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NO. 2011 4950

Time. _____
By _____
Harris County, Texas
Deputy

**STATE OF TEXAS,
Plaintiff,**

v.

**YOLANDA SALAZAR PEREZ,
individually and d/b/a New Anointing/
Nueva Uncion, BRUNO PEREZ,
JULIE CORTEZ, and LUCINA LOPEZ,
Defendants.**

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

190 JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL VERIFIED PETITION AND
REQUEST FOR DISCLOSURES WITH EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND ASSET FREEZE,
TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the State of Texas, Plaintiff, acting by and through Attorney General of Texas Greg Abbott, on behalf of the State of Texas, and on behalf of the interest of the general public, and complains of Yolanda Salazar Perez, individually and d/b/a New Anointing/Nueva Uncion, Bruno Perez, Julie Cortez, and Lucina Lopez (Defendants).

The State alleges that the Defendants, by providing unauthorized immigration services to consumers, engage in false, misleading, and deceptive acts and practices, violating the Texas Deceptive Trade Practices - Consumer Protection Act and Texas Government Code.

I. DISCOVERY CONTROL PLAN

1. Discovery shall be conducted under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

II. JURISDICTION

2. This action is brought by Texas Attorney General Greg Abbott through his Consumer Protection and Public Health Division in the name of the State of Texas under the authority granted to him pursuant to §17.47 of the Texas Deceptive Trade Practices – Consumer Protection Act, TEX. BUS. & COM. CODE § 17.41 *et seq.*, permitting the Consumer Protection and Public Health Division of the Attorney General’s office to bring an action to restrain, by temporary restraining order, temporary injunction, or permanent injunction, the use of any method, act or practice declared to be unlawful by TEX. BUS. & COM. CODE §17.46, where such proceedings are in the public interest.

3. The Attorney General files this suit against the Defendants on the grounds that they have engaged in false, deceptive and misleading acts and practices in the course of trade and commerce as defined herein and as declared unlawful pursuant to the Texas Deceptive Trade Practices - Consumer Protection Act (“DTPA”), TEX. BUS. & COM. CODE §17.41 *et seq.*

4. The Attorney General files this suit against the Defendants on the grounds that they are practicing law in the State of Texas but are not members of the State Bar of Texas, in violation of Texas Government Code Section 81.102.

5. This suit is brought against the Defendants for injunctive relief, actual damages, restitution, civil penalties, costs, and attorney's fees as a result of the violations of the DTPA and the Texas Government Code.

III. PARTY DEFENDANTS

6. Yolanda Salazar Perez, doing business as New Anointing/Nueva Uncion and New Anointing Biblical Institute/Church, is an individual residing in Houston, Harris County, Texas. Perez may be served with process by serving her at 12419 Sandyhook Drive, Houston, Texas 77089, 269 Wellington, Houston, Texas 77076, or wherever she may be found.

7. Bruno R. Perez is an individual residing in Houston, Harris County, Texas. Perez may be served with process by serving him at 12419 Sandyhook Drive, Houston, Texas 77089, or wherever he may be found.

8. Julie Diana Perez Cortez is an individual residing in Houston, Harris County, Texas. Cortez may be served with process by serving her at 1300 Redford Street, Apt. 913A, Houston, Texas 77034 or wherever she may be found.

9. Lucina Perez Lopez is an individual residing in Houston, Harris County, Texas. Lopez may be served with process by serving her at 522 Sunnyside, #3, Houston, Texas 77076 or wherever she may be found.

IV. VENUE

10. Venue of this suit lies in Harris County, Texas for the following reasons:

- a. Under the DTPA §17.47(b), venue is proper because the Defendants reside in Harris County, Texas.

- b. Under the DTPA §17.47(b), venue is proper because many of the allegations complained of herein occurred in Harris County, and the Defendants' principal place of business is in Harris County, Texas.
- c. Under the DTPA §17.56, venue is proper because the Defendants do business in Harris County, were a resident of Harris County at the time the causes of action accrued, and all or part of the actions arose in Harris County. Harris County, Texas is the county in which Defendants, or an authorized agent of Defendants, solicited the transactions made the subject of this action. *See also* TEX. CIV. PRACT. & REM. CODE ANN. §15.002 (a)(1)-(3).

