



COLORADO

Department of
Regulatory Agencies

Division of Real Estate

1560 Broadway, Suite 925
Denver, CO 80202-5111

MINUTES

COLORADO REAL ESTATE COMMISSION MEETING August 1, 2023

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MINUTES
COLORADO REAL ESTATE COMMISSION MEETING
August 1, 2023
Colorado Division of Real Estate
Meeting Conducted Via Webinar

A Colorado Real Estate Commission public meeting was conducted via Webinar and was held on August 1, 2023. Those Commissioners in attendance were Michelle Espinoza - Chair; Graham Kaltenbach - Vice Chair; Josh Brodbeck; Joe Chang; and Renee Lynde. Also attending were Marcia Waters, Director; Eric Turner, Deputy Director; David Donnelly, Education, Communication and Policy Manager; Melissa Phipps, Senior Advisor; Penny Elder, ESP Program Manager; Sarah Halloran, Investigations Team Lead; Eddie Rose, Investigations Team Lead; Nicole Tribelhorn, Investigations Team Lead; and other members of the Commission's Staff. Angela Little; Natalie Powell and Lisa Michaels attended from the Office of the Attorney General.

Notice of the meeting was timely published and the meeting was held pursuant to the Colorado Sunshine Laws, Title 24, Article 6, C.R.S., as amended.

The meeting was conducted via Webinar. The meeting was called to order by Commissioner Espinoza - Chair, at 9:01 a.m.

ORDER OF BUSINESS

Approval of Minutes - June 6, 2023

It was moved by Commissioner Chang and seconded by Commissioner Lynde to approve the Minutes of June 6, 2023 as written.



CREC Minutes_June
6, 2023.pdf

Commissioner Brodbeck abstains. **Motion carried.**

Approval of Minutes - June 20, 2023 Non-Rulemaking Hearing

It was moved by Commissioner Chang and seconded by Commissioner Lynde to approve the None-Rulemaking Hearing Minutes of June 20, 2023 as written.



CREC Minutes_June
20, 2023.pdf

Commissioner Brodbeck and Commissioner Kaltenbach abstain. **Motion carried.**

PUBLIC PRESENTATION: None

POLICY MATTERS: None

Agenda Items for Next Meeting - None

EXECUTIVE SESSION:

At 9:05 a.m. it was moved, seconded and approved by more than two-thirds vote by the Commission that pursuant to §24-6-402(3)(a)(II), C.R.S., to convene the Colorado Real Estate Commission into Executive Session for the purpose of receiving legal advice pursuant to C.R.S. §24-6-402(3)(a)(II) concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice regarding Hearing Matter - Colorado Real Estate Commission v. Laura Coram and Donald Coram - Remand; Case Numbers: RC 2020-0037 and RC 2020-0036; and the Commission's decision to grant or deny the request for oral arguments in Case Numbers RC 2020-0037 and RC 2020-0036.

Motion unanimously carried.

Executive Session is conducted via Google Hangout Meeting.

The Commission adjourned out of Executive Session at 9:24 a.m. and resumes meeting via webinar that is open to the public.

HEARING MATTERS:

Colorado Real Estate Commission v. Laura Coram and Donald Coram - Remand; Case Numbers: RC 2020-0037 and RC 2020-0036 -

Following discussion in Executive Session with Conflicts Counsel Natalie Powell, it was moved by Commissioner Kaltenbach and seconded by Commissioner Lynde to grant the request for oral argument from both parties.

Motion unanimously carried.

Oral arguments are presented by Counsel for the Petitioner, Gina Canaan.

Oral arguments are presented by Counsel for the Respondent, Lyndsay Ressler.

Oral arguments conclude at 9:48 a.m.

Hearing Matter - Petitioner's Fees -

It was moved by Commissioner Chang and seconded by Commissioner Lynde to award petitioner's legal fees as requested totaling \$39,240 (139 hours).

