

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

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CLERK DISTRICT COURT
WYANDOTTE COUNTY KANSAS
DEPUTY

STATE OF KANSAS, *ex rel.*,)
DEREK SCHMIDT, Attorney General,)
)
Plaintiff,)
)
v.)
)
CENTRO MIGRATORIO, INC.)
a/k/a)
PEOPLES CENTRO MIGRATORIO,)
)
Defendant.)

Case No. 12CV1049
Division 6

(Pursuant to K.S.A. Chapter 60)

Permanent Injunction

NOW on this 20th day of July, 2012, the Plaintiff's oral Motion for Permanent Injunction requested by the State of Kansas, *ex rel.* Derek Schmidt, Attorney General, by and through counsel, Lynette R. Bakker and Jackie N. Williams, Assistant Attorneys General comes before the Court. Defendant appears not.

After review of Plaintiff's Petition for Restraining Order, attached exhibits and the affidavit provided therein, the Court finds the following:

1. This action was commenced by the State of Kansas against Defendant.
2. Defendant has not appeared for a hearing regarding Plaintiff's Petition for Restraining Order, set for Friday, July 20, 2012 at 9:00 a.m.
3. Defendant received notice of the July 20, 2012 hearing by commercial courier service, Federal Express, delivered July 18, 2012.

4. Defendant also received notice of the hearing by a copy of the Notice of Hearing left in the door of Defendant's business at 1425 Southwest Boulevard, Kansas City, Kansas 66103 on July 16, 2012.

5. Defendant is a supplier and has engaged in consumer transactions within the definition of K.S.A. 50-624.

6. Defendant has transacted business within the State of Kansas.

7. This Court has authority pursuant to the provisions of the Kansas Consumer Protection Act, and K.S.A. 60-901, *et seq.*, to issue this Permanent Injunction.

8. Defendant is engaged in the provision of immigration services and/or products.

9. Defendant's principal place of business is located at 1425 Southwest Boulevard, Kansas City, Kansas 66103.

10. Jurisdiction in this Court is proper pursuant to K.S.A. 50-638(a).

11. This Court is the proper venue for this action pursuant to K.S.A. 50-638(b).

12. In 2010, Plaintiff received two written complaints regarding Defendant.

13. On March 8, 2011, Plaintiff opened an investigative file regarding Defendant.

14. On March 10, 2011, then-Special Agent Jim Whittridge served a subpoena *duces tecum* (the "first subpoena") on Defendant via Federal Express.

15. The first subpoena allowed for a deadline of March 30, 2011 for Defendant to file a written response.

16. On March 11, 2011, a representative for Defendant signed for the first subpoena.

17. Defendant failed to respond to the first subpoena by March 30, 2011.

18. On April 14, 2011, Plaintiff served a "safe harbor" letter (the "first safe harbor letter") on Defendant.

19. The first safe harbor letter indicated that Defendant had not responded to the subpoena, and that Plaintiff may file an action in district court if Defendant did not respond to the subpoena's requests by May 5, 2011.
20. On May 6, 2011, Plaintiff received Defendant's response to the subpoena.
21. Defendant's May 6, 2011 response did not answer all subpoena questions or supply all requested information.
22. Instead, Defendant's May 6, 2011 response partially answered approximately ten of the eighteen (18) subpoena questions and then claimed Defendant would no longer do business in Kansas.
23. On January 11, 2012, Plaintiff received a third consumer complaint against Defendant.
24. On February 14, 2012, then-Special Agent Natalie Hogan served a copy of a second subpoena *duces tecum* (the "second subpoena") on Defendant via certified mail.
25. The second subpoena allowed for a deadline of March 5, 2012 for Defendant to file a written response.
26. On February 16, 2012, a representative for Defendant signed for the second subpoena.
27. Defendant failed to respond to the second subpoena by March 5, 2012.
28. On March 6, 2012, Plaintiff served a "safe harbor" letter (the "second safe harbor letter") on Defendant via certified mail.
29. The second safe harbor letter indicated that Defendant had not responded to the subpoena, and that Plaintiff may file an action in district court if Defendant did not respond to the subpoena's requests by March 16, 2012.

