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18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 **Federal Trade Commission and the**
21 **States of Arkansas; California;**
22 **Colorado; Connecticut; Delaware;**
23 **Florida; Georgia; Illinois; Indiana;**
24 **Maryland; New York; North**
25 **Carolina; Oklahoma; Oregon; South**
26 **Carolina; Utah; Virginia; West**
27 **Virginia; and Wisconsin,**

28 Plaintiffs,

v.

Kars-R-Us.com, Inc., a corporation
also doing business as Donate Car 2
Veterans and Donation2Charity.com;

Case No. 2:25-cv-09150

**COMPLAINT FOR PERMANENT
INJUNCTION AND OTHER
RELIEF**

1 **Michael Irwin**, individually and as an
 2 officer of Kars-R-Us.com, Inc.; and

3 **Lisa Frank**, individually and as an
 4 officer of Kars-R-Us.com, Inc.,

5 Defendants.

6
 7 Plaintiffs, the Federal Trade Commission (“FTC”); the Attorneys
 8 General of the states of Arkansas, California, Colorado, Connecticut,
 9 Delaware, Florida, Georgia, Illinois, Indiana; Maryland, New York, North
 10 Carolina, Oklahoma, Oregon, Utah, Virginia, West Virginia, and Wisconsin;
 11 the Secretary of State of Maryland; the Secretary of State of North Carolina;
 12 the Secretary of State of South Carolina; and the Utah Division of Consumer
 13 Protection (collectively “Plaintiffs”), for their Complaint against Kars-R-
 14 Us.com, Inc. and its co-owners and officers, Michael Irwin and Lisa Frank
 15 (collectively “Defendants”) allege:

16 **SUMMARY OF THE CASE**

17 1. Between at least 2012 and May 2023, Kars-R-Us.com, Inc., led
 18 by Michael Irwin (“Irwin”) and Lisa Frank (“Frank”), deceptively solicited
 19 charitable donations nationwide on behalf of United Breast Cancer
 20 Foundation, Inc. (“UBCF”), an entity that purports to assist individuals
 21 affected by breast cancer. Between 2017 and 2022, Defendants raised over
 22 \$45.5 million on behalf of UBCF. Of the \$45.5 million, \$34.9 million went
 23 to pay Defendants and its vendors, with millions going to Irwin and Frank.

24 2. In both English and Spanish-language ads on national and local
 25 TV networks, radio, and online, Defendants represented to prospective
 26 donors that their vehicle donations allow UBCF to “save lives” by providing
 27 free and low-cost breast cancer screenings. Defendants drafted and designed
 28

1 these ads to tug at donors' heartstrings and to maximize contributions with
2 little regard for truthfulness or accuracy of the claims they made on behalf of
3 UBCF.

4 3. In reality, only a tiny fraction of donated money went to provide
5 free or low-cost breast cancer screenings for individuals, and UBCF can
6 point to no individual whose life was saved as a result of donations.

7 4. Defendants knew or should have known that the breast cancer-
8 related claims they drafted and made on behalf of UBCF were deceptive or
9 lacked substantiation. Nevertheless, Defendants used those claims because
10 they were effective in generating generous donations. Indeed, in 2019,
11 Defendant Irwin acknowledged to UBCF's CEO that he just needed the
12 "disease" to make money, and UBCF was Defendants' most lucrative client,
13 bringing in as much as 70-90% of Defendants' total revenue each year.

14 5. Well-meaning donors generously responded to the deceptive
15 claims made by Defendants and donated vehicles based on the promises that
16 funds raised by their donation go to provide free breast exams and save
17 women's lives. Instead, unbeknownst to the donors, most of their money
18 went to pay Defendants and their vendors, and the substantially smaller
19 amount that went to UBCF was used largely for other purposes, including
20 generous compensation to UBCF's CEO.

21 6. In perpetrating their deceptive scheme, Defendants violated
22 Section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §
23 45(a), as well as state statutes regulating charitable solicitations and
24 prohibiting deceptive and unfair trade practices.

