

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND  
FOR BROWARD COUNTY, FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL,  
DEPARTMENT OF LEGAL AFFAIRS,  
STATE OF FLORIDA,**

Plaintiff,

CASE NO.

vs.

**EVAL NURSING AID TRAINING CENTER,  
INC. f/k/a EVAL SCHOOL OF NURSING, INC.  
and EVALES CENA a/k/a CENA EVALES,  
individually and as president of EVAL NURSING  
AID TRAINING CENTER f/k/a EVAL SCHOOL  
OF NURSING, INC.**

Defendants.

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**COMPLAINT FOR CIVIL PENALTIES,  
AND OTHER STATUTORY RELIEF**

**COMES NOW** the Plaintiff, **OFFICE OF THE ATTORNEY GENERAL,  
DEPARTMENT OF LEGAL AFFAIRS, STATE OF FLORIDA,** and files this Complaint against  
the Defendants, **EVAL NURSING AID TRAINING CENTER, INC. f/k/a EVAL SCHOOL OF  
NURSING, INC. and EVALES CENA a/k/a CENA EVALES,** and alleges:

**JURISDICTION AND VENUE**

1. This is an action for civil penalties and other statutory relief brought pursuant to the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), Chapter 501, Part II, Florida Statutes (2001).

2. This Court has jurisdiction pursuant to the provisions of said statute.

3. The statutory violations alleged herein occurred in or affected more than one judicial circuit in the State of Florida.

4. Venue is proper in the Seventeenth Judicial Circuit, Broward County, Florida, as the defendants engaged in business in Broward County and because much of the conduct alleged below occurred in Broward County, Florida.

### **PLAINTIFF**

5. Plaintiff is the enforcing authority of Florida's Deceptive and Unfair Trade Practices Act, Chapter 501 Part II, Florida Statutes (2001). Plaintiff is authorized to seek injunctive and other statutory and civil relief pursuant to the provisions of that Act.

6. Plaintiff has conducted an investigation and the head of the enforcing authority, Attorney General Charles J. Crist, Jr., has determined that an enforcement action serves the public interest. A copy of said determination is appended hereto and incorporated herein as Plaintiff's Exhibit A to this Complaint.

### **DEFENDANTS**

7. Defendant  **EVAL NURSING AID TRAINING CENTER, INC. f/k/a EVAL SCHOOL OF NURSING, INC.**, is a Florida corporation doing business as a nursing school in Broward County, Florida. Its principal place of business, as reflected by corporate records, is 840 East Oakland Park Blvd, Oakland Park, Broward County, Florida.

8. Defendant **EVALES CENA a/k/a CENA EVALES** is the President, Director, owner, and operator of  **EVAL NURSING AID TRAINING CENTER, INC. f/k/a EVAL SCHOOL OF NURSING, INC.** (hereinafter referred to as "EVAL NURSING AID TRAINING

**CENTER**”), and at all times material hereto controlled, directed, formulated, knew of, participated in, had authority to control, and approved of, the various fraudulent acts and practices of **EVAN NURSING AID TRAINING CENTER**. Upon information and belief, Defendant **EVALES CENA a/k/a CENA EVALES**, (hereinafter referred to as “**EVALES CENA**”), is a resident of Broward County, Florida and is sui juris. Defendant **EVALES CENA**, at all times material, knew of and controlled the activities of the Defendant corporation and has helped plan, devise, and implement the deceptive and unfair trade practices described below.

9. Defendants, at all times material hereto, have engaged in "trade or commerce" by advertising, soliciting, offering or distributing a good or service, within the definition of Section 501.203(8), Florida Statutes (2001).

10. Defendants were engaged in the business of running a bogus nursing school. Defendants have engaged in this business since at least May, 2002.

### **DECEPTIVE AND UNFAIR TRADE PRACTICES**

11. Chapter 501.204(1), Florida Statutes, provides that “unconscionable acts or practices, and unfair or deceptive trade practices in the conduct of any trade or commerce are hereby declared unlawful.”

### **VIOLATIONS OF FLA. STAT. CHAP. 501, PART II**

12. Plaintiff adopts, incorporates herein and realleges paragraphs 1 through 11 as if fully set forth below.

13. From at least May, 2002, Defendants advertised their nursing school and solicited students to enroll in the nursing school.

14. The principal forms of advertising used by the Defendants consisted of distributing flyers and placing radio advertisements on local Broward County Haitian language radio stations. The flyers that were distributed stated as follows:

**START YOUR MEDICAL CAREER TODAY**  
**MEDICAL ASSISTANT**  
**NURSING ASSISTANT**  
**PHARMACY TECH**  
**PRACTICAL NURSING**  
**HOME HEALTH AID**  
**AT**  
**EVAl School of Nursing in Conjunction with World Medical Center Inc.**

(A copy is attached as Exhibit B).

