

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONROE

ANDREW M. CUOMO,
Attorney General of the State of New York,
on behalf of the People of the State of New York,

Plaintiff,

- against -

CARING PEOPLE ENTERPRISES, INC., DENISE
T. WITTMER, RONALD C. FURMAN, and
THOMAS A. PALMIERO III,

Defendants.

Index No. 750-2010

COMPLAINT

Andrew M. Cuomo, Attorney General of the State of New York, on behalf of the
People of the State of New York, alleges the following against the above-captioned
defendants:

NATURE OF THE CASE

1. Caring People Enterprises (“Caring People”), a for-profit professional fundraising firm, exploits the good intentions of New York residents by using fraudulent and deceptive means to raise millions of dollars in the name of charity. Under the management of its president, Denise T. Wittmer, and vice president, Ronald C. Furman, and the supervision of Thomas A. Palmiero III, Caring People has brazenly flouted New York State laws enacted to protect donors from unscrupulous charitable fundraising practices and has abused its privilege to solicit charitable contributions in this State. Caring People systematically misleads donors about how their donations will be used. It employs all manner of manipulative techniques, half-truths, and outright lies to ensure

2010 JUN 20 PM 9:32

that Caring People maximizes funds it collects and hence its own fees, which is up to 80 percent of the funds it collects from the public.

2. Caring People solicitors routinely fail to disclose statutorily mandated information that would make donors aware that a paid professional fundraiser is soliciting them and not a charity. Indeed, Caring People permits and in fact encourages its solicitors to not make the statutorily required disclosures.

3. For instance, Caring People's solicitors fail to comply with Executive Law requirements that they "clearly and unambiguously" state that the solicitation is being conducted by a professional fundraiser and that the solicitor is being paid to make the call. Instead, to induce giving, Caring People's solicitors mislead donors into believing that the donors are dealing directly with a charity by claiming to be "with" or calling directly "from" the client charity.

4. Even when solicitors mention "Caring People" in their pitch, they do it in way that is designed to confuse donors. Caring People solicitors do not state Caring People's full name—Caring People Enterprises, Inc.—as required by the Executive Law, but use the deliberately ambiguous term "caring people" to imply that concerned individuals—caring people—are calling donors for support, and not a commercial enterprise.

5. These deliberate misrepresentations confuse donors into believing they are supporting a charity directly, precisely what Article 7-A of the Executive Law was enacted to prevent.

6. To induce donations, Caring People solicitors also make false and deceptive statements to mislead donors into believing that their contributions will support

legitimate charitable programs. In reality, these programs often do not exist or are greatly exaggerated.

7. To further the fraud, Caring People embellishes scripts that solicitors use to make calls to the public, making false claims about how donated funds will be used.

8. The Attorney General seeks to protect the public from Caring People's fraudulent solicitation of charitable funds. Accordingly, the Attorney General brings this action in his capacity as the primary regulator of New York not-for-profits, including charitable solicitation activity, under Article 7-A of the Executive Law (Exec. L. and General Business Law ("Gen. Bus. L."), Section 349.

9. The Attorney General seeks a judgment (a) enjoining Defendants, and all other persons acting or claiming to act on its behalf or in concert or participation with them, from soliciting charitable contributions or memberships in the State of New York, or, from any location, soliciting charitable contributions or memberships from any persons, real or corporate, who are residents of the State of New York; (b) canceling Defendant Caring People's New York registration as a professional fundraiser; (c) canceling Defendant Palmiero's registration as a professional solicitor; (d) awarding restitution and damages under Executive Law Article 7-A and Gen. Bus. L. § 349; (e) imposing upon Caring People civil penalties in the amount of \$5,000 for each violation of Gen. Bus. L. § 349; and (f) granting such other and further relief as the Court deems just and proper.