25 7. The FTC brings this action under Sections 13(b) of the FTC
26 Act, 15 U.S.C. § 53(b), to obtain permanent injunctive relief, and other
27 equitable relief for Defendants' acts or practices in violation of Section 5(a)
28

1 of the FTC Act, 15 U.S.C. § 45(a).

2 8. This action is also brought, in their representative and/or
3 official capacities as provided by state law, by the Attorney Generals of
4 Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia,
5 Illinois, Indiana, Maryland, New York, North Carolina, Oklahoma, Oregon,
6 Utah, Virginia, West Virginia, and Wisconsin (collectively the “Attorneys
7 General”); the Secretary of State of Maryland; the Secretary of State of
8 North Carolina; the Secretary of State of South Carolina; and the Utah
9 Division of Consumer Protection. The Plaintiffs identified in this paragraph
10 are referred to collectively as the “Plaintiff States.”

11 9. The Plaintiff States bring this action pursuant to consumer
12 protection enforcement, business regulation, charitable solicitation, and/or
13 charitable trust enforcement authority conferred on their Attorneys General,
14 Secretaries of State, and/or other state agencies by state law and/or pursuant
15 to statutory *parens patriae* and/or common law authority. These state laws
16 authorize the Plaintiff States to seek temporary, preliminary, and permanent
17 injunctive relief, rescission or reformation of contracts, restitution, the refund
18 of monies paid, disgorgement of ill-gotten monies, and other equitable relief,
19 to prevent the waste, dissipation, and loss of charitable assets, and/or to stop
20 ongoing donor deception caused by Defendants’ state law violations. These
21 laws also authorize the Plaintiff States to obtain civil penalties, attorneys’
22 fees, expenses, and costs.

23 **JURISDICTION AND VENUE**

24 10. This Court has subject matter jurisdiction over the federal law
25 claims pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345. This Court has
26 supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. §
27 1367.

11. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1), (b)(2), (b)(3) (c)(1), (c)(2), and (d).

PLAINTIFFS

12. The FTC is an agency of the United States Government created by the FTC Act. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.

13. The Attorneys General of the Plaintiff States are the chief legal officers for their respective states and commonwealths. The Secretary of State of Maryland regulates charities and charitable solicitations in its state and is authorized to enforce its state's laws regarding the solicitation of charitable donations. The Secretary of State of North Carolina regulates charities and charitable solicitations in its state and is authorized to enforce its state's laws regarding the solicitation of charitable donations. The Secretary of State of South Carolina regulates charities and charitable solicitations in its state and is authorized to enforce its state's laws regarding the solicitation of charitable donations. The Plaintiff States bring this action pursuant to consumer protection, business regulation, charitable solicitation, and/or charitable trust enforcement authority conferred on them by the following statutes and/or pursuant to *parens patriae* and/or common law authority.

STATE	STATUTORY AUTHORITY
Arkansas	Ark. Code Ann. § 4-28-412, Ark. Code Ann. § 4-28-416, and Ark. Code Ann. §§ 4-88-101 et seq.
California	Cal. Bus. & Prof. Code §§ 17200 - 17209, 17510 - 17510.95; Cal. Gov. Code §§ 12580 - 12599.10

1	Colorado	Colo. Rev. Stat. §§ 6-1-103
2	Connecticut	Conn. Gen. Stat. § 3-125; Conn. Gen. Stat. § 21a –
3		190l(b); Conn. Gen. Stat. § 42-110m(a)
4	Delaware	6 <i>Del. C.</i> § 2595(a) and 6 <i>Del. C.</i> § 2513(a).
5	Florida	Chapter 501, Part II, Florida Statutes (2024);
6		Chapter 496, Florida Statutes (2024).
7	Georgia	GA. CODE ANN. § 10-1-390 – 408.
8	Illinois	225 Ill. Comp. Stat. §§ 460/0.01 through 460/23.
9	Indiana	IND. CODE §§ 23-7-8-1 through -9; and 24-5-0.5-
10		1 through -12
11	Maryland	MD. CODE ANN., BUS. REG. §§ 6-101 through
12		6-701 (LexisNexis 2024).
13	New York	N.Y. Executive Law §§ 171-a through 175, and
14		63(12); N.Y. Gen. Bus. Law § 349.
15	North Carolina	N.C. Gen. Stat. §§ 75-1.1 <i>et seq.</i> ; N.C.G.S. 131F-
16		20(1), (9), (10), (15), (18); 131F-21; 131F-23;
17		131F-24.
18	Oklahoma	OKLA. STAT. tit. 18 §§ 552.1 through 552.24
19		(West)
20	Oregon	OR. REV. STAT. §§128.801 through 128.898,
21		646.605 through 646.642, and 180.060(7)
22	South Carolina	S.C. CODE ANN. §§ 33-56-10 through 33-56-
23		200.
24	Utah	UTAH CODE ANN. §§13-22-1 through 13-22-23;
25		13-26-1 through 13-26-11; and 13-11-1 through
26		13-11-23.
27		
28		

