

Defendants, JUST FOR PEOPLE, INC., ELIZABETH GABRIELA "GABBY" PANEQUE also known as NILDA ODALYS PANEQUE, also known as GABRIELA GATJNES, individually and doing business as LEAD GOD, FRANK ALARCON MARIMON, individually and doing business as Lead God, in Cause Number D-1-GV-12-000990, filed in the District Court of Travis County, Texas, 98th Judicial District.

F. The consumer restitution, civil penalties, costs and attorney's fees ordered in this AFJPI are not dischargeable in bankruptcy and if Defendant Burgos files for bankruptcy the entire judgment amount, including consumer restitution, civil penalties, costs and attorney's fees immediately become due and payable.

II. DEFINITIONS

The parties agree that, for purposes of this AFJPI, the following definitions shall apply:

A. "DTPA" means the Texas Deceptive Trade Practices - Consumer Protection Act, Texas Business and Commerce Code, Sections 17.41 - 17.63, inclusively.

B. "Immigration Services" means providing or offering assistance to individuals with immigration issues such as preparing documents to be presented to any United States immigration agency for purposes of obtaining permanent or temporary legal status to remain in the United States, advising any person whether or not to file a petition, application, or other form to obtain a benefit under United States immigration laws, and/or offering to represent an individual before the Board of Immigration Appeals or any other governmental agency or unit that could grant a benefit to the individual under United States Immigration laws.

III. FINDINGS OF THE COURT

The Court finds:

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AGREED FINAL JUDGMENT AND PERMANENT INJUNCTION

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- A. It has jurisdiction over the subject matter of this action and over Defendant Burgos.
- B. Venue is proper in Travis County, Texas.
- C. The activities of Defendant Burgos in connection with his activities at Just for People, Inc. and Lead God and in his work for Defendant Paneque constitute trade and/or commerce.
- D. Defendant Burgos violated the DTPA.

IV. PERMANENT INJUNCTION

The Court is of the opinion that issuing this Permanent Injunction is appropriate to ensure that Defendant ANTHONY BURGOS does not violate the DTPA. **IT IS THEREFORE ORDERED** that Defendant ANTHONY BURGOS, his agents, representatives, servants, and any other persons in active concert or participation with them, 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. Advertising in any manner that he can advise, assist, facilitate, or in any manner help consumers with immigration matters, including but not limited to, the completion of immigration forms;
- B. Soliciting consumers in any manner in order to assist them with immigration matters, including but not limited to, the completion of immigration forms;
- C. Representing to consumers, directly or indirectly, that he can assist them in immigration matters, including but not limited to, the completion of immigration forms;
- D. Collecting fees or any other form of compensation for assisting consumers in any immigration matter, including but not limited to, the completion of immigration forms;



E. Representing to consumers, directly or indirectly, that he is competent to offer assistance in immigration matters unless he becomes an attorney;

F. Representing to consumers, implicitly or explicitly, that he is a government official assisting them with immigration matters in that capacity;

G. Wearing a uniform, badge, or other clothing as indicia of authority so as to lead consumers to believe that he is a government official assisting them with immigration matters in that capacity, unless he is in fact a duly hired or appointed government official authorized to provide assistance with immigration matters;

H. Transferring, concealing, destroying, mutilating, altering, falsifying, or removing from the jurisdiction of this Court any books, records, documents, invoices, receipts, or other written materials relating to Lead God or Just People Inc. until all related cases, including the matter set out in Cause no. D-1-GV- 12-000990, currently pending in the 98th District of Travis County, Texas, are finally concluded and all appeals, if any, have been resolved;

I. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal, of any money from the jurisdiction of this court or from any financial institution account in the name and/or for the benefit of Lead God or in the name of and/or benefit for Just for People Inc.;

J. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal of any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real or personal, or mixed, wherever situated, belonging to or owned by, in the possession of, or claimed by, Lead God or Just for People Inc.;



K. Being appointed, applying for, running for or acting as a director, board member, officer, or in any other capacity, for Lead God or Just for People Inc.;

L. Creating or establishing fictitious entities with names similar to Lead God or Just for People, Inc., which are likely to cause confusion to consumers;

M. Setting up, opening, being authorized as a signatory or using, in any way, bank accounts for fictitious entities with names similar to Lead God or Just for People Inc., which are likely to cause confusion to consumers;

N. Handling money in any capacity for any nonprofit, charitable organization unless Defendant Burgos receives formal training through the Center for Community Based & Nonprofit Organizations at Austin Community College or Greenlights for Nonprofit Success, which should include twenty-one (21) hours in board governance, nonprofit accounting and reporting and volunteer training;