PARTIES

10. The Attorney General is responsible for regulating the activities of professional fundraisers on behalf of New York not-for-profit corporations. Any person

who plans to enter into a contract to raise money in New York on behalf of a charity is required to first register with the Attorney General by filing a Professional Fund Raiser Registration Statement, annual bond and registration fee. Executive Law §§ 172-d(12) & 173(1).

11. The Attorney General maintains offices throughout New York State, including at 144 Exchange Blvd., Rochester, New York.

12. Defendant Caring People is a for-profit New York business corporation, with its principal office at 1899 Dewey Avenue, Rochester, New York 14624.

13. Caring People's activities in New York have, at all relevant times, constituted those of a professional fund raiser as defined in Executive Law § 171-a(4), that is, Caring People was compensated to plan, manage or conduct charitable solicitations in New York State and it engaged solicitors to make such solicitations.

14. Caring People has been registered with the Office of Attorney General ("OAG") as a professional fundraiser since 2002.

15. Defendant Denise T. Wittmer has been the President of Caring People at all relevant times and has executed on Caring People's behalf contracts with charities and filings with the OAG.

16. Upon information and belief, Wittmer resides at 195 East Parkway, Rochester, New York, 14617-3703.

17. Defendant Ronald C. Furman has been the Vice President of Caring People at all relevant times.

18. Upon information and belief, Furman resides at 195 East Parkway, Rochester, New York, 14617-3703.

19. Defendant Thomas A. Palmiero III has been a supervisor at Caring People at all relevant times.

20. Upon information and belief, Palmiero resides at 82 Walzer Road, Rochester New York 14622.

21. Wittmer and Furman supervise the hiring of unregistered professional solicitors by Caring People, and are responsible for directing and/or overseeing all aspects of its solicitation activities, including the training of new solicitors and the creation of the fraudulent telemarketing sales scripts and written materials used by Caring People.

22. Palmiero supervises the nighttime shift of solicitors and is a personal participant in the fraudulent and unlawful solicitations described herein. He is registered with the OAG as a professional solicitor.

JURISDICTION AND VENUE

23. The Attorney General brings this action on behalf of the People of the State of New York under Executive Law Article 7-A and General Business Law § 349.

24. Executive Law Article 7-A (Sections 171-a *et seq*), governs the solicitation activities of charitable organizations and their professional fundraisers.

25. Exec. L. § 175(2) authorizes the Attorney General to bring an action against persons acting for or on behalf of charitable organizations, including fundraising professionals, to address any violation of Exec. L. Article 7-A. In such an action, the Attorney General may seek injunctive relief to restrain the solicitation and collection of funds, cancel any registration statements filed with the Attorney General, seek restitution, and request any other relief the Court may deem proper.

26. Accordingly, this court has jurisdiction pursuant to Exec. L. Article 7-A, as well as under Gen. Bus. L. § 349, which authorizes the Attorney General to seek injunctive relief, restitution and civil penalties when a person or business engages in deceptive business practices.

27. Each of the defendants transacts business in New York and is sufficiently present in the State of New York to be subject to suit in New York on any cause of action.

28. Venue is properly laid in this court under CPLR § 503 because the claims asserted are based on events occurring in Monroe County and Caring People maintains offices and conducts business within Monroe County, which Wittmer and Furman manage with Palmiero's assistance, and the Attorney General maintains offices in Monroe County.

FACTS UNDERLYING ALL CAUSES OF ACTION

Caring People's Fundraising Activity

29. Caring People, which has been in operation since 2002, is engaged in fundraising activities in the State of New York. It raises money for its client charities by soliciting the public through telephone calls placed from its location at 1899 Dewey Avenue, Rochester, New York 14624. This address serves as a call center where approximately 25 professional solicitors work for Caring People soliciting businesses and/or individuals. Once a donor makes a pledge, a solicitation letter is mailed to the donor to obtain the donation.

30. According to Caring People's most recent registration statement filed with the OAG, for the period August 31, 2009 through August 30, 2010, Caring People has

reported contracts to raise money for a dozen organizations, including veteran support organizations, volunteer firefighter organizations, a law enforcement support organization and a children's wish fulfillment organization.

