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10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO

12
13 THE PEOPLE OF THE STATE OF CALIFORNIA,
14 Plaintiff,
15 v.
16 OLYMPIA INSTITUTE, SAMMY TANG, KUO
CHAN, and DOES 1 THROUGH 10, inclusive,
17 Defendants.
18

CASE NO.:

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

1 Plaintiff, the People of the State of California, by Bill Lockyer, Attorney General of the State
2 of California, alleges the following on information and belief:

3 **PARTIES**

4 1. Defendants Sammy Tang and Kuo Chan are individuals. They engage in business under
5 the name Olympia Institute.

6 2. Defendant Olympia Institute is a business of unknown form.

7 3. Defendant Sammy Tang is not currently nor was he at any time referred to in this
8 Complaint licensed to practice law in the State of California or authorized by federal law to represent
9 persons before the Immigration and Naturalization Service or the Immigration Courts and Board of
10 Immigration Appeals.

11 4. Defendant Kuo Chan is not currently nor was he at any time referred to in this Complaint
12 licensed to practice law in the State of California or authorized by federal law to represent persons
13 before the Immigration and Naturalization Service or the Immigration Courts and Board of
14 Immigration Appeals.

15 5. The true names and capacities of defendants sued herein under the fictitious names Does
16 1 through 10 are unknown to plaintiff. Plaintiff will seek leave of court to amend this Complaint to
17 allege such names and capacities as soon as they are ascertained.

18 6. All references in this Complaint to any of the defendants shall also include all of them,
19 unless otherwise specified. Whenever reference is made in this Complaint to any act of Defendants,
20 such allegation shall mean that each defendant acted individually and jointly with the other defendants.

21 7. At all relevant times, each defendant has committed the acts, caused others to commit the
22 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 mean that
24 the corporation or other business did the acts alleged through its officers, directors, employees, agents
25 and/or representatives while they were acting within the actual or ostensible scope of their authority.

26 9. The named defendants' principal place of business is currently located at 950 Clement
27 Street, San Francisco, California.

28 10. The violations of law alleged in this Complaint occurred in the City and County of San

1 Francisco and may also have occurred elsewhere in California.

2 **FIRST CAUSE OF ACTION**

3 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200**

4 **(UNLAWFUL BUSINESS ACTS OR PRACTICES)**

5 **(Against all Defendants)**

6 11. The People reallege and incorporate by reference paragraphs 1 through 10 of this
7 Complaint.

8 12. Defendants have engaged and are engaging in unfair competition as defined by
9 California Business and Professions Code section 17200 by engaging in acts or practices
10 including, but not necessarily limited to, violation of Business and Professions Code section
11 22443.3.

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

16 It is unlawful for any person to disseminate by any means any statement
17 indicating directly or by implication that the person engages in the business or acts
18 in the capacity of an immigration consultant, unless the person has on file with the
19 Secretary of State a bond, in the amount and subject to the terms described in
20 Section 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 listing.

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

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

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

7 15. Section 22441(a) of the Business and Professions Code provides:

8 A person engages in the business of or acts in the capacity of an immigration
9 consultant when that person gives nonlegal assistance or advice on an
10 immigration matter.

11 16. From a point on or after January 1, 2002, and continuing to the present, Defendants
12 have disseminated and continue to disseminate statements indicating directly or by implication that
13 they engage or propose to engage in the business, or act in the capacity or propose to act in the
14 capacity, of an immigration consultant.

15 17. Defendants do not currently have on file with the Secretary of State, nor have they at
16 any time referred to in this Complaint had on file with the Secretary of State, the requisite
17 \$50,000 bond.

18 **SECOND CAUSE OF ACTION**

19 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 22443.3**

20 **(FAILURE TO OBTAIN AND FILE SURETY BOND)**

21 **(Against all Defendants)**

22 18. The People reallege and incorporate by reference paragraphs 1 through 17 of this
23 Complaint.

24 19. By disseminating statements indicating directly or by implication that they engage in
25 the business or act in the capacity of an immigration consultant, without having on file with the
26 Secretary of State the bond described in Business and Professions Code Section 22443.1,
27 Defendants have violated Business and Professions Code section 22443.3.

1 WHEREFORE, Plaintiff prays for judgment as follows:

2 1. Pursuant to Business and Professions Code sections 17203 and 22446.5, that all
3 Defendants, their agents, employees, officers, representatives, successors, partners, assigns, and
4 all persons acting in concert or participating with them, be permanently enjoined from violating
5 Business and Professions Code sections 17200 and 22443.3, including but not limited to the
6 violations alleged in this Complaint;

7 2. Pursuant to Business and Professions Code sections 17206, 22445 and 22446.5, that
8 the Court assess a civil penalty against each Defendant for each violation of Business and
9 Professions Code sections 17200 and 22443.3 alleged in the Complaint, as proved at trial, in the
10 total amount of at least \$25,000.00;

11 3. That the People recover their costs of suit; and

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

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14 Dated: January ____, 2003

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By _____
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Attorneys for the Plaintiff,
the People of the State of California

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