

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,
STATE OF FLORIDA,**

Plaintiff,

Case No.:

vs.

DENISE BATTISTA, a/k/a Denise Tognoli, individually and as Owner, President and Director of Global Mindlink Foundation, Inc. and Select International Donors Corp.; **LYNNE TALLMAN**, individually and as Owner and Director of Global Mindlink Foundation, Inc. and Select International Donors Corp.; **GLOBAL MINDLINK FOUNDATION, INC.**, a Florida not-for-profit corporation; **SELECT INTERNATIONAL DONORS CORP.**, a Florida not-for-profit corporation; **PRO COM ADV., INC.**, an administratively dissolved Florida corporation; **MARIO MANCUSO**, individually and as President and Director of Pro Com Adv., Inc. and **JOY MANCUSO**, individually and as part owner of Pro Com Adv., Inc.

Defendants.

COMPLAINT

Plaintiff, **OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS, STATE OF FLORIDA** (hereinafter referred to as "Plaintiff"), sues Defendants **DENISE BATTISTA**, individually and as Owner, President and Director of Global Mindlink Foundation, Inc. and Select International Donors Corp.; **LYNNE TALLMAN**, individually and

as Owner, and Director of Global Mindlink Foundation, Inc. and Select International Donors Corp.; **GLOBAL MINDLINK FOUNDATION, INC.**, a Florida not-for-profit corporation (hereinafter referred to as Global); **SELECT INTERNATIONAL DONORS CORP.**, a Florida not-for-profit corporation (hereinafter referred to as Select). **PRO COM ADV., INC.**, an administratively dissolved Florida corporation (hereinafter referred to as Pro Com); **MARIO MANCUSO**, individually and as President and Director of Pro Com Adv., Inc. and **JOY MANCUSO**, individually and as part owner of Pro Com Adv., Inc.

JURISDICTION

1. This is an action for damages and injunctive relief, brought pursuant to Florida's Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes (2001).

2. This Court has jurisdiction pursuant to the provisions of said statute.

3. Plaintiff is an enforcing authority of Florida's Deceptive and Unfair Trade Practices Act as defined in Chapter 501, Part II, Florida Statutes, and is authorized to seek damages, injunctive and other statutory relief pursuant to this part.

4. The statutory violations alleged herein occurred in or affected more than one judicial circuit in the State of Florida. Venue is proper in the Seventeenth Judicial Circuit as the principal place of business of the Defendant entities is Broward County, Florida.

5. Plaintiff has conducted an investigation, and the head of the enforcing authority, Attorney General Charles J. Crist, Jr. has determined that an enforcement action serves the public interest.

6. Defendants, at all times material hereto, provided goods or services within the meaning of Section 501.203(8), Florida Statutes (2001).

7. Defendants, at all times material hereto, solicited consumers within the definitions of Section 501.203(7), Florida Statutes (2001).

8. Defendants, at all times material hereto, were engaged in a trade or commerce within the definition of Section 501.203(8), Florida Statutes (2001).

DEFENDANTS

9. Defendant, DENISE BATTISTA, an adult female over the age of twenty one, was at all times material, an owner, officer and/or director of Defendants Global and Select. Upon information and belief, DENISE BATTISTA resides at 10075 Vestal Place, Coral Springs, Broward County, Florida 33071.

10. Defendant, LYNNE TALLMAN, an adult female over the age of twenty one, was at all times material, an owner and/or director of Defendants Global and Select. Upon information and belief, LYNNE TALLMAN resides at 9629 N.W.49 Place, Coral Springs, FL 33076.

11. Defendant GLOBAL is an active Florida not-for-profit corporation with a principal and mailing address of 288 SW 12th Ave., Deerfield Beach, FL 33442.

12. Defendant SELECT is an active Florida not-for-profit corporation with a principal and mailing address of 288 SW 12th Ave., Deerfield Beach, FL 33442.

