

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202</p> <hr/> <p>STATE OF COLORADO ex rel. JOHN W. SUTHERS, ATTORNEY GENERAL FOR THE STATE OF COLORADO, and LAURA E. UDIS, ADMINISTRATOR, COLORADO COLLECTION AGENCY BOARD,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JBC &amp; ASSOCIATES, P.C., JBC LEGAL GROUP, P.C., BOYAJIAN LAW OFFICES, P.C., BOYAJIAN &amp; BRANDON LEGAL GROUP, P.C., OUTSOURCE RECOVERY MANAGEMENT, INC., JACK H. BOYAJIAN, MARVIN BRANDON, and KAREN NATIONS,</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>JOHN W. SUTHERS, Attorney General PAUL CHESSIN, Senior Assistant Attorney General* 1525 Sherman Street, 7<sup>th</sup> Floor Denver, Colorado 80203 (303) 866-5706 Registration Number: 12695 *Counsel of Record</p>	<p>Case No.:</p> <p>Courtroom:</p>
<p><b>COMPLAINT</b></p>	

Plaintiffs, State of Colorado ex rel. John W. Suthers, Attorney General for the State of Colorado (Attorney General), and Laura E. Udis, Administrator, Colorado Collection Agency Board (Administrator)(collectively the State), by and through the undersigned assistant attorney general, for their complaint, allege as follows:

**I. INTRODUCTION**

1. By this action, plaintiffs seek to enjoin, preliminarily and permanently, defendants from collecting debts from Colorado consumers in violation of the Colorado Fair Debt Collection Practices Act, §§ 12-14-101, et seq., C.R.S. 2007 (Act) and Colorado Consumer Protection Act, §§ 6-1-101, et seq.,

C.R.S. 2007 (CPA). Plaintiffs also seek other appropriate relief, including consumer restitution, refunds, and penalties.

## II. PARTIES

2. John W. Suthers is the duly elected Attorney General of the State of Colorado. He is authorized under CPA § 6-1-103 to enforce the CPA, and may bring a civil action against a person for engaging in deceptive trade practices. In such action, the State may seek injunctive relief to prohibit the person from violating the CPA, obtain consumer restitution, and collect civil penalties for violations of the CPA. See CPA §§ 6-1-110, 6-1-112, and 6-1-113.

3. Among other things, the Administrator is authorized to exercise any powers granted the Colorado Collection Agency Board. See Act § 12-14-117(1). In particular, the Administrator is authorized to bring a civil action to restrain any person from any violation of the Act. See Act § 12-14-135.

4. Defendant JBC & Associates, P.C. (Associates), purports, and at all relevant times purported, to be a law firm. It is, and at all relevant times was, regularly engaged in collecting or attempting to collect debts from Colorado consumers owed or due or asserted to be owed or due others.

5. Defendant JBC Legal Group, P.C. (Legal Group), is a successor to and is otherwise related to defendant Associates. It purports, and at all relevant times purported, to be a law firm. It is, and at all relevant times was, regularly engaged in collecting or attempting to collect debts from Colorado consumers owed or due or asserted to be owed or due others.

6. Defendant Boyajian Law Offices, P.C. (BLO), is a successor to and is otherwise related to defendants Associates and Legal Group. It purports, and at all relevant times purported, to be a law firm. It is, and at all relevant times was, regularly engaged in collecting or attempting to collect debts from Colorado consumers owed or due or asserted to be owed or due others.

7. Defendant Boyajian & Brandon Legal Group, P.C. (B&B), is a successor to and is otherwise related to defendants Associates, Legal Group, and BLO. It purports, and at all relevant times purported, to be a law firm. It is, and at all relevant times was, regularly engaged in collecting or attempting to collect debts from Colorado consumers owed or due or asserted to be owed or due others.

8. Defendants Associates, Legal Group, BLO, and B&B, are collectively referred to as the "law firms".

9. Defendant Outsource Recovery Management, Inc. (ORM), is, and at all relevant times was, a debt buyer that buys portfolios of bad, defaulted consumer debt, including debt allegedly owed by Colorado consumers. It placed such debt for collection with the law firms. It is, and at all relevant times was, a collection agency under the Act.

10. Defendant Jack H. Boyajian (Boyajian) is, and at all relevant times was: (a) an owner, officer, director, shareholder, or principal of and attorney in; (b) directed, controlled, managed, participated in, supervised, was responsible for, or authorized the activities of; or (c) in the course of his business, vocation, or occupation engaged in; the law firms' and ORM's businesses and transactions, including the acts and practices described herein.

11. Defendant Marvin Brandon is, and at all relevant times was: (a) an owner, officer, director, or principal of, and attorney in; (b) directed, controlled, managed, participated in, supervised, was responsible for, or authorized the activities of; or (c) in the course of his business, vocation, or occupation engaged in; the law firms' businesses and transactions, including the acts and practices described herein.

