April 15, 2010

R. Wayne Johnson
P.O. Box 75162
Colorado Springs, Colorado 80970

Colorado Supreme Court-
Office of Attorney Regulation
Attorney Cynthia Mares
1560 Broadway, Suite 1800
Denver, CO 80202

RE: Case Numbers 10-1147, 10-1148, 10-1149, 10-1150

Dear Ms. Mares:

The above case numbers were assigned to my complaint filed with the Office of Attorney Regulation's central intake division by phone as required on April 6, 2010. Please know it was impossible to provide sufficient information to Carla, the non-lawyer support staff member that took my complaint, in 20 minutes or to expect her to accurately interpret the distress in which the complaint was made. I also understand you may not have had adequate time to review and rule on my complaint. Please know the complaint is not, and should not be seen as, an effort on my part to have the final orders reviewed by the OAR; the petitions for review were filed in accordance with the Colorado Rules of Magistrates, although presently being kept from entry into the Register of Actions.

As you are aware, the focus of your investigation is the ongoing alleged judicial and professional misconduct in the N/CS Division of the El Paso County District Court and the alleged involvement of Magistrate Candea-Ramsey (10-1147), former Magistrate John Paul Lyle (10-1150), and attorneys Christina Eigel (10-1148) and Tracy Rumans (10-1149), partners in the Law Offices of Belveal Eigel Rumens & Fredrickson LLC, acting on behalf of the third party intervenor/defendant, CSEU, in my action. For the purposes of providing more direction in your investigation, I will focus on the misconduct as it has occurred chronologically beginning with Christina Eigel. I maintain that it was impossible for any one person named in this complaint to individually accomplish what has occurred.

The details of my complaint follow. As you will learn, my complaint could not have been explained in the time permitted. I can only hope your review will be independent and fair. Suffice it to say, I am not confident it will be.

Sincerely,

R. Wayne Johnson

Christina Eigel, 10-1148

Background

Attorney Eigel is employed by the same company that owns and operates the El Paso County Child Support Enforcement Unit (CSEU), the trade name registered by the parent company. The nature of her employment relationship with the company is not known to me. I do know the law firm in which she is a partner shares the same physical location of CSEU in Colorado Springs and specializes in child support enforcement and child support modification. I also know attorney Eigel is a member of the Colorado Bar Association's Family Law Division. I therefore consider her an expert in child support enforcement and modification.

At the beginning, I believed CSEU was a county government human services agency. I believed the dispute that arose between me and CSEU would be easily resolved because it was a neutral party dedicated primarily to the welfare of children. This did not prove to be true because of the financial interests of the company that owns and operates CSEU under contract with the CDHS as a delegate child support enforcement agent.

The CDHS Division of Child Support Enforcement supervises CSEU in El Paso and Teller counties and the other 62 county government human services agencies that administer the State's child support enforcement program. While I am not privileged to know the reasons for outsourcing only El Paso and Teller counties, I believe the population size and size of the Colorado Springs Metropolitan Statistical Area economy, comprised of El Paso and Teller counties, is the key reason for the CDHS contract with the company that owns and operates CSEU and runs more than 50 such programs across the United States.

I believe the support provided to CSEU within El Paso County demonstrates another conflict of interest, in that the CDHS has a financial interest in the success, measured primarily by collections, in the resolution of child support enforcement cases. Central to this claim is federal legislation, including Title IV of the Social Security Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Child Support Performance Incentive Act of 1998. But I do not believe the individual impact of the outcome of my case is significant to CDHS, since public assistance is not involved. I do believe there is State and local government concern about my case because of potential public interest in the operations and conduct of CSEU to other IV-D fathers that may have experienced similar mistreatment.

When my dispute arose with CSEU in October 2008, the economy was beginning to show signs of the impending economic crisis. In 2009, the parent company presented its annual report to the El Paso County Commissioners and reported for the second straight year the highest collection rate in Colorado with an increase of 6.5 percent over 2007 to $42.5 million for 2008, according to CSEU's IV-D Administrator to The Gazette newspaper writer Debbie Kelley.

The IV-D Administrator stated, "Working parents are more likely to pay child support. If they don't, their wages, by law, can be garnisheed. About 79% of the money collected in El Paso County

last year was through income-withholding methods." "Statistics for the first quarter of 2009 show the impact of a weak economy. Child support collections through employers have dropped to 54%, and collections for unemployment compensation benefits are up 174 percent over last year." "We're getting money to families that need it. Most custodial parents are women who struggle to pay their bills. If we help families stay self-sufficient and keep them from getting public assistance, we're doing our part."

The parent company attributed its 2008 collections improvements to better customer service and training, improving its system to prove that non-custodial parents have the ability to pay child support, and increasing its attention on non-custodial parents that miss their first payments. The IV-D Administrator also attributed CSEU's success to its ability to intercept federal economic stimulus checks and changes in the Deficit Reduction Act that allowed CSEU to intercept federal tax refunds for children that reached age 19, Colorado's statutory age of emancipation.

I, therefore, attribute the mishandling of my child support enforcement case at the CSEU level to the failing economy that only worsened in 2009 and sharply impacted its collection rate – a key performance measure for TANF federal funding and its performance as a contracted service provided. And I attribute the mishandling of the child support modification action to my continued threats to file a federal lawsuit. I believe both CSEU and the State have their own special interests in the outcome of my case.

The specific allegations of misconduct for each OAR case follow. The information is arranged in an order logical to me. Please consider the arrangement as a way to organize like thoughts; it is not intended to be a legal presentation.

Violation of Right to Due Process

Failure to adhere to state and federal law/suppression of constitutional rights

Prior to the entry of the final orders on March 26, 2010, I was mailed a copy of the proposed child support modification order on February 11, 2010; I did not respond. On February 25, 2010, I was mailed a copy of the motion to approve the proposed amended order and the proposed amended order. The proposed order mailed to me on February 11 had been changed to add arrears together. As a result, "interest" language now appeared in the proposed amended order. I filed the written response to the proposed amended order on March 2, 2010 titled, "Objection to Proposed Amended Order." The opening sentence stated the purpose very clearly: "to object to the entry of the proposed amended order as moved by EL Paso County CSE Unit, Third Party Intervenor, and request a hearing by the Court pursuant to C.R.S. §24-4-105." I alleged conflict of interest and raised specific discovery issues.

Attorney Eigel responded on March 11, 2010 and within the 30 days required by the Statute. Yet, the response purposefully did not address the issue of whether a hearing should be granted. She did not request the Court deny the motion for a hearing; instead, she moved a second time to have the proposed amended order entered. Her decision to ignore the intent of

the motion was the same as denying my right to due process. I had a right to have my objection heard and to submit a motion to compel, as referenced in the motion for a hearing if necessary. I was being subjected to unknown financial liability and the forced sale of real property to satisfy the arrears judgment being sought.

On March 15, 2010, I filed a second motion for a hearing titled, "Continued Objection to Proposed Amended Order" following the receipt of attorney Eigel's three responses of March 11. I mailed copies as stated in the Affidavit of Service. Attorney Eigel did not respond to the motion mailed to her. However, on March 23, 2010, I learned the motion was not listed as an event on the El Paso County District Court's online system nor was it in my case file. On March 29, 2010, I notified Chief Judge Kirk Samelson the motion was missing through an ethics complaint packet indirectly hand-delivered to him and, then, on April 5, 2010, did likewise by providing an ethics complaint package to Judge Thomas Kane. On April 12, 2010, as court record irregularities continued to develop, I confirmed the missing motion had not been entered into the Register of Actions. On April 12, I submitted a letter of complaint pursuant to §13-1-103, C.R.S. to have the missing motion recorded in the ROA.

