

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO

COMMONWEALTH OF VIRGINIA,)	
EX REL. MARK R. HERRING,)	
ATTORNEY GENERAL,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. CL18-3920
)	
HEARTS 2 HEROES INC.,)	
a partnership, formerly a West Virginia)	
corporation,)	
)	
CHRISTOPHER ENGLE,)	
an individual and co-partner doing business)	
under the firm name Hearts 2 Heroes Inc.,)	
)	
and)	
)	
KAYLA ENGLE,)	
an individual and co-partner doing business)	
under the firm name Hearts 2 Heroes Inc.,)	
)	
Defendants.)	
)	

CONSENT JUDGMENT

This Consent Judgment is entered between the Commonwealth of Virginia, Hearts 2 Heroes Inc. d/b/a Active Duty Support Services Inc. ("H2H"), Christopher Engle, and Kayla Engle a/k/a Kayla N. D'Angelo.

RECITALS

A. H2H is a for-profit organization, which was formerly incorporated in West Virginia. Its principal office is 108 E. Martin Street, Martinsburg, West Virginia, 25401. It solicits donations in Virginia, West Virginia, Pennsylvania, and Maryland, and is registered as a

charitable organization with the Office of Charitable and Regulatory Programs within the Virginia Department of Agriculture and Consumer Services. On November 1, 2016, H2H filed for voluntary dissolution with the West Virginia Secretary of State. From that date until on or about August 1, 2018, H2H continued to operate as a partnership carried on by Christopher Engle and Kayla Engle. All rights and privileges, including to property and interests, liabilities, and obligations of the corporation have been transferred to and assumed by the Engles.

B. On June 5, 2018, the Office of the Attorney General of Virginia sent a letter on behalf of itself and the Offices of the Attorneys General of Pennsylvania and Maryland, notifying H2H that they had reason to believe that H2H violated state consumer protection and charitable solicitation statutes.

C. On June 28, 2018, the Virginia Attorney General filed a Complaint against H2H in the Circuit Court of Henrico County alleging violations of the Virginia Consumer Protection Act, Virginia Code §§ 59.1-196 through 59.1-207, and the Virginia Solicitation of Contributions law, Virginia Code §§ 57-48 through 57-69. On July 17, 2018, the Pennsylvania Attorney General filed a Complaint against H2H and the Engles in the Commonwealth Court of Pennsylvania alleging violations of the Solicitation of Funds for Charitable Purposes Act, Act of December 19, 1990, P.L. 1200, No. 202, as amended, 10 P.S. § 162.1 *et seq.*, and the Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1 *et seq.*

D. The Offices of the Attorneys General of West Virginia and Maryland and Secretary of State of Maryland are also investigating H2H for possible violations of the Maryland Solicitations Act, Md. Code Ann., Bus. Reg. §§ 6-101 through 6-701, W. Va. Code §§ 29-19-1 *et seq.*, and W. Va. Code §§ 46A-1-1 *et seq.*

E. H2H and its partners, officers, and former directors, Christopher Engle and Kayla

Engle (the “Engles”), desire to resolve the allegations of West Virginia, Maryland, Pennsylvania, and Virginia (the “Participating States”), the pending investigations, and any other potential liability with the Participating States.

F. H2H and the Engles neither confirm nor deny any of the allegations made by the Participating States against them.

G. Concurrently with this Consent Judgment, H2H and the Engles are entering into substantially similar settlements in each of the Participating States. This Consent Judgment is only binding on Virginia.

NOW, THEREFORE, IT IS ADJUDGED, ORDERED AND DECREED THAT:

1. Recitals. The Recitals are incorporated herein by reference.
2. Injunctive Relief Against the Engles. Christopher Engle and Kayla Engle are permanently enjoined from:
 - a. Becoming an employee, officer, director, board member, trustee, or assume any fiduciary role with any nonprofit corporation, organization, or trust.
 - b. Soliciting charitable contributions on behalf of any nonprofit corporation, organization, or trust.
 - c. Working for any nonprofit corporate, organization or trust, or any other entity, for profit or otherwise, including, but not limited to, any that are informally or formally formed, controlled, or created by Christopher Engle or Kayla Engle, for which either Christopher Engle or Kayla Engle would be responsible for soliciting, collecting, or handling charitable solicitations or the collection of charitable assets.
 - d. Serving as a professional solicitor or fundraiser as defined by state laws.