V. NOTICE BEFORE SUIT NOT GIVEN

11. Pursuant to DTPA §17.47(a), contact has not been made with the Defendants herein to inform them of the unlawful conduct alleged herein, for the reason that the Plaintiff is of the opinion that there is good cause to believe that such an emergency exists that immediate and irreparable injury, loss or damage would occur as a result of such delay in obtaining a temporary restraining order, and that the Defendants would dissipate or secrete assets if prior notice of this suit were given. TEX. BUS. COMM. CODE §17.47(a).

VI. ACTS OF AGENTS

12. Whenever in this petition it is alleged that Yolanda Perez did any act or thing, it is meant that:
 - a. Yolanda Perez performed or participated in the act, or that

- b. Yolanda Perez's officers, trustees, employees, agents, representatives, or successors, performed or participated in the act on behalf of and under the authority of Perez.

VII. TRADE AND COMMERCE

13. The Defendants have, at all times described below, engaged in conduct constituting "trade" and "commerce," as those terms are defined in §17.45(6) of the DTPA.

VIII. PUBLIC INTEREST

14. The State of Texas has reason to believe that the Defendants have engaged in and will continue to engage in the unlawful practices set forth below. The State of Texas has reason to believe the Defendants have caused and will cause immediate, irreparable injury, loss and damage to the State of Texas, and will also cause adverse effects to legitimate business enterprises which lawfully conduct trade and commerce in this State. Therefore, 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. SPECIFIC FACTUAL ALLEGATIONS

15. Yolanda Salazar Perez and the other Defendants advertise and provide immigration-related services to consumers in Houston, Texas. These services include work visas, temporary residency, and religious worker benefits.

16. The Defendants provide counseling to consumers regarding U.S. immigration laws and procedure, tell consumers what forms they need prepared, and prepare those forms on consumers' behalf.

17. The Defendants target persons seeking employment and residency in the United States, as well as the friends and family members of such persons.

18. Defendant Yolanda Perez oversees these immigration-related activities and the other Defendants, who are members of her family, assist her in these activities.

19. The Defendants explicitly rely on religious appeals to consumers. Yolanda Perez claims to be the Director of the New Anointing Biblical Institute/Church. Perez entices consumers to become members of her church. Perez then prepares immigration forms for some consumers in which she falsely claims they are seeking classification as a "Special Immigrant Religious Worker" and will be "working as a minister." Perez also falsely claims the consumers have been a religious worker for at least two years and have been a member of the New Anointing Biblical Institute/Church for at least two years. (Exhibit 2). At least 300 consumers have apparently become members of Perez's church.

Yolanda Perez's false credentials

20. Yolanda Perez falsely claims to have worked for the U.S. Immigration and Naturalization Service (now U.S. Citizenship and Immigration Services). Perez falsely claims to be or to have been a contractor with the U.S. Department of Homeland Security.

21. Perez refers to her false work experience to give consumers the impression that she is authorized to provide immigration services.

22. Even if Perez had worked for Citizenship and Immigration Services or the Department of Homeland Security, the U.S. Department of Justice Executive Office for Immigration Review does not recognize this employment experience as an authorizing credential to appear in immigration proceedings before the Immigration Courts and Board of Immigration Appeals.

Yolanda Perez is not authorized to provide immigration services

23. To represent consumers on immigration matters, one must be a licensed attorney, a person or organization accredited by the U.S. Department of Justice's Executive Office for Immigration Review Board of Immigration Appeals (EOIR), a law student or recent law graduate, a reputable individual appearing on behalf of another individual without remuneration, or an alien accredited official. 8 C.F.R. §292.1.

24. Yolanda Perez does not and has not possessed the certification, license, or any other qualifications necessary to perform immigration services.

25. Perez misleads consumers by not informing them that she is not authorized or qualified to provide such services.

26. Perez is not licensed by the State Bar of Texas to practice as an attorney in the State of Texas, nor has she at all relevant times worked under the direct daily supervision of a licensed attorney. (Exhibit 3, a true and correct copy of a declaration from the State Bar of Texas). Perez does not hold herself out to be a law graduate or law student.

