

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, by  
ANDREW M. CUOMO, Attorney General of the State of  
New York,

Plaintiff,

-against-

ANA LUCIA BAQUERO and CENTRO SANTA ANA, INC.,

Defendants.

**STIPULATED  
ORDER ON CONSENT**

Index No. 402110-09

This Stipulated Order on Consent (“Order”) is entered into by and between Plaintiff, People of the State of New York, by Andrew M. Cuomo, Attorney General of the State of New York, and Defendants Ana Lucia Baquero (“Baquero”) and Centro Santa Ana, Inc. (“CSA”), a corporation organized under the laws of the State of New York.

WHEREAS, New York State Executive Law § 63(12); New York State General Business Law (“GBL”) §§ 349 and 460-a *et seq.* (Immigrant Assistance Services Law); New York State Judiciary Law Article 15 (regulating the practice of law); New York City Local Law 31 § 20-770 *et seq.* (Immigration Assistance Services Law); and New York State Human Rights Law § 296 *et seq.*; Title 8 of the Administrative Code of the City of New York § 8-107 (“New York City Human Rights Law”), prohibit, among other things: (1) individuals not admitted or registered as attorneys within New York State from practicing law, including but not limited to giving legal advice; (2) providing immigration services without adhering to the requirements set forth in New York’s immigration assistance services laws; and (3) any conduct targeting a community because of that community’s alienage, ethnicity, national origin and/or citizenship status;

WHEREAS, New York State residents in need of assistance in immigration-related matters may retain the services of a licensed attorney or a recognized organization authorized by the United States Board of Immigration Appeals (“BIA”), and for clerical services only, New York State residents may retain the services of non-attorneys, also known as “immigrant assistance service providers” (“IASPs”);

WHEREAS, IASPs are regulated by GBL § 460-a *et seq.* and if in New York City are also regulated by Local Law 31 § 20-770 *et seq.*, laws that seek to prevent individuals from preying on the immigrant community by claiming to have legal authorization to handle immigration-related matters, and restrict IASPs to providing solely clerical services, such as completing immigration forms based on information provided by the immigrant customer, translating documents, and mailing documents on behalf of customers to the required government agencies for processing;

WHEREAS, State and City law further requires IASPs to comply with certain advertising guidelines, signage and surety requirements, as well as to provide customers with written contracts in both English and a language that customers can understand;

WHEREAS, IASPs are legally prohibited from providing any legal services, such as giving legal advice concerning the type of immigration relief or benefit the customer should be seeking or advice on what immigration forms to complete and file, or appearing in immigration court or before officials with the United States Citizenship and Immigration Services (“USCIS”);

WHEREAS, in addition to the State and City requirements, federal law regulates who may represent immigrants in immigration court and who may appear on behalf of immigrants before other immigration authorities such as the USCIS;

WHEREAS, the USCIS requires that representatives of immigrants complete and file a “Notice of Entry of Appearance as Attorney or Representative” (Form G-28), and only attorneys and accredited representatives of organizations recognized and accredited by the BIA as defined in 8 C.F.R. §§ 103.2 and 292.1 may file Form G-28, where a non-attorney can only be accredited through a BIA accredited organization;

WHEREAS, the Office of the Attorney General (“OAG”) received complaints that Defendants engaged in unlawful business practices, including but not limited to, fraud and the unauthorized practice of law in representing individuals in immigration-related legal filings and proceedings before the USCIS;

WHEREAS, pursuant to New York State Executive Law § 63(12), GBL Article 22-A, § 349 and GBL Article 28-C § 460-h, the OAG conducted an investigation into the business practices of Defendants by, among other things, reviewing and analyzing customer complaints made against Defendants, Defendants’ public filings and internal documents including customer files, as well as questioning Defendant Baquero regarding allegations of fraudulent and unlawful business practices;

WHEREAS, the OAG commenced, through the filing of a Verified Complaint, the above-captioned lawsuit in the Supreme Court of the State of New York, New York County seeking injunctive and monetary relief on grounds that the Defendants engaged in repeated and persistent fraud and illegality in violation of New York State and City laws;

WHEREAS, the parties herein desire to resolve this matter without further litigation or adjudication; and

WHEREAS, in consideration of the covenants and undertakings set forth herein and intending to be legally bound thereby, the OAG, on behalf of the Plaintiff, People of the State of

New York, and Ana Lucia Baquero and Centro Santa Ana, Inc., Defendants, have agreed to the terms of this Order;

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

**PART ONE: DEFINITIONS**

1. As used throughout this Order, the terms set forth below shall be defined as follows:
  - a. “Advertisement” means any written or oral communication made by or on behalf of CSA or Baquero about CSA, including, but not limited to, print, television, radio, and internet.
  - b. “Customers” means any clients, individuals or entities that paid for immigration-related services offered by CSA or Baquero.
  - c. “Defendants” means Baquero, CSA, and/or all of their owners, officers, directors, managers, representatives, subsidiaries, affiliates, employees and all individuals and agents who act on their behalf.
  - d. “Effective Date” means the date this Order is entered by the Court after being executed by the parties hereto.
  - e. “Immigration Services” means any service provided to individuals to aid or purporting to aid them in any immigration matter including, but not limited to, the obtaining of a “green card,” residency visa or any other document or process relating to or affecting an individual’s immigration status in the United States.
  - f. “Order” means this Stipulated Order on Consent.
  - g. Terms of construction:

- i. “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the meaning inclusive rather than exclusive.
- ii. “Day” refers to a calendar day, not a business day.
- iii. “Including” means without limitation.
- iv. The singular of any word includes the plural; the plural of any word includes the singular.

#### **PART TWO: COMPLIANCE WITH THE LAW**

2. Defendants will comply fully with the obligations, terms and conditions of New York State GBL §§ 349 and 460-a *et seq.*; New York State Judiciary Law Article 15; New York City Local Law 31 § 20-770 *et seq.*; New York State Human Rights Law § 296 *et seq.*; and Title 8 of the Administrative Code of the City of New York § 8-107.