Notwithstanding my late efforts to affect the ROA, Attorney Eigel was aware from March 2, 2010 to the actual approval of the amended order on March 26th of my request to have my objection heard. The Attorney's obligations to existing codes of conduct governing her profession were severely compromised by the close relationship between her and her employer and, therefore, prevented the fair and orderly resolution of my modification action. Attorney Eigel has a special obligation and privilege to uphold the laws of this State that are formed upon the State's Constitution and framed by the Constitution of the United States. I allege that attorney Eigel did knowingly and willfully disobey the laws of this State and prevented me from enjoying my rights and privileges as a citizen of Colorado and the United States for corrupt purposes.

Discovery

The Response to Objection to Proposed Amended Order stated in part, "Respondent's objections relating to requests for discovery from the CSE Unit are not relevant to the proposed Amended Order. No issues of discovery were addressed at the January 13, 2010 hearing." Attorney Eigel's language is correct; no issues were "addressed." Discovery was an ongoing issue with CSEU and continued to be an issue when judicial proceedings began.

The excerpt that follows is taken from the petition filed on April 9, 2010. [1]

> The testimony given in court can be compared with the limited information provided to me by the CSEU through a copy of Ms. Dolbow's attached Affidavit of Direct Custody and Support (Affidavit) dated September 29, 2008. When it was first shown to me, I

[1] TR is in reference to the original transcript filed with the Petition for Review on April 9, 2010

knew only that 30 of the 39 months marked with zeros corresponded with the three year change in custody. Then after talking with Ms. Dolbow, I confirmed she was not trying to collect child support for that period of time. Later, upon closer examination of the Affidavit, I noted Ms. Dolbow had placed a check mark next to the statement "[t]he child[ren] have been in my custody and resided with me at all times since the children's birth." I also noted she had given me credit for paying child support for the first six months of 2005 after the change in custody occurred. Therefore, the outstanding balance in 2008 shown in the amendment to the Verified Motion was presumed by me to be paid.

On the date of the hearing, I also did not realize the Affidavit was signed 11 days after CSEU created Ms. Dolbow's Family Support Registry Account and assigned the child support enforcement case number to it. (See attached.) This irregularity was first cited in the first motion for change of venue on March 4, 2010 and was re-cited in the second motion for a hearing on March 15, 2010. Attorney Eigel did not take the opportunity to explain it in her March 11, 2010 response to my first motion for change of venue or choose to respond to it in the second motion for a hearing. In fact, attorney Eigel stopped responding on March 11, 2010 following CSEU's issuance of the levy to American National Bank stating the Order (Amended Order) had been entered January 13, 2010 commencing January 1, 2010.

In the first motion filed by me on March 2, 2010, I requested a hearing by raising the issue of self-dealing and alleging a conflict of interest and, then, provided six reasons to show good cause to grant a hearing. The first three reasons were issues of discovery, while the fourth and fifth were related to the existing discovery concerns and an anticipated discovery problem. The Magistrate's diligent review of my case file should have indicated I believed I was entitled to information used to seize my financial assets and suspend my driver's license, thereby restricting my personal freedom in two different ways.

In attorney Eigle's Response to Objection to Proposed Amended Order, Number 4 states: "Respondent's objections relating to requests for discovery from the CSE Unit are not relevant to the proposed Amended Order. No issues of discovery were addressed at the January 13, 2010 hearing." The record refutes this defense. I raised issues of discovery early in attorney Eigel's direct examination of me. "Well, my question has always been for 16 months, dealing with, uh, Child Support Enforcement here in town. Uh, it's more based on the information that they have, uh, that they won't release to me. I don't know what Ms. Dolbow came to CSE for. (What) did she come to CSE for?" [TR Page 7 lines 12-16]

Ms. Eigel's immediate response was comparable to CSEU's refusal to consider anything but child support payments during the three administrative reviews it conducted. Ms. Eigel said, "Let's - - let's focus on - - at this time I'm trying to focus on what are you asking the Court to do today? Are you asking the Court that you not owe child support for the three years that Marcus - - you're saying Marcus lived with you?"[TR

Page 7 lines 17-20] I responded, "I'm asking to be heard by Policy Studies who runs Child Support Enforcement. I - - I need to be heard. I have, uh fought this battle for 16 months, okay. My issue is not with Ms. Dolbow, it never has been. This is the first contact, ma'am, I've had with you. After many calls to your office, okay. I've called Belveal, Rumans, and your name, I'm not sure." [TR Page 7 lines 21-25; TR Page 8 line 1]

I continued stating, "We - - this is my first contact with anyone outside of the caseworkers at CSE. And I've tried since October 4th of 2008. And I would like to know what prompted the enforcement actions against me and what Policy Studies knows. And that is all I've ever wanted for the last 16 months. Ms. Dolbow has done nothing wrong." [TR Page 8 lines 7-11] She then immediately shifted to the motion to modify child support I filed on September 21, 2009. I then attempted to shift back to the ongoing dispute with CSEU/Policy Studies. District Magistrate John Paul Lyle then said, "Sir. You['re] on the witness stand and you're under oath. You're to be answering questions." [TR Page 9 lines 12-13]

Right to examine witness for purpose of diligently prosecuting my action/discovery/obstruction of justice

I had a right to examine my former wife under oath and to ask questions. I intended to pursue her statement to me that she was not trying to collect child support for the three year period at issue and her statement to me "they took the ball and ran with it." Upon direct examination for this purpose, attorney Eigel immediately objected when I ask how many times she talked with CSEU. The record is as follows: "Objection. Relevance." Magistrate Lyle responded, "Objection is sustained. You don't need to answer the question. Anymore questions?" I responded, "Uh, I'm - - I guess, Your Honor, I need to have some clarification." Magistrate Lyle responded, "I'm not gonna ask questions for you, and I'm not allowed to give you legal advice. So if you've got other questions for this witness while she's under oath, go ahead and ask them. If you don't _ ." I said, "Uh, well, sir, I asked how many meetings she has she had with child _ ." Magistrate Lyle responded, "All right. Then I disallowed that question, so you need to move on_." I said, "I understand." Magistrate Lyle continued, " _ to something else." I said, "All of my questions, sir, have to do with the - - management of the case that has been enforced against me." Magistrate Lyle stated, "Which has nothing _." I continued, "And I feel like I am wasting your time." [TR Page 28 lines 2-20] The exchange continued briefly until Magistrate Lyle instructed my former wife to step down. [TR Page 28 lines 21-25]

Attorney Eigel did not adhere to the intent of the modification hearing, as stated in the Delay Prevention Order (DPO) issued by Magistrate Lyle on November 24, 2010. The purpose of setting the hearing was to ensure the action was being diligently prosecuted. I presumed attorney Eigel and the Court were interested in justice, not in obstructing it.

