1 2 3 4	BILL LOCKYER Attorney General HERSCHEL T. ELKINS Senior Assistant Attorney General MARGARET REITER Supervising Deputy Attorney General SETH E. MERMIN					
5	Deputy Attorney General State Bar No. 189194 455 Golden Gate Avenue, Suite 11000					
6	San Francisco, CA 94102-7004					
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8 9	Attorneys for Plaintiff, The People of the State of California					
10	IN THE SUPERIOR COURT OF THE ST	TATE OF CALIFORNIA				
11	FOR THE COUNTY OF SAN MATEO					
12		1				
13	THE PEOPLE OF THE STATE OF CALIFORNIA,	Case No.:				
14	Plaintiff,	COMPLAINT FOR				
15	v.	INJUNCTION, CIVIL PENALTIES, AND OTHER				
16	MIRANDA & ASSOCIATES, MIRANDA & ASSOCIATE, BESSI MIRANDACUADRA aka	RELIEF				
17	BESSIE MIRANDA, and DOES 1 THROUGH 10, inclusive,	Date: March 18, 2003				
18 19	Defendants.					
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	1.					
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Plaintiff, the People of the State of California, by Bill Lockyer, Attorney General of the 1 2 State of California, alleges the following on information and belief: 3 PARTIES 1. 4 Defendant Bessi Mirandacuadra (aka Bessie Miranda) is an individual. She 5 engages in business under the names Miranda & Associates and Miranda & Associate. 2. Defendants Miranda & Associates and Miranda & Associate are businesses of 6 unknown form. 7 8 3. Defendant Bessi Mirandacuadra (aka Bessie Miranda) is not currently nor was she 9 at any time referred to in this Complaint licensed to practice law in the State of California or 10 authorized by federal law to represent persons before the Immigration and Naturalization Service 11 or the Immigration Courts and Board of Immigration Appeals. 12 4. Defendants Miranda & Associates and Miranda & Associate are not currently nor 13 were they at any time referred to in this Complaint nonprofit, tax-exempt corporations. 14 5. The true names of defendants sued herein under the fictitious names Does 1 15 through 10 are unknown to plaintiff. Plaintiff will seek leave of court to amend this Complaint 16 to allege such names as soon as they are ascertained. 17 6. All references in this Complaint to any of the defendants shall also include all of them, unless otherwise specified. Whenever reference is made in this Complaint to any act of 18 19 Defendants, such allegation shall mean that each defendant acted individually and jointly with 20 the other defendants. 7 21 At all relevant times, each defendant has committed the acts, caused others to 22 commit the acts, or permitted others to commit the acts alleged in this Complaint. 23 8. Any allegation about any acts of any corporate or other business defendant shall 24 mean that the corporation or other business did the acts alleged through its officers, directors, 25 employees, agents and/or representatives while they were acting within the actual or ostensible 26 scope of their authority. 27 9. The named defendants' principal place of business is located at 307 Grand Ave. in 28 South San Francisco, California.

1	10. The violations of law alleged in this Complaint occurred in the City and County of				
2	San Mateo and may also have occurred elsewhere in California.				
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4	FIRST CAUSE OF ACTION				
5	VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200				
6	(UNLAWFUL BUSINESS ACTS OR PRACTICES)				
7	(Against all Defendants)				
8	11. The People reallege and incorporate by reference paragraphs 1 through 10 of this				
9	Complaint.				
10	12. Defendants have engaged and are engaging in unfair competition as defined by				
11	California Business and Professions Code section 17200 by engaging in acts or practices				
12	including, but not necessarily limited to, violation of Business and Professions Code section				
13	22443.3.				
14	13. Business and Professions Code section 22443.3 provides that any person making a				
15	statement indicating directly or by implication that the person serves as an immigration				
16	consultant must have on file with the Secretary of State a bond of \$50,000. The measure, which				
17	is contained in the Immigration Consultants Act (Bus. & Prof. Code § 22440 et seq.), provides:				
18	It is unlawful for any person to disseminate by any means any statement				
19	indicating directly or by implication that the person engages in the business or acts				
20	in the capacity of an immigration consultant, unless the person has on file with the				
21	Secretary of State a bond, in the amount and subject to the terms described in				
22	Section 22443.1, that is maintained throughout the period covered by the				
23	statement, such as, but not limited to the period of a yellow pages listing.				
24	14. Section 22443.1 of the Business and Professions Code, describing the amount and				
25	terms of the required bond, provides in relevant part:				
26	(a) [E]ach person shall file with the Secretary of State a bond of fifty thousand				
27	(\$50,000) executed by a corporate surety admitted to do business in this state and				
28	conditioned upon compliance with this chapter. The total aggregate liability on				
	3.				
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1	the bond shall be limited to fifty thousand dollars (\$50,000)				
2	(b) The bond required by this section shall be in favor of, and payable to, the				
3	people of the State of California and shall be for the benefit of any person				
4	damaged by any fraud, misstatement, misrepresentation, unlawful act or omission,				
5	or failure to provide the services of the immigration consultant or the agents,				
6	representatives, or employees of the immigration consultant while acting within				
7	the scope of that employment or agency.				
8	15. Section 22441(a) of the Business and Professions Code provides:				
9	A person engages in the business of or acts in the capacity of an				
10	immigration consultant when that person gives nonlegal assistance or advice on				
11	an immigration matter.				
12	16. From a point on or after January 1, 2002, and continuing to the present,				
13	Defendants have disseminated and continue to disseminate statements indicating directly or by				
14	implication that they engage or propose to engage in the business, or act in the capacity or				
15	propose to act in the capacity, of an immigration consultant.				
16	17. Defendants do not currently have on file with the Secretary of State, nor have they				
17	at any time referred to in this Complaint had on file with the Secretary of State, the requisite				
18	\$50,000 bond.				
19	SECOND CAUSE OF ACTION				
20	VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 22443.3				
21	(FAILURE TO OBTAIN AND FILE SURETY BOND)				
22	(Against all Defendants)				
23	18. The People reallege and incorporate by reference paragraphs 1 through 10 and 12				
24	through 17 of this Complaint.				
25	19. By disseminating statements indicating directly or by implication that they engage				
26	in the business or act in the capacity of an immigration consultant, without having on file with				
27	the Secretary of State the bond described in Business and Professions Code Section 22443.1,				
28	Defendants have violated Business and Professions Code section 22443.3.				
	4.				
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2	WHEREFORE, Plaintiff prays for judgment as follows:				
3	1. Pursuant to Business and Professions Code sections 17203 and 22446.5, that all				
4	Defendants, their agents, employees, officers, representatives, successors, partners, assigns, and				
5	all persons acting in concert or participating with them, be permanently enjoined from violating				
6	Business and Professions Code sections 17200 and 22443.3, including but not limited to the				
7	violations alleged in this Complaint;				
8	2. Pursuant to Business and Professions Code sections 17206, 22445 and 22446.5,				
9	that the Court assess a civil penalty against each Defendant for each violation of Business and				
10	Professions Code sections 17200 and 22443.3 alleged in the Complaint, as proved at trial, in the				
11	total amount of at least \$25,000.00;				
12	3. That the People recover their costs of suit; and				
13	4. That the Court grant such other and further relief as it may deem just and proper.				
14					
15	Dated: Marc	h 18, 2003		BILL LOCKYER, Attorney General	
16				HERSCHEL T. ELKINS, Senior Assistant Attorney General	
17				MARGARET REITER, Supervising Deputy Attorney General	
18				SETH E. MERMIN, Deputy Attorney General	
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20 21				By	
21				Attorneys for the Plaintiff, the People of the State of California	
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