

REC'D & FILED  
Nancy A. Desjardin

DEC - 8 2000

Clerk of Courts  
Kennebec County

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-00-

STATE OF MAINE  
KENNEBEC, SS.

STATE OF MAINE,

Plaintiff

v.

DISABLED VETERANS ASSOCIATIONS  
d/b/a PINETREE STATE DISABLED  
VETERANS  
CIVIC DEVELOPMENT GROUP, L.L.C.,

Defendants

CONSENT DECREE AND ORDER

Plaintiff State of Maine having filed a Complaint against Defendants, Disabled Veterans Associations d/b/a Pinetree State Disabled Veterans and Civic Development Group, L.L.C., and the parties having consented to the entry of this Consent Decree and Order, for purposes of settlement only, without this Decree constituting evidence against or admission by any party as to any issue of fact or law other than as to jurisdiction and without trial of any issue of fact or law, NOW THEREFORE, upon consent of the parties hereto, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I. JURISDICTION

1. This Court has jurisdiction over the Plaintiff and Defendants, Disabled Veterans Associations d/b/a Pinetree State Disabled Veterans and Civic Development Group, L.L.C. and the subject matter of this action. The Complaint states a claim for relief under 9 M.R.S.A. § 5014 (Charitable Solicitations Act) and 5 M.R.S.A. § 207 (Unfair Trade Practices Act).

## II. DEFINITIONS

2. Whenever used in this Consent Decree and Order, the terms “charitable organization”, “professional solicitor”, “solicit”, “solicitation” and “contribution” shall have the meanings ascribed to them by 9 M.R.S.A. § 5003.

## III. INJUNCTION

3. Defendant Disabled Veterans Associations d/b/a Pinetree State Disabled Veterans, its officers, directors, employees, agents, representatives, successors, assigns and those in active concert or participation with it who receive actual notice of this injunction are permanently enjoined from soliciting donations from the public in the State of Maine without registering with the Commissioner of Professional and Financial Regulation in violation of 9 M.R.S.A. § 5004.

4. Defendant Civic Development Group, L.L.C., its officers, directors, employees, agents, representatives, successors, assigns and those in active concert or participation with it who receive actual notice of this injunction are permanently enjoined from acting as a professional solicitor for Disabled Veterans Associations d/b/a Pinetree State Disabled Veterans or any charitable organization unless or until that charitable organization is registered with the Commissioner of Professional and Financial Regulation as required by 9 M.R.S.A. § 5004.

5. Defendant Disabled Veterans Association d/b/a Pinetree State Disabled Veterans, its officers, directors, employees, agents, representatives, successors, assigns and those in active concert or participation with it who receive actual notice of this injunction shall not use the name “Pinetree State Disabled Veterans”, or state or imply in the course of a solicitation that it is located in or associated with the State of Maine or the Pinetree State.

6. Defendant Civic Development Group shall tape record all solicitation calls made to Maine residents from any location. Such recording process shall begin no later than the date of

this Agreement and shall remain in effect so long as Defendant is conducting solicitation calls to Maine residents. All tapes referred to in this paragraph shall be held and maintained by Defendant Civic Development Group for at least one year from the date of taping and will be made available to the Attorney General for review upon reasonable request. For purposes of this paragraph, reasonable request means that the Attorney General will give Civic Development Group written notice of the request. Civic Development Group shall have 21 days upon receipt of the written request in which to comply. Compliance shall be delivery of true and correct copies of the tapes of the charitable solicitations identified to the Attorney General or his designee.

#### IV. OTHER RELIEF

7. Pursuant to 5 M.R.S.A. § 209 the Defendants Disabled Veterans Association d/b/a Pinetree State Disabled Veterans and Civic Development Group, L.L.C. shall pay to the State of Maine, Department of the Attorney General, the sum of Twelve Thousand Six Hundred Dollars (\$12,600), to be applied as follows:

- (a) Two Thousand Six Hundred Dollars (\$2,600) in restitution to the State of Maine, Department of the Attorney General, which shall select and distribute this sum to organizations whose purposes are consistent with representations made by the Defendants; and
- (b) Ten Thousand Dollars (\$10,000) in civil penalties to the State of Maine, Department of Attorney General, to be used by the Public Protection Division for enforcement purposes under 5 M.R.S.A. § 209.

**V. RETENTION OF JURISDICTION**


8. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Consent Decree and order to apply to the Court at any time for further order and directions as may be necessary or appropriate for the construction, enforcement, or execution of this Consent Decree and Order. Each and every violation of this Consent Decree and Order shall be treated as a separate contempt thereof.

