



REQUEST FOR A PRELIMINARY ADVISORY OPINION REGARDING APPLICATION FOR A COLORADO REAL ESTATE BROKER LICENSE

RETURN TO:

Division of Real Estate
1560 Broadway Ste. 925
Denver CO 80202
Phone # (303) 894-2166

The information described in this form is required if you are seeking a preliminary advisory opinion pursuant to Rule A-12(b)(1) and (2) (see below) regarding the potential effect that previous conduct, criminal convictions* or action against a professional license may have on a formal application for licensure as a Colorado Real Estate Broker. This opinion is issued in order to provide preliminary advisory guidance. This opinion is not binding on the Commission nor does it limit the Commission's authority to investigate a formal application for licensure.

AN INDIVIDUAL SEEKING A PRELIMINARY ADVISORY OPINION IS NOT AN APPLICANT FOR LICENSURE AND THE ISSUANCE OF AN UNFAVORABLE OPINION SHALL NOT PREVENT SUCH INDIVIDUAL FROM MAKING APPLICATION FOR LICENSURE PURSUANT TO THE REAL ESTATE LICENSING LAW AND THE RULES AND REGULATIONS OF THE COMMISSION.

1. **(Initial)** Yes _____ No _____ Have you had any real estate or professional registration, license or certification in any other jurisdiction that has been denied, disciplined, denied renewal, revoked, suspended, censured, or the subject of a consent agreement or the subject of a current investigation?
If yes, complete Section A and Section C

2. Answer all of the following (Do not include misdemeanor traffic violations, municipal code violations or petty offenses.) **Have you ever:**
 - a. **(Initial)** Yes* _____ No _____ been convicted or pleaded Nolo Contendere to any felony or misdemeanor?
 - b. **(Initial)** Yes* _____ No _____ been incarcerated or in custody, or placed on parole, probation or any other type of court ordered supervision in a criminal case?
 - c. **(Initial)** Yes* _____ No _____ agreed to a deferred sentence or a deferred judgment with respect to any felony or misdemeanor or are currently subject to the terms of a deferred prosecution?
 - d. **(Initial)** Yes* _____ No _____ been charged with any felony or misdemeanor or are such charges pending or under investigation? **If yes, complete Section B and Section C below**

In order to process your request, the following information (including the attached personal and employment history) must be submitted for review by The Colorado Real Estate Commission.

Rule A-12- in part

- (b)(1) At any time prior to submission of a formal application for licensure a person may request that the Commission issue a preliminary advisory opinion regarding the potential effect that previous conduct, criminal conviction(s) or violation(s) of the real estate license law may have on a future formal application for licensure. Such opinion may be issued by the Commission, in its discretion, in order to provide preliminary advisory guidance. Any such opinion shall not be binding on the Commission or limit the Commission's authority to investigate a future formal application for licensure. However, if the Commission issues a favorable advisory opinion, the Commission may elect to adopt such advisory opinion as the final decision of the Commission without further investigation or hearing.
- (2) An individual seeking a preliminary advisory opinion under this rule is not an applicant for licensure and the issuance of an unfavorable opinion shall not prevent such individual from making application for licensure pursuant to the real estate licensing law and the rules and regulations of the Commission.

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SECTION A

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If you answered "yes" to Question 1, please complete and submit the following information and documents:

License Type _____ License Number _____ State _____
Name of Agency _____ Date of action _____

Submit:

- I. A signed, written statement including name of agency, dates, nature of alleged infraction and disposition.
- II. Supporting documents including:
 - a. A copy of the original charges or complaint against you.
 - b. A copy of any agency order or other notification of the action taken.
 - c. A confirmation of the current status of the license, certification or registration

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SECTION B

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If you answered "yes" to Questions 2 a, b, c or d please complete and submit the following information:

List below the date and nature of each charge or conviction

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Please Submit:

