

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	
Office of Attorney Regulation Counsel 10UPL059, 11UPL096, 12UPL001	
Petitioner: The People of the State of Colorado, v.	Supreme Court Case No: 2012SA153 & 2012SA56 & 2011SA266
Respondent: Sylvia Flores, a/k/a Sylvia Medrano, d/b/a Sam's Form Preparation.	
ORDER OF COURT	

Upon consideration of the Order Entering Default Judgment Pursuant to C.R.C.P. 55(b) and Report of Hearing Master Pursuant to C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Recommendation of the Presiding Disciplinary Judge is APPROVED. Respondent, SYLVIA FLORES, a/k/a SYLVIA MEDRANO d/b/a SAM'S FORM PREPARATION, shall be, and the same hereby is, ENJOINED from engaging in the Unauthorized Practice of Law in the State of Colorado.

IT IS FURTHER ORDERED that Respondent, SYLVIA FLORES, a/k/a SYLVIA MEDRANO d/b/a SAM'S FORM PREPARATION pay RESTITUTION of \$7,300.00 to Luis Ernesto Pallares Guerrero, RESTITUTION of \$6000.00 to E-Z Excavating, Inc., RESTITUTION of \$4055.00 to Alejandro Onate Ruiz, and RESTITUTION of \$5,855.00 to Juan Gabriel Onate Ruiz.

IT IS FURTHER ORDERED that a fine be imposed in the amount of \$1000.00.

IT IS FURTHER ORDERED that SYLVIA FLORES, a/k/a SYLVIA MEDRANO d/b/a SAM'S FORM PREPARATION is assessed costs in the amount of \$198.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within (30) days of the date of this order.

BY THE COURT, FEBRUARY 15, 2013.



Case Number: 2012SA153, 2011SA266, 2012SA56
Caption: People v Flores, Sylvia

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on February 15, 2013. [#]

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SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202	
Petitioner: THE PEOPLE OF THE STATE OF COLORADO Respondent: SYLVIA FLORES, a/k/a SYLVIA MEDRANO, d/b/a SAM'S FORM PREPARATION	Case Number: 11SA266 (consolidated with 12SA056 and 12SA153)
ORDER ENTERING DEFAULT JUDGMENT PURSUANT TO C.R.C.P. 55(b) AND REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)	

This matter is before the Presiding Disciplinary Judge ("the PDJ") on "Petitioner's Motion for Default Judgment" filed on November 21, 2012, by Kim E. Ikeler of the Office of Attorney Regulation Counsel ("the People"). Sylvia Flores, a/k/a Sylvia Medrano, d/b/a Sam's Form Preparation ("Respondent") did not file a response.

I. PROCEDURAL HISTORY

In case number 11SA266, the People filed a "Petition for Injunction" with the Colorado Supreme Court on September 21, 2011. The Colorado Supreme Court issued an "Order and Rule to Show Cause" on September 26, 2011, directing Respondent to answer in writing and show cause within twenty days after service why she should not be enjoined from the practice of law in the State of Colorado. Respondent did not respond to the People's petition or to the order to show cause. The Colorado Supreme Court referred this matter to the PDJ as hearing master, directing the PDJ to prepare a report setting forth "findings of fact, conclusions of law, and recommendations," pursuant to C.R.C.P. 234(f) and 236(a). On February 14, 2012, the PDJ issued an "Order to Show Cause," ordering Respondent to answer the People's petition by February 27, 2012. Respondent did not respond to that order or otherwise file a responsive pleading. The PDJ entered default on March 8, 2012.

The People filed a second "Petition for Injunction"—this time in case number 12SA056—with the Colorado Supreme Court on February 21, 2012. Two days later, the Colorado Supreme Court issued an "Order to Show Cause," again directing Respondent to show cause why she should not be enjoined from the practice of law. Respondent did not respond to the People's petition or the

show cause order. The Colorado Supreme Court issued an order on April 27, 2012, directing the PDJ to prepare a report. The PDJ conducted an at-issue conference on May 23, 2012, and issued an order that same day directing Respondent to respond. Respondent did not file any response, and the PDJ entered default in this case on October 23, 2012.

