

BEFORE THE REAL ESTATE COMMISSION  
STATE OF COLORADO  
Hearing Matter A

---

STIPULATION AND FINAL AGENCY ORDER

---

IN THE MATTER OF THE REINSTATEMENT OF THE REAL ESTATE BROKER  
LICENSE OF GREGORY NASH, LICENSE NO. ER1315115.

---

IT IS HEREBY STIPULATED AND AGREED between the Colorado Real Estate Commission (the "Commission") and Gregory Nash (the "broker") as follows:

1. On or about March 26, 2007 the broker submitted a written request to the Commission for the reinstatement of his real estate broker license.

2. On December 20, 2004, the broker stipulated to a Final Agency Order requiring a 60 day suspension of the broker's license, which would continue indefinitely until the broker produced documentation indicating that the broker's security deposit and property management rental income accounting records from January 1, 2004 to October 31, 2004 had been properly reconciled at the end of each month in accordance with Commission Rule E-1 (p). The broker was further required to replace any identified shortages and to submit any source documents related to four rental properties to document that deposits and disbursements made in conjunction with the security deposit and property management rental income accounts were proper. The broker failed to provide the aforementioned documentation as required by the Commission and his license was subsequently suspended on March 15, 2005. The broker's license has remained on suspended status since.

3. The broker's request for reinstatement of his real estate broker's license and other documents were considered by the Commission at its regularly scheduled meeting on May 1, 2007.

4. The broker 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 reinstatement pursuant to § 12-61-113(1)(k), C.R.S.

5. The real estate broker's license shall be reinstated on active status as soon as is practicable by the Commission, subject to the following conditions:

- a. For a period of not less than 2 years of active licensed status following the effective date of this Stipulation and Final Agency Order as set forth in paragraph 11 below, the broker:
  - i. shall act only in the capacity of a real estate broker in the employ of and under the direct supervision of another licensed real estate broker to whom he is not related; and
  - ii. shall, in the event of any subsequent intended or contemplated change in employment as a real estate broker, 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, and prior to accepting or commencing such employment, provide to the Commission a written statement from the proposed



employing broker declaring knowledge of the broker's disciplinary history, the nature of the violations and acknowledging receipt of a copy of this Stipulation and Final Agency Order.

iv. shall not have any access to or control over any trust accounts.

b. The two (2) year period provided for in paragraph 5.a. herein need not be continuous, but the respondent shall not receive credit for having completed such period of conditional licensure during 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 broker's disciplinary action 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 broker 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 broker has been afforded the right to be represented by counsel of the broker's own choosing and at the broker's own expense during any phase of this proceeding. The broker 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 broker at the formal hearing.
- c. The right to subpoena witnesses, present evidence and to testify on the broker'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 18<sup>th</sup> day of May 2009. *JNW*

BROKER SIGNATURE

*[Handwritten Signature]*

Gregory Nash  
P.O. Box 461  
Edwards, CO. 81632

COLORADO REAL ESTATE COMMISSION

*[Handwritten Signature]*

Director or (Designee of the Director)  
1560 Broadway, Suite 925  
Denver, Colorado 80202  
Telephone: (303) 894-2166