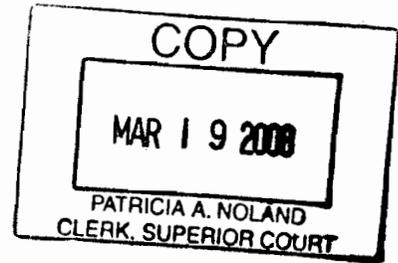


1 TERRY GODDARD  
2 Attorney General  
3 Firm Bar No. 14000

4 VINCENT L. RABAGO  
5 Assistant Attorney General  
6 Consumer Protection & Advocacy Section  
7 State Bar No. #15522  
8 400 W. Congress, South Bldg., Suite 315  
9 Tucson, Arizona 85701-1367  
10 Telephone: (520) 628-6504  
11 Pima County Computer No. 65796  
12 Attorneys for Plaintiff



13 **ARIZONA SUPERIOR COURT**

14 **COUNTY OF PIMA**

**C20081771**

15 State of Arizona, ex rel. Terry Goddard,  
16 Attorney General,

No. \_\_\_\_\_

17 Plaintiff,

**COMPLAINT FOR INJUNCTIVE AND  
OTHER RELIEF**

18 vs.

**Unclassified Civil**

19 Southwest Business Colleges, Inc. dba  
20 Tucson College,

21 Defendants.

**MICHAEL MILLER**

22 **I. JURISDICTION AND VENUE**

23 1. The State of Arizona brings this action pursuant to the Arizona  
24 Consumer Fraud Act, A.R.S. § 44-1521 *et seq.*, to obtain injunctive relief, civil  
25 penalties, attorneys' fees and costs, investigative expenses and other relief to prevent  
26 the unlawful acts and practices alleged in this Complaint and to remedy the  
27 consequences of such practices.

28 2. Venue is proper in Pima County, Arizona.

3. The Superior Court has jurisdiction to enter appropriate orders both prior  
to and following a determination of liability pursuant to A.R.S. § 44-1528.

1 **II. PARTIES**

2 4. Plaintiff is the State of Arizona, *ex rel.* Terry Goddard, who is authorized  
3 to bring this action under the Arizona Consumer Fraud Act, A.R.S. § 44-1521 *et seq.*

4 5. Defendant Southwest Business Colleges, Inc. is a Colorado corporation  
5 that does business in Tucson, Arizona, as Tucson College (hereafter "Tucson  
6 College"). Tucson College is a licensed private post-secondary educational school.

7 6. When reference is made to Tucson College, the reference also applies  
8 to its subsidiaries and affiliates, and to the actions of its owners, officers, managers,  
9 employees, agents and independent contractors in operating Tucson College.

10 **III. ALLEGATIONS**

11 7. Tucson College is a private, for-profit post-secondary school that offers  
12 vocational programs in Tucson, Arizona. Tucson College is licensed by the Arizona  
13 State Board for Private Post-Secondary Education and is accredited by the  
14 Accrediting Council for Independent Colleges and Schools (ACICS).

15 8. On February 28, 2006, Tucson College convened a one-time Criminal  
16 Justice Program Advisory Committee for the purpose of creating a Criminal Justice  
17 Program. The Committee included employees, some Arizona Department of  
18 Corrections' officials, and representatives from an affiliated school, Lamson College.  
19 The Corrections' officials informed Tucson College that to be a corrections' officer, a  
20 person must meet the following qualifications: applicants must be 21; must pass  
21 background checks and have no felony convictions; must pass physical exams; must  
22 graduate from a nine week academy; and must have a High School diploma or G.E.D.

23 9. In early 2006, after February 28, 2006, Tucson College sought  
24 accreditation to add a Criminal Justice Program with the following vocational objective:

25 Graduates . . . work in criminal justice environments such as  
26 corrections centers, juvenile court, private security detail, and private  
27 investigation. This program will also prepare our students to seek  
28 further education in criminal justice, either through the Police  
Department, the AZ and the Pima County Department of Corrections,  
or at an Associates or Bachelors degree level.

1           10. Tucson College's stated vocational objective did not include the  
2 qualification to become probation or law enforcement officers, and did not state that  
3 graduation would qualify graduates as trained professionals in law enforcement.

