

BEFORE THE REAL ESTATE COMMISSION

STATE OF COLORADO

Case No. RC 2008-0018  
Complaint No. 80356835

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STIPULATION AND FINAL AGENCY ORDER

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IN THE MATTER OF THE DISCIPLINARY ACTION AGAINST THE REAL ESTATE BROKER'S LICENSE OF KENNETH DEAN RUTER, LICENSE NO. EI 315041, Respondent.

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IT IS HEREBY STIPULATED by and between the Colorado Real Estate Commission (the "Commission") and the Respondent, Kenneth Dean Ruter, (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.
5. At its regularly scheduled public meeting on October 2, 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, as means to settle and resolve this matter.
6. 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. Respondent admits the following:
  - a. On or about November 24, 2003, Respondent entered into a plea in District Court, Douglas County, Colorado, Case No. 2003CR000383,

whereby he pleaded guilty to a violation of § 18-5-114(1), C.R.S. (“Case No. 2003CR000383”). In exchange, Respondent was granted a deferred sentence of 18 months and 48 hours of community service.

b. Respondent admitted that he failed to report his guilty plea in Case No. 2003CR000383 to the Commission.

c. Respondent admitted that he is subject to discipline pursuant to § 12-61-113(1) (m.6), C.R.S., for failing to immediately notify the Commission in writing of his guilty plea in Case No. 2003CR000383.

d. On or about June 28, 2005, the People’s Advisement to Dismiss Case Pertaining to Defendant’s Sufficient Compliance with Deferred Judgment and Sentence Agreement was entered in Case No. 2003CR000383, and on July 8, 2005, a Court Order was entered dismissing Case No. 2003CR000383.

8. Respondent accepts the following disciplinary action and imposition of discipline against Respondent’s 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 the execution of this Stipulation (“Stipulation”) by a representative of the Commission. 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 \$1,000.00 within six (6) months of the execution of this Stipulation by the Director or an authorized Commission representative.

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.

9. It is the intent and purpose of this Stipulation and Final Agency Order to provide for the settlement and resolution of the particular issues, allegations and/or charges raised by the investigation of the Respondent’s activities by the Commission as set forth 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 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 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. Respondent acknowledges that he has had the opportunity to discuss the terms of this Stipulation and Final Agency Order with counsel of his choosing, and Respondent has discussed the terms of this Stipulation and Final Agency Order with counsel. 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

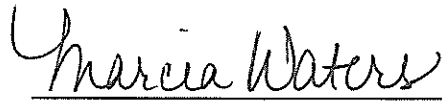
f. the right to appeal the Final Agency Order provided for by this Stipulation.

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.

RESPONDENT

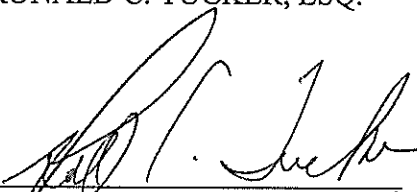
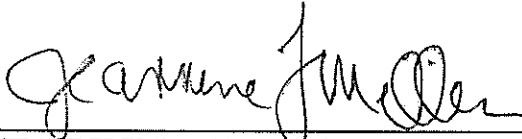
COLORADO REAL ESTATE COMMISSION

  
KENNETH DEAN RUTER

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

Effective Date: This 15<sup>th</sup> day of September,  
2008.

APPROVED AS TO FORM

<p>RONALD C. TUCKER, ESQ.</p> <p></p> <p>Mr. Ronald C. Tucker, Esq. 14491 LAFF, CAMPBELL, DELANEY &amp; GORDON, LLP Financial Plaza, Building A 7730 East Belleview Avenue, Suite 204 Greenwood Village, Colorado 80111- 2616</p> <p>Attorneys for Kenneth Dean Ruter, Respondent.</p>	<p>JOHN W. SUTHERS Attorney General</p> <p></p> <p>JEANNINE L. MILLER, *31097 Assistant Attorney General Business and Licensing Section</p> <p>Attorneys for the Colorado Real Estate Commission</p> <p>1525 Sherman Street, 5th Floor Denver, Colorado 80203 Telephone: (303) 866-5464 FAX: (303) 866-5395 *Counsel of Record</p>
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