

SUMMONS - CIVIL

JD-CV-1 Rev. 2-13
C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov

See page 2 for instructions

- "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350) 95 Washington Street, Hartford, 06106		Telephone number of clerk (with area code) (860) 548-2700	Return Date (Must be a Tuesday) February 18, 2014 <small>Month Day Year</small>
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session	G.A. Number: <input type="checkbox"/>	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349) Hartford	Case type code (See list on page 2) Major: M Minor: 90

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code) Gary W. Hawes, AAG, Office of the Attorney General, 55 Elm Street, Hartford, 06106	Juris number (to be entered by attorney only) 415091
Telephone number (with area code) (860) 808-5020	Signature of Plaintiff (If self-represented)

Number of Plaintiffs: **2** Number of Defendants: **1** Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: State of Connecticut Address: Office of Attorney General, 55 Elm Street, P.O. Box 120, Hartford, CT 06141-0120	P-01
Additional Plaintiff	Name: Jepsen, George, Attorney General Address: Office of the Attorney General, 55 Elm Street, P.O. Box 120, Hartford, CT 06141-0120	P-02
First Defendant	Name: Hurley-Carter, Muriel Address: 289 Ridgefield Street, Hartford, CT 06112	D-01
Additional Defendant	Name: Address:	D-02
Additional Defendant	Name: Address:	D-03
Additional Defendant	Name: Address:	D-04

Notice to Each Defendant

- YOU ARE BEING SUED.** This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
- To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
- If you have questions about the Summons and Complaint, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signed (Sign and "X" proper box) 	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of Person Signing at Left Gary W. Hawes	Date signed 01/21/2014
If this Summons is signed by a Clerk: a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law. c. The Clerk is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.			For Court Use Only File Date
I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	
Name and address of person recognized to prosecute in the amount of \$250			
Signed (Official taking recognizance; "X" proper box)	<input type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Date	Docket Number

RETURN DATE: FEBRUARY 18, 2014

STATE OF CONNECTICUT and GEORGE	:	SUPERIOR COURT
JEPSEN, ATTORNEY GENERAL	:	
<i>Plaintiffs</i>	:	JUDICIAL DISTRICT OF HARTFORD
	:	
v.	:	
	:	
MURIEL HURLEY-CARTER	:	
<i>Defendant</i>	:	JANUARY 21, 2014

COMPLAINT

COUNT ONE

1. The plaintiff for Count One is the State of Connecticut, represented by George Jepsen, Attorney General, acting at the request of William M. Rubenstein, Commissioner of Consumer Protection, pursuant to the Solicitation of Charitable Funds Act (“SCFA”), Chapter 419d of the Connecticut General Statutes, more particularly, Connecticut General Statutes § 21a-190(b), to secure injunctive relief against the defendant, Muriel Hurley-Carter (hereinafter, “Hurley-Carter”), that enjoins her from any further violations of Connecticut General Statutes § 21a-190h, and to obtain appropriate equitable relief, including, but not limited to, relief as is necessary to disgorge any and all profits retained by the defendant and/or to repay any and all misused funds as a result of her wrongful conduct described more fully hereafter.

2. The defendant Hurley-Carter was Executive Director of Doc Hurley Scholarship Foundation, Inc. (the “DHSF”) for the time period in question, but at least from January 1, 1999, to the present. During this entire time period, Hurley-Carter was engaged in the conduct of the affairs of DHSF and was a signatory on DHSF’s financial accounts.

3. At all times relevant herein, DHSF was a Connecticut nonstock corporation, which was incorporated on July 7, 1989, and was granted § 501(c)(3) tax-exempt status on October 3, 1989. DHSF's current main office is located at 289 Ridgefield Street, Hartford, Connecticut, the private residence of Hurley-Carter. DHSF's tax-exempt status was revoked on May 15, 2011, and its charities registration with the Department of Consumer Protection lapsed on May 31, 2007.

4. DHSF was a charitable organization, as that term is defined by Conn. Gen. Stat. § 21a-190a(1) of the SCFA, created to provide scholarships to Hartford area high school graduates and high school graduates who participated in the annual Doc Hurley Basketball Classic.

5. DHSF received charitable gifts and grants to use exclusively for its charitable purposes. Most importantly, on or about 1999 and 2000, DHSF received more than \$1.5 million in charitable donations from the Hartford community and corporate donors as a part of its Legacy Campaign. The Legacy Campaign was to provide the DHSF an endowment that would secure the scholarship program and the Foundation for the long-term.

6. At all times relevant herein, Hurley-Carter was the Executive Director of DHSF, a signatory on the Foundation's Webster accounts, and an ex officio board member. In those capacities, she personally controlled, directed, participated in, and/or had knowledge of the acts and practices set forth herein, including control over and access to the Foundation's financial account and had a fiduciary duty to both the public and DHSF to ensure that funds donated for DHSF's charitable or public purposes were used for those purposes.

