

STATE OF MAINE
KENNEBEC, SS

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

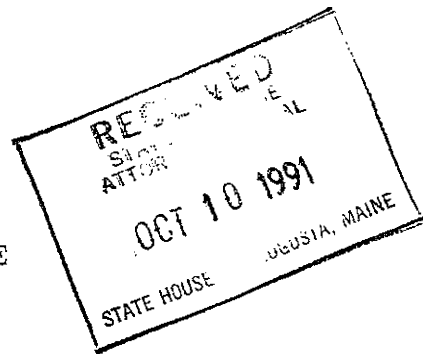
STATE OF MAINE,
Plaintiff

V.

INTERNATIONAL UNION OF GOSPEL
MISSIONS, INC.,
a Missouri Corporation
with a principle office
located in Kansas City,
Missouri,

Defendant

CONSENT DECREE



Plaintiff, STATE OF MAINE, filed its Complaint in this matter on 10/8/91. Plaintiff and Defendant International Union of Gospel Mission, Inc., hereinafter referred to as "IUGM", have consented to the entry of this Consent Decree without trial or adjudication of any issue of fact or law herein and only for the purposes of settlement. This Decree does not constitute any evidence against, or an admission by, any party with respect to the issues raised in the State's Complaint and the Defendant denies the allegations made in the Complaint.

NOW THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ORDERED and DECREED as follows:

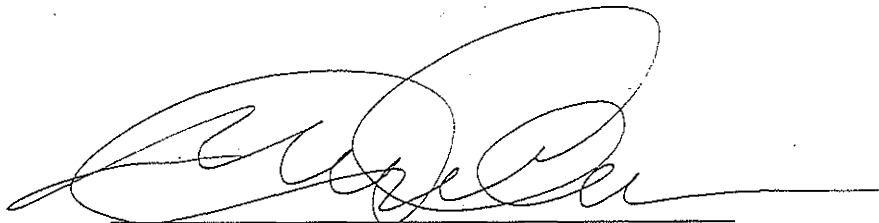
1. ORDERED and DECREED that IUGM shall pay to Hope Haven Gospel Mission, Inc., Lewiston, Maine, \$7,827, in furtherance of the Thanksgiving, Christmas and Easter charitable solicitations of 1989-90.

2. It is further ORDERED and DECREED that IUGM is permanently enjoined from conducting future charitable solicitations that represent that a donation of a specific dollar amount will provide for a definite amount of services (e.g., a donation of "\$13.90 will feed ten hungry people") unless that representation is fully executed.

3. The Court retains jurisdiction over the subject matter of this action and its parties for the purpose of applying to this Court at any time for further orders or directions which may be appropriate.

Dated:

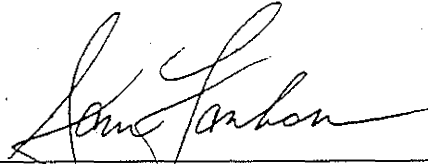
10/9/91



Justice, Superior Court

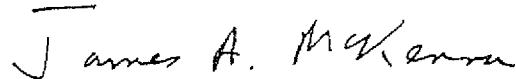
Seen to and agreed to:

Dated: 10-3-91



Samuel W. Lanham, Jr., Esq.
Counsel for IUGM

Dated: 10-8-91



JAMES A. MCKENNA
Assistant Attorney General

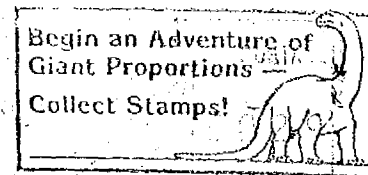
REC'D & FILED
NANCY A. DESJARDIN

OCT - 8 1991

CLERK OF COURTS
KENNEBEC COUNTY

CLERK OF SUPERIOR COURT
KENNEBEC COUNTY COURTHOUSE
AUGUSTA, MAINE 04330

RETURN IF NOT CALLED FOR IN FIVE DAYS



James McKenna, AAG
State House Sta. #6
Augusta, Maine 04333





MICHAEL E. CARPENTER
ATTORNEY GENERAL

VENDEAN V. VAFIADES
CHIEF DEPUTY

Telephone: (207) 289-3661
FAX: (207) 289-3145

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

CROMBIE J. D. GARRETT, JR.
DEPUTY, GENERAL GOVERNMENT
CABANNE HOWARD
DEPUTY, OPINIONS/COUNSEL
FERNAND R. LAROCHELLE
DEPUTY, CRIMINAL
CHRISTOPHER C. LEIGHTON
DEPUTY, HUMAN SERVICES
JEFFREY PIDOT
DEPUTY, NATURAL RESOURCES
THOMAS D. WARREN
DEPUTY, LITIGATION
STEPHEN L. WESSLER
DEPUTY, CONSUMER/ANTITRUST
BRIAN MACMASTER
DIRECTOR, INVESTIGATIONS

October 8, 1991

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

Re: State v. International Union of Gospel Missions (IUGM)

Dear Clerk Desjardin:

Please find encl;osed for filing a Complaint and executed Consent Decree in the matter of State v. International Union of Gospel Missions. The State and IUGM now seek the presiding justice's approval of this Consent Decree.

Could you please present these documents to the presiding justice.

If the Court does not wish to sign the Consent Decree without first meeting with the parties could you please contact me so that we can arrange a meeting date that is convenient to the Court. Please do not hesitate to contact me if you have any questions concerning this matter.

Sincerely,

James McKenna

JAMES A. MCKENNA
Assistant Attorney General
Consumer & Antitrust Division
State House Station 6
Augusta, Maine 04333
(207) 626-8800

JAM/kesp
cc: Samuel W. Lanham, Jr., Esq.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

Defendant

CONSENT DECREE

NOW THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ORDERED and DECREED as follows:

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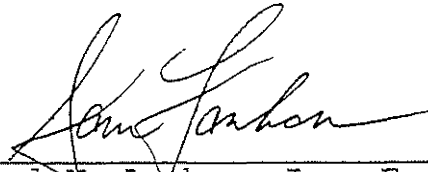
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Dated:

Justice, Superior Court

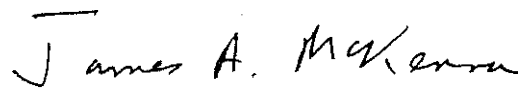
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Samuel W. Lanham, Jr., Esq.
Counsel for IUGM

Dated: 10-8-91



JAMES A. MCKENNA
Assistant Attorney General

STATE OF MAINE
KENNEBEC, SS

SUPERIOR COURT
CIVIL ACTION
DOCKET NUMBER

STATE OF MAINE,

Plaintiff

v.

INTERNATIONAL UNION OF GOSPEL
MISSIONS, INC., a Missouri
Corporation with a principal
office located in Kansas City,
Missouri

Defendant

)
)
)
)
) COMPLAINT
) (FOR DUE APPLICATION
) OF CHARITABLE FUNDS
) AND EQUITABLE
) REMEDIES)
)
)
)

I. INTRODUCTION

1. This action is brought by the State of Maine pursuant to 5 M.R.S.A. § 194 (1989) in order to insure that charitable donations solicited by Defendant International Union of Gospel Missions, Inc. (hereinafter referred to as "IUGM") are duly applied to finance charitable services provided by Hope Haven Gospel Mission, Inc. of Lewiston, Maine (hereinafter referred to as "Hope Haven").

II. PUBLIC CHARITIES STATUTE

2. This action is brought pursuant to 5 M.R.S.A. § 194, Public Charities. This statute reads in its entirety:

§ 194. Public Charities

The Attorney General shall enforce due application of funds given or appropriated to public charities within the State and prevent breaches of trust in the administration thereof.

III. PARTIES

3. Plaintiff STATE OF MAINE is a sovereign state and brings this action by and through the Attorney General pursuant to 5 M.R.S.A. § 194 (1989) 5 M.R.S.A. § 209 (Sup. 1989-90), and the powers vested in him under the common law.

4. Defendant IUGM is a Missouri non-profit corporation and religious organization with a principal office in Kansas City, Missouri and is engaged in fund raising campaigns in support of various religious missions located in various United States cities.

IV. JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 5 M.R.S.A. § 194 (1989), 4 M.R.S.A. § 105 (sup. 1989-90) and 14 M.R.S.A. § 6051(13)(1980).

