

(hereinafter referred to as "Respondents") violated the New Jersey Charities Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq. ("CRIA") or the Regulations Governing Charitable Fundraising, N.J.A.C. 13:48-1.1 et seq. ("Regulations");

WHEREAS, the Division has concluded that Respondents solicited charitable contributions in New Jersey through a car donation program and that each Respondent violated one or more provisions of the CRIA and the Regulations as set forth in Section II below;

WHEREAS, Irina Shvartser operated an I.F.C.D. car donation program in New Jersey under the name "Ray of Hope" in each year from 2005 through 2009.

WHEREAS, Irina Shvartser neither admits nor denies any violation of the CRIA or the Regulations that the within Consent Order (the "Consent Order") alleges she committed;

WHEREAS, the Division has reached an amicable agreement with Irina Shvartser, who signs the Consent Order to resolve the allegations against her without the need for further action;

WHEREAS, Irina Shvartser has consented to the entry of the Consent Order and for good cause shown;

IT IS on this 13th day of September, 2010 **ORDERED**
and **AGREED** as follows:

1. EFFECTIVE DATE AND DEFINITIONS

1.1 This Consent Order shall be effective on the date that it

is filed with the Division (the "Effective Date").

1.2 The Consent Order adopts the definitions in N.J.S.A. 45:17A-20 and N.J.A.C. 13:48-1.3.

2. IRINA SHVARTSER'S ALLEGED VIOLATIONS

2.1 Irina Shvartser violated N.J.S.A. 45:17A-30 (a) and (b) and N.J.A.C. 13:48-11.2(a) (4) by soliciting contributions without disclosing that I.F.C.D. was the charitable organization that would receive the contribution.

2.2 Irina Shvartser violated N.J.S.A. 45:17A-23(b) and N.J.A.C. 13:48-13.1(c) by soliciting contributions on behalf of an unregistered charity.

2.3 Irina Shvartser violated N.J.S.A. 45:17A-31(a) and N.J.A.C. 13:48-10.1 by failing to keep complete and accurate records of Ray of Hope's activities in New Jersey.

2.4 Irina Shvartser violated N.J.A.C. 13:48-12.2 by failing to cooperate with the Division's investigation of Respondents' car donation program.

2.5 Irina Shvartser violated N.J.S.A. 45:17A-32(a), N.J.S.A. 45:17A-32(c) and N.J.A.C. 13:48-13.2 by making one or more of the following false or misleading statements to solicit car donations: (a) donors will receive a "free" vacation; and (b) donors may take a charitable deduction of at least \$500 without regard to the market value of the donated vehicle, the value of the vacation voucher or the cash payment they received in connection with the

donation.

3. INJUNCTIVE RELIEF

3.1 Irina Shvartser shall not operate a car donation program or any other program that solicits contributions in New Jersey for a period of 5 years from the Effective Date. This provision bars solicitations for contributions that are directed solely to persons located in New Jersey, including, but not limited to, person to person solicitations, mail solicitations, e-mail solicitations to any person who the program knows is a resident of New Jersey, and solicitations that are included in billboards or flyers. This provision also bars some solicitations for contributions that are not directed solely at persons located in New Jersey but are certain to reach at least some persons located in New Jersey including, but not limited to, solicitations on a website, solicitations in an advertisement in a newspaper or magazine that is sold in New Jersey, solicitations on radio or television advertisements that are broadcast into New Jersey, and e-mail solicitations where the program does not know where the recipient resides. Those solicitations are barred unless they clearly and conspicuously disclose that the solicitation does not apply to residents of New Jersey and the program does not accept donations sent from New Jersey. In the case of a car donation program, the program must disclose that it does not pick up donated cars in New Jersey.

3.2 Irina Shvartser shall not solicit charitable donations in New Jersey for a period of 5 years from the Effective Date.

3.3 Irina Shvartser shall not assist others to solicit charitable donations in the State of New Jersey for a period of 5 years from the Effective Date. For the purpose of this Consent Order, "assisting others" includes, but is not limited to, providing any of the following services to help another person solicit charitable donations: (a) performing donor service functions, including, but not limited to, receiving or responding to donors requests to make a donation; (b) formulating or providing, or arranging for the formulation or provision of, any solicitation script, or any other solicitation material; and (c) providing, or arranging for the provision of, any list of potential donors.

3.4 Irina Shvartser shall not engage in any of the following activities for a period of five years from the Effective Date of the Consent Order: (a) serve as an officer, director, or employee, of any charitable organization that solicits charitable donations from residents of New Jersey; (b) serve as an officer, director, or employee of any independent fund raiser that solicits charitable donations from residents of New Jersey; (c) serve as an officer, director, or employee of any fund raising counsel that advises any organization that solicits charitable contributions from residents of New Jersey; and (d) provide any services, whether paid or

unpaid, that involve soliciting charitable contributions from residents of New Jersey.

4. PAYMENT TO THE STATE

4.1 Irina Shvartser shall pay the Division \$3,500 for the costs the Division incurred in connection with its investigation and an additional payment of fourteen thousand dollars (\$14,000) for a total payment of \$17,500, and

4.2 Irina Shvartser shall send a fully executed copy of this Consent Order with the payment required by this Consent Order, which shall be by certified check, attorney trust account check or other guaranteed funds made payable to the "New Jersey Division of Consumer Affairs," to the following address:

Attention: Supervisor
Case Management Tracking
New Jersey Department of Law and Public Safety
Division of Consumer Affairs
124 Halsey Street
P.O. Box 45025
Newark, New Jersey 07101.

