

NO. _____

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
	§	
V.	§	
	§	
CRAIG BARTON POE, Individually	§	
and ALTON SCOTT POE, Individually	§	
and d/b/a TRINITY SOUTHERN	§	DALLAS COUNTY, TEXAS
UNIVERSITY d/b/a PRIXO	§	
SOUTHERN UNIVERSITY and d/b/a	§	
WESLEYAN INTERNATIONAL	§	
UNIVERSITY,	§	
Defendants	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL VERIFIED PETITION AND APPLICATION FOR
TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION, PERMANENT
INJUNCTION AND ASSET FREEZE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the STATE OF TEXAS, Plaintiff, acting by and through Attorney General of Texas GREG ABBOTT (referred to herein as the “Attorney General”), on behalf of the State of Texas, and on behalf of the interest of the general public of the State of Texas, and complains of CRAIG BARTON POE, Individually and ALTON SCOTT POE, Individually and d/b/a TRINITY SOUTHERN UNIVERSITY d/b/a PRIXO SOUTHERN UNIVERSITY and d/b/a WESLEYAN INTERNATIONAL UNIVERSITY, Defendants. The Attorney General would respectfully show the Court as follows:

DISCOVERY CONTROL PLAN

1. Discovery shall be conducted under Level 2 of rule 190.3 of the Texas Rules of Civil Procedure.

JURISDICTION

2. This action is brought by Attorney General Greg Abbott through his Consumer Protection and Public Health Division in the name of the STATE OF TEXAS under the authority granted to him pursuant to §17.47 of the Texas Deceptive Trade Practices–Consumer Protection Act, TEX. BUS. & COM. CODE § 17.41 *et seq.*, (“DTPA”), permitting the Consumer Protection and Public Health Division of the Attorney General’s office to bring an action to restrain, by temporary restraining order, temporary injunction, or permanent injunction, the use of any method, act or practice declared to be unlawful by TEX. BUS. & COM. CODE § 17.46 including but not limited to restitution and civil penalties and attorneys fees and costs, where such proceedings are in the public interest.

Moreover, this action is brought by the Attorney General Greg Abbott upon the ground that the Commissioner of Higher Education, Texas Higher Education Coordinating Board and authorized agents find that Defendants have violated and are currently violating provisions of the Texas Education Code, Chapter 61, Subchapter G, Section 61.300, *et seq.*, requesting civil penalties under Texas Education Code § 61.319.

3. The Attorney General files this suit against Defendants on the grounds that:

A. Defendants have engaged in false, deceptive and misleading acts and practices in

the course of trade and commerce as defined herein and as declared unlawful pursuant to the Texas Deceptive Trade Practices--Consumer Protection Act (referred to herein sometimes as the "DTPA"), TEX. BUS. & COM. CODE § 17.41 et seq.;

B. Defendants have violated and are currently violating provisions of the Texas Education Code, Chapter 61, Subchapter G, Section 61.300, *et seq.*

C. This suit is brought against Defendants for injunctive relief, actual damages, restitution, civil fines and penalties, costs, and attorneys' fees as a result of the violations of the DTPA and for civil penalties as a result of the violations of the Texas Education Code.

PARTY DEFENDANTS

4. Defendant ALTON SCOTT POE is an individual residing in Saint Cloud, Florida and is doing business in the State of Texas under the names of TRINITY SOUTHERN UNIVERSITY, PRIXO SOUTHERN UNIVERSITY and WESLEYAN INTERNATIONAL UNIVERSITY in Dallas County, Texas. Defendant holds himself out as Dean of Admissions and Vice Chancellor of TRINITY SOUTHERN UNIVERSITY which is an unlicensed and unregistered business and, according to the website of Defendants, conducts business at 5729 Lebanon Dr., Suite 144-120, Dallas, Dallas County, Texas 75034. Defendant may be served with citation and process at his place of business located at 5729 Lebanon Dr., Suite 144-120, Dallas, Texas 75034 or at his residence located at 5262 Hammock Circle, Saint Cloud, Florida, or wherever he may be found.

5. Defendant CRAIG BARTON POE is an individual residing in Frisco, Denton County, Texas and is doing business in the State of Texas under the names of TRINITY SOUTHERN

UNIVERSITY, PRIXO SOUTHERN UNIVERSITY and WESLEYAN INTERNATIONAL UNIVERSITY in Dallas County, Texas. Defendant holds himself out as Dean of Admissions and Vice Chancellor of TRINITY SOUTHERN UNIVERSITY which is an unlicensed and unregistered business and, according to the website of Defendants, conducts business at 5729 Lebanon Dr., Suite 144-120, Dallas, Dallas County, Texas 75034. Defendant may be served with citation and process at his place of business located at 5729 Lebanon Dr., Suite 144-120, Dallas, Texas 75034 or at his residence located at 5404 Golden Sunset Court, Frisco, Collin County, Texas, or wherever he may be found.

