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**STATE OF WASHINGTON
YAKIMA COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

ADELINA S. ESQUIVEL individually
and as part of her marital community;
and IMMIGRATION AND
TRANSLATION SERVICES, a
Washington sole proprietorship,

Defendants.

NO.

COMPLAINT FOR PERMANENT
INJUNCTIVE RELIEF AND OTHER
RELIEF UNDER THE CONSUMER
PROTECTION ACT

The Plaintiff, State of Washington, by and through its attorneys Robert M. McKenna, Attorney General, and James T. Sugarman, Assistant Attorney General, brings this action against the defendants named below. The State alleges the following on information and belief:

I. PLAINTIFF

1.1 The Plaintiff is the State of Washington.

1.2 The Attorney General is authorized to commence this action pursuant to RCW 19.86.080, 19.86.140 and 19.154.090.

II. DEFENDANTS

2.1 Defendant ADELINA S. ESQUIVEL is an adult female resident of the State of Washington. Defendant Esquivel created and operates Defendant IMMIGRATION AND

1 TRANSLATION SERVICES, a for-profit Washington sole proprietorship. Defendants
2 directed, controlled, formulated and carried out the acts, practices and activities that are the
3 subject of this Complaint.

4 2.2 All defendants reside and have their primary place of business in Yakima
5 County, Washington. The violations hereinafter alleged have been committed in whole or in
6 part within Yakima County and elsewhere within the State of Washington by the Defendants.

7 2.3 The Attorney General's standing to commence this action is conferred by
8 RCW 19.86.080 and 19.154.090.

9 2.4 Jurisdiction over the Defendants is vested in this Court because Defendants
10 have committed the acts alleged below in the State of Washington. Jurisdiction over the
11 subject matter of this Complaint is conferred by the above-referenced statutes.

12 III. NATURE OF TRADE OR COMMERCE

13 3.1 Defendants, during the time period relevant to this action, engaged in the for-
14 profit business of immigration assistance. Defendants use unfair and deceptive acts and
15 practices in the course of providing immigration-related services to Washington consumers,
16 including by failing to provide the contractual terms and disclosures and the cancellation rights
17 mandated by the Immigration Assistant Practices Act (IAA), RCW 19.154. As such,
18 Defendants are engaged in trade or commerce within the meaning of RCW 19.86.020.

19 IV. BACKGROUND FACTS

20 4.1 Defendants have engaged in the unauthorized practice of law by providing legal
21 advice and services regarding applications for visas or other immigration or citizenship status.

22 4.2 Defendants have provided immigration assistance without registering as an
23 immigration assistant and without providing the written contract and disclosures required by
24 the Immigration Assistant Practices Act (IAA), RCW 19.154.

25 4.3 Defendants have failed to inform consumers in writing of their right to cancel
26 their transaction. RCW 19.154.070(4).

1 4.4 Defendants have charged fees for legal advice and services.

2 4.5 Defendants have used titles or references such as “notary public” and
3 “immigration services” that indicate special professional skills or expertise, which titles are
4 prohibited by the IAA. RCW 19.154.080.

5 4.6 Defendants have advertised or failed to correct advertising that lists their
6 business as a law office or one capable of providing “legal services” when not actually licensed
7 to practice law.

8 4.7 Each of the allegations in this Complaint refer back to conduct that has
9 occurred. Plaintiff alleges that the described conduct is a material part of Defendants’ business
10 practices and is continuing or will continue unless enjoined or restrained by order of the Court.

11 **V. FIRST CAUSE OF ACTION**
12 **Misrepresentations**

13 5.1 Plaintiff re-alleges paragraphs 1.1 through 4.8, inclusive and incorporates them
14 herein by this reference.

15 5.2 In the context of conducting their business Defendants made numerous
16 misrepresentations. Such conduct constitutes unfair or deceptive acts or practices in trade or
17 commerce, and/or unfair methods of competition in violation of RCW 19.86.020.

18 **VI. SECOND CAUSE OF ACTION**
19 **Unfair Practices**

20 6.1 Plaintiff re-alleges paragraphs 1.1 through 5.2, inclusive and incorporates them
21 herein by this reference.

22 6.2 In the context of conducting their business, Defendants engaged in numerous
23 unfair acts and practices. Such conduct constitutes unfair or deceptive acts or practices in trade or
24 commerce, and/or unfair methods of competition in violation of RCW 19.86.020.
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1 **VII. THIRD CAUSE OF ACTION**
2 **Violations of the Immigration Assistant Practices Act, RCW 19.154**

3 7.1 Plaintiff re-alleges paragraphs 1.1 through 6.2, inclusive and incorporates them
4 herein by this reference.

5 7.2 In the context of conducting their business, Defendants failed to register as an
6 immigration assistant, created and enforced agreements that violate the IAA, failed to provide
7 written notice of a consumer's right to cancel the transaction, provided legal services forbidden by
8 the IAA, and used prohibited titles or references in advertising or solicitations.

9 7.3 Pursuant to RCW 19.154.090, violations of the Immigration Assistant Practices
10 Act are *per se* violations of the Consumer Protection Act, RCW 19.86.

11 7.4 Notwithstanding RCW 19.154.090, Defendants' conduct affects the public interest
12 and has the capacity to mislead a substantial number of consumers and constitutes unfair or
13 deceptive acts or practices in trade or commerce and unfair methods of competition in violation of
14 RCW 19.86.020.

15 **VIII. PRAYER FOR RELIEF**

16 **WHEREFORE**, the State moves the Court for:

17 8.1 That the Court adjudge and decree that Defendants have engaged in the conduct
18 complained of herein.

19 8.2 That the Court adjudge and decree that the conduct complained of in the above
20 causes of action constitutes violations of RCW 19.86.020.

21 8.3 That the Court issue such preliminary, ancillary and permanent injunctive relief
22 restraining Defendants and their representatives, successors, assigns, officers, agents, servants,
23 employees, and all other persons acting or claiming to act for, on behalf of, or in active concert or
24 participation with Defendants, from continuing or engaging in the unlawful conduct complained
25 of herein.
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