

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
MARIA CASTANO, d/b/a INTERNATIONAL	§	
PROFESSIONAL ALL SERVICES	§	250 <sup>th</sup> JUDICIAL DISTRICT
Defendant;	§	
and	§	
I.A.D.C., INC.	§	
Third Party Defendant	§	

**PLAINTIFF’S FIRST AMENDED ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Plaintiff the STATE OF TEXAS, acting by and through the Attorney General of Texas, GREG ABBOTT, in the above-entitled and numbered cause files this its first amended original petition, complaining of MARIA CASTANO d/b/a INTERNATIONAL PROFESSIONAL ALL SERVICES (‘Defendant’) and I.A.D.C., INC.(‘Third Party Defendant’), and for causes of action would respectfully show:

**DISCOVERY CONTROL PLAN**

1. The discovery in this case is intended to be conducted under Level 2 pursuant to TEX. R. CIV. P. 190.3.

**JURISDICTION**

2. This action is brought by Attorney General Greg Abbott, through his Consumer Protection Division, in the name of the STATE OF TEXAS and in the public interest under the authority granted to him by § 17.47, TEXAS DECEPTIVE TRADE PRACTICES–CONSUMER PROTECTION ACT,

TEX. BUS. & COM. CODE. ANN., § 17.41 *et seq.* (VERNON 1987 and Supp.2002) ('DTPA'), upon the grounds that Defendant and Third Party Defendant have engaged in false, deceptive, or misleading acts and practices in the course of trade and commerce as defined in, and declared unlawful by §§ 17.46(a) and (b) of the DTPA.

#### **DEFENDANT**

3. Defendant MARIA CASTANO is an individual residing in the State of Texas and doing business as INTERNATIONAL PROFESSIONAL ALL SERVICES. Defendant is currently before this Court so no service is necessary.

#### **THIRD PARTY DEFENDANT**

4. Third Party Defendant I.A.D.C., INC. is a New York Corporation doing business in Austin, Travis County, Texas. Third Party Defendant maintains its principal place of business at 8323 Bay Parkway Suite #3A, Brooklyn, New York 11214, and has a registered office for process of 245 East 63<sup>rd</sup> Street, New York, New York 10021. Third Party Defendant is currently before this Court so no service is necessary.

#### **VENUE**

5. Venue of this suit lies in Travis County, Texas for the following reasons:
  - a. Under TEX. CIV. PRAC. & REM. CODE ANN. § 15.002(a)(1) (Vernon Supp. 2000), venue is proper because all or a substantial part of that causes of action alleged herein occurred in Travis County, Texas; and
  - b. Under the DTPA § 17.47(b), venue is proper because Defendant and Third Party

Defendant have done business in Travis County, Texas.

### **PUBLIC INTEREST**

6. Because Plaintiff State of Texas has reason to believe that Defendant and Third Party Defendant have engaged in, and will continue to engage in, the unlawful practices set forth below, Plaintiff has reason to believe Defendant and Third Party Defendant have caused and will cause injury, loss and damage to the STATE OF TEXAS, and will also cause adverse effects to legitimate business enterprises which lawfully conduct trade and commerce in this State. Therefore, the Consumer Protection Division of the Office of the Attorney General of Texas believes and is of the opinion that these proceedings are in the public interest.

### **TRADE AND COMMERCE**

7. Defendant and Third Party Defendant have, at all times described below, engaged in conduct which constitutes “trade” and “commerce” as those terms are defined by § 17.45(6) of the DTPA.

### **NOTICE BEFORE SUIT**

8. The Consumer Protection Division of the Office of the Attorney General informed the Defendant in general of the alleged unlawful conduct, more particularly described below, at least seven (7) days prior to filing suit, pursuant to § 17.47(a) of the DTPA.

### **ACTS OF AGENTS**

9. Whenever in this Petition it is alleged that Defendant and/or Third Party Defendant did any act, it is meant that:
  - a. Defendant and/or Third Party Defendant performed or participated in the act; or

- b. Defendant's and/or Third Party Defendant's officers, agents, or employees performed or participated in the act on behalf of and under the authority of the Defendant and/or the Third Party Defendant.

### **CONSPIRACY**

10. Defendant and the Third Party Defendant herein agreed among themselves to obtain property from others by engaging in the course of conduct of which complaint is made herein, which course of conduct Defendant and Third Party Defendant knew had the tendency or capacity to deceive.

### **NATURE OF OPERATIONS and STATEMENT OF FACTS**

11. Defendant Maria Castano is an unincorporated individual that does business under the name International Professional All Services. Defendant generally provides professional services to Spanish-speaking consumers. For example, Defendant advertises in Spanish-language newspapers that she can assist in all types of services, including: (i) notary public; (ii) transfers of title; (iii) automobile registration; (iv) apartment rental; (v) taxes; (vi) bookkeeping and accounting services; and (vii) computer classes and repair.
12. Defendant also advertises in Spanish-language newspapers and on Spanish-language radio stations that she can help consumers obtain a Texas driver's license without the consumer taking a test. In truth and in fact, a person cannot obtain a Texas driver's license without taking a written test. Similarly, Defendant misrepresents that she can "fix" or "clear" a person's driving record.
13. Defendant also represents that she can obtain for a consumer an international driver's license.

Defendant represents that the international driver's license is valid and will allow the consumer to drive in the United States. Defendant charges the consumer two hundred and fifty dollars (\$250.00) for the license. In truth and in fact, the "international driver's license" sold by defendant has no legal effect. Some consumers that have purchased such licenses and attempted to use them as they were instructed have been charged with possessing forged government documents.

