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7 The People of the State of California

FILED
MADERA SUPERIOR COURT

SEP 05 2003

CLERK

DEPUTY

8
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF MADERA

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA

13 Plaintiff,

14 v.

15 MARITZA CHAVARRI aka MARIA CHAVARRI;
16 MARITZA CHAVARRI aka MARIA CHAVARRI
dba CENTRO LATINO; JORGE CHAVARRI aka
17 GORGE CHAVARRI; JORGE CHAVARRI aka
GORGE CHAVARRI dba CENTRO LATINO; and
18 DOES 1 through 10, inclusive,

19 Defendants.

No.: MCV021499

**COMPLAINT FOR
INJUNCTION, CIVIL
PENALTIES, AND OTHER
RELIEF**

20
21 Plaintiff, the People of the State of California, by Bill Lockyer, Attorney General of the
22 State of California (hereinafter "People"), allege the following on information and belief:

23 PARTIES

- 24 1. Defendant Maritza Chavarri aka Maria Chavarri is an individual. She engages in
25 business under Centro Latino.
- 26 2. Defendant Jorge Chavarri aka Gorge Chavarri is an individual. He engages in
27 business under Centro Latino.
- 28 3. Defendant Centro Latino is a business of unknown form.

1 4. Defendants Maritza Chavarri aka Maria Chavarri and Jorge Chavarri aka Gorge
2 Chavarri are not currently, nor were they at any time referred to in this Complaint, licensed to
3 practice law in the State of California or authorized by federal law to represent persons before the
4 Immigration and Naturalization Service, the Bureau of Citizenship & Immigration Services¹ or
5 the Immigration Courts and Board of Immigration Appeals.

6 5. Defendant Centro Latino is not currently nor was it at any time referred to in this
7 Complaint as a nonprofit, tax-exempt corporation.

8 6. The true names and capacities of defendants sued herein under the fictitious
9 names Does 1 through 10 are unknown to the State. The State will seek leave of court to amend
10 this Complaint to allege such names and capacities as soon as they are ascertained.

11 7. All references in this Complaint to any of the Defendants shall also include all of
12 them, unless otherwise specified. Whenever reference is made in this Complaint to any act of
13 Defendants, such allegation shall mean that each Defendant acted individually and jointly with
14 the other Defendants.

15 8. At all relevant times, each Defendant has committed the acts, caused others to
16 commit the acts, or permitted others to commit the acts alleged in this Complaint.

17 9. Any allegation about any acts of any corporate or other business Defendant shall
18 mean that the corporation or other business did the acts alleged through its officers, directors,
19 employees, agents, and/or representatives while they were acting within the actual or ostensible
20 scope of their authority.

21 10. The named Defendants' principal place of business is located at 719 North D
22 Street, Suite C, Madera, California.

23 11. The violations of law alleged in this Complaint occurred in the County of Madera,
24 and may also have occurred elsewhere in California.

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27 1. For part of the year 2003, the Immigration and Naturalization Service ("INS") existed
28 in its entirety. On March 1, 2003, services formerly provided by INS transitioned into the
Department of Homeland Security under the Bureau of Citizenship & Immigration Services
("BCIS"). All official forms and documents issued by the former INS will still be valid and will
continue to be accepted by BCIS and other agencies as evidence of status in the United States.

1 FIRST CAUSE OF ACTION

2 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200**
3 **(UNLAWFUL BUSINESS ACTS OR PRACTICES)**
4 **(Against all Defendants)**

5 12. The People reallege and incorporate by reference paragraphs 1 through 11 of this
6 Complaint.

7 13. Defendants have engaged and are engaging in unfair competition as defined by
8 California Business and Professions Code section 17200 by engaging in acts or practices
9 including, but not necessarily limited to, violation of Business and Professions Code
10 section 22443.3.

11 14. Business and Professions Code section 22443.3 provides that any person making a
12 statement indicating directly or by implication that the person serves as an immigration
13 consultant must have on file with the Secretary of State a bond of \$50,000. The measure, which
14 is contained in the Immigration Consultants Act (Bus. & Prof. Code, § 22440 et seq.), provides:

15 It is unlawful for any person to disseminate by any means any
16 statement indicating directly or by implication that the person
17 engages in the business or acts in the capacity of an immigration
18 consultant, unless the person has on file with the Secretary of State
19 a bond, in the amount and subject to the terms described in Section
20 22443.1, that is maintained throughout the period covered by the
21 statement, such as, but not limited to the period of a yellow pages
22 listing.

23 15. Section 22443.1 of the Business and Professions Code, describing the amount and
24 terms of the required bond, provides in relevant part:

25 (a) . . . [E]ach person shall file with the Secretary of State a bond of
26 fifty thousand dollars (\$50,000) executed by a corporate surety
27 admitted to do business in this state and conditioned upon
28 compliance with this chapter. The total aggregate liability on the
bond shall be limited to fifty thousand dollars (\$50,000)

(b) The bond required by this section shall be in favor of, and
payable to, the people of the State of California and shall be for the
benefit of any person damaged by any fraud, misstatement,
misrepresentation, unlawful act or omission, or failure to provide
the services of the immigration consultant or the agents,
representatives, or employees of the immigration consultant while
acting within the scope of that employment or agency.

