

MINUTES

**COLORADO REAL ESTATE COMMISSION MEETING
April 13, 2010**

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MINUTES
COLORADO REAL ESTATE COMMISSION MEETING
April 13, 2010
COLORADO DIVISION OF REAL ESTATE
1560 BROADWAY, SUITE 1250-C
DENVER, CO 80202

A Colorado Real Estate Commission public meeting was held on April 13, 2010. Those Commissioners in attendance were Chair Kristin Bronson, Vice-Chair Charles “Buzz” Moore, Douglas Ring, Gina Piccoli and Jill Ozarski. Also attending were Mary Kanaly, Real Estate Program Manager; Penny Elder, ESP Program Manager; Aaron Acker, ESP Settlement Coordinator; Terry Hugar, Attorney General’s Office; Phil Davis, Attorney General’s Office; Joan Smith, Conflicts Counsel – Attorney General’s Office, and several members of the Commission’s Staff. Acting Director Marcia Waters is absent.

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 called to order by Commissioner Bronson at 9:03 a.m.

ORDER OF BUSINESS

Approval of Minutes

It was moved by Commissioner Moore and seconded by Commissioner Ring to approve the Minutes of February 2, 2010, as presented.

Motion unanimously carried.

POLICY MATTERS:

Selection of Commission Leadership-

It was moved by Commissioner Moore and seconded by Commissioner Bronson to nominate Gina Piccoli as the Commission Chair and Douglas Ring as Commission Vice-Chair.

Commissioner Bronson will pass the gavel to Commissioner Piccoli at the next meeting.

Motion unanimously carried.

Commission Reappointment-

Commissioner Bronson announced that she has been reappointed to the Real Estate Commission for a second term by Governor Bill Ritter.

In honor of Commissioner Bronson's service as Commission Chair, Mary Kanaly presented her with a glass cube as a token of staff's appreciation and admiration for the duties she has served.

Commission Position Statement 12-

It was moved by Commissioner Ring and seconded by Commissioner Moore to adopt Commission Position Statement 12 concerning The Broker's Payment or Rebating a Portion of an Earned Commission as presented by staff.



CP-12 Final.pdf

Motion unanimously carried.

Colorado Real Estate Manual-

Sean Rhyne announced that the Colorado Real Estate Manual will not be published for 2010, but will again be published in 2011. As a cost savings measure, the Manual is being reviewed and revised with an eye toward reducing the size of it. The Division will be evaluating those chapters that are most used and may eliminate some of the less used chapters from both the Manual and from the Division's website. Commissioners have been asked to share their thoughts, concerns and ideas with Mary Kanaly on how to make the Manual more concise.

Education Task Force-

It was moved by Commissioner Ring and seconded by Commissioner Piccoli to approve Sherry Steele and Chantel Babb as new members of the Education Task Force.

Motion unanimously carried.

Legislative Update-

HB-1077 The Appraisal Management Company (AMC) bill has been postponed indefinitely.

HB-1141 This mortgage broker bill has had significant and major changes introduced in the Senate including moving the program from a Director-based model to a Board/Commission model. The House introduced a provision for changing the Division of Real Estate from a Type I agency to a Type II agency, which will need Senate approval before it can pass.

Recognition of Zach Urban-

It was announced that Zach Urban, the Division's Director of Communications has submitted his resignation and is moving to the Adams County Housing Authority.

Mediation Representative-

It was moved by Commissioner Moore and seconded by Commissioner Ring to approve Commissioner Piccoli as the Commission's representative for a mediation hearing

scheduled for May 4th via teleconference. Alternatively, Commissioner Bronson is approved as the Commission's representative for the mediation hearing if personal representation is more advantageous.

Motion unanimously carried.

COMPLAINT MATTERS:

NOTICE: The following complaint matters contain summaries of investigative findings and proposed offers of settlement. Ultimate settlement terms, imposition of discipline or findings of license law violations may differ from those originally considered by the Commission. The investigative report, exhibits and all other Commission records relating to each proceeding may be public records as defined by the Colorado Open Records Act, § 24-72-203, C.R.S. and any other applicable laws.

Kachina McAlexander-

The investigative report concerning a complaint filed by the Commission on its own motion against **Kachina D. McAlexander**, License #FA 100023687 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 Ms. McAlexander.