14. The illegal international drivers' licenses sold by Defendant are issued by Third Party Defendant, I.A.D.C. Inc. Defendant Maria Castano and Third Party Defendant I.A.D.C. Inc. entered into an agreement whereby Defendant became an agent for Third Party Defendant in Texas. Defendant solicits applications for international drivers' licenses from consumers in Texas. After Defendant collects the \$250.00 from the consumer, she forwards an application, a photograph, and less that \$60.00 to Third Party Defendant. Third Party Defendant then creates the fraudulent document and sends it back to Defendant for delivery to the consumer.
15. Third Party Defendant also operates a website, [www.international-driver.com](http://www.international-driver.com) that offers to provide consumers with international drivers' licenses. On Third Party Defendant's website, which is available to Texas consumers, Third Party Defendant represents that the licenses it issues are legally valid. Third Party Defendant also represents that you can get a one year license (\$60), a two year license (\$75), or three year license (\$85).

#### **FALSE, MISLEADING OR DECEPTIVE ACTS**

16. Plaintiff hereby incorporates the preceding paragraphs one through fifteen and alleges that Defendant and Third Party Defendant have in the course of trade and commerce engaged in false, misleading, or deceptive acts and practices declared unlawful in § 17.46(a) of the DTPA.

Such acts include, but are not limited to:

- a. Engaging in false, misleading, or deceptive acts or practices in the conduct of trade or commerce, in violation of § 17.46(a) of the DTPA;
- b. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, in violation of § 17.46(b)(2) of the DTPA;
- c. Causing confusion or misunderstanding as to affiliation, connection, or association with, certification by, another, in violation of § 17.46(b)(3) of the DTPA;
- d. Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have, in violation of § 17.46(b)(5) of the DTPA;
- e. Representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law in violation of § 17.46(b)(12) of the DTPA; and
- f. Failing to disclose information concerning goods or services which was known at the time of the transaction with the intent to induce the consumer into a transaction he or she would not have otherwise entered into, in violation of § 17.46(b)(24) of the DTPA.

#### **PRAYER**

17. WHEREFORE, Plaintiff prays that Defendant and Third Party Defendant be cited according to law to appear and answer herein; and upon notice and hearing TEMPORARY and PERMANENT INJUNCTIONS be issued, restraining and enjoining Defendant, Third Party Defendant, and their agents, servants, employees and attorneys, and any other person in active

concert or participation with Defendant and/or Third Party Defendant from engaging in any unlawful conduct, including:

- a. Advertising, offering to sell, selling, or delivering any government document, including but not limited to an international driver's license, unless the Defendant and/or the Third Party Defendant is authorized to sell such document;
- b. Representing, directly or indirectly, that Defendant and/or Third Party Defendant is authorized to sell an international driver's license unless and until Defendant and/or Third Party Defendant has the authority of the United States Department of State to sell such licenses;
- c. Representing, directly or indirectly, that Defendant and/or Third Party Defendant will charge more for an international driver's license than the maximum legal amount allowed to be charged for such license;
- d. Representing, directly or indirectly, that Defendant can help a person obtain a Texas driver's license without the person having to take a written test;
- e. Misrepresenting, directly or indirectly, Defendant's ability to "fix," change, alter, improve, or remove an item from a person's driving record;
- f. Failing to clearly and conspicuously disclose that a person may only obtain an international driver's license in the United States if such person has a valid driver's license issued by a state of the United States; and
- g. Failing to clearly and conspicuously disclose that a person must take a written test in order to obtain a Texas driver's license.

18. In addition, Plaintiff STATE OF TEXAS respectfully prays that this Court will:

- a. Adjudge against Defendant civil penalties in favor of Plaintiff STATE OF TEXAS in the amount of Two Thousand and No/100 Dollars (\$2,000.00) for each of her violations of the DTPA, not to exceed Ten Thousand and No/100 Dollars (\$10,000.00), pursuant to § 17.47(c) of the DTPA;
- b. Adjudge against Third Party Defendant civil penalties in favor of Plaintiff STATE OF TEXAS in the amount of Two Thousand and No/100 Dollars (\$2,000.00) for each of its violations of the DTPA, not to exceed Ten Thousand and No/100 Dollars (\$10,000.00), pursuant to § 17.47(c) of the DTPA;
- c. Order Defendant and Third Party Defendant, jointly and severally, to pay Plaintiff STATE OF TEXAS attorneys' fees and costs of court pursuant to the TEX. GOV'T CODE ANN. § 402.006(c) (Vernon 1998);
- d. Order Defendant and Third Party Defendant, jointly and severally, to pay restitution to each consumer injured by the Defendant and/or Third Party Defendant as allowed by the DTPA;
- e. Order that all fines, civil penalties, or forfeitures payable to and for the benefit of the Plaintiff STATE OF TEXAS are not dischargeable under bankruptcy pursuant to 11 U.S.C. § 523(a)(7); and
- f. Grant all other relief to which the Plaintiff STATE OF TEXAS may show itself entitled.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

BARRY R. MCBEE  
First Assistant Attorney General

JEFFREY S. BOYD  
Deputy Attorney General for Litigation

PAUL D. CARMONA  
Chief, Consumer Protection Division

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**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2003, a true and correct copy of the above has been sent by certified U.S. mail, return receipt requested, to counsel of record:

Jim Clements  
507 W. 10<sup>th</sup> St.  
Austin, Texas, 78701

David C. Sander  
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602 West 11<sup>th</sup> Street  
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C. BRAD SCHUELKE