6. Venue is properly laid in Kennebec County pursuant to 4 M.R.S.A. § 155(4)(1989).

V. FACTS

7. Hope Haven Gospel Mission, Inc. is a Maine non-profit corporation with its principal office in Lewiston, Maine. Hope Haven is a religious organization dedicated to providing food and shelter to the poor and teaching Christian values.

8. On August 4, 1989 the Defendant agreed to conduct a fund-raising campaign for Hope Haven. Under terms of this agreement IUGM placed advertisements in Maine newspapers and conducted a direct mail solicitation campaign to Maine citizens.

9. Pursuant to this fund raising agreement IUGM deducted from the gross donations certain expenses, including a 10% "professional management/administrative fee" from the net income raised by the program and a reserve fund that IUGM could use to offset future expenses.

10. IUGM also agreed to distribute the net proceeds of the fund raising campaign to Hope Haven each month, beginning the first month that receipts exceeded fees and expenses.

11. IUGM, beginning in October, 1989, commenced this advertising and direct mail campaign designed to raise funds for Hope Haven's activities in Lewiston.

12. This campaign included solicitations for the cost of meals to be served during the Thanksgiving, Christmas and Easter seasons. The cost of providing each meal was represented to be \$1.39. Each solicitation was premised on the specific representation that contributions of particular amounts would be used to feed a certain number of homeless persons.

13. For example, a Portland Press Herald advertisement that preceded the Thanksgiving solicitation featured an elderly man eating a meal and was accompanied by the following solicitation:

PLEASE HELP US AT THANKSGIVING

...provide traditional home-cooked Thanksgiving dinners with all the trimmings for the hungry and safe shelter for the homeless during this Thanksgiving season.

\$13.90 will feed 10 hungry people
\$27.80 will feed 20 hungry people
\$55.60 will feed 40 hungry people
\$139. will feed 100 hungry people

See Appendix A.

14. Similarly, the "Christmas" direct mailing included a reply form that said in part:

Yes! I'll help you feed the hungry and shelter the homeless who come to you for help throughout the Christmas season and especially for your Christmas dinner.
Enclosed is my tax deductible gift of:

() \$13.90 for 10 meals
() \$27.80 for 20 meals
() \$55.60 for 40 meals

See Appendix B.

15. Similarly, the Easter solicitation included a letter to potential donors that said in part:

So a gift from you of \$139.00 will feed 100 hungry, hurting people. \$174.00 will feed 126 hungry people. And \$209 will feed 151!

See Appendix C.

16. Both advertising and direct mail solicitations asked the contributors to mail the money directly to: "Hope Haven Gospel Mission, Inc., P.O. Box 661, Lewiston, Maine 04243-9943." The solicitations also specified that Hope Haven was located at 209 Lincoln Street, Lewiston.

17. In fact, mailed contributions were not received by Hope Haven. Rather, IUGM arranged for all donations, at significant additional cost, to be automatically mailed out of Lewiston and eventually delivered to IUGM in Kansas City, Missouri.

18. To date, IUGM's fund raising expenses have always exceeded donations. For example, as of February 28, 1990 IUGM fund raising expenses totaled \$70, 141.92 while donations have totaled \$42,915.59..

19. To date IUGM has paid to Hope Haven only \$11,588 in donations. Because of its fund raising expenses IUGM does not intend to return any additional monies.

CAUSE OF ACTION

(Misapplication of Charitable Funds
and Breach of Trust in Administration)

20. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 19 of this Complaint.

21. The Defendant represented in its solicitations that for each \$1.39 contributed a meal would be provided to a homeless person in Lewison.

22. The Defendant's solicitations on behalf of Hope Haven resulted in donations totalling \$42,915.59

23. Based upon the Defendant's representations, the total amount of solicitations should have been sufficient to pay for 30,874 meals.

24. The Defendant, however, paid to Hope Haven only \$11,588 of the total amount solicited. This amount is not sufficient to pay for the numbers of meals that the solicitation represented would be provided.

25. The Defendant's failure to provide Hope Haven with funds sufficient to pay for the number of meals which Defendant represented in its solicitations constitutes both a failure to duly apply charitable funds and a breach of trust in the administration of those funds in violation of 5 M.R.S.A. § 194 (1989).

