DISTRICT COURT, DENVER CITY AND COUNTY, COLORADO 1437 Bannock Street Denver, Colorado 80202 STATE OF COLORADO, ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL, Plaintiff, v. LEGAL AID d/b/a LEGAL AID US, a Colorado Non-Profit Corporation, NATIONAL DOCUMENT PREPARATION SERVICES, a Colorado For-Profit Corporation, LEGAL AID, LLC, a Nevada For-Profit Corporation, and DANIEL R. KETELSEN, individually, Defendants.	▲ **COURT USE ONLY** ▲
Attorneys for Plaintiff: JOHN W. SUTHERS Attorney General OLIVIA C. DEBLASIO, 35867* Assistant Attorney General JAY B. SIMONSON, 24077* First Assistant Attorney General 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-5079 (303) 866-4916 Fax *Counsel of Record	Case No.:
COMPLAINT	

Plaintiff, the State of Colorado, upon relation of John W. Suthers, Attorney General for the State of Colorado, by and through undersigned counsel, states and alleges as follows:

INTRODUCTION

1. This is an action brought by the State of Colorado pursuant to the Colorado Consumer Protection Act, §§ 6-1-101 through -1101, C.R.S. (2008) ("CCPA"), to enjoin and restrain Defendants from engaging in certain unlawful deceptive trade practices, for statutorily-mandated civil penalties, for disgorgement, consumer restitution, and for other relief as provided in the CCPA.

PARTIES

2. John W. Suthers is the duly-elected Attorney General of the State of Colorado and is authorized under § 6-1-103, C.R.S. (2008), to enforce the provisions of the CCPA.

3. Defendant Legal Aid is a Colorado non-profit corporation with its principle place of business located at 7050 W. 120th Suite 200, 202 and 206 in Broomfield, Colorado 80020 and 3773 Cherry Creek Drive North Suite 575, Denver, CO 80209. Defendant Daniel R. Ketelsen registered Legal Aid with the Colorado Secretary of State on November 5, 2007. At relevant times, Legal Aid has advertised legal services and accepted payment from consumers inside and outside of Colorado. Legal Aid has used the name Legal Aid US in its marketing, including on its web site: http://legalaidus.com.

4. Defendant Daniel R. Ketelsen is the president and registered agent of Legal Aid. Defendant Ketelsen lives at 12205 N. Perry, #117, Broomfield, CO 80020 and, during relevant times, operated Legal Aid out of his home. Defendant Ketelsen conceived of, directed, and engaged in the practices and policies of Legal Aid to such a degree as to make him personally liable for the deceptive trade practices alleged herein of all Defendants.

5. Defendant National Document Preparation Services is a Colorado for-profit corporation with its principle place of business located at the same locations as those associated with Legal Aid. Defendant Ketelsen created National Document Preparation Services in August 2008 to replace Legal Aid and in reaction to the State's investigation into Legal Aid. After August 2008, Defendant Ketelsen continued to market and sell legal services through National Document Preparation Services although the name on documents provided to consumers remained Legal Aid. Defendant Ketelsen's stepson John David Bradbury is listed as the registered agent of National Document Preparation Services.

6. Defendant Legal Aid, LLC is a Nevada for-profit corporation with its principle place of business listed as Lakeside Business Suites, 2620 Regatta Drive, Suite 102 in Las Vegas, Nevada 29128. Defendant Ketelsen registered Legal Aid, LLC in Nevada on June 25, 2008 and listed his wife Jacqueline Ketelsen as the sole officer and manager of the company, although she denies any involvement or knowledge of her supposed role. Delaware-based Business Filings Incorporated is listed as the registered agent. At relevant times, consumers dealing with the Colorado-registered Legal Aid received documents that listed the Regatta Drive address in Las Vegas. Defendant Ketelsen forwarded mail sent to the Regatta Drive address to the Colorado-registered Legal Aid's addresses.

JURISDICTION AND VENUE

7. Pursuant to § 6-1-103 and § 6-1-110(1), C.R.S. (2008), this Court has jurisdiction to enter appropriate orders prior to and following an ultimate determination of liability.

8. The violations alleged herein were committed, in part, in the City and County of Denver, Colorado. Therefore, venue is proper in the county of Denver, Colorado, pursuant to § 6-1-103, C.R.S., and Colo. R. Civ. P. 98 (2008).

RELEVANT TIMES

9. The conduct that gives rise to the claims for relief contained in this Complaint ~~occurred~~ began~~inning~~ in the year 2007 and continues to the present.

10. This action is timely brought pursuant to § 6-1-115, C.R.S. (2008), in that it is brought within three years of the date on which false, misleading, and deceptive acts or practices occurred and/or were discovered. Furthermore, the alleged deceptive acts are continuing.

PUBLIC INTEREST

11. Through the unlawful practices of their business, or occupation, Defendants have deceived, misled, and financially injured a number of consumers in Colorado and nationwide. Therefore, the Colorado Attorney General believes these legal proceedings are in the public interest and are necessary to safeguard citizens from Defendants' unlawful business activities.

