

STATE OF MAINE
KENNEBEC, SS.

SEP 05 2002

NANCY DESJARDIN
CLERK OF COURTS

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-02-138

V.

MAINE VOLUNTEER FIREFIGHTERS FUND, INC.,
AND
ADVANCE MARKETING CONSULTANTS, INC.,
AND
ESTEL E. SENN,
AND
ETHA A. SENN,
AND
ALMA J. SENN,

Defendants

CONSENT DECREE
AND ORDER

Plaintiff State of Maine, having filed a Complaint against Defendants, Maine Volunteer Firefighters Fund, Inc., Advance Marketing Consultants, Inc., Estel E. Senn, Etha A. Senn and Alma J. Senn and Defendants, Maine Volunteer Firefighters Fund, Inc., Estel E. Senn, Etha A. Senn and Alma J. Senn 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, Maine Volunteer Firefighters Fund, Inc., Estel E. Senn, Etha A. Senn, and Alma J. Senn 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. Defendants Maine Volunteer Firefighters Fund, Inc., their officers, directors, employees, agents, representatives, successors, assigns, Estel E. Senn, Etha A. Senn, Alma J. Senn and those in active concert or participation with them who receive actual notice of this injunction are permanently enjoined from engaging in the following acts or practices:

- a. performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership, or entity that engages in any type of telephone solicitation on behalf of any charitable organization in the State of Maine;
- b. engaging in telephone solicitation on behalf of any charitable organization in any manner, directly or indirectly, in the State of Maine;
- c. being employed by any person or entity which engages in any type of telephone solicitation on behalf of any charitable organization or cause which purports to involve charity or any cause which the public could reasonably understand to be for public benefit or community service in the State of Maine;

- d. owning, operating, managing or advising any entity, including any nonprofit corporation, that solicits funds from persons or entities for any type of charitable purpose or cause which the public could reasonably understand to be public benefit or community service in the State of Maine;
- e. performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership or entity (including nonprofit corporations) which solicits funds on behalf of any charity or cause from persons or entities for any type of charitable purpose or any cause which the public could reasonably understand to be public benefit or community service in nature in the State of Maine;
- f. owning, operating, managing, advising, or being employed by any charitable and/or nonprofit entity that solicits funds in the State of Maine which are tax deductible in whole or in part pursuant to Internal Revenue Service laws, rules or regulations, now existing or hereinafter created, including, but not limited to, entities that have applied for, but not received, tax exempt status from the Internal Revenue Service;
- g. creating, publishing, disseminating, selling, or distributing any type of magazine, periodical, news letter, brochure, or publication of any kind in the State of Maine relating to any firefighter cause or objective to promote a public benefit or community service, or benefit to any agency, organization, department or fraternal order, as well as any benefit to any firefighters or family of firefighters;

- h. engaging in any type of solicitation of a person, business entity, consumer or contributor who may be located in the State of Maine at the time of such solicitation by use of the internet, without every internet solicitation message and internet website containing a permanent, clear and conspicuous (13 point bold type) written disclaimer informing all recipients that Defendants are prohibited from engaging in telephonic solicitations on behalf of any firefighting related business in the State of Maine;
- i. representing, expressly or by implication to Maine residents that Defendants, or any business associated with Defendants, is affiliated with, endorsed by, authorized by, supported by, associated with or is in any way related to any firefighting organization, group or cause;
- j. mailing, faxing or forwarding any invoice, letter or thing to any business or person in the State of Maine wherein such invoice, letter or thing seeks, demands or requests any type of payment or contribution on behalf of any firefighting entity or organization; and
- k. telephoning, calling or in any way initiating contact with any business or person in the State of Maine for the purpose of seeking, selling, or requesting any type of contribution, money or funds on behalf of any firefighting entity or organization.

4. Defendants Maine Volunteer Firefighters Fund, Inc., Estel E. Senn, Etha A. Senn and Alma J. Senn agree to withdraw their pending Application for registration as a Maine charitable organization with the Department of Professional and Financial Regulation and to dissolve the Maine Volunteer Firefighters Fund, Inc.

5. Estel E. Senn, Etha A. Senn and Alma J. Senn agree to cooperate with the State of Maine in this matter pending against Advance Marketing Consultants, Inc., including provide documents and give testimony.

V. RESTITUTION

6. Defendant Maine Volunteer Firefighters Fund, Inc. shall pay \$10,000 to the State of Maine Attorney General for distribution to a Maine firefighting charity to be selected by the Attorney General.