Violation of income verification provisions required to determine the equitable contribution of financial support by both parents/discovery

Attorney Eigel was unable to provide my former wife's verifiable income in violation of the DPO that required compliance to certain disclosure requirements, including the order to "file all disclosures as required by JDF Form 1125: Mandatory Disclosure Form 35.1." From September 21, 2009 to the hearing on January 13, 2010, I provided verified income information and a sworn financial statement that included disclosure of all personal and real property owned by me. My former wife provided a CSEU affidavit form verifying income, child care expenses, medical insurance expenses, and miscellaneous child-related expenses.

The failure to produce verified income indicates CSEU's noncompliance with Code of Colorado Regulations for the Child Support Enforcement Program found in 9 CCR 2504-1. Because of the expertise of attorney Eigel it is inconceivable that she had no knowledge of CSEU's obligation to collect and verify my former wife's income; it is likewise impossible to believe the income and expense affidavit required as part of the application for service was never completed. It is also impossible to believe, as an expert in Colorado's Child Support Guideline, attorney Eigel failed to understand the significance of income in determining the dollar amount of the new child support order.

The excerpt that follows is taken from the petition filed on April 9, 2010.

> There are two primary considerations for determining child support – the income of both parents and parenting time. As discussed under the Change in Custody heading, Ms. Dolbow reported no wages earned in 2005, she thought she earned $9.70 an hour in 2006, did not know what she earned in 2007. Then during attorney Eigel's continued direct examination, attorney Eigel agreed to estimate what she made in 2008 using her current hourly rate of $10.69 and Ms. Dolbow's statement that she had received small raises between 2006 and 2009.
>
> According to CSEU's online application guidelines, Ms. Dolbow was required to provide a verification of income (i.e. pay stubs, tax returns) at the time of her application for collection services. Based on Court testimony and the failure to provide me with the financial disclosures and other documents specified in the Delay Prevention Order issued by Magistrate John Paul Lyle on November 24, 2009, my only reference to Ms. Dolbow's income is the attached Affidavit with Respect to Child Support (Affidavit) that I believe was associated with attorney Tracy Rumans' October 14, 2009 response to my September 21, 2009 motion to modify child support. The Affidavit is divided into sections. The section to verify income is under Your Primary Employment. It has three places to mark an X to identify the source documents relied upon as proof of income: IRS

tax forms for the last three years, pay stubs for the last three months, and various forms to prove income from self- employment. None of them were marked. Beneath this subsection, Ms. Dolbow stated that she started working for her current employer in September 2005 and presently earns $10.69 per hour.

Malicious Prosecution

Custody, imputation of income

Attorney Eigel was unable to conduct a proper prosecution of my action because of the existing conflict of interest and related self-interest of her employer in the outcome of not only the child support modification case, but also the child support enforcement case. As a result, attorney Eigel sought to modify child support in such a way to reach and exceed the amount of money already intercepted through administrative actions. In order to accomplish that objective, she pre-determined the necessity of using child support worksheet B showing mother having child and then imputed my income to cause stepped-up increases in child support for the last three months of 2009 and the first eight months of 2010. The inclusion of my former wife's inheritance gave the appearance of fairness. Attorney Eigel worked through calculations prior to the hearing in order to bring about the ten percent change required by §14-10-122 to modify child support.

The excerpt that follows is taken from the petition filed on April 9, 2010.

> During attorney Eigel's direct examination pertaining to my income, she established that I retired in 2005, I was not certified as disabled, my only source of income was my retirement through documents provided by me, and I received a cost of living increase each year between 3 and 3 [1/2]%. Attorney Eigel began the questioning by asking, "And your current financial indicate - - financial affidavit, excuse me, indicates you're receiving $5,291.00 per month in retirement. Is that correct?" [TR Page 10 lines 3-5]
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> She then focused her attention on whether or not I intended to work during my retired years, in much the same manner as CSEU IV-D Administrator Laura Davidson. I told her I had three potential jobs but my driver's license was suspended and the jobs were out of town or out of the country. My interests in working again, and not in Iraq, was based on the uncertainty of the ongoing dispute with CSEU, and its continued impact on me financially.
>
> On direct examination, attorney Eigel asked, "And what type of job - - employment were the job offers for?" I responded, "It was for electrical work. I'm a member of, uh, the International Brotherhood of Electrical." Attorney Eigel then immediately asked, "Do you have an electrician's license?" I answered, "I have - - yes, ma'am, I'm registered with the State." [TR Page 11 lines 8-12] Through attorney Eigel's next series of

questions, I told her, after complaining about answering questions about how much the jobs would have paid and being admonished by Magistrate Lyle to answer her questions, I said the job in Iraq paid $280,000, the job in California paid $190,000, and the job in Colorado was a contract job paying $38.00 per hour.

Attorney Eigel and Magistrate Lyle then began discussing worksheets and imputing income. In the record for 2005, Attorney Eigel states, "One child. Mother's income, she indicated she was unemployed. I (inaudible) I believe at that time it was $893.00 month. This would show that - - I'm not imputing any additional income to Mr. Johnson - - child support would be $467.00, which is not a 10 per cent change. Does the Court want me to calculate it with imputation of income? Or just go forward to 2006?" District Magistrate Lyle responded, "I would like you to comment on why we don't impute in this case." Attorney Eigel answered, "And we would be asking the Court to impute. Mr. Johnson testified he has multiple job offers (inaudible) since he's been retired, from a high of $280,000.00 in Iraq to $190,000.00 in California. (Inaudible) Would not be requesting imputation of those amounts of money. He did indicate he's a licensed electrician, and that he had a job offer on the eastern plains of Colorado at $38.00 an hour, which would be an additional $6,857.00, which would give him 6,857, plus the 47-01, would be an income of 11,288. (Which means that) child support would increase in 2005, using the guidelines in effect at that time, to $1,045.00. Without the imputation, again there is no 10 per cent change. Using that same computed - - imputed income of father, plus we're now showing a three per cent increase, 48-42 (inaudible) gross income of 11, 429. [TR Page 32 lines 3-25]

The imputation of income was based on attorney Eigel's determination of my ability to earn after I retired in 2005, knowing my ability to work was adversely affected by my driver's license suspension. Attorney Eigel asked and I answered, "Do you have a disability that prevents you from being employed?" "No, ma'am." "Have you looked for employment since 2005?" "I have actually had several job offers." "Have you taken any of those job offers?" "I have been unable to, ma'am." "Why have you been unable to?" "My driver's license is suspended." "When did your driver's license get suspended?" "I believe it was September 21, 2009." "And were those job offers before or after September 21?" "Before." "Why were you – why were you unable to accept the job offers you received before September 21st?" "Three of them were out of state. And one was actually in Iraq." [TR Page 10 lines 16-25 through TR Page 11 lines 1-7]

Attorney Eigel's approach to the change of custody at dispute was likewise reliant on establishing the use of worksheet B, showing mother having child for years 2006 and 2007. In hindsight, the objection to my question to my former wife about her meetings with CSEU was likely attorney Eigel's concern I would inquire about her preparation for the hearing.

The excerpt that follows is taken from the petition filed on April 9, 2010.