- a. **Kachina D. McAlexander** is a licensed Real Estate Broker whose license is currently inactive. On December 14, 2010 Ms. Alexander was found guilty of three counts of Aggravated Assault, a class 2 Felony; and one count of reckless discharge of a firearm, a class 1 misdemeanor, in a South Dakota State Court. Ms. Alexander, though given the opportunity to, has failed to report this conviction to the Commission. She has since been sentenced to, and is serving a 5 year DOC sentence, with 3 years suspended in South Dakota; and
- b. These acts may constitute a violation of: 12-61-113(1)(m); 12-61-113(1)(m.6); and
- c. Ms. McAlexander's real estate broker's license shall be publicly censured; and
- d. Ms. McAlexander's real estate broker's license shall be revoked; and
- e. She shall pay a fine to the Commission up to \$5,000.

Motion unanimously carried.

Jeffrey Benhanna-

The investigative report concerning a complaint filed by Gerald M. Kolb against **Jeffrey B. Benhanna**, License #FA 100014937 was presented to the Commission with accompanying documentation and information supplied by Mr. Benhanna. 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 Mr. Benhanna.

- a. The complainant in this case alleges that **Jeffrey Benhanna**, acting as his buyer's broker in the purchase of a condominium, failed to advise him of or withheld information from him which indicated that the HOA of the condominium complex was involved in a lawsuit with the builder of the condos which alleged numerous defects in the construction of the complex. The complainant alleges that if he were informed of the defects prior to the sale, his lender would not have made the loan and he would not have purchased the property; and
- b. These acts may constitute a violation of: 12-61-113 (1) (c.5) C.R.S.; 12-61-113 (1) (k) C.R.S.; 12-61-113 (1) (n) C.R.S., and 12-61-805 (1) (c), C.R.S.; and
- c. Mr. Benhanna's real estate broker's license shall be suspended for a period of three months; and
- d. His license shall be publicly censured; and
- e. Mr. Benhanna shall pay a fine to the Commission up to \$10,000; and
- f. Mr. Benhanna shall successfully complete a real estate education course in Contracts.

Motion unanimously carried.

Richard Chick-

The investigative report concerning a complaint filed by Robert G. Creely against **Richard H. Chick**, License #ER 40006274 was presented to the Commission with accompanying documentation and information supplied by Mr. Chick. 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 Mr. Chick.

- a. The complainant in this case states that the Respondent, **Richard H. Chick**, showed them several properties around the Salida, Colorado area in 2002 and 2003. The complainant eventually decided on, and purchased a property that he later found out was actually owned by the Respondent Richard Chick. The complainant states that the property was not advertised truthfully to him, and that it was not disclosed that Mr. Chick was the owner of the property. Mr. Chick responded that the property was in fact advertised truthfully, and that he did disclose to the buyers that he had an ownership interest in the property. Mr. Chick admitted during the investigation that he did not provide the buyers with an appropriate Brokerage disclosure, and that he did not disclose on the CBS that he was the seller of the property, and that he did not disclose his brokerage relationship to the buyers; and
- b. These acts may constitute a violation of: 12-61-113(1)(a); 12-61-113(1)(k); 12-61-113(1)(n); 12-61-113(1)(q); 12-61-113(1)(r); 12-61-113(1)(t); 12-61-808(2)(d) and Commission Rules E-25, E-35 and E-40; and
- c. Mr. Chick's real estate broker's license shall be publicly censured; and
- d. Mr. Chick's real estate broker's license shall be revoked; and
- e. He shall pay a fine to the Commission up to \$17,500.

Motion unanimously carried.

Amber Turner-

The investigative report concerning a complaint filed by the Commission on its own motion against **Amber Turner**, License #FA 100003280 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 Ms. Turner.

- a. On December 4, 2009, expired licensee, **Amber Turner** pled guilty to one count of theft, a class 4 felony, for embezzlement of approximately \$230,000.00 from her employer. Ms. Turner was sentenced on February 5, 2010 to two years in the Department of Corrections, to be followed by a three-year parole. Ms. Turner was also ordered to pay restitution in the amount of \$193,981.93. Ms. Turner failed to report this conviction to the Commission as is required. Ms. Turner is eligible to reinstate her license through May 27, 2012; and
- b. These acts may constitute a violation of: 12-61-113(1)(m), and 12-61-113(1)(m.6); and
- c. Ms. Turner's real estate broker's license shall be publicly censured; and
- d. Her license shall be revoked;
- e. Ms. Turner shall pay a fine to the Commission up to \$5,000.