27. Perez is not qualified to represent consumers because she receives remuneration directly and indirectly from consumers on immigration matters.

28. Perez is not accredited to represent persons in a proceeding relating to immigration to the U.S., or obtaining citizenship or other related matters. Perez has failed to obtain permission from the EOIR to act as a representative in immigration matters. (Exhibit 4, a true and correct copy of a declaration that Perez is not accredited). The EOIR is responsible for recognizing organizations to provide representational services to aliens, and for accrediting non-attorney individuals to practice in immigration proceedings and before EOIR and the U.S. Board of Immigration Appeals. According to EOIR, Yolanda Perez's Apostolic Church is not recognized as an organization that can legally represent aliens in immigration proceedings. (Exhibit 4).

**X. VIOLATIONS OF BUSINESS & COMMERCE CODE CH. 17 -
TEXAS DECEPTIVE TRADE PRACTICES-CONSUMER PROTECTION ACT**

29. The Plaintiff State of Texas incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this petition.

30. Yolanda Perez falsely represent to consumers that she and other Defendants are qualified to prepare immigration forms, including applications and other pertinent documentation, as required by the immigration laws of the United States.

31. The conduct described above violates §17.46(a) and (b) of the DTPA which declares that false, misleading, or deceptive acts or practices in the conduct of trade or commerce are unlawful.

32. The State has reason to believe that the Defendants have engaged in, and will continue to engage in, false, misleading, and deceptive acts and practices unless restrained by this Court from doing so.

33. The Defendants do not possess the certification or qualifications necessary to counsel persons regarding their rights under U.S. immigration laws or other legal matters.

The providing of these services by the Defendants violates the DTPA, as follows:

- a. By advertising, offering for sale, selling, or providing a service that constitutes the unauthorized practice of law, the Defendants are representing that they are authorized to provide immigration services when they are not, and are engaging in false, misleading, or deceptive acts or practices in the conduct of any trade or commerce, in violation of §17.46(a) of the DTPA;
- b. The Defendants are representing that they are authorized to provide immigration services when they are not, and so they are causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services, in violation of §17.46(b)(2) of the DTPA;
- c. The Defendants are representing that they are authorized to provide immigration services when they are not, and so they are causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another, in violation of §17.46(b)(3) of the DTPA;
- d. The Defendants are representing that they are authorized to provide immigration services when they are not, and so they are 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 she does not, in violation of §17.46(b)(5) of the DTPA;

- e. The Defendants are representing that they are authorized to provide immigration services when they are not, and so they are advertising goods or services with intent not to sell them as advertised, in violation of §17.46(b)(9) of the DTPA; and
- f. The Defendants are representing that they are authorized to provide immigration services when they are not, and so they are failing to disclose material information to induce consumers into transactions to which they otherwise would not enter, in violation of §17.46(b)(24) of the DTPA.

**XI. VIOLATIONS OF GOVERNMENT CODE CH. 81 -
UNAUTHORIZED PRACTICE OF LAW**

34. The Plaintiff State of Texas incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this petition.

35. The Defendants are practicing law in the State of Texas but are not a member of the State Bar of Texas, in violation of Texas Government Code Section 81.102. *See Unauthorized Practice of Law Committee v. Cortez*, 692 S.W.2d 47 (Tex. 1985).

XII. INJURY TO CONSUMERS

36. By means of the foregoing unlawful acts and practices, the Defendants 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.