Court Documents: Computer printouts are not acceptable. Please obtain actual court documents with signatures. In most criminal cases, the county in which the violation occurred, will also be the location of the court that you'll need to contact. For instance if a crime of theft is committed in the City of Castle Rock in Douglas County, the records will be kept in the Douglas County District Court, 18th Judicial District, Colorado. The records are public and are contained in a central file of cases. You will need to ask the court clerk how you can arrange to have copies made of your case file. It is **your responsibility** to contact the appropriate court, police department, probation office or other agency to obtain the required letters, statements or other documents. If the court or police tell you that the documents are no longer available, get a written statement of confirmation to that effect from the appropriate party. The court documents include but may not be limited to:

- Original Charges This may be in the form of either a Complaint, Criminal Complaint, Warrant, Summons or Information and indicates the specific violation(s), sometimes referred to as Count(s), for which you have been charged. Sometimes these documents are combined, for example they may be called Summons and Complaint, or Complaint and Information.
- Disposition This document indicates your plea or stipulation to the charges and includes all of the terms of your conviction and sentence. Sometimes this is called a Judgment, Sentence or Stipulation for Deferred Plea.
- Pre-sentencing Report This document contains background information about you and is sometimes used by the court before the court imposes it's sentence or enters into a stipulation with you. In certain cases (Federal) this document may not be available. In other instances, you may have to give your written permission to have this report released.
- Certification of Completion This is the document that indicates satisfactory completion of the terms of the court's sentence. It includes reference to payment of court costs and fines, payment of restitution, completion of probation, and any court ordered requirement like counseling, testing or classes. If you have not completed the terms of your sentence you must ask the court or the probation office to provide you with a letter indicating the current status.

Police Officer's Report: The arresting, ticketing or charging agency, write a report on the incidences and factual matters related to filing of charges. This report will usually be found at the office of the arresting or ticketing law enforcement agency (police department, sheriff's office, etc.). This document is sometimes part of your court records. However, if it is not part of your court records, you must contact the appropriate agency to get a copy.

Probation Officer's Report: The probation department can issue certification of completion of the terms of your probation. If you have not completed the terms of your probation you must ask your probation office to provide you with a letter indicating the current status of the terms of your probation.

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SECTION C

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EVIDENCE OF REHABILITATION AND GOOD CHARACTER

Colorado statute provides that the Commission may give consideration in determining whether an applicant is a person of good moral character at the time of application. The intent of the statute is to expand employment opportunities for persons who, notwithstanding the conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society. ***It is the applicants responsibility to present evidence of rehabilitation and good moral character.*** Evidence of rehabilitation can include, but is not limited to:

- payment of restitution in a timely manner,
- payment of court costs and fines in a timely manner,
- successful completion of court ordered counseling or substance abuse treatment,
- voluntary participation in counseling or treatment programs,
- timely completion of probation or parole requirements,
- a stable employment history since the conviction,
- completion of education and/or occupational training programs,
- volunteer community service,
- any other evidence of rehabilitation.

Letters of Recommendation:

- Written statements from others such as: Past and present employers, past and present co-workers, probation officers, court officers, public officials, clergy, business and industry leaders, family and friends. These letters, while not required, are an indication to the Commission that others in the community are confident that you are rehabilitated and are able to handle the responsibility and trust that comes with the professional license you are seeking. Letters submitted on your behalf should identify the writer's relationship to you **and indicate the writer's knowledge of your past violation or conviction** and your subsequent rehabilitation, honesty, truthfulness and good character.
- If applicable, written statements or other evidence from medical, psychological or other professionals who are competent to address conditions existing at the time of the underlying conduct or presently.

