

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO. 09-02098-D

COMMONWEALTH OF MASSACHUSETTS,	)	
	)	
Plaintiff,	)	notice sent
	)	12-14-10
v.	)	BPOCC-JWC
	)	TM
DISABLED POLICE OFFICERS COUNSELING	)	PDK JR
CENTER, INC., PATRICK D. KANE, JR., d.b.a.	)	MH
KANE MARKETING GROUP, HARTFORD	)	JV
CASUALTY INSURANCE COMPANY,	)	SLC
MARK HEMPHILL, d.b.a. INFINITI	)	JG
MARKETING FIRM, and JAMES VINCENT,	)	CA
d.b.a. NORTHEAST ADVERTISING,	)	JRF
	)	
Defendants.	)	

**AMENDED FINAL JUDGMENT BY DEFAULT**  
**AGAINST DEFENDANT JAMES VINCENT**

This matter came before the Court upon the Motion of the Plaintiff, Commonwealth of Massachusetts, by and through its Attorney General Martha Coakley, for Assessment of Damages, Findings, and Entry of Judgment by Default ("Motion"). This Court, having considered the Motion, the accompanying Memorandum and Affidavit, and the Complaint with attached affidavits and exhibits, entered Final Judgment By Default Against Defendant James Vincent on November 19, 2010. Following the Commonwealth's motion to enter amended final judgment, this Court enters Amended Judgment as follows:

**JUDGMENT ENTERED ON DOCKET 12-14 2010**  
**PURSUANT TO THE PROVISIONS OF MASS. R. CIV. P. 62(a)**  
**AND NOTICE SENT TO PARTIES PURSUANT TO THE PROVISIONS OF MASS. R. CIV. P. 77(a) AS FOLLOWS**

## FINDINGS

This Court, based on allegations in the Complaint and attached affidavits and exhibits, makes the following findings:

1. The Court has jurisdiction over the subject matter of this action pursuant to G.L. c. 93A, § 4, G.L. c. 68, § 32(e), and G.L. c. 214, §1. The Court is authorized to declare the respective rights of the parties pursuant to G.L. c. 231A, § 1 et seq.

2. Venue is proper in Suffolk County pursuant to G.L. c. 93A, § 4.

3. Defendant James Vincent, by and through his agents, representatives, entities, employees, aliases, and entities with which he is affiliated, transacted business in the Commonwealth and conducted acts and practices in the Commonwealth that have included deceptive schemes to obtain money, violations of statutes pertaining to charitable fundraising in Massachusetts, and statutorily prohibited practices.

4. Specifically, evidence presented by the Commonwealth and uncontroverted by defendant Vincent allows this Court to find that Vincent has committed the following statutory violations:

a. G. L. c. 93A, § 2 - Deceptive scheme to obtain money by false representations: 13 instances - Complaint, ¶ 32., Exhibits 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 28, 29, and 30. \$5,000 penalty under G.L. c. 93A, § 4 for each violation.

b. G. L. c. 93A, § 2 - Deceptive scheme to obtain money by false representations: 4 instances - Complaint, ¶ 33., Exhibits 19, 20, 21, and 29. \$5,000 penalty under G.L. c. 93A, § 4 for each violation.

c. G. L. c. 68, § 23(a)(1) - Failure to disclose the actual Florida address and telephone number of DPOCC: 16 instances - Complaint, ¶ 34., Exhibits 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

d. G. L. c. 68, § 23(a)(1) – Misleading donors to believe that the Attorney General had endorsed the fundraising campaign: 2 instances - Complaint, ¶35, Exhibits 24 and 29.

e. G. L. c. 93A, § 2 - Deceptive scheme to obtain money by false representations: 2 instances - Complaint, ¶ 36., Exhibits 19 and 28. \$5,000 penalty under G.L. c. 93A, § 4 for each violation.

f. G. L. c. 93A, § 2 - Deceptive scheme to obtain money by false representations: 4 instances - Complaint, ¶ 37., Exhibits 17, 20, 21, and 27. \$5,000 penalty under G.L. c. 93A, § 4 for each violation.

