

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT, IN AND FOR DADE COUNTY, FLORIDA**

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

vs.

Case No. 09-23745 CA01

**DONALD R. GILLETTE,  
FLYNN McCARTHY,  
MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC,  
PROPERTY SOLUTIONS SPECIALISTS, INC.,  
ONE SOURCE COMMUNICATIONS, INC., and  
NATIONWIDE FINANCIAL PARTNERS, INC.**  
Defendants.

**COMPLAINT**

Plaintiff, **OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS, STATE OF FLORIDA** (hereinafter referred to as "Plaintiff"), sues Defendants **DONALD R. GILLETTE, FLYNN McCARTHY, MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., NATIONWIDE FINANCIAL PARTNERS, INC. and CRUISE HOTEL MANAGEMENT, LLC** (hereinafter collectively referred to as Defendants").

**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 (2008).

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 Eleventh Judicial Circuit as the principal place of business of the Defendants is Miami-Dade County, Florida.
5. Plaintiff has conducted an investigation, and the head of the enforcing authority, Attorney General Bill McCollum has determined that an enforcement action serves the public interest. A copy of said determination was attached and incorporated herein as Plaintiff's Exhibit A to the original Complaint and is incorporated herein by reference.
6. Defendants, at all times material hereto, provided goods or services as defined within Section 501.203(8), Florida Statutes (2008).
7. Defendants, at all times material hereto, solicited consumers within the definitions of Section 501.203(7), Florida Statutes (2008).
8. Defendants, at all times material hereto, were engaged in a trade or commerce within the definition of Section 501.203(8), Florida Statutes (2008).

### **DEFENDANTS**

10. Defendant MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC is a Florida for-profit limited liability company, with a principal place of business in Miami, Miami-Dade County, Florida.

11. Defendant PROPERTY SOLUTIONS SPECIALISTS, INC. is a for-profit Florida corporation, with a principal place of business in Miami, Miami-Dade County, Florida.

12. Defendant ONE SOURCE COMMUNICATIONS, INC. is a for-profit Florida corporation, with a principal place of business in Miami, Miami-Dade County, Florida.

13. Defendant NATIONWIDE FINANCIAL PARTNERS, INC. is a for-profit Florida corporation, with a principal place of business in Miami, Miami-Dade County, Florida.

14. Defendant DONALD R. GILLETTE is an adult over the age of twenty one, was at all times material owner, manager, member, employee, director and/or officer of Defendants MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC. DONALD R. GILLETTE resides in Miami, Miami-Dade County, Florida.

15. Defendant FLYNN McCARTHY is an adult over the age of twenty one, was at all times material owner, manager, member, employee, director and/or officer of Defendants MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC. FLYNN McCARTHY resides in Miami, Miami-Dade County, Florida.

16. At all times material, Defendant DONALD R. GILLETTE knew and/or controlled the activities of MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC. DONALD R. GILLETTE (hereinafter Gillette) had actual knowledge or knowledge fairly implied on the basis of objective

circumstances, that the acts of the employees, agents, and representatives of MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC. , as described below, were unfair or deceptive and/or prohibited by law.

17. At all times material, Defendant FLYNN McCARTHY knew and/or controlled the activities of MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC. FLYNN McCARTHY (hereinafter McCarthy) had actual knowledge or knowledge fairly implied on the basis of objective circumstances, that the acts of the employees, agents, and representatives of MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC., as described below, were unfair or deceptive and/or prohibited by law.

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

18. Plaintiff adopts, incorporates herein and re-alleges paragraphs 1 through 17 as if fully set forth hereinafter.

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

20. Commencing on a date unknown, but at least subsequent to January 1, 2008, the Defendants engaged in various willful deceptive and unfair trade practices, as hereinafter set forth, in violation of Chapter 501, Part II, Florida Statutes (2007).

21. Commencing on a date unknown, but at least subsequent to January 1, 2008, the Defendants engaged in a systematic pattern of conduct designed and intended to induce consumers to purchase their services via a series of false and fraudulent representations.

22. On a date unknown but subsequent to January 1, 2008, Defendants solicited, advertised or otherwise offered services to Florida homeowners for mortgage foreclosure-related rescue services.

