

# NOTARIO/LEGAL SERVICES FRAUD: CRIMINAL AND CIVIL COMPLAINTS IN WASHINGTON, DC, MARYLAND, AND VIRGINIA

This packet should not be construed as legal advice and was prepared for educational and informational purposes only. Special thanks to the ABA Commission on Immigration, AILA, Ayuda, and Bryan Cave LLP for compiling portions of this information.

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*Please consider referring victims of notario fraud to Ayuda's Project END (Eradicating Notario Deceit). Project END is a direct services initiative to assist immigrant victims of notario/legal services fraud in DC matters.*

### **Ayuda's Project END (Eradicating Notario Deceit)**

6925B Willow Street, NW

Washington, DC 20012

**Direct Tel:** 202-552-3604

**Fax:** 202-387-0324

**Email:** [end@ayuda.com](mailto:end@ayuda.com)



***Before requesting immigration legal services, verify that the attorney is licensed to practice law or that s/he is an accredited representative.***

**1. To check if an attorney is licensed and in good standing:**

- a. DC Bar: <http://www.dcbbar.org/attorney-discipline/find-a-member.cfm>
- b. MD Bar: <http://www.courts.state.md.us/cpf/attylist.html> or call the Client Protection Fund at (410) 260-3635
- c. VA Bar: <http://206.113.151.134/attsearch/search.aspx>
- d. An attorney who only practices federal immigration law may be licensed in any state. Please visit the ABA for a list of other state bar websites: [http://www.americanbar.org/groups/bar\\_services/resources/state\\_local\\_bar\\_associations.html](http://www.americanbar.org/groups/bar_services/resources/state_local_bar_associations.html)

**2. To check the status of a BIA Accredited Representative, who may also represent immigrants in immigration law matters, review the list: [www.justice.gov/eoir/ra.html](http://www.justice.gov/eoir/ra.html)**

**3. To check the status of a business's license:**

**a. Washington, DC**

- i. <https://corp.dhra.dc.gov/Account.aspx/LogOn?ReturnUrl=%2f>
- ii. <http://pivs.dhra.dc.gov//BBLV/Default.aspx>
- iii. If you would like to verify a license, report a business operating without a license or with an expired license, please call the Department of Consumer and Regulatory Affairs at (202) 442-4400.

**b. Virginia**

- i. [https://cisiweb.scc.virginia.gov/z\\_container.aspx](https://cisiweb.scc.virginia.gov/z_container.aspx)

**c. Maryland**

- i. [http://sdatcert3.resiusa.org/ucc-charter/CharterSearch\\_f.aspx](http://sdatcert3.resiusa.org/ucc-charter/CharterSearch_f.aspx)

## National Complaints

*If you believe notario fraud has already taken place, you may file both local and national complaints. Once a complaint is made, it is helpful for the attorney, advocate, or BIA accredited representative helping the notario fraud victim to continue cooperating with the investigating agency to answer further questions and to cooperate with any follow-up.*

### 1. Federal Trade Commission:

Complaint Form (English): [https://www.ftccomplaintassistant.gov/FTC\\_Wizard.aspx?Lang=en#last](https://www.ftccomplaintassistant.gov/FTC_Wizard.aspx?Lang=en#last)

Complaint Form (Spanish): <https://www.ftccomplaintassistant.gov/Information#&panel1-1>

- a. **Click on Other -- Select Immigration or Tax Services.** The FTC asks for information about the amount of money spent, the services provided, the company's contact information, and a description of the consumer's experience in the comments field. If you are filing the complaint for a client, and the client wants to remain anonymous, you can include your contact information in the comments field. "For additional information on this complaint, please contact advocate NAME at..."
- b. **Phone: 1-877-FTC-HELP** (They prefer online complaints.)

### 2. Business Complaints with the Better Business Bureau: <https://www.bbb.org/consumer-complaints/file-a-complaint/get-started>

### 3. Executive Office for Immigration Review, Fraud Program - EOIR has jurisdiction over attorneys and BIA Accredited Representatives, but they would refer out complaints about notarios or other unauthorized legal services providers. You may submit your complaint in writing to:

#### **EOIR Fraud Program**

United States Department of Justice  
Executive Office for Immigration Review  
Office of the General Counsel  
Attn: Fraud Program  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 22041

### 4. ICE Homeland Security Investigations (HSI) – HSI investigates a wide range of criminal activities, including notario/legal services fraud.

- a. To report notario fraud (anonymous tips are accepted), fill out the HSI Tip form: <http://www.ice.gov/exec/forms/hsi-tips/tips.asp>, or call the toll-free HSI Tip Line, (866) 347-2423.
- b. ICE's regional Special Agents in Charge (SAC) are responsible for conducting the investigations:
  - i. SAC Washington DC:  
2675 Prosperity Ave, Fairfax, VA 22031  
Phone: (703)285-6700; Fax: (703)285-6709

- ii. SAC Baltimore:  
40 South Gay Street, 3<sup>rd</sup> floor, Baltimore, MD 21202  
Phone: (410)962-2620; Fax: (410)962-3469

### **Washington, DC Complaints**

**1. Consumer complaints in the District of Columbia:**

The Department of Consumer & Regulatory Affairs (DCRA) and the Office of the Attorney General enforce the District of Columbia's consumer protection laws.

**OAG:** <http://dcforms.dc.gov/webform/oag-consumer-complaint-form>

**OAG Consumer Protection Hotline:** (202) 442-9828 or email [consumer.protection@dc.gov](mailto:consumer.protection@dc.gov)

**DCRA:** <http://dcforms.dc.gov/webform/dcra-consumer-complaint-form>

**DCRA Consumer Protection Hotline:** (202) 442-4400, press "1," then press "6"

**2. Complaint involving the Unauthorized Practice of Law in Washington, D.C.:**

Attn: Derek Mitchell (Director of the Committee on the UPL)

District of Columbia Court of Appeals

500 Indiana Avenue, N.W., Room 4200

Washington, D.C. 20001

Tel: (202) 879-2715

Fax: (202) 879-2794

E-mail: [dmitchell@dcappeals.gov](mailto:dmitchell@dcappeals.gov)

**3. Complaint involving an attorney licensed to practice law in Washington, D.C.:** <http://www.dcbbar.org/attorney-discipline/for-the-public/file-an-attorney-complaint.cfm>

Complete and/or print the form available on the site above and mail to:

Office of Bar Counsel

Board on Professional Responsibility

District of Columbia Court of Appeals

515 5th Street NW

Building A, Suite 117

Washington, DC 20001

\* Supporting documents, such as copies of a retainer agreement, proof of payment, correspondence between you and your attorney, the case name and number if a specific case is involved, and copies of papers filed in connection with the case, may be useful to their investigation.

