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Norma L. Favela
District Clerk
El Paso County
2016DCV3069

STATE OF TEXAS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	**CAUSE NO. 2016-DCV-_____**
	§	
MOISES ELOY CASTILLO, Individually, d/b/a LIC. MOISES CASTILLO INTERNATIONAL LAWYER, d/b/a SERVICIOS PROFESIONALES JUAREZ-EL PASO, d/b/a LIC. MOISES CASTILLO ABOGADO INTERNACIONAL, d/b/a VISAS AMERICANAS, d/b/a BECKER, CASTILLO Y VALLES, and SERVICIOS PROFESIONALES, L.L.C.	§	
	§	
Defendants.	§	

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

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas (hereinafter, "Plaintiff"), acting by and through Attorney General Ken Paxton, and files this its Original Petition & Application for Ex Parte Temporary Restraining Order, Temporary Injunction, & Permanent Injunction (hereinafter, "Petition") against Moises Eloy Castillo (hereinafter, "Mr. Castillo"), Individually, d/b/a Lic. Moises Castillo International Lawyer, d/b/a Lic. Moises Castillo Abogado Internacional, d/b/a Servicios Profesionales Juarez-El Paso, Visas Americanas, Becker, Castillo y Valles, and Servicios Profesionales, L.L.C. (collectively, "Defendants"), and respectfully shows the Court the following:

I.
DISCOVERY CONTROL PLAN

1.1 Discovery is intended to be conducted under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

1.2 This case is not subject to the restrictions of expedited discovery under Rule 169 of the Texas Rules of Civil Procedure because the relief sought by Plaintiff includes non-monetary injunctive relief, and Plaintiff's claims for monetary relief, including penalties, consumer redress, and attorneys' fees, and costs are in excess of $100,000 and could exceed $500,000.

II.
AUTHORITY

2.1 This action is brought by Attorney General Ken Paxton, through his Consumer Protection Division, in the name of the State of Texas and in the public interest, pursuant to 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.*, (Westlaw current through 2015 Reg. Sess.) (hereinafter, "DTPA"), upon the ground that Defendants 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. (Westlaw current through 2015 Reg. Sess.). In enforcement suits filed pursuant to § 17.47 of the DTPA, the Attorney General is authorized to seek civil penalties, redress for consumers and injunctive relief. (Westlaw current through 2015 Reg. Sess.).

2.2 This enforcement action is also brought for violations of the Texas Notary Public Act, Tex. Gov't Code Ann. §§ 406.001, *et seq.*, (Westlaw current through 2015 Reg. Sess.) (hereinafter "NPA"), upon the ground that Mr. Castillo is a notary public who: a) states or implies that he is an attorney licensed to practice law in the State of Texas, in violation of §

406.017(a)(1) of the NPA; b) solicits or accepts compensation to prepare legal documents, in violation of § 406.017(a)(2) of the NPA; c) solicits or accepts compensation to obtain relief, on behalf of consumers, from officers, agencies, or employees of the State of Texas or the United States, in violation of § 406.017(a)(3) of the NPA; d) uses the phrase "notario" or "notario publico" to advertise the services of a notary public, in violation of § 406.017(a)(4) of the NPA; and e) advertises the services of a notary public in a language other than English, without posting the required statutory notice, in violation of § 406.017(a)(5) of the NPA. (Westlaw current through 2015 Reg. Sess.). Violations of the DTPA also include violations of its tie-in statute, NPA § 406.017(f), which states that failure to comply with § 406.017 of the NPA is a deceptive trade practice actionable under Chapter 17 of the Texas Business & Commerce Code.

III.
DEFENDANTS

3.1 Mr. Castillo is an individual residing in El Paso County, Texas, and may be served with service of process at 705 Chelsea Street, El Paso, Texas 79903, or wherever he may be found.

3.2 Servicios Profesionales, L.L.C. is a Texas domestic limited liability company, conducting business in El Paso County, Texas, and may be served with service of process, through its registered agent, Elsa Amador, at 11347 Lake Ontario Drive, El Paso, Texas 79936, or wherever the registered agent may be found.

IV.
VENUE

4.1 Pursuant to § 17.47(b) of the DTPA, venue of this action lies in El Paso County, Texas, because Defendants have their principal place of business and conduct business in El Paso County, Texas.

V.
SUPPORT FOR ALLEGATIONS

5.1 The factual allegations in this pleading relating to deceptive trade practices are supported and sworn to by Sandra Jurado, Investigator for the Office of the Texas Attorney General, as indicated in the verification attached hereto.

VI.
PUBLIC INTEREST

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

VII.
TRADE AND COMMERCE

7.1 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. (Westlaw current through 2015 Reg. Sess.).

VIII.
ACTS OF AGENTS

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

IX.
NOTICE BEFORE SUIT

9.1 Pursuant to § 17.47(a) of the DTPA, contact has been made with Defendants, Mr. Castillo and Servicios Profesionales, L.L.C.'s registered agent, to inform them, in general, of the unlawful conduct alleged herein.

