STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT

CAUSE NO. 49D04-0209-PL-001656

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
ACS, INTERNATIONAL, INC.,)
)
Defendant.)

FILED
JAN 02 2003
CLERK OF THE
MARION CIRCUIT COURT

MOTION FOR DEFAULT JUDGMENT

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Roger D. Smith, pursuant to Indiana Trial Rule 55 of the Indiana Rules of Trial Procedure, respectfully moves the Court to enter a default judgment against the Defendant, ACS, International, Inc., and in support states:

1. On September 30, 2002, the Plaintiff filed its Complaint for Injunction, Restitution, Costs, and Civil Penalties against the Defendant, ACS, International, Inc.

2. The Defendant was duly served with a copy of the Complaint and Alias Summons at the Defendant's last known address of 428 S. Spencer Avenue, Indianapolis, Indiana, 46219 on November 20, 2002.

3. More than twenty (20) days have passed since service of process on the Defendant.

4. The Defendant has not appeared in this cause either in person or by counsel.

5. The Defendant has failed to file an answer or other responsive pleading, or request an extension of time in which to answer the plaintiff's complaint.

WHEREFORE, the Plaintiff, State of Indiana, requests that the Court enter a default judgment against the Defendant permanently enjoining Defendant from the following:

a. acting as a professional solicitor for a charitable organization unless Defendant has first registered with the Consumer Protection Division, Office of the Attorney General ("Division");

b. in the course of acting as a professional solicitor, failing to have its contracts with charitable organizations filed with the Division before engaging in solicitations;

c. in the course of acting as a professional solicitor, failing to have contracts with charitable organizations that specify the percentage of gross contributions which the charitable organizations will receive or the terms upon which a determination can be made as to the amount of the gross revenue from the solicitation campaign that the charitable organizations will receive;

d. in the course of acting as a professional solicitor, failing to disclose the average percentage of gross contributions collected on behalf of charitable organizations that the charitable organizations received from Defendant for the three (3) years preceding the year in which the contract was formed;

e. in the course of acting as a professional solicitor, failing to file a solicitation notice with the Division before beginning a solicitation campaign, which must include the following:

1) a copy of the contract with the charitable organization;

2) the projected dates when soliciting will begin and end;

3) the location(s) and telephone number(s) from where solicitations will be conducted;

4) the name and residence address of each person responsible for directing and supervising the conduct of the campaign; and

5) a copy of the written authorization from a bona fide police, law enforcement, rescue squad, or fire department to use the name "police", "law enforcement", "trooper", "rescue squad", "firemen", or "firefighter" in the solicitation;

f. in the course of acting as a professional solicitor, failing to submit to the Division, not later than ninety (90) days after a solicitation campaign has ended, with the exception of a campaign for which a written authorization has been filed under Ind. Code §23-7-8-2(f)(5), the following information concerning the solicitation campaign:

1) the total gross amount of money raised by Defendant and the charitable organization from donors;

2) the total amount of money paid to or retained by Defendant;

3) the total amount of money, excluding the amount identified in 2) above, paid by the charitable organization as expenses as part of the solicitation campaign; and

4) the total amount of money paid to or retained by the charitable organization after the amounts identified in 2) and 3) above are deducted;

g. in the course of acting as a professional solicitor, failing to file with the Division an update to the registration and a renewal fee of $50.00 before July 2 of each year;

h. in the course of acting as a professional solicitor, failing to disclose in a written confirmation the fact that the person soliciting the contribution is, or is employed by, a professional solicitor, and the fact that the professional solicitor is compensated; and

i. in the course of acting as a professional solicitor, using the name "police", "law enforcement", "trooper", "rescue squad", "firemen", or "firefighter" unless a bona fide police, law enforcement, rescue squad, or fire department authorizes its use in writing.

AND WHEREFORE, the plaintiff, State of Indiana, further requests the Court enter judgment against Defendant for the following relief:

a. costs pursuant to Ind. Code §23-7-8-8(c), awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action, in the amount of Three Hundred Eighty Dollars ($380.00);

b. civil penalties pursuant to Ind. Code §23-7-8-8(c) for Defendant's violations of the Professional Fundraiser Consultant and Solicitor Registration Act, in the amount of Five Hundred and 00/100 Dollars ($500.00) per violation, payable to the State of Indiana; and

c. all other just and proper relief.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana

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