g. G. L. c. 68, § 23(a)(2) – Failure to disclose paid fundraiser status: 12 instances - Complaint, ¶ 38, Exhibits 16, 17, 18, 19, 20, 21, 22, 24, 25, 28, 29, and 30.

h. G. L. c. 93A, § 2 - Deceptive scheme to obtain money by false representations: 3 instances - Complaint, ¶ 39., Exhibits 14, 20, and 23. \$5,000 penalty under G.L. c. 93A, § 4 for each violation.

i. G. L. c. 93A, § 2 - Deceptive scheme to obtain money by false representations: 4 instances - Complaint, ¶ 40., Exhibits 24, 26, 29, and 30. \$5,000 penalty under G.L. c. 93A, § 4 for each violation.

j. G. L. c. 68, §23(a)(3) – Failure to disclose the geographic distribution and circulation of a publication for which he was selling ads: 2 instances -Complaint, ¶ 41, Exhibits 17 and 25.

5. Defendant James Vincent reported, in a filing made with the Office of the Attorney General, that he, by and through his agents, representatives, entities, employees, aliases, and entities with which he is affiliated, raised \$101,725 in a solicitation campaign on behalf of DPOCC.

### ORDER FOR JUDGMENT

WHEREFORE, this Court grants the Commonwealth's demand for relief and hereby orders and adjudges that:

6. Judgment is entered in favor of the Commonwealth and against defendant James Vincent. This Court finds and declares that the actions of Vincent

- violated G. L. c. 93A, § 2, thirteen times by employing a deceptive scheme, i.e. falsely representing to potential donors that the fundraising was being conducted to benefit local disabled police, to obtain donations for DPOCC;

- violated G. L. c. 93A, § 2, four times by employing a deceptive scheme, i.e. falsely representing to potential donors that DPOCC was a local charity and by misstating DPOCC's name to include the name of the municipality, to obtain donations for DPOCC;

- violated G. L. c. 68, § 23(a)(1), sixteen times by failing to disclose the actual Florida address and telephone number of DPOCC during the course of solicitations for DPOCC;

- violated G. L. c. 68, §28(a), two times by exploiting the fact of registration with the Attorney General so as to lead a potential donor to believe that such registration constituted an endorsement by the Attorney General;

- violated G. L. c. 93A, § 2, four times by employing a deceptive scheme, i.e. falsely representing or implying that he was a DPOCC volunteer, to obtain donations for DPOCC;

- violated G. L. c. 68, §23(a)(2), twelve times by failing to disclose his paid fundraiser status;
- violated G. L. c. 93A, § 2, three times by employing a deceptive scheme, i.e. falsely representing that all or almost all of the funds soliciting would benefit disabled police, to obtain donations for DPOCC;
- violated G. L. c. 93A, § 2, four times by employing a deceptive scheme to obtain money, i.e. falsely representing that an individual had donated previously, during the course of solicitations for DPOCC; and
- violated G. L. c. 68, § 23(a), two times by failing to disclose the geographic distribution and circulation of a publication for which he was selling ads.

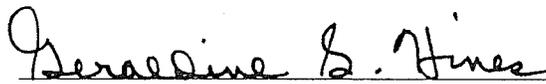
7. As a result of the findings and entry of judgment against defendant James Vincent, this Court declares that:

a. Pursuant to G. L. c. 93A, §4, the Commonwealth is awarded and defendant James Vincent is ordered to pay civil penalties in the amount of \$101,725.

b. Defendant James Vincent and his respective agents, employees, and all other persons and entities in active concert or participation with him, whether acting individually or through any corporation, trust, alias, or other device or entity, are permanently enjoined from:

1. Engaging in any unfair or deceptive acts and practices in violation G. L. c. 93A, § 2, including, without limitation, the unfair or deceptive acts and practices alleged in the Complaint;
2. Violating any Massachusetts statute pertaining to charitable solicitations found in G. L. c. 68, §§ 18 – 35.

At Boston, Massachusetts, this 10th day of December, 2010.