X.
EXHIBITS

10.1 Plaintiff relies on the following exhibits in support of its Petition & Application for Ex Parte Temporary Restraining Order, Temporary Injunction & Permanent Injunction:

- Exhibit A: Mr. Castillo's November 4, 2015, Examination Under Oath;
- Exhibit B: Elsa Amador's November 4, 2015, Examination Under Oath;
- Exhibit 1: El Paso Craigslist advertisements;[1]
- Exhibit 6: Servicios Profesionales L.L.C.'s Certificate of Formation;[2]
- Exhibit 7: Servicios Profesionales L.L.C.'s website;[3]
- Exhibit 13: Business card given to Sandra Jurado, Investigator for the Office of the Texas Attorney General, by Mr. Castillo during an undercover investigation of Mr. Castillo;[4]
- Exhibit 15: Contracts between consumers and Servicios Profesionales Juarez-El Paso;[5]

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[1] "Exhibit 1," attached hereto, is referred to in Mr. Castillo's November 4, 2015 Examination Under Oath as "Exhibit 1." Mr. Castillo identified Exhibit 1 as a true and correct copy of advertisements for Servicios Profesionales. *See* Exhibit A, p. 43, ls. 3-25; *see also* Exhibit A, p. 44, ls. 1-25.

[2] "Exhibit 6," attached hereto, is a true and correct copy of Servicios Profesionales L.L.C.'s Certificate of Formation, which was filed with the Office of the Secretary of State of Texas on January 20, 2015.

[3] "Exhibit 7," attached hereto, is referred to in Mr. Castillo's November 4, 2015 Examination Under Oath as "Exhibit 7." Mr. Castillo identified Exhibit 7 as a true and correct copy of Servicios Profesionales' website.

[4] "Exhibit 13," attached hereto, is referred to in Mr. Castillo's November 4, 2015 Examination Under Oath as "Exhibit 13." Exhibit 13 was given to Sandra Jurado, Investigator for the Office of the Texas Attorney General, by Mr. Castillo during an undercover investigation of Mr. Castillo, which was conducted on July 16, 2015.

[5] "Exhibit 15," attached hereto, is referred to in Mr. Castillo's November 4, 2015 Examination Under Oath as "Exhibit 15." Mr. Castillo identified Exhibit 15 as true and correct copies of contracts that were prepared by Mr. Castillo for Servicios Profesionales. *See* Exhibit A, p. 86, ls. 20-25; *see also* Exhibit A, p. 87-88.

- Exhibit 16: Commercial lease which names Mr. Castillo lessee of the premises located on 323 E. Third Street, El Paso, Texas;[6]

- Exhibit 20: Divorce documents prepared by Mr. Castillo for *In the Metter* [*sic*] *of Manuel G. Monrreal and Maria Lidia Monrreal*;[7]

- Exhibit 21, p.1:Visas Americanas's Facebook page as of July 18, 2016;[8]

- Exhibit 21, p. 2:Visas Americanas' Facebook page as of January 26, 2016;[9]

- Exhibit C: Certificate from the Supreme Court of Texas, certifying that Mr. Castillo is not licensed to practice law in the State of Texas;

- Exhibit D: Declaration of Cynthia Crosby, Administration, Planning and Analysis Deputy Chief Clerk for the Executive Office of Immigration Review;

- Exhibit E: Texas Secretary of State Certificate No. 10346627, certifying that Moises Castillo (Mr. Castillo) was commissioned as a notary public for the State of Texas on August 27, 2015, for a term ending on August 27, 2019; and

- Exhibit F: Texas Secretary of State Certificate No. 10346628, certifying that Moises O. Castillo II was commissioned as a notary public for the State of Texas on July 3, 2013, for a term ending on July 3, 2017.

XI.
SPECIFIC FACTUAL ALLEGATIONS

11.1 Mr. Castillo and Servicios Profesionales, L.L.C. are engaged in the business of preparing legal pleadings, incident to legal actions and proceedings in the State of Texas and the United

[6] "Exhibit 16," attached hereto, is referred to in Mr. Castillo's November 4, 2015 Examination Under Oath as "Exhibit 16." Mr. Castillo identified Exhibit 16 as a true and correct copy of a lease agreement for the premises located on 232 East Third Street, El Paso, Texas, which was signed by Mr. Castillo. *See* Exhibit A, p. 92, ls. 23-25; *see also* Exhibit A, p. 93, ls. 1-25.

[7] "Exhibit 20," attached hereto, is referred to in Mr. Castillo's November 4, 2015 Examination Under Oath as "Exhibit 20." "Exhibit 20" are certified copies of the following documents: Petition for Divorce, Affidavit of Inability to Pay or Give Security for Cost, Waiver of Citation, and Final Decree of Divorce in Cause No. 2015DCM1384, *In the Metter* [*sic*] *of Manuel G. Monrreal and Maria Lidia Monrreal*. *See* Exhibit A, p. 34, ls. 2-25; *see also* Exhibit A, p. 35-36.

[8] This is a photograph of an advertisement placed on Visas Americana's Facebook page. This photograph was captured by Sandra Jurado, Investigator for the Office of the Texas Attorney General, on July 18, 2016. This photograph is a true and correct copy of Visas Americanas's Facebook page as of July 18, 2016.

[9] This is a photograph of an advertisement placed on Visas Americanas's Facebook page. This photograph was captured by Sandra Jurado, Investigator for the Office of the Texas Attorney General, on January 26, 2016. This photograph is a true and correct copy of Visas Americanas's Facebook page as of January 26, 2016.

