

JUN 23 2006

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

REGULATION
COUNSEL CASE NO. 06SA205

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW, 05UPL55

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

MIKE PUENTES.

ORDER OF COURT

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 said Petition shall be, and the same hereby is, GRANTED and the attached Stipulation is Accepted.

IT IS FURTHER ORDERED that the Respondent, MIKE PUENTES, is Enjoined from the Unauthorized Practice of Law in the State of Colorado.

IT IS FURTHER ORDERED that Respondent pay costs in the amount of \$91.00.

IT IS FURTHER ORDERED that Respondent refund \$950.00 to Kyle and Noa Ward and \$330.00 to Mayra Mena within Sixty (60) days of the date of this order.

BY THE COURT, JUNE 22, 2006.



Copies mailed via the State's Mail Services Division on 6-23-06 NMT

Kim Ikeler
Assistant Regulation Counsel

Mike Puentes
P.O. Box 1168
Sioux Falls, SD 57104

Mike Puentes
302 S. Summit Ave.
Sioux Falls, SD 57101

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:
MIKE PUENTES,

Kim E. Ikeler, # 15590
Assistant Regulation Counsel
1560 Broadway, Suite 1800
Denver, CO 80202
Telephone: (303) 866-6440
Fax No.: (303) 893-5302
E-Mail Address: k.ikeler@arc.state.co.us
Attorneys for Complainant

▲ COURT USE ONLY ▲

Case Number: 05UPL055
and 06UPL008

06SA0205

UNOPPOSED PETITION FOR INJUNCTION

Petitioner, by and through Kim E. Ikeler, Assistant 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, Mike Puentes, is not licensed to practice law in the state of Colorado. The respondent's last known business address is P.O. Box 1168, Sioux Falls, South Dakota, 57104. The respondent's home address is 302 South Summit Ave. Sioux Falls, South Dakota, 57101.

¹ The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on May 19, 2006.

The Ward Matter

2. The respondent entered into an agreement to assist Noa Ward with U.S.C.I.S. paperwork in April or May of 2005. Ms. Ward paid the respondent \$950.00 for his services.

3. The respondent prepared NACARA² paperwork on behalf of Ms. Ward. He informed Ms. Ward that the paperwork had been filed and an appointment for review would be set for June 20th, 2005.

4. Ms. Ward had temporary protected status ("TPS") due to her husband's U.S. citizenship; however, she was advised by Mr. Puentes not to renew her status because of the pending NACARA application.

5. From June 2005 until October 2005, Ms. Ward was unable to contact Mr. Puentes. In October 2005 she went to the Denver immigration office and learned that no paperwork had been submitted on her behalf. She then contacted the Office of Attorney Regulation and filed a request for investigation.

6. The investigation revealed that Mr. Puentes filed no paperwork on behalf of Ms. Ward. Due to Mr. Puentes' advice regarding her TPS, and due to Mr. Puentes' failure to file the appropriate paperwork on behalf of Ms. Ward, she lost her legal status in the United States. Due to losing her legal status she lost her work permit and has been fired from her job at Wal-Mart.

7. According to Ms. Ward's new attorneys, she still has the option of filing for a legal adjustment to her status but she cannot afford the \$1765.00 to file at this time. Her attorneys report that she is very distressed and upset because she has lost her ability to support herself and her family and she must start from square one on her quest to become a United States citizen. According to Ms. Ward's new attorneys, short of being deported, she has suffered about as much harm as possible due to the respondent's unauthorized practice of law.

The Mena Matter

8. On March 22, 2005, Mayra Mena met with the respondent at the Hispanic Service Center located at 38th and Federal Boulevard. The

² Nicaraguan Adjustment and Central American Relief Act (NACARA). NACARA provides various forms of immigration benefits and relief from deportation to certain Nicaraguans, Cubans and Salvadorans.

respondent owned the business but is not authorized to practice law in any state nor is he an accredited non-lawyer immigration service provider.