31. The contracts provide that Caring People is to retain between 71 and 80 percent of the gross proceeds of the fundraising campaigns. Caring People has reported to the OAG that it raised about \$2.5 million in donations over the past three years, keeping on average almost 73 percent of the funds it raises annually.

32. The individual solicitors working for Caring People are incentivized to maximize donations because their pay is based on "sales" per hour.

33. As set forth below, not all of Caring People's professional solicitors have registered with the OAG, as required by Article 7-A.

34. Two of the entities under contract with Caring People are Vietnam Veterans of Central New York Foundation ("Vietnam Veterans") and Onondaga County Volunteer Firemen's Association, Inc. ("Onondaga Volunteer Firemen.")

Vietnam Veterans of Central New York Foundation

35. Vietnam Veterans is a charitable organization operating in the State of New York whose mission, according to its Certificate of Incorporation, is to "help foster, encourage and promote the improvement of the condition of the Vietnam Veteran, their dependents, and widows and orphans of deceased veterans, particularly Vietnam Veterans, widows and orphans in Central New York."

36. Under its current fundraising contract with the charity, dated February 15, 2009 through February 14, 2010, Caring People is to retain 75 % of gross proceeds from the campaign.

Onondaga Volunteer Firemen's Association

37. Onondaga Volunteer Firemen is a charitable organization whose mission, according to its Certificate of Incorporation, is to “unite the volunteer firemen of Onondaga and adjoining counties for the purpose of maintaining a compact, representative and centralized agency to consider, agree and act in unison upon all matters relating to the prevention and fighting of fires and the welfare of its members and to promote a sociability and good fellowship among its members and to maintain a place of meeting for its members.”

38. Under its current fundraising contract with the charity, dated August 3, 2009 through August 2, 2010, Caring People is to retain 73 % of gross proceeds from the campaign.

Caring People's Scheme to Defraud

39. Caring People routinely disregards New York State laws on registration and disclosure that protect donors from unscrupulous fundraising practices.

Failure to Disclose Status as Paid Professional Fundraiser

40. Article 7-A of the Executive Law requires professional fundraisers to disclose certain information to help donors make informed decisions before giving. These disclosures, among other things, ensure transparency by making donors fully aware that the solicitation is being made not by a charity but by a professional fundraiser who is profiting off the transaction.

41. Section 174-b(3) of Article 7-A of the Executive Law requires that professional solicitors “clearly and unambiguously” disclose in any solicitation (i) the name of the professional fundraiser as on file with the attorney general, (ii) the fact that

the solicitation is being conducted by a professional fundraiser, (iii) the name of the individual professional solicitor making the call as on file with the attorney general, and (iv) the fact that the individual is receiving compensation for making the call.

42. To induce donors to give, however, Caring People solicitors routinely fail to make the statutorily required disclosures. As a result, donors are misled into believing they are speaking to a charity directly—and not to a paid professional fundraiser.

43. Caring People solicitors either do not mention the full name of the professional fundraiser as required by law – Caring People Enterprises -- or misleadingly say “Caring People,” leaving off “Enterprises” from the name. This deliberately ambiguous use of its name confuses donors into believing that caring individuals – not a commercial enterprise – is soliciting them, in clear violation of the Executive Law’s requirement that the full name of the professional fundraiser as on file with the OAG be clearly and unambiguously disclosed.

44. Not only do Caring People solicitors shorten the professional fundraiser’s name in solicitations, but solicitors also wait until the introductions are finished and in mid-conversation before casually slipping in the stunted and meaningless phrase “caring people retained” or “a caring peoples retained” before continuing with their pitch.

45. For example, one solicitor repeatedly used the following sales technique in pitching potential donors:

“How are ya? Good. Good. Don't worry we're not asking ya to come join the fire department or anything. Probably good news right? Ha. Ha. Hey, a caring peoples retained, just wanted to give you guys a big thanks for always supporting the volunteer firemen right here locally, it means a whole lot ya know.”