Commissioner Brodbeck is opposed. **Motion carried.**

Hearing Matter - Delegation of Authority -

It was moved by Commissioner Kaltenbach and seconded by Commissioner Chang to delegate authority to Conflicts Counsel to draft the Order and delegate Deputy Director Eric Turner to execute the Final Agency Order on behalf of the Commission in Case Number: RC 2020-0037

and RC 2020-0036 - Colorado Real Estate Commission v. Laura Coram and Donald Coram - Remand. The Order shall include a due date for payment of petitioner's fees within one year.

Motion unanimously carried.

COMPLAINT MATTERS:

NOTICE: The following complaint matters contain summaries of investigative findings and disciplinary recommendations of Division staff. Ultimate settlement terms, imposition of discipline or findings of license law violations may differ from those originally considered by the Commission.

A. Complaint #2023-879 (BB) -

The investigative report concerning a complaint filed against the respondent in Complaint #2023-879 (BB) was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law.

- A. The complainant, who was the homeowner of the property managed by the respondent, alleged that the respondent did not provide on-site inspections of the property which resulted in vandalism. This allegation was not substantiated. The investigation noted that the respondent did not obtain an executed Brokerage Duties Addendum to Property Management Agreement, Lease Agreement, Brokerage Disclosure to Tenant form, or perform on-site property inspections during his two years of managing the property. During the review of the respondent's documentation, the Property Management Agreement did not list the required Commission language or drafting attorney information. It was observed that there were possible license law violations regarding the brokerage escrow accounting practices and fiduciary cash balances for his 3-Way Security Deposit Reconciliations for the months of February, March, and April 2023. However, it appears that the respondent has gained compliance for his May 2023 Security Deposit Trust Account Reconciliation; and
- B. This is a possible violation of:
 - a. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - b. § 12-10-217(1)(q), C.R.S. - unworthy, incompetent practice;
 - a. Commission Rule 7.1 - standard forms;
 - b. Commission Rule 5.8 - transfer of security deposits;
 - c. Commission Rule 5.14 - recordkeeping requirements; and
- C. The respondent's settlement offer includes a Stipulation for Diversion;
- D. He will be required to pay a fine to the Commission in the amount of \$2,500; and
- E. He will be required to successfully complete real estate education in Trust Accounts and in Property Management.

Motion unanimously carried.

B. Complaint #2022-2033 (ED) -

The investigative report concerning a complaint filed against the respondent in Complaint #2022-2033 (ED) was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law.

- A. The complainant, who was a tenant in a property managed by the respondent, alleged that the respondent miscalculated the amounts due for reimbursement of her Security Deposit and did not provide them in a timely manner from her departure of the property. The complainant stated that she did not receive the proper itemized notification of retained expenses from the respondent, in a timely manner, upon moving out of the property; however, there was insufficient evidence to prove a violation. The investigation noted additional potential violations that the respondent was using non-compliant property management forms and performing trust accounting procedures which do not appear to be in compliance with license law; and
- B. This is a possible violation of:
 - a. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - b. § 12-10-217(1)(q), C.R.S. - unworthy, incompetent practice;
 - c. Commission Rule 5.14 - recordkeeping requirements;
 - d. Commission Rule 7.1 - standard forms; and
- C. The respondent's settlement offer includes a Stipulation for Diversion;
- D. She will be required to pay a fine to the Commission in the amount of \$2,500;
- E. She will be required to successfully complete real estate education in Trust Accounts and in Property Management; and
- F. The respondent will be required to submit to a follow-up audit within three months.

Motion unanimously carried.