\* Complaints accepted in seven languages, including Spanish and English.

**4. If a notario has harmed or is threatening the client, s/he may consider contacting the police directly.**

**Metropolitan Police Department**

300 Indiana Avenue, NW, Room 5059, Washington , DC 20001

Phone: (202) 727-9099 TTY: 711

Fax: (202) 727-4106

Email: [mpd@dc.gov](mailto:mpd@dc.gov)

Note: In Washington, D.C., the police department's explicit policy is to not inquire into the immigration status of a crime victim.

**Maryland Complaints**

**1. Consumer complaints in Maryland:**

**Office of the Attorney General, Consumer Protection Division**

Phone: (410) 528-8662 (English); (410) 230-1712 (Spanish); (888) 743-0023 (toll-free), Monday-Friday between 9:00 am and 3:00 pm

Email: [consumer@oag.state.md.us](mailto:consumer@oag.state.md.us)

Complaint issues: [complainthelp@oag.state.md.us](mailto:complainthelp@oag.state.md.us)

File a complaint online at:

<https://web.oag.state.md.us/editor/customer/onlineformhelpers/formviewer.aspx?filename=MUGeneral.htm>

Or download the complaint form and mail the completed form to the office closest to you:

**The Baltimore Office:** Office of the Attorney General, Consumer Protection Division - 200 St. Paul Place, 16th Floor, Baltimore, MD 21202-2202

**The Eastern Shore Office:** 201 Baptist Street, Suite 30, Salisbury, MD 21801 (410) 713-3620

**The Western Maryland Office:** 44 North Potomac Street, Suite 104, Hagerstown, MD 21740 (301) 791-4780

*Note: Consumer complaints submitted to the office will become "public records." Under state law, public records are subject to public records disclosure requests. Under some circumstances, your complaint and related documents may be seen by other people.*

**2. For a list of regional and county consumer protection offices in Maryland, please visit:**

<http://www.usa.gov/directory/stateconsumer/maryland.shtml>.

**3. Complaint involving an attorney licensed to practice law and/or the Unauthorized Practice of Law in Maryland:**

**Attorney Grievance Commission of Maryland**

<http://www.courts.state.md.us/attygrievance/complaint.html>

[agcmd@mdcourts.gov](mailto:agcmd@mdcourts.gov)

100 Community Place, Suite 3301

Crownsville, MD 21032

Phone: 410-514-7051 (Toll Free in MD 800-492-1660)

**Virginia Complaints**

**1. Consumer complaints in Virginia:**

**Virginia Office of the Attorney General**

Consumer Protection Section

900 E. Main St.

Richmond, VA 23219

**Phone Number:** 804-786-2042

**Toll-free:** 1-800-552-9963 (VA)

**Website:**

<http://www.ag.virginia.gov/consumercomplaintform/consumerComplaintForm.aspx> (online consumer complaint form)

<http://www.oag.state.va.us/index.php/citizen-resources/file-a-consumer-complaint#businesses-individuals> (pdf consumer complaint form)

**2. Virginia Department of Agriculture and Consumer Services (VDACS), Office of Charitable and Regulatory Programs (OCRP)**

The Office of Charitable and Regulatory Programs (OCRP) at the Virginia Department of Agriculture and Consumer Services (VDACS) is responsible for the administration of the Virginia Prepaid Legal Services Plan Act. It is unlawful for any legal services plan seller to offer, advertise, or execute, or cause to be executed by the subscriber, any subscription contract in the Commonwealth unless the legal services plan seller at the time of the offer, advertisement, sale, or execution of a subscription contract has been properly registered with OCRP.

**Complaint form:** <http://www.vdacs.virginia.gov/forms-pdf/cp/oca/complaint/OCRPregulatorycomplaintform.pdf>

P.O. Box 1163

Richmond, VA 23218

**Phone:** (804) 786-1343

**Website:** [www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

**3. Office of Consumer Affairs**

102 Governor Street  
Richmond, VA 23219

Phone: 800-552-9963 or 804-786-2042; In Fairfax County: 703-222-8435; In the City of Virginia Beach: 757-385-5836

Complaint form: <http://www.vdacs.virginia.gov/forms-pdf/cp/oca/complaint/oca1complaint.pdf>

Mail the completed form to Office of Consumer Affairs, PO Box 1163, Richmond, VA 23218 or FAX it to 804-225-2666

**4. Fairfax County** - *Note: Fairfax County has its own locally operated office of consumer affairs. If your complaint resulted from a transaction in that locality, please contact that office directly:*

a. Fairfax County Department of Cable and Consumer Services, Consumer Affairs Branch: 12000 Government Center Parkway, Suite 433, Fairfax, VA 22035, Phone: (703) 222-8435

b. In addition, you may also want to contact the Fairfax County Criminal Investigations Division of the Fairfax County Police. They assist the Consumer Affairs branch with investigating criminal cases. Phone: 703-246-7800.

**5. For a list of other regional and county consumer protection offices in Virginia, please visit:**

<http://www.usa.gov/directory/stateconsumer/virginia.shtml>.

**6. Complaint involving the Unauthorized Practice of Law in Virginia:**

**UPL Complaint Form:** [http://www.vsb.org/profguides/upl/upl\\_form.pdf](http://www.vsb.org/profguides/upl/upl_form.pdf)

Ethics Department, Attn: Kristi Hall

Virginia State Bar

1111 East Main Street, Suite 700

Richmond, Virginia 23219-3565

**Phone number:** (804) 775-0557

**Email:** [hall@vsb.org](mailto:hall@vsb.org)

**7. Complaint involving an attorney licensed to practice law in Virginia:**

**Virginia State Bar Complaint Form:** [http://www.vsb.org/inquiry\\_form.pdf](http://www.vsb.org/inquiry_form.pdf)

Intake Office, Office of Bar Counsel

Virginia State Bar

1111 East Main Street, Suite 700

Richmond, Virginia 23219-3565

**Phone numbers:** (804) 775-0570 or TDD/Voice Line (Hearing-Impaired): (804) 775-0502

Callers outside the 804 area code may dial toll free 1-866-548-0873

## APPLICABLE FEDERAL, WASHINGTON, D.C., MARYLAND, AND VIRGINIA STATUTES

### Federal Statutes

#### **Federal Trade Commission Act** (no private right of action)

- Section 5 of the FTC Act (15 U.S.C. 45(a)(1)) states: “Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are declared unlawful.”