#### **PART THREE: INJUNCTIVE RELIEF**

3. Within fourteen (14) days of the Effective Date, Defendants shall send a letter to all customers who received immigration services from Defendants. The letter should be translated into Spanish and any other language spoken by Defendants’ customers. Defendants shall, within three (3) days of the Effective Date, forward the draft letter to the OAG for approval. The letter shall include the following:
  - (a) a statement that the New York State Office of the Attorney General has entered into an agreement with Defendants;
  - (b) a statement that Defendants have agreed to stop offering and providing immigration services effective immediately and indicating the date when Defendants’ office will be officially closed;

- (c) a statement that customers have the right to obtain their files from Defendants (including the time and place the request for files may be made and whether requests may be made by phone, facsimile or e-mail), or may request that Defendants, at Defendants' expense, mail the files to customers;
  - (d) a statement that immigration matters are time-sensitive and that customers should promptly seek the assistance of an immigration attorney, an accredited organization or other authorized immigration service provider;
  - (e) a phone number where customers may contact a representative of Defendants until the dissolution of CSA is complete with questions about their cases and any documents in connection with their files;
  - (f) a notice that a monetary fund has been created to compensate customers who are entitled to a refund of their money (attached as Exhibit A);
  - (g) a notice that Defendants may not refer customers to any attorneys; and
  - (h) an attachment of the list of BIA and pro-bono accredited organizations provided to Defendants by the OAG.
4. Within ten (10) days of the Effective Date, Defendants shall identify the files of customers who may have upcoming deadlines or pending hearing dates in their cases. Defendants shall contact these customers by phone and give notice of the information required by paragraph 3 followed by the written notice.
5. Within five (5) days of the Effective Date, Defendants shall post and maintain in a conspicuous place at each place of business a sign alerting individuals that, pursuant to the OAG's investigation and findings, Defendants are no longer providing immigration services, and to recommend that individuals contact an accredited organization or an

immigration attorney. The sign shall be no smaller than 18" x 22" and in 60-point type and be translated into Spanish and any other language spoken by customers who received immigration services from Defendants. Defendants shall submit a copy of the sign to be posted for approval to the OAG.

6. Within five (5) days of the Effective Date, Defendants shall also post a sign in each place of business alerting customers that they may file a complaint with the OAG if they believe they have been a victim of immigration fraud (attached as Exhibit B).
7. Within seven (7) days of the Effective Date, Defendants shall send a notice to all applicable communication outlets, including but not limited to, newspapers, television and radio stations and web-based outlets, canceling any future written and/or oral advertisements, whether in English or any other language in which Defendants advertised.
8. Defendants shall immediately cease and desist from operating any business which provides immigration services to customers including, but not limited to, assisting customers in completing required forms and affidavits for submission to the USCIS or other government agencies.
9. Baquero shall dissolve CSA and its successors in interest, assigns, "d/b/a companies," "a/k/a companies," affiliates, and subsidiaries and submit proof of the dissolution(s) to the OAG within sixty days (60) days of Effective Date.
10. Baquero agrees that she is permanently barred from serving as an officer, director, trustee, manager or fundraiser of a not-for-profit entity or for-profit entity that is in the business of providing immigration-related services in the State of New York.
11. Defendants shall maintain the following records during the duration of the Assurance:

- (a) All documents concerning the letter and other communication Defendants have with customers as required by paragraph 3;
  - (b) All documents concerning the posting and/or recording of any sign or advertisement affected by the provisions in paragraphs 5-7;
  - (c) All documents concerning any individual complaints related to the provision of immigration services;
  - (d) All documents concerning any complaints alleging that Defendants have engaged in unlawful practices or failed to comply with this Assurance;
  - (e) Any and all customer files that were not retrieved by customers or were returned by mail as undeliverable.
12. The OAG shall have the right to request at any time that Defendants produce, within fourteen (14) days of the request, any document required to be maintained by Defendants under this Order.

#### **PART FOUR: MONETARY RELIEF**

13. Defendants agree to pay a total of thirty-five thousand dollars (\$35,000) to the State of New York in settlement of alleged illegal practices, as determined by the OAG, of Defendants' conduct. Defendants agree to pay an initial payment of five thousand dollars (\$5,000) on the Effective Date of this Order and a second payment of five thousand dollars (\$5,000) within sixty (60) days of the Effective Date of this Order. Defendants agree to pay the balance of twenty-five thousand dollars (\$25,000) within nine (9) months of the Effective Date.
14. All payments shall be in the form of a wire transfer, a certified or bank check made payable to "New York State Department of Law" and forwarded to the Office of

Attorney General, Civil Rights Bureau, 120 Broadway, 23rd Floor, New York, New York 10271, Attention: Alphonso B. David, Special Deputy Attorney General for Civil Rights. Any payments and all correspondence related to this Order must reference COD No. 10-075.

15. As collateral security for the full and timely payments, Defendant Baquero, an owner of property located in Bloomfield, New Jersey, shall deliver a mortgage to the OAG in the amount of thirty-five thousand dollars (\$35,000), minus any payments already made to the OAG pursuant to this Order, on the Effective Date of this Order. Defendant Baquero represents that this mortgage is presently a third mortgage on the property located at 17 Elston Street, Bloomfield, New Jersey 07003. Further, Defendant Baquero agrees that she will not undertake or cause to undertake any action that would cause another lien to be created or filed or increase the amount of any existing lien which would be inconsistent with the priority accorded this third mortgage being delivered to the OAG as required by this Order. Said mortgage shall be filed and recorded with the County Clerk upon receipt by the OAG. Defendant Baquero also agrees to add the OAG to the homeowner's insurance policy on the Property as mortgagee/insured party and shall provide a copy of the homeowner's insurance policy with the OAG added as a mortgagee/insured party on the Effective Date of this Order.

**PART FIVE: SCOPE OF THE ORDER,**  
**JURISDICTION AND ENFORCEMENT PROVISIONS**

16. The Court shall retain jurisdiction over the parties and this matter for the term of three (3) years after the Effective Date.
17. The Court shall retain all equitable powers necessary to enforce the terms of this Order and remedy any violations thereof, including but not limited to, the power to hold

Defendants in contempt and to award damages, restitution, or monetary penalties, as well as the power to extend the duration of the Order upon a finding of noncompliance or if otherwise necessary.

