

**MINUTES**

**COLORADO REAL ESTATE COMMISSION MEETING  
February 2, 2010**

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**MINUTES**  
**COLORADO REAL ESTATE COMMISSION MEETING**  
**February 2, 2010**  
**COLORADO DIVISION OF REAL ESTATE**  
**1560 BROADWAY, SUITE 1250-C**  
**DENVER, CO 80202**

A Colorado Real Estate Commission public meeting was held on February 2, 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; Terry Hugar, Attorney General’s Office and several members of the Commission’s Staff. Director Erin Toll, and Marcia Waters, Director of Investigations and Enforcement were 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 9:05 a.m.

**ORDER OF BUSINESS**

**Approval of Minutes**

It was moved by Commissioner Moore and seconded by Commissioner Ring to approve the Minutes of December 1, 2009, as presented.

**Motion unanimously carried.**

**POLICY MATTERS:**

**Introduction of Barbara Kelley-**

Commissioner Bronson introduced Barbara Kelley, Executive Director of the Department of Regulatory Agencies.

**Commission Position Statement 12-**

Following discussion, it was moved by Commissioner Ring and seconded by Commissioner Moore to refer suggested modifications to Commission Position Statement 12 concerning The Broker’s Payment or Rebating a Portion of an Earned Commission to the Attorney General’s Office for review of accuracy and comprehensiveness.

**Motion unanimously carried.**

**Proposed Rule E-47 on Short Sales-**

The Commission provided direction to staff on clarification and enforcement of proposed Commission Rule E-47 and recommend that “hot button” issues for the community be included.

**Submission of Anonymous Preliminary Advisory Opinions-**

Staff feels strongly that full disclosure on Preliminary Advisory Opinions is imperative, and the Commission concurs.

**Education Task Force Member-**

It was moved by Commissioner Moore and seconded by Commissioner Ring to approve the appointment of Edwin C. Fronheiser to the Education Task Force.

**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.

**Mansoor Shawn Shah-**

The investigative report concerning a complaint filed by Adli D. Ahram against **Mansoor Shawn Shah**, License #EI 1325956 was presented to the Commission with accompanying documentation and information supplied by Mr. Shah. 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. Shah.

- a. Complainant alleges that Colorado real estate broker **Mansoor Shawn Shah** and he have been involved in real estate investment deals in the past. In this case Mr. Shah proposed that the complainant become a partner with him in the purchase of a hotel in Laramie Wyoming. Mr. Shah collected a total of \$106,666 from the complainant to purchase the hotel. The hotel was never purchased, and the complainant’s money has not been returned to him; and
- b. These acts may constitute a violation of: 12-61-113(1)(g); 12-61-113(1) (g.5); 12-61-113(1)(a); 12-61-113(1)(b); 12-61-113(1)(k); 12-61-113(1)(n); 12-61-113(1)(t); and Commission Rule E-1; and
- c. Mr. Shah’s real estate broker’s license shall be publicly censured; and
- d. Mr. Shah’s real estate broker’s license shall be suspended for a period of 90 days; and
- e. He shall pay a fine to the Commission up to \$5,000.

**Motion unanimously carried.**

**Louis Luevano-**

The investigative report concerning a complaint filed by the Commission on its own motion against **Louis R. Luevano**, License #FA 103013 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 Mr. Luevano.

- a. Complaint alleges Colorado real estate broker **Louis R. Luevano** was found guilty of twenty-three criminal charges on November 17, 2009 by an Adams County District Court jury. The charges include Theft, Conspiracy to Commit Theft, Attempt to Influence Public Servant, Conspiracy to Attempt to Influence Public Servant, Offering False Instrument for Recording, Forgery and Computer Crime;
- b. These acts may constitute a violation of: 12-61-113(1)(m); and
- c. Mr. Luevano's real estate broker's license shall be revoked; and
- d. He shall pay a fine to the Commission up to \$10,000.

**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. Following discussion, it was moved and seconded by the Commission to refer the case back to staff for further investigation.

**Motion unanimously carried.**

**Lauren Maes-**

The investigative report concerning a complaint filed by Sonia Medel and Ezequiel Castellanos against **Lauren M. Maes**, License #ER 40042560 was presented to the Commission with accompanying documentation and information supplied by Ms. Maes. 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. Maes.

