

<p>SUPREME COURT, STATE OF COLORADO TWO EAST 14TH AVENUE DENVER, COLORADO 80203</p> <p>ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW, 05UPL9</p>	<p>CASE NO. 05SA157</p> <p>RECEIVED</p> <p>JUL 20 2005</p>
<p>Petitioner:</p> <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>Respondent:</p> <p>LUIS LOBO.</p>	
<p style="text-align: center;">ORDER OF COURT</p>	

REGULATION
COUNSEL

Upon consideration of the Petition for Injunction, Order to Show Cause and the Stipulation, Agreement and Affidavit Consenting to an Order of Injunction filed herein, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the recommendation of the Presiding Disciplinary Judge is adopted. The court determines as a matter of law that the Respondent has been engaged in the unauthorized practice of law. THEREFORE, Respondent LUIS LOBO is ENJOINED from further conduct found to constitute the unauthorized practice of law.

IT IS FURTHER ORDERED that Respondent is assessed costs of these proceedings in the amount of \$542.50. Said costs to be paid to the Office of Attorney Regulation Counsel, 600 17th St., Suite 200-S within thirty days of the date of this order.

BY THE COURT, JULY 20, 2005.



Copies mailed via the State's Mail Services Division on 7/20/05 HOP

James C. Coyle
Deputy Regulation Counsel

Robert J. Driscoll
Driscoll Law Office
455 Sherman St., Ste 310
Denver, CO 80203

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
LUIS LOBO

James C. Coyle # 14970
Deputy Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202
Phone Number: (303) 866-6435
Fax Number: (303) 893-5302

▲ COURT USE ONLY ▲

Case Number: 05UPL009
OSSA157

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

On this 28th day of June, 2005, James C. Coyle, Deputy Regulation Counsel; and Luis Lobo, the respondent, by and through his attorney Robert J. Driscoll; 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 530 Winona Court, Denver, Colorado 80204. 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 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 and the petitioner stipulate to the following facts and conclusions:

a. The respondent prepared an "application to replace permanent resident card" (a form I-90) on behalf of Jesus Chavez for filing with the U.S. Office of Citizenship and Immigration Services. The respondent signed said application under the section entitled "Part V. Signature of person preparing form, if other than above." The respondent declared that he prepared the application at the request of Mr. Chavez and that the application was based on all information of which the respondent had knowledge.¹

b. The respondent knew at the time he prepared Mr. Chavez' immigration application in February 2005 that he was not authorized to prepare such application, as the respondent had previously entered into a C.R.C.P. 232.5(d)(3) agreement to no longer engage in such conduct (the selection and preparation of immigration documents) with the Unauthorized Practice of Law Committee. The date of that agreement was September 23, 2003.

c. By preparing Mr. Chavez' immigration application, the respondent engaged in the unauthorized practice of law in Colorado.

d. On and before April 28, 2005, the respondent used business cards and signage that held himself out as a "notario publico." C.R.S. §12-55-110.3 specifically precludes respondent from using the phrase "notario publico" to advertise his services. The use of the phrase "notario publico" also leads reasonable consumers of legal services, who have previously resided in Mexico and certain other countries, to believe that the respondent is able to perform certain legal services on their behalf.

e. The above business card also held the respondent out as being able to provide immigration services. This language can also lead reasonable

¹ Under federal immigration regulations, the practice of law includes the "act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with the service (n/k/a CIS) or any officer of the service, or the board." See 8 C.F.R. 292.1. "Even advice limited to something as 'simple' as selecting and completing the proper service form constitutes the practice of law, since this advice depends on a legal conclusion if the client is eligible for the particular benefit." See Memo, T. Alex Aleinikoff, General Counsel, January 18, 1995, reprinted in 1972, *Interpreter Releases*, 538-39 (April 17, 1995).

consumers to believe that the respondent can select or prepare immigration forms.

f. By holding himself out as a "notario publico" who can provide "immigration" services, the respondent has engaged in the unauthorized practice of law in Colorado.

g. In mitigation, the respondent removed the improper signage and discontinued the use of the business cards in May 2005. The respondent affirms that he will no longer use such language on any sign, business card or other written communication.

5. 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.

6. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$542.50 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

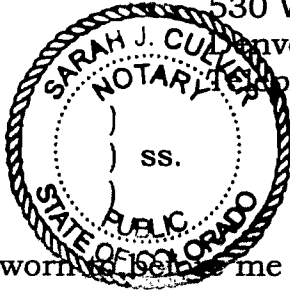
Based on the foregoing, the parties hereto recommend that an order be entered enjoining the respondent from the unauthorized practice of law, and requiring that the respondent pay costs in the amount of \$542.50.

Luis Lobo, the respondent; Robert J. Driscoll, attorney for the respondent; and James C. Coyle, attorney for petitioner, acknowledge by signing this document that they have read and reviewed the above.

L Lobo

Luis Lobo, Respondent
1550 S. Federal Blvd., #K or #H
Denver, CO 80219

530 Winona Court
Denver, CO 80204
Telephone: (303) 922-5300



STATE OF COLORADO
CITY AND
COUNTY OF

Subscribed and sworn to before me this 12th day of ~~June~~^{July}, 2005, by Luis Lobo, respondent.

Witness my hand and official seal.

Sarah J. Cullen
Notary Public
My commission expires: 11/16/08

James C. Coyle
James C. Coyle, #14970
Deputy Regulation Counsel
600 17th Street, Suite 200-South
Denver, Colorado 80202
Telephone: (303) 866-6435
Attorney for Petitioner

Robert J. Driscoll
Robert J. Driscoll, #5729
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Denver, Colorado 80203
Telephone: (303) 534-3233
Attorney for Respondent

applications. In February 2005, CIS supervisor Mary Mishke forwarded to the Office of Attorney Regulation Counsel and the Unauthorized Practice of Law Committee a copy of an "application to replace permanent resident card," a form I-90, filed by Jesus Chavez. Mr. Chavez signed his name on said application on February 16, 2005.

3. The respondent Luis Lobo signed said application under the section entitled "Part V. Signature of person preparing form, if other than above." The respondent declared that he prepared the application at the request of Mr. Chavez and that the application was based on all information of which the respondent had knowledge.² A copy of said application is attached hereto as **Exhibit 1**.

4. The respondent knew at the time he prepared Mr. Chavez' immigration application in February 2005 that he was not allowed to prepare such application, as the respondent had previously entered into a C.R.C.P. 232.5(d)(3) agreement to no longer engage in such conduct (the selection and preparation of immigration documents) with the Unauthorized Practice of Law Committee. The date of that agreement was September 23, 2003.

5. By preparing Mr. Chavez' immigration application, the respondent engaged in the unauthorized practice of law in Colorado.

WHEREFORE, petitioner prays at the conclusion hereof.

CLAIM II

6. Petitioner incorporates paragraph 1 above as if incorporated herein.

7. Prior to, and as of April 28, 2005, the respondent used a business card that held himself out as a "notario publico." A copy of said business card is attached hereto as **Exhibit 2**.

8. C.R.S. §12-55-110.3 specifically precludes respondent from using the phrase "notario publico" to advertise his services. The use of the phrase

² Under federal immigration regulations, the practice of law includes the "act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with the service (n/k/a CIS) or any officer of the service, or the board." See 8 C.F.R. 292.1. "Even advice limited to something as 'simple' as selecting and completing the proper service form constitutes the practice of law, since this advice depends on a legal conclusion if the client is eligible for the particular benefit." See Memo, T. Alex Aleinikoff, General Counsel, January 18, 1995, reprinted in 1972, *Interpreter Releases*, 538-39 (April 17, 1995).

“notario publico” also leads reasonable consumers of legal services, who have previously resided in Mexico and certain other countries, to believe that the respondent is able to perform legal services on their behalf.

9. The above business card also held the respondent out as being able to provide immigration services. The language that the respondent can provide immigration services also leads reasonable consumers to believe that the respondent can prepare immigration forms.

10. The respondent has also admitted that he has continued to use signage that discloses in the Spanish language that he provides services as a “notario publico” and that he provides immigration, real estate, insurance, translation and income tax services. C.R.S. §12-55-110.3(1)(1) requires that the respondent (and others similarly situated) be required to affirmatively state that he is not an attorney licensed to practice law in the State of Colorado and that he cannot give legal advice or accept fees for legal advice if he advertises, including by signage, his notary services in Spanish. The respondent has failed to use such an affirmative statement as required by C.R.S. §12-55-110.3(1)(1)

11. By holding himself out as a “notario publico,” and by having signage and business cards that advertise his services as a “notario publico,” the respondent has engaged in the unauthorized practice of law in Colorado.

