

STATE OF MAINE  
KENNEBEC, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-85-\_\_\_\_\_

STATE OF MAINE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ASSURANCE OF DISCONTINUANCE
	)	
CAPRICORN PUBLISHING, INC.,	)	
	)	
Defendant.	)	

INTRODUCTION

1. Pursuant to the Unfair Trade Practices Act, 5 M.R.S.A. §§ 206, et seq., the Attorney General has examined the practices of Capricorn Publishing, Inc. and has found the following:

2. Capricorn Publishing, Inc. (hereinafter referred to as Capricorn) as its principal place of business at 20 Bow Street, Cohasset, Massachusetts 02025.

3. Capricorn conducts business in the State of Maine from an office located at 99 Woodland Hills, South Berwick, Maine.

FACTS AND VIOLATIONS

4. Capricorn operated in the State of Maine as a commercial co-venturer, professional fund-raising counsel or professional solicitor and is registered as such with Maine's Commissioner of Business Regulations pursuant to 9 M.R.S.A. § 5008 (1980 & Supp. 1985).

5. In its capacity as a commercial co-venturer, professional fund-raising counsel or professional solicitor, Capricorn, pursuant to a July 14, 1985 contract with the American Postal Workers of Maine, has solicited charitable funds on behalf of the American Postal Workers of Maine for the benefit of the Maine Special Olympics.

6. Capricorn solicited charitable funds for the American Postal Workers of Maine by selling advertisements to Maine businesses in a booklet for amounts ranging from \$15 to \$595.

7. Capricorn has distributed less than 70% of the charitable donations it collected to the American Postal Workers of Maine for the use by Maine Special Olympics for its program services.

8. Capricorn failed to fully disclose to the prospective donors at the time of the solicitation the estimated percentage of each dollar contributed which will be expended for program services, management of the charity, Capricorn's compensation, and the remaining fund raising expenses.

9. In the opinion of the Attorney General, Capricorn, by soliciting charitable funds when less than 70% of those funds are used for the program service of the charity without making the disclosures required by 9 M.R.S.A. § 5012 (1980 & Supp. 1985), has engaged in unfair and deceptive trade practices in violation of the Maine Unfair Trade Practices Act, 5 M.R.S.A. § 207 (1979).

ASSURANCES OF DISCONTINUANCE

Wherefore, Capricorn Publishing, Inc., pursuant to 5 M.R.S.A. § 210 (1979) assures the Department of the Attorney General that it, and any person acting for it or under its control, will:

1. Adhere to all requirements in the Charitable Solicitations Act, in particular, make all disclosures as required by 9 M.R.S.A. § 5012 (1980 & Supp. 1985).

2. Provide all persons who have purchased advertisements in the proposed convention booklet, pursuant to its contract with the American Postal Workers of Maine, with a letter approved by the Department of the Attorney General that makes the disclosures required by 9 M.R.S.A. § 5012 (1980 & Supp. 1985) and offers to refund any monies already paid. This letter shall be sent within 21 days of the date of this Assurance of Discontinuance.

3. Provide the Department of the Attorney General within 45 days of the date of this Assurance of Discontinuance with a list of persons who were sent the correspondence as required by ¶ 2 above, along with a summary of their responses.

4. Prepare a written script to be used by all telephone solicitors when soliciting funds pursuant to the Charitable Solicitations Act.

5. Provide the Department of the Attorney General with a copy of the written script referenced in ¶ 4 above or changes

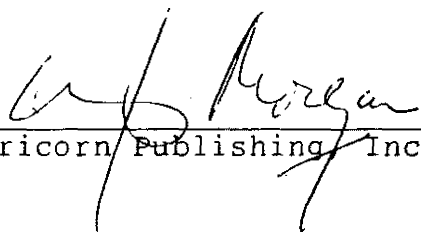
thereto at least 48 hours prior to its use.

6. For three years following the signing of this Assurance of Discontinuance, Capricorn shall provide to the Department of the Attorney General within 30 days after publication of its booklets as required by its contract with the American Postal Workers of Maine the following information:

A) The name, permanent address, local address, permanent telephone number, and local telephone number of each person engaged in the charitable solicitation pursuant to its July 14, 1985 contract with the American Postal Workers of Maine.

B) The name, address and telephone number of each donor or purchaser of advertising space in each of the proposed advertising booklets.

Dated: 9/2/85

  
Capricorn Publishing Inc.

STATE OF MAINE  
KENNEBEC, SS.

Personally appeared before me the above-named William Morgan and swore that the foregoing statements are true.

DATED: 9/3/85

  
NOTARY PUBLIC

MY COMMISSION EXPIRES  
AUGUST 29, 1987

DATED:

9/20/83

*Hyman M. Gulak*

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