1	Virginia	VA. CODE ANN. §§ 57-48 through 57-69
2	West Virginia	W.Va. Code §§ 29-19-1, -15b; and W.Va. Code §
3		46A-1-101 through 46A-6-110
4	Wisconsin	WIS. STAT. §§ 202.01 through 202.18

DEFENDANTS

14. Kars-R-Us.com, Inc. (“Kars”), also doing business as DONATE CAR 2 VETERANS and donation2charity.com, is a California corporation with its principal place of business at 146 Verdugo Ave., Glendora, California 93004. Between at least 2012 and May 2023, Kars provided fundraising-related services to UBCF. Kars transacts or has transacted business in this District and throughout the United States. At all times material to this Complaint, acting alone or in concert with others, Kars made misrepresentations in its UBCF fundraising campaigns to consumers throughout the United States.

15. Michael Irwin was Kars’s President and co-owner until he retired from Kars at the end of December 2022. Since January 2023, Irwin has continued to provide consulting services to Kars. At all times material to this Complaint, acting alone or in concert with others, Irwin formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Kars, including the acts and practices set forth in this Complaint. Among other things, Irwin was responsible for negotiating and signing Kars’s fundraising contracts with UBCF, formulating Defendants’ UBCF solicitation campaign, vetting and assessing UBCF as a client, drafting UBCF’s deceptive solicitation materials, overseeing the placement of UBCF ads, reviewing donor-related complaints, responding to regulatory and law enforcement inquiries, and overseeing all aspects of Kars’s

1 fundraising operation. As a 50% owner of Kars, between 2017 and 2022,
 2 Irwin personally profited more than \$2 million from Kars's deceptive UBCF
 3 fundraising campaigns. Irwin resides in this District and, in connection with
 4 the matters alleged herein, transacts or has transacted business in this
 5 District and throughout the United States.

6 16. Lisa Frank has been Kars's President and sole owner since
 7 January 2023. Prior to January 2023, Frank was the Vice-President and co-
 8 owned Kars with Michael Irwin. At all times material to this Complaint,
 9 acting alone or in concert with others, Frank formulated, directed,
 10 controlled, had the authority to control, or participated in the acts and
 11 practices of Kars, including the acts and practices set forth in this
 12 complaint. Among other things, Frank reviewed donor-related complaints
 13 and oversaw all aspects of Kars's fundraising operation. Frank was
 14 involved in communications between Irwin and UBCF executives regarding
 15 the placement, drafting, and approval of UBCF ads. As a 50% owner of
 16 Kars, between 2017 and 2022, Frank directly profited more than \$2 million
 17 from Kars's deceptive UBCF fundraising campaigns. Frank resides in this
 18 District and, in connection with the matters alleged herein, transacts or has
 19 transacted business in this District and throughout the United States.

20 COMMERCE

21 17. At all times material to this Complaint, Defendants have
 22 maintained a substantial course of trade in or affecting commerce, as
 23 "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

24 DEFENDANTS' BUSINESS ACTIVITIES

25 **Defendants' Fundraising Operation**

26 18. Since at least 2009, Defendants have solicited charitable
 27 donations nationwide through ads on national and local TV networks, radio,
 28

1 and online and mobile platforms seeking donations of cars, boats, or
2 recreational vehicles on behalf of numerous organizations claiming
3 nonprofit status. Defendants' ads have appeared, for example, on such local
4 and national TV networks as Univision, Azteca America, Telemundo,
5 UniMas, CBS, Fox, ABC, and NBC.

