

NO. C-2901-13-C **FILED/COPY**  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M

STATE OF TEXAS,  
Plaintiff

v.

ROMANOVICH CHARITABLE  
SERVICES, INC. AND  
JAIRO ROMANOVICH D/B/A  
J. ROMANOVICH,  
Defendants

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT  
**MAY 21 2013**  
LAURA HINOJOSA, CLERK  
District Courts, Hidalgo County  
HIDALGO COUNTY, TEXAS Deputy#47

139 JUDICIAL DISTRICT

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

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff the STATE OF TEXAS, acting by and through Attorney General of Texas Greg Abbott, complains of ROMANOVICH CHARITABLE SERVICES, INC. and JAIRO ROMANOVICH D/B/A J. ROMANOVICH, (collectively referred to "Defendants"), and for cause of action would respectfully show:

**DISCOVERY CONTROL PLAN**

1.1 Discovery in this case should be conducted under Level 2, pursuant to TEX. R. Civ. P. 190.3.

1.2 This case is not subject to the restrictions of expedited discovery under TRCP 169 because

- a. The relief sought by the State includes non-monetary injunctive relief; and
- b. The State's claims for monetary relief including penalties, consumer redress and attorneys' fees and costs are less than \$100,000.00.

## **JURISDICTION**

2. This enforcement action is brought by Attorney General Greg Abbott, through his Consumer Protection Division, in the name of the STATE OF TEXAS and in the public interest pursuant to the authority granted by §17.47 of the Texas Deceptive Trade Practices-Consumer Protection Act (DTPA), TEX. BUS. & COM. CODE ANN. §17.41 *et seq.* upon the ground that Defendant have 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. In enforcement suits filed pursuant to Section 17.47 of the DTPA, the Attorney General is further authorized to seek civil penalties, redress for consumers and injunctive relief. This enforcement action is brought pursuant the State Bar Act (SBA), TEX. GOV'T CODE ANN. §81.101 *et seq.*

## **DEFENDANTS**

3.1. Defendant ROMANOVICH CHARITABLE SERVICES, INC. is a Texas corporation and may serve through its registered agent Kenneth Burford at 2041 Orchid Ave., McAllen, Texas 78504.

3.2. Defendant JAIRO ROMANOVICH is an individual doing business in Texas and may be served at 2041 Orchid Ave, McAllen, Texas 78504.

## **VENUE**

4. Venue of this suit lies in Hidalgo County, Texas, under DTPA §17.47(b) because Defendants have done business in the county of suit.

## **PUBLIC INTEREST**

5. Because Plaintiff STATE OF TEXAS has reason to believe that Defendants have engaged in, and will continue to engage in, the unlawful practices set forth below, Plaintiff STATE OF TEXAS has reason to believe Defendants have caused and will cause adverse effects to legitimate business enterprises which lawfully conduct trade and commerce in this State and further, will cause damage to the State of Texas and to persons from whom moneys or properties are unlawfully acquired by Defendants. Therefore, the Consumer Protection Division of the office of the Attorney General of the State of Texas believes and is of the opinion that these proceedings are in the public interest.

## **TRADE AND COMMERCE**

6. Defendants have, 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.

## **ACTS OF AGENTS**

7. Whenever in this Petition it is alleged that Defendants did any act, it is meant that Defendants performed or participated in the act, or Defendants' officers, agents, or employees performed or participated in the act on behalf of and under the authority of the Defendants.

## **NOTICE BEFORE SUIT**

8. The Consumer Protection Division informed Defendants in general of the alleged unlawful conduct described below, at least seven days before filing suit, as may be required by §17.47(a) of the DTPA.

## **NATURE OF DEFENDANTS' OPERATIONS**

9. Defendants own and operate a business that purports to provide immigration services to persons who purchase their services.

## **CONDITIONS PRECEDENT**

10. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

## **SPECIFIC FACTUAL ALLEGATIONS**

11. Defendants are engaging in and have engaged in the business of providing immigration services. Defendants solicit and charge those persons who seek and/or purchase their services (hereafter "customers"). Defendants hold themselves out to the public as an immigration service provider and/or immigration consultants. Defendants have solicited customers by representing that they have the skill or knowledge necessary to handle immigration cases and/or matters.

12. Defendants' customers are persons who sought to obtain immigration benefits, visas, permanent residency, and/or citizenship to the United States (hereafter referred to collectively as "immigration benefits") for themselves or their relatives. The immigration services rendered by Defendants for their customers include the following activities:

- a. interviewing customers to determine eligibility for immigration benefits under United States immigration laws;
- b. advising customers as to whether or not to file a petition or application under United States immigration laws to secure an immigration benefit for the customer or a relative of the customer;

c. selecting and preparing a petition or application and other forms on behalf of customers, which were filed with the Bureau of Citizenship and Immigration Services in order to obtain an immigration benefit; and

d. gathering the documentation supporting a customer's petition and/or application for immigration benefits under United States immigration laws.

