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LOS ANGELES SUPERIOR COURT
2016 APR 16 PM 2:00
FILED

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

EDGARDO ANTONIO GUERRERO (DOB: 4/9/1949) and HECTOR HUMBERTO GUERRERO (DOB: 5/3/1970)

Defendants.

Case No. BA464427-02

FIRST AMENDED FELONY COMPLAINT FOR ARREST WARRANT

The ATTORNEY GENERAL OF THE STATE OF CALIFORNIA accuses defendants EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO of the following crimes, which are separate causes of complaint but connected to one another in their commission:

COUNT 1 - GRAND THEFT

From on or about February 1, 2014, to July 18, 2015, in the County of Los Angeles, EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, unlawfully took property, to wit: money for immigration consulting services, of a value in excess of nine hundred-fifty dollars (\$950) from another, to wit: [REDACTED] in violation of Penal Code section 487, subdivision (a), a felony.

COUNT 2 - GRAND THEFT

From on or about October 2, 2014, to October 21, 2015, in the County of Los Angeles, EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, unlawfully took property, to wit: money for immigration consulting services, of a value in excess of nine

1 hundred-fifty dollars (\$950) from another, to wit: [REDACTED], in violation of
2 Penal Code section 487, subdivision (a), a felony.

3 **COUNT 3 - GRAND THEFT**

4 From on or about February 20, 2014, to March 24, 2014, in the County of Los Angeles,
5 EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, unlawfully
6 took property, to wit: money for immigration consulting services, of a value in excess of nine
7 hundred-fifty dollars (\$950) from another, to wit: [REDACTED] in violation of Penal Code
8 section 487, subdivision (a), a felony.

9 **COUNT 4 - GRAND THEFT**

10 From on or about August 18, 2011, to March 19, 2013, in the County of Los Angeles,
11 EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, unlawfully
12 took property, to wit: money for immigration consulting services, of a value in excess of nine
13 hundred-fifty dollars (\$950) from another, to wit: [REDACTED] in violation of Penal
14 Code section 487, subdivision (a), a felony.

15 It is further alleged that the violations in Counts 4 were not discovered until the following
16 dates and in the following manner and that no law enforcement agency chargeable with the
17 investigation and prosecution of said violation had actual and constructive knowledge of said
18 violation prior to said date, within the meaning of Penal Code section 803, subdivision (c).

19 On or about September 8, 2015, [REDACTED] discovered that Defendants did not
20 submit pardons to the United States Customs and Immigration Service for her husband [REDACTED]
21 [REDACTED] as promised and that the petition for his residency had been denied.

22 Ortiz did not have actual or constructive knowledge sufficient to cause an inquiry as to whether
23 the Defendants had defrauded her prior to September 8, 2015, because Defendants gave
24 reasonable reassurances that they were working on the case and concealed their wrongdoing as
25 follows: (1) gave [REDACTED] a letter purportedly from the United States Department of State's National
26 Visa Center dated March 29, 2013, stating that Defendant EDGARDO ANTONIO GUERRERO
27 was registered as an agent for her husband's visa petition; (2) provided ongoing reassurances that
28 the immigration case was pending; (3) in 2015 advised [REDACTED] that her husband had to go to a clinic
in Ciudad Juarez to obtain fingerprints and a physical needed for the petition; (4) scheduled an
interview for residency petition on September 8, 2015, for [REDACTED] and her husband at the United
States Consulate in Ciudad Juarez.

29 **COUNT 5 – UNLAWFUL PRACTICE OF LAW**

30 On or about November 17, 2017, in the County of Los Angeles, EDGARDO ANTONIO
31 GUERRERO was providing immigration services as a representative of Oficina Guerrero and
32 held himself out as practicing or entitled to practice law or otherwise practiced law by giving
33 legal advice regarding immigration relief to California Department of Justice Special Agent
34 Daniel Torres and Los Angeles County Department of Consumer and Business Affairs
Investigator Analu Fernandini, while not an active member of the California State Bar, or
otherwise authorized pursuant to statute or court rule to practice law, in violation of Business and
Professions Code section 6126, subdivision (a), a misdemeanor.