O. Acting as a director or volunteer for any nonprofit, charitable organization unless Defendant Burgos receives formal training through the Center for Community Based & Nonprofit Organizations at Austin Community College or Greenlights for Nonprofit Success, which should include twenty-one (21) hours in board governance, nonprofit accounting and reporting and volunteer training;

P. Acting as a director or volunteer for any nonprofit, charitable organization or handling money in any capacity for a nonprofit, charitable organization unless and until after Defendant Burgos provides the Consumer Protection Division of the Office of the Attorney General of Texas notice that he has completed the formal training as required in the paragraphs N and O above, and

Q. Acting as a director or volunteer for any nonprofit, charitable organization or handling



money in any capacity for any nonprofit, charitable organization unless and until after Defendant Burgos provides a copy of this AFJPI to the organization, with a copy of the transmittal notice to the Consumer Protection Division of the Office of the Attorney General of Texas.

**V. CIVIL PENALTIES, ATTORNEY'S FEES,
COURT COSTS AND RESTITUTION**

Defendant Burgos further agrees and **IT IS ORDERED** that Defendant BURGOS pay civil penalties to the State of Texas in the amount of **TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)**, attorney's fees in the amount of **FORTY THOUSAND SIX HUNDRED SIXTY DOLLARS (\$40,660.00)** and court costs in the amount of **THREE HUNDRED FIFTEEN DOLLARS (\$315.00)**.

IT IS FURTHER ORDERED that Defendant pay **FIFTY THOUSAND AND NINE HUNDRED-FORTY-ONE AND THIRTY-THREE CENTS (\$50,941.33)** to the State of Texas to be used for restitution to Texas consumers who transacted business with and paid monies to Just for People Inc., Lead God, Elizabeth Gabriela Paneque, Frank Alarcon Marimon and/or Anthony Burgos for the preparation of immigration documents. Payments shall be tendered by Defendant Burgos in the form of a cashier's check. The checks should be made payable to the Office of the Attorney General of Texas and bear the Attorney General No. 123318461 on the face of the check. The payments will be delivered to the Office of the Attorney General of Texas, Consumer Protection Division, Attention: Tommy Prud'homme, 300 W. 15th, 9th Floor, Austin, Texas 78701.

IT IS ORDERED that Defendant BURGOS pay **THIRTY THOUSAND DOLLARS (\$30,000.00)** by paying at least **THREE THOUSAND DOLLARS (\$3000.00)** every May 31st for



six years beginning with May 31st, 2013 or until he finishes paying the THIRTY THOUSAND DOLLARS (\$30,000). The first payment of this amount will be due on May 31st, 2014. If Defendant Burgos receives a federal tax refund in excess of \$3,000.00 as is anticipate, he shall make payments in the entire amount of the federal tax refund up to \$6,000.00. Defendant Burgos shall provide a copy of his check refund to the Office of Attorney General of Texas Consumer Protection Division with the payment.

IT IS ORDERED that Defendant BURGOS pay the remaining amounts in monthly increments of \$350.00 until the entire remaining amount of \$20,941.33 is paid in full. Each payment is due on or before the 10th day of each month, with the first month's payment due on the 10th of the month following the date that the AFJPI is signed by the judge. For example, if the AFJPI is signed by the judge on March 15, 2013, the first payment would be due on or before April 10, 2013. A payment will be considered late for purposes of this AFJPI if the payment is received five days past its due date. Late payments shall accrue annual interest of 5% until paid. A late payment is also a violation of this AFJPI.

Once all consumer restitution amounts are paid by Defendant BURGOS, the State of Texas is **ORDERED** to remit these monies in restitution to those consumers who complete a payee information sheet and show or verify that they were the consumer(s) who paid for immigration services and the amount they paid to Elizabeth Gabriela Paneque, Lead God, Just for People Inc., Anthony Burgos, or Frank Alarcon Marimon. Consumers shall submit this information to the State of Texas within the ninety days after they receive notice from the State of Texas of the potential distribution. The State of Texas will distribute the money to consumers on a pro rata basis, which will be established after the ninety day period with the percentage to be determined by



the amount of the total claimed by consumers in ratio to the amount each consumer shows he or she paid. Thus, for example, if the total amount claimed by consumers after this ninety day window is \$200,000.00 and one consumer shows s/he paid \$10,000.00, that consumer will receive 1/20th or 5% of the \$50,000.00 or \$2500.00. If unclaimed restitution monies are left after six months of the date that all consumer restitution amounts are paid by Defendant BURGOS, and on a showing of due diligence by the State of Texas, these remaining restitution monies will be credited to any outstanding judgment amounts which have become due for civil penalties, attorney's fees, and costs. If any excess unclaimed restitution monies are left after the above items are paid, the monies shall revert to the State of Texas as additional civil penalties.

