

SUPREME COURT, STATE OF COLORADO TWO EAST 14 <sup>TH</sup> AVENUE DENVER, COLORADO 80203  ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW	CASE NO. 02SA82  <b>RECEIVED</b>
IN THE MATTER OF: LARRY A. GOETZ	MAR 29 2002
ORDER OF COURT	ATTORNEY REGULATION

Upon consideration of the Stipulation, Agreement and Affidavit consenting to an Order of Injunction, and now being sufficiently advised in the premises,

IT IS ORDERED that the Order and Rule to Show Cause issued on March 28, 2002, is WITHDRAWN.

IT IS FURTHER ORDERED that the Respondent, Larry A. Goetz, is ENJOINED from the unauthorized practice of law.

IT IS FURTHER ORDERED that the Respondent pay the costs of this matter in the amount of \$ 91.00.

BY THE COURT, MARCH 29, 2002.



cc:

James Coyle  
 Assistant Regulation Counsel

Larry Goetz  
 P.O. Box 29227  
 Thornton, CO 80229

Jeffrey Weinman  
 Chapter 7 Trustee  
 600 17<sup>th</sup> St., #1800 S  
 Denver, CO 80202

U.S. Trustee  
 721 19<sup>th</sup> St., #408  
 Denver, CO 80202

Matthew Skeen  
 Skeen & Skeen  
 707 Brownell St.  
 P.O. Box 218  
 Georgetown, CO 80444

William Zurinkas  
 75 Manhattan Dr., #103B  
 Boulder, CO 80303

<b>Supreme Court          State of Colorado</b> Certified to be a full, true and correct copy	
MAR 29 2002	
<b>Court          Seal</b>	MAG V. DANFORD Clerk of the Supreme Court By <i>[Signature]</i> Deputy Clerk

FILED IN THE  
SUPREME COURT  
MAR 25 2002  
OFFICE OF THE CLERK  
STATE OF COLORADO

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN UNAUTHORIZED  
PRACTICE OF LAW

Petitioner:  
THE PEOPLE OF THE STATE OF COLORADO

Respondent:  
LARRY A. GOETZ

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

Larry A. Goetz  
P.O. Box 29227  
Thornton, CO 80229

▲ COURT USE ONLY ▲

Case Number:

**STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO  
AN ORDER OF INJUNCTION**

On this 22nd day of March, 2002, James C. Coyle, Assistant Regulation Counsel, and Larry A. Goetz, the respondent enter into the following stipulation, agreement, and affidavit consenting to an order of injunction ("stipulation") and submit the same to the Colorado Supreme Court for an order of injunction pursuant to C.R.C.P. 229-237.

1. The respondent's address is P.O. Box 29227, Thornton, Colorado 80229. The respondent is not licensed to practice law in the State of Colorado.

2. The respondent enters into this stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is the respondent's personal decision, and the respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. The respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. The respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, the respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the petitioner. At any such formal hearing, the petitioner would have the burden of proof and would be required to prove the charges contained in the petition for injunction. Nonetheless, having full knowledge of the right to such a formal hearing, the respondent waives that right.

5. The respondent and the petitioner stipulate to the following facts and conclusions: the respondent provided legal advice to client Billie Jay Craig, and selected and prepared legal forms on her behalf. By giving legal advice and by selecting and preparing legal forms on Ms. Craig's behalf, the respondent engaged in the unauthorized practice of law. *See Denver Bar Ass'n. v. P.U.C.* 154 Colo. 273, 391 P.2d 467 (1964)).

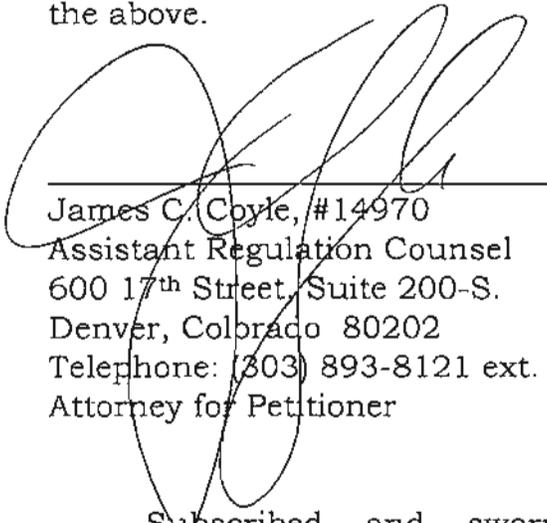
6. The respondent has read and studied the petition for injunction and is familiar with the allegations therein, and a true and correct copy of the petition for injunction is attached to this stipulation as **exhibit A**.

7. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$91 incurred in conjunction with this matter within thirty (30) days after the acceptance of the stipulation by the Colorado Supreme Court.

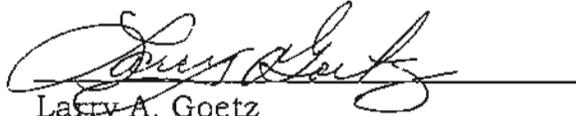
**RECOMMENDATION FOR AND CONSENT TO ORDER OF INJUNCTION**

Based on the foregoing, the parties hereto recommend that an order be entered enjoining the respondent from the unauthorized practice of law, and requiring that the respondent pay costs in the amount of \$91.

Larry A. Goetz the respondent, and the petitioner's attorney, James C. Coyle, acknowledge by signing this document that they have read and reviewed the above.

  
\_\_\_\_\_

James C. Coyle, #14970  
Assistant Regulation Counsel  
600 17<sup>th</sup> Street, Suite 200-S.  
Denver, Colorado 80202  
Telephone: (303) 893-8121 ext. 328  
Attorney for Petitioner

  
\_\_\_\_\_

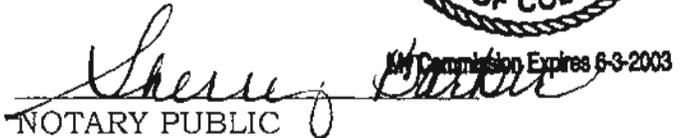
Larry A. Goetz  
P.O. Box 29227  
Thornton, CO 80229

Subscribed and sworn to before me this 22<sup>nd</sup> day of MARCH, 2002, by Larry A. Goetz.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_



  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires 6-3-2003

FILED IN  
SUPREME COURT  
MAR - 6 2002  
OFFICE OF THE CLERK  
STATE OF COLORADO  
JAMES 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:  
LARRY A. GOETZ

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:

02SA 82

**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, Larry A. Goetz, is not licensed to practice law in the state of Colorado. The respondent's address is P.O. Box 29227, Thornton, CO 80229.

2. The respondent presently operates an independent paralegal service. He advertises in the Rocky Mountain News. The respondent's January 7, 2002 ad states "Divorce/Bankruptcy, Fast/Exact/Low Rates. We come to you 650-6462."

3. On July 28, 2000 United States Bankruptcy Judge Donald E. Cordova

issued his order granting debtor Billie Jay Craig's motion pursuant to § 110, finding that this respondent had violated a certain federal statute concerning bankruptcy preparers. This order was entered following an evidentiary hearing on June 22, 2000. The respondent was present at the hearing, was represented by counsel, had an opportunity to present evidence and object to and cross-examine evidence provided by debtor's counsel. A copy of the order is attached hereto as **exhibit 1**.

4. The issue in the underlying bankruptcy proceeding was whether or not this respondent violated 11 U.S.C. § 110(f), (h) and (i), federal statutory law setting forth requirements for petition preparers. In his order, Judge Cordova found that the respondent gave legal advice to Ms. Craig by deciding which property to put on her schedule of claim exemptions, by talking to Ms. Craig about the exemption statute, and by telling Ms. Craig that she must file the petition within 90 days. The respondent also appears to have selected and prepared pleadings on behalf of Ms. Craig at the time of their initial conference.

5. U.S. District Court Judge Wiley Daniel has approved and adopted Judge Cordova's findings and has made Judge Cordova's recommendations an order of court. A copy of Judge Daniel's order adopting the recommendations of Judge Cordova, and the U.S. District Court judgment, is attached hereto as **exhibit 2**.

