

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA ex rel.)	
THOMAS J. MILLER,)	
ATTORNEY GENERAL OF IOWA,)	Equity No. CE _____
99AG25112)	
)	
Plaintiff,)	
)	
FRESH START HANDICAPPED WORKERS,)	
INC., an Arizona corporation;)	
)	CONSENT JUDGMENT
PAUL F. GIZA; and)	
)	
MARTHA C. GIZA;)	
)	
Defendants.)	

On this 23rd day of May, 2013, the Court, having been presented by Assistant Attorney General Steve St. Clair with this Consent Judgment and having reviewed the file in this matter, determines that final judgment should be entered herein, and finds as follows:

1. Plaintiff State of Iowa ex rel. Thomas J. Miller, Iowa Attorney General, has filed a Petition in Equity against the above-captioned defendants (“Defendants”) pursuant to Iowa Code § 714.16 (2013), the Iowa Consumer Fraud Act (CFA), and attached to the Petition is a copy of this Consent Judgment bearing the approval signatures of all parties.

2. The Court has jurisdiction of the parties and subject matter.

3. Defendants deny wrongdoing or liability of any kind, but have agreed to entry of this Consent Judgment in order to resolve their dispute with Plaintiff.

4. The Court finds that this Consent Judgment should be entered.

5. This Consent Judgment constitutes a full and final resolution of any and all claims by the Iowa Attorney General against Defendants for violations of the CFA that allegedly occurred

prior to the effective date of this Consent Judgment in connection with marketing and/or solicitation conducted by or through Fresh Start Handicapped Workers, Inc. (hereinafter, “Fresh Start”).

IT IS THEREFORE ORDERED pursuant to Iowa R. Civ. P. 1.1501 *et seq.* and the Iowa Consumer Fraud Act, Iowa Code ' 714.16, that Defendants, and each of them, and (as applicable) their directors, officers, principals, partners, employees, agents, servants, representatives, subsidiaries, affiliates, successors, assigns, merged or acquired predecessors, parent or controlling entities, and all other persons, corporations and other entities acting in concert or participating with one or more Defendants who have actual or constructive notice of the Court=s injunction are permanently restrained and enjoined as of the date of entry of this Consent Judgment from (A) engaging in any course of advertising, solicitation, or sale directed to Iowa consumers (or directed to non-Iowans from an Iowa location) that involves express or implied representations that sales or donations benefit the handicapped, disabled, or disadvantaged; and from (B) making direct or indirect use of information regarding persons in Iowa who agreed to make or made a purchase and/or donation in response to any marketing or solicitation efforts by Fresh Start, including without limitation using such information to make marketing or fundraising contacts, and/or selling, renting or otherwise making available any such information to another entity for the other entity’s use in marketing, fundraising, or otherwise .


IT IS FURTHER ORDERED that Defendants shall, upon receiving an unsolicited written request to refund the amount of a purchase or donation made by an Iowa resident in response to a solicitation by Fresh Start, promptly honor the request by refunding whatever portion of such requested refund has not been previously refunded.

IT IS FURTHER ORDERED that, pursuant to Iowa Code ' 714.16, Defendants pay to the Attorney General, no later than five (5) days after the entry of this Consent Judgment, the sum of \$10,000.00, to be deposited by the Attorney General in the fund created by Iowa Code ' 714.16A.

IT IS FURTHER ORDERED that Defendants shall comply with reasonable requests from the Attorney General for information relating to compliance with this Consent Judgment.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction for purposes of enforcement of this Consent Judgment, and that Defendants shall pay court costs, if any.

SO ORDERED on May 23rd, 2013.


REBECCA GOODGAME EBINGER, JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Approved:

Date: May 13, 2013

/s/ Paul Giza
Fresh Start Handicapped Workers, Inc.

Date: May 13, 2013

/s/ Paul Giza
Paul F. Giza

Date: May 13, 2013

/s/ Martha Giza
Martha C. Giza

Date: May 14, 2013

/s/ Richard C. Gramlich
Richard C. Gramlich
Attorney for Defendants

Date: May 23, 2013

/s/ Steve St. Clair
Steve St. Clair
Assistant Iowa Attorney General



State of Iowa Courts

Type: DECREE OR FINAL SUPPORT ORDER

Case Number **Case Title**
EQCE074400 STATE OF IOWA EX REL. MILLER V. FRESH START, ET AL

So Ordered

A handwritten signature in cursive script that reads "Rebecca Goodgame Ebinger".

Rebecca Goodgame Ebinger, District Court Judge,
Fifth Judicial District of Iowa