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**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

NO. 10-2-14359-9 SEA

STATE OF WASHINGTON,

Plaintiff,

v.

CHARITABLE ASSISTANCE GROUP, INC., a Washington Corporation, a/k/a CAG, Charitable Assistance Fund, Celebrity Sports Challenge, CSC, Donkey Softball Challenge, DSC, Fireball Classic, FBC, Jock 'N Cop B-Ball Jam, JNC, Spinoza Buddy Bear Program; DIRECT FUNDING SERVICES, INC., a Washington Corporation, a/k/a DFS, Direct Funding, Celebrity Sports Challenge, Donkey Softball Challenge, Fireball Classic, Jock 'N Cop B-Ball Jam, Magic of Christmas, Spinoza Teddy Bear Program, Spinoza Buddy Bear Program, Tickle Toon Typhoon, The Toy Chest; JUSTIN MCGUINN, a/k/a Justin Adrian, individually and as part of his marital community; JOSEPH MICHAEL MCGUINN, a/k/a Michael Joseph, individually and as part of his marital community; JENNIFER MAE BARTLETT, a/k/a Virginia Mae Bartlett, Virginia Mae Sherman, Virginia Mae Baker, individually and as part of her marital community,

Defendants.

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT AS TO DEFENDANT JOSEPH MICHAEL MCGUINN

**I. JUDGMENT SUMMARY**

- 1.1 **Judgment Creditor:** State of Washington
- 1.2 **Judgment Debtors:** Joseph Michael McGuinn
- 1.3 **Principal Judgment Amount:**

STIPULATED FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND JUDGMENT - 1

ATTORNEY GENERAL OF WASHINGTON  
Consumer Protection Division  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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- a. Civil Penalties**
  - (i) Imposed by 1996 Judgment: \$200,000 plus interest at 12% per annum (\$200,000 plus interest suspended on compliance with this Judgment).
  - (ii) Imposed: \$0 (\$50,000 suspended on compliance with this consent decree).
- c. Costs and attorneys' fees:** \$0 (\$23,809 suspended on compliance with the terms of this consent decree).
- d. Total Judgment:** \$0 (\$273,809 plus suspended interest)

**1.4 Post-Judgment Interest Rate:** 12 percent per annum

**1.5 Attorney for Judgment Creditor:** Shannon E. Smith  
Assistant Attorney General

**1.6 Attorney for Defendants:**

Plaintiff, State of Washington, commenced this action pursuant to RCW 19.86, the Consumer Protection Act ("CPA") and RCW 19.09 the Charitable Solicitations Act. The Defendant was served with the Summons and Complaint.

Unless otherwise specified, the term "Defendant" as used in this document shall mean Joseph Michael McGuinn.

Plaintiff and Defendant have agreed upon a basis for adjudication of the matters alleged in the Complaint, and to the entry of this Stipulated Judgment, Findings of Fact, Conclusions of Law, Judgment and Decree (hereinafter referred to as "Stipulated Judgment" or "Decree" or "Order") pursuant to CR 54.

The Court has determined there is no just reason for delay in the entry of final judgment against Defendant, and being fully advised, the Court hereby makes and enters the following:

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**II. STIPULATED FINDINGS OF FACT**

2.1 This action was commenced by the State of Washington pursuant to RCW 19.86 and RCW 19.09.

2.2 Defendant was personally served with a Summons and Complaint.

2.3 Defendant recognizes and states that this Stipulated Judgment is entered into voluntarily and that no promises or threats have been made by the Attorney General's Office or any member, official, agent, or representative thereof to induce Defendant to enter into this Stipulated Judgment except as provided herein.

2.4 Defendant further agrees that he will not oppose the entry of this Stipulated Judgment on the grounds that it fails to comply with Rule 65(d) of the Rules of Civil Procedure and hereby waive any objections based thereon.

