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Attorney for Plaintiff

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DAUPHIN COUNTY

IN THE COURT OF COMMON PLEAS OF
DAUPHIN COUNTY, PENNSYLVANIA
CIVIL ACTION – EQUITY

COMMONWEALTH OF PENNSYLVANIA	:	
by Attorney General MICHELLE A. HENRY	:	_____ Term, 2021
	:	
Plaintiff,	:	No. 2021-CV-5938-CV
	:	
v.	:	CIVIL ACTION – EQUITY
	:	
FL CERTIFICATE SERVICES, LLC	:	
d/b/a PA CERTIFICATE SERVICE	:	
9732 49 th Ave. N	:	
St. Petersburg, FL 33708	:	
	:	
Defendant.	:	

CONSENT PETITION FOR FINAL DECREE

AND NOW, the Commonwealth of Pennsylvania Office of Attorney General, by Attorney General Michelle A. Henry (hereinafter “Commonwealth” or “Plaintiff”), having filed a Complaint, pursuant to the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1, *et seq.* (hereinafter “Consumer Protection Law”), to restrain by permanent injunction unfair or deceptive acts or practices in the conduct of trade or commerce declared unlawful by Section 201-3 of the Consumer Protection Law, as more fully set forth in the

Complaint which is incorporated herein by reference, hereby brings this joint Consent Petition for a Final Decree as to all parties and, in support thereof, states the following:

PARTIES

WHEREAS, the Petitioner is the Commonwealth of Pennsylvania Office of Attorney General, by Attorney General Michelle A. Henry, with offices located at Strawberry Square, 15th Floor, Harrisburg, Pennsylvania 17120.

WHEREAS, Defendant FL Certificate Services, LLC d/b/a PA Certificate Service (herein "PA Certificate" or "Defendant") is a Florida limited liability company with an address of 9732 49th Avenue North, St. Petersburg, Florida 33708.

BACKGROUND

WHEREAS, on July 13, 2021 the Commonwealth filed the above-captioned three (3) count civil action in equity against Defendant, which is incorporated herein by reference pursuant to Rule 1019(g) of the Pennsylvania Rules of Civil Procedure.

WHEREAS, Defendant has been alleged to have violated the Consumer Protection Law in the manner set forth in the Complaint by misleading Pennsylvania entities and individuals into purchasing services of negligible value by imitating a Commonwealth agency as well as by violating the Fictitious Names Act, 54 Pa.C.S. §§ 301, *et seq.*

WHEREAS, the Defendant is desirous of complying with the laws of the Commonwealth and the provisions of this Consent Petition, and have executed this Consent Petition with the intent that upon approval of the Court, the provisions of this Consent Petition shall constitute a Final Decree of the Court with respect to these parties to this Consent Petition.

WHEREAS, the Defendant agrees to cease and desist from engaging in any of the matters alleged by the Commonwealth to be unlawful in its Complaint by consenting to the provisions set forth herein.

WHEREAS, the parties to this Consent Petition are agreeable in the matter to accept this Consent Petition in lieu of proceeding with further litigation.

WHEREAS, the Defendant hereby agrees by the signing of this Consent Petition to recognize any and all obligations, liabilities, responsibilities and encumbrances as set forth in this Consent Petition.

SETTLEMENT TERMS

NOW THEREFORE, having conducted trade and commerce within the Commonwealth, the Defendant agrees, for itself, its successors, assigns and employees as follows:

I. The above recitals are incorporated herein as though fully set forth.

II. **Injunctive and Affirmative Relief**

A. Defendant is enjoined from engaging in any business within the Commonwealth of Pennsylvania.

III. **Monetary Relief**

A. Upon the Effective Date of this Consent Petition, Defendants shall be liable for and shall pay the total sum of Twenty-Seven Thousand Six Hundred Sixty-One and 50/100 Dollars (\$27,661.50) ("Required Payment") allocated as follows:

1. The sum of Six Hundred Sixty-One and 50/100 Dollars (\$661.50) in restitution which shall be distributed to Pennsylvania entities or individuals who have been harmed by the conduct of Defendants as alleged herein and previously filed a complaint with the Commonwealth. The amount, timing

and manner of distribution to Pennsylvania entities or individuals shall be in the sole discretion of the Commonwealth.

2. The sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) in Additional Restitution which shall be distributed to Pennsylvania entities or individuals in the method set forth below in Section III(B). Any excess funds shall be designated as Civil Penalties and distributed to the Commonwealth of Pennsylvania Department of Treasury or for any other purpose permitted by state law.
3. The sum of Twelve Thousand and 00/100 Dollars (\$12,000.00) to pay for the costs of investigation and which shall be distributed to the Commonwealth of Pennsylvania, Office of Attorney General and deposited into an interest bearing account from which principal and interest shall be expended for future public protection and education purposes.

