

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

FILED

Administrative Action
No. NOV 1500345

APR 21 2016

Division of Consumer Affairs

**IN THE MATTER OF AN INVESTIGATION
BY THE NEW JERSEY DIVISION OF
CONSUMER AFFAIRS**

of

International Training Institute,

Respondent.

**FINAL ORDER
ON DEFAULT**

This matter was opened by the New Jersey Division of Consumer Affairs, Office of Consumer Protection ("Division"), as an investigation to ascertain whether violations of the **New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. ("CFA")**, and the **Regulations Governing General Advertising, N.J.A.C. 13:45A-9.1 et seq. ("Advertising Regulations")** have been or are being committed by International Training Institute ("Respondent" or "You") (hereinafter "Investigation"). That Investigation disclosed that:

Respondent, with a main business address of 13217 NW 12th Ct., Sunrise, FL 33323-2937, was found to be in violation of the **CFA** and the **Advertising Regulations**. Specifically, Respondent was found to have offered for sale, and/or selling, an immigration training seminar entitled "How to Open & Manage an Immigration Business" to consumers held on September 12-14, 2015, which misrepresented the scope of immigration training available to consumers (e.g., becoming an immigration specialist and being able to fill out immigration forms.)

The **CFA, N.J.S.A. 56:8-2**, prohibits the act, use or employment by any person of any unconscionable commercial practice in connection with the sale or advertisement of merchandise, which includes the advertisement, offering and sale of immigration services. The **Advertising Regulations**, specifically, **N.J.A.C. 13:45A-9.1 et seq.**, provides that You can not make false or misleading representations concerning the reasons for, existence or amount or price reductions, the nature of an offering or the quantity of advertised merchandise for sale.

The U.S. Citizenship and Immigration Services' ("USCIS") permits "only attorneys or accredited representatives [to] give legal advice about which forms to submit; explain immigration options; and communicate with USCIS about the case." See USCIS Website, available at <http://www.uscis.gov/avoid-scams/find-legal-services> (hereinafter, "USCIS Website".)

The USCIS Website also contains the following alert: "Warning: "Notarios," notary publics, immigration consultants and businesses cannot give you immigration legal advice. If you need help with immigration issues, be very careful before paying money to anyone who is neither an attorney nor a BIA [Board of Immigration Appeals] - accredited representative of a recognized organization." See USCIS Website.

In addition to attorneys, USCIS permits representatives accredited by the BIA ("Accredited Representatives") to provide immigration advice. Accredited Representatives "must work for a BIA-approved non-profit, religious, charitable, social service or similar organization in the United States. He or she may only charge nominal (small) fees, if any, for legal services." See USCIS Website; see also 8 C.F.R. §§ 292.2 and 1292.2. You are neither an attorney nor an Accredited Representative registered with the BIA.

You have violated the **CFA** and/or **Advertising Regulations** by offering for sale, and/or selling an immigration training seminar to consumers which misrepresents that: (1) a consumer can become an immigration specialist; (2) a consumer can fill out immigration forms; and (3) a consumer can open and manage an immigration business, when only attorneys or Accredited Representatives working for a BIA-approved non-profit, religious, charitable, social service or similar organization in the United States may provide advice and fill out immigration forms with USCIS. (See USCIS Website; and 8 C.F.R. §§ 292.2 and 1292.2.)

Moreover, You have violated the **CFA** and/or **Advertising Regulations** by offering for sale, and/or selling an immigration training seminar to consumers that provides advice to consumers concerning the preparation of USCIS legal forms, when only attorneys or Accredited Representatives working for BIA-approved non-profit, religious, charitable, social service or similar organization in the United States may provide legal advice about which forms to submit and explain immigration options. (See USCIS Website; and 8 C.F.R. §§ 292.2 and 1292.2.)

Finally, You have violated the **CFA** and/or **Advertising Regulations** by advertising and offering for sale an immigration training seminar through print advertising that states consumers can become immigration consultants and fill out immigration forms (e.g., “study and become a consultant” and “learn to fill out forms.”) See Exhibits 6, 7 attached to Exhibit A) thereby misleading consumers into believing that they can fill out immigration forms and provide immigration advice, when only attorneys or Accredited Representatives who work for BIA-approved non-profit, religious, charitable, social service or similar organization in the United States may provide immigration advice and fill out immigration forms with USCIS. (See USCIS Website; and 8 C.F.R. §§ 292.2 and 1292.2.)

As such, pursuant to **N.J.S.A. 56:8-3.1**, the Director of the Division may: (1) order the Respondent to cease and desist from engaging in unlawful activity, pursuant to **N.J.S.A. 56:8-18**; (2) assess civil penalties against the Respondent, pursuant to **N.J.S.A. 56:8-13**; as well as (3) reimbursement of investigative costs and/or attorneys’ fees, pursuant to **N.J.S.A. 56:8-11** and **56:8-19**.

