

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: June 21, 2013
Original Proceeding in Unauthorized Practice of Law, 12UPL017	
Petitioner: The People of the State of Colorado, v. Respondent: Patrick A. Romero.	Supreme Court Case No: 2012SA270
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 the Recommendation of the Presiding Disciplinary Judge is APPROVED. Respondent, PATRICK A. ROMERO, 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 the Respondent is assessed costs in the amount of \$455.05. Said costs to be paid to the Office of Attorney Regulation Counsel within thirty five days from the date of this order.

IT IS FURTHER ORDERED that this court WAIVES any fines in this matter pursuant to C.R.C.P. 236(a).

IT IS FURTHER ORDERED that the pretrial conference on July 25, 2013 and the hearing on August 13, 2013 shall be and the same hereby are, VACATED.

BY THE COURT, JUNE 21, 2013.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	RECEIVED MAY 13 2013 REGULATION COUNSEL
Petitioner: THE PEOPLE OF THE STATE OF COLORADO Respondent: PATRICK A. ROMERO	Case Number: 12SA270
REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)	

This matter is before the Presiding Disciplinary Judge ("PDJ") on an order issued February 1, 2013, by the Colorado Supreme Court. In that order, the Colorado Supreme Court referred this matter to the PDJ for "findings of fact, conclusions of law, and recommendations" pursuant to C.R.C.P. 234(f) and 236(a).

I. BACKGROUND

On September 18, 2012, Kim E. Ikeler, Office of Attorney Regulation Counsel ("the People"), filed a "Petition for Injunction" against Patrick A. Romero ("Respondent"), alleging he had engaged in the unauthorized practice of law. The Colorado Supreme Court issued an "Order and Rule to Show Cause" on September 26, 2012, directing Respondent to show cause within twenty-one days why he should not be enjoined from the practice of law. Respondent did not respond to the petition or the order to show cause.

The PDJ set this matter for an at-issue conference on February 21, 2013. Respondent appeared at the at-issue conference by telephone with his case worker, Emily Oosterhouse. Respondent then informed the PDJ that he had been incarcerated.¹ That same day, the PDJ ordered Respondent to answer the People's petition, and Respondent did so on March 12, 2013. An at-issue conference was then held on April 22, 2013, and a hearing was set for August 13, 2013.

On May 10, 2013, the parties filed a "Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct."

¹ Because Respondent had not filed an answer, the PDJ converted the at-issue conference to a status conference.

In the stipulation, Respondent agrees to be enjoined from the practice of law. He also agrees to pay costs in the amount of \$455.05 within thirty-five days after the acceptance of the stipulation by the PDJ.

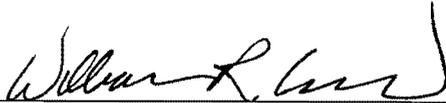
II. ORDER AND RECOMMENDATION

The PDJ **ACCEPTS** the stipulation of the parties. The PDJ **ORDERS** Respondent to pay **COSTS** of \$455.05 within thirty-five days of the date of this order. Subject to the Colorado Supreme Court's approval of the parties' stipulation, the PDJ **VACATES** the pretrial conference on July 25, 2013, and **VACATES** the hearing on August 13, 2013

The PDJ **RECOMMENDS** that the Colorado Supreme Court **APPROVE** the stipulation of the parties and **ENJOIN** Respondent Patrick A. Romero from the unauthorized practice of law. The PDJ further **RECOMMENDS** that the Colorado Supreme Court **WAIVE** any **FINE** pursuant to C.R.C.P. 236(a).²

DATED THIS 23RD DAY OF MAY, 2013.




WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

Kim E. Ikeler
Office of Attorney Regulation Counsel

Via Hand Delivery

Patrick A. Romero
Respondent
4901 Krameria Street
Commerce City, CO 80022

Via First-Class Mail

Christopher T. Ryan
Colorado Supreme Court

Via Hand Delivery

² "A report from the Presiding Disciplinary Judge approving the parties' stipulation to injunction may be exempt from a fine."

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW BEFORE THE PRESIDING
DISCIPLINARY JUDGE
1300 Broadway, Suite 250
Denver, Colorado 80203

FILED

MAY 10 2013

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO

▲ COURT USE
ONLY ▲

Respondent:

PATRICK A. ROMERO

Case Number:
12SA270

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**STIPULATION, AGREEMENT AND AFFIDAVIT CONTAINING THE
RESPONDENT'S CONDITIONAL ADMISSION OF MISCONDUCT**

On this 10th day of May 2013, Kim E. Ikeler, Assistant Regulation Counsel and attorney for the Petitioner, and Patrick A. Romero, the Respondent in these proceedings, enter into the following Stipulation, Agreement, and Affidavit Containing Respondent's Conditional Admission of Misconduct ("Stipulation") and submit the same to the Presiding Disciplinary Judge for his consideration.

