



<b>LEILANI LASHA, Individually,</b>	§
	§
<b>MICHAEL MCALISTER, Individually and</b>	§
<b>d/b/a Z. TOLLIVER INDEPENDENT</b>	§
<b>SCHOOL; and</b>	§
	§
<b>JOHN LACKEY, Individually and d/b/a</b>	§
<b>ALGER LEARNING CENTER &amp;</b>	§
<b>INDEPENDENCE HIGH SCHOOL and</b>	§
<b>I. JEAN COOPER PRIVATE SCHOOL</b>	§
<b>Defendants.</b>	§

**PLAINTIFF'S ORIGINAL PETITION  
FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF**

COMES NOW THE STATE OF TEXAS, Plaintiff, acting by and through Attorney General of Texas KEN PAXTON, and brings this suit against EDDIE MINNIEWEATHER, Individually a/k/a TONY JONES a/k/a FINLEY JACKSON a/k/a JEAN COOPER a/k/a JEB ANTAWNEEYO and d/b/a I. JEAN COOPER PRIVATE SCHOOL, HOLY GRAIL ACADEMY, PJ CHRISTIAN ACADEMY, BILLY BUSH ACADEMY, EMMA JEAN BILLY BUSH ACADEMY, TRUEWAY ACADEMY, HONEY GROVE HIGH SCHOOL, SEATTLE GRACE SCHOOL OF ARTS, COOPER CONNER HIGH SCHOOL, and Z. TOLLIVER INDEPENDENT SCHOOL; I. JEAN GROUP, INC. d/b/a I. JEAN COOPER HIGH SCHOOL, I. JEAN COOPER PRIVATE SCHOOL, HOLY GRAIL ACADEMY, and PJ CHRISTIAN ACADEMY; KEVIN HAYNES, Individually and d/b/a BILLY BUSH ACADEMY, EMMA JEAN BILLY BUSH ACADEMY, TRUEWAY ACADEMY, and BENNIE F. RANEY HIGH SCHOOL; PEDRA THOMAS, Individually a/k/a DR. PEDRA JACOBS and d/b/a PJ CHRISTIAN ACADEMY, DR. PEDRA JACOBS ACADEMY, and PROMISE ACADEMY; ELIJAH JACOBS, Individually and d/b/a PJ CHRISTIAN ACADEMY, DR. PEDRA JACOBS ACADEMY, and PROMISE ACADEMY; LEILANI LASHA, Individually; MICHAEL MCALISTER, Individually and d/b/a Z. TOLLIVER INDEPENDENT SCHOOL; and JOHN LACKEY, Individually and d/b/a ALGER LEARNING CENTER & INDEPENDENCE HIGH SCHOOL and I. JEAN COOPER PRIVATE

SCHOOL (“Defendants”), and for cause of action would respectfully show the following:

### **DISCOVERY CONTROL PLAN AND CLAIM FOR RELIEF**

1. The discovery in this case is intended to be conducted under Level 2 pursuant to TEX. R. CIV. P. 190.3. This case is not subject to the restrictions of expedited discovery under TEX. R. CIV. P. 169 because the potential relief sought by the State in this action includes non-monetary injunctive relief and the State’s claims for monetary relief include penalties, consumer redress, and attorneys’ fees and costs which are in excess of \$100,000 and could exceed \$1,000,000, and is within the jurisdictional limits of the Court.

### **DEFENDANTS**

2. Defendant Eddie Minnieweather a/k/a Tony Jones a/k/a Finley Jackson a/k/a Jean Cooper a/k/a Jeb Antawneeyo, using a variety of names and aliases has been involved in running a number of diploma mills in the Dallas area including I. Jean Cooper Private School, Holy Grail Academy, PJ Christian Academy, Billy Bush Academy, Emma Jean Bill Bush Academy, TrueWay Academy, Honey Grove High School, Seattle Grace School of Arts, Cooper Conner High School, and Z. Tolliver Independent School. **Eddie Minnieweather may be served at 1308 S. Pacific Avenue, Dallas, Texas 75223, 335 W. Louisiana, Dallas, Texas 75224, or wherever he may be found.**

3. Defendant I. Jean Group, Inc. d/b/a I. Jean Cooper High School, I. Jean Cooper Private School, Holy Grail Academy, and PJ Christian Academy is a Texas corporation. **I. Jean Cooper Group, Inc. may be served by serving its registered agent, “Raven,” at 7127 Larkin Dr. Dallas, TX, 75227.**

