

STATE OF TEXAS,  
Plaintiff,

vs.

ENRIQUETA LOZANO, A/K/A,  
ENRIQUETA RAMIREZ, A/K/A,  
ENRIQUITA LOZANO CHAVEZ  
AZTECA ORGANIZATION,  
AZTECA & VALENTINOS,  
Defendant,

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IN THE DISTRICT COURT

TARRANT COUNTY, T E X A S

348<sup>th</sup> JUDICIAL DISTRICT

**PERMANENT INJUNCTION AND FINAL ORDER**

The STATE OF TEXAS, Plaintiff, acting by and through its Attonrey General Greg Abbott, has brought this suit for injunctive relief, civil penalties, and restitution against Defendant ENRIQUETA LOZANO, A/K/A ENRIQUETA RAMIREZ, A/K/A ENRIQUITA LOZANO CHAVEZ, d/b/a VALENTINOS, AZTECA ORGANIZATION, AZTECA & VALENTINOS (hereinafter "Defendant") under the Texas Deceptive Trade Practices - Consumer Protection Act ("D.T.P.A."), TEX.BUS&COM.CODE §§ 17.41 *et seq.*

The State of Texas, Plaintiff appeared by and through Assistant Attorney General J. Michael Leija and announced ready.

Defendant ENRIQUETA LOZANO, A/K/A ENRIQUETA RAMIREZ, A/K/A ENRIQUITA LOZANO CHAVEZ, d/b/a VALENTINOS,, AZTECA ORGANIZATION, AZTECA & VALENTINOS, although duly cited <sup>and given notice of the trial, (en)</sup> failed to appear.

The Court having considered the pleadings and hearing the evidence finds that the requirements of the Texas Deceptive Trade Practices-Consumer Protection Act (“D.T.P.A.”), TEX.BUS&COM.CODE Section 17.41 *et seq.*, have been met and renders this Permanent Injunction and Final Judgment.

### **I. VIOLATIONS OF THE TEXAS DTPA**

The Court FINDS that Defendant has violated §§17.46(a) and (b) of the Deceptive Trade Practices-Consumer Protection Act, TEX. BUS. & COM. CODE ANN §17.41 *et. seq.*

Defendant, in the course and conduct of trade and commerce, has directly and indirectly engaged in false, misleading and deceptive acts and practices declared to be unlawful by the DTPA, specifically:

The Court FINDS that Defendant has caused confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, in violation of § 17.46(b)(2), by representing that Defendant’s services possess the certification or qualifications necessary to counsel persons regarding their rights under U.S. immigration laws or to represent them in immigration matters when Defendant does not have such qualification or certification;

The Court FINDS that Defendant has caused confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another, in violation of § 17.46(b)(3), by representing that Defendant possesses the certification or qualifications necessary to counsel persons regarding their rights under U.S. immigration laws or to represent them in immigration matters when Defendant does not have such qualification or certification;

The Court FINDS that Defendant has represented 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 § 17.46(b)(5), by representing that Defendant's and her services possess a sponsorship, approval, status, affiliation or connection which they do not;

The Court FINDS that Defendant has represented that her services are of a particular standard, quality, or grade if they are of another, in violation of §17.46(b)(7), by leading consumers to believe that Defendant is qualified as an expert in immigration services;

The Court FINDS that the, Defendant had engaged in the unauthorized practice of law and has caused irreparable injury, loss, or damage to persons who received her unqualified legal services and/or advice in immigration matters.

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

A. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing or allowing the transfer, removal, or withdrawal from any financial institution or 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 the possession or custody of, standing in the name of, or claimed by Defendant without further order of this court;

B. Opening or causing to be opened any safe deposit boxes or storage facilities titled in the name of Defendant, or subject to access or control by Defendant, without providing Plaintiff and the Court

prior notice by motion seeking such access;

C. Giving, providing, or offering advice and counsel to any person regarding U.S. immigration laws, rights, privileges, or documents, until such time as Defendant either becomes a licensed attorney, *a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;* (b)(7)

D. 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, U.S. citizenship, or any other immigration related matter (including alien temporary or permanent employment or travel), until Defendant becomes a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;

E. 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 to provide immigration services;

F. 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 U.S., U.S. Citizenship, employment in the U.S., or any other matter relating to the needs of alien residents or non-residents; until such time as Defendant obtains the accreditation, license, or other qualifications required to provide immigration services;

G. 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 to provide immigration services;

H Advertising immigration related services of any kind via the internet, radio, TV, electronic broadcast or print (i.e. newspapers, magazines, pamphlets, fliers, etc.) until Defendant has met the qualifications required to provide immigration services.

