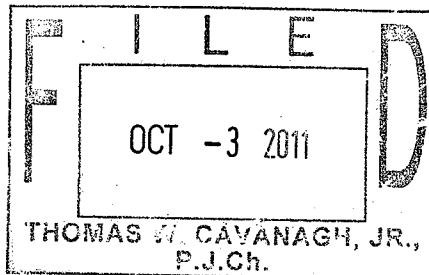


PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for Plaintiffs



By: Alina Wells
Deputy Attorney General
(973) 648-3762

SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION,
MONMOUTH COUNTY
Docket No.: MON-C-163-11

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

Civil Action

Plaintiffs,

v.

TRI COUNTY CHARITY CENTER, INC., I
BUY CARS FOR YOU, LLC, PATRICK J.
CAFFREY, CARL F. MONTO, DENISE M.
MONTO, JANE and JOHN DOES 1-10,
individually and as owners, officers, directors,
shareholders, founders, managers, agents,
servants, employees, representatives and/or
independent contractors of TRI COUNTY
CHARITY CENTER, INC. and/or I BUY CARS
FOR YOU, LLC, and XYZ CORPORATIONS
1-10,

**FIRST AMENDED
COMPLAINT**

Defendants.

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Paula T. Dow, the 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. The State of New Jersey (“State” or “New Jersey”) provides charities with a sales tax exemption to aid them in accomplishing their legitimate charitable purpose. At all relevant times, Tri County Charity Center, Inc. (“Tri County Charity”) represented in its website, its registration filing with the New Jersey Division of Consumer Affairs (“Division”), among other things, that it assisted the Children’s Hospital of Memorial Sloan-Kettering. As demonstrated in the Complaint, Tri County Charity has neither provided funds to nor had any affiliation with Memorial Sloan-Kettering. Additionally, Tri County Charity used its charitable tax exempt status to avoid paying sales tax on millions of dollars’ worth of luxury and other motor vehicles which were not applied to any charitable purpose and which in some cases were exported overseas. This action seeks to hold Tri County Charity and the other defendants accountable for their deceptive practices.

2. At all relevant times, I Buy Cars For You, LLC (“I Buy Cars For You”) was engaged in the business of locating and selling new and used motor vehicles to customers, particularly to those overseas. At all relevant times, I Buy Cars For You was required to be but was not licensed as a dealer by the New Jersey Motor Vehicle Commission (“NJ MVC”). During 2010 and 2011, Tri County Charity purchased motor vehicles using its charitable Exempt Organization Certificate and then exported them to various locations, including China, Finland and Germany. At all relevant times, Carl F. Monto (“C. Monto”) has held himself out as

President of I Buy Cars For You and has acted on behalf of Tri County Charity by corresponding with motor vehicle dealerships and purchasing motor vehicles on behalf of Tri County Charity.

3. As detailed below, the conduct of Tri County Charity and I Buy Cars For You, as well as their principals, Patrick J. Caffrey (“Caffrey”), C. Monto and Denise M. Monto (“D. Monto”), constitutes multiple violations of the Charitable Registration and Investigations Act, N.J.S.A. 45:17A-18 et seq. (“CRIA”), and the regulations promulgated thereunder, N.J.A.C. 13:48-1.1 et seq. (“Charities Regulations”), and/or the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (“CFA”).

PARTIES AND JURISDICTION

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

5. By this action, the Attorney General and Director (collectively, “Plaintiffs”) seek injunctive and other relief for violations of the CRIA, the Charities Regulations and the CFA. Plaintiffs bring this action pursuant to their authority under the CRIA, specifically N.J.S.A. 45:17A-21 and N.J.S.A. 45:17A-33, and the Charities Regulations, N.J.A.C. 13:48-14.1, and their authority under the CFA, specifically N.J.S.A. 56:8-8, 56:8-11, 56:8-13 and 56:8-19.

6. Venue is proper in Monmouth County, pursuant to R. 4:3-2, because it is a county in which Tri County Charity has maintained a principal place of business.

7. Tri County Charity is a Domestic Not-for-Profit Corporation established in the State of New Jersey (“State” or “New Jersey”) on December 5, 2005. At all relevant times, Tri

County Charity has maintained a principal business address of 2111 Central Avenue, Matawan, New Jersey 07747.

8. The registered agent in the State for Tri County Charity is Caffrey, who maintains a mailing address of 30 Morningside Avenue, Keansburg, New Jersey 07734. Caffrey has also held C. Monto out as being authorized to buy motor vehicles on behalf of Tri County Charity and its predecessors.

9. At its inception, Tri County Charity was known as ITHURTS2BFABULOUS Foundation, Inc. ("ITHURTS2BFABULOUS").

10. On September 30, 2008, ITHURTS2BFABULOUS filed a Certification of Amendment to the Certificate of Incorporation, changing its name to Charity Out Reach Center, Inc. ("Charity Out Reach Center"). The document was signed by Caffrey, identified as President of Charity Out Reach Center.