30. A representative for Defendant received the second safe harbor letter on March 9, 2012.

31. On March 15, 2012, Defendant requested and was ultimately granted an extension of time to respond until March 21, 2012.

32. On March 21, 2012, the Plaintiff received by facsimile Defendant's response to the second subpoena ("facsimile response").

33. Defendant's facsimile response did not answer all subpoena questions or supply all requested information.

34. Instead, Defendant's facsimile response included invalid addresses, an incomplete list of consumers, and several pages from a blank bylaws model marked pages 8 through 19 in reverse order.

35. On March 22, 2012, the Plaintiff received Defendant's mailed response to the second subpoena ("mailed response").

36. Defendant's mailed response did not answer all subpoena questions or supply all requested information.

37. Instead, Defendant's facsimile response included invalid addresses, an incomplete list of consumers, and a collection of random receipts, notices, and court action notifications.

38. It appears Defendant was knowingly and intentionally dishonest in its second subpoena responses and has provided false or incomplete address information for its officers and contacts.

39. On April 6, 2012, Investigator Maggie Provost served a third subpoena *duces tecum* (the "third subpoena") and a "safe harbor" letter (the "third safe harbor letter") on Defendant via certified mail.

40. The third subpoena allowed for a deadline of April 26, 2012 for Defendant to file a written response.

41. The third safe harbor letter indicated that Defendant had not responded to the subpoena, and that Plaintiff may file an action in district court if Defendant did not respond to the subpoena's requests by April 26, 2012.

42. On April 10, 2012, representatives for Defendant signed for the third subpoena and accompanying third safe harbor letter.

43. Defendant failed to respond to the third subpoena by April 26, 2012.

44. To date, Defendant has not submitted any response to Plaintiff, addressing the third subpoena or the third safe harbor letter.

45. Plaintiff has fully complied with K.S.A. 50-631(e).

46. Issuance of this permanent injunction is proper, pursuant to K.S.A. 50-631(e)(1) and K.S.A. 50-631(e)(3).

IT IS ORDERED, ADJUDGED AND DECREED that Defendant, its officers, agents, employees, and any persons in concert or participation with Defendant are permanently enjoined advertising, soliciting, performing, accepting payments for, supervising, or in any manner conducting any business related to the solicitation of products and services within the State of Kansas. Defendant is also permanently enjoined from:

A. Advertising, soliciting, performing, accepting payments for, supervising, operating or in any manner conducting any business related to the sale of any property or services as defined in K.S.A. 50-624 within the State of Kansas. Specifically, Defendant is enjoined from engaging in any consumer transactions as defined by K.S.A. 50-624(c);

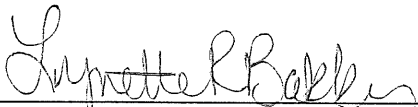
- B. Destroying any logs, registers, memorandum, record or any other document, including any such document stored in electronic format;
- C. Moving, liquidating or in any way releasing any funds obtained by Defendant as a result of any consumer transaction with any consumer prior to the date this petition is granted; and
- D. Engaging in any corporate or non-corporate reorganization, reconstruction, dissolution, bankruptcy or any other business entity restructuring or reforming.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court authorizes agents and attorneys of the Office of the Kansas Attorney General to monitor compliance with this Permanent Injunction pending further order of this Court or pending final resolution of this matter. Removal of this Permanent Injunction is conditioned upon this Court receiving certification from the Plaintiff of Defendant's substantial compliance with the subpoenas, other action resulting in final resolution of this matter, or an order of this Court.

DAVID W. BOAL

The Honorable David W. Boal
District Court Judge

Submitted by:



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