

SUPREME COURT, STATE OF COLORADO TWO EAST 14 TH AVENUE DENVER, COLORADO 80203 UNAUTHORIZED PRACTICE OF LAW	CASE NO. 01SA342 RECEIVED
IN THE MATTER OF: RICHARD DURAN	MAR 04 2002 ATTORNEY REGULATION
ORDER OF COURT	

Upon consideration of the Motion to Proceed filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Motion shall be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that RICHARD DURAN is enjoined from engaging in the unauthorized practice of law and assessed costs and expenses as well as disgorgement of fees to his clients Silvia Solis and Aaron Arreola-Mora in the amount of \$3,935.00 plus statutory interest from August 1, 2000; to his clients Wendy Bermudez and Jose Roberto Bermudez-Figuero in the amount of \$2,100 from November 8, 2001; and to his client Martin Gaucin in the amount of \$610.00 plus statutory interest from November 8, 2001.

BY THE COURT, MARCH 4, 2002.



Supreme Court
 State of Colorado
 Certified to be a full, true and correct copy

MAR - 4 2002

Court Seal
 MAQV. SANFORD
 Clerk of the Supreme Court
 By: *[Signature]*
 Clerk

cc:

James Coyle
Assistant Regulation Counsel

Hon. Roger Keithley
Presiding Disciplinary Judge

Richard Duran
153 Fairplay
Broomfield, CO 80020

Steven Louth
745 Walnut St.
Boulder, Co 80302

SUPREME COURT, STATE OF COLORADO
ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
RICHARD DURAN

James C. Coyle # 14970
Assistant Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202

Phone Number: (303) 893-8121, ext. 328
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▲ COURT USE ONLY ▲

Case Number:
01SA 342

PETITION FOR INJUNCTION

Petitioner, by and through James C. Coyle, Assistant Regulation Counsel, respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show cause why he should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Richard Duran, is not licensed to practice law in the state of Colorado. The respondent's address is 153 Fairplay, Broomfield, CO 80020.

THE SOLIS MATTER

2. In the summer of 2000, Silvia Solis and Aaron Arreola-Mora saw an advertisement by this respondent on spanish speaking television (channel 50). Ms. Solis and Mr. Arreola-Mora made an appointment to meet with the respondent.

3. Ms. Solis and Mr. Arreola-Mora met with the respondent at the respondent's home. They relayed that they were anxious to obtain legal alien status in the United States and would then like to purchase a home. The

respondent represented that he was an immigration attorney. The impression was made that the respondent either worked directly for the Immigration and Naturalization Service or had inside ties with INS.

4. The respondent provided Ms. Solis and Mr. Arreola-Mora legal advice regarding immigration law, and promised that he would get them work permits, green cards and social security numbers. The respondent also gave them legal advice on real estate loans and other real estate matters. The respondent was not a licensed real estate broker at the time he gave legal advice on real estate matters (on May 2, 2000, the respondent's real estate broker license had been revoked by the Colorado Real Estate Commission). The respondent required that Ms. Solis and Mr. Arreola-Mora pay in cash. They paid a total of \$3,335 in cash as evidenced by receipts and signed over a \$600 check to this respondent.

5. Subsequently, Ms. Solis and Mr. Arreola-Mora learned that the advice that this respondent provided them was grossly inaccurate. When Ms. Solis and Mr. Arreola-Mora confronted the respondent with this information, the respondent told them that they were wrong. The clients asked that their paperwork be returned and that their money be refunded. The respondent refused to do the same.

6. The respondent also had accompanied Ms. Solis and Mr. Arreola-Mora to Well Fargo Bank and assisted them in a loan application. The loan application was denied. Nevertheless, the respondent attempted to charge these clients an additional \$3000 for this alleged assistance.

7. When Ms. Solis and Mr. Arreola-Mora attempted to get their money back on the retainer for immigration issues, the respondent tried to intimidate them. The respondent called Ms. Solis' employer and misrepresented that he was a loan officer and that her social security number was a bad number and that she needed to be reported to immigration. The respondent further threatened Ms. Solis and Mr. Arreola-Mora with criminal prosecution for fraud and with threats of deportation.

