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DISTRICT COURT

CLARK COUNTY, NEVADA

A-18-784789-C

State of Nevada,

Plaintiff,

vs.

M. Joseph Miller (aka Mack Miller), an
individual (dba M & A Legal Management
and Miller & Associates Legal
Management); and M & A Legal –
Management, Inc., a Nevada corporation,

Defendants.

CASE NO.

Department 2

DEPT.

**COMPLAINT FOR INJUNCTIVE
RELIEF AND STATUTORY CIVIL
PENALTIES**

[Exemption from Arbitration Claimed –
N.A.R. 3(A) – equitable relief requested]

Plaintiff, State of Nevada, by and through counsel, Adam Paul Laxalt, Attorney
General, and Michelle D. Briggs, Senior Deputy Attorney General, hereby complains
and alleges as follows:

PARTIES

1. Plaintiff is the State of Nevada.

2. Defendant M. Joseph Miller (aka Mack Miller) is an individual who is
now, and at all times relevant to this Complaint has been, a resident of Clark County,
Nevada.

3. Defendant M & A Legal – Management, Inc., is a revoked Nevada
corporation that is now, and at all times relevant to this Complaint has been, doing
business in Clark County, Nevada.

GENERAL ALLEGATIONS

4. In 2013, the Nevada Legislature passed Assembly Bill 74, which was signed into law by the Governor. The bill has been codified into NRS Chapter 240A.

5. The relevant provisions of NRS Chapter 240A became effective on March 1, 2014.

6. Generally, NRS Chapter 240A requires a "document preparation service" to register with the Secretary of State before conducting business or holding him or herself out as conducting business as a document preparation service.

7. A "document preparation service" means a person who, for compensation, assists a client in a legal matter, including, without limitation,

- Preparing or completing any pleading, application or other document for the client;
- Translating an answer to a question posed in such a document;
- Securing any supporting document, such as a birth certificate, required in connection with the legal matter;
- Submitting a completed document on behalf of the client to a court or administrative agency; or
- Preparing or assisting in the preparation of all or substantially all of a federal or state tax return or claim for a tax refund; or

Holds himself or herself out as a person who provides such services.

NRS 240A.030.

8. A "legal matter" includes the preparation of wills and trusts, proceedings, filings, or actions related to immigration or citizenship status, or other proceedings, filings, or actions affecting the legal rights, duties, obligations, or liabilities of a person.

NRS 240A.040.

9. A person must be registered with the Secretary of State's office before doing business, or holding him or herself out as doing business, as a document preparation service. NRS 240A.100.

1 10. Defendants must have a state business license to conduct a business in
2 Nevada. NRS 76.100.

3 11. Defendants are currently doing business under the fictitious firm name
4 "M & A Legal Management" but do not hold a valid state business license.

5 12. Defendants' business is described on the website located at
6 <www.millerslegal.com>.

7 13. Defendant Miller promotes his business on Facebook where he calls
8 himself "Judge M Joseph Miller II" with a picture of himself in a judge's robe with a
9 gavel and cigar.

10 14. Defendants' website states "M & A Legal – Management is a business
11 management and investment-holding corporation with interests or affiliations in a
12 number of companies."

13 15. Defendant "M & A Legal Management Inc." was formed in 2014 and
14 revoked on February 1, 2015.

15 16. Defendant M & A Legal Management Inc. never had a state business
16 license.

17 17. Defendant Miller formed "CL Marketing & Management Inc." for clients
18 on December 4, 2015 and serves as its noncommercial registered agent.

19 18. Defendant Miller formed "Piomos Biopharmacy International LLC" on
20 April 25, 2017 for clients and serves as its noncommercial registered agent.

21 19. Defendant Miller formed "Anthony James Entertainment L.L.C." for
22 clients on January 22, 2018.

23 20. Defendant Miller formed "Actor China LLC" for clients on March 30, 2018
24 and serves as its noncommercial registered agent.