The ongoing dispute with CSEU centered on the three year change in custody that CSEU officially refused to recognize beginning October 10, 2008. The record shows attorney Eigel first framed this change in custody in her direct examination of Ms. Dolbow by asking her if there was a "voluntary change of physical care in January 2005." [TR Page 17 lines 1-2]. Ms. Dolbow responded in the affirmative, and Ms. Dolbow offered her explanation. "Um, I had asked Mr. Johnson if he could help me. Our son was not going to school, he wasn't, you know. And Mr. Johnson was retired. And I ask him if he could possibly start living with him. And, why - - as it turned out he had him half time and I had him half time." [TR Page 17 lines 5-9] After a detailed discussion of changing schools that included identifying school districts, Attorney Eigel asked Ms. Dolbow: "Lets start with January 2005 when Marcus was in Skyview Middle School, was he living primarily with Mr. Johnson?" Ms. Dolbow answered "Yes." (TR Page 18 lines 16-19) Then Ms. Eigel immediately asks, "And was he - did you have parenting time with Marcus?" "Yes" "And what was your parenting time?" "Thursday and Friday and Saturday and Sunday" "Four per week?" "Yes or other times Friday, Saturday, Sunday." [TR Page 18 lines 20-25] Attorney Eigel then asks the leading question, "So would you say it was about 50/50 parenting time?" Ms. Dolbow answered, "Absolutely, Yeah." [TR Page 19 lines 1-2] From this point in the record and through the direct examination of Ms. Dolbow about custody during years 2006 and 2007, "50/50" is used by attorney Eigel four more times and given by Ms. Dolbow two more times. [TR Page 19 lines 14, 17, 23; TR Page 20 line 9; TR Page 21 line 18]

Summary Judgment

The March 2, 2010 motion for a hearing raised the allegation the "adding together of arrears" was in self-interest and not for the purpose of benefiting my former wife or my son. I stated among other things: "I allege that Third Party Intervenor – PSI intends to assess interest on the arrears added together by the amended proposed Order of February 18, 2010, at a future date with or without direction from Petitioner." "I contend that Third Party Intervenor – PSI has preserved claims to interest on the amendment to the proposed Order from January 13, 2010 which states: 'Wherefore, the El Paso County CSE Unit moves the Court to approve the attached Amended Order which includes the arrears balance owed by Respondent and reserves Petitioner's right to seek interest due on the support arrears.' 'Said preservation of claims to interest subjects me to potential unknown financial responsibility.'"

The reason for adding principal and interest language was, in my opinion, to set up a summary judgment for which attorney Eigel intended to force me to sell real property. This was discussed at length in my affidavit filed with the petition of April 9, 2010 with direct reference to §14-10-122, C.R.S., and more specifically to 1.5 that is dedicated to IV-D cases and discusses liens on personal and real property. Because of my anticipated continued

refusal to make voluntary child support payments, attorney Eigel was prepared to force my cooperation using the continued suspension of my driver's license to incentivize me to cooperate and pay off the alleged arrears.

Criminal Misconduct/Obstruction of Justice

Attorney Eigel knowingly and willfully drafted an order that did not comply with court testimony by manipulating standard child support worksheets for corrupt purposes.

In the preceding section, my former wife stated our son lived with me in 2005. Yet attorney Eigel and Magistrate Lyle eventually determined no modification was permitted for 2005. Therefore, worksheet A showing mother having child remained in effect. The correct worksheet would have been worksheet A showing father having child, which would have determined my former wife should have paid child support to me. Secondly, after establishing a 50/50 parenting schedule with child living with me by covert means, attorney Eigel prepared the worksheets for years 2006 and 2007 stating, "This Worksheet is for one child living most of the time with Mother. Overnight parenting time with Father: 145 (39.726%)"

The final Amended Order stated in part:

THIS MATTER came before the Court on January 13, 2010, for a hearing regarding the issues of modification of child support. Present were Christina Eigel, Attorney for the El Paso County Child Support Enforcement Unit, Petitioner, pro se and Respondent pro se. The Court upon being advised in the premises.

FINDS THAT:

1. The Court has jurisdiction over the subject matter and personal jurisdiction over all parties.

2. A voluntary change in care occurred in 2005. The Court will, therefore, retroactively modify child support to January 2005. Child support will be based upon a worksheet B calculation for the years 2005 through 2007. Commencing 2008, child resided with Mother and child support shall be calculated based on worksheet A.

3. The Court will not impute income to Respondent until 2009. Commencing October 2009, the Court will impute income to Respondent based upon his ability to earn.

4. Respondent is presently under Court order to pay $438.80 per month as support for the minor child of this action.

    A. For year 2005, based upon child support worksheet (A or B?), no 10% change

occurred and modification is, therefore, not warranted.

B. Commencing January 1, 2006, the Court finds that a substantial and continuing change of circumstances has occurred resulting in a 10% or more change from the existing Court order. A modification of the child support order is therefore appropriate per the attached child support worksheets.

5. The Court finds that the financial circumstances of the parties are as reflected on the attached child support worksheets.

6. Respondent has medical or medical and dental insurance available through a present employer or private carrier.

7. Per the CSE Unit's attached calculation of the arrears principal owed in this matter, Respondent owes the sum of $13,128.20 as of January 31, 2010. Said balance is principal only and does not include interest owed pursuant to C.R.S. §14-14-106.

8. Respondent shall pay child support as follows:

A. $346.00 per month, said payments to commence January 1, 2006, and to continue on the 1st day of every month thereafter through December 31, 2006;

B. $355.00 per month, said payments to commence January 1, 2007, and to continue on the 1st day of every month thereafter through December 31, 2007;

C. $337.00 per month, said payments to commence January 1, 2008, and to continue on the 1st day of every month thereafter through December 31, 2008;

D. $369.00 per month, said payments to commence January 1, 2009, and to continue on the 1st day of every month thereafter through September 30, 2009;

E. $958.00 per month, said payments to commence October 1, 2009, and to continue on the 1st day of every month thereafter through December 31, 2009;

F. $1,357.00 per month, as current child support, said payments to commence January 1, 2010, and to continue on the 1st day of every month thereafter until said child reaches age 19 or until further order of the Court.

Providing Fraudulent Information to a Financial Institution

Attorney Eigel stopped responding after March 11, 2010, which coincided with the notice of

lien and levy served on American National Bank. The notice contained information only known by Belveal Eigel Rumans & Fredrickson and the N/CS Division, i.e. the effective date of the proposed Amended Order and the commencing date of the new order. A regular CSEU employee would not have established the lien. This is an excerpt from my affidavit:

> 116. On March 11, 2010, a letter was printed and served on the American National Bank at 3033 E. First Avenue, Denver, Colorado 80206, titled "Colorado Division of Child Support Enforcement Notice of Lien and Levy." The total amount due was $14,485.20 as of March 11, 2010. The letter was from the Colorado Division of Child Support Enforcement, State Enforcement Unit. It provided as before: "Once you have returned the remittance notice and/or surrendered any funds, the lien and levy automatically inactivates." "Please do not surrender funds under $25." However, when compared to the Ent Credit Union levy notice, it does not appear to be computer-generated. The first sentence reads: "The total amount of past-due child support is $14,485.20 as of 3/11/2010." The bottom portion of the letter states: "Date order entered: 1/13/2010." The last line was a form number. It reads: "CSE532 (8/09). Unlike the Ent Credit Union letter of January 19, 2009, it has a bar code along the right margin. The bar code may have been applied by the Bank for image-indexing purposes.
>
> 117. On March 12, 2010, a letter was prepared and mailed to me at my home address from American National Bank. The Bank sent a copy of the levy notice and debited a total of $50 from my account. It said, "The amount of $0.00 will be held for thirty days (30), after (30) days the funds will be sent to Colorado Division of Child Support Enforcement. The remaining amount of $50 will be applied towards our processing fee. If the funds in your account(s) were not sufficient to satisfy the levy, all of your funds have been removed." "If funds are unavailable at the time of a presentment, checks may be returned 'Refer to Maker' for two weeks. The normal Non-Sufficient Funds processing fee will still apply."

