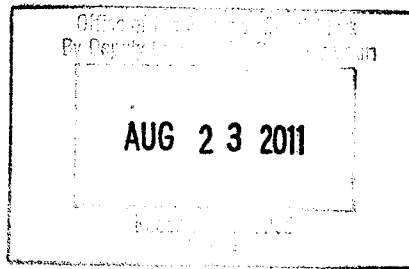


PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for Plaintiffs



By: Jeffrey Koziar
Deputy Attorney General
(973) 648-7819

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION,
ESSEX COUNTY
DOCKET NO.: C-200-11

PAULA T. DOW, Attorney General of the State of
New Jersey, and THOMAS R. CALCAGNI,
Director of the New Jersey Division of Consumer
Affairs,

Plaintiffs,

v.

THE PROJECT FREEDOM FUND and BRUCE
S. BUCCOLO, individually and as owner and
operator of THE PROJECT FREEDOM FUND,
and JOHN DOES 1-10, individually and as
owners, officers, directors, founders, managers,
agents, servants, employees, representatives
and/or independent contractors of THE PROJECT
FREEDOM FUND, and XYZ CORPORATIONS
1-10.

Defendants.

Civil Action

COMPLAINT

Plaintiffs Paula T. Dow, Attorney General of the State of New Jersey (“Attorney General”),
with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey, and Thomas R. Calcagni,

Director of the New Jersey Division of Consumer Affairs (“Director”), with offices located at 124 Halsey Street, Seventh Floor, Newark, New Jersey, by way of Complaint state:

PRELIMINARY STATEMENT

1. Incarcerated individuals are not typically the most sympathetic group of consumers. But in some ways they are among the most vulnerable. Most are desperate to regain their freedom and are also in dire financial straights. Family members are also deeply impacted. Many will do whatever they can to free their relatives. These factors make inmates and their families particularly vulnerable to exploitation by deceptive business practices.

2. Project Freedom Fund (“PFF”) and its principal, Bruce Buccolo (“Buccolo”), (collectively, “Defendants”) cynically exploited the desperation felt by many inmates and their families by making false promises and misrepresentations about the legal services they could provide. Defendants misrepresented themselves as a non-profit legal services organization when, in fact, they operated primarily for their own financial benefit. Through misleading advertisements, Defendants induced inmates, or their relatives, into paying an up front non-refundable \$350 “consulting fee” and then generally performed no work for them. On the rare occasions when Defendants attempted to provide “legal services”, the work was often done by a non-attorney or a disbarred one. Thus, the victimized consumers and their families did not receive any of the promised benefits, but paid fees that caused their financial circumstances to become ever more dire.

3. By making misrepresentations and engaging in such unconscionable commercial practices and deception, Defendants repeatedly violated the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et. seq. (“CFA”), and the Regulations Governing General Advertising Practices, N.J.A.C. 13:45A-9.1 et seq. (“Advertising Regulations). Thus, the Attorney General and Director

commence this action to seek restitution for affected consumers and to prevent the continuation of such deceptive practices.

PARTIES AND JURISDICTION

4. The Attorney General is charged with the responsibility of enforcing the CFA and the Advertising Regulations. The Director is charged with the responsibility of administering the CFA and the Advertising Regulations on behalf of the Attorney General.

5. By this action, Plaintiffs seek injunctive and other relief for violations of the CFA and the Advertising Regulations. Plaintiffs bring this action pursuant to their authority under the CFA, specifically N.J.S.A. 56:8-8, N.J.S.A. 56:8-11, N.J.S.A. 56:8-13 and N.J.S.A. 56:8-19. Venue is proper in Essex County, pursuant to R. 4:3-2, because it is a county in which the Defendant has conducted business and in which the cause of action arose.

6. PFF is a corporation established in Delaware on November 29, 2005. PFF was certified to conduct business as a non-profit corporation in the State of New Jersey (“State” or “New Jersey”) on January 6, 2006.

7. Upon information and belief, at all relevant times, PFF has maintained a principal mailing address of P.O. Box 1164, Newark, New Jersey 07101.

8. Upon information and belief, Buccolo has conducted PFF’s business from his residential address of 38 Mayfair Drive, West Orange, New Jersey 07502.

