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CO DIV OF REAL ESTATE

BEFORE THE REAL ESTATE COMMISSION

STATE OF COLORADO

Office of Administrative Courts Case No. RC 2008-0036

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CO DIV OF REAL ESTATE

MLA 2752

4/25/09

Ball staff  
L. Weston

ID# 7449

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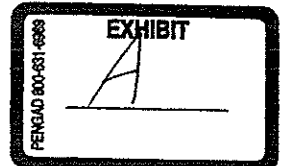
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# 1742 \$5000.00  
Total \$8500.00

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST THE REAL ESTATE BROKER'S LICENSE OF JONATHAN J. WELLS, LICENSE NO. FA400002910, Respondent.

IT IS HEREBY STIPULATED by and between the Colorado Real Estate Commission (the "Commission") and Jonathan J. Wells (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 May 1, 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 8 below.
6. Respondent admits that his conduct in this case constituted violations of §§ 12-61-113(l)(n) and (t), C.R.S.
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. The real estate license of Respondent shall be and hereby is suspended for a period of six (6) months. Such suspension shall



commence on June 1, 2009. Upon the effective date of the suspension, Respondent shall refrain from engaging in any act requiring a real estate license as set forth in C.R.S. §§ 12-61-101 and 102.

b. Respondent shall pay a fine to the Commission in the amount of \$8,500.00 within sixty (60) days of the execution of this Stipulation by an authorized Commission representative.

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c. Respondent shall enroll in and successfully complete 24 hours of real estate education, including coursework in the areas of Brokerage Relationships, Contracts, Ethics, and Current Legal Issues, of not less than six (6) hours each, within two months (60 days) from the date upon which the suspension provided for in this Stipulation begins. Within that same time period, Respondent shall submit written proof to the Commission of completion of the required course. Such course shall be completed in addition to any continuing education courses required by C.R.S. § 12-61-110.5 and the rules and regulations of the Commission.

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d. 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.

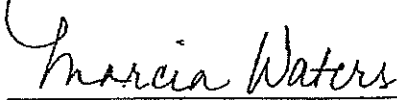
11. On the date upon which this Stipulation is executed by an authorized representative of the Commission, it shall become the Final Agency Order of the Commission.

RESPONDENT

  
\_\_\_\_\_  
JONATHAN J. WELLS

COLORADO REAL ESTATE COMMISSION

By:

  
\_\_\_\_\_  
ERIN TOLL, Director or Designee  
1560 Broadway, Suite  
Denver, Colorado 80202

Effective Date: This 28 day of April, 2009.

APPROVED AS TO FORM:

EDGAR KEULING, ESQ.



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Attorney for  
Jonathan J. Wells, Respondent.

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