Until March 26, 2010, I presumed the Amended Order had been approved, and I had 15 days to appeal the decision. At the time, I did not understand the appellate process or know that magistrate final rulings were required to be reviewed in the district court prior to going to the appellate court. Therefore, I filed a Notice of Appeal that was presumed to be "giving notice of intent to appeal." The Notice was accepted by the clerk for the case file only. The accompanying affidavit was not accepted, and I was instructed to file the appeal with the Court of Appeals first and then file a Notice of Appeal.

Nevertheless, on March 26, 2010 while attempting to file the Notice of Appeal, I was told Magistrate Candea-Ramsey had just approved the Amended Order and it was placed in the mail. I received the Amended Order and the two other Orders on March 27th. Therefore, I

know the lien and levy contained fraudulent information and was issued for corrupt purposes.

Tracy Rumans, 10-1149

Background

Attorney Rumans is a partner in the same law firm as attorney Eigel. The nature of her employment relationship with CSEU/parent company is not known to me. Attorney Rumans registered her address with the Colorado Bar Association as the location of the law offices of Belveal Eigel Rumans & Fredrickson on Tejon Street near the El Paso County Judicial Building.

Professional Misconduct/Malicious Prosecution

Attorney Ruman's overt involvement in the modification action has been limited to her October 14, 2009 response to my September 21, 2009 motion to modify child support. The response was filed six days beyond the expected 15-day response time and issued the following defense to my motion: "The CSE Unit has no knowledge regarding the living arrangement of the minor child during the time period in question. The CSE Unit also does not know whether Petitioner disputes Respondent's motion. The CSE Unit requests that Respondent be required to set his motion for a hearing before the Court so that a factual determination may be made." "According to the records of the CSE Unit, Respondent currently owes a child support arrears balance of $24,874.50, principal only."

The CSE Unit was overly familiar with my case and the nature of my ongoing dispute. There had already been two administrative reviews at the local level and one review at the state level. In both cases, no information was recorded regarding the change in custody; the only information allowed to be considered was "payment" information. And I had withheld all voluntary payments in protest of CSEU's refusal to acknowledge the change in custody. Nonetheless, the late filing was gladly accepted by the Court although my former wife did not respond except by returning my mailing back to me unopened.

On October 31, 2009, the Family Support Registry was credited with the levied balance of my investment account reported on the sworn financial statement with my motion to modify filed September 21. The levy reduced the alleged arrears balance by $11,569.50.

John Paul Lyle, 10-1150

Background

Former Magistrate John Paul Lyle was employed by the Fourth Judicial District under a State Judicial Department contract. I initially requested his contract from County Attorney William Louis on March 9, 2010 and received a phone call from the County on April 8th apologizing for not meeting the Colorado Open Record's Act three-day requirement. The employment contract is designated for "Grant-Funded Salary Employees." The HR section shows a Year 1

start date of January 1, 2010 and an end date of January 31, 2010 and identifies the Budget and Program signature of Linda Edwards on January 4, 2010.

According to the body of the contract, subject to termination, the duration of attorney Lyle's employment was from January 1, 2010 to June 30, 2010. The "term" of his office became a focus after realizing attorney Eigel back-dated the proposed Order and Amended Order to the date of the hearing. I raised this issue as well as alleged former Magistrate Lyle did not have legal authority to preside over the hearing when I filed the first change of venue motion on March 4, 2010. On that date, I believed his term ended on January 1; I did not know he was employed under a contract. Upon learning his contract was terminated on January 31, 2010, I filed an amendment to the first motion to correct this error. I still maintained attorney Eigel back-dated the proposed order for corrupt purposes.

In attorney Eigel's combined response to the first motion and the amendment on March 11, 2010, she stated: "In his Amendment to Extraordinary Motion for Change of Venue, Respondent alleges that the undersigned counsel seeks to backdate the order to the term of Magistrate Lyle. The proposed order properly reflects the date on which the Order will be signed by the Court (left blank when filed with the Court) and the date the order is effective, i.e. the date of the hearing. Respondent's time for filing of review commences when the written order is signed by the Court. The inclusion of the hearing date as 'nunc pro tunc' does not eliminate his time period to seek review of the Magistrate's order."

My concern about the backdate had nothing to do with filing of review. I did not know why attorney Eigel elected to assign the hearing date to the order produced from the hearing on January 13th. I based my concern on the late submission of the first proposed order on February 11th. The legal definition suggested there was not only an unknown reason for submitting the proposed order so late, but it also required a court order . This is the referenced definition of *nunc pro tunc*:

> Nunc pro tunc is a Latin term meaning "now for then". It refers to a thing is done at one time which ought to have been performed at another. Permission must be sought from the court to do things nunc pro tunc, and this is granted to answer the purposes of justice, but never to do injustice. A judgment nunc pro tunc can be entered only when the delay has arisen from the act of the court.
>
> Latin for "now for then," this refers to changing back to an earlier date of an order, judgment or filing of a document. Such a retroactive re-dating requires a court order which can be obtained by a showing that the earlier date would have been legal, and there was error, accidental omission or neglect which has caused a problem or inconvenience which can be cured. Often the judge will grant the nunc pro tunc order ex parte (with only the applicant appearing and without notice). Examples: a court clerk

fails to file an answer when he/she received it, and a nunc pro tunc date of filing is needed.[2]

I also know that the worksheets attached to the proposed orders were prepared by attorney Eigel's law firm as early as January 26, 2010 because the date was recorded at the bottom of the worksheets. This is the excerpt from my affidavit:

> 72. On January 26, 2010, "Belveal & Eigel LLC" recalculated the alleged arrears, including years 2006 and 2007 that used Worksheet B showing Mother having child, and eventually denied modification for year 2005 because no substantial change occurred while using Worksheet B showing Mother having child.

Conspiracy to Obstruct Justice/Violation of Right to Due Process/Fraud

When I later determined attorney Jayne Candea-Ramsey was sworn in on February 12th, I believed attorney Eigel had purposely withheld the submission of the order to former Magistrate Lyle for corrupt purposes.

Based on the transcript and my increased knowledge of the ongoing misconduct in the handling of my action, I now believe former Magistrate Lyle was unwilling to sign attorney Eigel's proposed order submitted soon after the hearing and prior to his contract termination date.

The excerpt from the Petition filed on April 9th follows. The transcript indicated to me most issues were resolved prior to the hearing. (On the date of the hearing, worksheets and imputing income meant little to me.) The child support amounts for each calculated period equaled what was determined in Court at the end of a one hour hearing and appeared in the proposed orders. The only other document to be prepared was a spreadsheet type summary attached to the proposed orders that was a "plug in" type table; former Magistrate Lyle said the "State" would prepare it. CSEU prepared it. I also know former Magistrate Lyle had his file for my case prior to hearing it.

