

SUPREME COURT, STATE OF COLORADO TWO EAST 14 <sup>TH</sup> AVENUE DENVER, COLORADO 80203  ORIGINAL PROCEEDING IN CONTEMPT, 03UPL076	CASE NO. 04SA88  <b>RECEIVED</b>  <b>JAN 19 2005</b>		
<table> <tr> <td data-bbox="147 428 1118 800"> <b>Petitioner:</b>            THE PEOPLE OF THE STATE OF COLORADO,             v.   <b>Respondent:</b>            LARRY A. GOETZ         </td> <td data-bbox="1118 428 1455 800"> <b>REGULATION COUNSEL</b>  <i>JK</i>  <i>1/19</i> </td> </tr> </table>		<b>Petitioner:</b> THE PEOPLE OF THE STATE OF COLORADO,  v.  <b>Respondent:</b> LARRY A. GOETZ	<b>REGULATION COUNSEL</b> <i>JK</i> <i>1/19</i>
<b>Petitioner:</b> THE PEOPLE OF THE STATE OF COLORADO,  v.  <b>Respondent:</b> LARRY A. GOETZ	<b>REGULATION COUNSEL</b> <i>JK</i> <i>1/19</i>		
<b>ORDER OF COURT</b>			

Upon consideration of the Presiding Disciplinary Judge's Report Re: Contempt Pursuant to C.R.C.P. 238-239 filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Court finds the Respondent is Guilty of Contempt of the Court's Order of March 29, 2002.

IT IS FURTHER ORDERED that the Respondent be fined \$3,000.00 within thirty (30) days of the Supreme Court's Order of contempt, Respondent should pay \$1,500.00 to the Colorado Supreme Court Attorney Regulation Office. Respondent shall pay the remaining amount, \$1,500.00 in ten monthly installments of \$150.00 starting sixty (60) days after the Supreme Court's order of contempt.

IT IS FURTHER ORDERED that within thirty (30) days of the Supreme Court's order of contempt, Respondent shall refund \$250.00, plus statutory interest accruing from July 03, 2003, to Robert Trujillo and Rita Charging Thunder, and \$200.00, plus

statutory interest accruing from July 29, 2003, to date of payment, to Lisa Whitfield.

IT IS FURTHER ORDERED that within sixty (60) days of the Supreme Court's order of contempt, Respondent shall pay the costs of this proceeding in the amount of \$170.22 to the Colorado Supreme Court Attorney Regulation Offices.

BY THE COURT, JANUARY 19, 2005



Copies mailed via the State's Mail Services Division on 01/19/05 HOP

James Coyle  
Deputy Regulation Counsel

Hon. William Lucero  
Presiding Disciplinary Judge

Russell J. Heberts  
Fossum, Mastro, Barnes &  
Stazzone  
1660 S. Albion St., Suite 220  
Denver, CO 80222

<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO</p> <p style="text-align: center;">ORIGINAL PROCEEDING IN CONTEMPT BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 600 17<sup>TH</sup> STREET, SUITE 510-S DENVER, CO 80202</p>	<p style="text-align: center;"><b>RECEIVED</b></p> <p style="text-align: center;">DEC 13 2004 REGULATION COUNSEL</p> <p style="text-align: right;">JC 12/13</p>
<p><b>Petitioner:</b> THE PEOPLE OF THE STATE OF COLORADO,</p> <p><b>Respondent:</b> LARRY A. GOETZ.</p>	<p>Case Number: <b>04SA088</b></p>
<p><b>REPORT RE: CONTEMPT PURSUANT TO C.R.C.P. 238-239</b></p>	

On June 29, 2004, the Colorado Supreme Court ("Court") ordered the Presiding Disciplinary Judge ("PDJ") to act as a Hearing Master in this contempt matter and provide the Court with a report providing findings of fact, conclusions of law, and recommendations for punishment.

On October 15, 2004, the Parties filed a Stipulation, Agreement and Affidavit Consenting to a Finding of Contempt under C.R.C.P. 238-239 ("Stipulation"). The Stipulation (Exhibit A) is attached and incorporated by reference. In the Stipulation, Respondent admits that he should be found in contempt of the Supreme Court's March 29, 2002 order enjoining him from the unauthorized practice of law.