RELIEF REQUESTED

Plaintiff requests this Court to order the following relief:

1. Impose a constructive trust upon the proceeds of the IUGM solicitations on behalf of the poor of Lewiston, Maine and order IUGM to provide Hope Haven with donated funds in an amount sufficient to provide the food and shelter to the homeless that were promised in their Thanksgiving, Christmas and Easter solicitations.
2. Permanently enjoin the Defendant when conducting future charitable solicitations from representing that a donation of a specific dollar amount will provide for a definite amount of services (e.g., "\$13.90 will feed 10 hungry people") unless that representation is fully complied with.

3. Order such other relief as may be necessary to ameliorate the effects of the Defendant's failure to duly apply charitable funds and breach of trust.

Date: 10/8/91

MICHAEL E. CARPENTER
Attorney General

STEPHEN L. WESSLER
Deputy Attorney General

James McKenna

JAMES A. MCKENNA
Assistant Attorney General
Consumer & Antitrust Division
State House Station 6
Augusta, Maine 04333
(207) 289-3661

SLW/JAM/kesp

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HARD WATER?**

**DOES YOUR WATER
STAIN EVERYTHING
IT TOUCHES?**

We have specialized in
solving water problems
in Maine for...

25 YEARS

CALL TODAY
"We Treat Water Seriously"

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EQUIPMENT INC.**

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Assistance Center is a publicly
funded, statewide assistance
program established by the
State of Maine Department of
Economic and Community
Development, University of
Maine, Eastern Maine Devel-
opment Corporation and the
federal government.

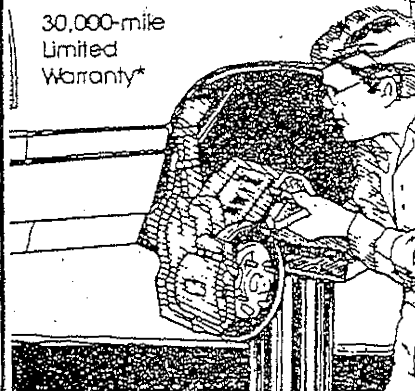
APPENDIX A

KEY	PRICE	SIZE	PRICE
P155/80R13	31.97	P215/75R14	48.97
P165/80R13	34.97	P205/75R15	47.97
P175/80R13	37.97	P215/75R15	50.97
P185/80R13	39.97	P225/75R15	52.97
P185/75R14	41.97	P235/75R15	54.97
P195/75R14	44.97	P185/70R14	42.97
P205/75R14	46.97		

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Tires And S

FRONT
Additional parts, see

30,000-mile
Limited
Warranty*



59.97 + Sale
Price

2-wheel disc or drum brake
special for many U.S. cars.
Imports and ft. trucks extra.

Semi-metallic pads extra *Limited warranty-Details
in store

+Additional p

75-month warranty*



65-month Warrant

64.97 Everyc
Low Pr

With Exchange. Centura 8
delivers up to 850 CCA's.

Motorvator 65
Batteries in sizes to fit many cars, ft. trucks
*Limited warranty-Details in store

FALMOUTH 7

**PLEASE HELP US
AT THANKSGIVING**

...provide traditional home-cooked
Thanksgiving dinners with all the trimmings
for the hungry and safe shelter for the
homeless during this Thanksgiving season.

\$13.90 will feed 10 hungry people
\$27.80 will feed 20 hungry people
\$55.60 will feed 40 hungry people
\$139 will feed 100 hungry people

Please help the needy share in the joy
of Thanksgiving. Your gift will feed the
hungry and shelter the homeless.

Rush your tax-deductible gift today to: **RESCUE**

HOPE HAVEN

GOSPEL MISSION, INC.

P.O. Box 661, Dept. S98 12574-B

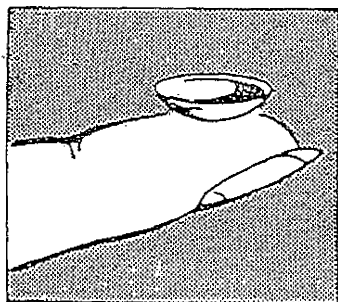
Lewiston, ME 04243

Location: 209 Lincoln Street

OUR 6TH YEAR OF SERVICE



The Freshest Idea in Contact Lens Wear



Throw away...

