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| <p>DISTRICT COURT, CITY AND COUNTY OF DENVER,<br/>         COLORADO<br/>         1437 Bannock Street<br/>         Denver, CO 80202</p> <hr/> <p>STATE OF COLORADO, ex rel. JOHN W. SUTHERS,<br/>         ATTORNEY GENERAL,</p> <p>Plaintiff,</p> <p>v.</p> <p>GARY E. MAES, individually and d/b/a APPOINTED<br/>         PROFESSIONAL SERVICES and ASSOCIATION<br/>         FOR POLICE AND SHERIFFS, INC.; JOHN DOES 1-<br/>         10, independent contractors or employees of Appointed<br/>         Professional Services; and JANE DOES 1-10,<br/>         independent contractors or employees of Appointed<br/>         Professional Services.</p> <p>Defendants.</p> | <p><b>EFILED Document</b><br/> <b>CO Denver County District Court 2nd JD</b><br/> <b>Filing Date: Apr 15 2010 3:31PM MDT</b><br/> <b>Filing ID: 30610405</b><br/> <b>Review Clerk: Patricia Garcia</b></p> <p style="text-align: center;">▲ <b>COURT USE ONLY</b> ▲</p> |
| <p>Attorneys for Plaintiff:<br/>         JOHN W. SUTHERS<br/>         Attorney General<br/>         ALISSA HECHT GARDENSWARTZ, 36126*<br/>         Assistant Attorney General<br/>         alissa.gardenswartz@state.co.us<br/>         JAY B. SIMONSON, 24077*<br/>         First Assistant Attorney General<br/>         jay.simonson@state.co.us<br/>         1525 Sherman Street, 4<sup>th</sup> Floor<br/>         Denver, CO 80203<br/>         (303) 866-5079<br/>         (303) 866-4916 Fax<br/>         *Counsel of Record</p>  | <p>Case No.: 10CV2963</p> <p>Div.: 19</p>   |
| <p><b>STIPULATED FINAL JUDGMENT</b></p>   |   |

Plaintiff, the State of Colorado, upon relation of John W. Suthers, Attorney General for the State of Colorado, by and through undersigned counsel, and Defendant Gary E. Maes, d/b/a Appointed Professional Services and Association for Police and Sheriffs, Inc., having each consented to the entry of this Stipulated Final Judgment without trial or other adjudication of fact or law herein, and the Court, having considered this matter and being fully advised in the premises, FINDS, CONCLUDES AND ORDERS AS FOLLOWS:

## **JURISDICTION**

1. This Court has jurisdiction over the subject matter of this action and the parties hereto, and the Complaint states claims upon which relief can be granted under the Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-101 *et seq.* (2009) (“CCPA”) and the Colorado Charitable Solicitations Act, Colo. Rev. Stat. § 6-16-101 *et seq.* (2009) (“CCSA”). Venue is proper in the City and County of Denver, State of Colorado.

2. This Court is authorized to issue a permanent injunction and other relief pursuant to Colo. Rev. Stat. §§ 6-1-110(1), 6-1-112(1), and 6-1-113(4) (2009) of the CCPA and Colo. Rev. Stat. § 6-16-111(5) of the CCSA.

## **PERMANENT INJUNCTION**

3. Defendant Maes is permanently enjoined from the following:

a. Operating or conducting any activities on behalf of Association for Police and Sheriffs, Inc. and/or Appointed Professional Services, except that Maes may use the trade name Appointed Professional Services to conduct for-profit, non-charitable business operations;

b. Operating, forming, founding, or establishing any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1);

c. Acting as a director, officer, trustee, compensated employee, professional fundraising consultant, or paid solicitor of any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1);

d. Making any charitable solicitations on behalf of any charity; and

e. Using any trade names to make any charitable solicitations.

4. In order to comply with paragraph 3.a., Defendant Maes shall ensure that anyone acting on behalf of Association for Police and Sheriffs, Inc. and/or Appointed Professional Services immediately ceases all operations, including all solicitations and any distribution of funds in an account maintained for Association for Police and Sheriffs, Inc. and/or Appointed Professional Services, except as provided in paragraph 7.

## **MONETARY RELIEF**

5. Defendant Maes shall pay four thousand dollars (\$4,000) as a civil penalty pursuant to Colo. Rev. Stat. § 6-1-112(1) (2009).

6. Defendant Maes shall pay ten thousand dollars (\$10,000.00) to the Colorado Department of Law to establish a settlement fund for affected consumers.

