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STATE OF TEXAS,
Plaintiff

IN THE DISTRICT COURT

v.

37th
JUDICIAL DISTRICT

MARIA L. OLIVARRI,
Defendant

BY _____

BEXAR COUNTY, TEXAS

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

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, STATE OF TEXAS, acting by and through the Attorney General of Texas, GREG ABBOTT, complains of MARIA L. OLIVARRI, Defendant, and for cause of action would respectfully show as follows:

I. DISCOVERY CONTROL PLAN

1. The discovery in this case is intended to be conducted under Level 2 pursuant to Tex.R.Civ.P. 190.3

II. JURISDICTION

2. This action is brought by Attorney General, GREG ABBOTT, through his Consumer Protection & Public Health Division, in the name of the State of Texas and in the public interest under the authority granted to him by § 17.47 of the Texas Deceptive Trade Practices-Consumer Protection Act. Tex. Bus. & Com. Code Ann. § 17.41 *et seq.* (hereafter the "DTPA") upon the grounds the Defendant has engaged in false, deceptive and misleading acts and practices in the course of trade and commerce as defined in, and declared unlawful by, §§ 17.46(a) and (b) of the DTPA.

III. DEFENDANT

3. Defendant Maria L. Olivarri is an individual, doing business in San Antonio, Texas, and may be served at her place of business at 2339 Vance Jackson, San Antonio, Texas 78213. In the alternative, Defendant may be served at her home, at 522 Cosgrove, San Antonio, Texas 78210

IV. VENUE

4. Venue of this suit lies in BEXAR County, Texas for the following reasons:

- A) Under TEX.CIV.PRAC. & REM.CODE § 15.002(a)(1), venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Bexar County, Texas; and
- B) Under the DTPA § 17.47(b), venue is proper because Defendant and her agents have done business and undertaken transactions in Bexar County, Texas.

V. PUBLIC INTEREST

5. 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, and Plaintiff has reason to believe Defendant has caused adverse effects to legitimate business enterprises which lawfully conduct trade and commerce in this State.

VI. TRADE AND COMMERCE

6. Defendant has, at all times described below, engaged in conduct which constitutes "trade" and "commerce" as those terms are defined by § 17.45(6) of the DTPA.

VII. ACTS OF AGENTS

7. Whenever in this Petition it is alleged that the Defendant did any act, it is meant that:

- A) Defendant performed or participated in the act; or

- B) Defendant's offices, agents, or employees performed or participated in the act on behalf of and under the authority of the Defendant.

VIII. NOTICE BEFORE SUIT

8. Pursuant to § 17.47(a) of the Deceptive Trade Practices Act, contact has not been made with the Defendant herein to inform her of the unlawful conduct alleged herein, for the reason that the Consumer Protection & Public Health Division 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 Defendant might evade service of process, destroy relevant records and secrete assets if prior notice of this suit were given.

IX. NATURE OF DEFENDANT'S OPERATIONS

9. Defendant provides fraudulent first aid cards, to include but not limited to: Basic Cardiac life Support; Infant Safety Training; First Aid Training; and American Heart Association CPR training cards, in Bexar County, Texas. These cards allow the holder to obtain employment in child care facilities and other care facilities, with out first undergoing the required hours of training necessary for the issuance of these cards. Defendant purports to be authorized by the American Red Cross to provide first aid training on their behalf. However, the American Red Cross maintains she is not authorized to use their name or logo on first aid cards she provides to consumers, or to make claims that she is authorized by the American Red Cross to provide first aid training on their behalf.

X. SPECIFIC FACTUAL ALLEGATIONS

10. Defendant runs a business in San Antonio, Texas in which she claims to provide first aid training to people who need such training to work in day care facilities, and other types of care facilities. In actuality, the Defendant does not provide the required number of hours of training in

first aid, or in some cases provides the certification card for a fee, with no training time involved. This practice allows people to work in care facilities with little or no actual knowledge of life-saving first aid techniques. *See* Affidavit of Gerard Galvan - Exhibit 1, and Phillip Lopez - Exhibit 2.

11. The Defendant provides the certification card for first aid training to consumers, using the name and/or logo of the American Red Cross without their permission or authorization. *See* Affidavit of David DeLeon, American Red Cross - Exhibit 3.

