

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY

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

Plaintiff,

vs.

CASE NO:

2009 CA 024341 XXXXHP

FHA ALL DAY.COM, INC. a Florida Corporation;  
SAFETY FINANCIAL SERVICES, INC., a Florida Corporation;  
HOUSING ASSISTANCE LAW CENTER, PA a dissolved Florida Corporation;  
HOUSING ASSISTANCE NOW, INC., a dissolved Florida Corporation;  
JASON VITULANO, individually and as owner, officer and/or director of FHA All Day.Com,  
Inc. and as owner, officer and/or director of Safety Financial Services, Inc.

Defendants.

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COMPLAINT

Plaintiff, STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL, and DEPARTMENT OF LEGAL AFFAIRS sues Defendants, **FHA ALL DAY.COM, INC.**, a Florida Corporation, **SAFETY FINANCIAL SERVICES, INC.**, a Florida Corporation, **HOUSING ASSISTANCE LAW CENTER, PA**, a dissolved Florida Corporation, **HOUSING ASSISTANCE NOW, INC.**, a dissolved Florida Corporation and **JASON VITULANO**, individually and as owner, officer and/or director of FHA All Day.Com, Inc. and as owner, officer and/or director of Safety Financial Services, Inc., collectively referred to herein as "Defendants" and alleges:

JURISDICTION AND VENUE

1. This is an action for injunctive and other statutory relief, brought pursuant to the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Fla. Statutes (2008). Plaintiff is the enforcing authority of Florida's Deceptive and Unfair Trade Practices Act as defined in

Chapter 501, Part II, Florida Statutes, and is authorized to seek damages, injunctive and other statutory relief pursuant to this part.

2. This court has subject matter jurisdiction pursuant to the provisions of Chapter 501, Part II, Florida Statutes (2008).

3. All actions material to the complaint have occurred within four (4) years of the filing of this Action.

4. The statutory violations alleged herein occur in or affect more than one judicial circuit in the State of Florida, including Palm Beach County.

5. Venue is proper in Palm Beach County, Florida as the statutory violations alleged herein occurred in or affected more than one judicial circuit in the State of Florida, including Palm Beach and Broward County. Venue is proper in the Fifteenth Judicial Circuit as the Defendants conduct business in Palm Beach County.

#### **PLAINTIFF**

6. The Plaintiff is an “enforcing authority” of Chapter 501, Part II, Florida Statutes (2008), and is authorized to bring this action and seek injunctive relief and other statutory relief pursuant to that chapter.

7. Plaintiff has conducted an investigation of the matters alleged herein and Attorney General Bill McCollum has determined that this enforcement action serves the public interest, as required by §501.207(2), Florida Statutes (2008). The Determination of Public Interest in attached hereto as Exhibit “A.”

8. The State Attorney for Palm Beach County, Florida, has deferred to the Attorney General in writing. A true and accurate copy of the deferral letter is attached hereto as Exhibit “B.”

9. Defendants, at all times material hereto, provided goods or services as defined within Section 501.203(8), Florida Statutes (2008) within the State of Florida and Palm Beach County and Broward County.

10. Defendants, at all times material hereto, solicited consumers within the definitions of Section 501.203(7), Florida Statutes (2008).

### **DEFENDANTS**

#### ***FHA ALL DAY.COM, INC.***

11. Defendant FHA ALL DAY.COM, INC., (hereafter “FHA”) is an active Florida for-profit corporation with its principal address previously located at 1625 S CONGRESS AVE, SUITE 100 DELRAY BEACH, FLORIDA 33445 and 6453 WEST ROGERS CIRCLE, BOCA RATON, FLORIDA 33487.

12. At all times relevant to this action Defendant **FHA** marketed loan modification and foreclosure-related rescue services to homeowners and engaged in trade or commerce as defined in §501.203(8), Florida Statutes (2008).

13. At all times relevant to this action Defendant **FHA** offered services to consumers under the trade name “Financial Housing Assistance.”