2.5 The violations alleged in the State's Complaint have been engaged in by Defendant wholly or in part in King County, Washington, and elsewhere in the state of Washington. Defendant transacts or has transacted business in the state of Washington.

2.6 Defendant Joseph Michael McGuinn is a principal or otherwise has control over the activities of Defendants Charitable Assistance Group, Inc. (CAG) and Direct Funding Services, Inc. (DFS). CAG is a commercial fundraiser and DFS was a commercial fundraiser prior to its dissolution.

2.7 Defendant obtained fundraising contracts with charitable organizations on behalf of Defendants CAG and DFS.

2.8 Defendant had control over the bank account of the Renton Junior Chamber of Commerce, a charitable organization with which CAG and DFS had fundraising contracts. Defendant used that bank account to pay expenses on behalf of CAG and DFS, including payments to himself, that were unrelated to any fundraising activity on behalf of the Renton Junior Chamber of Commerce.

1           **2.9** Defendant, along with other defendants in this matter, solicited charitable  
2 solicitations from the general public in the state of Washington under various names, including  
3 Charitable Assistance Group, Inc., a/k/a CAG, Charitable Assistance Fund, Celebrity Sports  
4 Challenge, CSC, Donkey Softball Challenge, DSC, Fireball Classic, FBC, Jock 'N Cop B-Ball  
5 Jam, JNC, Spinoza Buddy Bear Program; Direct Funding Services, Inc., a/k/a DFS, Direct  
6 Funding, Celebrity Sports Challenge, Donkey Softball Challenge, Fireball Classic, Jock 'N Cop  
7 B-Ball Jam, Magic of Christmas, Spinoza Teddy Bear Program, Spinoza Buddy Bear Program,  
8 Tickle Toon Typhoon, The Toy Chest.

9           **2.10** Defendant, along with other defendants in this matter, entered into fundraising  
10 contracts with and solicited or received charitable contributions on behalf of charitable  
11 organizations, including the Renton Junior Chamber of Commerce (Renton Jaycees), the  
12 Kirkland Junior Chamber of Commerce (Kirkland Jaycees), the Vancouver Junior Chamber of  
13 Commerce (Vancouver Jaycees), the Washington Junior Chamber of Commerce (Washington  
14 Jaycees), the American Legion Post #234 Special Needs Committee, and the Disabled Police  
15 Officers Charitable Fund/Disabled Police Officers of America.

16           **2.11** Defendant, along with other defendants in this matter, solicited and collected  
17 charitable contributions on behalf of behalf of charitable organizations that were not properly  
18 registered with the Secretary of State, including but not limited to the Renton Jaycees, the  
19 Kirkland Jaycees, the Vancouver Jaycees, and the Washington Jaycees.

20           **2.12** Defendants, along with other defendants in this matter, solicited charitable  
21 contributions from the general public by telephone and by written solicitations and failed to  
22 clearly and conspicuously disclose in solicitations the name of CAG or DFS, and failed to  
23 clearly and conspicuously disclose the name and city of the charitable organization in whose  
24 name the solicitation was made.  
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1           **2.13** In soliciting charitable contributions, Defendant, along with the other  
2 defendants in this matter, misrepresented directly or by implication that paid solicitors were  
3 volunteers or members of the charitable organizations in whose name the solicitation was  
4 made.

5           **2.14** In soliciting charitable contributions, Defendant, along with the other  
6 defendants in this matter, misrepresented the tax-exempt status of charitable organizations in  
7 whose name the solicitation was made.

8           **2.15** In soliciting charitable contributions, Defendant, along with the other  
9 defendants in this matter, misrepresented either directly or by implication the charitable  
10 organization that would benefit from the charitable contributions.

11           **2.16** In soliciting charitable contributions, Defendant, along with the other  
12 defendants in this matter, misrepresented that the funds donated would be used for a charitable  
13 purpose when the funds were used for non-charitable purposes.