GENERAL ALLEGATIONS

12. Defendants advertise nationally that Legal Aid provides "legal services," including "Paralegal and Attorney services" in multiple areas of law including criminal and family law. Consumers are wrongly led to believe that Defendants are licensed to provide legal services and advice, including legal representation in court.

13. In reality, Defendants employ non-attorneys to draft legal documents for consumers to file in court. Defendants also employ non-attorneys to act as "intake specialists," who answer calls, direct consumers to particular legal documents and otherwise dispense legal advice. The non-lawyer "intake specialists" are not authorized or properly trained to provide legal advice.

14. Defendants pay "intake specialists" on an hourly basis and on various bonus systems that encourage high sales of "legal services."

15. Defendant Ketelsen hired his 18- and 19-year-old daughters, also non-lawyers, to prepare the service agreements sent to consumers, answer calls from consumers, and process refunds. Defendant Ketelsen had the sole authority to grant and reject refund requests.

16. Defendants have never hired or contracted with a licensed attorney to provide "legal services" or to review consumers' legal documents prepared by non-attorneys employed by Defendants. Further, Defendant Ketelsen is not a licensed attorney in any state.

17. Without disclosing that Defendants are not attorneys nor staffed by any attorneys, Defendants require upfront payments from consumers that average between $399.00 and $1,000.00. Defendants also sell rush jobs on "legal services" that increases the price by $150.00 to $300.00. Consumers are directed to provide payment by credit card or MoneyGram. Only after Defendants receive consumers' money do they send a written agreement that discloses Defendants are not attorneys and do not represent consumers in court.

18. Defendants advertise by listing Legal Aid in phone directories in several states, including but not limited to, Colorado, Texas, Kansas, Wyoming, Missouri, Alabama, and Florida. Consumers complain that when they call directory assistance and ask for "legal aid" that they are given a local number that connects them to Defendants rather than a local, government-subsidized or free legal services organization operated by attorneys.

19. Although Defendants maintain a website at www.legalaidus.com, their most effective marketing tool is simply the misleading name 'Legal Aid' and their local telephone listings which ~~draws~~draw unwitting consumers. Defendants know that their use of Legal Aid frequently misleads consumers, but have never changed the business name on their phone listings and ~~web site~~ website.

20. Defendants represent on their ~~web site~~ website www.legalaidus.com under the heading "About Us" the following:

> Legal Aid was organized to assist low income families with common legal issues. The legal system can be very confusing and complicated, Legal Aid is there to assist you in obtaining your objective at the lowest cost possible. From family law to criminal cases, we assist with Paralegal and Attorney services (sic).
>
> Our experiance [sic] has given us an insight to legal issues and problems throughtout [sic] the United States. Problems that include Child Protective Services, and Parrental [sic] rights. Our goal is to assist low income families in legal matters that would assist in securing their legal rights in a court of law.

21. Defendants' Refund Policy states that consumers may request a refund in writing by fax or certified mail, but that a $299.00 administrative fee is nonrefundable. Defendants' Refund Policy is only disclosed after consumers have sent hundreds of dollars to Defendants.

22. Consumers complain that Defendants wrongfully fail to refund monies despite consumers' adherence to the stated refund policy and procedures. In some instances, Defendants have failed to provide any services after consumers wired hundreds of dollars.

Consumers complain of calling Defendants dozens of times over several months in order to determine the status of their "cases" and refunds, and being kept on hold, disconnected or ignored after leaving numerous messages.

23. Defendant Ketelsen worked for a Colorado company called Legal Aid National Services, Inc. d/b/a The LANS Corp. prior to commencing operations of Legal Aid in 2007. Respondent Ketelsen uses LANS' business template, *i.e.* service agreements, forms and business processes, in his operation of Legal Aid. The State sued and obtained a default judgment against LANS in Denver District Court in 2008 for the same deceptive behavior alleged herein (*State ex. rel. Suthers v. Legal Aid National Services, Inc. d/b/a The LANS Corp., et al.*; Case number 08CV666). The State provided a copy of the LANS Complaint and Judgment to Defendant Ketelsen in June 2008.

24. On June 25, 2008, Defendant Ketelsen filed with the Nevada Secretary of State a business named Legal Aid, LLC and began directing consumers to send Legal Aid correspondence to a Regatta Drive address in Las Vegas associated with Legal Aid, LLC. Defendant Ketelsen claims to have never hired anyone to work for Legal Aid, LLC in Las Vegas.

25. On August 28, 2008, Defendant Ketelsen filed with the Colorado Secretary of State a business named National Document Preparation Services and listed his stepson, John David Bradbury, as the registered agent. Defendant Ketelsen started National Document Preparation Services in reaction to the State's investigation. He intended to replace Legal Aid with National Document Preparation Services and to continue to advertise legal services to consumers.

26. Defendants have deceived and misled hundreds, if not thousands, of vulnerable consumers nationwide into paying large upfront fees for "legal services" that are not provided by attorneys or simply not provided at all. Too often, legal documents and filings are prepared incorrectly or after great delay and, in some instances, rejected by the courts.