6 19. Defendants orchestrate all aspects of their clients' fundraising
7 activities. In addition to advertising on TV and radio, they also solicit on
8 their own website, donation2charity.com, and on social media platforms
9 such as Facebook, Instagram, and YouTube.

10 20. Subject to their client's purported approval, Defendants draft
11 the scripts that their call centers use to process inbound calls from
12 prospective donors. Defendants also draft responses to questions frequently
13 asked by donors.

14 21. Defendants handle all donor inquiries including answering
15 incoming calls. Defendants also retain all donor lists resulting from their
16 fundraising campaigns.

17 22. Defendants coordinate the transportation of all vehicle
18 donations and oversee the sale of donated vehicles. After Defendants secure
19 a vehicle donation from a donor, they contract with a transport company to
20 transfer the vehicle from the donor to an auto auction where the vehicle is
21 liquidated.

22 23. Defendants assert that the vehicle donation program is used to
23 "raise money for Charity." Kars's website, donaton2charity.com, further
24 states:

- 25 • Probably the best reason for donating a car, boat or RV is that it
26 helps a charity. Your old car might not seem that important to
27 you, but the proceeds from the sale can provide continued
28

1 services to the charity you wish to support.

- 2 • Donation 2 Charity will get you the maximum price at auction
- 3 and 75% to 80% of the gross from each auto donation goes to
- 4 the charity.

5 24. In truth, most of the proceeds from each vehicle donation do
6 not go to charities. Defendants retain typically 80 – 90% of the gross
7 amount fundraised to pay themselves and their vendors while the amount to
8 the charity is 10 – 20% of the gross proceeds.

9 **Defendants' Deceptive Fundraising for UBCF**

10 25. Since at least 2012 and until at least May 2023, Defendants
11 provided fundraising services to UBCF. UBCF is a New York-based
12 organization that purports to assist individuals affected by cancer across the
13 country.

14 26. Defendants notified UBCF that it was terminating its contract
15 with UBCF in February 2023 after learning about Plaintiffs' investigation
16 into Defendants' fundraising on behalf of UBCF. After notifying UBCF
17 about the contract termination, Defendants continued to provide fundraising
18 services to UBCF until May 2023.

19 27. Defendants' widely disseminated solicitation materials
20 represented that donors' vehicle donations will be used by UBCF to provide
21 free or low-cost breast screening to help catch breast cancer early and save
22 hundreds or thousands of lives.

23 28. For example, in 2022, Defendants drafted ads that were
24 broadcast on local radio stations throughout the nation with the following
25 claims:

26 My mother is a breast cancer survivor and United Breast Cancer
27 Foundation saved her life. Her free exam detected the cancer
28

1 early and saved her life. Now the foundation needs your help to
2 continue offering free exams or exams to detect breast cancer at
3 a lower cost, saving more women's lives. Help us by donating
4 your vehicle running or not . . . United [B]reast [C]ancer
5 [F]oundation needs your help and your donation can literally
6 save women's lives by helping detect breast cancer early, like
7 how they did with my mother.

8 29. Between January 2023 and May 2023, Defendants created and
9 aired the following TV ad on NBC:

10 . . . if you've got an unwanted car, you can donate it to the
11 United Breast Cancer Foundation and help save a life through
12 early breast cancer detection. They'll even come and pick it up
13 for free . . . 1 out of every 8 women will be diagnosed with
14 breast cancer. The breast screening program supported by the
15 foundation help save lives. . . .

