

**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,

vs.

Case No.

**KEEP YOUR PROPERTY, INC., a
Florida corporation, CENTRO DE
PREVENCION Y EDUCACION
CORAZONES UNIDOS H.I. VISIDA,
INC., a Florida not for profit corporation
d/b/a Keep Your Property; ECONOMIC
ALLIANCE GROUP, INC., a Florida not
for profit corporation; WILLIAM R.
COLON, Individually and as an officer/president
of Keep Your Property, Inc., Centro De
Prevencion Y Educacion Corazones Unidos H.I.
Visida, Inc. and Economic Alliance Group, Inc.
and CARLOS A. HERNANDEZ,
Individually and as an officer/director of
Keep Your Property, Inc., and as vice-president
of Economic Alliance Group, Inc.**

Defendants.

COMPLAINT

Plaintiff, **OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL
AFFAIRS, STATE OF FLORIDA** (hereinafter referred to as "Plaintiff"), sues Defendants
KEEP YOUR PROPERTY, INC., a Florida corporation, **CENTRO DE PREVENCION Y
EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.,** a Florida not for profit
corporation d/b/a Keep Your Property; **ECONOMIC ALLIANCE GROUP, INC.,** a Florida
not for profit corporation; **WILLIAM R. COLON,** individually and as an officer/president
of Keep Your Property, Inc., Centro De Prevencion Y Educacion Corazones Unidos H.I.

Visida, Inc. and Economic Alliance Group, Inc. and **CARLOS A. HERNANDEZ**, individually and as an officer/director of Keep Your Property, Inc., and as vice-president of Economic Alliance Group, Inc. (hereinafter collectively referred to as Defendants”).

JURISDICTION

1. This is an action for damages and injunctive relief, brought pursuant to Florida's Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes (2008).

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

3. Plaintiff is an enforcing authority of Florida's Deceptive and Unfair Trade Practices Act as defined in Chapter 501, Part II, Florida Statutes, and is authorized to seek damages, injunctive and other statutory relief pursuant to this part.

4. The statutory violations alleged herein occurred in or affected more than one judicial circuit in the State of Florida, including Dade and Broward County. Venue is proper in the Seventeenth Judicial Circuit as the Defendants conduct business in Broward County and one of the Defendants, **CARLOS A. HERNANDEZ**, resides in Broward County, specifically, 4906 SW 155th Terrace, Miramar, FL 33027

5. Plaintiff has conducted an investigation, and the head of the enforcing authority, Attorney General Bill McCollum has determined that an enforcement action serves the public interest. A copy of said determination is attached and incorporated herein as Plaintiff's Exhibit "A" to the Complaint.

6. Defendants, at all times material hereto, provided goods or services as defined within Section 501.203(8), Florida Statutes (2008).

7. Defendants, at all times material hereto, solicited consumers within the definitions of Section 501.203(7), Florida Statutes (2008).

8. Defendants, at all times material hereto, were engaged in a trade or commerce within the definition of Section 501.203(8), Florida Statutes (2008).

DEFENDANTS

9. Defendant **KEEP YOUR PROPERTY, INC.**, (hereafter “**KEEP YOUR PROPERTY**”) is an active Florida corporation with a principal address of 2775 West 61st Place, #206, Hialeah, FL 33016.

10. At all times relevant to this action, Defendant **KEEP YOUR PROPERTY** marketed loan modification and foreclosure-related rescue services to consumers in more than one county in Florida.

11. Defendant **CENTRO DE PREVENCION Y EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.**, is a Florida not for profit corporation d/b/a Keep Your Property.

12. At all times material, **CENTRO DE PREVENCION Y EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.** received proceeds from accounts opened by Defendant **COLON**, containing monies paid by consumers to **KEEP YOUR PROPERTY, INC.** and/or Keep Your Property, the fictitious name entity. The accounts of Defendant **CENTRO DE PREVENCION Y EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.** contain proceeds of the deceptive acts and practices complained of herein.

13. Upon information and belief, Defendant **WILLIAM R. COLON** (hereinafter “**COLON**”) is an adult individual residing in Dade County, Florida.

14. Upon information and belief, Defendant, **CARLOS A. HERNANDEZ** (hereinafter “**HERNANDEZ**”) is an adult individual residing in Broward County, Florida.