27. Defendants have taken in more than $300,000.00 from consumers. In October 2008, Defendants disconnected their phones and failed to provide any refunds to consumers who never received the promised work.

FIRST CLAIM FOR RELIEF
(False representations as to approval and certification of services)

28. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 27 of this Complaint.

29. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have made false representations as to the approval and certification of legal services advertised and sold to consumers, in violation of § 6-1-105(1)(b), C.R.S. (2008).

30. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from consumers from Colorado.

SECOND CLAIM FOR RELIEF
(False representations as to approval and certification by another)

31. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 27 of this Complaint.

32. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have made false representations as to the approval and certification by a licensed attorney of the legal advice and legal documents advertised and sold to consumers, in violation of § 6-1-105(1) (c), C.R.S. (2008).

33. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from consumers from Colorado.

THIRD CLAIM FOR RELIEF
False representation as to the sponsorship, approval, status, or affiliation

34. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 27 of this Complaint.

35. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have made false representations as to their sponsorship, approval, status, and affiliation by using the term “legal aid” in order to mislead consumers into believing they are contacting a free or subsidized legal aid with attorneys when in reality Defendants are not a free or subsidized legal aid with attorneys, in violation of § 6-1-105(1)(e), C.R.S. (2008).

36. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from consumers from Colorado.

FOURTH CLAIM FOR RELIEF
(Uses deceptive representations of geographic origin in connection with goods and services)

37. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 27 of this Complaint.

38. Through the above-described conduct in the course of their business, occupation or vocation, Defendants mislead consumers across the United States to believe they are dealing with a local business by utilizing local phone numbers when in reality Defendants are located only in Colorado, in violation of § 6-1-105(1)(d), C.R.S. (2008).

39. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from consumers from Colorado.

FIFTH CLAIM FOR RELIEF
(Failing to disclose material information)

40. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 27 of this Complaint.

41. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have made false representations regarding the goods they have advertised and sold, in violation of § 6-1-105(1)(u), C.R.S. (2008). Specifically, Defendants failed to disclose material contractual terms including but not limited to the fact that large portion of the upfront fee consumers must pay is nonrefundable, that an attorney will not be representing them in this matter and, that the forms prepared will not be reviewed by an attorney.

42. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from consumers from Colorado.

SIXTH CLAIM FOR RELIEF
(Conducting business without proper licensure)

43. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 27 of this Complaint.

44. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have made false representations regarding the goods they have advertised and sold, in violation of § 6-1-105(1)(z), C.R.S. (2008). Specifically, Defendants refused or failed to obtain or require their employees to obtain licensure in order

to engage in the practice of law. *See*, C.R.C.P. 201.3 (2)(b); People v. Shell, 148 P.3d 162 (Colo. 2006).

45. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from consumers from Colorado.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays for judgment against Defendants and the following relief:

A. An order declaring Defendants' above-described conduct to be in violation of the Colorado Consumer Protection Act, § 6-1-105 (b), (c), (d), (e), (u) and (z), C.R.S. (2008).

B. An order permanently enjoining Defendants, their officers, directors, successors, assigns, agents, employees, and anyone in active concert or participation with Defendants with notice of such injunctive orders, from engaging in any deceptive trade practices as defined in and proscribed by the CCPA and as set forth in this Complaint.

C. An order permanently enjoining Defendants, their officers, directors, successors, assigns, agents, employees, and anyone in active concert or participation with Defendants with notice of such injunctive orders, from providing any legal services, including preparation of legal documents, for consumers.

D. Appropriate orders necessary to prevent Defendants' continued or future deceptive trade practices.

E. A judgment in an amount to be determined at trial for restitution, disgorgement, or other equitable relief pursuant to § 6-1-110(1), C.R.S. (2008).

F. An order requiring Defendants to forfeit and pay to the General Fund of the State of Colorado, civil penalties in an amount not to exceed $2000 per violation pursuant to § 6-1-112(1), C.R.S. (2008), or $10,000 per violation pursuant to § 6-1-112(3), C.R.S. (2008).

G. An order requiring Defendants to pay the costs and expenses of this action incurred by the Attorney General, including, but not limited to, Plaintiff's attorney fees, pursuant to § 6-1-113(4), C.R.S. (2008).

H. Any such further orders as the Court may deem just and proper to effectuate the purposes of the CCPA.

Dated this _____day of _____, 2009.

JOHN W. SUTHERS
Attorney General

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OLIVIA C. DEBLASIO, 35867*
Assistant Attorney General
JAY B. SIMONSON, 24077*
First Assistant Attorney General

Consumer Protection Section
Attorneys for Plaintiff

*Counsel of Record

Pursuant to C.R.C.P. 121, § 1-26(9), the original of this document with original signatures is maintained in the offices of the Colorado Attorney General, 1525 Sherman Street, Denver, CO 80203, and will be made available for inspection by other parties or the Court upon request.