States, for consumers.[10] Mr. Castillo is a Mexican attorney who is not authorized to practice law in the State of Texas or any other jurisdiction within the United States.[11] Servicios Profesionales, L.L.C. is a Texas limited liability company whose day-to-day operations are run by Mr. Castillo.[12] Mr. Castillo and Servicios Profesionales, L.L.C. advertise the following legal services to consumers in the State of Texas: 1) simple divorces, with or without children; 2) affidavits of adverse possession; 3) affidavits of motor vehicle gift transfer; 4) affidavits of non-prosecution; 5) quitclaim deeds; 6) medical powers of attorney; 7) custody; 8) amendments of United States birth certificates; 9) residential leases; 10) powers of attorney; 11) affidavits of "absent for marriage"; 12) and small claims petitions. The following are examples of Defendants' advertisements:

*&^%====DIVORCE UNCONTEST----DIVORCIOS VOLUNTARIOS&^%$====

* REGLA 1.02 PARTES PROCEDENTES EN EL DIVORCIO "PRO SE".(VOLUNTARIO)
CUALQUIER PERSONA PUEDE PROCEDER EN SU PROPIO NOMBRE SIN UN ABOGADO A PROMOVER SU DIVORCIO VOLUNTARIO. "PRO SE" Y SERAN RESPONSABILIDAD DE LAS PARTES DE CUMPLIRLAS. LA INFORMACION PERSONAL. DIRECCIONES Y TELEFONOS DE LOS PROMOVENTES. SERA SU RESPONSABILIDAD Y ADEMAS DE PROPORCIONAR COPIAS DE TODOS LOS DOCUMENTOS PRESENTADOS A TODAS LAS OTRAS PARTES O ABOGADOS. Los Documentos presentados siempre deberan CONTENER LA DIRECCION ACTUAL Y TELEFONO DE LAS PARTES. [13]

[10] *See* Exhibit A, p. 7, ls. 1-11.

[11] *See* Exhibit A, p. 7, ls. 6-11; *see also* Exhibit A, p. 14.

[12] *See* Exhibit A, p. 18, ls 20-25; Exhibit A, p. 20., ls. 1-25; *see also* Exhibit 6.

[13] This represents a photograph of an advertisement placed on Craigslist by Mr. Castillo. Exhibit 1, p. 11 has been resized and edited to fit this Petition. During a November 4, 2015, examination under oath, Mr. Castillo

[14]

11.2 Servicios Profesionales, L.L.C. was formed on January 20, 2015.[15] Servicios Profesionales, L.L.C.'s registered address is listed as 323 East Third Avenue, El Paso, Texas 79901.[16] Servicios Profesionales, L.L.C.'s business telephone number is (915) 231-0532 and its e-mail address is serviciosprofesionales02@yahoo.com.[17] Elsa Amador and Eloy Castillo are listed as governing persons of Servicios Profesionales, L.L.C., and Elsa Amador is listed as its registered agent and organizer.[18]

11.3 Mr. Castillo is not listed as a governing person of Servicios Profesionales, L.L.C. However, when asked who performs the services for Servicios Profesionales, L.L.C., Mr. Castillo testified that he "help[s] fill out … forms."[19] Although Mr. Castillo claims that he is "not

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testified that Exhibit 1, pgs. 1-27 represent services offered by Servicios Profesionales Juarez-El Paso and Servicios Profesionales, L.L.C.

[14] This represents a photograph of an advertisement for Servicios Profesionales, L.L.C. Exhibit 1, p. 16 has been resized and edited to fit this Petition.

[15] The Certificate of Formation of Servicios Profesionales, L.L.C. was filed with the Texas Secretary of State on January 20, 2015. *See* Exhibit 6.

[16] *See* Exhibit 6; *see also* Exhibit 1, p. 14.

[17] *See* Exhibit 1, p. 14.

[18] *See* Exhibit 6.

[19] *See* Exhibit A, ls. 15-16; *see also* Exhibit A, p. 28, ls. 4-8.

part of this [Servicios Profesionales, L.L.C.] corporation [*sic*]," and is only "helping" with the business, Mr. Castillo admitted that he is the only person involved in the day-to-day operations of Servicios Profesionales, L.L.C.[20] Mr. Castillo also testified that he drafts all of the contracts for Servicios Profesionales Juarez-El Paso and Servicios Profesionales, L.L.C.[21] Mr. Castillo further testified that he uses Servicios Profesionales L.L.C.'s office address, telephone number, and e-mail address to communicate with consumers.[22]

11.4 In a November 4, 2015, examination under oath, Elsa Amador testified that Mr. Castillo is the person most involved in the operations of Servicios Profesionales, L.L.C. and that Mr. Castillo has access to Servicios Profesionales, L.L.C's Chase bank account.[23] Elsa Amador testified that she helped form Servicios Profesionales, L.L.C., but that she is not involved in the operations of Servicios Profesionales, L.L.C.[24]

11.5 In addition to using Servicios Profesionales, L.L.C.'s name to conduct business, Mr. Castillo also uses the following business names to provide legal services: Lic. Moises Castillo International Lawyer; Lic. Moises Castillo Abogado Internacional; and Servicios Profesionales Juarez-El Paso.[25] Mr. Castillo testified that he conducts his businesses from different locations, including Servicios Profesionales L.L.C.'s registered business address.[26]

11.6 Mr. Castillo testified that he filed a certificate of assumed name with the County of El Paso, Texas for Servicios Profesionales Juarez-El Paso in 2013.[27] When asked what the difference was between Servicios Profesionales Juarez-El Paso and Servicios Profesionales,

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[20] *See* Exhibit A, p. 18, ls 20-25; Exhibit A, p. 20., ls. 1-25.
[21] *See* Exhibit 15, p. 1-30; Exhibit A, p. 86, ls. 20-25; *see also* Exhibit 1.
[22] *See* Exhibit A, p. 11, ls. 16-23; *see also* Exhibit A, p. 28, ls. 4-8.
[23] *See* Exhibit B, p. 13, ls. 4-9; *see also* Exhibit B, p. 30, ls. 18-25 and Exhibit 18.
[24] *See* Exhibit B, p. 10, ls. 5-7; Exhibit B, p. 41, ls. 12-25; *see also* Exhibit 6.
[25] *See* Exhibits 1, 7, 13, 15, 16, 20, D.
[26] *See* Exhibit A, p. 12, ls. 1-25.
[27] *See* Exhibit A, p. 31, ls. 1-12.