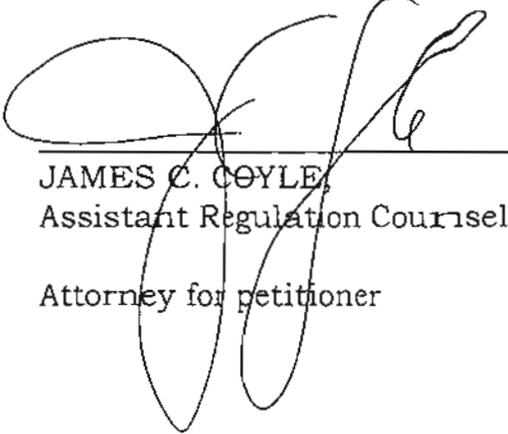
6. The respondent provided legal advice to client Billie Jay Craig by deciding what property belonged on Ms. Craig's schedule of exempt property, and by providing Ms. Craig other information contained in the bankruptcy exemption statute, and by telling Ms. Craig information on filing a petition for bankruptcy. The respondent also selected legal forms and prepared pleadings on Ms. Craig's behalf.

7. By providing legal advice to a client, selecting legal forms on behalf of that client, and by preparing such legal forms, the respondent engaged in the unauthorized practice of law in Colorado (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)).

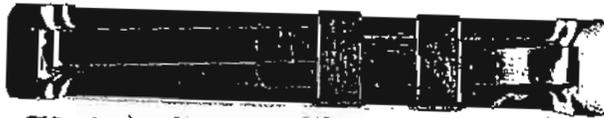
WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why he should not be enjoined from engaging in any unauthorized practice of law; thereafter that the court enjoin this respondent from the practice of law, or in the alternative that this court refer 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 6<sup>th</sup> of March, 2002.



JAMES C. COYLE,  
Assistant Regulation Counsel  
Attorney for petitioner



**United States Bankruptcy Court**  
For the District of Colorado

**Exemplification Certification**

I, Bradford L. Bolton, Clerk of the United States Bankruptcy Court for the District of Colorado, and keeper and custodian of the records of the Court, do hereby certify that the documents attached hereto and itemized are true copies of the original (s) now remaining among the records of said Court. In testimony whereof, I hereunto affix my name, in said District, at Denver, Colorado, this 9<sup>th</sup> day of OCTOBER, 2001.

Bradford L. Bolton

Clerk

[Seal of court]

I, Marcia S. Krieger, United States Bankruptcy Judge for the District of Colorado, do hereby certify that Bradford L. Bolton, whose name is above written and subscribed, is and was at the date thereof, Clerk of said Court, duly appointed and sworn, and keeper of the records thereof, and that the above certificate by him made, and his attestation of record thereof, is in due form of law.

Dated: 10/9/01

Marcia S. Krieger

United States Bankruptcy Judge

[Seal of court]

I, Bradford L. Bolton, Clerk of the United States Bankruptcy Court for the District of Colorado, and keeper and custodian of the records of the Court, do hereby certify that the Honorable MARCIA S. KRIEGER, whose name is within written and subscribed, was on the 9<sup>th</sup> day of October, 2001, and now is Judge of said Court, duly appointed, confirmed, sworn, and qualified; and that I am well acquainted with his/her handwriting and official signature and know and hereby certify the same within written to be his/hers.

In testimony whereof, I hereunto affix my name, at the City of Denver, in the State of Colorado, on this 9<sup>th</sup> Day of OCTOBER, 2001.

Bradford L. Bolton

Clerk

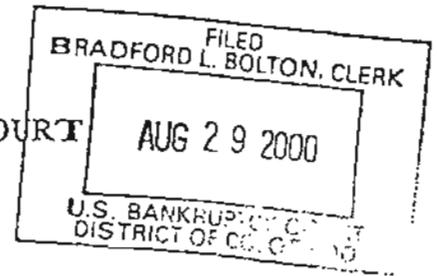
[Seal of court]

Itemization of documents attached hereto: CS. # 00-10792 Dec  
ENTIRE CASE file of Debtor BILLIE GAY CRAIG

Total copies attached: 124  
Initials of Deputy Clerk: RJB



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO



In re: )  
)  
BILLIE JAY CRAIG, ) Case No. 00-10792 DEC  
SS#: 575-96-9193 ) Chapter 7  
)  
Debtor. )

The Honorable Donald E. Cordova  
United States Bankruptcy Judge:

**ORDER GRANTING DEBTOR'S MOTION PURSUANT TO SECTION 110**

THIS MATTER came on for hearing on June 22, 2000, on the Debtor's Motion Under 11 U.S.C. Section 110 and the Response filed by Larry A. Goetz. The Debtor was represented by William Zurinkas, and Larry Goetz was represented by Matthew Skeen. The Court has considered the evidence and legal arguments presented by the parties, and hereby makes the following findings of fact and conclusions of law.

