

1 Defendants named herein. The State alleges the following on information and belief:

2 **I. INTRODUCTION**

3 1.1 The Plaintiff, State of Washington, brings this action pursuant to RCW 19.86,
4 the Consumer Protection Act, and RCW 19.09, the Charitable Solicitations Act. Plaintiff seeks
5 a permanent injunction, and other equitable relief, including civil penalties, restitution, and
6 attorneys' costs and fees, based on violations of the Consumer Protection Act.
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8 **II. PLAINTIFF**

9 2.1 The Plaintiff is the State of Washington.

10 2.2 The Attorney General is authorized to commence this action pursuant to
11 RCW 19.86.080, RCW 19.86.140, and RCW 19.09.340.
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13 **III. DEFENDANTS**

14 3.1 Defendant Blind Children Services of Puget Sound is an organization engaged
15 in the business of soliciting and collecting charitable contributions for charitable or purportedly
16 charitable purposes in the state of Washington. Blind Children Services of Puget Sound is also
17 known as Abandoned Children's Foundation, ABCC, ABCCWW, ACF, American Blind
18 Children's Council, American Blind Children's Council of Western Washington, BCSOPS,
19 Handicapped Children's Outreach for Washington State, Handicapped Children's Outreach,
20 and HCOWS, and has solicited and collected charitable contributions from the general public
21 under those names. Blind Children Services of Puget Sound has conducted business from
22 18601 Highway 99, Suite 203, Lynnwood, Washington, 98037, 3826 Friday Avenue, No. 2,
23 Everett, Washington, 98201, and 19707 64th Avenue, W., Suite 109, Lynnwood, Washington,
24 98036. Blind Children Services of Puget Sound also has used numerous Post Office Boxes in
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1 the Secretary of State canceled Blind Children Services of Puget Sound's registration, the
2 Defendants continued to solicit and collect charitable contributions through at least March of
3 2006.

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5 **VII. FIRST CAUSE OF ACTION**
6 **(Conducting Charitable Solicitations Without Registering With the Secretary of State)**

7 **7.1** Plaintiff realleges Paragraphs 1.1 through 6.2 and incorporates them herein as if
8 set forth in full.

9 **7.2** On numerous occasions from May 7, 2005 through at least March of 2006,
10 Defendants solicited and collected charitable contributions from the general public in the state
11 of Washington without being registered as a charitable organization with the Secretary of State.

12 **7.3** The conduct described in paragraphs 7.1 through 7.2 violates the Charitable
13 Solicitations Act, specifically RCW 19.09.065; 19.09.100(12), (15), (16), (18). Pursuant to
14 RCW 19.09.340, violations of the Charitable Solicitations Act are *per se* violations of the
15 Consumer Protection Act, RCW 19.86.

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17 **VIII. SECOND CAUSE OF ACTION**
18 **(Misrepresenting That Charities Are Registered With the Secretary of State)**

19 **8.1** Plaintiff realleges Paragraphs 1.1 through 7.3 and incorporates them herein as if
20 set forth in full.

21 **8.2** Defendant Blind Children Services and its "also known as names" of
22 Abandoned Children's Foundation, ABCC, ABCCWW, ACF, American Blind Children's
23 Council, American Blind Children's Council of Western Washington, BCSOPS, Handicapped
24 Children's Outreach for Washington State, Handicapped Children's Outreach, and HCOWS
25 were registered with the Secretary of State under Registration No. 10386 until May 6, 2005,
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1 when the Secretary of State canceled that registration.

2 **8.3** In written solicitation material they distributed to Washington consumers, the
3 Defendants misrepresented, either directly or by implication, that American Blind Children's
4 Council and Abandoned Children's Foundation were registered with the Secretary of State
5 under Registration No. 10386 after the registration was canceled on May 6, 2005.

6 **8.4** The conduct described in paragraphs 8.1 through 8.3 violates the Charitable
7 Solicitations Act, specifically RCW 19.09.100(12), (16), (18). Pursuant to RCW 19.09.340,
8 violations of the Charitable Solicitations Act are *per se* violations of the Consumer Protection
9 Act, RCW 19.86.

10 **8.5** Notwithstanding RCW 19.09.340, the conduct described in paragraphs 8.2
11 through 8.4 has the capacity to mislead a substantial number of consumers and constitutes
12 unfair or deceptive acts or practices in trade or commerce, and unfair methods of competition
13 in violation of RCW 19.86.

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16 **IX. THIRD CAUSE OF ACTION**
17 **(Failure to Make Required Disclosures on Solicitation Material)**

18 **9.1** Plaintiff realleges Paragraphs 1.1 through 8.5 and incorporates them herein as if
19 set forth in full.

20 **9.2** In written solicitation material they distributed to Washington consumers, the
21 Defendants failed to clearly and conspicuously disclose in the body of the solicitation material
22 that the Defendants' notice of solicitation is on file with the Secretary of State and that the
23 potential donor could obtain additional financial disclosure information from the Secretary of
24 State at the Secretary of State's published number.

25 **9.3** The conduct described in paragraph 9.2 violates the Charitable Solicitations
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1 with, or volunteering with any registered or unregistered charitable organization in the state of
2 Washington.

3 **10.5** That the Court assess civil penalties, pursuant to RCW 19.86.140, of up to two
4 thousand dollars (\$2,000) per violation against the Defendant for each and every violation of
5 RCW 19.09 and 19.86 caused by the conduct complained of herein.
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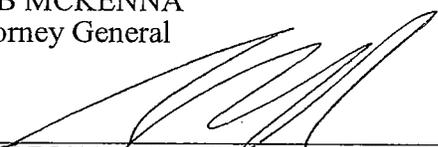
7 **10.6** That the Court make such orders pursuant to RCW 19.86.080 as it deems
8 appropriate to provide for restitution to consumers of money or property acquired by the
9 defendant as a result of the conduct complained of herein.