14           **2.17** In soliciting charitable contributions, Defendant, along with the other  
15 defendants in this matter, misrepresented or failed to clearly and conspicuously disclose the  
16 charitable purpose for the donation and the charitable organization that would benefit from the  
17 donation.

18           **2.18** In soliciting charitable contributions, Defendant, and the other defendants in this  
19 matter, used the words “firefighters,” “police,” or other similar words without written  
20 authorization from a bona fide firefighter or law enforcement organization or department.

21           **2.19** Defendant, and the other defendants in this matter, failed to organize or produce  
22 all fundraising events for which they solicited or collected charitable contributions.

23           **2.20** Defendant, and other defendants in this matter, misrepresented information  
24 provided to the Washington Secretary of State, including misrepresenting the entities that  
25 would be paid more than 10% of the fundraising costs of DFS and CAG, that blood relatives of  
26

1 Justin McGuinn would be paid more than 10% of the fundraising costs of DFS and CAG, and  
2 failed to identify and disclose contact information for owner, officer, or responsible party  
3 Joseph Michael McGuinn.

4       **2.21** Defendant, along with other defendants in this matter, failed to file all required  
5 reports with the Washington Secretary of State, including a fundraising report for DFS for  
6 2005.

7       **2.22** In soliciting charitable contributions, Defendant, along with the other  
8 defendants in this matter, produced or distributed produced and distributed advertising material  
9 and general promotional plans that were false, deceptive, or misleading, or did not fully and  
10 fairly disclose the entity on whose behalf the solicitation was being made.

11       **2.23** In soliciting charitable contributions, Defendants, along with other defendants in  
12 this matter, represented that tickets to an event would be donated for use by another person  
13 without having written commitments from the persons that they will accept the donated tickets  
14 and Defendants failed to keep written commitments on file.

15       **2.24** Defendant, along with the other defendants in this matter, falsely claimed to  
16 represent organizations or entities without the authority to do so, including making false claims  
17 that they represented Spinoza Bear Company, Northwest Firefighters, Puget Sound Police All-  
18 Stars, Puget Sound Firefighters All-Stars, and the NFL Veteran All-Stars.

19       **2.25** Defendant, along with other defendants in this matter, solicited charitable  
20 contributions in the state of Washington when a principal of DFS or CAG, Joseph Michael  
21 McGuinn, was subject to judgment under the Consumer Protection Act within the past 10 years  
22 of the solicitation.

23       **2.26** Defendant entered into a Stipulated Judgment with the State of Washington in  
24 King County Superior Court on June 26, 1996, as a result of the commercial fundraising  
25 activities of Tri-Star Promotion Corp., Tri-Star Productions, Inc., and Diamond Vision  
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1 Consulting, Inc. *State of Washington v. Mark Sterling Bergeson et al., a/k/a Mark Jensen and*  
2 *Jane Doe Bergeson, d/b/a Jensen & Assoc., Tri-Star Promotion Corp.*, No. 94-2-31479-3,  
3 Stipulated Findings of Fact, Conclusions of Law and Judgment as to Defendants Joseph  
4 Michael McGuinn, Colleen F. McGuinn, Tri-Star Promotion Corp., Tri-Star Productions, Inc.,  
5 and Diamond Vision Consulting, Inc. ("1996 Stipulated Judgment"). The Attorney General's  
6 Office renewed the 1996 Stipulated Judgment on June 8, 2006.

7       **2.27** The 1996 Stipulated Judgment permanently enjoined Defendant from engaging  
8 in certain conduct that would violate the Charitable Solicitations Act and the Consumer  
9 Protection Act, including but not limited to: (a) falsely claiming to represent charitable or  
10 other organizations; (b) falsely representing that a promotion was authorized by certain persons  
11 or organizations; (c) failing to make all required disclosures in oral and written solicitations for  
12 charitable contributions; (d) soliciting charitable contributions on behalf of organizations that  
13 are not registered with the Washington Secretary of State; (d) committing misrepresentations in  
14 the course of charitable solicitations, including misrepresenting that paid solicitors are  
15 volunteers or members of the charitable organization on whose behalf the solicitation is being  
16 made; and (e) committing any violation of the Charitable Solicitations Act, RCW 19.09 or the  
17 Consumer Protection Act, RCW 19.86. Defendant's conduct set forth in Findings of Fact 2.12-  
18 2.25 violate the injunctive provisions of the 1996 Stipulated Judgment.

