

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: January 9, 2020 CASE NUMBER: 2019SA63
Original Proceeding in Unauthorized Practice of Law 18UPL51 & 18UPL62	
Petitioner: The People of the State of Colorado, v. Respondent: Humberto Aranguren, d/b/a Agents at Law Club.	Supreme Court Case No: 2019SA63
ORDER OF COURT	

Upon consideration of the Petition for Injunction, the Order to Show Cause, the Proof of Service, the Petitioner's Motion to Proceed the Petitioners proof of Personal Service, the Report of Hearing Master under C.R.C.P. 236(a) and the Notice of Report of Hearing Master filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Respondent HUMBERTO ARANGUREN, d/b/a AGENTS AT LAW CLUB shall be, and the same hereby is ENJOINED from engaging in the unauthorized practice of law, including from the activities set forth in paragraph 6 of the stipulation.

IT IS FURTHER ORDERED that this court approves the parties' stipulation, agreement and affidavit containing respondents' conditional admission of unauthorized practice of law.

IT IS FURTHER ORDERED that HUMBERTO ARANGUREN, d/b/a AGENTS AT LAW CLUB are assessed costs in the amount of \$314.00. Said costs are to be paid to the Office of Attorney Regulation Counsel, within sixty (60) days of the date of this order, in accordance with the terms set forth in paragraphs 9 and 13 of the stipulation.

IT IS FURTHER ORDERED that restitution be imposed in the amount of \$244.90 to Garrett Burgess within sixty (60) days of the date of this order, in accordance with the terms set forth in paragraphs 7 and 8 of the stipulation.

IT IS FURTHER ORDERED that this court WAIVES any fines in this matter pursuant to C.R.C.P. 236(a).

BY THE COURT, JANUARY 9, 2020.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Petitioner: THE PEOPLE OF THE STATE OF COLORADO	Case Number: 19SA063
Respondent: HUMBERTO ARANGUREN, d/b/a AGENTS AT LAW CLUB	
REPORT OF HEARING MASTER UNDER C.R.C.P. 236(a)	

In this matter, the parties stipulate that Humberto Aranguren, d/b/a Agents at Law Club (“Respondent”), engaged in the unauthorized practice of law and that payment of restitution and costs is appropriate. The Presiding Disciplinary Judge (“the PDJ”) agrees and recommends that the Colorado Supreme Court approve the stipulation.

I. PROCEDURAL HISTORY

Erin R. Kristofco, Office of Attorney Regulation Counsel (“the People”), filed a “Petition for Injunction” against Respondent on April 8, 2019, alleging that Respondent engaged in the unauthorized practice of law. The Colorado Supreme Court issued an “Order to Show Cause” on April 12, 2019, directing Respondent to show cause within twenty-one days why he should not be enjoined from the practice of law. Respondent did not respond to the petition or the order to show cause, and the Colorado Supreme Court referred the matter to the PDJ on June 25, 2019, for “findings of fact, conclusions of law, and recommendations.” In early July 2019, Respondent filed with the PDJ a response of sorts; the PDJ thus denied on August 2, 2019, the People’s motion for default.

The PDJ held a scheduling conference on August 13, 2019. Kristofco appeared on behalf of the People, and Parker Semler appeared as counsel for Respondent. A hearing was set for December 11-12, 2019.

On November 25, 2019, the parties filed a “Stipulation, Agreement and Affidavit Containing Respondent[’s] Conditional Admission of Unauthorized Practice of Law.” In the stipulation, Respondent agrees that he engaged in the practice of law. He also agrees to be enjoined from the practice of law and to pay restitution and costs.

II. ORDER AND RECOMMENDATION

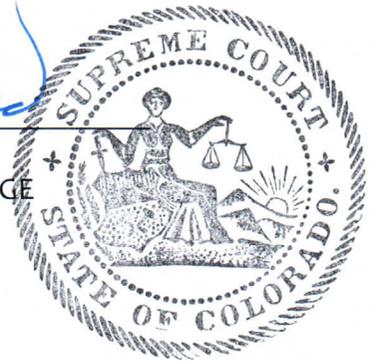
The PDJ **ACCEPTS** the parties' stipulation and **VACATES** the hearing set for December 11 and 12, 2019.