9. Ms. Mena paid the respondent \$520.00 to fill out and file an I-130 application on behalf of her husband and father of her children. She received a receipt and was told the paper work would be filed.

10. In January 2006, 10 months after she paid the respondent to file her I-130 application, she learned nothing had been filed on her behalf. She then contacted the Office of Attorney Regulation.

11. The Office of Attorney Regulation sent a letter to the respondent who now resides in South Dakota where he runs the Hispanic Service Center in Sioux Falls. The respondent responded to the letter by stating that he assisted Ms. Mena in filling out her I-130 paperwork and that he received \$520.00 for doing so. He provided an invoice for the work he performed. He did not file Ms. Mena's application until he received the letter.

12. The respondent caused significant delay by not filing Ms. Mena's paperwork. She has not been able to work or contribute to the family income. When she hired the respondent, she believed she was getting competent legal assistance. If not for reporting him, her application may never have been filed. Additionally, Ms. Mena had to hire new counsel and pay additional fees because of the conduct of respondent who was not authorized to prepare and file these immigration applications.

REQUEST FOR ENTRY OF ORDER OF INJUNCTION

13. The respondent engaged in the unauthorized practice of law in Colorado by assisting and charging Ms. Ward and Ms. Mena to prepare and file immigration forms. He caused harm and delay in both matters.

14. The respondent is currently charged in Denver County District Court with theft and criminal impersonation relating to the matters described herein. Respondent has recently been charged with an additional case in Denver County District Court involving another immigration client.

15. In June 2004, the consumer protection committee of the State Bar of South Dakota investigated complaints that respondent was holding himself out to be an immigration lawyer. The investigation resulted in a cease and desist letter directing the respondent to refrain from the unauthorized practice of law.

16. The respondent has acknowledged that his 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 May 8, 2006, attached hereto as Exhibit 1.

17. Pursuant to the recommendation for and consent to order of injunction that is contained on the third page of Exhibit 1, the parties recommend that the Colorado Supreme Court enter an order enjoining the respondent from the unauthorized practice of law.

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 19th day of June, 2006.



KIM E. IKELER, #15590
Assistant 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 20th day of June, 2006 and addressed to:

Mike Puentes
P.O. Box 1168
Sioux Falls, SD 57101



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:
MIKE PUENTES

Kim E. Ikeler, #~~14970~~ 15590
Assistant Regulation Counsel
Attorney for Petitioner
1560 Broadway, Suite 1800
Denver, Colorado 80202
Phone Number: (303) 866-~~6435~~ 6440
Fax Number: (303) 893-5302
E-Mail: k.ikeler@arc.state.co.us

Mike Puentes
302 South Summit Avenue
Sioux Falls, South Dakota 57101
Phone Number: (605) 335-3380

▲ COURT USE ONLY ▲

Case Number:

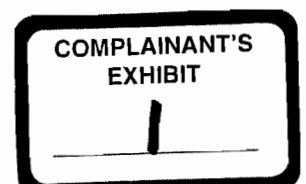
05UPL055 and
06UPL008

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

On this 8th day of May, 2006, Kim E. Ikeler, Deputy Regulation Counsel, and Mike Puentes, the respondent, 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 business address is P.O. Box 1168, Sioux Falls South Dakota 57104. The respondent's home address is 302 South Summit Avenue, Sioux Falls, South Dakota 57101. 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 by a preponderance of the evidence. 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. The respondent is not licensed to practice law in the state of Colorado.

b. The respondent is the president of a Colorado non-profit corporation, now doing business in Sioux Falls South Dakota named The Hispanic Service Center. Among other things, the Hispanic Service Center assisted clients in filing documents concerning immigration matters.

The Ward Matter

5. The respondent entered into an agreement to assist Kyle and Noa Ward with U.S.C.I.S. paperwork in April or May of 2005.

2. Respondent collected \$950.00 from the Wards. There is no receipt evidencing this transaction; however, the respondent does not deny that he was paid this amount

3. Respondent filled out NACARA¹ paperwork on behalf of Noa Ward. He informed the Wards that the paperwork had been filed and an appointment would be set for at date sometime around June 20th, 2005.

