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**FILED**

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**Division of Consumer Affairs**

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
DOCKET NO.: 11-065

PAULA T. DOW, Attorney General of the  
State of New Jersey,

Complainant,

v.

HELPING HONDURAS, INC. d/b/a  
HELPING THE IMMIGRANT  
COMMUNITY and BLANCA HILDA  
CARDENAS, INDIVIDUALLY,

Respondents.

Administrative Action

**COMPLAINT**

PAULA T. DOW, Attorney General of the State of New Jersey ("Attorney General"), with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey by way of Complaint states:

**PRELIMINARY STATEMENT**

1. Opinion 41 of the New Jersey Committee on the Unauthorized Practice of Law ("Committee on the Unauthorized Practice of Law") describes a pitfall to which immigrants are particularly vulnerable:

Considerable confusion has resulted when notaries in New Jersey have advertised themselves in the language of the potential consumer, with such words as "notario." In Mexico and other civil law countries, "notario" has a very different meaning from a "notary public" in the United States. While "notario" or "notario public" in civil law countries may be synonymous with "attorney," in the United States notaries public hold strictly a "witness" position. There have been many victims of "notario fraud" because persons come to notaries thinking that they will receive legal advice as they may have received in their native land.

(Opinion 41 of the Committee on the Unauthorized Practice of Law, 178 N.J.L.J. 444, October 25, 2004 and 13 N.J.L. 2273, November 1, 2004).

2. At all relevant times, Helping Honduras, Inc. d/b/a Helping the Immigrant Community ("Helping the Immigrant Community") and Blanca Hilda Cardenas ("Cardenas") (collectively, "Respondents") have advertised, offered for sale and/or sold, among other things, notary public services, immigration document preparation services, income tax services, and computer courses to consumers in the State of New Jersey ("State" or "New Jersey"). In so doing, Respondents have misrepresented the services that they could provide to consumers pertaining to immigration and citizenship. This conduct is in violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. ("CFA"), and the Regulations Governing General Advertising Practices, N.J.A.C. 13:45A-9.1 et seq. ("Advertising Regulations").

### **PARTIES AND JURISDICTION**

3. Pursuant to N.J.S.A. 52:17A-4, the Attorney General is charged with the responsibility of enforcing the laws of New Jersey, including the CFA and the Advertising Regulations.

4. By this action, the Attorney General ("Complainant") seeks injunctive and other relief for violations of the CFA and Advertising Regulations. Complainant brings this action pursuant to her authority under the CFA, specifically N.J.S.A. 56:8-3.1, N.J.S.A. 56:8-11, N.J.S.A. 56:8-13, N.J.S.A. 56:8-15, N.J.S.A. 56:8-18 and N.J.S.A. 56:8-19.

5. On September 17, 2002, Helping Honduras, Inc. was incorporated in New Jersey. On April 6, 2011, the corporate registration of Helping Honduras, Inc. was revoked for failure to pay the annual registration fee.

6. Since June 14, 2009, Helping Honduras, Inc. has been doing business as Helping the Immigrant Community.

7. Florence Salmeron, who maintains a mailing address of 89 Stuyvesant Avenue, Jersey City, New Jersey 07306, is the registered agent for Helping Honduras, Inc. d/b/a Helping the Immigrant Community ("Helping the Immigrant Community").

8. At all relevant times, Helping the Immigrant Community has maintained a business address of 3813 Kennedy Boulevard, Union City, New Jersey 07087 ("Helping the Immigrant Community Location").

9. At all relevant times, Cardenas has been the Corporate Secretary and Program Director of Helping the Immigrant Community.

**GENERAL ALLEGATIONS COMMON TO ALL COUNTS**

10. At all relevant times, Helping the Immigrant Community and Cardenas advertised, offered for sale and/or sold services to consumers in New Jersey, including immigration, income tax, and computer services.

11. At all relevant times, Cardenas did not hold a commission as a notary public by the State of New Jersey.

12. At all relevant times, Cardenas was not approved by the Board of Immigration Appeals ("BIA") to act as an accredited representative. (Additional information regarding BIA Accredited Representatives is provided in Paragraph 34).