Motion unanimously carried.

James Elterman-

The investigative report concerning a complaint filed by the Commission on its own motion against **James H. Elterman**, License #ER 40008073, was presented to the Commission with accompanying documentation and information supplied by Mr. Elterman. 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 Mr. Elterman.

- a. On December 11, 2009 **James H. Elterman** pled guilty in Denver District Court to a violation of the Colorado Organized Crime Control Act, a class 2 Felony. He further pled guilty to engaging in professional gambling, a class 1 misdemeanor. Mr. Elterman failed to notify the Commission of these guilty pleas. Mr. Elterman was sentenced to a 60-day jail term, a two-year deferred sentence with supervised probation, and public service; and
- b. These acts may constitute a violation of: 12-61-113(1)(m), and 12-61-113(1)(m.6); and
- c. Mr. Elterman's real estate broker's license shall be publicly censured; and
- d. His license shall be revoked;
- e. Mr. Elterman shall pay a fine to the Commission up to \$5,000.

Motion unanimously carried.

Norma Walker-

The investigative report concerning a complaint filed by Mark W. Gerhart and the Commission on its own motion against **Norma L. Walker**, Revoked License #EA 1193615 was presented to the Commission with accompanying documentation and information supplied by Ms. Walker.

Respondent Walker violated a previous stipulated agreement with the Commission in which she voluntarily surrendered her Colorado Real Estate Broker's license in July, 2007. Ms. Walker also violated a second stipulated agreement with the Commission in which she agreed to cease from engaging in unlicensed Real Estate Broker activity on October 30, 2008. It was moved and seconded by the Commission to refer this case directly to the Office of the Attorney General with instructions to seek a contempt order against Ms. Walker in Denver District Court case 2008CV4802.

Motion unanimously carried.

Joyce Kelly-

The investigative report concerning a complaint filed by the Commission on its own motion against **Joyce Kelly**, an unlicensed individual, was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission to refer this case directly to the Office of the Attorney General for the purpose of obtaining an injunction against Ms. Kelly which prohibits her from acting as a Real Estate Broker in Colorado.

Motion unanimously carried.

Michael A. Lapidés-

The investigative report concerning a complaint filed by the Commission on its own motion against **Michael Lapidés**, an unlicensed individual, was presented to the Commission with accompanying documentation and information. It was moved and seconded by the Commission to refer this case directly to the Office of the Attorney General for the purpose of obtaining an injunction against Mr. Lapidés which prohibits him from acting as a Real Estate Broker in Colorado.

Motion unanimously carried.

Charleen Corpron-

The investigative report concerning a complaint filed by Jonathan Kyte against Charleen Corpron, License #FA 40027937, was presented to the Commission with accompanying documentation and information supplied by Ms. Corpron. 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 Ms. Corpron.

- a. The complainant in this case alleges that broker, **Charleen Corpron**, who was acting as the seller's agent for Deutsche Bank, listed a condominium in a building without verifying the unit numbers associated with the unit the complainant believed he was purchasing. The complainant was shown and purchased what he believed was Unit 4, based on the MLS description of the property placed by Ms. Corpron. The complainant closed on, and moved into that unit. After making improvements to the property and living in it, it was discovered that he had been shown the wrong unit. The complaint further alleges that Ms. Corpron never physically inspected the property and placed the information regarding the details of the unit in the MLS based on incorrect information; and
- b. These acts may constitute a violation of: 12-61-113(1)(k), 12-61-113(1)(n), 12-61-807(2)(b), 12-61-807(2)(c), 12-61-808(2), and Commission Rule E-35; and
- c. Ms. Corpron's real estate broker's license shall be publicly censured; and
- d. Her license shall be suspended for a period of up to three months; and
- e. Ms. Corpron shall successfully complete appropriate real estate education courses as determined by staff; and
- f. She shall pay a fine to the Commission up to \$2,250.

Motion unanimously carried.

Gina Lopez-

The investigative report concerning a complaint filed by Gina Garcia-Balderas and the Commission on its own motion against **Gina M. Lopez**, License #IA 400119691 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 Ms. Lopez.