11. On August 9, 2010, Charity Out Reach Center filed a Certification of Amendment to the Certificate of Incorporation, changing its name to Tri State Charity Center, Inc. ("Tri State Charity"). The document was signed by Caffrey, identified as President of Tri State Charity.

12. On March 16, 2011, Tri State Charity registered a name change with the New Jersey Secretary of State. The organization adopted the name Tri County Charity Center, Inc.

13. I Buy Cars for You is a limited liability company established in New Jersey on February 19, 2008. At all relevant times, I Buy Cars For You has maintained a principal business address of 808 Ocean Avenue, Beachwood, New Jersey 08722.

14. The registered agent in the State for I Buy Cars For You is D. Monto, who maintains a mailing address of 808 Ocean Avenue, Beachwood, New Jersey 08722.

15. At all relevant times, Caffrey has held himself out to be the President, Managing Member and/or Treasurer of Tri County Charity. At all relevant times, Caffrey has maintained a mailing address of 30 Morningside Avenue, Keansburg, New Jersey 07734.

16. At all relevant times, C. Monto has held himself out to be the President of I Buy Cars For You. At all relevant times, C. Monto has maintained a mailing address of 808 Ocean Avenue, Beachwood, New Jersey 08722. C. Monto has also used false identities and an altered drivers license to buy millions of dollars in motor vehicles on behalf of Tri County Charity and its predecessors.

17. At all relevant times, D. Monto has actually been the President of I Buy Cars For You. At all relevant times, D. Monto has maintained a mailing address of 808 Ocean Avenue, Beachwood, New Jersey 08722.

18. Upon information and belief, John and Jane Does 1 through 10 are fictitious individuals meant to represent the owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives and/or independent contractors of Tri County Charity and/or I Buy Cars For You 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.

19. 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.

20. Tri County Charity, I Buy Cars For You, Caffrey, C. Monto and D. Monto are collectively referred to as "Defendants."

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

A. Tri County Charity:

21. Effective March 27, 2008, ITHURTS2BFABULOUS was granted tax-exempt status by the Internal Revenue Service ("IRS"), pursuant to section 501(c)(3) of the Internal Revenue Code.

22. On January 9, 2009, Caffrey, identified as "Treasurer", filed an IRS Form 990-EZ for 2008 on behalf of Charity Out Reach Center ("2008 Form 990"). Among other things, the 2008 Form 990 indicated that Charity Out Reach Center was inactive during 2008.

23. In April 2010, Caffrey, identified as "Treasurer", filed a Form 990 for 2009 on behalf of Charity Out Reach Center ("2009 Form 990"). Again, the 2009 Form 990 indicated that Charity Out Reach Center was inactive during 2009.

24. On September 30, 2010, Tri State Charity submitted a Long Form Initial Registration to the Division ("Registration Form"). The Registration Form bears the signature of Caffrey, with the title "Pres." At that time, the organization's corporate information, filed with New Jersey Secretary of State, identified Jeanienne Palmer-Conant as President, Michele Kinsey as Vice President, and Patrick Caffrey as Managing Member.

25. The Registration Form describes Tri State Charity's charitable purpose as follows: "supply needed funds to families or individuals battling cancer."

26. The Registration Form describes the specific programs and charitable purposes for which contributions to Tri State Charity will be used as a program to "assist the Children's Hospital of Memorial Sloan-Kettering."

27. The Registration Form requests the name, contact information, relationship and salary for each officer, director, trustee and the five most highly compensated executive staff of

the organization. Tri State Charity provided only one name, that of Caffrey, and identified him as President, receiving no salary.

28. The Registration Form includes an Initial Financial Statement ("Financial Statement"). For the fiscal year ending on December 31, 2010, Tri State Charity identified \$1,800 in total gross contributions, from corporations and other businesses. In the Financial Statement, Tri State Charity also identified expenses of zero and a year-end balance of \$1,800. The Financial Statement further reflects that no funds or assets were held by Tri State Charity at the beginning of 2010.

29. The Registration Form also includes an Exempt Organization Certificate, Form ST-5, issued on August 25, 2010 by the State Division of Taxation to Tri State Charity ("8/25/10 Exempt Organization Certificate"). The 8/25/10 Exempt Organization Certificate was signed by Caffrey as "Pres."

30. The 8/25/10 Exempt Organization Certificate includes the following statements:

The undersigned certifies: that the Division of Taxation has determined this organization is exempt from New Jersey Sales and Use Tax for this transaction; and this purchase is directly related to the purpose for which this organization was formed and is being purchased with the organization's funds.

