

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CASE NO. 03SA188

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW, 02UPL34

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

JANET BRACKEEN, a/k/a JANET LIVESAY

ORDER OF COURT

Upon consideration of the Petition for Injunction, the Order to Show Cause, the Proof of Service, and the Motion to Proceed filed in the above cause, and no Response having been filed to the Order to Show Cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Court finds that this Respondent has been properly served with the Petition for Injunction and Order to Show Cause,

IT IS FURTHER ORDERED that the Respondent, JANET BRACKEEN a/k/a JANET LIVESAY, is ENJOINED from engaging in further acts of unauthorized practice of law,

IT IS FURTHER ORDERED that the Respondent is assessed costs in the amount of \$160.87. Said costs to be Remitted to the Office of the Attorney Regulation Counsel within thirty days of the date of this order.

BY THE COURT, DECEMBER 18, 2003.



Copies mailed via the State's Mail Services Division on 12/19/03 HOP

cc:

James Coyle
Deputy Regulation Counsel

Janet Brackeen
Janet Livesay
10343 Federal Blvd., J
Westminster, CO 80260

Janet Brackeen
Janet Livesay
641 Eldorado Blvd., #833
Broomfield, CO 80021

Janet Brackeen
Janet Livesay
3311 W. 114th Circle, F
Westminster, CO 80031

FILED IN
SUPREME COURT
JUL - 8 2003
CLERK OF COURT
DENVER

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
JANET BRACKEEN, a/k/a JANET LIVESAY

James C. Coyle, #14970
Deputy Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202
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▲ COURT USE ONLY ▲

Case Number: 02UPL034

PETITION FOR INJUNCTION

Petitioner, by and through James C. Coyle, Deputy Regulation Counsel, respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show cause why she should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Janet Brackeen, a/k/a Janet Livesay, is not licensed to practice law in the State of Colorado. The respondent's last known business addresses are 641 Eldorado Blvd., #833, Broomfield, Colorado 80021, and 10343 Federal Blvd., J, Westminster, Colorado 80260. The respondent's last known residential address is 3311 West 114th Circle, F, Westminster, Colorado 80031.

2. Associated Recovery Systems ("ARS") is a collection agency. ARS was attempting to collect an alleged debt on behalf of their client, Calling All Cars, Inc., from Christian Swift. ARS wrote a collection letter to Mr. Swift.

3. The respondent responded to the ARS letter (a copy of the letter is attached as Exhibit A).

4. At the time she wrote the response, the respondent lived or officed at the same street address, with a different suite number, as Christian Swift and identified herself in the letter to ARS as an attorney, neighbor and friend of Mr. Christian A. Swift.

5. In the letter, the respondent made a number of legal demands to the collection agency:

a. The respondent, on behalf of Mr. Swift, demanded that the collection agency immediately respond to her and Mr. Swift.

b. The respondent, on behalf of Mr. Swift, demanded that the collection agency contact the three major credit reporting agencies and have the debt removed.

c. The respondent stated that if the collection agency continued to "harass" Mr. Swift that she and the "firm for which I am employed" will officially become involved.

d. The respondent, in the letter to the collection agency, further states, "it is completely illegal in the state of Colorado for a collection company to continue to attempt to collect on behalf of a company that has gone out of business."

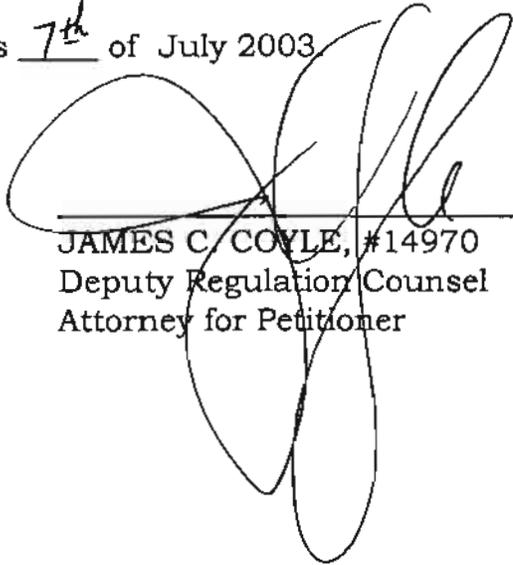
6. The respondent is not an attorney licensed to practice law in the State of Colorado. Upon information and belief, the respondent is not an attorney in any other state or jurisdiction.