**VI. EFFECTIVE DATE**

9. This Order shall be effective immediately upon entry.

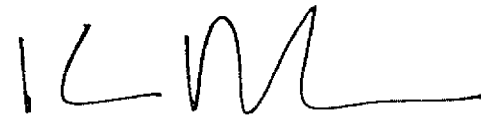
**ANDREW KETTERER**  
Attorney General

Dated: 12/6/00

  
LINDA J. CONTI – Me. Bar No. 3638  
Assistant Attorney General  
6 State House Station  
Augusta, Maine 04333-0006  
(207) 626-8800

Attorneys for State of Maine

Dated: 11/7/00

  
KEVIN R. CONNERS, ESQ.  
Vorys, Sater, Seymour & Pease, LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

Attorney for Defendant,  
Disabled Veterans Associations

Dated: 11/28/2000

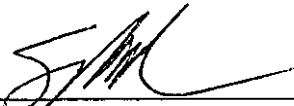


ERROL COPILEVITZ, ESQ.  
Copilevitz & Canter, LLC  
423 W. Eighth Street, Suite 400  
Kansas City, Missouri 64105

Attorney for Defendant,  
Civic Development Group, L.L.C.

The undersigned acknowledges that he is a principal in Civic Development Group, L.L.C. and by his signature hereon acknowledges that he is bound by the provisions provided in Part III herein.


Dated: 11/14/00



SCOTT A. PASCH  
Partner, Civic Development Group, L.L.C.

The undersigned acknowledges that he is a principal in Disabled Veterans Associations and by his signature hereon acknowledges that he is bound by the provisions provided in Part III herein.

Dated: 11/3/00



MICHAEL COLEY  
Executive Director, Disabled Veterans  
Associations

CV-00-260

It is hereby ORDERED, ADJUDGED and DECREED.

Dated: December 12, 2000

  
\_\_\_\_\_  
Justice, Superior Court

ANDREW KETTERER  
ATTORNEY GENERAL



Telephone: (207) 626-8800  
FAX: (207) 287-3145  
TDD: (207) 626-8865

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
6 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES:

84 HARLOW ST., 2ND FLOOR  
BANGOR, MAINE 04401  
TEL: (207) 941-3070  
FAX: (207) 941-3075

44 OAK STREET, 4TH FLOOR  
PORTLAND, MAINE 04101-3014  
TEL: (207) 822-0260  
FAX: (207) 822-0259  
TDD: (877) 428-8800

May 24, 2000

Errol Copilevitz, Esq.  
Copilevitz & Canter, LLC  
423 W. Eighth Street, Suite 400  
Kansas City, Missouri 64105

Re: State of Maine v. Disabled Veterans Association d/b/a Pinetree State Disabled Veterans and Civic Development Group, LLC

Dear Mr. Copilevitz:

This office has received complaints against Disabled Veterans Association d/b/a Pinetree State Disabled Veterans. In investigating these complaints, we learned that Civic Development Group, LLC, a professional solicitor, solicited funds in the State of Maine on behalf of Disabled Veterans Association d/b/a Pinetree State Disabled Veterans when that organization was not registered as a charitable organization in the State of Maine in violation of the Maine Charitable Solicitations Act, 9 M.R.S.A. § 5004. Violations of the Charitable Solicitations Act are, pursuant to 9 M.R.S.A. § 5014, also violations of the Maine Unfair Trade Practices Act, 5 M.R.S.A. § 207.

We have also determined that Civic Development Group, LLC and Disabled Veterans Association have engaged in unfair and deceptive trade practices by inaccurately portraying Disabled Veterans Association d/b/a Pinetree State Disabled Veterans as a Maine Veterans charity located in this State.

This office has investigated this matter pursuant to our enforcement responsibility under the Unfair Trade Practices Act. Based upon our investigation, we have concluded that Civic Development Group, LLC's conduct, as described above, violates the Charitable Solicitations Act and the Maine Unfair Trade Practices Act.

It is our present intention to file a civil suit pursuant to the Unfair Trade Practices Act to enjoin Civic Development Group, LLC from soliciting on behalf of a charitable organization that is not registered under the Maine Charitable Solicitations Act and from misrepresenting the charitable organization on whose behalf it is soliciting Maine residents

Letter to Errol Copilevitz, Esq.

May 24, 2000

Page 2

as a Maine organization with a location in the State of Maine. In addition, we will be requesting a civil penalty of up to \$10,000 for intentional violations of the Unfair Trade Practices Act. Finally, we will be requesting Civic Development Group, LLC reimburse the Department of Attorney General for the costs of this lawsuit, including its attorneys' fees.

Pursuant to 5 M.R.S.A. § 209, we are required to provide notice of our intended action at least ten (10) days prior to filing suit. The purpose of this ten-day period is to provide Civic Development Group, LLC an opportunity to meet with us to resolve our concerns with its manner of charitable fundraising. Please let me know if you would like to arrange a mutually convenient time to discuss the matter set forth in this letter. I am enclosing a copy of the Complaint for your review.

Sincerely,



Linda J. Conti  
Assistant Attorney General

Enclosure  
LJC/ajm



ANDREW KETTERER  
ATTORNEY GENERAL



Telephone: (207) 626-8800  
FAX: (207) 287-3145  
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DEPARTMENT OF THE ATTORNEY GENERAL  
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May 24, 2000

Kevin R. Conners, Esq.  
Vorys, Sater, Seymour & Pease, LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

Re: State of Maine v. Disabled Veterans Association d/b/a Pinetree State Disabled Veterans and Civic Development Group, LLC

Dear Mr. Conners:

This office has received consumer complaints against Disabled Veterans Association d/b/a Pinetree State Disabled Veterans. In investigating these complaints, we learned that Pinetree State Disabled Veterans solicited donations from consumers in the State of Maine from December 1, 1998 through October 28, 1999 without registering with the Commissioner of the Department of Professional and Financial Regulation as a charitable organization, in violation of the Charitable Solicitations Act, 9 M.R.S.A. § 5004. Violations of the Charitable Solicitations Act are, pursuant to 9 M.R.S.A. § 5014, also violations of the Maine Unfair Trade Practices Act, 5 M.R.S.A. § 207.