> After a personal exchange between Magistrate Lyle and attorney Eigel, "Your Honor. I'm sorry, your Honor, child support - - (inaudible) Would request that child support would be modified at least as of October 1, 2009 to $958.00, and then $1,357.00 commencing January 1, 2010." [TR Page 34 lines 22-25]
>
> In the record of the Findings and Rulings by the Court, Magistrate Lyle listened to Attorney Eigel as she explained how Worksheet B would be used and how she determined the monthly child support obligation. Magistrate Lyle responded, "All right. Those are the figures that I want used." Attorney Eigel said, "Okay." Attorney Eigel's

[2] http://definitions.uslegal.com

calculation concluded, "So then for 2005, it's 4-67, which was no 10 per cent change. For 2006, and that's imputing income minimum wage to mother, for 2006 mother became employed. Child support reduces to $346.00. For 2007 mother - - and this is where estimating that she had gotten a raise to approximately $10.00 an hour, increasing father's retirement but I imputed income. 2007 child support would be $355.00." [TR Page 36 lines 15-21] Then attorney Eigel works through the other years using estimates of Ms. Dolbow's income and my imputed income.

Magistrate Lyle then summarized what was happening between him and attorney Eigel: "All right. Child support from October, 2009 will be $958.00 a month. And then commencing as of January 1st, 2010, it's $1,357.00 a month. All payments are to be made through the Family Support Registry by income assignment. [TR Page 37 lines 18-20] Attorney Eigel then informed Magistrate Lyle the State's administrative review did not consider the change in custody and, therefore, adjustments would need to be made.

Magistrate Lyle responded, "All right. The arrears balance is likely to be impacted somewhat, although from the numbers I'm looking at, it won't be - - it won't be significant, or it won't be tremendously significant. But those calculations are to be re-done by the State pursuant to this new ruling Any questions, Ms. Dolbow? Her response, "What just happened?" [TR Page 38 lines 8-13]

The following excerpt is from my affidavit as of March 26, 2010:

67. In the hearing on January 13, 2010, I attempted to question Ms. Dolbow about the number of times she talked with CSE Unit employees. Attorney Eigel objected on grounds of relevance and former El Paso County District Magistrate John Paul Lyle sustained the objection. I was attempting to verify Ms. Dolbow's statement to me that "they took the ball and ran with it." Toward the end of the hearing, former El Paso County District Magistrate John Paul Lyle asked Ms. Dolbow if she had anymore questions. Her response was something similar to "yes, what just went on?" I kind of chuckled and said, "really." I therefore understood my dispute with PSI was going to be as difficult as I was told it would be. As of January 13, 2010, I believed former El Paso County District Magistrate John Paul Lyle had assisted the CSE Unit and attorney Eigel in their efforts to derail legal avenues of fighting PSI. I did not know what to do next.

68. In the hearing on January 13, 2010, following the sustained objection, I told the Court I had no further questions because my questions had nothing to do with Ms. Dolbow. I wanted Ms. Dolbow to know my issues were not about her or our private agreement concerning our son.

69. In the hearing on January 13, 2010, former El Paso County District Magistrate John Paul Lyle entered orders modifying child support and instructed attorney Eigel to recalculate the alleged arrears owed by me to reflect the modification. I remember former

El Paso County District Magistrate John Paul Lyle and attorney Eigel talking about worksheets and discussing my ability to work, imputing income on my ability to earn. I recall former El Paso County District Magistrate John Paul Lyle speaking to her and saying something like, "you have your work cut out for you on this one."

70. During the hearing on January 13, 2010, former El Paso County District Magistrate John Paul Lyle warned me about the difficulty of a lawsuit, and I informed him I had already heard the same thing from local attorneys. When I was finished, I asked him for permission to approach the bench. He seemed annoyed and said something to the effect he had other cases waiting. I told him I was almost finished and then handed him the letter I prepared for the hearing. When the hearing ended, I stepped out into the hall and said goodbye to Ms. Dolbow and her sister. I then returned to the courtroom to give attorney Eigel a copy of the letter. I watched former El Paso County District Magistrate John Paul Lyle read my letter during the next hearing. I sat through the Court's docket. When it ended, I gave attorney Eigel her copy. Prior to the hearing, I had given Ms. Delores a copy of the letter to show to Ms. Dolbow.

Violation of Right to Equal Treatment

On October 22, 2009, eight days after attorney Rumans' late response to my motion to modify child support, Magistrate Evelyn H. Sulivan reviewed my action and vacated it. On November 19, former Magistrate Lyle reviewed the action and updated its status to "Held and continued." On November 24, he vacated it, then reopened it, and issued the Delay Prevention Order with instructions to set a hearing within 30 days and submit certain disclosures and sworn financial statements prior to the hearing. According to the Delay Prevention Order, the purpose of the hearing was to determine if the motion was being diligently prosecuted. Noncompliance with its requirements constituted a failure to diligently prosecute the case and was grounds for dismissal without prejudice by Minute Order without notice to parties. I set the hearing on December 7 and, at the request of my former wife, agreed to a hearing date of January 13, 2010. When I did not receive notice, I went to the El Paso District Court and it was delivered by hand.

My former wife's financial disclosure did not comply with the Delay Prevention Order. I was provided with a CSEU document titled "Affidavit with Respect to Child Support" that listed basic information about her current employment, other sources of income, medical insurance, childcare expenses, and other child-related expenses. The section for identifying income verification source documents, i.e. tax returns for the last three years, pay stubs for the last three months, or proof of income from self-employment, was not marked. The Affidavit also indicated her current employment began in September 2005, the year the change in custody occurred, although in Court she testified she was unemployed in 2005.

As previously mentioned, former Magistrate Lyle readily accepted the lack of proven income and, then, listened without reservation as attorney Eigel estimated my former wife's income. Had I not submitted the required disclosures as ordered in the Delay Prevention Order, my motion to modify

would have been dismissed for noncompliance, and the hearing would never have taken place.

When former Magistrate Lyle considered imputing income to 2005, attorney Eigel proposed to more than double it based on my current ability to earn. Yet there was never a similar discussion of imputing my former wife's income during 2005 or suggest she work an extra job or seek a better paying job in years 2006 and 2007 to increase her contribution to our son's physical support.

I was also not afforded the opportunity to pursue attorney Rumans' statement in her response stating, "The CSE Unit has no knowledge regarding the living arrangement of the minor child during the time period in question. The CSE Unit also does not know whether Petitioner disputes Respondent's motion." I maintain that at all times, every party involved in the handling of both the child support enforcement case and modification case, treated me in an unfair way.

Jayne Candea-Ramsey, 10-1147

Background

For a period of time, I believed former Magistrate John Paul Lyle had authority to approve the proposed Amended Order simply because he precided over the hearing, and I did not know "the Court" was now represented by Magistrate Candea-Ramsey. Eventually, I learned she had denied the proposed Order of February 11th on February 18th to add arrears together. The following excerpt from my affidavit explains the background information available to me.

