

BEFORE THE REAL ESTATE COMMISSION

STATE OF COLORADO

Case No. RG RE DLZAH
Complaint No. 80357426, 80357456
Case No. RC 2007-0013

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST THE REAL
ESTATE BROKER'S LICENSE OF TRACY T. TODD, LICENSE NO. FA 40041069,

Respondent.

IT IS HEREBY STIPULATED by and between the Colorado Real Estate Commission (the "Commission") and the Respondent, TRACY T. TODD (the "Respondent"), as follows:

1. At all times relevant hereto, the Respondent was a licensed real estate broker in the State of Colorado.
2. The Commission has jurisdiction over the Respondent and the subject matter of this action.
3. The Commission commenced an investigation of the Respondent's activities based on the Commission's own motion.
4. The Commission notified the Respondent of the investigation and the Respondent was given the opportunity to give written data, views and arguments concerning the investigation.
5. At its regularly scheduled public meeting on August 7, 2007, the Commission considered the investigative report and found probable cause to refer the Respondent to hearing for violation of the real estate licensing law. The Commission authorized the preparation of this settlement agreement including the disciplinary terms which are contained in paragraph 8 below.
6. The Respondent was provided with a copy of the Notice of Charges.

7. The Respondent admits the following facts: The Respondent practiced real estate brokerage in a manner which constituted a violation of §§ 12-61-113 (1)(n) C.R.S.

8. The Respondent accepts the following discipline:

a. Respondent's real estate license shall be permanently revoked. Such revocation shall be effective immediately upon execution of this Stipulation and Final Agency Order by an authorized representative of the Commission. Any registration(s), license(s), certificate(s) and/or pocket card(s) of Respondent shall be immediately returned to the Commission. On and after the effective date of this Stipulation and Final Agency Order, Respondent shall not engage in any act requiring a real estate license as set forth in §12-61-101 and §12-61-102, C.R.S. The Commission reserves the right, notwithstanding the provisions of paragraph 9 below, to review the allegations and/or charges raised by the investigation which is identified in paragraphs above should Respondent ever apply for any license issued by the Commission.

9. It is the intent and purpose of this Stipulation to provide for the settlement of the particular issues, allegations and/or charges raised by the investigation of the Respondent's activities by the Commission as set forth above.

10. The Commission expressly reserves:

a. the right to proceed with a subsequent disciplinary action in the event that the Respondent fails to comply with the terms of the Stipulation and Final Agency Order;

b. the right to proceed against the Respondent's license under Subsection § 12-61-307, C.R.S. if there is a payment from the Real Estate Recovery Fund based upon any conduct of the Respondent; and

c. the right to publish this Stipulation and Final Agency Order 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 and Final Agency Order as a public record in the custody of the Commission.

11. The Respondent understands and knowingly and voluntarily enters into this Stipulation and Final Agency Order. The Respondent further understands 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 Final Agency Order 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 the Respondent at the formal hearing;
- c. the right to subpoena witnesses, present evidence and to testify on the Respondent's own behalf at the formal hearing;
- d. the right to be represented by counsel of the Respondent's own choosing and at the Respondent's expense at any stage of this proceeding;
- e. the right to engage in pre-hearing discovery of the Commission's evidence; and
- f. the right to appeal the Final Agency Order provided for by this Stipulation.

12. On the date upon 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



 TRACY T. TODD
 License No. FA40041069


 ERIN TOLL, Director
 1560 Broadway, Suite 925
 Denver, CO 80202

Effective Date:
 This 27th day of February, 2008

Approved as to form:

JOHN W. SUTHERS
 Attorney General


 TERRENCE A. HUGAR, #20420
 Assistant Attorney General
 Business & Licensing Section
 Attorneys for the Commission

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