4. Defendant Kevin Haynes is the operator of the Billy Bush Academy, Emma Jean Billy Bush Academy, TrueWay Academy, and Bennie F. Raney High School branches of I. Jean Cooper. **Kevin Haynes, Individually and d/b/a Billy Bush Academy, Emma Jean Billy Bush Academy, Trueway Academy, and Bennie F. Raney High School may be served at his residence at 1460 Allegro Drive, Dallas, Texas 75241 or wherever he may be found.**

5. Defendant Pedra Thomas a/k/a Dr. Pedra Jacobs operated the Desoto branch of I. Jean Cooper and later operated it as PJ Christian Academy, Dr. Pedra Jacobs Academy, and Promise Academy. **Pedra Jacobs, Individually a/k/a Dr. Pedra Jacobs and d/b/a PJ Christian Academy, Dr. Predra Jacobs Academy, and Promise Academy may be served at her place of business at 901 E. Parkerville Rd. Desoto, Texas 75115, her residence at 1039 Wind Ridge, Duncanville, Texas 75137 or wherever she may be found.**

6. Defendant Elijah Jacobs also operated the Desoto branch of I. Jean Cooper and later operated it as PJ Christian Academy, Dr. Pedra Jacobs Academy, and Promise Academy. **Elijah Jacobs, Individually and d/b/a PJ Christian Academy, Dr. Pedra Jacobs Academy, and Promise Aacdemy may be served at his place of business at 901 E. Parkerville Rd. Desoto, Texas 75115, his residence at 1039 Wind Ridge, Duncanville, Texas 75137 or wherever he may be found.**

7. Defendant Leilani Lasha is the only listed Director of I. Jean Cooper Inc. in its Secretary of State filing and the listed owner of I. Jean Cooper High School in its Assumed Named filing with Dallas County. **Leilani Lasha may be served at her residence of 1308 S. Pacific Ave., Dallas, TX 75223, her place of work at 335 W. Louisiana, Dallas, Texas 75224, or her residence at 3068 S. Nellis Blvd., Las Vegas, Nevada 89121, or wherever she may be found.**

8. Defendant Michael McAlister, Individually and d/b/a Z. Tolliver Independent School was an owner of Z. Tolliver Independent School. **Michael McAlister may be served at his place of business at 3040 N. Buckner Blvd., Suite 105 Dallas, TX 75228 or at his residence at 2200 Bayberry Drive, Mesquite, Texas 75149 or wherever he may be found.**

9. **Defendant John Lackey, Individually and d/b/a Alger Learning Center & Independence High School and I. Jean Cooper Private School may be served at his place of business at 121 Alder Dr., Sedro-Woolley, Washington 98284 or wherever he may be found.**

## **JURISDICTION**

10. This Court has jurisdiction over this action pursuant to the Texas Deceptive Trade Practices - Consumer Protection Act, TEX. BUS. & COM. CODE ANN. § 17.47(b) (“DTPA”).

## **VENUE**

11. Venue of this suit lies in Dallas County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(1) because a substantial part of the events or omissions giving rise to the claim occurred in Dallas County; and pursuant to DTPA § 17.47(b), because Defendants have done business in Dallas County.

## **PUBLIC INTEREST**

12. Plaintiff, State of Texas, has reason to believe that Defendants are engaging in, have engaged in, or are about to engage in, the unlawful acts or practices set forth below, that Defendants have, by means of these unlawful acts and practices, caused damage to or acquired money or property from persons, and that Defendants adversely affect the lawful conduct of trade and commerce, thereby directly or indirectly affecting the people of this State. 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.

13. By this suit the State is seeking an injunction to halt the false and misleading representations by the Defendants and the taking of consumers’ money by misrepresentation. The State is also seeking a judgment against the Defendants for restoration for consumers, appropriate civil penalties, and costs of court.

## **TRADE AND COMMERCE**

14. 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**

15. 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.

## **NOTICE BEFORE SUIT NOT GIVEN**

16. Pursuant to § 17.47(a) of the Deceptive Trade Practices Act, contact has not been made with the Defendants herein to inform Defendants of the unlawful conduct alleged herein, for the reason that the Consumer Protection Division is of the opinion that there is good cause to believe that Defendants would evade service of process or would destroy relevant records if prior contact were made.

## **NATURE OF DEFENDANTS' OPERATION**

17. Defendants have operated a series of diploma mill high schools across north Texas. Defendants used false and misleading statements to lure students to their offered "accredited" diploma program which students were told would gain them admission into community colleges or into the military and could also be used for immigration purposes. Instead, after paying and signing up, students are surprised to find that there is no grading or feedback given. Graduates find that the diploma is not accepted by community colleges, technical colleges, the military, or immigration services.