We have also determined that Disabled Veterans Association d/b/a Pinetree State Disabled Veterans has engaged in unfair and deceptive trade practices by inaccurately portraying the Disabled Veterans Association as a Maine Veterans charity located in this State.

This office has investigated this matter pursuant to our enforcement responsibility under the Unfair Trade Practices Act. Based upon our investigation, we have concluded that Disabled Veterans Association d/b/a Pinetree State Disabled Veterans' conduct, as described above, violates the Charitable Solicitations Act and the Maine Unfair Trade Practices Act. It is our present intention to file a civil suit pursuant to the Unfair Trade Practices Act to enjoin Disabled Veterans Association from soliciting donations or engaging a professional fundraiser to solicit donations on its behalf when it is not registered under the Maine Charitable Solicitations Act and from misrepresenting to Maine

Letter to Kevin R. Conners, Esq.

May 24, 2000

Page 2

consumers that the organization is a Maine Veterans charity. In addition, we will be requesting a civil penalty of up to \$10,000 for intentional violations of the Unfair Trade Practices Act. Finally, we will be requesting that Disabled Veterans Association reimburse the Department of Attorney General for the costs of this lawsuit, including its attorneys' fees.

Pursuant to 5 M.R.S.A. § 209, we are required to provide notice of our intended action at least ten (10) days prior to filing suit. The purpose of this ten-day period is to provide Disabled Veterans Association an opportunity to meet with us to resolve our concerns with its manner of charitable fundraising. Please let me know if you would like to arrange a mutually convenient time to discuss the matter set forth in this letter. I am enclosing a copy of the Complaint for your review.

Sincerely,



Linda J. Conti  
Assistant Attorney General

Enclosure  
LJC/ajm

G. STEVEN ROWE  
ATTORNEY GENERAL



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FAX: (207) 287-3145  
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TDD: (877) 428-8800

**NEWS RELEASE  
FOR IMMEDIATE RELEASE:  
January 16, 2001**

**CONTACT:  
LINDA CONTI  
ASSISTANT ATTORNEY GENERAL  
(207) 626-8800**

**MAINE ATTORNEY GENERAL REACHES SETTLEMENT WITH  
DISABLED VETERANS ASSOCIATIONS D/B/A PINETREE STATE DISABLED  
VETERANS AND CIVIC DEVELOPMENT GROUP**

The Maine Department of Attorney General recently reached a settlement with Disabled Veterans Associations, an Ohio corporation with no presence in Maine that calls itself "Pinetree State Disabled Veterans", and Civic Development Group ("CDG"), a New Jersey based corporation. The settlement resolves allegations that the charitable organization and its fundraiser violated the Unfair Trade Practices Act and the Charitable Solicitations Act when soliciting donations. According to Assistant Attorney General Linda Conti, CDG solicited donations for Disabled Veterans Associations when Disabled Veterans Associations was not registered with the Department of Professional and Financial Regulation and misled consumers to believe that the organization was located in and associated with the State of Maine or the "Pinetree State".

Under the terms of the settlement, both organizations agreed to cease soliciting donations from the public until registered with the Commissioner of Professional and Financial Regulation and agreed to stop using the name "Pinetree State" Disabled Veterans. Finally, the companies

paid \$2,600 in restitution to the State of Maine Attorney General, for distribution to veterans' organizations in Maine, as well as a \$10,000 civil penalty.

\*\*\*\*\*

STATE OF MAINE  
KENNEBEC, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-00-

STATE OF MAINE, )

Plaintiff )

v. )

DISABLED VETERANS ASSOCIATIONS )  
d/b/a PINETREE STATE DISABLED )  
VETERANS )  
CIVIC DEVELOPMENT GROUP, LLC, )

Defendants )

COMPLAINT

### INTRODUCTION

1. The State of Maine brings this action pursuant to 5 M.R.S.A. § 209 to enjoin the Defendants, Disabled Veterans Associations, d/b/a Pinetree State Disabled Veterans, and Civic Development Group, LLC, from soliciting charitable donations in the State of Maine in violation of the Charitable Solicitations Act 9 M.R.S.A. §§ 5001 through 5016 and the Unfair Trade Practices Act, 5 M.R.S.A. § 207. The State also seeks restitution for consumers and civil penalties for intentional violations of the Unfair Trade Practices Act.

### PARTIES

2. Plaintiff, State of Maine, is a sovereign state and brings this action by and through its Attorney General pursuant to 5 M.R.S.A. §§ 191 and 209 and the powers vested in him by common law.

