

STATE OF MAINE
OXFORD, ss.

SUPERIOR COURT

RECEIVED AND FILED

DOCKET NO:

CV05-80

NOV 30 2005
Donya L. Howe
CLERK OF COURTS

STATE OF MAINE,

Plaintiff

v.

CONSENT DECREE

CONSUMER PROTECTION DIVISION

RECEIVED

DEC 2 2005

Nancy Graiver,

Defendant

OFFICE OF ATTORNEY GENERAL

Plaintiff, State of Maine, having filed a complaint in this matter against Defendant Nancy Graiver and Defendant having consented to the entry of this Consent Decree Order, for purposes of settlement only, without this Decree constituting evidence against or admission by any party as to any issue of fact or law other than as to jurisdiction and without trial of any issue of fact or law, NOW THEREFORE, upon consent of the parties hereto, IT IS HEREBY ORDERED ADJUDGED AND DECREED AS FOLLOWS:

I. JURISDICTION

1. This Court has jurisdiction over the Plaintiff and Defendant and the subject matter of this action. The Complaint states a claim for relief under 5 M.R.S.A. §207, 18 M.R.S.A. §921 et seq., and 17 M.R.S.A. §807et seq.

II. INJUNCTION

2. Defendant Nancy Graiver, her officers, directors, employees, agents, representatives, successors, assigns are permanently enjoined from engaging in the following acts or practices:

✓

- a. Engaging in the unauthorized practice of law.
- b. Advertising or representing she is a Paralegal or as providing paralegal services;
- c. Advertising or holding herself out as having specialized legal knowledge or as having legal judgment or providing legal analysis;
- d. Preparing or assisting in the preparation of any legal documents, except as a word processor, including, without limitation, wills, deeds, and preparing, or assisting in preparing, any pleadings in any court in the State of Maine.

3. Defendant Nancy Graiver shall pay the State of Maine Attorney General \$1,200 for its costs incurred in this matter, with \$400.00 due upon her execution of this Consent Decree, \$400.00 due on the first day of the month for two months following the first payment of \$400.00, for a total of \$1,200.00.

III. RETENTION OF JURISDICTION

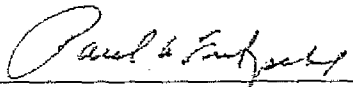
4. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Consent Decree Order to apply to the Court at any time for modification of the injunctive provision of this Consent Decree and Order and for the Plaintiff to apply at any time for enforcement of any provision of this Consent Decree Order. Each and every violation of this Consent Decree Order shall be treated as a special contempt thereof.

IV. EFFECTIVE DATES

5. This Order shall be effective immediately upon entry.

IT IS HEREBY ORDERED

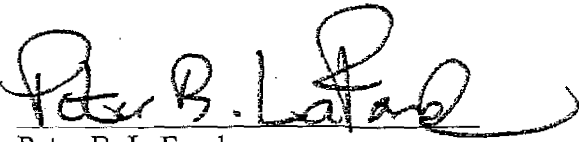
Dated: 11/30/05


Justice, Superior Court

We Consent:

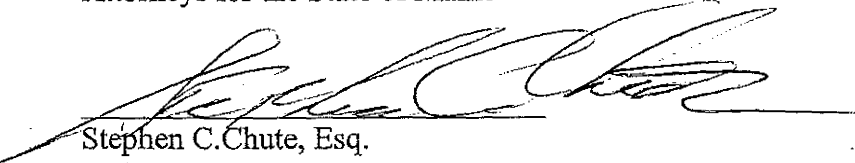
G. Steven Rowe
Attorney General

Dated: 11/22/05


Peter B. LaFond
Assistant Attorney General
Office of Attorney General
6 State House Station
Augusta, Maine 04333
Maine Bar No. 3331
Tel.: (207) 626-8842

Attorneys for the State of Maine


Dated: 11/16/05


Stephen C. Chute, Esq.
Maine Bar No. 6828
P.O. Box 707
South Casco, ME 04077
(207)655-2756

Attorney for Defendant, Nancy Graiver

The undersigned acknowledges that by her signature hereon made provisions of this Consent Decree herein bind her.

Dated: 11/15/05


Nancy Graiver

G. STEVEN ROWE
ATTORNEY GENERAL



Telephone: (207) 626-8800
TDD: (207) 626-8865

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES:

84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

44 OAK STREET, 4TH FLOOR
PORTLAND, MAINE 04101-3014
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TDD: (877) 428-8800

128 SWEDEN ST., STE. 2
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

November 9, 2005

Donna L. Howe, Clerk
Oxford County Superior Court
26 Western Avenue
P.O. Box 179
South Paris, ME 04281-0179

Re: Nancy Graiver

Dear Ms. Howe:

Enclosed for filing please find a Complaint and Civil Cover Sheet in the above-entitled matter. There is no fee as the State is the Plaintiff.

I will file the Acknowledgment of Service as soon as I receive it back from Steven Chute, Esq., attorney for Defendant.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. B. Lafond'.