13. Defendant PRO COM is an administratively dissolved Florida corporation with a principal and mailing address of 1002 S. 27th Ave., Hollywood, FL 33020.

14. Defendant MARIO MANCUSO is an adult male over the age of twenty one. Upon information and belief, he resides at 1002 S. 27th Ave., Hollywood, FL. MARIO MANCUSO is the President and Director of Defendant Pro Com Adv., Inc. MARIO MANCUSO

knew of and controlled the activities of Defendant Pro Com Adv., Inc. Defendant Mario Mancuso served as an employee and administrator of Global and Select and both knew of and, along with others, controlled the acts and practices of these entities.

15. Defendant JOY MANCUSO is a past secretary, treasurer and director of Defendant Global. She is an adult female over the age of twenty one and, upon information and belief, is the daughter of Defendant Mario Mancuso and resides at 1968 NW 74th Ave., Pembroke Pines, FL 33024-1055.

16. At all times material, Defendant Joy Mancuso, along with others, knew of and controlled the activities and practices of Defendants Global, Select and Pro Com.

FACTUAL BACKGROUND

17. Global had been incorporated as a Florida not-for-profit in August of 1995. Defendant Joy Mancuso served as secretary and treasurer.

18. Select was similarly incorporated as a Florida not-for-profit in January of 1998. Denise Battista was a member of the original board of directors. In the year 2001, Defendant Denise Battista was the president, secretary and treasurer of the corporation, as well as one of the directors. Defendant Lynn Tallman was also named a director.

19. These non-profit corporations were “sheep’s clothing” donned by the defendant individuals to enable them to solicit money from kind hearted but vulnerable individuals across the United States and to appropriate same for their own use and enjoyment.

20. Through corporate filings with the Florida Departments of State and Agriculture and Consumer Services, the defendant entities portrayed their charitable purposes as described hereinafter:

a) In its' renewal registration application to the Florida Department of Agriculture and Consumer Services filed June 30, 2003, Global stated that it solicited contributions "To promote the betterment of the human community. The Foundation supports medical relief, engages in educational programs and activities, performs local in-kind and monetary charities."

b) The corporate purpose of Select at the time of incorporation was to "... engage in all lawful acts or activities not for pecuniary profit for which Florida not-for-profit corporations may be organized, including the following: providing funding for nonprofit organizations providing charitable assistance to children with physical or mental disabilities.

21. In truth and fact, monies solicited by Global and Select inure almost solely to the benefit of Defendants Mario Mancuso, Joy Mancuso, Battista and Tallman, as well as to the benefit of the tele-marketers and staff employed by these entities. For the years 1999 through 2002 inclusive, monies raised by Global and Select have averaged over one half million dollars per year. Federal tax returns show that Global used approximately 99 % of the money it raised from these "charitable" solicitations to cover its' own salaries, expenses and "administrative costs." During the last year of that period, Defendant Battista alone withdrew wages of approximately \$280,000.00 from Global and Select, a figure that jumped to approximately \$350,000.00 in 2003.

22. Actual donations made by the corporations were and are trifling and insignificant in quantity (in comparison to the money raised) and are intended only to provide some semblance of legitimacy to their stated charitable purposes.

23. The Defendants chose for their victims the elderly and the infirm, purchasing call

lists specifically designed to target these individuals and to prey on their vulnerabilities.

24. Defendants employed tele-marketers to call persons on these call lists to solicit “donations” or “memberships” to the defendant entities or “subscriptions” to their newsletters. There were two types of call lists. The first, a “cold call” list, contained names of consumers that had not yet been contacted by the Defendants. The second list contained the names of persons that the Defendants had previously contacted and, in most cases, had previously purchased a “membership” or a “subscription.”