  
Justice of the Superior Court

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT  
CIVIL ACTION # 09-2098-D

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COMMONWEALTH OF MASSACHUSETTS, )  
 Plaintiff )  
 v. )  
 )  
 )  
 DISABLED POLICE OFFICERS COUNSELING CENTER, INC: )  
 PATRICK D. KANE, JR., d.b.a. KANE MARKETING GROUP, )  
 HARTFORD CASUALTY INSURANCE COMPANY, )  
 MARK HEMPHILL, d.b.a. INFINITI MARKETING FIRM, )  
 and )  
 JAMES VINCENT, d.b.a. NORTHEAST ADVERTISING, )  
 Defendants. )

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**AMENDED FINAL JUDGMENT BY DEFAULT  
AGAINST DEFENDANT MARK HEMPHILL**

This matter came before the Court upon the Motion of the Plaintiff, Commonwealth of Massachusetts, by and through its Attorney General Martha Coakley, for Assessment of Damages, Findings, and Entry of Judgment by Default ("Motion"). This Court, having considered the Motion, the accompanying Memorandum and Affidavit, and the Complaint with attached affidavits and exhibits, entered Final Judgment By Default Against Defendant Mark Hemphill on November 19, 2010. Following the Commonwealth's motion to enter amended final judgment, this Court enters Amended Judgment as follows:

**FINDINGS**

This Court, based on allegations in the Complaint and attached affidavits and

JUDGMENT ENTERED ON DOCKET 12-14 20 10  
PURSUANT TO THE PROVISIONS OF MASS. R. CIV. P. 61(a)  
AND NOTICE SENT TO PARTIES PURSUANT TO THE PRO  
VISIONS OF MASS. R. CIV. P. 77(a) AS FOLLOWS

exhibits, makes the following findings:

1. The Court has jurisdiction over the subject matter of this action pursuant to G.L. c. 93A, § 4, G.L. c. 68, § 32(e), and G.L. c. 214, §1. The Court is authorized to declare the respective rights of the parties pursuant to G.L. c. 231A, § 1 et seq.

2. Venue is proper in Suffolk County pursuant to G.L. c. 93A, § 4.

3. Defendant Mark Hemphill, by and through his agents, representatives, entities, employees, aliases, and entities with which he is affiliated, transacted business in the Commonwealth and conducted acts and practices in the Commonwealth that have included deceptive schemes to obtain money, violations of statutes pertaining to charitable fundraising in Massachusetts, and statutorily prohibited practices.

4. Specifically, evidence presented by the Commonwealth and uncontroverted by defendant Hemphill allows this Court to find that Hemphill has committed the following statutory violations:

a. G. L. c. 93A, § 2 - Deceptive scheme to obtain money: Complaint, Exhibit 12. \$5,000 penalty under G.L. c. 93A, § 4.

b. G. L. c. 68, § 23(a)(2) – Failure to disclose paid fundraiser status: Complaint, Exhibit 12, ¶ 7.

c. G. L. c. 68, § 23(a)(1) - Failure to disclose the actual Florida address and telephone number of DPOCC: Complaint, Exhibit 12, ¶¶ 3 and 9.

d. G. L. c. 68, § 28(c) – Using the name of a local police department without authorization: Complaint, Exhibit 12, ¶¶ 3 and 6.

e. G. L. c. 93A, § 2 – Deceptive scheme to obtain money by false representations, i.e. a false prior pledge: Complaint, Exhibit 13, ¶ 4. \$5,000 penalty

under G. L. c. 93A, § 4.

f. G. L. c. 68, § 23(a)(2) – Failure to disclose paid fundraiser status:  
Complaint, Exhibit 13, ¶ 10.

g. G. L. c. 68, § 23(a)(1) - Failure to disclose the actual Florida  
address and telephone number of DPOCC: Complaint, Exhibit 13, ¶ 8.

h. G. L. 68, § 24 (c) – Failure to file annual financial reports:  
Complaint, Exhibit 11.