The 8/25/10 Exempt Organization Certificate also bears the following:

INSTRUCTIONS FOR EXEMPT ORGANIZATION: Form ST-5 is valid for exemption from sales and use tax on all purchases (except energy and utility service), if the purchase is directly related to the organization's purposes and made with the organization (not personal) funds. Retain the original ST-5 (unsigned) in files, make copies and complete and sign them for vendors. Notify the Division of changes in the organization name, address or exempt status.

31. A similar form was issued to Charity Out Reach Center on December 3, 2009 (“12/3/09 Exempt Organization Certificate”).

B. Charity Out Reach Center Website:

32. At least as of October, 1, 2010, Charity Out Reach Center maintained an Internet presence at www.charityoutreachcenter.org (“Charity Out Reach Center Website”).

33. The domain name www.charityoutreachcenter.org was created on January 30, 2010. The administrator for the Charity Out Reach Center Website is D. Monto. The email address used to purchase the domain name www.charityoutreachcenter.org is cmonto1@aol.com.

34. The Charity Out Reach Center Website featured a picture of a small child dressed in surgical scrubs and included the following text:

Welcome To The Charity Outreach Center

Welcome to My Homepage

Thank you for visiting Charity Outreach Center when you donate with our center your personal funding provides innovative medical treatments to patients while assisting scientific funding to cancer research. *That's because 100% of your donations supply funding to Memorial Sloan-Kettering Cancer Center where they establish the highest standard of care for the treatment of cancer [italics added].*
Your Donations are Tax Deductable [sic]

Pat Caffrey founded Charity Outreach Center in 2005. All donations go directly to Memorial Sloan-Kettering cancer patient treatments.

Children Need Your Help!

Never underestimate the power of your gesture and the effect that your giving has on not only the families and children of whom you help, but also on how it is perceived and the impact it has on the lives of other individuals around you. Together, with a focused purpose, we can be a significant force that works for good and inspires others to join in this winning campaign.

donations@charityoutreachcenter.org

35. The right side of the Charity Out Reach Center Website featured a ribbon emblem, with the following text underneath:

Mail Your Donations To:
Charity Outreach Center
211 Central Avenue
Matawan, NJ 07747

Contact: Karl Mondo:
(732) 644-2134

36. Upon information and belief, the Charity Out Reach Center Website was removed in January 2011.

**C. Tri County Charity Has No Affiliation
With Memorial Sloan-Kettering Cancer Center:**

37. Upon information and belief, Memorial Sloan-Kettering has not received any donations from Tri County Charity or its predecessor organizations.

38. Memorial Sloan-Kettering has no fundraising or advertising affiliation with Tri County Charity.

D. I Buy Cars For You:

39. During 2010, I Buy Cars For You was engaged in the business of locating and selling new motor vehicles, commercial trucks, motorcycles, ATVs, watercraft and snowmobiles to consumers within and outside of New Jersey.

40. During 2010, I Buy Cars For You has advertised and otherwise offered motor vehicles for sale to consumers within and outside of New Jersey through its website at www.ibuycarsforyoullc.com ("I Buy Cars For You Website").

41. The domain name www.ibuycarsforyoullc.com was purchased on November 14, 2009. The administrator for the I Buy Cars For You Website is D. Monto. The email address

used to purchase www.ibuycarsforyoullc.com is cmonto1@aol.com. This email address was also used to purchase the www.charityoutreachcenter.org domain name.

42. The homepage of the I Buy Cars For You Website features the following language:

Are you looking to buy a New Car, Construction Equipment, Boat, Commercial Van or Truck, Motorcycle, ATV, Snowmobile, Personal Watercraft or Conversion Van? If you are look no further, your search is over.

I BUY CARS FOR YOU LLC.COM specilizes [sic] in customer satisfaction and the Export of all types of vehicles. Our distinctive purchasing power will obtain the finest hassle free deals for all your transportation needs. We find the New Cars you need at a price that is right for you.

We Export New Cars so you can Import New Cars, don't lose valuable business because you spend so much time searching on line for the perfect New Car, Construction Equipment, Boat, Commercial Van or Truck, Motorcycle, ATV, Snowmobile, Personal Watercraft or Conversion Van.

43. The message concludes with "Thank you, Denise Monto, President".

44. The I Buy Cars For You Website features links to read the homepage in Arabic, German, Portuguese, Chinese, Italian, Russian, Japanese, Spanish, French and Korean.

45. The I Buy Cars For You Website features a prominent link titled "Russian Page", which contains a description of the company's services in Russian, as well as the English instruction to "Contact Carl Monto Today. For The Deal You Deserve. Phone: US (732) 330-7244 Email: cmonto1@aol.com".

46. The Shipping Page of the I Buy Cars For You Website proclaims that "We Specialize in Overseas", and that "Our President Carl Monto is available to assist you personally 1-(732) 330-7422 [sic] US."

47. The I Buy Cars For You Website includes sections for Cars, Commercial Vehicles, Motorcycles/ATV's, Snowmobiles and Watercraft.