15. Defendant **WILLIAM R. COLON** is a natural person and serves as the President for **KEEP YOUR PROPERTY, ECONOMIC ALLIANCE GROUP, INC.** and **CENTRO DE PREVENCION Y EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.** At all times material to the allegations of this Complaint, he participated in, controlled, or possessed the authority to control the acts and practices of Defendants **KEEP YOUR PROPERTY, ECONOMIC ALLIANCE GROUP, INC.** and **CENTRO DE PREVENCION Y EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.** and continues to do so. He also possesses actual or constructive knowledge of all material acts and practices complained of herein.

16. Defendant **CARLOS A. HERNANDEZ** is a natural person and also serves as the President of **KEEP YOUR PROPERTY, INC.** (according to the records of the Division of Corporations for the State of Florida) and as the Vice President of Defendant of **CENTRO DE PREVENCION Y EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.** At all times material to the allegations of this Complaint, he participated in, controlled, or possessed the authority to control the acts and practices of the corporate defendants and continues to do so. He also possesses actual or constructive knowledge of all material acts and practices complained of herein.

17. Defendant **ECONOMIC ALLIANCE GROUP, INC.**, (hereafter “**ECONOMIC ALLIANCE**”) is registered as an active Non Profit Florida corporation with a principal address of 520 NW 165th Street, #107, North Miami Beach, FL 33169, although it has not obtained tax-

exempt status as a non-profit Florida corporation from the Internal Revenue Service, nor registered as a non-profit organization with the Florida Department of Agriculture.

18. At all times relevant to this action Defendant, **ECONOMIC ALLIANCE** participated in the marketing of loan modification and foreclosure-related rescue services, to consumers in more than one county in Florida, as well as receiving funds from consumers for the implementation of the foreclosure-related rescue services.

**DECEPTIVE AND UNFAIR TRADE PRACTICES
CHAPTER 501, PART II FLORIDA STATUTES**

19. Plaintiff adopts, incorporates herein and re-alleges paragraphs 1 through 18 as if fully set forth hereinafter.

20. Chapter 501.204(1), Florida Statutes, declares that unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

21. Commencing on a date unknown, but at least subsequent to October 1, 2008, the Defendants engaged in various willful deceptive and unfair trade practices, as hereinafter set forth, in violation of Chapter 501, Part II, Florida Statutes (2007).

22. Commencing on a date unknown, but at least subsequent to October 1, 2008, the Defendants engaged in a systematic pattern of conduct designed and intended to induce consumers to purchase their services via a series of false and fraudulent representations.

23. On a date unknown but subsequent to October 1, 2008, Defendants solicited, advertised or otherwise offered services to Florida homeowners for mortgage foreclosure-related rescue services.

24. On a date unknown but subsequent to October 1, 2008, the Defendants

represented to Florida homeowners that they would render foreclosure-related rescue services.

25. On a date unknown but subsequent to October 1, 2008, the Defendants solicited, charged and received payment from Florida homeowners for foreclosure-related rescue services. In return for said payments from Florida homeowners, Defendants falsely represented to Florida homeowners that Defendants would interact or otherwise work with the lenders to reduce the consumers' indebtedness and/or prevent foreclosure of the homeowners' houses.

26. Subsequent to October 1, 2008, the Defendants solicited, charged and received upfront payment from Florida homeowners for foreclosure-related rescue services in violation of F.S. § 501.1377. In return for said payments from Florida homeowners, Defendants represented to Florida homeowners that Defendants would interact or otherwise work with the lenders to reduce the consumers' indebtedness and/or prevent foreclosure of the homeowners' houses.

27. In order to utilize Defendants' loan modification and foreclosure-related rescue services, Defendants have required consumer/home owners to pay to Defendants an upfront fee of approximately \$2,200, as well as continued monthly payments of \$550.00 for "membership" with **KEEP YOUR PROPERTY, INC.**, while Defendants falsely assured the consumer efforts were being made by Defendants to obtain loan modification or other foreclosure-related rescue services for the consumer's benefit. This "membership" fee is a device by which Defendants seek to evade the requirements of Florida Statute §501.1377.

