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BEFORE THE MOTOR VEHICLE DEALER BOARD  
STATE OF COLORADO  
Case No. BD15-1489

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**STIPULATION AND FINAL AGENCY ORDER**

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**IN THE MATTER OF: USA ENTERPRISES, LLC**

Used Motor Vehicle Dealer License Number: 42141,

Respondent.

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IT IS HEREBY STIPULATED AND AGREED to by and between the Colorado Department of Revenue, Motor Vehicle Dealer Board ("Board") and USA Enterprises, 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 ("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. Respondent has been licensed as a used motor vehicle dealer in the State of Colorado at all times relevant herein.

3. The Board has alleged that Respondent violated:

A. Section 12-6-118(3)(f), C.R.S., 7 counts of failure to perform any written agreement with any buyer or seller;

B. Section 12-6-118(3)(g), C.R.S. and 1 C.C.R. 205-1 Regulation 12-6-118 (3)(g)(8), 1 count of failing, upon request of the Board, to provide all required information concerning financial and management associations and interests of other persons in the business,

C. Section 12-6-118(3)(o), C.R.S., 2 counts each of willfully violating any state or federal law or regulation respecting commerce or motor vehicles, specifically:

1) Defrauding a secured creditor or debtor in violation of section 18-5-206(1), C.R.S.

2) Fraud by check in violation of section 18-5-205, C.R.S.

D. Section 12-6-118(6)(c), C.R.S., 1 count Unfitness of financial character.

4. Respondent understands that:

A. Respondent has the right to be represented by an attorney of the Respondent's choice, at Respondent's expense and is so represented;

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 Stipulation, 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. 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. Respondent is knowingly and voluntarily giving up 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.

6. Respondent admits to two (2) counts of failure to perform a written agreement pursuant to § 12-6-118(3)(f), C.R.S.;

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

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

A. Respondent is assessed a fine of \$10,000.00.

B. \$5,000.00 of Respondent's fine shall be due and payable in ten (10) continuous monthly installments of \$500 each month beginning the month following the date this Stipulation is approved by the Board.

C. The remaining \$5,000 shall be held in abeyance for a period of one (1) year provided there are no additional violations of the statutes and regulations pertaining to motor vehicle dealers or commerce, committed by Respondent during the one (1) year following the date this Stipulation and Final Agency Order is approved by the Board. If Respondent fully complies with the terms and conditions set forth herein and does not commit any other violations for a period of 12 months from the effective date of this Stipulation, then the fines being held in abeyance shall be deemed to be fully satisfied and waived.

D. Respondent will submit to, and obtain approval from, the Board a new restructured business plan. The summary suspension of Respondent's business will remain in effect until the Board's approval of the Respondent's business plan.

E. Respondent will contract with an independent person/agency/organization for on-site training and monitoring audits. This will require the Respondent to contract for four (4) training and monitoring audits on a quarterly basis, with all to be completed within the one year probationary period. The independent person/agency/organization must be approved by the Executive Secretary for the

Motor Vehicle Dealer Board prior to the first training and monitoring audit. The approved independent person/agency/organization will file reports at the conclusion of each training and monitoring audit with the Auto Industry Division regarding Respondent's progress. Respondent shall be responsible for all costs associated with the training and monitoring.

F. Respondent agrees to cooperate with any and all compliance inspections and/or investigations conducted by the Auto Industry Division to ensure compliance with all state and federal laws and regulations related to the motor vehicle dealer industry and commerce.

9. Upon satisfaction of the terms and conditions of this stipulation, including the monetary payments due, all other counts shall be deemed dismissed with prejudice.

10. Respondent shall not engage in any act that would require licensure by the State of Colorado until Respondent first obtains the appropriate licensure.

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

12. 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.

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

14. 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.

15. 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.

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

17. Respondent expressly acknowledges having read and understood completely the terms of this Stipulation. 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. Respondent expressly states that Respondent believes the terms of this Stipulation are lawful, fair, conscionable and appropriate to reach a full and final resolution of this disciplinary matter.

18. 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. 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. 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. The pendency of any disciplinary action pursuant to this Stipulation shall not affect the obligation of 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 Case Number BD15-1489. 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. Respondent shall immediately provide in writing to the Board any change of 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:

USA Enterprises, LLC.  
5255 E. 48<sup>TH</sup> Ave., Unit A  
Commerce City, Colorado 80216

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.

USA Enterprises, LLC Stipulation and Final Agency Order

25. 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 Respondent to its terms. The person executing this Stipulation on behalf of Respondent warrants that such person has full authorization to execute this Stipulation.

AGREED TO BY:

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

4/19/16  
Date

  
Larisa Boronos  
Owner/President  
USA Enterprises, LLC.  
Respondent

04-12-2016  
Date

APPROVED AS TO FORM:

  
Y.E. Scott  
Senior Assistant Attorney General

13 April 2016  
Date

  
Michael G. McKinnon  
Attorney for Respondent

4/12/2016  
Date

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USA Enterprises, LLC Stipulation and Final Agency Order

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

ORDERED AND ENTERED this 19<sup>th</sup> day of APRIL, 2016.

COLORADO MOTOR VEHICLE DEALER BOARD

BY: Joe Gebhardt  
Jason Wagner, President

JOE GEBHARDT, VICE 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 9<sup>th</sup> day of May, 2016 addressed as follows:

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

Michael G. McKinnon, Esq.  
5984 South Prince Street, Suite 100  
Littleton, CO 80120

Steve Ciddul-Young

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