25 21. Defendant Miller formed "Golden Years Residential Care Facility LLC"
26 and "DGSE LLC" for clients in September 2018, and serves as their noncommercial
27 registered agent.

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1 22. Defendants' website states that "M & A Legal – Management (M&A) is a
2 dynamic, full service business and personal consulting firm that serves both domestic
3 and international clients."

4 23. Defendants' business is a "document preparation service" because it
5 provides clients with assistance with legal matters, including, corporate and small
6 business, credit restoration, intellectual property, estate planning, real estate,
7 immigration, personal injury, family, and entertainment matters for compensation.

8 24. Defendants' business is located at 410 S Rampart Dr. Suite 390, Las
9 Vegas, Nevada 89145.

10 25. On or about May 2, 2107, the Secretary of State's office received a
11 complaint against Defendant Miller related to an estate planning matter.

12 26. The complaint alleged that Defendant Miller represented himself as
13 working with attorneys when he took a benefit check payable to "Marcus Garner" from
14 Laura Griffin who was Mr. Garner's power of attorney.

15 27. The check totaling \$65,800 was supposed to be deposited in a trust
16 account and transferred to Ms. Griffin for Mr. Garner's benefit.

17 28. Ms. Griffin paid Defendant Miller \$500 as an "Initial Project Acceptance
18 Fee" as required by Defendant's service contract.

19 29. The benefits check was deposited into the business account for
20 Defendants, not a trust account.

21 30. Defendant Miller transferred \$10,000 on March 17, 2017 and \$3,000 on
22 March 23, 2017 to an account set up by Ms. Griffin for Mr. Garner's benefit.

23 31. Defendant Miller failed or refused to return the rest of the benefit check to
24 Mr. Garner or Ms. Griffin.

25 32. Ms. Griffin sued Defendant Miller and received a judgment against him in
26 the amount of \$52,300, but the funds have not been returned.

27 33. The Secretary of State's office requested a response from Defendant Miller
28 regarding the allegations from Ms. Griffin.

34. Defendant Miller's attorney responded by letter dated May 30, 2017.

35. The attorney stated that Defendant Miller was unaware he needed a state business license, but that he had applied for it.

36. Defendant Miller applied for a solo practitioner state business license with associated names: M & A Legal Management and Miller & Associates Legal Management.

37. The attorney stated that Defendant Miller is not an attorney and was not a document preparation service.

38. Defendants' website references "our General and in-house counsel" to prepare legal documents, but lists no attorney affiliated with the company.

39. Defendant Miller was asked to provide the documents regarding Ms. Griffin's complaint, but he refused, exercising his right not to self-incriminate by taking the 5th Amendment.

40. On or about May 4, 2018, the Secretary of State's office issued a cease and desist order to Defendant Miller based on his failure to return Ms. Griffin's funds and his advertising document preparation services without being registered to do so.

41. Defendant Miller provided no response to the cease and desist.

42. Defendant Miller's sole proprietor state business license expired on May 31, 2018.

FIRST CLAIM FOR RELIEF

Doing Business Without a License, in Violation of NRS 76.100 (NRS 76.130)

43. Plaintiff repeats and realleges each and every foregoing allegation as though fully set forth in this paragraph.

44. NRS 76.100(1) provides in part: "A person shall not conduct business in this State unless and until the person obtains a state business license issued by the Secretary of State."

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1 45. Defendants began conducting business in Nevada at least since January
2 9, 2014 when Defendant Miller filed articles for "M & A Legal Management Inc."
3 formed under NRS 78, but it was revoked in February 2015 for failure to submit his
4 initial filing and fees.

5 46. Defendants were obligated to obtain a state business license at the time of
6 filing the initial list filing with the Secretary of State, but he never made the filing.

7 47. In 2015, the fees for the state business license increased from \$100 to
8 \$500 for corporations and \$200 for a sole proprietor.

9 48. In response to the Secretary of State's investigation in 2017, Defendant
10 Miller filed as a sole proprietor in May 2017.