12. Defendant Karen Nations is, and at all relevant times was: (a) an owner, officer, director, or principal of, and attorney in; (b) directed, controlled, managed, participated in, supervised, was responsible for, or authorized the activities of; or (c) in the course of her business, vocation, or occupation engaged in; the law firms' businesses and transactions, including the acts and practices described herein.

13. Defendants' practices, acts, or course of conduct described herein at all relevant times were continuing.

### **III. GENERAL FACTS**

#### **A. Defendants' Histories**

14. In 1996, defendant Boyajian, as president of a collection agency called G&L Financial Services, Inc. (G&L), entered into a consent decree with the United States of America, inter alia resolving claims brought against G&L under the federal Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq. (FDCPA). Among other things, the consent decree

permanently enjoined G&L from: (i) representing or implying that legal action would be taken to collect a debt, unless at the time of the representation such action was lawful and was intended to be taken; (ii) using any false representations or deceptive means to collect or attempt to collect any debt, including misrepresenting to a consumer, directly or by implication, that an attorney is or has been substantially involved in collecting the debt at issue; and (iii) engaging in any other act or practices which would violate the FDCPA. G&L also was a named defendant, and suffered judgments against it, in a number of actions alleging it committed violations of the FDCPA. At some point after entry of the consent decree, Boyajian allowed G&L to go out of business and become defunct and judgment proof.

15. In or about 1998, about the time or sometime after Boyajian allowed G&L to go out of business, Boyajian formed and was a principal of a collection agency known as JBC & Associates, Inc. (JBC Inc.). JBC Inc. was the subject of numerous lawsuits, including several class actions, claiming its collection practices violated the FDCPA and other state debt collection or unfair and deceptive trade practices statutes. In or around 2000, Boyajian allowed JBC Inc. to go out of business and become defunct and judgment proof.

16. In or around the time Boyajian allowed JBC Inc. to go out of business, Boyajian, with defendants Brandon and Nations as attorneys, formed the defendant Associates. Associates became the subject of a number of lawsuits, both private and regulatory, claiming its collection practices violated the FDCPA and other state debt collection or unfair and deceptive trade practices statutes. At some point, Associates changed its name to Legal Group. As with Associates, Legal Group became the subject of a number of lawsuits claiming its collection practices violated the FDCPA and other state debt collection or unfair and deceptive trade practices statutes.

17. At some point, the individual defendants wound down the collection business of Associates and Legal Group and allowed them to become defunct and judgment proof. At the same time, the individual defendants started a new entity, defendant BLO, to continue with their debt collection business. They also formed and started defendant B&B to engage in the same activity.

#### B. Defendants' Debt Collection Practices

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18. Since at least some time in 2001, defendants have been

regularly engaged in collecting or attempting to collect debts from Colorado consumers owed or due or asserted to be owed or due others. Among the types of debt defendants collect, or attempt to collect, are "NSF", or bad, checks the consumers allegedly have written to merchants and other third parties. The numbers of Colorado consumers from whom defendants have collected, or attempted to collect, debts are in the tens of thousands.

19. In their form dunning letters defendants send to Colorado consumers, defendants threaten to take legal action if the consumer does not pay the debt as demanded in the letter. However, defendants have filed few, if any, debt collection lawsuits against Colorado consumers.

20. Further, many of the debts defendants attempt to collect, including the "bad" check debts, are stale and time barred by applicable statutes of limitations.

21. In defendants' "bad" check form dunning letters sent to Colorado consumers, defendants add a "return check" charge to the open amount on the check allegedly owed by the consumer. Defendants list this total as the amount owed by the consumer. Oftentimes, the "return check" charge defendants add to the debt exceeds that allowed by applicable Colorado law.

22. In defendants' second and subsequent "bad" check form dunning letters sent to Colorado consumers, defendants state that the consumer has chosen to ignore the prior communications demanding that the consumer make restitution and that, therefore, the consumer delivered the alleged "bad" check with intent to defraud. Defendants claim they are entitled to statutory penalties equal to the greater of either triple the amount of the check or \$100.00. In these letters, defendants list and demand as the total amount owed by the consumer the greater of (i) \$100.00 plus the original amount owed on the check plus the "return check" charge, or (ii) triple the amount owed on the check plus the original amount owed on the check plus the "return check" charge. The amounts defendants claim as due from the consumer exceed that allowed by applicable law. Further, defendants claim these amounts despite not having obtained a court judgment therefor.

23. Defendants form dunning letters sent to Colorado consumers are written on law firm letterhead. Further, if not signed by an individual attorney, they are signed by the law firms as "Attorneys at Law". Defendants send these form dunning letters without there first having been meaningful or

substantial involvement or participation by an attorney reviewing the matter.

