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| <p>DISTRICT COURT, EL PASO COUNTY, COLORADO 270 S. Tejon Colorado Springs, Colorado 80901</p> <hr/> <p>STATE OF COLORADO, ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL,</p> <p>Plaintiff,</p> <p>v.</p> <p>IMMIGRATION CENTER a/k/a U.S. IMMIGRATION CENTER, IMMIGRATIONHELPLINE.ORG AND US GOVERNMENT HELPLINE, a Colorado Non-Profit Corporation, CHARLES DOUCETTE, individually AND D/B/A LIBERTY LEGAL SERVICES, MAYDENE MEDIA, AND IMMIGRATION FORMS & SERVICES, DEBORAH STILSON a/k/a Deborah Malmstrom, individually, and ALFRED BOYCE, individually, and d/b/a IMMIGRATION FORMS & DOCUMENTS,</p> <p>Defendants.</p> | <p>FILED Document CO El Paso County District Court 4th JD Filing Date: Aug 10 2009 8:45AM MDT Filing ID: 26504661 Review Clerk: Sharon Robinson</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> |
| <p>Attorneys for Plaintiff: JOHN W. SUTHERS Attorney General OLIVIA C. DEBLASIO, 35867* Assistant Attorney General libby.deblasio@state.co.us JAY B. SIMONSON, 24077* First Assistant Attorney General jay.simonson@state.co.us 1525 Sherman Street, 4th Floor Denver, CO 80203 (303) 866-5079 (303) 866-4916 Fax *Counsel of Record</p> | <p>Case No.:</p> |
| <p>VERIFIED COMPLAINT</p> | |

Plaintiff, the State of Colorado, upon relation of John W. Suthers, Attorney General for the State of Colorado, by and through undersigned counsel, states and alleges as follows:

INTRODUCTION

1. This is an action brought by the State of Colorado pursuant to the Colorado Consumer Protection Act, Colo. Rev. Stat. §§ 6-1-101 through -115 (2008) (“CCPA”), to enjoin and restrain Defendants from engaging in unlawful deceptive trade practices, for statutorily mandated civil penalties, for disgorgement, restitution, and for other relief as provided in the CCPA.

PARTIES

2. John W. Suthers is the duly elected Attorney General of the State of Colorado and is authorized under Colo. Rev. Stat. § 6-1-103 (2008) to enforce the provisions of the CCPA.

3. Defendant Immigration Center is a Colorado business, self described as a non-profit corporation, with its principle place of business listed with the Colorado Secretary of State at relevant times at 2910 Wood Avenue, Colorado Springs, Colorado, 80907 and 3021 Hancock Ave, Colorado Springs, CO 80907. Immigration Center markets and sells immigration document assistance.

4. Defendant Charles Doucette is the director and registered agent of Immigration Center. Defendant Doucette registered Immigration Center as a non-profit corporation with the Colorado Secretary of State on August 27, 2007. Defendant Doucette lives at 2928 Main Street, Number 101, Colorado Springs, Colorado 80907. Defendant Doucette conceived of, directed, and engaged in the practices and policies of Immigration Center to such a degree as to make him personally liable for the deceptive trade practices alleged herein of all Defendants. Additionally, Defendant Doucette markets and sells immigration document assistance through various trade names, including but not limited to “Immigration Forms and Services,” “Maydene Media,” and “Liberty Legal Services”

5. Defendant Deborah Stilson, a/k/a Deborah Malmstrom, lives at 2928 Main Street, Number 101, Colorado Springs, Colorado 80907. Defendant Stilson conceived of, directed, and engaged in the practices and policies of Immigration Center to such a degree as to make her personally liable for the deceptive trade practices alleged herein of all Defendants. Defendant Stilson routinely determined and advised consumers which immigration forms were purportedly appropriate for their situations, received consumer complaints, and processed consumer payments on behalf of Immigration Center and all Defendants. Additionally, Defendant Stilson markets and sells immigration document assistance through various trade names, including but not limited to “Liberty Legal Services.”

6. Defendant Alfred Boyce lives at 9208 Chieftain Drive, Colorado Springs, Colorado 80925. As the manager of Immigration Center, Defendant Boyce conceived of,

directed, and engaged in the practices and policies of Immigration Center to such a degree as to make him personally liable for the deceptive trade practices alleged herein of all Defendants. As the listed manager on U.S. Immigration Center correspondence, Defendant Boyce routinely received consumer complaints. Defendant Boyce managed and advised the Defendants' salespeople. Additionally, Defendant Boyce markets and sells immigration document assistance through various trade names, including but not limited to "Immigration Forms and Documents."

JURISDICTION AND VENUE

7. Pursuant to Colo. Rev. Stat. §§ 6-1-103 and 6-1-110(1) (2008), this Court has jurisdiction to enter appropriate orders prior to and following an ultimate determination of liability.