3. The Defendant Disabled Veterans Associations is located at 14701 Detroit Road, Suite 369, Lakewood, Ohio 44107. Its Executive Director is Michael Coley. Disabled Veterans Associations engaged in business in Maine under the name Pinetree State Disabled Veterans.

4. The Defendant Civic Development Group, LLC is a professional solicitor as defined in 9 M.R.S.A. § 5003(10). It is located at 655 Florida Grove Road, Suite 203, Hopelawn, New Jersey 08861.

#### JURISDICTION

5. This Court has jurisdiction over this matter pursuant to 4 M.R.S.A. § 105 and 5 M.R.S.A. § 209.

#### STATUTORY BACKGROUND

6. Pursuant to 9 M.R.S.A. § 5004, the Charitable Solicitations Act, all charitable organizations soliciting donations from the public in the State of Maine must be registered with the Commissioner of the Department of Professional and Financial Regulation.

7. Pursuant to 9 M.R.S.A. § 5008, professional solicitors must register with the Commissioner of the Department of Professional and Financial Regulation (the "Commissioner").

8. Pursuant to 9 M.R.S.A. § 5014, any violation of the Charitable Solicitations Act constitutes a violation of the Unfair Trade Practices Act, 5 M.R.S.A. § 205-A-214.

9. Pursuant to 5 M.R.S.A. § 207, unfair and deceptive acts or practices in trade or commerce are unlawful.

#### FACTS

10. Civic Development Group, LLC has been registered with the Commissioner as a professional solicitor, pursuant to 9 M.R.S.A. § 5008, from September 30, 1996 to the present.

11. Disabled Veterans Associations, doing business as Pinetree State Disabled Veterans, was registered with the Commissioner as a charitable organization pursuant to 9 M.R.S.A. § 5004 from May 18, 1998 to November 30, 1998.

12. Civic Development Group, LLC entered into an agreement on January 5, 1998 with the Disabled Veterans Associations pursuant to which Civic Development Group, LLC contracted to act as a professional solicitor for Disabled Veterans Associations. The term of the agreement is from January 1, 1998 through December 31, 2002.

13. Pinetree State Disabled Veterans has a mailing address of 235 Camden Street, Number 235, Rockland, Maine. This address is a mail drop box. Pinetree State Disabled Veterans had no other presence in the State of Maine.

14. From May 1, 1998 through April 30, 1999, Civic Development Group, LLC raised \$63,690 from Maine residents on behalf of Pinetree State Disabled Veterans. Approximately \$6500 of that amount was contributed to Maine Veterans' charities.

15. From May 1, 1999 through October 28, 1999 Civic Development Group, LLC raised \$20,807 on behalf of Pinetree State Disabled Veterans from Maine residents. Of that amount \$2,600 is available for distribution to Maine Veterans' charities.

16. As a result of a consumer complaint, in April of 1999 the Commissioner's Office communicated with Disabled Veterans Associations and Civic Development Group, LLC about Disabled Veterans Associations' expired registration.

17. On May 14, 1999, Michael Coley, Executive Director of the Disabled Veterans Association, wrote a letter to the Commissioner's Office in which he stated: " The Disabled Veterans Association will not solicit contributions in the State of Maine." A copy of the letter is attached hereto as Exhibit 1 to this Complaint.

#### COUNT I

(Violation of Charitable Solicitations Act, 9 M.R.S.A. § 5004)

18. Plaintiff repeats and realleges the preceding paragraphs of this Complaint.

19. Disabled Veterans Associations' practice of soliciting consumers for donations in the State of Maine without being registered with the Commissioner of the Department of Professional and Financial Regulation from December 1, 1998 through October 28, 1999 violates the Charitable Solicitations Act, 9 M.R.S.A. § 5004.

20. Disabled Veterans Associations' violation of the Charitable Solicitations Act constitutes a violation of the Unfair Trade Practices Act, 5 M.R.S.A. § 207.

21. Disabled Veterans Associations' violation of the Unfair Trade Practices Act from May 14, 1999 through October 28, 1999 is intentional.

## COUNT II

### (Violation of Unfair Trade Practices Act)

22. Plaintiff repeats and realleges the preceding paragraphs of this Complaint.

23. Disabled Veterans Associations and Civic Development Group, LLC used a local mailing address of 235 Camden Street, No. 235, Rockland, Maine 04841-2563 when soliciting donations from Maine residents, without disclosing that the address is a Mailboxes, Etc. location, in order to deceive them by creating the impression that the soliciting organization was located in Maine.

24. Disabled Veterans Associations and Civic Development Group, LLC used the name Pinetree State Disabled Veterans when soliciting donations from Maine residents, without disclosing that Disabled Veterans Association is located in Ohio, in order to deceive them by creating the impression that the soliciting organization was located in Maine.

25. Disabled Veterans Associations and Civic Development Group's use of a Maine address and the name "Pinetree State" were intended to deceive consumers into believing that the soliciting organization is sponsored by or an agency of the State of Maine.



26. The Defendants' conduct, as described in this count, constitutes deceptive acts or practices and intentional violations of 5 M.R.S.A. § 207.