The PDJ **RECOMMENDS** that the Colorado Supreme Court take the following actions:

- (1) **APPROVE** the parties' stipulation;
- (2) **ENJOIN** Respondent from the unauthorized practice of law, including from the activities set forth in paragraph 6 of the stipulation;
- (3) **ORDER** Respondent to pay **RESTITUTION** of \$244.90 to Garrett Burgess within sixty days of the date of the Colorado Supreme Court's order, in accordance with the terms set forth in paragraphs 7 and 8 of the stipulation;
- (4) **ORDER** Respondent to pay **COSTS** of \$314.00 within sixty days of the date of the Colorado Supreme Court's order, in accordance with the terms set forth in paragraphs 9 and 13 of the stipulation; and
- (5) **WAIVE** any **FINE** under C.R.C.P. 236(a).¹

DATED THIS 4th DAY OF DECEMBER, 2019.


WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE



Copies to:

Erin R. Kristofco
Office of Attorney Regulation Counsel

Via Email
e.kristofco@csc.state.co.us

Parker Semler
Max Burkhardt
Respondent's Counsel

Via Email
parker@semmlerlaw.com
max@semmlerlaw.com

Cheryl Stevens
Colorado Supreme Court

Via Hand Delivery

¹ "A report from the Presiding Disciplinary Judge approving the parties' stipulation to injunction may be exempt from a fine."

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW BEFORE THE PRESIDING
DISCIPLINARY JUDGE, 17UPL70

1300 Broadway, Suite 250
Denver, CO 80203

FILED

NOV 25 2019

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO

▲ COURT USE ONLY ▲

Respondent:

HUMBERTO "BURT" ARANGUREN, d/b/a
AGENTS AT LAW CLUB

Case Number: 19SA63

Erin R. Kristofco, #33100
Assistant Regulation Counsel
Attorneys for Petitioner
1300 Broadway, Suite 500
Denver, Colorado 80203
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Fax No.: (303) 501-1141
Email: E.Kristofco@csc.state.co.us

**STIPULATION, AGREEMENT AND AFFIDAVIT CONTAINING
RESPONDENTS' CONDITIONAL ADMISSION OF
UNAUTHORIZED PRACTICE OF LAW**

On this 25th day of November 2019, Erin R. Kristofco, Assistant Regulation
Counsel and attorney for the Petitioner and Respondent Humberto "Burt"
Aranguren, individually and as operator of the Agents at Law Club, who is

represented in this case by Parker Semler, enter into the following Stipulation, Agreement, and Affidavit containing Respondent's Conditional Admission of Unauthorized Practice of Law ("Stipulation") and submit the same to the Hearing Master for his consideration.

RECOMMENDATION: Entry of an Order of Injunction, enjoining Respondent from further unauthorized practice of law, requiring the payment of restitution, and assessing cost, as discussed below.

1. Humberto Aranguren is not licensed as an attorney in the State of Colorado. Respondent Aranguren is not otherwise authorized by federal or state law to engage in any practice of law. Respondent Agents at Law Club does not employ any licensed attorneys.

2. The Colorado Supreme Court has exclusive jurisdiction to determine what constitutes the unauthorized practice of law in Colorado. The unauthorized practice of law includes but is not limited to an unlicensed person's actions 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 People v. Shell*, 148 P.3d 162, 171 (Colo. 2006); and *Denver Bar Asso. v. Pub. Util. Comm'n*, 391 P.2d 467, 471-72 (Colo. 1964). In addition, preparation of legal documents for others by an unlicensed person, other than solely as a typist, is the unauthorized practice of law, unless the Colorado

Supreme Court has authorized such action in a specific circumstance. *Title Guaranty Co. v. Denver Bar Asso.*, 312 P.2d 1011, 1012 (1957).