Written Statements:

- You must submit a written statement that relates the following information:
 - A description of the factual events and your actions that led to the charges being filed against you.
 - An explanation, from your perspective, of the circumstances, reasons or situations that contributed to charges being filed against you. This includes, any information or explanation that you believe mitigates or lessens the severity of your actions or the charges.
 - A description of any changes, events or accomplishments that illustrate rehabilitation and that you are truthful, honest, and a person of good moral character. This could include having met the court's terms of sentence such as: ➤ having made restitution, ➤ completing probation, ➤ completing community service. Your statement should also include a description of any of the following: ➤ voluntary involvement in community, church or privately sponsored programs or activities of benefit to the community, ➤ new and different social and business relationships, ➤ stability of family and financial matters, ➤ enrollment in or completion of education or vocational training, ➤ involvement in training or counseling for the purpose of self improvement or advancement, ➤ substance abstinence and/or abuse programs, intervention programs, therapy, ➤ self realization, awareness and personal growth, ➤ any other information you believe is illustrative of changes of attitude, circumstances and environment that may have contributed to having the charges filed against you. This is your opportunity to illustrate to the Commissioners that you have been rehabilitated and that you are truthful, honest, and a person of good moral character.
 - Your statement must include your signature and also conclude with the statement "I have no other violations either past or pending", if that is true in your case.

Please complete the personal information and employment history on Page 4.

If you have any questions not answered in this form, please contact the Licensing section at the Division of Real Estate (303-894-2166).

PERSONAL HISTORY				
NAME (LAST, FIRST, MIDDLE INITIAL)			PREVIOUS NAME	
ADDRESS		CITY	STATE	ZIP
HOME PHONE	WORK PHONE	SOCIAL SECURITY NUMBER	BIRTHDATE	AGE
MARITAL STATUS	NUMBER OF DEPENDENT CHILDREN	RENT/OWN?	HOW LONG AT THIS PRESENT ADDRESS	
HIGHEST LEVEL OF EDUCATION	DEGREE/MAJOR IN COLLEGE	NAME OF COLLEGE		
ANY OTHER INFORMATION THAT YOU WOULD LIKE THE COMMISSION TO KNOW ABOUT YOU				

IN THE FOLLOWING SECTION, PLEASE LIST YOUR WORK HISTORY FOR AT LEAST THE PAST 5 YEARS, INCLUDING PART-TIME, TEMPORARY, VOLUNTEER JOBS, AND PERIODS OF UNEMPLOYMENT. LIST JOBS IN REVERSE ORDER, STARTING WITH YOUR PRESENT OR MOST RECENT JOB. YOU MAY ATTACH ADDITIONAL PAGES IF NECESSARY.

EMPLOYMENT HISTORY			
EMPLOYER	YOUR TITLE	START AND END DATES OF EMPLOYMENT	
EMPLOYER'S COMPLETE ADDRESS			
SUPERVISOR'S NAME		TELEPHONE NUMBER	
NATURE OF THE BUSINESS AND YOUR DUTIES			
REASON FOR LEAVING			
EMPLOYER	YOUR TITLE	START AND END DATES OF EMPLOYMENT	
EMPLOYER'S COMPLETE ADDRESS			
SUPERVISOR'S NAME		TELEPHONE NUMBER	
NATURE OF THE BUSINESS AND YOUR DUTIES			
REASON FOR LEAVING			
EMPLOYER	YOUR TITLE	START AND END DATES OF EMPLOYMENT	
EMPLOYER'S COMPLETE ADDRESS			
SUPERVISOR'S NAME		TELEPHONE NUMBER	
NATURE OF THE BUSINESS AND YOUR DUTIES			
REASON FOR LEAVING			
EMPLOYER	YOUR TITLE	START AND END DATES OF EMPLOYMENT	
EMPLOYER'S COMPLETE ADDRESS			
SUPERVISOR'S NAME		TELEPHONE NUMBER	
NATURE OF THE BUSINESS AND YOUR DUTIES			
REASON FOR LEAVING			

BELOW PLEASE LIST ANY COURT REQUIRED COMMUNITY SERVICE YOU HAVE PERFORMED. INCLUDE THE NAME OF THE PERSON YOU REPORTED TO AND A PHONE NUMBER TO REACH THAT PERSON. PLEASE LIST THE NUMBER OF HOURS YOU WERE REQUIRED TO COMPLETE AS WELL AS THE NUMBER OF HOURS YOU HAVE SERVED.

NAME AND LOCATION OF INSTITUTION	TYPE OF WORK	HOURS REQUIRED	HOURS COMPLETED