8. At all relevant times during this action, Defendants maintained a principal place of business in El Paso County, Colorado. Therefore, venue is proper in El Paso County, Colorado, pursuant to Colo. Rev. Stat. § 6-1-103 (2008) and Colo. R. Civ. P. 98.

RELEVANT TIMES

9. The conduct that gives rise to the claims for relief contained in this Complaint began in 2007 and continues through the present.

10. This action is timely brought pursuant to Colo. Rev. Stat. § 6-1-115 (2008) in that it is brought within three years of the date on which false, misleading, and deceptive acts or practices occurred and/or were discovered, and the series of false, misleading, and deceptive acts is continuing.

PUBLIC INTEREST

11. Through the unlawful practices of its business, vocation, or occupation, Defendants have deceived, misled, and financially injured consumers both within and outside Colorado. Therefore, the Colorado Attorney General believes these legal proceedings are in the public interest and are necessary to safeguard citizens from Defendants' unlawful business activities.

GENERAL ALLEGATIONS

12. Defendants advertise nationally that their "expert team of professionals" provide the services to prepare, complete, and file applications with U.S. Citizenship and Immigration Services ("USCIS"). Defendants primarily advertise their services through various websites, including but not limited to www.immigrationhelpline.org, uscis-ins.us, and www.usgovernmenthelpline.com.

13. In reality, Defendants are not a government agency or in any way affiliated with the government. Defendants sell forms, which are otherwise free and made available by the USCIS on the government's website www.uscis.gov. Often, Defendants sell the wrong forms for the consumer's circumstances.

14. Defendants employ salespeople who possess no legal or immigration services training to answer incoming calls generated from Defendants' advertisements. These employees direct consumers to purchase from Defendants particular government forms and secure payment for their "services." The salespeople then schedule a telephone conference with Defendants' "document specialists" to assist consumers in completing the forms.

15. Defendants pay their salespeople on a commission basis. With their pay tied directly to the amount of sales they make, salespeople exaggerate 1) the extent to which they can ensure successful applications; 2) the affiliation of the company to the U.S. government; 3) the expertise of the company's representatives; and 4) that USCIS filing fees are covered by the payments to Defendants.

16. Defendants often represent to consumers that immigration attorneys or former and current government employees complete the consumer's forms. However, Defendants' "document specialists" are not current or former government employees, nor are they authorized or properly trained to dispense legal advice.

17. Defendants require consumers to make upfront payments, typically between \$300 and \$700, via check, direct deposit, or credit card over the phone or via check or money order payable COD when the consumer's package is delivered. Consumers may review the delivered documents only after they have made their payment. Consumers are often unaware that Defendants are not affiliated with the government and that the costs associated with Defendants' purported services do not cover the hundreds of dollars in USCIS filing fees associated with many applications until after paying Defendants for the delivered materials which disclose this fact.

18. Upon reviewing the documents sent by the Defendants, consumers often request a refund complaining that they either received the wrong documents or have realized that they are not dealing directly with the U.S. Government when they thought they were. Defendants state that refunds are unavailable once services have been rendered. Often, this refund policy is disclosed to consumers only after a complaint has been made.

19. In some instances, Defendants have failed to provide any document assistance, as promised, after consumers have paid hundreds of dollars. Consumers complain of calling Defendants dozens of times over several months in order to determine the status of their cases, or the status of their refund request, and being kept on hold, disconnected or ignored after leaving numerous messages.

20. Defendants have deceived and misled hundreds, if not thousands, of vulnerable consumers nationwide into paying large upfront fees for their services that are not provided by attorneys, government employees or anyone with expertise in immigration law,. Too often, legal documents and government forms are prepared incorrectly, they are the wrong forms altogether, or they are submitted without the required USCIS filing fee, and are rejected by the USCIS.

21. Defendants do not disclose their “No Refunds” policy until they have collected consumers’ payments and sent paperwork to the consumers which state the policy. Once consumers realize that they have paid hundreds of dollars for otherwise free documents and that Defendants are neither affiliated with the government nor attorneys, they demand a refund. Defendants typically refuse to provide a refund or simply ignore the consumers’ requests.

Misrepresentations Regarding Government Affiliation

22. Defendants purchase advertising with various internet search engines that result in their web pages placed at the top of most immigration-related searches. Defendants’ advertisements generated by these searches often list “USCIS” or “Immigration Helpline” and a Toll Free Number:

USCIS-INS Helpline 1-877-372-0776

Toll Free Immigration Help. Immigration Helpline Call Se Habla Espanol
uscis-ins.us/1-877-372-0776

23. Consumers can contact Defendants without ever clicking on the hyperlinked portion of Defendants’ advertisements and may never view Defendants’ various websites and further investigate whether Defendants are affiliated with USCIS.

