

STATE OF MAINE
KENNEBEC, SS.

10-20-84
SUPERIOR COURT
CIVIL ACTION
DOCKET NO. C V 84-37

STATE OF MAINE,)
)
Plaintiff)
)
v.)
)
CALIFORNIA ALL-STAR)
PRODUCTIONS, a California)
corporation with offices in)
Los Angeles, California, and)
)
MICHEL HIBBARD, of Worcester,)
Massachusetts,)
)
Defendant)

CONSENT DECREE OF
MICHEL HIBBARD

Plaintiff STATE OF MAINE having filed this Complaint hereon on January 25, 1984, and Plaintiff and Defendant by their respective authorized agents consent to the entry of this Consent Decree without trial or adjudication of any issue of fact or law herein. Defendant, by entering into this Consent Decree, does not admit any of the allegations in Plaintiff's Complaint.

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ordered and decreed as follows:

1. This Court has jurisdiction of the subject matter of this action. The Complaint states a claim upon which relief can be granted against Defendant under 5 M.R.S.A. § 209 (Supp. 1983).
2. Defendant, his agents, employees, assigns or other

lc

persons acting for Defendants or under its control, are permanently enjoined from:

A. soliciting funds from potential contributors without making the financial disclosure required by the Charitable Solicitations Act;

B. misrepresenting any fact to potential contributors;

C. operating in this state as a professional fundraiser, professional solicitor or commercial co-venturer without (i) registering with the commissioner of Business Regulation, (ii) filing with and having approved by the commissioner a bond in the amount of \$10,000, and (iii) filing with the commissioner copies of written contracts with any charitable organizations; and

D. violating any provisions of the Charitable Solicitations Act, 9 M.R.S.A. §§ 5001-5016 (1980 & Supp. 1983).

~~3. Defendant is ordered to pay on or before the date of this Decree \$1,000 to the Department of the Attorney General as payment of the costs of this suit and of the investigation made by the Attorney General.~~

DATED: 6/5/84

Stephen L. Wessler
STEPHEN L. WESSLER
Assistant Attorney General
Chief, Consumer & Antitrust Division
State House Station 6
Augusta, Maine 04333
(207) 289-3661

REC'D & FILED
JUL 7 1984

DATED: 5/31/84

Michel Hibbard
MICHEL HIBBARD

6-11-84
Judgment shall enter in accordance with the text of the above

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV 84-37

STATE OF MAINE,)
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 Plaintiff)
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 v.)
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 CALIFORNIA ALL-STAR)
 PRODUCTIONS, a California)
 corporation with offices in)
 Los Angeles, California, and)
)
 MICHEL HIBBARD, of Worcester,)
 Massachusetts,)
)
 Defendant)

CONSENT DECREE OF CALIFORNIA
ALL-STAR PRODUCTIONS

Plaintiff STATE OF MAINE having filed this Complaint¹ hereon on January 25, 1984, and Plaintiff and Defendant by their respective authorized agents consent to the entry of this Consent Decree without trial or adjudication of any issue of fact or law herein. Defendant, by entering into this Consent Decree, does not admit any of the allegations in Plaintiff's Complaint.

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, an upon consent of the parties hereto, it is hereby ordered and decreed as follows:

1. This Court has jurisdiction of the subject matter of this action. The Complaint states a claim upon which relief

can be granted against Defendant under 5 M.R.S.A. § 209 (Supp. 1983).

2. Defendant, its agents, employees, assigns or other persons acting for Defendants or under its control, are permanently enjoined from:

A. soliciting funds from potential contributors without making the financial disclosure required by the Charitable Solicitations Act;

B. misrepresenting any fact to potential contributors;

C. operating in this state as a professional fundraiser, professional solicitor or commercial co-venturer without (i) registering with the commissioner of Business Regulation, (ii) filing with and having approved by the commissioner a bond in the amount of \$10,000, and (iii) filing with the commissioner copies of written contracts with any charitable organizations; and

D. violating any provisions of the Charitable Solicitations Act, 9 M.R.S.A. §§ 5001-5016 (1980 & Supp. 1983).

3. Judgment in the amount of \$10,000 against Defendant to the State of Maine is hereby ordered. The Department of the Attorney General shall distribute the \$10,000, in its discretion, to the beneficiaries of the charitable programs sponsored by the Portland Women's Jaycees. Defendant shall pay said \$10,000 to the Department of the Attorney General within 45 days of the date of this Decree.