9. At all relevant times, Buccolo has directed all of PFF’s activities and has designated himself as Executive Director.

10. Upon information and belief, John and Jane Does 1 through 10 are fictitious individuals meant to represent owners, officers, directors, shareholders, founders, managers, agents,

servants, employees, representatives and/or independent contractors of PFF who have been involved in the conduct that gives rise to this Complaint, but are heretofore unknown to the Plaintiffs. As these defendants are identified, Plaintiffs shall amend the Complaint to include them.

11. Upon information and belief, XYZ Corporations 1 through 10 are fictitious corporations meant to represent any additional corporations that have been involved in the conduct that gives rise to this Complaint, but are heretofore unknown to the Plaintiffs. As these defendants are identified, Plaintiffs shall amend the Complaint to include them.

GENERAL ALLEGATIONS

12. Upon information and belief, since at least 2006, Defendants have engaged in the advertisement and sale of legal services to individuals incarcerated in the State.

13. On or about June 6, 2006, PFF filed a Legal Services Plan (“2006 Plan”) with the Administrative Offices of the Courts (“AOC”).

14. In the 2006 Plan, Buccolo was listed as the Principal Officer or Person in Charge of the Plan and Mark E. Yampaglia was listed as the Attorney Supervising and Responsible for the Professional Services Rendered by the 2006 Plan.

15. In the 2006 Plan, the description of the legal services was as follows: “The Plan brings legal aid to jailed and imprisoned inmates too poor to obtain legal representation and who have little or no other recourse.”

16. PFF advertised itself as a “non-profit Legal Services Organization and public interest law firm licensed by Rule 1:21-1(e) to practice law, bringing legal help to the imprisoned of New Jersey.”

17. PFF repeatedly charged consumers a non-refundable fee of \$350.00 for an “initial consultation”.

18. PFF offered the following advice in an advertisement to potential clients concerning how to pay this initial consultation fee:

Though the cost we pass on to you is truly minimal, we understand that you may not even have these minor funds available to you and therefore, if it is at all possible, we do suggest and urge you to ask friends and family members to help by contributing a share and bearing some of the financial burden thus making it easier by spreading it out among a number of persons. Try calling a parent, a brother, as sister, a son, a daughter, an aunt, an uncle or a cousin. If you like, you can send us their names, addresses and telephone numbers and we will contact them ourselves on your behalf.

19. PFF advertised a “Pit Bull Dog Service”, in which it promised potential clients that PFF will “make sure that your Public Defender/Pool Attorney is not selling you out and forcing you into a bad plea/a ridiculous sentence.”

20. The legal services advertised by PFF include “oversight services.”

21. PFF advertised that “we make your attorney do his job and fly right whether he likes it or not and we do it by taking on the responsibility of becoming his supervisor and overseeing his work.”

22. PFF advertised its legal services by promising that “with Project Freedom Fund guiding you every step of the way, you always win.”

23. Upon information and belief, Mark Bendet (“Bendet”) was disbarred by the Supreme Court of New Jersey on March 6, 1997 due to his plea of guilty in the Superior Court of New Jersey, Law Division, Passaic County to one count of an indictment charging theft by deception in relation to a fraudulent insurance claim, in violation of N.J.S.A. 2C:20-4.

24. Upon information and belief, Bendet was a principal of PFF and represented himself as an attorney on behalf of PFF from at least 2006.

25. Upon information and belief, from at least 2006 Bendet visited inmates on behalf of PFF.

26. Buccolo testified at an investigative deposition on September 21, 2010.

27. Buccolo testified that he prepared legal documents, such as applications for post-conviction relief, despite not being an attorney.

28. Buccolo also testified that he used proceeds from PFF for personal use, such as paying the electric bill at his home.

29. In response to PFF's annual renewal request, the AOC, by letter dated January 5, 2010, revoked PFF's Legal Services Plan because of its failure to respond to a request for additional information concerning whether PFF charges its clients "user fees."

30. By letter dated August 2, 2010, the AOC confirmed that PFF's Legal Services Plan was revoked because of its determination that PFF did not "recommend, furnish, or pay for legal services to its members or beneficiaries" within the meaning of Rules of Professional Conduct 7.3(e)(4), "but, rather, charges fees for services."