18. This Order shall become effective upon its execution by all parties and its entry by the Court.
19. Notwithstanding any provision of this Order to the contrary, the OAG may, in its sole discretion, grant written extensions of time for Defendants to comply with any provision of this Order.
20. The signatories to this Order warrant and represent that they are duly authorized to execute this Order, and that they have the authority to take all appropriate action required or permitted to be taken pursuant to this Order to effectuate its terms.
21. The parties may seek to enforce this Order by motion before the Court to the full extent of the law. In the event of a dispute among the parties regarding any issue arising out of this Order, the parties will attempt in good faith to resolve the dispute before seeking judicial intervention.
22. Any failure by the OAG to enforce this entire Order or any provision thereof with respect to any deadline or any other provision herein shall not be construed as a waiver of the OAG's right to enforce other deadlines and provisions of this Order.
23. If any provision, term, or clause in this Order is declared illegal, unenforceable, or ineffective in a legal forum, such provision, term, or clause shall be deemed severable, such that all other provisions, terms and clauses of this Order shall remain valid and binding on the parties.

24. This Order constitutes the entire agreement between Defendants and the OAG on the matters raised herein, and no other statement, promise or agreement either written or oral, made by either party or agents of either party that is not contained in this Order shall be enforceable.
25. Nothing in this Order is intended to confer any right, remedy, obligation, or liability upon any person or entity other than the parties hereto.
26. Nothing in this Order is intended to, nor shall, limit the OAG's investigatory or compliance review powers otherwise provided by law or this Order.
27. This Order may be executed in multiple counterparts, each of which shall be deemed a duplicate original.
28. This Order is final and binding on the parties, including principals, agents, representatives, successors in interest, assigns, "d/b/a companies," "a/k/a companies," and legal representatives thereof. No assignment by any party thereto shall operate to relieve such party of its obligations herewith.
29. The parties hereby waive and shall not have any right to appeal any of the terms of this Order or in any way challenge the validity of any of the terms of this Order in any forum.
30. Defendants agree not to take any action or to make or permit to be made, any public statement denying, directly or indirectly, any finding in this Order or creating the impression that this Order is without factual basis. Nothing in this paragraph affects Defendants' testimonial obligations or right to take legal or factual positions in defense of litigation or other legal proceedings to which the OAG is not a party.

31. All communications and notices regarding this Order shall reference the COD No. 10-075 and be sent by first-class mail and, if twenty-five (25) pages or fewer in length, by facsimile, to:

Office of the Attorney General:

Elizabeth De León  
Civil Rights Bureau  
Office of the New York State Attorney General  
120 Broadway, 23<sup>rd</sup> Floor  
New York, New York 10271  
Tel. (212) 416-8250  
Fax (212) 416-8074

Attorney for Defendants:

Thomas P. L. Mahoney  
6287 Woodhaven Blvd.  
Rego Park, New York 11374-2832  
Tel. (718) 898-9400  
Fax (718) 898-9823

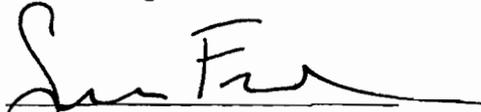
Advance notice of any changes concerning the person who has been designated to receive all communication must be made in writing prior to the change.

IN WITNESS THEREOF, the parties hereto, intending to be legally bound thereby, have

executed this Order on Consent on the dates written below:

ANDREW M. CUOMO  
Attorney General of the State of New York

By:   
Alphonso B. David  
Special Deputy Attorney General  
for Civil Rights

  
Spencer Freedman  
Chief Counsel for Civil Rights

Elizabeth De León  
Assistant Deputy Counselor

Sandra Abeles  
Assistant Attorney General

Civil Rights Bureau  
120 Broadway, 23<sup>rd</sup> Floor  
New York, New York 10271  
Phone: (212) 416-8250  
Fax: (212) 416-8074

Dated: ~~July~~ <sup>August</sup> 17, 2010

ANA LUCIA BAQUERO and  
CENTRO SANTA ANA, INC.

By:   
Ana Lucia Baquero  
In her personal and individual  
capacity

  
Ana Lucia Baquero  
Centro Santa Ana, Inc.

Dated: July 22, 2010

SO ORDERED:

NEW YORK JUSTICE OF THE SUPREME COURT

Dated:

New York, New York

**EXHIBIT A**

**NOTICE OF MONETARY FUND FOR CUSTOMERS OF  
CENTRO SANTA ANA, INC. and/or ANA LUCIA BAQUERO**

The Office of the New York State Attorney General (“Attorney General”) has entered into a settlement with CENTRO SANTA ANA, INC. and ANA LUCIA BAQUERO (collectively “Defendants”). The settlement resolves the Attorney General’s investigation into allegations that Defendants engaged in the unauthorized practice of the law and violated the laws governing immigration services providers. Under the terms of this settlement, a Monetary Fund has been established to compensate any current or former customers who were subject to this conduct.

In order to be considered for compensation under this settlement, please submit any evidence of the following:

- (1) You paid fees for immigration services to Defendants.
- (2) An affidavit, stating you believed Defendants were authorized to provide you with legal advice for your immigration case and/or you believed you were meeting with attorneys at Centro Santa Ana, Inc.
- (3) Upon demand, Defendants or someone acting on their behalf refused to provide you with copies of documents and forms filed on your behalf or your original documents in their possession.
- (4) Defendants or someone acting on their behalf withheld monies for services not rendered.
- (5) Defendants’ actions negatively impacted your immigration status.

If you believe that you meet the above-referenced criteria and would like to seek compensation pursuant to the Attorney General’s settlement, please contact:

New York State Office of the Attorney General  
Civil Rights Bureau-Immigration Fraud  
120 Broadway, 23<sup>rd</sup> Floor  
New York, New York 10271  
(866) 390-2992

The Attorney General is responsible for determining whether individuals are entitled to compensation and the amount to be provided to each person.

You must submit your claim and all supporting documentation by October 31, 2010.

