

BEFORE THE REAL ESTATE COMMISSION  
STATE OF COLORADO

Case No: 80356515

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**STIPULATION AND FINAL AGENCY ORDER**

**IN THE MATTER OF THE REAL ESTATE BROKER'S LICENSE OF SEUNG H. MIN,  
LICENSE NO. ER40034189,**

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IT IS HEREBY STIPULATED by and between the Colorado Real Estate Commission ("Commission") and Seung H. Min ("Respondent"), as follows:

1. At all times relevant hereto, Respondent was licensed by the Commission as a Colorado real estate broker.
2. The Commission possesses jurisdiction over Respondent and the subject matter of this action.
3. The Commission commenced an investigation of Respondent's activities based upon a complaint filed with the Commission.
4. The Commission notified Respondent of the investigation and Respondent was given the opportunity to give written data, views and arguments concerning the investigation.
5. At a regularly scheduled public meeting on January 10, 2006, the Commission considered the investigative report and accompanying information supplied by Respondent. The Commission opted to refer the matter to hearing.
6. Respondent admits the following facts: Respondent while acting in the capacity of a transaction broker in the purchase of residential property and construction of a residence thereon failed to exercise reasonable skill and care by not advising parties regarding the transaction (the Ans) and suggesting that they obtain expert advice as to material matters about which he knew but the specifics of which were beyond his expertise in connection with the contract between the Ans and Respondent for house construction; keeping the parties to the residence construction contract, the Ans, fully informed regarding the house construction transaction; assisting the parties, the Ans, in complying with the terms and conditions of the contract to construct a house, and complying with all requirements of article 61 of Title 12, C.R.S., and rules promulgated pursuant to said article. Respondent further admits that these facts constitute a violation of C.R.S. §§ 12-61-113 (1)(k) and 12-61-807 (2)(b)(II, IV and V) and (c).
8. Respondent accepts the following disciplinary action and imposition of discipline against Respondent's real estate broker's license pursuant to C.R.S. §§ 12-61-113 and 114, and 24-4-104 and 105.

- a. The real estate license of Respondent shall be and hereby is publicly censured.
- b. Respondent shall make restitution to Jung and Ssang An in the amount of \$7,500.00, payable in six (6) equal installments of \$1,250.00 commencing on February 15, 2008, and on the fifteenth (15) day of each month thereafter until paid in full. Such payments shall be sent to the Jack Wesoky, Assistant Attorney General.
- c. In the event that Respondent fails to make any restitution payment as set forth in paragraph 9 b hereof, counsel for Respondent shall be notified of non payment and the license of Respondent shall be suspended for six months commencing five business days from the date of the notice to his counsel. Upon the effective date of such suspension, Respondent shall refrain from engaging in any act requiring a real estate license as set forth in C.R.S. §§ 12-61-101 and 102.
- d. Violation of any of the terms of this Stipulation shall constitute a violation of C.R.S. §12-61-113(1)(k), and subject Respondent, at the option of the Commission, to further disciplinary action.

10. It is the intent and purpose of this Stipulation to provide for the settlement and resolution of the particular issues, allegations, and charges raised by the investigation of Respondent's activities by the Commission as set forth in paragraphs 3 and 4 above other than as provided in paragraph 8 e herein.

11. The Commission expressly reserves:

- a. The right to proceed with a subsequent formal disciplinary action in the event that Respondent fails to comply with the terms of this Stipulation; and
- b. The right to publish this Stipulation or a summary of the disciplinary terms provided for herein in the "Real Estate News", a Commission publication, and to continue thereafter to treat this Stipulation as a public record in the custody of the Commission.

12. Respondent has had the opportunity to consult with counsel of his own choosing and after such consultation understands and knowingly and voluntarily enters into this Stipulation and knowingly and voluntarily waives the following rights:

- a. The right to a formal disciplinary hearing on the merits of the matters forming the basis of this Stipulation and the right to require the Commission to meet its burden of proof in the formal hearing.

- b. The right to confront and cross-examine all witnesses against Respondent at the formal hearing.
- c. The right to subpoena witnesses, present evidence and to testify on Respondent's own behalf at the formal hearing.
- d. The right to be represented by counsel of Respondent's own choosing and at Respondent's own behalf at the formal hearing.
- e. The right to engage in any pre-hearing discovery of the Commission's evidence.
- f. The right to appeal the Final Agency Order provided for by this Stipulation.

13. Upon the execution of this Stipulation by an authorized representative of the Commission, the Commission shall dismiss OAC Case No. RC2007-0010

14. On the date which this Stipulation is executed by an authorized representative of the Commission, it shall become the Final Agency Order of the Commission.

RESPONDENT-LICENSEE

COLORADO REAL ESTATE  
COMMISSION

*Seung H. Min*

Seung H. Min  
License No. 40034189  
Mailing address:  
19609 E. Maplewood Place  
Aurora, CO 80016  
Dated: 2/12/08


*Erin Toll*

Erin Toll, Director  
1560 Broadway, Suite 925  
Denver, CO 80202  
303-894-2166

Executed by the Commission this 13<sup>TH</sup>  
day of February 2008

APPROVED AS TO FORM

JOHN W. SUTHERS  
Attorney General

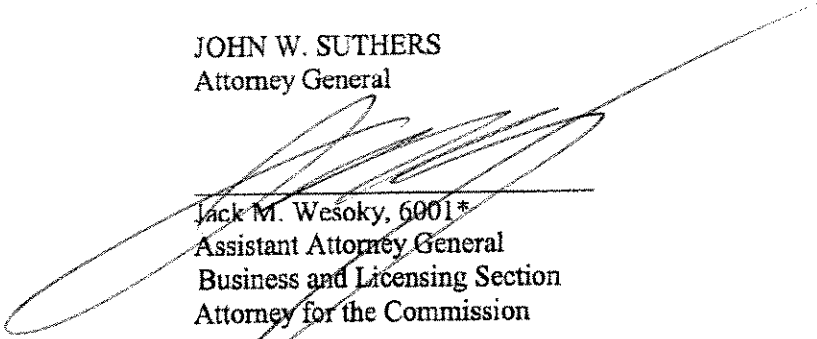


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Matthew B. Osofsky, #34075

Attorney for Respondent

Frascona, Joiner, Goodman &  
Greenstein, P.C.  
4750 Table Mesa Drive  
Boulder, CO 80305  
(303) 494-3000



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Jack M. Wesoky, 6001\*  
Assistant Attorney General  
Business and Licensing Section  
Attorney for the Commission

1525 Sherman Street, 7<sup>th</sup> Floor  
Denver, Co 80203  
(303) 866-5512  
\*Counsel of Record


CERTIFICATE OF SERVICE

This is to certify that I have duly served the 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 February 2008, addressed as follows:

Seung Min  
19609 E. Maplewood Place  
Aurora, CO 80016

Matthew B. Osofsky  
Frascona, Joiner, Goodman &  
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4750 Table Mesa Drive  
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Jack Wesoky  
Attorney General's Office  
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