

**IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR NASSAU COUNTY, FLORIDA
CIVIL ACTION**

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

Plaintiff,

CASE NO. _____

vs.

DIVISION: _____

ROBERT E. MONEYHAN a/k/a DEMON MOON, an individual,
d/b/a KATRINAHELP.COM, KATRINADONATIONS.COM,
KATRINARELIEFFUND.COM, and KATRINARELIEF.COM,

Defendant.

_____ /

**COMPLAINT FOR INJUNCTION, DAMAGES,
CIVIL PENALTIES AND OTHER STATUTORY RELIEF**

Plaintiff, STATE OF FLORIDA, DEPARTMENT OF LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL (the "Attorney General"), sues Defendant, ROBERT E. MONEYHAN, an individual, also known as Demon Moon, an individual, doing business as katrinahelp.com, katrinadonations.com, katrinarelief.com, katrinarelieffund.com, and other assumed names and web sites unknown at this time, and alleges:

JURISDICTION AND VENUE

1. This is an action for damages, declaratory relief, injunctive relief, and other statutory relief pursuant to the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes (2004).

2. This Court has jurisdiction pursuant to the provisions of the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes.

3. The acts or practices complained of herein occurred in the conduct of a trade or

commerce within Florida as defined in Section 501.203(8), Florida Statutes, including Hillsborough and Nassau counties and affecting multiple judicial circuits.

THE PARTIES

4. The Department of Legal Affairs is an enforcing authority pursuant to Section 501.203(2), Florida Statutes, and is authorized to seek damages and injunctive and other statutory relief.

5. The Office of the Attorney General conducted an investigation and Attorney General, Charles J. Crist, Jr., reviewed this matter and determined that this enforcement action is in the public interest.

6. At all times material hereto, Defendant, a/k/a Demon Moon, d/b/a katrinahelp.com, katrinadonations.com, katrinarelief.com, katrinarelieffund.com, and other web sites and assumed names unknown at this time, conducted business in and resided in Florida. Defendant is currently residing at 96235 Glenwood Road, Yulee, Florida 32097.

OVERVIEW

7. On August 26, 2005, Hurricane Katrina at category 1 strength hit southeast Florida's densely populated coast. Upon exiting Florida, Katrina strengthened in the warm gulf waters before packing category 4 winds on August 29th of 145 mph into the gulf coast of Louisiana, Mississippi, Alabama and the western portion of the Florida panhandle. The devastation from Hurricane Katrina and the after effects has been absolutely horrific. With hundreds declared dead and thousands without homes and in dire need of the essentials of life at the most basic levels, the need for human compassion and charitable giving to assist those affected is great.

DEFENDANT'S COURSE OF CONDUCT

8. On August 28, 2005, Defendant Robert Moneyhan, utilizing the alias of Demon Moon at a post office box in Yulee, Florida, registered at least four domain names for use with maintaining websites on the Internet. Defendant registered the following domain names for one year:

katrinahelp.com
katrinadonations.com
katrinarelief.com
katrinarelieffund.com.

9. From at least August 31, 2005, Defendant has participated in or controlled the operation of and continues to operate web sites that have solicited or may in the future solicit charitable donations. On August 31, 2005, the web site katrinahelp.com proclaimed above a large picture of Hurricane Katrina headed for the gulf coast:

“Welcome to Katrina HELP. com”
(Made necessary by Hurrigan(sic) Katrina’s devastation)
Click this ‘DONATE’ button to
share YOUR good fortune with
Hurricane Katrina’s victims.
(100% of donations used for relief purposes!)

An icon which says “DONATE” permits donations by mastercard or visa and is visible on the web page. A copy of the website is attached as Exhibit “A” hereto.

10. On August 31, 2005, the web site katrinadonations.com contained virtually identical content and solicited donations. It is believed that the other two web sites known to be registered to Defendant, katrinarelief.com and katrinarelieffund.com, contained similar content and solicited donations.

11. Pursuant to Florida law, before soliciting charitable donations, a person must file

registration documents with the Department of Agriculture and Consumer Services, Division of Consumer Services. On information and belief, Defendant has not applied for or obtained appropriate registration to permit solicitation of donations by Defendant or any of the websites that Defendant registered. On information and belief, this is not a legitimate charity and any money raised would not go to the victims.