A. Defendant may satisfy in full their obligation to pay the \$10,000 by complying with the refund program described below. Defendants shall send a copy of the letter attached to this Decree as Exhibit A to each person who contributed to or purchased a ticket for the charitable promotion organized by Defendants for the Portland Women's Jaycees in the fall of 1983. Defendant shall provide a refund to any person so requesting within 15 days of receipt of the refund request.

4. Defendant is ordered to pay on or before the date of this Decree \$1,500 to the Department of the Attorney General as payment of the costs of this suit and of the investigation made by the Attorney General.

DATED: May 29 1984

Stephen L. Wessler
STEPHEN L. WESSLER
Assistant Attorney General
Chief, Consumer & Antitrust Division
State House Station 6
Augusta, Maine 04333
(207) 289-3661

DATED: 5-22-84

Blair Hogle
CALIFORNIA ALLSTAR PRODUCTIONS

6-4-84

The settlement is agreed. Judgment shall be entered in accordance with the above agreement.

[Handwritten signature]

FILED & INDEXED
PEARL V. LEINE PAGE
JUN 1 1984
CLERK OF COURTS
KENNEBEC COUNTY

CALIFORNIA ALL-STAR PRODUCTIONS

11454 San Vicente Blvd. • Los Angeles, California 90049 • (213) 551-1000

"We Entertain America"

May 22, 1984

Mr. Stephen L. Wessler
Assistant Attorney General
State of Maine
State House Station 6
Augusta, ME

Dear Mr. Wessler:

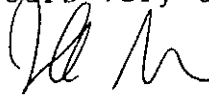
I enjoyed speaking with you again last week and I appreciate your time and effort as we work together to resolve this matter.

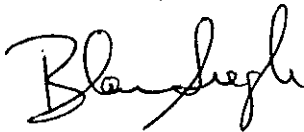
California All-Star Productions has signed the attached consent decree in the matter of the State of Maine vs. California All-Star Productions (Kennebec County Superior Court Docket #84-186) and does not wish to make an appearance in court when the consent decree is presented by the State of Maine. In addition, this letter serves as California All-Star Productions' plea of guilty to the two count criminal complaint filed by the State in District Court for Kennebec County (District 7, South Kennebec Division, Docket #84-186). California All-Star Productions agrees to the following negotiated sentence on two criminal counts: \$250.00 per count for a total fine of \$500.00. This letter is being signed by both myself and the President of California All-Star Productions, Mr. Blair Siegle.

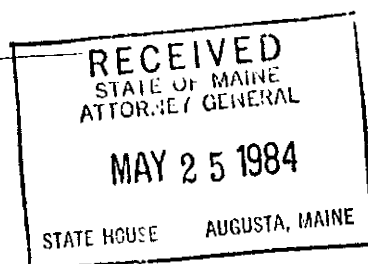
Finally we enclose certified checks in the amounts of \$500.00, which represent our imposed fine, and \$1500.00 for investigative costs.

I hope the above and the enclosed meet with your approval. Thank you very much.

Yours very truly,


Jeff Greene
Consultant


Blair Siegle
President



CALIFORNIA ALL-STAR PRODUCTIONS
11454 San Vicente Boulevard - First Floor
Los Angeles, CA 90049

COURT SETTLEMENT - REFUND OFFER

The Maine Department of the Attorney General and California All-Star Productions have reached a settlement of a civil lawsuit brought by the Attorney General relating to the solicitation of contributions or tickets for a show run by California All-Star Productions on behalf of the Portland Women's Jaycees featuring "The Amazing Kreskin". The show took place on December 5, 1983. Our records indicate that you either purchased a ticket to see the show or made a donation to the Portland Women's Jaycees. This letter is being sent to you to provide you with the opportunity to request a refund of your ticket or contribution.

The Attorney General concluded in his lawsuit that California All-Star Productions, as a professional charitable fundraiser, violated several provisions of the Maine Charitable Solicitations Act. Specifically, the Attorney General found that California All-Star Productions had failed to register with the State as a professional fundraiser, failed to provide the State with the required reports concerning its activities, and failed to make required disclosures to persons who donated money or purchased tickets for the show sponsored by the Portland Women's

Jaycees.

The Charitable Solicitations Act requires a fundraiser such as California All-Star Productions to disclose the percentage of each dollar contributed which will be used for charitable program services, fundraising expenses of the professional promoter, management expenses of the Portland Women's Jaycees, and compensation or profit for the professional fundraiser. In settlement of this civil lawsuit, California All-Star Productions has agreed to provide the required information to all persons who donated or purchased tickets and to permit any person who so requests to receive a full refund of the amount remitted. These percentage figures are reported below.

