

STATE OF TEXAS,
Plaintiff,

v.

FRANK ALARCON MARIMON,
Individually, and doing
Business as LEAD GOD,
Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

419th

JUDICIAL DISTRICT

Filed in The District Court
of Travis County, Texas

JL APR 18 2013

At 2:20 P.M.
Amalia Rodriguez-Mendoza, Clerk

**AGREED FINAL JUDGMENT AND PERMANENT INJUNCTION
AS TO DEFENDANT FRANK ALARCON MARIMON**

CAME ON THIS DAY BEFORE THIS COURT, the STATE OF TEXAS, acting by and through Attorney General GREG ABBOTT, on behalf of his Consumer Protection Division, and Defendant FRANK ALARCON MARIMON, through his attorney of record, Johnny Urrutia. The parties wish to make the following stipulations and agree to entry of this Agreed Final Judgment and Permanent Injunction (hereafter "AFJPI").

I. STIPULATIONS

The Parties stipulate that:

- A. This AFJPI is non-appealable.
- B. Nothing in this AFJPI, in any way, affects an individual's cause of action under the DTPA, or any other laws or regulations of this State.
- C. FRANK ALARCON MARIMON acknowledges notice of this AFJPI and acceptance of same; therefore no writ need be issued.
- D. The Court has continuing jurisdiction to enforce this judgment.



E. This AFJPI in no form or manner settles the claims or discharges liability for Defendants, JUST FOR PEOPLE, INC., ELIZABETH GABRIELA "GABBY" PANEQUE also known as NILDA ODALYS PANEQUE, also known as GABRIELA GATJNES, individually and doing business as LEAD GOD, and ANTHONY BURGOS, individually in Cause Number D-1-GV-12-000990, filed in the District Court of Travis County, Texas, 98th Judicial District.

F. The consumer restitution, civil penalties, costs and attorney's fees ordered in this AFJPI are not dischargeable in bankruptcy and if Defendant Alarcon files for bankruptcy the entire judgment amount, including consumer restitution, civil penalties, costs and attorney's fees immediately become due and payable.

G. Defendant Frank Marimon resigns as a director and vice-president of Just for People Inc., effective upon the signing of this Judgment.

H. Defendant Frank Marimon resigns any office he may have in Lead God effective immediately upon the closing of the bank account(s) held in that entity's name.

II. DEFINITIONS

The parties agree that, for purposes of this AFJPI, the following definitions shall apply:

A. "DTPA" means the Texas Deceptive Trade Practices - Consumer Protection Act, Texas Business and Commerce Code, Sections 17.41 - 17.63, inclusively.

B. "Immigration Services" means providing or offering assistance for a fee to individuals with immigration issues such as preparing documents to be presented to any United States immigration agency for purposes of obtaining permanent or temporary legal status to remain in the United States, advising any person whether or not to file a petition, application, or other form to obtain a benefit under United States immigration laws, and/or offering to represent



an individual before the Board of Immigration Appeals or any other governmental agency or unit that could grant a benefit to the individual under United States Immigration laws.

III. FINDINGS OF THE COURT

The Court finds:

- A. The Court has jurisdiction over the subject matter of this action.
- B. The Court has jurisdiction over FRANK ALARCON MARIMON.
- C. Venue is proper in Travis County, Texas.
- D. The activities of Defendant FRANK ALARCON MARIMON and of the two businesses in which he was involved, Lead God and Just for People Inc. constitute trade and/or commerce.
- E. Defendant Frank Alarcon Marimon was also a Director on the Board of Directors for Just for People Inc., and an "owner" of Lead God. Both Lead God and Just for People Inc. were purported to be non-profit charitable organizations.
- F. Defendant FRANK ALARCON MARIMON is also a licensed notary public in the State of Texas.
- G. Texas law provides that a notary public may not prepare immigration documents for consumers. Specifically, section 406.017(a) (2) of the Texas Government Code prohibits a notary public from "solicit[ing] or accept[ing] compensation to prepare documents for or otherwise represent the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration to the United States, United States citizenship, or related matters."
- H. A notary has a defense to a claim under this section if s/he is also an attorney.



Defendant is not an attorney.

I. The Texas Deceptive Trade Practices Act prohibits “false, misleading, or deceptive acts or practices in the conduct of any trade or commerce” DTPA § 17.46 (a). Specifically, it prohibits “[r]epresenting 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.” *Id.* at § 17.46 (b) (5).

