

1 BILL LOCKYER
Attorney General
2 HERSCHEL T. ELKINS
Senior Assistant Attorney General
3 MARGARET REITER
Supervising Deputy Attorney General
4 SETH MERMIN
Deputy Attorney General
5 State Bar No. 189194
455 Golden Gate Avenue, Suite 11000
6 San Francisco, CA 94102-7004

7
8 Attorneys for Plaintiff,
The People of the State of California
9

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12

13 THE PEOPLE OF THE STATE OF CALIFORNIA,
14 Plaintiff,
15 v.
16 JUDITH LUGO, JORGE LUGO, J. J. & J. LUGO
SERVICES, J. & J. LUGO SERVICES; and DOES 1
17 THROUGH 10, inclusive,
18 Defendants.

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 Judith Lugo and Jorge Lugo are individuals. They engage in business under
5 the names J.J. & J. Lugo Services and J. & J. Lugo Services.

6 2. Defendants J.J. & J. Lugo Services and J. & J. Lugo Services are businesses of unknown
7 form.

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

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

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

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

22 7. At all relevant times, each defendant has committed the acts, caused others to commit the
23 acts, or permitted others to commit the acts alleged in this Complaint.

24 8. Any allegation about any acts of any corporate or other business defendant shall mean that
25 the corporation or other business did the acts alleged through its officers, directors, employees, agents
26 and/or representatives while they were acting within the actual or ostensible scope of their authority.

27 9. The named defendants' principal place of business is located at 2489 Mission Street #37,
28 San Francisco, California.

1 10. The violations of law alleged in this Complaint occurred in the City and County of San
2 Francisco and may also have occurred elsewhere in California.

3 **FIRST CAUSE OF ACTION**

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

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

6 **(Against all Defendants)**

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

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

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

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

23 14. 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 fifty
26 thousand (\$50,000) executed by a corporate surety admitted to do business in
27 this state and conditioned upon compliance with this chapter. The total
28 aggregate liability on the bond shall be limited to fifty thousand dollars

1 (\$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
5 omission, or failure to provide the services of the immigration consultant or
6 the agents, representatives, or employees of the immigration consultant while
7 acting within 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 immigration
10 consultant when that person gives nonlegal assistance or advice on an
11 immigration matter.

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

16 17. Defendants do not currently have on file with the Secretary of State, nor have they at
17 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 17 of this
24 Complaint.

25 19. By disseminating statements indicating directly or by implication that they engage in
26 the business or act in the capacity of an immigration consultant, without having on file with the
27 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, Plaintiff prays for judgment as follows:

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

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

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

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

Dated: January ____, 2003

BILL LOCKYER,
Attorney General
HERSCHEL T. ELKINS,
Senior Assistant Attorney General
MARGARET REITER,
Supervising Deputy Attorney General
SETH E. MERMIN,
Deputy Attorney General

By _____
SETH E. MERMIN
Attorneys for the Plaintiff,
the People of the State of California