California All-Star Productions produced the show starring "The Amazing Kreskin" and handled the solicitation of donations and the sale of tickets. California All-Star Productions' gross revenues from the show were \$13,177.70.

ENTERTAINMENT/CHARITABLE PROGRAM SERVICES. Approximately four percent or \$529.66 of the total gross revenues went to the Portland Women's Jaycees for program services for groups such as Cerebral Palsy.

FUNDRAISING EXPENSES. California All-Star Productions expended approximately ninety-six percent of gross revenues or \$12,648.04 on expenses including: fee to "The Amazing Kreskin", rental of sound and lighting system, rental of the auditorium, payment of telephone solicitors, office rental, telephone installation and service, printing of tickets and promotional material, mailing, and payment of a marketing director for the show.

California All-Star Productions sold significantly fewer tickets to the show than it had expected. As part of the court-approved settlement, California All-Star Productions will provide a full refund to any person who so requests. If you so desire a refund, please send a letter to: California All-Star Productions, Inc., 11454 San Vicente Boulevard - First Floor, Los Angeles, California 90049. Your letter should state your name, address, telephone number, and how much you contributed or paid in tickets. Please also state whether you want the money returned to you or whether you want the money sent to the Portland Women's Jaycees to be used exclusively for charitable services.

If you have any questions concerning this settlement, please feel free to write either California All-Star Productions, Inc. at the above address or the Consumer and Anti-Trust Division, Department of the Attorney General, State House Station, Augusta, Maine 04333.

Sincerely,

MacRae Chatterton
Vice President
California All-Star Productions

3-28-84

STATE OF MAINE
KENNEBEC, SS.


SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

STATE OF MAINE,)
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 Plaintiff)
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 v.)
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 CALIFORNIA ALL-STAR)
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 corporation with offices in)
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 MICHEL HIBBARD, of Worcester,)
 Massachusetts,)
)
 Defendants)

MOTION FOR DEFAULT JUDGMENT

NOW COMES Plaintiff and moves this Court to grant a default judgment for the release demanded in the Complaint in the above entitled action. Plaintiff requests a hearing before this Court for the purposes of providing evidence with regard to the relief requested.

DATED: March 28 1984



 STEPHEN L. WESSLER
 Assistant Attorney General
 Chief, Consumer & Antitrust Division
 State House Station 6
 Augusta, Maine 04333
 (207) 289-3661

STATE OF MAINE,)
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 Plaintiff)
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 corporation with offices in)
 Los Angeles, California, and)
)
 MICHEL HIBBARD, of Worcester,)
 Massachusetts,)
)
 Defendants)

AFFIDAVIT

Stephen L. Wessler, being first duly sworn, on oath, states as follows:

1. I am an Assistant Attorney General representing the Plaintiff in the above entitled action and as such have full knowledge of the facts relating thereto.
2. The Defendant, a California corporation, has offices in Los Angeles, California and is not a person in the military service of the United States.
3. Venue was laid in this action in Kennebec County as is permitted by 5 M.R.S.A. § 209 (1979).

DATED: March 28 1984

Stephen L. Wessler
 STEPHEN L. WESSLER
 Assistant Attorney General
 Chief, Consumer & Antitrust Division
 State House Station 6
 Augusta, Maine 04333
 (207) 289-3661

Sworn and subscribed to before me this 28th day of March 1984.

Vickie Lynn Truman
 JUSTICE OF THE PEACE
 My Commission Expires:
 September 21, 1986

STATE OF MAINE
KENNEBEC, SS.


SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

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 corporation with offices in)
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)
 MICHEL HIBBARD, of Worcester,)
 Massachusetts,)
)
 Defendants)

APPLICATION TO CLERK FOR ENTRY
OF DEFAULT

Plaintiff STATE OF MAINE requests the Clerk to enter default against the Defendant CALIFORNIA ALL-STAR productions in the above entitled action for failure to plead, answer or otherwise defend as set forth in the affidavit attached to this request as Exhibit A.

