

CAUSE NO. 2020CI00426

THE STATE OF TEXAS
Plaintiff,

v.

NUENSIE SUKU OAKLEY a/k/a
NANCY OAKLEY, INDIVIDUALLY,
THAI PRINCESS ORGANIZATION
AGAINST DOMESTIC VIOLENCE,
and SIAM REAL ESTATE, LLC
d/b/a THAI PRINCESS JEWELRY,
Defendants.

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IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

150th **JUDICIAL DISTRICT**

PLAINTIFF'S ORIGINAL PETITION FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF

NOW COMES Plaintiff, THE STATE OF TEXAS (State), acting by and through the Attorney General KEN PAXTON and on behalf of the public interest, complaining of Defendants Nuensie Suku Oakley a/k/a Nancy Oakley, Individually, Thai Princess Organization Against Domestic Violence, and Siam Real Estate, LLC d/b/a Thai Princess Jewelry. In this action, the State alleges that Defendants engaged in false, misleading, and deceptive acts and practices in violation of §17.46 of the Texas Deceptive Trade Practices Act, Tex. Bus. & Com. Code (hereinafter, "DTPA"). In support thereof, the State will respectfully show the Court the following:

DISCOVERY CONTROL PLAN

1. The discovery in this case is intended to be conducted under Level 2 pursuant to Tex. R. Civ. P. 190.3 and is not subject to the restrictions of expedited discovery under Tex. R. Civ. P. 169. Pursuant to Tex. R. Civ. P. 47, the potential relief sought by the State in this action includes monetary relief over \$200,000.00, but not more than \$1,000,000.00, non-monetary remedies and is within the jurisdictional limits of the Court.

DEFENDANTS

2. Defendant Nuensie Suku Oakley a/k/a Nancy Oakley, Founder and President of Thai Princess Organization Against Domestic Violence; and Thai Princess Jewelry, is an individual doing business in Texas as alleged specifically below and may be served with process at 19639 Camino Ridge, San Antonio, Texas 78258, or wherever she may be found. (Service of Process is not requested at this time.)

3. Defendant Thai Princess Organization Against Domestic Violence is a nonprofit corporation in Bexar County with its principal place of business registered at 255 Morning Light, Spring Branch, Texas 78070. Defendant may be served with process by serving its registered agent, Siam Real Estate, LLC, 19639 Camino Ridge, San Antonio, Texas 78258, or wherever it may be found. (Service of Process is not requested at this time.)

4. Defendant Siam Real Estate, LLC d/b/a Thai Princess Jewelry, is a limited liability company doing business in Bexar County with its principal place of business registered at 19639 Camino Ridge, San Antonio, Texas 78258. Defendant may be served with process by serving its registered agent, Nuensie Oakley, 19639 Camino Ridge, San Antonio, Texas 78258, or wherever she may be found. (Service of Process is not requested at this time.)

JURISDICTION

5. This enforcement action is brought by the Attorney General of Texas, Ken Paxton, through his Consumer Protection Division, in the name of the State and in the public interest, pursuant to the authority granted to him by § 17.47 of the DTPA – Consumer Protection Act, Tex. Bus. & Com. Code Ann. § 17.41 *et seq.*, upon the grounds that Defendants have engaged in false, deceptive, and misleading acts and practices in the course of trade and commerce as defined in, and declared unlawful by, § 17.46(a) and (b) of the DTPA.

6. In enforcement suits filed pursuant to § 17.47 of the DTPA, the Attorney General is authorized to seek civil penalties, redress for consumers, and injunctive relief.

VENUE

7. Venue of this suit lies in Bexar County, Texas, pursuant to § 17.47(b) of the DTPA because transactions made part of this suit occurred in Bexar County, Texas.

PUBLIC INTEREST

8. Plaintiff, State, has reason to believe that Defendants are engaging in, has engaged in, or is about to engage in, the unlawful acts or practices set forth below; that Defendants have, by means of these unlawful acts and practices, caused damage to and/or acquired money or property from persons; and that Defendants adversely affected the lawful conduct of trade and commerce, thereby directly or indirectly affecting the people of this state. Therefore, the Consumer Protection Division of the Office of the Attorney General of the State of Texas believes, and is of the opinion, that these proceedings are in the public interest.

NOTICE BEFORE SUIT

9. The Consumer Protection Division informed Defendants in general of the alleged unlawful conduct described below at least seven (7) days before filing suit as may be required by § 17.47(a) of the DTPA.

TRADE AND COMMERCE

10. Defendants have, at all times described below, engaged in conduct which constitutes “trade” and “commerce” as those terms are defined by § 17.45(6) of the DTPA.

