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STATE OF TEXAS,
Plaintiff

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IN THE DISTRICT COURT OF

v.

YOLANDA SALAZAR PEREZ, d/b/a PEREZ
IMMIGRATION AND TAX SERVICE,
GREATER HOUSTON FAMILY OUTREACH,
NEW ANOINTING/NUEVA UNCION,
IGLESIA NUEVA UNCION, and SERVICIOS
A LA COMUNIDAD,
Defendant

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

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

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 YOLANDA SALAZAR PEREZ doing business as PEREZ IMMIGRATION AND TAX SERVICE, GREATER HOUSTON FAMILY OUTREACH, NEW ANOINTING/NUEVA UNCION, IGLESIA NUEVA UNCION, and SERVICIOS A LA COMUNIDAD. 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, where such proceedings are in the public interest.

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

- A. Defendant has 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. This suit is brought against Defendant for injunctive relief, actual damages, restitution, civil fines and penalties, costs, and attorney’s fees as a result of the violations of the DTPA.

PARTY DEFENDANT

4. Defendant Yolanda Perez is an individual residing in Houston, Harris County, Texas and may be served with citation and process at her residence at 1133 Finfrock, Pasadena, Texas 77506, or wherever she may be found.

VENUE

5. Venue of this suit lies in Harris County, Texas for the following reasons:

- A. Under the DTPA §17.47(b), venue is proper because Defendant resides in Harris County, Texas; and
- B. Under the DTPA §17.47(b), venue is proper because many of the allegations complained of herein occurred in Harris County, and the principal place of business of Defendant is in Harris County, Texas.
- C. Under the DTPA §17.56, venue is proper because the Defendant does business in Harris County, was a resident of Harris County at the time the causes of action accrued, and all or part of the actions arose in Harris County. Harris County, Texas is the county in which the Defendant, or an authorized agent of the Defendant, 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

- 6. Whenever in this petition it is alleged that Defendant did any act or thing, it is meant that:
 - A. Defendant performed or participated in the act, or
 - B. That the Defendant's officers, trustees, employees, agents, representatives, or successors, performed or participated in the act on behalf of and under the authority of the Defendant.

PUBLIC INTEREST

- 7. Because Plaintiff State of Texas has reason to believe that the Defendant has engaged in, and will continue to engage in the unlawful practices set forth below, Plaintiff State of Texas has reason to believe Defendant has 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

8. Defendant has, at all times described below, engaged in conduct constituting “trade” and “commerce,” as those terms are defined in §17.45(6) of the DTPA.

NOTICE BEFORE SUIT NOT GIVEN

9. Plaintiff did not inform the Defendant 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 Defendant would evade service of process, destroy relevant records and secrete assets if prior notice of this suit were given.

SPECIFIC FACTUAL ALLEGATIONS

10. Defendant Yolanda Perez provides unauthorized immigration-related services in the Pasadena, Texas area. Defendant has operated under the following business names: Perez Immigration and Tax Service (Exhibits “1 [p. 3, para. 7] & 7”), New Anointing/Nueva Uncion (Exhibits “1 [pp. 4-6, para. 9-11 & 14], 4 [p. 2, para. 11], 11 [p. 1], 12 [pp. 1 & 3-6], 14 [p. 1] & 17 [pp. 1-15]”), Servicios a la Comunidad (Exhibits “1 [pp. 4, 6 & 7-8, para. 8-10, 14 & 17], 2 [p. 3, para. 13], 3 [p. 1, para. 3], 4 [pp.1-2, para. 3 & 11-12], 12 [p. 2], 13 [pp. 1-9], 14 [p. 2] & 18 [pp. 1-23]”), Greater Houston Family Outreach (Exhibits “1 [p. 4, para. 8-9], 2C [p. 2], 3 [p. 1, para. 3], 4 [pp. 1-2, para. 2 & 11] & 9”) and Iglesia Nueva Uncion (Exhibits “1 [pp. 6-7, para. 14] & 15 [p.