XI. FALSE, MISLEADING OR DECEPTIVE ACTS

12. Defendant, as alleged above and detailed below, has in the course of trade and commerce engaged in false, misleading and deceptive acts and practices declared unlawful in §§ 17.46(a) and (b) of the DTPA. Such acts include:

- A. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, in violation of DTPA § 17.46(b)(2);
- B. Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another, in violation of DTPA § 17.46(b)(3);
- C. 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 have, in violation of DTPA § 17.46(b)(5); and
- D. 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 DTPA § 17.46(b)(7).

XII. INJURY TO CONSUMERS

13. Defendant has, by means of these unlawful acts and practices, provided fraudulent first aid cards to individuals, who then hold themselves out to employers as having legitimately obtained the needed and necessary first aid training.

XIII. REQUEST TO CONDUCT DISCOVERY PRIOR TO TEMPORARY INJUNCTION HEARING

14. 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 attorneys, if known.

XIV. TRIAL BY JURY

15. Plaintiff herein requests a jury trial and tenders the jury fee to the Bexar County District Clerk's office pursuant to TEX. R. CIV. P. 216 and the TEX. GOV'T. CODE ANN. § 51.604.

XV. APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION AND PERMANENT INJUNCTION

16. Defendant has engaged in the unlawful acts and practices described above, and has violated and will continue to violate the law as alleged in this Petition. Unless immediately restrained by this Honorable court, 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.

17. 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, and that after due notice and hearing a TEMPORARY 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 the business of Defendant currently or hereafter in Defendant's possession, custody or control except in response to further orders or subpoenas in this cause;
- B. Advertising services for training in any first aid procedures, or certification in said training;
- C. Holding herself out to the public as being accredited, certified, or authorized by the American Red Cross to provide training in any form of first aid, life saving, or Cardio-Pulmonary Resuscitation (CPR); or
- D. Providing first aid training, or selling first aid certification cards to include but not limited to: Basic Cardiac life Support; Infant Safety Training; First Aid Training; and American Heart Association CPR training, in Texas.

18. In addition, Plaintiff, State of Texas respectfully prays that upon final hearing a PERMANENT INJUNCTION be issued, and this Court:

- A) Order Defendant to cease doing business in first aid training in Texas, until such time as she satisfactorily completes the necessary training for instructors, and receives written permission from the American Red Cross to use their name and/or logo in her business;

- B) Order Defendant to maintain compliance with all applicable requirements of the Texas Family & Protective Service, and the American Red Cross for training for certification in first aid, to include but not limited to: Basic Cardiac life Support; Infant Safety Training; First Aid Training; and American Heart Association CPR training;
- C) Adjudge against Defendant civil penalties in favor of Plaintiff State of Texas in the amount of not more than \$20,000 per violation of the DTPA;
- D) Order Defendant to pay Plaintiff State of Texas' attorney fees and costs of court pursuant to the TEX. GOVT. CODE, § 402.006(c);
- E) Order Defendant to pay both pre-judgment and post judgment interest on all awards of civil penalties, as provided by law; and
- F) Grant all other relief to which Plaintiff State of Texas may show itself entitled.

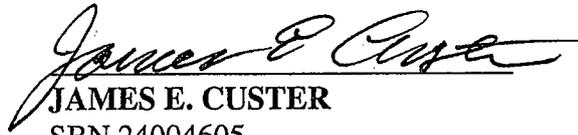
Respectfully submitted,

GREG ABBOTT
ATTORNEY GENERAL OF TEXAS

C. ANDREW WEBER
First Assistant Attorney General

DAVID S. MORALES
Deputy Attorney General for Civil Litigation

PAUL D. CARMONA
Chief, Consumer Protection &
Public Health Division



JAMES E. CUSTER

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Assistant Attorneys General

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Public Health Division

115 E. Travis, Suite 925

San Antonio, Texas 78205

(210) 225-4191

(210) 225-1075

**ATTORNEYS FOR PLAINTIFF,
THE STATE OF TEXAS**

STATE OF TEXAS

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§
§

COUNTY OF BEXAR

SWORN AFFIDAVIT OF GERARD T. GALVAN

BEFORE ME, the undersigned notary public, on this day personally appeared Gerard T. Galvan, who proved himself to be the person whose name is subscribed hereon through his Texas Driver's License, which contained his photograph and signature, and who after being by me duly sworn, upon his oath deposed and said:

"My name is Gerard T. Galvan, I am over 18 years of age, and I am competent to make this affidavit.