VI. RETENTION OF JURISDICTION

7. 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 modification, 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.

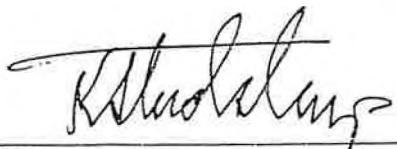
VII. EFFECTIVE DATE

8. This Order shall be effective immediately upon entry.

IT IS HEREBY ORDERED

Dated:

9/5/02



Justice, Superior Court

WE CONSENT:

G. STEVEN ROWE
ATTORNEY GENERAL

Dated:

9-3-02


LINDA J. CONTI - Me. Bar No. 3638
Assistant Attorney General
6 State House Station
Augusta, Maine 04333

Tel. (207) 626-8800

Attorneys for the State of Maine

Dated: 8/29/02

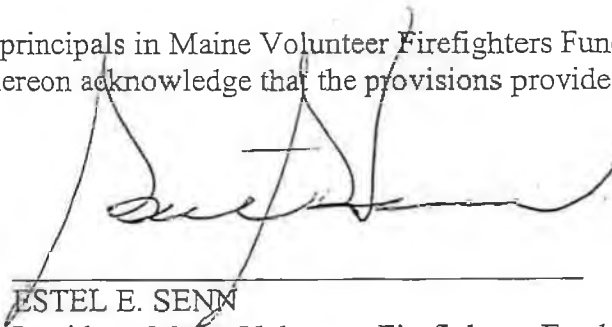


ERROL COPILEVITZ
Copilevitz & Canter, LLC
423 W. Eighth Street, Suite 400
Kansas City, Missouri 64105

Attorney for Defendants,
Maine Volunteer Firefighters Fund, Inc., and
Advance Marketing Consultants, Inc.

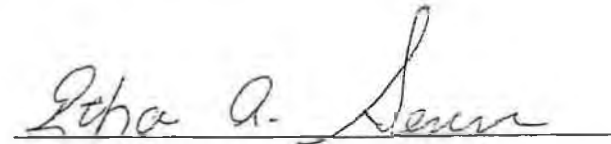
The undersigned acknowledge that they are principals in Maine Volunteer Firefighters Fund, Inc., respectively, and by his/her signature hereon acknowledge that the provisions provided in Part III herein bind them.

Dated: 8/27/02



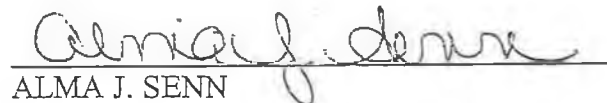
ESTEL E. SENN
President, Maine Volunteer Firefighters Fund, Inc.

Dated: 8/28/02



ETHA A. SENN
Maine Volunteer Firefighters Fund, Inc.

Dated: 8-27-02



ALMA J. SENN
Maine Volunteer Firefighters Fund, Inc.

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 Advance Marketing Consultants, Inc., its officers, directors, employees, agents, representatives, successors, assigns, and those in active concert or participation with them who receive actual notice of this injunction are permanently enjoined from violating the registration, filing and disclosure requirements of the Charitable Solicitations Act, 9 M.R.S.A. §§ 5001 et. seq. (the “Act”).

4. It is further ordered that Advance Marketing Consultants, Inc. shall adequately and properly train all agents, representatives, and/or employees to ensure compliance with the Act.

5. It is further ordered that Advance Marketing Consultants, Inc. shall monitor and tape , on a random basis and for 2 years from the dated of the entry of this Consent Decree and Order, at least 20% of the solicitations made by each of its solicitors for compliance with the requirements of the Act. For each taped solicitation, Advance Marketing Consultants, Inc. shall keep a log of the date and time of the solicitation, and the name of the solicitor. The tapes and the accompanying log shall be produced for the Attorney General upon request.

IV. PENALTIES

6. Defendant Advance Marketing Consultants, Inc. shall pay a civil penalty of \$2, 500 to the State of Maine Attorney General pursuant to 5 M.R.S.A. § 209.

V. RETENTION OF JURISDICTION

7. 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 modification, 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.