ACTS OF AGENTS

11. Whenever in this petition it is alleged that Defendants did any act, it is meant that Defendants performed or participated in the act, or that the officers, agents, or employees of Defendants performed or participated in the act on behalf of and under the authority of Defendants.

SPECIFIC FACTUAL ALLEGATIONS

12. In 2016, Defendant Nancy Oakley established the Thai Princess Organization Against Domestic Violence. Oakley claims that the organization is dedicated to raising awareness and providing support to victims of spousal and child abuse, stopping human trafficking, and raising funds for cancer research and treatment. *See* Exhibit A. In reality, Oakley makes outrageous claims that she is unable to substantiate in an effort to persuade potential donors to support her cause.

13. On August 3, 2018, the Thai Princess Organization Against Domestic Violence held an event at the San Antonio Marriott Northwest Hotel, 3233 N.W. Loop 410, San Antonio, TX 78213. This was one in a series of six events held at different venues in the city of San Antonio to raise funds for Oakley's organization. *See* Exhibit B.

14. An online advertisement for tickets to the August 13th event categorized it as a "Red Carpet Event!" and advised the public to "Dress to Impress" while inviting them to "Come out to have fun and to support a cause." The ad further claimed that all proceeds benefited the Thai Princess Organization Against Domestic Violence. The ticket would also give the purchaser:

- a. A chance to win a one-week vacation stay in Paris with paid travel and hotel expenses, 100% sponsored by Oprah Winfrey.
- b. A chance to win an all-expenses paid, one-week vacation with Oprah Winfrey, 100% sponsored by Oprah Winfrey.

- c. A chance out of two to spend a one-week stay at a Marriott Hotel anywhere in the United States, paid for by Marriott Hotel & Resort and Sponsored by Marriott Hotel. *See Exhibit C.*

Defendants have been unable to produce any correspondence with Oprah Winfrey or evidence that she is involved in their operation in any way.

15. The Thai Princess Organization Against Domestic Violence also maintained a website with a “Donate Now” button for visitors to make either one-time or recurring monthly donations via an online money transfer or by using a debit or credit card. When clicked, the button redirected the visitor to a page titled “Donate to Thai Princess Jewelry, LLC” and disclosed the purpose of the donation as for “Sample Item.”

16. This website also described Oakley as the author or co-author of several books, among these “The Road to Success” (2012); “The Quest for Serendipity” (2012); “You Are the Boss” (2014); “The Thai Sanction” (2015); and “Cup of Tea” (2015). While these books all display the words “National Bestseller” or “National Bestselling Author” on their cover, they are available for purchasing online via Amazon.com, where they currently rank number 9,916,834; 6,268,512; 10,656,942; and 4,098,129 respectively on Amazon. Oakley advertises these books at her charity events.

17. Amazon.com also hosts an Author Page dedicated to Oakley and her books, which includes three videos mainly promoting her work as an author. In the first video Oakley introduces her second book “The Road to Success and affirms that 75% of the book’s proceeds will go to award scholarships for students “who are really smart, but don’t have any money to go to college.” In the second video Oakley alleges that she donates money to “big organizations” that combat leukemia, cancer, domestic violence, and children’s abuse and neglect. Oakley declines to identify to Plaintiff a specific entity claiming she did not obtain permission to disclose. Oakley adds, “I do

12 different foundations throughout the United States and overseas right now.” In the third video, Oakley’s books are shown with the words “National Bestseller” printed on their covers.

18. In the YouTube video titled “Nancy O Charity Fashion Show 2017,” Oakley invites viewers to visit her Facebook page to make donations. Oakley then adds, “Right now, we work with 20 foundations. Every money I get in, I split into different foundations.”¹

19. Oakley was unable to provide proof to substantiate any of the representations she makes in solicitations, on her websites, social media pages, and promotional videos. As a result, there is no available evidence supporting that these charitable expenditures are being made.

VIOLATIONS OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT

20. The State contends that such alleged conduct, if proven, would violate the following Sections of the DTPA:

- a. Engaging in false, misleading, or deceptive acts or practices in the conduct of any trade or commerce in violation of Section 17.46(a) of the DTPA.
- b. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services in violation of Section 17.46(b)(2) of the DTPA.
- c. Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by another in violation of Section 17.46(b)(3) of the DTPA.
- d. Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not in violation of Section 17.46(b)(5) of the DTPA.
- e. Advertising goods or services with intent not to sell them as advertised in violation of Section 17.46(b)(9) of the DTPA; and
- f. Failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such

¹ <https://youtu.be/hyKFtHl9ZXE>.

information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed in violation of Section 17.46(b)(24) of the DTPA.

