

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW
04UPL044

CASE NO. 04SA394

RECEIVED
DEC 21 2004
REGULATION
COUNSEL

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

LOURDES DELGADO.

ORDER OF INJUNCTION

Upon consideration of the Unopposed Petition for Injunction filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Respondent LOURDES DELGADO shall be, and the same hereby is ENJOINED from further engaging in the unauthorized practice of law.

BY THE COURT, DECEMBER 21, 2004.



Copies mailed via the State's Mail Service Division on 12-21-04 LK

James C. Coyle
Deputy Regulation Counsel

Philip A. Cherner, Esq.
789 Sherman Street, #660
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

vs.

Respondent:
LOURDES DELGADO

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

Phone Number: (303) 866-6400, ext. 6435
Fax Number: (303) 893-5302

▲ COURT USE ONLY ▲

Case Number: 04UPL044

UNOPPOSED PETITION FOR INJUNCTION

Petitioner, by and through James C. Coyle, Deputy Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a),¹ respectfully requests that the Colorado Supreme Court accept the attached stipulation and enter an order of injunction against this respondent. As grounds therefor, counsel states as follows:

1. The respondent, Lourdes Delgado, is not licensed to practice law in the state of Colorado. The respondent's last known business address is P.O. Box 33753, Northglenn, Colorado 80233.

2. Oleksandra Voloshchuk-Tsirlin is a citizen of the Ukraine. She had registered for the diversity visa program with U.S. Immigration authorities and was informed that she had been chosen to apply for permanent resident status.

¹ The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on December 10, 2004.

3. At the end of May 2002, Ms. Voloshchuk-Tsirlin visited the respondent and asked for her advice on how to proceed under the diversity visa program. The respondent provided legal advice on the permanent resident process and the diversity visa program. The respondent took copies of all Ms. Voloshchuk-Tsirlin's immigration documents and prepared application forms for Ms. Voloshchuk-Tsirlin.

4. A meeting was scheduled for June 11, 2002, with immigration authorities. The application was filed at that time.

5. Subsequently, Ms. Voloshchuk-Tsirlin's application was denied.

6. The respondent stated she would handle Ms. Voloshchuk-Tsirlin's appeal. The respondent prepared a letter to reopen the case.

7. The request to reopen was denied in August 2003.

8. Ms. Voloshchuk-Tsirlin was put in removal proceedings on September 18, 2003.

9. The respondent received \$1,700.00 from Ms. Voloshchuk-Tsirlin for immigration consulting services. On December 1, 2004, the respondent refunded Ms. Voloshchuk-Tsirlin the \$1,700.00 plus statutory interest for a total of \$1,994.66.

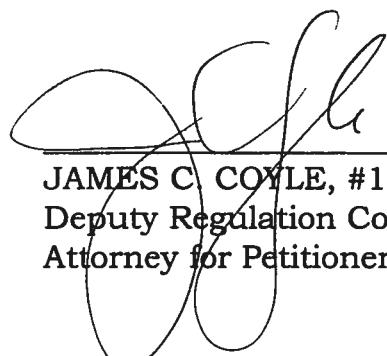
10. The respondent engaged in the unauthorized practice of law in Colorado when she provided legal advice to Ms. Voloshchuk-Tsirlin in an immigration matter. *See Denver Bar Association v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964). The respondent does not fall within any of the statutory or case law exceptions.

11. The respondent has acknowledged that her conduct constitutes the unauthorized practice of law, and has entered into a stipulation, agreement and conditional admission of misconduct regarding the same. *See* original Stipulation, Agreement and Affidavit Consenting to an Order of Injunction dated October 5, 2004, attached hereto as Exhibit 1.

12. Pursuant to the recommendation for and consent to order of injunction that is contained on the third page of Exhibit 1, the parties thus recommend that the Colorado Supreme Court enter an order enjoining the respondent from the unauthorized practice of law. The parties submit that the respondent has already complied with requirements to pay costs and to refund fees paid.

WHEREFORE, the parties hereto recommend that an order of injunction be entered against this respondent, enjoining the respondent from the unauthorized practice of law.

Respectfully submitted this 16th of December, 2004.

