

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: January 11, 2016 CASE NUMBER: 2015SA300
Original Proceeding in Contempt, Office of Attorney Regulation Counsel, 2015-434	
<b>Petitioner:</b>  The People of the State of Colorado,  <b>v.</b>  <b>Respondent:</b>  Michael R. Dice.	Supreme Court Case No: 2015SA300
ORDER OF COURT	

Upon consideration of the Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Contempt filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, MICHAEL R. DICE shall be and the same hereby is held in contempt of the November 3, 1997 disbarment order.

IT IS FURTHER ORDERED that Respondent pay \$1,700.00 in Restitution to Thomas Donia within six months of the date of this order.

IT IS FURTHER ORDERED that a fine be imposed in the amount of \$2,000.00. Said fine to be paid within six months of the date of this order.

BY THE COURT, JANUARY 11, 2016.

SUPREME COURT, STATE OF COLORADO  
2 E. 14<sup>th</sup> Ave.  
Denver, Colorado 80203

DATE FILED: December 30, 2015 2:55 PM  
FILING ID: 769B520FE48EB  
CASE NUMBER: 2015SA300

ORIGINAL PROCEEDING IN CONTEMPT

Petitioner:  
THE PEOPLE OF THE STATE OF COLORADO

Respondent:  
MICHAEL R. DICE

▲ COURT USE  
ONLY ▲

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Denver, Colorado 80203  
Telephone: (303) 928-7863

Case Number:  
15SA300

Michael R. Dice  
Respondent  
1830 Cherry Street  
Denver, CO 80220-1115

**STIPULATION, AGREEMENT AND AFFIDAVIT CONTAINING THE  
RESPONDENT'S CONDITIONAL ADMISSION OF CONTEMPT**

On this 30<sup>th</sup> day of December 2015, Kim E. Ikeler, Assistant Regulation Counsel and attorney for the Petitioner, and Michael R. Dice, the Respondent, enter into the following Stipulation, Agreement, and Affidavit Containing Respondent's Conditional Admission of Contempt ("Stipulation") and submit the same to the Supreme Court for its consideration.

**RECOMMENDATION: Respondent be held in contempt of this Court's disbarment order, ordered to pay restitution, and fined \$2,000.**

1. The Respondent was admitted to the bar of this Court on May 19, 1975, and was registered as an attorney upon the official records of this Court, registration no. 6340. Respondent was disbarred by Order of this Court on November 3, 1997. Respondent is subject to the jurisdiction of this Court in these proceedings. C.R.C.P. 251.3(8), 107(d), and 238.

2. 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 Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. This matter has become public.

4. Respondent is familiar with the rules of the Colorado Supreme Court regarding contempt proceedings and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the allegations of contempt. 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 hearing, Petitioner would have the burden of proof and would be required to prove contemptuous conduct beyond

a reasonable doubt. Nonetheless, having full knowledge of the right to such a contempt hearing, Respondent waives that right.

5. Respondent and Petitioner specifically waive the right to a hearing pursuant to C.R.C.P. 251.22(c)(1).

6. Respondent and Petitioner stipulate to the following facts and conclusions:

a. On October 24, 2014, a group of residents of a neighborhood known as “Sky Vista” filed a Complaint against another resident of the same neighborhood, Thomas Donia. The case was styled *Terri Binder, Forrest Binder, Karl Burgmaier, Bernadine Burgmaier, Zachary Utley, Stephanie Utley, Dale Williams, Mary Williams v. Thomas Donia*, Jefferson County County Court, Case No. 2014C43783 (the “litigation”).

b. A permanent injunction hearing was scheduled in the litigation for February 6, 2015. On February 3, 2015, Mr. Donia, *pro se*, signed and filed a Motion for Continuance. Respondent assisted Mr. Donia – a non-lawyer – with the drafting of the text of this Motion.

c. On February 6, 2015, Mr. Donia filed an Proposed Amended Answer in the litigation. Respondent assisted Mr. Donia with legal research for and editing of the text of the Proposed Amended Answer.

d. On February 6, 2015, a hearing in the litigation was held before

the Hon. Tammy Kay Greene. Mr. Donia attended the hearing *pro se*. Respondent did not attend this hearing. Judge Greene expressed concern that Mr. Donia had received help in drafting the Proposed Amended Answer from someone with legal training. Mr. Donia admitted that he had received drafting assistance from Respondent and others.

e. Through Respondent's conduct described above, Respondent acted in contempt of the Supreme Court's disbarment order.

f. Mr. Donia paid Respondent a total of \$1,700 for his services.

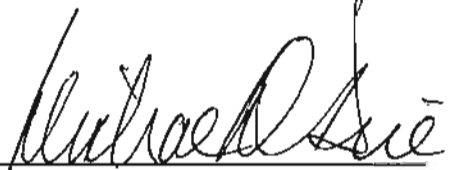
7. This Stipulation is premised and conditioned upon acceptance of the same by the Supreme Court. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity 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 Stipulation may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 238-239 and 107.

8. The Office of Attorney Regulation Counsel has notified or will notify shortly after the parties sign this agreement, the complaining witness in the matter of the proposed disposition.

**RECOMMENDATION FOR AND CONSENT TO FINDING OF  
CONTEMPT AND PAYMENT OF RESTITUTION AND FINE**

Based on the foregoing, the parties hereto recommend that this Court hold Respondent in contempt of its November 3, 1997 disbarment order, that the Court order Respondent to pay \$1,700 in restitution to Thomas Donia, and that Respondent be fined \$2,000, to be paid within six months of the entry of the Court's contempt order. Respondent stipulates to a finding of contempt, and agrees to pay restitution of \$1,700 and a \$2,000 fine within six months of the issuance of the Court's contempt order.

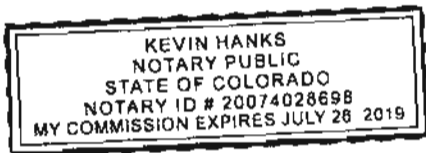
Michael R Dice, Respondent, and Kim E. Ikeler, attorney for the Petitioner, acknowledge by signing this document that they have read and reviewed the above and request the Supreme Court to accept the Stipulation as set forth above.

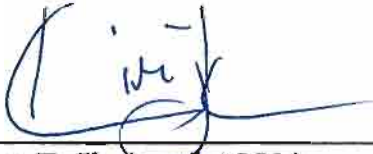
  
\_\_\_\_\_  
Michael R. Dice  
1830 Cherry Street  
Denver, CO 80220-1115  
Respondent

STATE OF COLORADO     )  
          CITY &                 ) ss:  
COUNTY OF DENVER     )

Subscribed and sworn to before me this 30<sup>th</sup> day of December 2015, by Michael R. Dice, the Respondent. Witness my hand and official seal. My commission expires: 7/26/19

  
\_\_\_\_\_  
Notary Public



A handwritten signature in blue ink, appearing to read 'Kim E. Ikeler', written over a horizontal line.

Kim E. Ikeler, # 15590  
Assistant Regulation Counsel  
1300 Broadway, Suite 500  
Denver, CO 80203  
Attorney for Petitioner