

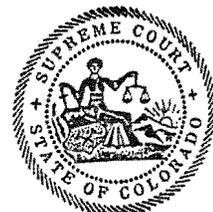
Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	<b>RECEIVED</b>  APR 08 2011  ATTORNEY REGULATION
Original Proceeding in Unauthorized Practice of Law 10UPL043	
<b>Petitioner:</b>  The People of the State of Colorado,  v.  <b>Respondent:</b>  Brooke York.	Supreme Court Case No: 2010SA390
ORDER OF INJUNCTION	

Upon consideration of the Stipulation, Agreement and Affidavit Consenting to an Order of Injunction filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, BROOKE YORK, 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, BROOKE YORK, is to pay restitution in the amount of \$3,000, interest, costs of \$226 and a fine of \$250 according to the schedule set forth in the Stipulation, Agreement and Affidavit Consenting to an Order of Injunction.

BY THE COURT, APRIL 7, 2011



Case Number: 2010SA390  
Caption: People v York, Brooke

**CERTIFICATE OF SERVICE**

Copies mailed via the State's Mail Services Division on April 8, 2011. <sup>for</sup>

Brooke York  
707 Vine  
Chelsea, OK 74016

Brooke York  
13501 S. 4245 Road  
Chelsea, OK 74016

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

SUPREME COURT, STATE OF COLORADO  
101 W. Colfax Ave., Suite 800  
Denver, Colorado 80202

ORIGINAL PROCEEDING IN  
UNAUTHORIZED PRACTICE OF LAW,  
10UPL043

Petitioner:  
THE PEOPLE OF THE STATE OF  
COLORADO

vs.

Respondent:  
BROOKE YORK

Kim E. Ikeler, #15590  
Assistant Regulation Counsel  
Attorney for Petitioner  
1560 Broadway, Suite 1800  
Denver, CO 80202  
Phone Number: (303) 866-6440  
Fax Number: (303) 893-5302  
E-mail:

Brooke York  
707 Vine  
Chelsea, OK 74016  
E-mail: brookeyork@hotmail.com

FILED IN THE  
SUPREME COURT

APR - 5 2011

OF THE STATE OF COLORADO  
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case Number:  
10SA390

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

On this 4th day of April 2011, Kim E. Ikeler, Assistant  
Regulation Counsel, and Brooke York, 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 a finding and order of injunction pursuant to C.R.C.P. 229-237.

1. The Respondent resides at 707 Vine, Chelsea, Oklahoma. The Respondent is not licensed to practice law in the State of Colorado or any state.

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 by a preponderance of the evidence. Nonetheless having full knowledge of the right to such a formal hearing, the Respondent waives that right.

4. The Respondent understands that the practice of law in Colorado includes, but is not limited to, the following:

- a. providing advice to any other individual on the legal effect of any proposed action in a legal matter; or assisting that individual in making decisions that require legal judgment and a knowledge of the law that is greater than the average citizen;
- b. providing advice to any other individual as to various legal remedies available to that individual and the possible legal courses of action for that individual;
- c. acting in a representative capacity on behalf of any other individual in matters that affect that individual's legal rights and duties;
- d. selecting or preparing any legal document for any other individual, other than solely as a typist; and, without limiting the above, explaining to that individual or any other individual the legal significance of such document;
- e. holding oneself out as an attorney, lawyer, "esquire", immigration consultant, or legal consultant, either directly or impliedly;
- f. holding oneself out to others in a manner that another individual would place some reliance on the Respondent to handle that individual's legal matters;

- g. advertising oneself as an immigration consultant, or being able to select and prepare immigration paperwork on behalf of others (without U.S.B.I.A. accreditation);
- h. making an appearance or speaking on behalf of another individual in negotiations, settlement conferences, mediations, hearings, trials, oral arguments or other legal proceedings unless specifically allowed by the rules that apply to such appearance in such legal proceeding;
- i. serving as a conduit or intermediary on behalf of any other individual for the obtaining or relaying of any legal counsel;
- j. conducting the business of management of a law practice to the extent that the exercise of legal judgment on behalf of another occurs; and
- k. soliciting or accepting any fees for legal services.