On October 26, 2004, Respondent filed an Addendum To Stipulation, Agreement and Affidavit Consenting to a Finding of, and Order Regarding Contempt: Statement In Mitigation ("Addendum") (Exhibit B).

This is not the first time Respondent has willfully disregarded the Supreme Court's Order to refrain from the unauthorized practice of law. Nevertheless, the PDJ recommends that the Court accept this stipulation and the punishment set forth in it. If approved, the stipulation requires Respondent to refund the money he took from clients, pay the costs of these proceedings, and pay a fine of \$3,000.00. While Respondent has not heeded the Supreme Court's order in the past, a fine of \$3,000 should deter him from violating the Court's order in the future. Further, because Respondent suffers from health problems, as outlined in the Parties' statement of mitigation, the People do not recommend a jail sentence at this time.

After reviewing the stipulation and the Petition in this matter, the PDJ FINDS and CONCLUDES as follows:

**FINDINGS AND CONCLUSIONS OF LAW**

1. On March 22, 2002, Respondent, Larry A. Goetz ("Respondent"), stipulated to an order enjoining him from the unauthorized practice of law. This followed Goetz's admission that he had provided legal advice and legal forms to a client, Billie Jay Craig.
2. On March 29, 2002, the Colorado Supreme Court found Respondent engaged in the unauthorized practice of law by providing advice and these legal forms to Billie Jay Craig. On March 29, 2002, the Court entered an order enjoining Goetz from further engaging in the unauthorized practice of law. Goetz received notice of this order.
3. In November 2002, Goetz prepared a revised petition for bankruptcy for Marshall J. Martin and charged him \$175.00 for these services. Goetz agrees he violated the Court's March 29, 2002 order enjoining him from the unauthorized practice of law by providing these services to Marshall J. Martin.
4. On June 10, 2003, after considering the Martin matter, the Court found Goetz in contempt of court, fined him \$250.00, and ordered him to pay costs of \$98.00 and refund \$175.00 to Mr. Martin.
5. On August 3, 2003 Goetz filed a document in the Bankruptcy Court showing he received \$250.00 from Robert Trujillo and Rita Charging Thunder for preparing their bankruptcy petition. While preparing the bankruptcy petition for Trujillo and Charging Thunder, Goetz gave them legal advice.
6. On August 29, 2003, Goetz filed a document in the Bankruptcy Court showing he received \$200.00 from Lisa Whitfield for preparing bankruptcy documents for her bankruptcy petition. While preparing the bankruptcy petition for Whitfield, Goetz gave her legal advice.
8. Goetz was not authorized by any court, statute, rule, or regulation to prepare these bankruptcy petitions or to provide legal advice as described in paragraphs 5 and 6 above.
9. Goetz stipulates that when he prepared the two bankruptcy documents described above, he did so knowingly. Further he stipulates that he willfully refused to abide by the Court's order of

March 29, 2002 enjoining him from engaging in the unauthorized practice of law.

10. By willfully refusing to follow the Court's order of March 29, 2002, Goetz is again in contempt of the Colorado Supreme Court's order.
11. The Parties stipulate that Petitioner will dismiss with prejudice two claims in the Petition concerning Wendy Thompson and Trisha Blanco. These claims concern the allegations that Respondent's son engaged in the unauthorized practice of law, not Respondent.
12. The Parties further stipulate that Petitioner will dismiss without prejudice matters concerning Debbie Sexton and Eric and Lucinda Macia. These claims are still be investigated but also appear to concern Respondent's son, not Respondent.

**RECOMMENDATION:**

Based upon the PDJ's findings and conclusions, the PDJ RECOMMENDS:

1. The Colorado Supreme Court enter an order finding Respondent in contempt of its March 29, 2002 order.
2. Respondent be fined \$3,000. Within thirty days of the Supreme Court's order of contempt, Respondent should pay \$1,500.00 to the Colorado Supreme Court Attorney Regulation Office. Respondent shall pay the remaining amount, \$1,500.00, in ten monthly installments of \$150.00 starting sixty days after the Supreme Court's order of contempt.
3. Within thirty days of the Supreme Court's order of contempt, Respondent shall refund \$250.00, plus statutory interest accruing from July 3, 2003, to Robert Trujillo and Rita Charging Thunder, and \$200.00, plus statutory interest accruing from July 29, 2003, to date of payment, to Lisa Whitfield.
4. Within sixty days of the Supreme Court's order of contempt, Respondent shall pay the costs of this proceeding in the amount of \$170.22 to the Colorado Supreme Court Attorney Regulation Offices.