In addition, checks to claimants which have not been negotiated within 120 days of issuance, shall be voided, returned to the State and processed by the State in accordance with the State's requirements regarding unclaimed property.

IT IS ORDERED that, until Defendant Burgos pays all the consumer restitution due under this section, Defendant Burgos shall provide a copy of his federal income tax to the Office of the Attorney General of Texas, Consumer Protection Division, 300 W. 15th, 9th Floor, Austin, Texas 78701. Defendant Burgos shall file his federal income tax returns annually with the Internal Revenue Service no later than the first due date (typically April 15) of the year in which the return is due and shall provide a copy of the return to the Consumer Protection Division by May 15 of that same year.

The agreement permitting Defendant Burgos to pay out the amount ordered for consumer restitution is void if Defendant Burgos files bankruptcy. In the event that Defendant Burgos files for bankruptcy, all unpaid consumer restitution amounts become immediately due and payable.



VI. ABATEMENT OF COLLECTION OF PART OF JUDGMENT

IT IS FURTHER ORDERED that collection on the outstanding judgment amounts except for the **FIFTY THOUSAND NINE HUNDRED FORTY-ONE DOLLARS AND THIRTY-THREE CENTS (\$50,941.33)** owed for consumer restitution is **abated** unless one of the conditions stated below occurs:

- A. It reasonably appears to the State that Defendant ANTHONY BURGOS has violated any provision of this AFJPI.
- B. Defendant Burgos files for bankruptcy.
- C. The State determines that Defendant ANTHONY BURGOS has additional properties or income that he has not disclosed as of March 1, 2013.

The parties further agree that Plaintiff, the State of Texas, will file an abstract of judgment for the entire outstanding amount of the judgment (including the amount abated), but will not take any other action to collect the remaining portion of the judgment amounts for penalties, attorney's fees and costs unless one of the conditions listed above in paragraphs A-C occurs.

Plaintiff acknowledges that Defendant Burgos has disclosed the following to comply with paragraph C above:

- 1. Potential receipt by Defendant Burgos of retirement benefits beginning in August 2013 which will consist of approximately \$1200 to \$1500 per month once he retires from the U.S. Army.
- 2. Potential receipt by Defendant Burgos of Veteran Medical Compensation.

IT IS ORDERED, ADJUDGED, AND DECREED that upon the occurrence of one of these conditions, the agreement to abate is void, and all amounts become immediately due and



payable. The State may, without further court order, take any and all action to actively and vigorously collect the entirety of the judgment amounts and to enforce by contempt any violation of this AFJPI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if Defendant fails to pay the amounts as they come due, post-judgment interest at the rate of 5% shall accrue. Amounts for the penalties, attorneys' fees and costs shall not become due, unless and until one of the conditions listed in Section VI. A and B occurs. However, if the State determines that Defendant ANTHONY BURGOS did not disclose all property and assets in which he has an interest in by March 1, 2013, then the entire judgment amount, including restitution, attorney's fees, penalties and costs shall be deemed due on the date that the AFJPI is signed and the post judgment interest of 5% shall accrue as of that date.

The parties note that for so long as Defendant Burgos complies with all the terms of the Judgment, he will only have to pay the consumer restitution of \$50, 941.33.

VII. MISCELLANEOUS

IT IS ORDERED that the State of Texas is authorized to monitor compliance with this AFJPI by any lawful method.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the consumer restitution, civil penalties, costs and attorney's fees ordered in this AFJPI are not dischargeable in bankruptcy and if Defendant Burgos files for bankruptcy the entire judgment amount, including consumer restitution, civil penalties, costs and attorney's fees immediately become due and payable.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the State of Texas



shall have all writs of execution and other process necessary to enforce this Final Judgment and Permanent Injunction as amounts come due.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs of Court incurred in this case are taxed against the Defendant, collection of which is abated as set forth in this AFJPI, and with the abatement subject to the conditions set forth in this AFJPI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if in the future any definition or provision in this AFJPI is inconsistent with the laws of the State of Texas or any rules or regulations promulgated thereunder such laws and/or rules and regulations will prevail over the terms of this AFJPI, provided that the remaining terms of the AFJPI not affected by such laws, rules, or regulations will remain in full force and effect.

All other relief not granted is denied.

SIGNED AND ENTERED this 18th day April, 2013.

[Signature]
JUDGE PRESIDING Tim Salak

APPROVED AS TO FORM AND SUBSTANCE AND ENTRY REQUESTED:

[Signature]
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