### **DIVISION'S UNDERCOVER INVESTIGATION**

13. In April 2011, Investigator Oscar Mejia ("Investigator Mejia") of the New Jersey Division of Consumer Affairs ("Division") obtained an advertisement for Helping the Immigrant Community from the March 19-26, 2011 issue of the Spanish language newspaper *Cambio*.

14. The advertisement indicated that Helping the Immigrant Community offered, among other services, "Inmigracion" [Immigration], specifically "Peticiones Familiares" [Family Petitions], "Residencias" [Residency], and "Naturalizacion" [Naturalization].

15. On May 4, 2011, Investigator Mejia performed an undercover investigation of Helping the Immigrant Community.

16. The exterior of the Helping the Immigrant Community Location displayed a large awning with the words "Helping the Immigrant Community" and "Inmigracion, Income Tax, Cursos de Computacion."

17. Upon arrival at Helping the Immigrant Community, Investigator Mejia introduced himself to a man in the lobby and asked to speak to the notary public regarding an immigration matter. The man told Investigator Mejia that Cardenas could help him.

18. At that time, Cardenas invited Investigator Mejia into her office and asked how she could help Investigator Mejia.

19. Investigator Mejia explained to Cardenas that his fiancée recently told him that she was living in the country on an expired student visa.

20. Cardenas advised Investigator Mejia to get married and then complete certain immigration forms.

21. Investigator Mejia asked Cardenas how much preparing the forms would cost, because he was on a budget.

22. Cardenas used her computer to identify the necessary forms on [www.uscis.gov](http://www.uscis.gov), turned the computer screen and showed Investigator Mejia each required form and the fees associated with that form.

23. At Investigator Mejia's request, Cardenas made a list of each form, the form's associated fees, and the costs of her services. The immigration fees totaled \$1,820 and Cardenas's services cost \$750, totaling \$2,570.

24. Investigator Mejia thanked Cardenas, obtained Cardenas's business card and left the office.

25. The business card advertised the following services: "Inmigracion" [Immigration], "Peticiones Familiares" [Family Petitions], "Residencias" [Residency], "TPS" [Temporary Protected Status], "Permiso de Trabajo" [Temporary Work Visa], "Cartas de Invitaciones" [Cards of Invitation], "Ajuste de Status" [Adjustment of Status], "Traducciones" [Translations] and "Notarizados" [Notary Services].

#### **COMMITTEE ON THE UNAUTHORIZED PRACTICE OF LAW**

26. The Committee on the Unauthorized Practice of Law specifically addressed the question of whether a notary public may complete immigration forms:

When a person in New Jersey is commissioned as a notary public, he or she is given a copy of the New Jersey Notary Public Manual [...]. The notary public manual states specifically that a notary public may not prepare a legal document, give advice on legal matters, or appear as a representative of another person in a legal proceeding. Notary fees are set by the regulations and are relatively modest. We emphasize that the practice of law includes the preparation or drafting of any kind of legal document and the giving of legal advice with regard to any document or matter.

Opinion 41 of the Committee on the Unauthorized Practice of Law, *supra*.

27. The Committee on the Unauthorized Practice of Law described in particular the situation which occurred while Investigator Mejia was at Helping the Immigrant Community Agency:

In many cases investigated by this committee, notaries public have charged fees for improper services. Many of the fees are in addition to the normal charge for witnessing a signature and are highly excessive considering the permitted "witnessing fee" of two dollars and fifty cents (\$2.50) allowed by law. This Committee has seen incidents of hundreds of dollars charged by notaries to consumer-litigants who were told merely to sign what was put in front of them. They received only a cursory explanation by the non-lawyer notary who had prepared the papers.

Opinion 41 of the Committee on the Unauthorized Practice of Law, *supra*.

28. The Committee on the Unauthorized Practice of law compared notaries public to sellers of "Do It Yourself" legal kits, whom the Committee had addressed in its Opinion 40 as follow:

"Although ... a non-lawyer seller may assist the purchaser [of Do-It-Yourself kits] by typing, transcribing, or translating, the rendering of any other assistance with the preparation, review, analysis, or completion of materials included in these kits in person, in writing, electronically, or otherwise constitutes the unauthorized practice of law and is therefore prohibited."

We conclude that it is beyond the scope of the permissible duty and authority of a notary public of the State of New Jersey to give legal advice concerning the preparation of documents, or to perform services other than those approved by statute.