48. The Cars Section of the I Buy Cars For You Website features a list of motor vehicle manufacturers, each of which can be clicked to visit a page devoted to that manufacturer. The page advises readers that "If you desire or require a vehicle that is not listed below, click for your free quote or request and we will locate the vehicle for you." The manufacturers listed include Acura, Aston Martin, Bentley, Chevrolet, Dodge, Ferrari, Lamborghini, Lotus, Maserati, Porsche, Rolls-Royce and Toyota.

49. The pages for specific motor vehicle manufacturers contain a heading reading: "If you require a vehicle you don't see below we will accommodate." Below this heading is a list of the manufacturers' vehicles, each accompanied by a picture of the vehicle.

50. At all relevant times, I Buy Cars For You was not licensed by the NJ MVC as a dealer, pursuant to N.J.S.A. 39:10-19.

E. Charity Out Reach Center Purchased Three Motor Vehicles in December 2009:

51. According to NJ MVC records, Charity Out Reach Center purchased three new motor vehicles, two (2) Toyotas and one (1) Cadillac, at an aggregate cost of approximately \$136,933, during December 2009. These vehicles were registered to the organization.

52. Transaction records for the December 21, 2009 purchase of a 2010 Cadillac Escalade from McGuire Cadillac in Woodbridge, New Jersey, include written correspondence from Charity Out Reach Center to the NJ MVC. The letter requests that NJ MVC issue Charity Out Reach Center a Corp Code necessary to register vehicles, and advises that "Charity Out

Reach Center Inc. is a Corporation that helps people in need that are fighting Cancer and are unable to afford basic needs. Charity Out Reach Center delivers Clothes, Food, and support to these Families in need.” The letter is signed by “Pat Caffrey, President.”

53. Charity Out Reach Center purchased the motor vehicles during 2009 using the 12/3/09 Exempt Organization Certificate, thus no sales tax was paid on the purchase price of the motor vehicles.

54. These three (3) vehicles were not listed as assets on the Registration Form which indicated that Charity Out Reach Center and its successor organizations had no funds or assets as of the beginning of 2010.

**F. Charity Out Reach Center/Tri State Charity
Purchased Thirty Three Motor Vehicles During 2010:**

55. According to NJ MVC records, Tri State Charity purchased thirty-three (33) new motor vehicles during 2010, which were as follows: twenty-one (21) Mercedes-Benz vehicles; five (5) Toyota vehicles; three (3) Chevrolet vehicles; two (2) Lexus vehicles; one (1) Cadillac vehicle; and one (1) Chrysler vehicle. These vehicles were registered to the organization.

56. Tri State Charity paid in excess of \$2,249,291 for the thirty-three (33) motor vehicles purchased during 2010.

57. Transaction records indicate that the thirty-three (33) motor vehicles were purchased by individuals identified as Patrick Caffrey, Carl Mondo, Carl Monto, Carl Mont and/or Karl Mondo.

58. Tri State Charity purchased the thirty-three (33) motor vehicles using the 12/3/09 and 8/25/10 Exempt Organization Certificates and thus no sales tax was paid on the purchase price of the vehicles.

59. By the time the Registration Form was filed on September 30, 2010, Tri State Charity had already purchased at least sixteen (16) vehicles during the first nine months of 2010. Yet Tri State Charity omitted these sixteen (16) motor vehicles from the Financial Statement accompanying the Registration Form.

G. C. Monto Purchased More Than Half of the Vehicles Acquired By Charity Out Reach

Center and Tri State Charity During 2010:

a. C. Monto Utilized a False Identity and An Altered Drivers

**License To Purchase Vehicles on Behalf of Charity
Out Reach Center and Tri State Charity:**

60. C. Monto of I Buy Cars For You purchased more than half of the motor vehicles acquired by Charity Out Reach Center and Tri State Charity by using a false identity and altered drivers license.

61. C. Monto holds a Drivers License issued by New Jersey. The Drivers License identifies C. Monto as "Carl F. Monto". This license was suspended in June 2010.

62. C. Monto misrepresented his identity as follows with respect to the following motor vehicle purchases:

	Date	Dealership	Vehicle(s)	Name on Drivers License
a.	May 5, 2010	Expressway Motors	2010 Toyota Sequoia	Carl Mondo
b.	June 5, 2010	Ray Catena Lexus	2010 Lexus LX5	Karl Mondo
c.	June – July 2010	Precision Cars of Atlantic City	(2) 2010 Mercedes-Benz GL550	Karl Mondo
d.	July 2010	Ray Catena Motor Car Corp.	(2) 2010 Mercedes-Benz GL550	Karl Mondo
e.	October 2010	Mercedes-Benz of Cherry Hill	(2) 2011 Mercedes-Benz GL550	Carl Mont
f.	October – November 2010	Mercedes-Benz of Flemington	(5) 2011 Mercedes-Benz Vehicles	Carl Mont
g.	September, November 2010	Mercedes-Benz of Greenwich	(5) 2011 Mercedes-Benz Vehicles	Carl Mont
h.	November 30, 2010	Open Road Mercedes-Benz	2011 Mercedes-Benz GL550	Carl Mont

63. C. Monto is referenced on the purchase contracts for many of the vehicles acquired by Charity Out Reach Center and Tri State Charity during 2010.

