

STATE OF RHODE ISLAND  
PROVIDENCE, SC


SUPERIOR COURT

A. MICHAEL MARQUES, IN HIS :  
CAPACITY AS DIRECTOR OF THE :  
RHODE ISLAND DEPARTMENT OF :  
BUSINESS REGULATION, :  
 :  
 :  
 PLAINTIFF, :  
 :  
 :  
 V. :  
 :  
 :  
 INFINITY MARKETING FIRM AND :  
 MARK HEMPHILL, PATRICK KANE, :  
 EUGENE ZAYDES, SHELDON LUTHER, :  
 MARGARET DUNPHY, GERALD AUBIN :  
 AND LYLE LOHSE, :  
 :  
 :  
DEFENDANTS. :

C.A. NO. 08-7671

**FINAL ORDER**

This matter came before the Court on June 25, 2009, the Honorable Justice Silverstein presiding, on the Department of Business Regulation's ("DBR") Amended Verified Complaint Seeking Emergency Injunctive and Other Relief and Motion to Adjudge in Civil Contempt. This Order re-states the terms of the Stipulations/Orders entered on: December 5, 2008, December 12, 2008, January 12, 2009, and February 11, 2009, delineates the terms agreed upon by all defendants, and shall enter as a final order in this action. After consideration of the issues and by agreement of the parties, it is hereby:

True Copy Attest  
  
 Office of Clerk of Superior Court  
 Counties of Providence & Bristol  
 Providence, Rhode Island

**ORDERED, ADJUDGED AND DECREED**

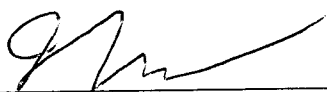
1. On December 11, 2008, this Court found that:
  - a. Defendant Hemphill and Defendant IMF have been acting as a Professional Fundraiser as defined in R.I. Gen. Laws § 5-53.1-1 in blatant disregard of the requirements of R.I. Gen. Laws § 5-53.1-1 *et seq.*
  - b. Defendant Hemphill and Defendant IMF acted in violation of R.I. Gen. Laws §§ 5-53.1-8(b) and 42-14-11 and in contempt due to their failure to acknowledge or comply with the DBR administrative subpoena served upon Defendants on December 4, 2008 at 225 Newman Avenue in Rumford, Rhode Island (“Administrative Subpoena”).
2. It is the DBR’s position that Defendants have not fully complied with the Administrative Subpoena and violated R.I. Gen. Laws §§ 5-53.1-1 *et seq.* and 42-14-11.
3. It is the DBR’s position that Defendants committed perjury in this proceeding and tampered with documents and computers after the entry of the December 11, 2009 Order and had the matter proceeded to hearing, the DBR would have proven the elements necessary to establish perjury and contempt of the Superior Court’s order.
4. Defendants Kane, Hemphill, and Infinity Marketing Firm acknowledge the asserted violations in this proceeding, but are electing not to pursue a legal challenge.
5. All Defendants shall permanently cease and desist from engaging in any activity requiring registration or licensure by the DBR;
6. The DBR will return all computers to Defendants Kane and Hemphill.
7. In consideration for the Defendants agreeing to a permanent cease and desist of any activities in Rhode Island requiring licensing and/or registration by the DBR, the DBR agrees that this Order shall conclude this civil action.

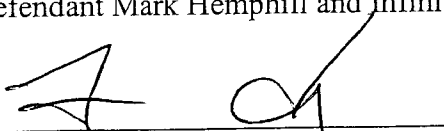
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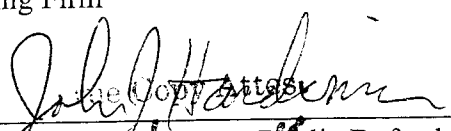
*[Handwritten Signature]*  
Office of Clerk of Superior Court  
Counties of Providence & Bristol  
Providence, Rhode Island

8. Any further violation of this Order will result in a referral to the Office of the Attorney General with a recommendation for prosecution under all applicable statutes.
9. It is the DBR's position that had the hearing in this matter concluded, the DBR would have established statutory violations of R.I. Gen. Laws § 5-53.1-1 *et seq.* supporting potential maximum administrative penalties of approximately \$116,000 against Defendants Mark Hemphill and Patrick Kane. This administrative penalty shall be deferred and said deferrance conditioned upon Defendant Hemphill and Defendant Kane complying with the terms of this Order. Should Defendants violate the terms of this Order, the DBR reserves its right to pursue said administrative penalty in the Superior Court with Notice and Hearing to Defendants Hemphill and Kane.
10. Should any of the Defendants violate any provision of this Order or any statute or regulation under the jurisdiction of the DBR, the DBR reserves its right to reinstate administrative or Superior Court proceedings to impose administrative penalties and/or pursue such remedies as it deems appropriate under the circumstances.
11. Defendant Gerald Aubin has been served with notice of the Amended Verified Complaint and mailed notices of all pending proceedings and has not appeared at any noticed hearing in this matter. Therefore, Defendant Gerald Aubin is defaulted and he is permanently enjoined and restrained from conducting any activity requiring registration or licensure by the DBR.
12. The DBR was unable to locate and properly serve Defendant Sheldon Luther. The tenant at 13 Orchard Street in East Providence, RI 02914 informed the Sheriff that Defendant Luther did not reside at that address.

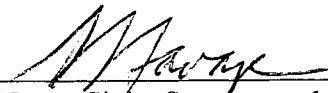
CONSENTED TO AS TO FORM AND SUBSTANCE BY:

  
 Defendant Mark Hemphill and Infinity Marketing Firm


  
 Defendant Patrick Kane

  
 John Hardiman, Esq., Public Defender  
 Counsel for Defendants Kane and Hemphill  
 Office of Clerk of Superior Court  
 Counties of Providence & Bristol  
 Providence, Rhode Island

Previously consented to by defendants (Lyle Lohse, Eugene Zaydes, Margaret Dunphy) in Order of the Court dated February 11, 2009 which is attached hereto and incorporated herein.

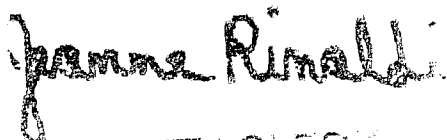
  
\_\_\_\_\_  
Neena Sinha Savage, on behalf of the  
Rhode Island Department of Business Regulation

ENTERED:

  
\_\_\_\_\_  
Judge Silverstein

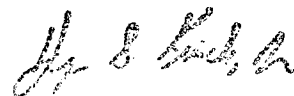
Date: 12/15/09

PER ORDER:

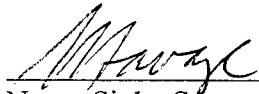
  
\_\_\_\_\_  
DEPUTY CLERK  
Clerk

Date: 12-15-09

True Copy Attest

  
Deputy Clerk of Superior Court  
Rhode Island

Presented by:  
Department of Business Regulation,  
By its attorney:



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Neena Sinha Savage (4704)  
Chief of Legal Services  
Department of Business Regulation  
1511 Pontiac Avenue  
Building 68-1  
(401) 462-9540  
(401) 462-9536 (Facsimile)

True Copy Attest:



Office of Clerk of Superior Court  
Counties of Providence & Bristol  
Providence Rhode Island