

SUPREME COURT, STATE OF COLORADO TWO EAST 14 <sup>TH</sup> AVENUE DENVER, COLORADO 80203  UNAUTHORIZED PRACTICE OF LAW	CASE NO. 01SA362
MATTER OF: GREG FERNANDEZ	<b>RECEIVED</b>  FEB 15 2002
ORDER OF COURT	ATTORNEY REGULATION

Upon consideration of the Motion to Proceed filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Motion shall be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that Greg Fernandez is enjoined from engaging in the unauthorized practice of law, ordering the refund of fees paid to the respondent by the family of Lugarda Lozoya in the amount of 100.00 plus statutory interest from October 29, 1999, ordering the refund of fees paid by Shirley Stephens to the respondent in the amount of \$200.00 plus statutory interest from August 15, 1999; and assessing costs and expenses against this respondent.

BY THE COURT, FEBRUARY 15, 2002.



cc:

James C. Coyle  
 Assistant Regulation Counsel

Hon. Roger Keithley  
 Presiding Disciplinary Judge

Greg Fernandez  
 1208 Dallas St.  
 Aurora, CO 80010

Greg Fernandez  
 1224 Bannock St., #100  
 Denver, Co 80204

<b>Supreme Court</b> <b>State of Colorado</b> Certified to be a full, true and correct copy	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>FEB 15 2002</b> </div>	
<b>Court Seal</b>	MAO V. DANFORD Clerk of the Supreme Court By <i>[Signature]</i> Deputy Clerk

FILED IN THE  
SUPREME COURT  
NOV 15 2001  
OF THE STATE OF COLORADO  
JAC V. DANFORD, CLERK

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

ORIGINAL PROCEEDING IN UNAUTHORIZED  
PRACTICE OF LAW

Petitioner:  
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:  
GREG FERNANDEZ

James C. Coyle # 14970  
Assistant Regulation Counsel  
Attorney for Petitioner  
600 17<sup>th</sup> Street, Suite 200-South  
Denver, CO 80202

Phone Number: (303) 893-8121, ext. 328  
Fax Number: (303) 893-5302

▲ COURT USE ONLY ▲

Case Number:

01SA 362

**PETITION FOR INJUNCTION**

Petitioner, by and through James C. Coyle, Assistant 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 he should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Greg Fernandez, is not licensed to practice law in the State of Colorado. The respondent's home address is 1208 Dallas Street, Aurora, Colorado 80010; the respondent's business address is 1224 Bannock Street, Unit 100, Denver, Colorado 80204.

Operation of a Business "Candy I Legal Consultants"

2. In 1990, the respondent moved to Colorado and registered with the Colorado Division of Vocational Rehabilitation for benefits. As part of the

Division's requirements, the respondent submitted a self-employment business plan for review. The name of the respondent's business is "Candy I Legal Consultants."

3. The respondent has told the Division that he needs transportation vouchers to meet with his "clients" and to "appear in court" as part of his legal consulting business. He also has stated that he needs transportation vouchers to gain experience in the legal field and to ensure the success of his legal consulting business.

4. In his business plan, the respondent states that his legal advice is more cost effective to the client than an attorney's, and "better services can be offered" by him over an attorney. The respondent describes his business as "inexpensive legal informational and consulting service." The respondent states that his legal rates will be at a "reduced rate" of \$100 per hour for disability hearings, \$125 an hour for family law and criminal matters, \$150 per hour for legal briefs and \$175 per hour for appeals. The respondent also states that he will provide personal injury consultation for \$100 per hour and 25% of final payoff or settlement.

5. The respondent discloses three clients in his business plan. The names of these clients are Joseph Lopez, Maria Esquerro and Antonia Torres. The respondent has admitted that he collected \$100 from Mr. Lopez for discussions on a DUI matter, \$200 from Ms. Esquerro for child custody matters, and \$150 from Antonia Torres for an immigration matter.

WHEREFORE, petitioner prays at the conclusion hereof.

#### The Lozoya Matter

6. In October 1999, Jerry Lozoya was seeking a lawyer to help his mother, Lugarda Lozoya, with her legal problem. Mr. Lozoya states that he found the respondent listed as "Candy I Legal Consultants" in a yellow pages advertisement.

7. Mr. Lozoya called the respondent and set up an appointment. The respondent came to the Lozoya residence on October 29, 1999. During their meeting, the respondent represented himself to be a lawyer.