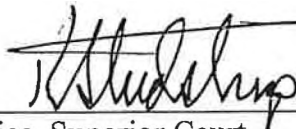
VI. EFFECTIVE DATE

8. This Order shall be effective immediately upon entry.

IT IS HEREBY ORDERED

Dated:

10/7/02

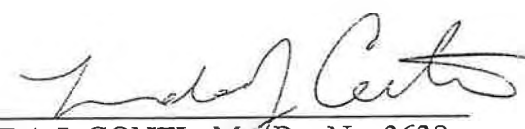

Justice, Superior Court

WE CONSENT:

G. STEVEN ROWE
ATTORNEY GENERAL

Dated:

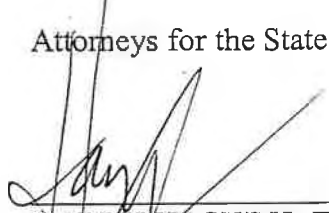
October 3, 2002


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

Attorneys for the State of Maine

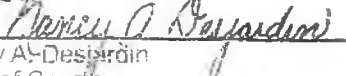
Dated:

9/11/02


HARRY HASKINS, ESQ.
SunTrust Building
3400 South Tamiami Trail, Suite 201
Sarasota, FL 34239

Attorney for
Advance Marketing Consultants, Inc.

A TRUE COPY
ATTEST:


Nancy A. Desjardins
Clerk of Courts



STATE OF MAINE
OFFICE OF ATTORNEY GENERAL
6 State House Station
Augusta, Maine 04333

FAX COVER SHEET

Date: July 7, 2003

Attention: Chris

Fax No.: 1-617-556-0400

From: CONSUMER PROTECTION DIVISION/Linda Conti, Chief, AAG

Telephone #: (207) 626-8591 **Fax #:** (207) 624-7730

RE: Maine Volunteer Firefighters Fund, et al.

This transmission is 30 pages, *including this cover sheet.*

CONFIDENTIALITY NOTICE: This message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review; use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of the original message.

G. STEVEN ROWE
ATTORNEY GENERAL



Telephone: (207) 626-8800
TDD: (207) 626-8865

STATE OF MAINE
OFFICE 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

128 SWEDEN ST., STE. 2
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

July 23, 2002

Nancy Desjardin, Clerk
Kennebec County Superior Court
95 State Street
Augusta, Maine 04330

Re: State of Maine v. Maine Volunteer Firefighters Fund, Inc. et al

Dear Ms. Desjardin:

Enclosed for filing please find a Complaint, a Summary Sheet and Return of Service for Defendants Maine Volunteer Firefighters Fund, Inc. and Advanced Marketing Consultants, Inc. I have agreed with the Defendants that they be given up to and including September 3, 2002 to file a response to the Complaint in this matter. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. J. Conti".

Linda J. Conti
Assistant Attorney General

Enclosures
LJC/ajb

cc: Errol Copilevitz, Esq.
Harry Haskins, Esq.

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

I. County of Filing or District Court Jurisdiction: Kennebec County		
II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) <i>Pro se</i> plaintiffs: If unsure, leave blank. Maine Unfair Trade Practices Act, 5 M.R.S.A. §§ 207 and 209; Charitable Solicitations Act, 9 M.R.S.A. §§ 5001-5016		
III. NATURE OF FILING <input checked="" type="checkbox"/> Initial Complaint <input type="checkbox"/> Third-Party Complaint <input type="checkbox"/> Cross-Claim or Counterclaim <input type="checkbox"/> If Reinstated or Reopened case, give original Docket Number _____ (If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)		
IV. <input type="checkbox"/> TITLE TO REAL ESTATE IS INVOLVED		
V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) <i>Pro se</i> plaintiffs: If unsure, leave blank.		
<u>GENERAL CIVIL (CV)</u>		
Personal Injury Tort <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort Non-Personal Injury Tort <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Non-Personal Injury Tort	Contract <input type="checkbox"/> Contract Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Equitable Relief Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights Statutory Actions <input checked="" type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures	<input type="checkbox"/> Other Forfeitures/Property Libels <input type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> Administrative Warrant <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil
<u>CHILD PROTECTIVE CUSTODY (PC)</u>		
<input type="checkbox"/> Non-DHS Protective Custody		
<u>SPECIAL ACTIONS (SA)</u>		
<input type="checkbox"/> Money Judgment <input type="checkbox"/> Money Judgment Request Disclosure		
<u>REAL ESTATE (RE)</u>		
Title Actions <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	Foreclosure <input type="checkbox"/> Foreclosure for Non-pmt (ADR exempt) <input type="checkbox"/> Foreclosure - Other Trespass <input type="checkbox"/> Trespass	Misc. Real Estate <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Lien <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Other Real Estate
<u>APPEALS (AP) (To be filed in Superior Court) (ADR exempt)</u>		
<input type="checkbox"/> Governmental Body (80B)	<input type="checkbox"/> Administrative Agency (80C)	<input type="checkbox"/> Other Appeals
VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR): <input type="checkbox"/> I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because: <input type="checkbox"/> It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction). <input type="checkbox"/> The plaintiff or defendant is incarcerated in a local, state or federal facility. <input type="checkbox"/> The parties have participated in a statutory prelitigation screening process with _____ (name of neutral) on _____ (date). <input type="checkbox"/> The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date). <input type="checkbox"/> This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.		

