

NO. _____

STATE OF TEXAS,
Plaintiff

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

TUYEN QUANG DANG a/k/a DANNY
Q. DANG & TRUONGXUAN
INVESTMENT CORPORATION
d/b/a HOLLYWOOD FOOD & CIGAR
NO. 1-5

Respondents

_____ JUDICIAL DISTRICT

ASSURANCE OF VOLUNTARY COMPLIANCE

COMES NOW the STATE OF TEXAS, acting by and through Attorney General GREG ABBOTT, and Respondents TUYEN QUANG DANG a/k/a DANNY Q. DANG, individually, and TRUONGXUAN INVESTMENT CORPORATION d/b/a HOLLYWOOD FOOD & CIGAR NO. 1-5 (hereinafter “Hollywood Food & Cigar”), and respectfully submits the following Assurance of Voluntary Compliance (“AVC”) in accordance with the Deceptive Trade Practices Act (“DTPA”), TEX. BUS. & COM. CODE ANN. § 17.58.

I.

The Office of the Attorney General alleges that the Respondents took advantage of consumers by selling goods or “necessities” at “exorbitant” or “excessive” prices in violation of DTPA § 17.46(b)(27) and §17.46(a). Specifically, it is alleged that the Respondents improperly offered for sale and sold ice, batteries and milk at excessive prices from consumers during a few days in September 2005 during a Governor declared disaster referred to as “Hurricane Rita”.

II.

It is further stipulated that this AVC shall fully resolve any and all claims, causes of action, and allegations which may have arisen out of the investigation by the Consumer Protection Division of the Texas Attorney General's Office into the business practices of TUYEN QUANG DANG and TRUONGXUAN INVESTMENT CORPORATION pertaining to **the consumer necessities sold during the period of "Hurricane Rita"**. It is further stipulated that the State and Respondents agree to and do not contest the entry of this agreement.

III.

Respondents assure the Office of the Attorney General and thereby the consumers of Texas that from the date of the signing of this AVC, that the Respondents, their successors, assigns, officers, directors, servants, agents, employees, representatives, and any other persons in active concert or participation with them, agree to *refrain* from engaging in the following acts or practices:

- A. Offering for sale or selling goods or services at exorbitant or excessive prices during a disaster declared by the Texas Governor.
- B. Taking advantage of any disaster or natural calamity by charging excessive prices for goods and services sought out by consumers as necessary to their daily living or to the operation of their business.

IV.

It is further stipulated that Respondents shall institute reasonable practices to provide notice of the applicable terms of this agreement to all agents and employees involved in the sale of consumer products during any natural disaster or calamity.

V.

As set forth in TEX. BUS. COM. CODE § 17.58(c), both the STATE OF TEXAS and Respondents acknowledge that unless this AVC has been rescinded by agreement of the parties or voided by the Court for good cause, the subsequent failure to comply with the terms of this AVC is *prima facie* evidence of a violation of the Texas Deceptive Trade Practices Act in any action by the State of Texas acting by and through the Office of the Attorney General. Further, it is agreed and understood that this AVC shall not in any way affect individual rights of action by any consumers.

VI.

The acceptance of this AVC is conditioned upon payment by Respondents TUYEN QUANG DANG and TRUONGXUAN INVESTMENT CORPORATION to the STATE OF TEXAS the sum of Fifteen Thousand and no/100 Dollars (\$15,000) for fines and penalties and the sum of Five Thousand and no/100 Dollars (\$5,000) for reimbursement of the State's attorney fees payable in accordance with the payment schedule attached hereto as Exhibit "A".

AGREED:

GREG ABBOTT
Attorney General of Texas

KENT SULLIVAN
First Assistant Attorney General

EDWARD D. BURBACH
Deputy Attorney General for Litigation

PAUL CARMONA
Chief, Consumer Protection and Public Health Division

John Owens
Assistant Attorney General
Consumer Protection Division

808 Travis, Suite 300
Houston, Texas 77002
State Bar No: 15379200
(713) 223-5886, ext. 107
(713) 223-5821-fax
ATTORNEYS FOR STATE OF TEXAS

Yahi D. Nguyen
LAW OFFICES OF YAHY D. NGUYEN
Attorney-at-Law
8303 Fawn Terrace Court
Houston, TX 77071
State Bar No.: 05997600
713-774-3346

**ATTORNEY FOR RESPONDENTS
TUYEN QUANG DANG & TRUONGXUAN
INVESTMENT CORPORATION d/b/a
HOLLYWOOD FOOD & CIGAR NO. 1-5.**

Tuyen Quang Dang (Danny Dang)

NO. _____

STATE OF TEXAS,
Plaintiff

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

TUYEN QUANG DANG a/k/a DANNY
Q. DANG, TRUONGXUAN
INVESTMENT CORPORATION
d/b/a HOLLYWOOD FOOD & CIGAR
NO. 1-5

Respondents

_____ JUDICIAL DISTRICT

FINAL ORDER APPROVING ASSURANCE OF VOLUNTARY COMPLIANCE

On this date, came to be heard the Assurance of Voluntary Compliance (AVC) filed in this cause. The AVC is approved by all parties. This AVC is hereby APPROVED by the Court.

Signed this _____ day of _____, 2006.

JUDGE PRESIDING