4           11. Tucson College's representation of the new program for accreditation  
5 stated that enrollment required a high school diploma or equivalent (G.E.D.), and that  
6 these requirements were the same for all Tucson College's diploma programs.

7           12. On July 25<sup>th</sup>, 2006, ACICS accredited the Criminal Justice program  
8 based on the application and stated vocational objective.

9           13. On or about July 28, 2006, Tucson College began enrolling students into  
10 its newly-formed Criminal Justice Program. Prior to the Criminal Justice Program,  
11 Tucson College offered vocational health care and computer application programs.

12           14. On August 9, 2006, Tucson College placed an ad in the *Tucson Shopper*  
13 which stated, in part, the following:

14  
15                           NEW PROGRAM  
16                           Train for a career in  
17                           Criminal Justice  
18                           Classes forming now!  
19                           Graduate In As Little As  
20                           9 Months!  
21                           Call Today!

22           15. Sometime after the Criminal Justice program began but before May  
23 2007, Tucson College added a Criminal Justice Program Addendum to its catalog  
24 which did not state that any certification, licensure or proficiency testing was required  
25 for graduates. The Addendum stated applicants had to be 18 years old and possess a  
26 high school diploma or G.E.D. to be enrolled. Tucson College later modified the  
27 Addendum, effective June 5, 2007, adding that applicants could enroll if they obtained  
28 a passing score on an Ability-to-Benefit (ATB) test given by an independent tester.  
ATB certification allows students without a high school diploma or G.E.D. to take out  
federal student loans on the premise that they can benefit from the program.

          16. Between July 28, 2006 and at least July 1, 2007, Tucson College

1 presented various television, radio, print advertisements, handouts and brochures for  
2 its Criminal Justice Program, and Tucson College presented handouts, brochures and  
3 made oral and written representations directly to prospective and/or enrolled students.

4 17. Fifty-seven (57) students enrolled in the Criminal Justice Program  
5 between July 28, 2006 and July 1, 2007. Students agreed to pay approximately  
6 \$10,228.00 each for the 9 month program. Most students, if not all, received federal  
7 student loans to pay for part or all of the costs of attending Tucson College. In 2007,  
8 the school temporarily ceased enrolling students in the program after the Attorney  
9 General began investigating, and most of the remaining Criminal Justice students  
10 withdrew. Some students who withdrew have had their loans partially or fully refunded.

#### 11 **IV. SUMMARY OF VIOLATIONS OF THE CONSUMER FRAUD ACT**

12 18. Tucson College deceptively represented that its vocational Criminal  
13 Justice program provided "professional" training that "qualified" graduates to become  
14 law enforcement officers, including police and probation officers, and correctional  
15 officers. Tucson College also misrepresented or implied that it provided professional  
16 training to students for similar careers in immigration, parole, and border patrol.

17 19. Tucson College misrepresented the existence of significant minimum law  
18 enforcement job qualification requirements, including but not limited to: age;  
19 education; certification; and other job requirements.

20 20. Tucson College misled the Criminal Justice Program students by failing  
21 to inform them that age, criminal history and other factors would preclude graduates'  
22 possible employment as law enforcement officers, and Tucson College enrolled  
23 students who were too young or had some sort of disqualifying criminal background.

24 21. Tucson College misled prospective and enrolled students about the  
25 transferability of their credits to local community colleges and universities.

26 22. Tucson College misled prospective students by stating that students did  
27 not need a G.E.D. or a high school diploma to enroll in the Criminal Justice Program,  
28 and deceptively enrolled ineligible students (high school drop outs) into the Program.

1           23. Tucson College encouraged students to take out federal and private  
2 student loans to pay for attending the school. The Criminal Justice program did not  
3 qualify students for entry-level law enforcement or correctional officer positions as  
4 advertised. Consequently, students became encumbered with a significant loan debt  
5 while they received no tangible benefit. Tucson College sent delinquent student  
6 accounts to collection agencies, which negatively affected students' credit and  
7 effectively precluded students from obtaining financial aid to attend other schools.