### COUNT III

(Violation of the Unfair Trade Practices Act Unfair conduct)

27. The Plaintiff repeats and realleges the preceding paragraphs of this Complaint.

28. The Defendant Civic Development Group, LLC solicited funds in Maine for a charitable organization, Disabled Veterans Associations, when that organization was required to register with the Maine Commissioner of Professional and Financial Regulation but was not so registered.

29. The Defendant Civic Development Group, LLC did not disclose to Maine residents from whom it solicited donations on behalf of Disabled Veterans Associations that Disabled Veterans Associations was required to register with the Maine Commissioner of Professional and Financial Regulation and had not done so.

30. Defendant Civic Development Group's conduct, as described in this count, is an unfair trade practice and an intentional violation of 5 M.R.S.A. § 207.

### RELIEF REQUESTED

Plaintiff requests the following relief:

1. Declare that the conduct of Defendant Disabled Veterans Associations, as described in this Complaint, has violated the Maine Charitable Solicitations Act and the Maine Unfair Trade Practices Act.

2. Pursuant to 5 M.R.S.A. § 209, permanently enjoin the Disabled Veterans Associations, its agents, servants, employees and those persons in active concert or participation with it who receive actual notice of the injunction from soliciting by telephone, writing letters or

in any way soliciting Maine residents for charitable donations until such time as the Disabled Veterans Associations complies with the Charitable Solicitations Act.

3. Order the Defendant Disabled Veterans Associations to submit an accounting of all monies it has received from Maine residents from January 1, 1998 to the present, including the name and address of the donee and the amount of each donation.

4. Declare that the Defendant Civic Development Group, LLC violated the Unfair Trade Practices Act, 5 M.R.S.A. § 207, by soliciting donations from Maine residents on behalf of a charitable organization, Disabled Veterans Associations, when that charitable organization was not registered with the Commissioner of Professional and Financial Regulation as required by the Charitable Solicitations Act.

5. Pursuant to 5 M.R.S.A. § 209, permanently enjoin Civic Development Group, LLC from soliciting funds in Maine on behalf of charitable organizations that are not registered with the Commissioner of Professional and Financial Regulation.

6. Order Civic Development Group, LLC to submit a complete and accurate accounting of all fundraising activities that it has conducted in Maine on behalf of Disabled Veterans Associations including the names of donors and the amounts of each donation from January 1, 1998 to the present.

7. Order the Defendants Disabled Veterans Associations and Civic Development Group, LLC to clearly and conspicuously disclose in all written and verbal communications with prospective donors in Maine that Pinetree State Disabled Veterans is not located in Maine and is not a State agency.

8. Pursuant to 5 M.R.S.A. § 209, order the Defendants Disabled Veterans Associations and Civic Development Group, LLC to pay a civil penalty of up to \$10,000 per violation for each intentional violation of the Unfair Trade Practices Act.

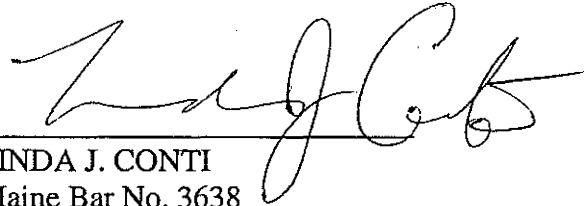
9. Pursuant to 5 M.R.S.A. § 209, order the Defendants Disabled Veterans Associations and Civic Development Group, LLC to pay restitution.

10. Pursuant to 5 M.R.S.A. § 209, order the Defendants Disabled Veterans Associations and Civic Development Group, LLC to pay the Department of the Attorney General the cost of this suit, including its attorney fees.

11. Order such other and further relief as may be necessary to remedy the effects of the Defendants' unfair and deceptive practices.

Respectfully submitted,

ANDREW KETTERER  
Attorney General



LINDA J. CONTI  
Maine Bar No. 3638  
Assistant Attorney General  
6 State House Station  
Augusta, Maine 04333-0006  
(207) 626-8800

Dated: December 7, 2000

Attorneys for State of Maine

REC'D & FILED  
Nancy A. Desjardin

STATE OF MAINE  
KENNEBEC, SS.

DEC - 8 2000

SUPERIOR COURT  
CIVIL ACTION  
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STATE OF MAINE,

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DISABLED VETERANS ASSOCIATIONS )  
d/b/a PINETREE STATE DISABLED )  
VETERANS )  
CIVIC DEVELOPMENT GROUP, L.L.C., )

Defendants

CONSENT DECREE AND ORDER

Plaintiff State of Maine having filed a Complaint against Defendants, Disabled Veterans Associations d/b/a Pinetree State Disabled Veterans and Civic Development Group, L.L.C., and the parties having consented to the entry of this Consent Decree and Order, for purposes of settlement only, without this Decree constituting evidence against or admission by any party as to any issue of fact or law other than as to jurisdiction and without trial of any issue of fact or law, NOW THEREFORE, upon consent of the parties hereto, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I. JURISDICTION

1. This Court has jurisdiction over the Plaintiff and Defendants, Disabled Veterans Associations d/b/a Pinetree State Disabled Veterans and Civic Development Group, L.L.C. and the subject matter of this action. The Complaint states a claim for relief under 9 M.R.S.A. § 5014 (Charitable Solicitations Act) and 5 M.R.S.A. § 207 (Unfair Trade Practices Act).