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1 16. Section 22441, subdivision (a), of the Business and Professions Code provides:

2 A person engages in the business of or acts in the capacity of an
3 immigration consultant when that person gives nonlegal assistance
4 or advice on an immigration matter.

4 17. From a point on or after January 1, 2003, and continuing to the present,
5 Defendants and their employees have disseminated and continue to disseminate statements
6 indicating directly or by implication that they engage or propose to engage in the business, or act
7 in the capacity or propose to act in the capacity of an immigration consultant.

8 18. Defendants do not currently have on file with the Secretary of State, nor have they
9 at any time referred to in this Complaint had on file with the Secretary of State, the requisite
10 \$50,000 bond.

11 19. Section 17500 of the Business and Professions Code provides:

12 It is unlawful for any person . . . with intent directly or indirectly. . .
13 to perform services . . . to make or disseminate or cause to be made
14 or disseminated . . . in any newspaper or other publication . . ., or in
15 any other manner or means whatever, any statement, concerning
16 such . . . services . . . which is untrue or misleading.

15 20. A violation of Business and Professions Code section 17500 is by definition also a
16 violation of Business and Professions Code section 17200, which provides that "unfair
17 competition shall mean and include . . . any act prohibited by . . . Section 17500 . . ."

18 21. Defendants have violated and continue to violate Business and Professions Code
19 section 17500 by making or causing to be made untrue or misleading statements, which they
20 know or by the exercise of reasonable care should know are untrue or misleading, with the intent
21 to induce members of the public to purchase Defendants' services. Defendants' violations of this
22 section include, but are not limited to, the following: By disseminating or causing to be
23 disseminated statements concerning their ability to provide immigration consulting services,
24 Defendants have implicitly represented that they could do so lawfully. The statements are untrue
25 and misleading because in the absence of a bond, as required by Business and Professions Code
26 section 22443.3, Defendants cannot lawfully provide immigration consultant services.

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1 **SECOND CAUSE OF ACTION**

2 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 22443.3**
3 **(FAILURE TO OBTAIN AND FILE SURETY BOND)**
4 **(Against all Defendants)**

5 22. The People reallege and incorporate by reference paragraphs 1 through 21 of this
6 Complaint.

7 23. By disseminating statements indicating directly or by implication that they engage
8 in the business or act in the capacity of an immigration consultant, without having on file with
9 the Secretary of State the bond described in Business and Professions Code section 22443.1,
10 Defendants have violated Business and Professions Code section 22443.3.

11 **THIRD CAUSE OF ACTION**

12 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17500**
13 **(UNTRUE OR MISLEADING ADVERTISING)**
14 **(Against all Defendants)**

15 24. The People reallege and incorporate by reference paragraphs 1 through 23 of this
16 Complaint.

17 25. Defendants have violated and continue to violate Business and Professions Code
18 section 17500 by making or causing to be made untrue or misleading statements, which they
19 know or by the exercise of reasonable care should know are untrue or misleading, with the intent
20 to induce members of the public to purchase Defendants' services. Defendants' violations of this
21 section include, but are not limited to, the following: By disseminating or causing to be
22 disseminated statements concerning their ability to provide immigration consultant services,
23 Defendants have implicitly represented that they could do so lawfully. The statements are untrue
24 and misleading because in the absence of a bond, as required by Business and Professions Code
25 section 22443.3, Defendants cannot lawfully provide immigration consultant services.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, the People pray for judgment as follows:

28 1. Pursuant to Business and Professions Code sections 17203, 22446.5, and 17535,
that all Defendants, their agents, employees, officers, representatives, successors, partners,
assigns, and all persons acting in concert or participating with them, be permanently enjoined

1 from violating Business and Professions Code sections 17200, 22443.3 and 17500, including, but
2 not limited to, the violations alleged in this Complaint;

3 2. Pursuant to Business and Professions Code sections 17206, 17536, 22445,
4 and 22446.5, that the Court assess a civil penalty against each Defendant for each violation of
5 Business and Professions Code sections 17200, 17500, or 22443.3 alleged in the Complaint, as
6 proved at trial, in the total amount of \$100,000;

7 3. That the People recover their costs and reasonable attorneys fees pursuant to Code
8 of Civil Procedure section 1021.8, subdivision (a); and

9 4. That the Court grant such other and further relief as it may deem just and proper.

10 DATED: 9-3-03

11 BILL LOCKYER
12 Attorney General of the State of California

13 SUZANNE M. AMBROSE
14 Supervising Deputy Attorney General

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16 _____
17 TIMOTHY M. MUSCAT
18 Deputy Attorney General

19 Attorneys for Plaintiff
20 The People of the State of California
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