24. Even so, Defendants’ websites display on the front page a warning copied nearly verbatim from the governmental USCIS website:

Warning! Many non-USCIS websites offer immigration forms. Some will sell you a downloadable form for a fee. These sites are *not* affiliated with USCIS, and these sites may not have the latest versions of forms. In some circumstances, use of older forms may result in your application or petition being denied or delayed. The latest version of these forms is always available by calling the U.S. Immigration Center.

25. The USCIS version of this warning directs consumers to download forms from www.uscis.gov, not from U.S. Immigration Center. To be sure, the USCIS version is warning consumers against doing business with entities such as Defendants. Any disclaimer that Defendants are *not* part of USCIS or an agency affiliated with the government is

conspicuously absent on the homepage of Defendants' websites. Instead, Defendants bury this fact on another page under the heading of "Terms & Conditions," which states the following:

About this Website There are disclaimers throughout our website(s) stating that [the website] is an independent entity, not an affiliate, intermediary or representative of the Government of the United States of America or any State Government in the United States of America. ...

26. Defendants further the misperception of their affiliation with USCIS by purposely failing to disclose during telephone conversations with consumers that they are not in fact affiliated with the USCIS or any other government agency. Indeed, Defendants routinely state that they are "official" or "with immigration" in their conversations with consumers.

27. Correspondence sent from Defendants to consumers is printed on letterhead that includes a replica of the seal used by the U.S. Department of Homeland Security. Consumers complain that Defendants' use of the emblem further led them to believe that they were dealing with an arm of the U.S. government when in fact they were not.

28. Defendants' various advertisements lead consumers to believe that they are dealing directly with the government or an agency contracted with the government.

Misrepresentations Regarding Fees

29. Defendants' fees are substantially the same as the fees required by the USCIS for filing of the various immigration forms. This tactic further bolsters a consumer's belief that they are dealing with the government and that no additional fees are necessary to process the consumer's paperwork other than those fees paid to Defendants.

30. Defendants often represent to consumers that, through Defendants' alleged affiliation with the government, consumers are entitled to reduced filing fees or a waiver of fees.

31. Defendants routinely tell consumers that the fees paid to Defendants will "cover everything," which consumers believe to include USCIS filing fees. However, when the consumers submit their forms to the USCIS they are often rejected for failure to pay the necessary filing fees required by the government.

32. In other instances, Defendants misrepresent and overstate the efficacy of applying to the USCIS to waive filing fees. Defendants lead consumers to believe that a fee waiver from the government is virtually guaranteed. In reality, the parameters are narrow and very few fee waiver requests are approved by the USCIS.

Defendants Failed to Obtain Proper Licensure

33. Defendants have never hired or contracted with a licensed attorney to provide their services or to review consumers' legal documents prepared by non-attorneys employed by Defendants. Further, Defendants Doucette, Stilson, and Boyce are not licensed attorneys in any state.

34. By soliciting or accepting compensation to prepare documents for a proceeding relating to immigration to the United States, United States citizenship, or related matters, Defendants have engaged in the unauthorized practice of law. *See* Colo. Rev. Stat. § 12-55-110.3(3)(b) (2008).

35. Defendants state in the "Terms & Conditions" section of their website the following:

Certifications [The website] has passed rigorous background checks that ensure the validity and the overall legitimacy of our business. Please review our business and website certifications for more information.

36. Despite this advertisement, no business or website certifications can be found listed on their websites. Furthermore, Defendants do not conduct employee background checks nor, based on information and belief, do they possess any known certifications that attest to the "legitimacy and validity" of their services.

Defendants' Unlawful Telemarketing Practices

37. Through their various online advertisements Defendants make representations about the price, quality, and availability of their purported immigration services and invite a response from consumers by telephone, thereby conducting commercial telephone solicitations.

38. Upon information and belief, Defendants are not registered as "commercial telephone sellers" as required by Colo. Rev. Stat. § 6-1-303 (2008).

39. Defendants do not permit consumers to cancel their agreements to purchase "immigration services" prior to the expiration of three business days after they receive documents from Defendants; nor do Defendants disclose to consumers this right to cancel the agreements within that time period.

40. Defendants also fail to refund monies to consumers after receiving notification that consumers wish to cancel their purchase.

FIRST CLAIM FOR RELIEF

(Making False Representations as to the Source, Sponsorship, Approval or Certification of Goods and Services)

41. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

42. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-105(1)(b) (2008), by knowingly making false representations as to the source, sponsorship, approval or certification of their “immigration services” by leading consumers to believe that they were dealing directly with the government or an agency contracted with the government.

43. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

SECOND CLAIM FOR RELIEF

(Making False Representations as to Affiliation, Connection, or Association with or Certification by Another)

44. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

45. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-105(1)(c) (2008), by knowingly making false representations as to affiliation, connection, or association with the USCIS and other government agencies.

46. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

THIRD CLAIM FOR RELIEF

(Making False Representations as to the characteristics, uses, benefits, or quantities of goods or services or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith)

47. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

48. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-

105(1)(e) (2008), by knowingly making false representations as to the sponsorship, approval, affiliation or connection between USCIS or immigration attorneys and Defendants' services which leads consumers to believe Defendants' services are provided by USCIS or immigration attorneys when in reality Defendants are not affiliated with any governmental agency and are not attorneys.

49. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

FOURTH CLAIM FOR RELIEF

(Making False Representations that Services are of a Particular Standard or Quality)

50. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

51. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-105(1)(g) (2008), by making false representations that their services are "professional" or "official" when in reality they are often incomplete or inadequate and are not approved by any official or governmental agency.

52. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

FIFTH CLAIM FOR RELIEF

(Making False or Misleading Statements of Fact Regarding the Price of Services or the Reasons for, Existence of, or Amounts of Price Reductions)

53. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

54. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-105(1)(l) (2008), by making false representations or misleading statements that fees paid to Defendants would cover all costs associated with submitting immigration documents to USCIS and that consumers were entitled to reduced or waived USCIS filing fees when in fact that was frequently not the case.

55. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

SIXTH CLAIM FOR RELIEF

(Advertising and making an effort to sell goods and services other than those advertised or on terms other than those advertised and failure to make delivery of such goods and services within a reasonable time or to make a refund therefor)

56. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

57. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-105(1)(n)(VII) (2008), by advertising “immigration services” on such terms as to mislead consumers to believe they would receive professional assistance from a governmental agency or attorney, and then failing to deliver such services within a reasonable time or to make a refund thereof to consumers.

58. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

SEVENTH CLAIM FOR RELIEF

(Failure to Disclose Material Information)

59. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

60. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-105(1)(u) (2008), by failing to disclose that Defendants are not affiliated with any government agency or that fees paid to Defendants did not cover USCIS filing fees.

61. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

EIGHTH CLAIM FOR RELIEF

(Refusal or Failure to Obtain all Governmental Licenses or Permits)

62. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

63. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-105(1)(z) (2008), by refusing or failing to obtain or require their employees to obtain

licensure or permits in order to engage in the practice of law or conduct commercial telephone solicitations.

64. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

NINTH CLAIM FOR RELIEF
(Engaging in Unlawful Telemarketing Practices)

65. Plaintiff incorporates herein by reference all of the allegations contained in Paragraphs 1 through 40 of this Complaint.

66. Through the above-described conduct in the course of their business, occupation or vocation, Defendants have violated the CCPA, Colo. Rev. Stat. § 6-1-105(1)(cc) (2008), by engaging in various unlawful telemarketing practices. Specifically, Defendants have violated Colo. Rev. Stat. § 6-1-304 (a-d) by failing to register as a commercial telephone seller, failing to allow purchasers to cancel any purchase agreement at any time before the expiration of three business days, failing to refund all payments made by any purchaser within thirty days after receiving notice of cancellation from the purchaser, and failing to disclose to the purchaser that the purchaser has any cancellation rights.

67. By means of the above-described unlawful deceptive trade practices, Defendants have deceived, misled, and unlawfully acquired money from Colorado consumers.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays for judgment against the Defendants and the following relief:

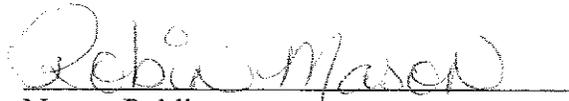
A. An order declaring Defendants' above-described conduct to be in violation of the Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-105(1)(b), (c), (e), (g), (l), (n), (u), (z), and (cc) (2008).

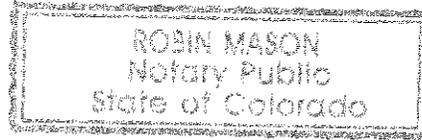
B. An order permanently enjoining Defendants, their officers, directors, successors, assigns, agents, employees, and anyone in active concert or participation with any Defendant with notice of such injunctive orders, from engaging in any deceptive trade practices as defined in and proscribed by the CCPA and as set forth in this Complaint.

C. Appropriate orders necessary to prevent Defendants' continued or future deceptive trade practices.

The foregoing Verified Complaint is SUBSCRIBED and sworn to before me by Olivia C. DeBlasio this 7th day of August, 2009. Witness my hand and official seal.

My commission expires: 05/05/2011


Notary Public



Pursuant to C.R.C.P. 121, § 1-26(9), the original of this document with original signatures is maintained in the offices of the Colorado Attorney General, 1525 Sherman Street, Denver, CO 80203, and will be made available for inspection by other parties or the Court upon request.