13. Defendants solicited and agreed to perform the immigration service described above in exchange for compensation from customers for the performance of the immigration services.

14. Defendants are not presently or have ever been an attorney at law duly licensed by the State of Texas to engage in acts, practices and/or conduct which constitute the practice of law nor were they employees of an attorney at law duly licensed by the State of Texas. In addition, Defendants are not presently nor have ever been a recognized organization or accredited representative by the Board of Immigration Appeals to represent individuals in immigration matters or in proceedings before the immigration courts nor were they employees of a recognized organization or accredited representative.

#### **FALSE, MISLEADING OR DECEPTIVE ACTS**

15. Defendants, 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. 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, as alleged more specifically in paragraphs 11 through 14 above, in violation of §17.46(b)(5) of the DTPA; and

b. Representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law, as alleged more specifically in paragraphs 11 through 14 above, in violation of §17.46(b)(12) of the DTPA.

#### **STATE BAR ACT VIOLATION**

16. Defendants, as alleged more specifically in paragraphs 11 through 14 above, were practicing law in the State of Texas while not being a member of the State Bar of Texas, in violation of §81.102 of the SBA.

#### **INJURY TO CONSUMERS**

17. Defendants have, by means of these unlawful acts and practices, obtained money or other property from identifiable persons to whom such money or property should be restored or who, in the alternative, are entitled to an award of damages.

#### **APPLICATION FOR EX PARTE TEMPORARY RESTRAINING ORDER**

18. The State incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this petition.

19. The State alleges that by reason of the foregoing, Defendants should not be allowed to continue to sell, or offer for sale, immigration services in violation of the laws of Texas. Unless immediately restrained by this Honorable Court, the Defendants will continue to violate the laws of the State of Texas and cause immediate, irreparable injury, loss and damages to the State of Texas and to the general public. The interests of the State of Texas and the public require immediate action to keep Defendants from

continuing to operate their immigration services, respectively. Further, unless injunctive relief is granted, Defendants will continue to collect monies from consumers by use of false, misleading or deceptive trade practices. Therefore, the State requests an Ex Parte Temporary Restraining Order, Temporary Injunction and Permanent Injunction, as indicated below. The State is requesting that the Temporary Restraining Order be granted on an ex parte basis because if provided notice, Defendants may continue to see consumers without giving them notice that they are not licensed by the State of Texas and may result in irreparable injury, loss or damages to consumers.

20. The State of Texas requests that pursuant to Texas Rule of Civil Procedure 680, the Court issue an Ex Parte Temporary Restraining Order, and ORDER that Defendants, their officers, agents, servants, employees, attorneys and any other person in active concert or participation with them, who receive actual notice of the order by personal service or otherwise, be restrained from engaging in the following acts or practices:

- a. Operating a business or conducting 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,” “immigration consultant,” or “immigration service provider” and by any title or designation incorporating the word “immigration,” “inmigracion,” or an abbreviation thereof;
- h. Stating or implying that Defendants are an attorney licensed to practice law in this state unless Defendant Romanovich is a member of the State Bar of Texas;
- i. Representing, directly or by implication, that Defendants have the skill, expertise, or competence to handle immigration or legal matters;
- j. Representing, directly or by implication, that Defendants can get legal status, a work permit, or other benefit under United States immigration laws for a person who purchases their 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. Stating or implying that Defendants are a recognized organization or accredited representative by the Board of Immigration Appeals;

o. Concealing, withholding, destroying, mutilating, altering, falsifying, or removing from the jurisdiction of this Court any books, records, documents, invoices, receipts, or other written materials relating to the business of Defendants currently or hereafter in Defendants' possession, custody or control except in response to further orders or subpoenas in this cause; and

p. 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 Defendants, or approved of any of Defendants' business practices.

21. Plaintiff, STATE OF TEXAS, further prays that this Court order Defendants to post notice at 2041 Orchid Ave, McAllen, Texas 78504, and at any other place where Defendants may conduct business or provide an immigration service, which notice shall be on the front-side of the front door, in red bold-faced type of a minimum size of 40 points, in both English and Spanish, and shall state:

NOTICE

ROMANOVICH CHARITABLE SERVICES, INC. AND JAIRO ROMANOVICH ARE PROHIBITED FROM PREPARING ANY LEGAL DOCUMENT OR CONDUCTING BUSINESS AS AN IMMIGRATION SERVICE PROVIDER BY ORDER OF THE DISTRICT COURT OF HIDALGO COUNTY.

