

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

CASE NO. 04SA301

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW, 03UPL88

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

CHARLOTTE KEMPF.

RECEIVED

DEC 01 2004

ATTORNEY
REGULATION

ORDER OF COURT

Upon consideration of the Petition for Injunction and the Motion to Proceed filed herein, and now being sufficiently advised in the premises,

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

IT IS FURTHER ORDERED that this Court finds that Respondent, CHARLOTTE KEMPF has been properly served and has failed to respond. THEREFORE, Respondent, CHARLOTTE KEMPF is ENJOINED from Unauthorized Practice of Law.

IT IS FURTHER ORDERED that Respondent is assessed costs of these proceedings in the amount of \$189.20. 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, NOVEMBER 30, 2004.



Copies mailed via the State's Mail Services Division on 12/01/04 HOP

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Deputy Regulation Counsel

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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:
CHARLOTTE KEMPF

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FILED IN THE
SUPREME COURT

SEP 14 2004

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case Number: 03UPL088

PETITION FOR INJUNCTION

Petitioner, by and through James C. Coyle, Deputy Regulation Counsel, and upon authorization received on September 10, 2004, by the Unauthorized Practice of Law Committee pursuant to C.R.C.P. 234(a), respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show cause why she should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent Charlotte Kempf (hereinafter sometimes referred to as "Charlotte") is not licensed to practice law in the state of Colorado. The respondent's last known physical address is 2057 Pine Grove Avenue, Colorado Springs, Colorado 80906; her last known mailing address is P.O. Box 38206, Colorado Springs, Colorado 80937.

General Allegations

2. Starr Kempf was a well-known artist and sculptor who lived in Colorado Springs, Colorado. His home was located at 2057 Pine Grove Avenue in the Broadmoor neighborhood. He also used his home for a studio and foundry. From 1977 until his death in 1995, Starr designed, built and installed sculptures, including ten monumental wind sculptures that were located on this property.

3. Starr Kempf was married to Hedwig Kempf. Starr and Hedwig had three children: Madelin, Michael and Charlotte.

4. After the death of Starr Kempf in 1995, daughter Charlotte (and possibly Hedwig) operated paid tours of the home and grounds where the artist's sculptures could be viewed, and in some instances, purchased. Charlotte (and Hedwig) advertised over the internet, through pamphlets and brochures, as well as through various other media.

City of Colorado Springs v. Hedwig Kempf and Charlotte Kempf **(99CV2252)**

5. On September 3, 1999, the City of Colorado Springs ("City") filed a complaint and motion for temporary restraining order and permanent injunction against Hedwig and Charlotte. The City asserted that Hedwig and Charlotte were in violation of City zoning ordinances by engaging in commercial use of residentially zoned property. This was the first district court lawsuit, City of Colorado Springs v. Hedwig Kempf and Charlotte Kempf, case no. 99CV2252.

6. On February 25, 2000, a hearing was held on the motion for preliminary injunction. Charlotte appeared for this hearing; Hedwig did not appear. On March 2, 2000, the trial court found that the Kempfs' activity violated City zoning regulations and directed that they discontinue the commercial use of the residential property.

7. A hearing on the motion for permanent injunction occurred on April 11, 2000. Charlotte Kempf appeared for this hearing; Hedwig did not appear. On May 31, 2000, the trial court entered an order granting the permanent injunction.

8. The Order of May 31, 2000, was later supplemented by a trial court on August 18, 2000. The supplemental order placed further duties on Hedwig and Charlotte.

9. On March 26, 2001, the City filed a verified motion and affidavit for citation for contempt of court, asserting that Charlotte and Hedwig had not complied with the above orders of injunction. Charlotte took responsibility for the failures, and the contempt action then proceeded against her alone. On June 29, 2001, the district court found Charlotte to be in contempt of court for failing to comply with court orders.

10. During the course of the above case, Charlotte and Hedwig filed many pleadings jointly. Both Hedwig and Charlotte would sign these pleadings. Charlotte has admitted that she was the drafter of each of these pleadings.

11. There were other pleadings that were filed individually by Charlotte and by Hedwig. These parallel pleadings were identical in content, and were also prepared by Charlotte.

12. Charlotte and Hedwig appealed the above-described district court orders. On May 30, 2002, the Colorado Court of Appeals affirmed the district court action in case no. 01CA1262.