- a. Complainants allege in two separate complaints that Colorado real estate broker **Lauren M. Maes** collected \$500.00 from each of them and told them the money would be used for down payments on homes they wished to purchase. In both cases the homes were not purchased, and the money not returned to the complainants until complaints were filed with the Division. Additionally, the complainants allege they were never given the proper paperwork needed to

- purchase the homes they were interested in buying. Ms. Maes responded that the money she took from these complainants was not for down payments on homes she had shown to them, but was a retainer fee for her services. She was also unable to produce complete transaction files for either attempted purchase. Ms. Maes did refund the money to both complainants; and
- b. These acts may constitute a violation of: 12-61-113(1)(g); 12-61-113(1)(g.5); 12-61-113(1)(h); 12-61-113(1)(k); 12-61-113(1)(n); 12-61-113(1)(t); and Commission Rules E-1 and E-4; and
  - c. Ms. Maes' real estate broker's license shall be publicly censured; and
  - d. Ms. Maes' real estate broker's license shall be suspended for up to one year; and
  - e. She shall successfully complete real estate education courses in Trust Accounts, Contracts and Ethics; and
  - f. She shall pay a fine to the Commission up to \$16,500.

**Motion unanimously carried.**

**Nathan Winn-**

The investigative report concerning a complaint filed by Marilyn Pedri and the Commission on its own motion against **Nathan C. Winn**, License #FA 100000783 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 Mr. Winn.

- a. Complaint alleges that Colorado real estate broker **Nathan C. Winn** acquired 24 single family homes in the Fort Collins area, and rented them out to mostly students. All of the properties have been, or are in the process of foreclosure. Mr. Winn has not responded to any inquiries made by staff regarding these transactions, and it is believed that he has left the state; and
- b. These acts may constitute a violation of: 12-61-113(1)(k), and Commission Rule E-21; and
- c. Mr. Winn's real estate broker's license shall be suspended indefinitely until such time as he provides a complete response; and
- d. His license shall be publicly censured;
- e. Mr. Winn shall pay a fine to the Commission up to \$2,500.

**Motion unanimously carried.**

**Darin Hildreth-**

The investigative report concerning a complaint filed by Miller Ike Eichelberger, Lucille Eichelberger and Linda Adams against **Darin Hildreth**, 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 a permanent injunction against Mr. Hildreth for unlicensed activity.

**Motion unanimously carried.**

**David West Davies-**

The investigative report concerning a complaint filed by Dennis A. Martin against **David West Davies**, License #FA 40044456 was presented to the Commission with accompanying documentation and information supplied by Mr. Davies. 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. Davies.

- a. Complainant alleges that Colorado real estate broker **David West Davies** urged the complainant to purchase a property for a value much higher than what it was worth. He also alleged that Mr. Davies misrepresented the value of a gravel deposit on a second property the complainant purchased, and that the home on the property with the gravel deposit was actually a mobile home, and not a house; and
- b. These acts may constitute a violation of: 12-61-113(1)(f), 12-61-113(1)(g), 12-61-113(1)(g.5), 12-61-113(1)(k), 12-61-113(1)(n), 12-61-803(1), 12-61-807(1), and Commission Rules E-2, E-25 and F-7; and
- c. Mr. Davies' real estate broker's license shall be suspended for a period of up to 30-days; and
- d. His license shall be publicly censured; and
- e. Mr. Davies' real estate broker's license shall be restricted for a period of one year following the suspension; and
- f. He shall successful complete real estate education courses in Brokerage Relationships, Contracts, Ethics, Current Legal Issues and Trust Accounts; and
- g. Mr. Davies shall pay a fine to the Commission up to \$5,000.

**Motion unanimously carried.**

**Ginger Wilson-**

The investigative report concerning a complaint filed by Marie Madrid against **Ginger Wilson**, License #ER 987325 was presented to the Commission with accompanying documentation and information supplied by Ms. Wilson. 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. Wilson.

- a. Complainant alleges that they were represented by Colorado real estate broker **Ginger Wilson** as a transaction broker in their attempted purchase of real estate. It was not disclosed to the buyers that Ms. Wilson is the sister of one of the sellers. The complainant believes that deadlines were allowed to pass in order to benefit the sellers, and that when the appropriate amend/extend documents were not prepared by Ms. Wilson, the buyers ended up losing their \$10,000.00 deposit on the home, in addition to \$2,624.00 they paid to rent the home while the financing was being finalized; and

- b. These acts may constitute a violation of: 12-61-803(6)(b), 12-61-113(1)(g), 12-61-113(1)(k), 12-61-113(1)(n), 12-61-113(1)(o) and Commission Rules E-31 and E-35; and
- c. Ms. Wilson's real estate broker's license shall be revoked; and
- d. She shall pay a fine to the Commission up to \$12,500.

**Motion unanimously carried.**

**Kammy Ryckman-**

The investigative report concerning a complaint filed by Marie Madrid against **Kammy Ryckman**, License #FA 40042936 was presented to the Commission with accompanying documentation and information supplied by Ms. Ryckman. 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. Ryckman.

