

THE STATE OF TEXAS,  
Plaintiff

V.

FIDELINA CUEVAS, DBA  
ECSA GROUP/GRUPO ECSA,  
Defendant

§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

101st JUDICIAL DISTRICT

**AGREED PERMANENT INJUNCTION AND FINAL JUDGMENT**

The STATE OF TEXAS, Plaintiff, acting by and through its Attorney General Greg Abbott, has brought this suit for injunctive relief, civil penalties, restitution, attorneys fees and costs against Defendant FIDELINA CUEVAS (hereinafter "Defendant") under the Texas Deceptive Trade Practices - Consumer Protection Act ("D.T.P.A."), TEX.BUS&COM.CODE §§ 17.41 *et seq.*, and § the notary public statute. TEX. GOV'T CODE ANN. § 406.017(a) (Vernon's 1998).

On the 2<sup>nd</sup> day of May, 2005, this case came before the court.

The State of Texas, Plaintiff appeared by and through Assistant Attorney General Deanya T. Kueckelhan and announced ready.

Defendant, FIDELINA CUEVAS appeared in person and by and through her attorney of record, Steven Yu and announced ready.

The Court, having considered the pleadings, evidence, agreements and argument of counsel in this cause and find that the requirements of the Texas Deceptive Trade Practices - Consumer Protection Act ("D.T.P.A."), TEX.BUS&COM.CODE §§ 17.41 *et seq.*, and § TEX. GOV'T CODE ANN. § 406.017(a) (Vernon's 1998) have been met and renders this Permanent Injunction and Final

Judgment.

The Court FINDS that Defendant FIDELINA CUEVAS violated §§ 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act ("DTPA"), TEX. BUS. & COM. CODE § 17.41 *et seq.*;

The Court FINDS that Defendant FIDELINA CUEVAS violated § TEX. GOV'T CODE ANN. § 406.017(a) (Vernon's 1998);

The Court FINDS that Defendant FIDELINA CUEVAS engaged in false, misleading; and deceptive acts by advertising and providing immigration services in violation of the law.

Based upon the Court's findings in the proceeding paragraphs above the Court has reason to issue a permanent injunction as set out below. The Court finds that Defendant FIDELINA CUEVAS has caused injuries described in the proceeding paragraphs. The Court also finds that those injuries are irreparable.

The Court FINDS that unless Defendant FIDELINA CUEVAS is immediately restrained from the acts prohibited below, Defendant will continue to commit the acts described in paragraph above, and Defendant will continue to use false, misleading, or deceptive trade practices in advertising and providing immigration services, which Defendant FIDELINA CUEVAS uses for her own benefit.

#### I. INJUNCTION

**IT IS THEREFORE ORDERED** that Defendant Fidelina Cuevas, her officers, agents, servants, spouse, relatives, employees, attorneys and any other persons in active concert or participation with her, 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:

1. Giving, providing, or offering advice and counsel to any person regarding U.S. immigration laws, as well as any rights, privileges, or documents relating thereto, 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;
2. 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;
3. Selecting or preparing immigration forms, applications, or legal documents of any type to be completed or filed on behalf of persons seeking to establish residency in the U.S. or to legally 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;
4. 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 non-residents;
5. 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;

6. 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;

7. 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;

8. 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;

9. 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;

10. Advertising immigration related services of any kind via the Internet, radio, TV, electronic broadcast or print (ie. newspapers, magazines, etc.) until Defendant has met the requisites of 8 C.F.R. § 292;

11. Operating an immigration business or conducting immigration business at 430 W. Jefferson, Dallas, Dallas County, Texas 75208 or other location in Texas;

12. Advertising, offering for sale, selling, or providing an immigration service;

13. Accepting money or valuable consideration for performing an immigration

service;

14. Accepting money or valuable consideration from any person seeking assistance to obtain a benefit under U.S. immigration laws for himself or any other person;

15. Advising any person whether or not to file a petition, application, or other form to obtain a benefit under U.S. immigration laws for himself or any other person;

16. Preparing for any person a petition, application or other form to obtain a benefit under U.S. immigration laws for himself or any other person;

17. Holding herself out, by any means, to the public as an "immigration specialist," "immigration counselor," or "immigration consultant" and by any title or designation incorporating the word "immigration" or an abbreviation thereof;

18. Representing, directly or by implication, that Defendant has the skill, expertise, or competence to handle immigration matters;

19. Representing, directly or by implication, that Defendant can secure legal status, a work permit, or other benefit under U.S. immigration laws for a person who purchases her services;

## II. DEFINITIONS

**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 Fidelina Cuevas and her successors, assigns, officers, agents, subcontractors, servants, present and former employees, corporations and any other persons in active concert or participation with her;
- 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.

