

## **"Notario" Horror Stories**

Where the Rubber Meets the Road  
Real People Really Hurt

Hector, Bridgeport

Glenis, Stamford

Carla, Greenwich

5147

Phil Bens

Jose Ortiz of Stamford is one of the more outrageous examples of Notary abuse. He routinely charged numerous people \$1500 for the simplest of papers (papers that an honest attorney might only have charged \$750-\$1200), and even more, \$5000, \$10,000 and up to \$25,000, for completely worthless paperwork that got them nowhere. In one known case (and how many others that have not come to light) a man was deported causing his family to go onto welfare (see "Douglas" below).

He is the only notario known to have been arrested in CT, and then re-arrested to further violations, yet he nevertheless he never served time. As recently as last year he had been appointed by the state of CT to serve as a Chaplain at Bridgeport Correctional Center.

To the best of our knowledge his notary license has, even now, not been pulled.

Following is a very short list of only a few of his known victims:

**Roberto, New Canaan**  
when Ortiz returned the \$15,000 of the \$25,00 he had paid Ortiz promised he would never practice immigration law again.

**Mara, Stamford**  
\$10,000

**Douglas, Bridgeport**  
Ortiz lied to me with my papers  
"sorborno" my wife (black mailed)  
Jose Ortiz send me to Honduras and when I was in the embassy were no papers – effectively and unnecessarily deported, wife and children now on welfare

**Ezequiel, New Haven**  
Referred by Cecely Ziegler of Legal Services,  
Stamford  
paid Ortiz \$7000.00

**Monica, Danbury**  
Jose Ortiz charged her for 4,000

**Rosa, Bridgeport**  
charge her \$1500 to send her citizenship application  
know

**Miguel, Norwalk**  
restaurant owner with 3 employees who went to Ortiz

Note that Jose Ortiz is only the tip of the iceberg. Dozens of notaries in Connecticut are using misleading foreign language translations of the word "notary" (Spanish, French, Polish, etc.). The state of Connecticut, by issuing licenses to them is, effectively, giving them "hunting licenses" to mislead, prey on, and abuse recent immigrants to our shores.

In personal communications with the Secretary of State and her legal counselor Bernard Liu I was told that the SOS's office believes it does not have the authority to:

1. have notary applicants sign explicit statements under oath that they shall not practice law (immigration, divorces, incorporations, etc.), nor
2. have them recertify that they understand this and are not doing it each time the notary seeks to renew their commission.

The SOS and her counsel have further told me they do not believe they have the authority to warn violators they are in violation, nor threaten to pull their licenses, nor, indeed, to pull them. They furthermore feel that if they do not have sworn statements from victims, they cannot do anything. Immigrant victims are well-known to not make complaints as they fear retribution, and there are many stories, including Jose Ortiz', in which the notaries have explicitly threatened to turn them in to Immigration. The General Assembly should give the SOS's office the authority to send notaries warnings based on nothing more than any evidence they have advertised unlawful services or have done legal work.

For repeat offenders their licenses should not only be pulled but they should be referred to law enforcement. Regrettably law enforcement appears shows little, if any, interest in victims of these crimes. Disciplinary counsel's internal investigator James Bender in personal communications states that even in the case of Jose Ortiz it took him many months of pleading and lobbying to persuade the Stamford Police department to take any action at all. He, Bernard Liu, and other governmental officials I have spoken to have stated that unless the unlawful practice of law is elevated to a felony, law enforcement will not take these complaints seriously.

3/12/12

Here are my general comments to anti-UPL activities by notaries in CT relevant to HB 5147 (relevant also to 5364):

1. First, it is a huge improvement over what we have.
2. Secondly, it is drafted and introduced (hooray!), kudos to those involved.

having said that ...

3. It should be expanded to include any translation of the word notary, not just Spanish as in pretty much all "civil law" countries, which is pretty much all the non-English speaking world (to a greater or lesser extent), the title notary conveys the same sense of government appointed super-lawyer.

4. It should require applicants for notary licenses to sign a plain-English statement that they understand they are not permitted to practice law at every point of contact with the Secretary of State's office (application, swearing in, renewals and any others). This certificate, or better yet, sworn statement, should give specific common examples (immigration, divorces, incorporations, etc., and perhaps even go into further detail: it is an unlawful act to tell someone which forms to fill out, or what the steps of the process are, etc.)

5. Neither the proposed bill nor §51-88 specifically prohibit the use of the word "notary" in English in conjunction with oral or written claims to assist with immigration, divorces, incorporations, etc.