3. Injunctive Relief Against H2H and the Engles. H2H, Christopher Engle, Kayla Engle, and any other persons in active concert or participation with any of them, are permanently enjoined from violating the Virginia Consumer Protection Act, Virginia Code §§ 59.1-196 through 59.1-207, the Virginia Solicitation of Contributions law, Virginia Code §§ 57-48 through 57-69, the Maryland Solicitations Act, Md. Code Ann., Bus. Reg. §§ 6-101 through 6-701, the Solicitation of Funds for Charitable Purposes Act, Act of December 19, 1990, P.L. 1200, No. 202, as amended, 10 P.S. § 162.1 *et seq.*, and the Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1 *et seq.*, W. Va. Code §§ 29-19-1 *et seq.* and W. Va. Code §§ 46A-1-1 *et seq.* (the “Consumer Protection and Charitable Solicitation Statutes”).

4. Cessation of Solicitations. H2H has ceased or, upon execution of this Consent Judgment, shall cease all solicitations, shall be dissolved and shall cease operations permanently, and shall not resume business in any form or through any successor entity.

5. Monetary Payments and Judgment. Judgment is hereby entered against H2H, Christopher Engle, and Kayla Engle, jointly and severally, in the amount of \$10,000 as a civil penalty and to reimburse the Participating States for each state’s attorneys’ fees, expenses in investigating this matter, and costs.

a. A payment of \$2,000 shall be made simultaneously with the execution of the Consent Judgment by certified or cashier’s check made payable to “Treasurer of Virginia,” and remitted to: Stephen John Sovinsky, Assistant Attorney General, Consumer Protection Section, 202 North Ninth Street, Richmond, Virginia 23219.

b. On the first of each month beginning with the first day of September 2019, H2H and the Engles agree to deliver to the Commonwealth a certified or cashier’s check, in the amount of \$1,000, made payable to “Treasurer of Virginia,” and remitted to: Stephen John

Sovinsky, Assistant Attorney General, Consumer Protection Section, 202 North Ninth Street, Richmond, Virginia 23219. Such payments shall continue until the judgment in Paragraph 5 is satisfied. Any monies received in addition to, or separate from, these payments, which satisfy the judgment in part, shall not alter or reduce the obligations to make subsequent payments in full as required by this subparagraph.

c. The Commonwealth agrees to refrain from filing any in-court collections proceedings to enforce the judgments in Paragraphs 5 and 6, including garnishment proceedings. Failure by H2H or the Engles to make any of the payments described in this paragraph shall constitute a breach and violation of this Consent Judgment, and shall entitle the Commonwealth to all legally-available actions to enforce the Consent Judgment, including collections proceedings.

d. If H2H or the Engles do not make any individual payment in the time and manner as required by Paragraph 5.b., the entire amount of the judgments in Paragraphs 5 and 6 shall be due and immediately owing from H2H and the Engles to the Commonwealth. In such event, the Commonwealth may exercise all rights and remedies available to it as a judgment creditor. In such event, interest shall accrue from the date of any such breach on the entire amount owed at the judgment rate of six percent (6%) per annum.

e. The payments shall be disbursed and allocated among the States as they, in their sole discretion, determine.

6. Restitution Judgment. The Commonwealth, as trustee, shall have judgment against, and shall recover from, H2H the sum of \$286,959.95, pursuant to Virginia Code § 59.1-205, for the use and benefit of, and for purposes of making refunds or restitution to, all consumers who paid any money to H2H for care packages to be sent to members of the military. This amount

represents \$194,471.95 for Virginia consumers, \$23,858.50 for West Virginia consumers, \$49,828.00 for Maryland consumers, and \$18,801.50 for Pennsylvania consumers. These amounts are based upon known payments made by check to H2H, but nothing in this Consent Judgment shall exclude any consumer from receiving any funds as the Commonwealth deems appropriate in its sole discretion, and nothing shall restrict the Commonwealth from collecting the judgment in full. This judgment shall be held in abeyance and the Commonwealth shall not seek to enforce or collect on the judgment, unless and until H2H and/or the Engles fail to fully comply with the injunctive or other terms described herein.