The Clerk of the above-entitled Court shall forthwith issue a permanent 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 ANN. §17.47(b).

### III. BANK OF AMERICA ACCOUNT

**IT IS FURTHER ORDERED** that the balance in Defendant's business account no. [REDACTED] at Bank of America shall be released to Plaintiff, State of Texas immediately upon entry of this order as a credit against the judgment in this case.

### IV. CONTEMPT

The parties agree and the court **ORDERS** that all pending motions against Defendant FIDELINA CUEVAS, unrulled upon by the court, shall be withdrawn by the Plaintiff, State of Texas.

**IT IS ORDERED** that the THIRTEEN THOUSAND AND 00/100 DOLLARS

(\$13,000.00) contempt fine previously levied against Defendant FIDELINA CUEVAS by the court will be included within the ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) in civil penalties award in this judgment, and will not be in addition to the ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) award.

#### V. RETURN OF CONSUMER FILES

**IT IS ORDERED** that Defendant FIDELINA CUEVAS return all consumer files in her possession to the consumers by March 31, 2005.

#### VI. MONETARY RELIEF

**IT IS FURTHER ORDERED** that Defendant FIDELINA CUEVAS shall pay to the State of Texas the amount of SEVEN HUNDRED EIGHTY FOUR THOUSAND THREE HUNDRED SEVENTY TWO AND 00/100 DOLLARS (\$784,372.00) in restitution pursuant to D.T.P.A. §17.47(d). **THIS ORDER** shall further constitute a judicial determination that these civil penalties shall constitute a civil fine or penalty to and for a governmental unit and are not compensation for actual pecuniary loss.

**IT IS FURTHER ORDERED** that Defendant FIDELINA CUEVAS shall pay to the State of Texas the amount of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) in civil penalties pursuant to D.T.P.A. § 17.46(c)(1)-(2).

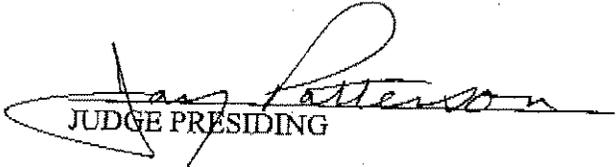
**IT IS FURTHER ORDERED** that Defendant FIDELINA CUEVAS shall pay to the State of Texas the amount of FORTY THOUSAND AND 00/100 DOLLARS (\$40,000.00) in reasonable attorneys' fees pursuant to TEX.GOV'T CODE § 402.006(c) and court costs.

Any and all payments made pursuant to this Judgment shall be made by cashier's check or money order, made payable to the STATE OF TEXAS, and mailed to the attention of Deanya T.

Kueckelhan, Assistant Attorney General, Consumer Protection and Public Health Division, Dallas  
Regional Office, 1600 Pacific Ave., Ste 1700, Dallas, Texas 75201, referencing AGNO. 041996646.

All other relief not expressly granted herein is denied.

SIGNED this 2<sup>nd</sup> day of May, 2005 at 9:13 o'clock, a m.

  
JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

---

FIDELINA CUEVAS, Defendant

APPROVED AS TO FORM ONLY:

---

Deanya T. Kueckelhan, Esq.  
Assistant Attorney General  
1600 Pacific, Ste. 1700  
Dallas, Texas 75201  
214.969.7639  
FAX 214.969.7615  
Counsel for Plaintiff

---

Steven Yu, Esq.  
Attorney at Law  
430 W. Jefferson Blvd., Ste. 102  
Dallas, Texas 75208  
972.231.4000  
FAX 972.243.4137  
Counsel for Defendant