25. Defendants, through these employees, would verbally represent to consumers that Global or Select were total non-profit charitable corporations. Though the Defendants knew that they would be keeping approximately 99% of the money, they conveyed the false impression that the majority of the target’s donation, membership or subscription cost would be used for charitable services. To that end, Defendants:

- a) Made express false representations as to the percentage of consumer donations that would be used for charitable purposes. In some cases, consumers were told that up to seventy-five percent of their payment would actually go to the intended charity.
- b) Made express false representations as to where a consumers’ donation/membership fee/subscription fee was to be directed.
- c) Made implied representations that the defendant entities had made substantial donations for numerous causes by conveying a long list of charities to whom they have donated.
- d) Make false statements as to the total amount of donations made by the

Defendants in a given year or over the course of a number of years.

26. Whether the purpose was to seek a “donation,” “membership,” or “subscription,” Defendants’ employees were told to get the largest possible amount of money from the targeted consumer. Membership and subscription costs would therefor vary according to the ability to pay and according to the susceptibility and interest of the particular target. Where the Defendants were able to obtain a high subscription fee from a consumer, employees were instructed to keep charging that fee in subsequent calls.

27. To enhance their ability to have consumers buy memberships, Defendants would exaggerate their chances of winning money in alleged monthly lotteries. Consumers would be falsely told, for example, that their chances of winning were one in fifty.

28. After Defendants secured payments from consumers as the result of “cold calls,” those consumers were viewed as particularly susceptible and became the targets of repeated calls made from the second call list. Even after a particular consumer had recently purchased a one year membership or subscription, Defendants would:

- a) call the same consumer using the name of the entity not previously used. If the consumer had signed up for a one year membership with Global, for example, that consumer would be called again by a telemarketer using the name “Select International Donors Corp.” The consumer would not be informed that Global and Select were related entities. Tele-marketers would randomly employ the two names in order to maximize their sales.
- b) falsely inform the consumer that, should they pay an additional fee, they would be entitled to a “special” or “VIP” drawing where no such drawing

existed.

- c) falsely inform the consumer that an additional payment would entitle them to a “bronze,” “silver,” “gold,” “platinum” or “VIP” membership. In truth and fact, there were no such special memberships and sales personnel would use these membership titles solely to induce consumers to pay additional fees.
- d) falsely inform consumers that, should they become “silver,” “gold,” “platinum” or “VIP” members, they would have increased odds of winning a cash prize.
- e) falsely inform consumers that they had already won a cash prize and that said prize would be paid upon the completion of the membership period. Defendants would then fail to award the prize money.

29. The Defendants published “official newsletters” and employed same in their attempts to secure money from the targeted consumers. “SELECTION” was “The Official Newsletter of Select International Donors Corp.” and “The Bridge” was the newsletter distributed by Global.

30. The Selection and The Bridge were additional means employed by Defendants to foster the false impression that they provided substantial financial aid to the poor and to specific charitable organizations. In these newsletters, Defendants would:

- a) print copies of “thank you” letters from various charitable organizations, without first having obtained written permission from these organizations in violation of F.S. 496.415(4).

b) state that Global was a non-profit, tax exempt 501 (C)(3) organization.

31. The Selection and The Bridge would contain extensive lists of “winners” of Defendant’s cash drawings. The reason for the list was to encourage persons that had already paid money to the Defendants to keep doing so. These lists were fraudulent in that all of the persons so listed were not winners of actual drawings. Based on interviews with former employees, there is reason to believe that such drawings seldom, if ever, took place. Even if drawings took place, the Defendants failed to provide the cash prizes to all of the listed persons as promised and as represented.

32. The Selection and The Bridge contained puzzles or games which, if completed or solved correctly and returned to the Defendants, would allegedly make the consumer eligible for a special drawing and, thus, a chance at a prize. One such puzzle was the type in which you would have to find enumerated words in a box full of seemingly random letters. If you found and circled all of the words, you would be eligible for a special drawing for a prize. Certain of these newsletters contained puzzles in which the words listed were not, in fact, present, thus making it impossible to win the prize.

