

RETURN DATE: FEBRUARY 18, 2014

GEORGE JEPSEN	:	SUPERIOR COURT
ATTORNEY GENERAL	:	
<i>Plaintiff</i>	:	JUDICIAL DISTRICT OF HARTFORD
	:	
v.	:	
	:	
DOC HURLEY SCHOLARSHIP	:	
FOUNDATION, INC.	:	
<i>Defendant</i>	:	JANUARY 21, 2014

**PLAINTIFF’S APPLICATION FOR PERMANENT INJUNCTION DISSOLVING THE
DOC HURLEY SCHOLARSHIP FOUNDATION, INC., AND ENJOINING ULTRA
VIRES ACTS**

Pursuant to Conn. Gen. Stat. §§ 33-1038, 33-1188(c) and 52-471 et seq., the plaintiff, George Jepsen, Attorney General of the State of Connecticut (hereinafter “the Attorney General”), hereby applies for the issuance of a permanent injunction to dissolve the Doc Hurley Scholarship Foundation, Inc. (the “Foundation”) and enjoin the defendant from the conduct of any affairs in its own name.

As set out herein and in the Complaint, unless this application is granted, the continued existence of the Foundation would provide a vehicle for the wasting of charitable funds that otherwise would support the charitable mission of the Doc Hurley scholarship program. In support of the Application, the Attorney General avers the following:

1. The defendant Foundation is a nonstock corporation organized under the laws of this state with its principal office currently located in Hartford, Connecticut.

2. Pursuant to Conn. Gen. Stat. §§ 33-1038 and 33-1187(a)(4), the Attorney General has brought an action returnable on February 18, 2014, to the Judicial District of Hartford seeking to dissolve the Foundation and to enjoin it from conducting any affairs or exercising corporate powers in its name, because it has improperly depleted all of its charitable assets, including endowment funds, which has resulted in the cessation of its core corporate mission: “to recognize, motivate and reward outstanding students with financial need to pursue higher education.”

3. The Foundation’s actions that warrant dissolution include:

- a. its failure to have a functioning board of directors or trustees who were given financial information on the Foundation on a regular basis;
- b. its failure to regularly take and/or maintain the minutes of its board meetings, whenever they were actually held;
- c. its failure, annually, from 2008 to the present, to file an annual report with the Connecticut Secretary of the State, as required by Conn. Gen. Stat. § 33-1243(a);
- d. its failure to maintain its charitable registration with the Connecticut Department of Consumer Protection (“DCP”), pursuant to Conn. Gen. Stat. § 21a-175 et seq., which resulted in the expiration of its registration on May 31, 2007;
- e. its failure to annually file its IRS Form 990 with the IRS from FYE December 2008 to the present, which resulted in the Foundation’s losing its § 501(c)(3) tax-exempt status on May 15, 2011;

f. its failure to preserve the corpus of the Legacy Fund, which was the result of various gifts to the Foundation, only the interest of which was to be spent on scholarships and operational costs;

g. its failure to honor scholarship pledges it made to Doc Hurley scholarship recipients; and

h. its soliciting charitable donations while not registered with DCP.

4. The Foundation has not operated as a corporation since at least 2007. And even before then, it abandoned any effort to preserve the charitable funds in its custody. The Foundation has so misused its charitable corporate status that dissolution is warranted.

5. After hearing about the Foundation's financial state, the Hartford community expressed a willingness and intent to preserve and honor Doc Hurley's scholarship program going forward. To that end, community leaders and the Hartford Foundation for Charitable Giving have created the Doc Hurley Scholarship Fund (the "Fund"), which will substantially mirror the scholarship program begun by Doc Hurley.

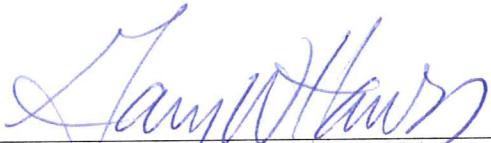
6. To ensure a clean transition between the Foundation and the Fund, the Foundation must be dissolved so that charitable donors who want to honor Doc Hurley do not mistakenly contribute to a defunct corporation that has abandoned its charitable purpose.

7. A true copy of the Complaint is submitted with this Application.

PLAINTIFF

GEORGE JEPSEN
ATTORNEY GENERAL

BY:



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