7. By holding herself out to be an attorney (with a Colorado address) and by attempting to represent the legal interests of Christian Swift, the respondent engaged in the unauthorized practice of law (the unauthorized practice of law includes acting as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling advising and assisting that person in connection with legal rights and duties). See *Denver Bar Association v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964)). The respondent does not fall within any of the statutory or case law exceptions.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why the respondent should not be enjoined from engaging in any unauthorized practice of law; thereafter that the

court enjoin this respondent from the practice of law, or in the alternative that this court refer this matter to a hearing master for determination of facts and recommendations to the court on whether this respondent should be enjoined from the unauthorized practice of law. Furthermore, petitioner requests that the court assess the costs and expenses of these proceedings, including reasonable attorney fees against this respondent; order the refund of any and all fees paid by clients to the respondent; and assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; and any other relief deemed appropriate by this court.

Respectfully submitted this 7th of July 2003.



JAMES C. COVLE, #14970
Deputy Regulation Counsel
Attorney for Petitioner

228.75
5-29-96

Janet Brackeen
641 Eldorado Blvd.
Unit 833
Broomfield, CO 80021

May 2, 2002

Sabrina Young
Associated Recovery Systems, Inc.
609 W. Littleton Blvd., Suite 201
Littleton, CO 80120

REFERENCE: "Calling All Cars Inc" Collection letter for Mr. Christian A. Swift

Dear Ms. Young:

This issue is simple. Let me explain. First of all, I am an attorney and a neighbor (and friend) of Mr. Christian A. Swift. He recently received a letter from you demanding payment of \$117.90 for money supposedly owed to a company called, "Calling All Cars, Inc."

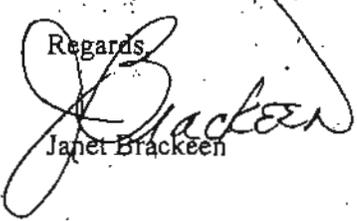
A few years ago, Mr. Swift attempted to pay \$55 to the above named company. However, they had gone out of business. He also attempted to determine the Owner(s) of said company, but could not find that information. Now, he receives this letter from your company—with you having added \$62.88 "Interest". This is ridiculous. He will not be paying your collection agency anything. If "Calling All Cars, Inc." were still in business, he would be happy to pay them directly the approximately \$55—if it is proven that he does owe them. But, he WILL NOT pay your collection company a penny. He has absolutely NO obligation to pay your company \$117.90. And, you are illegally reporting your fee as "Interest".

I demand that you immediately respond to both me (by mail—and my home address is listed above) and Mr. Swift that you will contact the 3 major credit reporting agencies and have this so-called "debt" removed. Christian's address is the following:

Christian Swift
641 Eldorado Blvd., Unit 823
Broomfield, CO 80021

Should you continue to harass Mr. Swift about this, or should you refuse to have this deleted from his credit reports, I and the firm for which I am employed will **OFFICIALLY** become involved. I am simply writing this letter as a courtesy to not only Christian, but also to your company. It is completely illegal in the state of Colorado for a collection company to continue to attempt to collect on behalf of a company that has gone out of business.

In conclusion, I expect to hear from you within 10 business days. Otherwise, Mr. Swift will take action against your company:

Regards

Janet Brackeen

PENCAD-8000001, N. J.
**PETITIONER'S
EXHIBIT**
A