

BEFORE THE REAL ESTATE COMMISSION
STATE OF COLORADO

Case No. 80356823

Walk-In
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STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST THE REAL ESTATE
BROKER'S LICENSE OF CLIFFORD R. JONES (LICENSE #FA797265),

Respondent.

IT IS HEREBY STIPULATED by and between the Colorado Real Estate Commission (the "Commission") and 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 upon a complaint filed on the Commission's own motion or by the individual identified on Exhibit A, attached hereto and incorporated herein.
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. The Commission has 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 described on Exhibit A.
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 facts and conclusions of law set forth on Exhibit A.

8. The Respondent accepts the discipline set forth on Exhibit A.

a. If the discipline set forth on Exhibit A includes public censure, such censure shall appear in the "Real Estate News", a Commission publication.

b. If the discipline set forth on Exhibit A includes a fine, such fine shall be paid to the Commission in good funds in one lump sum payment when the Respondent signs and returns this Stipulation and Final Agency Order to the Commission. Failure of the Respondent to include the fine when returning this signed Stipulation and Final Agency Order to the Commission will not preclude the Commission from executing and accepting this Stipulation and Final Agency Order which has been signed by the Respondent. In such event, the Commission may, in its sole discretion, execute this Stipulation and Final Agency Order signed by the Respondent and treat the Respondent's failure to pay the fine as a failure to comply with the terms of this Stipulation and Final Agency Order.

c. If the discipline set forth on Exhibit A includes the completion of course work, the Respondent shall enroll in and successfully complete the courses set forth on Exhibit A by the due dates set forth therein. The Respondent shall also submit written proof of course work completion in a form and manner acceptable to the Commission by such due dates. All such course work shall be completed in addition to any continuing education courses required by §12-61-110.5, C.R.S. and the rules and regulations of the Commission.

d. If the discipline set forth on Exhibit A includes probation, the Respondent's license shall be placed on probationary status for the period set forth on Exhibit A. During the period of probation the Respondent may engage in acts requiring a real estate broker's license subject to the terms and conditions set forth on Exhibit A.

e. If the discipline set forth on Exhibit A includes suspension, the real estate broker's license of the Respondent shall be suspended commencing on the date set forth on Exhibit A and continuing for the period set forth on Exhibit A. 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 §12-61-101 and §12-61-102, C.R.S. Any license(s) and/or pocket card(s) of the Respondent and of any individual(s) licensed to the Respondent shall be returned to the Commission no later than the effective date of the suspension.

f. If the discipline set forth on Exhibit A includes revocation, the real estate broker's license of the Respondent shall be permanently revoked. Such revocation of the Respondent's license shall be effective immediately upon execution of this Stipulation and Final Agency Order by an authorized Commission representative. Thereafter, the Respondent shall refrain from engaging in any act requiring a real estate license as set forth in §12-61-101 and §12-61-102, C.R.S. Any licenses and/or pocket cards of the Respondent and of any individuals licensed to the Respondent shall be returned to the Commission no later than the effective date of the revocation. The Commission reserves the right, notwithstanding the provisions of paragraph 9 below, to review the allegations and/or charges raised by the investigation which is identified in paragraphs 3 and 4 above should the Respondent ever apply for any license issued by the Commission.

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 any of the terms of this Stipulation and Final Agency Order. Failure to comply with any of the terms of this Stipulation and Final Agency Order shall constitute a violation of §12-61-113(1)(k), C.R.S. In that event, the pending matter will be treated as a formal disciplinary action and shall proceed pursuant to §12-61-113, §12-61-114, §24-4-104 and §24-4-105, C.R.S. Completion of the terms of this Stipulation and Final Agency Order after the date required herein shall not excuse the violation nor prohibit the Commission from initiating formal disciplinary proceedings. In such subsequent proceeding this Stipulation and Final Agency Order shall be admissible as evidence. In such subsequent disciplinary proceeding, the matters at issue shall be limited to the question of whether or not the Respondent has violated the terms of this Stipulation and Final Agency Order. In the event that the Respondent is found, after a hearing, to have violated any of the terms of this Stipulation and Final Agency Order, the Respondent further stipulates and agrees that the appropriate form of formal discipline to be imposed by the Commission shall consist of:

i. revocation of Respondent's license to engage in the business or capacity of a real estate broker or real estate salesperson; and

ii. a public censure (including publishing this Stipulation and Final Agency Order or a summary of the disciplinary terms provided for in this paragraph 10 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); and

iii. a requirement that the Respondent comply with any terms provided for in this Stipulation and Final Agency Order that formed the basis for initiation of the subsequent disciplinary proceeding; and

b. The right to proceed against the Respondent's license under §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.

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.

EXECUTED BY THE COMMISSION this 27th day of January, 2009.

RESPONDENT-LICENSEE

COLORADO REAL ESTATE COMMISSION

Clifford R. Jones
Respondent-Licensee

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

EXHIBIT A

Licensee Name: Clifford R. Jones
License Number: FA797265
Case Number: 80356823
Complainant Name: Colorado Real Estate Commission

Admissions: The Respondent admits the following facts and conclusions of law:

On or about October 31, 1994, the Respondent pled guilty to Robbery with Bodily Injury, a Second Degree Felony under Texas State Statutes. The guilty plea is comparable to a plea of guilty to Robbery, in violation of §18-4-301, C.R.S. The Respondent failed to report the guilty plea to the Commission as required. On or about February 4, 2000, the Respondent pled guilty to Fraud in Effecting Sales, a Class 2 Misdemeanor, in violation of §18-5-301, C.R.S. The Respondent failed to notify the Commission of the guilty plea as required. During the course of the investigation, the investigator encountered numerous delays due to incomplete and misleading responses submitted by the respondent. The Respondent also failed to provide court documentation as requested.

The Respondent admits that these facts constitute violation of: §12-61-113(1) (m), C.R.S., §12-61-113(1) (m.6), C.R.S., §12-61-113(1)(k) C.R.S. and Commission Rule E-21.

Discipline: The Respondent accepts all of the following discipline set forth below:

- Fine: \$2,000, due and payable upon execution and return of this Stipulation to the Commission; and
- License Suspension commencing upon execution of this Stipulation by the Colorado Real Estate Commission and continuing for one hundred eighty (180) consecutive days thereafter; and
- Public Censure