12. By holding himself out as being able to provide “immigration” services, and by having signage and business cards that advertise “immigration” services, the respondent has engaged in the unauthorized practice of law.

13. In mitigation, the respondent has removed such signage and advertisements, as of May 2005, and understands that he can no longer use such business cards for his notary and other services.

WHEREFORE, petitioner prays at the conclusion hereof.

CLAIM III

14. Petitioner incorporates paragraphs 1 and 4 as if incorporated herein.

15. The respondent has previously admitted that he engaged in the unauthorized practice of law in 2002-2003 on behalf of Mario Verdugio Sanchez and Gilberto Barreras-Galtelum, by filing notices of appeal on their

behalf with the U.S. Board of Immigration Appeals ("BIA"), and by holding himself out as being able to provide assistance in immigration matters in a Spanish language yellow pages advertisement.

16. The respondent made such admission as part of a C.R.C.P. 232.5(d)(3) agreement entered into on September 23, 2003. A copy of said agreement is attached as **Exhibit 3**. At the time the respondent entered into such agreement, the respondent further admitted that he understood that he had to stop selecting and/or preparing immigration forms on behalf of clients, until and unless authorized or accredited by the U.S. Board of Immigration Appeals for any immigration work, and that he had to stop holding himself out as being able to provide assistance in immigration matters in any advertising, business cards and signage.

17. The respondent has admitted the misconduct in Claim III, including that such conduct constitutes the unauthorized practice of law in Colorado.

18. By filing notices of appeal on behalf of the above two clients, the respondent has engaged in the unauthorized practice of law in Colorado.

WHEREFORE, petitioner prays at the conclusion hereof.

CLAIM IV

19. Petitioner incorporates paragraphs 1 - 18 as if incorporated herein.

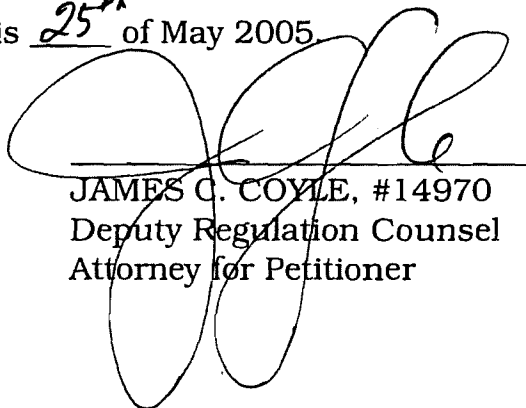
20. The respondent has continued to assist others in the selection and preparation of petitions for alien relative (form I-130), applications for immigrant visa and alien registration, biographic information sheets (form G-325), applications to register for permanent resident status or adjust status (form I-485), and other basic immigration documents since the September 23, 2003, C.R.C.P. 232.5(d)(3) agreement.

21. The respondent has admitted that he continued to charge fees for the selection and preparation of immigration forms after September 23, 2003, in the same or similar amount to those fees that he charged prior to September 23, 2003 for such services.

22. By continuing to prepare immigration forms on behalf of undisclosed others, the respondent engaged in the unauthorized practice of law in Colorado.

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; 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 25th of May 2005.



JAMES C. COYLE, #14970
Deputy Regulation Counsel
Attorney for Petitioner

Application to Replace Permanent Resident Card

START HERE - Please Type or Print

FOR INS USE ONLY

Part 1. Information about you.

Family Name CHAVEZ	Given Name JESUS	Middle Initial J
U.S. Mailing Address - C/O		
Street Number and Name 940 S. VALLEJO ST	Apt. #	
City DENVER		
State COLORADO	ZIP Code 80223	
Date of Birth (Month/Day/Year) 08/04/35	Country of Birth MEXICO	
Social Security # 524-69-6170	A # A091 792 543	

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Applicant Interviewed	

Part 2. Application type.

