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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 MANUEL H. GOMEZ; M.G. & ASSOCIATES; 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. Defendant Manuel H. Gomez (aka Manuel Herrera Gomez, aka Manuel Gomez) is an  
5 individual. He engages in business under the name M.G. & Associates.

6 2. Defendant M.G. & Associates is a business of unknown form.

7 3. Defendant Manuel H. Gomez 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. The true names and capacities of defendants sued herein under the fictitious names Does  
12 1 through 10 are unknown to plaintiff. Plaintiff will seek leave of court to amend this Complaint to  
13 allege such names and capacities as soon as they are ascertained.

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

17 6. At all relevant times, each defendant has committed the acts, caused others to commit the  
18 acts, or permitted others to commit the acts alleged in this Complaint.

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

22 8. The named defendants' principal place of business is located at 1384 Valencia Street, San  
23 Francisco, California.

24 9. The violations of law alleged in this Complaint occurred in the City and County of San  
25 Francisco and may also have occurred elsewhere in California.

26  
27 **FIRST CAUSE OF ACTION**

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

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

2 **(Against all Defendants)**

3 10. The People reallege and incorporate by reference paragraphs 1 through 9 of this  
4 Complaint.

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

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

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

19 13. Section 22443.1 of the Business and Professions Code, describing the amount and  
20 terms of the required bond, provides in relevant part:

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

26 (b) The bond required by this section shall be in favor of, and payable to, the  
27 people of the State of California and shall be for the benefit of any person  
28 damaged by any fraud, misstatement, misrepresentation, unlawful act or

1 omission, or failure to provide the services of the immigration consultant or  
2 the agents, representatives, or employees of the immigration consultant while  
3 acting within the scope of that employment or agency.

4 14. Section 22441(a) of the Business and Professions Code provides:

5 A person engages in the business of or acts in the capacity of an immigration  
6 consultant when that person gives nonlegal assistance or advice on an  
7 immigration matter.

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

12 16. Defendants do not currently have on file with the Secretary of State, nor have they at  
13 any time referred to in this Complaint had on file with the Secretary of State, the requisite  
14 \$50,000 bond.

15 **SECOND CAUSE OF ACTION**

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

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

18 **(Against all Defendants)**

19 17. The People reallege and incorporate by reference paragraphs 1 through 16 of this  
20 Complaint.

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

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26 //

27 WHEREFORE, Plaintiff prays for judgment as follows:

28 1. Pursuant to Business and Professions Code sections 17203 and 22446.5, that all

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

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

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

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

11  
12 Dated: January \_\_\_\_, 2003

13 BILL LOCKYER,  
14 Attorney General  
15 HERSCHEL T. ELKINS,  
16 Senior Assistant Attorney General  
17 MARGARET REITER,  
18 Supervising Deputy Attorney General  
19 SETH E. MERMIN,  
20 Deputy Attorney General

21 By \_\_\_\_\_  
22 SETH E. MERMIN  
23 Attorneys for the Plaintiff,  
24 the People of the State of California  
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