33. Defendants tele-marketers were instructed to obtain, if possible, the checking account numbers of persons who would pay money for their memberships / subscriptions. Defendants would later withdraw money from these accounts without the knowledge or consent of the consumer.

34. Monies from Select and Global were routinely diverted to Defendant Pro Com Adv., Inc. Though this entity was administratively dissolved in 1983, checks from Global and Select were, at all times material, deposited into the Pro Com business account.

COUNT I

**DECEPTIVE AND UNFAIR TRADE PRACTICES
CHAPTER 501, PART II FLORIDA STATUTES**

35. Plaintiff adopts, incorporates herein and re-alleges paragraphs 1 through 34 as if fully set forth bellow.

36. Chapter 501.204(1), Florida Statutes, declares that unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

37. Commencing on a date unknown, but at least subsequent to August of 2001, the Defendants engaged in various willful deceptive and unfair trade practices. Said practices described in paragraphs 19 through 36 inclusive are in violation of Chapter 501, Part II, Florida Statutes (2001).

38. Defendants knowingly filed false or misleading information in documents required to be filed with the Department of Agriculture and Consumer Services, to wit: Defendants falsely stated in their renewal registration statements of June, 2003 and June, 2004 that a major program activity of Global was to provide local poor children with clothing and shoes, in violation of F.S. 496.415 (2) and F.S. 496.416.

39. Defendants employed in their solicitations as described in paragraphs 19 through 34 inclusive, devices, schemes and artifices to defraud or to obtain contributions by means of deception, false pretense, misrepresentation and /or false promises, in violation of F.S. 496.415 (13) and F.S. 496.416.

40. Defendants failed to apply contributions in a manner substantially consistent with their solicitations in violation of F.S. 496.415 (16) and F.S. 496.416.

41. Most of the consumers who were the object of Defendants' acts and practices as alleged herein were senior citizens as defined in Florida Statute 501.2077(1)(a).

42. Many of the consumers who were the object of Defendants' acts and practices as alleged herein were handicapped persons as defined in Florida Statute 501.2077(1)(b).

43. Many of the consumers who were the object of Defendants' acts and practices as alleged herein suffered from a mental or educational impairment as defined in Florida Statute 501.2077(1)(c).

WHEREFORE, Plaintiff requests this court to enter the following Orders:

1. Grant permanent injunctions against Defendants, their officers, agents, servants, employees, attorneys and those persons in active concert or participation with Defendants who receive actual notice of this injunction, prohibiting such persons from doing the following acts:
 - a. Operating any not-for profit entity in the State of Florida.
 - b. Soliciting any money or donations for charitable purposes within the State of Florida, or from persons or entities located within the State of Florida.
 - c. Engaging in any telemarketing business within the state of Florida.
 - d. Engaging in any telemarketing business which targets consumers within the State of Florida.
 - e. Violating the provisions of Chapters 501, Part II and 496, Florida Statutes.
2. Award actual damages to all consumers who are shown to have been injured in this action, pursuant to Section 501.206 (1) (c), Florida Statutes (2001).
3. Assess against Defendants herein civil penalties in the amount of Ten Thousand Dollars (\$10,000.00) for each act or practice found to be in violation of Chapter 501, Part II,

Florida Statutes (2001). In cases where the act or practice found to be in violation of F.S. 501 Part II which victimized or attempted to victimize senior citizens or handicapped persons, Plaintiff would ask the Court to award civil penalties in the amount of Fifteen Thousand Dollars (\$15,000.00) for each such act or practice.

4. Order the dissolution of Global and Select.
5. Award reasonable attorneys fees pursuant to F.S. 501.2105.
6. Grant temporary relief pursuant to F.S. 501.207.
7. Waive the posting of any bond by Plaintiff in this action.
8. Grant such other relief as this Honorable Court deems just and proper.

Respectfully Submitted

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