46. Another solicitor used a similar technique for obscuring the name:

Hi it's Carin over with the local Onondaga Volunteer Firemen's Association ... We're looking for new volunteer firemen... We're doing a mass training and recruitment drive for the county -- no, we're not asking you to run the hook and ladder. We're just putting on a mass training and recruitment drive so we can bring in new volunteers locally due to the drop of membership that we're experiencing....Caring people's retained. We're asking everyone to show their respect for our local firemen. We're asking for the Chief, Lieutenant, Firefighter level -- \$100, \$75, \$50...

47. Adding the offhanded remark “caring people’s retained” in the middle of the conversation and omitting the word “enterprises” not only violates the Executive Law’s requirement of clear and unambiguous disclosure, it also purposely confuses and misleads potential donors. If potential donors are even able to pick up on the phrase, they can easily assume that the solicitor is referring to a group of caring people rather than a professional fundraiser.

48. Additionally, Caring People solicitors routinely introduce themselves in a manner that suggests they work directly for the charity, typically by stating that they are “with” or “from” the organization. This behavior effectively conceals Caring People’s role in the fundraising campaign. Caring People solicitors, including Palmiero, have begun solicitations by stating:

- (a) “It’s Tom calling *from* the Onondaga Volunteer Firemen’s Association.”
- (b) “This is Carin over *with* the local Onondaga County Volunteer Firemen’s Association.”
- (c) “Hi it's Shelly *over at* the Defeat Diabetes Foundation.”
- (d) “It's Tom *over at* the Onondaga Volunteer Firemen's Association.”
- (e) “Hi - Jessie *from* our Vietnam Veterans of Central New York.”
- (f) “Tony...here *with* the Northern New York Volunteer Firemen.”

- (g) “Hey, it's Tom *with* the Onondaga County Volunteer Firemen's Association.”

49. In some cases, Caring People’s solicitors not only hide the fact that they are compensated, but actually tell the party being solicited that “we” are providing services. Callers soliciting for the Onondaga County Volunteer Firemen’s Association said:

- (a) “Your donation every year helps *us* train, recruit new members. . . . It also helps *us* fund the fire safety house. . . it's *our* big 24 foot trailer. For years *we* 've been taking it to the area schools, day cares here in the county.”
- (b) “*We* 're just putting on a mass training and recruitment drive so *we* can bring in new volunteers locally due to the drop in members *we* are experiencing *We* are also sponsoring the fire and safety house that goes to our local schools and community centers....”
- (c) “It's *our* big 24 foot trailer....But for years *we* 've been taking it to the area schools, daycares here in the county. What *we* do is fill it up with simulated smoke like a real fire, it's a big house on wheels. *We* take the kids inside and teach them things like exit drill for their home, stop drop and roll, how to dial 911.”
- (d) “Oh *we* 've been around since 1899 doing this...thanks very much for your proud support.”

50. Additionally, in violation of the Executive Law requirement that individual solicitors state their name as on file with the OAG, Caring People solicitors

use only their first name, saying “It’s Tom” or “It’s Carin.” Defendant Furman tells solicitors that “it’s your choice” whether to state the solicitor’s full name.

51. Solicitors also fail to disclose that they are receiving compensation for conducting the solicitation, as required by the Executive Law.

52. For instance, the script for Vietnam Veterans that Caring People provided to the OAG under cover investigator omits any statement that the solicitor is being paid to make the call.

53. However, in an attempt to cover up this violation of the law, Caring People later submitted a script to the OAG in response to a subpoena adding language that the solicitor is being paid.

Failure to Refer to Financial Reports

54. To further its fraudulent scheme to deceive and mislead donors, and to prevent donors from making informed decisions before giving, Caring People solicitors purposefully fail to disclose that financial information about a charity is available from the charity and the Attorney General, as required by Exec. L. § 174-b(1). Doing so would expose the fact that donors are not speaking to a charity, but rather to a professional fundraiser.