### **ORDER FOR JUDGMENT**

WHEREFORE, this Court grants the Commonwealth's demand for relief and  
hereby orders and adjudges that:

6. Judgment is entered in favor of the Commonwealth and against defendant  
Mark Hemphill. This Court finds and declares that the actions of Hemphill

- violated G. L. c. 93A, § 2, by employing a deceptive scheme, i.e. false  
representations to a donor, to obtain a donation for DPOCC;

- violated G. L. c. 68, §23(a)(2), by failing to disclose his paid fundraiser  
status (2 instances);

- violated G. L. c. 68, § 23(a)(1), by failing to disclose the actual Florida  
address and telephone number of DPOCC, during the course of solicitations for DPOCC  
(2 instances);

- violated G. L. c. 68, § 28(c), by using the name of a local police  
department without authorization during the course of solicitations for DPOCC;

- violated G. L. c. 93A, § 2, by employing a deceptive scheme to obtain  
money, i.e. falsely representing that an individual had donated previously, during the

course of solicitations for DPOCC; and

- violated G. L. c. 68, § 24(c), by failing to file annual financial reports with the Division of Public Charities.

7. As a result of the findings and entry of judgment against defendant Mark Hemphill, this Court declares that:

a. Pursuant to G. L. c. 93A, §4, the Commonwealth is awarded and defendant Mark Hemphill is ordered to pay civil penalties in the amount of \$10,000.

b. Defendant Mark Hemphill and his respective agents, employees, and all other persons and entities in active concert or participation with him, whether acting individually or through any corporation, trust, alias, or other device or entity, are permanently enjoined from:

1. Engaging in any unfair or deceptive acts and practices in violation G. L. c. 93A, § 2, including, without limitation, the unfair or deceptive acts and practices alleged in the Complaint;
2. Violating any Massachusetts statute pertaining to charitable solicitations found in G. L. c. 68, §§ 18 – 35.

At Boston, Massachusetts, this 10<sup>th</sup> day of December, 2010.

Gerardine S. Gines  
Justice of the Superior Court

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT  
CIVIL ACTION # 09-2098-D

_____		)
COMMONWEALTH OF MASSACHUSETTS,		)
	Plaintiff	)
	v.	)
		)
		)
DISABLED POLICE OFFICERS COUNSELING CENTER, INC.		)
PATRICK D. KANE, JR., d.b.a. KANE MARKETING GROUP,		)
HARTFORD CASUALTY INSURANCE COMPANY,		)
MARK HEMPHILL, d.b.a. INFINITI MARKETING FIRM,		)
and		)
JAMES VINCENT, d.b.a. NORTHEAST ADVERTISING,		)
		)
	Defendants.	)
_____		)

**AMENDED FINAL JUDGMENT BY DEFAULT  
AGAINST DEFENDANT PATRICK D. KANE, JR.**

This matter came before the Court upon the Motion of the Plaintiff, Commonwealth of Massachusetts, by and through its Attorney General Martha Coakley, for Assessment of Damages, Findings, and Entry of Judgment by Default ("Motion"). This Court, having considered the Motion, the accompanying Memorandum and Affidavit, and the Complaint with attached affidavits and exhibits, entered Final Judgment By Default Against Defendant Patrick D. Kane, Jr. on November 19, 2010. Following the Commonwealth's motion to enter amended final judgment, this Court enters Amended Judgment as follows:

**FINDINGS**

This Court, based on allegations in the Complaint and attached affidavits and

**JUDGMENT ENTERED ON DOCKET 12-14 2010**  
PURSUANT TO THE PROVISIONS OF MASS. R. CIV. P. 60(a)  
AND NOTICE SENT TO PARTIES PURSUANT TO THE PRO  
VISIONS OF MASS. R. CIV. P. 77(b) AS FOLLOWS

exhibits, makes the following findings:

1. The Court has jurisdiction over the subject matter of this action pursuant to G.L. c. 93A, § 4, G.L. c. 68, § 32(e), and G.L. c. 214, §1. The Court is authorized to declare the respective rights of the parties pursuant to G.L. c. 231A, § 1 et seq.

2. Venue is proper in Suffolk County pursuant to G.L. c. 93A, § 4.

3. Defendant Patrick D. Kane, Jr., by and through his agents, representatives, entities, employees, aliases, and entities with which he is affiliated, transacted business in the Commonwealth and conducted acts and practices in the Commonwealth that have included deceptive schemes to obtain money, violations of statutes pertaining to charitable fundraising in Massachusetts, and statutorily prohibited practices.