8  
9           **V. FALSE ADVERTISING OF PROFESSIONAL SKILLS-BASED TRAINING  
10 THAT "QUALIFIED" GRADUATES TO BE LAW ENFORCEMENT OFFICERS**

11           24. Tucson College's advertisements misrepresented that graduates from  
12 the Criminal Justice program would have the necessary professional skills and training  
13 to "qualify" them for careers as entry level law enforcement officers, including  
14 probation officer, police officer, and other law enforcement officers, and for other law  
15 enforcement agency positions. Tucson College included visual and audio imagery  
16 that directly or impliedly represented that graduation from the program would qualify  
17 graduates to be law enforcement or other criminal justice officers.

18           25. Tucson College did not provide the "professional" training or the "skills  
19 and knowledge" that were either necessary or required to "qualify" graduates to be law  
20 enforcement officers, such as police and probation officers.

21           26. Most local, state and federal law enforcement agency officer positions  
22 have rigorous employment requirements. Before appointment, applicants are required  
23 to attend and successfully complete a training academy that provides professional and  
24 specialized law enforcement training, including legal, physical and other training,  
25 including firearms training. For example, Arizona requires Police Officer Standards  
26 Training (P.O.S.T.) certification through an approved police academy in order to be  
27 "qualified" to become a law enforcement officer. See Arizona Administrative Code R-  
28 13-4-103 (certification of police officers), R13-4-105 (Minimum Qualifications), and  
R13-4-116 (Academy Requirements). Basic P.O.S.T. certification requires physical,

1 skill-based and knowledge-based training and tests, including firearms training,  
2 physical training, and training in investigations, laws of arrest, laws of search and  
3 seizure, rules of evidence, courtroom demeanor, constitutional law, the Arizona  
4 Criminal Code, and in preparing law enforcement reports.

5 27. Arizona law enforcement agencies generally require applicants to be 21  
6 years of age for law enforcement officer positions. Certain state or federal jobs  
7 require a 4-year bachelor's degree as a matter of law or policy. For example, Arizona  
8 law sets minimum qualification requirements for probation officers; probation officer  
9 applicants must be 21 and must have a bachelor's degree. See A.R.S. § 8-203, A.R.S.  
10 § 12-251; Arizona Supreme Court Administrative Order No. 2003-92 (section F.3).

11 28. Law enforcement agencies have strict requirements about prior criminal  
12 history and drug use. Agencies typically require stringent background investigations  
13 that include polygraph examinations, drug screenings, psychological examinations, as  
14 well as physical, written and oral tests. Such agencies generally preclude  
15 employment of people with certain criminal histories or other background problems.

16 29. In its licensing application to the Arizona Board for Private Post-  
17 Secondary Education, Tucson College made representations about the "State  
18 requirements for graduates to practice," citing only security guard and private  
19 investigator positions. Tucson College deceptively omitted police, probation or other  
20 law enforcement officer certification and requirements for which they later advertised.

21 30. On August 23, 2006, Tucson College held a promotional Open House, to  
22 present information about the program and to solicit prospective students.

23 31. Tucson College gave a brochure to prospective or enrolled students  
24 representing, among other things, that it would provide "the quality education that will  
25 give you the tools necessary to enter today's competitive workplace" and that "Our  
26 Criminal Justice program is *designed to provide graduates with the skills and working*  
27 *knowledge to qualify for a variety of entry-level positions in the field.*" (Italics added.)

28 32. This brochure asked, "What positions will I be qualified for when I

1 finish?", and specifically represented that graduates of its Criminal Justice program  
2 would be "qualified" to be "probation officers," "correctional treatment specialists," and  
3 "private detectives & investigators." In addition, this flyer listed and emphasized areas  
4 of the curriculum geared toward law enforcement officer positions.

5 33. Another Tucson College advertisement (a two-sided flyer) states:

6 a. *AMERICA NEEDS TRAINED PROFESSIONALS IN CRIMINAL JUSTICE*

7 Tucson College  
888.203.7409

8 b. *EARN YOUR DIPLOMA IN CRIMINAL JUSTICE*

9 The Criminal Justice program will provide you with an  
10 overview to the criminal justice system *with an emphasis*  
11 *upon local, state and federal law enforcement agencies, the*  
12 *elements and processes of court systems, and the role of the*  
13 *various correctional organizations.*

14 [Photograph of evidence collection in progress]

15 TRAIN FOR A CAREER IN:

- 16 •Juvenile Corrections
- 17 •Adult Corrections
- 18 •Law Enforcement
- 19 •Parole

20 (Italics added; original emphasis and bigger font omitted).