3. Respondent understands that these restrictions exist, regardless of whether a fee is accepted for the services rendered and even if Respondent discloses that Respondent is not a Colorado attorney.

4. Respondent Aranguren engaged in the unauthorized practice of law as follows. Respondent gave legal advice to Mr. Garrett Burgess regarding the merits of his district court case and the appeal. Respondent also drafted pleadings, responses and briefs for Mr. Burgess to file in the district court case and the appeal.

5. Respondent Agents at Law Club engaged in the unauthorized practice of law through the acts of its officer and agent, Humberto Aranguren.

6. Respondent understands that the practice of law in Colorado includes, but is not limited to, the following:

- a) providing advice to any other individual on the legal effect of any proposed action in a legal matter; or assisting that individual in making decisions that require legal judgment and a knowledge of the law that is greater than the average citizen;

- b) providing advice to any other individual as to various legal remedies available to that individual and the possible legal courses of action for that individual;
- c) acting in a representative capacity on behalf of any other individual in matters that affect that individual's legal rights and duties;
- d) selecting or preparing any legal documents for any other individual, other than solely as a typist; and, without limiting the above, explaining to that individual or any other individual the legal significance of such document;
- e) holding oneself out as an attorney, lawyer, "esquire", legal consultant, legal advocate, independent paralegal, or as a person or business capable of providing direct legal services to consumers, either directly or impliedly;
- f) holding oneself out to others in a manner that another individual would place some reliance on the Respondent to handle that individual's legal matters;
- g) making an appearance or speaking on behalf of another individual in negotiations, settlement conferences, mediations, hearings, trials, oral arguments or other legal proceedings unless specifically allowed by the rules that apply to such appearance in such legal proceeding;

- h) conducting the business of management of a law practice to the extent that the exercise of legal judgment on behalf of another occurs; and
- i) soliciting or accepting any fees for legal services.

7. As part of and as a result of Respondent's unauthorized practice of law, Respondent collected compensation in the value of \$192.50 from Mr. Burgess, which Respondent was not entitled to. Pursuant to C.R.C.P. 237(a), the fee should be refunded. Respondent will fully refund upon the Supreme Court's issuance of an Order of Injunction the fees Respondent collected from Mr. Burgess. Respondent will further pay this client interest at the statutory rate of 8% from the date collected until the date paid. The total amount with interest due to Mr. Burgess is \$244.90 plus \$0.042 *per diem* accruing from the date this stipulation is approved by the Court until paid. Respondent will refund this amount by sending a certified check or money order, payable to Mr. Garrett Burgess, for the full refund, to Mr. Garrett Burgess at Office of Attorney Regulation Counsel, 1300 Broadway, Ste. 500, Denver, CO, 80203.

8. Respondent also will contemporaneously provide to the Office of Attorney Regulation Counsel, attention to Assistant Regulation Counsel Erin R. Kristofco, a copy of Respondent's letter transmitting the refund and a copy of the cashier's check or money order by which the refund is made. The Office of Attorney

Regulation Counsel may contact Garrett Burgess and confirm the receipt of the full refund plus interest from Respondent.

9. Respondent will pay costs in the sum of \$314.00 incurred in conjunction with this matter, made payable to Colorado Supreme Court Attorney Regulation Counsel Offices. (Statement of Costs is attached as Exhibit A.) Statutory interest shall accrue should payment not be made in timely fashion.

10. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for prosecution of the unauthorized practice of law and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the charges in the Petition for Injunction. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Petitioner. At any such formal hearing, Petitioner would have the burden of proof and would be required to prove the charges contained in the Petition by a preponderance of the evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

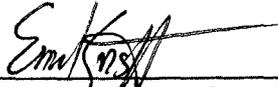
11. Respondent enters this Stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is Respondent's personal decision, and Respondent affirms

there has been no coercion or other intimidating acts by any person or agency concerning this matter.