> 74. At http://thesidebar.freedomblogging.com/tag/jayne-candea-ramsey, the *Colorado Springs Gazett*e's "*The Sidebar",* displayed this post on February 10, 2010 at 10:54 a.m.:
>
> > **New Magistrate**
> >
> > Former senior Deputy District Attorney Jayne Candea-Ramsey has been appointed magistrate. She'll be sworn in on Friday Feb. 12 at 4 p.m. in 4th Judicial District Judge Thomas Kane's courtroom 406 South.
> >
> > Candea-Ramsey was one of the two prosecutors last year who tried the case of Darneau Pepper. He was convicted in a double homicide and sentenced to two consecutive life terms plus 908 years in prison.
>
> 75. According to AVVO.com, El Paso County District Magistrate Candea-Ramsey's address is registered with the CBA as 270 South Tejon Street, Colorado Springs, Colorado 80901, phone number 719-227-5144. Her name did not return in the search on the CBA Website on March 22, 2010. AVVO.com reports her Colorado State license is active and was acquired in 1992. Her AVVO record was last updated on

March 12, 2010 by Awo.

Conspiracy to Obstruct Justice/Violation of Right to Due Process/Fraud

I have no way of knowing how or why Magistrate Candea-Ramsey lost her independence in my action. I do know she was a high-ranking prosecutor and perceivably an expert in establishing motives, following leads, and gathering evidence. I therefore find it impossible to believe she could have missed every opportunity to right the wrongs in the handling of my action.

For the purposes of this document, an excerpt from my affidavit is presented first and is then followed by excerpts from the Petition for Review filed on April 8, 2010.

> 134. On March 26, 2010, I presented what I perceived to be a notice of intent to appeal the Amended Order entered on March 11 by District Magistrate Candea-Rampsey. The Notice of Appeal – Designation of Record was accepted in the El Paso County District Court with the clerk's instructions to retain the personal records referenced therein for filing with the Court of Appeals in Denver.
>
> 135. On March 26, 2010, I was also informed "the approved Amended Order was mailed today." The confusion caused by the simultaneous filing of the Notice of Appeal and the approval of the Amended Order as well as the procedural misstep was understandable.
>
> 136. On March 27, 2010, I received copies of two Orders and a copy of the Amended Order in the mail.
>
> 137. On March 27, 2010, I reviewed the Order personally signed and marked March 26, 2010 from District Magistrate Candea-Ramsey. This order was based on her review of the Extraordinary Motion for Change of Venue filed on March 4, the Amendment to Extraordinary Motion for Change of Venue filed on March 9, and the Second Extraordinary Motion for Change of Venue filed on March 11 and Attorney Eigel's combined response to the Extraordinary Motion for Change of Venue and it's amendment filed on March 11. The order was titled "Order". All three change of venue requests were denied for two reasons: (1) Ms. Dolbow and I resided in El Paso County; (2) The Court did not find good cause to change venue. The Order states: "Order was entered in a proceeding in which consent was not necessary and any appeal must be taken within 15 days pursuant to Rule 7(a) of the Colorado Rules for Magistrates." [Notes: The reasons are summarized and coincide with the Order. Attorney Eigel did not respond to the Second Extraordinary Motion for Change of Venue. Rule 7(a) is a C.R.C.P. Rule. The Colorado Rules for Magistrates is the body of rules that outline professional codes of conduct for magistrates.]
>
> 138. On March 27, 2010, I reviewed the Order personally signed and marked March 26, 2010 from District Magistrate Candea-Ramsey. This order was based on her review of the Verified Motion to Modify Child Support Pursuant to §14-10-122,

C.R.S. filed on March 8 and the Amendment to Verified Motion to Modify Child Support filed on March 10 and Attorney Eigel's response to the Verified Motion to Modify Child Support on March 11. The order was titled "Order". Both motions to modify were denied for three reasons: (1) "The Motion goes to the objections Respondent has to the Court's rulings issued on January 13, 2010. Respondent states in the Motion [t]he purpose of filing this VERIFIED MOTION TO MODIFY CHILD SUPPORT is to obtain an answer to my original request for modification on September 21, 2009, and to encourage the thorough investigation of the extraordinary events that have occurred to date and perceived by me to be ongoing."; (2) No "**showing of changed circumstances that are substantial and continuing**." (The Magistrate put the text in bold and added the text "Emphasis added."); (3) There was no allegation of changed circumstances. The Order states: "Order was entered in a proceeding in which consent was not necessary and any appeal must be taken within 15 days pursuant to Rule 7(a) of the Colorado Rules for Magistrates." [Notes: The reasons are summarized and coincide with the Order. Attorney Eigel did not respond to the Amendment to Verified Motion to Modify Child Support. The Magistrate mentions "objections". However, she elected not to enter an Order upon review of the Objection to Proposed Amended Order (Objection) filed on March 2 and Attorney Eigel's response to it on March 11. The Objection was a listing of reasons supporting my motion for a hearing of the Objection. Attorney Eigel's response never addressed the "hearing" issue. Instead, she argued the Amended Order should be approved. The Magistrate also elected not to enter an Order upon review of the Continued Objection to Proposed Amended

Order (Continued Objection) filed on March 15. Said Continued Objection was not recorded in the registry of actions on March 22. Upon the review of my records, I verified I had mailed the stamped first page but had the stamped last page. Regarding the Objection and Continued Objection, I learned from the registry of actions that the Magistrate held a hearing on March 1 and the Objection date was reported as March 3 not March 2. I did not attend the alleged hearing. Attorney Eigel did not respond to the Amendment. In fact, Attorney Eigel stopped responding after March 11. And again, Rule 7(a) is a C.R.C.P. Rule. The Colorado Rules for Magistrates is the body of rules that outline professional codes of conduct for magistrates.]

139. On March 27, 2010, I reviewed the Amended Order marked March 26, 2010 from District Magistrate Candea-Ramsey. I already had a copy of the "proposed" Amended Order. The "approved" Amended Order does not bear her personal signature; it is stamped: JAYNE CANDEA-RAMSEY.

The above excerpt was included in the affidavit I attempted to file with the Notice of Appeal. Prior to filing the affidavit with the Petition for Review on April 9th, statements of correction had to be added due primarily to learning the Amended Order was not approved on March 11th. A correction was also necessary to explain new information known about the Rules of Magistrates. This is the correction pertaining to notes:

144. [CORRECTION] The notes to Affidavit Number 137 and 138 need clarification.

> The Colorado Rules of Magistrates also contains a Rule 7(a). And C.R.M. Rule 1 states: "These rules are designed to govern the selection, assignment, and conduct of magistrates in civil and criminal proceedings in the Colorado court system." C.R.M. Rule 5(g) states: "All magistrates in the performance of their duties shall conduct themselves in accord with the provisions of the Colorado Code of Judicial Conduct. Any complaint alleging that a magistrate, who is an attorney, has violated the provisions of the Colorado Code of Judicial Conduct may be filed with the Office of Attorney Regulation Counsel for proceedings pursuant to C.R.C.P. 251.1, et. seq. Such proceedings shall be conducted to determine whether any violation of the Code of Judicial Conduct has occurred and what discipline, if any, is appropriate. These proceedings shall in no way affect the supervision of the Chief Judge over magistrates as provided in C.R.M. 1."

This is the body of the Memorandum Brief made part of the Petition for Review filed on April 8, 2010 appealing the final ruling on Change of Venue. It will close this letter of complaint to you.

I. FACTS

On February 11, 2010, I was mailed my copy of the child support modification Order drafted by attorney Christina Eigel, the legal representative of the El Paso County Child Support Enforcement Unit (CSEU) and third party intervenor, by U.S. mail. I did not file a response to the Order.

