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8 Attorneys for Plaintiff,
The People of the State of California

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10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN MATEO

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13 THE PEOPLE OF THE STATE OF CALIFORNIA,
14 Plaintiff,
15 v.
16 MIRANDA & ASSOCIATES, MIRANDA &
ASSOCIATE, BESSI MIRANDACUADRA aka
17 BESSIE MIRANDA, and DOES 1 THROUGH 10,
18 inclusive,
19 Defendants.

Case No.:

**COMPLAINT FOR
INJUNCTION, CIVIL
PENALTIES, AND OTHER
RELIEF**

Date: March 18, 2003

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1 Plaintiff, the People of the State of California, by Bill Lockyer, Attorney General of the
2 State of California, alleges the following on information and belief:

3 **PARTIES**

4 1. Defendant Bessi Mirandacuadra (aka Bessie Miranda) is an individual. She
5 engages in business under the names Miranda & Associates and Miranda & Associate.

6 2. Defendants Miranda & Associates and Miranda & Associate are businesses of
7 unknown form.

8 3. Defendant Bessi Mirandacuadra (aka Bessie Miranda) is not currently nor was she
9 at any time referred to in this Complaint licensed to practice law in the State of California or
10 authorized by federal law to represent persons before the Immigration and Naturalization Service
11 or the Immigration Courts and Board of Immigration Appeals.

12 4. Defendants Miranda & Associates and Miranda & Associate are not currently nor
13 were they at any time referred to in this Complaint nonprofit, tax-exempt corporations.

14 5. The true names of defendants sued herein under the fictitious names Does 1
15 through 10 are unknown to plaintiff. Plaintiff will seek leave of court to amend this Complaint
16 to allege such names as soon as they are ascertained.

17 6. All references in this Complaint to any of the defendants shall also include all of
18 them, unless otherwise specified. Whenever reference is made in this Complaint to any act of
19 Defendants, such allegation shall mean that each defendant acted individually and jointly with
20 the other defendants.

21 7. At all relevant times, each defendant has committed the acts, caused others to
22 commit the acts, or permitted others to commit the acts alleged in this Complaint.

23 8. Any allegation about any acts of any corporate or other business defendant shall
24 mean that the corporation or other business did the acts alleged through its officers, directors,
25 employees, agents and/or representatives while they were acting within the actual or ostensible
26 scope of their authority.

27 9. The named defendants' principal place of business is located at 307 Grand Ave. in
28 South San Francisco, California.

1 the bond shall be limited to fifty thousand dollars (\$50,000). . . .

2 (b) The bond required by this section shall be in favor of, and payable to, the
3 people of the State of California and shall be for the benefit of any person
4 damaged by any fraud, misstatement, misrepresentation, unlawful act or omission,
5 or failure to provide the services of the immigration consultant or the agents,
6 representatives, or employees of the immigration consultant while acting within
7 the scope of that employment or agency.

8 15. Section 22441(a) of the Business and Professions Code provides:

9 A person engages in the business of or acts in the capacity of an
10 immigration consultant when that person gives nonlegal assistance or advice on
11 an immigration matter.

12 16. From a point on or after January 1, 2002, and continuing to the present,
13 Defendants have disseminated and continue to disseminate statements indicating directly or by
14 implication that they engage or propose to engage in the business, or act in the capacity or
15 propose to act in the capacity, of an immigration consultant.

16 17. Defendants do not currently have on file with the Secretary of State, nor have they
17 at any time referred to in this Complaint had on file with the Secretary of State, the requisite
18 \$50,000 bond.

19 **SECOND CAUSE OF ACTION**

20 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 22443.3**

21 **(FAILURE TO OBTAIN AND FILE SURETY BOND)**

22 **(Against all Defendants)**

23 18. The People reallege and incorporate by reference paragraphs 1 through 10 and 12
24 through 17 of this Complaint.

25 19. By disseminating statements indicating directly or by implication that they engage
26 in the business or act in the capacity of an immigration consultant, without having on file with
27 the Secretary of State the bond described in Business and Professions Code Section 22443.1,
28 Defendants have violated Business and Professions Code section 22443.3.

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WHEREFORE, Plaintiff prays for judgment as follows:

1. Pursuant to Business and Professions Code sections 17203 and 22446.5, that all Defendants, their agents, employees, officers, representatives, successors, partners, assigns, and all persons acting in concert or participating with them, be permanently enjoined from violating Business and Professions Code sections 17200 and 22443.3, including but not limited to the violations alleged in this Complaint;

2. Pursuant to Business and Professions Code sections 17206, 22445 and 22446.5, that the Court assess a civil penalty against each Defendant for each violation of Business and Professions Code sections 17200 and 22443.3 alleged in the Complaint, as proved at trial, in the total amount of at least \$25,000.00;

3. That the People recover their costs of suit; and

4. That the Court grant such other and further relief as it may deem just and proper.

Dated: March 18, 2003

BILL LOCKYER,
Attorney General
HERSCHEL T. ELKINS,
Senior Assistant Attorney General
MARGARET REITER,
Supervising Deputy Attorney General
SETH E. MERMIN,
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By _____
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