8. At the initial meeting, the Lozoyas related that Mrs. Lozoya cosigned on a car loan for her daughter, Sally; that Sally's boyfriend took the license plates from Sally's car and used them on his vehicle; that the boyfriend was then involved in an accident resulting in \$5,000 damage to the other driver;

that Sally and the boyfriend were uninsured and did not pay for the damages to the other driver's vehicle; that the other driver was proceeding with legal action against Mrs. Lozoya for damages; and that Mrs. Lozoya had been threatened with losing her driver's license.

9. The respondent claimed he could help them with Mrs. Lozoya's legal problem. The respondent recommended that they schedule a hearing before the Department of Revenue, Motor Vehicles Division ("DOR") and that they file another action against the other driver in Denver County. The respondent provided legal advice to the Lozoyas during this meeting. Mrs. Lozoya paid the respondent \$100.00 and obtained a receipt.

10. During the consultation, the respondent advised Mr. Lozoya on what steps to take to get the case set for a hearing. Mr. Lozoya did all the preliminary leg work to set the matter for a hearing at the Colorado Department of Revenue, Motor Vehicles Division in Lakewood, Colorado.

11. In a letter dated November 5, 1999, the respondent stated to Mr. Lozoya and his mother: "The following is your itemized statement for my services for your November 22 hearing if you still want me to appear with you. One hour court time \$150, two hour documentation \$100, two subpoenas served \$80 for a total of \$330. Please call me if you have any questions." The Lozoyas did not pay this bill.

12. Jerry Lozoya, Lugarda Lozoya, and Jerry's sister, Sally, all went to the scheduled November 22 hearing. The respondent failed to appear. The respondent has failed to return the charged \$100.00 fee to the Lozoyas.

WHEREFORE, the petitioner prays at the conclusion hereof.

#### The Stephens Matter

13. In August of 1999, Shirley Stephens met the respondent at a picnic in Colorado Springs, Colorado. The respondent represented himself as a legal advocate.

14. Ms. Stephens discussed an adoption records matter with the respondent. Ms. Stephens subsequently showed the respondent paperwork that documented the efforts she had made in getting information from Denver County Court on the adoption records matter. The respondent reviewed the paperwork and told Ms. Stephens that he knew the judge. The respondent also stated that he knew a lot of other people in the court system in Denver, and that he could "get a foot in the door" for her.

15. Ms. Stephens agreed to pay the respondent \$50.00 an hour for investigative work and \$75.00 for any court services that he provided. In August of 1999, Ms. Stephens gave the respondent a check for \$200.00.

16. After receiving the check, the respondent contacted the Denver County Court regarding the adoption. In a letter dated August 19, 1999, the respondent wrote to Judge Dana Wakefield - The re: line on the letter reads "Petition of Good Cause Hearing" and the letter states "On behalf of Shirley Stephens I am requesting a good cause hearing to have her adoption records released." The respondent signed the letter as Greg Fernandez, Candy I Consultants, Legal Consultant. This letter was received by Judge Wakefield's office and filed on August 30, 1999.

17. Subsequently, Judge Wakefield's clerk contacted the respondent and informed him that he needed to file a new motion with additional specificity, as a letter was insufficient for submission to the court. The respondent took no further action.

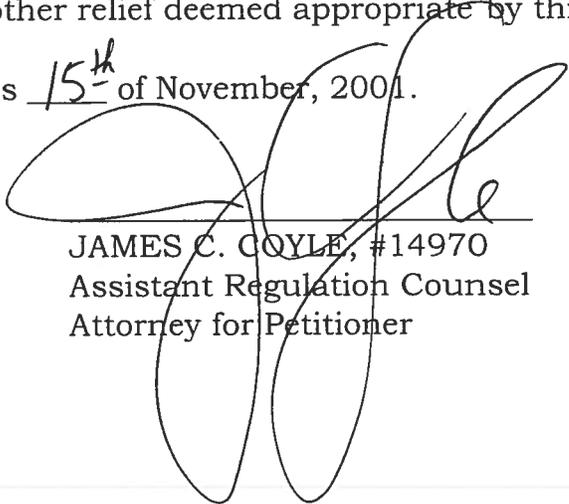
18. Shortly thereafter, the respondent stopped communicating with the Stephens family. The respondent has failed to return the \$200.00 to date.

19. The respondent's conduct in operating a legal consulting business for the general public, and in providing legal advice and services to clients such as the Lozoyas and Ms. Stephens constitutes 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)).

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why he 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 15<sup>th</sup> of November, 2001.



JAMES C. COYLE, #14970  
Assistant Regulation Counsel  
Attorney for Petitioner