J. An individual who is not an attorney may provide immigration assistance to non-relatives for a fee only if the individual is an “accredited:” representative working for a “recognized organization, as authorized by sections 292 and 1292 of the Code of Federal Regulations (“CFR”).

K. Defendant Frank Alarcon Marimon is not an accredited representative authorized to provide assistance in immigration matters by the Board of Immigration Appeals, pursuant to sections 292 and 1292 of the CFR.

L. Neither Lead God nor Just for People Inc. are or were recognized organizations authorized to provide assistance in immigration matters by the Board of Immigration Appeals, pursuant to sections 292 and 1292 of the CFR.

M. As a director and member of a non-profit charitable organization, Defendant Frank Alarcon Marimon owes a fiduciary duty to Lead God and Just for People Inc., under Chapter 22 of the Texas Business Organizations Code and the Texas common law on fiduciary duty.

N. Defendant Frank Alarcon Marimon is also a licensed private investigator in Texas who provided services as an investigator in conjunction with immigration services offered by Lead God and Just for People, Inc.



O. Defendant Frank Alarcon Marimon makes no specific admission that his activities described in Plaintiff's Second Amended Petition violated Texas Government Code section 406.017(a) (2) and section 17.46(b) (5) of the DTPA.

P. Defendant Frank Alarcon Marimon makes no specific admission that his activities described in Plaintiff's Second Amended Petition violated Chapter 22 of the Texas Business Organizations Code and the fiduciary duties imposed by Texas common law.

Q. The consumer restitution ordered in this AFJPI is not dischargeable in bankruptcy.

R. The Court will have continuing jurisdiction to enforce this judgment.

S. Entry of this AFJPI is in the public interest.

IV. PERMANENT INJUNCTION

The Court is of the opinion that issuing this Permanent Injunction is appropriate to ensure that Defendant FRANK ALARCON MARIMON does not violate the Texas Deceptive Trade Practices Act. **IT IS THEREFORE ORDERED** that Defendant FRANK ALARCON MARIMON, his agents, representatives, servants, and any other persons in active concert or participation with them, 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:

A. Advertising in any manner that he can advise, assist, facilitate or in any manner help consumers with immigration matters, including but not limited to, the filling-out of immigration forms unless he has been properly authorized to act as a representative in immigration matters, pursuant to the requirements of Title 8, Parts 292 and 1292 of the Code of Federal Regulations;



B. Soliciting consumers in any manner in order to assist them with immigration matters, including but not limited to, the filling-out of immigration forms unless he has been properly authorized to act as representative in immigration matters, pursuant to the requirements of Title 8, Parts 292 and 1292 of the Code of Federal Regulations.

C. Representing to consumers, directly or indirectly, that he can assist them in immigration matters, including but not limited to, the filling-out of immigration forms unless he has been properly authorized to act as representative in immigration matters, pursuant to Title 8, Part 1292 of the Code of Federal Regulations;

D. Collecting fees or any other form of compensation for assisting consumers in any immigration matter, including but not limited to, the filling-out of immigration forms unless he has been properly authorized to act as representative in immigration matters, pursuant to Title 8, Parts 292 and 1292 of the Code of Federal Regulations.

E. Representing to consumers, directly or indirectly, that he is competent to offer assistance in immigration matters unless he has been properly authorized to act as representative in immigration matters, pursuant to Title 8, Part 292 and 1292 of the Code of Federal Regulations.

F. Seeking to be licensed as a notary public in the State of Texas after he surrenders his notary commission and license, as required by this order.

G. Performing any notarial work after he surrenders his notary license and commission, as required by this order.

H. Seeking to be licensed as a private investigator in the State of Texas after he surrenders his private investigator license, as required by this order.

I. Performing any private investigator notarial work after he surrenders his private



investigator license, as required by this order.

J. Transferring, concealing, destroying, mutilating, altering, falsifying, or removing from the jurisdiction of this Court any books, records, documents, invoices, receipts, or other written materials relating to Lead God or Just People Inc. until all related cases, including the matter set out in Cause no. D-1-GV- 12-000990, currently pending in the 98th District Court of Travis County, Texas, are finally concluded and all appeals, if any, have been resolved.

K. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal, of any money from the jurisdiction of this court or from any financial institution account in the name and/or for the benefit of Lead God or for in the name of and/or benefit for Just for People Inc.

L. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal of any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real or personal, or mixed, wherever situated, belonging to or owned by, in the possession of, or claimed by, Lead God or Just for People Inc.

M. Being appointed, applying for, running for or acting as a director, board member, officer, or in any other capacity, for Lead God or Just for People Inc.