**XIII. NECESSITY OF IMMEDIATE RELIEF
TO PRESERVE DEFENDANT'S ASSETS**

37. Plaintiff requests immediate relief by way of a Temporary Restraining Order and Temporary Injunction to preserve and protect the advanced fees paid to the Defendants

by consumers so that at final trial consumers may obtain restitution to which they are entitled. As described herein, there is evidence that before final trial the Defendants are likely to waste or secrete the advanced fees to avoid paying restitution to these consumers. As described above and in greater detail below, Yolanda Perez has a history of violating the law and willfully pursuing conduct in contempt of court orders. In support of its request for temporary restraining order to preserve assets for potential restitution, Plaintiff offers the following evidence:

- a. *Knowledge of misleading activity* – Yolanda Perez is knowingly providing unauthorized immigration services in violation of federal law. The Executive Office of Immigration Review has notified Perez that her business is not accredited as an organization that can legally represent aliens in immigration proceedings. Further, in 2006 Perez agreed to an injunction that bars her from nearly all immigration-related activities including soliciting or accepting any fee for advising or assisting another with immigration-related paperwork.
- b. *Cash and money orders* – Consumers report that Perez requires cash or money order. Perez may be seeking to transfer and secrete funds obtained by false and misleading statements to consumers.
- c. *Avoiding or violating a permanent injunction* – In February 2005, the Texas Attorney General's Office sued Perez. The basis for the 2005 lawsuit was violations of the DTPA for providing unauthorized and misleading immigration services. Perez operated businesses that provided immigration services to at least 4,881 identified consumers in the Pasadena, Texas area. These services included

providing guidance to consumers regarding immigration procedures and preparing and submitting immigration forms. Perez conducted this business for several years under several different business names and in several different locations, including local churches. In 2006, Perez entered into an Agreed Final Judgment and Permanent Injunction with the Attorney General's Office. (Exhibit 6, permanent injunction) Perez may be seeking to avoid the injunction by requiring consumers to become members of her church in order to obtain religious worker benefits and other benefits.

- d. *Unauthorized services* – To represent consumers on immigration matters, one must be a licensed attorney, a person or organization accredited by the Board of Immigration Appeals, a law student or recent law graduate, a reputable individual, or an alien accredited official. 8 C.F.R. §292.1. Perez is none of these.
- e. *Changing business locations* - Perez does not stay in one location for more than a couple of months at a time. Perez has operated in numerous different locations, as well as local hotels and parks. Perez may be seeking to avoid consumers seeking refunds, as well as government agencies such as the Texas Attorney General's Office.

38. For these reasons, the assets of the Defendants are subject to dissipation and secretion and therefore should be frozen pending final trial so restitution can be made and full and final relief can be awarded at final trial.

**XIV. REQUEST TO CONDUCT EXPEDITED DISCOVERY
PRIOR TO TEMPORARY INJUNCTION HEARING**

39. Plaintiff requests leave of this Court to conduct expedited discovery, including telephonic, oral, written and other depositions (containing requests for production) of witnesses prior to any scheduled Temporary Injunction hearing. Any depositions, telephonic or otherwise, would be conducted with reasonable, shortened notice to Defendant and her attorney, if known.

XV. DISGORGEMENT AND CONSTRUCTIVE TRUST

40. 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 the Defendants to retain, including all ill-gotten gains and benefits or profits that result from the Defendants putting fraudulently converted property to a profitable use. The 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.

41. Consumers have been induced by Defendants' fraudulent statements and omissions to pay advance fees to Defendants. Defendants intentionally deceive financially strapped and unsuspecting consumers by false promises to obtain immigration benefits. Consumers relied on these false promises to their detriment. Defendants failed to disclose that their promises are false and illusory. The Defendants' conduct is fraudulent and unconscionable.

42. A constructive trust on the funds that are subject to the Court's asset freeze is necessary to preserve these funds for restitution to consumers. Plaintiff requests a constructive trust on these funds in favor of consumers. In addition, Plaintiff requests a constructive trust on any other funds or property identified at trial to be funds or property obtained by Defendants from consumers as a result of fraud.

**XVI. REQUEST FOR FINDINGS OF ACTUAL FRAUD
AND FALSE REPRESENTATION**

43. The Court should make findings at the conclusion of this case that the Defendants engaged in actual fraud and false representations, in that the Defendants made repeated and materially false representations to the public concerning the issues of immigration and the Defendants' ability to assist consumers in immigration documentation and proceedings, which was known to be false when made.

44. Such false representations were made with the intention that they be acted upon by the parties to whom the misrepresentations were made.

45. Reliance upon these false representations has resulted in injury to consumers 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.