4.3 Irina Shvartser shall send the required payment and executed Consent Order to the Division by August 15, 2010.

4.4 If Irina Shvartser fails to make the payment to the Division in the time prescribed by this Consent Order, then she shall be in breach of this Consent Order and the Division may take whatever additional action it deems necessary and appropriate under the circumstances, including, but not limited to, seeking an Order from the Superior Court compelling compliance and seeking

additional penalties, costs and attorneys fees, pursuant to N.J.S.A. 45:17A-33(k).

4.5 If Irina Shvartser engages in any act or practice that violates the CRIA, the Regulations or this Consent Order, then she will be subject to the imposition of enhanced penalties pursuant to N.J.S.A. 45:17A-33(d), without prejudice to her right to present evidence in mitigation and affirmative defenses.

5. GENERAL PROVISIONS

5.1 Nothing contained in this Consent Order shall be construed to limit or affect the rights of any person or entity that is not a party to this Consent Order with respect to any matter contained herein.

5.2 Nothing contained in this Consent Order shall in any manner or fashion be construed to limit or affect any position that the Division or Irina Shvartser may take in any future or pending action not specifically encompassed herein.

5.3 If any provision of this Consent Order, or its application thereof to any person or circumstance, shall to any extent be invalid or unenforceable, the remainder of this Consent Order, and the application of the provision to other persons or circumstances, shall not be affected thereby and each provision of this Consent Order shall be valid and enforced to the fullest extent permitted by law.

5.4 This Consent Order resolves all claims and causes of

action against Irina Shvartser for violations of the CRIA and the Regulations that relate to her involvement with I.F.C.D. d/b/a Ray of Hope which were known or unknown by the Division up to and including the Effective Date.

5.5 The Parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and that this person has done so with the authority to legally bind the respective Parties.

5.6 This Consent Order constitutes the entire agreement between the Division and Irina Shvartser and shall bind each and their representatives, officers, directors, agents, employees, successors and assigns.

5.7 Irina Shvartser shall not represent or imply that any advertising procedure or other act or practice to solicit charitable donations has been required or approved, in whole or part, by the Attorney General or the Division of Consumer Affairs or any of the State's agencies or agents.

5.8 The Division and Irina Shvartser acknowledge that New Jersey law shall govern the interpretation and enforcement of the Consent Order.

5.9 This Consent Order constitutes a final agency action and shall be effective upon filing.

5.10 Irina Shvartser acknowledges that this Consent Order is a public document subject to the New Jersey Open Public Records

Act, N.J.S.A. 47:1A-1 to -13.

6. RELEASE

6.1 In consideration of the injunctive relief, payments, undertakings, mutual promises and obligations required by this Consent Order, the Division hereby agrees to release Irina Shvartser, to the extent permitted by State law, from any and all civil claims that the Division could have brought against her prior to Effective Date for violations of the CRIA and the Regulations, as well as matters specifically addressed in this Consent Order (the "Released Claims").

6.2 Notwithstanding any term of this Consent Order, the following do not comprise Released Claims: (a) private rights of action; (b) actions to enforce this Consent Order; and (c) any claims against Irina Shvartser by any other agency or subdivision of the State.

7. PENALTIES FOR FAILURE TO COMPLY

7.1 The Attorney General (or designated representative) shall have the authority to enforce the injunctive provisions of this Consent Order or to seek sanctions for violations hereof or both.

7.2 The Division and Irina Shvartser agree that any future violations of the injunctive provisions of this Consent Order, the CRIA, or the Regulations shall constitute a second or succeeding violation pursuant to N.J.S.A. 45:17A-33(d) and that Irina Shvartser may be liable for enhanced civil penalties.

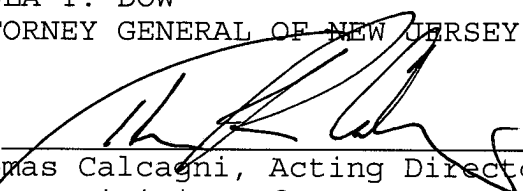
8. COMPLIANCE WITH ALL LAWS

8.1 Except as provided in this Consent Order, no provision herein shall be construed as:

- a. Relieving Irina Shvartser of her obligation to comply with all State and Federal laws, regulations or rules, as now constituted or as may hereafter be amended, or as granting permission to engage in any acts or practices prohibited by any such laws, regulations or rules; or
- b. Limiting or expanding any right the Division may otherwise have to obtain information, documents or testimony from Irina Shvartser pursuant to any State or Federal law, regulation or rule, as now constituted or as may hereafter be amended, or limiting or expanding any right Irina Shvartser may otherwise have pursuant to any State or Federal law, regulation or rule, to oppose any process employed by the Division to obtain such information, documents or testimony.

THE PARTIES CONSENT TO THE FORM, CONTENT AND ENTRY OF THIS CONSENT ORDER ON THE DATES UNDER THEIR RESPECTIVE SIGNATURES

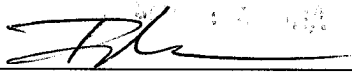
PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

BY: 
Thomas Calcaeni, Acting Director New
Jersey Division of Consumer Affairs

DATED: 9/13/10

IRINA SHVARTSER
Respondent

PRINT NAME: Irina Shvartser

SIGN: 

DATED: 8/23/10

Consent as to the form and entry of this Order.

Attorney for Irina Shvartser

PRINT NAME: GARY D. TOMASELLA

SIGN: 

DATED: 8/23/10