

BEFORE THE REAL ESTATE COMMISSION
STATE OF COLORADO
Proceeding No. (REC 12-02-09)

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DEC 11 2008
CO DIV OF REAL ESTATE

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE APPLICATION FOR A REAL ESTATE BROKER LICENSE OF
LAMAIN WALLIN

IT IS HEREBY STIPULATED AND AGREED between the Colorado Real Estate Commission (the "Commission") and Lamaint Wallin (the "applicant") as follows:

1. On or about September 17, 2008, the applicant submitted an application to the Commission for the issuance of a real estate broker license.

2. It was disclosed in the application that the applicant entered a plea agreement to Possession with the intent to distribute in May of 1998 and the plea of guilty to Assault in May of 1998 and was sentenced to three years in the Colorado Dept. of Correction and ordered to pay court fines and fees, by the District Court, Arapahoe County.

3. The applicant's application for a real estate broker license and other documents were considered by the Commission at its regularly scheduled meeting on December 2, 2008. The applicant supplied data, views and arguments in support of the application. The applicant further supplied evidence in mitigation of the facts set forth in paragraph 2 above including, but not limited to, a written explanation by the applicant of the facts and circumstances surrounding the violations, and other matters.

4. The applicant admits that the facts submitted to the Commission including, but not limited to, those referred to in paragraph 2 above constitute sufficient grounds for the denial of the application pursuant to § 12-61-102, C.R.S.

5. A real estate broker's license shall be issued to the applicant as soon as is practicable by the Commission, subject to the following conditions:

- a. For a period of not less than 4 years of active licensed status following the effective date of this Stipulation and Final Agency Order as set forth in paragraph 11 below, the applicant:
 - i. shall act only in the capacity of a real estate broker associate in the employ of and under the direct supervision of another licensed real estate broker; and
 - ii. shall, in the event of any subsequent intended or contemplated change in employment as a real estate broker associate, and prior to accepting or commencing such employment, notify the Commission in writing of the intended change in employment and
 - iii. shall in the event of any subsequent intended or contemplated change in employment as a real estate broker associate, and prior to accepting or commencing such employment, provide to the Commission a written statement from the proposed employing broker declaring knowledge of the applicant's criminal history and acknowledging receipt of a copy of this Stipulation and Final Agency Order.
 - iv. In addition to the provisions of section 12-61-113(1)(m.6) C.R.S., the applicant shall immediately notify the Commission, in writing, of any criminal arrest,

conviction, entry of a guilty, "Allford" or nolo contendere plea, entry of a deferred prosecution, judgment or sentence, or the filing of any charge(s), indictment or criminal information, or issuance of any summons and complaint involving any allegations against the applicant of criminal conduct under municipal, state or federal law, excluding only misdemeanor traffic offenses.

v. In addition to the provisions of section 12-61-113(1)(m) C.R.S., any conviction of, entry of a plea of guilty, "Allford" or nolo contendere plea to, or any entry of a deferred judgment or sentence by or against the applicant for any municipal, state or federal criminal offense involving the applicant's truthfulness, honesty, good moral character or competency to transact the business of a real estate broker or salesperson in such a manner as to safeguard the interest of the public shall constitute violation of this Stipulation and Final Agency Order, excluding only misdemeanor traffic offenses.

b. The period of time set forth in paragraph 5(a) need not be continuous, but shall not include any periods of inactive licensure status.

6. It is the intent and purpose of this Stipulation and Final Agency Order to provide for the settlement of the particular issues raised by the applicant's application as set forth herein.

7. Any violation of the terms of this Stipulation proven at a hearing pursuant to § 24-4-105, C.R.S., shall be deemed a separate violation of § 12-61-113(1)(k), C.R.S. and the Commission shall impose an appropriate form of discipline.

8. The Commission expressly reserves the right to proceed under paragraph 7 in the event that the applicant fails to comply with the terms of this Stipulation and Final Agency Order. The Commission further expressly reserves the right to treat this Stipulation and Final Agency Order as a public record in the custody of the Commission.

9. In the event that this matter is referred to hearing for violation of this Stipulation and Final Agency Order, this Stipulation and Final Agency Order shall be admissible in full.

10. The applicant has been afforded the right to be represented by counsel of the applicant's own choosing and at the applicant's own expense during any phase of this proceeding. The applicant knowingly and voluntarily enters into this Stipulation and Final Agency Order and waives the following rights:

a. The right to a formal licensing hearing on the merits of the matters forming the basis of this Stipulation and Final Agency Order.

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

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

d. The right to engage in pre-hearing discovery of the Commission's evidence.

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

11. On the date upon which this Stipulation is signed by an authorized representative of the Commission, it shall become the Final Agency Order of the Commission.

EXECUTED by the Commission this 11th day of December 2008

(APPLICANT SIGNATURE)

Lamaint Wallin
Lamaint Wallin
12935 E 48th Ave.
Denver, CO 80239

COLORADO REAL ESTATE COMMISSION
Erin Toll
Erin Toll, Director
1560 Broadway Ste 925
Denver, Colorado 80202
Telephone: (303) 894-2166

If applicant is represented by an attorney, provide attorney name, address and signature:

Attorney Name: _____

Registration Number: _____

Firm Name: _____

Mailing Address:

Telephone: () _____

Attorney Signature

STATE OF COLORADO

Division of Real Estate

Erin Toll
Director

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Department of Regulatory Agencies

D. Rico Munn
Executive Director



Bill Ritter, Jr.
Governor

December 16, 2008

Lamaint Wallin
12935 E. 48th Avenue
Denver, CO 80239

Dear Mr. Wallin:

Enclosed you will find a signed copy of the Stipulation and Final Agency Order in the matter of the disciplinary actions against your Real Estate License, FA100027114.

Please read the stipulation and order carefully, as it outlines all the terms and conditions required of you. Your license is currently on inactive status. If you would like to place your license on active status, go active, it will be necessary to complete the application for change in status form and pay the appropriate fee.

If you have any questions, please contact Mary E. Kanaly, at 303-894-2165.

Respectfully,

COLORADO DIVISION OF REAL ESTATE

ENFORCEMENT UNIT

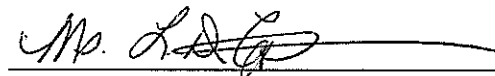
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Enclosure

CERTIFICATE OF SERVICE

This is to certify that I have duly served the Stipulation and Final Agency Order upon all parties herein by depositing copies of same in the United States mail, first class postage prepaid, at Denver, Colorado, this 16th day of December 2008, addressed as follows:

Lamaint Wallin
12935 E. 48th Avenue
Denver, CO 80239



Ms. L. D. Escobar