8. Ms. Solis filed a request for investigation with the Office of Attorney Regulation Counsel in January, 2001. The respondent responded on January 29, 2001, and alleged that he had "received twenty-three harassing phone calls expressing that my home will be torched and to expect bodily harem (sic); that the clients had been reported to the social security department-division of freud (sic), the Immigration and Naturalization Service, and the Broomfield Police Department."

9. Subsequently, the respondent filed a verified complaint for restraining

order with the Boulder County Court. When the matter came to trial on the restraining order, Boulder County Court Judge Thomas Reed dismissed the restraining order and admonished this respondent for abusing the court process with his unsupported allegations against these individuals.

10. Ms. Solis and Mr. Arreola-Mora were required to obtain the services of an attorney, Gabriela Gergely, to represent them in the two restraining order actions as well as in subsequent immigration law matters.

WHEREFORE, the petitioner prays at the conclusion herein.

THE BERMUDEZ MATTER

11. Wendy Maribel Bermudez and Jose Roberto Bermudez-Figuero were told by friends that respondent was an attorney who works with the Immigration and Naturalization Service and helps people privately, and that he could get them a social security card and green card. The respondent provided legal advice to this couple and received \$2,100 in cash from them (this couple also has receipts for their cash payments). The respondent then did little else on behalf of the couple and then attempted to charge them more money for "additional" services.

12. When Ms. Bermudez and Mr. Bermudez-Figuero asked for their money back, the respondent tried to intimidate them. The respondent filed a verified complaint for restraining order with the Boulder County Court. When the matter came to trial on the restraining order, Judge Thomas Reed dismissed the restraining order and admonished this respondent for abusing the court process with his unsupported allegations against these individuals.

13. Wendy and Jose Bernumdez were also required to obtain the services of an attorney, Gabriela Gergely, to represent them in the restraining order action.

WHEREFORE, the petitioner prays at the conclusion hereof.

THE GAUCIN MATTER

14. Martin Gaucin heard the respondent speak at a presentation at Palabra de Vida church. The respondent had provided handouts and business cards to everyone and spoke on immigration matters.

15. Mr. Gaucin paid the respondent \$500 plus an additional \$110 (allegedly for fingerprints) to assist Mr. Gaucin in preparing his application for residency. Present during the initial meeting were Mr. Gaucin, the respondent,

a woman named Sylvia, and the respondent's mother. The respondent provided legal advice to Mr. Gaucin during that initial meeting.

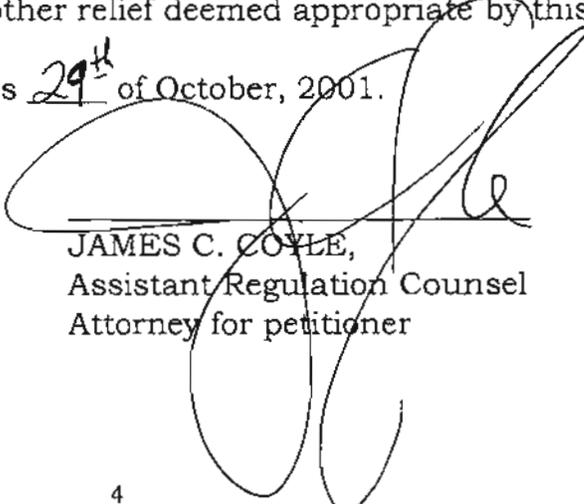
16. The respondent did nothing further on Mr. Gaucin's behalf. Mr. Gaucin has not received a refund.

17. Subsequently, Mr. Gaucin received a phone call from the respondent's mother, threatening that she would turn them into immigration if they reported her son to the police.

18. The respondent engaged in a predatory practice of soliciting prospective and very vulnerable clients for immigration law services. The respondent held himself out as an attorney and provided horrible legal advice to these clients. When the clients complained, the respondent attempted to have them criminally charged, civilly restrained and/or deported. The respondent's conduct in holding himself out as an attorney and in providing legal advice and his attempts at legal representation constitute the unauthorized practice of law (The unauthorized practice of law includes acting 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 Association v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964)).

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why he 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 29th of October, 2001.



JAMES C. COYLE,
Assistant Regulation Counsel
Attorney for petitioner