"I am an investigator with the Texas Attorney General, Consumer Protection and Public Health Division, San Antonio Texas Regional Office. Attached hereto is a seven page instructional sheet for CPR training for Children and Adults; First Aid Training card; and a Healthcare provider card with the American Heart Association logo, given to this investigator by Maria L. Olivarri, 522 Cosgrove, San Antonio, Texas 78210, 210-391-9884, which I purchased for \$30.00.

On May 21st, 2010, at 10:25 a.m., I placed a call to Ms. Olivarri to arrange a meeting to get training in CPR. Ms. Olivarri agreed to meet me at the San Antonio Heart Hospital located on IH10W and Crossroads Street in San Antonio, Texas where she was picking up a relative being discharged from the hospital and to give me the above documents.

Upon arrival at the Heart Hospital at 10:55 a.m., I called Ms. Olivarri on her cell phone and she met me in the lobby of the hospital. She escorted me to her personal vehicle, parked directly in front of the hospital. She opened the back of her vehicle where she pulled out a clipboard sheet containing what appeared to be a list of customers who have obtained documents in order to work for day care centers.

Ms. Olivarri then asked for my name and proceeded to add my name to her list on the clipboard sheet, filled out a First Aid Training card indicating that I successfully completed First Aid Training, in addition three (3) hours training in Poison Control, Universal Precautions, Fire Extinguisher Safety, and how to rescue a choking infant, child and adult. Ms. Olivarri wrote the date of course being May 21, 2010 and expiration date of May 21, 2012 and stamped her name at the bottom of this card.

A second card was filled in with my name entitled Healthcare Provider with the American Heart Association logo. This card certified that I successfully completed the national cognitive and skills evaluation in accordance with the curriculum of the American Heart Association for the BLS for healthcare Providers (CPR) Program. Issued date was filled in by Ms. Olivarri May 21, 2010 with a recommended renewal date of May 21, 2012. Ms. Olivarri also signed the back of this second card with AH Region "Texas/13", Community Training Center "Hands on Trng", Training Site "S.A. Tx", Instructor stamped "Maria L. Olivarri". Ms. Olivarri had me sign both cards which I did in her presence. Ms. Olivarri further explained to me that my certifications were good for two years and to come back and see her again.

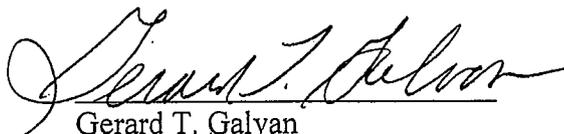


Never at any time did Ms. Olivarri ask me for any type of personal credentials not even my drivers license. Ms. Olivarri opened the aforementioned seven page instructional book and explained to me that I should only give 5 chest thrusts to the chest area when administering CPR. The seven page booklet is the only instructional information I received and only covers CPR and choking for children and adults.

I did not receive any instructional material or any oral training by Ms. Olivarri for the Poison Control, Universal Precautions, Fire Extinguisher Safety training although the First Aid Training card purchased by me and issued to me by Ms. Olivarri indicates that I am certified in these areas.

The meeting took less than 8 minutes for Ms. Olivarri to get my name, fill in the two cards and pay Ms. Olivarri in the amount of \$30.00 cash for the aforementioned documents. I did not receive any training mentioned in the two issued cards for CPR nor the 3 hours indicating on my card. I purchased these documents for \$30 and walked away with the CPR credentials. I then departed the premises at 11:03 a.m., May 21, 2010.

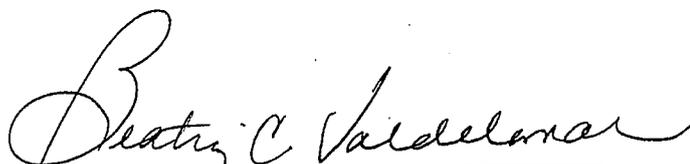
Further affiant saith not.”



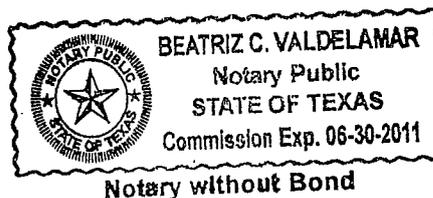
Gerard T. Galvan
Investigator
OAG, Consumer Protection and
Public Health Division

SUBSCRIBED AND SWORN TO before me the undersigned authority on the 26th day of

MAY, 2010.