21 c. This flyer contains photographs including the following: (1) a photograph  
22 of a woman with a law-enforcement badge in a correctional setting; (2) a photograph  
23 of an apparent law enforcement officer writing a ticket; and (3) a photograph of an  
24 apparent law enforcement employee collecting fingerprint evidence at a crime scene.

25 34. Tucson College provided or displayed a two-page handout titled "Market  
26 Research summary on career program opportunities for program graduates" (Market  
27 Research Summary"), to students and others. The handout stated that the following  
28 entities, in addition to private security companies, would hire Tucson College  
graduates: the Arizona Department of Public Safety and Department of Corrections,  
the State of Arizona, Pima County, and other government agencies (including tribal).  
This handout stated Tucson College Criminal Justice program graduates would be  
"qualified" for corrections positions, security positions, or private investigator positions.

35. The Market Research handout also referenced careers as a probation

1 officer, detective, and criminal investigator, and noted careers in other fields. The  
2 handout includes a table providing short and long term projections for employment  
3 with Arizona-specific information listing six occupational fields, including "Probation  
4 Officers and Correctional Treatment Specialists," and stating that there were 150  
5 average annual openings in Arizona. The table included similar data about  
6 correctional officers, jailers, detectives, criminal Investigators, and other career fields.

7 36. The Market Research handout cited national statistics and suggested  
8 that nearly two million job opportunities existed nationally for Tucson College  
9 graduates, including jobs as law enforcement workers, bailiffs, correctional officers,  
10 jailers, and detectives and criminal investigators. The handout stated there would be  
11 "a multitude of positions available for our students upon graduation from this program."

12 37. From August 1, 2006 through March of 2007, Tucson College aired at  
13 least 102 television ads promoting its Criminal Justice Program.

14 38. For example, Tucson College ran a 31-second television advertisement  
15 in Pima County (Ad # 606), with the narrator stating the following:

16 *The criminal justice career you want starts with the training*  
17 *you need right here at Tucson College. Working as a criminal*  
18 *justice professional is a challenging and rewarding career*  
19 *choice where you'll be called on to protect and serve. Get the*  
20 *skills for success in our focused criminal justice program*  
*preparing for great opportunities in law enforcement,*  
*corrections, security and more. Get started today by calling*  
*Tucson College at 1-888 254-9077.*

21 (Italics added.)

22 39. The video and still images depicted during this ad displayed the following:  
23 individuals in clothing and hats prominently emblazoned with the word "police"; a  
24 police crime scene with evidence markers and a handgun on the ground; a gloved  
25 police officer wearing a badge and collecting evidence and placing it into an "Evidence"  
26 bag; a plainclothes detective looking at a chalk outline of a body at a crime scene  
27 while talking on a cell phone with police tape cordoning off the scene; a suspect being  
28 fingerprinted during a police booking process, a uniformed police officer wearing a

1 badge and walking in the dark with a flashlight; an apparent law enforcement agent on  
2 the phone behind a desk (displayed simultaneously as the narrator says “law  
3 enforcement”); and finally, a security agent examining a computer video surveillance  
4 system displayed in a split screen which also displays video of a uniformed corrections’  
5 officer wearing a badge and standing in a prison yard using a handheld walkie-talkie.

6 40. A similar 30-second Tucson College television ad (Ad # 0-649) presents  
7 video of both uniformed law enforcement officers and correctional officers engaged in  
8 law enforcement duties. This ad included a line of text displayed for approximately 3.5  
9 seconds which states: “Additional training or certification may be required.”

10 41. One or more Tucson College television ads include police lights and  
11 sirens and emphasize that students would obtain the skills and training needed to work  
12 in criminal justice, including criminal investigation techniques, and that graduates work  
13 in probation, corrections, immigration, law enforcement and private security.