14. Defendant, **FHA**, has not registered the trade name “Financial Housing Assistance” with the Florida Division of Corporations.

#### ***SAFETY FINANCIAL SERVICES, INC.***

15. Defendant, SAFETY FINANCIAL SERVICES, INC. (hereafter “SAFETY”) is an active Florida corporation with its principal address located at 1239 E NEWPORT CENTER DRIVE, 101 DEERFIELD BEACH, FL 33442.

16. At all times relevant to this action Defendant **SAFETY** marketed loan modification and foreclosure-related rescue services to homeowners and engaged in trade or commerce as defined in §501.203(8), Florida Statutes (2008).

***JASON VITULANO***

17. Defendant, Jason Vitulano (hereinafter **VITULANO**) is a natural person and is the sole owner of **FHA** and **SAFETY**.

18. As sole owner, **VITULANO**, presently and at all times material to the allegations of this Complaint, participates in, controls, or possesses the authority to control **FHA's** and **SAFETY's** acts and practices, and possess actual or constructive knowledge of all material acts and practices complained of herein.

19. At all times material, **VITULANO** received proceeds from accounts opened by Defendant, **VITULANO**, containing monies paid by consumers to **FHA** and **SAFETY**. The accounts and property of Defendant, **VITULANO**, contain proceeds of the deceptive acts and practices complained of herein.

20. **VITULANO** is registered with the Florida Department of State, Division of Corporations as both the Registered Agent and sole owner of **FHA**.

21. **VITULANO** is registered with the Florida Department of State, Division of Corporations as the sole owner of **SAFETY**.

22. Upon information and belief, Defendant, **VITULANO**, is an adult individual residing in Broward County, Florida.

***HOUSING ASSISTANCE LAW CENTER/HOUSING ASSISTANCE  
HELP/HOUSING ASSISTANCE NOW***

23. Upon closing FHA, **VITULANO**, assisted with the incorporation, opening and managing of **HOUSING ASSISTANCE LAW CENTER** and **HOUSING ASSISTANCE NOW** all located at 1239 EAST NEWPORT CENTER DR DEERFIELD BEACH FL 33442.

24. Defendant, **HOUSING ASSISTANCE LAW CENTER**, is a recently dissolved corporation with its principal place of business located at 1239 EAST NEWPORT CENTER DR DEERFIELD BEACH FL 33442.

25. Defendant, **HOUSING ASSISTANCE NOW**, is a recently dissolved for profit corporation with its principal place of business formerly listed as 15185 MICHALANGELO BLVD DELRAY BEACH FL 33446 US.

26. At all times relevant to this action Defendants, **HOUSING ASSISTANCE LAW CENTER AND HOUSING ASSISTANCE NOW** marketed loan modification and foreclosure-related rescue services to homeowners and engaged in trade or commerce as defined in §501.203(8), Florida Statutes (2008).

27. At all times material to the allegations of this Complaint, upon information and belief, **VITULANO**, participated in, controlled, or possessed the authority to control the acts and practices of, **HOUSING ASSISTANCE LAW CENTER** and **HOUSING ASSISTANCE NOW** and often solicits business by using the shortened name, **Housing Assistance**. **VITULANO** claimed or directed his employees to claim that there was a lawyer on staff, who was able to provide legal services on their loan modification, when in reality there was no in house counsel that did any legal work on the files contracted for services by **VITULANO** or his employees. Upon information and belief, **VITULANO** used **HOUSING ASSISTANCE LAW CENTER** to solicit business, divert the phone lines from **HOUSING ASSISTANCE LAW**

**CENTER** to solicit business, and essentially controlled all the acts and practices of **HOUSING ASSISTANCE LAW CENTER**.

28. At all times relevant to this action, Defendants, **VITULANO, FHA, HOUSING ASSISTANCE LAW CENTER** and **SAFETY** participated in the marketing of loan modification and foreclosure-related rescue services, to consumers in more than one county in Florida, as well as receiving funds from consumers for the implementation of the foreclosure-related rescue services.