Kempf v. City of Colorado Springs, et. al.
(00S1400, U.S. District Court)

13. On July 11, 2000, Charlotte and Hedwig filed a complaint for "injunctive relief, declaratory judgment, quiet title, violation of due process, treaty law, tortuous (sic) interference with contracts and extra jurisdictional actions" in the U.S. District Court for the District of Colorado. That case was entitled "Hedwig Kempf & Charlotte Kempf Both Independent Unembarrassed Free-Holders In Propria Persona, Plaintiffs, v. State of Colorado, et. al.", case no. 00S1400. Such complaint charged that the City of Colorado Springs, El Paso County, the "judicial department" (Judge Edward Colt) and the Kempfs' neighbors had caused damage to them by their false accusations and fraudulent charges against their grandfathered rights and a land patent. Charlotte and Hedwig filed an amended complaint on October 6, 2000. Subsequent pleadings were signed by both Charlotte and Hedwig, but again each of these pleadings was drafted by Charlotte.

14. On February 22, 2001, U.S. District Judge Daniel B. Sparr ordered the Kempfs to disclose the identity of any counsel or other individuals who were assisting them in the preparation or review of their pleadings. Such order was in part due to the Kempfs' statements at various times that they had had assistance of counsel in preparing their pleadings, and due in part to the concern as to what level of leniency should be afforded these apparently *pro se*

litigants for what was described as confusing, rambling pleadings.

15. The Kempfs responded to the Order to Show Cause on March 5, 2001. In that response, the Kempfs stated:

“Plaintiff Charlotte Kempf has always been the only one writing our paperwork, and I am getting better because I am getting more experienced. I have simply been privately studying law with a study group at the University Law Library on a weekly basis, and they assisted by looking over my work and helped me edit my work so that it stays on point. However, I am the one who is doing the actual writing, editing and preparation of our paperwork. There is not now and never has been anyone in the background ghost writing our documents for us.”

Both Charlotte and Hedwig signed this response to order to show cause.

16. The Kempfs continued to file joint pleadings prepared by Charlotte in the U.S. District Court matter until November 6, 2001. On November 6, 2001, the U.S. District Court dismissed the complaint. The Court concluded that it did not have jurisdiction to review or reverse a final state court judgment in a judicial proceeding. On February 8, 2002, the court awarded the “neighbor” defendants attorney fees in the amount of \$6,720.00 against Hedwig and Charlotte Kempf.

City of Colorado Springs v. Kempf, El Paso County District Court
(01CV956)

17. On March 28, 2001, the City of Colorado Springs filed another complaint, motion for preliminary injunction and motion for permanent injunction against Hedwig and Charlotte Kempf. This case was City of Colorado Springs v. Hedwig Kempf and Charlotte Kempf, case no. 01CV956, El Paso County District Court. The City alleged in this lawsuit that the Kempfs’ sculptures located at 2057 Pine Grove Avenue violated height and/or setback requirements set forth in applicable zoning ordinances. The City sought removal of all structures that violated the zoning laws.

18. Pleadings filed by the Kempfs in this case were joint pleadings signed by both Charlotte and Hedwig, but prepared by Charlotte. These pleadings included:

- 1) an April 23, 2001, "Verified Notice of Special Visitation to Challenge Jurisdiction and Request to Dismiss Without Granting Jurisdiction;"
- 2) a June 4, 2001, "Reply to Plaintiff's Response to Defendants' Verified Notice of Special Visitation ...;"
- 3) a July 9, 2001, "Request for Extension of Hearing Date;"
- 4) an August 27, 2001, "Verified Brief" with attached exhibits;
- 5) an August 27, 2001, "Witness and Exhibit List;"
- 6) a September 17, 2001, "Motion for Continuance of Hearing Date;"
- 7) a September 17, 2001, "Objection to the District Court's Order Regarding Defendants' Notice of Special Visitation...;"
- 8) an October 17, 2001, "Petition to Dismiss All Charges Against Defendants;"
- 9) an October 24, 2001, "Motion for Waiver of Fee for Transcripts;"
- 10) a November 2, 2001, "Notice of Joint Petition for Interlocutory Appeal;"
- 11) a May 9, 2002, "Designation of Record;"
- 12) a May 29, 2002, "Motion for Stay of Execution Pending Appeal;"
- 13) a May 29, 2002, "Motion for Change of Hearing Time or Date;"
- 14) a May 29, 2002, "Affidavit-To Support Discharge of Levy-Following Joint Notice of Appeal and Motion for Stay of Execution;" and
- 15) a June 4, 2002, "Response to Appellee's Objection to Portions of Appellants' Designation of Record."

