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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 Services<sup>1</sup> 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.

25  
26  
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.

///

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.

27    ///  
28    ///

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;

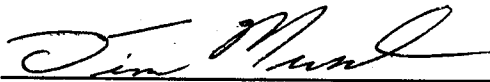
7 3. That the People recover their costs and reasonable attorneys fees pursuant to Code  
8 of Civil Procedure section 1021.8, subdivision (a); and

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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