6. Perhaps contradicting some of the ideas above, prohibiting the use of the word "notario" or any other translation, will make it impossible for such people to advertise any notarial services to the

immigrant communities, limited though notary services may be. The result is that they will continue to use the foreign translations sub rosa, driving such activities further underground. The alternative, requiring an explicit explanation of what a notary is and isn't at each instance of use of a foreign translation (for example, "Not an attorney, Not a lawyer, Not permitted to give legal advice and Not authorized to practice law") forces them, when they inevitably communicate to their clientele, to communicate fully what it means and doesn't mean.

7. Second and subsequent violations should be enhanced to felonies §51-88 only provides for misdemeanor punishments; two hundred and fifty dollars or imprisoned not more than two months or both. I am told that law enforcement will continue to show little interest unless there is something to sink their teeth into.

8. For the same reason (law enforcement having little interest in such misdemeanors), the Secretary of State's own office and/or Chief Disciplinary Counsel's office should be given powers to pursue prosecution. At the very least the SOS's office should be explicitly given the power to threaten to pull licenses and pull licenses, a power I have been informed it does not feel it has now. It should further be empowered to publish such disciplinary actions in the local media and encouraged to send out press releases to such media to generate interest in the problem, encourage more victims to step forward, and create a climate of intolerance for these abuses.

That's my two cents. I have also attached some additional materials that might be helpful in crafting a bill that might hit the nail more firmly on the head.

Phil Berns, Stamford, CT, tel: 203 722 0488

A conceptual description of what we would like the legislation to cover. Here it is:

## **Legislative concept to deal with notary abuses of notary licenses and UPL statutes (draft 2/9/12)**

**WHEREAS** in the English-speaking world the word 'notary' has a very limited meaning. In the rest of the world, the title 'notary' (for example, 'notario' in Spanish or 'notaire' in French, etc. throughout Europe, Africa, Asia and Latin America) has much greater significance and involves greater training and experience and includes the same powers as an attorney and more. Here in the State of Connecticut, especially in the Spanish-speaking community but also exists elsewhere, the foreign language translation of the word 'notary' (for example 'notario' and 'notaire' as described above) is being used to either deliberately mislead people into believing that the Connecticut notary has greater powers than they do or, unintentionally and/or passively end up doing so anyway.

**WHEREAS** it is the widespread experience of attorneys licensed in the state of Connecticut that many notaries are involved in the unlawful practice of law (UPL) and that they tend to fall into one of two categories:

1. those that are extremely abusive and are charging three, five and 10 times more than legitimate attorneys are charging for the same legal services, they usually promise results that frequently are unattainable, and often end up putting people in a far worse situation than they started out in; and
2. notaries who in fact make an effort to study the law, charge half or a third of what a legitimate attorney would charge for similar legal services, and, while they frequently get things right, sometimes get them wrong and in any case are practicing law without a license in the State of Connecticut.

**WHEREAS** it is the state of Connecticut that issues the notary licenses that are then frequently abuses;

Therefore, we have come up with some of the following ideas:

1. that any use of a foreign language translation of the word 'notary' should include immediately following such use, in the same font size and style, on the same line, and in the same foreign language, a clear and accurate translation of the words **"Not an attorney, Not a lawyer, Not permitted to give legal advice and Not authorized to practice law"**
2. the Connecticut governmental office that issues notary licenses is the Secretary of State's Office; while they are the only ones with the power to issue notary licenses, it is their interpretation of the law that they do not have the authority to:

- a) threaten to revoke a license; or
- b) revoke licenses

We propose that the Secretary of State's Office be required to:

a) require applicants in their initial application to make a sworn statement that they will not practice law unlawfully without a license and include specific examples, such as "I understand that I cannot offer to prepare divorce papers, immigration forms, incorporation papers, etc. and that to do so constitutes the criminal activity called Unlawful Practice of law and is a violation of numerous state statutes, including, but not limited to, the Connecticut Unfair Trade Practices Act."

b) that the applicants make the same sworn statement at the time they take the notary test

c) that every several years when they renew their licenses that they again make a sworn statement that they understand that the law prohibits these things and they are not doing it

3. We propose that the Secretary of State's Office be given the power to:

a) send warning letters to notaries for whom they have any evidence that may be practicing law without a license. Such evidence would include something as simple as an advertisement, a sign on their property, or legal documents or forms signed by them or listing their address.

b) upon sufficient evidence, impose a wide range of disciplinary actions, including the power to suspend and revoke licenses, publish notices in the media about the revocation of a notary's license, etc.

4. Because the unlawful practice of law is only a misdemeanor and not a very dramatic crime here in the State of Connecticut, law enforcement in the State of Connecticut, with the exception of the Chief Disciplinary Council's Office, are reluctant to bother to investigate or to prosecute this crime. In fact, in the experience of at least one person at the Chief Disciplinary Council's Office, there had to be extensive evidence of extreme abuse involving hundreds of thousands of dollars before local police in Stamford moved against an abusive notary in Stamford and even then, he was put on probation and went right back to business as usual with few consequences.