55. Caring People solicitors calling for Onondaga County Firemen and Vietnam Veterans, for example, do not disclose this information to donors.

Unregistered Solicitors

56. Professional solicitors are required to register with the Attorney General pursuant to Exec. L. § 173-b. Caring People knowingly employs unregistered professional solicitors, in violation of Exec. L. § 174(3).

57. The OAG undercover investigator was never instructed or required to register as a professional solicitor prior to starting work as a solicitor at Caring People.

58. The OAG undercover investigator observed at least 25 people working as solicitors at Caring People. According to the records of the OAG, less than half of the individuals are currently registered as professional solicitors.

Misrepresentations Regarding Charities and Charitable Programs

59. Not only does Caring People ignore the laws regulating professional fundraisers and their solicitors, Caring People exploits the good intentions of sympathetic New Yorkers by using vague, misleading and false statements regarding the charitable programs purportedly carried out by its clients.

60. Caring People accomplishes its goal by manipulating scripts and maintaining an environment that encourages deceptive practices.

61. The OAG confirmed the charity that, the *only* script approved by the Vietnam Veterans for use by Caring People solicitors states that:

“your gift helps with many projects such as the work with area vets centers, the distribution of scholarships to deserving high school seniors, and the support of the hospitalized and disabled vets in the V.A. hospital located Syracuse.”

62. However, Caring People provided a different script to the OAG under cover investigator to use in soliciting the public for Vietnam Veterans. This script fabricates or exaggerate Vietnam Veterans programs, stating that funds will be used to:

“help with various veterans programs. From the work with hospitalized and disabled vets in the V.A. Hospital and maybe the one closest to our hearts is the continuation of the vetrans [sic] benefits, such as, VA Hospitals, outreach clinics, even their burial benefits. I’m sure you know M/M _____, for some of these vets, that’s all they have left is a proper military burial.”

63. Caring People's fraudulent script is clearly designed to create the mistaken belief in potential donors that their money would directly fund veterans' benefits such as VA hospitals, outreach clinics and proper military burials.

64. By altering the script to eliminate the Syracuse, New York location for the VA hospital, Caring People deceives donors into believing their donations will support their local veterans, even if they do not live in or near Syracuse.

65. Caring People attempted to cover up their deception by producing in response to an OAG subpoena a script for the Vietnam Veterans that omitted all programs mentioned in the script given to the OAG investigator. That script says simply that:

“proceeds help with various veterans programs, from
“scholarships to deseving [sic] families and support of the two vet
center, ones in Oswego and the support of the VA Ho [sic].”

66. There is no mention of continuing veterans' benefits, or outreach clinics, or burial benefits.

67. Nonetheless, Caring People directs its solicitors to use the unapproved embellished script and trains them on what to say to tout programs different from those run by Vietnam Veterans in a effort to generate more donations.

68. Palmiero tells solicitors that the Vietnam Veterans run “counseling programs, guidance programs, job searches, and drug and alcohol programs” for veterans “coming back from Afghanistan.” These fabricated claims do not appear in any script particularly the one approved by the Vietnam Veterans nor were such claims approved by the charity.

69. As a result of these deceptive tactics, Caring People solicitors misleadingly suggest to potential donors that the Vietnam Veterans will use donated funds for the “continuation” of “veterans benefits” such as “VA hospitals, outreach clinics, even their burial benefits.”

70. Solicitors routinely tell potential donors that the Vietnam Veterans “sponsor Vet centers which are after hours clinics for counseling.”

71. Palmiero also advises solicitors to “localize” their calls to be more effective in soliciting funds. He said that if the potential donor is “not near Oswego or Syracuse, I say at the *local* vet centers or V.A. hospitals.”