64. Some contracts identify "Carl Mont" as the driver of the vehicle being purchased.

65. Other contracts identify "Carl Mondo" or "Karl Mondo" as the co-purchaser of the vehicle, along with the organization.

66. C. Monto also identified himself as the primary contact for transactions, supplying dealerships with his phone number and his email address, jarlmondo@yahoo.com.

67. During a six week period in the Fall of 2010, C. Monto received five (5) separate briefings from Mercedes-Benz of Greenwich regarding the features of each of the five (5) Mercedes-Benz SUVs purchased on behalf of Tri State Charity during that time. C. Monto received an introduction to the vehicles' premium features, each time confirming the briefing by signing a Customized Delivery Form as "Carl Monto".

68. Four (4) Mercedes-Benz vehicles were purchased from Mercedes-Benz of Cherry Hill on behalf of Tri State Charity by an individual by the name of "Carl Mont" between October 22, 2010 and November 29, 2010. For each purchase, the transaction records include a signed declaration, on the letterhead of the dealership, indicating that: "Tri State Charity Inc. will be using this vehicle to transport people and equipment related to company business."

69. C. Monto, as "Carl Mondo", signed an agreement not to export the 2010 Mercedes-Benz GL550 vehicle purchased on June 23, 2010, from Precision Cars of Atlantic City.

70. For several of the above-referenced motor vehicles, C. Monto finalized transactions with the dealerships by sending and receiving faxes and emails.

71. While purchasing vehicles, C. Monto also scouted for additional luxury vehicles available for purchase. One fax from Mercedes-Benz of Flemington, addressed to "Tri State/Carl", contained the following message:

Hi Carl,

I hope all is well and thanks again for all of your business.

Here is the buyer's order for the Black/Black GL 550. This car should be delivered to us on Monday or Tuesday and as soon as it arrives, I will let you know.

Also, here are 3 2008 GL 450's that I have available now. I will keep looking for you.

Drive Safely,

Chris Grafer [Mercedes-Benz of Flemington employee]

b. C. Monto Acted On Behalf of Charity Out Reach Center and Tri State Charity With the Express Permission of Caffrey:

72. Prior to the purchase of two vehicles from Precision Cars of Atlantic City, Charity Out Reach Center provided the dealership with a letter, dated May 24, 2010, which indicated:

Please be advised that Karl Monto has full authority to conduct business on behalf [of] Charity Out Reach Center, Inc. for the purpose of Purchasing, Motor Vehicle Titles, Renewals, replacements and registrations.

Very truly yours,

Pat Caffrey

Treasurer, Co-Founder

73. Mercedes-Benz of Flemington routinely directed faxes to "Tri State/Carl".

74. C. Monto represented to Mercedes-Benz of Cherry Hill that he was the Secretary of Tri State Charity.

75. C. Monto verified the details of the purchase of a 2010 Cadillac Escalade from Gold Coast Cadillac of Oakhurst by email. "Karl Mondo" sent an email to Gold Coast Cadillac from karlmondo@yahoo.com, entitled "2010 Escalade". The email contained the following message:

Please sen [sic] a purchase order and the invoice ether [sic] by e mail or fax back to me. The purchase agreement is to sell the truck at invoice less \$2500 dealer cash and \$1000. less Toyota owner. Total of \$3500.00 under invoice plus dealer fees.
Please make Purchase order out to:

Charity Out Reach Center inc.
2111 central ave
Matawan NJ 07747
732-644-2134 Fax 732-862-4619

You have my return e mail @ Yahoo.com.
We are a tax exempt Corporation. I will provide you with corp code, ST-5 and Insurance, when the board approves this purchase.

Thank you.

**H. Tri State Charity's/Tri County Charity
Purchase Of Twenty-Five Motor Vehicles
During 2011:**

76. According to NJ MVC records, Tri State Charity or Tri County Charity has purchased twenty-five (25) motor vehicles thus far in 2011, including the following twenty-four (24) new vehicles: nine (9) Chevrolet vehicles; four (4) Toyota vehicles; two (2) Audi vehicles; two (2) Ford vehicles; two (2) GMC vehicles; two (2) Porsche vehicles; one (1) Bentley vehicle; one (1) BMW vehicle; and one (1) Volkswagen vehicle. In addition, the organization purchased one (1) used Ford vehicle. These vehicles were registered to the organization.