11 49. As a sole proprietor, Defendant Miller was not a person who must file an
12 annual list of officers with the Secretary of State, but still must obtain a business
13 license pursuant to NRS 76.100(1)(b).

14 50. Defendant Miller runs and operates his business in Clark County, Nevada
15 using the name "M & A Legal – Management" and stating that M & A Legal –
16 Management is a corporation with a number of other interests in other companies.

17 51. Defendants provide, for compensation, assistance to clients in legal
18 matters including, corporate and small business, credit restoration, intellectual
19 property, estate planning, real estate, immigration, personal injury, family, and
20 entertainment.

21 52. Defendant Miller failed to renew his state business license as a sole
22 proprietor in 2018, and he failed to apply for and maintain a state business license for
23 his corporation since January 2014.

24 53. Defendants are in violation of NRS 76.100, and subject to the fees and
25 penalties in NRS 76.130 and NRS 76.110 which state that a person who fails to obtain
26 a business license prior to conducting business or who fails to timely renew a business
27 license is subject to a penalty of \$100 for each year the business does not have a
28 business license.

1 **SECOND CLAIM FOR RELIEF**

2 Statutory Civil Penalties for Doing Business Without a License (NRS 76.180)

3 54. Plaintiff repeats and realleges each and every foregoing allegation as
4 though fully set forth in this paragraph.

5 55. Defendant Miller submitted articles of incorporation for M & A Legal-
6 Management Inc. in January 2014, but the entity was revoked on February 1, 2015.

7 56. Defendant Miller began operating his business in Nevada at least since
8 January 2014.

9 57. The Secretary of State's office sent automated messages to Defendants
10 regarding his business license requirement in 2014, 2015 and 2016.

11 58. During its investigation in May 2017, the Secretary of State's office
12 informed Defendant Miller of his obligation to obtain and maintain a state business
13 license.

14 33. Defendant Miller applied for a state business license for one year in 2017
15 as a sole proprietor, and failed to renew it.

16 59. Defendant M & A never had a state business license.

17 60. Defendants are liable for statutory civil penalties pursuant to NRS
18 76.180, in an amount not less than \$1,000 and not more than \$10,000.

19 **THIRD CLAIM FOR RELIEF**

20 Doing Business as a Revoked Corporation (NRS 78.047, NAC 78.400)

21 61. Plaintiff repeats and realleges each and every foregoing allegation as
22 though fully set forth in this paragraph.

23 62. Defendant Miller filed articles for M & A Legal Management Inc. on
24 January 9, 2014.

25 63. NRS 78.150 requires a corporation to file an initial list of officers and
26 directors.

27 64. Defendants failed to file the initial list for the corporation which put it in
28 default status. NRS 78.170.

1 65. Defendant M & A was never authorized to transact business in Nevada.
2 NRS 78.155.

3 66. Pursuant to NRS 78.175, the charter of a corporation is revoked and its
4 right to transact business is forfeited on the first day of the first anniversary of the
5 month following the month in which the filing was required and not submitted.

6 67. The Defendant M & A was revoked and its right to transact business was
7 forfeited on February 1, 2015.

8 68. Defendants' website still advertises services offered by the revoked
9 corporation.

10 69. Defendants are liable for the filings and fees required by NRS 78.180 to
11 reinstate the corporation's right to transact business.

12 70. Pursuant to NAC 78.400, Defendants are subject to a fine of not less than
13 \$1,000 but not more than \$10,000 for doing business in Nevada as a corporation
14 organized and existing under the laws of this state while the corporation is in revoked
15 status.

16 **FOURTH CLAIM FOR RELIEF**

17 Civil Penalties for Violation of NRS Chapter 240A (NRS 240A.280)

18 71. Plaintiff repeats and realleges each and every foregoing allegation as
19 though fully set forth in this paragraph.

20 72. NRS 240A.280 provides that the Attorney General may apply to a court of
21 competent jurisdiction in the county where the defendant resides to recover a civil
22 penalty of not less than \$100 or more than \$5,000 for each violation of Chapter 240A.