#### **Federal Immigration Law**

- The Code of Federal Regulations (CFR) describes who can represent immigrants before EOIR and DHS. See 8 C.F.R. § 292.1 (a)(1)-(6); 8 C.F.R. § 292.2; 8 C.F.R. § 1292.1; 8 C.F.R. § 1292.2.
  - **“(a) A person entitled to representation may be represented by any of the following, subject to the limitations in 8 CFR [103.2\(a\)\(3\)](#)”**
    - Licensed Attorneys
    - Board of Immigration Appeals (BIA) Accredited Representatives (associated with a BIA accredited non-profit organization)
    - Law students and law graduates, under supervision, with no direct compensation
    - Accredited official in the U.S. from a foreign national’s home country
    - Foreign attorney outside of U.S., before DHS
    - Reputable individuals of good moral character, who have a pre-existing relationship with the client, and receive no payment for their assistance
  - **“(e) Except as set forth in this section, no other person or persons shall represent others in any case.”**
- The CFR also defines what constitutes representation in an immigration matter. See 8 C.F.R. § 1101.
  - “8 CFR 1001.1(m) The term *representation* before the Board and the Service includes **practice and preparation** as defined in paragraphs (i) and (k) of this section.
  - 8 CFR 1001.1(i) The term practice means the act or acts of any person appearing in any case, either in person or through the **preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with DHS, or any immigration judge, or the Board.**
  - 8 CFR 1001.1(k) The term preparation, constituting practice, means **the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers**, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed Service forms by one whose remuneration, if any, is nominal and who does not hold himself out as qualified in legal matters or in immigration and naturalization procedure.”



**Washington, DC Consumer Protection, UPL, and Criminal Statutes:**

- **D.C. Consumer Protection Procedures Act (“DCPPA”), D.C. Code § 28-3901, et. seq.**
  - <http://government.dc.gov/DC/Government/Data+&+Transparency/Consumer+Protection/Consumer+Information+101/Consumer+Protection+Procedures+Act>
  - Prohibits:
    - “Represent[ing] that ...services have a source, sponsorship, approval, certification ...characteristics ...uses, benefits ...that they do not have.”
    - “Represent[ing] that the person has a sponsorship, approval, status, affiliation, certification, or connection that the person does not have.”
    - “Misrepresent[ing] as to a material fact which has a tendency to mislead.”
    - “Fail[ing] to state a material fact if such failure tends to mislead.”
  - Private right of action
  - Penalties: Greater of treble damages or \$1,500; Reasonable attorney’s fees; Punitive damages; Injunctive relief
  - 3 year statute of limitations.
  
- **D.C. App. R. 49 – UPL Statute**
  - <http://www.dccourts.gov/internet/documents/rule49.pdf>
  - “(a) General Rule. No person shall engage in the practice of law in the District of Columbia or in any manner hold out as authorized or competent to practice law in the District of Columbia unless enrolled as an active member of the District of Columbia Bar, except as otherwise permitted by these Rules.”

| <b>DISTRICT OF COLUMBIA CRIMINAL STATUTES</b>     |   |             |   |                               |
|---|---|-------------|---|-------------------------------|
|   | <b>Description</b>  | <b>Type</b> | <b>Penalty</b>                                      | <b>Statute of Limitations</b> |
| <b>Fraudulent Advertising<br/>DC ST § 22-1511</b> | “...for any person, firm, association, corporation, or advertising agency, either directly or indirectly, to display or exhibit to the public in any manner ... or to insert or cause to be inserted in any newspaper, magazine, or other publication printed in DC; or to issue, exhibit, or in any way distribute or disseminate to the public; or to deliver, exhibit, mail, or send ... any false, untrue, or misleading statement, representation, or advertisement with intent to ... induce ... to employ the services of any person, firm, association, or corporation so advertising such services.” | MISDEMEANOR | the amount set forth in § 22-3571.01 and/or 60 days | 3 years                       |

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| <b>Blackmail</b><br><b>D.C. ST § 22-3252<sup>1</sup></b>                           | <p>“... with intent to obtain property of another or to cause another to do or refrain from doing any act, that person threatens:</p> <p>(1) To accuse any person of a crime;</p> <p>(2) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or</p> <p>(3) To impair the reputation of any person, including a deceased person.”</p> | FELONY      | \$12,500 and/or 5 years  | 6 years |
| <b>Extortion</b><br><b>D.C. ST § 22-3251<sup>2</sup></b>                           | <p>“(1)... obtains or attempts to obtain the property of another with the other's consent which was induced by wrongful use of actual or threatened force or violence or by wrongful threat of economic injury; or</p> <p>(2)... obtains or attempts to obtain property of another with the other's consent which was obtained under color or pretense of official right.”</p>  | FELONY      | \$25, 000 and/or 10 years  | 6 years |
| <b>Threats to do bodily harm</b><br><b>DC ST § 22-407</b>                          | <p>“...threats to do bodily harm...”</p>  | MISDEMEANOR | \$1,000 and/or 6 months  | 3 years |
| <b>Assault or threatened assault in a menacing manner</b><br><b>DC ST § 22-404</b> | <p>“(a)(1)...unlawfully assaults, or threatens another in a menacing manner...”</p>   | MISDEMEANOR | \$1,000 and/or 180 days  | 3 years |
|  | <p>“(2) unlawfully assaults, or threatens another in a menacing manner, and intentionally, knowingly, or recklessly causes significant bodily injury to another...”</p>   | FELONY      | amount set forth in § 22-3571.01 and/or 3 years                                | 6 years |
| <b>Stalking</b><br><b>DC ST § 22-3133</b>  | <p>“...purposefully engage in a course of conduct directed at a specific individual:</p> <p>(1) With the intent to cause that individual to:</p> <p style="padding-left: 40px;">(A) Fear for his or her safety or the safety of another person;</p> <p style="padding-left: 40px;">(B) Feel seriously alarmed, disturbed, or frightened; or</p>   | MISDEMEANOR | \$2,500 and/or 12 months<br><br>(For aggravated offenses, see DC ST § 22-3134) | 3 years |

<sup>1</sup> An offense is deemed to occur in D.C. if “...(2) The person who was defrauded is a resident of, or located in, the District of Columbia at the time of the fraud; (3) The loss occurred in the District of Columbia; or (4) Any part of the offense takes place in the District of Columbia.” DC ST § 22-3224.01. See also DC ST § 22-3201 for definitions.