DATED THIS 10<sup>TH</sup> DAY OF DECEMBER 2004.



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WILLIAM R. LUCERO  
PRESIDING DISCIPLINARY JUDGE

Copies to:

James C. Coyle                      Via Hand Delivery  
Office of Attorney Regulation Counsel

Russell Hebets                      Via First Class Mail  
Respondent's Counsel

Susan Festag                      Via Hand Delivery  
Colorado Supreme Court

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN CONTEMPT  
BEFORE THE PRESIDING DISCIPLINARY JUDGE  
ACTING AS HEARING MASTER  
600 17<sup>th</sup> Street, Suite 510-South  
Denver, Colorado 80202

Petitioner:  
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:  
LARRY A. GOETZ

James C. Coyle # 14970  
Deputy Regulation Counsel  
Attorney for Petitioner  
600 17<sup>th</sup> Street, Suite 200-South  
Denver, CO 80202  
Phone Number: (303) 893-8121, ext. 328  
Fax Number: (303) 893-5302

Russell Hebets, #32029  
Fossum Mastro Barnes & Stazzone PC  
1660 S. Albion St., Suite 220  
Denver, CO 80222  
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Fax Number: (303) 757-4452

**FILED**

OCT 15 2004

PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number: 04SA0088

**STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO A FINDING  
OF, AND ORDER REGARDING, CONTEMPT**

On this 6<sup>th</sup> day of October, 2004, James C. Coyle, Deputy Regulation Counsel, and Larry A. Goetz, the respondent, by and through his attorney Russell Hebets, enter into the following stipulation, agreement, and affidavit consenting to a finding of, and order regarding, contempt ("stipulation"); and submit the same to the Presiding Disciplinary Judge for findings of fact and a recommendation of contempt pursuant to C.R.C.P. 238-239.

1. The respondent's mailing address is P.O. Box 29227, Thornton, Colorado 80229. The respondent's home address is 1500 West Thornton Parkway, #81, Thornton, CO 80260. 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

**EXHIBIT A**

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 contempt. 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 contempt beyond a reasonable doubt. 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:

The March 29, 2002 Order of Injunction

a. On March 22, 2002, the respondent entered into a stipulation, agreement and affidavit consenting to an order of injunction. The respondent recognized in said stipulation that he had provided legal advice and selected and prepared legal forms on behalf of client Billie Jay Craig.

b. On March 29, 2002, the Colorado Supreme Court found that the respondent had engaged in the unauthorized practice of law in Colorado by the above-described conduct, and therefore enjoined the respondent from any further acts of unauthorized practice of law. The respondent was provided a copy of the March 29, 2002, order of injunction. The respondent has acknowledged receiving a copy of the March 29, 2002, order of injunction.

c. The respondent had no reason why he could not have abided by the March 29, 2002, order of injunction. In fact, the respondent had previously stated that he was in the process of shutting down his business, and would no longer select or prepare legal documents on behalf of others.

The June 10, 2003 Order of Contempt

d. Subsequently, and in November 2002, former client Marshall J. Martin approached the respondent and asked the respondent to revise a voluntary petition for bankruptcy that the respondent had previously prepared in January 2002. The respondent agreed to prepare the revised petition for bankruptcy, and charged Mr. Martin \$175 for such services.



By preparing the revised petition, and inherently providing legal advice to Mr. Martin, the respondent engaged in another act of unauthorized practice of law, in direct violation of the March 29, 2002, order of injunction.

e. On May 21, 2003, the respondent stipulated that his conduct in Mr. Martin's bankruptcy established contempt of the March 29, 2002, order of injunction.

f. As a result, and on June 10, 2003, the Colorado Supreme Court found the respondent in contempt of court, fined him \$250.00, ordered him to pay costs of \$98.00, and ordered him to refund Mr. Martin \$175.00.