Notary Public in and for the State of Texas



INFANT CPR

0-1 years of age

1. Shout and Tap **CALL 911**

Shout and gently tap the Infant on the shoulder.

If there is no response, position the infant on his or her back

Grite y golpee suavemente al bebé en su hombro. Si no responde,
acueste al bebé sobre su espalda.



2. Open The Airway

Open the airway using a head tilt lifting of chin.

Do not tilt the head too far back

Para abrir las vías respiratorias, levante su barbilla. No levante
o ladee la barbilla demasiado.



3. Look, Listen And Feel for breathing. Mira, Oye, Siente

4. Give 2 Gentle Breaths

If the baby is NOT breathing give 2 small gentle breaths.

Cover the baby's mouth and nose with your mouth.

You should see the baby's chest rise with each breath.

Si el bebé no respira, dé dos respiraciones muy suaves. Cubra la boca y la nariz del bebé con su boca. Cada respiración debe durar un segundo. Usted debe ver subir el pecho con cada respiración

5. Check Pulse Busca el pulso

Check pulse under-arm (Brachial Pulse) Busca el pulso abajo de la axila.



IF NO PULSE AND NO BREATHING BEGIN CPR

SI NO HAY PULSO Y NO HAY RESPIRACION EMPIEZA CPR

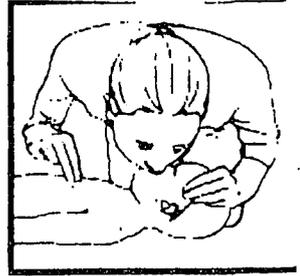
6. Give 30 Compressions 30 compresiones

Give 30 gentle chest compressions at the rate of 100 per minute.

Use two or three fingers in the center of the chest just below the nipples.

Press down approximately one-third the depth of the chest.

Realice 30 compresiones suaves a un ritmo de 100 cada minuto. Coloque dos o tres dedos sobre el esternón, justo debajo de los pezones. (Ejerza presión en el pecho para que se comprima a un tercio de su profundidad.)



7. Repeat

Repeat with 2 breath and 30 compressions 5 Times then re-evaluate.



IF PULSE IS PRESENT BUT NO BREATHING BEGIN RESCUE BREATHING

SI HAY PULO PERO NO HAY RESPIRACION EMPIEZA ASISTENCIA DE RESPIRACION.

Rescue Breathing for Infant : 1 breath every 3 seconds.

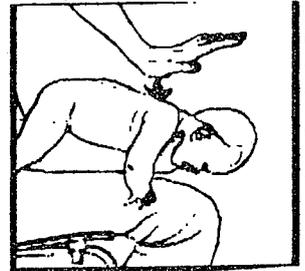
Asistencia de respiracion : 1 respiracion cada 3 segundos.

Choking Infant

Step 1

Determine if the infant can cry or cough. If not, proceed to next step.

Determine si el bebé llora o tose. En caso contrario realice el paso siguiente.

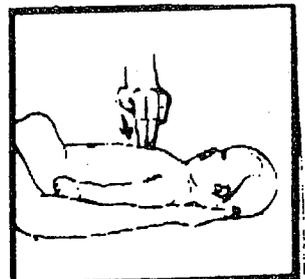


Step 2

Give 5 back blows. Dé 5 golpes suaves en la espalda del bebé

Step 3

Give 5 chest thrusts. Dé 5 golpes suaves en el pecho del bebé.



Step 4

Repeat steps 2 & 3 above until effective or the infant becomes unconscious. If the infant becomes unresponsive, perform CPR- if you see an object in the throat or mouth, remove it. Repita los pasos 2 y 3 hasta que se expulse el objeto o hasta que el bebé pierda la consciencia. Si el infante no responde, practique la RCP- si usted ve un objeto en la garganta o en la boca, quíteselo.

CPR FOR CHILD AND ADULT

1. Check the victim for unresponsiveness. **CALL 911**

If there is no response,

Call 911 and return to the victim. If available send someone to call 911.

Place person on floor, face up.

Compruebe el estado consciente de la víctima. Si no responde, marque 911

2. Open The Airway

Open the airway using a head tilt: lifting of chin.