1]”). Defendant Perez has been providing immigration-related services, in Harris County, Texas for at least five (5) years. (Exhibits “2 [p.1, para 2], 2A [p. 1] & 14 [p. 1]”).

11. **Defendant Perez advertises her immigration services with business cards and by word of mouth in Pasadena, Texas. (Exhibits “1 [p. 2, para. 3], 2 [p. 1, para. 2], 3 [p.1, para. 2], 4 [p. 1, para. 3], 7 & 9”). Defendant often rents space at local churches and uses this affiliation to convince consumers of the quality of her services. (Exhibits “2 [p.1, para. 5] & 4 [p. 1, para. 3]”).** Defendant and her employees claim that she is an attorney, a notary, and a former employee of the Immigration and Naturalization Service (INS).¹ (Exhibits “1 [p. 2, para. 3], 2 [p.1, para. 4] & 3 [p. 1, para. 3]”). Defendant commonly charges from \$75-\$150 to prepare an immigration form and \$20 for a letter to the INS. (Exhibits “2A [p. 1], 2B, 2D [p.1], 2F [p. 1], 3 [p.1, para. 4] & 4 [p. 1, para. 5]”).

12. Defendant Perez falsely represents to consumers that she is qualified to prepare all of their immigration applications, forms and other pertinent documentation as required by the immigration laws of this country. (Exhibits “1 [pp. 2-3, para. 4-5], 2 [p. 1, para. 4], 3 [p. 1, para. 3] & 4 [p. 1, para. 3]”). The Defendant provides counseling regarding U.S. immigration laws and procedure and often tells consumers what forms they need prepared and prepares those forms on consumers’ behalf. (Exhibits “2 [pp.1-2, para. 4 & 6-11], 3 [pp. 1-2, para. 2 & 4-5] & 4 [pp. 1-2, para. 5 & 12]”). Defendant targets and services persons attempting to immigrate and/or obtain residency in the U.S., as well as the friends and family members of such persons. (Exhibits “2 [p.1, para. 4]”).

13. Defendant Perez fails to inform consumers that she is not authorized or qualified to provide such services. (Exhibits “1 [pp. 2-3, para. 4-5], 2 [p. 2, para. 11] & 5 [pp. 1-3]”). Defendant Perez

¹The Immigration and Naturalization Service has been recently reorganized under the U.S. Department of Homeland Security and its service component has been renamed “Bureau of Citizenship and Immigration Services.”

specifically represents that she used to work for the INS, and one consumer reports seeing a document on a wall in Defendant's office that is allegedly from the INS recognizing such service. (Exhibits "2 [p. 1, para. 4] & 3 [p.1, para. 3]"). Defendant is not and has not ever been employed by the INS in Houston, Texas. (Exhibit "5 [p. 3]"). Defendant often works out of an office or room in local churches, and gives consumers the impression that she is trustworthy because of the appearance that she is associated with the church. (Exhibits "2 [p.1, para. 5] & 4 [p. 1, para. 3]").

14. To represent consumers on immigration matters, one must be a licensed attorney, a person accredited by the Board of Immigration Appeals, a law student or recent law graduate, a reputable individual, or an alien accredited official. 8 C.F.R. §292.1. Defendant Perez is not an attorney and is not accredited by the Board of Immigration Appeals to represent persons in a proceeding relating to immigration to the U.S., or obtaining citizenship or other related matter. (Exhibits "5 [pp. 1-2]"). Defendant has failed to obtain permission from the Board of Immigration Appeals to act as the representative of said consumers. (Exhibit "5 [p. 2]"). Defendant is also not qualified to represent consumers because she receives remuneration from consumers on immigration matters and has no pre-existing relationship or connection with such persons entitled to the representation.

15. Defendant is not licensed by the State Bar of Texas to practice as an attorney in the State of Texas, nor has she at all relevant times worked under the direct daily supervision of a licensed attorney. (Exhibit "5 [p.1]").