N. Creating or establishing fictitious entities with names similar to Lead God or Just for People, Inc., which are likely to cause confusion to consumers.

O. Setting up, opening, being authorized as a signatory or using, in any way, bank accounts for fictitious entities with names similar to Lead God or Just for People Inc., which are likely to cause confusion to consumers.



P. Acting as a volunteer for any nonprofit, charitable organization unless Defendant Marimon receives formal training through the Center for Community Based & Nonprofit Organizations at Austin Community College or Greenlights for Nonprofit Success, which should include twenty-one (21) hours in board governance, nonprofit accounting and reporting and volunteer training;

Q. Acting as a volunteer for any nonprofit, charitable organization unless and until after Defendant Marimon provides the Consumer Protection Division of the Office of the Attorney General of Texas notice that he has completed the training as required in paragraph N above, and

R. Acting as a volunteer for any nonprofit, charitable organization unless and until after Defendant Marimon provides a copy of this judgment, with a copy of the transmittal notice to the Consumer Protection Division of the Office of the Attorney General of Texas.

V. RESIGNATION AS A NOTARY AND PRIVATE INVESTIGATOR

IT IS FURTHER ORDERED that, on the day of the signing of this Order, Defendant FRANK ALARCON MARIMON resign as a notary and return his notary commission and license to the Texas Secretary of State's Office. Defendant will also deposit his notary record books and public papers with the County Clerk of Travis County, pursuant to Texas Government Code section 406.022.

IT IS FURTHER ORDERED that, on the day of the signing of this Order, Defendant FRANK ALARCON MARIMON resign his license as a private investigator and return the license to the Texas Department of Public Safety.



VI. PROVISIONS RELATING TO LEAD GOD AND JUST FOR PEOPLE INC.

Defendant Frank Marimon hereby agrees that any interest he may have in Just for People Inc. and Lead God be liquidated and used to pay consumer restitution. Defendant Frank Marimon further agrees that these two entities be dissolved. **IT IS ORDERED** that Defendant Frank Marimon close the account(s) held in the name of Lead God and any monies that remain in that account be withdrawn by cashier's check, made payable to the Attorney General of Texas. The check and the last two months bank statements are to be provided within ten days of the signing of this Judgment to the Office of the Attorney General of Texas. The monies from that account shall be applied 50 % to Defendant Marimon's outstanding balance for consumer restitution and 50% to Ms. Paneque's outstanding balance of consumer restitution.

**VII. CIVIL PENALTIES, ATTORNEY'S FEES,
COURT COSTS AND RESTITUTION**

Defendant further agrees that he will pay civil penalties to the State of Texas in the amount of **EIGHTY THOUSAND DOLLARS (\$80,000.00)**, attorney's fees in the amount of **THIRTY THOUSAND DOLLARS (\$30,000.00)** and court costs in the amount of **THREE HUNDRED FIFTEEN DOLLARS (\$315.00)**.

IT IS FURTHER ORDERED that Defendant pay **TWENTY-FIVE THOUSAND, DOLLARS (\$25,000.00)** to the State of Texas to be used for restitution to Texas consumers who transacted business with, and paid monies to, Defendant for immigration documents. Payments shall be tendered by the Defendant in the form of a cashier's check. The checks should be made payable to the Office of the Attorney General of Texas and bear the Attorney General No. 123318461 on the face of the check. The payments will be delivered to the Office of the Attorney



General, Consumer Protection Division, Attention Tommy Prud'homme, 300 W. 15th, 9th Floor, Austin, Texas 78701. Defendant Marimon shall pay the first \$7,500 within thirty days of the date of this judgment. The remaining amounts shall be paid in monthly increments of \$300.00 until the entire remaining amount of \$17,500.00 is paid in full. Each payment is due on or before the 10th day of each month, with the first month's payment (after the initial \$7,500.00 payment) due on the 10th of the second month following the date of judgment- so if the judgment is entered January 30, 2013, the first payment would be due on or before March 10, 2013. A payment shall be considered late for purposes of this judgment if the payment is received five days past its due date. Late payments shall accrue annual interest of 5% until paid. A late payment is a violation of this Agreed Judgment.

If Defendant Marimon files for bankruptcy, the consumer restitution becomes immediately due and payable and the pay-out agreement of this restitution set out above is void.