72. Palmiero also stressed the value of finding a script that worked, even if that meant using outdated scripts of unrelated organizations. For example, in evaluating the script the OAG investigator had been given regarding Vietnam Veterans, Palmiero stated “Yeah, I have a totally different script than this. In fact, the script I use is one that we had before this and then [Furman] made it easier for people.” He said, “that script is pretty great, we used to use that script years ago, we called for an American Legion chapter . . . so Ron [Furman] kept it around.”

73. In an orientation session, Furman also suggested to new solicitors that they use the scripts they were given for Vietnam Veterans for “a few days,” then “listen to [their] neighbor” for quotes they particularly liked and start creating their own pitch. This tactic clearly results in even further incorrect and misleading information being passed on to potential donors and perpetuates the ongoing deception and fraud on the public.

FIRST CAUSE OF ACTION

Scheme to Defraud – Exec. L. § 172-d(2) (Against Caring People and All Individual Defendants)

74. The Attorney General repeats and re-alleges, as though fully set forth herein, all of the preceding paragraphs.

75. Defendants, and those acting in concert or participation with them or under their direction or control, have violated Executive Law § 172-d in that they have engaged in a fraudulent scheme in connection with charitable solicitations, including but not limited to: (a) obtaining money by false pretenses and representations; (b) soliciting charitable contributions using false and materially misleading statements about the intended uses of donated funds; and (c) failing to disclose their status as paid professional solicitors.

76. Caring People is vicariously liable for the actions of its solicitors.

77. Accordingly, as authorized by Executive Law § 175(2), Caring People should be enjoined from the solicitation and collection of charitable funds and Caring People's registration as a professional fundraiser should be cancelled.

SECOND CAUSE OF ACTION

Employment of Unregistered Professional Solicitors – Exec. L. § 174(3) (Against Caring People)

78. The Attorney General repeats and re-alleges, as though fully set forth herein, all of the preceding paragraphs.

79. Upon information and belief, as well as the number of people working in Caring People office, records held by the Office of the Attorney General, Caring People employs unregistered professional solicitors, in violation of Executive Law § 174(3).

80. Accordingly, as authorized by Executive Law § 175(2), Caring People should be enjoined from the solicitation and collection of charitable funds and Caring People's registration as a professional fundraiser should be cancelled.

THIRD CAUSE OF ACTION

Failure to Disclose Professional Fundraiser Name and Professional Status – Executive Law § 174-b(3)(a) and § 175(2) (Against Caring People and All Individual Defendants)

81. The Attorney General repeats and re-alleges, as though fully set forth herein, all of the preceding paragraphs.

82. Caring People has violated Executive Law § 174-b(3)(a) in that, in its telephone solicitation calls, solicitors fail to clearly and unambiguously disclose Caring People's name and the fact that the solicitation is being conducted by a professional fundraiser.

83. Caring People is vicariously liable for the actions of its solicitors.

84. Accordingly, as authorized by Executive Law § 175(2), Caring People and Palmiero should be enjoined from the solicitation and collection of charitable funds. Caring People's registration as professional fundraiser should be cancelled as should Palmiero's registration as a professional solicitor.

FOURTH CAUSE OF ACTION

Failure to Disclose Professional Solicitor Name and Paid Status – Exec. L. § 174-b(3)(b) (Against Caring People and All Individual Defendants)

85. The Attorney General repeats and re-alleges, as though fully set forth herein, all of the preceding paragraphs.

86. Caring People has violated Executive Law § 174-b(3)(b) in that Caring People's solicitors fail to clearly and unambiguously disclose their names as on file with

the Attorney General and the fact that they are receiving compensation for conducting the solicitation.

87. Caring People is vicariously liable for the actions of its solicitors.

88. Accordingly, as authorized by Executive Law § 175(2), Caring People and Palmiero should be enjoined from the solicitation and collection of charitable funds. Caring People's registration as professional fundraiser should be cancelled as should Palmiero's registration as a professional solicitor.