C. Complaints #2023-13; #2023-109; #2023-177; #2023-533; #2023-962; #2023-1022 & #2023-1023 (DE) -

The investigative reports concerning complaints filed against the respondent in Complaints #2023-13; #2023-109; #2023-177; #2023-533; #2023-962; #2023-1022 & #2023-1023 (DE) were presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. This report consists of seven (7) separate complaints. The complainants, who employed the respondent to manage their properties, alleged that the respondent did not respond to their communications, did not provide rental proceeds, and did not return Security Deposits as stated in their agreements. The investigation noted that the respondent was non-responsive to the investigator regarding all but the first complaint. Therefore, subpoenas were issued to gain financial overview of the respondent's business practices. During the review of the banking information multiple irregularities were discovered. Additionally, it was observed that the respondent's Property Management Agreements did not appear to be in compliance with license law and brokerage disclosures were not provided; and
- B. This is a possible violation of:
 - a. § 12-10-217(1)(w), C.R.S. - dishonest dealing;
 - b. § 12-10-217(1)(q), C.R.S. - unworthy, incompetent practice;
 - c. § 12-10-217(1)(h), C.R.S. - failure to account for funds received;
 - d. § 12-10-217(1)(i), C.R.S. - converting, diverting, commingling funds;
 - e. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - f. Commission Rule 5.9 - diversion, conversion prohibited;

- g. Commission Rule 5.15 - maintenance and production of reports to beneficiaries;
- h. Commission Rule 7.1 - standard forms;
- i. Commission Rule 5.21 - production of documents and records;
- j. Commission Rule 6.5 - brokerage relationship disclosures in writing;
- k. Commission Rule 6.25 - must submit written response to complaint; and
- C. The respondent's settlement offer includes a Stipulation and Final Agency Order;
- D. The respondent shall be publicly censured;
- E. His real estate broker's license shall be revoked; and
- F. He will be required to pay a fine to the Commission in the amount of \$25,000.

Motion unanimously carried.

D. Complaint #2022-1938 (NM) -

The investigative report concerning a complaint filed against the respondent in Complaint #2022-1938 (NM) was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. The complainant and his wife, who were going through a divorce, were represented by the respondent in the listing of their property. The complainant alleges that the respondent and his wife rejected all offers made. This allegation could not be substantiated. The complainant also alleged that by allowing the property to go into foreclosure his wife's family was able to purchase the property via a short sale. This allegation could not be substantiated. The investigation did find inconsistencies with the e-signatures of the complainant as alleged; as well as the e-signature of his wife and the e-signature of a client in a separate transaction that was reviewed as part of the investigation; and
- B. This is a possible violation of:
 - a. § 12-10-217(1)(q), C.R.S. - unworthy, incompetent practice; and
- C. The respondent's settlement offer includes a Stipulation and Final Agency Order;
- D. The real estate broker's license shall be publicly censured;
- E. She will be required to pay a fine to the Commission in the amount of \$1,000; and
- F. She will be required to successfully complete real estate education in Ethics.

Motion unanimously carried.

E. Complaint #2022-1986 (JC) -

The investigative reports concerning a complaint filed against the respondent in Complaint #2022-1986 (JC) was presented to the Commission with accompanying documentation and information against the same respondent. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. The respondent is the employing broker for a brokerage which offers a promotional fee to a homeowner in exchange for entering into a 40-year agreement which purports to be a covenant running with the land and binding on future owners, creates a lien against the residential property and allows the brokerage to assign their interest without the agreement of the current homeowner. The agreement has a penalty if at any time in the 40-year term the homeowner transfers title without using the brokerage to sell the property. The penalty is 3% of the home's value as determined by the brokerage. A licensee who was employed by the brokerage stated that she was not supervised by the respondent on matters dealing with the Home Benefit Agreement, but rather was supervised by individuals unlicensed in the state of Colorado. The respondent failed to provide documents as requested with notification of the complaint; and
- B. This is a possible violation of:
 - a. § 12-10-217(1)(k), C.R.S. - failure to produce documents upon request;
 - b. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - c. § 12-10-217(1)(r), C.R.S. - failure to supervise associates;
 - d. § 12-10-217(1)(w), C.R.S. - dishonest dealing;
 - e. Commission Rule 6.3 - employing broker supervision;
 - f. Commission Rule 6.22 - prohibited remedies for compensation;
 - g. Commission Rule 6.25.2 - investigations or audits by Commission; and
- C. The respondent's settlement offer includes a Stipulation and Final Agency Order;
- D. The respondent's real estate broker's license shall be publicly censured;
- E. The respondent's real estate broker's license shall be revoked;
- F. She will be required to pay a fine to the Commission in the amount of \$15,000; and
- G. The respondent will be directly referred to the Attorney General's Office.