**FACTS**

The Debtor, Billie Jay Craig, filed her voluntary Chapter 7 petition on January 27, 2000. Larry A. Goetz, who has been a bankruptcy petition preparer for four years under the name of Largo Paralegal Services, prepared her petition, schedules, statement of financial affairs, and statement of intentions in late October or early November, 1999. Mr. Goetz's educational background includes two years of college and completion of a paralegal course. He testified that he worked for an attorney named Al Zinn before Mr. Zinn's death. He has never worked under the supervision of a bankruptcy attorney. He stated that he consults with attorneys when he has a question, but did not provide the names of any such attorneys.

Mr. Goetz and the Debtor agree that she contacted him after reading his advertisement in the Rocky Mountain News, which stated: "DIVORCE-BANKRUPTCY All forms-fast/exact/low rates WE COME TO YOU- 650-6462". This advertisement appeared in the classified section of the newspaper under the heading "Legal Services."

Mr. Goetz traveled to the Debtor's residence in late October or early November, 1999. He testified that during his first visit he read to the Debtor each of the items in the bankruptcy forms he obtained from Bradford Publishing Corporation, and pencilled in the responses she gave. He estimated this process took one to one and one-half hours. He recalled that the Debtor gave him \$175 in cash for his services, but acknowledges it could have been a check, which she asked him not to cash for a few days. He claimed to have given her a receipt, but has no record of it. He could not recall whether he visited her one or two times after the first visit, but estimated that a second visit would have taken one-half to three-fourths of an hour for reviewing and signing the prepared

documents, and that a third visit would have taken about twenty minutes, for any changes or corrections to the completed documents.

After gathering information from the Debtor, he typed the information onto a clean copy of the forms, which took four to five hours due to his slow typing speed. He uses new copies of the same Bradford forms; he does not use computerized forms or software. He stated that he does not keep precise time records of the work he performs for debtors, and does not keep the pencilled "rough drafts" he compiles at initial meetings with debtors.

According to Mr. Goetz, at his first meeting with the Debtor, he sat with her at her kitchen table, so that each of them could see the forms from which he was reading. He also maintained that the Debtor may have been "distracted" by the presence of several children during the meeting. He asserted that the Debtor directed him not to include her income from home tutoring in her statements and schedules, and that she told him she owned a mobile home when he asked her if she had real estate.

Mr. Goetz denies giving the Debtor legal advice. He concedes that he prepared her Schedule C of claimed exemptions himself from the information she gave him, but asserts that he merely read and interpreted the Colorado exemptions statute, and did not render legal advice. He contends that he listed her cash as exempt on the basis of looking at other cases and "doing research." He claims he told the Debtor he was a paralegal, not an attorney, and could not give legal advice. He believes "legal advice" does not include "information" he gave the Debtor, such as what property belonged on the schedule of exempt property, and does not include "talking about" what is written in the exemptions statute.

He admits the only question he asked the Debtor as to the proper venue of the case she intended to file was whether she had resided in Colorado for the previous six months. He could not recall whether he discussed with her the effects of filing a bankruptcy petition. He denies giving the Debtor advice as to her automobile or mobile home, and denies telling her not to list certain creditors. He told her he would prepare amendments, if necessary, free of charge. Since he did not hear from the Debtor after he delivered the documents, he presumed she had filed her Chapter 7 case successfully.

Mr. Goetz admitted that the first fee disclosure he prepared was on the wrong form, and did not contain the required statement that the disclosure was made under penalty of perjury. (Respondent's Exhibit C). However, he has since developed a new form which complies with the requirements of 11 U.S.C. §110(h)(1). Further he recognizes that the Code prohibits a petition preparer from advertising under any category that includes the word "legal." He testified that the newspaper staff placed all advertising related to legal matters under the heading "Legal Services". He has since persuaded them to change the heading to "Paralegal Services", under which his advertisement currently appears. (Respondent's Exhibits A and B). He acknowledged that he has sometimes offered to refund fees to dissatisfied clients, and has offered to refund the Debtor's fee in this case.