L.L.C., Mr. Castillo responded that "one is a corporation [*sic*] and the other one is personal."[28] Mr. Castillo then testified that Servicios Profesionales Juarez-El Paso ceased to exist "when the corporation [*sic*] [Servicios Profesionales, L.L.C.] was formed."[29]

11.7 On July 16, 2015, Sandra Jurado ("Ms. Jurado"), the investigator for the Office of the Texas Attorney General, conducted an undercover investigation of Mr. Castillo at the office located on 323 East Third Avenue, El Paso, Texas 79901. Mr. Castillo testified that Ms. Jurado went to his office to request "a service for a divorce."[30] Mr. Castillo further testified that he informed Ms. Jurado that he would provide all of the necessary forms, including a petition for a pro se divorce, in exchange for $600.[31] Defendant handed Ms. Jurado the following business card, which includes his name and Servicios Profesionales, L.L.C.'s name:[32]

[33]

When asked what the abbreviation "Lic." in his business card means, Defendant testified that "Lic." translates to "law, attorney."[34]

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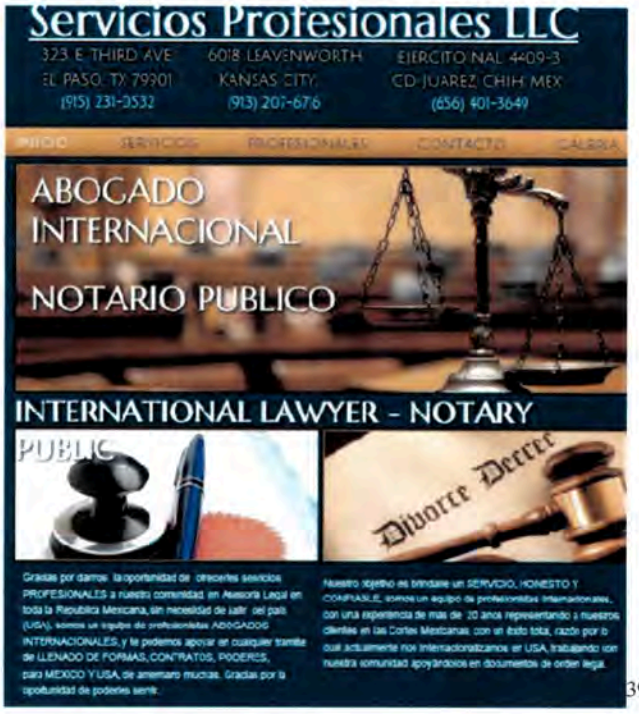
[28] *See* Exhibit A, p. 31, ls. 1-15.
[29] *See* Exhibit A, p. 32, ls. 3-6.
[30] *See* Exhibit A, p. 40.
[31] *See* Exhibit A, p. 41.
[32] *See* Exhibit A, p. 41, ls. 16-25;
[33] This is a photograph of Exhibit 13. Exhibit 13 represents the business card that was handed to Sandra Jurado, Investigator for the Office of the Texas Attorney General, on July 16, 2015. Exhibit 13 has been resized and edited to fit this Petition.
[34] *See* Exhibit A, p. 42, ls. 1-5.

11.8 In the same November 4, 2015 examination under oath, Mr. Castillo testified that he has prepared divorce documents for at least two consumers in exchange for $400.[35] Mr. Castillo testified that these divorce documents were filed in Texas courts.[36]

11.9 The Texas Secretary of State's records state that Mr. Castillo was commissioned as a Texas notary public on August 27, 2015.[37] Mr. Castillo advertises notary public services in both English and Spanish.[38] In addition, and as evidenced below, Mr. Castillo and Servicios Profesionales, L.L.C. use the term "notario publico" on Servicios Profesionales, L.L.C.'s website, http://www.serviciosprofesionalesllc.com:



[39]

11.10 Despite Plaintiff's investigation, Mr. Castillo continues to advertise immigration and family law legal services on the internet and recently began conducting business as Visas

[35] *See* Exhibit A, p. 34-35 and Exhibit A, p. 36, ls. 1-7.
[36] *See* Exhibit A, p. 35, ls. 10-25; *see also* Exhibit 20.
[37] *See* Exhibit E.
[38] *See* Exhibit 1.
[39] This is a photograph of Exhibit 7, p. 1. Exhibit 7, p. 1 represents a photograph of Servicios Profesionales L.L.C.'s website. Exhibit 7, p. 1 has been resized and edited to fit this Petition.