DATED: March 27 1987



 STEPHEN L. WESSLER
 Assistant Attorney General
 Chief, Consumer & Antitrust Division
 State House Station 6
 Augusta, Maine 04333
 (207) 289-3661

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

STATE OF MAINE,)
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Defendants)

AFFIDAVIT IN SUPPORT OF APPLICATION
TO CLERK FOR ENTRY OF DEFAULT

Stephen L. Wessler, being duly sworn, deposes and states as follows:

1. That I am Attorney of Record for the Plaintiff, State of Maine, and have personal knowledge of the facts set forth in this Affidavit.

2. That the Defendant California All-Star Productions was duly served with a copy of Summons, together with a copy of Plaintiff's Complaint, on the 27th day of January 1984 by service in hand upon Defendant's agent, Harvey DeVane, Commissioner of the Department of Business Regulation. Commissioner Harvey DeVane has mailed a copy of the Complaint and the Summons to Defendant California All-Star Productions by certified mail, return receipt requested. Commissioner Harvey


DeVane has received a return receipt from the postal service indicating that Defendant received the Summons and copy of the Complaint.

4. More than 20 days have elapsed since the date on which the Defendant was served with the Summons and a copy of the Complaint.

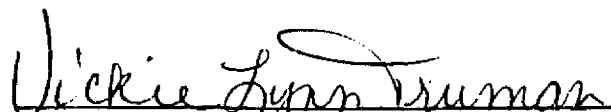
5. The Defendant has failed to answer or otherwise defend as to Plaintiff's Complaint, or serve a copy of any answer or other defense which he might have upon the undersigned attorney of record for Plaintiff.

6. That this Affidavit is executed by appearing herein in accordance with the Maine Rules of Civil Procedure for the purpose of enabling the Plaintiff to obtain an entry of default against Defendant for its failure to answer or otherwise defend as to Plaintiff's Complaint.

DATED: March 28 1984


STEPHEN L. WESSLER
Assistant Attorney General
Chief, Consumer & Antitrust Division
State House Station 6
Augusta, Maine 04333
(207) 289-3661

Sworn and subscribed to before me this 28th day of March 1984.


VICKIE LYNN TRUMAN
JUSTICE OF THE PEACE
My Commission Expires:
September 21, 1986

1-25-84

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

STATE OF MAINE,)
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 Plaintiff,)
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 v.)
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 CALIFORNIA ALL-STAR)
 PRODUCTIONS, a California)
 corporation with offices in)
 Los Angeles, California, and)
)
 MICHEL HIBBARD, of Worcester,)
 Massachusetts,)
)
 Defendants)

COMPLAINT
 (For Preliminary and
 Permanent Injunction and
 for Due Application of Funds
 Given to Public Charities)

INTRODUCTION

This is an action under the Unfair Trade Practices Act, 5 M.R.S.A. § § 206-214 (1979 & Supp. 1982), the Charitable Solicitations Act, 9 M.R.S.A. § § 5001-5016 (1980 & Supp. 1982) and 5 M.R.S.A. § 194 (1979) to obtain declaratory relief and a preliminary and permanent injunction prohibiting Defendants from engaging in unfair and deceptive practices in the solicitation of funds for charitable purposes and to enforce the due application of funds given for such purposes.

500000

PARTIES AND JURISDICTION

1. Plaintiff STATE OF MAINE, a sovereign state, by and through the Attorney General, commences this action under 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1982), commonly known as the Unfair Trade Practices Act, to protect the public by preventing and restraining Defendants from engaging in unfair and deceptive trade practices and under 5 M.R.S.A. § 194 (1979) to protect public charities.

2. Defendant CALIFORNIA ALL-STAR PRODUCTIONS (hereinafter referred to as California All-Star) is a California corporation with a principal place of business in Los Angeles, California. California All-Star is engaged in the business of conducting, managing, promoting and arranging charitable fundraising and solicitation campaigns for public charities in the State of Maine and in other states.

3. Defendant MICHEL HIBBARD (hereinafter referred to as Hibbard) is an individual residing in Worcester, Massachusetts. Hibbard, doing business as MDH Marketing, is engaged in the business of conducting, managing, promoting and arranging charitable fundraising and solicitation campaigns for public charities in the State of Maine and in other states.

4. This Court has jurisdiction over this action pursuant to 5 M.R.S.A. § 209 (1979), 4 M.R.S.A. § 105 (Supp. 1982) and 9 M.R.S.A. § 5014 (1980).

STATUTORY BACKGROUND

5. Pursuant to 5 M.R.S.A. § 207 (1979), it is a violation of the Unfair Trade Practices Act to engage in unfair or deceptive acts or practices in the conduct of any trade or commerce in the State of Maine.