The Debtor's recollection of the first meeting differs from that of Mr. Goetz. She testified that he used no forms, but made notes on a blank legal pad which was covered with a blank sheet of white paper. She contends that only one child, her goddaughter, was present. According to the Debtor, she asked Mr. Goetz about the possibility of losing her home and her car, and was assured that she had no cause to worry because she could use the exemption laws to save those assets. He did not ask when each of her debts was incurred. She stated that he visited her two more times, and that the second meeting was longer than the first because her "power of attorney" was present and read all the documents. The Debtor explained that at the time she was taking pain medication for a recent back surgery, and needed assistance from her roommate in making decisions. Apparently, the Debtor believed she had given her roommate a power of attorney, but no written power of attorney was introduced as evidence.

The Debtor consulted Consumer Credit Counseling ("CCC") before contacting Mr. Goetz. She decided not to pursue the CCC program after CCC representatives told her she could file bankruptcy since nearly all of her debts were medical bills. She claims she had placed her financial information on the CCC forms, which she provided to Mr. Goetz.

After talking to attorneys who quoted her fees for a bankruptcy filing at between \$500 and \$2500, the Debtor contacted Mr. Goetz because he advertised he would come to her residence, and because of his low fee. She believed Mr. Goetz to be an attorney, and asserts she paid his fee in installments. Mr. Goetz informed her she had ninety days from the preparation of the documents to file the petition, before amendments would be necessary. She stated that she waited to file the petition until she had paid the final installment to Mr. Goetz. She claims he told her he would not or could not prepare amended documents without an additional \$20 fee. She denied telling Mr. Goetz that she was a home tutor, because her only tutoring activities consist of home schooling her goddaughter, for which she was not paid.

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The Debtor's goddaughter, Ku'uopilani Blanton, corroborated the Debtor's testimony that Mr. Goetz used no forms during the initial interview. She also testified that the initial interview took one hour, and that Mr. Goetz was on the telephone for twenty minutes of that time.

The Debtor was contacted by attorney William Zurinkas after she filed her petition, through a letter sent to her address. He attended the first meeting of creditors with her. The Debtor has agreed to pay Mr. Zurinkas fifty per cent of any recovery she may obtain against Mr. Goetz. Mr. Zurinkas admits that he solicited the Debtor's business, and that he believes abusive petition preparers should be stopped. The Debtor admits she received her Chapter 7 discharge, but states that certain hospitals continue to threaten suits against her.

#### DISCUSSION

11 U.S.C. §110 was added to the Bankruptcy Code as part of the Bankruptcy Reform Act of 1994. It defines a "petition preparer" as "a person, other than an attorney or an employee of an attorney, who prepares for compensation a document for filing." 11 U.S.C. §110(a). It goes on to

provide limitations on preparers' activities, and various penalties for negligently or fraudulently preparing petitions, including:

*(f)(1) A bankruptcy petition preparer shall not use the word "legal" or any similar term in any advertisements, or advertise under any category that includes the word "legal" or any similar term.*

*(2) a bankruptcy petition preparer shall be fined not more than \$500 for each violation of paragraph 1.*

*(h)(1) Within 10 days after the date of the filing of a petition, a bankruptcy petition preparer shall file a declaration under penalty of perjury disclosing any fee received from or on behalf of the debtor within 12 months immediately prior to the filing of the case, and any unpaid fee charged to the debtor.*

*(2) The court shall disallow and order the immediate turnover to the bankruptcy trustee of any fee referred to in paragraph (1) found to be in excess of the value of services rendered for the documents prepared. An individual debtor may exempt any funds so recovered under section 522(b).*

*(i)(1) If a bankruptcy case or related proceeding is dismissed because of the failure to file bankruptcy papers, including papers specified in section 521(1) of this title, the negligence [sic] or intentional disregard of this title of the Federal Rules of Bankruptcy Procedure by a bankruptcy petition preparer, or if a bankruptcy petition preparer violates this section or commits any fraudulent, unfair, or deceptive act, the bankruptcy court shall certify that fact to the district court, and the district court, on motion of the debtor, the trustee, or a creditor and after a hearing, shall order the bankruptcy petition preparer to pay to the debtor—*

*(A) the debtor's actual damages;*

*(B) the greater of (i) \$2000; or (ii) twice the amount paid by the debtor to the bankruptcy petition preparer for the preparer's services; and*

