



Kelley Drye Settles "Notario Fraud" False Advertising Action on Favorable Terms

July 30, 2012

Kelley Drye & Warren LLP attorney **Dana B. Rosenfeld** represented pro bono client, Robilio Hernandez, a D.C. resident originally from Latin America, in a "notario fraud" false advertising action in District of Columbia Superior Court that was settled favorably.

In December 2010, Kelley Drye filed a lawsuit on behalf of Mr. Hernandez asserting four violations of the District's Consumer Protection Procedures Act. More specifically, the complaint alleged that defendants Marleny Flores and her business, Multi Servicios Latinos ("MSL"), falsely advertised through signage on the MSL building and orally represented that they were "Abogados" and "Notario Publicos," when, in fact, neither defendant was an attorney or authorized to provide legal advice, nor employed or had any formal agreements with attorneys.

The lawsuit settled on favorable terms less than a month before trial and, on July 25, 2012, the parties filed a Stipulation of Voluntary Dismissal. As part of the settlement, each defendant is permanently barred from, among other things, (1) representing that they are qualified or authorized to provide legal advice or services; and (2) providing, or assisting others in providing, immigration legal services - including selecting the immigration benefit for which and individual should apply, or advising on the requirements for obtaining a visa or work permit - unless she or it, or both of them, becomes authorized, admitted, or licensed to practice law.

Notario fraud is a scam involving unscrupulous individuals who often hold themselves out as attorneys or "notario publicos." These individuals advertise as being able to help immigrants obtain lawful status or perform various legal functions but, instead, they charge immigrants high fees for help that they never actually provide. While translating literally into "notary public" in English, in many Spanish-speaking nations, "notarios" are attorneys who have obtained additional, specialized legal credentials. Notario fraud is a nationwide epidemic; and the Federal Trade Commission and numerous states Attorneys General recently have become very active in curbing such deceptive practices.