In case number 12SA153, the People filed a third "Petition for Injunction" against Respondent on May 15, 2012. The Colorado Supreme Court issued an order to show cause on May 18, 2012, but Respondent failed to file an answer. The Colorado Supreme Court referred this third matter to the PDJ on September 7, 2012, again directing the PDJ to prepare a report.¹ The PDJ issued an order dated September 10, 2012, directing Respondent to file an answer by September 28, 2012. She did not comply, and the PDJ entered default on October 23, 2012.

II. PETITIONER'S MOTION FOR DEFAULT JUDGMENT

The People have followed the procedure for default judgment set forth in C.R.C.P. 55 and 121 section 1-14 by showing valid service on Respondent; submitting an affidavit indicating that venue is proper and that Respondent is not a minor, an incapacitated person, an officer of the state, or in the military; submitting affidavits by the complaining witnesses, Luis Ernest Pallares Guerrero, E-Z Excavating, Inc., Alejandro Onate Ruiz, and Juan Gabriel Onate Ruiz, establishing the amount of restitution they are due; and filing a statement of the costs. Accordingly, the PDJ **GRANTS** "Petitioner's Motion for Default Judgment."

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Next, the PDJ determines that the allegations of the People's petitions, which are summarized below, establish Respondent engaged in the unauthorized practice of law. The PDJ issues the following report to the Colorado Supreme Court pursuant to C.R.C.P. 239(a).

Factual Findings

Respondent is not licensed to practice law in the State of Colorado or any other state.² Respondent does business in the Denver area as Sam's Form Preparation.³ Her business card states that she provides "Forms Assistance & Notary Public, Department of Labor, Immigration & IRS."⁴ Sam's sends an introductory mailing to employers, which states that Sam's offers assistance in

¹ In the same order, the Colorado Supreme Court consolidated case numbers 11SA266, 12SA056, and 12SA153.

² Pet. (11SA266) ¶ 1; Pet. (12SA056) ¶ 1; Pet. (12SA153) ¶ 1.

³ Pet. (11SA266) ¶ 4; Pet. (12SAP056) ¶ 3; Pet. (12SA153) ¶ 4.

⁴ Pet. (11SA266) ¶ 5; Pet. (12SA056) ¶ 5; Pet. (12SA153) ¶ 5.

preparing forms to be filed with the U.S. Citizenship and Immigration Services (“USCIS”).⁵ The mailing indicates that Sam’s assists its clients “in receiving the necessary forms, or names of forms, from the following various government agencies,” including the USCIS. That mailing goes on to state:

We ensure that the required steps are followed per the particular certification program and are submitted with the guidelines specified by each agency, as they are similar but unique. We offer to meet with the controlling principal of each company in an effort to be sure they understand the employer’s responsibilities, as well as, [sic] what is required to complete the steps to obtain labor certification.⁶

Pallares Guerrero Matter

Luis Ernesto Pallares Guerrero is a Mexican national.⁷ At all relevant times, he was employed by E-Z Excavating, Inc. as a heavy equipment operator.⁸ Pallares Guerrero had a non-immigrant visa, class H2B, which was issued on April 8, 2008, and which expired on April 30, 2008.⁹ Respondent agreed to select and prepare an application for a new temporary H2B visa on behalf of Pallares Guerrero.¹⁰ Respondent also agreed to select and prepare documents for Pallares Guerrero and his family so that they could obtain permanent resident status.¹¹ In exchange for these services, Pallares Guerrero paid Respondent \$7,600.00.¹²

On May 6, 2008, Respondent sent E-Z an invoice in the amount of \$6,000.00 for the preparation of immigration Forms I-140, I-485, I-765, I-864, I-131, and G-325A for Pallares Guerrero and another employee.¹³ E-Z relied upon Respondent to select and prepare the appropriate forms to obtain permanent work certifications for its employees because E-Z lacked expertise in immigration law.¹⁴ E-Z paid Respondent the \$6,000.00 on July 31, 2008.¹⁵ However, Respondent did not prepare these forms,¹⁶ nor did E-Z receive them.¹⁷ E-Z never received a refund of the \$6,000.00.¹⁸

⁵ Pet. (11SA266) ¶ 6.

⁶ Pet. (11SA266) ¶ 7.

⁷ Pet. (11SA266) ¶ 8; Mot. for Default J. Ex. B ¶ 1.

⁸ Pet. (11SA266) ¶¶ 9-10.

⁹ Pet. (11SA266) ¶ 11.

¹⁰ Pet. (11SA266) ¶ 15.