- Itchy eyes
- Sticky lenses
- Weekly enzyme

INTRODUCING...the disposable
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It's a fresh new way to look at contact lenses.

Call us to see if Bausch & Lomb
disposable contact lenses are the contact
lenses you've been waiting for.

Call today...



Drs. Gauvreau & Ritter, P.A.

Optometrists

151 Main Street, Westbrook, ME 854-1801

CHRISTMAS REPLY FORM

YES! I'll help you feed the hungry and shelter the homeless who come to you for help throughout the Christmas season and especially for your Christmas dinner.

Enclosed is my tax-deductible gift of:

() \$13.90 FOR 10 MEALS

() \$139.00 FOR 100 MEALS

() \$27.80 FOR 20 MEALS

() \$1,390.00 FOR 1,000 MEALS

() \$55.60 FOR 40 MEALS

() \$_____ FOR FEEDING AND SHELTERING

AS MANY PEOPLE AS POSSIBLE DURING

THE CHRISTMAS SEASON.

() I HAVE SIGNED THE CARD BELOW SO YOU CAN DISPLAY IT FOR YOUR CHRISTMAS DINNERS AT THE MISSION.

MRS. BRENDA WILLIAMS
RR 1 BOX 1365
N WHITEFIELD, ME 04853

99022099

Thank you for your gift. Please make your check payable to:

HOPE HAVEN GOSPEL MISSION, INC., P.O. BOX 611, LEWISTON, ME 04243-9943

Return this entire form with your check in the envelope provided.

Please sign here

CHRISTMAS GREETINGS FROM
MRS. BRENDA WILLIAMS

CHRISTMAS GREETINGS FROM
MRS. BRENDA WILLIAMS

Please sign here

Please detach this portion for your records.
Amount _____
Check No. _____
Date _____

Thank you for your Christmas gift!

HOPE HAVEN GOSPEL
MISSION, INC.
P.O. Box 661
LEWISTON, ME 04243-9943



RESCUE

Mr. John Q. Sample
123 Main Street
Anytown, US 00000

Easter 1990

Dear Mr. Sample,

Easter isn't a pretty time for the homeless. When Easter morning dawns, there are no brightly painted Easter eggs or happy children . . . no baskets filled with jelly beans and other goodies.

No warm family greetings for the older men whose only home is the alley . . . or young men with bloodshot eyes who are rummaging through garbage cans and dumpsters for scraps of food.

Even in broad daylight, the streets are a dark place -- a place of despair that fills me with anger and pity for the terrible things it does to homeless people.

And yet . . . every now and then . . . perhaps near the hand of a ragged man asleep on the sidewalk, I'll see a tiny miracle of beauty here that amazes me:

A brave little flower or plant manages to bore through a crack in the pavement -- sometimes splitting it right in two!

Such loveliness in the midst of such desolation says something important about the renewing power of nature and about God's love for all people.

It says, "No matter how deep in the darkness a person may fall . . . no one is ever beyond hope."

That's why I'm writing to you today. You see, this Easter season, many homeless people will come to Hope Haven Gospel Mission, Inc. in search of food, clothing and a special Easter dinner.

And just as a small handful of nourishing soil can sometimes enable a seed of hope to take root and break through the concrete and burst into bloom . . .

. . . I have seen the touch of a hand reaching out in love give a person on the streets enough hope to be restored to wholeness and dignity.

We've brought the nourishment of God's love to hurting people . . . people like Kevin Barnes, who is typical of the kind of men we help. He had never known "a place in the sun."

(over, please)

So a gift from you of \$139.00 will feed 100 hungry, hurting people. \$174.00 will feed 126 hungry people. And \$209.00 will feed 151!

Through your generosity you'll be giving a gift of hope . . . of love . . . of a chance to again achieve dignity and self-respect.

And you will have the joy of knowing your love is touching the life of someone in desperate need.

