

1. The Court makes the following **FINDINGS**:

- A. Plaintiff filed its Original Petition on October 8, 2003.
- B. Defendant was served with citation and a copy of Plaintiff's Original Petition with Application for Ex Parte Temporary Restraining Order on October 9, 2003, by personal service.
- C. The return of service was on file with this Court for at least ten days before the judgment was rendered.
- D. The deadline for Defendant to file an answer was November 3, 2003. However, Defendant did not file an answer or any other pleading constituting an answer.
- E. Defendant's last known address is 2455 Eastwood Estates, Seven Points, Texas, 75143.
- F. Defendant is not a member of the United States military.
- G. Defendant falsely represented that she worked for the United States agency formerly known as the Immigration and Naturalization Service ("INS").¹
- H. Defendant falsely represented or caused confusion and misunderstanding as to whether she was affiliated or connected with the INS by doing business under the name "I.N.S. Dep. Ctr."
- I. Defendant falsely represented that monies she collected from consumers for alleged application fees and penalties owed to the INS would be paid directly to the INS when in fact Defendant used those funds for her own benefit.

¹ The Immigration and Naturalization Service was recently reorganized under the United States Department of Homeland Security as the Bureau of Citizenship and Immigration Services ("BCIS"). The enforcement arm of the former INS is now known as the Bureau of Immigration and Customs Enforcement ("BICE").

J. Defendant falsely represented that the INS received application fees paid to Defendant by her clients.

K. Defendant falsely represented that INS forms and applications filled out by her clients were filed with the INS, when in fact they were not.

L. Defendant falsified government documents and forms to make it appear that the agency had received application fees given to Defendant by consumers to send directly to the INS.

M. Defendant falsified government documents and forms to make it appear that the INS had imposed a penalty upon Defendant's clients in the amount of \$1,202.00.

N. Defendant falsified government documents and forms to make it appear that the INS had approved her clients' applications for legitimate work authorization documents and other immigration credentials.

O. Defendant falsely represented that she worked with a law firm by the name of Elizondo & Associates to process her clients' immigration applications, when in fact Elizondo & Associates is merely one of Defendant's d/b/a names.

P. Defendant failed to disclose to consumers that the American Automobile Association or American Automobile Touring Association are the only entities authorized by the United States Department of State to issue international driving permits.

Q. Defendant falsely claimed that she was authorized to sell International Driver's Permits.

R. Defendant enticed consumers, through false, misleading, or deceptive practices, into paying her at least \$ 157,468.⁰⁰ to obtain legitimate immigration documents, but

Defendant provided only fraudulent and falsified immigration documents to unwitting consumers.

S. Defendant deposited funds obtained through her false, misleading, or deceptive practices into account [REDACTED] at Cedar Creek Bank standing in the name of Maria Elena Garza Elizondo d/b/a Independent National Service INS DEP CTR. Defendant also deposited funds from her deceptive practices into account [REDACTED] at Woodforest National Bank standing in the name of Maria Elena Elizondo and Guadalupe Elizondo. The funds remaining in these accounts are proceeds of Defendant's illegal activities. Any funds deposited into these accounts that may have been secured through legitimate means have been commingled with Defendant's illegal proceeds such that the funds can no longer be segregated. The court also finds the proceeds of Defendant's illegal conduct deposited into these accounts far exceed the amounts remaining on deposit.

T. Defendant secured money from consumers through false, misleading, or deceptive practices in violation of the §17.47(a) and §17.47(b) of the DTPA in at least 606 separate instances, each of which constitutes a separate violation for purposes of assessing civil penalties.

U. Based on the findings above, Defendant engaged in false, misleading, or deceptive trade practices in violation of §17.47(a), 17.46(b)(2), (b)(3), (b)(5), (b)(12), and (b)(24) of the DTPA.