¹¹ Pet. (11SA266) ¶ 15.

¹² Pet. (11SA266) ¶¶ 12-14; Mot. for Default J. Ex. B ¶ 2.

¹³ Pet. (11SA266) ¶ 16; Mot. for Default J. Ex. C ¶ 2.

¹⁴ Mot. for Default J. Ex. C ¶ 4.

¹⁵ Pet. (11SA266) ¶ 17; Mot. for Default J. Ex. C ¶ 3.

¹⁶ Pet. (11SA266) ¶ 18.

¹⁷ Mot. for Default J. Ex. C ¶ 5.

On July 28, 2008, E-Z filed with USCIS Form I-129, Petition for a Non-Immigrant Worker, on behalf of multiple employees, including Pallares Guerrero.¹⁹ Sam's prepared this form and invoiced E-Z for this service.²⁰ Respondent or one of her assistants then prepared for Pallares Guerrero Form I-693, Report of Medical Examination and Vaccination Record, which was to be submitted to USCIS.²¹ Respondent instructed Pallares Guerrero to obtain vaccinations from his doctor.²² In March 2009, Respondent or one of her assistants prepared a second Form I-693 in order to update Pallares Guerrero's vaccination record with USCIS.²³ Respondent's services provided no benefit to Pallares Guerrero, nor did she perform any additional work on his behalf.²⁴ Pallares Guerrero requested, but did not receive, a refund of the payments he made to Sam's.²⁵

Ruiz Matter

Alejandro Onate Ruiz is a Mexican national.²⁶ Like Pallares Guerrero, he was employed by E-Z.²⁷ Ruiz met with Respondent in 2006.²⁸ Ruiz asked Respondent how he might obtain a permanent U.S. work permit.²⁹ Respondent told Ruiz she could help him get a work permit.³⁰ She also advised Ruiz that because he had entered the United States lawfully, it would not be difficult for him to obtain a work permit.³¹ Respondent explained that she would need to file some forms with the U.S. Department of Labor, and she instructed him to gather his birth certificate and other similar documents.³² Respondent told Ruiz that he would need to travel to Mexico for an interview with the U.S. consulate in Monterrey.³³

Between late 2006 and summer 2008, Ruiz paid Respondent \$2,055.00.³⁴ During 2008, Respondent or one of her assistants prepared Form I-129, Petition for a Non-Immigrant Worker, on behalf of Ruiz and other

¹⁸ Mot. for Default J. Ex. C ¶ 5.

¹⁹ Pet. (11SA266) ¶ 19.

²⁰ Pet. (11SA266) ¶ 20.

²¹ Pet. (11SA266) ¶ 21.

²² Pet. (11SA266) ¶ 22.

²³ Pet. (11SA266) ¶ 23.

²⁴ Pet. (11SA266) ¶ 24; Mot. for Default J. Ex. B ¶ 2.

²⁵ Pet. (11SA266) ¶ 25; Mot. for Default J. Ex. B ¶ 3. Respondent loaned Pallares Guerrero \$300.00 in 2008. Pallares Guerrero thus asks the PDJ to deduct this \$300.00 from any reward of restitution he may recommend. Mot. for Default J. Ex. B ¶ 4.

²⁶ Pet. (12SA056) ¶ 6.

²⁷ Pet. (12SA056) ¶ 7.

²⁸ Pet. (12SA056) ¶ 8.

²⁹ Pet. (12SA056) ¶ 9.

³⁰ Pet. (12SA056) ¶ 10; Mot. for Default J. Ex. D ¶ 2.

³¹ Pet. (12SA056) ¶ 11; Mot. for Default J. Ex. D ¶ 3.

³² Pet. (12SA056) ¶¶ 12-13.

³³ Pet. (12SA056) ¶ 14.