10 **10.7** That the Court make such orders pursuant to RCW 19.86.080 to provide that the
11 plaintiff, State of Washington, have and recover from the defendant the costs of this action,
12 including reasonable attorneys' fees.
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14 **10.8** For such other relief as the Court may deem just and proper.

15 DATED this 19 day of September, 2006.

16 ROB MCKENNA
17 Attorney General

18 
19 SHANNON E. SMITH, WSBA # 19077
20 Senior Counsel
21 Attorneys for Plaintiff
22 State of Washington
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1 A lawsuit has been started against you in the above entitled court by the Plaintiff, State of
2 Washington. Plaintiff's claim is stated in the written complaint, a copy of which is served upon
3 you with this summons.

4 In order to defend against this lawsuit, you must respond to the complaint by stating your
5 defense in writing, and by serving a copy upon the undersigned attorney for Plaintiff within
6 20 days after the service of this Summons; or if served outside the State of Washington, within
7 sixty (60) days after service of this Summons, excluding the day of service, or a default judgment
8 may be entered against you without notice. A default judgment is one where plaintiff is entitled to
9 what he asks for because you have not responded. If you serve a notice of appearance on the
10 undersigned person, you are entitled to notice before a default judgment may be entered.
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12 You may demand that the plaintiff file this lawsuit with the court. If you do so, the
13 demand must be in writing and must be served upon the person signing this summons. Within 14
14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service
15 on you of this Summons and Complaint will be void.
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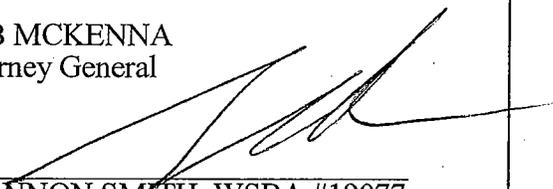
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1 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
2 that your written response, if any, may be served on time.

3 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of
4 Washington.

5 DATED this 19 day of September, 2006.

6
7 ROB MCKENNA
8 Attorney General

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10 SHANNON SMITH, WSBA #19077
11 Senior Counsel
12 Attorneys for Plaintiff
13 State of Washington
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1 A lawsuit has been started against you in the above entitled court by the Plaintiff, State of
2 Washington. Plaintiff's claim is stated in the written complaint, a copy of which is served upon
3 you with this summons.

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5 defense in writing, and by serving a copy upon the undersigned attorney for Plaintiff within
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7 sixty (60) days after service of this Summons, excluding the day of service, or a default judgment
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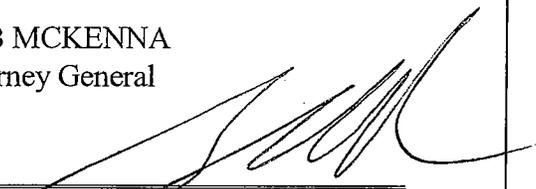
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Attorney General

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STATE OF WASHINGTON
SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

NO.

Plaintiff,

SUMMONS – BLIND CHILDREN SERVICES OF PUGET SOUND, d/b/a, ABANDONED CHILDREN’S FOUNDATION, ABCC, ABCCWW, ACF, AMERICAN BLIND CHILDREN’S COUNCIL, AMERICAN BLIND CHILDREN’S COUNCIL OF WESTERN WASHINGTON, BCSOPS, HANDICAPPED CHILDREN’S OUTREACH FOR WASHINGTON STATE, HANDICAPPED CHILDREN’S OUTREACH, HCOWS

v.

BLIND CHILDREN SERVICES OF PUGET SOUND in its own name and doing business as, ABANDONED CHILDREN’S FOUNDATION, ABCC, ABCCWW, ACF, AMERICAN BLIND CHILDREN’S COUNCIL, AMERICAN BLIND CHILDREN’S COUNCIL OF WESTERN WASHINGTON, BCSOPS, HANDICAPPED CHILDREN’S OUTREACH FOR WASHINGTON STATE, HANDICAPPED CHILDREN’S OUTREACH, HCOWS; DARIN ANTHONY DEWITT, Owner of Blind Children Services of Puget Sound, individually and as part of his marital community; ROBERT MELBOURNE SHAY, a/k/a R.M. FUKA, individually and as part of his marital community,

Defendants.

TO THE DEFENDANTS: Blind Children Services of Puget Sound, and d/b/a, Abandoned Children’s Foundation, ABCC, ABCCWW, ACF, American Blind Children’s Council, American Blind Children’s Council of

**Western Washington, BCSOPS, Handicapped
Children's Outreach For Washington State,
Handicapped Children's Outreach, HCOWS 19707
64th Ave. W. Suite 109 Lynnwood, Washington 98037**

A lawsuit has been started against you in the above entitled court by the Plaintiff, State of Washington. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the undersigned attorney for Plaintiff within 20 days after the service of this Summons; or if served outside the State of Washington, within sixty (60) days after service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this Summons and Complaint will be void.

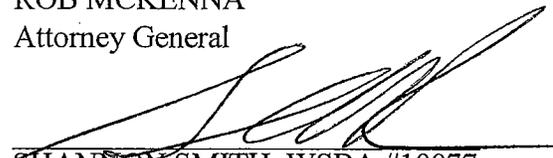
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8 Attorney General

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