#### Subsequent Contemptuous Conduct

g. Following the court's June 10, 2003, order of contempt, the respondent engaged in two additional willful violations of the March 29, 2002, order of injunction. These two matters are described below:

1. The respondent prepared bankruptcy documents on behalf of Robert Trujillo and Rita Charging Thunder in the U.S. Bankruptcy Court, District of Colorado, case number 03-25048 SVB. The respondent inherently provided legal advice by preparing such documents. The respondent also filed a written "disclosure of compensation of bankruptcy petition preparer" in this matter, acknowledging that he received \$275.00 for such work. The respondent signed such disclosure on July 3, 2003. The disclosure was filed with the U.S. Bankruptcy Court on August 3, 2003.

2. The respondent prepared bankruptcy documents on behalf of Lisa Whitfield in U.S. Bankruptcy Court, District of Colorado, case number 03-27167 EEB. The respondent received \$200.00 from Ms. Whitfield. The respondent also provided legal advice to her. The respondent acknowledged the \$200.00 payment in a written "disclosure of compensation of bankruptcy petition preparer" dated July 29, 2003, and filed with the U.S. Bankruptcy Court on August 29, 2003.

h. The respondent was not authorized by any court, statute, rule or regulation to prepare bankruptcy documents on behalf of others. The respondent also was not authorized to provide legal advice on these bankruptcy issues.

i. The above-described conduct by the respondent constitutes the unauthorized practice of law in Colorado.

j. The respondent knew at the time he engaged in these two instances of unauthorized practice of law that such conduct was the practice of law, and that he was not authorized by statute, case law or other legal authority to engage in such conduct.

k. The respondent also knew that he had been enjoined by the Colorado Supreme Court from engaging in further acts of unauthorized practice of law at the time he engaged in the above-described acts, and had previously been found in contempt on a prior matter.

l. The respondent also had the ability to comply with the order of injunction, but instead willfully refused to abide by the order of injunction as described hereinabove.

m. The above-described conduct of the respondent constitutes willful contempt of the Colorado Supreme Court's March 29, 2002, order of injunction.

n. The respondent acknowledges that his pattern and practice of willful violations of the Court's order of injunction is an affront to the dignity of this Court and represents an immediate threat to the public.

o. As part of this stipulation, petitioner moves to dismiss, with prejudice, the two claims contained in the petition for injunction that concern Wendy Thompson and Trisha Blanco (*see* petition for injunction, subparagraphs 6 (b) and (d)). Further investigation has led petitioner to conclude that the respondent's son, Larry Goetz, Jr. ("Lance"), and not this respondent, assisted these two clients.

p. Petitioner also moves to dismiss, without prejudice, the two claims contained in the petition that concern Debbie Sexton and Eric and Lucinda Macia (*see* petition for injunction, subparagraphs 6(e) and (f)). These former clients cannot be located at this time. In the event these clients are located, and disclose that this respondent selected or prepared their bankruptcy documents and therefore inherently provided legal advice to them, the respondent understands that petitioner can re-file contempt charges concerning these matters.

5. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$170.22, incurred in conjunction with this matter, within sixty (60) days after the acceptance of the stipulation by the Colorado Supreme Court. A copy of the statement of costs in this matter is attached as Exhibit 1.

**RECOMMENDATION FOR AND CONSENT TO ORDER OF CONTEMPT**

Based on the foregoing, the parties ask that the Presiding Disciplinary Judge recommend that an order of contempt be entered, finding the respondent in contempt of the March 29, 2002, order of injunction for the second and third time; that the respondent be fined \$3,000.00 for these two instances of contempt, with \$1,500.00 payable to the Colorado Supreme Court Attorney Regulation Offices within thirty (30) days after acceptance of the stipulation by the Colorado Supreme Court and \$150.00 per month for the ten months following; that the respondent be ordered to refund \$275.00, plus statutory interest accruing from July 3, 2003, to Robert Trujillo and Rita Charging Thunder, and \$200.00, plus statutory interest accruing from July 29, 2003, to date of payment, to Lisa Whitfield, within thirty (30) days after acceptance of the stipulation by the Colorado Supreme Court; and that the respondent be ordered to pay the costs of this proceeding in the amount of \$170.22 within sixty (60) days after acceptance of the Stipulation by the Colorado Supreme Court.

