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Talk of immigration reform sparks Oregon increase in fraudulent tax preparers and lawyers, experts say

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*Lee este artículo en español

As government leaders nationwide gear up for potential immigration reform, officials in Oregon are preparing to combat unlicensed "notarios:" people who pose as tax preparers or lawyers and prey on immigrants.

Experts say the increase in unlicensed notarios is a byproduct of immigration talk. Every swell in national conversation brings a new wave of fraud.

Oregon regulators recently cracked down on two notarios. Aracely Hernandez of Hillsboro was preparing returns without a license and giving immigration advice without a law degree. Tirsia G. Fong-Guien of Medford was preparing returns filled with errors. Both women were targeting members of the Latino and immigrant communities.

Teresa Statler, unauthorized practice of law liaison for the Oregon chapter of the American Immigration Lawyers Association, said those cases evidence the recent uptick in fraudulent notarios and the issues they pose.

"If we get immigration reform, these people are going to come out of the woodwork," she said. "We'll be left to maybe clean up the mess."

In Latin American countries, "notario publicos" are qualified lawyers who can charge thousands of dollars for a variety of consumer and legal services. They issue judicial opinions, ensure payment of taxes, and certify legal documents such as wills, deeds and real estate purchases. In the United States, however, people posing as notarios lack licenses and training.

Further confusion is caused by the misleading translation of "notario publico" to notary public, said Diane Schwartz Sykes, assistant attorney general at the Oregon Department of Justice. Notaries in Oregon can charge up to \$10 for any of

Resources

The Oregon Board of Tax Practitioners has licensed about 4,400 practitioners. To verify if a tax professional is licensed, visit the board's website or call 503-378-4034.

English-speaking clients of Hernandez and Fong-Guien seeking restitution can directly call the board at 503-378-4034.

Spanish-speaking clients can call the Department of Justice Consumer Protection hotline at 877-877-9392.

their services and are limited to being impartial witnesses during legal proceedings. Scammers capitalize on that misperception, she said.

Schwartz Sykes said unlicensed notarios build community trust simply by coming from the same cultural background and speaking the same language as their clients. But their lack of knowledge can be incredibly damaging, she said. Making mistakes on an asylum or residency application could lead to someone's deportation.

"This is a very fluctuating area of law," Schwartz Sykes said. "It's very technical and constantly evolving. If you're not up to speed, you're going to hurt somebody."

One Aloha man knows well the extent to which fraudulent notarios can harm unsuspecting immigrants.

The 45-year-old nursery worker, whom The Oregonian chose to grant anonymity, has been in the U.S. since 1989 without documentation. He met Hernandez in 2008 through a friend.

That year, he paid her \$500 to do his taxes, entrusting her with his driver's license, birth certificate, Mexican consular identification and the original documents of his wife, children and grandchildren.

She never gave him a receipt. Still, he expected good work based on his friend's positive recommendation.

What the man didn't expect: No tax return, a five-year battle for the documents he still hasn't gotten back, and a string of threats from Hernandez if he spoke out about the issue.

"She threatened me, saying she was going to call immigration," he said. "I was scared. She is also Latina and knows how hard we work. That's what I don't understand about her. No one deserves to be treated like that. It is bad for the community because, really, she was swindling people."

By filing a complaint, the man helped ultimately put Hernandez out of business. In February, the Oregon State Board of Tax Practitioners investigated Hernandez after he and several other people accused her of taking money without completing returns, refusing to return documents and threatening clients who complained.

Hernandez must now return original documents to her clients and offer restitution. She is also required to pay more than \$30,000 in fines and attorney fees.

Hernandez did not return a call for comment.

Statler said victims of notario fraud only recently started speaking up. She said the attorney general's office has also become more active in shutting down unlicensed immigration law businesses.

"It is tough sometimes to get victims to come forward," she said. "Immigrants are nervous and a lot of

these people operate in the ethnic communities. It can be complex."

For the Aloha man, speaking up about the incident was key. Before that becomes necessary, he said, people need to be cautious about who they trust. Filing a tax return is important, but it is essential to know exactly who you're dealing with, he said.

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