16 30. Throughout 2020, Defendants drafted and placed the following
17 ad on UniMas, which was aired in Arizona and California (translated from
18 Spanish):

19 Do you have an old car? You could donate it to the United
20 Breast Cancer Foundation and save a life. They'll even come
21 pick it up for free. United Breast Cancer Foundation has saved
22 hundreds of women's lives through its free or low-cost breast
23 cancer screenings. But they need your help. (877) 280-9346.
24 They want to keep saving more lives through early detection,
25 offering women free or low-cost breast cancer screenings. And
26 by donating your old car, pickup, or truck, whether it runs or
27 not, you can contribute to paying for these exams. (Cars,
28

Pickups, Vans, and Trucks are accepted). In addition, you will receive a tax deduction for your charitable donation. (You can deduct the donation from your taxes. (877) 280-9346). Help the United Breast Cancer Foundation save lives by donating your old car, pickup, or truck. Call the number shown on the screen now to have the vehicle picked up for free. (UNITED BREAST CANCER FOUNDATION (877) 280-9346 Call Now! Donate your car! Save thousands of lives!)

31. Between January 2021 and May 2023, Defendants drafted and placed the following solicitation on Univision and UniMas, which was aired in Arizona, California, Washington, D.C., Florida, and Texas (translated from Spanish):

(You can donate your car to the United Breast Cancer Foundation.) Unwanted car? Give it to the United Breast Cancer Foundation as a donation. It doesn't matter whether your car runs. This organization saves lives, offering free and low-cost breast cancer screening. And you can be a part of this great mission by donating your car, pickup, or van and you can receive a tax deduction. Call the number on the screen today. They will come pick up your car quickly, at any time of day that is convenient for you. Call today.

32. Between January 2021 and May 2023, Defendants drafted and placed the following solicitation on Telemundo, UniMas, and Univision, which was aired in Arizona, California, Colorado, Washington, DC, Florida, New Mexico, New York, and Texas (translated from Spanish):

Your unwanted car, pickup, or van, working or not, will help cover the costs of these breast exams. And, you can receive a

1 tax deduction. Help the United Breast Cancer Foundation [].
 2 (1-877-675-4287).

3 33. In numerous instances, Defendants used images of hospitals
 4 and women getting breast cancer screenings to appeal to donors to donate
 5 their vehicles. The following are examples of screen shots from TV ads
 6 containing such images:



18 Figure 1 (English Translation provided by Plaintiffs).



1 Figure 2.

2 34. Defendants also drafted and placed ads on radio. For instance,
3 the following ad was aired from January through March 2022 on local radio
4 stations in Atlanta, New York, Chicago, and Las Vegas, and throughout the
5 states of California, Florida, and Texas (translated from Spanish):

6 You have an old car. Did you know you can donate it and save
7 a life? The United Breast Cancer Foundation needs your help.

8 They want to keep saving lives by offering free or low-cost
9 breast exams for all women. When you donate your old car or
10 pickup, whether or not it runs, that helps pay for all the exams.

11 In addition, your donation is tax deductible. Call now: 800 815
12 8654, 1800 815 8654, 815 8654.

13 35. In some instances, Defendants drafted and sent text messages to
14 donors stating (translated from Spanish):

15 Do you have an unwanted car? Donate it to United Breast
16 Cancer Foundation. It does not matter if it isn't running. This
17 organization saves lives by offering free and low-cost breast
18 cancer screening. You can be part of this great mission by
19 donating your car, truck, or van and you can receive a deduction
20 on your taxes.

21 36. In reality, UBCF used only a tiny fraction of the millions it
22 collected from donors to provide free and low-cost breast screening services.
23 Between 2017 and 2022, UBCF's filings to the IRS (Form 990s) indicate
24 that UBCF raised approximately \$174.4 million in total revenue. Of that
25 total amount, it spent only \$393,644 – *less than 0.23%* – on breast screening
26 services.

UNITED BREAST CANCER FOUNDATION RAISED OVER \$174.4 MILLION (2017 – 2022)

How much did they spend on
breast screening services?