77. Among the new motor vehicles purchased were the following: (a) 2011 Chevrolet Corvette XR-1, Manufacturer Suggested Retail Price (“MSRP”) \$110,330; (b) 2011 Toyota Sequoia Truck, MSRP \$58,080; (c) 2011 Toyota Landcruiser, MSRP \$69,120; (d) 2011 Audi A8, MSRP \$84,000; (e) 2012 Bentley Continental GT, MSRP \$189,900; (f) 2011 Porsche Panamera S/4S, MSRP \$89,800; (g) 2012 Porsche Cayenne, dealership internet price \$68,485; and (h) 2012 BMW X5, dealership internet price \$60,575.

78. Upon information and belief, the twenty-five (25) motor vehicles were purchased using the 12/3/09 or 8/25/10 Exempt Organization Certificates issued to Tri County Charity or a predecessor organization, and thus no sales tax was paid on the purchase price of the motor vehicles.

**I. Tri County Charity and Its Predecessor Organizations Exported Thirty-Two Motor Vehicles
During 2010 and 2011:**

79. Between April 2010 and February 2011, twenty-one (21) of the thirty-three (33) motor vehicles purchased by Tri State Charity during 2010 were exported within a few months of their purchase. The destinations were China, Finland, the Republic of Korea and the Republic of Georgia.

80. Between March 2011 and July 2011, eleven (11) of the twenty-five (25) motor vehicles purchased by Tri County Charity during 2011 were also exported within a few months of their purchase. The destinations were Canada, Finland, Germany, Lithuania and Sweden.

COUNT I

**VIOLATION OF THE CRIA AND CHARITIES
REGULATIONS BY TRI COUNTY CHARITY, CAFFREY AND C. MONTO
(UNTRUTHFUL STATEMENTS AND MISREPRESENTATIONS)**

81. Plaintiffs repeat and reallege the allegations in paragraphs 1 through 80 as if fully set forth herein.

82. The CRIA requires that oral or written statements made by charitable organizations be truthful. Specifically, N.J.S.A. 45:17A-32 provides, in relevant part:

a. Any statement, whether oral or written, made by a charitable organization, [...] shall be truthful.

...

c. The following acts and practices are declared unlawful as applied to the planning, conduct or execution of any solicitation or charitable sales promotion:

(1) To misrepresent the purpose or nature of the charitable institution or the purpose or beneficiary of a solicitation; to solicit contributions for a purpose other than the charitable purpose expressed in the statement of the charitable organization or expend contributions in a manner inconsistent with that purpose, or to fail to disclose any material fact.

[N.J.S.A. 45:17A-32(a), (c)(1).]

83. The Charities Regulations specifically set forth the same requirement in N.J.A.C. 13:48-13.2(a).

84. Tri County Charity, Caffrey and C. Monto made false statements and misrepresentations in violation of the Charities Act and Charities Regulations.

85. The conduct of Tri County Charity, Caffrey and C. Monto in violation of N.J.S.A. 45:17A-32(a) and N.J.A.C. 13:48-13.2(a) includes, but is not limited to, the following:

- a. Representing on the Charity Out Reach Center Website that the organization donated all contributions to Memorial Sloan-Kettering Cancer Center, when such was not the case; and
 - b. Representing that motor vehicles purchased by the organization would be used to transport and/or otherwise assist cancer patients, when such vehicles were subsequently exported outside the United States for no apparent charitable purpose.
86. Each failure by Tri County Charity, Caffrey and C. Monto to make truthful statements constitutes a separate violation of the CRIA, N.J.S.A. 45:17A-18 et seq., and the Charities Regulations, N.J.A.C. 13:48-1.1 et seq.

COUNT II

VIOLATION OF THE CRIA AND THE CHARITIES REGULATIONS BY TRI COUNTY CHARITY, CAFFREY AND C. MONTO (MISREPRESENTING THE BENEFICIARY OF A SOLICITATION)

87. Plaintiffs repeat and reallege the allegations in paragraphs 1 through 86 as if fully set forth herein.

88. The CRIA, specifically N.J.S.A. 45:17A-32(c), declares, in pertinent part:

The following acts and practices are declared unlawful as applied to the planning, conduct, or execution of any solicitation or charitable sales promotion:

1. To misrepresent the purpose or nature of the charitable institution or the purpose or beneficiary of a solicitation; to solicit contributions for a purpose other than the charitable purpose expressed in the statement of the charitable organization or expend contributions in a manner inconsistent with that purpose, or to fail to disclose any material fact. A misrepresentation may be accomplished by words or conduct;

89. The Charities Regulations, specifically N.J.A.C. 13:48-13.2(a), sets forth the same requirement as in in N.J.S.A. 45:17A-32(c) and includes the following:

The following acts and practices are declared unlawful as applied to the planning, conduct, or execution of any solicitation or charitable sales promotion and shall be considered misconduct:

...