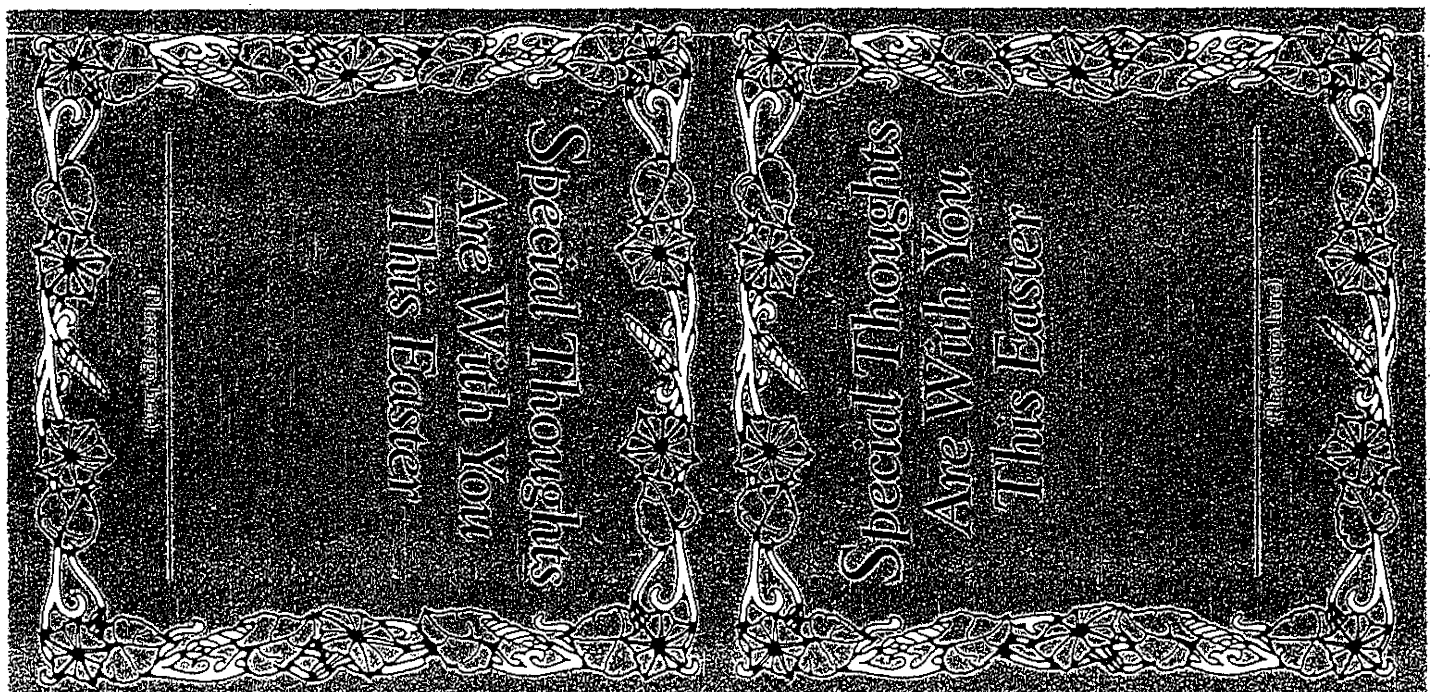
Please let me hear from you today -- with the most generous gift you can give during this special time of joy and new beginnings.

Yours sincerely,



Rev. George C. Nickerson
Executive Director

P.S. When you send your Easter gift to help the homeless and hungry like Kevin, would you please sign and return the special Easter greeting card that's enclosed? It will be placed where a lonely person can read your message of hope this Easter. God bless you for caring.



Easter Reply Form

- ☐ **Yes!** You can count on me this Easter season to reach out in love to homeless and hungry people like Kevin. Enclosed is my tax-deductible gift of:
- ☐ \$139.00 to help feed 100 hungry people
 - ☐ \$174.00 to help feed 126 hungry people
 - ☐ \$209.00 to help feed 151 hungry people
 - ☐ \$_____ to help feed and shelter as many people as possible

- ☐ I have also signed my name to the greeting card so homeless people will have my message of hope at Easter.

Mr. John Q. Sample
123 Main Street
Anytown, US 00000
Phone: _____

FIRST CLASS PERMIT NO. 434 Lewiston, ME
POSTAGE WILL BE PAID BY ADDRESSEE
Hope Haven Gospel
Mission, Inc.
P.O. Box 661
Lewiston, ME 04243-9943

Thank you for your gift. You will receive a receipt for tax purposes. Please return this entire form with your gift in the envelope provided.