EXHIBIT B

**Signage requirement**

(Sign to be posted in 60-point font or larger)

If you believe that you have  
been a victim of  
immigration fraud,  
you may file a complaint  
with the  
New York State  
Office of the Attorney General  
Civil Rights Bureau  
120 Broadway  
New York, NY 10271  
(866) 390-2992  
[www.ag.ny.gov](http://www.ag.ny.gov)

# **AFFIRMATION**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, by  
ANDREW M. CUOMO, Attorney General of the State of  
New York,

Plaintiff,

-against-

ANA LUCIA BAQUERO and CENTRO SANTA ANA, INC.,

Defendants.

**AFFIRMATION**

Index No. 402110-09

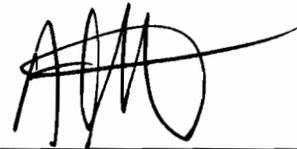
ALPHONSO B. DAVID, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms the following to be true, under penalty of perjury, pursuant to CPLR § 2106:

1. I am Special Deputy Attorney General for Civil Rights in the New York State Office of the Attorney General (“Attorney General”), at 120 Broadway, New York, New York.
2. I am fully familiar with the facts and circumstances of the above-captioned case and I make this affirmation in support of the Attorney General’s application for a judgment on consent.
3. This Court has jurisdiction over this action pursuant to New York Executive Law § 63(12), which authorizes the Attorney General to seek injunctive relief, restitution, and damages against any person that engages in repeated fraud or illegality in the conduct of business. The Court also has jurisdiction over this action pursuant to its general jurisdiction under the New York Constitution, Art. VI, § 7, and New York Judiciary Law § 140-b.

4. By Summons and Verified Complaint, dated August 20, 2009, the Attorney General in the name of the People of the State of New York brought an action against Defendants Ana Lucia Baquero and Centro Santa Ana, Inc. (hereinafter “Defendants”) pursuant to: New York Executive Law § 63(12); New York State General Business Law (“GBL”) Article 9-B § 130, Article 22-A §§ 349 and 350, and Article 28-C § 460-a *et seq.* (New York State Immigrant Assistance Services Law); New York State Judiciary Law § 478; New York State Human Rights Law § 296; Title 8 of the Administrative Code of the City of New York (New York City Human Rights Law); and Title 20 of the Administrative Code of the City of New York § 20-770 *et seq.* (New York City Immigration Service Provider Law) alleging that Defendants engaged in discriminatory, deceptive, fraudulent and illegal business practices while providing immigration-related services to New York State consumers. A copy of the Summons along with the Verified Complaint is attached hereto as Exhibit A.
5. The Attorney General served the Summons and Verified Complaint on Defendants on September 1, 2009. A copy of the Affidavit of Service is attached hereto as Exhibit B.
6. The Attorney General and Defendants subsequently entered settlement discussions and have reached what the parties believe to be an appropriate resolution of this matter.
7. The Stipulated Order on Consent provides, among other things, that Defendants are prohibited from operating any immigration-related business in New York State and shall pay \$35,000 in settlement of the alleged illegal practices.

8. The Attorney General believes that the proposed settlement adequately protects the public.
9. Based on the foregoing, the Attorney General respectfully requests that this Court accept the proposed Stipulated Order on Consent and that the same be entered by the Clerk of the Court.
10. No request for the relief sought herein has previously been made.

New York, New York  
Dated: August 17, 2010



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ALPHONSO B. DAVID

# EXHIBIT A

**COPY**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
PEOPLE OF THE STATE OF NEW YORK, by  
ANDREW M. CUOMO, Attorney General of the State of  
New York,

Plaintiff,

-against-

ANA LUCIA BAQUERO and  
CENTRO SANTA ANA, INC.

Defendants.  
-----X

Index No. 402110/09

**SUMMONS**

NEW YORK  
COUNTY CLERK'S OFFICE

AUG 20 2009

NOT COMPARED  
WITH COPY FILE

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff's attorney an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York.

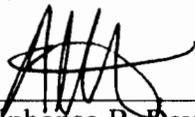
In the case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates New York County as the place of trial.

Dated: New York, New York  
August 20, 2009

ANDREW M. CUOMO  
Attorney General of the State of New York

By:

  
\_\_\_\_\_  
Alphonso B. David  
Bureau Chief

Spencer Freedman  
Counsel

Elizabeth De León  
Assistant Deputy Counselor

Vilda Vera Mayuga  
Assistant Attorney General

Office of the NYS Attorney General  
Civil Rights Bureau  
120 Broadway  
New York, NY 10271  
Tel. (212) 416-8250  
Fax (212) 416-8074

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
PEOPLE OF THE STATE OF NEW YORK, by  
ANDREW M. CUOMO, Attorney General of the State of  
New York,

Plaintiff,

**VERIFIED  
COMPLAINT**

-against-

ANA LUCIA BAQUERO and  
CENTRO SANTA ANA, INC.

Index No.

402110/09

Defendants.  
-----X

The People of the State of New York, by its attorney, ANDREW M. CUOMO, Attorney General of the State of New York, respectfully allege, upon information and belief:

**PRELIMINARY STATEMENT**

1. Pursuant to New York Executive Law § 63(12) and § 290 *et seq.*; New York General Business Law (“GBL”) Article 22-A §§ 349 and 350, and Article 28-C § 460-a *et seq.* (New York State Immigrant Assistance Services Law); New York Judiciary Law § 478; Title 8 of the Administrative Code of the City of New York (“New York City Human Rights Law”) and Title 20 of the Administrative Code of the City of New York § 20-770 *et seq.* (“New York City Immigration Service Provider Law”), plaintiff, the People of the State of New York, by Andrew M. Cuomo, Attorney General of the State of New York (“Plaintiff”) brings this action against Ana Lucia Baquero and Centro Santa Ana, Inc. (collectively referred to as “Defendants”), for repeatedly engaging in discriminatory, deceptive, fraudulent and illegal business practices,

including the unauthorized practice of the law in New York State, in connection with providing immigration-related services to New York State consumers. Plaintiff seeks injunctive relief, restitution, damages, penalties and costs against Defendants.