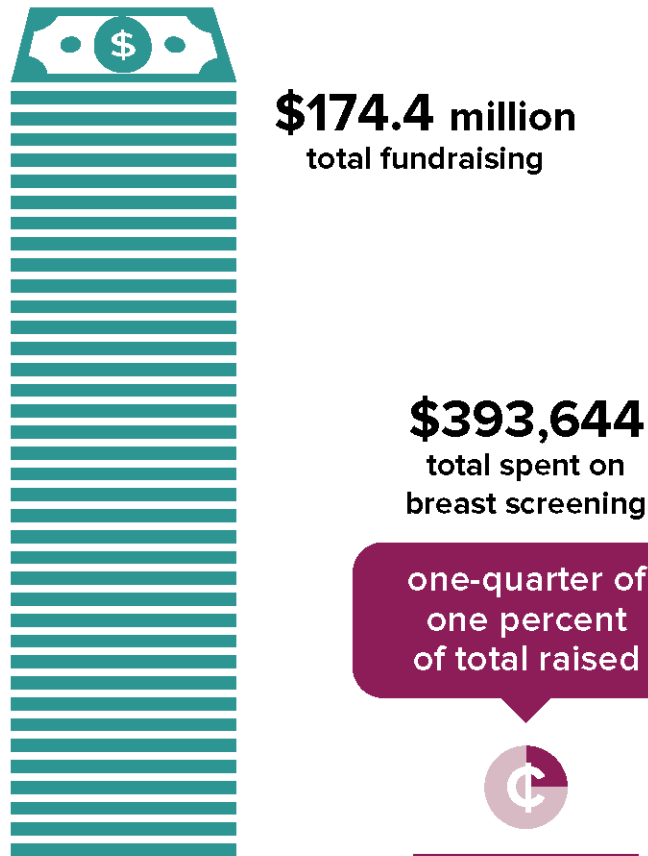


Figure 3: Illustration of total funds UBCF raised versus total amount spent on breast screening.

37. Therefore, neither Defendants nor UBCF had evidence that consumers' donations would be used to support breast screening services, and would, through such services, save numerous women's lives. Defendants' representations on behalf of UBCF were deceptive and unsubstantiated.

Defendants' Knowledge of Their Misrepresentations

38. Defendants knew or should have known that the claims they made that vehicle donations to UBCF would save lives by supporting free or low-cost breast screening services were deceptive or unsubstantiated.

39. Defendants knew or should have known that UBCF spent almost none of the funds donated to UBCF on breast cancer screening. For instance, all nonprofit organizations are required to submit Form 990 annually to the Internal Revenue Service; IRS Form 990 provides detailed information about the programs the nonprofit organization conducts, how much revenue it generates, and where it spends its donated funds. Nonprofit organizations often use their Forms 990, which are publicly available, to share information about their programs.

40. Defendants admitted to knowing that UBCF's IRS Forms 990 and audited financial statements were publicly available and posted on UBCF's website as well as on the IRS site. Despite visiting UBCF's website several times, Defendants indicated that they did not click on or review UBCF's IRS Forms 990 or any other financial forms that were posted on UBCF's website. Year after year, these financial reports consistently demonstrated UBCF's very minimal spending on breast screening services.

41. For example, UBCF's IRS Form 990 from 2020 states that it raised \$15,288,108 in total revenue.

Miscellaneous Revenue	11 a OTHER INCOME	Business Code				
		900099	27,650.	27,650.		
b						
c						
d	All other revenue					
e	Total revenue from lines 11a-11d					
12	Total revenue. See instructions					15,288,108.

Figure 4: IRS Form 990 filed by UBCF (2020), captured by Plaintiffs.

42. Schedule I of the Form shows that of that total amount, UBCF spent only \$6,080 – less than 0.04% – on breast screening services that year.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of non-cash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of noncash assistance
INDIVIDUAL AND ORGANIZATIONAL GRANTS	35	27,363.	10,784.	COST BASIS AND FAIR MARKET VALUE	
CHILD SPONSORSHIPS	41	5,386.	0.	FAIR MARKET VALUE	
HOLISTIC CARE	58	3,570.	720.	COST BASIS AND FAIR MARKET VALUE	
BREAST SCREENING SERVICES			70		6,080.
COVID EMERGENCY ASSISTANCE PROGRAM	762	46,765.	187,134.	FAIR MARKET VALUE	GIFT CARDS, EBOOKS, EMOVIES, AND APP SUBSCRIPTIONS.