Americanas and Becker, Castillo y Valles. The following is a photograph of an advertisement that was placed on Visas Americanas's Facebook page that includes Mr. Castillo's name:

[40]

XII.
PRACTICE OF LAW DEFINED

12.1 The State Bar Act, Tex. Gov't Code Ann. §§ 81.001, *et seq.*, (Westlaw current through 2015 Reg. Sess.) (hereinafter "SBA"), defines the term "practice of law" as the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge or judicial officer in a court or

[40] This is a photograph of an advertisement placed on Visas Americana's Facebook page. This photograph was captured by Sandra Jurado, Investigator for the Office of the Texas Attorney General, on July 18, 2016. This photograph is a true and correct copy of Visas Americanas's Facebook page as of July 18, 2016. The photograph has been resized and edited to fit this Petition. *See* Exhibit 21, p.1.

administrative tribunal, as well as a service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or other instrument, the legal effect of which under the facts and conclusions involved must be carefully determined. *See* Tex. Gov't Code Ann. § 81.101(a). The SBA states that a person may not engage in the practice of law in the State of Texas unless that person is a member of the State Bar of Texas as a licensed attorney. *See* Tex. Gov't Code Ann. § 81.102 (West 2005); *see also Unauthorized Practice Committee v. Cortez*, 692 S.W.2d 47 (Tex. 1985).

12.2 The Immigration and Nationality Act ("INA") defines the term "attorney" as any person who is eligible to practice law in, and is a member in good standing of the bar of, the highest court of any state, possession, territory, or Commonwealth of the United States, or the District of Columbia and is not under any order suspending, enjoining, restraining, disbarring, or otherwise restricting him or her in the practice of law. *See* 8 C.F.R. §§ 1.2, 1001.1(f). The INA's federal regulations further define the term "practice" to mean the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with the Department of Homeland Security ("DHS"), or any immigration judge, or the Board of Immigration Appeals ("BIA"). *See* 8 C.F.R. §§ 292.1(e), 1292.1(e).

12.3 The INA's federal regulations, however, do not limit representation before the United States Customs and Immigration Services ("USCIS") to attorneys, but permit supervised law students and law graduates not yet admitted to the bar; certain "reputable individuals" with a pre-existing relationship or connection with the person entitled to representation; accredited

representatives of recognized organizations;[41] and certain accredited officials to represent parties in USCIS proceedings. *See* 8 C.F.R. §§ 292.1(a), 1292.1(a), (b). No other person or persons may represent others before the USCIS or the BIA. *See* 8 C.F.R. §§ 292.1(e), 1292.1(e).

12.4 Defendants are not, and at all relevant times, have not been authorized to engage in the practice of law in the State of Texas nor have they ever been affiliated or authorized by any organization recognized by the BIA or the Executive Office of Immigration Review ("EOIR") as providers of legal services. *See* Exhibit D; *see also* Exhibit C.

XIII.
DTPA VIOLATIONS

A. Defendants are engaged in false, misleading, and deceptive acts and practices in violation of § 17.46(a) and (b) of the DTPA.

13.1 Defendants, as alleged and detailed above, have in the course of trade and commerce engaged in the following false, misleading and deceptive acts and practices declared unlawful in § 17.46(a) and (b) of the DTPA by:

a. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services by stating or falsely implying that Defendants:

i. are able to lawfully engage in the practice of law in the State of Texas, in violation of § 17.46(b)(2); and

ii. are able to comply with the requisites of the INA federal regulations, including 8 C.F.R. § 292, by functioning as recognized organizations or accredited representatives, in violation of § 17.46(b)(2) of the DTPA.

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[41] 8 C.F.R. § 1292.1(a)(4), 81 Fed. Reg. 18734 (Mar. 31, 2016), defines an "accredited representative" as:

> A person representing an organization described in § 1292.2 of this chapter who has been accredited by the Board [Board of Immigration Appeals], and who, once the registration requirement in paragraph (f) of this section have taken effect, is registered to practice with the Executive Office of Immigration Review.

b. Causing confusion or misunderstanding as to the affiliation, connection, or association with, or certification by another, by:

   i. stating or falsely implying that Defendants are able to lawfully engage in the practice of law in the State of Texas, in violation of § 17.46(b)(3);

   ii. stating or falsely implying that Defendants are able to comply with the requisites of the INA federal regulations, including 8 C.F.R. § 292, by functioning as recognized organizations or accredited representatives, in violation of § 17.46(b)(3);

   iii. advertising, offering for sale, selling, or providing immigration or other legal services, in violation of DTPA § 17.46(b)(3);

   iv. accepting money or valuable consideration for performing immigration or other legal services, in violation of DTPA § 17.46(b)(3);

   v. accepting money or valuable consideration from consumers seeking assistance to obtain a benefit under United States immigration laws for themselves or any other person, in violation of DTPA § 17.46(b)(3);

   vi. advising consumers whether or not to file a petition, application, or other form to obtain a benefit under the State of Texas or United States immigration laws for themselves or any other person, in violation of DTPA § 17.46 (b)(3); and

   vii. preparing for consumers a petition, application or other form to obtain a benefit under the State of Texas or United States immigration laws for themselves or any other person, 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 by representing to the public, expressly or by implication, that:

   i. Defendants can obtain legal status, a work permit, or other benefit under United States immigration laws for a person who purchases their services, in violation of DTPA § 17.46(b)(5); and

   ii. Defendants can or will lawfully represent the interest of another in a judicial or administrative proceeding, including proceedings relating to State of Texas family law matters or immigration to the United States, in violation of DTPA § 17.46(b)(5).