2. Defendants operate a business that includes providing immigration services to immigrants in New York State. In providing these immigration services Defendants, who are not attorneys admitted to practice law, improperly provide and represent to provide legal advice to immigrants on a wide range of complex immigration-related matters.

3. Defendants' illegal conduct has caused numerous immigrants to pay substantial fees for incorrect "legal" advice that could inflict permanent damage to their immigration status in the United States.

4. Unless enjoined, Defendants will continue to engage in this conduct and will continue to cause substantial injury to New York State residents.

#### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over this action pursuant to New York Executive Law § 63(12), which authorizes the Attorney General to seek injunctive relief, restitution, and damages against any person that engages in repeated fraud or illegality in the conduct of business.

6. Further, GBL Article 22-A, § 349 empowers the Attorney General to seek injunctive relief, restitution, and civil penalties against any person who engages in deceptive acts and practices in the conduct of business.

7. Similarly, GBL Article 28-C, § 460-h empowers the Attorney General to seek injunctive relief, restitution and civil penalties against any person who violates the provisions of

the New York State Immigrant Assistance Services Law, without requiring proof that any person has, in fact, been injured or damaged thereby.

8. In addition, New York Judiciary Law § 476-a, authorizes the Attorney General to bring an action for the unlawful practice of the law.

9. The Court also has jurisdiction over this action pursuant to its general jurisdiction under the New York Constitution, Art. VI, § 7, and New York Judiciary Law § 140-b.

10. Venue is proper in this county pursuant to New York CPLR § 503(a) because the Attorney General maintains an office in New York County.

### **PARTIES**

11. Defendant Ana Lucia Baquero (“Defendant Baquero”) is an individual who resides in New York and conducts a business at 35-03 Ditmars Boulevard, No. 2, Astoria, New York under the name Centro Santa Ana, Inc.

12. Defendant Centro Santa Ana, Inc. is an S-corporation based in New York and registered as such with the New York State Department of State.

13. Defendants are primarily engaged in the business of providing services, for a fee, to individuals who reside in immigrant communities in New York City, including, but not limited to, immigration services.

14. The Attorney General has provided Defendants with pre-litigation notice pursuant to GBL § 349(c).

### **FACTUAL BACKGROUND**

15. The Attorney General commenced this action upon learning that Defendants engage in unlawful business practices, including the unauthorized practice of the law, in

representing individuals in immigration-related legal filings and proceedings before the United States Citizenship and Immigration Services (“USCIS”).

16. New York State law regulates the conduct of businesses and specifically prohibits businesses from engaging in fraudulent and deceptive practices in the conduct of any business, trade or commerce or in the furnishing of any service. In violation of the law, Defendants repeatedly misrepresent to members of the public their ability and qualifications to provide legal services.

**State Law Regulating the Practice of Law**

17. New York State law expressly prohibits non-lawyers from providing legal advice to protect citizens against dangers of legal representation and advice given by persons not trained, examined and licensed for such work. Specifically, Judiciary Law § 478 makes it unlawful for any person to practice or appear as an attorney-at-law or as an attorney and counselor-at-law for a person in a court of record in this state, or to furnish attorneys or counsel or an attorney and counsel to render legal services, or to hold himself out to the public as being entitled to practice law.

18. The law not only prohibits non-lawyers from representing clients, but also prohibits non-lawyers from conveying the impression that they are legal practitioners of law or are qualified to provide legal services.

**State Law Governing Immigrant Assistance Services**

19. New York State residents seeking assistance in immigration matters may retain the services of a licensed attorney or, alternatively, seek out the services of non-attorneys, also known as “immigrant assistance service providers.”

20. Immigrant assistance service providers are regulated by GBL §§ 460-a through 460-j. The law seeks to prevent individuals from preying on the immigrant community by claiming to have the ability or authorization to handle immigration matters and to regulate a practice that had been wholly unsupervised and rife with abuse.

21. Immigrant communities are often targeted by, and immigrants find themselves at the mercy of, individuals who are not qualified to represent them, with little or no recourse for the severe consequences they often face as a result. These practices are particularly egregious because, since immigration cases can take years to process, the consequences of an immigration service provider's mistakes or fraud may not be apparent or detected until it is too late to remedy the significant negative impact to individuals and their families. The law is designed to protect individuals by ensuring that those assisting them in their immigration matters are knowledgeable, qualified, and authorized to perform services.

22. As such, the statute allows non-attorneys to provide only clerical services, such as completing immigration forms based on information provided by the immigrant consumer, notarizing documents if licensed to do so, translating documents, and mailing documents on behalf of consumers to the required government agencies for processing. Further, state law requires providers to comply with certain advertising, signage and surety requirements, as well as to provide consumers with written contracts.

23. Immigrant assistance service providers are legally prohibited from providing legal services including, but not limited to, giving legal advice to consumers on what form of immigration relief they should be seeking, and what immigration forms to complete and file, or appearing in immigration court or before officials with the USCIS. The reason behind this

limitation is that such advice and representation often requires extensive knowledge of complex immigration laws and the ability to apply such laws to fact-specific individual cases.

**Federal Law Regulating Immigration Services**

24. For these same reasons, similar federal regulations promulgated by the Department of Homeland Security (Code of Federal Regulations, Title 8, Aliens and Nationality) governing this issue emphasize that providers are limited to typing up forms completed by clients, and may not engage in personal legal assistance in conjunction with their business activities.

25. Federal law also regulates who may represent immigrants in immigration court and who may appear on behalf of immigrants before immigration authorities such as the USCIS. The USCIS requires that representatives of immigrants complete and file a “Notice of Entry of Appearance as Attorney or Representative” (Form G-28). Only attorneys and accredited representatives of organizations recognized by the United States Board of Immigration Appeals (“BIA”) as defined in 8 C.F.R. §§ 103.2 and 292.1, may file Form G-28.

26. An individual can obtain accreditation only through an organization recognized by the BIA. The organization must submit documentation showing that it has knowledge, information and experience in immigration and nationality law and procedure and must have an attorney actually supervising these matters. Further, the recognized organization must certify through the application process that the individual seeking accreditation, among other things, is a person of good moral character and will charge or accept a nominal fee set by the organization through which the individual gains their accreditation.