<sup>2</sup> An offense is deemed to occur in D.C. if “...(2) The person who was defrauded is a resident of, or located in, the District of Columbia at the time of the fraud; (3) The loss occurred in the District of Columbia; or (4) Any part of the offense takes place in the District of Columbia.” DC ST § 22-3224.01. See also DC ST § 22-3201 for definitions.

|  |   |   |   |  |
|--|---|---|---|--|
|  | <p>(C) Suffer emotional distress;</p> <p>(2) That the person knows would cause that individual reasonably to [A, B, C as above]; or</p> <p>(3) That the person should have known would cause a reasonable person in the individual's circumstances to [A, B, C as above]..."</p>  |   |   |  |
| <p><b>Fraud</b><br/><b>D.C. ST § 22-3221<sup>3</sup></b></p> | <p><b>(a) Fraud in the first degree:</b> "...engages in a scheme or systematic course of conduct with intent to defraud or to obtain property of another by means of a false or fraudulent pretense, representation, or promise and thereby obtains property of another or causes another to lose property."</p> <p><b>(b) Fraud in the second degree:</b> "...engages in a scheme or systematic course of conduct with intent to defraud or to obtain property of another by means of a false or fraudulent pretense, representation, or promise."</p> <p><b>(c) False promise as to future performance:</b> "Fraud may be committed by means of false promise as to future performance which the accused does not intend to perform or knows will not be performed. An intent or knowledge shall not be established by the fact alone that one such promise was not performed."</p> | <p>MISDEMEANOR for under \$1,000</p> <p>FELONY for over \$1,000</p> | <p><b>First degree:</b><br/>The greater of: \$25,000 or twice the value of the property <u>and/or</u> 10 years if the value of the property is \$1,000 or more.</p> <p>\$1,000 <u>and/or</u> 180 days, if the property has some value.</p> <p><b>Second degree:</b><br/>The greater of: the amount set forth in § 22-3571.01 or twice the value of the property <u>and/or</u> 3 years, if the value of the property is \$1,000 or more.</p> | <p>Misd.: 3 years</p> <p>Felony: 6 years</p> |

<sup>3</sup> An offense is deemed to occur in D.C. if "...(2) The person who was defrauded is a resident of, or located in, the District of Columbia at the time of the fraud; (3) The loss occurred in the District of Columbia; or (4) Any part of the offense takes place in the District of Columbia." DC ST § 22-3224.01. See also DC ST § 22-3201 for definitions.

|  |   |             |   |         |
|--|---|-------------|---|---------|
|  |   |             | \$2,500 and/or 180 days, if the property has some value |         |
| <b>Perjury<br/>DC ST § 22-2402</b>                           | (1) [Under oath] and "...contrary to an oath or affirmation states or subscribes any material matter which he or she does not believe to be true and which in fact is not true;<br>(2) As a notary public or other officer authorized to take proof of certification, wilfully certifies falsely that an instrument was acknowledged by any party thereto or wilfully certifies falsely as to another material matter in an acknowledgement; or<br>(3) In any declaration, certificate, verification, or statement made under penalty of perjury in the form specified in § 16-5306 or 28 U.S.C. § 1746(2)...wilfully states or subscribes as true any material matter that the person does not believe to be true and that in fact is not true." | FELONY      | \$25,000 and/or 10 years                                | 6 years |
| <b>Subornation of perjury<br/>DC ST § 22-2403</b>            | "...wilfully procures another to commit perjury."   | FELONY      | \$25,000 and/or 10 years                                | 6 years |
| <b>False statements<br/>DC ST § 22-2405</b>                  | "...wilfully makes a false statement that is in fact material, in writing, directly or indirectly, to any instrumentality of the DC government, under circumstances in which the statement could reasonably be expected to be relied upon as true; provided, that the writing indicates that the making of a false statement is punishable by criminal penalties ... knowing that the facts stated in the filing are not true in any material respect or if that person makes an affirmation by signing a declaration under § 1-1061.13, knowing that the facts stated in the filing are not true in any material respect"  | MISDEMEANOR | \$2,500 and/or 180 days                                 | 3 years |
| <b>Obstruction of justice<br/>DC ST § 22-722<sup>4</sup></b> | (1) knowingly uses intimidation or physical force, threatens or corruptly persuades another person, or by threatening letter or communication, endeavors to influence, intimidate, or impede a juror in the discharge of the juror's official duties;   | FELONY      | amount set forth in § 22-3571.01 and/or 3-30 years      | 6 years |

<sup>4</sup> See DC ST § 22-721 for definitions.

|   |   |               |  |                |
|---|---|---------------|--|----------------|
|   | <p>(2) [same as above] <u>a witness or officer</u> in any official proceeding, with intent to:</p> <ul style="list-style-type: none"> <li>(A) Influence, delay, or prevent the truthful testimony of the person;</li> <li>(B) Cause/induce the person to withhold truthful testimony or a record...</li> <li>(C) Evade a legal process that summons the person to appear as a witness or produce a document; or</li> <li>(D) Cause/induce the person to be absent from a legal official proceeding to which s/he has been summoned;</li> </ul> <p>(3) Harasses another person with the intent to hinder, delay, prevent, or dissuade the person from:</p> <ul style="list-style-type: none"> <li>(A) Attending or testifying truthfully in an official proceeding;</li> <li>(B) Reporting to a law enforcement officer the commission of, or any information concerning, a criminal offense;</li> <li>(C) Arresting or seeking the arrest of another person in connection with the commission of a criminal offense; or</li> <li>(D) Causing a criminal prosecution or a parole or probation revocation proceeding to be sought or instituted, or assisting in a prosecution;</li> </ul> <p>(4) Injures/threatens to injure any person or his or her property on account of the person ... giving to a criminal investigator ... information related to a violation ...</p> <p>(5) [same as above] on account of the person performing his official duty as a juror, witness, or officer in any court in DC; or</p> <p>(6) Corruptly, or by threats of force, any way obstructs or impedes or endeavors to obstruct or impede the due administration of justice in any official proceeding.</p> |               |  |                |
| <p><b>Tampering with physical evidence</b><br/>DC ST § 22-723</p> | <p>“...knowing or having reason to believe an official proceeding has begun or knowing that an official proceeding is likely to be instituted, that person alters, destroys, mutilates, conceals, or</p>  | <p>FELONY</p> | <p>amount set forth in § 22-3571.01 and/or 3 years</p> | <p>6 years</p> |

|   |   |             |  |         |
|---|---|-------------|--|---------|
|   | removes a record, document, or other object, with intent to impair its integrity or its availability for use in the official proceeding.”   |             |  |         |
| <b>Obstructing. Preventing, or interfering with reports or requests for assistance from law enforcement<br/>DC ST § 22-1931</b> | “...knowingly disconnect, damage, disable, temporarily or permanently remove, or use physical force or intimidation to block access to any telephone, radio, computer, or other electronic communication device with a purpose to obstruct, prevent, or interfere with: (1) The report of any criminal offense to any law enforcement agency” | MISDEMEANOR | \$1,000 and/or 180 days  | 3 years |
| <b>Theft<br/>DC ST § 22-3211<sup>5</sup></b>  | “...wrongfully obtains or uses the property of another with intent:<br>(1) To deprive the other of a right to the property or a benefit of the property; or<br>(2) To appropriate the property to his or her own use or to the use of a third person.”  | FELONY      | <u>Theft in the first degree:</u><br>The greater of: \$25,000 or twice the value of the property <u>and/or</u> 10 years if the value of the property is \$1,000 or more. | 6 years |
|   |   | MISDEMEANOR | <u>Theft in the second degree:</u> \$1,000 <u>and/or</u> 180 days, if the property has some value.   | 3 years |