Do not tilt the head too far back

Ladee la cabeza de la víctima y escuche a ver si respira

3. Look, Listen, and Feel for Breathing. Oye, Mirar , sentir la respiracion.

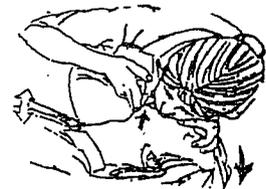


4. Give two slow deep breaths.

Tilt the head back and listen for breathing. If not breathing normally, pinch nose and cover the mouth with yours and blow until you see the chest rise. Give 2 breaths. Each breath should take 1 second.

Si la víctima no respira normalmente, apriete la nariz y cubra la boca con la suya.

Sople hasta que se levante el pecho. Sople dos veces.



5. Check for Pulse.

Children and Adult always check carotid pulse.

Busca el pulso en el cuello.



**IF NO PULSE AND NO BREATHING BEGIN CPR
SI NO HAY PULSO Y NO HAY RESPIRACION EMPIEZA CPR**

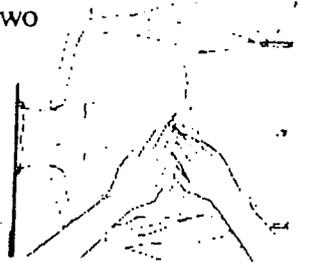
6. If No Pulse Begin CPR

If the victim is still not breathing and pulse is felt begin chest compressions.
Push down on the chest 1/2 the body thickness. 30 times above the xiphoid process.
Followed by two slow breaths. Repeat five (5) times.

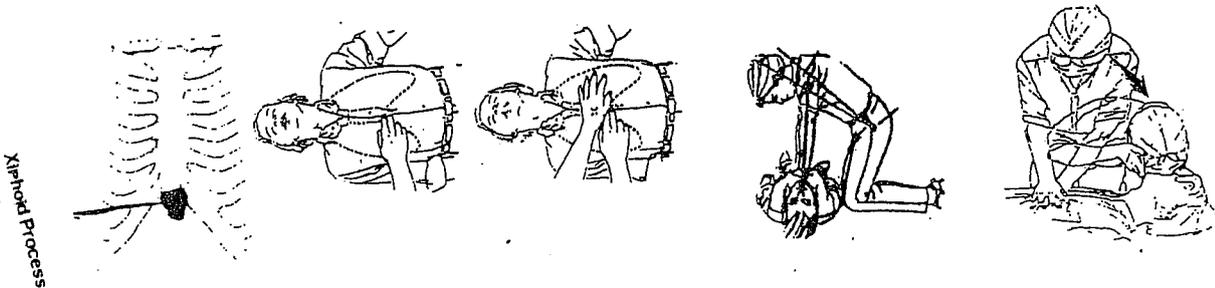
Si la víctima no respira, y notiene respiracion. Empiece las compresiones del pecho. Empuje el pecho la mitad del cuerpo, 30 veces entre los pezones. y dos respiraciones. cinco (5) veces.

Two fingers over xiphoid process, place palm of one hand on lower part of sternum, next to two fingers, use one or two hands.

Dos dedos sobre proceso xiphoid, palma de la mano al lado, empuje con una o dos manos.



**CONTINUE WITH 2 BREATHS AND 30 PUMPS RE-EVALUATE EVERY 5 TIMES UNTIL HELP ARRIVES
Continúe con 2 respiraciones y 30 empujones hasta que lleguen los paramédicos**



IF Pulse is Found, But No Breathing Start Rescue Breathing

SI Encuestras Pulso. pero No Hay Respiracion, Empleza Asslstencia de Respiracion.

Rescue Breathing for Child : 1 breath every 3 seconds. *0-8 years old*

Rescue Breathing for Adult : 1 breath every 5 seconds.



Choking Child and Adult

CONSCIOUS

First Aid for a Choking Conscious Child - (1-8 years old)

The procedure for clearing an obstructed airway is the same for children and adults

Step 1.

Determine if the person can speak or cough.

If not, proceed to the next step.

Determine si la persona puede hablar o toser.

En caso contrario, realice el siguiente paso

Step 2.

Perform an abdominal thrust (Heimlich Maneuver) repeatedly until the foreign body is expelled.

Empiece empujando los abdominales (maniobra de Heimlich) varias veces hasta que se expulse el objeto.

Step 3.

A chest thrust may be used for markedly obese persons or in late stages of pregnancy.

If the adult or child becomes unresponsive perform CPR.

if you see an object in the throat or mouth, remove it.