6. Pursuant to 9 M.R.S.A. § 5008(1) (Supp. 1982) a professional fundraising counsel, commercial co-venturer or professional solicitor conducting a charitable solicitation campaign in Maine must be duly registered with the Commissioner of Business Regulation and must file with the Commissioner a bond in the sum of ten thousand dollars (\$10,000).

7. 9 M.R.S.A. § 5003(9) (1980) defines professional fundraising counsel to include

any person who, for profit or other commercial consideration, shall conduct, promote, underwrite, arrange or sponsor a sale, performance or event of any kind which is advertised in conjunction with the name of any charitable organization.

8. 9 M.R.S.A. § 5003(10) (1980) defines a professional solicitor to include,

any person who for a financial or other consideration engages, employs, directs or contracts with any other person to solicit contributions or directs agents, servants or employees specially employed by or for a charitable organization for the purpose of soliciting contributions.

9. 9 M.R.S.A. § 5003(3) (1980) defines a commercial co-venturer to include,

any person who, for a flat fixed fee under a written agreement or for a fee computed under a written agreement on the basis of funds actually raised or to be raised, or for any financial consideration of any kind or amount, plans, conducts, manages, carries on, advises or acts as a consultant, whether directly or indirectly, in connection with soliciting contributions for or on behalf of any charitable organization.

10. Pursuant to 9 M.R.S.A. § 5009 (Supp. 1982) all contracts between any charitable organization and a professional fundraiser, professional solicitor or commercial co-venturer shall be in writing and shall be filed with the Commissioner of Business Regulation by the professional fundraising counsel, professional solicitor or commercial co-venturer prior to services being performed under the contract.

11. Pursuant to 9 M.R.S.A. § 5012 (1980), whenever less than 70% of monies contributed in a charitable solicitation will be used for program services (i.e., those activities directly related to the stated charitable purposes of the charitable organization), a professional fundraising counsel, professional solicitor or commercial co-venturer must disclose to prospective donors, at the time of solicitation, the estimated percentage of each dollar contributed which will be expended for program services, fundraising, management and the professional fundraising counsel's, professional solicitor's or commercial co-venturer's compensation.

12. Pursuant to 9 M.R.S.A. § 5014 (1980) any violation of the Charitable Solicitations Act constitutes a violation of the Maine Unfair Trade Practices Act.

13. Pursuant to 5 M.R.S.A. § 194 (1979) the Attorney General has the power to enforce the due application of funds given or appropriated to public charities and to prevent breaches of trust in administration of those funds.

FACTS

14. The Portland Women's Jaycees (hereinafter referred to as Jaycees) is a non-profit service club which raises money and performs other charitable functions for cerebral palsy victims, abused and battered women and other deserving groups.

15. The Jaycees, as a public charity, has a fiduciary duty to the beneficiaries of its charitable programs.

16. On or about October 18, 1983 the Jaycees signed a written contract with California All-Star whereby California All-Star agreed to conduct a charitable solicitation campaign for the Jaycees. Specifically, California All-Star agreed to produce a show in Portland, Maine starring "The Amazing Kreskin" and to solicit, collect and distribute contributions (including ticket sales).

17. On or about October 18, 1983, Hibbard contracted with California All-Star to conduct the solicitation, collection and distribution of funds in connection with the Jaycees' charitable campaign.

18. Defendants organized, produced and managed the Jaycees' charitable campaign, including the production of the show and the solicitation, collection and distribution of contributions.

19. Defendants acted as either professional solicitors, professional fund-raisers or commercial co-venturers with respect to the Jaycees' charitable campaign.

20. Defendants have a fiduciary duty, both as agents of the Jaycees and as persons having control of the donated funds, to the beneficiaries of the Jaycees' charitable campaign.

21. Defendants neither registered with the Commissioner of Business Regulation as a commercial co-venturer, professional fund-raiser or professional solicitor nor filed a \$10,000 bond with the Commissioner.

22. California All-Star has not filed a true and correct copy of its written contract with the Jaycees with the Commissioner of Business Regulation.

23. Beginning on or after November 1, 1983, Defendants, via telephone, solicited funds and sold tickets to a substantial number of persons in this State for "The Amazing Kreskin" show to be presented on December 5, 1983.

24. Defendants did not disclose to potential contributors the percentage amount of each dollar contributed which would be used for program services, management, fundraising and the Defendants' compensation.

25. On some occasions, upon being asked by potential contributors how the donations would be used, Defendants stated that all of the money contributed would be used to benefit handicapped children.

