

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	RECEIVED AUG 26 2010 ATTORNEY REGULATION
Original Proceeding in Unauthorized Practice of Law 09UPL101	
Petitioner: The People of the State of Colorado, v. Respondents: Terry D. Dowling and Estate Planning Specialists, Inc.	Supreme Court Case No: 2010SA154
ORDER OF COURT	

Upon consideration of the Report of Hearing Master Pursuant to C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Recommendation of the Presiding Disciplinary Judge shall be, and the same hereby is, APPROVED.

IT IS FURTHER ORDERED that costs are assessed in the amount of \$165.00. Said costs are to be paid to the Office of Attorney Regulation Counsel within (30) thirty days from the date of this order.

IT IS FURTHER ORDERED that Restitution is Ordered in the amount of \$500.00 payable to each of the customers outlined in paragraph 9 of the stipulation.

BY THE COURT, AUGUST 25, 2010.



Case Number: 2010SA154

Caption: People v Dowling, Terry

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on August 25, 2010. *HASC*

Estate Planning Specialists, Inc.
697 27 1/2 Court
Grand Juncti, CO 81506

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

Terry D Dowling
697 27 1/2 Court
Grand Juncti, CO 81506

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202	RECEIVED AUG 1 8 2010 ATTORNEY REGULATION
Petitioner: THE PEOPLE OF THE STATE OF COLORADO,	Case Number: 10SA154
Respondents: TERRY D. DOWLING and ESTATE PLANNING SPECIALISTS, INC.	
REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)	

This matter is before the Presiding Disciplinary Judge ("PDJ") on an "Order of Court" issued by the Colorado Supreme Court ("Supreme Court") on July 7, 2010. In its order, the Supreme Court enjoined Terry D. Dowling and Estate Planning Specialists, Inc. ("Respondents") from the unauthorized practice of law and referred the matter to the PDJ "to determine the facts and to make recommendations as to restitution, fines and cost."

I. PROCEDURAL HISTORY

Respondents did not participate in the proceedings before the Supreme Court.¹ Therefore, on July 26, 2010, the PDJ ordered Kim E. Ikeler, Office of Attorney Regulation Counsel ("the People"), to file a motion detailing their requested recommendations on restitution, fines, and costs with supporting documentation on or before August 27, 2010. The PDJ also gave Respondents the opportunity to file a response to the motion within fifteen days of the filing date of the motion.

However, on August 5, 2010, the parties filed a "Stipulation, Agreement and Affidavit Consenting to Findings and Recommendations to be made by the Presiding Disciplinary Judge." In the stipulation, Respondents acknowledged receipt of a copy of the Supreme Court's order enjoining them from the unauthorized practice of law.² They also agreed to pay costs in the amount of

¹ The People filed a "Proof of Service" with the Supreme Court on June 2, 2010, and "Petitioner's Second Proof of Service" on June 8, 2010.

² Respondent Estate Planning Specialists no longer operates; it is listed as a "delinquent" corporation with the Colorado Secretary of State. Respondent Dowling, through Respondent Estate Planning Services, sold Revocable Living Trusts to Colorado residents.

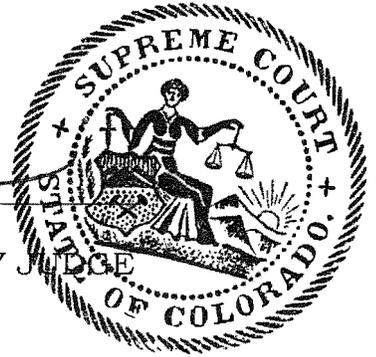
\$165.00 within thirty (30) days of the date of the Supreme Court's order and agreed to repay restitution in the amount of \$500.00 to each of the sixteen customers set forth in paragraph 9 of the stipulation.³

II. RECOMMENDATION

Accordingly, the PDJ **RECOMMENDS** that the Supreme Court **APPROVE** the stipulation of the parties, order costs in the amount of \$165.00 to be paid within thirty (30) days of the date of its order, and order restitution in the amount of \$500.00 payable to each of the customers outlined in paragraph 9 of the stipulation. The PDJ further recommends that the Supreme Court **WAIVE** any fine pursuant to C.R.C.P. 236(a).⁴

DATED THIS 16TH DAY OF AUGUST, 2010.


WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE



Copies to:

Kim E. Ikeler Office of Attorney Regulation Counsel	Via Hand Delivery
Terry D. Dowling Respondent 844 Mt. View Drive Mesquite, NV 89027	Via First Class Mail
Estate Planning Specialists, Inc. Respondent 844 Mt. View Drive Mesquite, NV 89027	Via First Class Mail
Susan Festag Colorado Supreme Court	Via Hand Delivery

³ Respondents stipulate that the restitution to be paid to the listed customers does not affect, limit, or bar the rights of the customers to bring any legal action for damages against Respondent or to otherwise seek additional reimbursement from Respondents.

⁴ "A report from the Presiding Disciplinary Judge approving the parties' stipulation to injunction, may be exempt from a fine." Here, the parties stipulated to restitution, fines, and costs *after* the Supreme Court had already issued its injunction. Nevertheless, the PDJ concludes the People's request to waive the fine in this matter is appropriate.

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	RECEIVED JUL 12 2010 ATTORNEY REGULATION
Original Proceeding in Unauthorized Practice of Law 09UPL101	
Petitioner: The People of the State of Colorado, v. Respondents: Terry D. Dowling and Estate Planning Specialists, Inc.	Supreme Court Case No: 2010SA154
ORDER OF COURT	

Upon consideration of the Petition for Injunction, the Order and Rule to Show Cause, the proof and second proof of service and the Motion to Proceed filed in the above cause, and now being sufficiently advised in the premises,

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

IT IS FURTHER ORDERED that said Respondent, TERRY D. DOWLING and ESTATE PLANNING SPECIALISTS, INC. shall be and the same hereby are ENJOINED from engaging in the unauthorized practice of law in the State of Colorado.

IT IS FURTHER ORDERED that this case is remanded to the Presiding Disciplinary Judge to determine the facts and to make recommendations as to restitution, fines and costs.

BY THE COURT, JULY 7, 2010.



Case Number: 2010SA154

Caption: People v Dowling, Terry

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on July 8, 2010. *AKC*

Estate Planning Specialists, Inc.
697 27 1/2 Court
Grand Juncti, CO 81506

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

Terry D Dowling
697 27 1/2 Court
Grand Juncti, CO 81506

William R Lucero
PRESIDING DISIPLINARY
JUDGE
1560 Broadway Ste 675
Denver, CO 80202