## II. DEFINITIONS

2. Whenever used in this Consent Decree and Order, the terms “charitable organization”, “professional solicitor”, “solicit”, “solicitation” and “contribution” shall have the meanings ascribed to them by 9 M.R.S.A. § 5003.

## III. INJUNCTION

3. Defendant Disabled Veterans Associations d/b/a Pinetree State Disabled Veterans, its officers, directors, employees, agents, representatives, successors, assigns and those in active concert or participation with it who receive actual notice of this injunction are permanently enjoined from soliciting donations from the public in the State of Maine without registering with the Commissioner of Professional and Financial Regulation in violation of 9 M.R.S.A. § 5004.

4. Defendant Civic Development Group, L.L.C., its officers, directors, employees, agents, representatives, successors, assigns and those in active concert or participation with it who receive actual notice of this injunction are permanently enjoined from acting as a professional solicitor for Disabled Veterans Associations d/b/a Pinetree State Disabled Veterans or any charitable organization unless or until that charitable organization is registered with the Commissioner of Professional and Financial Regulation as required by 9 M.R.S.A. § 5004.

5. Defendant Disabled Veterans Association d/b/a Pinetree State Disabled Veterans, its officers, directors, employees, agents, representatives, successors, assigns and those in active concert or participation with it who receive actual notice of this injunction shall not use the name “Pinetree State Disabled Veterans”, or state or imply in the course of a solicitation that it is located in or associated with the State of Maine or the Pinetree State.

6. Defendant Civic Development Group shall tape record all solicitation calls made to Maine residents from any location. Such recording process shall begin no later than the date of

this Agreement and shall remain in effect so long as Defendant is conducting solicitation calls to Maine residents. All tapes referred to in this paragraph shall be held and maintained by Defendant Civic Development Group for at least one year from the date of taping and will be made available to the Attorney General for review upon reasonable request. For purposes of this paragraph, reasonable request means that the Attorney General will give Civic Development Group written notice of the request. Civic Development Group shall have 21 days upon receipt of the written request in which to comply. Compliance shall be delivery of true and correct copies of the tapes of the charitable solicitations identified to the Attorney General or his designee.

#### **IV. OTHER RELIEF**

7. Pursuant to 5 M.R.S.A. § 209 the Defendants Disabled Veterans Association d/b/a Pinetree State Disabled Veterans and Civic Development Group, L.L.C. shall pay to the State of Maine, Department of the Attorney General, the sum of Twelve Thousand Six Hundred Dollars (\$12,600), to be applied as follows:

- (a) Two Thousand Six Hundred Dollars (\$2,600) in restitution to the State of Maine, Department of the Attorney General, which shall select and distribute this sum to organizations whose purposes are consistent with representations made by the Defendants; and
- (b) Ten Thousand Dollars (\$10,000) in civil penalties to the State of Maine, Department of Attorney General, to be used by the Public Protection Division for enforcement purposes under 5 M.R.S.A. § 209.

**V. RETENTION OF JURISDICTION**

8. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Consent Decree and order to apply to the Court at any time for further order and directions as may be necessary or appropriate for the construction, enforcement, or execution of this Consent Decree and Order. Each and every violation of this Consent Decree and Order shall be treated as a separate contempt thereof.

**VI. EFFECTIVE DATE**

9. This Order shall be effective immediately upon entry.

**ANDREW KETTERER**  
Attorney General

Dated: 12/6/00



LINDA J. CONTI – Me. Bar No. 3638  
Assistant Attorney General  
6 State House Station  
Augusta, Maine 04333-0006  
(207) 626-8800

Attorneys for State of Maine


Dated: 11/7/00



KEVIN R. CONNERS, ESQ.  
Vorys, Sater, Seymour & Pease, LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

Attorney for Defendant,  
Disabled Veterans Associations

Dated: 11/28/2000

  
\_\_\_\_\_

ERROL COPILEVITZ, ESQ.  
Copilevitz & Canter, LLC  
423 W. Eighth Street, Suite 400  
Kansas City, Missouri 64105

Attorney for Defendant,  
Civic Development Group, L.L.C.

The undersigned acknowledges that he is a principal in Civic Development Group, L.L.C. and by his signature hereon acknowledges that he is bound by the provisions provided in Part III herein.


Dated: 11/14/00

  
\_\_\_\_\_

SCOTT A. PASCH  
Partner, Civic Development Group, L.L.C.

The undersigned acknowledges that he is a principal in Disabled Veterans Associations and by his signature hereon acknowledges that he is bound by the provisions provided in Part III herein.

Dated: 11/3/00

  
\_\_\_\_\_

MICHAEL COLEY  
Executive Director, Disabled Veterans  
Associations



CV-00-260

It is hereby ORDERED, ADJUDGED and DECREED.

