

NO. GV302625

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
V.	§	TRAVIS COUNTY, T E X A S
	§	
PATRICIA G. THOMAS D/B/A	§	
WEDDING CAREERS INSTITUTE, INC.,	§	
WEDDING CAREERS INSTITUTE, INC.,	§	
AND WEDDING CAREERS	§	
WORLDWIDE ASSOCIATION, L.L.C.	§	
Defendants.	§	<u>98TH</u> JUDICIAL DISTRICT

**STATE OF TEXAS’ MOTION FOR CONTEMPT AND PETITION FOR CIVIL
PENALTIES FOR VIOLATION OF PERMANENT INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS, acting by and through Attorney General of Texas GREG ABBOTT (“Plaintiff” or “State”), and files this its Motion for Contempt and Petition for Civil Penalties in order to secure enforcement of a permanent injunction issued under the Deceptive Trade Practices Act by the court against PATRICIA G. THOMAS D/B/A WEDDING CAREERS INSTITUTE, INC., WEDDING CAREERS INSTITUTE INC., AND WEDDING CAREERS WORLDWIDE ASSOCIATION, L.L.C. (“Defendants”) and in support thereof would respectfully show the following:

SERVICE OF PROCESS

1. Defendant, PATRICIA G. THOMAS is an individual doing business in Texas as “Wedding Careers Institute, Inc.” and may be served with process at her home, 18087 Holly Forest, Houston, Texas 77084.

2. Defendant, WEDDING CAREERS INSTITUTE, INC., is an entity doing business in Texas which suffered a tax forfeiture on August 25, 2000. Defendant may be served with process

by serving its registered agent, Patricia G. Thomas, at 18087 Holly Forest, Houston, Texas 77084.

3. Defendant, WEDDING CAREERS WORLDWIDE ASSOCIATION, L.L.C. is an entity doing business in Texas which suffered a tax forfeiture on July 23, 2004. Defendant may be served with process by serving its manager / member, Patricia G. Thomas, at 18087 Holly Forest, Houston, Texas 77084.

PERMANENT INJUNCTION

4. On August 12, 2003, the court in the above-entitled and numbered cause, duly rendered and caused to be entered a Final Default Judgment with Permanent Injunction containing prohibitory injunctive relief directed to and binding upon Defendants Patricia G. Thomas, Wedding Careers Institute, Inc., and Wedding Careers Worldwide Associations, L.L.C. This permanent injunction was issued pursuant to the Court's authority granted by TEX. BUS. & COM. CODE § 17.47 (Vernon 2002 and Supp. 2004), and this Court retains jurisdiction over this injunction pursuant to § 17.47(e). A true and correct copy of the Final Default Judgment with Permanent Injunction is attached as State's Exhibit A.

5. Under the terms of the permanent injunction, Defendants are enjoined from engaging in the following acts or practices:

- A. Operating as a proprietary school without a certificate of approval issued by the Texas Workforce Commission ("TWC");
- B. Maintaining, advertising, soliciting for, or conducting any course of instruction in this state without a certificate of approval or a notice of exemption from the TWC;
- C. Advertising, offering for sale, or selling Wedding Careers Institute, Inc.'s Certification Training Program, Consultants Online, Consultants Distance

Training, or Consultants Seminar, without first obtaining a certificate of approval or a notice of exemption from the TWC;

- D. Operating as a proprietary school without registering all representatives of Defendants with the TWC;
- E. Using the term “corporation,” “incorporated,” or an abbreviation of either of those terms in the name of a business entity that is not incorporated under the laws of this state or another jurisdiction;
- F. Operating as a business opportunity without registering the business opportunity with the Secretary of State (“SOS”) by filing:
 - 1) A copy of the disclosure statement required by Subchapter D of the Business Opportunity Act, TEX. BUS. & COM. CODE ANN. § 41.001 *et seq.* (Vernon 2002) (“BOA”); and
 - 2) A list of the names and resident addresses of the individuals who sell or will sell the business opportunity for Defendants; and
- G. Operating a business opportunity without filing with the SOS a copy of the bond or notification of a trust account, as required by BOA § 41.053.

ACTUAL NOTICE OF INJUNCTION

6. Defendants were made aware of such permanent injunction and of its specific terms because Defendants were formally served with the Final Default Judgment and Permanent Injunction. See Exhibits B-1 to B-3.

VIOLATIONS OF THE INJUNCTION

7. Defendants have failed and refused, and continue to fail and refuse, to obey the commands of the Court as set forth in the above-described permanent injunction.

