

BEFORE THE REAL ESTATE COMMISSION

STATE OF COLORADO

Office of Administrative Courts Case No. RC 2009-0002

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST THE REAL ESTATE BROKER'S LICENSE OF JAMES L. PATTERSON, LICENSE NO. FA40001569, Respondent.

IT IS HEREBY STIPULATED by and between the Colorado Real Estate Commission (the "Commission") and James L. Patterson (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 and to meet with Commission's staff regarding this matter.
5. At its regularly scheduled public meeting on April 1, 2008, 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 7 below.
6. Respondent admits the following:
 - a. Respondent admits that his actions constitute violation of § 12-61-113(1)(k) and (n), and Commission Rule E-25.
7. The Respondent accepts the following discipline against his real estate broker's license pursuant to C.R.S. §§ 12-61-113 and 114, and 24-4-104 and 105:
 - a. Respondent hereby relinquishes the license and the right to practice as a real estate broker. 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 his 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 broker license as set forth in §12-61-702, C.R.S. The Commission reserves the right, notwithstanding the provisions of paragraph 8 below, to review the allegations and/or charges raised by the investigation which is identified in paragraph 3 above should Respondent ever apply for any license issued by the Commission.

- b. Respondent shall pay a fine to the Commission in the amount of \$500.00 ("the fine"). The fine shall be permanently stayed unless Respondent attempts to re-apply for a real estate broker license. Respondent agrees that should Respondent ever attempt to re-apply for licensure as a real estate broker, the Fine shall be due and payable to the Commission in full and in one lump-sum payment prior to Respondent submitting an application for licensure as a real estate broker in the State of Colorado. Respondent and the Commission agree and understand that payment of the fine as described herein shall not be deemed to affect a renewal or guarantee the issuance of a new license or guarantee a more favorable review of a future application for licensure. The Commission reserves the right, notwithstanding the payment of the fine, to review the allegations, charges and admissions relating to this case should Respondent ever apply for any license issued by the Commission.
 - c. Violation of any of the terms of this Stipulation shall constitute a violation of C.R.S. §12-61-113(1)(k), and subject Respondent, at the option of the Commission, to further disciplinary action.
8. 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.
9. 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 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.
10. Respondent acknowledges that he has had the opportunity to discuss the terms of this Stipulation and Final Agency Order with counsel of his choosing. 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.
11. 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

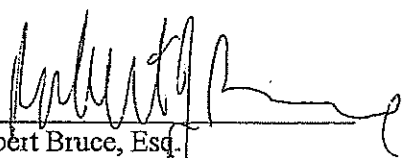


JAMES L. PATTERSON

COLORADO REAL ESTATE COMMISSION

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

Effective Date: This 29 day of May, 2009.

APPROVED AS TO FORM:

<p>ROBERT BRUCE, ESQ.</p>  <hr/> <p>Robert Bruce, Esq. Lawlis & Bruce, LLC 1875 Lawrence Street, Suite 750 Denver, CO 80202</p> <p>Attorney for James L. Patterson, Respondent.</p>	<p>JOHN W. SUTHERS Attorney General</p>  <hr/> <p>MELISSA SMITH, *37020 Assistant Attorney General Business and Licensing Section</p> <p>Attorneys for the Colorado Real Estate Commission</p> <p>1525 Sherman Street, 7th Floor Denver, Colorado 80203 Telephone: (303) 866-5245 FAX: (303) 866-5395 *Counsel of Record</p>
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