A Notice of Violation and Offer of Settlement (“NOV”) was served on Respondent on **January 15, 2016**, setting forth the findings of fact and conclusions of law above. Attached to the NOV was the Certification of Division Investigator Oscar Mejia (“Investigator Mejia”), with accompanying exhibits and the Certification of the Education Specialist / Translator for the Division’s Director’s Office, Margerita Cart. Such information established the factual basis for the alleged violations. Attached to this Final Order On Default (“Final Order”) is a copy of the certified mail confirmation, establishing that service of the NOV was effected upon Respondent.

Respondent was offered the opportunity to be heard on these charges, as set forth in the terms of the NOV. Respondent failed to reply within the fifteen (15) days as allowed by the terms of the NOV and thus, the alleged violations are deemed uncontested and true.

Accordingly, IT IS on this 21st day of April, 2016 ORDERED that:

1. Respondent shall cease and desist from engaging in any practices in violation of the CFA, and the Advertising Regulations.
2. Respondent shall pay the Division the sum of \$6,400.00 as a civil penalty pursuant to N.J.S.A. 56:8-13, and \$3,600.00 in reimbursement of the Division's attorneys' fees and investigative costs, pursuant to N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19. The amount due and owing totals \$10,000.00 and shall be made by a certified check, attorney trust account check or other guaranteed funds made payable to the "New Jersey Division of Consumer Affairs" and shall be delivered to the following address:

Attention: Supervisor
Case Management Tracking Unit
New Jersey Department of Law and Public Safety
Division of Consumer Affairs
124 Halsey Street
P.O. Box 45025
Newark, New Jersey 07101
3. Service of this Final Order will be deemed effective if sent by regular mail and certified mail, return receipt requested, and regular mail to Respondent's last known mailing address.
4. Payment shall be made within ten (10) days of issuance of this Final Order.
5. Failure to pay any civil penalties within the time allowed will result in the filing of a Certificate of Debt.
6. Any subsequent violation of this Final Order may subject Respondent to additional penalties of up to \$25,000.00, pursuant to N.J.S.A. 56:8-18.
7. This Final Order constitutes a final agency action and shall be effective upon filing and is a public document subject to the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

DIVISION OF CONSUMER AFFAIRS

BY: 

STEVE C. LEE, ACTING DIRECTOR

CERTIFICATION

International Training Institute

13217 NW 12th Ct.

Sunrise, FL 33323-2937

I, Oscar Mejia, being of full age, do hereby certify as follows:

1. I am employed as an Investigator at the Division of Consumer Affairs (the "Division") - Office of Consumer Protection Regulated Business Section with an office located at 124 Halsey Street, Newark, N.J. 07101.
2. On November 9, 2015, a Notice of Violation ("NOV") was sent to International Training Institute, Inc. ("ITI") located at 3549 SW Pumpkin Street, Port Saint Lucie, Florida 34953, regarding the violation of the Consumer Fraud Act via United States Postal Service ("USPS") certified (Tracking # 70111570000002379698) and regular mail.
3. On November 12, 2015 USPS confirms that the NOV arrived at the Port Saint Lucie, FL USPS location. On November 17, 2015, the NOV was forwarded to the Tampa USPS location. On November 22, 2015, the NOV arrived at the Tampa, FL USPS location.
4. On November 27, 2015, the NOV arrived at the Opa-Locka, FL USPS location. USPS made an attempt to deliver the NOV but no one was available but a notice was left and the NOV was returned to the Fort Lauderdale, FL USPS location.
5. On November 28, 2015, the USPS made another attempt to deliver the NOV but was refused. On December 15, 2015, the NOV was returned to the Newark, NJ USPS location. On, December 15, 2015, the Division received the returned NOV. The returned NOV had a notification from the USPS stating that the new mailing address to ITI had changed to 13217 NW 12th Ct., Sunrise, FL 33323.
6. A copy of the USPS tracking information is attached. Additionally, the NOV that was sent via regular mail was never returned to our office. (Exhibit B1.)

7. On January 12, 2016, a new NOV was drafted and resubmitted to the new address provided by the USPS via certified (Tracking# 70111570000002379742) and regular mail.
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9. On January 15, 2016 a notice was left at the residence. On February 17, 2016, USPS status on the NOV was unclaimed.
10. A copy of the USPS tracking information is attached. Additionally, the NOV that was sent regular mail was never returned to the Division's office. (Exhibit B2.)
11. All documents submitted with this Certification are true copies of documents in possession of the Division.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 20, 2016



Oscar Mejia