14 42. Tucson College sent other mailers and flyers to prospective students  
15 which included a photograph of an apparent criminal investigator collecting  
16 fingerprints and included text that read, “CRIMINAL JUSTICE .... Gain the skills and  
17 knowledge to be successful in • Probation • Corrections • Private Security.”

18 43. On September 11, 2006, Tucson College placed an advertisement in a  
19 free job publication called the *Employment Guide* which stated, among other things,  
20 that Tucson College provided career training in the following areas:

- 21 • Probation
- 22 • Corrections
- 23 • Immigration
- 24 • Private Security
- 25 • Law enforcement

26 44. In January, February and March of 2007, Tucson College ran Criminal  
27 Justice Program ads in the *Arizona Daily Star* emphasizing that the program provided  
28 training and job skills to work in probation, corrections, and private security.

## 29 VI. MISREPRESENTATIONS TO STUDENTS

30 45. Tucson College directly misrepresented to prospective and enrolled

1 students that the Criminal Justice Program diploma would make graduates eligible for  
2 positions such as probation officer or law enforcement officer.

3 46. Tucson College used, among other things, ads, mailers, and handouts  
4 and orally cited opportunities as a probation officer or other law enforcement officer.

5 47. Tucson College was aware from its own questionnaires completed by its  
6 students that the majority of Criminal Justice students wanted careers as probation  
7 officers, law enforcement and police officers, "cops," detectives, border patrol agents,  
8 crime scene investigators, forensic examiners, and homicide detectives.

9 48. At one Criminal Justice Program student orientation, students stated in  
10 the presence of Tucson College officials that they wanted to be probation officers.  
11 Tucson College officials assured students that they would be eligible for such a  
12 career, that credits were transferable, and that it was a "nationally accredited" school.

13 49. A Tucson College representative told some students that they would  
14 receive an associate's degree and that credits were transferable to any college.

15 50. Several graduates of the first Criminal Justice Program class sought  
16 probation officer employment but learned that they were ineligible to qualify for the job.

17 51. On June 27, 2007, a Tucson College admissions representative met with  
18 Attorney General's Office employees who were posing as a student and a parent.

19 52. At this meeting, the Tucson College representative discussed jobs  
20 available through the Criminal Justice program and stated that a graduate could be a  
21 corrections officer, juvenile probation officer, a police officer, and a probation officer.  
22 The representative also discussed security officer positions and other employers. The  
23 representative presented a "Market Research Summary" which noted probation officer  
24 as being one career that the student would be eligible for upon graduation.

25 53. Although the Tucson College representative was informed both orally  
26 and in writing that the prospective student was only 18, the representative did not tell  
27 the student that she was too young to be a probation or law enforcement officer.

28 54. When asked if the prospective student could transfer her credits to the

1 University of Arizona or Pima Community College, the representative stated that many  
2 of the credits could be transferred but that it was up to the receiving school.

3 **VII. MISREPRESENTATIONS ABOUT CRIMINAL HISTORY/BACKGROUND**

4 55. Tucson College misled students by failing to inform them that a criminal  
5 history could or would bar employment in the criminal justice field. Tucson College  
6 deceptively failed to disclose that law enforcement agencies conduct criminal history  
7 checks, intensive background checks, and drug testing of prospective employees.

8 56. In contrast, Tucson College presented such information to its medical  
9 program students by having students sign a "Notice To All Prospective Medical  
10 Students," stating that, "If you have a criminal history, or a history of drug use, this  
11 may or will prevent your employment . . . ." The Notice listed certain programs and  
12 information about the types of convictions or criminal history and their possible effect  
13 on pursuing a career in that program in the medical field.

14 57. More than one fourth of the Criminal Justice students had a criminal or  
15 legal background which had the substantial likelihood of barring employment in law  
16 enforcement. The students had criminal records that included prior felony convictions,  
17 crimes of moral turpitude, drug-related convictions, theft, substantial driving/traffic  
18 violations, assault charges or convictions, driving without insurance or registration,  
19 failure to appear, contributing to delinquency of a minor, and driving without a license.

20 58. In at least one case, an instructor told a student that his felony conviction  
21 would preclude him from a career as a law enforcement officer, so the student  
22 withdrew. Tucson College subsequently sent that student's account to collections.