We therefore recommend that a second violation of the unlawful practice of law statutes be considered a felony.

Sincerely yours,

Philip Berns, Stamford, CT, tel: 203 722 0488

Prior CBA Proposal (2011?) to amend the Unauthorized Practice of Law Statute (as further amended by Phillip Berns where underlined, bolded and italicized)

Underlined only = proposed change in current language previously introduced by CBA in 2011

Underlined and italicized = proposed additional change by CBA this 2012

Underlined, bold and italicized = additional proposed change by Attorney Phillip Berns 2012

=====

Section 1. Section 51-88 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(a) [A] Unless a person is providing legal services pursuant to statute or rule of court, a person who has not been admitted as an attorney under the provisions of section 51-80, or having been admitted under said section, has been disqualified from the practice of law due to resignation, disbarment, suspension for reason other than the failure to pay the occupational tax on attorneys imposed pursuant to section 51-81b or the client security fund fee imposed pursuant to section 51-81d, or being placed on inactive status, shall not: (1) Practice law or appear as an attorney-at-law for another [.] in any court of record in this state, (2) make it a business to practice law [.] or appear as an attorney-at-law for another in any such court, (3) make it a business to solicit employment for an attorney-at-law, (4) hold himself or herself out to the public as being entitled to practice law, (5) assume to be an attorney-at-law, (6) assume, use or advertise the title of lawyer, attorney and counselor-at-law, attorney-at-law, counselor-at-law, attorney, counselor, attorney and counselor, or an equivalent term, in such manner as to convey the impression that he or she is a legal practitioner of law, including by the use of any foreign language translation of the word "notary" without, immediately following such use, in the same font size and style, on the same line, and in the same foreign language, a clear and accurate translation of the words "Not an attorney, Not a lawyer, Not permitted to give legal advice and Not authorized to practice law", or (7) advertise that he or she, either alone or with others, owns, conducts or maintains a law office, or office or place of business of any kind for the practice of law.

(b) Any person who is admitted to practice law in another jurisdiction and who violates any provision of this section shall be fined not more than two hundred and fifty dollars or imprisoned not more than two months or both. Any person who (1) is not admitted to practice law in another jurisdiction or (2) has been disbarred or suspended from another jurisdiction and has not been duly reinstated,

and who violates any provision of this section shall be guilty of a class C felony. Any person who has been admitted to practice as an attorney in this state and who has been disbarred or suspended for any reason and has not been duly reinstated, except for an attorney who has been suspended solely for failure to pay the fee required by section 51-81d of the general statutes and who violates any provision of this section shall be guilty of a class C felony. The provisions of this subsection shall not apply to any employee in this state of a stock or nonstock corporation, partnership, limited liability company or other business entity who, within the scope of his or her employment, renders legal advice to his or her employer or its corporate affiliate and who is admitted to practice law before the highest court of original jurisdiction in any state, the District of Columbia, the Commonwealth of Puerto Rico or a territory of the United States or in a district court of the United States and is a member in good standing of such bar. For the purposes of this subsection, "employee" means any person engaged in service to an employer in the business of his or her employer, but does not include an independent contractor. In any prosecution pursuant to section 53a-8 for an offense under this section and in any prosecution for conspiracy to commit an offense under this section, the state shall have the burden of proving that the defendant had actual knowledge that the person who committed the offense under this section was not authorized to practice law in any jurisdiction at the time of such offense.

(c) Any person who violates any provision of this section shall be deemed in contempt of court, and the Superior Court shall have jurisdiction in equity upon the petition of any member of the bar of this state in good standing or upon its own motion to restrain such violation.

(d) The provisions of this section shall not be construed as prohibiting: (1) A town clerk from preparing or drawing deeds, mortgages, releases, certificates of change of name and trade name certificates which are to be recorded or filed in the town clerk's office in the town in which the town clerk holds office; (2) any person from practicing law or pleading at the bar of any court of this state in his or her own cause; (3) any person from acting as an agent or representative for a party in an international arbitration, as defined in subsection (3) of section 50a-101; or (4) any attorney admitted to practice law in any other state or the District of Columbia from practicing law in relation to an impeachment proceeding pursuant to Article Ninth of the Connecticut Constitution, including an impeachment inquiry or investigation, if the attorney is retained by (A) the General Assembly, the House of Representatives, the Senate, a committee of the House of Representatives or the Senate, or the presiding officer at a Senate trial, or (B) an officer subject to impeachment pursuant to said Article Ninth.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline].*

immigration  
Amnesty  
(there is none)