5. The Respondent and the Petitioner stipulate to the following facts and conclusions:

- a. Barbara Moore, now known as Barbara Powell (hereinafter "Ms. Moore"), was involved in a dispute with Curves International, a fitness center franchisor ("Curves"). Ms. Moore is a resident of North Platte, Nebraska.
- b. At relevant times, Respondent was a resident of Littleton, Colorado. Respondent had experience with fitness franchises based on her work for a competitor of Curves.

c. Respondent was acquainted with Ms. Moore's son and daughter-in-law. Through them, Respondent learned of Ms. Moore's dispute with Curves.

d. During September 2009, Respondent spoke with Ms. Moore about the problem on several occasions by telephone. Ms. Moore and Respondent then met at a restaurant in Sterling, Colorado.

~~e. Ms. Moore recalls that Respondent told her Respondent was a licensed attorney in the State of Colorado.~~ ✓ 28

f. Respondent and Ms. Moore discussed an arrangement whereby Respondent would assist Ms. Moore in preparing possible litigation against Curves, and also help Ms. Moore with business planning. Ref. [#7 on Exhibit A, Petition]

g. On September 24, 2009, at a residence in Greeley, Colorado, Respondent and Ms. Moore signed an "In-house Counsel and Strategic Advisor Employment Agreement". The Agreement stated:

a. By mutual agreement of both Barbara, owner of Barbara P. Moore, LLC, and Brooke A. York, J.D., enter [sic] into an agreement for the sum of \$5,000 for in house counsel and assistance in legal matters concerning the business of the LLC; advisement and research on any contract

conjunction with this matter within six months after the acceptance of the stipulation by the Colorado Supreme Court.

8. Respondent further agrees to pay \$3,000 plus interest at 8% per annum, compounded annually, to Ms. Moore. Respondent will pay \$2,000 upon approval of this Stipulation by the Court. On June 1, 2011, Respondent will pay Ms. Moore \$1,000, plus interest at 8% per annum, compounded annually, on the unpaid amounts from October 4, 2009 through June 1, 2011.

9. Respondent further agrees to pay a fine of \$250 within six months after approval of this 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 restitution of \$3,000, interest as described above, costs in the amount of \$226, and a fine of \$250, all according to the schedule set forth above.

Brooke York, the Respondent; and Kim E. Ikeler, attorney for  
Petitioner, acknowledge by signing this document that they have  
read and reviewed the above.

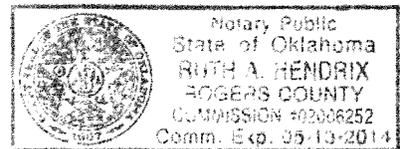
Brooke York  
Brooke York, Respondent  
707 Vine  
Chelsea, OK 74016  
E-mail: brookeyork@hotmail.com

STATE OF OKLAHOMA    )  
  ) ss.  
COUNTY OF ROGERS    )

Subscribed and sworn to before me this 1<sup>st</sup> day of April  
2011, by Brooke York, Respondent.    Witness my hand and  
official seal. My commission expires: 5-13-2014

Ruth A. Hendrix  
Notary Public

Kim E. Ikeler  
Kim E. Ikeler, #15590  
Assistant Regulation Counsel  
1560 Broadway, Suite 1800  
Denver, Colorado 80202  
Telephone: (303) 866-6440  
Attorney for Petitioner



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,  
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Petitioner:

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BROOKE YORK

Kim E. Ikeler, #15590  
Assistant Regulation Counsel  
Attorney for Petitioner  
1560 Broadway, Suite 1800  
Denver, CO 80202  
Phone Number: (303) 866-6400  
Fax Number: (303) 893-5302  
Email: k.ikeler@csc.state.co.us