- a. Complainant alleges that they were represented by Colorado real estate broker **Kammy Ryckman** as a transaction broker in their attempted purchase of real estate. The complainant believes that deadlines were allowed to pass in order to benefit the sellers, and that when the appropriate amend/extend documents were not prepared by Ms. Ryckman, the buyers ended up losing their \$10,000.00 deposit on the home, in addition to \$2,624.00 they paid to rent the home while the financing was being finalized; and
- b. These acts may constitute a violation of: 12-61-113(1)(g), 12-61-113(1)(k), 12-61-113(1)(n), and Commission Rules E-15, E-25, E-35 and E-40; and
- c. Ms. Ryckman's real estate broker's license shall be publicly censured; and
- d. She shall pay a fine to the Commission up to \$7,500; and
- e. Ms. Ryckman shall successful complete real estate education courses in Brokerage Relationships, Contracts and Current Legal Issues.

**Motion unanimously carried.**

**Steven Fraire-**

The investigative report concerning a complaint filed by the Commission on its own motion against **Steven J. Fraire**, License #FA 40028768 was presented to the Commission with accompanying documentation and information supplied by Mr. Fraire. 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. Fraire.

- a. Complaint alleges that on December 10, 2009, Colorado real estate broker **Steven J. Fraire** pled guilty to a count of Felony Theft, a Class 4 Felony, in violation of sections 18-4-401(1) and (2)(c), C.R.S. after he was arrested attempting to steal an air conditioner from a home that was under foreclosure. Mr. Fraire stated that he was interested in purchasing the property and was inspecting the unit; and

- b. These acts may constitute a violation of: 12-61-113(1)(m); and
- c. Mr. Fraire's real estate broker's license shall be revoked; and
- d. He shall pay a fine to the Commission up to \$2,500.

**Motion unanimously carried.**

**Richard Holt-**

The investigative report concerning a complaint filed by Mike LaPiano and the Commission on its own motion against **Richard Holt**, License #ER 40005450 was presented to the Commission with accompanying documentation and information supplied by Mr. Holt. 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. Holt.

- a. Complaint alleges that Colorado real estate broker **Richard Holt** was involved in numerous transactions of properties that were allegedly financed on the belief that the buyers were going to live in the properties as their main residence. The properties each were purchased at a lower price than they were subsequently sold for a short time later. Additionally, the complaint alleges that one of the properties was sold by Mr. Holt as the listing agent, without the disclosure that the property being sold was owned by his wife; and
- b. These acts may constitute a violation of: 12-61-113(1)(a), and 12-61-113(1)(k), and Commission Rule E-32; and
- c. Mr. Holt's real estate broker's license shall be publicly censured; and
- d. He shall pay a fine to the Commission up to \$3,600.

**Motion unanimously carried.**

**John Ashmore-**

The investigative report concerning a complaint filed by Mike LaPiano and the Commission on its own motion against **John Ashmore**, License #ER 40036305 was presented to the Commission with accompanying documentation and information supplied by Mr. Ashmore. 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. Ashmore.

- a. Complaint alleges that Colorado real estate broker **John Ashmore** was involved in numerous transactions of properties that were allegedly financed on the belief that the buyers were going to live in the properties as their main residence. The properties each were purchased at a lower price than they were subsequently sold for a short time later.
- b. These acts may constitute a violation of: 12-61-113(1)(n), 12-61-113(1)(t), 12-61-113(1)(h) 12-61-113(1)(k), and Commission Rule E-5; and
- c. Mr. Ashmore's real estate broker's license shall be revoked; and

- d. He shall pay a fine to the Commission up to \$12,500.

**Motion unanimously carried.**

**Ray Morrison-**

The investigative report concerning a complaint filed by Mark Beder, Christopher D. Sickels, Janet Lightfoot and the Commission on its own motion against **Ray D. Morrison**, License #EA 40014164 was presented to the Commission with accompanying documentation and information supplied by Mr. Morrison. 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. Morrison.

- a. Complainants allege that Colorado real estate broker **Ray D. Morrison** mismanaged funds for short term leases, comingled funds, failed to return security deposits, failed to place renters in properties they had paid for, and failed to forward funds to property owners. In his response Mr. Morrison admitted that he owed the complainants moneys, and that he did not place the funds in trust accounts; and
- b. These acts may constitute a violation of: 12-61-113(1)(n), 12-61-113(1)(t), 12-61-113(1)(g.5), 12-61-113(1)(k), and Commission Rules E-1 and E-1(f); and
- c. Mr. Morrison's real estate broker's license shall be revoked; and
- d. He shall pay a fine to the Commission up to \$10,000.

**Motion unanimously carried.**

**LICENSING MATTERS:**

**Coreyanne Townsend-**

The Commission considered the Preliminary Advisory Application of Coreyanne Townsend for a real estate broker's license together with accompanying documentation and information supplied by Ms. Townsend. It was moved and seconded by the Commission to issue a positive opinion with restrictions. Once issued, Ms. Townsend's license shall be restricted for a period to run concurrent with the terms of probation.