23 **XIII. MISREPRESENTATIONS REGARDING THE TRANSFER OF CREDITS**

24 59. Tucson College representatives misled students by stating that credits  
25 were transferable, and further misled students into believing that some credits could  
26 transfer by citing a Tucson College policy stating that it was up to the receiving school  
27 to accept transfer credits. At the time, not one Arizona university, community college  
28 or unaffiliated post-secondary school accepted Tucson College credits for transfer.

1           60. Tucson College's 2006 Catalog states General Policies, Disclosures,  
2 and Reserved Rights, including a policy on Transferability of Credits that states:

3           Tucson College does not guarantee transferability of credits to any  
4 other college, university, or institution. Do not assume that credits  
5 for Tucson College coursework or programs can be transferred to  
6 another institution. *Decisions about the transferability and  
acceptance of transfer credit is the decision of the receiving  
institution.* (Italics in original.)

7           61. Tucson College made no effort to contact colleges to see if its credits  
8 would transfer to other schools, colleges, or universities. In addition, although ACICS  
9 has a nationwide Transfer Alliance of accredited schools which affiliated to increase  
10 the number of schools which accept their credits, Tucson College has not joined the  
11 alliance to increase the number of schools that accept its credits.

12           62. Tucson College, however, had knowledge that its credits were not  
13 transferable to any community college or university in Pima County.

14           63. In December 2006, a Tucson College Criminal Justice Instructor  
15 informed Tucson College that its graduates would not be qualified to be probation  
16 officers and could not transfer credits to local colleges. The instructor contacted  
17 University of Arizona and Pima Community College (Pima College) officials who  
18 advised him that neither school accepted Tucson College credits. The instructor  
19 advised Tucson College of this fact, but the school continued to represent otherwise.

20           64. Consequently, Tucson College knew its credits would not be accepted  
21 by the University of Arizona and Pima College, but continued to deceptively suggest  
22 students should have no problem transferring credits to these and other institutions.

23           65. Tucson College tried to shield itself from its deceptive representations  
24 with disclaimers that the receiving institution had sole authority to decide to accept  
25 credits and that Tucson College made no guarantees of transferability of credits.

26 **IX. MISREPRESENTATIONS ABOUT ADMISSION AND G.E.D. REQUIREMENTS**

27           66. Tucson College deceptively advertised it was "No Problem" if Criminal  
28 Justice students did not have a high school diploma or G.E.D. About 25 percent of all

1 of Tucson College's students (approximately 100 students) are high school drop outs.

2           67. In August of 2006, Tucson College television ads noted the Criminal  
3 Justice Program and stated "No high school diploma or GED? We can help." Some  
4 ads referencing Criminal Justice stated: "Our career placement office has placed  
5 thousands of graduates in jobs." One Criminal Justice television ad displayed the  
6 following in large letters: "No High School Diploma, No G.E.D.? **No Problem.**"  
7 (Emphasis in original.) Tucson College made similar representations in print  
8 advertisements published in the *Employment Guide* (June 25-July 2, 2007 issue).

9           68. Other Tucson College ads did indicate that a High School diploma or a  
10 G.E.D. was a requirement for enrollment in the Criminal Justice Program.

11           69. Tucson College's Criminal Justice program accreditation, however, is  
12 based on specific representation to its accrediting agency ACSIS that:

13                           Enrollment in the program requires a high school diploma or  
14 its equivalent (such as a GED). Prior to enrolling in a  
15 diploma program, prospective students must present  
16 evidence of graduation from an accredited high school or ...  
satisfactory completion of the General Equivalency  
Development (GED) exam . . . .

17           70. Tucson College deceptively enrolled ineligible students without a high  
18 school diploma or G.E.D., including 7 Criminal Justice students. The school enrolled  
19 the students after they took a Career Programs Assessment Test (the ATB Test).

20           71. Tucson College asked these students to sign forms which acknowledged  
21 that the school had explained the ATB test and had informed the students of their  
22 "ability to benefit" from Tucson College training, that the school would reimburse for  
23 G.E.D. testing during enrollment, and that the students understood the following:

24                           [T]o receive a diploma at the end of my training at Tucson  
25 College I must successfully complete the GED examination  
26 before the Graduation Date and provide the college with a  
27 G.E.D. transcript. If I do not complete the G.E.D. before  
28 graduation, I will receive a Certificate of Completion instead  
of a diploma. I understand that if I achieve the G.E.D. at any  
time after graduation, I can receive a diploma in place of the  
certificate.