<sup>5</sup> An offense is deemed to occur in D.C. if “...(2) The person who was defrauded is a resident of, or located in, the District of Columbia at the time of the fraud; (3) The loss occurred in the District of Columbia; or (4) Any part of the offense takes place in the District of Columbia.” DC ST § 22-3224.01. *See also* DC ST § 22-3201 for definitions.

## Maryland Immigration Consultant Act, Consumer Protection, UPL, and Criminal Statutes:

- **Md. Code Ann. Com. Law, §§14-3301 - 14-3306 (West 2005) - Maryland Immigration Consultant Act**
  - Regulates Notary Advertising
  - Requires an immigration consultant to execute a written contract with any client
  - Requires a sign at the immigration consultant's place of business
  - Prohibits immigration consultants from: Providing legal services or representing that they have credentials to provide legal services. Legal services include providing forms to an individual, completing forms on behalf of an individual, filing forms on behalf of an individual, advising an individual to file forms, etc.
  - Private right of action
  - Penalties: Recovery of fees paid; Reasonable attorney's fees; \$1000 fine; Potential for treble damages; Misdemeanor
  - 3 year statute of limitations for a civil matter.
  
- **Maryland Consumer Protection Act ("MCPA") Md. Commercial Law Code Ann. § 13-301, et seq.**
  - "A person may not engage in any unfair or deceptive trade practice . . . in the sale . . . of any consumer . . . services."
  - The term "unfair or deceptive trade practice" includes: Representation that consumer services have a sponsorship, approval, accessory, characteristic, ...benefit ...which they do not have.
  - Merchant has a sponsorship, approval, status, affiliation, or connection which he does not have.
  - Failure to state a material fact if the failure deceives or tends to deceive
  - Private right of action: To recover damages; Attorney's fees
  - 3 year statute of limitations
  
- **MD Code, Business Occupation & Professions, §10-601(a) (UPL)**
  - "Except as otherwise provided by law, a person may not practice, attempt to practice, or offer to practice law in the State unless admitted to the Bar."
  
- **MD Code, Business Occupation & Professions, §10-602 (UPL)**
  - "Unless authorized by law to practice law in the State, a person may not represent to the public, by use of a title, including "lawyer", "attorney at law", or "counselor at law", by description of services, methods, or procedures, or otherwise, that the person is authorized to practice law in the State."
  
- **MD Code, Business Occupations & Professions, §10-606(c) (UPL Penalties)**
  - "...a person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both."

| MARYLAND CRIMINAL STATUTES  |  |             |   |   |
|---|--|-------------|---|---|
|   | Description  | Type        | Penalty   | SOL <sup>6</sup>  |
| <b>Maryland Immigration Consultant Act (MICA)</b><br><br><b>Md. Code Ann. Com. Law</b><br><b>§§14-3301 - 14-3306</b>  | -Regulates Notary Advertising<br>-Requires an immigration consultant to execute a written contract with any client<br>-Requires a sign at the immigration consultant's place of business<br>-Prohibits immigration consultants from providing legal services or representing that they have credentials to provide legal services. Legal services include providing forms to an individual, completing forms on behalf of an individual, filing forms on behalf of an individual, advising an individual to file forms, etc. | MISDEMEANOR | \$1,000 and/or 1 year, in addition to any civil penalties   | None*   |
| <b>Unauthorized Practice of Law</b><br><br><b>Md Business/Occupation Code Ann.</b><br><b>§§10-601, 10-602, 10-606</b> | <u>10-601(a) Bar admission required to practice law in the State:</u> "a person may not practice, attempt to practice, or offer to practice law in the State unless admitted to the Bar."<br><u>§10-602 Representations to the public; practice of law:</u> "a person may not represent to the public, by use of a title, including "lawyer", "attorney at law", or "counselor at law", by description of services, methods, or procedures, or otherwise, that the person is authorized to practice law in the State."       | MISDEMEANOR | Penalty (§10-606):<br>→For corporation, partnership, or any other association: \$5,000 max.<br>→For an officer, director, partner, trustee, agent, or employee who acts to enabling a corporation, partnership, or association: \$5,000 and/or 1 year.<br>→For an unaffiliated person: \$1,000 and/or 1 year. | For corporation, partnership, or associations: 1 year<br><br>Others: None |

<sup>6</sup> \*For all felonies and for misdemeanors with a statutory penalty of potential confinement in the Division of Correction (DOC), there is no statute of limitations. See *State v. Stowe*, 376 Md. 436 (2003); *Greco v. State*, 65 Md. App. 56 (1985); Md. Code, Cts & Jud. Proc. § 5-106. However, for some misdemeanors without statutory penalty of imprisonment, there is a 1-year statute of limitations. Md. Code Ann., Cts. & Jud. Proc. § 5-107.