- a. **Gina Lopez's** Broker's license is currently expired and she is eligible for reinstatement through 7-20-11. Subsequent to the expiration of her license, Ms. Lopez was found guilty of one count of second degree forgery. The Division has placed a records hold on Ms. Lopez's record for this violation, which will preclude her from reapplying until she responds to case # 2010010044, which addresses this conviction. The allegations in case number 2008010034 are that Ms. Lopez and her husband convinced an elderly person to purchase a home for them, which they agreed to make the mortgage payments on, and that they would obtain their own mortgage within three months. Ms. Lopez never made the mortgage payments on the property, never obtained a mortgage for the property, and the home has since gone into foreclosure. Ms. Lopez acted as the broker for the elderly man in this transaction; and
- b. These acts may constitute a violation of: 12-61-113(1)(k), 12-61-113(1)(n), 12-61-113(1)(t), and Commission Rules E-21 and E-44; and
- c. Ms. Lopez's real estate broker's license shall be revoked; and
- d. Her license shall be publicly censured; and
- e. Ms. Lopez shall pay a fine to the Commission up to \$10,000.

Motion unanimously carried.

Xochilt Alamillo-

The investigative report concerning a complaint filed by the Commission on its own motion against **Xochilt Alamillo**, License #EA 40020420 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 Ms. Alamillo.

- a. On January 20, 2010 **Xochilt Alamillo** pled guilty to one count of Offering False Instrument for Recording, a class 6 felony. Ms. Alamillo failed to notify the Commission of this plea. She was sentenced to three years supervised probation, community service and fines; and
- b. These acts may constitute a violation of: 12-61-113(1)(m); and
- c. Ms. Alamillo's real estate broker's license shall be publicly censured; and
- d. Ms. Alamillo's real estate broker's license shall be revoked; and
- e. She shall pay a fine to the Commission up to \$5,000.

Motion unanimously carried.

Patricia Valdez-

The investigative report concerning a complaint filed by Therese M. Martinez against **Patricia A.L. Valdez**, License #IA 40023591 was presented to the Commission with accompanying documentation and information supplied by Ms. Valdez. 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 Ms. Valdez.

- a. The complaint alleges that **Patricia Valdez** failed to disclose on settlement documents that the buyer of her mother's home, who was also the respondent's brother, received what was listed as an equity gift to the buyer, without disclosing on the settlement documents that this was actually a loan with a written side agreement outlining a payment plan to pay back the funds. The settlement documents also indicated that the buyer of the property was going to live in the home as his primary residence, when in fact the respondent knew the buyer lived full time in California. Finally the complaint alleges that Ms. Valdez did not counsel the seller regarding the sale of a home that was almost paid off in exchange for a mortgage which caused her to make a higher monthly payment to rent back the property. The home went into foreclosure, and the original owner, who was renting the home, was forced to move out; and
- b. These acts may constitute a violation of: 12-61-113(1)(k), 12-61-113(1)(n), 12-61-113(1)(t), 12-61-807(2)(b), and Commission Rule E-5; and
- c. Ms. Valdez's real estate broker's license shall be suspended for a period of up to 6 months; and

- d. Her real estate broker's license shall be publicly censured; and
- e. She shall pay a fine to the Commission up to \$10,000.

The Commission approves dismissal of the complaint against **Celia L. Vigil**.

Motion unanimously carried.

LICENSING MATTERS:

Timothy Kenkel-

The Commission considered the License Application of Timothy Kenkel for a real estate broker's license together with accompanying documentation and information supplied by Mr. Kenkel. It was moved and seconded by the Commission to issue the license.

Motion unanimously carried.

HEARING MATTERS:

Alfred E. Bartlett – Exceptions to Initial Decision-

Executive Session I

It was moved and seconded 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 conferring with conflicts counsel concerning Exceptions to the Initial Decision in the case of Alfred Bartlett, Case Number RC 2009-0004.

Commissioner Moore has recused himself and is not present in the room. **Motion carried.**

It was moved by Commissioner Ring and seconded by Commissioner Ozarski to adjourn out of Executive Session.