16. Defendant Perez provides legal advice and prepares visa applications and other legal documentation for consumers, for a fee. (Exhibits "1 [pp. 1-2, para. 3], 2 [pp. 2-3, para 6-8, 11 & 14], 3 [p.1, para. 4-5] & 4 [pp.1-2, para. 5-10]"). The Defendant does not and has not possessed the certification, license, or other qualifications necessary to perform such services. (Exhibits "1 [pp.

2-3, para. 4-5] & 5 [p.1]”). The Defendant files forms in an improper manner which subjects consumers to deportation, loss of fees to the INS and loss of fees paid to her. (Exhibits “2 [pp. 2-3, para. 8-10, 13 & 14], 2H, 3 [pp. 1-2, para. 4 & 7], 3C & 4 [p.2, para. 7 & 12-13]”).

VIOLATIONS OF THE DTPA

17. The conduct described above violates §17.46(a) and (b) of the DTPA which declares that false, misleading, or deceptive acts or practices in the conduct of trade or commerce are unlawful. The State has reason to believe that Defendant has engaged in, and will continue to engage in, false, misleading, and deceptive acts and practices unless restrained by this Court from doing so. Defendant does not possess the certification or qualifications necessary to counsel persons regarding their rights under U.S. immigration laws or other legal matters. The providing of these services by Defendant violates the DTPA, as follows:

- A. Engaging in false, misleading, or deceptive acts or practices in the conduct of any 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, or certification by, another, in violation of §17.46(b)(3) of the DTPA;
- D. Using deceptive representations or designations of geographic origin in connection with goods or services, in violation of §17.46(b)(4) of the DTPA;
- E. 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 he does not, in

violation of §17.46(b)(5) of the DTPA;

- F. Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another, in violation of §17.46(b)(7) of the DTPA;
- G. Advertising goods or services with intent not to sell them as advertised, in violation of §17.46(b)(9) of the DTPA; and
- H. Failing to disclose material information to induce consumers into transactions to which they otherwise would not enter, in violation of §17.46(b)(24) of the DTPA.

INJURY TO CONSUMERS

18. By means of the foregoing unlawful acts and practices, Defendant has 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

19. All of the Defendant's assets are subject to the equitable remedy of disgorgement, which is the forced relinquishment of all benefits that would be unjust for Defendant to retain, including all ill-gotten gains and benefits or profits that result from Defendant putting fraudulently converted property to a profitable use. Defendant 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

20. After due notice and a hearing, the court should order that all of the Defendant's 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**

21. The Court should make findings at the conclusion of this case that the Defendant engaged in actual fraud and false representations in that Defendant has made repeated and materially false representations to the public concerning the issues of immigration and the ability of Defendant to represent and/or assist consumers in immigration documentation and proceedings, 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. Reliance upon these false representations has resulted in injury to multiple consumers across the United States as well as in the State of Texas, and violates laws enacted by the State of Texas to protect the legal profession and citizens from non-licensed individuals practicing law.

**NECESSITY OF IMMEDIATE RELIEF TO PRESERVE
DEFENDANT'S ASSETS**

22. Plaintiff requests immediate relief by way of a Temporary Restraining Order and Temporary Injunction to preserve and protect the Defendant's assets from dissipation so that the many victims of Defendant's actions can receive the restitution to which they are entitled. The Defendant receives sums of money for immigration services proffered which she is not authorized to provide. Thus, the money collected from consumers by Defendant constitutes contraband which should be returned to its rightful owners. Defendant's assets are subject to dissipation for the following reasons:

- A. Defendant engages in the unauthorized practice of law by providing immigration related services without being a licensed attorney, thus all the monies taken in by her

for immigration-related services is contraband;

- B. Defendant is not an accredited individual or organization entitled to represent individuals before the Immigration and Naturalization Service, thus all the monies taken in by her for immigration-related services is contraband;
- C. Defendant is known for changing her phone number numerous times during the course of her business thereby avoiding consumers who she claims to help;
- D. Defendant often disappears for months at a time by changing locations, not returning phone calls, and not answering her phone, leaving consumers without assistance after taking their money;
- E. Defendant made many consumer pay only in cash or money orders, making it difficult to determine how much of her deposits were from consumer payments and what happened to consumers' money once they paid her.
- F. Defendant utilizes multiple bank accounts to conduct her business and opens and closes accounts often, making it difficult to determine exactly how much money she has made, where income is held, and how many consumers were actually affected by her unauthorized immigration services.