19       **2.28** The 1996 Stipulated Judgment ordered Defendant to pay the Attorney General's  
20 Office \$75,000 in costs and attorneys' fees and restitution. Defendant paid \$6,000 to the  
21 Attorney General's Office.

22       **2.29** The 1996 Stipulated Judgment imposed civil penalties in the amount of  
23 \$200,000 that were suspended conditioned on Defendant's compliance with the Judgment.  
24 The 1996 Stipulated Judgment ordered that the \$200,000 in civil penalties would be imposed if  
25 Defendant failed to pay the monetary judgment.  
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**III. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Court hereby makes the following Conclusions of Law:

3.1 This Court has jurisdiction over the subject matter of this action and over the parties. The Plaintiff's Complaint in this matter states claims upon which relief may be granted under the provisions of RCW 19.86 and RCW 19.09.

3.2 Defendant's acts and practices as described in Finding of Fact 2.8 have the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are unfair methods of competition and therefore constitute violations of RCW 19.86.020, which prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.

3.3 Defendants' acts and practices as described in Finding of Fact 2.11 violate RCW 19.09.065, 19.09.100(15) and (16) and are *per se* violations of RCW 19.86 pursuant to RCW 19.09.340. Defendant's acts and practices as described in Finding of Fact 2.11 also have the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are unfair methods of competition and therefore constitute violations of RCW 19.86.020, which prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce, notwithstanding that they are *per se* violations of the RCW 19.86 pursuant to RCW 19.09.340.

3.4 Defendant's acts and practices as described in Finding of Fact 2.12 violate RCW 19.09.100(2) and (3) and are *per se* violations of RCW 19.86 pursuant to RCW 19.09.340. Defendants' acts and practices as described in Finding of Fact 2.12 also have the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are unfair methods of competition and therefore constitute violations of RCW 19.86.020, which prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct

1 of any trade or commerce, notwithstanding that they are *per se* violations of the RCW 19.86  
2 pursuant to RCW 19.09.340.

3       **3.5** Defendant's acts and practices as described in Finding of Fact 2.13 violate  
4 RCW 19.09.100(7)(b) and (c), and are *per se* violations of RCW 19.86 pursuant to  
5 RCW 19.09.340. Defendants' acts and practices as described in Finding of Fact 2.13 also have  
6 the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are  
7 unfair methods of competition and therefore constitute violations of RCW 19.86.020, which  
8 prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct  
9 of any trade or commerce, notwithstanding that they are *per se* violations of the Consumer  
10 Protection Act pursuant to RCW 19.09.340.

11       **3.6** Defendant's acts and practices as described in Finding of Fact 2.14 violate  
12 RCW 19.09.100(7)(a), and are *per se* violations of RCW 19.86 pursuant to RCW 19.09.340.  
13 Defendants' acts and practices as described in Finding of Fact 2.14 also have the capacity to  
14 mislead a substantial number of consumers, are unfair and deceptive, and are unfair methods of  
15 competition and therefore constitute violations of RCW 19.86.020, which prohibits unfair  
16 methods of competition and unfair or deceptive acts or practices in the conduct of any trade or  
17 commerce, notwithstanding that they are *per se* violations of the Consumer Protection Act  
18 pursuant to RCW 19.09.340.