**STATEMENT OF FACTS AND**  
**DEFENDANTS' COURSE OF CONDUCT**

29. At all pertinent times, Defendants marketed and continue to market loan modifications and foreclosure related services to homeowners in Florida and throughout the United States via telemarketing and internet advertising.

30. Commencing on a date unknown, but at least subsequent to October 1, 2008, the Defendants engaged in a systematic pattern of conduct designed and intended to induce consumers to purchase their loan modification and foreclosure related services via a series of false and fraudulent representations.

31. On a date unknown but subsequent to October 1, 2008, the Defendants solicited, charged and received payment from Florida homeowners for foreclosure-related rescue services. In return for said payments from Florida homeowners, Defendants falsely represented to Florida homeowners that Defendants would interact or otherwise work with the lenders to reduce the consumers' indebtedness and/or prevent foreclosure of the homeowners' houses.

32. Subsequent to October 1, 2008, the Defendants solicited, charged and received upfront payment from Florida homeowners for foreclosure-related rescue services in violation of F.S. § 501.1377. In return for said payments from Florida homeowners, Defendants represented to

Florida homeowners that Defendants would interact or otherwise work with the lenders to reduce the consumers' indebtedness and/or prevent foreclosure of the homeowners' houses.

33. In order to utilize Defendants' loan modification and foreclosure-related rescue services, Defendants have required hundreds of consumers/home owners to pay to Defendants an upfront fee of approximately \$2,000 each, while Defendants falsely assured the consumer efforts were being made by Defendants to obtain loan modification or other foreclosure-related rescue services for the consumer's benefit.

34. Defendants often made blatant misrepresentations to the consumers to obtain the upfront fee, by claiming they could definitely reduce their principal balance, they could definitely lower their interest rate, and claiming they could accomplish loan modification services for the consumer within 30-60 days.

35. In order to utilize Defendants' loan modification and foreclosure-related rescue services, homeowners must sign a contract for which the upfront payment is made and Defendants' claim to conduct a "forensic analysis" of the consumer's closing and mortgage documents. This "forensic analysis" is a foreclosure-related rescue service for which up-front fees are prohibited pursuant to F.S. § 501.1377.

36. Section 501.1377(3)(b), Florida Statutes (2008), prohibits any person performing foreclosure-related rescue services from imposing a fee prior to the completion of the services.

37. Subsequent to October 1, 2008, Defendants engaged or otherwise involved and/or compensated Florida licensed attorneys, to provide legal services to the homeowner clients of the Defendants.

38. Defendants' business in offering legal services to the public directly, or indirectly through Florida licensed attorneys which Defendants engage or otherwise involve and/or

compensate, constitutes the unauthorized practice of law in accordance with the principles of the Florida Supreme Court pursuant to The Florida Bar v. Consolidated Business and Legal Forms, Inc., 386 So.2d 797 (1980).

39. As a result of the Defendants' aforesaid practices, Defendants have enriched themselves from the funds of distressed Florida homeowners without the rendering of the represented services.

40. Florida Statutes, § 877.02(1) makes it unlawful for any person to make it a business to solicit or procure legal business for attorneys.

41. Defendants solicited, advertised or otherwise offered legal services to Florida homeowners for mortgage foreclosure defense and/or foreclosure-related rescue services.

42. Defendants' business includes, but is not limited to, procuring agreements and payments from homeowners for attorneys to render legal services to homeowners for mortgage foreclosure defense and/or foreclosure-related rescue services.

43. Defendants' actions as heretofore set forth constitute violations of the provisions of Florida Statutes, § 877.02(1).

44. Defendants represent to homeowners that attorneys will handle their cases although Florida licensed attorneys cannot accept referrals from the Defendants since the Defendants' lawyer referral service does not comply with the requirements of The Rules Regulating The Florida Bar, Rule 4-7.10. In re: Amendments to the Rules Regulating the Florida Bar-- Advertising, 971 So. 2d 763, 793 (2007).