Motion unanimously carried.

F. Complaint #2023-133 (JC) -

The investigative report concerning a complaint filed against the respondent in Complaint #2023-133 (JC) was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. The complainant was the listing broker for the subject property beginning in June 2022. The complainant had an active Exclusive Right to Sell Listing Agreement with the seller, although the property was withdrawn from the MLS at the seller's request. The respondent entered into an Exclusive Right to Sell Listing Agreement with the seller in December 2022. The respondent's ERTS stemmed from an agreement the seller signed in which he received a \$1,600 promotional fee in exchange for a 40-year right to list the property or a \$17,974.50 termination fee. The seller stated that he was not told the terms of the contract. Once the seller reviewed the terms himself, he tried to terminate the respondent's agreement within three days but was told that the 72-hour right to rescind had expired. The seller and the complainant stated that the respondent continued to contact the seller after she was notified of the existing broker representation; and

- B. This is a possible violation of:
 - b. § 12-10-217(1)(w), C.R.S. - dishonest dealing;
 - c. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - d. § 12-10-403(4)(c), C.R.S. - use a form appropriate to the transaction;
 - e. Commission Rule 6.15 - sign crossing; and
- C. The respondent's settlement offer includes a Stipulation and Final Agency Order;
- D. The respondent's real estate broker's license shall be publicly censured;
- E. The respondent's real estate broker's license shall be revoked;
- F. She will be required to pay a fine to the Commission in the amount of \$7,500; and
- G. The respondent will be directly referred to the Attorney General's Office.

Motion unanimously carried.

G. Complaint #2022-982; (GM) -

The investigative report concerning a complaint filed against the respondent in Complaint #2022-982; (GM) was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. The Division received a complaint which alleged that the respondent failed to perform his duties as the complainant's listing broker and failed to release the complainant from the listing. There was insufficient evidence to prove a license law violation related to these allegations. The investigation found that during the transaction, the respondent wrote an offer for the complainant at a time he knew them to be under contract on another home. He did not appear to have an Exclusive Right to Buy with the complainant or provide the complainant with a Brokerage Disclosure to Buyer. He stated that he did not ask the complainant if they had an Exclusive Right to Buy with another broker, even though he knew them to be working with the other broker on a home purchase. Review of additional files appeared to lack proper written disclosures of brokerage relationships with the respondent's buyers; and
- B. This is a possible violation of:
 - a. § 12-10-407(2)(b), C.R.S. - reasonable skill and care;
 - b. § 12-10-407(3)(c)(f), C.R.S. - disclose material information;
 - c. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - d. § 12-10-217(1)(q), C.R.S. - unworthy, incompetent practice;
 - e. Commission Rule 6.5 - brokerage relationship disclosures in writing; and
- C. The respondent's settlement offer includes a Stipulation for Diversion;
- D. He will be required to pay a fine to the Commission in the amount of \$2,500; and
- E. He will be required to successfully complete real estate education in Brokerage Relationships and in Ethics.

Motion unanimously carried.