23. On a date unknown but subsequent to January 1, 2008, the Defendants represented to Florida homeowners that they would render foreclosure-related rescue services. On a date unknown but subsequent to January 1, 2008, the Defendants solicited, charged and received payment from Florida homeowners for foreclosure-related rescue services. In return for said payments from Florida homeowners, Defendants represented to Florida homeowners that Defendants would interact or otherwise work with the lenders to reduce the consumers' indebtedness and/or prevent foreclosure of the homeowners' houses.

24. Subsequent to October 1, 2008, the Defendants solicited, charged and received upfront payment from Florida homeowners for foreclosure-related rescue services in violation of F.S. § 501.1377. In return for said payments from Florida homeowners, Defendants represented to Florida homeowners that Defendants would interact or otherwise work with the lenders to reduce the consumers' indebtedness and/or prevent foreclosure of the homeowners' houses.

25. Subsequent to October 1, 2008, Defendants engaged Florida licensed attorneys to provide legal services through the Defendants to the homeowner *clients* of the Defendants.

26. Defendants paid Florida licensed attorneys from the funds paid by the homeowner *clients* to the Defendants for foreclosure-related rescue services.

27. Defendants' business in offering legal services to the public directly, or indirectly through Florida licensed attorneys which Defendants engage and compensate, constitutes the unauthorized practice of law in accordance with the principles of the Florida Supreme Court pursuant to The Florida Bar v. Consolidated Business and Legal Forms, Inc., 386 So.2d 797 (1980).

28. Florida homeowners have not received from the Defendants the foreclosure-related rescue services for which the homeowners paid the Defendants.

29. Florida homeowners paid the Defendants for putative foreclosure-related rescue services and/or debt reduction services that were not rendered by Defendants.

30. As a result of the Defendants' aforesaid practices, Defendants have enriched themselves from the funds of distressed Florida homeowners without the rendering of the represented services.

31. Florida Statutes, § 877.02(1) makes it unlawful for any person to make it a business to solicit or procure legal business for attorneys.

32. Defendants solicited, advertised or otherwise offered legal services to Florida homeowners for mortgage foreclosure defense.

33. Defendants' business includes, but is not limited to, procuring agreements and payments from homeowners for attorneys to render legal services to homeowners for mortgage foreclosure defense.

34. Defendants' actions as heretofore set forth constitute violations of the provisions of Florida Statutes, § 877.02(1).

35. Defendants represent to homeowners that attorneys can take their cases although Florida licensed attorneys cannot accept referrals from the Defendants since the Defendants'

lawyer referral service is neither not-for-profit nor complies with the requirements of The Rules Regulating The Florida Bar, Rule 4-7.10. In re: Amendments to the Rules Regulating the Florida Bar--Advertising, 971 So. 2d 763, 793 (2007).

36. As a result of the foregoing and as specifically heretofore set forth, Defendants have engaged in deceptive acts or practices as aforesaid in violation of the provisions of Chapter 501, Part II of the Florida Statutes.

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

1. Grant permanent injunctions against the Defendants, their officers, agents, servants, employees, attorneys and those persons in active concert or participation with the Defendants who receive actual notice of this injunction, prohibiting and enjoining such persons from doing the following acts:
  - a. Violating the provisions of Chapter 501, Part II, Florida Statutes (2007);
  - b. Engaging in any business activity or operations offering, soliciting, providing or otherwise generally dealing in or related to foreclosure and the residential and commercial real estate businesses, including but not limited to foreclosure defense, loss mitigation, debt reduction, mortgage financing, sales and/or brokerage.
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 (2008).
3. Assess against the Defendants herein civil penalties in the amount of Fifteen Thousand Dollars (\$15,000.00) for each act or practice found to be in violation of Chapter 501, Part II, Florida Statutes (2008).

4. Order the dissolution of corporate Defendants MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC.
5. Award reasonable attorneys fees pursuant to F.S. 501.2075.
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.

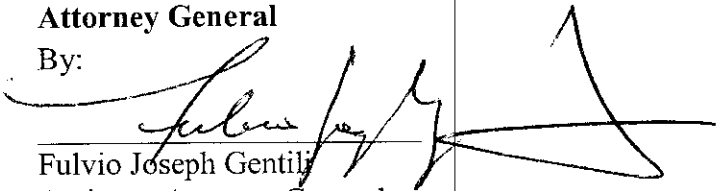
Dated this <sup>23<sup>rd</sup></sup> day of March, 2009.