45. Upon Plaintiff's information and belief, Defendants are not providing homeowners with the contracted-for services.

**COUNT I**  
**DECEPTIVE AND UNFAIR TRADE PRACTICES**



**CHAPTER 501, PART II FLORIDA STATUTES**

46. Plaintiff adopts, incorporates herein and re-alleges paragraphs 1 through 44 as if fully set forth hereinafter.

47. Chapter 501.204(1), Florida Statutes, declares that unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

48. The Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, 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.”

49. Defendants have violated and will continue to violate the Florida Deceptive and Unfair Trade Practices Act, §501.201, Florida Statutes (2008), by using deceptive and unfair practices in the in-home marketing of loan modification and foreclosure-related rescue services.

50. These above-described acts and practices of Defendants have injured and will likely continue to injure and prejudice the public.

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

**COUNT TWO**  
**VIOLATIONS OF §501.1377(3)(b), FLORIDA STATUTES**  
**VIOLATIONS INVOLVING HOMEOWNERS DURING THE COURSE OF**  
**RESIDENTIAL FORECLOSURE PROCEEDINGS**  
**VIOLATIONS OF CHAPTER 501, PART II, FLORIDA STATUTES**  
**DECEPTIVE AND UNFAIR TRADE PRACTICES**

52. The Plaintiff repeats and realleges Paragraphs 1 through 44 with the same force and effect, as it fully set forth above.

53. Section 501.1377(3)(b), Florida Statutes (2008), Violations Involving Homeowners during the Course of Residential Foreclosure Proceedings, provides that:

54. “In the course of offering or providing foreclosure-related rescue services, a foreclosure-rescue consultant may not:

55. (b) Solicit, charge, receive, or attempt to collect or secure payment, directly or indirectly, for foreclosure-related rescue services before completing or performing all services contained in the agreement for foreclosure-related rescue services.”

56. Pursuant to Section 501.1377(7), Florida Statutes (2008), “A person who violates any provision of this section commits an unfair and deceptive trade practice as defined in part II (Chapter 501 Part II, Florida Statutes) of this chapter. Violators are subject to the penalties and remedies provided in part II of this chapter, including a monetary penalty not to exceed \$15,000 per violation.”

57. As set forth in paragraphs 28 through 35 above, by charging an up-front fee to homeowners seeking foreclosure-related rescue services, Defendants have violated and will continue to violate §501.1377(3)(b) and thus have committed acts or practices in trade or commerce which offend established public policy and are unethical, unscrupulous or injurious to consumers in violation of §501.204(1), Florida Statutes, (2008).

58. These above-described acts and practices of Defendants have injured and will likely continue to injure and prejudice the public.

59. Unless the Defendants are permanently enjoined from engaging further in the acts and practices complained of herein, the continued activities of the Defendants 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, Office of the Attorney General, Department of Legal Affairs, respectfully requests that this Court grant:


1. Grant permanent injunctions against the Defendants, their officers, agents, servants, employees, attorneys and those persons in active concert or participation with the Defendants who receive actual notice of this injunction, prohibiting and enjoining such persons from doing the following acts:
  - a. Violating the provisions of Chapter 501, Part II, Florida Statutes (2008);
  - b. Violating Section 501.1377, Florida Statutes. (2008);
  - c. Engaging in any business activity or operations offering, soliciting, providing or otherwise generally dealing in or related to foreclosure and the residential and commercial real estate businesses, including but not limited to foreclosure defense, loss mitigation, debt reduction, mortgage financing, sales and/or brokerage.
2. Award actual damages to all consumers who are shown to have been injured in this action, pursuant to Section 501.206 (1) (c), Florida Statutes (2008).
3. Assess against the Defendants herein civil penalties in the amount of \$10,000 for each violation of Chapter 501, Part II, Florida Statutes and \$15,000.00 for each act or practice found to be in violation of Section 501.1377, Florida Statutes. (2008).
4. Order the dissolution of Defendant **FHA** and any fictitious names registered, and/or owned by, **FHA**.
5. Order the dissolution of Defendant **HOUSING ASSISTANCE NOW**, as well as any fictitious names registered and/or owned by **HOUSING ASSISTANCE NOW**.
6. Order the dissolution of Defendant **HOUSING ASSISTANCE LAW CENTER** as well as any fictitious names registered and owned by **HOUSING ASSISTANCE LAW CENTER**.