RECOMMENDATION: Entry of an Order of Injunction, and payment \$455.05 in costs.

1. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. 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 Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for proceedings to enjoin the unauthorized practice of law. Respondent acknowledges the right to a full and complete evidentiary hearing on the allegations and charges contained in the Petition for Injunction. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Petitioner. At any such hearing, Petitioner would have the burden of proof and would be required to prove the charges contained in the Petition by a preponderance of the evidence. Nonetheless, having full knowledge of the right to such a hearing, Respondent waives that right.

4. Respondent has read and studied the Petition for Injunction, and is familiar with the allegations therein. With respect to the allegations contained in the Petition for Injunction, Respondent affirms under oath that the following facts and conclusions are true and correct:

a. Veronica Tapia entered the U.S. without inspection in 2004. She resided in Arvada in an apartment leased by Yolanda Rodriguez, also an illegal immigrant. A female child, also an illegal immigrant from Mexico, resided with them.

b. Ms. Tapia drove under the influence of alcohol and thereafter became the subject of criminal proceedings. She came to the attention of U.S. Immigration and Customs Enforcement ("ICE"). She was detained.

c. The Department of Homeland Security commenced removal proceedings. *In the Matter of Veronica Mendoza-Tapia, a/k/a Manuela Tapia-*

Perez, file no. A200 581 978 (the “removal case”). On January 23, 2011, Ms. Tapia was ordered to appear before the Immigration Court. The appearance was later scheduled for May 25, 2011.

d. Ms. Tapia was released on bond. Ms. Tapia retained attorney Michael Barringer to represent her in the removal case.

e. In February 2011, Ms. Tapia and Ms. Rodriguez began to consult with Respondent about their immigration problems. Attorney Barringer did not employ or supervise Respondent.

f. Respondent provided the two women with advice. Respondent explained “the legal ins and outs of immigration”, such as how to become a U.S. citizen. Respondent advised Ms. Tapia that she should be on the apartment lease with Ms. Rodriguez, so that Ms. Tapia would have proof of a stable residence and self-support.

g. Respondent formulated a plan whereby Ms. Tapia would adjust her status to legal permanent residence. Then, Ms. Tapia would petition on behalf of Ms. Rodriguez. If that was successful, Ms. Rodriguez would petition on behalf of the female child. Respondent believed that both women were eligible for “protected status”, because the area of Mexico from which they had come was dangerously prone to violence. Respondent warned Ms. Tapia that if the plan didn’t work, she was going to be removed.

h. On March 23, 2011, attorney Barringer moved the Immigration Court for leave to withdraw. The motion was granted at the May 25, 2011 hearing.

i. On March 29, 2011, each of the women executed a document giving power of attorney to Respondent. Respondent selected and prepared these documents. The Power of Attorney executed by Ms. Tapia stated that Respondent was appointed as her attorney in fact “to act in my stead and for myself as follows: only guiding her with direction she should take with her case with her immigration status – no attorney would represent”. The Power of Attorney executed by Ms. Rodriguez stated that Respondent was appointed as her attorney in fact “to act in my stead and for myself as follows: immigration application in conjunction with Veronica’s ICE status.”

j. In early May, Respondent took Ms. Rodriguez to have her fingerprints taken by the Colorado Bureau of Investigation. This was done in anticipation of

Ms. Rodriguez applying to adjust her status. Respondent then obtained Ms. Rodriguez' arrest record.

k. In June 2011, Respondent accompanied Ms. Tapia to have her fingerprints taken. This was done to prepare for Ms. Tapia applying to adjust her status, if possible.

l. In early October 2011, Respondent, Ms. Tapia, and Ms. Rodriguez went to the CIS Application Support Center in Aurora and took copies of many of the available forms. Ms. Tapia understood that Respondent was going to complete the appropriate forms, so that she could apply for legal permanent residence.

m. On November 2, 2011, Ms. Tapia appeared in her removal case before the Hon. David J. Cordova. Judge Cordova determined that Ms. Tapia was subject to removal. She was removed to Jalisco, Mexico in March 2012.

5. Pursuant to C.R.C.P. 237(c), Respondent agrees to pay costs in the amount of \$455.05 (a copy of the statement of costs is attached hereto as Exhibit A) incurred in conjunction with this matter within thirty-five (35) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from the date that the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the aforementioned costs and interest within thirty-five (35) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Petitioner may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

6. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 235 and 236.

7. The Office of Attorney Regulation Counsel has notified or will notify shortly after the parties sign this agreement, the complaining witness in the matters of the proposed disposition.

8. Petitioner notes that Respondent has been ordered to pay restitution of \$5,650 in his criminal case, *People v. Patrick Anthony Romero*, Adams County District Court, Case No. 12CR2110. However, the complaining witness in this injunctive proceeding, Veronica Tapia, has not provided Petitioner with any proof of payment to Respondent upon which an order of restitution could be based. Petitioner therefore is not requesting that this Court recommend that restitution be paid.

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