1           72. Tucson College's advertising and A.T.B. enrollments were deceptive  
2 because A.T.B. students (1) did not meet the standards on which the school's  
3 accreditation and licensing were based; (2) enrolled based on an illusory "ability to  
4 benefit" whereas the program left all students unqualified for most advertised jobs; and  
5 (3) would still receive a certificate if they completed the program but failed to graduate  
6 due to the lack of a G.E.D., which implied that the certificate had employment value.

7 **X. MISLEADING STUDENTS INTO WORTHLESS STUDENT LOAN DEBT**

8           73. Tucson College encouraged students to obtain federal student loans and  
9 private loans to pay for the costs of enrolling in the Criminal Justice Program.

10          74. Criminal Justice Program students paid for the approximate \$10,000 cost  
11 of attending, either in full or in part, with federally guaranteed or private student loans.

12          75. The program did not qualify students for entry-level law enforcement or  
13 correctional officer jobs. As such, Tucson College students became encumbered with  
14 a significant loan debt while receiving no tangible benefit from the education provided.

15          76. Tucson College sent Criminal Justice students' delinquent accounts to  
16 collections, which negatively affected students' credit and effectively precluded them  
17 from obtaining financial aid to attend other schools until their account is reconciled.

18 **XI. VIOLATIONS OF THE CONSUMER FRAUD ACT**

19          77. The Arizona Consumer Fraud Act states the following:

20                   The act, use, or employment by any person of any deception,  
21                   deceptive act or practice, fraud, false pretense, false promise,  
22                   misrepresentation, or concealment, suppression or omission of  
23                   any material fact with intent that others rely upon such  
24                   concealment, suppression or omission, in connection with the  
25                   sale or advertisement of any merchandise whether or not any  
26                   person has in fact been misled, deceived, or damaged thereby,  
27                   is declared to be an unlawful practice.

28 A.R.S. § 44-1522 (A).

78. In all matters alleged in paragraphs 7 through 76 above, Tucson College  
violated the Arizona Consumer Fraud Act, A.R.S. § 44-1521, *et. seq.*

79. In all matters alleged in paragraphs 7 through 76 above, Tucson College  
acted willfully in violation of A.R.S. § 44-1531(A).

1 **XII. RELIEF REQUESTED**

2 WHEREFORE, the State respectfully requests that the Court:

- 3 1. Prohibit Tucson College from violating A.R.S. § 44-1521 *et seq.*
- 4 2. Prohibit Tucson College from engaging in the course of conduct alleged
- 5 herein as violations of A.R.S. § 44-1522(A).
- 6 3. Prohibit Tucson College from making false or misleading representations
- 7 about: the Criminal Justice Program and the quality and type of training provided to
- 8 students; law enforcement officer minimum job qualifications or disqualifying factors,
- 9 including but not limited to age, education, certification, and criminal history or
- 10 background checks; transferability of credit; minimum enrollment requirements; and
- 11 students' ability to benefit from the program without a high school degree or G.E.D.
- 12 4. Order Tucson College to engage only in clear and conspicuous, truthful
- 13 and non-misleading advertising and representations.
- 14 5. Order Tucson College to pay consumers any restitution resulting from or
- 15 warranted by Tucson College's violations of the Consumer Fraud Act.
- 16 6. Order Tucson College to pay the State of Arizona \$10,000 per violation
- 17 of the Consumer Fraud Act pursuant to A.R.S. § 44-1531.
- 18 7. Order Tucson College to pay costs of investigation and reasonable
- 19 attorneys' fees pursuant to A.R.S. § 44-1534.
- 20 8. Order other and further relief as the Court may deem just and proper.

21 DATED this \_\_\_<sup>th</sup> day of March, 2008.

22 TERRY GODDARD  
23 Attorney General

24 BY:   
25 Vincent L. Rabago  
26 Assistant Attorney General  
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