24. Defendants have not complied with or otherwise honored consumers' requests that defendants cease communication with the consumer or validate the debt the consumer allegedly owes. Instead, they continued their debt collection activity despite the consumers' requests.

**IV. FIRST CLAIM FOR RELIEF**  
**FALSE OR MISLEADING REPRESENTATIONS - ACT**

25. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

26. Act § 12-14-107(1)(b) prohibits the use of any false, deceptive, or misleading representation or means in connection with the collection of any debt, including the false representation of the character, amount, or legal status of any debt.

27. By reason of the foregoing, defendants violated Act § 12-14-107(1)(b).

28. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**V. SECOND CLAIM FOR RELIEF**  
**FALSE OR MISLEADING REPRESENTATIONS - ACT**

29. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

30. Act § 12-14-107(1)(c) prohibits the use of any false, deceptive, or misleading representation or means in connection

with the collection of any debt, including the false representation or implication that any communication is from an attorney.

31. By reason of the foregoing, defendants violated Act § 12-14-107(1)(c).

32. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**VI. THIRD CLAIM FOR RELIEF**  
**FALSE OR MISLEADING REPRESENTATIONS - ACT**

33. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

34. Act § 12-14-107(1)(e) prohibits the use of any false, deceptive, or misleading representation or means in connection with the collection of any debt, including the threat to take any action that cannot legally be taken or that is not intended to be taken.

35. By reason of the foregoing, defendants violated Act § 12-14-107(1)(e).

36. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust

enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**VII. FOURTH CLAIM FOR RELIEF**  
**FALSE OR MISLEADING REPRESENTATIONS - ACT**

37. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

38. Act § 12-14-107(1)(h) prohibits the use of any false, deceptive, or misleading representation or means in connection with the collection of any debt, including the false representation or implication that the consumer has engaged in any disgraceful conduct.

39. By reason of the foregoing, defendants violated Act § 12-14-107(1)(h).

40. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**VIII. FIFTH CLAIM FOR RELIEF**  
**FALSE OR MISLEADING REPRESENTATIONS - ACT**

41. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

42. Act § 12-14-107(1)(k) prohibits the use of any false, deceptive, or misleading representation or means in connection with the collection of any debt, including the use of any false representation or deceptive means to collect or attempt to collect any debt.

43. By reason of the foregoing, defendants violated Act § 12-14-107(1)(k).

44. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**IX. SIXTH CLAIM FOR RELIEF**  
**UNFAIR PRACTICES - ACT**

45. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

46. Act § 12-14-108(1)(a) prohibits the use of any unfair or unconscionable means to collect or attempt to collect any debt, including the collection of any amount unless such amount is expressly authorized by the agreement creating the debt or permitted by law.

47. By reason of the foregoing, defendants violated Act § 12-14-108(1)(a).

48. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund

to consumers all amounts collected in violation of the Act.

**X. SEVENTH CLAIM FOR RELIEF**  
**UNFAIR PRACTICES - ACT**

49. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

50. Act § 12-14-108(1)(i) prohibits the use of any unfair or unconscionable means to collect or attempt to collect any debt, including failing to comply with § 13-21-109, C.R.S. 2007, regarding the collection of checks not paid upon presentation.

51. By reason of the foregoing, defendants violated Act § 12-14-108(1)(i).

52. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**XI. EIGHTH CLAIM FOR RELIEF**  
**VALIDATION VIOLATION - ACT**

53. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

54. Act § 12-14-109(2) allows a consumer to dispute or otherwise request validation of a debt and prohibits the debt collector or collection agency from continuing to collect the debt until such time as the debt collector or collection agency provides the consumer with such validation.

55. By reason of the foregoing, defendants violated Act § 12-14-109(2).

56. By reason of the foregoing, and pursuant to Act § 12-

14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**XII. NINTH CLAIM FOR RELIEF**  
**CEASE COMMUNICATION VIOLATION - ACT**

57. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

58. Act § 12-14-105(3) allows a consumer to notify a debt collector or collection agency that the consumer refuses to pay a debt or wishes the debt collector or collection agency to cease further communication with the consumer and, in such event, prohibits the debt collector or collection agency from further communication with the consumer with respect to the debt (except for providing certain specifically limited advisories and notifications).

59. By reason of the foregoing, defendants violated Act § 12-14-105(3).

60. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**XIII. TENTH CLAIM FOR RELIEF**  
**UNLAWFUL ACTS - ACT**

61. The State repeats and realleges paragraphs 1 through 60 above, inclusive, as if alleged herein.

62. Act § 12-14-128(1)(a) makes it unlawful and a violation of the Act for any person to violate Act §§ 12-14-105, 12-14-107, 12-14-108, or 12-14-109.