VIERNES, 25 DE FEBRERO, A 03 DE MARZO DE 2011

# LOCALES

www.elsolnews.com Edición 951

## 72100 TAX PREPARAMOS SU PLANILLA DE IMPUESTOS

REEMBOLSO EN 24 HORAS - 36 AÑOS DE EXPERIENCIA  
ELEGIMOS EL MEJOR TIPO DE OBTENEMOS SU ITIN O SU TAX ID GRATIS  
TAX PERSONAL BUSINESS  
LA ADMINISTRACIÓN DE BIENES PERSONALES

### \$80 FEDERAL Y ESTADO

### AYUDAMOS A LLENAR LOS TAXES DE AÑOS ATRASADOS

REVISAMOS SUS PLANILLAS DE IMPUESTOS GRATIS SI ESTAN MAL LLENADAS

Asistencia todo el año a sus dudas o problemas de impuestos • Corregimos planillas de impuestos mal llenadas.

- Redujamos su deuda al gobierno federal y el estado • Le ayudamos a personas que califican para la amnistía a obtener permiso de trabajo, residencia o ciudadanía. ESTE PREPARADO EN CASO DE PROceso DE AMNISTIA.

**ABIERTO DE LUNES A SABADO DE 9 AM A 7 PM**

400 MAIN ST #617 PISO 6, STAMFORD CT 06901 TEL: 203-359-9694

immigration  
work permit

immigration  
work permit





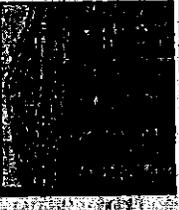
**Doble del cantante "Juanes" también animará cena bailable**

PÁGINA 2



**US\$ 64 de multa a peruanos que se nieguen a integrar mesas de sufragio**

PÁGINA 15



**Juez ordena pagar US\$ 780 mil a 40 trabajadores de una pizzería**

PÁGINA 24

# EL SOL

EL SEMANARIO DE LA FAMILIA HISPANA - FUNDADO EN 1982

VISITENOS EN WWW.ELSOLNEWS.COM • EDICIÓN No. 957 • EL N.Y. • Del 25 de febrero al 3 de marzo de 2011.



La Oficina Latina Smart Tax Services

**La Oficina Latina Smart Tax Services**

- Tramitamos su TAX ID
- Preparamos sus TAXES atrasados
- Formamos su compañía: DBA, LLC, CORP.
- Preparamos sus pagos
- Solucionamos sus problemas con el IRS
- Contabilidad para su negocio

**IRS PROVIDER**

**Devolución Rápida en 24 horas**

**PORT CHESTER**  
104 N. Main St.  
(203) 481-1174  
(203) 247-9525

**STAMFORD**  
115 West Main St. S.2  
(203) 505-5606  
(203) 505-5607

**BRIDGEPORT**  
1211 East Main St.  
(203) 354-4916  
(203) 354-4917

**WEST HAVEN**  
226 Grand Ave.  
(203) 247-7000  
(203) 247-7001

**NEW HAVEN**  
363 Whalley Ave.  
(203) 247-7000  
(203) 247-6988

Monday, February 13, 2012, @ 2:07pM

asked me to call these numbers from EL SOL newspaper and ask the following questions on 02/13/12 11:45am. Here are the notes on the conversation :

tel: 203 505 5606  
115 West Main St. S.2  
Stamford

Q: Do you do IMM papers?  
A: Yes, we do citizenship, filing applications, applications for petitions, and renewals.

Q: Do you have a notario?  
A: Yes, we have next day notario.

tel: 203 354 4916  
1211 East Main St.  
Bridgeport

Q: Do you do IMM papers?  
A: Yes, we do IMM filing, petitions, and renewals.

Q: Do you have a notario?  
A: Yes.

I only called these two numbers, and did not call any other numbers on the advertisement.

February 13, 2012: printed this.

6



# LA OFICINA HISPANA

**INCOME TAX SERVICES**

Income Tax, Tax ID, Notary Public

**JUAN SILVA**

Tax Preparer-Notary public

(203) 981-4965

**RONALD SILVA**

Tax Preparer-Notary public

(203) 613-4021

283 Shippan Ave. Stamford, CT 06902

520 West Ave. Norwalk, CT 06854

WWW.OFICINAHISPANA1.COM

tel: (203) 614-8636

Fax: (203) 614-8637

oficinahispana1@hotmail.com

← Front of Business card

**LA OFICINA HISPANA**  
**INCOME TAX SERVICES**

Tramitamos Tax ID / U.S. Individual Income Tax

- Preparamos sus Taxes atrasados
- Formamos su Compania: DBA, LLC, CORP
- Solucionamos sus problemas con el IRS
- Inmigracion "No somos abogados"
- Notario Publico
- Tramitamos Licencias Internacionales USA

**STAMFORD**  
283 Shippan Ave.

**NORWALK**  
520 West Ave.

← Back of Business card