

NO. C-1536-11-F

STATE OF TEXAS,
Plaintiff

IN THE DISTRICT COURT

v.

HIDALGO COUNTY, TEXAS

CARIDAD DIAZ d/b/a NOTARY
PUBLIC INCOME TAX SERVICE,
Defendant

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332nd
JUDICIAL DISTRICT

AGREED FINAL JUDGMENT AND PERMANENT INJUNCTION

1. On this day, came before the Court plaintiff STATE OF TEXAS and defendant CARIDAD DIAZ d/b/a NOTARY PUBLIC INCOME TAX SERVICE in the above entitled and numbered cause. The STATE OF TEXAS, by and through Texas Attorney General GREG ABBOTT, and defendant, by and through her attorney of record, announced to the Court that all matters of fact and things in controversy between them had been fully and finally compromised and settled, presented to the Court this Agreed Final Judgment and Permanent Injunction ("Judgment"), and asked the Court to render and sign this Judgment based on the agreement of the parties.

STIPULATIONS

2. By their duly authorized signatures affixed below, the parties stipulated to the Court the following: that they understand the terms of this Judgment; that they agree to the terms of this Judgment; that their agreement is freely and voluntarily made without duress; that they actively participated in the negotiations leading up to this Judgment and are aware of the duties placed upon them by it, and are desirous and capable of carrying out those duties in full; that each named party acknowledge receipt of copies of this Judgment and have full and actual notice of the terms of this Judgment; that the issuance and service of a writ of injunction are waived; that the terms of this Judgment are sufficiently detailed and specific to be enforceable by the Court in conformance with

TEX.R.CIV.P. 683 and enforceable by the Court pursuant to TEX.R.CIV.P. 692; that they have waived all rights of appeal from this Judgment; that this Judgment represents a compromise and settlement of all matters arising out of facts alleged by the STATE OF TEXAS in this cause.

3. Pursuant to their agreement, the parties submit to the jurisdiction of the Court and do not contest the entry of this Judgment. Defendant desires to resolve the Attorney General's concerns without a trial or adjudication of any issue of fact or law, and its consent to the entry of this Judgment is not an admission of liability by defendant as to any issue of fact or law, but is because of the uncertainty and costs of litigation. This lawsuit and this agreement do not in any way or manner whatsoever deal with, relate to, or have anything to do with defendant's income tax business.

4. It is further agreed by and between the parties that this Judgment shall constitute the record of this cause and that the making of a further record in this cause is waived.

FINDINGS

5. It appears to the Court that all parties agree to the entry of this Judgment and that they have approved its entry by their duly authorized signatures and the signature of their respective attorneys below, the Court, upon the stipulations of the parties and after being fully advised in this matter, finds as follows:

- a. That it has jurisdiction of the parties and subject matter of this suit;
- b. That the settlement of this dispute is fair, reasonable, and just;
- c. That this Judgment is in accord with the Texas Deceptive Trade Practices - Consumer Protection Act ("DTPA"), TEX. BUS. & COM. CODE ANN. § 17.41, *et seq.*, the State Bar Act ("SBA"), TEX. GOV'T CODE ANN. § 81.001, *et seq.*, and is proper in all respects;

d. That the civil penalty payable to and for the benefit of the State of Texas is not dischargeable under bankruptcy pursuant to 11 U.S.C. § 523(a)(7); and

e. That it would be in the best interests of the parties if the Court approved the settlement and rendered judgment accordingly.

6. Based on these findings, and having heard and considered the representations made by the parties, the Court is of the opinion that a permanent injunction should issued as granted in this Judgment and that plaintiff STATE OF TEXAS is entitled to recover of and from defendant CARIDAD DIAZ as set forth below.

PROHIBITORY INJUNCTIVE RELIEF

7. IT IS THEREFORE ORDERED that defendant CARIDAD DIAZ, her officers, agents, servants, employees, attorneys, and any other persons acting in concert or participation with defendant who receive actual notice of this injunction by personal service or otherwise, shall permanently desist and refrain from engaging in, or attempting to engage in, the following described acts:

- a. Operating or conducting a business that provides immigration services or a legal document preparation service;
- b. Advertising, offering for sale, selling, or providing an immigration service or a legal document preparation service;
- c. Accepting money or valuable consideration for performing an immigration service or a legal document preparation service;
- d. Accepting money or valuable consideration from any person seeking assistance to

obtain a benefit under United States immigration laws for himself/herself or any other person;

e. Advising or counseling any person whether or not to file a petition, application, or other form to obtain a benefit under United States immigration laws for himself/herself or any other person;

f. Selecting, preparing, or completing for any other person a pleading, document, or other form incident to legal actions or United States immigration proceedings;

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

h. Stating or implying to be an attorney licensed to practice law in this state unless defendant is a member of the State Bar of Texas;

i. Representing, directly or by implication, that defendant has the skill, expertise, or competence to handle immigration or legal matters;

j. Representing, directly or by implication, that defendant can get legal status, a work permit, or other benefit under United States immigration laws for a person who purchases her services;

k. Practicing law in the State of Texas while not being a member of the State Bar of Texas;

l. Advising or counseling any person as to matters of law or legal rights under state or federal laws, rules, and/or regulations, including but not limited to, matters relating to legal

actions or United States immigration proceedings;

m. Accepting or soliciting money or valuable consideration for advising or counseling any person as to matters of law or legal rights under state or federal laws, rules, and/or regulations, including but not limited to, matters relating to legal actions or United States immigration proceedings;

n. Soliciting or accepting compensation to prepare documents for another in an administrative proceeding relating to immigration to the United States, or soliciting or accepting compensation to obtain relief on behalf of another from an officer, agency, or employee of the United States; and

o. Representing, directly or by implication, that this Court, the Bureau of Citizenship & Immigration Services (also known as the Immigration and Naturalization Service), or the Office of the Attorney General has approved any good or service sold or offered for sale by defendant, or approved of any of defendant's business practices;

unless defendant: 1) is legally permitted to do so by the Board of Immigration Appeals, 2) performs any such acts and conduct under the direction, supervision, and control of an attorney licensed to practice law and in good standing in the state of Texas, or 3) is licensed to practice law and in good standing in the state of Texas.

