

Before the Director of the Division of Real Estate

State of Colorado

Complaint No. 2008050570

*Correct
Complaint #
2008050578*

Stipulation and Final Agency Order

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST THE MORTGAGE
BROKER'S LICENSE OF PETER VINCENT CAPRA (LICENSE #
LMB100009013),

Respondent,

IT IS HEREBY STIPULATED by and between the Director of the Division of
Real Estate and Respondent, as follows:

1. At all times relevant hereto, Respondent was registered, licensed or certified as a mortgage broker in the State of Colorado.
2. The Director has the jurisdiction over Respondent, Respondent's license and the subject matter of this action.
3. The Director commenced an investigation of Respondent's activities based on a complaint filed on the Director's own motion or by an individual with specific knowledge of Respondent's actions.
4. The Director notified the Respondent of the complaint and of the investigation and provided to Respondent a copy of the investigative report, if any. The Director offered Respondent the opportunity to give written data, views and arguments concerning the complaint, investigation and investigative report.
5. The Director considered all information provided in the complaint and response, if any, and found reasonable grounds exist to refer Respondent to hearing for violations of the mortgage broker licensing law, or Director Rules. The Director authorized the preparation of this settlement agreement including the disciplinary terms set forth herein as a means to resolve the matter without the need for formal hearing.
6. Respondent neither admits nor denies the factual findings of the Director that he has violated the Colorado Mortgage Broker Licensing law and Director rules, specifically;

§12-61-907(1), Failure to maintain Surety Bond,
§12-61-903.5, Failure to maintain Errors and Omissions Insurance

7. Respondent agrees to and accepts the following discipline:

a. Respondent shall be permitted to permanently surrender Respondent's Colorado mortgage broker license to the Director. Such surrender shall be effective immediately upon execution of this Stipulation and Final Agency Order by an authorized representative of the Director. Any registration(s), license(s), certificate(s) and/or pocket card(s) of Respondent shall be immediately returned to the Director. On and after the effective date of this Stipulation and Final Agency Order, Respondent shall not engage in any act requiring a mortgage broker license as set forth in §12-61-902 and §12-61-903, C.R.S. The Director reserves the right, notwithstanding the provisions of paragraph 8 below, to review the allegations and/or charges raised by the investigation which is identified in paragraphs 3, 4 and 5 above should Respondent ever apply for any license issued by the Director. The Director also reserves the right to treat the permanent surrender of Respondent's mortgage broker license in all respects and without exception as a permanent revocation of such license pursuant to §12-61-905, C.R.S.

b. Respondent acknowledges that the Director will publish this Stipulation and Final Agency Order (or a summary of the disciplinary terms provided for herein) on the Division's website, in the Division's newsletter and will treat this Stipulation and Final Agency Order and the investigative report as public records in the custody of the Director.

8. 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 Respondent's activities by the Director as set forth in paragraphs 3, 4 and 5 above. The parties agree that this Stipulation and Final Agency Order is entered into for the sole purpose of settlement of case number 2008050570, and will not be used by either party for any other purpose.

9. Upon execution by all parties, this Stipulation and Final Agency Order shall represent the entire and final agreement of the parties. In the event any provision of this Stipulation and Final Agency Order is deemed invalid or unenforceable by a court of law, it shall be severed and the remaining provisions of this Stipulation and Final Agency Order shall be given full force and effect.

10. Respondent expressly agrees and acknowledges that Respondent has entered into this Stipulation and Final Agency Order knowingly and voluntarily. After the opportunity to consult with legal counsel, Respondent affirms that Respondent has read this Stipulation and Final Agency Order and fully understands its nature, meaning and content. Respondent agrees that upon execution of this Stipulation and Final Agency Order, no subsequent action or

assertion shall be maintained or pursued by Respondent asserting the invalidity in any manner of this Stipulation and Final Agency Order.

11. Respondent understands and knowingly and voluntarily enters into this Stipulation and Final Agency Order. 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 Director to meet its burden of proof in a formal hearing.

b. The right to confront and cross-examine all witnesses against Respondent at a formal hearing.

c. The right to subpoena witnesses, present evidence and to testify on Respondent's own behalf at a formal hearing.

d. The right to be represented by counsel of Respondent's own choosing and at Respondent's expense at any stage of this proceeding.

e. The right to engage in pre-hearing discovery of the Director's evidence.

f. The right to appeal the Final Agency Order provided for by this Stipulation.

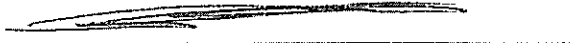
12. On the date upon which this Stipulation is executed by an authorized representative of the Director, it shall become the Final Agency Order of the Director.

EXECUTED BY THE DIRECTOR this 20 day of May 2009

RESPONDENT-LICENSEE

DIRECTOR OF THE COLORADO DIVISION
OF REAL ESTATE




Respondent-Licensee

By: _____
Director (or Designee of the Director)
1560 Broadway, Ste. 925
Denver, CO 80202