



GRANTED

Movant shall serve copies of this ORDER on any pro se parties, pursuant to CRCP 5, and file a certificate of service with the Court within 10 days.

Theresa M. Cisneros
District Court Judge

DATE OF ORDER INDICATED ON ATTACHMENT

DISTRICT COURT, EL PASO COUNTY,
COLORADO
270 S. Tejon
Colorado Springs, Colorado 80901

STATE OF COLORADO, ex rel. JOHN W. SUTHERS,
ATTORNEY GENERAL,

Plaintiff,

v.

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

Defendants.

▲ COURT USE ONLY ▲

Case No.: 09CV5071
Div. 8

**ORDER OF JUDGMENT AND PERMANENT INJUNCTION AGAINST
IMMIGRATION CENTER A/K/A U.S. IMMIGRATION CENTER,
IMMIGRATIONHELPLINE.ORG AND US GOVERNMENT HELPLINE, ALFRED
BOYCE, INDIVIDUALLY AND D/B/A IMMIGRATION FORMS & DOCUMENTS**

The Court, having reviewed the entire record in this matter, the pleadings, motions, including *Plaintiff's Motion for Default Judgment* and the supporting affidavits, and being fully advised in the premises,

FINDS and CONCLUDES that default judgment should be entered for Plaintiff the State of Colorado ex rel. John W. Suthers, Attorney General, against Defendants Immigration Center a/k/a U.S. Immigration Center, Immigrationhelpline.org and U.S. Government

Helpline, a Colorado Non-Profit Corporation (“Immigration Center”), and Alfred Boyce, individually, and d/b/a Immigration Forms & Documents for the following reasons:

1. This Court has subject matter jurisdiction in the matter presented herein by virtue of § 6-1-110(1), C.R.S. (2009). The Court has personal jurisdiction over Immigration Center and Boyce, who were served process in this matter pursuant to C.R.C.P. Rule 4(e).
2. At all times relevant, Defendants maintained a principal place of business in the county of El Paso, Colorado. Therefore, venue is proper in the county of El Paso, Colorado, pursuant to § 6-1-103, C.R.S., and Colo. R. Civ. P. 98 (2009).
3. Pursuant to Rule 121 § 1-14, Defendants Immigration Center and Boyce are not minors, incapacitated persons, officers or agencies of the state, nor in the military.
4. Plaintiff served process, pursuant to C.R.C.P. Rule 4(e), on Immigration Center through personal service of Charles Doucette, registered agent for Immigration Center, on August 10, 2009. After Boyce’s spouse refused to accept service and otherwise avoided service of process, Plaintiff submitted to the Court a *Motion to Deem Service Complete and Affidavit of Process* on August 27, 2009. This Court granted the Motion on August 31, 2009.
5. On August 17, 2009, Defendants did not appear for the Preliminary Injunction hearing and this Court advised Doucette via his son, who appeared in place of his father, that Doucette cannot represent Immigration Center and further advised that legal representation would need to be retained by the corporation. This matter was continued until September 2, 2009. This Court entered a *Preliminary Injunction Against Defendant Deborah Stilson* on August 18, 2009. On September 2, 2009 Doucette entered his Answer orally at the Preliminary Injunction hearing, and was accepted by this Court. To date, neither Immigration Center nor Boyce have filed an answer or otherwise responded to Plaintiff’s Complaint.
6. On September 9, 2009 Plaintiff filed *Notice of Default*, requesting the clerk of the Court to enter default against Defendant Immigration Center. On Plaintiff’s Motion this Court entered a *Preliminary Injunction Against Immigration Center, Charles Doucette, Alfred Boyce And All Named Trade Names* on September 15, 2009. On November 17, 2009 Plaintiff filed a *Motion for Entry of Default Against Defendants Deborah Stilson, Alfred Boyce and Immigration Center*. Plaintiff and Defendants Doucette and Stilson filed a *Joint Motion for Entry of Consent Judgment and Vacating Trial Date* on April 13, 2010.
7. Plaintiff is in compliance with C.R.C.P Rule 55, having provided notice of its application for default judgment to Defendants on May 6, 2010.