23 73. Defendant Miller has and currently is violating NRS Chapter 240A by
24 doing business as M & A Legal Management, which is a document preparation service,
25 without being registered with the Secretary of State's office.

26 74. Defendant Miller violates NRS Chapter 240A each time he provides
27 document preparation services without being registered, and each time he holds
28 himself out as providing such services.

1 75. Defendant Miller is in violation of the cease and desist order issued by the
2 Secretary of State on May 4, 2018.

3 76. Defendant Miller is liable for statutory and civil penalties of an amount to
4 be shown at trial in excess of \$15,000.

5 **FIFTH CLAIM FOR RELIEF**

6 Injunctive Relief (NRS 240A.280)

7 77. Plaintiff repeats and realleges each and every foregoing allegation as
8 though fully set forth in this paragraph.

9 78. The Secretary of State issued a cease and desist order directing Defendant
10 Miller to stop doing business as a document preparation service because he is not
11 registered with the Secretary of State's office.

12 79. Despite numerous other communications with Defendant Miller informing
13 him that he must register, and that it is a violation of law to continue operating as a
14 document preparation services without registering, Defendant Miller has failed to
15 register.

16 80. Defendant Miller will continue to illegally operate as a document
17 preparation service, unless this Court enjoins him from doing so.

18 **SIXTH CLAIM FOR RELIEF**

19 Restitution (NRS 240A.280)

20 81. Plaintiff repeats and realleges each and every foregoing allegation as
21 though fully set forth in this paragraph.

22 82. Defendant Miller charged Laura Griffin \$500 to provide assistance with
23 an estate planning matter he was not authorized to provide.

24 83. Defendant Miller accepted from Laura Griffin a check totaling \$65,800
25 which was to be deposited in a trust account for her and then returned to her.

26 84. Defendant Miller deposited the funds in his business bank account and
27 withheld \$52,800, refusing to return it to her.

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1 85. Pursuant to NRS 240A.280 the Attorney General may bring a civil action
2 against Defendant Miller for an order directing restitution to be made by him to Ms.
3 Griffin.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, the Plaintiff prays that the Court enter an order for the
6 following relief:

7 1. An injunction prohibiting Defendants from continuing to conduct business
8 in Nevada unless or until obtains a State Business License and reinstates his
9 corporation, and pays to the Secretary of State all applicable late fees and penalties,
10 estimated at this time to be \$300 for the sole proprietorship and \$5,075 for the NRS 78
11 corporation;

12 2. An injunction prohibiting Defendants from continuing to conduct business
13 in Nevada as a document preparation service, including all advertising, unless or until
14 he is properly registered with the Secretary of State pursuant to NRS Chapter 240A;

15 3. That Defendants pay to Plaintiff statutory civil penalties pursuant to NRS
16 76.180 for the failure to obtain a State Business License in an amount not less than
17 \$1,000 and not more than \$10,000;

18 4. That Defendants pay to Plaintiff statutory civil penalties pursuant to NRS
19 78.047 through NAC 78.400 for doing business in Nevada as a corporation organized
20 and existing under the laws of this state while the corporation is in revoked status in
21 an amount not less than \$1,000 and not more than \$10,000;

22 5. That Defendant Miller pays to Plaintiff statutory civil penalties pursuant
23 to NRS 240A.280 for doing business as a document preparation service without being
24 properly registered as such, in an amount to be shown at trial and exceeding \$15,000;

25 6. That Defendant Miller pays restitution to Laura Griffin in the amount of
26 \$53,300;

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1 7. That Defendants pay to Plaintiff reasonable attorneys' fees and costs
2 incurred in the bringing of this action; and

3 8. For such other and further relief as the Court deems just.

4 DATED: November 19, 2018.

5 ADAM PAUL LAXALT
6 Attorney General

7 By: /s/ Michelle D. Briggs
8 Michelle D. Briggs (Bar No. 7617)
9 Senior Deputy Attorney General
10 Attorneys for State of Nevada
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