12. This Stipulation is premised and conditioned upon acceptance of the same by the Hearing Master, who will make recommendations to the Supreme Court. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, stipulation, or other statement made by Respondent in conjunction with this offer may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 235.

**RECOMMENDATION FOR AND CONSENT TO INJUNCTION AND
ORDER FOR RESTITUTION AND COSTS**

13. Based on the foregoing, the parties hereto ask the Hearing Master to recommend to the Supreme Court that it enjoin Respondent from further unauthorized practice of law, that it order Respondent to pay \$244.90 restitution, as described in paragraph 7 above, and to assess Respondent costs of \$314.00, payment of restitution and costs to be made sixty days after the entry of the Order of Injunction. C.R.C.P. 239(h). No fine is requested. C.R.C.P. 236(a).



Erin R. Kristofco, #33100
Assistant Regulation Counsel
Attorney for Petitioner



Parker Semler, #20,985
Semler & Associates
1756 Gilpin Street
Denver, CO 80218
Attorney for Respondent

CERTIFICATE OF MAILING

I hereby certify that one copy of the foregoing STIPULATION, AGREEMENT AND AFFIDAVIT CONTAINING RESPONDENT'S CONDITIONAL ADMISSION OF UNAUTHORIZED PRACTICE OF LAW was placed in the United States mail, first class postage prepaid, this 25th of November, 2019, and addressed to:

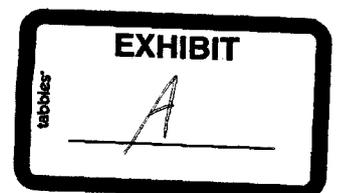
Parker Semler, Esq.
Max Burkhardt, Esq.
Semler & Associates
1756 Gilpin Street
Denver, CO 80218



Statement of Costs

**Humberto Aranguren
19SA63**

6/20/2019	Checkmate, Inc. Service Fee, Invoice 3481628	\$	90.00
11/18/2019	Administrative Fee	\$	<u>224.00</u>
	AMOUNT DUE	\$	314.00



Checkmate, Inc. (EIN #35-2628744)
8480 East Orchard Road, Suite 5700
Greenwood Village, CO 80111-5028

INVOICE: 3481628
Issued: Jun 20, 2019

Office of Attorney Regulation Counsel
Sarah Elizabeth Walsh
1300 Broadway, Suite 500
Denver, CO 80203

PAY TO:
Checkmate, Inc. (EIN #35-2628744)
8480 East Orchard Road, Suite 5700
Greenwood Village, CO 80111-5028

19SA63
Aranguren

Case: 2019SA63	Plaintiff / Petitioner: Petitioner: THE PEOPLE OF THE STATE OF COLORADO
Job: 3481628 (19SA63 Aranguren)	Defendant / Respondent: Respondent: HUMBERTO ARANGUREN, D/B/ A AGENTS AT LAW CLUB

Item	Description	Cost	Quantity	Total
RF	Rush Service Fee	\$35.00	1	\$35.00
SFD	Service Fee - Denver Metro	\$55.00	1	\$55.00
	Service on: HUMBERTO "BURT" ARANGUREN	\$0.00	1	\$0.00

Terms: Net 15 days	Total: \$90.00
Please reference the invoice number on all payments	Amount Paid: (\$0.00)
Thank you and we appreciate your business!	Balance Due: \$90.00
LATE FEES WILL APPLY TO PAST DUE BALANCES OF 10% OR \$20, WHICHEVER GREATER	

OK. Please pay.
Erin [Signature]

Checkmate, Inc. (EIN #35-2628744) • 8480 East Orchard Road, Suite 5700, Greenwood Village, CO 80111-5028

Call: 303-778-7630 • Fax: 303-778-1310 • Email: info@checkmateinc.com • Visit: www.checkmateinc.com

Approved: [Signature]
Deputy Reg. Counsel
REGU-UPOL-2820 (Process Service)
re: Aranguren, Case # 19SA63

JUN 20 2019
10:55