A. Permanent Injunction

8. This Court is expressly authorized to issue an injunction to enjoin ongoing violations of the CCPA by § 6-1-110(1), C.R.S (2009):

(1) Whenever the attorney general or a district attorney has cause to believe that a person has engaged in or is engaging in any deceptive trade practice listed in section 6-1-105 or part 7 of this article, the attorney general or district attorney may apply for and obtain, in an action in the appropriate district court of this state, a temporary restraining order or injunction, or both, pursuant to the Colorado rules of civil procedure, prohibiting such person from continuing such practices, or engaging therein, or doing any act in furtherance thereof. The court may make such orders or judgments as may be necessary to prevent the use or employment by such person of any such deceptive trade practice or which may be necessary to completely compensate or restore to the original position of any person injured by means of any such practice or to prevent any unjust enrichment by any person through the use or employment of any deceptive trade practice.

§ 6-1-110(1), C.R.S.

9. Plaintiff has shown to this Court probable cause that:

- a. Defendants have misled consumers to believe that by contacting Defendants, consumers are receiving services directly from U.S. Citizenship and Immigration Services (“USCIS”) or another government agency, or from an entity contracted with the government to perform “immigration services.” Defendants fail to adequately disclose that they are not a government agency and have no affiliation with any government or government agency.
- b. Defendants have misled consumers to believe that the hundreds of dollars in fees paid to Defendants will cover filing fees charged by the U.S. Government. Consumers are led to believe that the filing fees charged by the U.S. Government will be waived by simply submitting a request for fee waiver or because the consumers are using Defendants’ purported immigration services.
- c. Defendants and their employees are unauthorized to select or complete immigration forms for consumers, represent consumers’ interests to the USCIS or U.S. Bureau of Immigration Appeals, or otherwise dispense legal services in Colorado. Defendants are not affiliated with or accredited by USCIS or any government agency and neither Defendants nor their employees are licensed to practice law in any state, including Colorado.
- d. Further, Defendants have hired non-lawyers to handle intake of consumer calls. Defendants train the sales staff to act as “immigration officers” and to advise consumers on choosing immigration forms which are free and available to the public via the USCIS’ website but which Defendants sell to consumers for hundreds of dollars. Defendants in fact advise consumers against going to the USCIS web site to download the forms.

e. Defendants have paid their sales staff on a commission basis, encouraging staff to mislead and purposely fail to disclose the necessary USCIS' filing fees and that the forms are otherwise free on USCIS' website.

10. Plaintiff has shown and satisfied the necessary factors to obtain a permanent injunction: success on the merits; a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief; lack of a plain, speedy, and adequate remedy at law; no disservice to the public interest; and balance of equities in favor of the injunction. *City of Golden v. Simpson*, 83 P.3d 87, 96 (Colo. 2004), citing, *Rathke v. MacFarlane*, 648 P.2d 648, 653-54 (Colo.1982); See, *Baseline Farms Two, LLP v. Hennings*, 26 P.3d 1209, 1212 (Colo. App. 2001), citing, *Lloyd A. Fry Roofing Co. v. State Department of Air Pollution*, 191 Colo. 463, 553 P.2d 200 (1976) (supporting the proposition that when the Colorado Attorney General seeks an injunction to enforce state laws affecting the public interest, the Attorney General is not required to plead or prove immediate or irreparable injury).

11. Plaintiff has no adequate remedy at law and the remedy of a permanent injunction is appropriate in the circumstances of this case.

12. This Court further finds Defendants Immigration Center and Boyce will suffer no undue hardship by the entry of a permanent injunction since Defendants have no right to continue to engage in unlawful and deceptive trade practices in the State of Colorado or to collect money from consumers as a result of such unlawful and deceptive conduct in violation of the CCPA. Further, Defendants have no right to unjustly benefit from such deceptive trade practices. Without an injunction, Plaintiff will be unable to adequately protect the public from Defendants' unlawful activities.

13. Thus, this Court Orders that Defendants Immigration Center and Boyce, individually, and any other person under their control or at their direction, including but not limited to any principals, officers, directors, agents, employees, representatives, successors, affiliates, subsidiaries, contractors, and assigns who receives actual notice of the Order, are PERMANENTLY ENJOINED from the following activities in Colorado or that affect Colorado consumers:

a. Soliciting or accepting payment for any government forms or providing any document preparation services, including but not limited to phone consultations, of any kind.

b. Marketing or assisting in the marketing, including the creation, design and hosting of web sites, of any service that solicits or accepts payment for any government forms or providing any document preparation services, including but not limited to phone consultations, of any kind.