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

AVISO

LA CORTE DEL DISTRICTO HA ORDENADO A ROMANOVICH CHARITABLE SERVICES, INC. Y JAIRO ROMANOVICH PARAR SU NEGOCIO DE SERVICIOS DE INMIGRACION Y DE PREPARAR DOCUMENTOS LEGALES O JURIDICOS.

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

**APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTION**

22. For the foregoing reasons, the State requests that after due notice and hearing, a TEMPORARY INJUNCTION be issued restraining Defendants from the acts set forth in Paragraphs 20 and 21, *supra*. The State further requests that upon final hearing a PERMANENT INJUNCTION be issued, restraining and enjoining Defendants, their officers, agents, servants, employees and attorneys and any other person in active concert or participation with Defendants from engaging, directly or indirectly, in the acts or practices set forth in Paragraphs 20 and 21, *supra*.

**PRAYER**

23. WHEREFORE, Plaintiff prays that this court will award judgment for the Plaintiff and against the Defendants as follows:

- a. Order Defendants to pay civil penalties to the STATE OF TEXAS in the amount of \$2,000.00 per violation of the DTPA up to a total of \$20,000.00 per each violation;
- b. Order Defendants to pay civil penalties to the STATE OF TEXAS in an additional amount of up to \$250,000.00 for acts or practices that were calculated to acquire or deprive money or other property from a consumer who was 65 years of age or older when the act or practice occurred;
- c. Order Defendants to restore all money or other property taken from identifiable persons by means of unlawful acts or practices, or in the alternative award judgment for damages to compensate for such losses;
- d. Order Defendants to pay the STATE of TEXAS its attorneys' fees and costs of court pursuant to TEX. GOV'T. CODE §402.006(c) and order Defendant to pay pre-judgment interest on all awards of restitution, damages or civil penalties, as provided by law.

24. If Defendants fails to pay restitution ordered by this Court within three months after the order to make such restitution has become final and non-appealable, Plaintiff prays that this Court appoint a receiver or sequester Defendants' assets.

25. The State further prays that this court grant all other relief to which the Plaintiff STATE OF TEXAS may show itself entitled.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
First Assistant Attorney General

JOHN SCOTT  
Deputy Attorney General for  
Civil Litigation

TOMMY PRUD'HOMME  
Chief, Consumer Protection Division



---

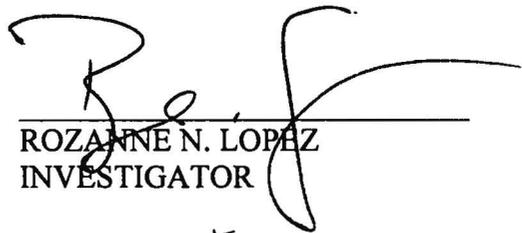
MICHAEL AGUIRRE  
Assistant Attorney General  
State Bar No. 24038593  
JOE D. GARCIA  
Assistant Attorney General  
State Bar No. 00785896  
Office of the Attorney General  
Consumer Protection Division  
3201 N. McColl, Suite B  
McAllen, Texas 78501  
(956) 682-4547; Fax (956) 682-1957  
Attorney for Plaintiff

**VERIFICATION**

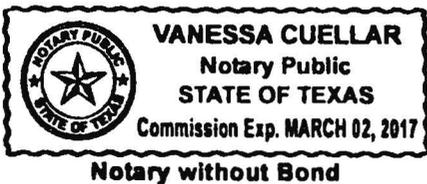
STATE OF TEXAS §

COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, on this day personally appeared affiant Rozanne N. Lopez, who proved to me through current Texas Driver License to be the person whose name is subscribed to this Verification and who acknowledged to me that she executed the same, and after she was duly sworn, upon her oath, she deposed and said that the affiant is an investigator for the Office of Attorney General, and is authorized to make this affidavit, that the affiant has carefully read the "Specific Factual Allegations" in the foregoing PLAINTIFF'S ORIGINAL PETITION, APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS, AND APPLICATION FOR EX PARTE TEMPORARY RESTRAINING ORDER, and has reason to believe that each and all said "Specific Factual Allegations" are true and correct; and affiant signs this Verification, pursuant to Rule 682 of the TEXAS RULES OF CIVIL PROCEDURE.

  
ROZANNE N. LOPEZ  
INVESTIGATOR

SUBSCRIBED AND SWORN TO before me on the 21<sup>st</sup> day of May, 2013.



  
NOTARY PUBLIC IN AND  
FOR THE STATE OF TEXAS

MAY 21 2013

STATE OF TEXAS,  
Plaintiff

IN THE DISTRICT COURT  
LAURA HINOJOSA, CLERK  
District Courts, Hidalgo County  
By \_\_\_\_\_ Deputy#47

v.