1. My status is: (check one)
- a. Permanent Resident - (Not a Commuter)
 - b. Permanent Resident - (Commuter)
 - c. Conditional Permanent Resident
2. Reason for application: (check one)
- I am a Permanent Resident or Conditional Permanent Resident and:
- a. my card was lost, stolen, or destroyed. I have attached a copy of an identity document.
 - b. my authorized card was never received. I have attached a copy of an identity document.
 - c. my card is mutilated. I have attached the mutilated card.
 - d. my card was issued with incorrect information because of INS administrative error. I have attached the incorrect card and evidence of the correct information.
 - e. my name or other biographic information has changed since the card was issued. I have attached my present card and evidence of the new information.
- I am a Permanent Resident and:
- f. my present card has an expiration date and it is expiring.
 - g. I have reached my 14th birthday since my card was issued. I have attached my present card.
 - h. 1. I have taken up Commuter status. I have attached my present card and evidence of my foreign residence.
 - h. 2. I was a Commuter and am now taking up residence in the U.S. I have attached my present card and evidence of my residence in the U.S.
 - i. my status has been automatically converted to permanent resident. I have attached my Temporary Status Document.
 - j. I have an old edition of the card.

Status as _____ Verified by _____

Class _____ Initials _____

FD-258 forwarded on _____

I-89 forwarded on _____

I-551 seen and returned _____ (Initials)

Photocopy of I-551 verified _____ (Initials)

Name _____ Date _____

Sticker # _____ (ten-digit number)

Action Block

Part 3. Processing information.

Mother's First Name FRANCISCA CHAVEZ	Father's First Name ENRIQUE CHAVEZ
City of Residence where you applied for an Immigrant Visa or Adjustment of Status DENVER	Consulate where Immigrant Visa was issued or INS office where status was Adjusted DEN
City/Town/Village of Birth CHIHUAHUA, MEX.	Date of Admission as an immigrant or Adjustment of Status 12/01/90

To Be Completed by Attorney or Representative, if any

Fill in box if G-28 is attached to represent the applicant

VOLAG# _____

ATTY State License # _____

Continued on back.

EXHIBIT

PETITIONER'S EXHIBIT

Part 3. Processing information (continued):

If you entered the U.S. with an Immigrant Visa, also complete the following:

Destination in U.S. at time
of Admission NO

Port of Entry where Admitted
to U.S.

Are you in deportation or exclusion proceedings? No Yes

Since you were granted permanent residence, have you ever filed Form I-407, Abandonment by Alien of Status as Lawful Permanent Resident, or otherwise been judged to have abandoned your status? No Yes

If you answer yes to any of the above questions, explain in detail on a separate piece of paper.

Part 4. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)


I certify under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature	Date	Daytime Phone Number
	02/16/05	303-487-7508

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you cannot be found eligible for the requested document and this application may be denied.

Part 5. Signature of person preparing form, if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date	Daytime Phone Number
	LUIS LOBO	02/16/05	

Name and Address of Business/Organization (if applicable)

303 937-3672 Office. 303 937-3673 Fax.

LUIS LOBO
NOTARIO PUBLICO



LOBO JEWELRY
1550 S. Federal Blvd. Suite K. Denver CO. 80219
E-mail: viva_lobo@hotmail.com

Inmigración
Taxes
Notario Publico
Aseguranzas
Ropa para toda ocasión
Vestidos para bodas y quinceañeras

4/27/05

SUPREME COURT, STATE OF COLORADO
CASE NO. 03UPL006
BEFORE THE UNAUTHORIZED PRACTICE OF LAW COMMITTEE

**AGREEMENT PURSUANT TO C.R.C.P. 232.5(d)(3) TO REFRAIN
FROM UNAUTHORIZED PRACTICE OF LAW**

THE UNAUTHORIZED PRACTICE OF LAW COMMITTEE,
COLORADO SUPREME COURT,

Petitioner,

v.

LUIS LOBO,

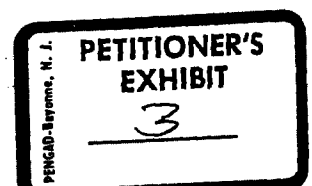
Respondent.

Now on this _____ day of July, 2003, Luis Lobo, the respondent, and the Unauthorized Practice of Law Committee, pursuant to C.R.C.P. 232.5(d)(3), enter into the following agreement requiring the respondent to refrain from the unauthorized practice of law. This agreement shall become effective when accepted by the Unauthorized Practice of Law Committee.

