

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

LOMA INTERNATIONAL BUSINESS
GROUP, INC.,

SERVICIOS LATINOAMERICANOS DE
MARYLAND, INC.,

MANUEL E. ALBAN, individually and as
director of LOMA INTERNATIONAL
BUSINESS GROUP, INC. and SERVICIOS
LATINOAMERICANOS DE MARYLAND,
INC.,

LOLA P. ALBAN, an individual, and

MARCO V. ALBAN, an individual,

Defendants.

Case No. MJG 11-CV-1483

**AMENDED COMPLAINT FOR
PERMANENT INJUNCTION AND
OTHER EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission (FTC), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (FTC Act), 15 U.S.C. § 53(b), to obtain temporary, preliminary, and permanent injunctive relief, restitution, the refund of monies paid, disgorgement of ill-gotten monies, the appointment of a monitor, and other equitable relief for Defendants' acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), in connection with the advertising, marketing, and sale of United States immigration services.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b).

3. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c), and 15 U.S.C. § 53(b).

PLAINTIFF

4. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.

5. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including injunctions, restitution, the refund of monies paid, the disgorgement of ill-gotten monies, and the appointment of a monitor. 15 U.S.C. § 53(b).

DEFENDANTS

6. Defendant Loma International Business Group, Inc. (Loma) is a Maryland corporation with its principal place of business at 10 North Calvert Street, Suite 700, Baltimore, Maryland 21202. Loma transacts or has transacted business in this district. At all times material to this Complaint, acting alone or in concert with others, Loma has advertised, marketed, or sold immigration services to consumers in or affecting commerce.

7. Defendant Servicios LatinoAmericanos de Maryland, Inc. (Servicios) is a Maryland corporation with its principal place of business at 10 North Calvert Street, Suite 700, Baltimore, Maryland 21202. Servicios transacts or has transacted business in this district. At all

times material to this Complaint, acting alone or in concert with others, Servicios has advertised, marketed, or sold immigration services to consumers in or affecting commerce.

8. Defendant Manuel E. Alban (Manuel Alban) is the owner, sole director, and registered agent for Loma and Servicios. Manuel Alban is the general manager for Loma. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Loma and Servicios, including the acts and practices set forth in this Complaint. Defendant Manuel Alban resides in this district and, in connection with the matters alleged here, transacts or has transacted business in this district.

9. Defendant Lola P. Alban (Lola Alban) is married to Manuel Alban and actively participates in the day-to-day operations of the Albans' immigration business. At all times material to this Complaint, acting alone or in concert with others, she has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Loma and Servicios, including the acts and practices set forth in this Complaint. Lola Alban resides in this district and, in connection with the matters alleged here, transacts or has transacted business in this district.

10. Defendant Marco V. Alban (Marco Alban) is the son of Manuel and Lola Alban. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Loma and Servicios, including the acts and practices set forth in this Complaint. Defendant Marco Alban resides in this district and, in connection with the matters alleged here, transacts or has transacted business in this district.

COMMERCE

11. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS’ BUSINESS PRACTICES

12. Since at least February 2001, Defendants have advertised, marketed, sold, and provided immigration services to consumers. Defendants’ immigration services include, but are not limited to, selecting and preparing immigration forms and documents and filing them with U.S. Citizenship and Immigration Services (USCIS) on behalf of consumers. In the course of advertising, marketing, selling, and providing United States immigration services to consumers, Defendants misrepresent that they are authorized to provide immigration services in the United States.

13. Defendants have marketed their immigration services to consumers in the Baltimore, Maryland area through word-of-mouth advertising and the distribution of their business card for Loma.

14. Defendants often claim that Manuel Alban is an attorney. At times, Defendants posted a sign in Spanish on the front door of their office that stated, “Attorney Manuel Alban.” In one instance, Manuel Alban told a consumer that he would be her official representative at an immigration hearing. Additionally, on their business card, Defendants list “legal” among the services that they offer. These statements contribute to the implied misrepresentation that Manuel Alban is authorized to provide immigration services.

15. Defendants purportedly specialize in obtaining or renewing Temporary Protected Status (TPS) on behalf of consumers from countries like El Salvador and Honduras that qualify

for TPS. The Secretary of the U.S. Department of Homeland Security (DHS) confers TPS on certain foreign countries due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. Such conditions include earthquakes, armed conflict, or other extraordinary and temporary conditions. Once DHS confers TPS on a country, USCIS may grant TPS to eligible nationals of these countries already residing in the United States.

16. Consumers call a local Baltimore telephone number provided by Defendants on their business card. Lola Alban answers consumers' incoming calls and sets up appointments. Consumers seeking Defendants' assistance with immigration matters typically have limited English proficiency, so interactions with Defendants are generally conducted in Spanish.