Figure 5: IRS Form 990 filed by UBCF (2020), captured by Plaintiffs.

43. UBCF's Form 990 from 2022 states that it raised \$57,017,907 in total revenue.

Miscellaneous Revenue	Business Code				
11a OTHER INCOME	900099	37,514			37,514
b					
c					
d All other revenue					
e Total. Add lines 11a–11d					
12 Total revenue. See instructions		57,017,907	0	0	37,514

Figure 6: IRS Form 990 filed by UBCF (2022), captured by Plaintiffs.

44. Schedule I of the Form shows that of that total amount, UBCF spent only \$70,029 – 0.12% – on breast screening services that year.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of noncash assistance	(e) Method of FMV, appraisal
(1) BREAST SCREENING PROGRAM	757	70,029	0	
(2) BREAST RECONSTRUCTION PROGRAM				
(3) INDIVIDUAL GRANT PROGRAM				
(3) COVID GRANT PROGRAM	2143	59,109	1,319	DAILY BURN AND ELLY APP
(4) HOLISTIC CARE PROGRAM	617	4,459	120	DAILY BURN AND ELLY APP
(5) COLLEGE SCHOLARSHIP	4	0	26,513,275	DAILY BURN AND ELLY APP
(6) NETWORK OF GIVING PROGRAM	56991	0	719	MATTRESSES, CLOTHING, SHOES, PERSONAL CARE & OTHER HOUSEHOLD ITEMS
(7) CHILD SPONSORSHIP PROGRAM	500	41,567	659	ONLINE GIFT CARDS
(8) BREAST RECONSTRUCTION PROGRAM	19			DAILY BURN AND ELLY APP

Figure 7: IRS Form 990 filed by UBCF (2022), captured by Plaintiffs.

45. UBCF's financial reports, which were also available on UBCF's website, document other questionable spending that should, at a minimum, have raised numerous red flags for Defendants. For example, as shown in the figure below, they consistently showed that UBCF paid its CEO, Audrey Stephanie Mastroianni, salary and benefits well in excess of what UBCF spent on its breast screening programs.

Mastroianni Salary and Benefits v. Breast Screening

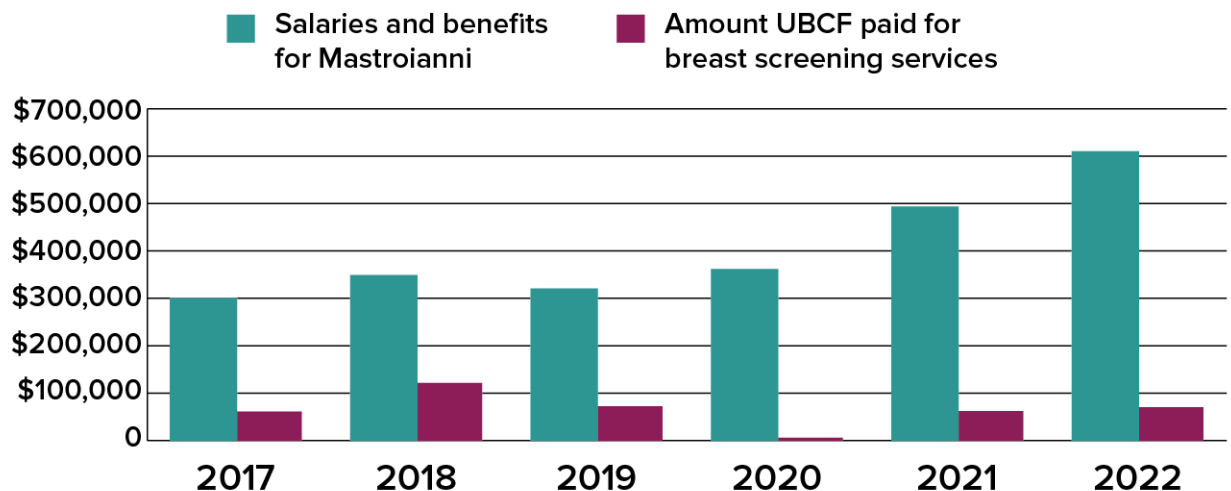


Figure 8: Illustration of total compensation to UBCF's CEO versus amount spent on breast screening created by Plaintiffs based on amounts listed in publicly available UBCF financial reports.