7. Any funds that remain in any accounts maintained by Maes for Appointed Professional Services and/or Association for Police and Sheriffs, Inc. shall be disbursed to pay the penalties and restitution described in paragraphs 5 and 6 within ten (10) days of entry of this Stipulated Final Judgment by the Court. The payment shall be made payable to the Colorado Department of Law with a reference to “Maes/APS” and shall be delivered to:

Alissa Hecht Gardenswartz  
Assistant Attorney General  
Consumer Protection Section  
1525 Sherman Street – 7<sup>th</sup> Floor  
Denver, Colorado 80203

8. After any funds remaining in any Appointed Professional Services and/or Association for Police and Sheriffs accounts are disbursed to the Colorado Department of Law pursuant to paragraph 7, payment of the remaining amount owed in civil penalties and restitution shall be suspended until such time that Defendant Maes violates any provision of this Stipulated Final Judgment. If Defendant Maes violates any provision of this Stipulated Final Judgment, he will pay the remaining civil penalties and restitution in full within ten (10) days of receiving notification of the violation(s). Payment shall be made in accordance with the instructions set forth in paragraph 7.

### **CONSIDERATION**

9. Defendant Maes is entering into this Stipulated Final Judgment for the purpose of compromising and resolving disputed claims and to avoid the expense of litigation. Defendant’s execution of this Stipulated Final Judgment shall not be considered an admission by Defendant, and nothing herein shall be construed as an admission of liability by Defendant. Nothing herein constitutes approval by the State of Defendant’s past or future practices, and Defendant shall not make any representation to the contrary.

10. Defendant agrees to cooperate fully with the Office of the Attorney General, including agreeing to accept service of process, in any proceedings related to the allegations described in the Complaint.

11. This Stipulated Final Judgment is intended to resolve finally and fully all of the civil disputes between the Attorney General and Defendant Maes arising out of the conduct alleged in the Complaint. This Stipulated Final Judgment shall not be construed to affect any claims by the Attorney General against any other Defendants,

named or unnamed, or against any other individuals or entities regarding the conduct alleged in the Complaint. This Stipulated Final Judgment shall not be construed to affect any criminal actions or charges against Defendant Maes, or against any other Defendants, named or unnamed, or against any other individuals or entities regarding the conduct alleged in the Complaint.

**RETENTION OF JURISDICTION**

12. This Court shall retain jurisdiction of this matter for the purpose of enabling any party to this Stipulated Final Judgment to apply to the Court at any time for any further orders which may be necessary or appropriate for the construction, modification or execution of this Stipulated Final Judgment, and for the enforcement of compliance herewith and the punishment of violations hereof.

13. This Stipulated Final Judgment shall not be construed to affect the rights of any private party to pursue remedies pursuant to Colo. Rev. Stat. § 6-1-113 (2009) of the CCPA, Colo. Rev. Stat. § 6-16-111(5) (2009) of the CCSA, or under any other statutes through actions in common law.

14. The parties understand and agree that a violation of any provision of this Stipulated Final Judgment shall, in addition to resulting in the payment detailed in paragraph 9 above, give rise to the contempt remedies and penalties provided under Colo. Rev. Stat. § 6-1-112(b) (2009).

**ACKNOWLEDGMENT**

15. Defendant Maes acknowledges that he has thoroughly reviewed this Stipulated Final Judgment, that he has had an opportunity to consult with an attorney if he so chooses, that he understands and agrees to its terms, and that he agrees that it shall be entered as the Order of this Court.

\_\_\_\_\_/s\_\_\_\_\_

Alissa Hecht Gardenswartz, 36126\*

Assistant Attorney General  
Consumer Protection Section  
Consumer Fraud Unit  
1525 Sherman Street, 5<sup>th</sup> Floor  
PHONE: (303) 866-5079  
FAX: (303) 866-4916

Attorneys for Plaintiffs

\_\_\_\_\_/s\_\_\_\_\_

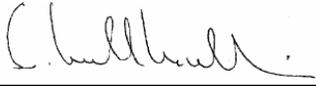
Gary E. Maes, d/b/a Appointed  
Professional Services

Date: April 12, 2010

\*Counsel of Record

Date: April 12, 2010

SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

A handwritten signature in cursive script, appearing to read "C. Hullbush", written over a horizontal line.

District Court Judge

*Pursuant to C.R.C.P. 121, § 1-26(9), the original of this document with original signatures is maintained in the offices of the Colorado Attorney General, 1525 Sherman Street, Denver, CO 80203, and will be made available for inspection by other parties or the Court upon request.*