- VII. (a) ☐ PLAINTIFFS (Name & Address including county)
or ☐ Third-Party, ☐ Counterclaim or Cross-Claim Plaintiffs
☐ The plaintiff is a prisoner in a local, state or federal facility.

State of Maine
State House Station 6
Augusta, Maine 04333-0006

Kennebec County

- (b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs,
(If *pro se* plaintiff, leave blank) specify who the listed attorney(s) represent.

Linda J. Conti, Assistant Attorney General
Maine Bar No. 3638
Carolyn Silsby, Assistant Attorney General
Maine Bar No. 3030
Office of the Attorney General
State House Station 6, Augusta, Maine 04333-0006
Tel. (207) 626-8800

- VIII. (a) ☒ DEFENDANTS (Name & Address including county)
and/or ☐ Third-Party, ☐ Counterclaim or ☐ Cross-Claim Defendants
☐ The defendant is a prisoner in a local, state or federal facility.

Maine Volunteer Firefighters Fund, Inc.
6221 14th Street, West, Suite 208
Bradenton, Florida 34207
Manatee County
Advance Marketing Consultants, Inc.
6221 #206 US 41
Bradenton, Florida 34207
Manatee County

Estel E. Senn, 321 Pearl Ave., Sarasota, FL 34243
Etha A. Senn, 321 Pearl Ave., Sarasota, FL 34243
Alma J. Senn, 321 Pearl Ave., Sarasota, FL 34243
Manatee County

- (b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)
(If known)

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

Harry Haskins, Esq.
Sun Trust Building, 3400 South Tamiami Trail, Suite
201, Sarasota, Florida 34239

If all counsel listed do NOT represent all
defendants, specify who the listed attorney(s)
represent.

Represents all Defendants, except
Advance Marketing Consultants, Inc.

Represents Advance Marketing
Consultants, Inc.

IX. RELATED CASE(S) IF ANY _____

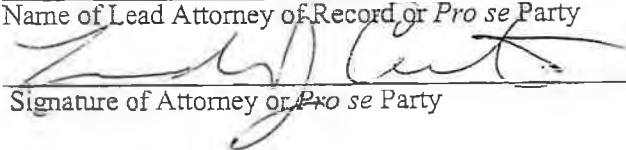
Assigned Judge/Justice _____

Docket Number _____

Date: _____

7/23/02

Linda J. Conti, Assistant Attorney General
Name of Lead Attorney of Record or *Pro se* Party


Signature of Attorney or *Pro se* Party

c:

STATE OF MAINE

SUPERIOR COURT

KENNEBEC, ss.
Docket No. CV-02

DISTRICT COURT

Location _____
Docket No. _____State of Maine Plaintiff

v.

SUMMONS

Advance Marketing Defendant c/o S. Catherine Longley, Commissioner
Consultants, Inc. Professional & Financial Regulation
6221 #206 US 41 Address Northern Avenue
Bradenton, FL 34207 Gardiner, ME 04333
 Agent for Svc. of Process, 9MRSAS\$5007

The Plaintiff has begun a lawsuit against you in the ~~(XXXXXX)~~ (Superior) Court, which holds sessions at (street address) 95 State Street, in the Town/City of Augusta, County of Kennebec, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer, by delivering a copy of it in person or by mail to the Plaintiff's attorney, or the Plaintiff, whose name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to the following address: Clerk of ~~(District)~~ (Superior) Court, 95 State Street, Augusta, Maine 04330
 (Mailing Address) (Town, City) (Zip)

before, or within a reasonable time after, it is served.

IMPORTANT WARNING

IF YOU FAIL TO SERVE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU IN YOUR ABSENCE FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS LAWSUIT, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

(Seal of Court)

Date: 6/19/02

Nancy A. Desjardins

 Clerk

Linda J. Conti, A.A.G.
 (Attorney for) Plaintiff
State House Station 6 Address
Augusta, ME 04333-0006
(207) 626-8800 Telephone

STATE OF MAINE

County of Kennebec, ss.