B. Additional Restitution

1. Consistent with Section 201-4.1 of the Consumer Protection Law, 73 P.S. § 201-4.1, Defendant shall pay Additional Restitution in the amount of Fifteen Thousand and 00/100 Dollars (\$15,000.00) to the Commonwealth. Such Additional Restitution will comprise a fund to be administered by the Commonwealth (the "Fund") to reimburse any Pennsylvania entity or individual who submits a claim or complaint to Defendant or to the Commonwealth within ninety (90) days of the Effective Date of this Consent Petition, and:
 - a. Who submits a claim or complaint that asserts that they were harmed due to the conduct of Defendant as described herein above;

b. Who provides adequate documents which supports their claim or complaint;
and

c. Whose claim is validated by the Commonwealth.

2. Any claim or complaint that is postmarked by the ninetieth (90th) day following the Effective Date shall be deemed timely. Copies of any and all complaints or requests made directly to Defendant shall be forwarded to the Commonwealth to:

Pennsylvania Office of Attorney General
Mark W. Wolfe, Deputy Attorney General
15th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120

3. Defendant agrees to fully cooperate with the Commonwealth and shall supply the Commonwealth with any and all information and documents requested by the Commonwealth within twenty (20) days of the request, with regard to any Pennsylvania entity or individual who submits a complaint within the aforementioned period.
4. The determination of whether a Pennsylvania entity or individual shall receive Additional Restitution hereunder, the amount of any such Additional Restitution to be paid to such entity or individual(s) and the timing and manner of payments shall be within the sole discretion of the Commonwealth.
5. Following the conclusion of the ninetieth (90th) day following the Effective Date, the Additional Restitution may be distributed from the Fund *pro rata*, if necessary, to each Pennsylvania entity or individual which has submitted a validated claim.
6. Should Additional Restitution remain in the Fund after every validated claim is paid in full, the remainder shall be redesignated as a Civil Penalty pursuant to Section 201-8 of the Consumer Protection Law, 73 P.S. § 201-8, and distributed to the

Commonwealth of Pennsylvania Department of Treasury or for any other purpose permitted by state law.

- C. Payment Terms: Defendant shall make all payments by certified check or money order, made payable to the Commonwealth of Pennsylvania, Office of Attorney General, and forwarded to Mark W. Wolfe, Deputy Attorney General, Strawberry Square, 15th Floor, Harrisburg, Pennsylvania 17120.

IV. Miscellaneous Terms

- A. Royce Wedge, as Member of FL Certificate Services, LLC d/b/a PA Certificate Service, hereby states that he is authorized to enter into this Consent Petition on behalf of Defendant and that his signature on this document binds Defendant to all terms herein.
- B. Defendant hereby states and acknowledges that it has had the representation, advice and counsel of an attorney of their choosing regarding the negotiation and execution of this Consent Petition.
- C. The "Effective Date" of this Consent Petition shall be the date that this Court enters an Order approving the terms of this Consent Petition.
- D. This Consent Petition may be executed in any number of counterparts and by different signatories on separate counterparts, each of which shall constitute an original counterpart hereof and all of which together shall constitute one and the same document. One or more counterparts of this Consent Petition may be delivered by facsimile or email with the intent that it or they shall constitute an original counterpart thereof.

- E. This Consent Petition sets forth all of the promises, covenants, agreements, conditions and understandings between the parties, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, express or implied. There are no representations, arrangements or understandings, oral or written, between the parties relating to the subject matter of this Consent Petition that are not fully expressed herein or attached hereto. Each party specifically warrants that this Consent Petition is executed without reliance upon any statement or representation by any other party hereto, except as expressly stated herein.
- F. Defendant further agrees to execute and deliver all authorizations, documents and instruments which are necessary to carry out the terms and conditions of this Consent Petition, whether required prior to, contemporaneous with or subsequent to the Effective Date.
- G. Defendant shall not, directly or indirectly, form a separate entity or corporation for the purpose of engaging in acts prohibited by this Consent Petition or for the purpose of circumventing this Consent Petition.
- H. If any clause, provision or section of this Consent Petition shall, for any reason, be held illegal, invalid or unenforceable, such illegality, invalidity or unenforceability shall not affect any other clause, provision or section of this Consent Petition and this Consent Petition shall be construed and enforced as if such illegal, invalid or unenforceable clause, section or other provision had not been contained herein.
- I. The Court of Common Pleas of Dauphin County shall maintain jurisdiction over the subject matter of this Consent Petition and over the Defendant for the purpose of enforcement of the terms of this Consent Petition and Final Decree.