7. On numerous occasions beginning on or about, but no later than, January 1, 2007, Hurley-Carter engaged in financial transactions that were not related to the accomplishment of DHSF's charitable purposes, that jeopardized or interfered with the ability of DHSF to accomplish its charitable purposes, and/or that put her own best interests before those of DHSF and the beneficiaries of DHSF's programs. In addition, Hurley-Carter appropriated the Foundation's charitable funds for private use.

8. Hurley-Carter's course of wrongful conduct as alleged herein includes, but is not limited to:

- a. the over-the-counter withdrawal of cash from the Foundation's accounts, where there are no records showing that such funds were used for charitable purposes;
- b. the use of DHSF's charitable funds for the payment of personal credit card balances; and
- c. the use of DHSF's charitable funds for the payment of personal pet expenses.

9. Hurley-Carter's wrongful conduct as alleged herein violates Conn. Gen. Stat. §§ 21a-190h(3) and (14).

COUNT TWO (Solicitation of Charitable Funds Act, Conn. Gen. Stat. § 21a-190(d))

1-9. Paragraphs 1 through 9 of Count One are incorporated as paragraphs 1 through 9 of Count Two as if more fully set forth herein.

10. Hurley-Carter engaged in the conduct alleged herein when she knew or should have known that her conduct was in violation of Conn. Gen. Stat. §§ 21a-190h(3) and (14).

11. Pursuant to Connecticut General Statutes § 21a-190(d), Hurley-Carter is liable for civil penalties of not more than two thousand five hundred dollars (\$2,500.00) for each of her aforesaid violations.

12. Each and every financial transaction in violation of §§ 21a-190h(3) and (14) constitutes a separate willful violation for the purposes of § 21a-190(d).

COUNT THREE (Statute of Charitable Trusts, Conn. Gen. Stat. § 45a-514, Statute of Charitable Uses, Conn. Gen. Stat. § 47-2, and Fiduciary Duty of Loyalty)

1. The plaintiff for Count Three is George Jepsen, Attorney General of the State of Connecticut, acting pursuant to Conn. Gen. Stat. § 3-125, which requires him to “represent the public interest in the protection of any gifts, legacies or devises intended for public or charitable purposes.”

2-8. Paragraphs 2 through 8 of Count One are incorporated as paragraphs 2 through 8 of Count Three as if more fully set forth herein.

9. Connecticut law requires that any asset intended for public or charitable use or any bequests held as a charitable trust shall forever remain to the uses and purposes to which such asset was granted according to the true intent and meaning of the grantor and to no other use. *See* the Statute of Charitable Trusts, Conn. Gen. Stat. § 45a-514, and the Statute of Charitable Uses, Conn. Gen. Stat. § 47-2.

10. Hurley-Carter’s course of wrongful conduct as set forth herein constitutes a breach of her fiduciary duty to DHSF and to the public in violation of the Statute of Charitable

Trusts, Conn. Gen. Stat. § 45a-514, the Statute of Charitable Uses, Conn. Gen. Stat. § 47-2, and a fiduciary's duty of loyalty, all of which has resulted in the diversion of charitable funds from the charitable purposes intended by the donors.

11. This conduct may be remedied by an action brought by the Attorney General as representative of the public's interest in the protection of gifts intended for charitable or public purposes.

PRAYER FOR RELIEF

WHEREFORE, the plaintiffs pray for the following relief:

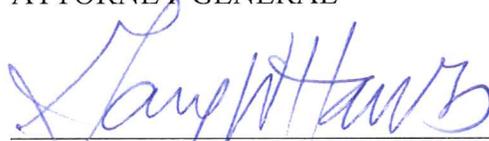
1. An order, pursuant to Conn. Gen. Stat. § 21a-190l(b) and the court's equitable jurisdiction, permanently enjoining the defendants from further violations of Conn. Gen. Stat. §§ 21a-190h, 45a-514, and 47-2.
2. An order, pursuant to Conn. Gen. Stat. § 21a-190l(b) and the court's equitable jurisdiction, permanently enjoining the defendant Hurley-Carter from holding any office, directorship, trusteeship, or position of employment or any other association with any charitable organization in Connecticut where she will have control of the funds of the organization or authorization over the disbursement of such funds.
3. An order, pursuant to Conn. Gen. Stat. § 21a-190l(b) and the court's equitable jurisdiction, disgorging any and all gains and/or profits retained by the defendant Hurley-Carter as a result of her wrongful conduct.
4. An order, pursuant to Conn. Gen. Stat. § 21a-190l(d) for civil penalties of not more than two thousand five hundred dollars (\$2,500) for each wilful violation of Conn. Gen. Stat. 21a-190h.
5. Such other relief as the Court deems necessary.

The amount, legal interest or property in demand is more than \$15,000, exclusive of costs.

PLAINTIFFS

STATE OF CONNECTICUT

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ATTORNEY GENERAL



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