VENUE

6. Venue of this suit lies in Dallas County, Texas for the following reasons:

A. Under the DTPA § 17.47(b), venue is proper because many of the allegations complained of herein occurred in Dallas County, and the principal place of business of TRINITY SOUTHERN UNIVERSITY is located in Dallas County, Texas according to Defendants' own website and for whom Defendant ALTON SCOTT POE is the Dean of Admissions and Vice Chancellor. Additionally, the name of the registrant for TexasSouthernUniversity.org is Defendant CRAIG BARTON POE.

B. Under the DTPA § 17.56, venue is proper because the Defendants do business in Dallas County and/or all or part of the actions arose in Dallas County. Dallas County, Texas is the county in which the Defendants, or an authorized agent of the Defendants, solicited the transactions made the subject of this action. See also TEX. CIV. PRACT. & REM. CODE ANN. § 15.002 (a)(1)-(3).

ACTS OF AGENTS

7. Whenever in this petition it is alleged that Defendants did any act or thing, it is meant that:

- A. Defendants performed or participated in the act, or
- B. That the Defendants' officers, trustees, employees, agents, representatives, or successors, performed or participated in the act on behalf of and under the authority of the Defendants.

PUBLIC INTEREST

8. Because Plaintiff, State of Texas has reason to believe that the Defendants have engaged in, and will continue to engage in the unlawful practices set forth below, Plaintiff, State of Texas has reason to believe Defendants have caused and will cause immediate, irreparable 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 and Public Health Division of the Attorney General of the State of Texas believes, and is of the opinion that these proceedings are in the public interest.

TRADE AND COMMERCE

9. Defendants have at all times described herein, engaged in conduct constituting "trade" and "commerce," as those terms are defined in §17.45(6) of the DTPA.

NOTICE BEFORE SUIT NOT GIVEN

10. Plaintiff did not inform the Defendants herein at least seven (7) days before instituting this action of the alleged unlawful conduct of which complaint is now made, pursuant to DTPA § 17.47(a), for the reason that Plaintiff is of the opinion that there is good cause to believe that such an emergency exists that immediate and irreparable injury, loss or damage would occur as a result of such delay in obtaining a temporary restraining order, and that the Defendants would evade service of process, destroy relevant records and secrete assets if prior notice of this suit were given.

SPECIFIC FACTUAL ALLEGATIONS

11. Defendants operate a business known as TRINITY SOUTHERN UNIVERSITY, PRIXO SOUTHERN UNIVERSITY and WESLEYAN INTERNATIONAL UNIVERSITY. As such, Defendants have engaged in deceptive business practices by promoting, marketing, advertising and selling bachelors, masters, and doctorate degrees from TRINITY SOUTHERN UNIVERSITY through online websites. A printout of the website is hereto attached and incorporated as Exhibit A.

12. In the FAQs section of the website, Defendants state:

“Q. What do the diplomas and transcripts look like?”

A. Sample Diploma and Sample Transcript”

And, the sample diploma and sample transcript were attached to the website and attached hereto and incorporated as Exhibit B.

13. No formal education or classroom time is required to earn a degree. Page one of the website contains the statement, ***“NO CLASSES TO ATTEND NO TESTS TO TAKE!”*** In the FAQs section of the website, Defendants state:

“Q. What will my transcript contain?”

A. Your transcript will show the required courses for the particular degree at Trinity you have qualified for including basic electives. A bachelor’s degree will reflect 115-120 credit hours, master’s degree and Ph.D. degrees will reflect 36-48 credit hours. You will receive a grade for each course and a cumulative GPA based upon your level of experience in the particular field.”

14. Degrees are awarded from Trinity Southern University based in Dallas, Dallas County, Texas. In the FAQs section of the website, Defendants state:

“Q. Where are you located and what will be on my degree?”

A. Trinity is located at 5729 Lebanon Dr., Suite 144-120, Dallas, Texas 75034. Your degree will state that it is from Dallas, Texas.”

15. The website link that was included in the e-mails claimed that for a fee between \$299 and \$499 consumers can purchase a Bachelor’s, Master’s, Executive Master’s or Ph.D. degree in several fields including English, Business Administration and Biology in Collin County, Texas.

In the FAQs section of the website, Defendants state:

“Q. How much does a degree cost and what do I get?”