19       **3.7** Defendants' acts and practices as described in Finding of Fact 2.15 violates  
20 RCW 19.09.100(12) and (16), and are *per se* violations of RCW 19.86 pursuant to  
21 RCW 19.09.340. Defendants' acts and practices as described in Finding of Fact 2.15 also have  
22 the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are  
23 unfair methods of competition and therefore constitute violations of RCW 19.86.020, which  
24 prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct  
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1 of any trade or commerce, notwithstanding that they are *per se* violations of the Consumer  
2 Protection Act pursuant to RCW 19.09.340.

3       **3.8** Defendant's acts and practices as described in Finding of Fact 2.16 violate  
4 RCW 19.09.100(12) and (16), and are *per se* violations of RCW 19.86 pursuant to  
5 RCW 19.09.340. Defendant's acts and practices as described in Finding of Fact 2.16 also have  
6 the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are  
7 unfair methods of competition and therefore constitute violations of RCW 19.86.020, which  
8 prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct  
9 of any trade or commerce, notwithstanding that they are *per se* violations of the Consumer  
10 Protection Act pursuant to RCW 19.09.340.

11       **3.9** Defendant's acts and practices as described in Finding of Fact 2.17 violate  
12 RCW 19.09.100(7)(b) and (c), and are *per se* violations of RCW 19.86 pursuant to  
13 RCW 19.09.340. Defendants' acts and practices as described in Finding of Fact 2.17 also have  
14 the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are  
15 unfair methods of competition and therefore constitute violations of RCW 19.86.020, which  
16 prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct  
17 of any trade or commerce, notwithstanding that they are *per se* violations of the Consumer  
18 Protection Act pursuant to RCW 19.09.340.

19       **3.10** Defendant's acts and practices as described in Finding of Fact 2.18 violate  
20 RCW 19.09.100(9) and (16), and are *per se* violations of RCW 19.86 pursuant to  
21 RCW 19.09.340. Defendant's acts and practices as described in Finding of Fact 2.18 also have  
22 the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are  
23 unfair methods of competition and therefore constitute violations of RCW 19.86.020, which  
24 prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct  
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1 of any trade or commerce, notwithstanding that they are *per se* violations of the Consumer  
2 Protection Act pursuant to RCW 19.09.340.

3       **3.11** Defendant's acts and practices as described in Finding of Fact 2.19 violate  
4 RCW 19.09.100(12) and (16), and are *per se* violations of RCW 19.86 pursuant to  
5 RCW 19.09.340. Defendant's acts and practices as described in Finding of Fact 2.19 also have  
6 the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are  
7 unfair methods of competition and therefore constitute violations of RCW 19.86.020, which  
8 prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct  
9 of any trade or commerce, notwithstanding that they are *per se* violations of the Consumer  
10 Protection Act pursuant to RCW 19.09.340.

11       **3.12** Defendant's acts and practices as described in Finding of Fact 2.20 violate  
12 RCW 19.09.097(2)(h) and 19.09.079(2), (3), and (4), and are *per se* violations of RCW 19.86  
13 pursuant to RCW 19.09.340. Defendant's acts and practices as described in Finding of Fact  
14 2.20 also have the capacity to mislead a substantial number of consumers, are unfair and  
15 deceptive, and are unfair methods of competition and therefore constitute violations of  
16 RCW 19.86.020, which prohibits unfair methods of competition and unfair or deceptive acts or  
17 practices in the conduct of any trade or commerce, notwithstanding that they are *per se*  
18 violations of the Consumer Protection Act pursuant to RCW 19.09.340.

19       **3.13** Defendant's acts and practices as described in Finding of Fact 2.21 violate  
20 RCW 19.09.079 and WAC 434-120-200(1)(b), and are *per se* violations of RCW 19.86  
21 pursuant to RCW 19.09.340. Defendant's acts and practices as described in Finding of Fact  
22 2.21 also have the capacity to mislead a substantial number of consumers, are unfair and  
23 deceptive, and are unfair methods of competition and therefore constitute violations of  
24 RCW 19.86.020, which prohibits unfair methods of competition and unfair or deceptive acts or  
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1 practices in the conduct of any trade or commerce, notwithstanding that they are *per se*  
2 violations of the Consumer Protection Act pursuant to RCW 19.09.340.