The assets of the Defendant 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**

23. 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 Defendant's answer date. There are a number of victims and other witnesses who may need to be deposed prior to any scheduled injunction hearing. Any depositions, telephonic or otherwise, would be conducted with reasonable, shortened notice to Defendant and her attorney, if known.

TRIAL BY JURY

24. Plaintiff herein requests a jury trial and tenders the jury fee to the Harris County District Clerk's office pursuant to TEX. R. CIV. P. 216 and TEX. GOVT. CODE ANN. §51.604.

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

25. Defendant has engaged in the unlawful acts and practices described above, consequently Defendant has violated and will continue to violate the law as alleged in this Petition. Unless immediately restrained by this Honorable court, the Defendant 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. Therefore, Plaintiff requests an Ex Parte Temporary Restraining Order, Temporary Injunction and Permanent Injunction as indicated below.

PRAYER

26. WHEREFORE, Plaintiff prays that Defendant be cited according to law to appear and answer herein; that 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 Defendant, Defendant's successors, assigns, officers, agents, servants, employees and attorneys and any other person in active concert or participation with Defendant 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;
- 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;
- C. Giving, providing, or offering advice and counsel to any person regarding U.S. immigration laws, rights, privileges, or documents, until such time as Defendant either becomes a licensed attorney, or is accredited by the U.S. 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, U.S. 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 U.S. 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 U.S., U.S. Citizenship, employment in the U.S., or any other matter relating to the needs of alien residents or nonresidents;
- 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. Representing, expressly or by implication, that Defendant is able to provide or obtain counterfeit documents for persons wishing to immigrate to the U.S. which will aid such person to gain employment, residency, citizenship, or other benefit;
- J. 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;

- K. Representing, expressly or by implication, or stating or implying that Defendant has been employed by the U.S. Citizenship and Immigration Services or the Immigration and Naturalization Service;
- L. 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;
- M. Advertising immigration related services of any kind via the Internet, radio, TV, electronic broadcast or print (i.e. newspapers, magazines, etc.) until Defendant has met the requisites of 8 C.F.R. §292.

27. Defendant has engaged in the unlawful acts and practices described herein, consequently Defendant has violated and continues to violate the laws as herein alleged. Defendant, unless enjoined by this Court, will continue to violate the laws of the State of Texas and loss and damage will result to the State of Texas and to the general public.

28. The State further prays that upon final hearing this Court order Defendant to pay civil penalties of \$20,000.00 per violation to the State of Texas for violations of the DTPA as well as a \$250,000 fine and penalty for actions calculated to acquire or deprive money or other property from a consumer who was 65 years of age or older when the act or practice occurred.

29. The State further prays for the Court to order Defendant 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.

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

31. The State further prays for pre-judgment interest on all awards of restitution, damages, and civil penalties as provided by law.

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

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

34. 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
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ATTORNEY FOR STATE OF TEXAS
SPIN NO. 99999928

VERIFICATION

STATE OF TEXAS

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COUNTY OF HARRIS

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Before me, the undersigned Notary Public, on this day personally appeared Rodney Booker, who, after being duly sworn, stated under oath that he is one of the Investigators for Plaintiff in this action, that he 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 as indicated in the affidavits attached to Plaintiff's Original Petition.

Rodney Booker

SUBSCRIBED AND SWORN TO before me, on the day of _____, 2005, to certify which witness my hand and official seal.

Notary Public
State of Texas