26. On many occasions, Defendants told potential contributors that for each donation one or more handicapped children would be given a seat to "The Amazing Kreskin" show.

27. "The Amazing Kreskin" show was held in Portland, Maine on December 5, 1983 before an audience of approximately 100 persons. Upon information and belief, no handicapped children attended the show.

28. Defendants collected \$13,177.70 from contributors to the Jaycees' charitable campaign.

29. Defendants spent \$12,648.04 (96% of the funds contributed) on expenses relating to fundraising, including Defendants' compensation. Defendants turned over only \$529.66 (4% of the funds contributed) to the Jaycees for program services.

FIRST CAUSE OF ACTION

(Failure to Disclose)

30. Plaintiff realleges and incorporates by reference herein paragraphs 1-29.

31. Defendants, by failing to disclose to prospective contributors the estimated percentage of each dollar

contributed that will be expended for program services, fundraising, management and Defendants' compensation, have violated 9 M.R.S.A. § 5012 (1980) of the Charitable Solicitations Act.

32. Defendants' conduct in failing to provide the required disclosures constitutes an unfair and deceptive trade practice in violation of 5 M.R.S.A. § 207 (1979).

SECOND CAUSE OF ACTION

(Failure to Register and Provide Bond)

33. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 29.

34. Defendants, by failing to register with the Commissioner of Business Regulation as a professional fund-raiser, professional solicitor or commercial co-venturer and by failing to file with and have approved by the Commissioner a bond in the amount of \$10,000 have violated 9 M.R.S.A. § 5008(1) (Supp. 1982).

35. Defendants' conduct in failing to provide the required bond and in failing to register constitutes an unfair and deceptive trade practice in violation of 5 M.R.S.A. § 207 (1979).

THIRD CAUSE OF ACTION

(Failure to File Contract)

36. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 29.

37. Defendant California All Star, by failing to file with the Commissioner of Business Regulation a true and correct copy of its contract with the Jaycees prior to performing services under the contract, has violated 9 M.R.S.A. § 5009 (Supp. 1982).

38. Defendant California All Star's conduct in failing to file its contract with the Commissioner constitutes an unfair and deceptive trade practice in violation of 5 M.R.S.A. § 207 (1979).

FOURTH CAUSE OF ACTION

(Misrepresentation)

39. Plaintiff realleges and incorporates by reference herein paragraph 1 through 29.

40. Defendants by misrepresenting that each donation would ensure that a number of handicapped children would attend "The Amazing Kreskin" Show and by misrepresenting that all of the money contributed would be used to benefit the handicapped have engaged in unfair and deceptive acts or practices in violation of 5 M.R.S.A. § 207 of the Unfair Trade Practices Act.

FIFTH CAUSE OF ACTION

(Breach of Trust and Misapplication of Funds)

41. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 29.

42. Defendants, by failing to provide contributors with the required financial disclosures and by spending 96% of the

donated funds on expenses related to fundraising while turning over only 4% of the contributions for program services, have misapplied funds given to a public charity and have breached their trust in the administration of those funds.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare that the Defendants have violated 9 M.R.S.A. § 5012 (1980) and 5 M.R.S.A. § 207 (1979) by failing to make the required financial disclosures.

2. Declare that the Defendants have violated 9 M.R.S.A. § 5008(1) (Supp. 1982) and 5 M.R.S.A. § 207 (1979) by failing to register with the Commissioner of Business Regulation and by failing to file with and have approved by the Commissioner a bond in the amount of \$10,000.

3. Declare that the Defendant California All Star has violated 9 M.R.S.A. § 5009 (Supp. 1982) and 5 M.R.S.A. § 207 (1979) by failing to file with the Commissioner of Business Regulation a true and correct copy of its contract with the Jaycees.

4. Declare that the Defendants have violated 5 M.R.S.A. § 207 (1979) by misrepresenting facts in their sales solicitations to potential contributors.

5. Declare that the Defendants have misapplied funds given to a public charity and breached their trust in

administering those funds by spending an unreasonable amount of the charitable proceeds on fundraising, including the Defendants' compensation.