12. To conduct a solicitation on behalf of, or in the name of, a charity without the knowledge or consent of the charity.

[N.J.A.C. 13:48-13.2(a)(12)]

90. The conduct by Tri County Charity, Caffrey and C. Monto in violation of the N.J.S.A. 45:17A-32(c) and N.J.A.C. 13:48-13.2(a) includes, but is not limited to, the following:

- a. Representing on the Charity Out Reach Center Website that “100% of your donations supply funding to Memorial Sloan-Kettering”, yet failing to make any donations to Memorial Sloan-Kettering; and
- b. Conducting a solicitation in the name of Memorial Sloan-Kettering without the knowledge or authorization of Memorial Sloan-Kettering.

91. Each failure by Tri County Charity, Caffrey and C. Monto to make truthful statements constitutes a separate violation of the CRIA, N.J.S.A. 45:17A-18 et seq., and the Charities Regulations, N.J.A.C. 13:48-1.1 et seq.

COUNT III

VIOLATION OF THE CRIA AND CHARITIES REGULATIONS BY TRI COUNTY CHARITY AND CAFFREY (FAILURE TO PROVIDE ACCURATE REGISTRATION FORM)

92. Plaintiffs repeat and reallege the allegations in paragraphs 1 through 91 as if fully set forth herein.

93. The CRIA, specifically, N.J.S.A. 45:17A-23(a), provides that a charitable organization must, unless exempted pursuant to N.J.S.A. 45:17A-26 (applicable to religious organizations), file a registration statement with the Attorney General on forms prescribed by the

Attorney General. N.J.S.A. 45:17A-23(b) provides that a charitable organization must thereafter file a renewal statement annually within six (6) months after the close of the organization's fiscal year.

94. The Charities Regulations specifically set forth the same requirement in N.J.A.C. 13:48-3.1.

95. The Financial Statement accompanying the Registration Form filed on September 30, 2010 by Tri State Charity disclosed neither the motor vehicles purchased by the organization in 2009 or 2010, nor the funds with which the motor vehicles were purchased.

96. Tri County Charity and its predecessor organizations violated the CRIA and the Charities Regulations by failing to accurately report the finances of the organization.

97. Each failure by Tri County Charity and Caffrey to accurately report the finances of the organization constitutes a separate violation of the CRIA, N.J.S.A. 45:17A-18 et seq. and the Charities Regulations, N.J.A.C. 13:48-1.1 et seq.

COUNT IV

VIOLATION OF THE CRIA AND CHARITIES REGULATIONS BY TRI COUNTY CHARITY AND CAFFREY (FAILURE TO COMPLETE REGISTRATION FORM)

98. Plaintiffs repeat and reallege the allegations in paragraphs 1 through 97 as if fully set forth herein.

99. The CRIA, specifically, N.J.S.A. 45:17A-23(c), requires that registration statements "be signed by two authorized officers, including the chief fiscal officer of the organization, who shall certify that the information contained in the registration statements is correct."

100. The Charities Regulations set forth the same requirement in N.J.A.C. 13:48-5.1(e).

101. The Registration Form filed on September 30, 2010 by Tri State Charity was signed only by Caffrey, identified as President of the organization, who signed below the following statement: "We hereby certify that the above information and the attached financial schedule(s) and statement(s) are true. We are aware that if any of the above statements are willfully false, we are subject to punishment." At that time, the organization's corporate information, filed with New Jersey Secretary of State, identified Jeanienne Palmer-Conant as President, Michele Kinsey as Vice President, and Patrick Caffrey as Managing Member of the organization.

102. Tri County Charity, its predecessor organizations and Caffrey violated N.J.S.A. 45:17A-23(c) and N.J.A.C. 13:48-5.1(e) by omitting the second required signature on the Registration Form filed on September 30, 2010.

COUNT V

VIOLATION OF THE CFA BY I BUY CARS FOR YOU (DECEPTIVE PRACTICES - UNLICENSED SALE OF MOTOR VEHICLES)

103. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 102 above as if more fully set forth herein.

104. 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. . . .

105. The Motor Vehicle Certificate of Ownership Law, N.J.S.A. 39:10-1 et seq., governs the issuance of licenses for the sale of motor vehicles, and provides, in pertinent part:

No person shall engage in the business of buying, selling or dealing in motor vehicles in this State ... unless ... b. the person is authorized to do so under the provision of this chapter. The chief administrator [of MVC] may, upon application in such form as the chief administrator prescribes, license any proper person as such dealer or leasing dealer.... Each applicant for a license shall at the time such license is issued have established and maintained, or by said application shall agree to establish and maintain, within 90 days of issuance thereof, a place of business consisting of a permanent building not less than 1,000 square feet in floor space located in the State of New Jersey to be used principally for the servicing and display of motor vehicles....

[N.J.S.A. 39:10-19.]