12. Defendant has procured and maintained a Paypal account to collect payments from each of the web sites soliciting donations. Pursuant to Paypal policies and procedures, Paypal collects a fee for receiving payments of 2.9%. Defendant misrepresents “100% of donations used for relief!” By way of example, for a \$100 donation through Defendant’s web site, only \$97 could possibly be used for relief as Defendant is assessed the Paypal fee.

13. Defendant further fails to specify how the victims of Hurricane Katrina are identified and the particulars of what Defendant deems as relief.

14. As of September 1, 2005, Defendant appears to have changed the content of the web sites to attempt to sell the web site domain names to the highest bidder. It is unknown whether Defendant will change the sites at any given time to again deceptively and unfairly solicit funds to Defendant’s paypal accounts or otherwise to his benefit.

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

15. Paragraphs 1 to 14 are hereby realleged and incorporated herein by reference, as if fully set forth below.

16. Section 501.204(1), Florida Statutes, provides that “Unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the

conduct of any trade or commerce are hereby declared unlawful.”

17. As set forth herein, Defendant, acting individually or in concert with others, has engaged in representations, acts, practices or omissions in trade or commerce which are material, and which are likely to mislead consumers acting reasonably under the circumstances; or Defendant has engaged in acts or practices in trade or commerce which offend established public policy and are unethical, oppressive, unscrupulous or substantially injurious to consumers.

18. By engaging in the foregoing, Defendant has engaged in deceptive and unfair trade practices in violation of Section 501.204, Florida Statutes.

19. Defendant knew or should have known that the methods, acts or practices alleged herein were deceptive or unfair.

20. Unless Defendant is permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendant will result in irreparable injury to the public, for which there is no adequate remedy at law.

COUNT II
DECEPTIVE AND UNFAIR TRADE PRACTICES
CONDUCT VIOLATING CHAPTER 496, FLORIDA STATUTES
VIOLATES CHAPTER 501, PART II, FLORIDA STATUTES

21. Paragraphs 1 to 14 are hereby realleged and incorporated herein by reference, as if fully set forth below.

22. As alleged in paragraphs 8-14, Defendant, acting individually or in concert with others, has solicited or attempted to solicit and obtain donations from Defendant registered and controlled web sites under the guise of relief for Hurricane Katrina victims, without applying for or obtaining registration pursuant to Section 496.405, Florida Statutes. On

information and belief, Defendant failed to file a registration statement required by Section 496.405 (1).

23. Section 496.405(1)(a), Florida Statutes, requires registration and provides:

A charitable organization or sponsor, unless exempted pursuant to s. 496.406, which intends to solicit contributions in this state by any means or have funds solicited on its behalf by any person, charitable organization, sponsor, commercial co-venturer, or professional solicitor, or that participates in a charitable sales promotion or sponsor sales promotion, must, prior to engaging in any of these activities, file an annual registration statement, and a renewal statement annually thereafter, with the department.

24. Pursuant to Section 496.416, Florida Statutes, “any person who commits an act or practice that violates any provision of ss. 496.401-496.424 commits an unfair or deceptive practice in violation of chapter 501, part II, and is subject to the penalties and remedies provided for such violation.”

25. Section 501.203(3)(c), Florida Statutes, states that a violation of Chapter 501, Part II, may be based on a violation of any law which proscribes a deceptive act or practice.

26. Defendant, acting individually or in concert with others, has engaged in representations, acts, practices or omissions in trade or commerce which are material, and which are likely to mislead consumers acting reasonably under the circumstances; or Defendant has engaged in acts or practices in trade or commerce which offend established public policy and are unethical, oppressive, unscrupulous or substantially injurious to consumers.

27. By engaging in the foregoing activities in violation of Section 496.405, Florida Statutes, Defendant has engaged in deceptive and unfair trade practices in violation of Section 501.204, Florida Statutes.

28. Defendant knew or should have known that the methods, acts or practices alleged herein were deceptive or unfair.

29. Unless Defendant is permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendant will result in irreparable injury to the public, for which there is no adequate remedy at law.

