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**FILED**

AUG 30 2011

**Division of Consumer Affairs**

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
DOCKET NO.: 11-066

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

Complainant,

v.

RAFAÉL GARCIA t/a CORAZÓN TRAVEL  
AGENCY t/a CORAZON AGENCY and  
RAFAÉL GARCIA, INDIVIDUALLY,

Respondent.

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, Rafaél Garcia ("Garcia") t/a Corazón Travel Agency t/a Corazón Agency ("Corazón Agency") and/or Rafaél Garcia ("Garcia") (collectively, "Respondent") has advertised, offered for sale and/or sold, among other things, the preparation of immigration and divorce documents, income tax services, and money transfer services to consumers in the State of New Jersey ("State" or "New Jersey"). In so doing, Respondent misrepresented the immigration and citizenship services that he could provide to consumers. This conduct violates 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 as well as the regulations promulgated thereunder.

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 July 17, 1986, Garcia registered Corazón Travel Agency as a trade name by which he would engage in business. Corazón Agency's owner, Garcia, maintains a mailing address at 100 Cabrini Boulevard, Apartment 4, New York, NY 10033.

6. At all relevant times, Garcia has engaged in business as Corazón Agency maintained at a main business address of 320 Market Street, Paterson, New Jersey 07501 ("Corazón Agency Location").

7. At all relevant times, Garcia owned Corazón Agency.

#### **GENERAL ALLEGATIONS COMMON TO ALL COUNTS**

8. At all relevant times, Garcia t/a Corazón Agency and Garcia advertised, offered for sale and/or sold services to consumers in New Jersey, including notary public, immigration, income tax, and money transfer services.

9. At all relevant times, Garcia held a commission as a notary public of the State of New Jersey.

10. At all relevant times, Gomez 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 36).

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

11. In March 2011, an anonymous source sent Investigator Oscar Mejia ("Investigator Mejia") of the New Jersey Division of Consumer Affairs ("Division") an advertisement concerning Corazón Agency.

12. The Spanish-language advertisement stated that Corazón Agency offered income tax, notary public, divorce and immigration services.

13. The advertisement also included a photograph of a man identified as "Rafaél G. Corazón, Notary Public."

14. On April 14, 2011, Investigator Oscar Mejia performed an undercover investigation of the Corazón Agency Location.

15. The Corazón Agency Location featured an exterior awning bearing the words "Corazón Service Center" and "Immigracion, Notary Public, Pasajes and Immigracion". A sign near the door titled "Immigration" specified that they offered affidavit, translation and green card services. An additional sign advertised Immigracion and Notario Public services.

16. Upon entering the Corazón Agency, Investigator Mejia was greeted by a male employee who asked how he could assist Investigator Mejia.

17. Investigator Mejia asked to speak with the notary public responsible for immigration matters. The male employee told Investigator Mejia that the notary public was speaking with a client and would be available shortly.

18. Shortly thereafter, Investigator Mejia entered the personal office of the man he believed to be the notary public and asked if he was the notary public who handled immigration matters. The man responded in the affirmative and introduced himself as Rafaél Corazón.

19. Upon information and belief, Garcia has previously used the name Rafaél Corazón.

20. Investigator Mejia explained that he was engaged to a woman residing in the country on an expired student visa and that he was worried that applying for a marriage certificate could alert the authorities, who might then deport his fiancée.

21. Investigator Mejia asked whether his fiancée must show documentation to apply for a marriage license. Garcia said no.

22. Investigator Mejia then asked how his fiancée could become a naturalized citizen. Garcia advised that in addition to marrying his fiancée, Investigator Mejia must complete certain forms.

23. Investigator Mejia inquired as to whether the agency could help complete the necessary forms. Garcia answered in the affirmative.

24. Investigator Mejia asked whether Garcia would complete the forms on behalf of Investigator Mejia. Garcia responded in the affirmative.

25. Investigator Mejia requested the price for the completion of the immigration forms and Garcia responded that the paperwork would cost \$800.

26. Investigator Mejia obtained a business card from Garcia before departing.

27. Garcia's Spanish-language business card displayed the name "Corazón Agency" and indicated, in bold letters, that the agency provides immigration services in bold letters.

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

28. 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*.

29. The Committee on the Unauthorized Practice of Law described in particular the situation which occurred while Investigator Mejia was at the Corazon 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*.

30. 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**

31. 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: "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.

32. 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**

33. 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.

34. 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*.

35. 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*.

36. 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 RESPONDENT (MISREPRESENTATIONS AND UNCONSCIONABLE COMMERCIAL PRACTICES)**

37. Complainant repeats and realleges the allegations contained in paragraphs 1 through 36 above as set forth more fully herein.

38. 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.]

39. 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).

40. Respondent's offer to prepare immigration forms comprises merchandise within the meaning of the CFA.

41. In advertising, offering for sale and selling immigration services to consumers, Respondent made misrepresentations and used unconscionable commercial practices.

42. In the operation of his business, Respondent 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 the U.S. Citizenship and Immigration Services ("USCIS"), when such is not the case.

43. In the operation of his business, Respondent has 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.

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

## COUNT II

### VIOLATION OF THE ADVERTISING REGULATIONS BY RESPONDENT

45. Complainant repeats and realleges the allegations contained in paragraphs 1 through 44 above as set forth more fully herein.

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

47. 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.

48. In the operation of their business, Respondent 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.

49. Each violation of the Advertising Regulations by Respondent constitutes a per se 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 Respondent 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 Respondent and any 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 Respondent, 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 Respondent, 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 Respondent, 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.

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Attorney for Complainant

By: Alina Wells  
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Deputy Attorney General

Dated: August 29, 2011  
Newark, New Jersey