19. Hedwig Kempf did not appear for any hearing in this case. Charlotte Kempf did appear. When asked on the record where Hedwig was, the respondent stated that she was "standing for" her mother in the case.

20. On March 15, 2002, the court granted the City's motion for permanent injunction and ordered that the sculptures be either modified to conform to the height and setback restrictions or be removed.

21. On April 29, 2002, Charlotte and Hedwig appealed the district court order to the Colorado Court of Appeals in City of Colorado Springs v. Kempf, Court of Appeals Case No. 02CA856. The pleadings filed in the appellate matter were filed jointly by Charlotte and Hedwig with both of their signatures on the pleading, but were prepared by Charlotte. These pleadings included an April 29, 2002, "Joint Notice of Appeal;" a May 9, 2002, "Designation of Record;" a May 16, 2002, "Designation of Additional Items to be Included in Record;" a May 30, 2002, "Response to Appellee's Objection to Portions of Appellants' Designation of Record;" and a June 26, 2002, "Joint Notice to Null Judgment of This Appeal Due to Null Judgment of State District Court." In this last pleading, the Kempfs stated "any and all business transactions pertaining to this appeal between Charlotte and Hedwig of the Kempf family and the Colorado Court of Appeals are finished."

22. The Colorado Court of Appeals dismissed the Kempf appeal on May 23, 2002.

Charlotte v. City of Colorado Springs, et. al
(02-K-1051)

23. On June 3, 2003, the respondent filed another complaint in the U.S. District Court for the District of Colorado. That matter was entitled Charlotte v. City of Colorado Springs, principal Kofi Annan¹ and Agent Joshua Kempf, case no. 02-K-1051. This nine-page complaint was entitled "counter-claim in admiralty."

24. The respondent did not serve Secretary General Annan. The allegation contained complaint that concerned her nephew, Joshua Kempf, alleged: "United Nations agent, Joshua Kempf has wantonly removed two ornate lanterns from the property of Starr and Hedwig Kempf's estate by hiring contractors to take them away." This complaint was only in the name of Charlotte, a/k/a "Charlotte of the Kempf family," a/k/a Charlotte Kempf.

25. On May 13, 2003, U.S. District Judge John L. Kane entered an order of dismissal. Charlotte has appealed the order of dismissal to the U.S. Court of Appeals for the Tenth Circuit.²

¹ Secretary General of the United Nations.

² The factual procedure of this U. S. District Court matter is provided in order to set forth a complete chronology of all lawsuits involving Charlotte and Hedwig. This is no evidence of the respondent's unauthorized practice of law in Charlotte v. City of Colorado Springs, et. al., 02-K-1051 (paragraphs 23-25 above).

Starr Enterprises, a trust v. Charlotte Kempf, et. al.
(03CV2675)

26. On July 31, 2003, Starr Enterprises, a trust, filed a lawsuit against Charlotte Kempf and Hedwig Kempf. That lawsuit is entitled Starr Enterprises, a trust v. Charlotte Kempf, Hedwig Theodora Elizabeth Kempf, case no. 03CV2675. Starr Enterprises sought the quieting of title for the property located at 2057 Pine Grove Avenue.

27. Subsequently and on August 22, 2003, the respondent filed a "Motion to Recuse and Contract." This pleading was filed by and signed by "Charlotte Kempf//ss//, ©Corporate Soul, UCC Filing No. 200112089236 C." On August 22, 2003, the respondent filed a pleading entitled "Answer and Contract."

28. On September 2, 2003, Charlotte and Hedwig filed a "Motion for Discovery, Pre-Trial Scheduling Conference and Extension of Time" in their "unlimited commercial liability, pro se and informia pauperus." As compared to pleadings filed in previous cases, the respondent signed on behalf of both her and Hedwig for this pleading.

29. On September 3, 2003, Charlotte and Hedwig "in their unlimited commercial liability, pro se and informia pauperus" filed a motion to dismiss. Again, Hedwig Kempf did not sign this pleading; only Charlotte Kempf did.

30. On September 8, 2003, Charlotte and Hedwig, "in their unlimited commercial liability...", filed a supplementary motion to dismiss. Hedwig did not sign this pleading. Charlotte was the only signator on this pleading.

31. On November 18, 2003, Charlotte and Hedwig, "sovereign de jure citizens of these United States of America operating in their unlimited commercial capacity..." filed a "motion to reset case management conference hearing." Hedwig did not sign this pleading; only Charlotte did.