8. IT IS FURTHER ORDERED by the Court that defendant CARIDAD DIAZ shall immediately return all immigration files and supporting documents to any consumer upon their request.

9. IT IS FURTHER ORDERED that defendant CARIDAD DIAZ post notice at defendant's

place of business, at 606 ½ S. 17th Street, McAllen, Texas, and at any other place in the state of Texas where defendant may conduct a immigration service business, which notice shall be conspicuous, in bold-faced type of a minimum size of 16 points, in both English and Spanish, and shall state:

NOTICE

CARIDAD DIAZ HAS BEEN SUED BY THE OFFICE OF THE TEXAS ATTORNEY GENERAL FOR ENGAGING IN THE UNAUTHORIZED PRACTICE OF LAW.

THE DISTRICT COURT HAS ORDERED CARIDAD DIAZ TO STOP CONDUCTING BUSINESS AS AN IMMIGRATION SERVICE PROVIDER UNLESS EMPLOYED BY AN ATTORNEY LICENSED TO PRACTICE LAW AND IN GOOD STANDING IN THE STATE OF TEXAS.

IF YOU HAVE ANY QUESTIONS, OR IF YOU BELIEVE YOU WERE A VICTIM, PLEASE CALL 956-682-4547.

AVISO

CARIDAD DIAZ HA SIDO DEMANDADA POR LA OFICINA DEL PROCURADOR GENERAL DE TEXAS POR LLEVAR A CABO LA PRACTICA DE LEYES SIN AUTORIZACION.

LA CORTE DEL DISTRICTO HA ORDENADO A CARIDAD DIAZ PARAR SU NEGOCIO DE SERVICIOS DE INMIGRACION AL MENOS QUE ESTE TRABAJANDO PARA UN ABOGADO QUE TENGA UNA LICENCIA PARA EJERCER DERECHO Y QUE ESTE DADO DE ALTA EN EL ESTADO DE TEXAS.

SI USTED TIENE ALGUNA PREGUNTA O PIENSA QUE FUE UNA VICTIMA, POR FAVOR LLAME AL 956-682-4547.

MONETARY JUDGMENT

10. IT IS FURTHER ORDERED by the Court that plaintiff STATE OF TEXAS have and recover from defendant CARIDAD DIAZ, the sum of \$20,000.00 comprised of the following

amounts:

- a. The amount of \$15,000.00 as a civil penalty to the STATE OF TEXAS;
- b. The amount of \$5,000.00 as reasonable and necessary attorney's fees to the STATE OF TEXAS in the prosecution of this action against defendant;

post judgment interest on any unpaid balance at the rate of 5% per annum from November 6, 2011, until paid in full.

11. IT IS FURTHER ORDERED by the Court that \$5,000.00 shall be paid on the date the Judgment is signed and the remaining balance shall be paid in accordance with the following schedule:

<u>Payment No.</u>	<u>Amount</u>	<u>Date Due</u>
1	\$5,000.00	July 1, 2011
2	\$5,000.00	September 1, 2011
3	\$5,000.00	November 1, 2011

Accepting a late payment under this schedule does not waive the State's right to timely payment as indicated in this schedule. Any payment received by the State of Texas five (5) or more days after its due date, serves – without further action or notice – to accelerate the remaining payments, including interest, making the total of all outstanding or remaining sums due and payable immediately.

12. IT IS FURTHER ORDERED by the Court that the payment of the above sum shall be made in the form of a certified check or money order and made payable to the Office of the Attorney General of Texas. The certified check or money order shall bear the identifying number "AG No. 103236683," and shall be delivered to the Office of the Attorney General, Consumer Protection and

Public Health Division, 3201 N. McColl Road, Suite B, McAllen, Texas 78501, Attention: Ric Madrigal.

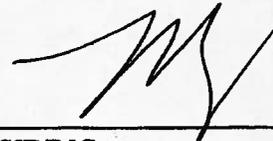
13. IT IS FURTHER ORDERED that defendant is liable for all costs of court expended or incurred in this cause.

14. IT IS FURTHER ORDERED that plaintiff shall have all writs of execution and other process necessary to enforce this Judgment.

15. This Judgment is final, disposes of all claims and all parties. The Court retains the jurisdiction to enforce this Judgment.

16. All relief not expressly granted herein is denied.

SIGNED on JUNE 14, 2011.



JUDGE PRESIDING

DATE

6-20-11

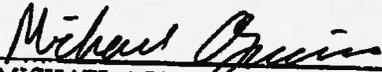
A true copy I certify
LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

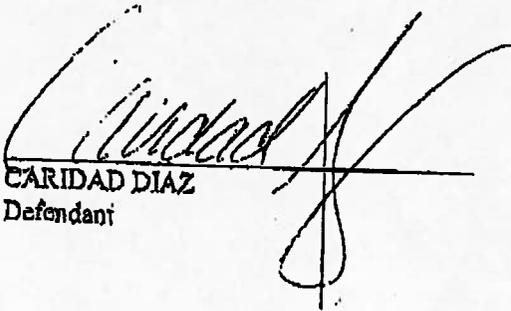
By


Deputy

AGREED AS TO FORM AND SUBSTANCE AND ENTRY REQUESTED:


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 Attorney for Defendant


 CARIDAD DIAZ
 Defendant