Specifically, the Committee deems it to be an unauthorized practice of law for any notary public of the State of New Jersey to render assistance by giving advice or by preparing, reviewing, analyzing, or completing any forms, writings, pleadings, or other documents in person, in writing, electronically or otherwise.

Opinion 41 of the Committee on the Unauthorized Practice of Law, *supra*.

### **NEW JERSEY NOTARY PUBLIC MANUAL**

29. The New Jersey Notary Public Manual contains a section titled "Prohibitions and Liability: What Is A Notary Prohibited From Doing?" This section includes the following admonition: "Never prepare a legal document or give advice on legal matters, or matters pertaining to land titles. This includes the preparation of pleadings, affidavits, briefs and any other submissions to the court." New Jersey Notary Public Manual, revised March 21, 2003.

30. The "Prohibitions and Liability" section further advises: "In the capacity of a Notary, acting as a legal advocate is considered the unauthorized practice of law and will also leave the Notary vulnerable to civil and/or criminal legal actions." New Jersey Notary Public Manual, revised March 21, 2003.

### **U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

31. The U.S. Citizenship and Immigration Services' ("USCIS") website ("USCIS Website") contains a section titled "Find Legal Services." The section advises: "You can file USCIS forms yourself, but many people choose to have help. You may need help writing in the answers to questions on USCIS forms or translating documents into English. You can get this type of limited

help from anyone. This person should only charge you a small fee and not claim to have special knowledge of immigration law and procedure.” USCIS Website, Legal Services, <http://www.uscis.gov/portal/site/uscis/menuitem.e8b24a3cec33ca34c48bfc10526e0aa0/?vgnextoid=03be051e2286b210VgnVCM10000025e6a00aRCRD&vgnnextchannel=963e051e2286b210VgnVCM10000025e6a00aRCRD>, visited July 13, 2011.

32. The USCIS Website cautions readers that “Only attorneys or accredited representatives can: Give you legal advice about which forms to submit; Explain immigration options you may have; Communicate with USCIS about your case.” USCIS Website, Legal Services, *supra*.

33. The USCIS Website also contains the following alert: “**WARNING:** “Notarios,” notary publics, immigration consultants and businesses cannot give you immigration legal advice. In many other countries, the word “notario” means that the individual is an attorney, but that is not true in the United States. If you need help with immigration issues, be very careful before paying money to anyone who is neither an attorney nor a BIA-accredited representative of a recognized organization.” USCIS Website, Legal Services, *supra*.

34. In addition to attorneys, USCIS permits representatives accredited by the BIA (“Accredited Representatives”) to provide immigration advice. Accredited Representatives “must work for BIA-approved non-profit, religious, charitable, social service or similar organization in the United States. Her [*sic*] or she may only charge nominal (small) fees, if any, for legal services.” U.S. Department of Justice, Executive Office for Immigration Review, Fact Sheet: Who Can Represent Aliens in Immigration Proceedings, October 2, 2009.



**COUNT I**

**VIOLATION OF THE CFA BY RESPONDENTS  
(MISREPRESENTATIONS AND  
UNCONSCIONABLE COMMERCIAL PRACTICES)**

35. Complainant repeats and realleges the allegations contained in paragraphs 1 through 34 above as set forth more fully herein.

36. The CFA, N.J.S.A. 56:8-2 prohibits:

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing[] concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled, deceived or damaged thereby...

[N.J.S.A. 56:8-2.]

37. The CFA defines "merchandise" as including "any objects, wares, goods commodities, services or anything offered, directly to the public for sale." N.J.S.A. 56:8-1(c).

38. Respondents' offer to prepare immigration forms comprises merchandise within the meaning of the CFA.

39. In advertising, offering for sale and selling immigration services to consumers, Respondents have engaged in the use of misrepresentations and unconscionable commercial practices.

40. In the operation of their business, Respondents have engaged in the following misrepresentations:

- a. Advertising and offering for sale "notary public" and "immigration" services, thus, misleading consumers into believing that they are qualified to provide

advice as to immigration and citizenship in the United States, when such is not the case; and

- b. Advertising and offering for sale “notary public” and “immigration” services, thus, misleading consumers into believing that they are qualified to prepare and file legal documents with USCIS, when such is not the case.

