

1 BILL LOCKYER
Attorney General of the State of California
2 LOUIS VERDUGO, JR.
Senior Assistant Attorney General
3 SUZANNE M. AMBROSE
Supervising Deputy Attorney General
4 GLORIA L. CASTRO, State Bar No. 193304
Deputy Attorney General
5 300 South Spring Street
Los Angeles, CA 90013
6

7
8 Attorneys for Plaintiff
THE PEOPLE OF THE STATE OF CALIFORNIA
ex rel. BILL LOCKYER, as Attorney General
9 of the State of California
10

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF ORANGE
13

14 THE PEOPLE OF THE STATE OF CALIFORNIA
ex rel. BILL LOCKYER, as Attorney General
15 of the State of California,

16 Plaintiff,

17 v.

18 ALICIA BELTRAN, also known as ALICIA
MCCLELLAN, doing business as CONSULADO
19 DOCUMENTAL HISPANO, and DOES 1
20 THROUGH 10,

21 Defendants.
22

No.:

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

23
24 Plaintiff, the People of the State of California, by Bill Lockyer, Attorney General of the
25 State of California (hereinafter "People"), allege the following on information and belief:

26 **PARTIES**

27 1. Defendant Alicia Beltran (hereinafter "Beltran") is an individual also known as
28 Alicia McClellan. She engages in business under the name CONSULADO DOCUMENTAL
HISPANO.

1 2. CONSULADO DOCUMENTAL HISPANO (hereinafter "CDH") is a business of
2 unknown form.

3 3. Defendant Beltran is not currently, nor was he at any time referred to in this
4 Complaint, licensed to practice law in the State of California or authorized by federal law to
5 represent persons before the Immigration and Naturalization Service, the Bureau of Citizenship
6 & Immigration Services or the Immigration Courts and Board of Immigration Appeals.

7 4. CDH is not currently nor was it at any time referred to in this Complaint, a
8 nonprofit, tax-exempt corporation.

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

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

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

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

22 9. The named Defendants' principal place of business is located at 4517 East
23 Chapman Avenue, Orange, California 92869.

24 10. The violations of law alleged in this Complaint occurred in the County of Orange,
25 and may also have occurred elsewhere in California.

26 ///

27 ///

28 ///

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

7 12. 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 sections 22443.3 and 17500.

11 13. 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 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
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 15. 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
 or advice on an immigration matter.

4 16. In April 2004, and continuing to the present, Defendants and their employees have
5 disseminated and continue to disseminate statements indicating directly or by implication that
6 they engage or propose to engage in the business, or act in the capacity or propose to act in the
7 capacity of an immigration consultant.

8 17. 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 18. 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
 any other manner or means whatever, any statement, concerning
 such . . . services . . . which is untrue or misleading.

15 19. 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 20. 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 21. The People reallege and incorporate by reference paragraphs 1 through 20 of this
6 Complaint.

7 22. 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 23. The People reallege and incorporate by reference paragraphs 1 through 22 of this
16 Complaint.

17 24. 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,
2 but 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
11 DATED:

12 BILL LOCKYER
13 Attorney General of the State of California

14 SUZANNE M. AMBROSE
15 Supervising Deputy Attorney General

16 _____
17 GLORIA L. CASTRO
18 Deputy Attorney General

19 Attorneys for Plaintiff
20 THE PEOPLE OF THE STATE OF CALIFORNIA
21 ex rel. BILL LOCKYER, as Attorney General
22 of the State of California
23
24
25
26
27
28