4. Specifically, evidence presented by the Commonwealth and uncontroverted by defendant Kane allows this Court to find that Kane has committed the following statutory violations:

a. G. L. c. 93A, § 2 - Deceptive scheme to obtain money: Complaint, Exhibit 7. \$5,000 penalty under G.L. c. 93A, § 4.

b. G. L. c. 93A, § 2 - Deceptive scheme to obtain money: Complaint, Exhibit 8. \$5,000 penalty under G. L. c.93A, § 4.

c. G. L. c. 68, § 23(a)(1) - Failure to disclose the actual Florida address and telephone number of DPOCC: Complaint, Exhibit 8.

d. G. L. c. 68, § 23(a)(1) – Misleading donors to believe that the Attorney General had endorsed the fundraising campaign: Complaint, Exhibit 7, ¶ 15.

e. G. L. c. 68, § 23(a)(2) – Failure to disclose paid fundraiser status: Complaint, Exhibit 7, ¶ 10.

f. G. L. c. 93A, § 2 – Deceptive scheme to obtain money by false representations, i.e. that he was an employee of DPOCC: Complaint, Exhibit 8. \$5,000 penalty under G. L. c. 93A, § 4.

g. G. L. c. 68, §23(a)(3) – Failure to disclose the geographic distribution and circulation of a publication for which he was selling ads: Complaint, Exhibits 7 and 8.

h. G. L. 68, § 24 (c) – Failure to file annual financial reports: Complaint, Exhibit 11.

5. Additionally, Kane entered into an Assurance of Discontinuance with the Commonwealth and agreed to pay \$1,000 to the Commonwealth as part of the Assurance but never remitted the payment. Complaint, ¶ 21 and Exhibit 9.

### **ORDER FOR JUDGMENT**

WHEREFORE, this Court grants the Commonwealth's demand for relief and hereby orders and adjudges that:

6. Judgment is entered in favor of the Commonwealth and against defendant Patrick D. Kane, Jr. This Court finds and declares that the actions of Kane

- violated G. L. c. 93A, § 2, by employing a deceptive scheme, i.e. false representations to a donor, to obtain a donation for DPOCC;

- violated G. L. c. 93A, § 2, by employing a deceptive scheme, i.e. giving materials with false representations to donors, during the course of solicitations for DPOCC;

- violated G. L. c. 68, § 23(a)(1), by failing to disclose the actual Florida address and telephone number of DPOCC, during the course of solicitations for DPOCC;

- violated G. L. c. 68, §28(a), by exploiting the fact of registration with the Attorney General so as to lead a potential donor to believe that such registration constituted an endorsement by the Attorney General;
- violated G. L. c. 68, §23(a)(2), by failing to disclose his paid fundraiser status;
- violated G. L. c. 93A, § 2, by employing a deceptive scheme, i.e. leading potential donors to believe that he was an employee of DPOCC rather than an independent contractor paid fundraiser;
- violated G. L. c. 68, § 23(a), by failing to disclose the geographic distribution and circulation of a publication for which he was selling ads;
- violated G. L. c. 68, § 24(c), by failing to file annual financial reports; and
- breached an agreement, an Assurance of Discontinuance, that he entered into voluntarily with the Commonwealth.

7. As a result of the findings and entry of judgment against defendant Patrick D. Kane, Jr., this Court declares that:

a. Pursuant to G. L. c. 93A, §4 and the Assurance of Discontinuance, the Commonwealth is awarded and defendant Patrick D. Kane, Jr. is ordered to pay civil penalties in the amount of \$16,000.

b. Defendant Patrick D. Kane, Jr. and his respective agents, employees, and all other persons and entities in active concert or participation with him, whether acting individually or through any corporation, trust, alias, or other device or entity, are permanently enjoined from:

1. Engaging in any unfair or deceptive acts and practices in violation G. L. c. 93A, § 2, including, without limitation, the unfair or

deceptive acts and practices alleged in the Complaint;

2. Violating any Massachusetts statute pertaining to charitable solicitations found in G. L. c. 68, §§ 18 – 35.

At Boston, Massachusetts, this 9th day of December, 2010.

*Gerardine B. Hines*  
Justice of the Superior Court