

1 TERRY GODDARD
2 Attorney General
3 Firm Bar No. 14000
4 Noreen R. Matts
5 Assistant Attorney General
6 State Bar No. # 10363
7 noreen. matts@azag.gov
8 Consumer Protection & Advocacy Section
9 400 W. Congress, South Bldg., Suite 315
10 Tucson, Arizona 85701-1367
11 Telephone: (520) 628-6504
12 Pima County Computer No. 36732
13 Attorneys for Plaintiff

ARIZONA SUPERIOR COURT

COUNTY OF PIMA

11 State of Arizona, ex rel. Terry Goddard, Attorney
12 General,

13 Plaintiff,

14 vs.

15 AZI Rent2Own L.L.C. dba Arizona Investments
16 and dba AZI; Anthony Zandonatti and Mrs. Jane
17 Doe Zandonatti; Andrew T. Silverstein and Mrs.
18 Jane Doe Silverstein; Andrew Silverstein
19 P.L.L.C.; VinLan Ventures Inc. dba RE/MAX All
20 Executives; Vince Volpe P.C.; Vincent R. Volpe
21 and Mrs. Jane Doe Volpe; Tucson Mortgage
22 Company L.L.C.; WGA Enterprises, L.L.C.;
23 William Anastopoulos and Mrs. Jane Doe
24 Anastopoulos; Dave L. Klein and Mrs. Jane Doe
25 Klein; Thomas S. Piazza and Mrs. Jane Doe
26 Piazza; Amaury Leon and Mrs. Jane Doe Leon;
27 Daren Breen and Mrs. Jane Doe Breen; RTO
28 Search.com; and Does 1-25,

Defendants.

No. C20076497

JOINT MOTION TO ENTER
CONSENT JUDGMENT

Assigned to the Hon. Virginia Kelly
(Division 3)

24 The parties listed below, by and through undersigned counsel, respectfully
25 move this Court to enter an Order Re: Consent Judgment, a copy of which is filed
26 contemporaneously herewith.

27 1. The State of Arizona filed a complaint alleging violations of A.R.S. § 44-
28 1521 *et seq.*, the Arizona Consumer Fraud Act. Defendants Andrew T. Silverstein;

1 Andrew Silverstein P.L.L.C.; VinLan Ventures Inc. dba RE/MAX All Executives; and
2 Vincent R. Volpe ("Defendants") who are aware of their right to a trial in this matter
3 and, after consultation with their counsel, have waived that right; admit the jurisdiction
4 of this Court over the subject matter and the parties for the purpose of entry of this
5 Consent Judgment; and acknowledge that jurisdiction is retained by the Court for the
6 purpose of enforcement of this Consent Judgment.

7 (A) Defendants have agreed to a voluntary compromise of disputed claims,
8 and the State of Arizona and Defendants have agreed on a basis for the settlement of
9 these matters in dispute.

10 (B) This Consent Judgment neither constitutes an admission for any purpose
11 or a violation of any state or federal civil or criminal law, rule or regulation, nor does this
12 Consent Judgment constitute evidence of any liability. This Consent Judgment is
13 made without trial or adjudication of any issues of fact or law or finding of liability of any
14 kind.

15 (C) Defendants recognize and state that they enter into this Consent
16 Judgment voluntarily and that neither the Office of the Attorney General nor any of its
17 members has made threats or promises to induce these Defendants to enter into this
18 Consent Judgment.

19 APPLICATION

20 2. This Order applies to the Defendants Andrew T. Silverstein; to Andrew
21 Silverstein P.L.L.C.; to Vincent R. Volpe; and to VinLan Ventures Inc. dba RE/MAX All
22 Executives and to Defendants' past, current and future principals, owners, members,
23 officers, directors, assigns, successors, managerial or supervisory employees, and to
24 any employees or agents having responsibilities concerning the subject matter of this
25 Order.

26 3. The State dismisses this action with prejudice as to Defendants Vince
27 Volpe P.C.; Jane Doe Volpe, who is divorced from Vincent R. Volpe; and Jane Doe
28 Silverstein, who was either never married to or is divorced from Andrew T. Silverstein.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INJUNCTION

4. Defendants shall comply with the Arizona Consumer Fraud Act, A.R.S. § 44-1521 *et seq.*, as it is currently written, or as is amended in the future.

5. Defendants shall neither represent nor imply that the Attorney General, the State of Arizona or any state agency has approved any of Defendants' actions or has approved any of its past, present or future business practices and Defendants are enjoined from directly or indirectly representing anything to the contrary.