d. Representing that goods or services are of a particular standard, quality or grade, when they are of another, by:

   i. holding themselves out, through advertisements or by any means, to the public as "notario publico," "Licenciado," "Lic," "International Lawyer," "Abogado Internacional," "International Lawyer-Notary Public," or by any title or designation incorporating the word "lawyer," "notario" or abbreviation thereof, in violation of DTPA § 17.46(b)(7); and

   ii. representing, directly or by implication, that Defendants have the skill, expertise, or competence to handle immigration or family law matters, in violation of DTPA §17.46(b)(7).

e. Failing to disclose information concerning services which was known at the time of the transactions, when the failure to disclose such information was intended to induce the consumers into transactions into which the consumers would not have entered had the information been disclosed by Defendants, by:

   i. falsely purporting to be qualified to provide or give consumers advice and counsel regarding their rights under the immigration laws of the United States or any other sort of legal matter, in violation of DTPA § 17.46(b)(24); and

   ii. soliciting, collecting, or accepting fees or compensation of any type, for providing any type of immigration or any other sort of legal service to consumers while falsely purporting to be qualified to do so, in violation of DTPA § 17.46(b)(24).

f. Using the translation into a foreign language of a title or other word, including "attorney," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States, in violation of DTPA § 17.46(b)(28).

XIV.
NPA VIOLATIONS

14.1 Violations of the DTPA also include violations of its tie-in statute, NPA § 406.017(f), which states that failure to comply with § 406.017 of the NPA is a deceptive trade practice actionable under Chapter 17 of the Texas Business & Commerce Code.

14.2 § 406.017 of the NPA states that:

(a) a person commits an offense if the person is a notary public and the person:

(1) states or implies that the person is an attorney licensed to practice law in this state;

(2) solicits or accepts 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;

(3) solicits or accepts compensation to obtain relief of any kind on behalf of another from any officer, agency, or employee of this state or the United States;

(4) uses the phrase "notario" or "notario publico" to advertise the services of a notary public, whether by signs, pamphlets, stationery, or other written communication or by radio or television; or

(5) advertises the services of a notary public in a language other than English, whether by signs, pamphlets, stationery, or other written communication or by radio or television, if the person does not post or otherwise include with the advertisement a notice that complies with Subsection (b).

(b) The notice required by subsection (a)(5) must state that the notary public is not an attorney and must be in English and in the language of the advertisement and in letters of a conspicuous size. If the advertisement is by radio or television, the statement may be modified, but must include substantially the same message. The notice must include the fees that a notary public may charge and the following statement:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN TEXAS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

(c) Failure to comply with this section is, in addition to a violation of any other applicable law of this state, a deceptive trade practice actionable under Chapter 17, Business & Commerce Code.

See Tex. Gov't Code Ann. § 406.017(a)-(c).

14.3 Mr. Castillo, a notary public, as alleged and detailed above, states or implies that he is an attorney licensed to practice law in the State of Texas; solicits and accepts compensation to prepare documents for or otherwise represent the interest of others in judicial or administrative proceedings; solicits and accepts compensation to obtain relief on behalf of another from an officer, agency, or employee of this state or the United States; uses the phrase "notario" or "notario publico" to advertise the services of a notary public; and advertises the services of a notary public in a language other than English without posting the required statutory notice, in violation of § 406.017(f) of the NPA and Chapter 17 of the Texas Business & Commerce Code.

XV.
APPLICATION FOR EX PARTE TEMPORARY RESTRAINING ORDER

15.1 Plaintiff's application for an Ex Parte Temporary Restraining Order is authorized by § 17.47 of the DTPA. *See* Tex. Bus. & Com. Code Ann. § 17.47(a).

15.2 Plaintiff asks the Court to prevent Defendants from:

a. Transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to Defendants' business which are in Defendants' possession, custody, or control except in response to further orders or subpoenas in this cause;

b. Transferring, spending, hypothecating, concealing, encumbering, depleting, modifying, dissipating, distributing, or removing from the jurisdiction of this Court any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real, personal or mixed, wherever situated, belonging to or owned by, in possession of, or claimed by Defendants, insofar as such property relates to, arises out of or is derived from the unlawful business operation of Defendants within the State of Texas;

c. Maintaining an office in the State of Texas for the purpose of giving legal advice and counsel as to matters of any state law of the United States (including Texas) or United States federal law;

d. Selecting or preparing legal documents of any type on behalf of persons seeking legal services in the State of Texas or the United States, until such time as Defendants obtain the certification, license or other qualifications required for such activity, unless such acts are performed under the direct, daily supervision of an attorney licensed to practice law in the State of Texas or applicable United States jurisdiction;

e. Representing or advertising in the State of Texas that Defendants have an office available for giving legal advice and counsel as to matters of any state law of the United States (including Texas), or United States federal law;

f. Advertising legal services as to matters of any state law of the United States (including Texas) or United States federal law in the State of Texas until such time as Defendants obtain the certification, license or other qualifications required for such activity.

g. Giving individuals advice and counsel regarding their rights under any state law of the United States (including Texas), or United States federal law in any sort of legal matter;

h. Collecting or accepting fees for providing legal services to consumers, until such time as Defendants obtain the certification, license or other qualifications required for such activity, unless such acts are performed under the direct daily supervision of an attorney licensed to practice law in the State of Texas;

i. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, in that Defendants do not possess the certification or qualifications necessary to counsel individuals regarding their rights under any state law of the United States (including Texas), or United States federal law;

j. Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by another, in that Defendants do not possess the certification or qualifications necessary to counsel individuals regarding legal matters in the State of Texas or the United States;

k. 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,

in that Defendants do not possess the certification or qualifications necessary to counsel persons regarding legal matters in the State of Texas or the United States;

l. Representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by state or federal laws of the United States; specifically, and without limitation, counselling individuals regarding legal matters under the laws of the United States or the State of Texas;

m. Failing to disclose information concerning any good or service sold or offered for sale with knowledge at the time of the transaction, when such failure to disclose is intended to induce consumers to enter into transactions consumers would not enter into if such information were disclosed; specifically, and without limitation, failing to disclose to consumers that they are not qualified to counsel them regarding legal matters under the laws of the United States or the State of Texas because they are not certified or licensed to provide such services;

n. Using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States; and

o. Representing, directly or by implication, that this Court or the Office of the Texas Attorney General has approved any good or service sold or offered for sale by Defendants, or approved of any of Defendants' business practices.