63. By reason of the foregoing, defendants violated Act § 12-14-128(1)(a).

64. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**XIV. ELEVENTH CLAIM FOR RELIEF**  
**UNLAWFUL ACTS - ACT**

65. The State repeats and realleges paragraphs 1 through 64 above, inclusive, as if alleged herein.

66. Act § 12-14-128(1)(b) makes it unlawful and a violation of the Act for any person to aid or abet any person in operating or attempting to operate in violation of the Act.

67. By reason of the foregoing, defendants violated Act § 12-14-128(1)(b).

68. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts,

conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**XV. TWELFTH CLAIM FOR RELIEF**  
**UNLAWFUL ACTS - ACT**

69. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

70. Act § 12-14-128(1)(c) makes it unlawful and a violation of the Act for any person to recover or attempt to recover treble damages for any check not paid on presentment without complying with the provisions of § 13-21-109, C.R.S. 2007.

71. By reason of the foregoing, defendants violated Act § 12-14-128(1)(c).

72. By reason of the foregoing, and pursuant to Act § 12-14-135, the Administrator is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act.

**XVI. THIRTEENTH CLAIM FOR RELIEF**  
**DECEPTIVE TRADE PRACTICES - CPA**

73. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

74. CPA § 6-1-105(1)(1) makes it a deceptive trade

practice for a person to make false or misleading statements of fact concerning the price of goods, services, or property.

75. By reason of the foregoing, defendants violated CPA § 6-1-105(1)(1).

76. By reason of the foregoing, and pursuant to CPA 6-1-112(1), for every transaction in which defendants engaged in a deceptive trade practice, defendants are required to pay to the State a penalty of not more than \$2,000.00.

77. By reason of the foregoing, and pursuant to CPA §§ 6-1-110(1), the State is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the CPA, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the State or refund to consumers all excess charges charged in violation of the CPA.

**XVII. FOURTEENTH CLAIM FOR RELIEF**  
**DECEPTIVE TRADE PRACTICES - CPA**

78. The State repeats and realleges paragraphs 1 through 24 above, inclusive, as if alleged herein.

79. CPA § 6-1-105(1)(u) makes it a deceptive trade practice for a person to fail to disclose material information concerning goods, services, or property, which information was known at the time and the failure to disclose was intended to induce the consumer to enter into a transaction.

80. By reason of the foregoing, defendants violated CPA § 6-1-105(1)(u).

81. By reason of the foregoing, and pursuant to CPA 6-1-112(1), for every transaction in which defendants engaged in a deceptive trade practice, defendants are required to pay to the State a penalty of not more than \$2,000.00.

82. By reason of the foregoing, and pursuant to CPA §§ 6-

1-110(1), the State is entitled to injunctive relief preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the CPA, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the State or refund to consumers all excess charges charged in violation of the CPA.

WHEREFORE, plaintiffs demand judgment, as follows:

(i) as to the First Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(ii) as to the Second Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(iii) as to the Third Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(iv) as to the Fourth Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(v) as to the Fifth Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(vi) as to the Sixth Claim for Relief, preliminarily and permanently restraining defendants, and their officers,

directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(vii) as to the Seventh Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(viii) as to the Eighth Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(ix) as to the Ninth Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or

fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(x) as to the Tenth Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(xi) as to the Eleventh Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(xii) as to the Twelfth Claim for Relief, preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or

otherwise violating the Act, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the Administrator or refund to consumers all amounts collected in violation of the Act;

(xiii) as to the Thirteenth Claim for Relief, (a) for every transaction as may be determined at trial or otherwise in which defendants engaged in a deceptive trade practice, ordering defendants to pay to the State a civil penalty within the limits set forth by statute, and (b) preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the CPA, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the State or refund to consumers all excess charges charged in violation of the CPA;

(xiv) as to the Fourteenth Claim for Relief, (a) for every transaction as may be determined at trial or otherwise in which defendants engaged in a deceptive trade practice, ordering defendants to pay to the State a civil penalty within the limits set forth by statute, and (b) preliminarily and permanently restraining defendants, and their officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, from charging any of the charges or fees or otherwise committing any of the practices, acts, conduct, transactions, or violations described above, or otherwise violating the CPA, together with all such other relief as may be required to completely compensate or restore to their original position all consumers injured or prevent unjust enrichment of any person, by reason or through the use or employment of such practices, acts, conduct, or violations, or as may otherwise be appropriate, including, without limitation, requiring defendants to disgorge to the State or refund to consumers all excess charges charged in violation of the CPA;

(xv) as to all claims for relief as may be appropriate, interest as may be allowed by contract, law, or otherwise; and

(xvi) awarding them the costs and disbursements of this action, including attorney's fees, together with all such further relief as the Court deems proper.

Dated: Denver, Colorado  
July 8, 2008

JOHN W. SUTHERS  
Attorney General

s/ Paul Chessin

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