6. Issue a Preliminary and Permanent Injunction pursuant to 5 M.R.S.A. § 209 (Supp. 1982) enjoining the Defendants, their agents, employees, assigns or other persons acting for the Defendants or under their control, from:

A. Soliciting funds from potential contributors without making the required financial disclosures.

B. Misrepresenting any fact to potential contributors.

C. Operating in this State as a professional fundraiser, professional solicitor or commercial co-venturer without (i) registering with the Commissioner of Business Regulation, (ii) filing with and having approved by the Commissioner a bond in the amount of \$10,000, (iii) filing with the Commissioner copies of written contracts with any charitable organization and (iv) violating any provision of the Charitable Solicitations Act, 9 M.R.S.A. § § 5001-5016 (1980 & Supp. 1982).

7. Order the Defendants to pay to the Portland Women's Jaycees, to be used by the Portland Women's Jaycees to further its charitable purposes, all monies which Defendants either misapplied or retained in breach of their trust to the beneficiaries of the charitable campaign.

8. Order the Defendants to pay the costs of this suit and of the investigation of the Defendants by the Attorney General.

9. Grant such other relief as the Court deems just and equitable.

Dated:

JAMES E. TIERNEY
Attorney General

HYMAN GULAK
Assistant Attorney General

STEPHEN L. WESSLER
Assistant Attorney General
(Chief, Consumer and Antitrust
Division)
Department of the Attorney General
State House Station 6
Augusta, Maine 04333
(207) 289-3717

COMPLAINT FOR VIOLATION OF

California All-Star Productions
~~XXXXXXXXXX~~ a California corporation,
~~XXXXXXXXXX~~ with offices in Los Angeles,
~~XXXXXXXXXX~~ California, Defendant

T. 9 MRSA § 5014 (CLASS D)
(Charitable Solicitations)

Brian MacMaster

_____, being duly sworn, deposes and says
(upon information and belief), that on or about October 18, 1983
in the city/~~XXXX~~ of Hallowell, KENNEBEC County, Maine,
the above named defendant did:

intentionally fail to register with the Commissioner of Business Regulation as a profes-
sional fund-raising counsel, professional solicitor or commercial co-venturer before it
acted as a professional fund-raising counsel, professional solicitor or commercial co-
venturer in this State, all in violation of 9 M.R.S.A. §§5008(1) and 5014 (1980 & Supp. 1982).

COUNT TWO

That on or about October 18, 1983, in the City of Hallowell, Kennebec County, Maine, the
above-named Defendant did intentionally fail to file with the Commissioner of Business
Regulation a true and correct copy of its written contract with the Portland Women's Jaycees,
a charitable organization, prior to performing services under the contract as a profes-
sional fund-raising counsel, professional solicitor or commercial co-venturer in this State,
all in violation of 9 M.R.S.A. §§5009 and 5014 (1980 and Supp. 1982).

Brian MacMaster
Complainant

Sworn to before me, January 9, 1984

Mary Lambert
Clerk, Complaint Justice, Judge

DATE		DATE	
	Advised of Rights: Yes/No		Appealed: _____
	Arraigned: Yes/No		Appeal Bail: \$ _____
	Reading: Held/Waived		Bail Conditions: see over/attached
	Indigent: Yes/No		Judge: _____
	Plea: _____ Guilty		
	State's Att'y _____		P.C. Hearing: Held/Waived
	Deft's Att'y _____		P.C. Found: No/Yes—and bound over to S.C. _____ County
	Retained/Assigned/Waived		P.C. Bail: \$ _____
	Trial Date: _____		Bail Conditions: see over/attached
	After N.G. plea and at Def's request, Ordered Transferred to S.C. _____		Judge: _____
	Bail: \$ _____		
	Bail Conditions: see over/attached		
	Trial Held: Yes/No		
	Finding: _____ guilty		
	Sentence: _____		

MAINE DISTRICT COURT

State of Maine

vs.

DISTRICT Seven
 DIVISION Southern Kennebec
 CRIM. DOCKET NO. _____

COMPLAINT FOR VIOLATION OF

California All-Star Productions
~~XXXXXXXXXX~~ a California corporation,
~~XXXXXXXXXX~~ with offices in Los Angeles,
 California, Defendant
Brian MacMaster

T. 9 MRSA § 5014 (CLASS D)
 (Charitable Solicitations)

_____, being duly sworn, deposes and says
 (upon information and belief), that on or about October 18, 1983
 in the city/town of Hallowell, KENNEBEC County, Maine,
 the above named defendant did:

intentionally fail to register with the Commissioner of Business Regulation as a profes-
 sional fund-raising counsel, professional solicitor or commercial co-venturer before it
 acted as a professional fund-raising counsel, professional solicitor or commercial co-
 venturer in this State, all in violation of 9 M.R.S.A. §§5008(1) and 5014 (1980 & Supp. 1982).