2. **IT IS THEREFORE ORDERED, ADJUDGED and DECREED** that Defendant MARIA ELENA GARZA a/k/a MARIA ELENA ELIZONDO d/b/a ELIZONDO & ASSOCIATES d/b/a AGENCIA ELIZONDO d/b/a AGENCIA HISPANA de TYLER d/b/a

INDEPENDENT NATIONAL SERVICE INS. DEP. CTR. and her agents, servants, employees and representatives and all persons or entities in active concert or participation with Defendant are restrained and enjoined from doing the following acts and engaging in the following practices in the pursuit and conduct of trade or commerce within the State of Texas as follows:

- A. Soliciting or accepting compensation in any form for providing immigration assistance, advice, or document preparation;
- B. Falsely representing that Defendant GARZA works for the United States Department of Homeland Security, Bureau of Citizenship and Immigration Services ("BCIS") or the agency formerly known as the United States Immigration and Naturalization Service ("INS");
- C. Falsely representing that Defendant GARZA works for the Bureau of Citizenship and Immigration Services or its predecessor the Immigration and Naturalization Service in their Corsicana office;
- D. Falsely representing that application fees and penalties paid to Defendant GARZA will be forwarded to the Bureau of Citizenship and Immigration Services or its predecessor the Immigration and Naturalization Service;
- E. Falsely representing that the Bureau of Citizenship and Immigration Services or its predecessor the Immigration and Naturalization Service received application fees paid to Defendant GARZA by her clients;
- F. Falsifying government documents to make it appear that the Bureau of Citizenship and Immigration Services or its predecessor the Immigration and Naturalization Service received the \$200 application fee given to GARZA by her clients;
- G. Falsifying government documents to make it appear that the Bureau of Citizenship and Immigration Services or its predecessor the Immigration and Naturalization Service was imposing a penalty upon GARZA's clients in the amount of \$1,202.00;
- H. Falsifying government documents to make it appear that the Bureau of Citizenship and Immigration Services or its predecessor the Immigration and Naturalization Service had approved her clients' application for legitimate immigration credentials;
- I. Failing to disclose to consumers that the American Automobile Association or

American Automobile Touring Association are the only entities authorized by the United States Department of State to issue international driving permits;

- J. Selling an international driving permit unless authorized to do so in writing by the United States Department of State;
- K. Failing to disclose that a person may only obtain an international driver's license in the United States if that person already has a valid driver's license issued by a state of the United States;
- L. Falsely representing that an international driving permit secured through Defendant Garza gives one the legal right to drive or operate a motor vehicle in the United States;
- M. Falsely representing that an international driving permit secured through Defendant Garza can legally serve as a substitute for a Texas driver's license when a driver's license is requested by law enforcement officials;
- N. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- O. Causing confusion or misunderstanding as to the affiliation, connection, or association with or certification by another;
- P. Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which they do not have;
- Q. Representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;
- R. Failing to disclose information concerning goods or services which was known at the time of the transaction when such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed; and
- S. Failing to provide to any of Defendant's agents, servants, employees or representatives, written notice of the existence and terms of any injunction entered in this case, and of their duty to comply with its terms.

3. **IT IS FURTHER ORDERED** that the STATE OF TEXAS shall have judgment and recover from Defendant MARIA ELENA GARZA a/k/a MARIA ELENA ELIZONDO d/b/a ELIZONDO & ASSOCIATES d/b/a AGENCIA ELIZONDO d/b/a AGENCIA HISPANA de TYLER d/b/a INDEPENDENT NATIONAL SERVICE INS. DEP. CTR. the sum of \$ 157,468 for restitution on behalf of consumers who paid money to Defendant GARZA as a result of her false, misleading, and deceptive practices, pursuant to the Deceptive Trade Practices Act §17.47(d). The State of Texas shall disburse restitution to consumers as it, in its sole discretion, deems advisable and necessary. In the event any portion of this restitution judgment is not able to be distributed to consumers in reasonable amounts within a reasonable time, such amounts shall revert to Plaintiff, the State of Texas, as attorney's fees.

4. **IT IS FURTHER ORDERED** that the STATE OF TEXAS shall have judgment and recover from Defendant MARIA ELENA GARZA a/k/a MARIA ELENA ELIZONDO d/b/a ELIZONDO & ASSOCIATES d/b/a AGENCIA ELIZONDO d/b/a AGENCIA HISPANA de TYLER d/b/a INDEPENDENT NATIONAL SERVICE INS. DEP. CTR. the sum of \$ 1,212,000⁰² dollars in civil penalties for violations of the Deceptive Trade Practices Act §17.46(a) and (b) as provided for in §17.47(c) of the Act. In determining the amount of civil penalties, the Court considered the factors in §17.47(g) of the DTPA.

