

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	
Original Proceeding in Unauthorized Practice of Law, 12UPL010	
Petitioner: The People of the State of Colorado, v. Respondents: Carin "Corina" Ortega and Templo Misionero Betel, a Colorado non-profit corporation, d/b/a Templo Misionero Betel Community Assistance Center.	Supreme Court Case No: 2012SA277
ORDER OF COURT	

Upon consideration of the 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 Respondent, CARIN "CORINA" ORTEGA, 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 CARIN "CORINA" ORTEGA is assessed costs in the amount of \$91.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within (30) days of the date of this order.

IT IS FURTHER ORDERED that RESTITUTION be paid to the following claimants as follows: \$317.00 to Gustavo Alfredo Sanchez and Reina Lorena

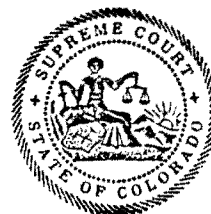
Valera; \$133.00 to Ana I. Aguilar and Ricardo Rivera; \$145.00 to Gabriel Angel Rodriguez and Maria Rodriguez; \$155.00 to Jacob Hernandez Perez and Diana Hernandez; \$100.00 to Maria Angelica Hermosillo and Israel Hermosillo Pena; \$155.00 to Blanca Estela Perez and Joe Fabian Perez; and \$100.00 to Areli Lee and Dese D.M. Lee.

IT IS FURTHER ORDERED that pursuant to C.R.C.P. 236(a) any fine shall be WAIVED.

IT IS FURTHER ORDERED that said Respondent, TEMPLO MISIONERO BETEL a Colorado non-profit corporation, d/b/a TEMPLO MISIONERO BETEL COMMUNITY ASSISTANCE CENTER shall be, and the same hereby is, ENJOINED from engaging in the unauthorized practice of law.

IT IS FURTHER ORDERED that said Respondent, TEMPLO MISIONERO BETEL, a Colorado non-profit corporation, d/b/a TEMPLO MISIONERO BETEL COMMUNITY ASSISTANCE CENTER shall pay a fine of \$250.00.

BY THE COURT, MARCH 12, 2013.



Case Number: 2012SA277
Caption: People v Ortega, Carin

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on March 13, 2013.

Carin " Ortega
P.O. Box 1354
Brighton, CO 80601

Kim E Ikeler
OFFICE OF ATTORNEY
REGULATION
1560 Broadway Ste 1800
Denver, CO 80202

Templo Misionero Betel, a
Colorado non-profit corporation,
d/b/a Templo Misionero Betel
Community Assistance Center
P.O. Box 1354
Brighton, CO 80601

William R Lucero
PRESIDING DISCIPLINARY
JUDGE
1560 Broadway Ste 675
Denver, CO 80202

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202</p>	
<p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondents: CARIN "CORINA" ORTEGA and TEMPLO MISIONERO BETEL, a Colorado non-profit corporation, d/b/a TEMPLO MISIONERO BETEL COMMUNITY ASSISTANCE CENTER</p>	<p>Case Number: 12SA277</p>
<p>REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)</p>	

This matter is before the Presiding Disciplinary Judge ("the PDJ") on an order issued by the Colorado Supreme Court on November 16, 2012, referring this case to the PDJ for "findings of fact, conclusions of law, and recommendations" pursuant to C.R.C.P. 234(f) and 236(a).

I. PROCEDURAL HISTORY

On September 19, 2012, Kim E. Ikeler, Office of Attorney Regulation Counsel ("the People"), filed a "Petition for Injunction" against Carin "Corina" Ortega ("Respondent Ortega") and Templo Misionero Betel, a Colorado non-profit corporation, d/b/a Templo Misionero Betel Community Assistance Center ("Respondent Templo") (collectively, "Respondents"), alleging they engaged in the unauthorized practice of law. On behalf of both Respondents, Respondent Ortega filed a pro se response to the petition on November 7, 2012.

An at-issue conference was held on December 5, 2012, and this matter was set for a hearing on March 5 and 6, 2013. On January 3, 2013, the PDJ granted the People's motion to strike Respondent Templo's answer with leave to refile through a licensed attorney. Respondent Templo did not refile an answer; instead, Respondent Ortega, the principal of the corporation, indicated that it intended to default.

On January 14, 2013, the People and Respondent Ortega filed a "Stipulation, Agreement and Affidavit Consenting to an Order of Injunction."¹ On January 22, 2013, the PDJ entered default against Respondent Templo, and on January 30, 2013, the People filed a motion for default judgment.

II. RESPONDENT ORTEGA'S STIPULATION

In the stipulation, Respondent Ortega agrees to be enjoined from the practice of law. She also agrees to pay costs in the amount of \$91.00 within thirty days after the acceptance of the stipulation by the Colorado Supreme Court and to pay restitution to a number of individuals as listed in section IV of this report.