Commissioner Moore is recused and is not present in the room. **Motion carried.**

Motion to Strike-

It was moved by Commissioner Piccoli and seconded by Commissioner Ring to deny the motion to strike the proposed Final Agency Order in the case of Alfred Bartlett Exceptions to Initial Decision. The Commission will take the issue under advisement and will make a decision at an Emergency Meeting before the next regularly scheduled Commission meeting.

Commissioner Moore is recused and is not present in the room. **Motion carried.**

Sean Zweifel – Initial Decision

It was moved and seconded by the Commission to concur with the findings in the Initial Decision in Case Number RC 2009-0022, and uphold the decision of the Administrative Law Judge in the matter of the Colorado Real Estate Commission vs. Sean Zweifel, applicant. Mr. Zweifel’s real estate broker’s application is denied.

Motion unanimously carried.

Jerrold Minney – Initial Decision

It was moved and seconded by the Commission to concur with the findings in the Initial Decision in Case Number RC 2008-0033, and uphold the decision of the Administrative Law Judge in the matter of the Colorado Real Estate Commission vs. Jerrold L. Minney, License #ER 132039. Mr. Minney’s real estate broker’s license is revoked. In addition, Mr. Minney has been ordered to pay a fine in the amount of \$70,000 to the Commission.

Motion unanimously carried.

Bart Poladsky-

The Commission was presented with a counter-offer from Bart Poladsky. After discussion, it was moved and seconded by the Commission to reject the counteroffer, and instead offer a stipulation calling for a public censure, license suspension for a period of up to three months, payment of a \$5,000 fine, and successful completion of appropriate real estate education courses as determined by staff.

Motion unanimously carried.

Ginger Wilson-

The Commission was presented with a counter-offer from Ginger K. Wilson. After discussion, it was moved and seconded by the Commission to reject the counteroffer, and instead offer a stipulation calling for admissions of 12-61-113(1)(k), 12-61-113(1)(o) and Commission Rule E-35. Additionally, the stipulation terms will include up to a one-month license suspension, public censure, \$5,000 in restitution and successful completion of a 24-hour real estate education course in Brokerage Administration.

Motion unanimously carried.

Jesus Salgado-

The Commission was presented with a counter-offer from Jesus Salgado.

It was moved by Commissioner Moore to reject the counteroffer. Commissioner Moore withdraws the motion.

After further discussion, it was moved and seconded by the Commission to reject the counteroffer, and instead offer a stipulation calling for a 6-month license suspension, a public censure, payment of a \$5,000 fine, a two-year probationary license upon

reactivation, and successful completion of 18 hours of real estate education courses to include Current Legal Issues, Brokerage Relationships and Real Estate Practice.

Motion unanimously carried.

Madeline Linda Soesbe-

The Commission was presented with a counter-offer from Madeline R. Linda Soesbe. After discussion, it was moved and seconded by the Commission to reject the counteroffer.

Motion unanimously carried.

Craig Halborg-

Aaron Acker provided an update on the Craig Halborg case to the Commission. Mr. Halborg submitted a counteroffer and a settlement has been reached. Halborg has agreed to a stipulation with terms including a public censure, a \$2,000 fine, a 3-day suspension, his license status will be downgraded to that of a broker associate for a period of two years, and successful completion of real estate education courses in Contracts and in Brokerage Relationships. Finally, Halborg's license will be restricted for a period of two years of active licensure requiring a supervising broker and if he seeks to become an employing broker after the two-year restriction, then he will have to successfully pass the Brokerage Administration course.

Motion unanimously carried.

Paul Sutherland-

Aaron Acker provided an update on the Paul Sutherland case to the Commission. Mr. Sutherland submitted a counteroffer and a settlement has been reached. Sutherland has agreed to a stipulation with terms including a public censure, a \$1,000 fine, a 3-day suspension, and successful completion of real estate education courses in Brokerage Relationships, Ethics and Current Legal Issues. Finally, Sutherland's license will be restricted for a period of one year of active licensure requiring a supervising broker.

Motion unanimously carried.

Byron Warnes-

Commissioners Moore and Bronson recuse themselves from consideration on this case and leave the room.

The Commission was presented with a counter-offer from Byron Thomas Warnes. After discussion, it was moved and seconded by the Commission to accept the counteroffer. Mr. Warne's Stipulation will include a six-month suspension, a public censure, payment of a fine in the amount of \$8,000, and successful completion of real estate education courses in Contracts and in Ethics.