35 **COUNT 6 – IMMIGRATION CONSULTANT SERVICES WITHOUT A BOND**

36 On or about November 17, 2017, EDGARDO ANTONIO GUERRERO, did unlawfully fail to
37 file with the Secretary of State a bond of one hundred thousand dollars (\$100,000) prior to
38 engaging in the business or acting in the capacity of an immigration consultant in providing
services to California Department of Justice Special Agent Daniel Torres and Los Angeles
County Department of Business and Consumer Affairs Investigator Analu Fernandini, in
violation of Business and Professions Code section 22443.1, subdivision (a)(1) and 22445,

1 subdivision(b), a misdemeanor.

2 **COUNT 7 – UNLAWFUL PRACTICE OF LAW**

3 On or about January 25, 2018, in the County of Los Angeles, EDGARDO ANTONIO
4 GUERRERO was providing immigration services as a representative of Oficina Guerrero and
5 held himself out as practicing or entitled to practice law or otherwise practiced law by giving
6 legal advice regarding immigration relief to California Department of Justice Special Agent Sal
7 Rojas and California Department of Justice Special Agent Sonia Ramos, while not an active
8 member of the California State Bar, or otherwise authorized pursuant to statute or court rule to
9 practice law, in violation of Business and Professions Code section 6126, subdivision (a), a
10 misdemeanor.

7 **COUNT 8 – IMMIGRATION CONSULTANT SERVICES WITHOUT A BOND**

8 On or about January 25, 2018, EDGARDO ANTONIO GUERRERO, did unlawfully fail to file
9 with the Secretary of State a bond of one hundred-thousand dollars (\$100,000) prior to engaging
10 in the business or acting in the capacity of an immigration consultant in providing services to
11 California Department of Justice Special Agent Sal Rojas and California Department of Justice
12 Special Agent Sonia Ramos, in violation of Business and Professions Code section 22443.1,
13 subdivision (a)(1) and 22445, subdivision(b), a misdemeanor.

11 **COUNT 9 – CONSPIRACY (UNLAWFUL PRACTICE OF LAW)**

12 Between on or about August 18, 2011, and January 25, 2018, in the county of Los Angeles,
13 EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO did unlawfully
14 conspire together to commit a crime in violation of Section 182 subdivision (a)(1) of the Penal
15 Code, a felony to wit: unlawfully advertising as practicing or entitled to practice law, or otherwise
16 practicing law, in violation of Section 6126 (a) of the Business and Profession Code, a
17 misdemeanor, and that pursuant to and for the purpose of carrying out the objectives and purposes
18 of the aforesaid conspiracy, defendants EDGARDO ANTONIO GUERRERO and HECTOR
19 HUMBERTO GUERRERO, committed the following overt acts:

17 **OVERT ACT ONE:** Between at least August 18, 2011, and January 25, 2018, HECTOR
18 HUMBERTO GUERRERO was employed by his brother EDGARDO ANTONIO
19 GUERRERO, doing business as Oficina Guerrero, to assist him with providing
20 immigration services, which included giving legal advice regarding immigration relief
21 options, by preparing forms for filing with United States Customs and Immigration
22 Service on behalf of clients.

21 **OVERT ACT TWO:** Between at least August 18, 2011, and January 25, 2018, HECTOR
22 HUMBERTO GUERRERO was employed by his brother EDGARDO ANTONIO
23 GUERRERO, doing business as Oficina Guerrero, to collect payment from clients for
24 services that included legal advice regarding immigration relief options.

23 **OVERT ACT THREE:** Between at least August 18, 2011, and January 25, 2018,
24 HECTOR HUMBERTO GUERRERO was employed by his brother EDGARDO
25 ANTONIO GUERRERO, doing business as Oficina Guerrero, to assist him with
26 providing immigration services, which included giving legal advice regarding
27 immigration relief options, by providing administrative and customer support to clients,
28 including setting up client appointments and responding to client complaints.