8. Specifically, since receiving notice of the Court's injunction, Defendants have committed the following violations of the court order:

- A. On September 16, 2003, an Investigator with the Texas Attorney General's Office contacted Defendants inquiring about their course of instruction. The investigator spoke with an employee of Defendants, who offered for sale Defendants' Consultants Seminar program in Dallas, Texas. See Exhibit C.
- B. On September 16, 2003, an Investigator with the Texas Attorney General's Office captured the web site www.weddingcareers.com, which offered for sale Wedding Careers Institute, Inc.'s Certification Training Program, Consultants Online, Consultants Distance Training, and Consultants Seminar. See Exhibit D.
- C. From September 27, 2003 until September 29, 2003, Defendants held a Consultants Seminar using the name Wedding Careers Institute, Inc., at the Crowne Plaza Market Center in Dallas, Texas. See Exhibit E.
- D. On November 18, 2003, Defendants offered for sale and sold a Consultants Seminar course to Jennifer Friend via the Internet, which was held in Houston, Texas. Following completion of the course, Defendants failed to provide a certificate of completion to Ms. Friend as they represented they would. See Exhibit F.
- E. On November 28, 2003, Defendants offered for sale their Certification Training Program, Consultants Online, Consultants Distance Training, and Consultants Seminar to Tracy Thayer via an information packet provided by Defendant Thomas. On January 6, 2004, Defendants sold Ms. Thayer a

Consultants Seminar course which was held in Houston, Texas. Following completion of the course, Defendants failed to provide a certificate of completion to Ms. Friend as they represented they would. See Exhibit G.

F. From January 17, 2004 to January 19, 2004, Defendants held a Consultants Seminar using the name “Wedding Careers Institute” in Houston, Texas. See Exhibits F and G.

G. On March 23, 2004, Defendants sold a Consultants Seminar to Jill Rains which was to be held in Dallas, Texas from April 3, 2004 to April 5, 2004. Defendants did not hold the course in Dallas, however they did not refund Ms. Raines’ payment. See Exhibit H.

9. At all times described above, Defendant, Wedding Careers, Inc., has remained unincorporated due to a tax forfeiture. See Exhibit I-1. Since July 23, 2004, Defendant Worldwide Wedding Association, LLC has been operating without its status as a limited liability company, as it suffered a tax forfeiture on that date. See Exhibit I-2.

10. At all times described above, none of the Defendants had obtained a certificate of approval or notice of exemption from the Texas Workforce Commission. See Exhibit J.

MOTION FOR CONTEMPT

11. The State incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this pleading.

12. Defendants have failed to obey the orders of this Court. TEX. GOV’T CODE ANN. § 21.002 (Vernon 2004) authorizes this Court to punish for contempt.

PETITION FOR CIVIL PENALTIES

13. The State incorporates and adopts by reference the allegations contained in each and

every preceding paragraph of this pleading.

14. Defendants have violated the terms of an injunction which was ordered by the Court pursuant to TEX. BUS. & COM. CODE § 17.47. As such, Defendants should forfeit and pay to the State a civil penalty of not more than \$10,000.00 per violation, not to exceed \$50,000.00, in accordance with § 17.47(e).

PRAYER

15. WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Court order Defendants to appear at a time and place to be set by the Court and show cause why they should not be held in contempt for violations of the permanent injunction, as alleged herein, and that upon hearing, the Court find that:

- A. Defendants should be held in contempt of Court, and punished accordingly as authorized by TEX. GOV'T CODE ANN. § 21.002, including a fine of not more than \$500 or confinement in the county jail for not more than six months, or both such a fine and confinement in jail; and
- B. Defendants have violated a permanent injunction issued pursuant to TEX. BUS. & COM. CODE ANN. § 17.47, and should forfeit to the State civil penalties in the amount of \$10,000.00 per violation not to exceed \$50,000.00.

16. The State further requests that this Court:

- A. Award such relief as the Court finds necessary to redress injury to consumers including, but not limited to, restitution of monies paid by consumers;
- B. Order Defendants to pay pre-judgment and post-judgment interest on all awards of restitution, damages or civil penalties, as provided by law;
- C. Order Defendants to pay all costs of Court, costs of investigation, and

reasonable attorney's fees pursuant to TEX. GOVT. CODE ANN. § 402.006(c);

and

D. Grant Plaintiff all other relief to which it has shown itself entitled.

Respectfully submitted,

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