

STATE OF HAWAII

DEPARTMENT OF THE ATTORNEY GENERAL

MARK J. BENNETT  
ATTORNEY GENERAL,

Petitioner,

vs.

EXCLUSIVE PROMOTIONS, LLC.

Respondent.

Docket No. 2008-3

CONSENT AGREEMENT AND ORDER

CONSENT AGREEMENT

The Attorney General of the State of Hawaii and Respondent Exclusive Promotions, LLC stipulate as follows in settlement of the above captioned case.

1. This matter is before the Attorney General pursuant to the chapter 467B, Hawaii Revised Statutes, Hawaii's Charitable Solicitation Law.

2. Respondent is a registered professional solicitor in the State of Hawaii who does business as Exclusive Promotions, LLC, a Hawaii for-profit domestic corporation.

3. By certified letter dated April 13, 2008, which Respondent received on August 19, 2008, the Attorney General

suspended the Respondent's registration for alleged violations of chapter 467B, Hawaii Revised Statutes.

4. On August 20, 2008, the Respondent filed a timely appeal of this administrative action pursuant to section 467B-9.7(c), Hawaii Revised Statutes.

STIPULATED FACTS

5. Respondent admits the following allegations are true:

a. Respondent's business address is 1188 Bishop Street, Suite 2710, Honolulu, Hawaii 96813.

b. Respondent has or had contracts with the following charitable organizations to solicit funds from the public: the Hawaii Jaycees, the Hilo Elks and the Rotary Club of Honolulu.

c. Respondent solicits or solicited funds through telemarketing for the above referenced charitable organizations and in doing so, hires employees who solicit on behalf of the Respondent and Respondent's charitable organizations.

d. Respondent admits that in the course of soliciting funds for the above-referenced charitable organizations, the Respondent directly employed three individuals who solicited on behalf of Respondent with misdemeanor convictions involving theft. Respondent asserts that such actions were not knowing or intentional acts.

AGREED VIOLATIONS

6. Section 467B-9(n), Hawaii Revised Statutes, provides:

(n) No person shall act as a professional solicitor if the person, any officer, any person with a controlling interest therein, or any person the professional solicitor employs, engages, or procures to solicit for compensation, has been convicted by any federal or state court of any felony, or of any misdemeanor involving dishonesty or arising from the conduct of a solicitation for a charitable organization or purpose.

Respondent agrees that the acts described in paragraph 5(d) constitute three violations of section 467B-9(n), Hawaii Revised Statutes.

PROPOSED ORDER

7. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter.

a. Based on the above-referenced facts, the Attorney General finds that Respondent violated section 467B-9(n), Hawaii Revised Statutes.

b. Respondent agrees to pay an administrative penalty under section 467B-9.7, Hawaii Revised Statutes in the amount of \$1,000. The sum \$1,000 shall be paid in five \$200.00 installments, the first of which shall be paid within seven days of the entry of an Order approving this Consent Decree, and the subsequent four installments shall be paid monthly thereafter

until the penalty is paid in full. The payments shall be made payable to the Hawaii Director of Finance and sent to the Department of the Attorney General, "Attention Hugh R. Jones."

c. Respondent shall be placed on probation for a period of six months following the date on an order approving this Consent Agreement.

d. Respondent agrees to implement procedures to ensure that it does not hire any solicitor that has a felony conviction record or a misdemeanor conviction involving an act of dishonesty. Such procedures shall include but will not be limited to obtaining an attestation from prospective employees that they have no such convictions and will promptly disclose any such convictions to the Respondent. Additionally, Respondent agrees to undertake a criminal conviction background check on prospective employees before hire and current employees annually before June 30 under the following procedures. First, Respondent will do an on-line background check with the State of Hawaii Criminal Justice Data Center. Second, Respondent will obtain a declaration under oath from each prospective employee and annually from each current employee that he has no felony or misdemeanor convictions for dishonesty. Third, Respondent will require each prospective employee and annually for each current employee to obtain an FBI criminal background check. With the foregoing declaration, Respondent may employ or continue to

employ the individual until a satisfactory result of the background check.

8. This case shall be deemed settled and discontinued upon the Attorney General issuing an Order adopting this Consent Decree and the Respondent's successful completion of any ordered discipline. However, nothing in this Consent Decree shall prevent the Attorney General from enforcing charges or imposing discipline or corrective measures for violations or facts not contained in this Consent Decree and Order.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

9. The Respondent waives the right to a contested case hearing in this matter.

AGREEMENT NOT BINDING ON OTHER PARTIES

10. This Consent Decree is between the Attorney General and the Respondent and does not bind any other agency of the State of Hawaii.

ENTIRE AGREEMENT

11. This Consent Decree contains the whole agreement between the parties; provided however that the captions printed in this agreement are for ease of reading only and are not a part of this agreement. There are no other terms, obligations, covenants, representations, statements, or conditions or otherwise of any kind whatsoever concerning this agreement.

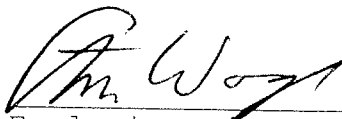
AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

12. The parties acknowledge that all other federal and state agencies may have jurisdiction over the activities of, representations made by Respondent. Nothing in this Consent Decree shall preclude the Attorney General from making a referral of information or data produced as a result of this matter to any federal or state agency.

VERIFICATION OF FACTS AND STATEMENTS

13. Respondent verifies that the facts and statement set forth in this Consent Decree are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements made in this Consent Decree are made subject to section 710-1062, Hawaii Revised Statutes, relating to unsworn falsification to authorities.

DATED: Honolulu, Hawaii September 8, 2008.

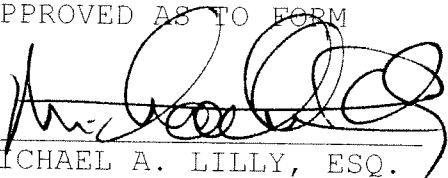


Exclusive Promotions, Inc.  
By: Steven Wage LLC  
Its President



HUGH R. JONES  
Supervising Deputy Attorney General  
State of Hawaii

APPROVED AS TO FORM

A handwritten signature in black ink, appearing to read "Michael A. Lilly", written over a horizontal line.

MICHAEL A. LILLY, ESQ.  
Attorney for Respondent

A handwritten signature in black ink, appearing to read "William Wynhoff", written over a horizontal line.

WILLIAM WYNHOFF  
Presiding Officer

STATE OF HAWAII

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ORDER

ORDER

The terms of paragraph 7 of the foregoing Consent Agreement are hereby adopted and incorporated by as the Order of the Attorney General in resolution of this matter. This Order shall take effect immediately.

DATED: Honolulu, Hawaii SEP 11 2008.



MARK J. BENNETT  
Attorney General