5. **IT IS FURTHER ORDERED** that the Office of the Attorney General shall have judgment and recover from Defendant MARIA ELENA GARZA a/k/a MARIA ELENA ELIZONDO d/b/a ELIZONDO & ASSOCIATES d/b/a AGENCIA ELIZONDO d/b/a AGENCIA HISPANA de TYLER d/b/a INDEPENDENT NATIONAL SERVICE INS. DEP. CTR. the sum

of \$ 48,094.86 dollars as its reasonable attorney fees and costs pursuant to Tex. Gov't Code §402.006(c).

6. **IT IS FURTHER ORDERED** that **CEDAR CREEK BANK** issue a cashier's check made payable to "STATE OF TEXAS" in the amount of the total sums of money currently on deposit² in account number [REDACTED] standing in the name of Maria Elena Garza Elizondo d/b/a Independent National Services INS DEP CTR., upon presentment of a signed copy of this Order. It is also **Ordered** that **CEDAR CREEK BANK** may deduct all reasonable costs of said cashier's check, and any other applicable processing fees, from account number [REDACTED] standing in the name of Maria Elena Garza Elizondo d/b/a Independent National Services INS DEP CTR., prior to issuing said cashier's check. It is further **Ordered** that **CEDAR CREEK BANK** shall mail said cashier's check to Kenneth D. Kirkpatrick, counsel for Plaintiff, at the Office of the Attorney General, Consumer Protection and Public Health Division, 1600 Pacific Avenue, Suite 1700, Dallas, Texas 75201. Such funds shall be applied by the Office of the Attorney General to satisfy, in part, the reasonable and necessary attorney fees awarded under paragraph 5 above.

7. **IT IS FURTHER ORDERED** that **WOODFOREST NATIONAL BANK** issue a cashier's check made payable to "STATE OF TEXAS" in the amount of the total sums of money currently on deposit³ in account number [REDACTED] standing in the name of Maria

²Two Thousand Nine Hundred Nineteen and 18/100 Dollars (\$2,919.18) less any applicable processing fees/cashier's check fees.

³Three Thousand Three Hundred Twenty-Four and 90/100 Dollars (\$3,324.90) less any applicable processing fees/cashier's check fees.

Elena Garza Elizondo, jointly or severally, upon presentment of a signed copy of this Order. It is also **Ordered** that **WOODFOREST NATIONAL BANK** may deduct all reasonable costs of said cashier's check, and any other applicable processing fees, from account number [REDACTED] standing in the name of Maria Elena Garza Elizondo, jointly or severally, prior to issuing said cashier's check. It is further **Ordered** that **WOODFOREST NATIONAL BANK** shall mail said cashier's check to Kenneth D. Kirkpatrick, counsel for Plaintiff, at the Office of the Attorney General, Consumer Protection and Public Health Division, 1600 Pacific Avenue, Suite 1700, Dallas, Texas 75201. Such funds shall be applied by the Office of the Attorney General to satisfy, in part, the reasonable and necessary attorney fees awarded under paragraph 5 above.

8. **IT IS FURTHER ORDERED** that Defendant **MARIA ELENA GARZA a/k/a MARIA ELENA ELIZONDO d/b/a ELIZONDO & ASSOCIATES d/b/a AGENCIA ELIZONDO d/b/a AGENCIA HISPANA de TYLER d/b/a INDEPENDENT NATIONAL SERVICE INS. DEP. CTR.** shall pay all costs of Court.

9. The damages claimed in Plaintiff's original petition are unliquidated. The Court held a hearing on March 18, at which Plaintiff presented evidence of damages.

10. This judgment is final, disposes of all claims and all parties, and is appealable.

11. The Clerk of the Court is hereby directed to issue a Writ of Permanent Injunction to Defendant and issue Writs of Execution and/or other process necessary to enforce this Final Judgment and Permanent Injunction.

Signed this 18th day of March, 2004.

Original Signed By
Judge Jack H. Holland

DISTRICT JUDGE

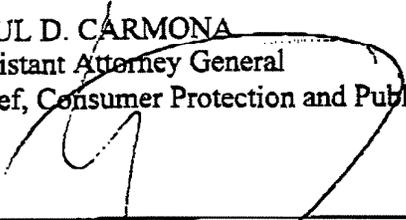
APPROVED AND ENTRY REQUESTED:

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