*(C) reasonable attorneys' fees and costs in moving for damages under this subsection.*

Congress's concerns leading to the enactment of §110 are clearly set forth in the Report of the House Judiciary Committee:

*Bankruptcy petition preparers not employed or supervised by any*

*attorney have proliferated across the country. While it is permissible for a petition preparer to provide services solely limited to typing, far too many of them also attempt to provide legal advice and legal services to debtors. These preparers often lack the necessary legal training and ethics regulation to provide such services in an adequate and appropriate manner. These services may take advantage of persons who are ignorant of their rights both inside and outside the bankruptcy system.*

HR Rep. 103-834, 103<sup>rd</sup> Cong., 2<sup>nd</sup> Sess. 40-41 (Oct. 4, 1994); 140 Cong Rec. H. 10770 (Oct. 4, 1994).

*Section 110 addresses a very real concern. Although lawyers are subject to competency requirements and character assessments before they may practice law, petition preparers are presently subject to no regulation or licensing procedures. In addition, attorneys can be disbarred, suspended or otherwise sanctioned if they fail to obey the ethical rules promulgated by the Maine Supreme Judicial Court and adopted by the U.S. District Court of Maine. When a lawyer's conduct breaches the professional standard of care and damage results, the common law provides relief. In the bankruptcy context, §110 fills the breach by providing statutorily-defined regulation of non-attorneys whose work significantly affects debtors and the business of this court.*

*Fessenden v. Ireland (In re Hobbs)*, 213 B.R. 207, 210 (Bankr. D. Me. 1999).

The Court finds that the Respondent clearly violated the express provisions of §110(f)(1) by advertising under the category "legal services." (Respondent's Exhibit A). The Debtor saw and responded to the advertisement under this category. The Court also finds that the Respondent's subsequent change to the category "paralegal services" does not cure the violation. (Respondent's Exhibit B). The term "paralegal", while it may mean that the services do not come directly from attorneys, nonetheless creates a false impression because it suggests that the services include some legal expertise or judgment. Advertising under "paralegal services" instead of "legal services" does not bring the Respondent into compliance with §110 because such advertising does not make it clear that the assistance provided is limited, as it must be under §110, to document preparation. *Moore v. Jenks (In re Moore)*, 232 B.R. 1, 10 (Bankr. D. Me. 1999). The Court notes that Black's Law Dictionary defines "paralegal" as "a person with legal skills, but who is not a lawyer, and who works under the supervision of a lawyer or who is otherwise authorized by law to use those legal skills." Advertising under the category "paralegal services" implies association with an attorney or at least promotes the Respondent's legal skills, when in fact he cannot legally offer such skills. *In re Kaitangian*, 218 B.R. 102, 107 (Bankr. S.D. Cal. 1998). The Respondent admits that he does not

presently work under the supervision of an attorney, and that he has never worked under the supervision of a bankruptcy attorney. For these reasons, the Court finds the Respondent should be fined \$500 for his advertising practices. Further, the Court finds that such advertising constitutes a fraudulent, unfair, or deceptive act under 11 U.S.C. §110(i)(1), which may be enjoined under 11 U.S.C. §110(j)(2)(A)(i). See, *In re Fish*, 210 B.R. 603, 609 (Bankr. D. Colo. 1997).

The Respondent violated 11 U.S.C. §110(h)(1) because he did not file a proper disclosure of the fees he was paid. In addition, although the form he files has since been corrected, the Court must look at the value received by the Debtor and order the Respondent to return to the Debtor all fees received in excess of that value. Section 110(h)(2) and (3) prevent petition preparers from charging excessive fees. However, in this case, because the Respondent was engaged in the unauthorized practice of law, and because he used deceptive advertising practices in violation of 11 U.S.C. §110(f)(1), the Court believes that no fee should be allowed. *In re Farness*, 244 B.R. 464, 473 (Bankr. D. Idaho 2000).