Commissioners Moore and Bronson are recused and are not present in the room. **Motion carried.**

Commissioners Moore and Bronson return to the room.

Executive Session II

It was moved and seconded 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 conferring with the Commission's attorneys regarding counteroffers submitted by Duane Traylor, Lani Carwin Alexander and Brook Specht.

Motion unanimously carried.

It was moved by Commissioner Moore and seconded by Commissioner Ozarski to adjourn out of Executive Session.

Duane Traylor-

The Commission was presented with a counter-offer from Duane Traylor. After discussion, it was moved and seconded by the Commission to accept the counteroffer. Mr. Traylor's Stipulation for Diversion will include successful completion of real estate education courses in Contracts and in Brokerage Relationships.

Motion unanimously carried.

Lani Carwin Alexander and Brook Specht-

The Commission was presented with counter-offers from Lani Carwin Alexander and from Brook Specht. After discussion, it was moved and seconded by the Commission to accept the counteroffers. Ms. Alexander and Ms. Specht's real estate broker's licenses shall be publicly censured, each shall be required to successfully complete 168 hours of pre-licensing education, and they shall each pay a fine in the amount of \$3,300 to the Real Estate Commission. Additionally, both Ms. Alexander and Ms. Specht's licenses will be restricted for a period of five years and the restriction will include supervision requirements.

Motion unanimously carried.

The Real Estate Commission meeting adjourned at 12:09 p.m. on April 13, 2010.

Kristin Bronson, Chairwoman

Charles “Buzz” Moore, Vice Chair

Jill Ozarski, Commissioner

Gina Piccoli, Commissioner

Douglas Ring, Commissioner

**Marcia Waters, Acting Director
Colorado Division of Real Estate**

EXECUTIVE SESSION I - MINUTES

After a two-thirds majority vote and pursuant to §24-6-402(3)(a)(II), C.R.S., the Colorado Real Estate Commission held an Executive Session during its regular public meeting held on April 13, 2010. The Commission publicly announced the subject matter of the Executive Session, which was to confer with the Commission's conflicts counsel concerning Exceptions to the Initial Decision in the case of Alfred Bartlett, Case Number RC 2009-0004.

ATTESTATIONS

Pursuant to §24-6-402(2)(d.5)(I)(B), C.R.S., as counsel for the Commission, I attest that it is my opinion that all matters discussed during the executive session of the Colorado Real Estate Commission meeting held on April 13, 2010, constituted privileged attorney-client communications and, therefore, the contents of such discussions are not reflected within these minutes.

Joan Smith, #
Senior Assistant Attorney General
Attorney for the Colorado Real
Estate Commission

Pursuant to §24-6-402(2)(d.5)(I)(B), C.R.S., as Commission Chair, I attest that the executive session of the Colorado Real Estate Commission meeting held on April 13, 2010, was confined to the topics authorized for discussion pursuant to §24-6-402(3)(a)(II), C.R.S.

Kristin Bronson, Chairwoman
Colorado Real Estate Commission

EXECUTIVE SESSION II - MINUTES

After a two-thirds majority vote and pursuant to §24-6-402(3)(a)(II), C.R.S., the Colorado Real Estate Commission held an Executive Session during its regular public meeting held on April 13, 2010. The Commission publicly announced the subject matter of the Executive Session, which was to confer with the Commission's counsel concerning counteroffers submitted by Duane Traylor, Lani Carwin Alexander and Brook Specht.

ATTESTATIONS

Pursuant to §24-6-402(2)(d.5)(I)(B), C.R.S., as counsel for the Commission, I attest that it is my opinion that all matters discussed during the executive session of the Colorado Real Estate Commission meeting held on April 13, 2010, constituted privileged attorney-client communications and, therefore, the contents of such discussions are not reflected within these minutes.

Terry Hugar, #20420
Senior Assistant Attorney General
Attorney for the Colorado Real
Estate Commission

Pursuant to §24-6-402(2)(d.5)(I)(B), C.R.S., as Commission Chair, I attest that the executive session of the Colorado Real Estate Commission meeting held on April 13, 2010, was confined to the topics authorized for discussion pursuant to §24-6-402(3)(a)(II), C.R.S.

Kristin Bronson, Chairwoman
Colorado Real Estate Commission