

IN THE CHANCERY COURT FOR SHELBY COUNTY, TENNESSEE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

STATE OF TENNESSEE, *ex rel.* ROBERT)
E. COOPER, JR.,)
)
Plaintiff,)
)
v.)
)
JULIO BARILLAS, individually and)
doing business as REEMBOLSOS)
RAPIDOS and J B SERVICES,)
)
Defendants.)

No. CH-09-0920-1

COMPLAINT FOR PERMANENT INJUNCTION AND OTHER RELIEF

1. This civil law enforcement action is brought in the name of the State of Tennessee, in its sovereign capacity, by and through Robert E. Cooper, Jr., Attorney General and Reporter (“Attorney General”) pursuant to Tenn. Code Ann. § 47-18-108 of the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101 *et seq.* (“TCPA”), the Notaries Public statute, Tenn. Code Ann. § 8-16-401 *et seq.*, the Attorney General’s general statutory authority at Tenn. Code Ann. § 8-6-109, and the Attorney General’s common law authority.

2. Mary Clement, Director of the Division of Consumer Affairs of the Department of Commerce and Insurance, has requested that the State of Tennessee, by and through the Attorney General, commence civil law enforcement proceedings against the above-named Defendants for violations of the TCPA.

3. The Director and the Attorney General have reason to believe that the Defendants named herein have violated the TCPA and the Notaries Public statute. The Director and the Attorney General also have reason to believe that this action is in the public interest.

4. Defendants have been provided with ten (10) days notice of contemplated legal action as set forth in Tenn. Code Ann. § 47-18-108(a)(2).

I. JURISDICTION AND VENUE

5. The jurisdiction of this Court is invoked pursuant to the provisions of Tenn. Code Ann. § 47-18-108.

6. Venue is proper in Shelby County pursuant to Tenn. Code Ann. § 47-18-108(a)(3), because it is the county where the alleged unfair or deceptive acts or practices took place, and the county in which the Defendants conduct, transact or have transacted business.

II. DEFENDANTS

The State of Tennessee alleges upon information and belief:

7. Defendant Julio Barillas (“Defendant Barillas”) is an individual and resident of Tennessee.

8. Defendant Reembolsos Rápidos and Defendant JB Services (“Defendant Companies”) are Tennessee companies with their principal places of business at 5945 Knight Arnold Rd., Memphis, TN 38115.

9. Defendant Barillas has been an owner, operator, officer, director, employee, agent and manager of Defendant Companies and has personally participated in their day-to-day activities and operations. Additionally, Defendant Barillas has directly engaged in the alleged conduct and unfair or deceptive acts or practices described herein, had knowledge or should have

had knowledge of the practices, and had the authority to control and stop the violations of the law.

III. GENERAL ALLEGATIONS

The State of Tennessee alleges upon information and belief:

10. Defendants have advertised as a “notario publico” without the required disclaimer.

IV. FACTUAL ALLEGATIONS

Upon information and belief, the State of Tennessee alleges as follows:

11. Defendants have engaged in trade or commerce in whole or in part in the State of Tennessee by offering goods or services to consumers.

12. Defendants have claimed to be notaries public or notarios publicos.

13. Defendant Barillas ran a business located at 5945 Knight Arnold Rd., Memphis, TN 38115.

14. Defendant Reembolsos Rápidos advertised in the publication *La Prensa Latina* as having a “Notario Publico” without any disclaimer.¹

15. Defendant Companies advertised on a business card as having a “Notario Publico” without the required disclaimer.²

16. Defendant Barillas is not an attorney and not licensed to practice law in the State of Tennessee.³

17. Defendant Companies do not employ an attorney who is licensed to practice law in the State of Tennessee.

¹ See Ex. A, Advertisement for Reembolsos Rápidos.

² See Ex. B, business card for Reembolsos Rápidos.

³ See Ex. C, Aff. Of Adele Anderson.

18. Defendants have directly engaged in the alleged conduct and unfair or deceptive acts or practices described herein, had knowledge or should have had knowledge of the practices, and had the authority to control and stop the violations of the law.

19. As a result of the Defendants' conduct described in this Complaint, the consumers described herein and possibly other consumers may have suffered ascertainable losses associated with the various unfair, deceptive or misleading acts or practices alleged herein.

V. VIOLATIONS OF THE LAW

COUNT I: TENNESSEE CONSUMER PROTECTION ACT

20. The Plaintiff incorporates by reference and re-alleges each and every allegation contained in Paragraphs (10) - (19) of this Complaint.