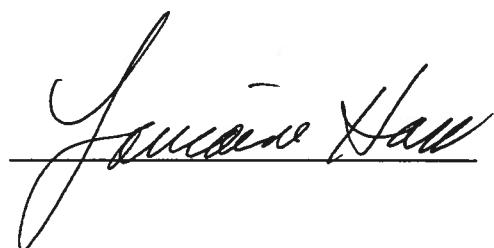


JAMES C. COYLE, #14970
Deputy Regulation Counsel
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing **UNOPPOSED PETITION FOR INJUNCTION** was placed in the United States mail, postage prepaid, this 16th day of December, and addressed to:

Philip A. Cherner, Esq.
789 Sherman Street, #660
Denver, CO 80203



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

ORIGINAL PROCEEDING IN UNAUTHORIZED
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Petitioner:
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Phil Cherner, #06901
Attorney for Respondent
789 Sherman Street, #660
Denver, CO 80203
Telephone: (303) 860-7686

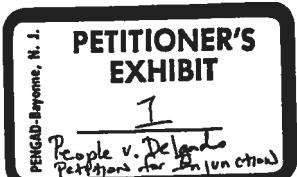
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Case Number:

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

On this 5 day of October, 2004, James C. Coyle, Deputy Regulation Counsel, and Lourdes Delgado, the respondent, by and through her attorney Philip Cherner, 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's mailing address is P.O. Box 33753, Northglenn, Colorado 80233. 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. 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. On April 25, 2000, the respondent entered into an agreement with the Colorado Supreme Court's Unauthorized Practice of Law Committee, whereby she agreed that she had engaged in the unauthorized practice of law by giving legal advice to Charles Hendricks and another individual during a meeting; and further agreed that she would refrain from any further actions constituting unauthorized practice of law, whether for Mr. Hendricks or for any other party in any other legal matter in Colorado.
- b. In 2002-2003, Ms. Delgado again engaged in the unauthorized practice of law in Colorado when she provided legal advice to Ms. Oleksandra Voloshchuk-Tsirlin, and assisted Ms. Voloshchuck-Tsirlin in an immigration matter. The respondent received \$1,700.00 from Ms. Voloshchuk-Tsirlin for such legal assistance.

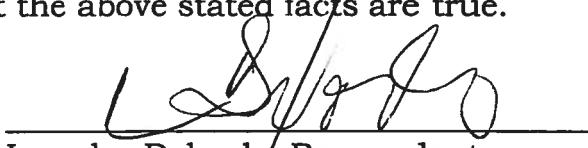
5. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$91.00 incurred in conjunction with this matter within thirty (30) days after the acceptance of the stipulation by the Colorado Supreme Court.

6. The respondent further agrees to refund Ms. Voloshchuk-Tsirlin \$1,700.00 plus statutory interest accrued from September 30, 2002, within sixty (60) days of signing this stipulation.

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, requiring that the respondent pay costs in the amount of \$91.00 within thirty (30) days, and refund Ms. Voloshchuk-Tsirlin \$1,700.00 plus statutory interest from September 30, 2002, within sixty (60) days.

Lourdes Delgado, the respondent; Phil Cherner, attorney for the respondent; and James C. Coyle, attorney for petitioner, acknowledge by signing this document that they have read and reviewed the above. Ms. Delgado also affirms under oath that the above stated facts are true.



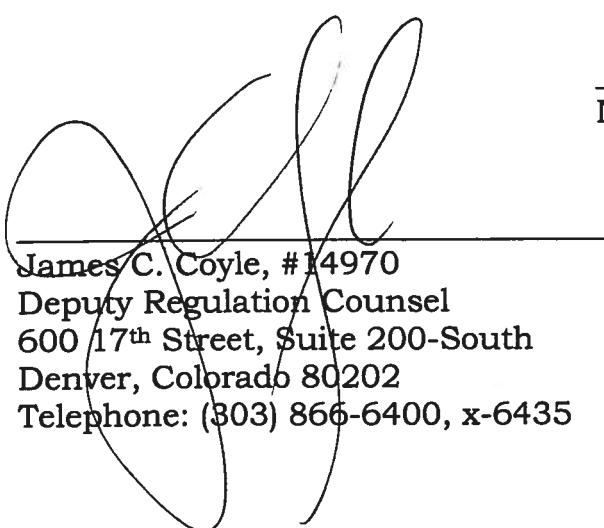
Lourdes Delgado, Respondent
P.O. Box 33753
Northglenn, CO 80233
Telephone: (303) 570-2735

STATE OF COLORADO
COUNTY OF

Subscribed and sworn to before me this 5 day of October, 2004,
by Lourdes Deglado, respondent.

Witness my hand and official seal.

My commission expires: 10/83/07.



James C. Coyle, #14970
Deputy Regulation Counsel
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Denver, Colorado 80202
Telephone: (303) 866-6400, x-6435

Notary Public



Philip A. Cherner, #06901
Attorney for Respondent
789 Sherman Street, #660
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Telephone: (303) 860-7686

Attorney for Petitioner

Attorney for Respondent