**IT IS FURTHER ORDERED** that any financial or brokerage institution, escrow agent, title company, storage facility, commodity trading company, business entity or person maintaining or having custody or control of any account or other asset of Defendant's, which receives actual notice of this Order by personal service or otherwise, shall within <sup>ten (10) (PW)</sup>~~five (5)~~ business days of the date of service of this Order, provide to counsel for the Plaintiff and the defendant/account holder a statement or letter setting forth:

A. The identification of each account or asset titled in the name, individually or jointly, of Defendant, or held on behalf of, or for the benefit of Defendant;

B. The balance of each such account, or a description and estimated value of such assets, as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other assets was remitted; and

C. The identification of any safe deposit box or storage facility that is either titled in the name individually or jointly, of Defendant, or is otherwise subject to access or control by Defendant;

The Clerk of the above Court shall forthwith issue a writ of 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 bonds under TEX. BUS. & COM. CODE ANN. § 17.46(b).

**IT IS FURTHER ORDERED** that Defendant ENRIQUETA LOZANO, A/K/A ENRIQUETA RAMIREZ, A/K/A ENRIQUITA LOZANO CHAVEZ, d/b/a VALENTINOS, AZTECA ORGANIZATION, AZTECA & VALENTINOS shall pay to the State of Texas the amount of \$138,980 in restitution pursuant to D.T.P.A. §17.47(d).

**IT IS FURTHER ORDERED** that Defendant ENRIQUETA LOZANO, A/K/A ENRIQUETA RAMIREZ, A/K/A ENRIQUITA LOZANO CHAVEZ, d/b/a VALENTINOS, AZTECA ORGANIZATION, AZTECA & VALENTINOS shall pay to the State of Texas the amount of \$960,000 in civil penalties pursuant to D.T.P.A. § 17.47 (c)(1)-(2).

**IT IS FURTHER ORDERED** that Defendant ENRIQUETA LOZANO, A/K/A ENRIQUETA RAMIREZ, A/K/A ENRIQUITA LOZANO CHAVEZ, d/b/a VALENTINOS, AZTECA ORGANIZATION, AZTECA & VALENTINOS shall pay to the State of Texas the amount of \$29,520 in reasonable attorneys' fees and reasonable court costs pursuant to TEX.GOV'T CODE § 402.006(c).

**IT IS FURTHER ORDERED** that Defendant ENRIQUETA LOZANO, A/K/A ENRIQUETA RAMIREZ, A/K/A ENRIQUITA LOZANO CHAVEZ, d/b/a VALENTINOS, AZTECA ORGANIZATION, AZTECA & VALENTINOS shall pay reasonable attorneys' fees, court costs, and other costs if it becomes necessary to collect or enforce this Judgment. These expenses will bear *advance or judgment* interest from the date of ~~advance~~ *advance* at five percent (5%) simple interest per annum. Defendant will pay to the State these expenses and interest on demand at the Office of the Attorney General, Consumer

Protection and Public Health Division at 1412 Main St., Suite 810, Dallas Texas 75202. These expenses and interest will become part of the debt evidenced by the Judgment.

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 J. Michael Leija, Assistant Attorney General, Consumer Protection and Public Health Division, Dallas Regional Office 1412 Main St., Suite 810, Dallas Texas 75202 referencing AG NO. 031796725.

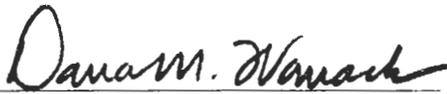
**IT IS FURTHER ORDERED** that this judgment binds Defendant ENRIQUETA LOZANO, and her agents, employees, attorneys, and her officers, agents, servants, employees, attorneys and any other persons in active concert or participation with Defendant, who receive actual notice of this Judgment by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other devise.

The Clerk of this Court shall forthwith issue a writ of Permanent Injunction.

This Judgment shall be effective immediately without the execution and filing of a bond as the State is exempt from such bond under TEX. BUS. & COM. CODE ANN. § 17.46(b) and TEX. CIV. PRAC. & REM. CODE § 6.001.

All other relief not expressly granted herein is denied.

SIGNED this 28<sup>th</sup> day of November, 2005 at 9:48 a.m.

  
District Judge Presiding  
348<sup>th</sup> Judicial District Court