4. From June 2005 until October 2005 the Wards were unable to contact Mr. Puentes. In October 2005 the Wards went to the Denver

¹ Nicaraguan Adjustment and Central American Relief Act (NACARA). NACARA provides various forms of immigration benefits and relief from deportation to certain Nicaraguans, Cubans and Salvadorans.

immigration office and learned that no paperwork had been submitted on their behalf. They then contacted the Office of Attorney regulation and filed a request for investigation.

The Mena Matter

1. On March 22, 2005, Mayra Mena met with the respondent at the Hispanic Service Center located at 38th and Federal Boulevard in Denver, Colorado. The respondent owned the business but is not authorized to practice law in any state nor is he an accredited non-lawyer immigration service provider.

2. Ms. Mena paid the respondent \$520.00 to fill out and file an I-130 application on behalf of her husband and father of her children. She received a receipt and was told the paper work would be filed.

3. In January, 2006 Ms. Mena attempted to contact Mr. Puentes. She was unable to do so. She contacted the Denver immigration office and learned that nothing had been filed on her behalf. She then contacted the Office of Attorney Regulation.

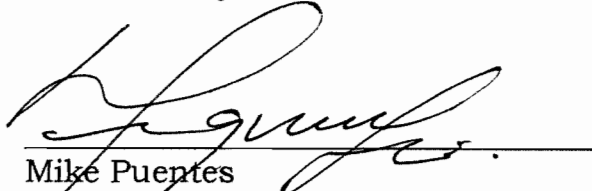
4. The Office of Attorney Regulation sent a letter to Mr. Puentes, now residing in South Dakota where he runs the Hispanic Service Center in Sioux Falls. Mr. Puentes responded by stating that he assisted Ms. Mena in filling out her I-130 paperwork and that he received \$520.00 for doing so. He provided an invoice for the work he performed. He did not file Ms. Mena's application until he received the request for investigation from the Office of Attorney Regulation. The application fee paid by him on Ms. Mena's behalf was \$190.00. Although he claims to not have provided any legal advice, he admits to selecting and explaining the forms to Ms. Mena.

6. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$91 incurred in conjunction with this matter within thirty (30) days after the acceptance of the stipulation by the Colorado Supreme Court.

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 pursuant to the Statement of Costs attached hereto as Exhibit 1, and refund to Kyle and Noa Ward \$950.00 and refund to Mayra Mena \$330.00 (\$520.00 minus the \$190.00 I-130 filing fee) within sixty (60) days of the entry of the order.

Mike Puentes, the respondent; and Kim E. Ikeler, attorney for petitioner, acknowledge by signing this document that they have read and reviewed the above.

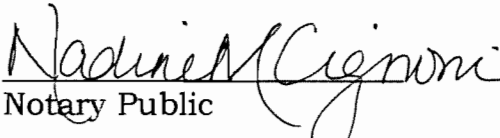

Mike Puentes
302 South Summit Avenue
Sioux Falls, South Dakota 57104

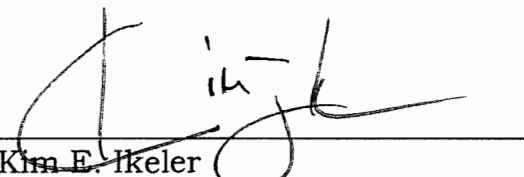
STATE OF COLORADO)
City and) ss.
COUNTY OF Denver)

Subscribed and sworn to before me this 8th day of May, 2006, by Mike Puentes, respondent.

Witness my hand and official seal.

My commission expires: 10-16-2009


Notary Public


Kim E. Ikeler
Assistant Regulation Counsel
1560 Broadway, Suite 1800
Denver, Colorado 80202
Telephone: (303) 866-~~6435~~ 6440

NADINE M. CIGNONI
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 10/16/2009

Attorney for Petitioner