A. BA/BS \$299, MA/MS \$349, EMBA \$399, PhD \$499 which includes the diploma and complete transcript.”

16. Transcripts are offered at an additional cost which reflect courses no attended by the consumer/purchaser. In the FAQs section of the website, Defendants state:

“Q. Do you provide a transcript with the degree?”

A. No. it is optional for a \$99 fee as it is not required for most students.

Q. What will my transcript contain?”

A. Your transcript will show the required courses for the particular degree at Trinity you have qualified for including basic electives. A bachelor’s degree will reflect 115-120 credit hours, master’s degree and Ph.D. degrees will reflect 36-48 credit hours. You will receive a grade for each course and a cumulative GPA based upon your level of experience in the particular field.”

17. In addition, Defendants even made the representation on their website that the degree mill was not a scam. In the FAQs section of the website, Defendants state:

“Q. Is this a scam?”

A. Absolutely not. We accept credit cards and in fact we have a “no-questions-asked” 30 day guarantee that if you are not pleased you can return the degree and receive a refund less shipping and a printing fee of \$39.”

18. Defendants are not licensed by the Texas Higher Education Coordinating Board which accredits universities and colleges. State law requires a school to be licensed by the higher education board or accredited by a recognized association. Defendants claim on their website to be accredited by NAPLAC or the National Association for Prior Learning Assessment Colleges. NAPLAC is not recognized by the Texas Higher Education Coordinating Board as shown by the

attached Exhibit C incorporated herein as well as Exhibit D which is the affidavit of Investigator, Amy Russom, Office of the Attorney General.

19. Defendants claim that TRINITY SOUTHERN UNIVERSITY is privately accredited by NAPLAC.org. An “NAPLAC accreditation letter” is included on the website and the address on the bottom of the “accreditation letter” is that of Defendant ALTON SCOTT POE. It is believed that an organization by the name of NAPLAC does not exist.

VIOLATIONS OF THE DTPA

20. The conduct described above violates §17.46(a) and §17.46(b)(2), §17.46(b)(3), §17.46(b)(5), §17.46(b)(7), §17.46(b)(9), §17.46(b)(12) and §17.46(b)(24) of the DTPA which declares that false, misleading, or deceptive acts or practices in the conduct of trade or commerce are unlawful.

21. The State has reason to believe that Defendants have engaged in, and will continue to engage in false, misleading, and deceptive acts and practices unless restrained by this Court from doing so.

22. Defendant does not possess the certification necessary to solicit for or operate a university or offer university diplomas nor are they authorized to collect fees for the university diplomas.

The providing of these services by Defendants violate the DTPA, as follows:

A. Transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to Defendant's business, which are in Defendants' possession, custody, or control except in response to

- further orders or subpoenas in this cause;
- B. Marketing, promoting and advertising fraudulent advanced degrees;
 - C. Representing to any person, expressly or by implication, that Defendants would provide a free evaluation wherein consumers were asked to describe their experience and a representative would evaluate their credentials to determine whether their experience was worthy of an advanced degree;
 - D. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of the Defendants' services of offering fraudulent advanced degrees and the processing and acceptance of payments therefore;
 - E. Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another by offering the service of fraudulent advanced degrees and processing and accepting payments therefore;
 - F. Representing that the fraudulent advanced degrees had sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which it did not have or that Defendants and the fraudulent advanced degrees they offer and sell have sponsorship, approval, status, affiliation, or connection which it does not;
 - G. Soliciting, collecting, or accepting fees or compensation of any type, for the fraudulent advanced degrees;
 - H. Representing that the fraudulent advanced degrees are of a particular standard, quality, or grade;

- I. Representing the fraudulent advanced degrees with the intent not to sell them as advertised;
- J. Representing that the agreement to sell the fraudulent advanced degrees confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;
- K. Filing to disclose information concerning the fraudulent advanced degrees which was known at the time of the transaction and the failure to disclose such information was intended to induce the consumer into a transaction in to which the consumer would not have entered had the information been disclosed;
- L. Stating or implying that TRINITY SOUTHERN UNIVERSITY, PRIXO SOUTHERN UNIVERSITY or WESLEYAN INTERNATIONAL UNIVERSITY is a licensed, registered and accredited university in this State;
- M. Soliciting or accepting compensation of any type to provide a fraudulent advanced degrees;
- N. Advertising diplomas of any kind via the Internet, radio, TV, electronic broadcast or print (ie. newspapers, magazines, etc.);
- O. Operating a business or conducting a fraudulent advanced degrees business in Texas;
- P. Advertising, offering for sale, selling, or providing fraudulent advanced degrees;
- Q. Accepting money or valuable consideration for fraudulent advanced degrees;
- R. Holding themselves out, by any means, to the public as a “university” or “college” and by any title or designation incorporating the word “university” or “college” or an

abbreviation thereof;

INJURY TO CONSUMERS

23. By means of the foregoing unlawful acts and practices, Defendants have acquired money or other property from identifiable persons to whom such money or property should be restored, or who in the alternative are entitled to an award of damages.