6. Defendants VINCENT R. VOLPE and VINLAN VENTURES, INC. dba RE/MAX ALL EXECUTIVES shall continue to monitor multiple transactions by a single buyer purchasing properties designated as "Owner Occupied."

7. Defendants ANDREW T. SILVERSTEIN and ANDREW SILVERSTEIN P.L.L.C. are permanently prohibited from conducting business in the State of Arizona as any of the following:

- a. An escrow agent pursuant to Escrow Agents, A.R.S. § 6-801 *et seq.*, as the statute is currently written or as is amended in the future.
- b. An investor, licensee, loan originator, mortgage broker or mortgage banker as those terms are defined in Mortgage Brokers and Mortgage Bankers, ARS 6-901 *et seq.*, as this statute is currently written or as amended in the future.
- c. A licensee pursuant to Licensing, Real Estate, A.R.S. § 32-2121 *et seq.*, as the statute is currently written or as is amended in the future.
- d. A registered dealer or salesman pursuant to Securities Sales, A.R.S. § 44-1801 *et seq.*, as the statue is currently written or as is amended in the future.

/ / /
/ / /

SETTLEMENT PAYMENT/RESTITUTION

8. Defendants, ANDREW T. SILVERSTEIN; ANDREW SILVERSTEIN P.L.L.C.; VINCENT R. VOLPE; and VINLAN VENTURES, INC. dba RE/MAX ALL EXECUTIVES shall jointly and severally pay one hundred and twenty thousand dollars (\$120,000.00) to the Office of the Arizona Attorney General within two weeks of the Court's signature on the Order.

9. The State of Arizona shall deposit \$84,000 (eighty-four thousand dollars) into an interest-bearing trust account from which the State shall pay restitution as set out in paragraphs 11 through 13, below.

10. The State of Arizona shall deposit \$36,000 (thirty-six thousand dollars) into the Consumer Fraud Revolving Fund, and such funds shall be applied to consumer fraud education, investigative and enforcement operations of the consumer protection section, and attorney's fees and costs of the investigation, pursuant to A.R.S. §§ 44-1531.01 (B) and (C).

11. Within eight weeks of the Attorney General's receipt of the funds for restitution, the Attorney General shall distribute the funds by check to "Eligible Consumers" on a pro rata basis. For purposes of this Consent Judgment, Eligible Consumers are Rent-to-Own consumers who complained to the Attorney General's Office on or before June 22, 2009.

12. If a restitution check the Attorney General sends to an Eligible Consumer is undeliverable or is returned, the Attorney General's Office will exercise all due diligence in attempting to locate the Eligible Consumer in order to make restitution. After 120 days have passed from the date the Attorney General received the returned check, the restitution check will revert to the Consumer Fraud Revolving Fund for the purposes set out in Paragraph 11, above.

13. If the Eligible Consumer does not cash the restitution check he or she receives within one year of the date on the check, the restitution check will revert to the Consumer Fraud Revolving Fund for the purposes set out in Paragraph 11, above.

14. Pursuant to Ariz. Rule Civ. Proc. 54(b), the Court finds that there is no just reason for delay and directs entry of this judgment as to Defendants ANDREW T. SILVERSTEIN; ANDREW SILVERSTEIN P.L.L.C.; VINCENT R. VOLPE; and VINLAN VENTURES, INC. dba RE/MAX ALL EXECUTIVES.

DATED this _____ day of _____, 2010.


TERRY GODDARD
Attorney General

By: NOREEN R. MATTS
Assistant Attorney General
Consumer Protection & Advocacy
Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: _____
THOMAS A. STOOPS
Stoops, Denious, Wilson & Murray, P.L.C.
Counsel for Defendants Andrew T. Silverstein;
Andrew Silverstein P.L.L.C.

Date

By:  _____
DAX R. WATSON
Mack Drucker & Watson, PLLC
Attorneys for Defendants Vincent R. Volpe,
Vince R. Volpe P.C. and VinLan Ventures
Inc. dba Re/Max All Executives

3-4-10

Date

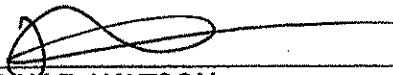
730944

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: 

THOMAS A. STOOPS
Stoops, Denious, Wilson & Murray, P.L.C.
Counsel for Defendants Andrew T. Silverstein;
Andrew Silverstein P.L.L.C.

3/5/10
Date

By: 

DAX R. WATSON
Mack Drucker & Watson, PLLC
Attorneys for Defendants Vincent R. Volpe,
Vince R. Volpe P.C. and VinLan Ventures
Inc. dba Re/Max All Executives

3-4-10
Date

730944