

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

CASE NO. SC10-1287

TFB NO. 2009-11,317 (20B)

Complainant,

v.

DEMIAN MICHAEL KRUCHTEN,

Respondent.

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. Summary of Proceedings: The undersigned was duly appointed as Referee in these proceedings. The parties hereto have agreed to a stipulated resolution, which I recommend that the Court accept.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Troy Matthew Lovell

For Respondent: *pro se*

Respondent participated fully in this proceeding.

II. Findings of Fact: I make the following factual findings based on the parties' stipulation:

a. Respondent issued a trust account check in favor of a client, Nichols Financial Group, to disburse funds belonging to the client which had been held in Respondent's trust account.

b. The client did not immediately submit the check for payment.

c. When the client did seek payment, the check was returned for insufficient funds.

d. Respondent promptly replaced the check with a new trust account check, which was supported by adequate funds.

e. The Florida Bar's review of Respondent's trust account revealed deficiencies in Respondent's accounting, but no misappropriation of funds by Respondent.

III. Recommendations as to Guilt: Respondent admits that by reason of

the foregoing he has violated Rule 4-1.15, Rules Regulating The Florida Bar.

IV. Recommendation as to Disciplinary Measures to Be Applied:
Consistent with the Conditional Guilty Plea for Consent Judgment, I recommend that Respondent receive: Admonishment for Minor Misconduct, to be administered by service of a copy of the final order in this proceeding. In addition, Respondent should be required to complete The Florida Bar's Trust Accounting Workshop within 6 months of the final order in this proceeding, with Respondent to be responsible for all fees associated with the workshop.

V. Personal History and Past Disciplinary Record: In considering whether to recommend acceptance of the proposed stipulated resolution, I considered the following personal history and prior disciplinary record of Respondent:

Date of Birth: October 16, 1968

Date Admitted to Bar: October 23, 2000

Prior Discipline: None

Aggravating Factors: None

Mitigating Factors: 9.32 (a) (absence of a prior disciplinary record; and, (l) (remorse).

VI. Statement of Costs and Manner in Which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar and shall be taxed against Respondent:

Administrative Costs pursuant to (Rule 3-7.6(q)(1)(I))	\$1,250.00
Florida Bar Investigator Expenses	62.70
TOTAL	\$1312.70

I recommend that the foregoing itemized costs be charged to Respondent and that interest at the statutory rate accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this __22__ day of September, 2010.

/s/ Paul E. Logan

Honorable Paul E. Logan, Referee

Original to Supreme Court with Referee's original file.

Copies of this Report of Referee only to:

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