### **The Attorney General's Investigation**

27. The Attorney General's Office received a complaint that Defendants are engaged in unlawful business practices, including the unauthorized practice of law, in representing individuals in immigration-related legal filings and proceedings before the USCIS.

28. As a result, the Attorney General commenced an investigation of Defendants' policies, procedures and practices in providing services to the public by, among other things, questioning Defendant Baquero and reviewing Defendants' documents, including a number of client files.

29. Defendant Baquero is officially registered through her company Defendant Centro Santa Ana, Inc. to provide general business services in New York State, such as (a) assisting individuals in completing immigration forms and other documents for submission to the federal immigration agencies and (b) providing individuals with translation and interpreter services.

30. Defendant Baquero is not, however, licensed to practice law in the State of New York, nor is she authorized or accredited to represent anyone on immigration related matters before any state or federal agency, including the USCIS.

31. The evidence reflects that Defendants in fact provide and/or represent that they provide legal advice and services to immigrants.

32. As a result of the above representations, individuals paid Defendants advance fees for these services.

33. In addition, Defendant Baquero repeatedly filed USCIS Form G-28 without being either an attorney or a representative of an organization accredited by the BIA to appear before

the USCIS. As of November 14, 2007, Defendants had filed Form G-28 in connection with 8 applications or petitions and had 37 applications for which the address of record for the immigrant applicant is that of Defendants.

34. Defendants repeatedly failed to complete immigration forms correctly and failed to include required documentation. As a result, immigrants frequently received letters from the immigration authorities informing them that their immigration application could not be processed because it lacked the necessary information and/or documentation. Consequently, their applications faced numerous and unnecessary delays due to Defendants' actions.

35. The USCIS also notified Defendant Baquero, via certified mail, of her ineligibility to practice before the USCIS but did not receive a response.

#### **Violations of the Law**

36. The Attorney General's investigation confirmed that, in violation of GBL § 349, Defendants engaged in fraudulent and deceptive business practices in providing immigration-related services, including misrepresenting their ability and qualifications to provide legal advice and represent clients in legal proceedings.

37. The investigation revealed that, in violation of Judiciary Law § 478, Defendant Baquero practiced and appeared as an attorney-at-law without being admitted and registered. Further, the Attorney General's investigation confirmed that, in violation of GBL § 460-e, Defendants engaged in the unauthorized practice of law by advising individuals in immigration matters such as instructing individuals on which immigration forms to complete and file with the immigration authorities in order to obtain a certain immigration benefit, and determining and advising individuals on the best course of action for their immigration matters. In fact,

Defendant Baquero did file USCIS Form G-28 for each individual that used her immigration assistance services and filed immigration forms with the USCIS in violation of the law.

38. The Attorney General's investigation also revealed that Defendants failed to comply with the requirements of providing immigrant assistance services as required by GBL §§ 460-b through 460-g.

39. Specifically, Defendants repeatedly failed to provide individuals with written contracts, in both English and the language that individuals could understand, that include certain disclosures and information required by GBL § 460-b, including an itemization of all services to be provided and its fees, and informing individuals of their right to cancel the contract within three business days without any penalties or fees. In fact, Defendants failed to have any type of contract or other written agreement by which immigrants would retain Defendants' services.

40. Defendants also failed to display signs in their place of business, as required by GBL § 460-c, in English and in any other language in which Defendants offer Immigration Services: (a) alerting individuals of their right to cancel the contract within three business days without penalty; and (b) alerting individuals that Defendant Baquero is not an attorney, cannot provide legal advice, and is not authorized to represent individuals before immigration authorities.

41. Defendants also failed to secure a surety bond payable to the People of the State of New York, and in an amount determinable by the income received from providing Immigration Services, as required by GBL § 460-g.

42. Defendants also failed to provide individuals with copies of every document filed on their behalf with immigration authorities as required by GBL § 460-e (7).

43. Similarly, based on these omissions, Defendants violated the provisions of the New York City Immigration Service Provider Law that mirror GBL §§ 460-a through 460-j.

44. Defendants also violated New York's civil rights laws by illegally seeking to defraud immigrants based on their alienage, citizenship status and national origin.

45. Based on the foregoing, Defendants violated New York General Business Law, New York Judiciary Law, and New York Executive Law.

46. Unless enjoined, Defendants will continue to engage in this fraudulent and illegal conduct and will continue to cause substantial injury to New York State residents.

**FIRST CAUSE OF ACTION:**  
**NEW YORK EXECUTIVE LAW § 63(12)**  
**FRAUD**

47. New York Executive Law § 63(12) prohibits fraud in the conduct of any business, trade or commerce.

48. By reason of the conduct alleged above, Defendants are repeatedly engaging in fraudulent acts and practices in connection with the transactions in violation of New York Executive Law § 63(12).

**SECOND CAUSE OF ACTION:**  
**NEW YORK GENERAL BUSINESS LAW § 349**  
**DECEPTIVE ACTS AND PRACTICES**

49. New York General Business Law § 349 prohibits "deceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service" in New York State.

50. By acting as immigration service providers, Defendants conduct "business" or provide a "service" within the meaning of New York General Business Law § 349.

51. Defendants misrepresented to the public that Defendants can represent individuals seeking to file applications before the USCIS despite having no legal authority or qualifications to do so.

52. By reason of the conduct alleged above, Defendants are engaging in deceptive conduct in violation of New York General Business Law § 349.

**THIRD CAUSE OF ACTION:**  
**PURSUANT TO NEW YORK EXECUTIVE LAW § 63(12) - ILLEGALITY**  
**VIOLATIONS OF NEW YORK GENERAL BUSINESS LAW § 349**  
**DECEPTIVE ACTS AND PRACTICES**

53. A violation of state law constitutes illegality within the meaning of New York Executive Law § 63(12) and is actionable thereunder when persistent or repeated.

54. Defendants' repeated and persistent violations of GBL Article 22-A, § 349 are thus violations of New York Executive Law § 63(12).

55. By reason of the conduct alleged above, Defendants are repeatedly and persistently engaging in illegality in violation of New York Executive Law § 63(12).