On 6-25-02 (date), I served the Complaint (and Summons) upon Defendant King Volunteer Firefighter Fund Inc. by delivering a copy of same at the following address:
Grandville

- ☐ to the above-named Defendant in hand.
- ☐ to _____ (name), a person of suitable age and discretion who was then residing at Defendant's usual residence.
- ☒ to Catherine Legley, Commissioner (name), who is authorized to receive service for Defendant.
- ☐ by (describe other manner of service):

Costs of Service:

Service: \$ _____
Travel \$ _____
Postage \$ _____
Other \$ _____

Total \$ _____

[Signature]
Signature
KENNEBEC COUNTY
SHERIFF'S OFFICE
Agency

STATE OF MAINE

SUPERIOR COURT

KENNEBEC, ss.Docket No. CV-02

DISTRICT COURT

Location _____

Docket No. _____

State of Maine Plaintiff

v.

SUMMONS

Maine Volunteer Firefighters Defendant
Fund, Inc.
6221 14th St., West, Ste. Address
Bradenton, FL 34207 / 208

c/o S. Catherine Longley, Commissione
 Professional & Financial Regulation
 Northern Avenue
 Gardiner, ME 04333
 Agent for Svc. of Process, 9MRSAS5007

The Plaintiff has begun a lawsuit against you in the ~~District~~ (Superior) Court, which holds sessions at (street address) 95 State Street, in the Town/City of Augusta, County of Kennebec, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer, by delivering a copy of it in person or by mail to the Plaintiff's attorney, or the Plaintiff, whose name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to the following address: Clerk of ~~XXXXXX~~ (Superior) Court, 95 State Street, Augusta, Maine 04330
 (Mailing Address) (Town, City) (Zip)

before, or within a reasonable time after, it is served.

IMPORTANT WARNING

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If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

(Seal of Court)

Date: 6/19/02

Nancy A. Desjardins
 Clerk

Linda J. Conti, A.A.G.
 (Attorney for) Plaintiff
State House Station 6 Address
Augusta, ME 04333-0006
(207) 626-8800 Telephone

STATE OF MAINE

County of Kenn., ss.

On 6-25-02 (date), I served the Complaint (and Summons) upon Defendant Advanced Marketing Consultants Inc by delivering a copy of same at the following address:
(see below)

- ☐ to the above-named Defendant in hand.
- ☐ to _____ (name), a person of suitable age and discretion who was then residing at Defendant's usual residence.
- ☒ to Catherine Lonsley, Commissioner (name), who is authorized to receive service for Defendant.
- ☐ by (describe other manner of service):

Costs of Service:

Service: \$ _____
Travel \$ _____
Postage \$ _____
Other \$ _____

Total \$ _____

[Signature]

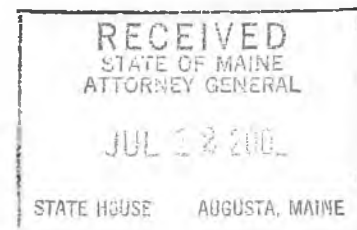
Signature
KENNEBEC COUNTY
SHERIFF'S OFFICE
Agency

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
INTEROFFICE MEMORANDUM

TO: Linda J. Conti, Assistant Attorney General
FROM: Kristine M. Ossenfort, Esq., Assistant to the Commissioner *W. Ossenfort*
SUBJECT: State of Maine v. Maine Volunteer Firefighters Fund, Inc., *et al.*
DATE: July 11, 2002
CC: Anne L. Head, Director of Licensing and Registration; S. Catherine Longley, Commissioner

Linda,

Enclosed for your information is a copy of a certified mail receipt, indicating that the Summons and Complaint were received by Laurie Seesholtz, agent for the Maine Volunteer Firefighters Fund, Inc. on July 8, 2002.



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Maine Volunteer Firefighters Fund
6221 14th St., West, Suite 208
Bradenton, FL 34207

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Laurie Seesholtz 7/8/02

C. Signature

x R. Seesholtz ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7001 0360 0003 9660 4681

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE



57TH AVE
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box.