The Respondent also violated 11 U.S.C. §110(i)(1) by engaging in fraudulent, unfair or deceptive practices. The Colorado Supreme Court has defined the practice of law as follows: "generally one who acts in a representative capacity in protecting, enforcing, or defending the legal rights and duties of another and in counseling, advising and assisting him in connection with these rights and duties is engaged in the practice of law." *Denver Bar Association v. P.U.C.*, 154 Colo. 273, 279, 391 P.2d 467, 471 (Colo. 1964), quoted in *Unauthorized Practice of Law Committee v. Prog.*, 761 P. 2d 1111, 1115 (Colo. 1988). The Court finds that, despite the Respondent's protestations to the contrary, he was giving legal advice by deciding which property to put on the Debtor's schedule of claimed exemptions, by talking to the Debtor about the exemption statute, and by telling her that she must file the petition within ninety days. Therefore, he appeared to have engaged in the unauthorized practice of law. Such unauthorized practice of law constitutes a fraudulent, unfair, or deceptive practice. *Kangaroo v. Arotionians (In re Kangaroo)*, \_\_\_ B.R. \_\_\_, 2000 WL 873519, \*6 (Bankr. C.D. Cal., June 23, 2000); *In re Gutierrez, supra*, at 248 B.R. 294. Accordingly, the Court will recommend that the District Court award the Debtor \$2,000 for this violation, plus any actual damages and costs she may be able to establish.

Based upon the above findings and conclusions, it is

ORDERED that Larry A. Goetz shall pay to the Clerk of the Bankruptcy Court a statutory fine in the amount of \$500 for his violation of 11 U.S.C. §110(f)(1) within thirty days of the date of this Order. It is

FURTHER ORDERED that Larry A. Goetz shall be permanently enjoined from advertising his services as a bankruptcy petition preparer under the category "paralegal services". It is

FURTHER ORDERED that Larry A. Goetz shall return to the Debtor, within thirty days of the date of this Order, all fees he received from the Debtor in connection with this case, pursuant to 11 U.S.C. §110(h)(2). It is

FURTHER ORDERED that this order is certified to the United States District Court for the District of Colorado under 11 U.S.C. §110(i), with the recommendation that the Debtor be awarded statutory damages of \$2,000 for Mr. Goetz's violation of 11 U.S.C. §110(i)(1), plus any actual damages and costs she may establish, upon her filing of an appropriate motion in that Court.

DATED

July 28, 2000

BY THE COURT:



Donald E. Cordova

United States Bankruptcy Judge

Debtor Craig, Billie Jay PO Box 211116, Denver, CO 80221  
Aty Zurinkas, William E. 75 Manhattan Dr., Ste. 103 B, Boulder, CO 80303  
Trustee Weinman, Jeffrey A. 600 17th St., Ste. 1800 S., Denver, CO 80202-3132  
other pro Goetz, Larry A. c/o Matthew D. Skeen, 1600 Broadway, Ste. 2350, Denver, CO 80202  
Aty Skeen, Matthew D: 1600 Broadway, Ste. 2350, Denver, CO 80202  
US Trustee, 721 19th St., Ste. 408, Denver, CO 80202

⑦

T

8-29-00 - on docket  
8-30-00 mailed to District

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JMcdade

JCC  
1/22  
for  
Bowie  
UPL  
Inventory.

# United States District Court

DISTRICT OF COLORADO

## EXEMPLIFICATION CERTIFICATE

I, James R. Manspeaker, Clerk of this United States District Court, keeper of the records and seal, certify that the attached documents: CASE NUMBER 00-CV-1960

ORDER (Number 11) and JUDGMENT (Number 12)

are true copies of records of this Court.

In testimony whereof I sign my name and affix the seal of this Court, in this District, at

Denver

on January 15, 2002  
Date

James R. Manspeaker  
Clerk

(By) Deputy Clerk

I, Lewis T. Babcock, Chief Judge, a Judicial Officer of this Court, certify that James R. Manspeaker, named above, is and was on the date noted, Clerk of this Court, duly appointed and sworn, and keeper of the records and seal, and that this certificate, and the attestation of the record, are in accordance with the laws of the United States.

January 15, 2002  
Date

Lewis T. Babcock  
Signature of Judicial Officer

Title

I, James R. Manspeaker, Clerk of this United States District Court, keeper of the seal, certify that the Honorable Lewis T. Babcock, Chief Judge,  
Judicial Officer

named above, is and was on the date noted a Judicial Officer of this Court, duly appointed, sworn and qualified, and that I am well acquainted with the Judicial Officer's official signature and know and certify the above signature to be that of the Judicial Officer.