On February 18, 2010, incoming N/CS Division district magistrate Jayne Candea-Ramsey issued the Order to add arrears together in summary form after diligently reviewing former District Magistrate John Paul Lyle's orders from my modification hearing of January 13, 2010. At the time of this first review of my case file, there was only one motion to modify child support and one response to that motion. My motion to modify was handwritten and filed with the Court September 21, 2009 on JDF 1403. The reason for requesting modification was concise.

On February 25, 2010, I was mailed my copy of the Order as amended by attorney Eigel and the Motion to Approve Amended Order. I filed a written response to the amended Order now titled "Amended Order" on March 2, 2010 in my first motion for a hearing titled "Objection to Proposed Amended Order" (Objection). The Objection introduced the concept of self-dealing and raised the allegation of conflict of interest. It then listed six reasons to support my motion to grant a hearing of my objection to the entry of the proposed Amended Order, including discovery issues. Today, I re-assert the allegations and reasons as provided in the Objection.

On March 4, 2010, I filed my first motion for change of venue titled "Extraordinary

Motion for Change of Venue Pursuant to Colorado Rules of Civil Procedure 98(c)(1) and 98(e).” The use of “extraordinary” was based on increasing knowledge of irregularities in the prosecution of my child support modification action that put the request for change of venue outside normal considerations. I cited five reasons for granting my motion to change venue including allegations former Magistrate John Paul Lyle participated in the January 13, 2010 hearing without legal authority, attorneys in the law firm represented by attorney Eigel participated in the fraudulent hearing, the use of the *nunc pro tunc* rule was for corrupt purposes, there was an unexplained [11] day gap between the date of the affidavit used to start child support enforcement action and when the Family Support Registry account was created to process payments, and the worksheets were manipulated to justify the $16,[409].80 already seized by CSEU. I also demanded relief. Today, I re-assert the fraudulent nature of the hearing, the corrupt purpose for using the *nunc pro tunc* rule, the unexplained gap, and the willful manipulation of standard child support worksheets for corrupt purposes.

On March 4, 2010, I indirectly provided Chief Judge Kirk Samelson with a courtesy copy of the extraordinary motion for change of venue.

On March 9, 2010, I filed an amendment to the first extraordinary motion primarily to correct the allegation made against former District Magistrate John Paul Lyle that he lacked legal authority to preside over the January 13, 2010 hearing after learning he was under contract to serve as magistrate until his contract ended on January 31, 2010. Today, I re-assert all the allegations with clarification of Number 9. The attached registry of action printout from March 23, 2010 does not show the original child support modification Order as an event on February 11, 2010, and the Amended Order filed with the Motion to Approve Amended Order is not shown as an individual event on February 26, 2010. Additionally, my certificate of mailing indicates the Motion to Approve Amended Order was filed on February 24, 2010 and both the Motion to Approve Amended Order and the Amended Order were mailed to me on February 25, 2010.

On March 9, 2010, I indirectly provided Chief Judge Kirk Samelson with a courtesy copy of the Amendment to Extraordinary Motion for Change of Venue.

After March 9, 2010, I received the attached letter from the Chief Judge dated March 5, 2010 in an envelope postmarked March 8, 2010 in response to the courtesy copy provided on

March 4. The Chief Judge ignored the ethical issues raised in the letter, stating he did not “have the authority to reverse a decision of another judicial officer or to change venue.” The Chief Judge did not issue a letter of response to the indirect delivery of the courtesy copy of the amendment.

On March 11, 2010, I filed another motion for change of venue titled “Second

Extraordinary Motion for Change of Venue." This motion listed six documents filed by me since March 2, 2010. I signed the affidavit attesting to the truthfulness of the information contained in the filings knowing I had corrected certain misstatements of fact as my knowledge of the misconduct in the handling of my case increased. This time I included the Chief Judge in my allegations and requested all matters before the Court in my child support modification case be transferred to another judicial district and did not provide a courtesy copy.

On March 11, 2010, attorney Eigel filed three responses to four of my filings. She combined the response to the first motion for change of venue and its amendment and responded separately to my motion for a hearing filed on March 2 and the new motion to modify child support filed March 8. In her combined response to the motion for change of venue, she correctly identified my reason for requesting a change of venue as "Respondent seeks to change venue in this matter due to an alleged conspiracy between the Law Offices of Belveal Eigel Rumans & Fredrickson LLC, counsel for the El Paso County Child Support Unit, the El Paso CSE Unit, and El Paso County." She asked the Court to deny the motions for change of venue for technical and timing reasons. She did however cite C.R.C.P. Rule 98(g) for the Magistrate's consideration and cited C.R.C.P. Rule 98(e)(1) that provides an exception for the effect of timing when C.R.C.P. Rule 98(g) is the authority for change of venue.

On March 11, 2010, attorney Eigel stopped responding and, therefore, did not respond to the Second Extraordinary Motion for Change of Venue and, therefore, elected not to submit an the affidavit as mentioned in C.R.C.P. Rule 98(g).

On March 15, 2010, I filed the second motion for a hearing titled "Continued Objection to Proposed Amended Order"(Continued Objection) after reviewing attorney Eigel's three responses of March 11, 2010. I noted attorney Eigel's response to the hearing motion never asked the Magistrate to deny the motion for a hearing. Instead, she moved a second time to have the Amended Order approved. I re-asserted various allegations in the Continued Objection.

On March 23, 2010, I obtained the attached printout of the registry of actions and discovered my second motion for a hearing, the Continued Objection, was not listed and that a March 1, 2010 hearing was listed for which I had no knowledge. I also noted the Objection was recorded as having been filed on March 3 instead of March 2.

In closing, prior to approving the Amended Order on March 26, 2010, the Magistrate reviewed my three filings for change of venue, the two new filings to modify child support, and two of three of attorney Eigel's responses. After her review, she issued the Order related to change of venue and denied change of venue on grounds that Ms. Dolbow and I lived in El Paso County and "the Court does not find that good cause was shown to change venue in this

case." The Magistrate notably did not acknowledge my two motions for a hearing or acknowledge having reviewed attorney Eigel's only response to the two motions for a hearing and, therefore, did not issue a third Order on March 26, 2010 denying my motions for a hearing.

II. ISSUES

Did the Magistrate's two known reviews of my case file support her final ruling to deny a change in venue for failure to show good cause?

Did the 22 days between the filing of the first motion for change of venue and the Magistrates' final ruling provide an adequate amount of time to investigate my allegations and set a hearing to diligently prosecute my motions for change of venue in the interest of justice?

Did the Magistrate deny my motions for change of venue and ignore my requests for a hearing as a willing participant in the conspiracy to prevent a just resolution of my ongoing dispute with CSEU?

III. SUMMARY

I was provided an opportunity under law to request a change of venue on the basis I did not believe I would be treated fairly in El Paso County. I relied on the integrity of the legal professionals involved in my case to uphold the rule-of-law and to conduct themselves according to the Colorado Code of Judicial Conduct and the Colorado Bar Association's Rules of Professional Conduct. Without their adherence to the same, it was not only impossible to find justice in the El Paso County District Court but also impossible for the self-policing provisions of the Code and Rules to protect me and others like me from future abuses.

IV. RECOMMENDATION

Diligently review the case file and determine if denying the motions to change venue was reasonable and if a hearing of either the Objection or motion to change venue would have been more prudent and, then, initiate disciplinary proceedings according to ethics guidelines and applicable statutes.