B. Restitution and Civil Penalties

14. The CCPA's broad legislative purpose is to "provide prompt, economical, and readily available remedies against consumer fraud," *Western Food Plan, Inc. v. District Court in and for the City and County of Denver*, 598 P.2d 1038, 1041 (Colo. 1979). Accordingly, the CCPA provides that this Court may make such judgments as may be necessary to "completely compensate or restore to the original position of any person injured by means" of a deceptive trade practice. § 6-1-110(1), C.R.S.

15. This Court finds that the Affidavit by investigator Rebecca Wild, submitted on May 6, 2010, adequately establishes the amount of restitution for which judgment should be entered. Investigator Wild reviewed records produced by FedEx that shows from 1/19/2009 to 07/14/2009 Defendants fraudulently collected, via COD, approximately \$1.5 million dollars from 4,610 consumers across the United States.

16. The CCPA further provides for an award of civil penalties:

6-1-112 Civil penalties. (1) Any person who violates or causes another to violate any provision of this article shall forfeit and pay to the general fund of this state a civil penalty of not more than two thousand dollars for each such violation. For purposes of this subsection (1), a violation of any provision shall constitute a separate violation with respect to each consumer or transaction involved; except that the maximum civil penalty shall not exceed five hundred thousand dollars for any related series of violations.

17. In determining the amount of a civil penalty award, this Court considers the following concepts: (a) The good or bad faith of the defendant; (b) the injury to the public; (c) the defendant's ability to pay; and (d) the desire to eliminate the benefits derived by violations of the Colorado Consumer Protection Act. *State v. May Dept. Stores Co.*, 849 P.2d 802 (Colo. App. 1992).

18. Based on the record, the Court finds that before and after July 1, 2009, Defendants' violations of the CCPA were deliberate, knowing and done in bad faith. Defendants Boyce and Immigration Center conceived of and implemented policies of deception, which demonstrate that their violations of the CCPA were deliberate, knowing, and in bad faith. Defendants copied and manipulated government warnings against fraudulent immigration services in such a way as to suggest government affiliation and legitimacy. Defendants wrongly misled consumers to believe their USCIS filing fees are subsumed into the fees charged by Defendants by duplicating the filing fees charged by UCSIC. Defendants wrongly misled consumers to believe that they are certified and subject to background checks for legitimacy. Defendants fraudulently attached the official seal of the USCIS to correspondence with consumers. Defendant Boyce's signature is at the bottom of letters with the fraudulent government seal sent to consumers with the immigration forms. Furthermore, Defendant Boyce may be operating a similar or the

same business in Reno, Nevada, even after receiving notice of Plaintiff's action and this Court's Preliminary Injunction restricting such deceptive trade practices.

19. The Court finds that, based upon the affidavit of Investigator Wild submitted with Plaintiff's Motion for Default, Defendants collected fees from more than 4,000 consumers nationwide.

20. The Attorney General is entitled to costs and attorney fees pursuant to Colo. Rev. Stat. § 6-1-113(4), but has elected not to pursue costs and attorney's fees in this matter.

21. This Court orders \$1,000,000 in civil penalties against Defendants based on a penalty of \$500,000 per violation per consumer, based upon a continuing pattern of deliberate and knowing violations. This Court further Orders that Defendants pay \$1.5 million in consumer restitution and disgorgement of their ill-gotten gains. Therefore the total order of damages against Defendants Immigration Center and Boyce is **\$2.5 million**.

22. Defendants Boyce and Immigration Center shall be jointly and severally liable for the damages set forth herein.

C. Use of Funds in Frozen Bank Accounts

23. Pursuant to section 6-1-110(1), C.R.S., this Court orders that all restrictions imposed by the TRO and Preliminary Injunction on bank accounts into which Defendants transferred wrongly obtained consumer funds, including but not limited to known accounts at TCF Bank, Wells Fargo, Academy Bank and Bank of America, and that any and all funds in those accounts be used solely to meet Defendant Immigration Center and Boyce's obligations for monetary judgment as set forth herein.

24. This Court therefore ENTERS such final judgment against Defendants Immigration Center a/k/a U.S. Immigration Center, Immigrationhelpline.org and U.S. Government Helpline, a Colorado Non-Profit Corporation, and Alfred Boyce, individually, and doing business as Immigration Forms & Documents.

Dated this ____ day of _____, 2010.

BY THE COURT:

District Judge