COUNT III
DECEPTIVE AND UNFAIR TRADE PRACTICES
CONDUCT VIOLATING CHAPTER 817, FLORIDA STATUTES
VIOLATES CHAPTER 501, PART II, FLORIDA STATUTES

30. Paragraphs 1 to 14 are hereby realleged and incorporated herein by reference, as if fully set forth below.

31. As alleged in paragraphs 8-12, Defendant, acting individually or in concert with others, has solicited or attempted to solicit and obtain donations from Defendant registered and controlled web sites under the guise of relief for Hurricane Katrina victims, by assuring “100% of ALL donations used for relief!” In fact, 100% of the donations cannot be used as represented as a Paypal fee is deducted from the donation and less than 100% of any such donation would be remitted to Defendant for disbursement under his control.

32. Section 817.41(1), Florida Statutes, provides:

It shall be unlawful for any person to make or disseminate or cause to be disseminated before the general public of the state, or any portion thereof, any misleading advertisement. Such making or dissemination of misleading advertisement shall constitute and is hereby declared to be fraudulent and unlawful, designed and intended for obtaining money or property under false pretenses.

33. By undertaking the activities and practices set forth herein, Defendant made or

disseminated, or caused to be disseminated, before the general public of Florida, or any portion thereof, misleading advertising, in violation of Section 817.41(1), Florida Statutes. Such making or dissemination of misleading advertisements is fraudulent and unlawful, and designed and intended for obtaining money or property under false pretenses.

34. Section 501.203(3)(c), Florida Statutes, states that a violation of Chapter 501, Part II, may be based on a violation of any law which proscribes a deceptive act or practice.

35. Defendant, acting individually or in concert with others, has engaged in representations, acts, practices or omissions in trade or commerce which are material, and which are likely to mislead consumers acting reasonably under the circumstances; or Defendant has engaged in acts or practices in trade or commerce which offend established public policy and are unethical, oppressive, unscrupulous or substantially injurious to consumers.

36. By engaging in the foregoing activities in violation of Section 817.41, Florida Statutes, Defendant has engaged in deceptive and unfair trade practices in violation of Section 501.204, Florida Statutes.

37. Defendant knew or should have known that the methods, acts or practices alleged herein were deceptive or unfair.

38. Unless Defendant is permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendant will result in irreparable injury to the public, for which there is no adequate remedy at law

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, State of Florida, Department of Legal Affairs,
Office of the Attorney General, asks for judgment:

- A. Temporarily and permanently enjoining Defendant, his agents and those persons in active concert or participation with him who receive actual notice of the injunction, from engaging in the acts and practices in violation of provisions of Chapter 501, Part II, Florida Statutes (2004), as specifically alleged above, and any similar acts and practices;
- B. Awarding the Attorney General attorney's fees and costs pursuant Section 501.2105, Florida Statutes;
- C. Assessing against Defendant, civil penalties in the amount of Ten Thousand Dollars (\$10,000) for each violation of Chapter 501, Part II, Florida Statutes, in accordance with Section 501.2075, Florida Statutes; and Fifteen Thousand Dollars (\$15,000) for each such violation that victimizes, or attempts to victimize, a senior citizen or handicapped person, in accordance with Section 501.2077, Florida Statutes. (2004).
- D. Awarding restitution for consumers injured by Defendant.
- E. Requiring that Defendant disgorge all revenues, and all interest or proceeds derived therefrom, generated as a result of the unconscionable, unfair and deceptive practices set forth in this complaint;
- F. In Granting Injunctive Relief, enjoining Defendant from forming a business or organizational identity as a method of avoiding the terms and conditions of the Injunction; requiring Defendant to disclose the terms and conditions of the Injunction to all officers, employees, representatives, agents, successors, assigns, or any other person who acts under or who will act under, by, through, or on behalf of Defendant engaged in any activity involving solicitation of donations through commercial e-mail, instant messaging, or any internet

promotion for a period of 2 years; and:

(1) Appointing a Receiver over Defendant's assets and property, and providing for the liquidation of assets (a) procured through monies obtained through unlawful activities, or (b) procured through financing obtained in reliance on assets, revenues, draws, or income derived through unlawful means.

(2) Freezing Defendant's assets, except as provided by the Court; and

(3) Temporarily enjoining Defendant from transferring an interest in or title to real estate located in Florida, unless Defendant provides 60 days notice to the Court and the parties of intent to transfer such an interest or title and 10 days notice of closing on the sale or transfer of any such interest in property.

G. Declaring the practices described in this complaint unlawful; and

H. Granting such other relief as this court deems just and proper.

Respectfully submitted,

CHARLES J. CRIST, JR.
ATTORNEY GENERAL

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