32. On November 21, 2003, Hedwig Kempf, by and through her attorney, Michael R. Bromley, P.C., responded and objected to the motion to reset case management conference hearing filed by Charlotte Kempf and purportedly by Hedwig. In that pleading, attorney Bromley stated:

"Charlotte Kempf has consistently, not only in her motion to reset but in other pleadings filed in this action, purported to appear not only for herself but also for her mother, Hedwig. Charlotte Kempf is not

authorized to practice law in the State of Colorado, accordingly, cannot appear for her mother. C.R.C.P. 201.1-227, 228-240.1, 234-237, 239; C.R.S. §12-5-112. Determination of what constitutes the Unauthorized Practice of Law is a judicial function. Unauthorized Practice of Law Committee v. Prog, 761 P.2d 1111 (Colo. 1988). Further, the undersigned counsel was appointed by the court in Case No. 2003PR770 to represent Hedwig Kempf in this matter.”

* * * *

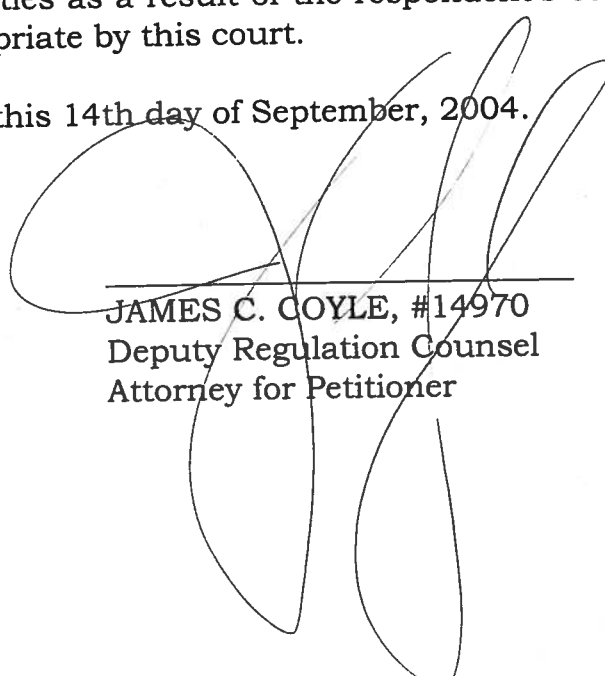
“Charlotte Kempf’s actions allegedly on behalf of her mother have caused Hedwig Kempf great harm. These actions include her participation both individually and, apparently, on behalf of Hedwig, in the purported divestment of record title to property owned by Hedwig Kempf which is the subject matter of the lawsuit. These actions include, but are not limited to, a judgment for attorney fees and costs entered in 2000S1400 (\$6,720.00 entered February 8, 2002).... The filing of U.S. District Court case numbers 2000S1400 (Hedwig Kempf and Charlotte Kempf v. State of Colorado, et. al.) and 2002S1051 (or 2002K1051) which appears to be on appeal to the Tenth Circuit but was attached to the appeal documents, includes new allegations purportedly made by Charlotte and Hedwig Kempf against the City of Colorado Springs and various individuals. Charlotte Kempf apparently also participated in 1999CV2252 and 2001CV956 filed in this court by the City of Colorado Springs, Colorado, both *pro se* and on behalf of her mother. Said action was appealed by Charlotte Kempf to the Colorado Court of Appeals and affirmed as Case No. 2001CA1262. Said action resulted in remedial sanctions of \$100.00 per day being imposed against both Charlotte Kempf and Hedwig Kempf. Charlotte Kempf also filed or caused to be filed 2001CV956 which was appealed to the Colorado Court of Appeals as 2002CA0856 allegedly by both Hedwig Kempf and Charlotte Kempf but in reality solely by Charlotte Kempf. See statement contained in page 10 of “Appellee’s Opening Brief” in the appeal to the Tenth

Circuit Court of Appeals submitted by Charlotte Kempf wherein she states: "Hedwig Kempf is 91 years old and is suffering from senile dementia. Hedwig Kempf is totally dependent on Charlotte for her physical and mental care."

33. By preparing pleadings on her mother's behalf, by holding herself out as representing her mother's interests, and by appearing on her mother's behalf in pending court proceedings, the respondent engaged in 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)). The respondent does not fall within any of the statutory or case law exceptions.

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 further unauthorized practice of law; thereafter that the court enjoin this respondent from the practice of law, or in the alternative, that the 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; and assess restitution against the respondent for losses incurred by Hedwig Kempf or third parties as a result of the respondent's conduct; and any other relief deemed appropriate by this court.

Respectfully submitted this 14th day of September, 2004.



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