

BEFORE THE REAL ESTATE COMMISSION

STATE OF COLORADO

Case No. RG RE DLZAI
Complaint No. 80357426, 80357456
Case No. RC 2007-0014

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST THE REAL
ESTATE BROKER'S LICENSE OF STEVE G. BOYER, LICENSE NO. FA
100004987,

Respondent.

IT IS HEREBY STIPULATED by and between the Colorado Real Estate Commission (the "Commission") and the Respondent, STEVE G. BOYER (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 investigative report and was given an opportunity to meet with the Commission's staff regarding this matter.

7. The Respondent admits the following facts: The Respondent engaged in misconduct in regard to a planned transaction for the sale of 5020 Coral Burst Circle Loveland. The Respondent further admits that these facts constitute violation of §§ 12-61-113 (l)(n) C.R.S.

8. The Respondent accepts the following discipline:

a. The real estate broker's license of the Respondent shall be suspended for a period of ninety (90) days. Such suspension shall commence on March 1, 2008. During the period of suspension the Respondent shall not engage in any act for which a real estate license is required as set forth in Subsection § 12-61-102, C.R.S. Any license(s) and/or pocket card(s) of the Respondent and of any individual(s) license to the Respondent shall be returned to the Commission no later than the effective date of the suspension, and

b. The real estate broker's license of the Respondent shall be restricted for a period of three (3) years.

▪ Probationary License Requiring Supervision:

1. The Respondent shall only act in the capacity of a real estate broker in the employ of and under the supervision of another licensed real estate broker commencing on the date of re-activation after the completion of the three month suspension and continuing for a period of three (3) years; and
2. The Respondent shall, prior to the effective date of this Stipulation and Final Agency Order, provide the Commission with a written statement in a form acceptable to the Commission from Respondent's employing broker. In such written statement, the employing broker must:
 - a. Indicate that such employing broker is aware of, and has received a copy of, this Stipulation and Final Agency Order;
 - b. Agree to provide supervision for Respondent for a period of three (3) years commencing on the effective date of this Stipulation and Final Agency Order. Such supervision shall include, but not be limited to, compliance with Commission Rule E-31 (regarding reasonable supervision) and an agreement to provide a "high level of supervision" for Respondent pursuant to Commission Rule E-32, which requires the employing broker to:
 - 1) Provide specific training in office policies and procedures;
 - 2) Be reasonably available for consultation;
 - 3) Provide assistance in preparing contracts;

- 4) Monitor transactions from contracting to closing;
 - 5) Review documents in preparation for closing; and
 - 6) Ensure that the employing broker or an experienced licensee attends closings or is available for assistance.
- c. Acknowledge that such employing broker assumes the responsibility for providing the supervision set forth above and acknowledge that such employing broker will be subject to disciplinary action for failing to provide the supervision set forth above.
 - d. Agree to notify the Commission immediately and in writing if the employing broker has reason to believe that the Respondent has violated any terms of this Stipulation and Final Agency Order or if the Respondent leaves the employ of the employing broker.
3. The Respondent shall, in the event of any subsequent intended or contemplated change in employment as an employed real estate broker, and prior to accepting or commencing such employment:
 - a. Notify the Commission in writing of the intended change of employment;
 - b. Provide to the Commission a written statement from the proposed employing broker declaring knowledge of this Stipulation and acknowledging receipt of a copy of this Stipulation and Final Agency Order; and
 - c. Provide to the Commission a written statement from the proposed employing broker in full compliance with paragraph 2 of these supervision requirements.
 4. The Respondent shall immediately notify the Commission, in writing, should the Respondent violate this Stipulation and Final Agency Order, part 1 or part 8 of Article 61 of Title 12, C.R.S., or any rule promulgated by the Commission.
 5. Any violation of part 1 or part 8 of Article 61 of Title 12, C.R.S., or of any rule promulgated by the Commission shall constitute a violation of this Stipulation and Final Agency Order.
 6. The restrictions set forth regarding probation shall remain in full force and effect until the Respondent receives written confirmation from the Commission that the conditions of this Stipulation and Final Agency Order have been successfully completed.

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 in paragraphs 3 and 4 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


Steve G. Boyer
License No. FA100004987

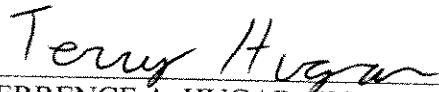
ERIN TOLL, Director
1560 Broadway, Suite 925
Denver, CO 80202

Effective Date:

This 7th day of February, 2008

Approved as to form:

JOHN W. SUTHERS
Attorney General



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