

CAUSE NO. C2004649

THE STATE OF TEXAS,
Plaintiff,

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IN THE DISTRICT COURT OF

v.

HOOD COUNTY, TEXAS

CARLOS CARVAJAL,
Defendant.

355th JUDICIAL DISTRICT

TEMPORARY INJUNCTION

On this day the Court heard the State’s request for Temporary Injunction against Defendant CARLOS CARVAJAL. The parties appeared by and through their attorneys of record.

I. VIOLATIONS OF THE TEXAS DTPA

1. The Court FINDS that Defendant has violated sections 17.46(a) and (b) of the Deceptive Trade Practices–Consumer Protection Act (“DTPA”), TEX. BUS. & COM. CODE § 17.41 *et. seq.* and further FINDS that it appears from the evidence presented unless Defendant is immediately restrained from the acts prohibited below, Defendant will continue to use deception in his solicitation and furnishing of immigration assistance.

2. The Court FURTHER FINDS that if the restraint is not issued, Defendant will continue to engage in the unauthorized practice of law and cause irreparable injury, loss, or damage to persons who receive his services because such persons will lose immigration benefits to which they are otherwise entitled and subject them to apprehension, detention or immediate deportation, or expose them to criminal liability as a result of Defendant’s unqualified legal services and/or advice in immigration matters.

II. INJUNCTION

3. **IT IS FURTHER ORDERED** that Defendant CARLOS CARVAJAL, his officers,

agents, servants, spouse, relatives, employees, attorneys and any other persons in active concert or participation with him, who receive actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other devise, shall be restrained 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 Defendant's business which are in Defendant's possession, custody, or control except in response to further orders or subpoenas in this cause, with the exception of transferring to a person his or her own documents books, records, documents, invoices, or other written materials relating to Defendant's business which are in Defendant's possession, custody, or control;

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 Defendant except (1) to make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care and (2) to make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit;

C. Giving, providing, or offering advice and counsel to any person regarding United States immigration laws, rights, privileges, or documents, until such time as Defendant either becomes a licensed attorney, or is accredited by the United States Board of Immigration Appeals pursuant to 8 C.F.R. § 292;

D. Representing to any person, expressly or by implication, that Defendant can or will represent the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration to the United States, United States citizenship, or any other Immigration related matter (including alien temporary or permanent employment or travel), until Defendant is able to fully comply with the requisites of 8 C.F.R. § 292 by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the United States Board of Immigration Appeals;

E. Selecting or preparing immigration forms, applications, or legal documents of any type to be completed or filed on behalf of persons seeking to legalize their residency status or to obtain lawful employment in the United States, until such time as Defendant obtains the certification, license, or other qualifications required for such activity pursuant to 8 C.F.R. § 292;

F. Advising persons, expressly or by implication, of the type of form, application or document needed in any type of proceeding relating to immigration to the United States, United States citizenship, employment in the United States, or any other matter relating to the needs of alien residents or non-residents;

G. Giving persons advice and counsel regarding their rights under the immigration laws of the United States or any other sort of legal matter, until such time as Defendant obtains the certification, license, or other qualifications required for such activity pursuant to 8 C.F.R. § 292;

H. Soliciting, collecting, or accepting fees or compensation of any type, for providing any type of immigration or legal services to consumers, until such time as Defendant obtains the accreditation, license, or other qualifications required for such, pursuant to 8 C.F.R. § 292;

I. Stating or implying that Defendant is an attorney licensed to practice law in this State

or that Defendant has an attorney on staff to assist her with immigration related matters;

J. Stating or implying that Defendant was a federal immigration judge;

K. Soliciting or accepting compensation of any type to obtain relief of any kind on behalf of another from any officer, agency, or employee of this state or the United States;

III. DEFINITIONS

4. **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that, as used in this Judgment, the following terms are defined as follows:

A. “Consumer” means an individual, partnership, corporation, or entity of any kind, including this state, or a subdivision or agency of this state who seeks or acquires, by purchase or lease, any goods or services;

B. “Defendant” means Carlos Carvajal and his successors, assigns, officers, agents, subcontractors, servants, present and former employees, corporations and any other persons in active concert or participation with him;

C. “Person” means an individual, sole proprietorship, firm, partnership, corporation, association, joint venture or other group, or business entity, however organized;

D. “Solicits” or “solicited” means any type of contact with a person or entity for the purpose of requesting, persuading, or seeking any type of contribution, sponsorship, compensation, or anything of value from said person or entity for any reason whatsoever.

5. The Clerk of the above-entitled Court shall forthwith issue a temporary injunction in conformity with the law and the terms of this Order. This Order shall be effective without the execution and filing of a bond as Plaintiff, State of Texas is exempt from such bond under TEX. BUS. & COM. CODE §17.47(b).

IV. TRIAL SETTING

6. Final trial in this cause is hereby set for the _____ day of _____, 2005 at _____ o'clock, ____ m.

SIGNED this _____ day of January, 2005 at _____ o'clock, ____ m.

PRESIDING JUDGE

Agreed to Form and Entry Requested:

Agreed to Form and Substance:

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