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| <b>Making false entries in public records and related crimes</b><br><b>Md. Code Ann., CR 8-606</b> | A person may not or may not attempt to<br>(1) willfully make a false entry in a public record (paperwork filed w/ court);<br>(2) willfully alter, deface, destroy, remove, or conceal a public record; or<br>(3) willfully and intentionally access a public record  | MISDEMEANOR | \$1,000 and/or 3 years   | None*   |
| <b>Counterfeiting public seal CR 8-607</b>   | If Notary Seal used and document is false  | MISDEMEANOR | 2-10 years               | None*   |
| <b>False Advertising CR 14-2903</b>  | Note: Section applies to firms, corporations and the several members, officers, directors, agents and employees who knowingly violate this section   | MISDEMEANOR | \$500 and/or 1 year      | None*   |
| <b>Extortion<sup>7</sup> CR 3-701</b>  | (c)(1) - Value at least \$1,000 but less than \$10,000   | FELONY      | \$10,000 and/or 10 years | 5 years |
|  | (c)(2) – Value at least \$10,000 but less than \$100,000   | FELONY      | \$15,000 and/or 15 years | 5 years |
|  | (c)(3) – Value is \$100,000 or more  | FELONY      | \$25,000 and/or 25 years | 5 years |
|  | (d) – Value is less than \$1,000   | MISDEMEANOR | \$1,000 and/or 18 months | 5 years |
| <b>Extortion by false accusation CR 3-704</b>  | “...may not falsely accuse or threaten to falsely accuse another of a crime or of anything that, if the accusation were true, would tend to bring the other into contempt or disrepute”  | MISDEMEANOR | \$10,000 and/or 10 years | None*   |
| <b>Extortion by verbal threat CR 3-705</b>   | “...may not verbally threaten to:<br>(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or<br>(2)(i) cause physical injury to a person;<br>(ii) inflict emotional distress on a person;<br>(iii) cause economic damage to a person; or<br>(iv) cause damage to the person’s property” | FELONY      | \$10,000 and/or 10 years | None    |
| <b>Extortion by written threat CR 3-706</b>  | Same as above, but written   | FELONY      | \$10,000 and/or 10 years | None    |
| <b>Stalking CR 3-802</b>   | “...means a malicious course of conduct that includes approaching or pursuing another where the person   | MISDEMEANOR | \$5,000 and/or 5 years   | None*   |

<sup>7</sup> The term "blackmail" is equivalent to and synonymous with "extortion." *Iozzi v. State*, 5 Md. App. 415, 247 A.2d 758 (1968), *cert. denied*, 253 Md. 734 (1969); *Greenbelt Coop. Publishing Ass'n v. Bresler*, 253 Md. 324, 252 A.2d 755 (1969), *rev'd on other grounds*, 398 U.S. 690 S. Ct. 153726 L. Ed. 2d 6 (1970).

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|  | <p>intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:</p> <p>(1)(i) of serious bodily injury;<br/> (ii) of an assault in any degree;<br/> (iii) of rape or sexual offense;<br/> (iv) of false imprisonment; or<br/> (v) of death; or</p> <p>(2) that a third person likely will suffer any of the acts listed”</p>  |             |                        |      |
| <b>Perjury<br/>CR 9-101</b>                  | “...may not willfully and falsely make an oath or affirmation...”  | MISDEMEANOR | 10 years max           | None |
| <b>Inducing false testimony<br/>CR 9-302</b> | <p>(a) ... may not harm another, threaten to harm another, or damage or destroy property with the intent to:</p> <p>(1) influence victim/witness to testify falsely or withhold testimony; or</p> <p>(2) induce a victim or witness:<br/> ... (ii) to be absent from an official proceeding to which the victim or witness has been subpoenaed or summoned; or (iii) not to report the existence of facts relating to a crime or delinquent act.</p> <p>(b) ... may not solicit either...”</p> | MISDEMEANOR | \$5,000 and/or 5 years | None |
|  | If the testimony, subpoena, official proceeding, or report involving the victim or witness relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14-101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony.  | FELONY      | Max 20 years           | None |

|  |   |             |   |         |
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| <b>Retaliation<br/>CR 9-303</b>            | (a) ... may not intentionally harm another, threaten to harm another, or damage or destroy property with the intent of retaliating against a victim or witness for:<br><br>(1) giving testimony in an official proceeding;<br>or<br>(2) reporting a crime or delinquent act<br>(b) A person cannot solicit someone to retaliate for him | MISDEMEANOR | \$5,000 and/or 5 years  | None    |
|  | If the official proceeding or report ... relates to a felonious violation of Title 5 of this article or the commission of a crime of violence as defined in § 14-101 of this article, or a conspiracy or solicitation to commit such a crime, a person who violates this section is guilty of a felony.                                 | FELONY      | Max 20 years  | None    |
| <b>Obstruction of justice<br/>CR 9-306</b> | A person may not, by threat, force, or corrupt means, obstruct, impede, or try to obstruct or impede the administration of justice in a court of the State.   | MISDEMEANOR | \$10,000 and/or 5 years   | None*   |
| <b>Theft<br/>CR 7-104</b>                  | (g)(1)(i) Value at least \$1,000 but less than \$10,000   | FELONY      | - \$10,000 and/or 10 years<br>- Must restore the property or pay value  | None    |
|  | (g)(1)(ii) Value at least \$10,000 but less than \$100,00   | FELONY      | - \$15,000 and/or 15 years<br>- Must restore the property or pay value  | None    |
|  | (g)(1)(iii) Value \$100,000 or more   | FELONY      | - \$25,000 and/or 25 years<br>- Must restore the property or pay value  | None    |
|  | (g)(2) Value less than \$1,000  | MISDEMEANOR | - \$500 and/or 18 months<br>- Must restore the property or pay value<br><br>If 2 or more prior convictions:<br>- \$5,000 and/or 5 years | 2 years |

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|  |                              |             | - Must restore the property or pay value                           |        |
|  | (g)(3) Value less than \$100 | MISDEMEANOR | - \$500 and/or 90 days<br>- Must restore the property or pay value | 1 year |

## Virginia Consumer Protection, Notary Regulations, UPL, and Criminal Statutes:

- **Virginia Consumer Protection Act (VCPA), Va. Code Ann. § 59.1-196 et seq.**
  - Declares as unlawful:
    - “Misrepresenting the source, sponsorship, approval, or certification of goods or services.”
    - “Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another”
    - “Misrepresenting that goods or services have certain . . . characteristics . . . uses, or benefits”
    - “Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction.”
  - Private right of action
  - Penalties: Recovery of actual damages or \$500 statutory damages; If violation was willful, possibility of greater of treble damages or \$1,000; Attorney’s fees
  - 2 years statute of limitations.
  
- **Virginia Prepaid Legal Services Plan Act, Va. Code Ann. § 59.1-441.1. et seq.<sup>8</sup>**
  - The Office of Charitable and Regulatory Programs (OCRCP) at the Virginia Department of Agriculture and Consumer Services (VDACS) is responsible for the administration of the Virginia Prepaid Legal Services Plan Act.<sup>9</sup>
  - **§ 59.1-441.2. Registration** - It is unlawful for any legal services plan seller to offer, advertise, or execute, or cause to be executed by the subscriber, any subscription contract in the Commonwealth unless the legal services plan seller at the time of the offer, advertisement, sale, or execution of a subscription contract has been properly registered with OCRCP.
  - **§ 59.1-441.5. Production of records** – “Every legal services plan seller shall, upon written request of the Commissioner, make available to the Commissioner its legal services plan contract records for inspection and copying to enable the Commissioner to reasonably determine compliance with this chapter. Every legal services plan seller shall maintain a true copy of each subscription contract executed between the subscriber and the legal services plan, and each contract shall be maintained for its term.”
  - Penalties: any violation is prohibited practice under § 59.1-200 and is subject to VCPA’s enforcement provisions; knowing and willful violation results in a Class 3 misdemeanor.

