

CAUSE NO. C2004649

FILED FOR RECORD
HOOD COUNTY, TEXAS

2005 AUG 15 PM 3:12

IN THE DISTRICT COURT OF

Jana Trumble

HOOD COUNTY DISTRICT CLERK

HOOD COUNTY, TEXAS

THE STATE OF TEXAS,
Plaintiff,

v.

CARLOS CARVAJAL,
Defendant.

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355th JUDICIAL DISTRICT

PERMANENT INJUNCTION AND FINAL JUDGMENT

On July 25, 2005, this case was called for trial. The STATE OF TEXAS, Plaintiff, acting by and through its Assistant Attorneys General appeared and Defendant CARLOS CARVAJAL appeared in person and through his attorney and announced ready for trial. A jury having been previously demanded by Defendant, was duly empaneled, consisting of twelve (12) good and lawful jurors, and the case proceeded to trial.

The Court submitted the case to the jury on special questions. The charge of the Court, including the special questions, and the verdict of the jury, are incorporated herein for all purposes by reference. It appearing to the Court that the verdict of the jury was for the Plaintiff, State of Texas, and against Defendant, CARLOS CARVAJAL, judgment should be rendered upon the verdict in favor of the Plaintiff and against Defendant.

The jury made the following findings:

- i. That Carlos Carvajal accepted compensation to prepare documents for or otherwise represented the interest of another in a proceeding relating to immigration to the United States, United States citizenship, or related matters;
- ii. That Carlos Carvajal gave advice or rendered a service requiring the use of legal

skill and knowledge in interviewing persons and advised them as to whether or not to file a petition or application with the U.S. Citizenship and Immigration Service, formerly known as the Immigration and Naturalization Service, to secure a benefit for the consumer or relative of the consumer;

- iii. That Carlos Carvajal engaged in false, misleading, or deceptive acts or practices in the conduct of trade or commerce;
- iv. That the sum of money necessary to restore money taken from identifiable persons by means of unlawful acts or practices committed by Carlos Carvajal is \$ 21,650;
- v. That the total amount of money assessed against Carlos Carvajal as a civil penalty for false, misleading, or deceptive acts or practices committed by Carlos Carvajal is \$ 500,000; and,
- vi. That a reasonable fee for the necessary services of the State's attorneys in this case for investigation, preparation and trial is \$ 45,000.

It is, therefore, RENDERED, ORDERED, ADJUDGED and DECREED by the Court that Plaintiff, the State of Texas have and recover from Defendant, CARLOS CARVAJAL the sum of \$ 21,650 for restitution; the sum of \$ 500,000 for penalties; the sum of \$ 45,000 for attorneys' fees; and, all taxable costs of the Court.

Based upon the jury's findings in the proceeding paragraphs above, the Court has reason to issue a permanent injunction as set out below. The Court finds that Defendant CARLOS CARVAJAL has caused injuries described in the proceeding paragraphs. The Court also finds

that those injuries are irreparable.

The Court FINDS that unless Defendant CARLOS CARVAJAL is immediately restrained from the acts prohibited below, Defendant will continue to commit the acts described in paragraph above, and Defendant will continue to use false, misleading, or deceptive trade practices in advertising and providing immigration services.

INJUNCTION

IT IS THEREFORE ORDERED that Defendant CARLOS CARVAJAL, his officers, agents, servants, spouse, relatives, employees, attorneys and any other persons in active concert or participation with him, who receive actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other devise, shall be restrained from engaging in the following acts or practices:

1. Giving, providing, or offering advice and counsel to any person regarding United States immigration laws, rights, privileges, or documents, until such time as Defendant either becomes a licensed attorney, or is accredited by the United States Board of Immigration Appeals pursuant to 8 C.F.R. § 292;

2. Representing to any person, expressly or by implication, that Defendant can or will 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 any other *immigration related matter (including alien temporary or permanent employment or travel)*, until Defendant is able to fully comply with the requisites of 8 C.F.R. § 292 by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the United States Board of Immigration Appeals;

3. Selecting or preparing immigration forms, applications, or legal documents of any type to be completed or filed on behalf of persons seeking to legalize their residency status or to obtain lawful employment in the United States, until such time as Defendant obtains the certification, license, or other qualifications required for such activity pursuant to 8 C.F.R. § 292;

4. Advising persons, expressly or by implication, of the type of form, application or document needed in any type of proceeding relating to immigration to the United States, United States citizenship, employment in the United States, or any other matter relating to the needs of alien residents or non-residents;

5. Giving persons advice and counsel regarding their rights under the immigration laws of the United States or any other sort of legal matter, until such time as Defendant obtains the certification, license, or other qualifications required for such activity pursuant to 8 C.F.R. § 292;

6. Soliciting, collecting, or accepting fees or compensation of any type, for providing any type of immigration or legal services to consumers, until such time as Defendant obtains the accreditation, license, or other qualifications required for such, pursuant to 8 C.F.R. § 292;

7. Stating or implying that Defendant is an attorney licensed to practice law in this State or that Defendant has an attorney on staff to assist him with immigration related matters;

8. Stating or implying that Defendant was a federal immigration judge;

9. Soliciting or accepting compensation of any type to obtain relief of any kind on behalf of another from any officer, agency, or employee of this state or the United States;

The Clerk of the above-entitled Court shall forthwith issue a permanent injunction in conformity with the law and the terms of this Order. This Order shall be effective without the

execution and filing of a bond as Plaintiff, State of Texas is exempt from such bond under TEX. BUS. & COM. CODE ANN. §17.47(b) and TEX. CIV. PRAC. & REM. CODE § 6.001.

Any and all payments made pursuant to this Judgment shall be made by cashier's check or money order, made payable to the STATE OF TEXAS, and mailed to the attention of Deanya T. Kueckelhan, Assistant Attorney General, Consumer Protection and Public Health Division, Dallas Regional Office, 1600 Pacific Ave., Ste 1700, Dallas, Texas 75201, referencing AG NO. 042016642.

The clerk of the Court is authorized to issue such writs of execution or other process necessary to collect and enforce this Judgment.

The Court retains jurisdiction to enforce this Judgment.

It is agreed and understood that this Judgment shall in no way affect the rights of individual citizens.

All other relief not expressly granted herein is denied.

SIGNED this 15 day of August, 2005 at 3:07 o'clock, Pm.



JUDGE PRESIDING