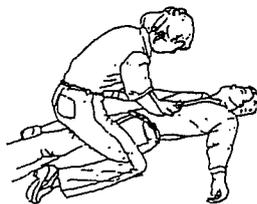
Puede usarse este método en personas obesas o mujeres en la última fase de embarazo.



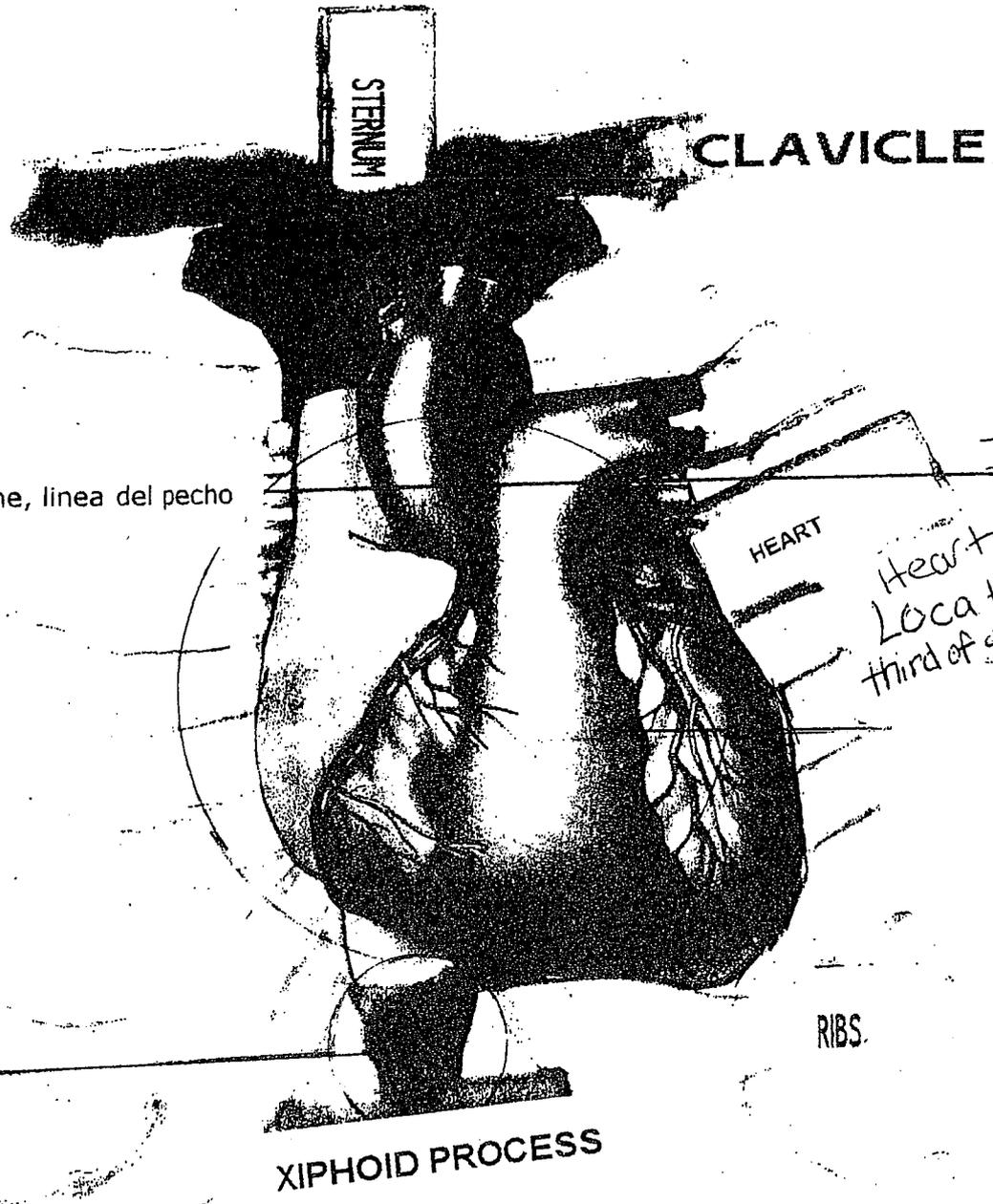
UN-CONSCIOUS

Unconscious Choking Child and Adult ; If chest does not rise, check mouth for foreign object, give 5 abdominal thrust, sweep mouth, ventilate. Repeat as needed.