³⁴ Pet. (12SA056) ¶ 15; see Mot. for Default J. Ex. D ¶ 2.

employees of E-Z.³⁵ On July 24, 2008, E-Z filed this form with USCIS,³⁶ and Respondent then invoiced E-Z for her preparation of the form.³⁷ Ruiz next attended an interview with the U.S. consulate in Monterrey. On his return, however, Ruiz learned that his visa was only valid for one month,³⁸ even though Respondent had promised him she could obtain a visa for him that would last longer than eight months.³⁹ Ruiz paid Respondent an additional \$2,000.00 to obtain an extension of his visa, which never came to fruition.⁴⁰ When Ruiz asked Respondent to explain the delay in obtaining his visa extension, Respondent blamed USCIS.⁴¹

Respondent then selected Form I-693, Report of Medical Examination and Vaccination Record, and directed Ruiz to take this form to his physician for a medical examination, which Ruiz did.⁴² Ruiz's doctor completed the form on December 15, 2008.⁴³ After this time, Ruiz had difficulty contacting Respondent and discovered she had vacated her office.⁴⁴ Ruiz was never again able to contact Respondent.⁴⁵ Ruiz paid Respondent a total of \$6,265.00 for her services, none of which provided him any benefit.⁴⁶ Respondent never refunded any of this money to Ruiz.⁴⁷

Oate Ruiz Matter

Juan Gabriel Oate Ruiz is a Mexican national who was employed by Four Star Foundations & Flatwork, LLC and by E-Z.⁴⁸ Oate Ruiz met with Respondent in 2006 and asked her how he might obtain a permanent work permit in the United States.⁴⁹ Respondent told Oate Ruiz she could help him get the permanent work permit and informed him that because he had entered the United States lawfully, he would encounter no difficulty in obtaining such a permit.⁵⁰ Respondent explained that she would need to file some forms with the U.S. Department of Labor, and she instructed him to collect personal documents, including his birth certificate.⁵¹ Respondent also informed Oate

³⁵ Pet. (12SA056) ¶ 16.

³⁶ Pet. (12SA056) ¶ 17.

³⁷ Pet. (12SA056) ¶ 18.

³⁸ Pet. (12SA056) ¶¶ 19-20.

³⁹ Pet. (12SA056) ¶ 21.

⁴⁰ Pet. (12SA056) ¶¶ 22-24; see Mot. for Default J. Ex. D ¶ 2.

⁴¹ Pet. (12SA056) ¶ 25.

⁴² Pet. (12SA056) ¶¶ 26-27; Mot. for Default J. Ex. D ¶ 4.

⁴³ Pet. (12SA056) ¶ 28.

⁴⁴ Pet. (12SA056) ¶¶ 29-30.

⁴⁵ Pet. (12SA056) ¶ 31.

⁴⁶ Mot. for Default J. Ex. D ¶¶ 2, 5.

⁴⁷ Mot. for Default J. Ex. D ¶ 5.

⁴⁸ Pet. (12SA153) ¶ 7.

⁴⁹ Pet. (12SA153) ¶ 9.

⁵⁰ Pet. (12SA153) ¶¶ 10-11; Mot. for Default J. Ex. E ¶¶ 2- 3.

⁵¹ Pet. (12SA153) ¶¶ 12-13.

Ruiz that he would need to attend an interview with the U.S. consulate in Monterrey.⁵²

Between late 2006 and spring 2008, Onate Ruiz paid Respondent approximately \$1,855.00.⁵³ In mid-2007, Respondent or one of her assistants prepared Form I-129, Petition for a Non-Immigrant Worker, on behalf of Onate Ruiz and other employees of Four Star.⁵⁴ On September 24, 2007, Four Star filed this form with USCIS.⁵⁵ Onate Ruiz then left Four Star's employment and went to work for E-Z.⁵⁶

In mid-2008, Respondent or her assistants again prepared Form I-129, this time on behalf of Onate Ruiz and other E-Z employees.⁵⁷ E-Z filed this form with USCIS on July 28, 2008.⁵⁸ Onate Ruiz then attended an interview with the U.S. consulate, and when he returned he learned that his visa was only good for one month,⁵⁹ even though Respondent had promised that she would be able to obtain a work visa lasting longer than one year.⁶⁰ Following the interview, Onate Ruiz paid Respondent an additional \$4,000.00 to obtain an extension of his visa, which never materialized.⁶¹ When Onate Ruiz asked why his visa was not extended, Respondent faulted USCIS.⁶² After that, it became increasingly difficult for Onate Ruiz to contact Respondent, and when Onate Ruiz went to her office, he found it empty.⁶³ Onate Ruiz was never again able to contact Respondent.⁶⁴ In July 2011, Onate Ruiz contacted an immigration lawyer who informed him that he had never been eligible for permanent residency.⁶⁵ Respondent did not refund any money to Onate Ruiz.⁶⁶

Legal Standards Governing the Unauthorized Practice of Law

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law within the State of Colorado,⁶⁷ restricts the practice of law to protect members of the public from receiving incompetent legal advice

⁵² Pet. (12SA153) ¶ 14.