FIFTH CAUSE OF ACTION

Failure to Refer to Financial Reports – Exec. L. § 174-b(1) and § 175(2) (Against Caring People and All Individual Defendants)

89. The Attorney General repeats and re-alleges, as though fully set forth herein, all of the preceding paragraphs.

90. In its telephone solicitations on behalf of charitable organizations, Caring People's solicitors fail to include a statement that a person may obtain a copy of the organization's last financial report from either the organization or from the Attorney General, in violation of Executive Law § 174-b(1).

91. Caring People is vicariously liable for the actions of its solicitors.

92. Accordingly, as authorized by Executive Law § 175(2), Caring People and Palmiero should be enjoined from the solicitation and collection of charitable funds. Caring People's registration as professional fundraiser should be cancelled as should Palmiero's registration as a professional solicitor.

SIXTH CAUSE OF ACTION

Failure to Clearly Describe Programs and Activities – Exec. L. § 174-b(2) and § 175(2) (Against Caring People and All Individual Defendants)

93. The Attorney General repeats and re-alleges, as though fully set forth herein, all of the preceding paragraphs.

94. Caring People and those acting in concert or participation with it, have violated Executive Law § 174-b(2) in that in telephone, they fail to provide a clear description of the programs and activities for which it has requested and for which the charity has expended or will expend contributions, and fails to include a statement that a person may obtain such a description from the charity. Instead, they provide program descriptions that are vague and misleading.

95. Caring People is vicariously liable for the actions of its solicitors.

96. Accordingly, as authorized by Executive Law § 175(2), Caring People and Palmiero should be enjoined from the solicitation and collection of charitable funds. Caring People's registration as professional fundraiser should be cancelled as should Palmiero's registration as a professional solicitor.

SEVENTH CAUSE OF ACTION

Deceptive Acts or Practices – Gen. Bus. L. § 349 (Against Caring People and Denise Wittmer)

97. The Attorney General repeats and re-alleges, as though fully set forth herein, all of the preceding paragraphs.

98. Caring People's conduct described herein constitutes deceptive acts and practices that are declared unlawful under General Business Law § 349.

99. As authorized by General Business Law § 349(b), Caring People should be enjoined from the solicitation and collection of charitable funds, and its registration as professional fundraiser should be cancelled.

100. As authorized by General Business Law § 350-d, Caring People should be ordered to pay civil penalties of \$5,000 for each of its deceptive practices, in a total amount to be determined at trial.

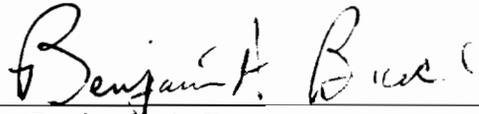
PRAYER FOR RELIEF

Plaintiff demands judgment against Defendants as follows:

- A. Enjoining Defendant Caring People, Wittmer, Furman, and Palmiero, and all other persons acting or claiming to act on their behalf or in concert or participation with them, from soliciting charitable contributions or memberships in the State of New York;
- B. Canceling Defendant Caring People's New York registration as a professional fundraiser;
- C. Canceling Defendant Palmiero's New York registration as a professional solicitor.
- D. Awarding restitution and damages under Exec. L. Article 7-A and Gen. Bus. L. § 349, in an amount to be determined at trial;
- E. Imposing upon Defendants civil penalties in the amount of \$5,000 for each violation of Gen. Bus. L. § 349; and
- F. Granting such other and further relief as is just and proper.

Dated: January 19, 2010
New York, New York

ANDREW M. CUOMO
Attorney General of the State of New York

By: 
Benjamin A. Bruce
Assistant Attorney General
Office of the Attorney General
144 Exchange Blvd., Suite 200
Rochester, New York 14614
(585) 546-7430

Of Counsel:

JASON R. LILIEN
Bureau Chief, Charities Bureau

KATHRYN E. DIAZ
Senior Trial Counsel,
Social Justice Division