ROMANOVICH CHARITABLE  
SERVICES, INC. AND  
JAIRO ROMANOVICH D/B/A  
J. ROMANOVICH,  
Defendants

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

HIDALGO COUNTY, TEXAS

139 JUDICIAL DISTRICT

**EX PARTE TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

1. After considering Plaintiff STATE OF TEXAS' application for temporary restraining order, the pleadings, and arguments of counsel, the Court finds there is evidence that Defendants ROMANOVICH CHARITABLE SERVICES, INC. and JAIRO ROMANOVICH D/B/A J. ROMANOVICH (collectively "Defendants") may be engaging in the unauthorized practice of law in violation of the Texas Deceptive Trade Practices - Consumer Protection Act (DTPA), TEX. BUS. & COM. CODE ANN. §17.41 *et seq.*, and the State Bar Act (SBA), TEX. GOV'T. CODE ANN. §81.101 *et seq.* The Court further finds that an imminent emergency exists and a temporary restraining order is necessary to prevent Defendants from continuing to engage in the unauthorized practice of law before notice can be given and a hearing held.
2. IT IS THEREFORE ORDERED that Defendants ROMANOVICH CHARITABLE SERVICES, INC. and JAIRO ROMANOVICH, their agents, servants, employees, relatives, attorneys and any other person acting in concert or participation with Defendants, are hereby restrained from engaging in, or attempting to engage in, the following:
  - a. Operating a business or conducting 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," "immigration consultant," or "immigration service provider" and by any title or designation incorporating the word "immigration," "inmigracion," or an abbreviation thereof;
- h. Stating or implying that Defendants are an attorney licensed to practice law in this state unless Defendant Romanovich is a member of the State Bar of Texas;
- i. Representing, directly or by implication, that Defendants have the skill, expertise, or competence to handle immigration or legal matters;
- j. Representing, directly or by implication, that Defendants can get legal status, a work permit, or other benefit under United States immigration laws for a person who purchases their 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. Stating or implying that Defendants are a recognized organization or accredited representative by the Board of Immigration Appeals;
  - o. Concealing, withholding, destroying, mutilating, altering, falsifying, or removing from the jurisdiction of this Court any books, records, documents, invoices, receipts, or other written materials relating to the business of Defendants currently or hereafter in Defendants' possession, custody or control except in response to further orders or subpoenas in this cause; and
  - p. 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 Defendants, or approved of any of Defendants' business practices.
3. IT IS FURTHER ORDERED that Defendants and/or the Sheriff post notice at 2041 Orchid Ave, McAllen, Texas 78504, and at any other place in the state of Texas where Defendants

may conduct business, which notice shall be conspicuous, red-faced type of a minimum size of 40 points, in both English and Spanish, and shall state:

NOTICE

ROMANOVICH CHARITABLE SERVICES, INC. AND JAIRO ROMANOVICH ARE PROHIBITED FROM PREPARING ANY LEGAL DOCUMENT OR CONDUCTING BUSINESS AS AN IMMIGRATION SERVICE PROVIDER BY ORDER OF THE DISTRICT COURT OF HIDALGO COUNTY.

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

THIS NOTICE IS PLACED HERE BY ORDER OF THE COURT AND IT IS NOT TO BE REMOVED UNTIL FURTHER ORDER OF THE COURT.

AVISO

LA CORTE DEL DISTRICTO HA ORDENADO A ROMANOVICH CHARITABLE SERVICES, INC. Y JAIRO ROMANOVICH PARAR SU NEGOCIO DE SERVICIOS DE INMIGRACION Y DE PREPARAR DOCUMENTOS LEGALES O JURIDICOS.

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

ESTE AVISO ES PUESTO EN ESTE EDEFICIO POR ORDEN DE LA CORTE Y NO DEBE SE ELIMINADO PERO POR ORDEN DE LA CORTE.

4. IT IS FURTHER ORDERED that Plaintiff shall be granted leave to take telephonic, video, written, and other depositions (including deposition with a subpoena duces tecum) of witnesses and parties prior to any scheduled temporary injunction hearing upon reasonable shortened notice to Defendants.
5. The Court orders that Plaintiff's application for temporary injunction be heard on \_\_\_\_\_, 2013, at \_\_\_\_\_, \_\_\_\_m., in the courtroom of the above-named District Court in the Hidalgo County Courthouse in Edinburg, Texas. The purpose of

the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

6. The Court further orders the clerk to issue notice to Defendants of the hearing on the application for temporary injunction and to forthwith issue a temporary restraining order in conformity with the law and the terms of this order.
7. 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. CIV. PRAC. & REM. CODE ANN. §6.001 and TEX. BUS. & COM. CODE ANN. §17.47(b).
8. This order expires on \_\_\_\_\_, 2013, or by any other order of the Court.

SIGNED on \_\_\_\_\_, 2013, at \_\_\_\_\_, \_\_\_\_ .m.

---

JUDGE PRESIDING