1. The respondent acknowledges and agrees to the following:

a. The respondent is not licensed as an attorney in the State of Colorado.

b. The Colorado Supreme Court and its Unauthorized Practice of Law Committee have exclusive jurisdiction to determine what constitutes the unauthorized practice of law in Colorado. 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 Denver Bar Ass'n v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964). In addition, preparation of legal documents for others by an unlicensed person, other than solely as a typist, is the unauthorized practice of law, UNLESS the Colorado Supreme Court has authorized such



action in a specific circumstance. *Title Guaranty v. Denver Bar Ass'n*, 135 Colo. 423, 312 P.2d 1011 (1957).

c. The respondent understands that these restrictions exist, regardless of whether a fee is accepted for the services rendered and even if the respondent discloses that he is not a Colorado attorney.

2. The respondent engaged in the unauthorized practice of law in Colorado by selecting and preparing notices of appeal on behalf of Maria V. Verdugo Sanchez and Gilberto M. Barreras-Galtelum, for filing with the U.S. Board of Immigration Appeals in Falls Church, Virginia. The respondent also engaged in the unauthorized practice of law by holding himself out as being able to provide assistance in immigration matters in a yellow pages advertisement.

3. The respondent specifically agrees to refrain from any further actions constituting the unauthorized practice of law in Colorado. In exchange, the Committee agrees not to take any further injunctive or other legal action on this matter under C.R.C.P. 228, *et. seq.*

4. The respondent agrees to pay costs made payable to the Colorado Supreme Court Office of Attorney Regulation Counsel in the sum of \$247.00 incurred in conjunction with this matter within thirty (30) days after the acceptance of the stipulation by the Unauthorized Practice of Law Committee.

5. The respondent agrees to pay restitution to Ms. Sanchez and Mr. Barreras-Galtelum in the amount of \$55.00 within thirty (30) days after the acceptance of the stipulation by the Unauthorized Practice of Law Committee.

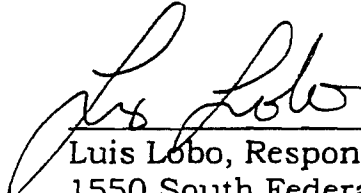
6. The respondent understands that any failure to comply with the terms of this agreement may subject him to civil injunction proceedings pursuant to C.R.C.P. 234-240. The respondent further understands that counsel for the Unauthorized Practice of Law Committee has the authority to investigate whether or not the respondent has fully complied with the terms of this agreement, including whether or not the respondent has stopped selecting and/or preparing immigration forms on behalf of clients, until and unless authorized and accredited by the Board of Immigration Appeals for any immigration work; and has stopped holding himself out as being able to provide assistance in immigration matters in any advertising, business cards and signage; and whether or not the respondent has paid costs and restitution.

7. The respondent understands that he has the right to consult with counsel of his choosing (at his own expense) before signing this agreement, and that he has had ample opportunity to do so.

8. The respondent affirms that he enters this agreement freely and voluntarily. No promises have been made to the respondent by any person or agency concerning this agreement. He understands that this written agreement constitutes the full agreement between the parties without outside promises, limits or qualifications. The respondent's acceptance of this agreement is completely voluntary.

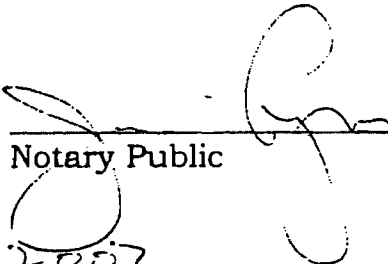
9. The respondent further understands that signing this agreement will not prevent or replace any civil or other proceedings that Ms. Sanchez or Mr. Barreras-Galtelum or others on their behalf may bring in the courts of Colorado, and also does not preclude any proceedings that other governmental agencies may bring pursuant to that agency's jurisdiction.

DATED this _____ day of July, 2003.



Luis Lobo, Respondent
1550 South Federal Boulevard
Denver, CO 80219
(303) 937-3672

Subscribed and sworn to before me this 23rd day of September
2003, by Luis Lobo, the respondent.

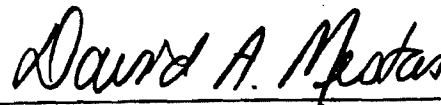


Notary Public

My commission expires: 6-10-2007

APPROVED AND ACCEPTED

UNAUTHORIZED PRACTICE OF LAW COMMITTEE
OF THE SUPREME COURT OF COLORADO

By: 

David A. Mestas
Chair



My Commission Expires 06/10/2007