41. In the operation of their business, Respondents have engaged in the following unconscionable commercial practices:

- a. Providing advice to consumers concerning the preparation of USCIS legal documents, when not legally authorized to do so; and
- b. Providing consumers information as to charges for the preparation of USCIS documents, when not legally permitted to charge such fees.

42. Each misrepresentation and unconscionable commercial practice by Respondents constitutes a separate violation of the CFA, N.J.S.A. 56:8-2.

## COUNT II

### VIOLATION OF THE ADVERTISING REGULATIONS BY RESPONDENTS

43. Complainant repeats and realleges the allegations contained in paragraphs 1 through 42 above as set forth more fully herein.

44. The Advertising Regulations, N.J.A.C. 13:45-9.1 et seq., promulgated pursuant to the CFA, among other things, govern general advertising practices.

45. Specifically, the Advertising Regulations provide, in pertinent part:

- (a) Without limiting the application of N.J.S.A. 56:8-1 et seq., the following practices shall be unlawful with respect to all advertisements:

....

- 9. The making of false or misleading representations concerning the reasons for, existence or amounts of price reductions, the nature of an offering or the quantity of advertised merchandise for sale.

46. In the operation of their business, Respondents violated the Advertising Regulations including, but not limited to, the following:

- a. Advertising "notary public" and "immigration" services, thus, misleading consumers into believing that they are qualified to provide advice as to immigration and citizenship in the United States, when such is not the case; and
- b. Advertising "notary public" and "immigration" services, thus, misleading consumers into believing that they are qualified to prepare and file legal documents with the USCIS, when such is not the case.

47. Each violation of the Advertising Regulations by Respondents constitutes a per se violation of the CFA, N.J.S.A. 56:8-2.

### COUNT III

#### **VIOLATION OF THE CFA BY CARDENAS (DECEPTIVE PRACTICES)**

48. Complainant repeats and realleges the allegations contained in paragraphs 1 through 47 above as set forth more fully herein.

49. At all relevant times, Cardenas served as the Program Director for Helping the Immigrant Community.

50. At all relevant times, Cardenas did not hold a commission as a notary public by the State of New Jersey.

51. In the operation of Helping the Immigrant Community, Cardenas has individually engaged in the following deceptive practices:

- a. Advertising and offering for sale "notary public" and "immigration" services, thus, misleading consumers into believing that she is qualified to provide advice as to immigration and citizenship in the United States, when such is not the case; and

- b. Advertising and offering for sale “notary public” and “immigration” services, thus, misleading consumers into believing she is qualified to act as a notary public and perform the services of a notary public.

52. Each deceptive practice by Cardenas constitutes a separate violation of the CFA,

N.J.S.A. 56:8-2.

## PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing allegations, Complainant respectfully requests the entry of an Order after a hearing as authorized by the CFA, N.J.S.A. 56:8-3.1:

- (a) Finding that the acts and omissions of Respondents constitute unlawful practices in violation of the CFA, N.J.S.A. 56:8-1 et seq., and/or the Advertising Regulations, N.J.A.C. 13:45A-9.1 et seq.;
- (b) Directing Respondents and their owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives, corporations, independent contractors and all other entities directly under their control, to cease and desist from engaging in, continuing to engage in, or doing any acts or practices in violation of the CFA, N.J.S.A. 56:8-1 et seq., and/or the Advertising Regulations, N.J.A.C. 13:45A-9.1 et seq.;
- (c) Directing the assessment of restitution amounts against Respondents, jointly and severally, to restore to any affected person, whether or not named in this Complaint, any money or real or personal property acquired by means of any practice alleged herein to be unlawful and found to be unlawful, as authorized by the CFA, N.J.S.A. 56:8-15;
- (d) Assessing the maximum statutory civil penalties against Respondents, jointly and severally, for each and every violation of the CFA, in accordance with the CFA, N.J.S.A. 56:8-13;
- (e) Directing the assessment of costs and fees, including attorneys' fees, against Respondents, jointly and severally, for the use of the State of New Jersey, as authorized by the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19; and
- (f) Granting such other relief as the interests of justice may require.

PAULA T. DOW  
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Attorney for Complainant

By: Alina Wells  
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Dated: August 29, 2011  
Newark, New Jersey