

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO Court Address: 1437 Bannock St, Room 256, Denver CO 80202 Phone Number: 720/865-8301	
Plaintiff(s): CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado Defendant(s): TELE COMM RESOURCES, Limited Partnership, a Nevada limited Partnership, also dba TELE COMM RESOURCE, LP	▲ COURT USE ONLY ▲
Attorney for Plaintiff Jacques A. Machol, III, #8382 MACHOL & JOHANNES, LLC 700 17th Street, Suite 200 Denver, CO 80202-3502 (303) 830-0075 Fax (303) 830-0047	Case No. 2015CV30918 Div.: 409 Ctrm.:
AMENDED COMPLAINT	

The Plaintiff, by its attorneys, **Machol & Johannes, LLC**, states and alleges as follows:

1. Venue is proper as the subject matter violations of the Denver Revised Municipal Code (DRMC) occurred in the City and County of Denver, Colorado.

GENERAL STATEMENTS FOR COUNT (1) CIVIL PENALTIES

2. The Manager of the Community Planning and Development, City and County of Denver, issued Notice of Violation(s) alleging the referenced property to be a Vacant and Derelict Building pursuant to DRMC § 10-139(b) to the Defendant with regard to the property located at 601 - 609 Lipan Street, Denver CO 80204, for violations of the Denver Revised Municipal Code, and the requirement to submit a remedial plan and to take remedial action pursuant to DRMC § 10-139(c). The Defendant was the owner of the property subject to the Notices of Violations and the Defendant failed to comply with the required remedial action.

3. A Notice of Order to Show Cause Hearing was issued by Community Planning and Development and served on the Defendant in accordance with DRMC §10-139(e), (f) and (g). A copy of the Notice is attached hereto as Exhibit "1" and incorporated herein.

4. A Show Cause Hearing was conducted pursuant to the Notice of Order to Show Cause Hearing, in accordance with DRMC § 10-139(h), on February 6, 2014 at 10:00 a.m.

5. Pursuant to the Order entered on February 11, 2014, Plaintiff, City and County of Denver, Community Planning and Development was authorized to issue civil penalties *nunc pro tunc* to November 8, 2013, in accordance with DRMC § 139(m) against the Defendant, as the owner of 601 - 609 Lipan Street, Denver CO 80204, of \$999.00 per day. A copy of the Order is attached hereto as Exhibit "2" and incorporated herein.

6. The Defendant failed to appeal the Order under C.R.C.P. Rule 106(b) within 28 days of the date of the Order, in accordance with DRMC §10-139(k)(l).

7. City and County of Denver, Community Planning and Development assessed civil penalties against the Defendant for five (5) consecutive months, pursuant to the Order. Copies of the Invoices for the civil penalties are attached hereto as Exhibits "3", "4", "5", "6" and "7" and incorporated herein.

8. The civil penalties were not paid within thirty (30) days of the date of the Invoices assessing the civil penalties, and pursuant to DRMC § 10-142(b) and Section 2-294(d), the assessment liens were recorded on the property located at 601 - 609 Lipan Street, Denver CO 80204, with priority over all other liens except general taxes and prior special assessments. Upon the assessment converting into a lien, a ten (10%) percent penalty for each assessment was added, pursuant to DRMC § 10-142(c), for a debt amount of \$134,269.93.

9. Pursuant to DRMC § 2-294, upon the failure of the Defendant to pay the civil penalties within thirty (30) days after the assessment of the penalties, the Manager of Community Planning and Development was authorized to refer the penalties and charges assessed for collection pursuant to DRMC § 2-294(b); and the City was authorized to pursue this civil action to collect the amounts owing, including interest and administrative costs, pursuant to DRMC § 2-294(e).

10. Pursuant to DRMC § 53-4, the Plaintiff is entitled to recover a collection fee of thirty (30%) percent of each assessment.

11. In addition to the principal amount and collection costs claimed by the Plaintiff, Plaintiff also seeks interest, pursuant to DRMC § 2-294(a), at the rate of ten (10%) per annum, to begin thirty (30) days after the date of each of the invoices, through the date of this Complaint.

**COUNT (1) ONE - PROPERTY: 601 - 609 LIPAN STREET, DENVER CO 80204
CIVIL PENALTY ASSESSMENTS (INCORPORATING THE FOREGOING AS IF FULLY SET
FORTH HEREIN)**

CIVIL PENALTY NO. 1

ASSESSMENT PERIOD: November 8, 2013 through November 30, 2013

12. Plaintiff issued Invoice No. CP201400128, on February 13, 2014, assessing a civil penalty for the period of November 8, 2013 through November 30, 2013. A copy of the invoice is attached hereto as Exhibit "3". The amounts the Plaintiff claims from the Defendant for this assessment period, which are owed to the City and County of Denver, by virtue of the foregoing and by referral for collection are:

Account Description	November 2013 Civil Penalty Assessment
Principal - DRMC §10-139(m)	\$22,977.00
Assessment Cost of 10% DRMC §§ 10-142(c) and 2-294(d)	\$2,297.70
Collection costs - DRMC §53-4(b)	\$6,893.10
Interest at DRMC rate of 10%	\$4,054.03

CIVIL PENALTY NO. 2

ASSESSMENT PERIOD: December 1, 2013 through December 31, 2013

13. Plaintiff issued Invoice No. CP201400129, on February 13, 2014, assessing a civil penalty for the period of December 1, 2013 through December 31, 2013. A copy of the invoice is attached hereto as Exhibit "4". The amounts the Plaintiff claims from the Defendant for this assessment period, which are owed to the City and County of Denver, by virtue of the foregoing and by referral for collection are:

Account Description	December 2013 Civil Penalty Assessment
Principal - DRMC §10-139(m)	\$30,969.00

Assessment Cost of 10% DRMC §§ 10-142(c) and 2-294(d)	\$3,096.90
Collection costs - DRMC §53-4(b)	\$9,290.70
Interest at DRMC rate of 10%	\$5,464.12

CIVIL PENALTY NO. 3

ASSESSMENT PERIOD: January 1, 2014 through January 31, 2014

14. Plaintiff issued Invoice No. CP201400130, on February 13, 2014, assessing a civil penalty for the period of January 1, 2014 through January 31, 2014. A copy of the invoice is attached hereto as Exhibit "5". The amounts the Plaintiff claims from the Defendant for this assessment period, which are owed to the City and County of Denver, by virtue of the foregoing and by referral for collection are:

Account Description	January 2014 Civil Penalty Assessment
Principal - DRMC §10-139(m)	\$30,969.00
Assessment Cost of 10% DRMC §§ 10-142(c) and 2-294(d)	\$3,096.90
Collection costs - DRMC §53-4(b)	\$9,290.70
Interest at DRMC rate of 10%	\$5,464.13

CIVIL PENALTY NO. 4

ASSESSMENT PERIOD: February 1, 2014 through February 28, 2014

15. Plaintiff issued Invoice No. CP201400138, on March 8, 2014, assessing a civil penalty for the period of February 1, 2014 through February 28, 2014. A copy of the invoice is attached hereto as Exhibit "6". The amounts the Plaintiff claims from the Defendant for this assessment period, which are owed to the City and County of Denver, by virtue of the foregoing and by referral for collection are:

Account Description	February 2014 Civil Penalty Assessment
Principal - DRMC §10-139(m)	\$27,972.00
Assessment Cost of 10% DRMC §§ 10-142(c) and 2-294(d)	\$2,797.20
Collection costs - DRMC §53-4(b)	\$8,391.60
Interest at DRMC rate of 10%	\$4,674.77

CIVIL PENALTY NO. 5

ASSESSMENT PERIOD: March 1, 2014 through March 31, 2014

16. Plaintiff issued Invoice No. CP201400140, on April 8, 2014, assessing a civil penalty for the period of March 1, 2014 through March 31, 2014. A copy of the invoice is attached hereto as Exhibit "7". The amounts the Plaintiff claims from the Defendant for this assessment period, which are owed to the City and County of Denver, by virtue of the foregoing and by referral for collection are:

Account Description	March 2014 Civil Penalty Assessment
Principal - DRMC §10-139(m)	\$30,969.00
Assessment Cost of 10% DRMC §§ 10-142(c) and 2-294(d)	\$3,096.90
Collection costs - DRMC §53-4(b)	\$9,290.70

Interest at DRMC rate of 10% \$5,005.95

**COUNT (2) TWO - PROPERTY: 3701 YORK STREET, DENVER CO 80205
LISTING OF PROPERTY ON NEGLECTED AND DERELICT BUILDING LIST**

17. Community Planning & Development issued Invoice No. ND201300043 on August 27, 2013, pursuant to the Denver Revised Municipal Code, for listing of the property located at 3701 York Street, Denver CO 80205 on the Neglected and Derelict Building List, see Exhibit "8".

18. The amounts Plaintiff claims from the Defendant, which are owed to the City and County of Denver, by virtue of the foregoing and by transfer for collection are:

Account Description	3701 York Street, Civil Penalty Assessment
Principal	\$1,000.00
Collection costs - DRMC §53-4(b)	\$300.00
Interest at statutory 8%	\$201.56

**COUNT (3) THREE - PROPERTY: 3749 YORK STREET, DENVER CO 80205
LISTING OF PROPERTY ON NEGLECTED AND DERELICT BUILDING LIST**

19. Community Planning & Development issued Invoice No. ND201300039 on August 27, 2013, pursuant to the Denver Revised Municipal Code, for listing of the property located at 3749 York Street, Denver CO 80205 on the Neglected and Derelict Building List, see Exhibit "9".

20. The amounts Plaintiff claims from the Defendant, which are owed to the City and County of Denver, by virtue of the foregoing and by transfer for collection are:

Account Description	3749 York Street, Civil Penalty Assessment
Principal	\$1,000.00
Collection costs - DRMC §53-4(b)	\$300.00
Interest at statutory 8%	\$201.56

21. The Defendant is not a minor, an incompetent, or in the military service of the United States, but is engaged in civilian pursuits.

22. The Plaintiff does not demand a trial by jury.

WHEREFORE, Plaintiff prays for judgment seven (7) separate judgments to enter in favor of the Plaintiff, and against the Defendant, for each civil penalty assessed in amounts outlined this Amended Complaint, including a ten (10%) percent penalty for the cost of the assessment pursuant to DRMC §§ 10-142(c) and 2-294(d), collection costs pursuant to DRMC § 53-4 (b), plus interest at the DRMC rate of ten (10%) per annum, where requested, and with interest to accrue at the DRMC rate of ten (10%) per annum pursuant to DRMC §2-294(a) from the date of entry of judgment through satisfaction of same, plus court costs.

DATED December 19, 2015.

MACHOL & JOHANNES, LLC

Jacques A. Machol, III, #8382
Attorney for Plaintiff
Our File No. W0002876

Plaintiff's Address:
c/o 700 17th Street, Suite 200
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