3       **3.14** Defendant's acts and practices as described in Finding of Fact 2.25 violate  
4 RCW 19.09.100(13) and (16), and are *per se* violations of RCW 19.86 pursuant to  
5 RCW 19.09.340. Defendant's acts and practices as described in Finding of Fact 2.25 also have  
6 the capacity to mislead a substantial number of consumers, are unfair and deceptive, and are  
7 unfair methods of competition and therefore constitute violations of RCW 19.86.020, which  
8 prohibits unfair methods of competition and unfair or deceptive acts or practices in the conduct  
9 of any trade or commerce, notwithstanding that they are *per se* violations of the Consumer  
10 Protection Act pursuant to RCW 19.09.340.

11       **3.15** Defendant's acts and practices as described in Findings of Fact 2.22 and 2.24  
12 violate RCW 19.09.100(12) and (16), and are *per se* violations of RCW 19.86 pursuant to  
13 RCW 19.09.340. Defendant's acts and practices as described in Findings of Fact 2.22 and 2.24  
14 also have the capacity to mislead a substantial number of consumers, are unfair and deceptive,  
15 and are unfair methods of competition and therefore constitute violations of RCW 19.86.020,  
16 which prohibits unfair methods of competition and unfair or deceptive acts or practices in the  
17 conduct of any trade or commerce, notwithstanding that they are *per se* violations of the  
18 Consumer Protection Act pursuant to RCW 19.09.340.

19       **3.16** Defendant's acts and practices as described in Finding of Fact 2.23 violate  
20 RCW 19.09.100(6), and are *per se* violations of RCW 19.86 pursuant to RCW 19.09.340.  
21 Defendant's acts and practices as described in Finding of Fact 2.23 also have the capacity to  
22 mislead a substantial number of consumers, are unfair and deceptive, and are unfair methods of  
23 competition and therefore constitute violations of RCW 19.86.020, which prohibits unfair  
24 methods of competition and unfair or deceptive acts or practices in the conduct of any trade or  
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1 commerce, notwithstanding that they are *per se* violations of the Consumer Protection Act  
2 pursuant to RCW 19.09.340.

3           **3.17** Defendant's acts and practices as described in Findings of Fact 2.11 through  
4 2.25 violate the 1996 Stipulated Judgment and RCW 19.86.020.

5           **3.18** Plaintiff is authorized by RCW 19.09.340 and 19.86.080 to enjoin violations of  
6 the Consumer Protection Act, to obtain restitution on behalf of persons harmed by such  
7 violations, and to obtain such further and other relief as the court may deem appropriate,  
8 including civil penalties up to the amount of \$2,000.00 per violation, and attorneys' fees and  
9 costs.

10           **3.19** Plaintiff is authorized to bring an action pursuant to RCW 19.86.140 to recover  
11 the suspended civil penalties ordered by the 1996 Stipulated Judgment.

12           **3.20** Plaintiff is entitled to a Judgment enjoining and restraining Defendant and any  
13 and all persons in active concert or participation with Defendants from engaging in the future  
14 in the acts or practices described in Findings of Fact 2.9 and 2.12 through 2.29 that violate  
15 RCW 19.86 or RCW 19.09.

16           **3.21** Plaintiff is entitled to a Judgment ordering Defendant to pay Plaintiff's costs  
17 and attorney's fees for bringing this action in the amount of \$23,809. This request for  
18 attorney's fees is reasonable and Plaintiff is entitled to a judgment in this amount.

19           **3.22** Plaintiff is entitled to a Judgment ordering Defendant to pay \$200,000 in  
20 suspended penalties ordered by the 1996 Stipulated Judgment because Defendant violated the  
21 terms of the 1996 Stipulated Judgment.