DISGORGEMENT

24. All of the Defendants' assets are subject to the equitable remedy of disgorgement, which is the forced relinquishment of all benefits that would be unjust for Defendants to retain, including all ill-gotten gains and benefits or profits that result from Defendants putting fraudulently converted property to a profitable use. Defendants should be ordered to disgorge all monies fraudulently taken from individuals and businesses together with all of the proceeds, profits, income, interest and accessions thereto. Such disgorgement should be for the benefit of victimized consumers and the State of Texas.

REPATRIATION OF ASSETS

25. After due notice and a hearing, the court should order that all of the Defendants' assets situated outside the jurisdiction of this Court be deposited or repatriated into an appropriate financial institution within the jurisdiction of this Court.

**REQUEST FOR FINDINGS OF ACTUAL FRAUD
AND FALSE REPRESENTATION**

26. The Court should make findings at the conclusion of this case that the Defendants engaged in actual fraud and false representations in that Defendants have made repeated and materially false representations to the public concerning the issues of accreditation and academic diplomas and transcripts, which was known to be false when made. Such false representations were made with the intention that they be acted upon by the parties to whom the misrepresentations were made. Defendants acts violate laws enacted by the State of Texas to protect the higher education profession and citizens.

**NECESSITY OF IMMEDIATE RELIEF TO PRESERVE
DEFENDANTS' ASSETS**

27. Plaintiff requests immediate relief by way of a Temporary Restraining Order and Temporary Injunction to preserve and protect the Defendants' assets from dissipation so that the many victims of Defendants' actions can receive the restitution to which they are entitled. The Defendants receive sums of money for bogus academic degrees proffered which they are not authorized to provide. Thus, the money collected from consumers by Defendants constitutes contraband which should be returned to its rightful owners. The **assets** of the Defendants are subject to dissipation and secretion and therefore should be **frozen** pending final trial so restitution can be made, and full and final relief can be awarded at the resolution of this litigation.

**REQUEST TO CONDUCT DISCOVERY PRIOR
TO TEMPORARY INJUNCTION HEARING**

28. Plaintiff requests leave of this Court to conduct telephonic, oral, written and other depositions of witnesses prior to any scheduled Temporary Injunction Hearing and prior to Defendants' answer date. There are a number of victims and other witnesses who may need to be deposed prior to any scheduled injunction hearing. Some of these witnesses live outside the City of Dallas, and even outside the State of Texas, and thus cannot appear at any scheduled Temporary Injunction hearing. Any depositions, telephonic or otherwise, would be conducted with reasonable, shortened notice to Defendants and their attorneys, if known.

**APPLICATION FOR EX PARTE TEMPORARY RESTRAINING ORDER,
TEMPORARY INJUNCTION, PERMANENT INJUNCTION AND ASSET FREEZE**

29. Because Defendants have engaged in the unlawful acts and practices described above, Defendants have violated and will continue to violate the law as alleged in this Petition. Unless immediately restrained by this Honorable court, the Defendants will continue to violate the laws of the STATE OF TEXAS and cause immediate, irreparable injury, loss and damage to the State of Texas and to the general public. The interests of the State of Texas and the public require an Ex Parte Asset Freeze to preserve monies for consumer restitution. Therefore, Plaintiff requests an Ex Parte Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Asset Freeze as indicated below.

PRAYER

30. WHEREFORE, Plaintiff prays that Defendants be cited according to law to appear and answer herein under the DTPA for injunctive relief; before notice and hearing a TEMPORARY RESTRAINING ORDER be issued; that after due notice and hearing a TEMPORARY INJUNCTION be issued; and upon final hearing a PERMANENT INJUNCTION be issued, restraining and enjoining Defendants, Defendants' successors, assigns, officers, agents, servants, employees and attorneys and any other person in active concert or participation with Defendants from engaging in the following acts or practices:

- A. Transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to Defendants' business which are in Defendants' possession, custody, or control except in response to further orders or subpoenas in this cause;
- B. Transferring, spending, hypothecating, concealing, encumbering, depleting, modifying, dissipating, distributing, or removing from the jurisdiction of this Court any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real, personal or mixed, wherever situated, belonging to or owned by, in possession of, or claimed by Defendants;
- C. Marketing, promoting and advertising fraudulent advanced degrees;
- D. Representing to any person, expressly or by implication, that Defendants would

provide a free evaluation wherein consumers were asked to describe their experience and a representative would evaluate their credentials to determine whether their experience was worthy of an advanced degree;

- E. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of the Defendants' services of offering bogus academic degrees and the processing and acceptance of payments therefore;
- F. Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another by offering the service of fraudulent advanced degrees and processing and accepting payments therefore;
- G. Representing that the fraudulent advanced degrees had sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which it did not have or that Defendants and the fraudulent advanced degrees they offer and sell have sponsorship, approval, status, affiliation, or connection which it does not;
- H. Soliciting, collecting, or accepting fees or compensation of any type, for the fraudulent advanced degrees;
- I. Representing that the fraudulent advanced degrees are of a particular standard, quality, or grade;
- J. Representing the fraudulent advanced degrees with the intent not to sell them as advertised;
- K. Representing that the agreement to sell the fraudulent advanced degrees confers or involves rights, remedies, or obligations which it does not have or involve, or which

are prohibited by law;

- L. Filing to disclose information concerning the fraudulent advanced degrees which was known at the time of the transaction and the failure to disclose such information was intended to induce the consumer into a transaction in to which the consumer would not have entered had the information been disclosed;
- M. Stating or implying that TRINITY SOUTHERN UNIVERSITY, PRIXO SOUTHERN UNIVERSITY or WESLEYAN INTERNATIONAL UNIVERSITY is a licensed, registered and accredited university in this State;
- N. Soliciting or accepting compensation of any type to provide a fraudulent advanced degrees;
- O. Advertising diplomas and/or academic degrees of any kind via the Internet, radio, TV, electronic broadcast or print (ie. newspapers, magazines, etc.);
- P. Operating a business or conducting a fraudulent advanced degrees business in Texas;
- Q. Advertising, offering for sale, selling, or providing fraudulent advanced degrees;
- R. Accepting money or valuable consideration for fraudulent advanced degrees;
- S. Holding themselves out, by any means, to the public as a “university” or “college” and by any title or designation incorporating the word “university” or “college” or an abbreviation thereof;

31. Because Defendant has engaged in the unlawful acts and practices described herein, Defendant has violated and continues to violate the laws as herein alleged. Defendant, unless enjoined by this Court, will continue in violation of the laws of the State of Texas and loss and

damage will result to the State of Texas and to the general public.

32. The State further prays that upon final hearing this Court order Defendants to pay civil penalties of \$20,000.00 per violation to the State of Texas for violations of the DTPA and \$1,000.00 a day for each violation of the Texas Education Code;

33. The State further prays for the Court to order Defendants to restore all money or other property taken from identifiable persons by means of unlawful acts or practices, or in the alternative, award judgment for damages to compensate for such losses.

34. The State further prays for attorney's fees and costs pursuant to TEX GOV'T CODE ANN. §402.006(c);

35. The State further prays for prejudgment interest on all awards of restitution, damages, and civil penalties as provided by law;

36. The State further prays that Defendants' assets be repatriated into the jurisdiction of this court, that Defendants' assets be subject to disgorgement, and that an equitable lien be placed upon Defendants' property for the benefit of consumer victims;

37. The State requests that all attached exhibits are incorporated by reference as if stated verbatim herein.

38. The State further prays for any other relief to which the State may be justly entitled under the law.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

BARRY McBEE
First Assistant Attorney General

EDWARD BURBACH
Deputy Attorney for Litigation

PAUL D. CARMONA
Chief, Consumer Protection Division

DEANYA T. KUECKELHAN
Assistant Attorney General
Consumer Protection and Public Health Division
1600 Pacific Ave., Suite 1700
Dallas, Texas 75201
(214) 969-7639
(214) 969-7615 (facsimile)
ATTORNEY FOR STATE OF TEXAS

VERIFICATION

STATE OF TEXAS

§

COUNTY OF DALLAS

§

§

Before me, the undersigned Notary Public, on this day personally appeared Amy Russom, who, after being duly sworn, stated under oath that she is one of the Investigators for Plaintiff in this action, that she has read the above petition, and that every statement contained in the petition is true and correct and within the personal knowledge of all of the affiants and employees of the Office of the Attorney General.

AMY RUSSOM, Investigator

SUBSCRIBED AND SWORN TO before me, on the _____ day of December , 2004, to certify which witness my hand and official seal.

Notary Public
State of Texas