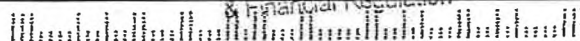
Kristine M. Ossenfort, Esq.
35 State House Station
Augusta, Maine 04333-0035

RECEIVED

JUL 11 2002

Department of Professional
& Financial Regulation

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STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-02-

STATE OF MAINE,)	
)	
Plaintiff)	
)	
v.)	
)	
MAINE VOLUNTEER FIREFIGHTERS)	
FUND, INC.)	
and)	
ESTEL E. SENN)	COMPLAINT
and)	
ETHA A. SENN)	
and)	
ALMA J. SENN)	
and)	
ADVANCE MARKETING)	
CONSULTANTS, INC.,)	
)	
Defendants)	

INTRODUCTION

1. The State of Maine brings this action pursuant to 5 M.R.S.A. §§ 207 and 209 to enjoin the Defendants, Maine Volunteer Firefighters Fund, Inc., Estel E. Senn, Etha A. Senn, Alma J. Senn, and Advance Marketing Consultants, Inc., from soliciting charitable donations in the State of Maine in violation of the Charitable Solicitations Act, 9 M.R.S.A. §§ 5001 – 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 the 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. Defendant Maine Volunteer Firefighters Fund, Inc. is a Maine nonprofit corporation and is located at 6221 14th Street West, Suite 208, Bradenton, Florida 34207.

4. Defendant Estel E. Senn is the Executive Director and President of Maine Volunteer Firefighters Fund, Inc. His address is 321 Pearl Ave, Sarasota, FL 34243.

5. Defendant Etha A. Senn is Vice President and member of the board of directors of Maine Volunteer Firefighters Fund, Inc. Her address is 321 Pearl Ave, Sarasota, FL 34243.

6. Defendant Alma J. Senn is Secretary/Treasurer and member of the board of directors of Maine Volunteer Firefighters Fund, Inc. Her address is 321 Pearl Ave, Sarasota, FL 34243.

7. Defendants Maine Volunteer Firefighters Fund, Inc. and Advance Marketing Consultants, Inc. are both registered with the Department of Professional and Financial Regulation as a charity and professional solicitor, respectively.

8. Defendant Advance Marketing Consultants, Inc. is a professional solicitor as defined in 9 M.R.S.A. § 5003(10). It is located at 6221 #206 US 41, Bradenton, Florida 34207.

JURISDICTION

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

STATUTORY BACKGROUND

10. Pursuant to 9 M.R.S.A. § 5012(1), any person or entity soliciting contributions from a prospective donor must fully disclose to the prospective donor prior to requesting a contribution the name and address of the charitable organization for which the solicitation is being conducted.

11. Pursuant to 9 M.R.S.A. § 5012(2), any professional solicitor soliciting contributions from a prospective donor must fully disclose to the prospective donor at the time of solicitation but prior to the request for contributions:

- a. The name and address of the professional fund-raising counsel, professional solicitor or commercial coventurer; and
- b. The following statement:
“(Insert the name of professional fund-raising counsel, professional solicitor commercial coventurer) is a professional charitable fund raiser.”

12. 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.

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

FACTS

14. The contract between Maine Volunteer Firefighters Fund, Inc. and Advance Marketing Consultants, Inc. for the period September 15, 2001 through September 15, 2002 states that the purpose of the solicitation is to conduct a public awareness program for and on behalf of Maine Volunteer Firefighters Fund, Inc. and, at the same time, solicit contributions and raise funds for Maine Volunteer Firefighters Fund, Inc.

15. The contract between Maine Volunteer Firefighters Fund, Inc. and Advance Marketing Consultants, Inc. for the period September 15, 2001 through September 15, 2002 states that Advance Marketing Consultants, Inc. shall be paid 85% of the money raised through their solicitations.

16. The purpose of Maine Volunteer Firefighters Fund, Inc., as stated in their articles of incorporation and application for registration with the Maine Department of Professional and Financial Regulation as a charitable organization, is “scholarship and financial assistance to the families of Maine firefighters/assistance to the volunteer fire departments.”

17. Maine Volunteer Firefighters Fund, Inc.'s application for registration with the Maine Department of Professional and Financial Regulation as a charitable organization for the period December 1, 2000 through November 30, 2001 estimates that only 12% of each dollar contributed will be expended in Maine.

18. The solicitation letters mailed to prospective donors by the Maine Volunteer Firefighters Fund, Inc. state that “. . . your contribution will be used to help fund and administer our programs for state and local firefighters,” and “we can save lives in a safer Maine.”

