except as mutually agreed to in writing signed by both Parties, shall have any force or effect whatsoever.

13. 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 which are not inconsistent with its terms.

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

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

16. This Stipulation 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 cannot be appealed. The Respondent agrees that any violation of this Stipulation 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.

17. In the event this matter is referred to hearing for violation of this Stipulation, this Stipulation shall be admissible as evidence. In the event an alleged violation of this Stipulation 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 shall remain operative and in full force and effect.

Go Motors Stipulation

18. The pendency of any disciplinary action pursuant to this Stipulation shall not affect the obligation of the Respondent to continue to comply with the terms of this Stipulation during the pendency of and after the conclusion of such disciplinary action.

19. This Stipulation is a public record in the Board's custody at all times.

20. Effective Date. This Stipulation shall become an order of the Board when accepted by the Board and signed by an authorized representative of the Board.

21. This Stipulation is a full and final resolution of Office of Administrative Courts Case Number MV2015-0003. This Stipulation does not resolve any other cases, complaints or matters, known or unknown to the Parties, as of the effective date of this Stipulation.

22. 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 or any necessary follow-up to this Stipulation to be made in a timely and efficient manner. Any notice required under this Stipulation 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,
Motor Vehicle Dealer Board
Auto Industry Division
Attention: Bruce A. Zulauf, Division Director/Executive Secretary
1881 Pierce Street, Suite 112
Lakewood, Colorado 80214

B. Respondent:

Go Motors
c/o Greg Kotsaftis
1533 South Columbine Street
Denver, CO 80210

23. Should any term or provision of this Stipulation 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.

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

25. The Respondent warrants that it possesses the legal authority to enter into this Stipulation 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 to bind the Respondent to its terms. The person executing this Stipulation on behalf of the Respondent warrants that such

Go Motors Stipulation

person has full authorization to execute this Stipulation.

AGREED TO BY:



Bruce A. Zulauf
Director/Executive Secretary
Motor Vehicle Dealer Board

11/23/15

Date



Greg Kotsakis
Go Motors
Former Owner/President and
Respondent

11/16/15

Date

APPROVED AS TO FORM:



Y. E. Scott
Senior Assistant Attorney General

19 November 2015

Date



Michael G. McKinnon, Esq.
Attorney for Respondent

11/17/15

Date

[Remainder of this page intentionally left blank]

Go Motors Stipulation

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

ORDERED AND ENTERED this 23 day of November, 2015.

COLORADO MOTOR VEHICLE DEALER BOARD

BY: Joe Gebhardt, VP
~~Jason Wagner, President~~
JOE GEBHARDT, VP

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 25th day of November, 2015 addressed as follows:

Michael G. McKinnon, Esq.
5984 South Prince Street, Ste. 100
Littleton, Colorado 80120

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

Arken Ciddell-Japanen
Arken Ciddell-Japanen

cc: Bruce A. Zulauf, Executive Secretary
Colorado Motor Vehicle Dealer Board