17. Consumers visit Defendants' office near downtown Baltimore. Upon arrival, consumers are typically greeted by Lola Alban. In some instances, consumers are greeted by Marco Alban. Prior to consulting with Manuel Alban, Lola Alban tells consumers about the \$50 initial consultation fee with Manuel Alban. Consumers typically pay cash for Manuel Alban's initial consultation. At times, Marco Alban collects the fees for Defendants' immigration services.

18. At the scheduled time, consumers consult with Manuel Alban about their immigration matters. For an additional fee ranging from \$150 to \$250, Manuel Alban selects, prepares, and files immigration forms and documents on behalf of consumers. In some instances, Lola Alban selects and prepares immigration forms for Manuel Alban's review prior to filing. In other instances, Marco Alban selects and prepares immigration forms on behalf of consumers.

19. Loma's name often appears on the immigration forms prepared and filed by the Albans. In addition, Manuel Alban sometimes prepares cover letters on Loma's company letterhead that he attaches to the immigration forms he files on behalf of consumers. Since most consumers have limited English skills, they place their trust in the Albans to select, prepare, and file the necessary English language immigration forms.

20. Consumers often pay Defendants in cash for immigration services. Defendants also collect cash from consumers to cover USCIS filing fees associated with the applications. In those instances, Defendants typically write checks on a Servicios checking account to pay the USCIS filing fees.

21. Defendants sometimes commit errors or take actions that cause harm to consumers' immigration standing. For example, in at least one instance, a TPS renewal application prepared and filed by Defendants on behalf of a consumer was denied by USCIS because it did not contain sufficient information. Defendants then charged the consumer an additional fee to appeal the denial, but then failed to file the appeal. When the consumer requested copies of his TPS application, the consumer was told that his documents had been destroyed since he was no longer Alban's client.

22. In the past 10 years, Defendants have provided immigration services to hundreds of consumers and have filed at least 600 immigration applications with USCIS. Of these immigration applications, over half were denied or rejected by USCIS for various reasons, mostly because they included the incorrect forms or failed to include the required processing fees.

23. After receiving poor service from Defendants, in some instances, consumers succeed in correcting Defendants' errors and obtaining the immigration benefits they were

eligible for through the assistance of accredited organizations authorized by the U.S. government to provide immigration services in the United States.

24. Through the advertising, marketing, and sale of immigration services, Defendants impliedly claim that they are authorized to provide immigration services in the United States.

25. Defendants' implied representation that they are authorized to provide immigration services in the United States is false.

26. Accredited individuals affiliated with an organization recognized by the Board of Immigration Appeals (BIA) may represent persons in immigration matters before DHS or the U.S. Department of Justice under the requirements of 8 C.F.R. § 292.1 (2010) or 8 C.F.R. § 1292.1 (2010).

27. Neither Loma nor Servicios is an organization recognized by BIA. The Albans are not accredited representatives or affiliated with a recognized organization. Therefore, the Albans are not authorized to represent persons in immigration matters as accredited representatives.

28. Moreover, the Albans do not meet the federal requirements necessary to independently represent persons in immigration matters in the United States. Specifically, none of the Albans are:

- (a) a licensed attorney in any state;
- (b) a law student acting under the supervision of a licensed attorney or accredited representative who is appearing without direct or indirect remuneration;

- (c) an individual granted permission to appear on behalf of persons with whom the individual has a pre-existing relationship and from whom the individual received no direct or indirect remuneration; or
- (d) a person otherwise authorized to practice before USCIS, the BIA, the U.S. Customs and Border Protection, or the U.S. Immigration and Customs Enforcement.

29. Defendants received payment from consumers in exchange for the provision of immigration services. In fact, based on Defendants' misrepresentation that they are authorized to provide immigration services in the United States, consumers paid Defendants tens of thousands of dollars for Defendants' immigration services.

VIOLATIONS OF THE FTC ACT

30. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

31. Misrepresentations constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

Count I

Misrepresentation That Defendants Are Authorized to Provide Immigration Services

32. In numerous instances in connection with the advertising, marketing, promotion, sale, or provision of immigration services, including selecting, preparing, and filing immigration forms, Defendants have represented, directly or indirectly, expressly or by implication, that Defendants are authorized to provide immigration services in the United States.

33. In truth and in fact, Defendants are not authorized to provide immigration services in the United States.

34. Therefore, Defendants' representation as set forth in Paragraph 32 of this Complaint is false and misleading and constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

CONSUMER INJURY

35. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

36. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including restitution, the refund of monies paid, the disgorgement of ill-gotten monies, and the appointment of a monitor to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

A. Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief, including, but not limited to, temporary and

preliminary injunctions, an order freezing assets, appointment of a monitor, and immediate access to Defendants' business premises;

B. Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including, but not limited to, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

D. Award Plaintiff the costs of bringing this action, as well as additional relief as the Court may determine to be just and proper.

Respectfully submitted,

WILLARD K. TOM
General Counsel

DEANYA T. KUECKELHAN
Director, Southwest Region

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