Respectfully Submitted,

**BILL McCOLLUM**

**Attorney General**

By:



Fulvio Joseph Gentile  
Assistant Attorney General  
Fla. Bar. No. 0037493  
Office of the Attorney General  
Department of Legal Affairs  
110 S.E. 6th Street, Tenth Floor  
Ft. Lauderdale, FL 33301  
(954) 712-4600



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA

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

Plaintiff,

vs.

Case No.

**DONALD R. GILLETTE,  
FLYNN McCARTHY,  
MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC,  
PROPERTY SOLUTIONS SPECIALISTS, INC.,  
ONE SOURCE COMMUNICATIONS, INC., and  
NATIONWIDE FINANCIAL PARTNERS, INC.**

Defendants.

**DETERMINATION OF PUBLIC INTEREST**

**COMES NOW, BILL McCOLLUM, ATTORNEY GENERAL, STATE OF  
FLORIDA, and states:**

1. Pursuant to Section 20.11, Florida Statutes (2008), I am the head of the Department of Legal Affairs, State of Florida (hereinafter referred to as the Department).
2. In this matter, the Department seeks actual damages on behalf of one or more consumers caused by an act or practice performed in violation of Chapter 501, Part II, Florida Statutes (2008).
3. I have reviewed this matter and I have determined that an enforcement action serves the public interest.



BILL McCOLLUM  
ATTORNEY GENERAL  
STATE OF FLORIDA

Dated: \_\_\_\_\_

3/20/09

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA

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

Plaintiff,

vs.

Case No. 09-23745CA05

**DONALD R. GILLETTE,  
FLYNN McCARTHY,  
MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC,  
PROPERTY SOLUTIONS SPECIALISTS, INC.,  
ONE SOURCE COMMUNICATIONS, INC., and  
NATIONWIDE FINANCIAL PARTNERS, INC.**

Defendants.

\_\_\_\_\_ /

**EX-PARTE ORDER GRANTING INJUNCTIVE RELIEF**

This matter came on before the Court, on 3/25, 2009, upon the Plaintiff's EMERGENCY MOTION FOR INJUNCTIVE RELIEF WITHOUT NOTICE, pursuant to section 501.207(3), Florida Statutes, and Fla.R.Civ.P., Rules 1.610. Good cause exists to sequester or freeze the assets of the named Defendants from being sold, transferred, alienated or otherwise dissipated until the resolution of the instant proceeding and likewise good cause exists to refrain from giving notice to Defendants DONALD R. GILLETTE, FLYNN McCARTHY, MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC. because of the likelihood that they would dissipate the assets of the business if notified of this motion.

The Court has reviewed the motion and other pleadings, and, accordingly, the Court does hereby ORDER AND ADJUDGE the following:

1. The sequestration or freezing of all assets of DONALD R. GILLETTE, FLYNN McCARTHY, MORTGAGE CRISIS SOLUTIONS ASSOCIATION, LLC, PROPERTY SOLUTIONS SPECIALISTS, INC., ONE SOURCE COMMUNICATIONS, INC., and NATIONWIDE FINANCIAL PARTNERS, INC., including but not limited to bank accounts, offices, and the contents of such offices where the business of the Defendants has been conducted, until further order of this Court.

2. Defendants DONALD R. GILLETTE and FLYNN McCARTHY individually and/or by or through their spouses, trustees, agents, employees or other persons who act under, by, through or on behalf of either or all of them are hereby ENJOINED from engaging in consumer-debt related services, whether secured or unsecured; from representing and/or soliciting through advertisement and/or oral communication, either directly or indirectly, that they offer, provide or otherwise render consumer-debt related services, whether secured or unsecured; and from accepting, receiving or otherwise obtaining payment from consumers for consumer-debt related services, whether secured or unsecured, until further order of this Court.

3. Defendants DONALD R. GILLETTE and FLYNN McCARTHY individually and/or by or through their spouses, trustees, agents, employees or other persons who act under, by, through or on behalf of either or all of them are hereby ENJOINED from destroying, mutilating, concealing, altering, or disposing of, in any manner, any of the books, records, papers, computer disks, computer memory retention devices or the like, computers, documents, correspondence, obligations or other property of the Defendants herein until further order of this Court.

4. No bond shall be required with respect to the relief requested herein as the Plaintiff, **OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS, STATE OF FLORIDA**, is an agency of the State of Florida and the public interest served by this action.

DONE AND ORDERED in Chambers, at Dade County, Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
DADE CIRCUIT COURT JUDGE

Conformed Copy  
MAR 25 2009  
Marc Schumacher  
Circuit Court Judge