15. Upon information and belief, individuals interested in becoming nurses who saw this flyer or heard the radio advertisement contacted Defendant **EVALES CENA** and set up an appointment with him. During the appointment and discussions with Defendant **EVALES CENA**, the following representations were made by Defendant **EVALES CENA**:

a) **EVALES CENA**, was the owner of the **EVAl NURSING AID TRAINING CENTER, INC.**

b) Based upon information in sworn affidavits from consumers received by the Plaintiff, the program offered by the Defendants was designed to prepare students to take and pass the National Council Licensure Examination (NCLEX), offered by the National Council of State Boards of Nursing (NCSBN), in order to become a practical or registered nurse.

c) The program could be completed in one year. Classes met Monday, Wednesday,

and Friday from six o'clock until ten o'clock at night.

d) Defendant **EVALES CENA** falsely told the students that the  **EVAL NURSING AID TRAINING CENTER, INC.**, was registered and certified with the Florida Board of Education. As alleged proof of these statements, **EVALES CENA** provided the individuals with a copy of the Florida Department of State certification of incorporation.

e) The cost of the program was \$5,000 plus an additional fee for books and uniforms, usually around \$1,000. In addition to the \$5,000 fee, a \$1,000-\$1,500 deposit was also collected from the students by Defendant **EVALES CENA**, the sum of the balance to be paid in \$500 installments over the course of the program.

f) Upon completion of the program, the students were falsely told by Defendant **EVALES CENA** that they would receive a diploma, be prepared to take and pass the NCLEX examination, and subsequently become a licenced practical or registered nurse.

16. The  **EVAL NURSING AID TRAINING CENTER, INC.** is not currently, nor has it ever been, a school certified by the Florida Department of Education or the Florida Department of Health. (Exhibits A and B).

17. Upon completion of the courses at the  **EVAL NURSING AID TRAINING CENTER, INC.**, the students were falsely told by Defendant **EVALES CENA** that a graduation ceremony, during which time they would be presented with diplomas, would take place.

18. Upon completion of the courses at the  **EVAL NURSING AID TRAINING CENTER, INC.**, the students filled out applications, which were provided to them by Defendant

**EVALES CENA**, to take the NCLEX examination, and paid Defendant **EVALES CENA** an additional \$200, which he falsely claimed was needed for the application fee and fingerprint processing required to sit for the NCLEX.

19. Defendant **EVALES CENA** never forwarded the money or the applications to the National Council of State Boards of Nursing, but instead kept the money for himself.

20. No graduation or presentation of diplomas has ever taken place.

21. The students who completed the courses at the **Eval Nursing Aid Training Center, Inc.** were subsequently informed by the Board of Nursing that due to the fact that they had not completed the required curriculum at an approved nursing school, they would be unable to take the NCLEX examination.

22. The Defendants' failure to disclose that the **Eval Nursing Aid Training Center, Inc.** was not registered or certified by the State of Florida is a misleading and deceptive act or practice in violation of the FDUTPA, Fla. Stat. Chap. 501.204.

23. Several students thereafter confronted Defendant **EVALES CENA** to demand an explanation and a refund, but he refused to either provide any such explanation or to refund the monies paid by the students. Instead of addressing the concerns of the students, Defendant **EVALES CENA** accused them of trespassing on the school premises and called the police department.

24. The Plaintiff is in possession of numerous consumer affidavits and complaints regarding the Defendants' acts and practices.

25. Defendants' representations as set forth in Paragraph 15 were and are false, misleading, deceptive, unfair and unconscionable, and constitute violations of the Florida Deceptive

and Unfair Trade Practices Act, Chapter 501, Part II (2001).

26. These acts and practices of the Defendants were and are to the injury and prejudice of the public and constitute unfair and deceptive acts and practices within the intent and meaning of the Federal Trade Commission Act<sup>1</sup> and pursuant to the standards of unfairness and deception set forth and interpreted by the Federal Trade Commission and federal courts.

27. The Plaintiff requests the Court award the relief requested in the Prayer for Relief, set forth below.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests the Court, as authorized by the provisions of Fla. Stat. Chap. 501.207 and pursuant to its own equitable powers:

(A) Enter an Order pursuant to Fla. Stat. Chap. 501.207 permanently enjoining the Defendants, their agents, employees, attorneys, or any other persons who act under, by, through, in concert with or on behalf of the Defendants, from operating or participating in any type of school in or from the State of Florida;

(B) Enter an Order pursuant to Fla. Stat. Chap. 501.207 permanently enjoining Defendants, their agents, employees, attorneys, or any other persons who act under, by, through, in concert with or on behalf of the Defendants from disposing of, transferring, relocating, dissipating or otherwise altering the status of their assets, bank accounts, and property (real, personal, and intangible), or divesting themselves of any interest in any enterprise, including real estate, without prior Court

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<sup>1</sup>As stated in Fla. Stat. Chap. 501.204(2): “It is the intent of the Legislature that, in construing subsection (1), due consideration and great weight shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to s. 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. s. 45(a)(1) as of July 1, 2001.”

approval;

(C) Enter an Order awarding actual damages to all consumers who are shown to have been injured in this action, pursuant to Fla. Stat. Chap. 501.207;

(D) Waive the posting of bond by Plaintiff in this action pursuant to Fla. Stat. Chap. 60.08 and Fla.R.Civ.P. 1.610(b);

(E) Assess against the Defendants herein civil penalties, pursuant to Fla. Stat. Chap. 501.2075, in the amount of Ten Thousand Dollars (\$10,000.00) for each act or practice found to be in violation of Chapter 501, Part II, Florida Statutes;

(F) Enter an Order pursuant to Fla. Stat. Chap. 501.207 permanently enjoining the Defendants, their agents, employees, attorneys, or any other persons who act under, by, through, in concert with or on behalf of the Defendants from violating the FDUTPA;

(G) Award reasonable attorney's fees and costs to Plaintiff herein, pursuant to Fla. Stat. Chap. 501.2105;

(H) Grant such other and further legal and equitable relief as this Court deems just and proper pursuant to Fla. Stat. Chap. 501.207.

Respectfully Submitted,

**CHARLES J. CRIST, JR.**  
**ATTORNEY GENERAL**

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