- J. Any failure of the Commonwealth to exercise any of its rights under this Consent Petition shall not constitute a waiver of its rights hereunder.
- K. The parties stipulate that the Final Decree, Order or Judgment to be issued pursuant to this Consent Petition shall act as a permanent injunction issued pursuant to Section 201-4 of the Consumer Protection Law and Defendant agrees by signing this Consent Petition that Defendant shall abide by each of the aforementioned provisions and that breach of any one of these terms shall be sufficient warrant for the Commonwealth of Pennsylvania to seek penalties provided for under Section 201-8(a) of the Consumer Protection Law, 73 P.S. § 201-8(a), and to seek any other equitable relief that the Court deems necessary and proper, up to and including forfeiture of the right to engage in trade or commerce in the Commonwealth of Pennsylvania.
- L. Nothing contained in this Consent Petition shall be construed to waive or limit any right of action by any consumer, person or entity, or by any local, state, federal or governmental entity, nor shall it be construed to waive or limit any right of Defendant to raise in response any available defense or claim to said actions, including those that would have been available in the underlying action.
- M. Defendant understands and agrees that if it has made any false statement in or related to this Consent Petition, that such statement is made pursuant to and under penalty of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.
- N. The parties hereto further acknowledge and agree that this Consent Petition is subject to and contingent upon this Consent Petition and/or the agreements

contained herein being approved by the Court of Common Pleas of Dauphin County entered as a Final Decree, Order or Judgment.

- O. Time is of the essence with regard to Defendant's obligations hereunder.
- P. Defendant shall not represent or imply that the Commonwealth acquiesces in or approves of Defendant's past or current business practices, efforts to improve their practices or any future practices that Defendant may adopt.

WHEREFORE, the Defendant agrees to the signing of this Consent Petition and by the entry of the Court's Order approving its terms that Defendant shall be permanently enjoined from breaching any and all of the aforementioned provisions.

WE HEREBY consent to this Consent Petition for Final Decree and submit the same to this Honorable Court for making an entry of a Final Order of the Court.

[SIGNATURES ON SUBSEQUENT PAGES]

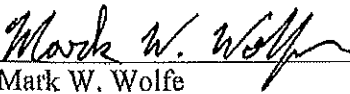
For the Plaintiff:

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

MICHELLE A. HENRY
ATTORNEY GENERAL

Date: 6/16/23

By:



Mark W. Wolfe

Deputy Attorney General

PA Attorney ID No. 327807

Commonwealth of Pennsylvania

Office of Attorney General

Strawberry Square, 15th Floor

Harrisburg, Pennsylvania 17120

Telephone: (717) 772-3558

Facsimile: (717) 705-3795

Email: mwolfe@attorneygeneral.gov

Attorney for Plaintiff

For the Defendant:

**FL CERTIFICATE SERVICES, LLC
d/b/a PA CERTIFICATE SERVICE**

Date: 4-25-23

By: 

Royce Wedge
Member, FL Certificate Services, LLC
d/b/a PA Certificate Service
9732 49th Ave. N.
St. Petersburg, Florida 33708

Date: 4-25-23

By: 

Christopher Carusone, Esq.
Cohen Segalias Pallas Greenhall & Furman PC
525 William Penn Place, Suite 3005
Pittsburgh, PA 15219
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF
DAUPHIN COUNTY, PENNSYLVANIA
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COMMONWEALTH OF PENNSYLVANIA	:	
by Attorney General MICHELLE A. HENRY	:	Term, 2021
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d/b/a PA CERTIFICATE SERVICE	:	
9732 49 th Ave. N	:	
St. Petersburg, FL 33708	:	
	:	
Defendant.	:	

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: 6/16/23

By: Mark W. Wolfe
Mark W. Wolfe
Deputy Attorney General
PA Attorney ID No. 327807
Commonwealth of Pennsylvania
Office of Attorney General
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Harrisburg, Pennsylvania 17120
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Attorney for Plaintiff

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d/b/a PA CERTIFICATE SERVICE	:	
9732 49 th Ave. N	:	
St. Petersburg, FL 33708	:	
	:	
Defendant,	:	
	:	

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiff hereby certifies that a copy of the Consent Petition for Final Decree was sent via United States Mail and email on the date indicated below to counsel for the Defendant at the addresses listed below:

Christopher Carusone, Esq.
Cohen Seglias Pallas Greenhall & Furman PC
525 Penn Place, Suite 3005
Pittsburgh, PA 15219
ccarusone@cohenseglias.com
Attorney for Defendant

Date: 6/16/23

By: Mark W. Wolfe
Mark W. Wolfe
Deputy Attorney General
PA Attorney ID No. 327807
Commonwealth of Pennsylvania
Office of Attorney General
Strawberry Square, 15th Floor
Harrisburg, Pennsylvania 17120
Telephone: (717) 772-3558
Facsimile: (717) 705-3795
Email: mwolfe@attorneygeneral.gov
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA
by Attorney General **MICHELLE A. HENRY**

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Defendant.

CIVIL ACTION – EQUITY

AND NOW, this _____ day of _____, 2023, the attached Consent Petition agreed to by counsel and all parties is hereby entered as the **ORDER** and **FINAL DECREE** of this Honorable Court.

BY THE COURT:

, J.

DISTRIBUTION LEGEND

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Attorney for Plaintiff

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Attorney for Defendant