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<sup>8</sup> <http://www.vdacs.virginia.gov/consumer/pdf/LSPSA.pdf>

<sup>9</sup> See <http://www.vdacs.virginia.gov/consumer/index.shtml#lsp>; to make a complaint, see <http://www.vdacs.virginia.gov/forms-pdf/cp/oca/complaint/OCRPreulatorycomplaintform.pdf>.

- **Virginia Notary Act §§ 47.1-1 et seq.**<sup>10</sup>
  - **§47.1-15 - Prohibitions:** A notary shall not: (4)“...perform any official act with the intent to deceive or defraud; and... A non-attorney notary shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.”
  - **§ 47.1-15.1 Prohibition and penalties:**
    - A. A notary public shall not offer or provide legal advice on immigration or other legal matters, or represent any person in immigration proceedings, unless such notary public is authorized or licensed to practice law in the Commonwealth or is accredited pursuant to 8 C.F.R. §292.2 to practice immigration law or represent persons in immigration proceedings.
    - B. A notary public shall not assume, use, or advertise the title of "notario," "notario publico," or "licenciado," or a term in a language other than English that indicates in such language that the notary is authorized to provide legal advice or practice law, unless such notary public is authorized or licensed to practice law in Virginia.
    - C. Any person who violates the provisions of subsection B is subject to a civil penalty not to exceed \$500 for a first violation and a civil penalty not to exceed \$1,000 for a second or subsequent violation. All penalties arising under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth and the proceeds shall be deposited into the Legal Aid Services Fund established in § 17.1-278.
    - D. Nothing in this section shall preempt or preclude additional civil, administrative, or criminal penalties authorized by law.
  - **§ 47.1-26 and. § 47.1-27 Civil liability of notary and his/her employer**
    - § 47.1-26 - A notary public shall be liable for all damages proximately caused by his official misconduct.
    - § 47.1-27 - The employer ... shall also be liable for all damages proximately caused by the official misconduct by such notary if: 1. The notary public was acting within the scope of his employment at the time such damages were caused; and 2. The employer had actual knowledge of, or reasonably should have known of, such notary's misconduct.
  - **§ 47.1-23 Grounds for removal from office (notary)**
    - “The Secretary may revoke the commission of any notary who:
      - 5. Performs a prohibited act pursuant to § 47.1-15 (“A notary shall not perform any official act with the intent to deceive or defraud...A nonattorney notary shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act...”) or § 47.1-15.1 (see above)
      - 6. Is convicted of the unauthorized practice of law pursuant to § 54.1-3904, or is a licensed attorney at law whose license is suspended or revoked...”

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<sup>10</sup> The Virginia Notary Act was amended in April 2014 to include additional prohibitions, penalties, and grounds for removal from office by adding § 47.1-15.1. For more information, see <http://legiscan.com/VA/text/SB503/2014> and <http://legiscan.com/VA/text/HB492/2014>.

- **Va. Code Ann. §54.1-3904 – Penalty for Practicing Without Authority (UPL)**
  - “Any person who practices law without being authorized or licensed shall be guilty of a Class 1 misdemeanor...”

| <b>VIRGINIA CRIMINAL STATUTES</b>   |  |                        |                          |                       |
|---|--|------------------------|--------------------------|-----------------------|
|   | <b>Description</b>   | <b>Type</b>            | <b>Penalty</b>           | <b>SOL</b>            |
| <b>Virginia Prepaid Legal Services Plan Act, Va. Code Ann. § 59.1-441.1. et seq</b>                     | It is unlawful for any legal services plan seller to offer, advertise, or execute, or cause to be executed by the subscriber, any subscription contract in the Commonwealth unless the legal services plan seller at the time of the offer, advertisement, sale, or execution of a subscription contract has been properly registered with the Office of Charitable and Regulatory Programs (OCRP) at the Virginia Department of Agriculture and Consumer Services.<br><u>§ 59.1-441.6.</u> Knowing and willful violation = misdemeanor  | MISDEMEANOR<br>Class 3 | \$500 maximum            | 1 year                |
| <b>Penalty for Practicing Without Authority<br/>Va. Code Ann. § 54.1-3904</b>                           | “Any person who practices law without being authorized or licensed”  | MISDEMEANOR<br>Class 1 | \$2,500 and/or 12 months | 2 years <sup>11</sup> |
| <b>Unlawful acts;<br/>prosecution; proceedings in equity; civil penalty<br/>VA Code Ann. § 54.1-111</b> | “It shall be unlawful for any person, partnership, corporation or other entity to engage in any of the following acts:<br>1. Practicing a profession or occupation without holding a valid license as required by statute or regulation.<br>2. Making use of any designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly certified or licensed.<br>3. Making use of any titles, words, letters or abbreviations which may reasonably be confused with a designation provided by statute or regulation to denote a standard of professional or occupational competence without being duly certified or licensed.<br>4. Performing any act or function which is restricted by statute or regulation to persons holding a professional or occupational | MISDEMEANOR<br>Class 1 | \$2,500 and/or 12 months | 1 year                |

<sup>11</sup> “A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.” VA Code Ann. § 19.2-8.

|  |  |                        |  |        |
|--|--|------------------------|--|--------|
|  | license or certification, without being duly certified or licensed.”   |                        |  |        |
| <b>Virginia Notary Act<br/>Va. Code Ann. §§ 47.1-1<br/>et seq.</b> | <p><u>§47.1-15 - Prohibitions:</u> A notary shall not: (4)“...perform any official act with the intent to deceive or defraud; and... A non-attorney notary shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.”</p> <p><u>§47.1-15.1 - Additional prohibition on advertising; penalties.</u></p> <p>A. A notary public shall not offer or provide legal advice on immigration or other legal matters, or represent any person in immigration proceedings, unless such notary public is authorized or licensed to practice law in the Commonwealth or is accredited pursuant to 8 C.F.R. §292.2 to practice immigration law or represent persons in immigration proceedings.</p> <p>B. A notary public shall not assume, use, or advertise the title of "notario," "notario publico," or "licenciado," or a term in a language other than English that indicates in such language that the notary is authorized to provide legal advice or practice law, unless such notary public is authorized or licensed to practice law in Virginia.</p> <p>C. Any person who violates the provisions of subsection B is subject to a civil penalty not to exceed \$500 for a first violation and a civil penalty not to exceed \$1,000 for a second or subsequent violation. All penalties arising under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth and the proceeds shall be deposited into the Legal Aid Services Fund established in § 17.1-278.</p> | MISDEMEANOR<br>Class 3 | \$500 max<br><br>(second offense for false advertising pursuant to §47.1-15.1(B) is \$1,000 max) | 1 year |