26 **OVERT ACT FOUR:** From on or about February 1, 2014, to July 18, 2015, in the
27 County of Los Angeles, EDGARDO ANTONIO GUERRERO held himself out as
28 practicing or entitled to practice law or otherwise practiced law by giving legal advice
regarding immigration relief to [REDACTED] while not an active member of the

1 California State Bar, or otherwise authorized pursuant to statute or court rule to practice
2 law, in violation of Business and Professions Code section 6126, subdivision (a).

3 **OVERT ACT FIVE:** From on or about October 2, 2014, to October 21, 2015, in the
4 County of Los Angeles, EDGARDO ANTONIO GUERRERO held himself out as
5 practicing or entitled to practice law or otherwise practiced law by giving legal advice
6 regarding immigration relief to [REDACTED], while not an active member
7 of the California State Bar, or otherwise authorized pursuant to statute or court rule to
8 practice law, in violation of Business and Professions Code section 6126, subdivision (a).

9 **OVERT ACT SIX:** From on or about February 20, 2014, to March 24, 2014, in the
10 County of Los Angeles, EDGARDO ANTONIO GUERRERO held himself out as
11 practicing or entitled to practice law or otherwise practiced law by giving legal advice
12 regarding immigration relief to [REDACTED] while not an active member of the
13 California State Bar, or otherwise authorized pursuant to statute or court rule to practice
14 law, in violation of Business and Professions Code section 6126, subdivision (a).

15 **OVERT ACT SEVEN:** From on or about August 18, 2011, to March 19, 2013, in the
16 County of Los Angeles, EDGARDO ANTONIO GUERRERO held himself out as
17 practicing or entitled to practice law or otherwise practiced law by giving legal advice
18 regarding immigration relief to [REDACTED] while not an active members of the
19 California State Bar, or otherwise authorized pursuant to statute or court rule to practice
20 law, in violation of Business and Professions Code section 6126, subdivision (a).

21 **OVERT ACT EIGHT:** On or about November 17, 2017, in the County of Los Angeles,
22 EDGARDO ANTONIO GUERRERO engaged in the practice law by giving legal advice
23 regarding immigration relief to California Department of Justice (CADOJ) Special Agent
24 Daniel Torres and Los Angeles County Department of Consumer and Business Affairs
25 (LADCBA) Investigator Analu Fernandini, while not an active member of the California
26 State Bar, or otherwise authorized pursuant to statute or court rule to practice law, in
27 violation of Business and Professions Code section 6126, subdivision (a), a misdemeanor.

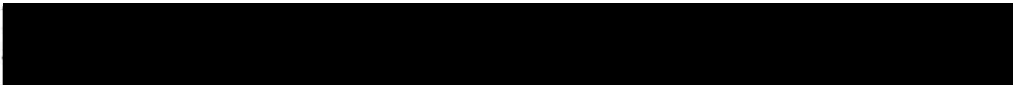
28 **OVERT ACT NINE:** On or about January 25, 2018, in the County of Los Angeles,
EDGARDO ANTONIO GUERRERO engaged in the practice law by giving legal advice
regarding immigration relief to CADOJ Special Agents Sal Rojas and Sonia Ramos, while
not an active member of the California State Bar, or otherwise authorized pursuant to
statute or court rule to practice law, in violation of Business and Professions Code section
6126, subdivision (a), a misdemeanor.