**FOURTH CAUSE OF ACTION:**  
**NEW YORK JUDICIARY LAW § 478**  
**UNAUTHORIZED PRACTICE OF THE LAW**

56. New York Judiciary Law § 478 prohibits individuals from practicing or appearing as attorneys-at-law without being admitted and registered.

57. By advising individuals on immigration matters such as instructing individuals on which immigration forms to complete and file with the immigration authorities in order to obtain a certain immigration benefit, and advising individuals on the purported best course of action for their immigration matters, Defendant Baquero repeatedly and persistently violated New York Judiciary Law § 478.

58. By filing Form G-28 for each one of her customers, Defendant Baquero repeatedly and persistently violated New York Judiciary Law § 478.

59. By reason of the conduct alleged above, Defendant Baquero is engaging in the unauthorized practice of the law in violation of New York Judiciary Law § 478.

**FIFTH CAUSE OF ACTION:**  
**PURSUANT TO NEW YORK EXECUTIVE LAW § 63(12) - ILLEGALITY**  
**VIOLATIONS OF NEW YORK JUDICIARY LAW § 478**  
**UNAUTHORIZED PRACTICE OF THE LAW**

60. A violation of state law constitutes illegality within the meaning of New York Executive Law § 63(12) and is actionable thereunder when persistent or repeated.

61. Defendant Baquero's repeated and persistent violations of New York Judiciary Law § 478 are thus violations of New York Executive Law § 63(12).

62. By reason of the conduct alleged above, Defendant Baquero is repeatedly and persistently engaging in illegality in violation of New York Executive Law § 63(12).

**SIXTH CAUSE OF ACTION:**  
**NEW YORK GENERAL BUSINESS LAW §§ 460-a through 460-j**  
**IMMIGRANT ASSISTANCE SERVICE PROVIDERS**

63. New York General Business Law, Article 28-C (§§ 460-a through 460-j) regulates the conduct of immigration service providers in New York State. The law defines an "immigrant service provider" as any person "providing assistance, for a fee, or other compensation, to persons who have [...] come to the United States [...], in relation to any proceeding, filing or action affecting the non-immigrant, immigrant or citizenship status of a person which arises under the immigration and nationality law, executive order or presidential proclamation, or which arises under actions or regulations of the [USCIS, United States Department of Labor, or the United States Department of State]."

64. By failing to provide written contracts to their clients, Defendants repeatedly and persistently violate GBL § 460-b.

65. By failing to post signs where Defendants provide immigration services, indicating that they are not attorneys nor are they authorized to represent individuals before the USCIS, Defendants repeatedly and persistently violate GBL § 460-c.

66. By advising each immigrant on the process to follow and forms required to adjust their immigration status, Defendants repeatedly and persistently violate GBL § 460-e.

67. By failing to retain client documents for three years, Defendants repeatedly and persistently violate GBL § 460-f.

68. Defendants fail to comply with the surety requirement provided by GBL § 460-g.

69. By reason of the conduct alleged above, Defendants are engaging in illegal conduct in violation of New York General Business Law §§ 460-b through 460-g.

**SEVENTH CAUSE OF ACTION:**  
**PURSUANT TO NEW YORK EXECUTIVE LAW § 63(12) - ILLEGALITY**  
**VIOLATIONS OF NEW YORK GENERAL BUSINESS LAW §§ 460-b through 460-g**  
**IMMIGRANT ASSISTANCE SERVICE PROVIDERS**

70. A violation of state law constitutes illegality within the meaning of New York Executive Law § 63(12) and is actionable thereunder when persistent or repeated.

71. Defendants' repeated and persistent violations of GBL Article 28-C, § 460-b through 460-g are thus violations of New York Executive Law § 63(12).

72. By reason of the conduct alleged above, Defendants are repeatedly and persistently engaging in illegality in violation of New York Executive Law § 63(12).

**EIGHTH CAUSE OF ACTION:**  
**PURSUANT TO NEW YORK EXECUTIVE LAW § 63(12)**  
**VIOLATIONS OF NEW YORK CITY IMMIGRATION SERVICE PROVIDER LAW**  
**§§ 20-770 through 20-780**

73. Title 20 of the Administrative Code of the City of New York §§ 20-770 through 20-780 (“New York City Immigration Service Provider Law”) regulates the conduct of immigration assistance service providers in New York City.

74. By advising each immigrant on the process to follow and forms required to adjust their immigration status, Defendants repeatedly and persistently violate NYC Immigration Service Provider Law § 20-771(e).

75. By failing to provide written contracts to their clients in English and in a language that they would understand, Defendants repeatedly and persistently violate NYC Immigration Service Provider Law § 20-772.

76. By failing to post signs where Defendants provide immigration services, indicating that they are not attorneys nor are they authorized to represent individuals before the USCIS, Defendants repeatedly and persistently violate NYC Immigration Service Provider Law § 20-773.

77. By failing to retain client documents for three years, Defendants repeatedly and persistently violate NYC Immigration Service Provider Law § 20-775.

78. By reason of the conduct alleged above, Defendants are engaging in illegal conduct in violation of NYC Immigration Service Provider Law §§ 20-770 through 20-780.

79. By their actions in violation of NYC Immigration Service Provider Law §§ 20-770 through 20-780, Defendants are engaging in repeated and persistent illegality in violation of New York Executive Law § 63(12).

**NINTH CAUSE OF ACTION:**  
**PURSUANT TO NEW YORK EXECUTIVE LAW § 63(12)**  
**VIOLATIONS OF NEW YORK STATE HUMAN RIGHTS LAW**  
**DISCRIMINATION BASED ON NATIONAL ORIGIN**

80. New York State Human Rights Law § 296(2)(a) prohibits discrimination in public accommodations based on national origin.

81. In its capacity as an immigration service provider, Defendant Centro Santa Ana, Inc. is a place of public accommodation and illegally seeks to defraud immigrants based on their national origin. Similarly, Defendant Baquero, as an agent of Defendant Centro Santa Ana, Inc. and its main provider of immigration services, targets immigrants based on their national origin.

82. By reason of the conduct alleged above, Defendants are repeatedly engaging in discrimination in connection with the transactions in violation of New York State Human Rights Law § 296(2)(a).