Dated: December 12, 2000

  
\_\_\_\_\_  
Justice, Superior Court

STATE OF MAINE  
KENNEBEC, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-00-

STATE OF MAINE, )

Plaintiff )

v. )

DISABLED VETERANS ASSOCIATIONS )  
d/b/a PINETREE STATE DISABLED )  
VETERANS )  
CIVIC DEVELOPMENT GROUP, LLC, )

Defendants )

COMPLAINT

### INTRODUCTION

1. The State of Maine brings this action pursuant to 5 M.R.S.A. § 209 to enjoin the Defendants, Disabled Veterans Associations, d/b/a Pinetree State Disabled Veterans, and Civic Development Group, LLC, from soliciting charitable donations in the State of Maine in violation of the Charitable Solicitations Act 9 M.R.S.A. §§ 5001 through 5016 and the Unfair Trade Practices Act, 5 M.R.S.A. §207. The State also seeks restitution for consumers and civil penalties for intentional violations of the Unfair Trade Practices Act.

### PARTIES

2. Plaintiff, State of Maine, is a sovereign state and brings this action by and through its Attorney General pursuant to 5 M.R.S.A. §§ 191 and 209 and the powers vested in him by common law.

3. The Defendant Disabled Veterans Associations is located at 14701 Detroit Road, Suite 369, Lakewood, Ohio 44107. Its Executive Director is Michael Coley. Disabled Veterans Associations engaged in business in Maine under the name Pinetree State Disabled Veterans.

4. The Defendant Civic Development Group, LLC is a professional solicitor as defined in 9 M.R.S.A. § 5003(10). It is located at 655 Florida Grove Road, Suite 203, Hopelawn, New Jersey 08861.

#### JURISDICTION

5. This Court has jurisdiction over this matter pursuant to 4 M.R.S.A. § 105 and 5 M.R.S.A. § 209.

#### STATUTORY BACKGROUND

6. Pursuant to 9 M.R.S.A. § 5004, the Charitable Solicitations Act, all charitable organizations soliciting donations from the public in the State of Maine must be registered with the Commissioner of the Department of Professional and Financial Regulation.

7. Pursuant to 9 M.R.S.A. § 5008, professional solicitors must register with the Commissioner of the Department of Professional and Financial Regulation (the "Commissioner").

8. Pursuant to 9 M.R.S.A. § 5014, any violation of the Charitable Solicitations Act constitutes a violation of the Unfair Trade Practices Act, 5 M.R.S.A. § 205-A-214.

9. Pursuant to 5 M.R.S.A. § 207, unfair and deceptive acts or practices in trade or commerce are unlawful.

#### FACTS

10. Civic Development Group, LLC has been registered with the Commissioner as a professional solicitor, pursuant to 9 M.R.S.A. § 5008, from September 30, 1996 to the present.

11. Disabled Veterans Associations, doing business as Pinetree State Disabled Veterans, was registered with the Commissioner as a charitable organization pursuant to 9 M.R.S.A. § 5004 from May 18, 1998 to November 30, 1998.

12. Civic Development Group, LLC entered into an agreement on January 5, 1998 with the Disabled Veterans Associations pursuant to which Civic Development Group, LLC contracted to act as a professional solicitor for Disabled Veterans Associations. The term of the agreement is from January 1, 1998 through December 31, 2002.

13. Pinetree State Disabled Veterans has a mailing address of 235 Camden Street, Number 235, Rockland, Maine. This address is a mail drop box. Pinetree State Disabled Veterans had no other presence in the State of Maine.

14. From May 1, 1998 through April 30, 1999, Civic Development Group, LLC raised \$63,690 from Maine residents on behalf of Pinetree State Disabled Veterans. Approximately \$6500 of that amount was contributed to Maine Veterans' charities.

15. From May 1, 1999 through October 28, 1999 Civic Development Group, LLC raised \$20,807 on behalf of Pinetree State Disabled Veterans from Maine residents. Of that amount \$2,600 is available for distribution to Maine Veterans' charities.

16. As a result of a consumer complaint, in April of 1999 the Commissioner's Office communicated with Disabled Veterans Associations and Civic Development Group, LLC about Disabled Veterans Associations' expired registration.

17. On May 14, 1999, Michael Coley, Executive Director of the Disabled Veterans Association, wrote a letter to the Commissioner's Office in which he stated: " The Disabled Veterans Association will not solicit contributions in the State of Maine." A copy of the letter is attached hereto as Exhibit 1 to this Complaint.

#### COUNT I

(Violation of Charitable Solicitations Act, 9 M.R.S.A. § 5004)

18. Plaintiff repeats and realleges the preceding paragraphs of this Complaint.

19. Disabled Veterans Associations' practice of soliciting consumers for donations in the State of Maine without being registered with the Commissioner of the Department of Professional and Financial Regulation from December 1, 1998 through October 28, 1999 violates the Charitable Solicitations Act, 9 M.R.S.A. § 5004.

20. Disabled Veterans Associations' violation of the Charitable Solicitations Act constitutes a violation of the Unfair Trade Practices Act, 5 M.R.S.A. § 207.

21. Disabled Veterans Associations' violation of the Unfair Trade Practices Act from May 14, 1999 through October 28, 1999 is intentional.