19. Maine Volunteer Firefighters Fund, Inc. has a mailing address of 135 Marginal Way, PMB #870, Portland, Maine 04101-2437. This address is a mail drop box and all mail received at this address is sent to Susan Friesen in Sarasota, Florida. Maine Volunteer Firefighters Fund, Inc. has no other presence in the State of Maine.

20. Information mailed to consumers by Maine Volunteer Firefighters Fund, Inc. and Advance Marketing Consultants, Inc. states “Reg. No. for A.G. – P53514” and “Information is filed with the Attorney General of the State of Maine.” The Maine Attorney General does not register charities or professional solicitors, nor does it routinely maintain files on such organizations.

21. Maine Volunteer Firefighters Fund, Inc. is not affiliated in any manner with any state or local fire departments. This information is material and is not disclosed to prospective donors.

22. Various misleading statements were made to prospective donors being asked over the phone to contribute to the Maine Volunteer Firefighters Fund, Inc., e.g., that money would support injured or killed firefighters and their families in the prospective donor's community; that the Maine Volunteer Firefighters Fund, Inc. is “backed by the Attorney General”; and that the caller was located in Portland, Maine.

23. In addition to misleading statements, phone solicitors did not disclose that they were paid professional fundraiser or that the Maine Volunteer Firefighters Fund, Inc. was located in Florida.

24. According to Maine Volunteer Firefighters Fund, Inc., family members of injured or killed firefighters can apply to the Maine Volunteer Firefighters Fund, Inc. for financial and scholarship assistance. However, neither Maine firefighters nor fire departments have any affiliation with Maine Volunteer Firefighters Fund, Inc. This information is material and is not disclosed at the time of solicitation. In fact, to the contrary, consumers are led to believe that their donations will go directly to families of Maine firefighters or Maine fire departments.

25. Estel, Alma and Etha Senn are the sole officers and directors of Maine Volunteer Firefighters Fund, Inc.

COUNT I

(Violation of Charitable Solicitations Act, 9 M.R.S.A. § 5012(1))

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

27. Maine Volunteer Firefighters Fund, Inc., Estel Senn, Etha Senn and Alma Senn's practice of soliciting consumers for donations in the State of Maine without fully disclosing its actual location violates the Charitable Solicitations Act, 9 M.R.S.A. § 5012(1).

28. Defendants' violation of the Charitable Solicitations Act constitutes a violation of the Unfair Trade Practices Act, 5 M.R.S.A. § 207.

29. The Defendants' violation of the Unfair Trade Practices Act set forth in Count I is intentional.

COUNT II

(Violation of Charitable Solicitations Act, 9 M.R.S.A. § 5012(2))

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

31. Advance Marketing Consultants, Inc.'s practice of soliciting consumers for donations in the State of Maine (1) without disclosing the name and address of Advance Marketing Consultants, Inc. and (2) without making the statement "Advance Marketing Consultants, Inc. is a professional charitable fund raiser" violates the Charitable Solicitations Act, 9 M.R.S.A. § 5012(2).

32. Advance Marketing Consultants, Inc.'s violation of the Charitable Solicitations Act constitutes a violation of the Unfair Trade Practices Act, 5 M.R.S.A. § 207.

33. Advance Marketing Consultants, Inc.'s violation of the Unfair Trade Practices Act is intentional.

COUNT III

(Violation of Unfair Trade Practices Act)

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

35. Maine Volunteer Firefighters Fund, Inc., Estel Senn, Etha Senn, Alma Senn and Advance Marketing Consultants, Inc. use a local mailing address of 135 Marginal Way, PMB #870, Portland, Maine 04101-2437 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 is located in Maine.

36. Maine Volunteer Firefighters Fund, Inc.'s written material sent to prospective donors stating "Reg No. for A.G. –PS3514" intended to deceive consumers into believing that the soliciting organization is registered, sponsored or approved by the Maine Attorney General's office.

37. Maine Volunteer Firefighters Fund, Inc.'s statement on its written material that "Information is filed with the Attorney General of the State of Maine" is intended to deceive

consumers into believing that the soliciting organization is monitored, sponsored or approved by the Maine Attorney General's office.

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

COUNT IV

(Violation of Unfair Trade Practices Act)

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

40. Maine Volunteer Firefighters Fund, Inc., Estel Senn, Etha Senn, Alma Senn and Advance Marketing Consultants, Inc. failed to disclose to potential donors that they have no affiliation with fire departments or firefighters in Maine.

41. The omission of this material information is intended to and in fact does deceive potential donors into believing that their donations will benefit their local fire department or local firefighters.