106. N.J.S.A. 39:10-2 defines “dealer” as “the agent, distributor or authorized dealer of the manufacturer of the new motor vehicle, and who has an established place of business.

107. At all relevant times, I Buy Cars For You has offered vehicles for sale from the I Buy Cars For You Website to consumers within and outside of New Jersey.

108. Upon information and belief, I Buy Cars For You has not sold the motor vehicles from an established place of business.

109. At all relevant times, I Buy Cars For You has offered motor vehicles for sale to consumers within and outside of New Jersey without being licensed to do so.

110. By offering motor vehicles for sale in New Jersey without being licensed to do, I Buy Cars For You has engaged in the use of deceptive practices in violation of the CFA, N.J.S.A. 56:8-2.

COUNT VI

**VIOLATIONS OF THE CFA BY
C. MONTO AND D. MONTO**

111. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 110 above as if more fully set forth at length herein.

112. The Shipping Information page of the I Buy Cars For You Website identifies C. Monto as the President of I Buy Cars For You.

113. At all relevant times, D. Monto has been the President of I Buy Cars For You and has controlled and directed the activities of that entity.

114. C. Monto and D. Monto are personally liable for the violations of the CFA committed by I Buy Cars For You.

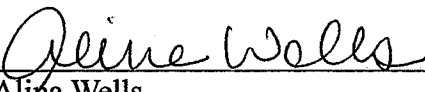
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs seek the following relief:

- (a) Finding that the acts and omissions of Tri County Charity, Caffrey, and C. Monto constitute multiple violations of the CRIA, N.J.S.A. 45:17A-18 et seq., and the Charities Regulations, N.J.A.C. 13:48-1.1 et seq.;
- (b) Finding that the acts and omissions of I Buy Cars For You, C. Monto and D. Monto constitute multiple violations of the CFA, N.J.S.A. 56:8-1 et seq.;
- (c) Permanently enjoining Tri County Charity, Caffrey, and C. Monto and their owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives, 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 CRIA, N.J.S.A. 45:17A-18 et seq., and the Charities Regulations N.J.A.C. 13:48-1.1 et seq., including, but not limited to, the acts and practices alleged in this Complaint;
- (d) Permanently enjoining C. Monto, D. Monto, I Buy Cars For You, and their owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives, 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., including, but not limited to, the acts and practices alleged in this Complaint;
- (e) Permanently enjoining Caffrey from registering or operating any charitable organizations within the State of New Jersey, in accordance with N.J.S.A. 45:17A-33(e);
- (f) Revoking the registration of Tri County Charity, in accordance with N.J.S.A. 45:17A-33(e);

- (g) Assessing the maximum statutory civil penalties against the Defendants for each and every violation of the CFA, the CRIA and the Charities Regulations, in accordance with N.J.S.A. 56:8-13, N.J.S.A. 45:17A-33(d), and N.J.A.C. 13:48-14.1(a)(1);
- (h) Directing the assessment of costs and fees, including attorneys' fees, against the Defendants for the use of the State of New Jersey, as authorized by the CFA and the CRIA, in accordance with N.J.S.A. 56:8-11, N.J.S.A. 56:8-19 and N.J.S.A. 45:17A-33(d);
- (i) Directing the assessment of restitution amounts against the Defendants to restore to any affected person, whether or not named in this Complaint, any money or real or personal property acquired by means of any practice alleged herein to be unlawful and found to be unlawful, as authorized by the CFA, the CRIA and the Charities Regulations, in accordance with N.J.S.A. 56:8-8, N.J.S.A. 45:17A-33(e) and N.J.A.C. 13:48-14.1(a)(3); and
- (j) Such other and further relief as the Court deems just and appropriate.

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

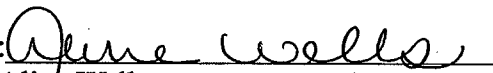
By: 
Alina Wells
Deputy Attorney General
Consumer Fraud Prosecution

Dated: October 3, 2011
Newark, New Jersey

RULE 4:5-1 CERTIFICATION

I certify, to the best of my information and belief, that the matter in controversy in this action involving the aforementioned violations of the Charitable Registration and Investigations Act, N.J.S.A. 45:17A-18 et seq., the Charities Regulations N.J.A.C. 13:48-1.1 et seq., and the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., is not the subject of any other action pending in any other court of this State. I am aware that private contract and other actions have been brought against the Defendants, but 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: 
Alina Wells
Deputy Attorney General
Consumer Fraud Prosecution

Dated: October 3, 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(c).

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

By: Alina Wells
Alina Wells
Deputy Attorney General
Consumer Fraud Prosecution

Dated: October 3, 2011
Newark, New Jersey

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Deputy Attorney General Alina Wells 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: Alina Wells
Alina Wells
Deputy Attorney General
Consumer Fraud Prosecution

Dated: October 3, 2011
Newark, New Jersey