PETER B. LAFOND
Assistant Attorney General
Office of the Attorney General
State House Station #6
Augusta, Maine 04333-0006
Tel.: (207) 626-8511

PBL/gm
cc: Steven C. Chute, Esq.
Enclosures

SUMMARY SHEET

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

I. County of Filing or District Court Jurisdiction: OXFORD COUNTY		
II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) <i>Pro se</i> plaintiffs: If unsure, leave blank. COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF (5 M.R.S.A. §207, 17 M.R.S.A. §807 and 18 M.R.S.A. §921).		
III. NATURE OF FILING		
<input checked="" type="checkbox"/> Initial Complaint <input type="checkbox"/> Third-Party Complaint Motion to Enforce Judgment <input type="checkbox"/> Cross-Claim or Counterclaim Motion for Contempt <input type="checkbox"/> If Reinstated or Reopened case, give original Docket Number _____ (If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)		
IV. <input type="checkbox"/> TITLE TO REAL ESTATE IS INVOLVED		
V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) <i>Pro se</i> plaintiffs: If unsure, leave blank.		
<u>GENERAL CIVIL (CV)</u>		
Personal Injury Tort <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort Non-Personal Injury Tort <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Non-Personal Injury Tort	Contract <input type="checkbox"/> Contract Declaratory/Equitable Relief <input checked="" type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Equitable Relief Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights Statutory Actions <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures	<input type="checkbox"/> Other Forfeitures/Property Libels <input type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> Administrative Warrant <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil
<u>CHILD PROTECTIVE CUSTODY (PC)</u>		
<input type="checkbox"/> Non-DHS Protective Custody		
<u>SPECIAL ACTIONS (SA)</u>		
Money Judgments <input type="checkbox"/> Money Judgment Request for Disclosure		
<u>REAL ESTATE (RE)</u>		
Title Actions <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	Foreclosure <input type="checkbox"/> Foreclosure <input type="checkbox"/> Foreclosure-Other <input type="checkbox"/> Trespass <input type="checkbox"/> Trespass	Misc. Real Estate <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Liens <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Other Real Estate
<u>APPEALS (AP) (To be filed in Superior Court) (ADR exempt)</u>		
<input type="checkbox"/> Governmental Body (80B)	<input type="checkbox"/> Administrative Agency (80C)	<input type="checkbox"/> Other Appeals

M.R.Civ.P. 16B Alternative Dispute Resolution (ADR):

- I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because:
- It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction).
 - The plaintiff or defendant is incarcerated in a local, state or federal facility.
 - The parties have participated in a statutory prelitigation screening process with _____ (name of neutral) on _____ (date).
 - The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date).
 - This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.

VI. (a) PLAINTIFFS (Name & Address including county)
or Third-Party, Counterclaim or Cross-Claim Plaintiffs
 The plaintiff is a prisoner in a local, state or federal facility.

G. Steven Rowe, Attorney General
State of Maine
Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006
Tel: (207) 626-8800
Kennebec County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs
(If Pro se plaintiff, leave blank) specify who the listed attorney(s) represent.

Peter B. LaFond, AAG
Office of the Attorney General
6 State House Station
Augusta, Maine 04333
Bar No. 3331
(207) 626-8842

VII. (a) DEFENDANTS (Name & Address including county)
and/or Third-Party, Counterclaim or Cross-Claim Defendants
 The defendant is a prisoner in a local, state or federal facility.

Nancy Graiver
P.O. Box 240
South Paris, Maine 04281
(Oxford County)

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)
(If known)

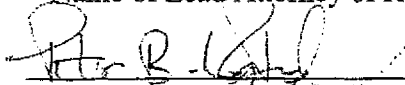
If all counsel listed do NOT represent all defendants, specify who the listed attorney(s) represent.

Steven C. Chute, Esq.
P.O. Box 707
So. Casco, ME 04077
Bar No: 6828
Tel: (207) 655-2756

VIII. RELATED CASE(S) IF ANY _____
Judge/Justice _____ Docket Number _____

Date: November 9, 2005

Peter B. LaFond
Name of Lead Attorney of Record or Pro se Party


Signature of Attorney or Pro se Party

c:

STATE OF MAINE
OXFORD, ss.

SUPERIOR COURT
DOCKET NO:

STATE OF MAINE,)

Plaintiff)

v.)

Nancy Graiver,)

Defendant)

COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF

Plaintiff, the State of Maine, by its Attorney General, brings this action against the Defendant, Nancy Graiver, and states as follows:

JURISDICTION AND VENUE

1. This action is brought for and on behalf of the State of Maine, by G. Steven Rowe, its Attorney General, pursuant to the provisions of the Unfair Trade Practices Act, ("UTPA") 5 M.R.S.A. § 207, 17 M.R.S.A. §807 et seq. (Unauthorized Practice of Law), 18 M.R.S.A. §921 et seq. (Improper claim of Paralegal Status) and pursuant to his common law authority as Attorney General to represent the People of the State of Maine.
2. Venue for this action properly lies in Oxford County, Maine, pursuant to 5 M.R.S.A. §209.

PARTIES

3. The Attorney General of the State of Maine, is charged, *inter alia*, with the enforcement of the Unfair Trade Practices Act, 5 M.R.S.A. §205-A et seq.,

The Unauthorized Practice of Law, 17 M.R.S.A. §807 et seq., and Paralegal Requirements, 18 M.R.S.A. §921 et seq.