28. In at least one foreclosure case presently pending in Broward County Circuit Court against a consumer who has paid Defendants to assist her in the foreclosure, Defendants have filed a "pro se" Answer, on behalf of the consumer, without the knowledge of the consumer. Although none of the Defendants are attorneys licensed to practice law in the State of Florida, a representative of one of the Defendants forged the name of the consumer on the "pro

se” answer and filed it in the litigation without the knowledge, or consent, of the consumer, or providing her a copy of said “pro se” Answer.

29. Section 501.1377(3)(b), Florida Statutes (2008), prohibits any person performing foreclosure-related rescue services from imposing a fee prior to the completion of the services.

30. Subsequent to October 1, 2008, Defendants engaged or otherwise involved and/or compensated Florida licensed attorneys, to provide legal services to the homeowner clients of the Defendants.

31. Defendants’ business in offering legal services to the public directly, or indirectly through Florida licensed attorneys which Defendants engage or otherwise involve and/or compensate, constitutes the unauthorized practice of law in accordance with the principles of the Florida Supreme Court pursuant to The Florida Bar v. Consolidated Business and Legal Forms, Inc., 386 So.2d 797 (1980).

32. As a result of the Defendants’ aforesaid practices, Defendants have enriched themselves from the funds of distressed Florida homeowners without the rendering of the represented services.

33. Florida Statutes, § 877.02(1) makes it unlawful for any person to make it a business to solicit or procure legal business for attorneys.

34. Defendants solicited, advertised or otherwise offered legal services to Florida homeowners for mortgage foreclosure defense and/or foreclosure-related rescue services.

35. Defendants’ business includes, but is not limited to, procuring agreements and payments from homeowners for attorneys to render legal services to homeowners for mortgage foreclosure defense and/or foreclosure-related rescue services.

36. Defendants' actions as heretofore set forth constitute violations of the provisions of Florida Statutes, § 877.02(1).

37. Defendants represent to homeowners that attorneys will handle their cases although Florida licensed attorneys cannot accept referrals from the Defendants since the Defendants' lawyer referral service does not comply with the requirements of The Rules Regulating The Florida Bar, Rule 4-7.10. In re: Amendments to the Rules Regulating the Florida Bar--Advertising, 971 So. 2d 763, 793 (2007).

38. As a result of the foregoing and as specifically heretofore set forth, Defendants have engaged in deceptive acts or practices as aforesaid in violation of the provisions of Chapter 501, Part II of the Florida Statutes.

WHEREFORE, Plaintiff requests this court to enter the following Orders:

1. Grant permanent injunctions against the Defendants, their officers, agents, servants, employees, attorneys and those persons in active concert or participation with the Defendants who receive actual notice of this injunction, prohibiting and enjoining such persons from doing the following acts:
 - a. Violating the provisions of Chapter 501, Part II, Florida Statutes (2008);
 - b. Engaging in any business activity or operations offering, soliciting, providing or otherwise generally dealing in or related to foreclosure and the residential and commercial real estate businesses, including but not limited to foreclosure defense, loss mitigation, debt reduction, mortgage financing, sales and/or brokerage.
2. Award actual damages to all consumers who are shown to have been injured in this action, pursuant to Section 501.206 (1) (c), Florida Statutes (2008).

3. Assess against the Defendants herein civil penalties in the amount of Fifteen Thousand Dollars (\$15,000.00) for each act or practice found to be in violation of Chapter 501, Part II, Florida Statutes (2008).

4. Order the dissolution of Defendant **KEEP YOUR PROPERTY, INC.** and any fictitious names registered, and/or owned by, **KEEP YOUR PROPERTY, INC.**

5. Order the dissolution of Defendant **ECONOMIC ALLIANCE GROUP, INC.**, as well as any fictitious names registered and/or owned by **ECONOMIC ALLIANCE GROUP, INC.**

6. Order the dissolution of Defendant **CENTRO DE PREVENCION Y EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.** as well as any fictitious names registered and owned by **CENTRO DE PREVENCION Y EDUCACION CORAZONES UNIDOS H.I. VISIDA, INC.**

7. Award reasonable attorneys fees pursuant to F.S. 501.2075.

8. Grant temporary relief pursuant to F.S. 501.207.

9. Waive the posting of any bond by Plaintiff in this action.

10. Grant such other relief as this Honorable Court deems just and proper.

Dated this second day of April, 2009.

End of page. Signature page follows:

Respectfully Submitted,

BILL McCOLLUM

Attorney General

By:

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