XVII. TRIAL BY JURY

46. Plaintiff herein requests a jury trial and tenders the jury fee to the Harris County District Clerk's office pursuant to Texas Rule of Civil Procedure 216 and Texas Government Code Section 51.604.

XVIII. REQUEST FOR DISCLOSURE

47. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, the Defendants are requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.2.

XIX. APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION AND PERMANENT INJUNCTION

48. The Defendants have engaged in the unlawful acts and practices described above, consequently the Defendants have violated and will continue to violate the law as alleged in this Petition. Unless immediately restrained by this Honorable Court, the Defendants will continue to violate the laws of the State of Texas and cause immediate, irreparable injury, loss and damage to the State of Texas and to the general public. Therefore, Plaintiff requests a Temporary Restraining Order, Temporary Injunction and Permanent Injunction as indicated below.

49. The court shall issue such injunctive relief without requiring a bond. TEX. BUS. COMM. CODE § 17.47(b). Pursuant to Texas Business and Commerce Code Section 17.47, the Court may issue temporary restraining orders and temporary and permanent injunctions to prevent continuing violations of the DTPA.

XX. PRAYER

50. Plaintiff prays that the Defendants be cited according to law to appear and answer herein; that a temporary restraining order be issued; that after due notice and hearing a temporary injunction be issued; and upon final hearing a permanent injunction be issued, restraining and enjoining the Defendants, their successors, assigns, officers, agents,

servants, employees and attorneys and any other person in active concert or participation with the Defendants from engaging in the following acts or practices:

- a. Transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to the Defendants businesses which are in the Defendants possession, custody, or control except in response to further orders or subpoenas in this cause;
- b. Giving, providing, or offering advice and counsel to any person regarding U.S. immigration laws, rights, privileges, or documents, until such time as the Defendants either become licensed attorneys or are accredited by the U.S. Board of Immigration Appeals pursuant to 8 C.F.R. §292;
- c. Representing to any person, expressly or by implication, that the 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), until the Defendants are 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 U.S. Board of Immigration Appeals;
- d. 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 the Defendants obtain the certification, license, or other qualifications required for such activity pursuant to 8 C.F.R. §292;
- e. 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 nonresidents;
 - f. 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 the Defendants obtain the certification, license, or other qualifications required for such activity pursuant to 8 C.F.R. §292;
 - 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 the Defendants obtain the accreditation, license, or other qualifications required for such, pursuant to 8 C.F.R. §292;
 - h. 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;
 - i. Advertising immigration related services of any kind via the Internet, radio, TV, electronic broadcast or print (i.e. newspapers, magazines, etc.) until the Defendants have met the requisites of 8 C.F.R. §292;

- j. Holding themselves out, by any means, to the public as “immigration consultants” or any other title or designation incorporating the word “immigration” or any abbreviation thereof, or words to that affect;
- k. Representing, directly or by implication, that Defendants have the skill, expertise, or competence to handle immigration matters.

51. The Defendants have engaged in the unlawful acts and practices described herein, consequently the Defendants have violated and will continue to violate the laws as herein alleged. The Defendants have and, unless enjoined by this Court, will continue to violate the laws of the State of Texas and loss and damage will result to the State of Texas and to the general public.

52. The State further prays that upon final hearing this Court order the Defendants to pay civil penalties of \$20,000.00 per violation to the State of Texas for violations of the DTPA, as well as civil penalties of \$250,000.00 per violation for actions calculated to acquire or deprive money or other property from any consumer who was 65 years of age or older when the act or practice occurred pursuant to Texas Business and Commerce Code § 17.47(c).

53. The State further prays for the Court to order the Defendants to restore all money or other property taken from identifiable persons by means of unlawful acts or practices, or award judgment for damages to compensate for such losses.

54. The State further prays for attorney’s fees and costs pursuant to Texas Government Code § 402.006(c).

55. The State further prays for pre-judgment interest on all awards of restitution, damages, and civil penalties as provided by law.

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

57. The State further prays for any other relief to which the State may be justly entitled under the law.

Respectfully submitted,

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