15.3 From the facts set forth above and the exhibits and verification attached to this Petition, Defendants have engaged in violations of the DTPA, and it appears that if Plaintiff's application is not granted, Defendants will continue to engage in the unlawful conduct.

15.4 Pursuant to § 17.47(b) of the DTPA, Plaintiff is not required to post bond.

15.5 There is not enough time to serve notice on Defendants and to hold a hearing on this application. It appears from the specific facts, shown by the verification and exhibits attached to this Petition, that Defendants will continue to engage in violations of the DTPA before notice can be served and a hearing had thereon as Mr. Castillo ceased operating his business but recently began advertising the same objected to services.

XVI.
REQUEST FOR TEMPORARY INJUNCTION

16.1 Pursuant to § 17.47 of the DTPA, Plaintiff asks the Court to set to set its application for temporary injunction for a hearing, and after the hearing, issue a temporary injunction, enjoining Defendants, their successors, assigns, officers, agents, servants, employees, and representatives from violating Texas law.

16.2 Plaintiff has joined all indispensable parties under Rule 39 of the Texas Rules of Civil Procedure.

XVII.
REQUEST FOR PERMANENT INJUNCTION

17.1 Pursuant to § 17.47 of the DTPA, Plaintiff asks the Court to set its request for a permanent injunction for a full trial on the merits and, after trial, issue a permanent injunction, enjoining Defendants, their successors, assigns, officers, agents, servants, employees, and representatives from violating Texas law.

XVIII.
CONDITIONS PRECEDENT

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

XIX.
REQUEST FOR DISCLOSURE

19.1 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure. Defendants' written responses to the requests for disclosure, along with all copies of documents and other tangible items responsive to these requests, shall be produced to the Office of the Texas Attorney General, Consumer Protection Division, 401 E. Franklin, Suite 530, El

Paso, Texas 79901, except as provided by Rule 194.3, as ordered by the Court or within 50 days of service of Plaintiff's Original Petition & Application for Ex Parte Temporary Restraining Order, Temporary Injunction & Permanent Injunction, whichever is earlier.

XX.
ATTORNEYS' FEES AND COSTS OF COURT

20.1 This action is brought pursuant to the DTPA, §§ 17.41, *et seq.*, under which injunctive relief, penalties, attorneys' fees and costs of court are recoverable by the Texas Attorney General. Defendants should pay Plaintiff's attorneys' fees and costs of court for the prosecution of this injunctive enforcement action, as provided by § 402.006(c) of the Texas Government Code. (Westlaw current through 2015 Reg. Sess.).

XXI.
PRAYER

21.1 WHEREFORE, Plaintiff prays that an Ex Parte Temporary Restraining Order be granted and Defendants be cited according to law to appear and answer herein; that after reasonable notice and hearing, a Temporary Injunction be issued; and upon final hearing, a Permanent Injunction be issued, restraining and enjoining Defendants, their officers, agents, servants, employees, attorneys, and any other person in active concert or participation with Defendants who receive actual notice of the injunction by personal service or otherwise from engaging, directly or indirectly, 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 Defendants' business which are in Defendants' possession, custody, or control except in response to further orders or subpoenas in this cause;

b. Transferring, spending, hypothecating, concealing, encumbering, depleting, modifying, dissipating, distributing, or removing from the jurisdiction of this Court any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real,

personal or mixed, wherever situated, belonging to or owned by, in possession of, or claimed by Defendants, insofar as such property relates to, arises out of or is derived from the unlawful business operation of Defendants within the State of Texas;

c. Maintaining an office in the State of Texas for the purpose of giving legal advice and counsel as to matters of any state law of the United States (including Texas) or United States federal law;

d. Selecting or preparing legal documents of any type on behalf of persons seeking legal services in the State of Texas or the United States, until such time as Defendants obtain the certification, license or other qualifications required for such activity, unless such acts are performed under the direct, daily supervision of an attorney licensed to practice law in the State of Texas or applicable United States jurisdiction;

e. Representing or advertising in the State of Texas that Defendants have an office available for giving legal advice and counsel as to matters of any state law of the United States (including Texas), or United States federal law;

f. Advertising legal services as to matters of any state law of the United States (including Texas) or United States federal law in the State of Texas until such time as Defendants obtain the certification, license or other qualifications required for such activity.