Si el victima esta inconsciente , y no sube el pecho, busca por el objeto en la boca, dale 5 empujes abdominal, busca el objeto, da ventilacion, repite si es necesario.



CPR INFANT - CHILD - ADULT



Child/Adult's Carotid Pulse
 Baby: Brachial Pulse

Compressions 30, Breaths/respiros 2, cycles/ ciclos 5
 1/2 body thickness

Rescue Breathing/asistencia de respiracion:
 0-8 years old/edad 1 breath/respiracion every/cada 3 seconds.
 8 and over/mas de . 1 breath/respiracion every/cada 5 seconds.

Fist between xiphoid process and umbilicus

Choking :fist/Puno, hand/mano, push-up/empuje asia arriba 5 times/veces.

Between: xiphoid process and belly button



Maria L. Olivarri
522 Cosgrove
San Antonio, Texas 78210
210-391-9884

CPR, First Aid, SIDS, Shaken Baby Syndrome, Brain Development, Crying Baby, Poison Control

Receipt Date: 5/21/10 Name: _____

Phone #: _____ Address: _____

I. CPR

Infant opening Airway,
Rescue Breathing,
CPR,
Choking Infant

I b. Child and Adult opening Airway,
Rescue Breathing,
CPR,
Choking Child and Adult

I c. CPR TEST hand positions and ratios

\$30.00ea x _____ = _____

II. Poison Control/ Universal Precautions

III. Legal Documentation/ Good Samaritan Law

IV. Choking Hazards

V. First aid

V.- a Dehydration

V- b. Hyperventilation

V -c. Bleeding

V -d. Nosebleeds

V -e. Sprains/ dislocations

V -f. Head Injury

V -g. Burns

V -h. Diabetes

V -i. Seizures

V -j. Asthma

Birthmark vs Child Abuse

VI. Epinephrine Injection for allergic reactions.

VII. Bites, how to handle children that bite

VIII. Quiz

\$20.00 ea. x _____ = _____

IX. Shaken Baby Syndrome

X. SIDS

XI. Brain Development

XII. Crying Baby Information and Parent handout

\$10.00 ea x _____ = _____

XIII. Psychotropic medication For Foster Parents, and Providers

\$10.00 ea x _____ = _____

TOTAL _____

METHOD OF PAYMENT company check _____ CK# _____

x _____ = _____
Cash 30
pao
M

STATE OF TEXAS
COUNTY OF BEXAR

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SWORN AFFIDAVIT OF PHILLIP LOPEZ

BEFORE ME, the undersigned notary public, on this day personally appeared Phillip Lopez, who proved himself to be the person whose name is subscribed hereon through his Texas Driver's License, which contained his photograph and signature, and who after being by me duly sworn, upon his oath deposed and said:

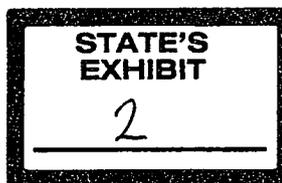
"My name is Phillip Lopez, I am over 18 years of age, and I am competent to make this affidavit.

"I am an LVN nurse with La Estrella Adult Day Care Center, 6315 S. Flores, San Antonio, Texas. On April 15, 2008, I placed a call to Ms. Maria L. Olivarri, who was supposedly a certified instructor for CPR, as my CPR certification was about to expire on April 17, 2008. I cannot recall who referred me to Ms. Olivarri. As time was running out on my certification, I went to see Ms. Olivarri on April 17, 2008 at her place of business at 2339 Vance Jackson Road, San Antonio, Texas.

As I drove up at the above location, there were no signs or titles advertising Ms. Olivarri's profession on the outside of her building/office. The office only had drawn curtains observed from the outside parking lot. Upon entering, Ms. Olivarri had an office cornered off to the left inside the main entrance of the office. On her wall she had training certificates of CPR but the rest of the office was like an antique type shop where you buy old items. Ms. Olivarri saw me dressed in nurse's scrubs. I paid her \$25.00 in cash and I was issued a single card with the American Heart Association logo certifying that I had successfully completed the national cognitive and skills evaluation in accordance with the curriculum of the American Heart Association for the Health Care Provider CPR Program dated 04-17-2008 and recommended renewal date of 04-17-2010. The card was stamped on the back of the aforementioned card with Ms. Olivarri's name stating I had hands on training in Texas.