7. Enforcement. Violations of this Consent Judgment are enforceable by the Commonwealth in the Circuit Court of the County of Henrico under Virginia law.

8. Enforcement Costs. Should the Commonwealth incur any costs after the execution of this Consent Judgment in requiring H2H and the Engles' compliance with this Consent Judgment, the noncompliant person or entity shall be required to pay the costs of the Commonwealth.

9. Release. Conditioned upon compliance with the above terms, Virginia hereby releases H2H, Christopher Engle, and Kayla Engle of and from any and all causes of action relating to conduct alleged by Virginia and Pennsylvania in their respective Complaints which have or could have given rise to the violations of the Consumer Protection and Charitable Solicitation Statutes.

10. Miscellaneous Provisions.

- a. The parties represent and warrant that each has the full legal right and authority to execute this Consent Judgment and that no party has made an assignment or transfer of any claim or any right arising out of the transactions

and/or occurrences relating to the claims of the Participating States.

b. The parties agree that any modification or revision to this Consent Judgment must be in writing, signed by all parties, and approved by the Court to be enforceable.

c. The parties agree that this Consent Judgment contains the entire agreement regarding the matters set forth herein and that it supersedes all oral agreements, promises, warranties, representations, or understandings, if any, between the parties relating to the subject matter of this Consent Judgment.

d. This Consent Judgment shall be construed and enforced in accordance with the laws of Virginia, and a violation of any provision of this Consent Judgment shall be punishable as contempt and may subject the person or entity in violation to all penalties or sanctions allowed by law.

e. The waiver or failure of any party to exercise any rights under this Consent Judgment shall not be deemed a waiver of any right or any future rights. If any part of this Consent Judgment shall for any reason be found or held invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the remainder of this Consent Judgment, which shall survive and be construed as if such invalid or unenforceable part had not been contained herein.

f. The parties agree that, upon request, they will promptly execute any additional documents necessary to effectuate the intent of the parties as set forth herein.

g. The effective date of this Consent Judgment shall be the date the Consent

Judgment is entered by the Court.

h. The parties agree that they have read the Consent Judgment carefully and understand all of its terms.

i. The parties understand and agree that they should consult with an attorney before executing this Consent Judgment.

j. In agreeing to sign this Consent Judgment, the parties are doing so voluntarily and have not relied on any oral statements or explanations.


ENTER: / /

Judge, Circuit Court of the County of Henrico

WE ASK FOR THIS:

COMMONWEALTH OF VIRGINIA,
EX REL. MARK R. HERRING,
ATTORNEY GENERAL

By:


Stephen J. Sovinsky (VSB No. 85637)

Assistant Attorney General
Consumer Protection Section
202 North 9th Street
Richmond, Virginia 23219
ssovinsky@oag.state.va.us
Phone: (804) 823-6341
Fax: (804) 786-0122

HEARTS 2 HEROES INC.

By: [Signature]
Christopher Engle

Its: Chief Executive Officer

Date: 8-1-19

By: [Signature]
William Bassler (VSB No. 42585)
Law Office of William Bassler
30 South Cameron Street
Winchester, Virginia 22601
Phone: (540) 450-3333

Counsel for Hearts 2 Heroes Inc.

CHRISTOPHER ENGLE

By: [Signature]
Christopher Engle

Date: 7-25-19

Address: St Midshipman Drive
Inwood Wv 25128

KAYLA ENGLE

By: [Signature]
Kayla Engle

Date: 7/29/19

Address: 2803 vineyard rd
fallingwaters wv 25119

[Signature]



[Signature]