22           Based on the foregoing Findings of Fact and Conclusions of Law, the Court hereby  
23 makes the following Judgment and Order:  
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1 It is hereby ADJUDGED, ORDERED, and DECREED as follows:  
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3 **IV. INJUNCTIONS**

4 **4.1** The injunctive provisions of this Judgment and Order shall apply to the  
5 Defendant, and the Defendant's successors, assigns, officers, agents, servants, employees,  
6 representatives, affiliates, and all other persons or entities in active concert or participation  
7 with the Defendant.

8 **4.2** Defendant shall immediately inform all successors, assigns, transferees,  
9 officers, agents, servants, employees, representatives, attorneys and all other persons or entities  
10 in active concert or participation with Defendant of the terms and conditions of this Judgment  
11 and Order.

12 **4.3** Defendant and all successors, assigns, transferees, officers, agents, servants,  
13 employees, representatives, affiliates, attorneys and all other persons or entities in active  
14 concert or participation with Defendant are hereby permanently enjoined and restrained from  
15 directly or indirectly engaging in the following acts or practices in the State of Washington:

16 **4.3.1** Engaging in charitable solicitation, as defined by RCW 19.09 as  
17 currently enacted or subsequently amended, of any kind whatsoever, including but not limited  
18 to any solicitation where the solicitor states or implies any appeal for the support of veterans,  
19 children, children's hospitals, or other programs to benefit youth, homeless families,  
20 firefighters, law enforcement officers, or any other charitable or purportedly charitable cause of  
21 any kind, regardless of whether the beneficiary or beneficiaries of such solicitations are  
22 individuals, groups, organizations, associations, for-profit corporations, non-profit  
23 corporations, hospitals, group homes, or other entity.

24 **4.3.2** Owning, operating, managing, consulting with, or working for or on  
25 behalf of any charitable organization that conducts charitable solicitations in the state of  
26 Washington, whether as an owner, co-owner, partner, employee, manager, salesperson,



1 entire \$23,809 shall be suspended on condition of compliance with all of the terms of this  
2 Judgment and Decree, and on the condition that the financial disclosure information submitted  
3 by Defendant is materially true, complete, and accurate.

4         **6.2** The suspended portion of the costs and attorneys' fees shall be imposed by the  
5 Court upon a showing by the State, upon reasonable notice to the Defendant, that the Defendant  
6 materially has violated one or more of the terms of this Judgment and Decree, or upon a  
7 showing that the financial disclosure information submitted by Defendant is materially untrue,  
8 incomplete, or inaccurate. This suspended costs and attorneys' fees shall be viewed as  
9 analogous to liquidated damages (or a liquidated penalty) for all of the past violations  
10 committed by Defendant in addition to whatever violations Defendant may commit in the  
11 future, to be payable in case of a material violation in the future.

12         **6.3** Defendant shall bear Plaintiff's reasonable costs, including reasonable attorneys'  
13 fees, for enforcing this Judgment in any successful action to enforce any of its provisions.

14         **VII. SUSPENDED PENALTIES FROM 1996 STIPULATED JUDGMENT**

15         **7.1** Pursuant to RCW 19.86.140, and Sections VI and VIII of the 1996 Stipulated  
16 Judgment Plaintiff shall recover and Defendant shall pay the suspended judgment in the  
17 amount of \$200,000, plus interest accrued at 12 percent per annum. Provided, the entire  
18 amount of \$200,000 plus interest shall be suspended on condition of compliance with all of the  
19 terms of this Judgment and Decree, and on the condition that the financial disclosure  
20 information submitted by Defendant is materially true, complete, and accurate.

21         **7.2** The civil penalties from the 1996 Stipulated Judgment herein suspended shall be  
22 imposed by the Court upon a showing by the State, upon reasonable notice to the Defendants,  
23 that one or more of the Defendants materially has violated one or more of the terms of this  
24 Judgment and Decree, or upon a showing that the financial disclosure information submitted  
25 by Defendants is materially untrue, incomplete, or inaccurate. This suspended costs and  
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