Larry A. Goetz, the respondent, by and through his attorney Russell Hebets, and the petitioner's attorney, James C. Coyle, acknowledge by signing this document that they have read and reviewed the above.

Larry A. Goetz  
Larry A. Goetz, Respondent  
P.O. Box 29227  
Thornton, Colorado 80229  
Phone Number: (303) 650-6462

STATE OF COLORADO )  
COUNTY OF Denver ) ss.

Subscribed and sworn to before me this 10th day of October, 2004, by  
Larry A. Goetz, respondent.



Witness my hand and official seal.

My commission expires: 09/27/07 My Commission Expires \_\_\_\_\_

Patricia L. Lindquist  
Notary Public

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

Russell Hebets  
Russell Hebets, #32029  
Fossum Mastro Barnes &  
Stazzone PC  
1660 S. Albion St., Suite 220  
Denver, CO 80222  
Phone Number: (303) 757-4971  
Attorney for Respondent

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN CONTEMPT BEFORE THE PRESIDING DISCIPLINARY JUDGE ACTING AS HEARING MASTER 600 17<sup>th</sup> St., Suite 510-South Denver, Colorado 80202</p>	<p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">OCT 26 2004</p> <p style="text-align: center;">PRESIDING DISCIPLINARY JUDGE SUPREME COURT OF COLORADO</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p style="text-align: center;">Case Number: 04SA0088</p>
<p><b>Plaintiff:</b> THE PEOPLE OF THE STATE OF COLORADO</p> <p><b>Respondent:</b> LARRY GOETZ</p>	
<p>RUSSELL J. HEBETS #32029 Fossum, Mastro &amp; Barnes P.C. 1660 S. Albion Street, Suite 220 Denver, CO 80222 Phone: (303) 757-4971 Fax: (303) 757-4452 E-mail: FMB1660@yahoo.com</p>	
<p style="text-align: center;"><b>ADDENDUM TO STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO A FINDING OF, AND ORDER REGARDING, CONTEMPT: STATEMENT IN MITIGATION</b></p>	

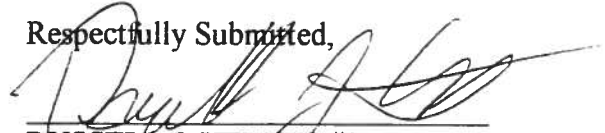
On the 6<sup>th</sup> day of October, 2004, Larry A. Goetz, the respondent, by and through his attorney Russell Hebets, and James C. Coyle, Deputy Regulation Counsel, entered into a stipulation, agreement, and affidavit consenting to a finding of, and order regarding, contempt ("stipulation"); and submitted the same to the Presiding Disciplinary Judge for finding of fact and a recommendation of contempt pursuant to C.R.C.P. 238-239. The following is a statement in mitigation as an addendum to said stipulation:

1. The respondent suffers from multiple medical issues which would make it impracticable for the respondent to maintain his health while incarcerated. These medical issues include but are not limited to arthritis, chronic back pain, mild vascular disease, emphysema, and prostatic disease. Respondent takes nightly oxygen for 12 hours daily. In addition to oxygen, respondent takes daily medication including but not limited to Naproxin, Vicodin, and Hytin for his various ailments. As a result of his medical conditions respondent cannot walk or stand for extended periods of time exceeding 15 minutes.
2. Respondent has limited financial resources. Currently, his sole income is social security income in the net amount of \$680 per month. While he has

**EXHIBIT B**

savings to pay the initial stipulated fine of \$1500, this amount constitutes the large majority of his savings. The additional \$150 per month for the 10 months following will be a manageable but significant burden on respondent and will have a strong corresponding deterrent effect on future misconduct.

Respectfully Submitted,



RUSSELL J. HEBETS #32029

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Stazzone, P.C.

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Phone number: (303) 757-4971

Attorney for Respondent