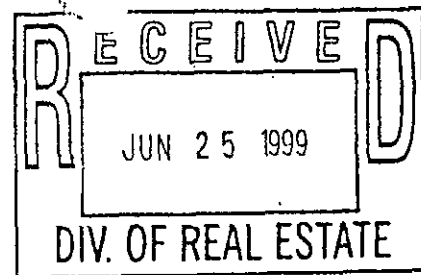


BEFORE THE BOARD OF REAL ESTATE APPRAISERS  
STATE OF COLORADO

Case Number: 990 5041



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STIPULATION AND FINAL AGENCY ORDER

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IN THE MATTER OF DISCIPLINARY ACTION AGAINST THE CERTIFIED  
RESIDENTIAL REAL ESTATE APPRAISER'S LICENSE OF BRAD C. BROOKS,  
RESPONDENT.

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IT IS HEREBY STIPULATED by and between the Colorado Board of Real Estate Appraisers (the "Board") and the respondent, Brad C. Brooks (the "respondent"), as follows:

1. At all times relevant hereto, the respondent was registered, licensed or certified as a real estate appraiser in the State of Colorado.
2. The Board has jurisdiction over the respondent and the subject matter of this action.
3. The Board commenced an investigation of the respondent's activities based upon a complaint filed with the Board by Michael J. Kelley.
4. The Board notified the respondent of the investigation and the respondent was given the opportunity to give written data, views and arguments concerning the investigation.
5. At a regularly scheduled public meetings held on may 14, 1999 and June 11, 1999 the Board considered the investigative report regarding the appraisal and appraisal reporting of the property known as Unit 409, 1050 Cherokee Street, Denver, Colorado, dated September 29, 1998, and found probable cause to refer the respondent to hearing for violation of the real estate appraiser licensing law. The Board authorized the preparation of this stipulation and order including the terms which are included in paragraph 8 below.
6. The respondent was provided with a copy of the investigative report and was given the opportunity to meet with the Board's staff regarding this matter.

7. The respondent neither admits nor denies the allegations contained in the investigative report referred to in paragraph 5, above. Respondent agrees, however, that the allegations stated in the investigative report, if proven at a hearing held pursuant to the Colorado Administrative Procedures Act, §§ 24-4-104 and -105, CRS, (as amended), would constitute a violation or violations §§12-61-710(1)(b) and/or (g), C.R.S., and would properly subject the respondent to the imposition of discipline.

8. The respondent accepts and agrees to the following terms:

a. Respondent agrees to a two year period of probation, commencing upon acceptance of this stipulation by all parties. Successful completion of the period shall be conditioned upon there being no violations of the appraiser licensing law, Board Rules or Uniform Standards of Professional Appraisal Practice during the period of probation, and upon successful completion of the other terms in this paragraph 8. Respondent agrees that a finding at hearing of failure to meet the terms of this stipulation during the period of probation may be cause for imposition of other disciplinary action, including, but not limited to, suspension or revocation of licensure.

b. The respondent agrees that during the period of probation the Board or its designated representative may select, at random and without notice to respondent, up to five real estate appraisal reports from respondents files of work completed on and after the effective date of this stipulation and final agency order. Such reports shall be reviewed pursuant to Standard 3 of the Uniform Standards of Professional Appraisal Practice by a qualified residential appraiser selected by the Board, who shall submit a written review report to the Board. Such appraiser shall enter into a confidentiality agreement with the Board regarding completion of the reviews and review reports. Respondent agrees to directly pay for each such review appraisal and review report within fifteen days of mailing of invoice. The fees for such review services shall not exceed \$200.00 per report reviewed. Failure to timely pay for such review services shall constitute a failure to meet the terms of this stipulation and final agency order. The Board may consider such review appraisals and review reports when considering whether the terms of the probationary period have been satisfactorily completed.

d. The Board accepts as remedial education the coursework listed in the letter dated May 3, 1999 from respondent to the Board, attached and incorporated herein by reference. Respondent shall supply documentary evidence of successful completion of the listed coursework to the Board within twelve months of acceptance of this stipulation by all parties.

9. It is the intent and purpose of this stipulation to provide for settlement of the particular issues, allegations and/or charges raised by the investigation of the respondents activities by the board as set forth in paragraphs 3 and 4 above.

10. The Board expressly reserves the right to proceed with referral of the matter for prosecution and/or seek an injunction in the event that respondent fails to comply with the terms of this Stipulation and Final Agency Order.

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 hearing on the merits of the matters forming the basis for this Stipulations and Final Agency Order and the right to require the State of Colorado 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 State'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 Board it shall become the Final Agency Order of the Board.

EXECUTED BY THE BOARD this 25<sup>th</sup> day of June, 1999.

RESPONDENT

COLORADO BOARD OF  
REAL ESTATE APPRAISERS

  
Respondent

  
Stewart A. Leach