PRAYER

21. The State further prays that Defendants Nuensie Suku Oakley a/k/a Nancy Oakley, Individually, Thai Princess Organization Against Domestic Violence, and Siam Real Estate, LLC d/b/a Thai Princess Jewelry, be cited according to law to appear and answer herein; that after due notice and hearing a TEMPORARY INJUNCTION be issued; that this matter be set for trial; and that, pursuant to § 17.47 of the DTPA, upon final hearing a PERMANENT INJUNCTION be issued, enjoining Nuensie Suku Oakley a/k/a Nancy Oakley, Individually, Thai Princess Organization Against Domestic Violence, and Siam Real Estate, LLC d/b/a Thai Princess Jewelry and its officers, agents, servants, employees, and any other person in active concert or participation with America's Disaster Relief, from engaging in the following acts or practices:

- a. Making deceptive or misleading representations in their solicitations, on their websites, social media pages, promotional videos, or in any other format that is accessible by consumers, which represent that Defendants are affiliated, sponsored, or associated with any famous person, politician, or celebrity unless such is the case;
- b. Making deceptive or misleading representations in their solicitations, on their websites, social media pages, promotional videos, or in any other format that is accessible by consumers, which represent that Defendants will award valuable prizes such as all-expense paid trips sponsored or accompanied by any famous person, politician, or celebrity unless such is the case;
- c. Making deceptive or misleading representations in their solicitations, on their websites, social media pages, promotional videos, or in any other format that is accessible by consumers, which misrepresent that Defendants are affiliated, sponsored, or associated with a nonprofit organization, unless the organization is designated by the IRS as a 501(c)(3) tax-exempt organization;
- d. Making deceptive or misleading representations in their solicitations, on their websites, social media pages, promotional videos, or in any other format that is accessible by consumers, which misrepresent that either a portion or all of the proceeds of sales of Defendants' goods or services benefit a nonprofit

organization, unless the proceeds promised as such benefit an organization designated by the IRS as a 501(c)(3) tax-exempt organization;

- e. Making deceptive or misleading representations in their solicitations, on their websites, social media pages, promotional videos, or in any other format that is accessible by consumers, which misrepresent that Defendants supply goods or services to any famous person, politician, or celebrity if those representations are intended to induce the consumer into a transaction into which the consumer would not have otherwise entered;
- f. Soliciting donations in person, on their websites, social media pages, promotional videos, or in any other format that is accessible by consumers under the name of a nonprofit organization and having those donations redirected into an account bearing the name of a different entity;
- g. Failing to monitor consumer complaints filed with the BBB and OAG and responding to such complaints in a timely manner;
- h. Serving as an officer, director, employee, board member, contract employee, spokesperson or consultant of a nonprofit organization without taking a Texas Association of Nonprofit Organizations course consisting of not less than 15 hours of course instruction, which shall include education on developing and maintaining budgets, internal controls that should be maintained by the nonprofit organization, roles and responsibilities of board members, roles of the executive director and other staff members and leadership versus management of the nonprofit entity. Proof of course completion shall be kept in the records of the nonprofit entity;
- i. Falsely representing that money has been, will be, or is being donated unless such is the case; and
- j. Falsely identifying the intended beneficiaries of an event, campaign, or other fundraising activity.

22. The State further prays that this Court will order Defendants Nuensie Suku Oakley a/k/a Nancy Oakley, Individually, Thai Princess Organization Against Domestic Violence, and Siam Real Estate, LLC d/b/a Thai Princess Jewelry to:

- a. Pay civil penalties not to exceed \$10,000.00 per violation to the State of Texas for each violation of the DTPA;
- b. Restore all money or other property taken from identifiable persons by means of unlawful acts or practices;

- c. Pay pre-judgment and post-judgment interest on all awards of restitution, or civil penalties, as provided by law; and
- d. Pay all costs of the court and reasonable attorney's fees pursuant to Tex. Gov't Code § 402.006(c).

23. The State further respectfully prays for all other relief to which the State may be justly entitled.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General of Texas

DARREN MCCARTY
Deputy Attorney General for Civil Litigation

JENNIFER S. JACKSON
Division Chief, Consumer Protection Division

/s/ Karyn A. Meike

KARYN A. MEINKE

SBN 24032859

karyn.meinke@oag.texas.gov

STEVEN ROBINSON

SBN: 24046738

steven.robinson@oag.texas.gov

Assistant Attorneys General
Office of the Texas Attorney General
Consumer Protection Division
112 E. Pecan, Suite 735
San Antonio, Texas 78205
Telephone (210) 225-4191
Fax (210) 225-1075

ATTORNEYS FOR PLAINTIFF