## **FACTUAL ALLEGATIONS**

18. In recent years, the Dallas-Fort Worth area has seen a large number of high school diploma programs appear in the marketplace only to then quickly disappear. Many of these programs are connected to the same small group of people revolving around Eddie Minniweather. Minniweather advertises through websites, word of mouth, and simple road signs and fliers offering a high school diploma for a low price. The road signs and fliers include a phone number but often do not even include the name of the school but are enough to lure in desperate students. Minniweather uses a string of different temporary phone numbers and uses short term leases and sub-leases of office space

for these schools. By the time word has spread in the Dallas community that a particular diploma program is worthless, Minnieweather has closed the location and opened up somewhere else in the metroplex under a new name. Partnering with the individuals named herein and using a number of false names, Minnieweather has operated more than twelve of these businesses in the past seven years, ten of which are listed under his name in this action.

19. Most of these diploma mills established by Minnieweather and his partners provided no classroom instruction and no legitimate textbooks or reference materials. In the end, consumers paid money to Defendants for a worthless piece of paper which provides none of the benefits of a legitimate high school diploma.

20. It is not known at this time how many total victims paid money to Defendants' operations. Consumer affiants report attending large graduations, some of which included a couple hundred graduating students. Thus it is reasonable to infer that with Defendants using a number of different school names and locations around Dallas-Fort Worth, there are likely thousands of victims of this operation. The Dallas Independent School District alone has had at least 954 students transfer from DISD schools to Defendants' schools. The largest of these operations appears to have been the storefront on Buckner Boulevard known as I. Jean Cooper.

21. "I. Jean Cooper" also operating as "I. Jean Cooper High School" and "I. Jean Cooper Private High School" distributed fliers across the Dallas area advertising high school diplomas for a one-time fee. The claims on the fliers included that the diploma was "College Accepted," that the school was "Accredited" and that "No TAKS / TAAS required to graduate!" [Exhibit A]. I. Jean Cooper's website claimed that they were a "nationally and fully accredited private school," that the "services are 100% guaranteed," and that "76% of our students go on to college." [Exhibit A]. The website also claimed that "Our diploma is accepted by major Universities and 2 Year colleges throughout the United States" and that its program included "class instructions." The website further made claims about the

school's staff stating "The staff of I. Jean Cooper Private School has been working with students nationally and around the world for several years . . . [.]".

22. The Better Business Bureau ("BBB") exchanged correspondence in 2013 with "Finley Jackson" from I. Jean Cooper challenging their claims. [Exhibit A]. I. Jean Cooper agreed to drop their unfounded "76%" claim but continued to claim accreditation with a "National Accreditation Agency." To find out more, the Better Business Bureau then enrolled one of its employees into I. Jean Cooper's program.

23. The Better Business Bureau's secret shopper visit with the school began in July 2013 with a phone call to the phone number from the I. Jean Cooper website. [Exhibit B]. The BBB employee, James Asa, left a voicemail. Asa also called and left a voicemail with the phone number from one of the fliers advertising high school diplomas that the BBB had collected. This flier did not provide the name of the school, but the voicemail for the number stated that it was "Holy Grail Academy." The same individual, the school's receptionist, called Asa back from both phone numbers which indicates that I. Jean Cooper Private School and Holy Grail Academy were the same operation.

24. Asa then visited the school at its Buckner Boulevard location in Dallas. The same receptionist told Asa that the school was a "homeschool" and that the diploma would get him into college. She told him that it was an 8 week program and that he was to come each Saturday and drop off his completed homework packet and pick up the next packet. The tuition charged to him was \$89 and payment was accepted only in cash. After payment, Asa was provided two homework packets that appeared to have been photocopied from a GED prep book.

25. Each week Asa or one of his coworkers at the Better Business Bureau turned in the homework to the school, but Asa received no grades or feedback. The BBB began to intentionally try to fail the homework assignments. However, each Saturday Asa was told that his packets were fine. Another student frustrated with the lack of feedback also tried this method of intentionally failing an

assignment, but he was also told that he was doing well and “got a 100.” [Exhibit C]. Under Texas law, an entity that “offers a diploma for a fee with little or no coursework” constitutes a “diploma mill.” 37 Tex. Admin. Code §211.1(a)(19).

26. Although a sign on the school’s window said that “certified teachers will administer the test,” Asa had no interactions with teachers. Asa “graduated” from the program in the fall of 2013 and was provided a diploma and a transcript which are attached to his affidavit. The transcript shows courses that he did not take and grades that he did not receive.

27. The investigation by the Office of the Attorney General found that, unfortunately, this reflected the common experience by consumers who were given false promises of what Defendants’ diplomas could do for them, only for these students to find that the program was not what they thought it would be. Some of these students learn about the schools from those fliers noted previously which the schools place around the Dallas-Fort Worth area. Others hear about the schools by word of mouth. I. Jean Cooper Private School told prospective students that the program would allow students lacking a high school diploma to be admitted into community college. [Exhibit D]. The school told students that their program was better than merely getting a GED because they can “do more with it.” [Exhibit E]. Prospective students were given a handout that claimed “Most of our students go on to college.” [Exhibit G]. However, when the students used Defendants’ diplomas and transcripts to apply to area community colleges such as Richland College and Brookhaven College or trade schools such as PCI and Remington, their applications were rejected. [Exhibit J]. Other students never had the opportunity to try to use their I. Jean Cooper transcript for admission after the school suddenly closed following negative local press attention. [Exhibit G].

28. These students paid between \$139 and \$429 in tuition and fees for the program. [Exhibit G]. They signed up expecting that they would receive the benefits of a school environment including teachers, tests on the material, and feedback with grades, but none of this happened. Instead, at the end

of the program, the students were provided a useless diploma. The transcript that the students were provided does not match the work that they did, shows courses that they did not take, and shows years that the student was not enrolled there. [Exhibit E].

29. All of the students were told that the program is 8 weeks regardless of the fact that some of the consumer affiants dropped out of high school after their freshmen year and others after their junior year. Students expected that the purpose of the program is to complete what their transcript is lacking from their previous high school so that they can graduate. Some were specifically told that I. Jean Cooper would contact their previous high school to get their transcript. [Exhibit G]. Instead, the school never inquires as to what credits the student needs nor does it tailor the assignments towards those needs. The school merely passes out the same printouts to all of the students. [Exhibit H].

30. In addition to the furtherance of their career, some students seek education opportunities in part to satisfy immigration requirements. I. Jean Cooper Private School told students that their “accredited diploma” could be used for Deferred Action for Childhood Arrivals (DACA). One student requested supporting documentation from the school for her to provide to immigration officials. I. Jean Cooper gave her a letter signed by John Lackey from an “Alger Learning Center & Independence High School” claiming I. Jean Cooper was a satellite campus of their Washington State school operating out of “the Dallas and Desoto, Texas areas.” [Exhibit E]. However, students have found that the I. Jean Cooper diploma is not useful for immigration purposes and that despite the school’s representations is actually rejected by the Department of Homeland Security. [Exhibit I].

31. Prior to the operation of I Jean Cooper, Defendants Eddie Minneweather and Michael McAlister operated as Z. Tolliver Independent School on Walter Walker Boulevard in Dallas. In spite of representations to the contrary, Z. Tolliver was also not a program tailored to the students’ needs or to the remaining credits that they needed from their previous high school. While the program operated differently in some respects in that, unlike I. Jean Cooper, it did have classes and teachers, it operated

like I. Jean Cooper in most respects including the lack of feedback and grades for students. This operation “graduated” at least hundreds of students as well. [Exhibit K].

32. Defendants also operated this scheme under the name of Billy Bush Academy which was on Samuel Boulevard in Dallas. Billy Bush Academy also operated as “Emma Jean Billy Bush Academy” and shared its graduation ceremony with I. Jean Cooper. [Exhibit L]. Students at Billy Bush were also promised that the program was “accredited” and that their diploma would enable them to get into college or a university. Like I. Jean Cooper, the program required students to pick up packets of homework to take home once a week, but the students received no grades or feedback. Despite the promises, the transcript was rejected by El Centro College, Texas Southern University, and Sam Houston University because the school is in fact not accredited. [Exhibit L]. Like I. Jean Cooper, Billy Bush also gave the students false transcripts with incorrect information. Their graduation ceremony graduated hundreds of students. [Exhibit L]. A graduate of Billy Bush Academy has found that the illegitimacy of their program has left her ineligible for federal financial aid for college. She has interest in joining the Air Force but has learned that she will have to get a G.E.D. or a diploma from another institution in order to be eligible. [Exhibit L]. The scheme and the graphics of the diploma itself are the same as I. Jean Cooper.

### ***The responsible actors***

33. Students who returned to these schools to complain were given little information, and receptionists at the school refused to give them the whole names of school administrators. [Exhibit E]. Nonetheless, the State has been able to determine the identity of most of the individuals behind this scheme. The man operating I. Jean Cooper was known by students as “Finley Jackson.” [Exhibit B]. The video of the September 2013 I. Jean Cooper graduation featuring this man known as Finley Jackson was provided under a business records affidavit by the church where it was held. A printout of a still from this video is attached. [Exhibit M]. This church, Concord Baptist, contracted with I. Jean Cooper

to hold a graduation there with a “Jeb Antawneeeyo.” [Exhibit N]. Another church where these schools held graduations was Gospel Tabernacle. Personnel at this church have identified the man from Exhibit M as “Jeb Antawneeeyo.” He came to their church seeking graduation space for I. Jean Cooper, Billy Bush Academy, and two other schools called “Honey Grove High School” and “Seattle Grace School of Arts.” Operating as Jeb Antawneeeyo, he contracted with the newspaper El Hispano for advertising for I. Jean Cooper. [Exhibit O].

34. One I. Jean Cooper student identifies this same picture as the man operating the school who called himself “Jean.” [Exhibit E]. The former landlord for Z. Tolliver identifies this picture as “Tony Jones”, the operator of Z. Tolliver. Also identifying this picture as Tony Jones is his former partner with whom he ran a diploma mill called Dallas Learning Academy which was an earlier incarnation of the scheme that would result in I. Jean Cooper. [Exhibit P]. We now know that this man who defrauded students under these various names, Tony Jones, Finley Jackson, and Jeb Antawneeeyo, is in fact the elusive Eddie James Minnieweather.

35. Minnieweather’s partners in these schemes include Defendant Michael McAlister, who is the individual who filed the Assumed Name Record with Dallas County for Z. Tolliver Independent School listing himself as the owner. Phone numbers which were used to advertise Z. Tolliver were phone numbers which belonged to Michael McAlister. Mr. McAlister was the signee of the lease for their former location on Walton Walker Boulevard. [Exhibit Q].

36. Using the name Tony Jones, Minnieweather operated yet another diploma mill, Cooper Connor High School, along with his daughter Leilani Lasha. Minnieweather and Lasha rented space for this school in 2011 at 4950 W. Illinois Avenue in Dallas.

37. Eddie Minnieweather then partnered with Defendant Kevin Haynes, who is the operator of the Billy Bush, Emma Jean Billy Bush Academy, TrueWay Academy, and Bennie F. Raney High School branches of I. Jean Cooper. Kevin Haynes leased the office space used by Billy Bush Academy

or “Emma Jean Billy Bush Academy.” At the time of signing that lease, Mr. Haynes was apparently also calling the operation “TrueWay Academy.” [Exhibit R]. This is the same timeframe and address that the attached affiant reports as being the place she attended Billy Bush Academy. [Exhibit L]. Yet another diploma mill advertises itself on Facebook as Bennie F. Raney High School in Fort Worth. [Exhibit S]. Kevin Haynes is the signee for the Bennie F. Raney office lease. [Exhibit T].

38. In addition to the Buckner Boulevard location previously discussed, the I. Jean Cooper website listed a second location for the school at 901 E. Parkerville Rd. Desoto, Texas 75115 [Exhibit U]. In its contract with Concord Baptist Church for holding its September 2013 graduation at the church, I. Jean Cooper listed this 901 E. Parkerville Rd. address as its location. [Exhibit N]. This I. Jean Cooper website has a F.A.Q. page which makes several false claims. In addition to claiming that “76% of our students go on to college” the F.A.Q. page also states that “No, our diploma has never been rejected by any colleges.” This same F.A.Q. page with the same questions and answers written word for word is found on the website of PJ Christian Academy. [Exhibit V]. On some places on the page the school calls itself I. Jean Cooper and on other places calls itself PJCA.

39. There are no Secretary of State Filings or Assumed Name Filings for “PJ Christian Academy.” Defendant Elijah Jacobs registered the domain for PJChristianAcademy.com. [Exhibit V]. His wife, Defendant Pedra Thomas a/k/a Dr. Pedra Jacobs filed the Assumed Name Certificate in Dallas County for Dr. Pedra Jacobs Academy. Eli Jacobs filed the Assumed Name Certificate in Dallas County for Promise Academy. Both entities filed their address as 901 E. Parkerville Rd. in Desoto. This is the location listed on PJChristianAcademy.com and the Desoto location listed on IJeanCooper.com.

40. Defendant John Lackey operates a private high school in Washington State, “Alger Learning Center & Independence High School.” As discussed in paragraph 30, he is the individual who identified himself in the letter provided to I. Jean Cooper students as the legitimizing force behind I. Jean

Cooper, claiming that I. Jean Cooper Private School is its “umbrella” school operating in the Dallas and Desoto areas. However, in Texas, non-public schools must offer “curriculum, staffing, and instruction [that are] sufficiently comparable to those of a public school” to achieve legitimate accreditation.<sup>1</sup> Since none of these programs offer instruction or courses of any kind, they do not remotely qualify for legitimate accreditation in Texas. Thus, no legitimate organization would associate itself with I. Jean Cooper and its offspring.

***Why no one accepts Defendants’ diplomas***

41. Either according to statute or according to policy manuals, universities, community colleges, and the military do not accept Defendants’ diplomas. The armed forces cannot accept these diplomas because they do not result from a student undertaking a course of study. [Exhibit F]. For example, the Billy Bush Academy student discussed in paragraph 32, would not be able to use her diploma for admission into the Air Force because of their requirement for completion of a course of study. See, e.g., Air Force Recruiting Manual Section 2.12.5. (specifying that students not attending a traditional high school can theoretically be “Alternate High School Credential Holders,” but this requires completion of a “course of study”).

42. Universities and community colleges do not accept Defendants’ diplomas either. Community colleges do not base admission decisions on the presentation of a diploma. They accept students for college-level courses after making students take the legislatively-mandated Texas Success Initiative standardized test (“TSI Test”), which is used throughout Texas, including at universities also. See Tex. Educ. Code § 51.3062(b) (“[all] institution[s] of higher education shall assess the academic skills of each entering undergraduate student [with the TSI Test]”). Further, the Dallas County Community College District is an open enrollment district meaning that any resident of the county is

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<sup>1</sup> Texas Private School Accreditation Commission (“TEPSAC”) Policy Book at 2 (TEPSAC’s policy precludes accreditation of non-public schools if the “curriculum, staffing, and instruction” are not “sufficiently comparable to those of a public school.”).

eligible for admission at some level of schooling within the District merely by showing residency. [Exhibit F]. Community College applicants are thus better off applying to community college immediately and taking remedial courses rather than wasting time on a worthless diploma.

43. As for 4-year public colleges and universities in Texas, Defendants' diploma programs do not meet statutory minimum standards for admission. For a private school graduate to be eligible for rank-based automatic admission programs, the applicant must supply a transcript or diploma from a high school that has been "accredited by the Texas Private School Accreditation Commission or other accrediting organizations recognized by the Texas Education Agency." 19 Tex. Admin. Code § 5.5(c)(2)(A), see also Tex. Educ. Code § 51.803(a)(1) (applicant must have "graduated from a public or private high school in this state accredited by a generally recognized accrediting organization"). Defendants' schools are not accredited by any organization recognized by the Texas Education Agency. See <http://www.tepsac.org/#!/agencies> (list of the 15 approved accreditors in Texas). Thus, rank-based automatic admission is unavailable to students holding diplomas from Defendants' schools.

44. Alternatively, for a high school graduate to apply for general admission, called "other admissions," the applicant must have completed a curriculum equivalent in content and rigor to the "recommended" or "advanced" high school program, as specified in § 28.025, Texas Education Code. Tex. Educ. Code § 51.805(a)(1) (detailing general admission requirements and explaining that, in the alternative, an applicant could apply simply if he has received the minimum SAT or ACT score); see also 19 Texas Administrative Code §74.63 (Recommended High School Program requirements) and §74.64 (Advanced High School Program requirements). Here, Defendants do not teach their students, thus no "curriculum," regardless of rigor, even exists. Thus possessing a diploma from Defendants' schools has no relevance in the university application process.

### **DTPA VIOLATIONS**

45. Defendants, as alleged above, have in the course of trade and commerce engaged in false,

misleading and deceptive acts and practices declared unlawful, in sections 17.46(a) and (b) of the DTPA as follows:

- a. Passing off services as those of another by using false names, in violation of DTPA §17.46(b)(1);
- b. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services in violation of DTPA §17.46(b)(2);
- c. Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another, in violation of DTPA, § 17.46(b)(3);
- d. Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have, or that a person has a sponsorship, approval, status, affiliation, or connection which he does not have, in violation of DTPA, § 17.46(b)(5);
- e. Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another, in violation of the DTPA, § 17.46(b)(7);
- f. Advertising goods or services with intent not to sell them as advertised, in violation of the DTPA, § 17.46(b)(9);
- g. Failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction which the consumer would not have entered had the information been disclosed, in violation of the DTPA, § 17.46(b)(24).

#### **ASSUMED BUSINESS OR PROFESSIONAL NAME ACT VIOLATIONS**

46. Defendants have violated the Assumed Business or Professional Name Act, Tex. Bus. & Com. Code §§ 71.001–71.203, by conducting business in Dallas County, Texas, without filing an

assumed name certificate for an entity in the office of the county clerk for the following entities: “Holy Grail Academy,” “Billy Bush Academy,” “Emma Jean Billy Bush Academy,” “TrueWay Academy,” “Honey Grove High School,” “Seattle Grace School of Arts,” “Cooper Conner High School,” and “PJ Christian Academy.”

### **INJURY TO CONSUMERS AND STATE**

47. Defendants have, by means of the unlawful acts and practices alleged, acquired money from identifiable persons to whom such money should be restored.

48. Because Defendants have engaged in the unlawful acts and practices described above, Defendants have violated the law as alleged in this petition and will continue to violate the law. Unless restrained by this Honorable Court, Defendants will continue to violate the laws of the State of Texas.<sup>2</sup>

### **DISGORGEMENT**

49. Defendants’ assets are subject to the equitable remedy of disgorgement, which is the forced relinquishment of all benefits that would be unjust for Defendants to retain, including all ill-gotten gains and benefits or profits that result from Defendants putting fraudulently converted property to a profitable use. Defendants should be ordered to disgorge all monies fraudulently taken from individuals. Such disgorgement should be for the benefit of victimized consumers and the State of Texas.

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<sup>2</sup> When the State seeks injunctive relief pursuant to an authorized statute [e.g. DTPA §17.47(a)], the Texas Supreme Court has held that the State does not have to prove immediate and irreparable injury. Nor does the Court have to balance equities when the State litigates in the public’s interest. When a statute is being violated, it is within the province and duty of the trial court to restrain it. *State v. Texas Pet Foods*, 591 SW2d 800 (Tex. 1979). The State has a relaxed burden because it acts in the public interest. When the State brings an action in the public interest and on behalf of consumers, harm is presumed. *United States v. Odessa Union Warehouse*, 833 F2d 172 (9<sup>th</sup> Cir. 1987), *Shafer v. United States*, 229 F2d 124 (4<sup>th</sup> Cir) Cert. Den. 351 US 931 (1956). The statute’s express language supercedes the common law injunctive relief elements such as imminent harm or irreparable injury and lack of an adequate remedy at law ... [The State] need only demonstrate to the court its reason to believe that (1) any person is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by the DTPA, and (2) that the proceedings would be in the public interest. *West v. State*, 212 SW3d 513 (Tex.App.- Austin, 2006, no pet.). The state is likewise not required to prove the likelihood of future violations nor is required to show probable injury. *Ibid at 515*. Injunctive relief may be granted to the State upon a showing of only a violation of a statute. *Gulf Holding Corp. v. Brazoria County*, 497 S.W.2d 614 at 619 (Tex. Civ. App.- -Houston [14<sup>th</sup>] 1973, writ ref’d n.r.e.).

## PRAYER

50. WHEREFORE, Plaintiff prays that Defendants be cited according to law to appear and answer herein; that after due notice and hearing a TEMPORARY INJUNCTION be issued; that this matter be set for trial; and upon final hearing a PERMANENT INJUNCTION be issued, restraining and enjoining Defendants, their agents, employees, and representatives and any other person in active concert or participation with Defendants who receives actual notice of the injunction by personal service or otherwise, from the following acts and practices:

- A. Causing confusion or misunderstanding as to the certification of goods and services by stating or implying that that Defendants' diploma program is accredited;
- B. Representing that goods or services have approval, characteristics, uses, or benefits which they do not have by representing that Defendants' diplomas are accepted by colleges, universities, the military, or immigration officials;
- C. Representing that goods or services have approval, characteristics, uses, or benefits which they do not have by representing that Defendants' programs are the equivalent of an accredited high school diploma or GED;
- D. Representing that goods or services have approval, characteristics, uses, or benefits which they do not have by representing that Defendants are a home-school or the equivalent of a home-school;
- E. Representing that goods or services have approval, characteristics, uses, or benefits which they do not have by representing that Defendants' products are the equivalent of a high school education;
- F. Falsely representing that Defendants' program includes class instruction;
- G. Failing to disclose that Defendants programs do not include any grading or feedback from teachers;

- H. Representing on transcripts or in correspondence that students have taken classes that they have not taken or attended for dates during which they did not attend;
  - I. Representing that goods or services are of a particular standard by representing that Defendants' programs are individualized or based on a student's particular needs when they are not in fact individually tailored programs;
  - J. Failing to disclose that the lack of accreditation of Defendants' programs will leave graduates ineligible for federal financial aid in post-secondary education;
  - K. Passing off services as those of another by using false names;
  - L. Violating the Assumed Business or Professional Name Act by failing to file an assumed name certificate for an entity in the office of the county clerk;
  - M. Operating any business that provides or advertises any educational services, including diplomas or degrees and online educational programs without further order of this Court.
51. The State respectfully further prays that the Court will:
- A. Grant Judgment against the Defendants, jointly and severally, and order the Defendants to pay to the State civil penalties of up to \$20,000 for each and every violation of the DTPA and a civil penalty of up to \$250,000 per violation of the DTPA calculated to acquire money from a consumer who was 65 years or older pursuant to 17.47(c) of the Texas Business and Commerce Code;
  - B. Grant a Judgment against the Defendants, jointly and severally, and order the 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;
  - C. Order the disgorgement of Defendants' assets, as provided by law;
  - D. Order that Defendants be adjudged pre-judgment and post-judgment interest at the highest lawful rate;

- E. Order that all fines, penalties or forfeitures payable to and for the benefit of the State are not dischargeable under bankruptcy pursuant to 11 U.S.C. § 523(a)(7); and
- F. Grant a Judgment against the Defendants and order the Defendants to pay the State attorneys' fees and costs of Court as provided by the laws of the State of Texas, including but not limited to, TEX. GOV. CODE ANN. §402.006(c);

52. The State prays that all relief be denied Defendants and that the State receives such other and further relief to which it is justly entitled.

Respectfully submitted,

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THE STATE OF TEXAS

## VERIFICATION

In support of the foregoing Plaintiff's Original Petition for Civil Penalties and Injunctive Relief, attached are the following affidavits and exhibits, which are hereby incorporated by reference:

- EXHIBIT A Affidavit of David Beasley (Better Business Bureau)
- EXHIBIT B Affidavit of James Asa (Better Business Bureau)
- EXHIBIT C Affidavit of Alondra Zavala (Consumer – I. Jean Cooper Private School Student)
- EXHIBIT D Affidavit of Griselda Perez (Consumer – I. Jean Cooper Private School Student)
- EXHIBIT E Affidavit of Alejandra Garcia (Consumer – I. Jean Cooper Private School Student)
- EXHIBIT F Affidavit of Kelle Slaughter (Office of the Attorney General Investigator – high school diploma requirements)
- EXHIBIT G Affidavit of Elisa Robles (Consumer – I. Jean Cooper Private School Student)
- EXHIBIT H Affidavit of Juan Carlos Triana (Consumer – I. Jean Cooper Private School Student)
- EXHIBIT I Affidavit of Yesica Romero (Consumer – I. Jean Cooper Private School Student)
- EXHIBIT J Affidavit of Ashley Nunez (Consumer – I. Jean Cooper Private School Student)
- EXHIBIT K Affidavit of Rae'nesa Beauchamp (Consumer – Z. Tolliver Private School)
- EXHIBIT L Affidavit of Leeann Gholston (Consumer – Billy Bush Academy)
- EXHIBIT M Affidavit of Kelle Slaughter (Affidavit on still photo from graduation video)
- EXHIBIT N Affidavit of Terrence Chavis (Business Records Affidavit of Concord Baptist Church)
- EXHIBIT O Affidavit of Rodolfo Bustillos (Business Records Affidavit of El Hispano)
- EXHIBIT P Sworn Statement excerpts of Josephat Onyema taken January 14, 2015
- EXHIBIT Q Affidavit of Jan Echard (Business Records Affidavit of Z. Tolliver's former landlord)
- EXHIBIT R Affidavit of Kimberly Moore (Business Records Affidavit of Billy Bush Academy's former landlord)
- EXHIBIT S Affidavit of Kelle Slaughter (Bennie F. Raney High School Facebook page)

EXHIBIT T Affidavit of Gladys Gutierrez (Business Records Affidavit of Bennie F. Raney's former landlord)

EXHIBIT U Affidavit of Kelle Slaughter (Capture of [www.iJeancooperprivateschool.com](http://www.iJeancooperprivateschool.com))

EXHIBIT V Affidavit of Kelle Slaughter (Capture of and domain registration for [www.pjchristianacademy.com](http://www.pjchristianacademy.com))