|   |   |                                 |  |               |
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|   | <p>D. Nothing in this section shall preempt or preclude additional civil, administrative, or criminal penalties authorized by law.</p> <p><u>§ 47.1-28</u></p> <p>A. Any notary who knowingly and willfully commits <u>any official misconduct under Chapter 5</u> (§ 47.1-24 et seq.) of this title shall be guilty of a Class 3 misdemeanor.</p> <p>B. Any employer of a notary who willfully induces such notary to commit official misconduct under Chapter 5 of this title shall be guilty of a Class 3 misdemeanor.</p>   |                                 |  |               |
| <p><b>Impersonating a Notary</b><br/> <b>Va. Code Ann. § 47.1-29</b></p>  | <p>“...willfully act as, or otherwise impersonate, a notary public while not lawfully commissioned as a notary public or other official authorized to perform notarial acts ...”</p>  | <p>FELONY<br/> Class 6</p>      | <p>1-5 years<br/> OR<br/> \$2,500 and/or 12 months</p> | <p>None</p>   |
| <p><b>False Publications</b><br/> <b>VA Code Ann. § 18.2-209</b></p>  | <p>“... knowingly and willfully states, delivers or transmits by any means whatever to any publisher, or employee of a publisher, of any newspaper, magazine, or other publication or to any owner, or employee of an owner, of any radio station, television station, news service or cable service, any false and untrue statement, knowing the same to be false or untrue, concerning any person or corporation, with intent that the same shall be published, broadcast or otherwise disseminated...”</p>   | <p>MISDEMEANOR<br/> Class 3</p> | <p>\$500 maximum</p>                                   | <p>1 year</p> |
| <p><b>Untrue, deceptive or misleading advertising, inducements, writings or documents</b><br/> <b>VA Code Ann. § 18.2-216</b></p> | <p>“Any person, firm, corporation or association who, with intent to sell or in anywise dispose of ... service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution ... or to induce the public in any manner to enter into any obligation relating thereto, ... makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly to be made, published, disseminated, circulated or placed before the public, in a newspaper or other publications, or in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label,</p> | <p>MISDEMEANOR<br/> Class 1</p> | <p>\$2,500 and/or 12 months</p>                        | <p>None</p>   |

|  |  |   |  |        |
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|  | circular, pamphlet or letter or in any other way, an advertisement of any sort regarding ... service... or anything so offered to the public, which advertisement contains any promise, assertion, representation or statement of fact which is untrue, deceptive or misleading, or uses any other method, device or practice which is fraudulent, deceptive or misleading to induce the public to enter into any obligation..."   |   |  |        |
| <b>Extortion of money, property, or pecuniary benefit<br/>VA Code Ann. § 18.2-59</b> | "...(i) threatens injury to the character, person, or property of another person, (ii) accuses him of any offense, (iii) threatens to report him as being illegally present in the United States, or (iv) knowingly destroys, conceals, removes, confiscates, withholds or threatens to withhold, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person ...." | FELONY<br>Class 5                                       | 1-10 years<br>OR<br>\$2,500 and/or 12 months | None   |
| <b>Threats of death or bodily injury<br/>VA Code Ann. § 18.2-60</b>                  | A. 1. "... knowingly communicates, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member..."   | FELONY<br>Class 6                                       | 1-5 years<br>OR<br>\$2,500 and/or 12 months  | None   |
| <b>Stalking<br/>VA Code Ann. § 18.2-60.3</b>   | "...who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member ..."   | MISDEMEANOR<br>Class 1<br><br>(1 <sup>st</sup> offense) | \$2,500 and/or 12 months                     | 1 year |
|  | Second offense w/in 5 years and involving same victim, OR<br>Third or more offense w/in 5 years  | FELONY<br>Class 6                                       | 1-5 years<br>OR<br>\$2,500 and/or 12 months  | None   |

|   |   |                                 |   |               |
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| <p><b>Perjury</b><br/> <b>VA Code Ann § 18.2-434</b><br/> <b>and § 18.2-435</b></p>       | <p><u>§ 18.2-434:</u><br/> “[under oath] willfully swears falsely on such occasion touching any material matter or thing...or if any person in any written declaration, certificate, verification, or statement under penalty of perjury pursuant to § 8.01-4.3 willfully subscribes as true any material matter which he does not believe is true...”<br/> <u>§ 18.2-435:</u><br/> “for any person, with the intent to testify falsely, to knowingly give testimony under oath as to any material matter or thing and subsequently to give conflicting testimony under oath as to the same matter or thing.”</p>   | <p>FELONY<br/> Class 5</p>      | <p>1-10 years<br/> OR<br/> \$2,500 and/or 12 months</p> | <p>None</p>   |
| <p><b>Inducing another to give false testimony</b><br/> <b>VA Code Ann § 18.2-436</b></p> | <p>“If any person procure[s] or induce[s] another to commit perjury or to give false testimony under oath in violation of any provision of this article...”</p>   | <p>FELONY<br/> Class 5</p>      | <p>1-10 years<br/> OR<br/> \$2,500 and/or 12 months</p> | <p>None</p>   |
| <p><b>Obstruction of justice</b><br/> <b>VA Code Ann. § 18.2-460</b></p>                  | <p>A. “... knowingly obstructs a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, ... in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so ...”<br/> B. “...by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer... lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court...”<br/> C. ...[controlled substances, gangs]<br/> D. “...knowingly and willfully makes any materially false statement or representation to a law-enforcement officer ... who is in the course of conducting an investigation of a crime by another...”</p> | <p>MISDEMEANOR<br/> Class 1</p> | <p>\$2,500 and/or 12 months</p>                         | <p>1 year</p> |
| <p><b>Obtaining money by false pretense</b><br/> <b>VA Code Ann. § 18.2-178</b></p>       | <p>A. “... obtain, by any false pretense or token, from any person, with intent to defraud, money, a gift certificate or other</p>  | <p>FELONY<br/> Class 4</p>      | <p>\$100,000 and/or 2-10 years</p>                      | <p>None</p>   |

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|  | property that may be the subject of larceny, he shall be deemed guilty of larceny thereof;...” |  |  |  |
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