31. To date, the Division of Consumer Affairs has received eighteen (18) complaints against Defendants. The consumer complaints allege, among other transgressions: (a) misrepresentation of services offered; (b) failure to provide contracted for services; and (c) failure to provide refunds.

COUNT I

**VIOLATION OF THE CFA BY DEFENDANTS
(UNCONSCIONABLE COMMERCIAL PRACTICES)**

32. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 31 above as if more fully set forth herein.

33. The CFA, N.J.S.A. 56:8-2 prohibits:

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing[] concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise . . .

34. The CFA defines “merchandise” as including “any objects, wares, goods, commodities, services or anything offered, directly or indirectly to the public for sale.” N.J.S.A. 56:8-1(c).

35. At all relevant times, Defendants have been engaged in the advertisement and sale of merchandise within the meaning of the CFA, specifically legal services.

36. Defendants’ conduct in violation of the CFA includes, but is not limited to, the following unconscionable commercial practices:

- a. Preparing legal documents when not authorized to do so;
- b. Charging consumers for services they are not legally authorized to perform;
- c. Having a non-attorney prepare legal documents for consumers;
- d. Having a disbarred attorney prepare legal documents for consumers;
- e. Using a disbarred attorney to provide legal counsel to consumers;

- f. Using money paid by consumers to a purported non-profit organization for personal use;
- g. Enticing incarcerated individuals and/or their family members to pay fees to PFF by guaranteeing legal results that they could not provide;
- h. Failing to provide contracted for legal services to consumers; and
- I. Failing to provide refunds to consumers who did not receive contracted services.

37. Each unconscionable commercial practice by Defendants constitutes a separate violation under the CFA, N.J.S.A. 56:8-2.

COUNT II

VIOLATION OF THE CFA BY DEFENDANTS (MISREPRESENTATIONS, FALSE PROMISES AND DECEPTION)

38. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 37 above as if more fully set forth herein.

39. R. 1:21-1(e) of the New Jersey Court Rules sets forth the following requirements for Legal Assistance Organizations:

Nonprofit organizations incorporated in this or any other state for the purpose of providing legal assistance to the poor or functioning as a public interest law firm, and other federally tax exempt legal assistance organizations or trusts, such as those defined by 26 U.S.C.A. 120(b) and 501(c)(20), that provide legal assistance to a defined and limited class of clients, may practice law in their own names through staff attorneys who are members of the bar of the State of New Jersey, provided that (1) the legal work services the intended beneficiaries of the organizational purpose, (2) the staff attorney responsible for the matter signs all papers prepared by the organization and (3) the relationship between staff attorney and client meets the attorney's professional responsibilities to the client and is

not subject to interference, control or direction by the organization's board or employees except for a supervising attorney who is a member of the New Jersey bar.

40. In the operation of their business, including the advertisement and/or sale of purported legal services, Defendants have engaged in the use of misrepresentations, false promises and/or deception.

41. In the operation of their business, Defendants have made misrepresentations and false promises and engaged in deception including, but not limited to:

- a. Misrepresenting PFF as a non-profit public interest law firm meeting the qualifications set forth in R. 1:21.1(e);
- b. Representing that PFF exercised an "oversight" role over the services rendered by the Public Defender's Office, when such is not the case;
- c. Promising to provide consumers with legal services that PFF was not authorized or capable of providing;
- d. Promising to provide legal services to inmates but failing to do so; and
- e. Promising to provide refunds to consumers but failing to do so.

42. Each misrepresentation, false promise and/or deception by Defendants constitutes a separate violation under the CFA, N.J.S.A. 56:8-2.

COUNT III

VIOLATION OF THE ADVERTISING REGULATIONS BY DEFENDANTS

43. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 42 above as if more fully set forth herein.

44. The Regulations Governing General Advertising, N.J.A.C. 13:45A-9.1 et seq. (“Advertising Regulations”), promulgated pursuant to the CFA, among other things, govern general advertising practices.

45. Specifically, the Advertising Regulations provide, in pertinent part:

(a) Without limiting the application of N.J.S.A. 56:8-1 et seq., the following practices shall be unlawful with respect to all advertisements:

....

9. The making of false or misleading representations concerning the reasons for, existence or amounts of price reductions, the nature of an offering or the quantity of advertised merchandise available for sale.

