

BEFORE THE REAL ESTATE COMMISSION

STATE OF COLORADO

Complaint No. 80357811

Office of Administrative Courts Case No. RC 2008-0028

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST THE REAL ESTATE BROKER'S LICENSE OF MARIA GUADALUPE STEVINSON ALSO KNOWN AS ("A/K/A") MARIA G. STEVINSON, LICENSE NO. EI607565, Respondent.

IT IS HEREBY STIPULATED by and between the Colorado Real Estate Commission (the "Commission") and the Respondent, Maria Guadalupe Stevinson, a/k/a Maria G. Stevinson, (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 Respondent's activities.
4. The Commission notified the Respondent of the investigation and Respondent was given the opportunity to give written data, views and arguments concerning the investigation.
5. At its regularly scheduled public meeting on June 10, 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 Stipulation and Final Agency Order, including the disciplinary terms contained in paragraph 10 below, as means to settle and resolve this matter.
6. 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. Respondent denies the following allegations, but acknowledges that, if the Commission were to prove the allegations at hearing, it would constitute a prima facie case of a violation of §12-61-101 *et. al*, C.R.S., Real Estate Practice Act, and would subject Respondent to discipline. The Commission's allegations are as follows:

a. Respondent was originally licensed by the Commission as a real estate broker on or about October 23, 1975, and issued license number EI607565.

b. On or about February 26, 2007, Respondent entered into a plea agreement in District Court, Denver, Colorado, *The People of the State of Colorado v. Maria Guadalupe Stevinson*, Case No. 06CR03544 ("Case No. 06CR03544").

c. The Complaint and Information filed in Case No. 06CR03544 on June 7, 2006 charged Respondent with three (3) felony counts:

Count 1. forgery, § 18-5-102(1) (c), C.R.S., a class five felony;

Count 2. offering a false instrument for recording in the first degree, § 18-5-114(1), C.R.S., a class five felony; and,

Count 3. criminal extortion, § 18-3-207(1) (a), (b) (I), C.R.S., a class four felony.

d. On or about February 26, 2007, Respondent entered into a plea bargain Case No. 06CR03544, whereby she pleaded guilty to the added charge of second degree forgery, § 18-5-104, C.R.S., a class 1 misdemeanor. In exchange, Respondent was granted two (2) years unsupervised probation, ordered to pay fines and costs ~~_____~~ *MS*, and Counts One, Two and Three were dismissed.

e. In the Motion to Add and Dismiss Counts in Case No. 06CR03544 filed on February 26, 2007, Respondent pleaded guilty to second degree forgery, in violation of § 18-5-104, C.R.S. Respondent admitted that on or about August 5, 2005, in the City and County of Denver, Respondent, with the intent to defraud Buyer (Jorge Romero), completed, altered, or uttered a written instrument.

f. Respondent does not wish to continue to practice as a real estate broker in the state of Colorado.

8. Although Respondent disputes the allegations in paragraph 7, above, Respondent admits that, if the allegations were proven by the Commission at hearing, Respondent would have violated §§ 12-61-113 (l) (m), (n) and (t) C.R.S.

9. The statutory authority of the Commission is as follows:

12-61-113. Investigation – revocation – actions against licensee-

repeal: (1) The Commission, upon its own motion, may, and, upon the complaint in writing of any person, shall, investigate the activities of any licensee or any person who assumes to act in such capacity within the state, and the commission, after the holding of a hearing pursuant to section 12-61-114, has the power to impose an administrative fine not to exceed two thousand five hundred dollars for each separate offense and to censure a licensee, to place the licensee on probation and to set the terms of probation, or to temporarily suspend or permanently revoke a license when the licensee has performed, is performing, or is attempting to perform any of the following acts and is guilty of:

- (m) Conviction of, entering a plea of guilty to, or entering a plea of nolo contendere to any crime in article 3 of title 18, C.R.S.; parts 1, 2, 3, and 4 of article 4 of title 18, C.R.S.; part 1, 2, 3, 4, 5, 7, 8, or 9 of article 5 of title 18, C.R.S., article 5.5 of title 18, C.R.S.; parts 1, 3, 4, 6, 7, and 8 of article 6 of title 18, C.R.S.; parts 1, 3, 4, 5, 6, 7, and 8 of article 7 of title 18, C.R.S.; part 3 of article 8 of title 18, C.R.S.; article 15 of title 18, C.R.S.; article 17 of title 18, C.R.S.; section 18-18-404, 18-18-405, 18-18-406, 18-18-411, 18-18-412.5, 18-18-412.7, 18-18-412.8, 18-18-415, 18-18-416, 18-18-422, or 18-18-423, C.R.S., or any other like crime under Colorado law, federal law, or the laws of other states. A certified copy of the judgment of a court of competent jurisdiction of such conviction or other official record indicating that such plea was entered shall be conclusive evidence of such conviction or plea in any hearing under this part 1.
- (n) Having demonstrated unworthiness or incompetency to act as a real estate broker by conducting business in such a manner as to endanger the interest of the public;
- (t) Any other conduct, whether of the same or a different character than specified in this subsection (1), which constitute dishonest dealing.

10. The Respondent accepts the following discipline:

a. Respondent hereby permanently relinquishes the license and the right to practice as a real estate broker in the state of Colorado, and requests the Commission to accept said relinquishment. Respondent agrees to never again apply for a license to practice a real estate occupation, including any real estate broker licensure, in the state of Colorado.

b. Such relinquishment shall have full force and effect as a revocation ordered by the Commission. Such revocation shall be effective immediately upon execution of this Stipulation and Final Agency Order by an authorized representative of the Commission. Respondent tenders the license simultaneously with execution of this document, and any registration(s), license(s), certificate(s) and/or pocket card(s) of Respondent. On and after the effective date of this Stipulation and Final Agency Order, Respondent shall not engage in any act requiring a real estate license as set forth in §12-61-101 and §12-61-102, C.R.S.

11. It is the intent and purpose of this Stipulation and Final Agency Order 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 above.

12. 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.

13. Respondent acknowledges that she has had the opportunity to discuss the terms of this Stipulation and Final Agency Order with counsel of her choosing, and Respondent has discussed the terms of this Stipulation and Final Agency Order with counsel. Respondent understands the effect of, and knowingly and voluntarily enters into, this Stipulation and Final Agency Order. The Respondent further knowingly and voluntarily waives the following rights:

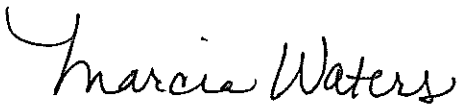
- a. the right to a formal disciplinary hearing on the merits of the matters forming the basis of this Stipulation and Final Agency Order and the right to require the Commission to meet its burden of proof in the formal hearing;
- b. the right to confront and cross-examine all witnesses against the Respondent 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.

14. 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


MARIA GUADALUPE
STEVINSON ALSO KNOWN AS
("A/K/A") MARIA G.
STEVINSON

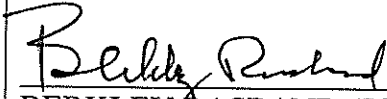
COLORADO REAL ESTATE COMMISSION

By: 
ERIN TOLL, Director
1560 Broadway, Suite
Denver, Colorado 80202

Effective Date: This 1st day of December,
2008.

APPROVED AS TO FORM:

BERKLEY RASBAND, ESQ.



BERKLEY RASBAND, ESQ.

333 South Federal Boulevard
Suite 212

Denver, Colorado 80219

Phone: (303) 922-3448

Fax: (303) 922-7761

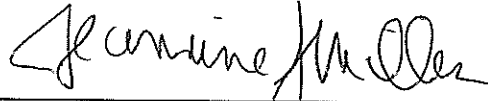
E-mail: brcrimlaw@ezsg.com

Attorney Registration No. 6445

Attorneys for
MARIA GUADALUPE
STEVINSON ALSO KNOWN AS
("A/K/A") MARIA G.
STEVINSON, Respondent.

JOHN W. SUTHERS

Attorney General



JEANNINE L. MILLER, *31097

Assistant Attorney General

Business and Licensing Section

Attorneys for the Colorado Real Estate
Commission

1525 Sherman Street, 5th Floor
Denver, Colorado 80203

Telephone: (303) 866-5464

FAX: (303) 866-5395

*Counsel of Record