III. DEFAULT JUDGMENT AND ANALYSIS AS TO RESPONDENT TEMPLO

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 Templo and by submitting an affidavit indicating that venue is proper and that Respondent Templo is not a minor, an incapacitated person, an officer of the state, or in the military. Because Respondent Ortega has agreed to pay all of the People's costs and full restitution to the victims, the People do not request an order of costs or restitution against Respondent Templo. Accordingly, the PDJ **GRANTS** "Petitioner's Motion for Default Judgment" as against Respondent Templo.

Next, the PDJ determines that the allegations of the People's petition, which are summarized below, establish that Respondent Templo engaged in the unauthorized practice of law.²

Findings of Fact

Respondent Templo, a non-profit corporation, does business as Templo Misionero Betel Community Assistance Center.³ Respondent Templo is not an organization recognized by the Board of Immigration Appeals,⁴ nor is it authorized by the United States Citizenship and Immigration Services ("USCIS") to select and prepare immigration forms for customers.⁵

Respondent Ortega is the director of Respondent Templo and supervises its employees.⁶ Respondent Templo's employees are neither licensed attorneys⁷

¹ Respondent Templo is not subject to this stipulation.

² See the People's petition for further detailed findings of fact.

³ Pet. ¶ 3.

⁴ Pet. ¶ 127.

⁵ Stipulation ¶ 1.

⁶ Pet. ¶¶ 4, 10; Stipulation ¶ 1.

nor supervised licensed attorneys.⁸ The employees of Templo prepare immigration forms on behalf of clients for a fee.⁹

Employees of Respondent Templo under the direct supervision of Respondent Ortega, selected and prepared immigration forms for Gustavo Alfredo Sanchez and Reina Lorena Valera; Ana I. Aguilar and Ricardo Rivera; Gabriel Angel Rodriguez Rosas and Maria Rodriguez; Jacob Hernandez Perez and Diana Hernandez; Maria Angelica Hermosillo and Israel Hermosillo Pena; Blanca Estela Perez and Joe Fabian Perez; and Areli Lee and Dese D.M. Lee.¹⁰ These clients paid Respondent Templo a fee for these services.¹¹ Respondent Ortega and other employees of Respondent Templo also offered legal advice regarding immigration issues to Mr. Sanchez, Ms. Aguilar, Mr. Rivera, and the Hermosillos.¹²

Legal Analysis

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law within the State of Colorado,¹³ restricts the practice of law to protect members of the public from receiving incompetent legal advice from unqualified individuals.¹⁴ 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.¹⁵

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.”¹⁶ 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

⁷ Pet. ¶¶ 5, 8; Stipulation ¶ 1.

⁸ Stipulation ¶ 1.

⁹ Pet. ¶ 8.

¹⁰ Pet. ¶¶ 8-123, 129.

¹¹ Pet. ¶¶ 37, 49, 68, 80-81, 112, and 120.

¹² Stipulation ¶ 5.

¹³ C.R.C.P. 228.

¹⁴ *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.”).

¹⁵ *See* C.R.C.P. 201-227.

¹⁶ *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).

counseling, advising and assisting that person in connection with these rights and duties” engages in the practice of law.¹⁷

Respondent Templo, which is not authorized by USCIS to select and prepare immigration forms for clients, provided legal services in seven client matters. Its non-licensed employees, including Respondent Ortega, selected and prepared immigration forms on behalf of its clients and collected money for these services. Respondent Templo through its employees also offered legal advice about immigration matters to Mr. Sanchez, Ms. Aguilar, Mr. Rivera, and the Herмосillos. The PDJ determines that the provision of these services constitutes the unauthorized practice of law.

Restitution, Fines, and Costs

The People seek a recommendation that the Colorado Supreme Court order Respondent Templo to pay a fine of \$250.00, asserting that Respondent Templo engaged in a single incident of unauthorized practice of law. 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. Given the People’s recommendation, the PDJ determines a \$250.00 fine is appropriate here.

The People do not seek an order of restitution or costs because Respondent Ortega has agreed by stipulation to pay restitution to the victims and to pay the People’s costs.

IV. RECOMMENDATION

The PDJ **RECOMMENDS** that the Colorado Supreme Court **APPROVE** the stipulation of the People and Respondent Ortega and **ENJOIN** Respondent Carin “Corina” Ortega from the unauthorized practice of law. The PDJ also **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondent Ortega to pay **COSTS** in the amount of \$91.00 and **RESTITUTION** to the following claimants as follows: \$317.00 to Gustavo Alfredo Sanchez and Reina Lorena Valera; \$133.00 to Ana I. Aguilar and Ricardo Rivera; \$145.00 to Gabriel Angel Rodriguez and Maria Rodriguez; \$155.00 to Jacob Hernandez Perez and Diana Hernandez; \$100.00 to Maria Angelica Herмосillo and Israel Herмосillo Pena; \$155.00 to Blanca Estela Perez and Joe Fabian Perez; and

¹⁷ *Shell*, 148 P.3d at 171 (quotation omitted).

