

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

FILED

2009 APR 29 AM 9:20

RICHARD R. ROCKLER, CLERK

STATE OF TENNESSEE, *ex rel.* ROBERT)
E. COOPER, JR.,)

Plaintiff,)

v.)

SELVYN AMAYA, individually and)
doing business as SERVICIOS PUBLICOS,)
CASA TAXES and CASA y TAXES,)

Defendants.)

No. _____



D.C.

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 Davidson 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 Selvyn Amaya (“Defendant Amaya”) is an individual and resident of Tennessee, residing at 3752 Seasons Drive, Antioch, Tennessee 37013.

8. Defendants Servicios Publicos, Casa Taxes and Casa y Taxes are Tennessee companies with their principal place of business at 195 Thompson Lane, Nashville, TN 37211.

III. GENERAL ALLEGATIONS

The State of Tennessee alleges upon information and belief:

9. Defendants have advertised as a “notaria” without the required disclaimer.

IV. FACTUAL ALLEGATIONS

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

10. 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 notary publics or notarias publicas.

13. Defendant Amaya ran a business located at 195 Thompson Lane, Nashville, TN 37211.

14. Defendant Servicios Publicos advertised on a sign located at 195 Thompson Lane, Nashville, TN 37211 as having a "Notaria" without any disclaimer.¹

15. Defendant Amaya is not an attorney and not licensed to practice law in the State of Tennessee.²

16. Defendant Servicios Publicos does not employ an attorney who is licensed to practice law in the State of Tennessee.

17. 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.

18. 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

19. The Plaintiff incorporates by reference and re-alleges each and every allegation contained in Paragraphs (10) - (18) of this Complaint.

¹ See Ex. A, Aff. of Jeremy Harwell.

² See Ex. B, Aff. of Adele Anderson.

20. 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).

21. 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).

22. 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).

23. Defendants have advertised as a notaria publica 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.

24. 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. §§ 20-13-101 and 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.

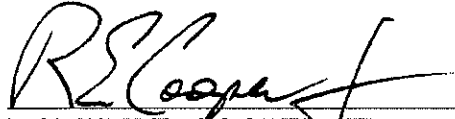
6. That pursuant to Tenn. Code Ann. § 47-18-108(b)(1), this Court make such orders or render such judgments as may be necessary to restore to any person who has suffered any ascertainable loss as defined in Tenn. Code Ann. § 47-18-2102(1), including statutory interest, and requiring that Defendants pay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

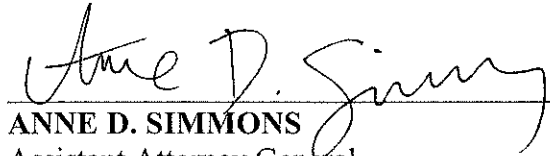
8. That all costs in this case be taxed against Defendants.

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
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Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202-0207
Phone: (615) 532-2590
Facsimile: (615) 532-2910

In Re:
Investigation of Selvyn Amaya
dba Servicios Publicos

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RICHARD R. ROOKER, CLERK

AFFIDAVIT OF JEREMY HARWELL _____ D.C.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

After having been duly sworn, I do hereby depose and aver as follows:


1. I am an adult residing in Davidson County, State of Tennessee.
2. I make this affidavit on personal knowledge and understand that it may be used in legal proceedings.
3. I hereby verify that the attached is a true and accurate picture of 195 Thompson Lane, Nashville, Tennessee taken around June 18, 2008.

FURTHER AFFIANT SAITH NOT.



JEREMY HARWELL

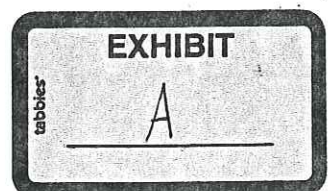
Sworn to and subscribed before me
this the 28 day of April, 2009



NOTARY PUBLIC
My commission expires:
3/10/12



My Commission Expires MAR. 10, 2012



195
SERVICIOS
TAXES

TRADUCCIONES
TAXES
FORMAS / TPS / 1V-7
COPIAS / FAX
NOTARIA
TEL: 504-818-1030
FAX: 504-818-1033
CELL: 504-818-1034
CELL: 504-818-1034



DED
LEROY
TX

WARNING
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IN RE
INVESTIGATION OF:
SELVYN AMAYA
DBA SERVICIOS PUBLICOS

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RICHARD R. ROOKER, CLERK

D.C.

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.

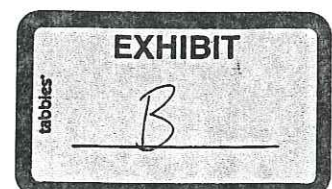
3. I swear that the facts contained herein are true and accurate to the best of my knowledge.

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 Selvyn Amaya 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 22 day of April, 2007. 2009

Jeremy S. Harwell
NOTARY PUBLIC

(JH)

My commission expires:
8/23/2011