g. Giving individuals advice and counsel regarding their rights under any state law of the United States (including Texas), or United States federal law in any sort of legal matter;

h. Collecting or accepting fees for providing legal services to consumers, until such time as Defendants obtain the certification, license or other qualifications required for such activity, unless such acts are performed under the direct daily supervision of an attorney licensed to practice law in the State of Texas;

i. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, in that Defendants do not possess the certification or qualifications necessary to counsel individuals regarding their rights under any state law of the United States (including Texas), or United States federal law;

j. Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by another, in that Defendants do not possess the certification or qualifications necessary to counsel individuals regarding legal matters in the State of Texas or the United States;

k. 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, in that Defendants do not possess the certification or qualifications necessary to counsel persons regarding legal matters in the State of Texas or the United States;

l. Representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by state or federal laws of the United States; specifically, and without limitation, counselling individuals regarding legal matters under the laws of the United States or the State of Texas;

m. Failing to disclose information concerning any good or service sold or offered for sale with knowledge at the time of the transaction, when such failure to disclose is intended to induce consumers to enter into transactions consumers would not enter into if such information were disclosed; specifically, and without limitation, failing to disclose to consumers that they are not qualified to counsel them regarding legal matters under the laws of the United States or the State of Texas because they are not certified or licensed to provide such services;

n. Using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States; and

o. Representing, directly or by implication, that this Court or the Office of the Texas Attorney General has approved any good or service sold or offered for sale by Defendants, or approved of any of Defendants' business practices.

21.2 Plaintiff further prays that this Court award judgment in favor of Plaintiff and against Defendants as follows:

a. Order Defendants to pay civil penalties to Plaintiff, pursuant to § 17.47(c)(1) of the DTPA, in the amount of not more than $20,000 per violation of the DTPA;

b. Order Defendants to pay civil penalties to Plaintiff, pursuant to § 17.47(c)(2) of the DTPA, in the amount of not more than $250,000 per violation of the DTPA if the act or practice was 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 pay Plaintiff its attorneys' fees and costs of court, pursuant to Texas Government Code § 402.006(c);

d. Order Defendants to restore all money or other property acquired by means of unlawful acts or practices, or in the alternative, to compensate identifiable persons for actual damages; and

e. Order Defendants to pay pre-judgment and post judgment interest on all damages or civil penalties, at the highest allowable rate, as provided by law.

21.3 In addition, Plaintiff respectfully prays that this Court:

a. Appoint a receiver or sequester Defendants' assets if Defendants have been ordered by this Court to make restitution and Defendants have failed to do so within 3 months after the order to make restitution has become final and non-appealable; and

b. Adjudge that all fines, penalties, or forfeitures payable to and for the benefit of the State of Texas are not dischargeable under bankruptcy, pursuant to 11 U.S.C. § 523(a)(7). (Westlaw current through Pub. L. No. 114-115 (excluding 114-95), approved Dec. 28, 2015).

21.4 Plaintiff further prays that this Court grant all other relief to which Plaintiff may show itself entitled.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

DAVID A. TALBOT
Chief, Consumer Protection Division

RICHARD L. BISCHOFF
State Bar No. 02343200
Assistant Attorney General
richard.bischoff@texasattorneygeneral.gov
GABRIELA I. MARTINEZ
State Bar No. 24085454
Assistant Attorney General
gabriela.martinez@texasattorneygeneral.gov
Consumer Protection Division
401 E. Franklin Avenue, Suite 530
El Paso, Texas 79901
(915) 834-5800
FAX (915) 542-1546
ATTORNEYS FOR THE STATE OF TEXAS

VERIFICATION

STATE OF TEXAS §

COUNTY OF EL PASO §

BEFORE ME, the undersigned authority, on this day personally appeared affiant Sandra Jurado, who proved to me through her current Texas Driver's 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, deposes and states as follows:

1. My name is Sandra Jurado. I am over the age of eighteen years, am an adult resident of El Paso, El Paso County, Texas, and am fully competent and able to testify herein. I have carefully read the factual allegations contained in paragraph 11.7 in the foregoing Plaintiff's Original Petition and Application for Ex Parte Temporary Restraining Order, Temporary Injunction and Permanent Injunction and have reason to believe that each and all said factual allegations in paragraph 11.7 are true and correct.

2. I have reviewed "Exhibit 13," attached to Plaintiff's Original Petition and Application for Ex Parte Temporary Restraining Order, Temporary Injunction and Permanent Injunction. "Exhibit 13," attached hereto, represents the business card that was handed to me by Defendant, Moises Eloy Castillo as part of my undercover investigation on July 16, 2015. "Exhibit 13" is a true and correct copy of the business card that was handed to me by Defendant, Moises Eloy Castillo, on July 16, 2015.

3. I have reviewed "Exhibit 21, p. 1," attached to Plaintiff's Original Petition and Application for Ex Parte Temporary Restraining Order, Temporary Injunction and Permanent Injunction. "Exhibit 21, p. 1," attached hereto, depicts Visas Americanas's Facebook page as it

appeared on July 18, 2016. "Exhibit 21, p.1" is a true and correct copy of an image I captured on July 18, 2016 of Visas Americanas's Facebook page.

4. I have reviewed "Exhibit 21, p. 2," attached to Plaintiff's Original Petition and Application for Ex Parte Temporary Restraining Order, Temporary Injunction and Permanent Injunction. "Exhibit 21, p. 2," attached hereto, depicts Visas Americanas's Facebook page as it appeared on January 26, 2016. "Exhibit 21, p. 2" is a true and correct copy of an image I captured on January 26, 2016.

5. Affiant signs this Verification, pursuant to Rule 682 of the Texas Rules of Civil Procedure.

SANDRA JURADO,
Investigator

SUBSCRIBED AND SWORN TO before me on the 10th day of August, 2016.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS