

CAUSE NO. 10,186

THE STATE OF TEXAS,  
Plaintiff

V.

MANUELA (NELLIE) CASTRO ARONCE,  
Individually and d/b/a ARONCE  
CENTER  
and ANNA LUCIA ARONCE MATA,  
Individually and d/b/a ARONCE  
CENTER,  
Defendants

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IN THE DISTRICT COURT OF

PARMER COUNTY, TEXAS

287A JUDICIAL DISTRICT

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

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the STATE OF TEXAS, ("STATE"), Plaintiff, acting by and through its Attorney General GREG ABBOTT and his Consumer Protection and Public Health Division and files this Original Petition, on behalf of the State of Texas, and on behalf of the interest of the general public of the State of Texas, and complains of MANUELA (NELLIE) CASTRO ARONCE, Individually and d/b/a ARONCE CENTER, and ANNA LUCIA ARONCE MATA, Individually, and d/b/a ARONCE CENTER ("DEFENDANTS") and for cause of action would respectfully show the Court as follows:

**I. SUMMARY OF THE CASE**

1.1 Manuela (Nellie) Castro Aronce and Anna Lucia Aronce Mata own and operate an immigration services business in Friona, Parmer County, Texas. They operate their business under the name of "Aronce Center", however their business is not incorporated. These Defendants hold

State's Original Petition for Civil Penalties and Injunctive Relief  
State v. Aronce Center, et al

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DISTRICT CLERK, PARMER COUNTY, TEXAS  
BY *AW* DEPUTY

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themselves out to the public as “Immigration Consultants” and have solicited customers by representing that they have the skill or knowledge necessary to handle immigration cases or problems. The consumers are persons who have sought to obtain immigration visas, permanent residency, or authorization to work in the United States for themselves or their relatives. The Defendants charged their customers fees for their services ranging from \$24.00 to \$2,240.00. Federal law only authorizes attorneys and persons accredited with the Board of Immigration Appeals to charge a fee and provide immigration services to the public. Neither Defendant is an attorney authorized to practice of law nor are they accredited by the Board of Immigration Appeals. Because of such false, misleading and deceptive business activities, the Defendants are charged in this suit with violations of the Texas Deceptive Practices - Consumer Protection Act. By this suit the State seeks a Court ordered injunction to prevent the defendant from engaging further in such false, misleading and deceptive business practices and also seeks appropriate civil penalties, attorney’s fees and costs.

## II. PARTY PLAINTIFF

2.1 The Plaintiff in this suit is the STATE OF TEXAS appearing by and through its Attorney General, Greg Abbott, and under the authority of the Constitution, statutes, and laws of the State of Texas.

## III. PARTY DEFENDANT

3.1 The Defendant MANUELA (NELLIE) CASTRO ARONCE, Individually, does business as, is a principal and owner, and controlling person of ARONCE CENTER. **Defendant MANUELA (NELLIE) CASTRO ARONCE, Individually and d/b/a ARONCE CENTER, may be served with process at her at her place of business at 117 W. 6<sup>th</sup> Street, Friona, Parmer**

County, Texas 79035 or at her residence at 805 W. 6<sup>th</sup> Street, Friona, Parmer County, Texas 79035, or wherever she may be found.

3.2 The Defendant ANNA LUCIA ARONCE MATA, Individually, does business as, is a principal and owner, and controlling person of ARONCE CENTER. **Defendant ANNA LUCIA ARONCE MATA, Individually and d/b/a ARONCE CENTER, may be served with process at her at her place of business at 117 W. 6<sup>th</sup> Street, Friona, Parmer County, Texas 79035 or at her residence at 10618 Cavalier Point, San Antonio, Bexar County, Texas 78254, or wherever she may be found.**

#### IV. DISCOVERY CONTROL PLAN

4.1 Discovery in this suit is intended to be conducted under Discovery Level 2 pursuant to TEX. R. CIV. P. 190.1 and 190.3.

#### V. AUTHORITY AND JURISDICTION

5.1 This action is brought by Attorney General GREG ABBOTT, acting within the scope of his official duties under the authority granted to him under the Constitution and the laws of the State of Texas, through his Consumer Protection & Public Health Division, in the name of the STATE OF TEXAS and in the public interest against defendant for violations of the Texas Deceptive Trade Practices - Consumer Protection Act, TEX. BUS. & COM. CODE ANN. § 17.41, *et seq.* (hereinafter “DTPA”), and the State Bar Act, TEX. GOV. CODE ANN. § 81.001, *et seq.* (herein “SBA”). The DTPA § 17.47 grants authority to the Attorney General to seek injunctive relief and civil penalties for violations of its provisions upon the grounds that Defendants have engaged in false, misleading or deceptive acts or practices in the course of trade and commerce as defined in, and declared unlawful by §§17.46(a) and (b) of the DTPA. This Court has jurisdiction over this

action pursuant to § 17.47(b) of the DTPA.

## **VI. VENUE**

6.1 Venue is proper in Parmer County pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1) and (3) because the Defendants' principal place of business is located in Parmer County and because all or a substantial part of events or omissions giving rise to this claim occurred in Parmer County.

6.2 Venue is proper in Parmer county pursuant to Sections 17.47(b) and 17.56[B] of the DTPA because the transactions in question took place in Parmer County.

## **VII. TRADE AND COMMERCE**

7.1 Defendants are engaged in "trade" and "commerce" as defined by Section 17.45(6) of the DTPA as they operate an immigration services business in the State of Texas. "Trade" and "Commerce" means the advertising, offering for sale, sale, lease, or distribution of any good or service, of any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value, wherever situated, and includes any trade or commerce directly affecting the people of this State. TEX. BUS. & COM CODE §17.45(6).

## **VIII. PUBLIC INTEREST**

8.1 The State has reason to believe that the Defendants have engaged in, are engaging in and will continue to engage in the unlawful practices set forth herein, that Defendants have by means of these unlawful acts and practices, caused damage to and/or acquired money or property from persons, and that Defendants caused and will cause adverse effects to legitimate business enterprises which lawfully conduct trade and commerce in this State, thereby directly or indirectly affecting the people of this State. Therefore, pursuant to §17.47(a) of the DTPA, the Consumer

Protection and Public Health Division of the Attorney General of the State of Texas believes, and is of the opinion that these proceedings are in the public interest.

## IX. PURPOSE OF SUIT

9.1 The purpose of this suit is to secure temporary and permanent injunctions, to secure appropriate restitution for consumers, and to collect civil penalties from Defendants because Defendants have advertised and offered and provided services in violation of Texas law including the DTPA.

9.2 The State has reason to believe that the Defendants are engaging in, have engaged in, or are about to engage in acts or practices declared to be unlawful pursuant to §17.47(a) of the DTPA, and because these proceedings are in the public interest, the State is seeking a temporary injunction and a permanent injunction to enjoin Defendants from engaging in further business activities utilizing any false, misleading or deceptive advertising or engaging in unauthorized business activities.<sup>1</sup> If the Defendants are not enjoined, Defendants will continue to engage in the unauthorized practice of law and thereby cause immediate and irreparable injury, loss, or damage to persons who receive their services. Namely, the provision of legal services and/or advice by Defendants, non-attorney's, will have dire legal consequence and prejudice the legal rights of

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<sup>1</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 ).

persons seeking benefits under U.S. immigration laws. Specifically, Defendants will continue to solicit customers each day and will continue to give legal services and/or advice to their customers when they are not licensed to practice law in the State of Texas or accredited by the Board of Immigration Appeals to represent individuals in immigration matters or in proceedings before the immigration courts. Defendants' customers will lose immigration benefits to which they are otherwise entitled and subject them to apprehension, detention or immediate deportation, or expose them to criminal liability as a result of Defendants' unqualified legal services and/or advice in immigration matters.

#### **X. DEFENDANTS PREVIOUSLY INFORMED OF WRONGDOING**

10.1 As provided for in §17.47(a) of the DTPA, the State, at least seven days prior to instituting this suit, contacted Defendants in writing to inform them in general of the alleged unlawful conduct, subject of this suit. Said statute does not require the State to notify such Defendants that court action is or may be under consideration.

#### **XI. ACTS OF AGENTS**

11.1 Whenever in this petition it is alleged that Defendants did any act or thing, it is meant that Defendants, jointly and severally, performed or participated in such act or thing or that such act was performed by the officers, agents, or employees of Defendants, and in each instance, the officers, agents, or employees of Defendants that were then authorized to and did in fact act on behalf of Defendants or otherwise acted under the guidance and direction of the Defendants.

11.2 Defendant MANUELA (NELLIE) CASTRO ARONCE, Individually and Defendant ANNA LUCIA ARONCE, MATA Individually, do business as, are the principals and owners of, ARONCE CENTER. As such, Defendant MANUELA (NELLIE)CASTRO ARONCE, Individually

and Defendant ANNA LUCIA ARONCE MATA, Individually are each jointly and severally controlling persons, who direct and have personal knowledge of the day-to-day activities of the business, and have the responsibility of supervising any employees of the business, the responsibility for the overall management and oversight of the business, including compliance with all state statutes regulating all trade and commerce practices, the practice of law, the provision of immigration legal services, and, including but not limited to, compliance with the DTPA.<sup>2</sup>

## XII. PARTICULAR APPLICABLE LAW

12.1 The Deceptive Trade Practices Act provides that false, misleading, or deceptive acts or practices in the conduct of any trade or commerce are unlawful and subject to action by the Consumer Protection Division. TEX. BUS. & COM. CODE ANN. §17.46(a). False, misleading, or deceptive acts or practices are further defined, in part, to include:

- (2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (5) representing that goods or services have sponsorship, approval,

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<sup>2</sup> Despite the fact that Defendants do business as and operate their business as a proprietorship, and that the business is not an entity formed under the Texas Business Organizations Code or that of any other state, it is noteworthy that Texas law is well settled that corporate agents may be held personally responsible and individually liable under the DTPA for wrongful acts. *Light v. Wilson*, 663 S.W.2d 813 (Tex. 1983). It is not necessary to pierce the corporate veil in order to impose personal liability. *Leyendecker v. Wechter*, 683 S.W.2d 369 (Tex. 1984). Liability of such a corporate officer is based on his own actions not his status as an agent. It is not necessary for such an employee to act knowingly or intentionally in order to be personally liable. *Miller v. Keyser*, 90 S.W.3d 712 (Tex. 2002). Furthermore, actionable DTPA violations may include both current misrepresentations as well as a failure to perform a future promise. *Formosa Plastics v. Presidio*, 960 S.W.2d 41 (Tex. 1996). DTPA § 17.46(c)(1) authorizes Texas courts to be guided, in actions brought by the Attorney General's Consumer Protection Division, to the extent possible, by the interpretations given by the Federal Trade Commission and federal courts to the Federal Trade Commission Act. [15 U.S.C.A. § 45(a)(1)]. Federal courts have often held principals or controlling persons of corporations individually liable under the FTCA for the wrongful and deceptive actions of the businesses they control on the basis that they should have had knowledge or awareness of the misrepresentations. See *FTC v. Amy Travel*, 875 F.2d 564 (7<sup>th</sup> Cir. 1988), and *FTC v. Publishing Clearing House*, 104 F.3d 1168 (9<sup>th</sup> Cir. 1997), and *FTC v. American Standard*, 874 F.Supp. 1080 (C.D. Cal. 1994), and *FTC v. Pioneer Enterp.*, 1992 WL 372350 (D. Nev. 1992).

- characteristics, ingredients, uses, benefits, or quantities which they do not have;
- (7) representing that goods or services are of a particular standard, quality or grade, if they are of another;
  - (24) failing to disclose information concerning goods or services which was known at the time of the transaction, to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed.

TEX. BUS. & COM. CODE ANN. §17.46(b).

12.2 The DTPA provides that it “shall be liberally construed and applied to promote its underlying purposes, which are to protect consumers against false, misleading and deceptive practices, unconscionable actions, and breaches of warranty and to provide efficient and economical procedures to secure such protection”. TEX. BUS. & COM. CODE CODE §17.44 (a).

12.3 The DTPA establishes civil penalties of up to \$20,000 a day for deceptive practices. TEX. BUS. & COM. CODE §17.44 (c)(1).

12.4 The State is exempt from filing a bond. TEX. CIV. PRAC. & REM. CODE § 6.001 and TEX. BUS. & COM. CODE § 17.47(b).

12.5 Federal law provides that aliens may hire either a licensed attorney, an appropriately supervised law student or a person accredited by the Board of Immigration Appeals (BIA), who may charge or accept a fee for representing them in immigration proceedings. 8 C.F.R. § 292.<sup>3</sup> Engaging

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<sup>3</sup> **Accredited Representatives.** An accredited representative is a person who is approved by the Board of Immigration Appeals to represent aliens before the Board, the Immigration Courts, and the Department of Homeland Security. He or she must be a person of good moral character who works for a specific nonprofit religious, charitable, social service, or similar organization which has been recognized by the Board to

in such business without a license as an attorney or accreditation by the BIA is a violation of the DTPA<sup>4</sup>.

12.6 The Texas Notary Public Act provides that a person commits an offense if the person is a notary public and implies that they are a licensed attorney or solicits or accepts compensation to prepare legal documents for another person for immigration proceedings or any other legal relief from any agency of the State of Texas or the United States. TEX. GOV. CODE § 406.017(a)(1) and (2).<sup>5</sup> Failure to comply with this requirement is a violation of the DTPA.

12.7 The State bar of Texas Act provides 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. TEX. GOV. CODE § 81.102. *See Unauthorized Practice Committee v. Cortez*, 692 S.W.2d 47 (Tex. 1985). Failure to comply with this requirement is a violation of the DTPA.

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represent aliens. Accreditation is valid for a period of up to three years and can be renewed. See 8 C.F.R. §§ 1292.1(a)(4), 1292.2(d). Accredited representatives must file a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court (Form EOIR-28) in order to represent an individual before the Immigration Court. See Chapter 2.3(c) (Appearances). Accredited representatives should be careful to use the most current version of the Form EOIR-28, which is available on the Executive Office for Immigration Review website at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir). (a) **Qualifying organizations.** — The Board of Immigration Appeals officially recognizes certain nonprofit religious, charitable, social service, and similar organizations as legal service providers. See 8 C.F.R. § 1292.2(a), Chapter 2.2(b) (Legal Service Providers). To be recognized by the Board, an organization must affirmatively apply for that recognition. Such an organization must establish to the satisfaction of the Board that its fees are only nominal, that it does not assess excessive membership dues for persons given assistance, and that it has at its disposal adequate knowledge, information, and experience in immigration law and procedure. The qualifications and procedures for organizations seeking Board recognition are set forth in the regulations 8 C.F.R. § 1292.2(a), (b). Questions regarding recognition may be directed to the Executive Office for Immigration Review, Office of the General Counsel. See Appendix B (EOIR Directory). (b) **Qualifying representatives.** — The Board of Immigration Appeals accredits persons of good moral character as representatives of qualifying organizations. See 8 C.F.R. § 1292.2(d). Representatives of the recognized organizations are not automatically accredited by the Board. Rather, the recognized organization must affirmatively apply for accreditation on each representative's behalf. See 8 C.F.R. § 1292.2(d). No individual may apply on his or her own behalf. Accreditation is not transferrable from one representative to another, and no individual retains accreditation upon his or her separation from the recognized organization. Section 2.4 Accredited Representatives. *Immigration Court Practice Manual*. [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

<sup>4</sup> Other actionable remedies or enforcement actions and DTPA remedies are cumulative and not mutually exclusive. *Smith v. Baldwin*, 611 S.W.2d 611 (Tex. 1980). The DTPA expressly provides "An act or practice that is a violation of a provision of law other than this subchapter may be made the basis of an action under this subchapter if the act or practice is proscribed by a provision of the subchapter or is declared unlawful by such other law to be actionable under this subchapter". DTPA § 17.43.

<sup>5</sup> Note that an offense under this Section is a Class A misdemeanor. Or an offense under this section is a felony of the third degree, if it is shown on the trial of the offense that the defendant has previously been convicted under this section. Failure to comply with this section is, in addition to a violation of any other applicable law of this state, such as a deceptive trade practice actionable under Chapter 17, Business & Commerce Code. By this civil suit the Attorney General is not seeking criminal prosecution of the Defendant.

12.8 The "practice of law" means 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 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. CODE § 81.101(a).

### **XIII. FACTUAL ALLEGATIONS**

13.1 Defendant MANUELA (NELLIE) CASTRO ARONCE, Individually and Defendant ANNA LUCIA ARONCE MATA, Individually, operate a storefront immigration service business in the State of Texas doing business as a proprietorship under the assumed name of ARONCE CENTER with a business address of 117 W. 6<sup>th</sup> Street, Friona, Parmer County, Texas 79035.

13.2 Defendants publicly advertised their said immigration service provider business and engaged in the provision of such business services at their business address and through their business telephone. Defendants advertise such business services through local Spanish language publications and are listed in various internet service listings and directories.

13.3 Among other things, the Defendants provide counseling regarding U.S. immigration laws and procedures, for a fee. Defendants target and solicit persons attempting to immigrate and/or obtain residency in the U.S. as well as the friends and family members of such persons.

13.4 Defendants represent to consumers that they are qualified to prepare all of the applications, forms and other pertinent documentation as required by the immigration laws of this country. However Defendants fail to inform consumers that they are not authorized or qualified to

provide such services. The immigration service rendered by Defendants for their customers include the following activities:

- A. Interviewing customers to determine eligibility for immigration benefits under U.S. immigration laws;
- B. Advising customers as to whether or not to file a petition or application under U.S. immigration laws to secure an immigration benefit for the customer or a relative of the customer;
- C. Selecting and preparing a petition or application, and other forms, on behalf of customers, including, but not limited to, form AR-11 (Change of Address), form DS-230 (Application for Immigrant Visa and Alien Registration), form G-325A (Biographic Information), form I-90 (Application to Replace Permanent Resident Card), form I-130 (Petition for Alien Relative), form I-485 (Application to Register Permanent Residence or Adjust Status), form I-601 (Application for Waiver of Ground of Inadmissibility), form I-751 (Petition to Remove the Conditions on Residence), form I-765 (Application for Employment Authorization), form I-797C (Notice of Action), form I-821 (Application for Temporary Protected Status), form I-864 (Affidavit of Support), form I-864A (Affidavit of Support contract Between Sponsor and Household Member), form N-400 (Application for Naturalization), form N-600 (Application for Certification of Citizenship).
- D. Filing the documents with the Bureau of Immigration.

13.5 To represent consumers on Immigration matters legally, one must be a licensed attorney, an appropriately supervised law student, or a person accredited by the Board of Immigration Appeals. 8 C.F.R. § 292. Defendants are not attorneys or law students and are not accredited by the

Board of Immigration Appeals to represent persons in a proceeding relating to immigration to the U.S., or obtaining citizenship or other related matter. Defendants do not appear on the Board of Immigration Appeals (BIA) Roster of Recognized Organizations and Accredited Representatives at [www.justice.gov/eoir/press/08/AcreditationFactSheet102708.pdf](http://www.justice.gov/eoir/press/08/AcreditationFactSheet102708.pdf). Defendants are also not qualified under 8 C.F.R. §292 to represent consumers because they receive remuneration from consumers on immigration matters while having no pre-existing relationship or connection with such persons entitled to the representation. Defendants have failed to obtain permission from The Board of Immigration Appeals to act as the representative of said consumers.

13.6 Defendants provide legal advice and prepare visa applications and other legal documentation for consumers, for a fee. The Defendants do not, and have not possessed the certification, license, or other qualifications necessary to perform such services.

13.7 Defendants are not licensed by the State Bar of Texas to practice as an attorney in the State of Texas, nor have they at all relevant times worked under the direct daily supervision of a licensed attorney.

13.8 Defendants' failure to disclose their lack of authority and accreditation is intended to induce consumers into transactions which they would not have entered if the information had been disclosed to them.

13.9 Defendants advertise these services primarily in the Spanish language, but do not include a notice that they are not an attorney in the advertisements. Defendant also fails to include the amount of fees required for each service.

13.10 In support of these allegations of fact, the State relies upon the investigators affidavit attached hereto as Exhibit 'A', and incorporated herein for all purposes.

#### XIV. VIOLATIONS OF THE DTPA

14.1 Based on the conduct alleged above, Defendants have directly and indirectly engaged in false, misleading, and deceptive acts and practices declared unlawful by §17.46(a), (b) and §17.08 of the DTPA, including, but not limited to:

- A. causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services by stating or implying falsely that Defendants are;
  - 1. attorney's licensed to practice law in this State or that Defendants have an attorney on staff to assist them with immigration related matters in violation of DTPA §17.46(b)(2);
  - 2. able to otherwise comply with the requisites of 8 C.F.R. § 292 by functioning as properly supervised law students, or by accreditation by the U.S. Board of Immigration Appeals in violation of DTPA §17.46(b)(2);
- B. causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another, by Defendants;
  - 1. advertising, offering for sale, selling, or providing an immigration service in violation of DTPA §17.46(b)(3);
  - 2. accepting money or valuable consideration for performing an immigration service in violation of DTPA §17.46(b)(3);
  - 3. accepting money or valuable consideration from any person seeking assistance to obtain a benefit under U.S. immigration laws for himself or any other person in violation of DTPA §17.46(b)(3);
  - 4. advising any person whether or not to file a petition, application, or other

form to obtain a benefit under U.S. immigration laws for himself or any other person in violation of DTPA §17.46(b)(3);

5. preparing for any person a petition, application or other form to obtain a benefit under U.S. immigration laws for himself 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;

1. representing, directly or by implication, that Defendants can obtain legal status, a work permit, or other benefit under U.S. immigration laws for a person who purchases her services in violation of DTPA §17.46(b)(5);
2. representing to any person, expressly or by implication, that Defendants 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) in violation of DTPA §17.46(b)(5);

D. representing that goods or services are of a particular standard, quality or grade, if they are of another, by Defendants;

1. holding themselves out, by advertising or by any means, to the public as an “immigration specialist,” “immigration counselor,” “immigration services provider” or “immigration consultant” or by any title or designation incorporating the word “immigration” or an abbreviation thereof in violation

of DTPA §17.46(b)(7);

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

E. failing to disclose information concerning goods or services which was known at the time of the transaction, to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed, by Defendants;

1. providing or giving persons advice and counsel regarding their rights under the immigration laws of the United States or any other sort of legal matter while falsely purporting to be qualified to do so in violation of DTPA §17.46(b)(24);
2. soliciting, collecting, or accepting fees or compensation of any type, for providing any type of immigration or legal services to consumers while falsely purporting to be qualified to do so in violation of DTPA §17.46(b)(24);
3. representing, expressly or by implication, that Defendants are able to provide or obtain undetectable counterfeit documents for persons wishing to immigrate to the U.S. which will aid such person to gain employment, residency, citizenship, or other benefit in violation of DTPA §17.46(b)(24);

14.2. Based on the conduct alleged above, Defendants have additionally directly and indirectly engaged in false, misleading, and deceptive acts and practices declared unlawful by DTPA §17.46(a), by representing or implying that as a notary public that they are a licensed attorney and

solicits or accepts compensation to prepare legal documents for another person for immigration proceedings or any other legal relief from any agency of the State of Texas or the United States in violation of TEX. GOV. CODE § 406.017(a).

14.3 Based on the conduct alleged above, Defendants have additionally directly engaged in false, misleading, and deceptive acts and practices declared unlawful by DTPA §17.46(a), by engaging in the practice of law in the State of Texas while not a member of the State Bar of Texas as a licensed attorney in violation of TEX. GOV. CODE § 81.102.

#### **XV. INJURY TO CONSUMERS**

15.1 By means of the foregoing false, misleading, and deceptive acts and practices, in violation of Texas law, Defendant have acquired money or other property from identifiable persons to whom such money or property should be restored, or who in the alternative are entitled to an award of damages.

#### **XVI. DISGORGEMENT**

16.1 All of the 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 and businesses together with all of the proceeds, profits, income, interest and accessions thereto. Such disgorgement should be for the benefit of victimized consumers and the State of Texas.

#### **XVII. REPATRIATION OF ASSETS**

17.1 After due notice and a hearing, the court should order that all of the Defendants'

assets situated outside the jurisdiction of this Court be deposited or repatriated into an appropriate financial institution within the jurisdiction of this Court.

### **XVIII. REQUEST FOR FINDINGS OF ACTUAL FRAUD AND FALSE REPRESENTATION**

18.1 The Court should make findings at the conclusion of this case that the Defendants engaged in actual fraud and false representations in that Defendants have made repeated and materially false representations to the public concerning the issues of immigration and the ability of Defendants to represent and/or assist consumers in immigration documentation and proceedings, which was known to be false when made. Such false representations were made with the intention that they be acted upon by the parties to whom the misrepresentations were made. Reliance upon these false representations has resulted in injury to multiple consumers across the United States as well as in the State of Texas, and violates laws enacted by the State of Texas to protect the legal profession and citizens from non-licensed individuals practicing law.

### **IXX. INJUNCTIVE RELIEF NECESSARY**

19.1 The State's application for temporary and permanent injunctive relief is authorized by Section 17.47 of the DTPA. TEX. BUS. & COM. CODE CODE §17.47(a). Section 17.47(a) of the DTPA authorizes the State to seek injunctive relief, including a temporary restraining order, whenever the State has reason to believe that the Defendant is, has, or will engage in unlawful acts or practices in violation of the DTPA

19.2 Pursuant to § 17.47 of the DTPA, the State requests that the Court grant a temporary injunction, and permanent injunction, enjoining Defendants, their officers, agents, servants, and employees from violating Texas law by advertising as a "notario publico" and or attempting to solicit

and provide immigration services to any more consumers, as well as enjoining the Defendants from future operation of their notary public and immigration services business without being qualified as an attorney duly licensed to practice law in Texas or by being accredited as an Immigration Services provider by the U.S. Board of Immigration Appeals<sup>6</sup> The State of Texas has reason to believe that the Defendants are, have, or will engage in unlawful acts or practices in violation of the DTPA. Exhibit A, attached hereto and incorporated herein, is an affidavit in support of this request for injunctive relief.

19.3 It is essential that the Court enjoin Defendants from continuing with the conduct described in this petition, namely the unauthorized practice of law. It is essential because Defendants will continue to engage in the unauthorized practice of law and thereby cause injury, loss, or damage to persons who receive their services. Namely, the provision of legal services and/or advice by Defendants, non-attorneys, will have dire legal consequences and prejudice the legal rights of persons seeking benefits under U.S. immigration laws. Specifically, Defendants will continue to solicit customers each day and will continue to give legal services and/or advice to their customers when they are not licensed to practice law in the State of Texas or accredited by the Board of Immigration Appeals to represent individuals in immigration matters or in proceedings before the immigration courts. Defendants' customers will lose immigration benefits to which they are otherwise entitled and subject them to apprehension, detention or immediate deportation, or expose them to criminal liability as a result of his unqualified legal services and/or advice in immigration matters.

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<sup>6</sup> See footnote 1 above.

19.4 The State requests that the Clerk of the Court issue such Writs of Injunction and/or Writs of Restraint pursuant to any Temporary or Permanent Injunction issued by this Court in conformity with the law, and that same be issued and be effective without the execution and filing of a bond as Plaintiff, the State of Texas, is exempt from such bonds under TEX. BUS. & COM. CODE ANN. § 17.46(b).

## XX. PRAYER

20.1 WHEREFORE PREMISES CONSIDERED, Plaintiff, the State of Texas, respectfully prays and requests that Defendants, MANUELA (NELLIE) CASTRO ARONCE, Individually and d/b/a ARONCE CENTER, and ANNA LUCIA ARONCE MATA, Individually, and d/b/a ARONCE CENTER, be cited according to law to appear and answer herein; that a Temporary Injunction be issued; that this matter be set for trial; and upon final hearing that a Permanent Injunction be issued, restraining and enjoining Defendants, jointly and severally, their successors, assigns, officers, agents, servants, employees, and representatives from making representations, doing the acts, and engaging in the unlawful practices set out in the preceding paragraphs as well as from making the following representations and doing the following acts and engaging in the following practices and conduct of trade or commerce within the State of Texas as follows:

A. Transferring, concealing, withholding, destroying, mutilating, altering, falsifying or removing from the jurisdiction of this Court any books, records, documents, invoices, receipts or other written materials relating to Defendants' business, during the pendency of this suit, which currently or hereafter are in Defendants' possession, custody, or control except in response to further orders or subpoenas in this cause;

B. Operating a business or conducting business that provides immigration services or a legal document preparation service until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;

- C. Advertising, offering for sale, selling, or providing an immigration service or a legal document preparation service until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;
- D. Accepting money or valuable consideration for performing an immigration service or a legal document preparation service until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;
- E. Accepting money or valuable consideration from any person seeking assistance to obtain a benefit under United States immigration laws for himself/herself or any other person until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;
- F. Advising or counseling any person whether or not to file a petition, application, or other form to obtain a benefit under United States immigration laws for himself/herself or any other person until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;
- G. Selecting, preparing, or completing for any other person a pleading, document, or other form incident to legal actions or United States immigration proceedings until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;
- H. Holding themselves out, by any means, to the public as an “immigration specialist,” “immigration counselor,” or “immigration service provider” and by any title or designation incorporating the word “immigration” or an abbreviation thereof until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;
- I. Stating or implying that either Defendant is an attorney licensed to practice law in this state unless that Defendant is a member of the State Bar of Texas;
- J. Representing, directly or by implication, that Defendants have the skill, expertise, or competence to handle immigration or legal matters until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;
- K. Representing, directly or by implication, that Defendants can obtain legal status, a

work permit, or other benefit under United States immigration laws for a person who purchases her services until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;

L. Practicing law in the State of Texas while not being a member of the State Bar of Texas;

M. Advising or counseling any person as to matters of law or legal rights under state or federal laws, rules, and/or regulations, including but not limited to, matters relating to legal actions or United States immigration proceedings until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;

N. Accepting or soliciting money or valuable consideration for advising or counseling any person as to matters of law or legal rights under state or federal laws, rules, and/or regulations, including but not limited to, matters relating to legal actions or United States immigration proceedings until Defendants are able to fully comply with applicable law by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;

O. Advertising 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, without posting or otherwise including with the advertisement a notice which must include the fees that a notary public may charge and the following statement in English and in the language of the advertisement and in letters of a conspicuous size:

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

P. Accepting money or valuable consideration for performing a notarial service while advertising the services of a notary public in a language other than English without complying with the disclosure requirements of "O" above;

Q. Representing, directly or by implication, that this Court, the Bureau of Citizenship & Immigration Services (also known as the Immigration and Naturalization Service), or the Office of the Attorney General has approved any good or service sold or offered for sale by Defendant, or approved of any of Defendant's business practices.

20.2. The State further prays that this Court order Defendants to post notice at 117 W. 6<sup>th</sup> Street, Friona, Parmer County, Texas 79035, and at any other place where Defendants may conduct

business, during the pendency of this suit, which notice shall be on the front-side of the front door, in bold-faced type of a minimum size of 16 points, in both English and Spanish, and shall state:

NOTICE

MANUELA (NELLIE) CASTRO ARONCE, INDIVIDUALLY AND D/B/A ARONCE CENTER, AND ANNA LUCIA ARONCE MATA, INDIVIDUALLY, AND D/B/A ARONCE CENTER, HAVE BEEN SUED BY THE OFFICE OF THE TEXAS ATTORNEY GENERAL FOR ENGAGING IN THE UNAUTHORIZED PRACTICE OF IMMIGRATION LAW.

THE DISTRICT COURT HAS ORDERED MANUELA (NELLIE) CASTRO ARONCE, INDIVIDUALLY AND D/B/A ARONCE CENTER, AND ANNA LUCIA ARONCE MATA, INDIVIDUALLY, AND D/B/A ARONCE CENTER, TO STOP CONDUCTING BUSINESS AS AN IMMIGRATION SERVICE PROVIDER.

IF YOU HAVE ANY QUESTIONS, OR IF YOU BELIEVE YOU WERE A VICTIM, PLEASE CALL 214-969-5310.

ADVISO

MANUELA (NELLIE) CASTRO ARONCE, INDIVIDUALLY AND D/B/A ARONCE CENTER, AND ANNA LUCIA ARONCE MATA, INDIVIDUALLY, AND D/B/A ARONCE CENTER, HA SIDO DEMANDADA POR LA OFICINA DEL PROCURADOR GENERAL DE TEXAS POR ENVOLUCRARSE EN LA PRACTICA DE LEYES DE INMIGRACION SIN AUTORIZACION.

LA CORTE DEL DISTRICTO HA ORDENADO A MANUELA (NELLIE) CASTRO ARONCE, INDIVIDUALLY AND D/B/A ARONCE CENTER, AND ANNA LUCIA ARONCE MATA, INDIVIDUALLY, AND D/B/A ARONCE CENTER, DE PARAR SU NEGOCIO DE SERVICIOS DE INMIGRACION.

SI USTED TIENE ALGUNA PREGUNTA O PIENSA QUE FUE UNA VICTIMA, POR FAVOR LLAME AL 214-969-5310.

20.2 The State respectfully further prays and requests that the Court award judgment against the Defendants, MANUELA (NELLIE) CASTRO ARONCE, Individually and d/b/a ARONCE CENTER, and ANNA LUCIA ARONCE MATA, Individually, and d/b/a ARONCE

CENTER, jointly and severally as follows:

- A. That Defendants be adjudged and ordered to pay to the State civil penalties of up to \$20,000 for each and every violation of the DTPA, pursuant to sections 17.08 and 17.47(c)(1) of the Texas Business and Commerce Code;
- B. That Defendants be adjudged and ordered to pay to the State civil penalties in the amount of not more than \$250,000.00 for violations of the DTPA if the consumer was 65 years of age or older pursuant to section 7.47(c)(2) of the Texas Business and Commerce Code;
- C. That Defendants be adjudged and ordered to pay the State attorney's 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);
- D. That Defendants be adjudged and ordered to pay and restore all money or other property taken from identifiable persons by means of unlawful acts or practices, or in the alternative, award judgment for damages to compensate for such losses;
- E. That Defendants be adjudged and ordered to pay pre-judgment interest on all awards of restitution, damages, and civil penalties as provided by law;

20.3 The State further prays that upon hearing that Defendants' assets be repatriated into the jurisdiction of this Court, that Defendants' assets be subject to disgorgement, and that an equitable lien be placed upon Defendants' property for the benefit of consumer victims;

20.4. The State further prays that upon hearing that this Court rescind all agreements entered into by and between Defendants and consumers;

20.5 The State further prays that upon hearing that this Court adjudge 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).

20.6 The State further prays for the appointment of a Temporary and Permanent Receiver, as may become necessary, to locate, conserve and manage Defendants' assets so as to minimize harm to consumers who contracted with Defendants, and as may be necessary to comply with and obey

any Orders and Judgments issued by the Court.

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

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
First Assistant Attorney General

DAVID MORALES  
Deputy First Assistant Attorney General

BILL C. COBB  
Deputy Attorney General for Civil Litigation

PAUL D. CARMONA, Chief  
Consumer Protection & Public Health Division



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T:(214) 969-7639 F:(214) 969-7615

ATTORNEYS FOR PLAINTIFF  
THE STATE OF TEXAS

ATTACHED EXHIBIT:  
EXHIBIT A - Verification of Investigator.

**EXHIBIT A**

**VERIFICATION**

**STATE OF TEXAS**

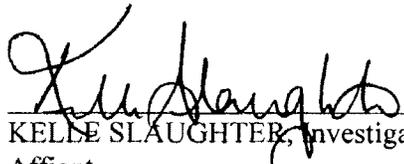
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**COUNTY OF DALLAS**

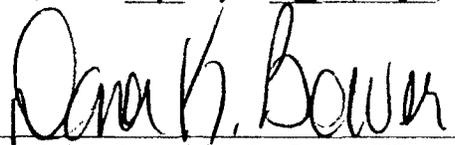
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BEFORE ME, the undersigned authority, on this day personally appeared the below named affiant, who, after being duly sworn, stated under oath that (s)he is competent and authorized to make this verification on behalf of the State of Texas, Plaintiff in this action; that (s)he is an Investigator for the Attorney General of the State of Texas; that (s)he has read the forgoing pleading; that (s)he has reason to believe and is of the opinion that every statement of factual allegations concerning the violations of law by Defendants contained in the pleading is credibly and reliably true and correct, are matters observed pursuant to a legal duty to report, are factual findings resulting from an investigation made pursuant to authority granted by law, or are matters of records, reports, statements, or data compilations of public offices or agencies setting forth the activities of the office or agency; that Defendants operated an immigration service provider business in Parmer County; are neither licensed attorneys, properly supervised law students, nor are accredited by the U.S. Board of Immigration Appeals entitled to practice immigration law, nor are authorized to provide accredited immigration services to consumers; and further that the consumer protection division has reason to believe that laws of the State of Texas have been, are being and/or will continue to be violated unless the Defendants are enjoined from continuing such violative acts and practices and further that such injunctive relief is necessary because immediate harm and injury are presumed if a law is being violated.

  
KELLE SLAUGHTER, Investigator  
Affiant

SUBSCRIBED AND SWORN TO before me, on the 7 day of June, 2011, to certify which witness my hand and official seal.



  
Notary Public in and for the State of Texas