[N.J.A.C. 13:45A-9.2(a)(9).]

46. In their advertisements for legal services, Defendants violated the Advertising Regulations including, but not limited to, the following:

- a. Misrepresenting PFF as a non-profit public interest law firm meeting the qualifications set forth in R. 1:21.1(e);
- b. Advertising “oversight” legal services that Defendants are not authorized to provide; and
- c. Advertising a guaranteed result that Defendants could not provide.

47. Each violation of the Advertising Regulations by Defendants constitutes a per se violation of the CFA, N.J.S.A. 56:8-2.

COUNT IV

VIOLATION OF THE CFA AND/OR THE ADVERTISING REGULATIONS BY DEFENDANT BUCCOLO

48. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 47 above as if more fully set forth at length herein.

49. At all relevant times, Buccolo has been the Executive Director of PFF and has controlled and directed the activities of that entity.

50. Buccolo is personally liable for the violations of the CFA and/or the Advertising Regulations committed by PFF.


PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing allegations, Plaintiffs respectfully request that the Court enter judgment against Defendants:

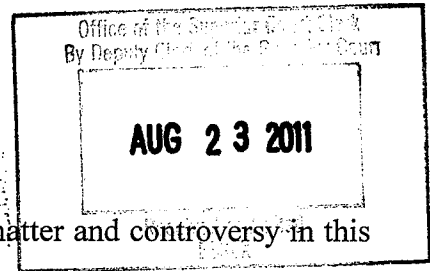
- (a) Finding that the acts and omissions of Defendants constitute multiple violations of the CFA, N.J.S.A. 56:8-1 et seq. and the Advertising Regulations, N.J.A.C. 13:45A-9.1 et seq.;
- (b) Permanently enjoining Defendants and their owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives and independent contractors and all other persons or entities directly under their control, from engaging in, continuing to engage in, or doing any acts or practices in violation of the CFA, N.J.S.A. 56:8-1 et seq. and the Advertising Regulations, N.J.A.C. 13:45A-9.1 et seq. including, but not limited to, the acts and practices alleged in this Complaint;
- (c) Directing the assessment of restitution amounts against Defendants, jointly and severally, to restore any affected person, whether or not named in this Complaint, any money or real or personal property acquired by means of any alleged practice herein to be unlawful, as authorized by the CFA, N.J.S.A. 56:8-8;

- (d) Assessing the maximum statutory civil penalties against Defendants, jointly and severally, for each and every violation of the CFA, in accordance with N.J.S.A. 56:8-13;
- (e) Directing the assessment of cost and fees, including attorneys' fees, against Defendants, jointly and severally, for the use of the State of New Jersey, as authorized by the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19;
- (f) Granting such other relief as the interests of justice may require.

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: 
Jeffrey Koziar
Deputy Attorney General
Consumer Fraud Prosecution Section

Dated: August 23, 2011
Newark, New Jersey



RULE 4:5-1 CERTIFICATION

I certify, to the best of my information and belief, that the matter and controversy in this action involving the aforementioned violations of the CFA and the Advertising Regulations is not subject to any other action pending in any other court of this State. I am aware that other private contract, real property and/or personal injury actions have been brought against the Defendants, but I have no direct information that any such actions involve consumer fraud allegations. I further certify that the matter in controversy in this action is not the subject of a pending arbitration proceeding in this State, nor is any other action or arbitration proceeding contemplated. I certify that there is no other party who should be joined in this action at this time.

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: Jeffrey Koziar
Jeffrey Koziar
Deputy Attorney General
Consumer Fraud Prosecution Section

Dated: August 23, 2011
Newark, New Jersey

RULE 1:38-7(c) CERTIFICATION OF COMPLIANCE

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: Jeffrey Koziar
Jeffrey Koziar
Deputy Attorney General
Consumer Fraud Prosecution Section

Dated: August 23, 2011
Newark, New Jersey

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Jeffrey Koziar, Deputy Attorney General, is hereby designated as trial counsel on behalf of Plaintiffs in this action.

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: Jeffrey Koziar
Jeffrey Koziar
Deputy Attorney General
Consumer Fraud Prosecution Section

Dated: August 23, 2011
Newark, New Jersey