

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of)

FRED HARVEY ELLER, individually,)
and as an institution-affiliated party of)

ORDER TO PAY

FDIC-15-0088k

COLORADO CAPITAL BANK)
CASTLE ROCK, COLORADO)

(INSURED STATE NONMEMBER BANK))

FRED HARVEY ELLER (“Respondent”) and a representative of the Legal Division of the Federal Deposit Insurance Corporation (“FDIC”) executed a Stipulation and Consent to the Issuance of an Order to Pay (“CONSENT AGREEMENT”) dated February 2, 2016, whereby Respondent, solely for the purpose of this proceeding and without admitting any violation of law for which civil money penalties may be assessed, consented and agreed to pay a civil money penalty in the amount specified below to the Treasury of the United States.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the violation alleged against Respondent, the history of previous violations by Respondent, if any, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED, that by reason of the alleged violation set forth in paragraph 2 of the CONSENT AGREEMENT, a penalty of \$35,000.00 shall be, and hereby is, assessed

against FRED HARVEY ELLER. The Respondent shall pay the civil money penalty to the Treasury of the United States.

IT IS FURTHER ORDERED that the Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

This Order to Pay shall be effective upon issuance.

Pursuant to delegated authority.

Dated this 22ND day of April, 2016.

/s/

Christopher J. Newbury
Associate Director
Division of Risk Management Supervision