83. By their actions in violation of New York State Human Rights Law § 296(2)(a), Defendants are engaging in repeated and persistent illegality in violation of New York Executive Law § 63(12).

**TENTH CAUSE OF ACTION:**  
**PURSUANT TO NEW YORK EXECUTIVE LAW § 63(12)**  
**VIOLATIONS OF NEW YORK CITY HUMAN RIGHTS LAW**  
**DISCRIMINATION BASED ON**  
**ALIENAGE, CITIZENSHIP STATUS AND NATIONAL ORIGIN**

84. Title 8 of the Administrative Code of the City of New York (“New York City Human Rights Law”) § 8-107(4) prohibits discrimination in public accommodations based on national origin, citizenship status and alienage.

85. In its capacity as an immigration service provider, Defendant Centro Santa Ana, Inc. is a place of public accommodation and illegally seeks to defraud Latino immigrants based

on their national origin, citizenship status and alienage. Similarly, Defendant Baquero, as an agent of Defendant Centro Santa Ana, Inc. and its main provider of immigration services, targets immigrants based on their national origin, citizenship status and alienage.

86. By reason of the conduct alleged above, Defendants are repeatedly engaging in discrimination in connection with the transactions in violation of New York City Human Rights Law § 8-107(4).

87. By their actions in violation of New York City Human Rights Law § 8-107(4), Defendants are engaging in repeated and persistent illegality in violation of New York Executive Law § 63(12).

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that a judgment and order be issued:

A. Permanently enjoining Defendants, their employees, agents, successors, heirs and assigns, directly or indirectly, from engaging in the fraudulent and illegal practices alleged therein;

B. Permanently enjoining Defendants from engaging in the business of providing immigration services;

C. Permanently enjoining Defendants from engaging in the unauthorized practice of the law;

D. Directing Defendants to provide an accounting of each immigration assistance service transaction;

E. Directing Defendants to pay restitution and compensatory damages to the immigrants harmed by their illegal conduct;

F. Directing Defendants to pay a civil penalty of \$7,500 to the State of New York for each violation of General Business Law Article 28-C pursuant to GBL § 460-h;

G. Directing Defendants to pay a civil penalty of \$5,000 to the State of New York for each violation of General Business Law Article 22-A pursuant to GBL § 350-d;

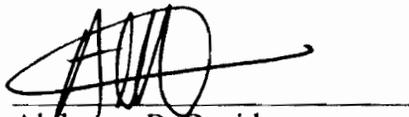
H. Awarding Plaintiff the costs of this proceeding, including \$2,000 in additional costs against Defendants pursuant to CPLR § 8303(a)(6); and

I. Granting Plaintiff such other and further relief as this Court finds appropriate and equitable, including injunctive and declaratory relief as may be required in the interests of justice.

Dated: New York, New York  
August 20, 2009

ANDREW M. CUOMO  
Attorney General of the State of New York

By:



Alphonso B. David  
Bureau Chief

Spencer Freedman  
Counsel

Elizabeth De León  
Assistant Deputy Counselor

Vilda Vera Mayuga  
Assistant Attorney General

Office of the NYS Attorney General  
Civil Rights Bureau  
120 Broadway  
New York, NY 10271  
Tel. (212) 416-8250  
Fax (212) 416-8074

**VERIFICATION**

STATE OF NEW YORK    )

COUNTY OF NEW YORK   )        ss.:

ALPHONSO B. DAVID, being duly sworn, deposes and says:

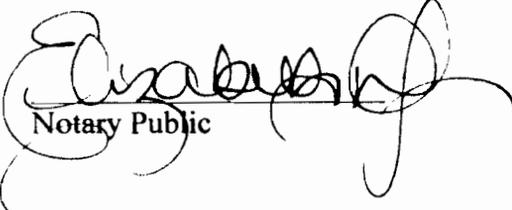
I am the Bureau Chief in the office of Andrew M. Cuomo, Attorney General of the State of New York, and am duly authorized to make this verification.

I have read the foregoing complaint and know the contents thereof, which are to my knowledge true, except as to those matters stated to be alleged on information and belief, and to these matters I believe them to be true. The grounds of my belief as to all matters stated upon information and belief are investigative materials contained in the files of the Attorney General's office.

The reason this verification is not made by plaintiff is that plaintiff is a body politic and the Attorney General is its duly authorized representative.

  
\_\_\_\_\_  
ALPHONSO B. DAVID

Sworn to before me this  
20<sup>th</sup> day of August, 2009

  
\_\_\_\_\_  
Notary Public

**ELIZABETH DE LEÓN**  
Notary Public - State of New York  
No. 02DE6146784  
Qualified in New York County  
Commission Expires May 22, 2010

# EXHIBIT B



Sir:

Please take notice that the within is a true copy of duly filed and entered in the office of the Clerk of County, on the day of , 200

Yours, etc.,  
**ANDREW M. CUOMO,**  
Attorney General,

Attorney For

Office and P.O. Address  
120 Broadway, New York, NY 10271

To , Esq.

Attorney for

Sir:

Please take notice that the within will be presented herein to the Hon one of the judges of the within named Court, at in the Borough of City of New York, on the day of 201 , at M.

Dated, N.Y. , 201  
Yours, etc.,  
**ANDREW M. CUOMO,**  
Attorney General,

Attorney For

Office and P.O. Address  
120 Broadway, New York, NY 10271

To , Esq.

Attorney for

Index No. 402110-09

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

**PEOPLE OF THE STATE OF NEW YORK**  
**by ANDREW M. CUOMO, ATTORNEY**  
**GENERAL OF THE STATE OF NEW YORK,**

**Plaintiff,**

-against-

**ANA LUCIA BAQUERO and CENTRO**  
**SANTA ANA, INC.**

**Defendants.**

**STIPULATED ORDER ON CONSENT**

**ANDREW M. CUOMO**  
Attorney General  
Attorney for the State of New York  
Office and P.O. Address  
120 Broadway, New York, NY 10271  
Tel.(212) 416-8250

Personal service of a copy of  
within.....  
is admitted this..... day of  
..... 2010