21. Defendants have caused likelihood of confusion or of misunderstanding as to the source and approval of their goods or services, in violation of Tenn. Code Ann. § 47-18-104(b)(2).

22. Defendants have caused likelihood of confusion or of misunderstanding as to the affiliation, connection or association with, or certification by, another, in violation of Tenn. Code Ann. § 47-18-104(b)(3).

23. Defendants have used statements in advertisements which create a false impression of the quality, value, usability or origin of the goods or services offered, in violation of Tenn. Code Ann. § 47-18-104(b)(21).

24. Defendants have advertised as a notario publico without a clear and conspicuous disclaimer disclosing the individuals are not licensed to practice law in Tennessee in violation of Tenn. Code Ann. § 47-18-104.

25. All of the acts and practices engaged in and employed by Defendants described in this Complaint are deceptive to the consumer or other person in violation of Tenn. Code Ann. § 47-18-104(b)(27).

DEMAND FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff, State of Tennessee, *ex rel.* Robert E. Cooper, Jr., Attorney General and Reporter, pursuant to the Tennessee Consumer Protection Act of 1977, the Attorney General's general statutory authority, the Attorney General's common law authority, and this Court's equitable powers, prays:

1. That this Complaint be filed without cost bond as provided by Tenn. Code Ann. § 47-18-116.
2. That process issue and be served upon Defendants requiring the Defendants to appear and answer this Complaint.
3. That this Court adjudge and decree that Defendants have engaged in the aforementioned acts or practices which violate the Tennessee Consumer Protection Act of 1977.
4. That pursuant to Tenn. Code Ann. §§ 47-18-108(a)(1), (a)(4), and (a)(5), this Court temporarily and permanently enjoin and restrain Defendants from engaging in the aforementioned acts or practices which violate the Tennessee Consumer Protection Act of 1977, and other laws and regulations.
5. That this Court enter judgment against Defendants and in favor of the State for the reasonable costs and expenses of the investigation and prosecution of the Defendants' actions, including attorneys' fees and costs, expert and other witness fees, as provided by Tenn. Code Ann. §§ 47-18-108(a)(5), (b)(4), and other state law.

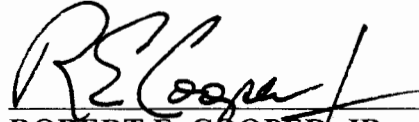
6. That pursuant to Tenn. Code Ann. § 47-18-108(b)(1), this Court make such orders or render such judgments as may be necessary to restore any person who has suffered any ascertainable loss as defined in Tenn. Code Ann. § 47-18-2102(1), including statutory interest, and requiring that Defendants pay all costs of distributing and administering the same.

7. That this Court adjudge and decree that Defendants pay civil penalties of not more than one thousand dollars (\$1,000.00) per violation of the Tennessee Consumer Protection Act of 1977 to the State of Tennessee as provided by Tenn. Code Ann. § 47-18-108(b)(3).

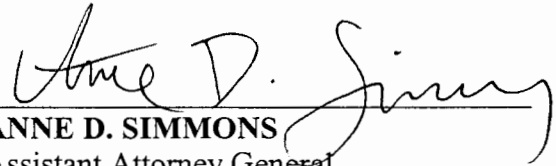
8. That all costs in this case be taxed against Defendants.

9. That this Court grant Plaintiff such other and further relief as this Court deems just and proper.

Respectfully submitted,



ROBERT E. COOPER, JR.
Attorney General and Reporter
B.P.R. No. 10934



ANNE D. SIMMONS
Assistant Attorney General
B.P.R. No. 26272

JEFFREY L. HILL

Senior Counsel

B.P.R. No. 16731

Office of the Tennessee Attorney General
Consumer Advocate and Protection Division

Post Office Box 20207

Nashville, TN 37202-0207

Phone: (615) 532-2590

Facsimile: (615) 532-2910

REEMBOLSOS RÁPIDOS

TRÁMITES DE PLACAS

Recuperación de títulos de automóviles
Solicita tu W-7 y el número TTIN
Además si todavía no has hecho tus taxes
Puedes tramitarlos aquí durante todo el año

Visítanos en
5945 Knight Arnold Rd, Suite 100
Memphis, TN 38115



Pregunta por Julio

Tel. (901) 644-9607

E-mail: taxjulio@yahoo.com

Fax (901) 234-0134

NOTARIO PÚBLICO

Otros servicios:

Llenamos formas de inmigración

Todo tipo de traducciones

Intérprete

Cartas poder

Pago de tickets de tránsito

Legalización de vehículos

Viajes expresos

Licencia suspendida

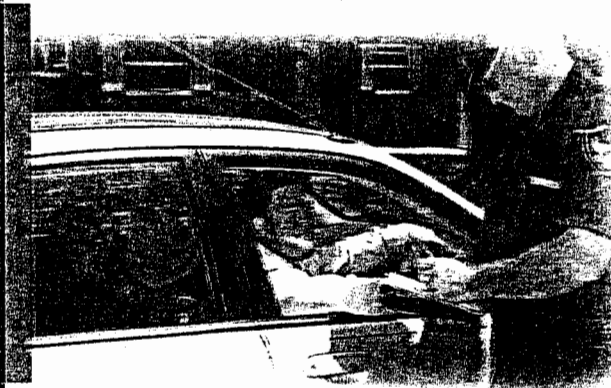
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Casos criminales

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¡LLÁMANOS PARA MÁS INFORMACIÓN!



EN RESUMEN TE AYUDAMOS A RESOLVER
CUALQUIER SERVICIO QUE TU NECESITES

PREGUNTA POR JULIO
(901) 644-9607

5945 Knight Arnold Rd, Suite 100 Memphis, TN 38115

Al lado de D'Carlo Salón

EXHIBIT

tabbles

A

INCOME TAXES



TRAMITE DE PLACAS

Recuperación de títulos de automóvil

Solicita tu W-7 / ITIN

Servicio de Income tax durante todo el año

Visítenos en:

5945 Knight Arnold Rd Ext,
Suite 100, Memphis, TN 38115

Tel: 901-644-9607

E-mail: taxjulio@yahoo.com

Fax: 901-234-0134

Pregunte por Julio **NOTARIO PUBLICO**



Otros Servicios:

Seguros para automóvil

Llenado de formas de
immigración

Todo tipo de traducciones

Interprete

Cartas Poder

Pago tickets de tránsito

Legalización de vehículos

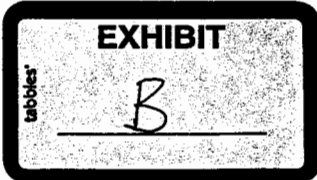
Viajes expresos

Pregunte por Julio

901-644-9607

En resumen, le ayudamos a resolver cualquier servicio que usted necesite

*No somos abogados y no damos asesoría legal, siempre recibimos ningún pago por estos conceptos



**IN RE
INVESTIGATION OF:
JULIO BARILLAS**

AFFIDAVIT OF ADELE ANDERSON

STATE OF TENNESSEE)

DAVIDSON COUNTY)

I, Adele Anderson, do hereby depose and aver as follows:

1. I am an adult citizen of Tennessee and am competent to testify to the matters stated herein.

2. I make this affidavit on personal knowledge and understand that it may be used in legal proceedings pursuant to the unauthorized practice of law statutes, the Tennessee Consumer Protection Act or other appropriate law.

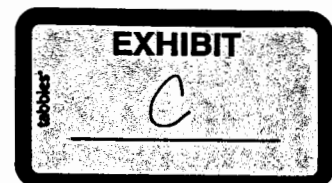
3. I swear that the facts contained herein are true and accurate to the best of my knowledge.

4. I am the Executive Director of the Board of Law Examiners of Tennessee. My business address is Board of Law Examiners of Tennessee, 401 Church Street, Suite 2200, Nashville, Tennessee 37243-0740. My business telephone number is (615) 741-3234.

5. As part of my responsibilities, I am the custodian of records containing the names of all persons in the State of Tennessee to whom a law license has been issued.

6. After reviewing the records of the Board of Law Examiners of Tennessee, I have confirmed that Julio Barillas does not have a license issued by the State of Tennessee to practice law in this State.

Initials aaa
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7. All of the above information is true and accurate to the best of my knowledge.

FURTHER AFFIANT SAITH NOT.

Adele Anderson

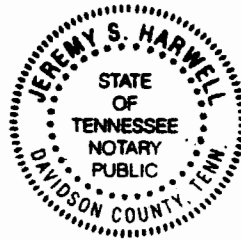
Adele Anderson
Executive Director
Board of Law Examiners of Tennessee

Sworn to and subscribed before me
this 28 day of April, 2009.

Jeremy S. Harwell
NOTARY PUBLIC

My commission expires:

8/23/2011



My Commission Expires AUG. 23, 2011