⁵³ Pet. (12SA153) ¶ 15; Mot. for Default J. Ex. E ¶ 2.

⁵⁴ Pet. (12SA153) ¶ 16.

⁵⁵ Pet. (12SA153) ¶ 17.

⁵⁶ Pet. (12SA153) ¶ 18.

⁵⁷ Pet. (12SA153) ¶ 19.

⁵⁸ Pet. (12SA153) ¶ 20.

⁵⁹ Pet. (12SA153) ¶¶ 21-22.

⁶⁰ Pet. (12SA153) ¶ 23.

⁶¹ Pet. (12SA153) ¶¶ 24-25; Mot. for Default J. Ex. E ¶ 2.

⁶² Pet. (12SA153) ¶ 26.

⁶³ Pet. (12SA153) ¶¶ 27-28.

⁶⁴ Pet. (12SA153) ¶ 29.

⁶⁵ Pet. (12SA153) ¶ 30.

⁶⁶ Mot. for Default J. Ex. E ¶ 4.

⁶⁷ C.R.C.P. 228.

from unqualified individuals.⁶⁸ To practice law in the State of Colorado, a person must have a law license issued by the Colorado Supreme Court, unless a specific exception applies.⁶⁹

Colorado Supreme Court case law holds that “an unlicensed person engages in the unauthorized practice of law by offering legal advice about a specific case, drafting or selecting legal pleadings for another’s use in a judicial proceeding without the supervision of an attorney, or holding oneself out as the representative of another in a legal action.”⁷⁰ A non-lawyer holding himself or herself out as an authorized attorney engages in the unauthorized practice of law.⁷¹ The Colorado Supreme Court has also ruled that 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 that person in connection with these rights and duties” engages in the practice of law.⁷²

In the Pallares Guerrero matter, Respondent, who is not licensed to practice law, provided legal services to Pallares Guerrero and E-Z by offering to select and prepare immigration forms on their behalf and by invoicing and collecting money from Pallares Guerrero and E-Z for these services. Respondent also held herself out, using both her business card and in mailings to prospective employers, as being authorized to select and prepare immigration forms. The People further allege that Respondent selected and prepared for E-Z six forms: Forms I-140, I-485, I-765, I-864, I-131, and G-235A. She then selected and prepared for Pallares Guerrero certain immigration forms seeking permanent residence status for his family.

Respondent also engaged in the unauthorized practice of law when she offered to assist Ruiz, for a fee, in obtaining a permanent work visa, and when she offered him specific advice that it would not be difficult for him to obtain such a permit because he had entered the United States lawfully. Further,

⁶⁸ *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 826 (Colo. 1982); see also *Charter One Mortg. Corp. v. Condra*, 865 N.E.2d 602, 605 (Ind. 2007) (“Confining the practice of law to licensed attorneys is designed to protect the public from the potentially severe consequences of following advice on legal matters from unqualified persons.”); *In re Baker*, 85 A.2d 505, 514 (N.J. 1952) (“The amateur at law is as dangerous to the community as an amateur surgeon would be.”).

⁶⁹ See C.R.C.P. 201-227.

⁷⁰ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006); see also C.R.C.P. 201.3(2)(a)-(f) (defining the practice of law).

⁷¹ See *Binkley v. People*, 716 P.2d 1111, 1114 (Colo. 1986) (“Anyone advertising as a lawyer holds himself or herself out as an attorney, attorney-at-law, or counselor-at-law and, if not properly licensed, may be held in contempt of court for practicing law without a license.”); *People ex rel. Attorney General v. Castleman*, 88 Colo. 207, 207, 294 P.2d 535, 535 (1930) (finding unlicensed person in contempt for engaging in unauthorized practice of law by advertising himself as a lawyer); *People ex rel. Colo. Bar Ass’n v. Taylor*, 56 Colo. 441, 444, 138 P. 762, 764 (1914) (same).

⁷² *Shell*, 148 P.3d at 171 (quotation omitted).

Respondent selected and prepared Form I-693 and directed him to take this form to his physician for completion.

Finally, the People assert that Respondent offered legal services to Onate Ruiz by offering to assist him, for a fee, in obtaining a permanent work visa. She gave him legal advice as to the ease of obtaining a permanent work visa, and she selected and prepared Form I-129 for Onate Ruiz on two occasions.