7. Order the dissolution of Defendants **SAFETY**, as well as any fictitious names registered and/or owned by **SAFETY**.
8. Award reasonable attorneys fees pursuant to F.S. 501.2075.
9. Grant temporary relief pursuant to F.S. 501.207.
10. Waive the posting of any bond by Plaintiff in this action.
11. Grant such other relief as this Honorable Court deems just and proper.

Dated this 20<sup>th</sup> day of July 2009.

Respectfully Submitted,

BILL MCCOLLUM  
ATTORNEY GENERAL



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Samantha Schosberg Feuer  
Assistant Attorney General  
Florida Bar # 598542  
Office of the Attorney General  
Division of Economic Crimes  
1515 North Flagler Drive, Suite 900  
West Palm Beach, Florida 33405  
Tel: 561-837-5000  
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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY

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

Plaintiff,

CASE NO:

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FHA ALL DAY.COM, INC. a Florida Corporation;  
SAFETY FINANCIAL SERVICES, INC., a Florida Corporation;  
HOUSING ASSISTANCE LAW CENTER, PA a dissolved Florida Corporation;  
HOUSING ASSISTANCE NOW, INC., a dissolved Florida Corporation;  
JASON VITULANO, individually and as owner, officer and/or director of FHA All Day.Com,  
Inc. and as owner, officer and/or director of Safety Financial Services, Inc.

Defendants.


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**DETERMINATION OF PUBLIC INTEREST**

**COMES NOW, BILL McCOLLUM, ATTORNEY GENERAL, STATE OF  
FLORIDA** and states:

1. Pursuant to Section 20.11, Florida Statutes (1995 and 1997), I am the head of the Department of Legal Affairs, State of Florida (hereinafter referred to as the Department).
2. In this matter, the Department seeks actual damages on behalf of one or more consumers caused by an act or practice performed in violation of Chapter 501, Part II, Florida Statutes (2008).
3. I have reviewed this matter and I have determined that an enforcement action serves the public interest.

Dated:

July 17, 2009 

BILL McCOLLUM  
ATTORNEY GENERAL  
STATE OF FLORIDA





# OFFICE OF THE STATE ATTORNEY

FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY

MICHAEL F. MCAULIFFE  
STATE ATTORNEY

July 9, 2009

Samantha Schosberg Feuer  
Assistant Attorney General  
Office of the Attorney General  
Economic Crimes Division  
1515 North Flagler Drive, Suite 900  
West Palm Beach, FL 33401

FAX: (561) 837-5109

Re: FHA All Day, et al

Dear Ms. Feuer:

The Office of the State Attorney has reviewed your draft civil complaint, which alleges that FHA All Day.Com, Inc., HOUSING ASSISTANCE LAW CENTER, PA, HOUSING ASSISTANCE NOW, INC., JASON VITULANO, KAREN GRUN and GEORGETTE PEARSALL committed Deceptive and Unfair Trade Practices.

Pursuant to Section 501.203(2), Fla. Stat., we hereby confirm our decision to defer any civil jurisdiction to the Florida Attorney General. Our core mission has been, and continues to be, criminal prosecutions, rather than civil actions. For this reason, we have determined that it would be more efficient for the Florida Attorney General to commence any civil action, if your agency determines that a civil action would be appropriate.

Sincerely

A handwritten signature in black ink, appearing to read "Preston Mighdoll".

PRESTON MIGHDOLL  
Assistant State Attorney

xc: SAO File

401 N. Dixie Highway, West Palm Beach, Florida 33401-4209  
(561) 355-7100