H. Complaint #2022-1242 (BT) -

The investigative report concerning a complaint filed against the respondent in Complaint #2022-1242 (BT) was presented to the Commission with accompanying documentation and

information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. The complainant was the buyer of a home. The respondent was the listing broker. The complainant alleged that the respondent provided falsified receipts for work that they had agreed to be done per the Inspection Resolution. The complainant alleged that the falsified receipts were used to encourage her to close on the purchase of the home when the terms of the contract had not been met. The complainant stated that even after closing the respondent continued to make misrepresentations. The respondent stated that she had an invoice to document her statements, however, as of the date of this report that invoice has not been provided. In an initial conversation with the seller, he stated that he had not signed an amendment to the contract and an inspection resolution. In a follow up conversation, he stated that he had instructed the respondent to make the transaction as smooth as possible. As of the date of this report the respondent has not provided evidence of the documents being sent to the seller for signature; and
- B. This is a possible violation of:
 - a. § 12-10-217(1)(m), C.R.S. - violation of an Commission rule or part 4
 - b. § 12-10-217(1)(c), C.R.S. - deliberate misrepresentation/false promise;
 - c. § 12-10-217(1)(q), C.R.S. - unworthy, incompetent practice;
 - d. § 12-10-404(1)(b), C.R.S. - reasonable skill and care;
 - e. § 12-10-217(1)(w), C.R.S. - dishonest dealing;
 - f. Commission Rule 5.21 - production of documents and records; and
- C. The respondent's settlement offer includes a Stipulation and Final Agency Order;
- D. The respondent's real estate broker's license shall be publicly censured;
- E. The respondent's real estate broker's license shall be revoked; and
- F. She will be required to pay a fine to the Commission in the amount of \$12,500.

Motion unanimously carried.

I. Complaint #2022-1185 (SF) -

The investigative reports concerning a complaint filed against the respondent in Complaint #2022-1185 (SF) was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. The transaction failed because the buyer couldn't obtain a loan before closing. The complainant alleged that the respondent who was acting as his real estate broker and Mortgage Loan Originator, failed to timely communicate with him regarding the transaction and the loan. The complainant further alleged that the respondent electronically signed his name to the earnest money release, releasing the money to the sellers, without his permission. The investigation also addressed the potential violations that the respondent failed to timely establish his brokerage relationship with the complainant, failed to maintain a complete transaction file, and failed to

provide the complainant with copies of the transaction documents. The respondent also included a \$25,000.00 appraisal gap provision in the purchase contract that he never explained to the complainant, according to the complainant, and the complainant did not understand; and

- B. This is a possible violation of:
 - a. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - b. § 12-10-217(1)(k), C.R.S. - failure to maintain files for 4 years;
 - c. § 12-10-217(1)(q), C.R.S. - unworthy, incompetent practice;
 - d. § 12-10-405(1)(b), C.R.S. - failure to exercise reasonable skill and care;
 - e. § 12-10-408(2)(b), C.R.S. - establish brokerage relationship in writing;
 - f. Commission Rule 6.5 - brokerage relationship disclosures in writing;
 - g. Commission Rule 6.20 - transaction file requirements; and
- C. The respondent's settlement offer includes a Stipulation and Final Agency Order;
- D. The respondent's real estate broker's license shall be publicly censured;
- E. The respondent's real estate broker's license shall be revoked; and
- F. He will be required to pay a fine to the Commission in the amount of \$15,000.

Motion unanimously carried.

J. Complaint #2023-1052 (RM) -

The investigative report concerning a complaint filed against the respondent in Complaint #2023-1052 (RM) was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. On April 24, 2023, the respondent was convicted of a class 5 felony; Menacing Real/simulated Weapon. The conviction was not reported to the Colorado Real Estate Commission; and
- B. This is a possible violation of:
 - a. § 12-10-217(1)(n), C.R.S. - conviction/plea to specified crimes;
 - b. § 12-10-217(1)(p), C.R.S. - failure to immediately notify CREC;
 - c. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - d. Commission Rule 6.23 - immediate notification of conviction, plea or violation required; and
- C. The respondent's settlement offer includes a Stipulation for Diversion; and
- D. He will be required to pay a fine to the Commission in the amount of \$500.