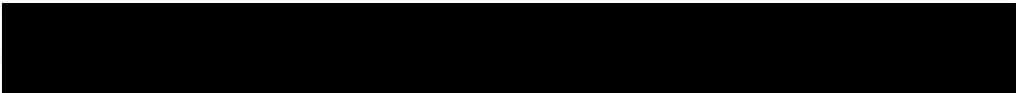
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29 **COUNT 10 – CONSPIRACY (IMMIGRATION CONSULTANTS ACT)**

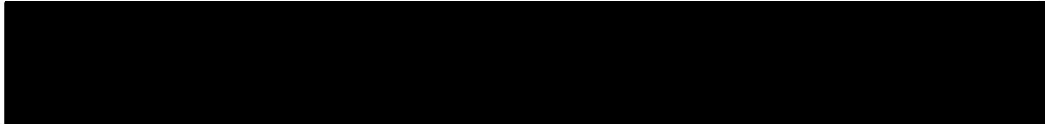
30 Between on or about August 18, 2011, and January 25, 2018, in the county of Los Angeles,
31 EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO did unlawfully
32 conspire together to commit a crime in violation of Section 182 subdivision (a)(1) of the Penal
33 Code, a felony, to wit: violate Business and Profession Code sections 22440 et seq. (Immigration
34 Consultants Act) and 22445, subdivision(b), a misdemeanor, and that pursuant to and for the
35 purpose of carrying out the objectives and purposes of the aforesaid conspiracy, defendants
36 EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, committed the
37 following overt acts:


38 **OVERT ACT ONE:** Between on or about August 18, 2011, and October 21, 2015,
EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, while
acting as immigration consultants, did unlawfully fail to provide one or more of the
following persons with a written contract, in violation of Business and Professions Code

1 section 22442(a):

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4 **OVERT ACT TWO:** Between on or about August 18, 2011, and October 21, 2015,
5 EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, while
6 acting as immigration consultants, did unlawfully fail to provide one or more of the
7 following persons a typed or computer generated statement of accounting on the
8 consultant's letterhead for the services rendered and payments made or a translation of the
9 statement in the victim's native language, in violation of Business and Professions Code
10 section 22442.1(b):

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13 **OVERT ACT THREE:** Between on or about August 18, 2011, and January 25, 2018,
14 EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, while
15 acting as immigration consultants, did unlawfully fail to conspicuously display in Oficina
16 Guerrero a notice at least 12 by 20 inches with boldface type or print with each character
17 at least one inch in height and width in English and in the victim's native language that
18 contains a statement the consultant is not an attorney; the services the immigration
19 consultant provides and the current and total fee for each service; the full name, address,
20 and evidence of compliance with applicable bonding requirements; and the name of each
21 immigration consultant employed at each location, in violation of Business and
22 Professions Code section 22442.2 (a):

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25 **OVERT ACT FOUR:** Between on or about August 18, 2011, and January 25, 2018,
26 EDGARDO ANTONIO GUERRERO and HECTOR HUMBERTO GUERRERO, did
27 unlawfully fail to file with the Secretary of State a bond of one hundred thousand dollars
28 (\$100,000) prior to engaging in the business or acting in the capacity of an immigration
consultant with one or more of the following individuals, in violation of Business and
Professions Code section 22443.1(a)(1):

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31 Further, attached hereto and incorporated herein is a Declaration Made Pursuant to
32 Section 2015.5 C.C.P. in Support of and Issuance of an Arrest Warrant by California Department
33 of Justice, Special Agent Craig Black, which the undersigned believes establishes probable cause
34 for the arrest of the defendant for the above-listed crimes. Wherefore, a warrant of arrest is
35 requested for the defendant.

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DECLARATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: April 16, 2018

XAVIER BECERRA
Attorney General of the State of California

By: 
FOR ANGELA K. ROSENAU
Deputy Attorney General
Attorneys for the People

DISCOVERY

PLEASE NOTE: Pursuant to Penal Code section 1054.5(b), the People of the State of California hereby informally request that defense counsel provide discovery to the People as required by Penal Code section 1054.3.

NOTICE TO ATTORNEY

Any material accompanying this complaint or provided by the People in this case may contain information about witnesses. Such information is subject to Penal Code section 1054.2, which provides, "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and showing of good cause."