Once all consumer restitution amounts are paid by Defendant Marimon, the State of Texas is ORDERED to remit these monies in restitution to those consumers that complete a payee information sheet and show or verify that they were the consumer who paid for immigration services. If after six months of the date that all consumer restitution amounts are paid by Defendant Marimon, and on a showing of due diligence by the State of Texas, unclaimed restitution monies are left, these remaining restitution monies will be credited to any outstanding judgment amounts for civil penalties, attorney's fees and costs. If any excess unclaimed restitution monies are left after the above items are paid, the monies shall revert to the State of Texas as additional civil penalties.

In addition, checks to claimants which have not been negotiated within 120 days of



issuance, shall be voided, returned to the State and processed by the State in accordance with the State's requirements regarding unclaimed property.

Until Defendant Marimon pays all the consumer restitution due under this section, Defendant Marimon shall provide a copy of his federal income tax to the Office of the Attorney General, Consumer Protection Division, Attention Gloria Salinas, 300 W. 15th, 9th Floor, Austin, Texas 78701. Defendant Marimon shall file these returns annually with the Internal Revenue Service no later than April 15 of the year in which the return is due and shall provide a copy of the return to the Consumer Protection Division by May 15 of that same year.

VIII. ABATEMENT OF COLLECTION OF JUDGMENT

IT IS FURTHER ORDERED that collection on the outstanding judgment for civil penalties, costs and attorney's fees will be abated unless and until one of the conditions set forth below occurs.

The parties further agree that Plaintiff, the State of Texas, will file an abstract of judgment for the entire outstanding amount of the judgment (including the amount abated), but will not take any other action to collect the remaining portion of the Judgment for penalties, attorney's fees and costs unless:

- A. It reasonably appears to the State that Defendant FRANK ALARCON MARIMON has violated any provision of this Judgment, or
- B. The State determines that Defendant FRANK ALARCON MARIMON has additional properties or income that he has not disclosed, or
- C. Defendant FRANK ALARCON MARIMON files for bankruptcy.

Upon the occurrence of any of these conditions, the State may, without further court order,



take any and all allowable action to actively and vigorously collect the entirety of the Judgment.

The State may also file an action for enforcement of the Judgment; the violation of this Judgment will be considered contempt of a Court order and may be enforceable as such.

IX. MISCELLANEOUS

IT IS ORDERED that the State of Texas is authorized to monitor compliance with this AFJPI by any lawful method.

IT IS FURTHER ORDERED that all of Defendant FRANK ALARCON MARIMON's personal assets currently held under an asset freeze shall be released on the effective date of this AFJPI. Specifically, this Order releases the following assets that belong to FRANK ALARCON MARIMON from the asset freeze:

2009 Dodge Coupe	VIN ending in 2194	Titled to Frank Alarcon
2009 Yamaha XV1900CU,	VIN ending in 6869	Titled to Frank Alarcon

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if Defendant fails to pay the amounts as they come due, post-judgment interest at the rate of 5% shall accrue. Provided however, that if the State determines that Defendant FRANK ALARCON MARIMON did not disclose all property and assets in which he has an interest in at the time of the judgment, then the entire judgment amount, including restitution, attorney's fees, penalties and costs shall be deemed due on the effective date of the Judgment and interest shall accrue as of that date.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the State of Texas shall have all writs of execution and other process necessary to enforce this Final Judgment and Permanent Injunction as amounts come due.

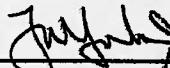


IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs of Court incurred in this case are taxed against the Defendant, collection of which is abated as set forth in this Judgment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if in the future any definition or provision in this Judgment is inconsistent with the laws of the State of Texas or any rules or regulations promulgated thereunder such laws and/or rules and regulations will prevail over the terms of this Judgment, provided that the remaining terms of the Judgment not affected by such laws, rules, or regulations will remain in full force and effect.

All other relief not granted is denied.

SIGNED AND ENTERED this 18th day April, 2013.



JUDGE PRESIDING

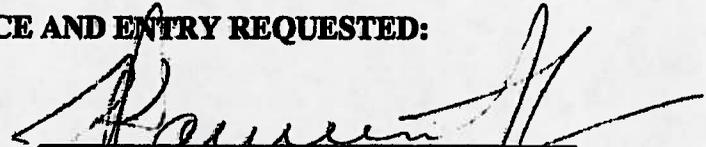
Tim Sulak

APPROVED AS TO FORM AND SUBSTANCE AND ENTRY REQUESTED:

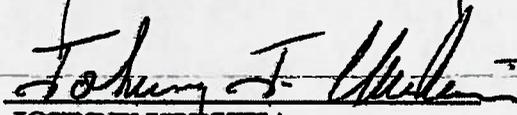


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