Motion unanimously carried.

K. Complaint #2022-1745 (MT) -

The investigative report concerning a complaint filed against the respondent in Complaint #2022-1745 (MT) was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission that reasonable grounds exist to refer the respondent to hearing for violations of the real estate license law and to send this matter through the expedited settlement process (ESP). The staff was also directed to

incorporate these specific terms into the Commission approved ESP stipulation to be sent to the respondent.

- A. The complainant, who resides within the subdivision of the properties listed by the respondent, alleges that the respondent's MLS listings falsely advertised the properties as being subdividable and not restricted to covenants, when in fact the subdivision has been controlled by Covenants, Conditions, Easements and Restrictions since November 1995. The respondent indicated that he relied on information provided by the sellers in the first and second transactions. The respondent did not disclose in his subsequent MLS listing that he had conflicting information regarding the validity of the covenants; and
- B. This is a possible violation of:
 - a. § 12-10-217(1)(m), C.R.S. - violation of any Commission rule or part 4;
 - b. § 12-10-404(3)(a) - failure to disclose a material fact - seller's agent;
 - c. Commission Rule 6.10 - advertising; and
- C. The respondent's settlement offer includes a Dismissal with a Letter of Concern.

Motion unanimously carried.

LICENSING MATTERS:

Licensing Matter A - Complaint #2023-948 (HJ) - Preliminary Advisory Opinion -

The Commission considered this application for a preliminary advisory opinion for a real estate broker's license together with accompanying documentation and information supplied by the applicant.

On November 29, 2012, the applicant was convicted of Marijuana-Cultivation 7 to 29 Plants. A deferred sentence was granted in 2012, subsequently revoked, and a guilty plea was entered in 2016. The applicant has completed probation and has paid the fine in full. The case is closed.

It was moved by Commissioner Lynde and seconded by Commissioner Kaltenbach to issue a positive opinion.

Motion unanimously carried.

Licensing Matter B - Complaint #2023-1344 (MC) - License Application -

The Commission considered this application for a real estate broker's license together with accompanying documentation and information supplied by the applicant.

The applicant was the respondent to a complaint which alleged license law violations in conjunction with transactions involving an 80-year-old man; and those transaction resulted in multiple foreclosures. In 2013 the applicant signed a stipulation which included voluntary surrender of her Employing Broker level Associate Real Estate License. Such surrender is treated as a license revocation. The stipulation also included a fine of \$49,500 and public censure. In the Stipulation the applicant admitted to violations of "demonstrating unworthiness or incompetency to act as a real estate broker...disregarding or violating a Commission Rule, and Commission Rule E-5, failing to provide complete and accurate closing statements."

The applicant applied for a PAO which was considered at the February 2023 meeting of the Colorado Real Estate Commission and received a negative opinion.

It was moved by Commissioner Brodbeck and seconded by Commissioner Kaltenbach to deny the license application based on lack of truthfulness, honesty and good moral character.

Motion unanimously carried.

ESP MATTERS:

ESP Matter A, Complaint #2022-1239 (PD) - Stipulation Violation -

The Commission was presented with a Stipulation Violation report by Penny Elder regarding ESP Matter A, Complaint #2022-1239 (PD). After discussion, it was moved by Commissioner Lynde and seconded by Commissioner Chang to proceed with a stipulation violation of §12-10-217(1)(m), and seek a Final Agency Order, public censure; and a fine in the amount of \$2,500 (+15% mandatory surcharge).

Motion unanimously carried.

NOTE: The Commission and Division welcome Josh Brodbeck to the Real Estate Commission.

ADJOURN:

The Real Estate Commission adjourned out of their regular meeting at 10:45 a.m. on August 1, 2023.

Michelle Espinoza, Chair

Graham Kaltenbach, Vice Chair

Josh Brodbeck, Commissioner

Joe Chang, Commissioner

Renee Lynde, Commissioner