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

RELIEF REQUESTED

Plaintiff requests that the Court:

1. Declare that the Defendants, Maine Volunteer Firefighters Fund, Inc., Advance Marketing Consultants, Estel E. Senn, Etha A. Senn, and Alma J. Senn, have 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 Defendants, Maine Volunteer Firefighters Fund, Inc., Advance Marketing Consultants, Estel E. Senn, Etha A. Senn, and Alma J. Senn, their agents, servants, employees and those persons in active concert or

participation with them who receive actual notice of this injunction from engaging in the following acts or practices:

- a. performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership, or entity that engages in any type of telephone solicitation on behalf of any charitable organization in the State of Maine;
- b. engaging in telephone solicitation on behalf of any charitable organization in any manner, directly or indirectly, in the State of Maine;
- c. being employed by any person or entity which engages in any type of telephone solicitation on behalf of any charitable organization or cause which purports to involve charity or any cause which the public could reasonably understand to be for public benefit or community service in the State of Maine;
- d. owning, operating, managing or advising any entity, including any nonprofit corporation, that solicits funds from persons or entities for any type of charitable purpose or cause which the public could reasonably understand to be public benefit or community service in the State of Maine;
- e. performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership or entity (including nonprofit corporations) which solicits funds on behalf of any charity or cause from persons or entities for any type of charitable purpose or any cause which the public could reasonably understand to be public benefit or community service in nature in the State of Maine;

- f. owning, operating, managing, advising, or being employed by any charitable and/or nonprofit entity that solicits funds which are tax deductible in whole or in part pursuant to Internal Revenue Service laws, rules or regulations, now existing or hereinafter created, including, but not limited to, entities that have applied for, but not received, tax exempt status from the Internal Revenue Service;
- g. engaging in any type of solicitation of a person, business entity, consumer or contributor who may be located in the State of Maine at the time of such solicitation by use of the internet, without every internet solicitation message and internet website containing a permanent, clear and conspicuous (13 point bold type) written disclaimer informing all recipients that Defendants are prohibited from engaging in telephonic solicitations on behalf of any firefighting related business in the State of Maine;
- h. representing, expressly or by implication that Defendants, or any business associated with Defendants, is affiliated with, endorsed by, authorized by, supported by, associated with or is in any way related to any firefighting organization, group or cause;
- i. mailing, faxing or forwarding any invoice, letter or thing to any business or person wherein such invoice, letter or thing seeks, demands or requests any type of payment or contribution on behalf of any firefighting entity or organization; and
- j. telephoning, calling or in any way initiating contact with any business or person for the purpose of seeking, selling, or requesting any type of

contribution, money or funds on behalf of any firefighting entity or organization.

3. Order Defendants, Maine Volunteer Firefighters Fund, Inc., Estel E. Senn, Etha A. Senn and Alma J. Senn, to submit an accounting of all monies received from Maine residents from December 1, 2000 to the present, including the name and address of the donor and the amount of each donation; and the names in which all such monies have been invested, applied, or expended.

4. Order Defendant Advance Marketing Consultants, Inc. to submit a complete and accurate accounting of all fundraising activities that it has conducted in Maine on behalf of Maine Volunteer Firefighters Fund, Inc. including the names of donors and the amounts of each donation from December 1, 2000 to the present; and the names in which all such monies have been invested, applied, or expended.

5. Pursuant to 5 M.R.S.A. § 209, order Defendants Maine Volunteer Firefighters Fund, Inc., Estel Senn, Etha Senn, Alma Senn and Advance Marketing Consultants, Inc., to pay a civil penalty of up to \$10,000 per violation for each intentional violation of the Unfair Trade Practices Act.

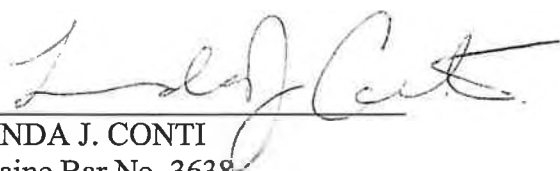
6. Pursuant to 5 M.R.S.A. § 209, order Defendants to pay restitution to all residents of the State of Maine who made a contribution to Maine Volunteer Firefighters Fund, Inc. between September 1, 2001 and the present.

7. Pursuant to 5 M.R.S.A. § 209, order Defendants to pay the Department of the Attorney General the cost of this suit, including its attorney fees.

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

G. STEVEN ROWE
Attorney General

Dated: June 19, 2002



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