

**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

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STATE OF IOWA ex rel.  
THOMAS J. MILLER,  
ATTORNEY GENERAL OF IOWA

Plaintiff,

v.

SONYA M. ACKERSON and  
ADVOCATE 4 THE AGING, LLC,

Defendants.

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**EQUITY** EQCE082694

**PETITION**

COMES NOW the State of Iowa ex rel. Attorney General of Iowa, Thomas J. Miller, by Assistant Attorney General Chantelle Smith, pursuant to the provisions of Iowa Code section 714.16 (2017), commonly referred to as the Iowa Consumer Fraud Act, and Iowa Code chapter 555A, commonly referred to as the Door to Door Sales Act, and for its claim against Defendant Sonya M. Ackerson and Advocate 4 the Aging, LLC, states as follows:

**INTRODUCTION**

The Attorney General brings this civil action regarding the acts and practices of Sonya Ackerson and her company, Advocate 4 the Aging, LLC (A4A), exclusively owned and controlled by her. Defendants engage in the business of marketing and selling services to older Iowans—particularly veterans—and their families including, but not limited to, financial and legal planning, federal veterans benefits and Medicare application advice and assistance, and other services targeted to older Iowans. Consumers enter contracts with Defendants and have paid or pay an hourly rate of \$125/hour or a flat rate of at least \$1,000. Consumers are commonly referred to Defendants by business associates of Defendants or are contacted directly by Defendants. Defendants do not conduct business out of their place of business; rather, they meet

with consumers at the consumers' homes where the services are further discussed and contracts are executed.

**PARTIES**

1. Thomas J. Miller is the duly elected Attorney General of the State of Iowa.
2. Defendant Sonya Ackerson is the sole owner, president, and CEO of Advocate 4 the Aging, LLC.
3. Defendant Advocate 4 the Aging, LLC (A4A) is an Iowa limited liability corporation formerly known as Lifetime Financial Services, LLC.

**JURISDICTION**

4. The Consumer Fraud Act authorizes the Attorney General to bring an action in district court if it appears to the Attorney General that a person has engaged in or is engaged in an unfair practice, deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or the omission of a material fact with the intent that another rely thereon, pursuant to Iowa Code subsection 714.16(7) (2017).

**VENUE**

5. Venue is proper in Polk County, Iowa, pursuant to the Iowa Consumer Fraud Act, Iowa Code subsection 714.16(10), because a substantial number of transactions occurred there.

**FACTUAL ALLEGATIONS**

6. Paragraphs 1-5 are incorporated herein by reference.
7. In the course of soliciting sales of services, Defendants Ackerson and A4A violated the Iowa Consumer Fraud Act by:

- a. Failing to comply with the Iowa Door-to-Door Sales Act by failing to provide buyers with a copy of a contract containing the three-day notice of right to cancel as required by Iowa Code section 555A.2;
- b. Failing to comply with the Iowa Door-to-Door Sales Act by failing to complete and provide the required “Notice of Cancellation” as required by Iowa Code section 555A.3;
- c. Failing to comply with the Iowa Door-to-Door Sales Act by failing to provide two copies of the completed “Notice of Cancellation,” to orally inform each buyer of the right to cancel, and to honor requests to cancel as required by Iowa Code section 555A.3;
- d. Failing to inform consumers that Respondents are not licensed to provide advice regarding estate planning; and
- e. Making deceptive statements concerning the Respondents’ authority to provide assistance to consumers seeking veterans benefits.

**CAUSES OF ACTION**

**Count One – Consumer Fraud**

8. Paragraphs 1-7 are incorporated herein by reference.
9. Defendants’ business transactions in Iowa are in connection with the lease, sale or advertisement of merchandise.
10. Defendants violated the prohibitions of Iowa Code subsection 714.16(2)(a) by engaging the following deceptive and unfair acts, practices, and omissions:
  - a. Failing to provide buyers with a copy of a contract containing the three-day notice of right to cancel as required by Iowa code section 555A.2;

- b. Failing to complete and provide the required “Notice of Cancellation” as required by Iowa Code section 555A.3;
- c. Failing to provide two copies of the completed “Notice of Cancellation,” to orally inform each buyer of the right to cancel, and to honor requests to cancel as required by Iowa Code section 55A.3;
- d. Failing to inform consumers that Defendant Ackerson is not licensed to provide advice regarding estate planning; and
- e. Making deceptive statements concerning Defendant Ackerson’s authority to provide assistance to consumers seeking veterans benefits.

**REQUEST FOR RELIEF**

11. Pursuant to Iowa Code subsection 502.603(3) and Iowa Rule of Civil Procedure 1.207, no bond is required of the State of Iowa in seeking injunctive relief.

12. The State of Iowa has not previously presented a petition for a temporary injunction, restraining order or other injunctive relief to, nor has a petition been denied by, any Judge of an Iowa District Court.

13. It is in the public interest that immediate injunctive relief be entered to prevent the unlawful practices described herein and to minimize the losses and damages that will result if the defendants continue the practices as described during pendency of this action. Unless injunctive relief by way of a temporary restraining order is forthcoming, additional consumers will suffer unnecessary loss.

WHEREFORE, the State requests the Court grant relief as follows:

*Consumer Fraud*

A. Enter an immediate temporary restraining order and, upon notice and hearing as

the Court deems appropriate, a preliminary injunction pursuant to Iowa Code subsection 714.16(7) requiring Defendant Ackerson and her agents or employees, individually and in any business or corporate capacity, acting in concert with or participating with Defendant Ackerson, who have actual or constructive notice of the Court's injunction, by personal service or otherwise, to cease and desist from engaging in the deceptive, misleading, unfair, and omissive acts and practices as alleged and which violate the Consumer Fraud Act;

B. After a hearing on the merits, enter a permanent injunction pursuant to Iowa Code subsection 714.16(7) requiring Defendant Ackerson, and any of her agents who have actual or constructive notice of the Court's injunction, by personal service or otherwise, to cease and desist from engaging in the deceptive, misleading, unfair, and omissive acts and practices as alleged and which violate the Consumer Fraud Act;

C. After a hearing on the merits, enter judgment against Defendants for amounts necessary to restore to consumers all money acquired by means of acts or practices that violate the Consumer Fraud Act, pursuant to Iowa Code subsection 714.16(7);

D. After a hearing on the merits, enter judgment against Defendants for such additional funds as are necessary to ensure complete disgorgement of all ill-gotten gains traceable to the unlawful practices alleged herein, pursuant to Iowa Code subsection 714.16(7);

E. After a hearing on the merits, enter judgment against Defendants for up to \$40,000.00 for each separate violation of the Consumer Fraud Act, pursuant to Iowa Code subsection 714.16(7);

F. After a hearing on the merits, enter judgment against Defendants for up to \$5,000.00 for each separate violation of the Consumer Fraud Act by each Defendant committed against an older person, pursuant to Iowa Code section 714.16(A)

G. After a hearing on the merits, enter judgment against Defendants for investigative costs, reasonable attorney fees, and court costs, pursuant to Iowa Code subsection 714.16(11);

H. After a hearing on the merits, order a writ of attachment or writ of execution against Defendant Ackerson's property pursuant to Iowa Code subsection 714.16(7); and

I. Grant such additional relief as the Court deems just and equitable under the provisions of Iowa Code section 714.16.

Respectfully submitted,

THOMAS J. MILLER  
Attorney General of Iowa

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Original filed.