The applicable legal standards and the People's admitted averments demonstrate that Respondent, who is not licensed to practice law, engaged in the unauthorized practice of law. She held herself out to Pallares Guerrero and E-Z as authorized to select and prepare immigration forms. She provided similar legal advice to Ruiz and Onate Ruiz regarding the lack of difficulty they would face in obtaining a permanent work visa. Furthermore, Respondent selected and prepared numerous legal immigration forms on behalf of Pallares Guerrero, E-Z, Ruiz, and Onate Ruiz.

Restitution, Fines, and Costs

The People seek a recommendation that the Colorado Supreme Court order Respondent to pay \$7,300.00 in restitution to Pallares Guerrero, \$6,000.00 in restitution to E-Z, \$4,055.00 in restitution to Ruiz, \$5,855.00 in restitution to Onate Ruiz, a fine of \$1,000.00, and costs in the amount of \$198.00. Each request is considered in turn below.

The People support their request for restitution by notarized affidavits from Pallares Guerrero, Jamalee Messervy, a principal of E-Z, Ruiz, and Onate Ruiz, which reflect amounts they paid to Respondent. In the People's view, Respondent should be required to return the entire payment made by these parties because Respondent's services provided no benefit. Respondent has not participated in this matter and thus the PDJ has received no evidence from her regarding the value of any legitimate services she may have provided. Given the available evidence, the PDJ finds that Respondent should pay the full amount of restitution to these individuals and to E-Z.

Next, the People seek imposition of a significant fine in this matter, alleging that Respondent charged and received sizeable fees from Pallares Guerrero, E-Z, Ruiz, and Onate Ruiz under the guise of being authorized to select and prepare immigration forms. Accordingly, the People request imposition of a \$1,000.00 fine. C.R.C.P. 236(a) provides that, if a hearing master makes a finding of the unauthorized practice of law, the hearing master shall also recommend that the Colorado Supreme Court impose a fine ranging from \$250.00 to \$1,000.00 for each such incident. Accordingly, the PDJ determines that a \$1,000.00 fine—or \$250.00 per incident—is appropriate here, given the sizeable amount of money Respondent received in exchange for

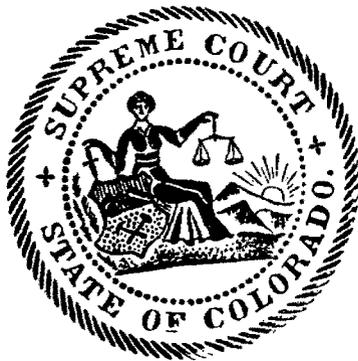
her services, which provided no benefit to Pallares Guerrero, E-Z, Ruiz, or Onate Ruiz.⁷³

Finally, the People seek payment of \$198.00 in costs from Respondent. The People filed a statement of costs attached to their motion for default judgment on November 21, 2012, reflecting costs in the amount of \$198.00.⁷⁴ The PDJ finds that their requested costs, which are limited to service of process fees and an administrative fee, are reasonable.⁷⁵

IV. RECOMMENDATION

The PDJ **RECOMMENDS** that the Colorado Supreme Court **FIND** Respondent engaged in the unauthorized practice of law and **ENJOIN** her from the unauthorized practice of law. The PDJ further **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondent to pay: **RESTITUTION** of \$7,300.00 to Luis Ernesto Pallares Guerrero, **RESTITUTION** of \$6,000.00 to E-Z Excavating, Inc., **RESTITUTION** of \$4,055.00 to Alejandro Onate Ruiz, and **RESTITUTION** of \$5,855.00 to Juan Gabriel Onate Ruiz; a **FINE** of \$1,000.00; and to pay **COSTS** in the amount of \$198.00.

DATED THIS 14th DAY OF JANUARY, 2013.





WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

⁷³ See *People v. Adams*, 243 P.3d 256, 267 & n.7 (Colo. 2010) (holding that a respondent who provided legal services to five separate individuals engaged in five instances of the unauthorized practice of law for purposes of C.R.C.P. 236).

⁷⁴ Mot. for Default J. Ex. F.

⁷⁵ See C.R.S. § 13-16-122 (setting forth an illustrative list of categories of "includable" costs in civil cases, including "[a]ny fees for service of process").

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