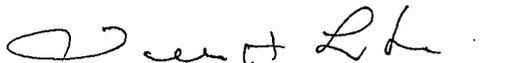
On or about April 14, 2010, I tried contacting Ms. Olivarri but to no avail. I looked through the yellow pages for CPR certifications and found the Red Cross Chapter. I called and spoke with Mr. David Deleon, one of the directors and explained to him that I needed some real training and update in CPR. Mr. Deleon made an appointment for me for a one day class and told me that he would speak to me upon my arrival.

Mr. Deleon was concerned about the statement I gave him about me wanting real training. I explained to him the experience I had with Ms. Olivarri. He asked if I could show him the card Ms. Olivarri gave me. I did and explained to him that I paid \$25.00 cash and was issued my renewal certification card in CPR without any training whatsoever.

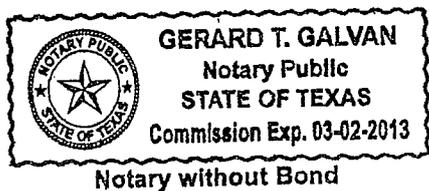


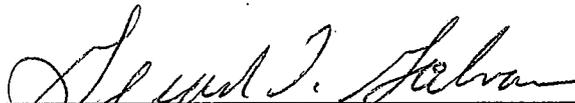
Mr. DeLeon asked if he had my permission to report this to the agency responsible for the issue and inspection of these day care centers. I agreed and also gave him a copy of the card Ms. Olivarri issued me.

Further affiant saith not.”


Phillip Lopez
Affiant

SUBSCRIBED AND SWORN TO before me the undersigned authority on the 25th day of May, 2010.




Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF BEXAR

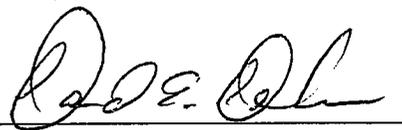
§
§
§

SWORN AFFIDAVIT OF DAVID E. DELEON

BEFORE ME, the undersigned notary public, on this day personally appeared David E. DeLeon, who proved himself to be the person whose name is subscribed hereon through his Texas Driver's License, which contained his photograph and signature, and who after being by me duly sworn, upon his oath deposed and said:

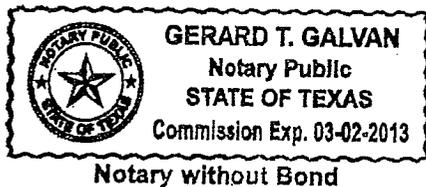
"My name is David E. DeLeon, I am over 18 years of age, and I am competent to make this affidavit. I am the Director of Health & Safety Education for the American Red Cross, San Antonio Chapter, whose business address is: 3642 E. Houston St., San Antonio, Texas 78219-3830. The following facts are based upon my personal knowledge, and are true and correct. The records in the data base for the San Antonio Chapter of the American Red Cross shows that Maria L. Olivarri has never taken a CPR class in our jurisdiction. The records also show that Maria L. Olivarri has never been an instructor for CPR or any other of our programs, for the San Antonio Chapter of the American Red Cross.

Further affiant saith not."

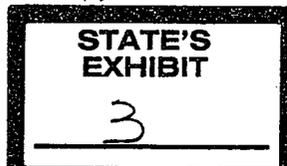


David E. DeLeon
Director, Health & Safety Education
San Antonio Chapter American Red Cross

SUBSCRIBED AND SWORN TO before me the undersigned authority on the 19th day of May, 2010.



Notary Public in and for the State of Texas





San Antonio Area

18 May 2010

Dear Mr. James Custer,

This is to advise the Texas Office of the Attorney General that the person listed below is not an agent of the American Red Cross.

Maria L. Olivarri

Our data-base shows that Ms. Olivarri has never taken an American Red Cross CPR class in our jurisdiction. Records also show that she is not and has never been an instructor with the San Antonio Area Chapter of the American Red Cross.

If you should have any questions about the above information please give me a call at 210.582.1927.

Sincerely,

David E. DeLeon
Director, Health & Safety & Education

Disaster Services

Health & Safety Services

- CPR
- First Aid
- Water Safety
- HIV/AIDS
- Workplace Programs

Armed Forces Emergency
Services

International Tracing
Services

Community Youth and
Volunteer Programs

Chapter Headquarters
3642 E. Houston Street
San Antonio, Texas
78219-3830
(210) 224-5151
(800) 775-6803
(210) 226-9973 – Fax
www.safedcross.org