## COUNT II

### (Violation of Unfair Trade Practices Act)

22. Plaintiff repeats and realleges the preceding paragraphs of this Complaint.

23. Disabled Veterans Associations and Civic Development Group, LLC used a local mailing address of 235 Camden Street, No. 235, Rockland, Maine 04841-2563 when soliciting donations from Maine residents, without disclosing that the address is a Mailboxes, Etc. location, in order to deceive them by creating the impression that the soliciting organization was located in Maine.

24. Disabled Veterans Associations and Civic Development Group, LLC used the name Pinetree State Disabled Veterans when soliciting donations from Maine residents, without disclosing that Disabled Veterans Association is located in Ohio, in order to deceive them by creating the impression that the soliciting organization was located in Maine.

25. Disabled Veterans Associations and Civic Development Group's use of a Maine address and the name "Pinetree State " were intended to deceive consumers into believing that the soliciting organization is sponsored by or an agency of the State of Maine.

26. The Defendants' conduct, as described in this count, constitutes deceptive acts or practices and intentional violations of 5 M.R.S.A. § 207.

### COUNT III

(Violation of the Unfair Trade Practices Act Unfair conduct)

27. The Plaintiff repeats and realleges the preceding paragraphs of this Complaint.

28. The Defendant Civic Development Group, LLC solicited funds in Maine for a charitable organization, Disabled Veterans Associations, when that organization was required to register with the Maine Commissioner of Professional and Financial Regulation but was not so registered.

29. The Defendant Civic Development Group, LLC did not disclose to Maine residents from whom it solicited donations on behalf of Disabled Veterans Associations that Disabled Veterans Associations was required to register with the Maine Commissioner of Professional and Financial Regulation and had not done so.

30. Defendant Civic Development Group's conduct, as described in this count, is an unfair trade practice and an intentional violation of 5 M.R.S.A. § 207.

### RELIEF REQUESTED

Plaintiff requests the following relief:

1. Declare that the conduct of Defendant Disabled Veterans Associations, as described in this Complaint, has violated the Maine Charitable Solicitations Act and the Maine Unfair Trade Practices Act.

2. Pursuant to 5 M.R.S.A. § 209, permanently enjoin the Disabled Veterans Associations, its agents, servants, employees and those persons in active concert or participation with it who receive actual notice of the injunction from soliciting by telephone, writing letters or

in any way soliciting Maine residents for charitable donations until such time as the Disabled Veterans Associations complies with the Charitable Solicitations Act.

3. Order the Defendant Disabled Veterans Associations to submit an accounting of all monies it has received from Maine residents from January 1, 1998 to the present, including the name and address of the donee and the amount of each donation.

4. Declare that the Defendant Civic Development Group, LLC violated the Unfair Trade Practices Act, 5 M.R.S.A. § 207, by soliciting donations from Maine residents on behalf of a charitable organization, Disabled Veterans Associations, when that charitable organization was not registered with the Commissioner of Professional and Financial Regulation as required by the Charitable Solicitations Act.

5. Pursuant to 5 M.R.S.A. § 209, permanently enjoin Civic Development Group, LLC from soliciting funds in Maine on behalf of charitable organizations that are not registered with the Commissioner of Professional and Financial Regulation.

6. Order Civic Development Group, LLC to submit a complete and accurate accounting of all fundraising activities that it has conducted in Maine on behalf of Disabled Veterans Associations including the names of donors and the amounts of each donation from January 1, 1998 to the present.

7. Order the Defendants Disabled Veterans Associations and Civic Development Group, LLC to clearly and conspicuously disclose in all written and verbal communications with prospective donors in Maine that Pinetree State Disabled Veterans is not located in Maine and is not a State agency.

8. Pursuant to 5 M.R.S.A. § 209, order the Defendants Disabled Veterans Associations and Civic Development Group, LLC to pay a civil penalty of up to \$10,000 per violation for each intentional violation of the Unfair Trade Practices Act.

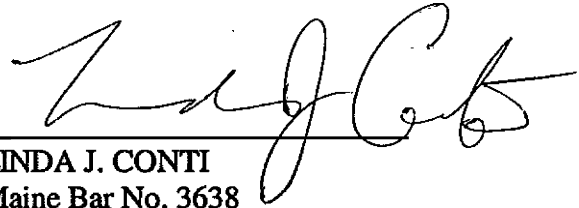
9. Pursuant to 5 M.R.S.A. § 209, order the Defendants Disabled Veterans Associations and Civic Development Group, LLC to pay restitution.

10. Pursuant to 5 M.R.S.A. § 209, order the Defendants Disabled Veterans Associations and Civic Development Group, LLC to pay the Department of the Attorney General the cost of this suit, including its attorney fees.

11. Order such other and further relief as may be necessary to remedy the effects of the Defendants' unfair and deceptive practices.

Respectfully submitted,

ANDREW KETTERER  
Attorney General



LINDA J. CONTI  
Maine Bar No. 3638  
Assistant Attorney General  
6 State House Station  
Augusta, Maine 04333-0006  
(207) 626-8800

Dated: December 7, 2000

Attorneys for State of Maine