COUNT TWO

That on or about October 18, 1983, in the City of Hallowell, Kennebec County, Maine, the
 above-named Defendant did intentionally fail to file with the Commissioner of Business
 Regulation a true and correct copy of its written contract with the Portland Women's Jaycees,
 a charitable organization, prior to performing services under the contract as a profes-
 sional fund-raising counsel, professional solicitor or commercial co-venturer in this State,
 all in violation of 9 M.R.S.A. §§5009 and 5014 (1980 and Supp. 1982).

Complainant

Sworn to before me, _____, 19____.

Clerk, Complaint Justice, Judge

DATE		DATE	
	Advised of Rights: Yes/No Arraigned: Yes/No Reading: Held/Waived Indigent: Yes/No Plea: _____ Guilty State's Att'y _____ Deft's Att'y _____ Retained/Assigned/Waived Trial Date: _____ After N.G. plea and at Def's request, Ordered Transferred to S.C. _____ Bail: \$ _____ Bail Conditions: see over/attached Trial Held: Yes/No Finding: _____ guilty Sentence: _____		Appealed: _____ Appeal Bail: \$ _____ Bail Conditions: see over/attached Judge: _____ P.C. Hearing: Held/Waived P.C. Found: No/Yes—and bound over to S.C. _____ County P.C. Bail: \$ _____ Bail Conditions: see over/attached Judge: _____

Judge: _____

For Further Court Action, See Attached

JAMES E. TIERNEY
ATTORNEY GENERAL



1-4-83

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

January 4, 1983

Jeffrey Green, President
California All-Star Productions
2029 Century Park East, Suite 1220
Los Angeles, California 90067

c/o

Harvey DeVane
Commissioner of Business Regulation
Department of Business Regulation
State House Station #35
Augusta, Maine 04333

Dear Mr. Green:

As you are aware, this office has been examining the charitable solicitation practices of California All-Star Productions on behalf of the Portland Women's Jaycees, pursuant to our enforcement responsibilities under the Unfair Trade Practices Act, 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1982), the Charitable Solicitations Act 9 M.R.S.A. §§ 5001-5016 (1980 & Supp. 1982) and 5 M.R.S.A. § 194 (1979).

Based upon our investigation, we have concluded that your charitable solicitation practices have violated the Unfair Trade Practices Act, the Charitable Solicitations Act and 5 M.R.S.A. §194 (1979). Specifically, we have concluded that you have engaged in a variety of unlawful practices, including, but not limited to, soliciting funds for charitable purposes without making the proper financial disclosures, misrepresenting facts during these solicitations, misapplying the funds collected, failing to register and file a bond with the Commissioner of Business Regulation and failing to file a true copy of the contract with the Portland Women's Jaycees with the Commissioner.

It is our present intention to file a civil suit pursuant to the Unfair Trade Practices Act, the Charitable Solicitations Act and 5 M.R.S.A. §194 to enjoin California All-Star Productions from continuing the practices described in the preceding paragraph. In addition, we

will be requesting that you reimburse the Attorney General's Office for the cost of its lawsuit and of the investigation. Finally, we will be requesting that the appropriate portion of the total amount collected by California All-Star Productions be applied to the Portland Women's Jaycees' charitable programs.

Pursuant to 5 M.R.S.A. § 207 (Supp. 1983), we are required to provide you with notice of our intended action of at least ten (10) days prior to filing suit. The purpose of this 10-day period is to provide you with an opportunity to meet with us to attempt to resolve our concerns with your practices. Please contact me either by telephone or mail if you would like to arrange a time to discuss the matter set forth in this letter.

Finally, I call your attention to 17-A M.R.S.A. §455 which provides that any person who alters, destroys, conceals or removes any document or other piece of tangible physical evidence which is relevant to this investigation with the intent to impair its verity, authenticity or availability is guilty of committing a Class D crime. Class D crimes are punishable by a term of imprisonment not to exceed one year and a fine of up to \$1,000 for individuals and \$5,000 for corporations.

I am attaching a copy of the proposed Complaint and a copy of the relevant statutes.

Sincerely,

STEPHEN L. WESSLER
Assistant Attorney General
Consumer and Antitrust Division
State House Station #6
Augusta, Maine 04333
(207) 289-3717

SLW/kc
cc: Jeffrey Green
California All-Star Productions
2029 Century Park East, Suite 1220
Los Angeles, California 90067