4. Defendant Nancy Graiver (hereinafter referred to as "Graiver"), is an individual who resides in South Paris, Maine, and has a mailing address of P.O. Box 240 South Paris, Maine 04281.

FACTS

5. Graiver is not an attorney and is not admitted to practice law in the State of Maine.
6. Graiver has advertised her services as a Paralegal, despite the fact that she is affiliated with no attorney, and no attorney is responsible for her services.
7. Upon information and belief, Graiver has prepared or assisted in the preparation of legal documents including, without limitation, wills, deeds, forcible entry and detainer pleadings, and family law pleadings, all in violation of the aforementioned statutes. Defendant, through the conduct as set forth herein, has engaged in a course of the unauthorized practice of law, and has held herself out as a Paralegal when she has no affiliation with or supervision by a practicing admitted attorney.

COUNT I UNAUTHORIZED PRACTICE OF LAW

8. 17 M.R.S.A. §807 prohibits the unauthorized practice of law as follows:

1. Prohibition. No person may practice law or profess to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in State unless that person has been admitted to the bar of this State and has complied with Section 806-A, or unless that person has been admitted to try cases in the courts of this State under Section 802.

Furthermore, 17 M.R.S.A. §808 reads, in pertinent part, as follows: "...the Attorney General may maintain an action for injunctive relief in the Superior Court against any person who renders, offers to render or hold himself out as rendering any service which constitutes the unauthorized practice of law."

9. Graiver has engaged in the unauthorized practice of law, as set forth above.

COUNT II USE OF TITLE "PARALEGAL"

10. 18 M.R.S.A. §921 defines a paralegal and legal assistant as "a person, qualified by education, training or work experience, who is employed or retained by an attorney, law office, corporation, governmental agency or other entity and who performs specifically delegating substantive legal work for which an attorney is responsible." (emphasis added)

11. Graiver has advertised her services as a paralegal in violation of 18 M.R.S.A. §921 et seq.

In addition, 18 M.R.S.A. §922(2) provides that any person who wrongly uses the title of "paralegal", commits a civil violation for which a forfeiture of \$1,000 may be adjudged.

COUNT III UNFAIR TRADE PRACTICES VIOLATION

12. 5 M.R.S.A. §209 provides:

Whenever the Attorney General has reason to believe that any person is using or is about to use any method, act or practice declared by Section 207 to be unlawful, and that proceedings would be in the public interest, he may bring an action in the name of the State against such person to restrain by temporary or permanent injunction the use of such method, act or practice and the court may make such other orders or judgments as may be necessary to restore to any person who has suffered any ascertainable laws by reason of the use or employment of such unlawful method, act or practice, and monies or property real or personal which may have been acquired by means of such method, act or practice.

13. 5 M.R.S.A. §209 also provides that each intentional violation of Section 207 in which the Attorney General establishes that the conduct giving rise to the violation is either unfair or deceptive is a violation for which a civil penalty of not more than \$10,000 shall be adjudged.

14. 5 M.R.S.A. §209 provides that in any action under this section where a permanent injunction is issued, the may order the person against whom the permanent injunction has been issued to pay the State the cost of the investigation of that person by the Attorney General and the cost of suit.

15. Graiver has violated the Unfair Trade Practices Act, 5 M.R.S.A. §207 by engaging in deceptive conduct, holding herself out as a Paralegal, and as a professional qualified to draft, or assist in the drafting, of legal documents.

PRAYER FOR RELIEF

16. WHEREFORE, the Plaintiff requests that this honorable Court enter an order:

A. Finding that the Defendant has violated 5 M.R.S.A. §207, 17 M.R.S.A. §807 et seq., 18 M.R.S.A. §922(1) et seq., by

committing an Unfair Trade Practices Act violation, by making representations that she is a Paralegal or has specialized legal knowledge, and by providing services that constitute the unauthorized practice of law.

- B. Permanently enjoining the Defendant from engaging in the business of advertising, marketing, distributing, selling and offering to sell any paralegal or legal services in the State of Maine.
- C. Permanently enjoining the Defendant from representing to consumers that she is a Paralegal or has specialized training in legal matters.
- D. Permanently enjoining the Defendant from drafting or assisting in the drafting of legal documents, or from practicing law in any other manner.
- E. Assessing a civil penalty in the amount of \$10,000 for intentional violation of the Unfair Trade Practices Act.
- F. Requiring a forfeiture of \$1,000 pursuant to 18 M.R.S.A. §922(2).
- G. Requiring Defendant to pay all costs and attorney fees for the prosecution and investigation of this action as provided by 5 M.R.S.A. §207 of the Unfair Trade Practices Act.
- H. Providing such other and further equitable relief as justice and equity may require.

Dated this 9th day of November, 2005

G. STEVEN ROWE
Attorney General



PETER B. LaFOND
Maine Bar No. 3331
Assistant Attorney General
Maine Department of the Attorney
General
6 State House Station
Augusta, Maine 04333-0006
(207) 626-8800

Attorney for the Plaintiff