In testimony whereof I sign my name, and affix the seal of this Court at

Denver

in this State, on January 15, 2002  
Date

James R. Manspeaker  
Clerk

(By) Deputy Clerk



JUL 3 1 2001

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Wiley Y. Daniel

JUL 3 0 2001

BY LB CLERK  
DEPT. CLERK

Civil Action No. 00 - D - 1960

IN RE BILLIE JAY CRAIG  
Bankruptcy Case No. 00-10792 DEC,

BILLIE JAY CRAIG,

Plaintiff,

v.

LARRY A. GOETZ,

Defendant.

---

ORDER

---

THIS MATTER is before the Court following a hearing on Plaintiff's Motion for Order under 11 USC § 110 Adopting the Recommendations of Bankruptcy Judge and Reducing them to Judgment filed October 3, 2000. As stated on the record at the hearing, it is

ORDERED that Plaintiff's Motion for Order under 11 USC § 110 Adopting the Recommendations of Bankruptcy Judge and Reducing them to Judgment filed October 3, 2000, is GRANTED. Consistent with the Bankruptcy Judge's recommendation, Plaintiff is entitled to \$2,000 in statutory damages, \$210 in actual damages, and \$4,000 in attorney's fees. It is

FURTHER ORDERED that the Clerk of the Court is directed to enter JUDGMENT in favor of Plaintiff in the amount of \$6,210. This case is DISMISSED.

DATED at Denver, Colorado, this 27<sup>th</sup> day of July, 2001.

BY THE COURT:



Wiley Y. Daniel  
United States District Court Judge

**ENTERED  
ON THE DOCKET**

JUL 30 2001

AMES R. WILSON, CLERK  
CLERK



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 00-D-1960

CERTIFICATE OF MAILING

I hereby certify that a copy of the above Order was mailed to the following on  
July ~~27~~, 2001:

30

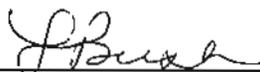
William E. Zurinkas  
75 Manhattan Dr., #103B  
Boulder, CO 80303

Jeffrey Weinman  
Chapter 7 Trustee  
600 17<sup>th</sup> Street  
#1800 S  
Denver, CO 80202

U.S. Trustee  
721 19<sup>th</sup> Street  
#408  
Denver, CO 80202

Larry A. Goetz  
P.O. Box 29227  
Thornton, CO 80229

Matthew D. Skeen  
Skeen & Skeen, P.C.  
707 Brownell Street  
P.O. Box 218  
Georgetown, CO 80444

  
\_\_\_\_\_  
Secretary/Deputy Clerk

JUL 31 2001

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUL 30 2001

BY UB DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 00-D-1960

IN RE BILLIE JAY CRAIG  
Bankruptcy Case No. 00-10792 DEC,

BILLIE JAY CRAIG,

Plaintiff,

v.

LARRY A. GOETZ,

Defendant.

---

JUDGMENT

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Pursuant to and in accordance with the Order signed by Judge Wiley Y. Daniel on July 27, 2001, incorporated herein by reference, it is

ORDERED that Plaintiff's Motion for Order Under 11 USC § 110 Adopting the Recommendations of Bankruptcy Judge and Reducing Them to Judgment filed October 3, 2000, is granted. Consistent with the Bankruptcy Judge's recommendation, Plaintiff is entitled to \$2,000 in statutory damages, \$210 in actual damages, and \$4,000 in attorneys fees. It is

FURTHER ORDERED that judgment is entered in favor of Plaintiff Billie Jay Craig and against Defendant Larry A. Goetz in the amount of \$6,210. It is

FURTHER ORDERED that post judgment interest shall accrue at the legal rate of 3.59% from the date of entry of this judgment. It is

5  
17.

Civil Action No. 00-D-1960  
Page 2

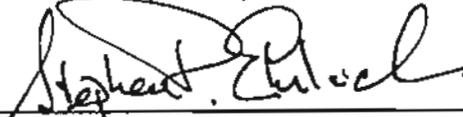
FURTHER ORDERED that Plaintiff shall have her costs by the filing of a Bill of Costs with the Clerk of this Court within ten days of the entry of judgment.

DATED at Denver, Colorado, this 30<sup>th</sup> day of July, 2001.

FOR THE COURT:

James R. Manspeaker, Clerk

By:



Stephen P. Ehrlich  
Chief Deputy

EOD  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUL 30 2001

JAMES R. MANSPEAKE

*llw* CLEF