**Motion unanimously carried.**

**HEARING MATTERS:**

**Jennifer Dechtman and Barbara "Bobbi" Miller-**

The Commission was presented with a counter-offer from Jennifer Dechtman and Barbara "Bobbi" Miller. After discussion, it was moved and seconded by the Commission to accept the counteroffer. Ms. Dechtman's Stipulation and Final Agency Order will include public censure, probation/supervised license for a period of one year, payment of a fine in the amount of \$5,000 and coursework as determined by staff. Ms. Miller's Stipulation and Final Agency Order will include public censure,

probation/supervised license for a period of one year, payment of a fine in the amount of \$2,500 and coursework as determined by staff.

**Motion unanimously carried.**

**Alfred E. Bartlett – Initial Decision**

Staff advised the Commission that exceptions have been filed in the case of Alfred E. Bartlett, Initial Decision, Findings of Fact and Conclusions of Law in Case Number RC 2009-0004.

**Warren L. Williams-**

The Commission was presented with a counter-offer from Warren L. Williams. After discussion, it was moved and seconded by the Commission to reject the counteroffer, and instead offer a stipulation calling for a public censure, payment of a \$2,500 fine, and successful completion of real estate education courses in Contracts and Brokerage Relationships.

**Motion unanimously carried.**

**Sharon McCall-**

The Commission was presented with a counter-offer from Sharon McCall. After discussion, it was moved and seconded by the Commission to accept the counteroffer. Ms. McCall's Stipulation and Final Agency Order will include a public censure, payment of a fine up to \$12,500 and successful completion of real estate education courses in Contracts, Current Legal Issues, Closings and Brokerage Relationships.

**Motion unanimously carried.**

**David Kahn-**

The Commission was presented with a counter-offer from David Kahn. After discussion, it was moved and seconded by the Commission to reject the counteroffer, and instead offer a stipulation calling for a 15-day license suspension, a public censure, payment of a fine up to \$3,000, successful completion of real estate education courses in Current Legal Issues and Brokerage Relationships. Further, Mr. Kahn shall be restricted from property management activities.

**Motion unanimously carried.**

**Dennis W. Krueger-**

**NOTE:** Commissioners Moore and Bronson recused themselves from consideration on this case and left the room before discussions began. Commissioner Piccoli assumes the role of Chair in their absence.

The Commission was presented with a counter-offer from Dennis W. Krueger. After discussion, it was moved and seconded by the Commission to accept the counteroffer.

Mr. Krueger's Stipulation for Diversion will include successful completion of coursework as determined by staff.

Commissioners Ring, Ozarski and Piccoli are in favor. **Motion carried.**

**NOTE:** Following the vote, Commissioners Moore and Bronson return to the room. Commissioner Bronson resumes the role of Chair.

**Robert Clydesdale-**

The Commission was presented with a counter-offer from Robert Clydesdale. After discussion, it was moved and seconded by the Commission to reject the counteroffer.

**Motion unanimously carried.**

**Nancy Kendyll Luby-**

The Commission was presented with a counter-offer from Nancy Kendyll Luby. After discussion, it was moved and seconded by the Commission to reject the counteroffer.

**Motion unanimously carried.**

**Jermaine Spencer-**

The Commission was presented with a counter-offer from Jermaine Spencer. After discussion, it was moved and seconded by the Commission to accept the counteroffer. Mr. Spencer's Stipulation and Final Agency Order will include a 30-day suspension, a public censure, payment of a fine in the amount of \$1,000, successful completion of real estate education courses in Ethics and Current Legal Issues. Further, Mr. Spencer's license will be on probation for a period of two-years of active licensure.

**Motion unanimously carried.**

**Gerald R. Davis-**

The Commission was presented with a counter-offer from Gerald R. Davis. After discussion, it was moved and seconded by the Commission to reject the counteroffer, and instead offer a stipulation calling for a 30-day license suspension, a public censure, payment of a fine up to \$10,000, and successful completion of real estate education courses in Current Legal Issues, Contracts and Ethics.

**Motion unanimously carried.**

**Leta Diane Koonce-**

The Commission was presented with a counter-offer from Leta Diane Koonce. After discussion, it was moved and seconded by the Commission to reject the counteroffer, and instead offer a stipulation calling for a 30-day license suspension, a public censure, payment of a fine up to \$10,000, and successful completion of real estate education courses in Current Legal Issues, Contracts and Ethics.

**Motion unanimously carried.**

The Real Estate Commission meeting adjourned at 11:46 a.m. on February 2, 2010.

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**Kristin Bronson, Chairwoman**

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**Charles “Buzz” Moore, Vice Chair**

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**Jill Ozarski, Commissioner**

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**Gina Piccoli, Commissioner**

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**Douglas Ring, Commissioner**

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**Erin Toll, Director**  
**Colorado Division of Real Estate**