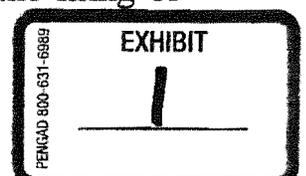
▲ COURT USE ONLY ▲

Case Number: 10SA390

**PETITION FOR INJUNCTION**

Petitioner, through the undersigned Assistant Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a),<sup>1</sup> respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show

<sup>1</sup> The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on December 10, 2010.



cause why she should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Brooke York, is not licensed to practice law in the state of Colorado or any state. Respondent's last known address is 13501 S. 4245 Road, Chelsea, Oklahoma 74016.

2. Respondent engaged in the unauthorized practice of law, as described below.

3. Barbara Moore, now known as Barbara Powell, was involved in a dispute with Curves International, a fitness center franchisor ("Curves"). Ms. Moore is a resident of North Platte, Nebraska.

4. At relevant times, respondent was a resident of Littleton, Colorado. Respondent had experience with fitness franchises based on her work for a competitor of Curves.

5. Respondent was acquainted with Ms. Moore's son and daughter-in-law. Through them, respondent learned of Ms. Moore's dispute with Curves.

6. During September 2009, respondent spoke with Ms. Moore about the problem on several occasions by telephone. Ms. Moore and respondent then met at a restaurant in Sterling, Colorado.

7. Respondent told her respondent was a licensed attorney in

the State of Colorado.

8. Respondent and Ms. Moore discussed an arrangement whereby respondent would assist Ms. Moore in preparing possible litigation against Curves, and also help Ms. Moore with business planning.

9. On September 24, 2009, at a residence in Greeley, Colorado, respondent and Ms. Moore signed an "In-house Counsel and Strategic Advisor Employment Agreement". The Agreement stated:

By mutual agreement of both Barbara, owner of Barbara P. Moore, LLC, and Brooke A. York, J.D., enter [sic] into an agreement for the sum of \$5,000 for in house counsel and assistance in legal matters concerning the business of the LLC; advisement and research on any contract matter; strategic planning; and litigation matters of the LLC. ...

This agreement is in force and effect for one year and is renewable by both parties. It is agreed that the litigation matter versus Curves and Allen Moulton falls into this agreement and if it falls outside of the year, both parties agree that it will be completed before a new agreement is entered.

10. Ms. Moore paid respondent a total of \$3,000 by payments on September 2, 2009 and October 4, 2009. Respondent accepted this retainer for her performance of legal services.

11. At about the same time that she signed the Agreement,

respondent moved to Oklahoma. Thereafter, respondent drafted a “Timeline of Events in preparation for litigation, Prepared by: B. York, in-house counsel”. Respondent did not do any further work for Ms. Moore. Respondent has not returned any of the \$3,000 to Ms. Moore.

### **Request for Relief**

12. The unauthorized practice of law includes but is not limited to an unlicensed person’s actions 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, People v. Shell*, 148 P.3d 162 (Colo. 2006); and *Denver Bar Assn. v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964).

13. Respondent held herself out as a licensed attorney in the State of Colorado. Respondent agreed to act as in-house counsel for Ms. Moore, and to assist Ms. Moore in the preparation of litigation against Curves, despite the fact respondent is not licensed to practice law. Respondent then held herself out as “in-house counsel”. Respondent accepted a \$3,000 retainer for such legal services. Respondent took at least one preliminary step toward

preparing the litigation. Respondent thereby engaged in the unauthorized practice of law.

14. The respondent does not fall within any of the statutory or case law exceptions.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why the respondent 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; assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; impose a fine for each incident of unauthorized practice of law, not less than \$250.00 and not more than \$1,000.00; and any other relief deemed appropriate by this court.

Respectfully submitted this 21st of December 2010.



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Kim E. Ikeler  
Assistant Regulation Counsel  
Attorney for Petitioner