1 46. UBCF’s financial reports were not the only publicly available
2 documents that should have raised significant questions about its programs
3 and spending. In 2021, in a widely publicized action, the FTC and Attorneys
4 General of numerous states filed a law enforcement action against
5 Associated Community Services, Inc. (“ACS”) for making deceptive
6 charitable solicitations for several nonprofit organizations, including UBCF.
7 *See FTC v. Associated Cmty. Servs., Inc.*, No. 2:21-cv-10174 (E.D. Mich.
8 complaint filed Jan. 26, 2021) (complaint available at
9 https://www.ftc.gov/system/files/documents/cases/1_-_complaint_2.pdf).

10 47. The publicly available complaint in the matter alleged that ACS
11 made false or misleading claims that donors’ contributions would go to
12 UBCF to help prevent or detect cancer by providing free or low-cost cancer
13 screenings. It stated that “United Breast Cancer Foundation . . . [does not
14 spend] more than an insignificant amount of donors’ contributions providing
15 mammograms or other cancer screenings to anyone. Indeed, in its 2018
16 Form 990, [UBCF] reported spending \$121,369 of the more than \$24
17 million in contributions, or less than one-half of one percent of donations, on
18 breast screening services.”

19 48. Since at least 2013, due diligence on UBCF would have
20 uncovered investigative reports in the general media and philanthropic
21 journals warning of UBCF’s poor practices. For example, in 2013, the
22 Tampa Bay Times, a Florida newspaper, and the Center for Investigative
23 Reporting collaborated in a year-long investigation to expose the “50 worst
24 charities.” The investigative report, which was picked up by national, local,
25 and even international media and organizations like The Chronicle of
26 Philanthropy, Philanthropy Works, and Non-Profit Quarterly, noted that
27 UBCF raised over \$11.6 million over a ten-year period with \$6.6 million
28

1 going to the professional fundraisers and only approximately 6.3% going to
2 direct cash aid.

3 49. Additionally, charity watchdog groups have questioned UBCF's
4 spending practices. For example, in 2022 Charity Watch issued a report
5 giving UBCF an "F," finding that it spent only 7% of revenue on programs.
6 Such reports should certainly have raised red flags that warranted inquiry by
7 Defendants into UBCF's practices and the claims that Defendants were
8 making on behalf of UBCF.

9 **Defendants Fail to Possess and Rely on Adequate Substantiation for**
10 **Their Claims**

11 50. Defendants did not take steps to independently ascertain the
12 truthfulness of the claims they drafted on behalf of UBCF, focusing instead
13 on the substantial revenue generated by those claims.

14 51. Defendants were also on notice directly from UBCF that a
15 specific, powerful claim on behalf of UBCF was deceptive. On March 3,
16 2021, UBCF's CEO, Mastroianni, informed Defendants in an email that
17 UBCF "[did] not have an exact testimonial" for the following claim that was
18 broadcast on radio stations: "My mom's a breast cancer survivor . . . The
19 United Breast Cancer Foundation saved her life – their free breast cancer
20 exam caught the cancer early, and it saved her life . . . But now the
21 Foundation needs your help so they can continue offering free or low-cost
22 breast screening exams, saving more women's lives"

23 52. Although UBCF expressly stated in the March 3, 2021 email
24 referenced directly above that it could not support the claim, Defendant
25 Irwin insisted on continuing to run ads that UBCF "saved someone's life"
26 because those particular ads generated "well in excess of \$100,000 every
27 month."
28

53. UBCF was Defendants' most profitable client. Between 2017 and 2022, UBCF solicitations brought in as much as 70 – 90 % of Defendants' total revenue every year. Irwin and Frank pocketed more than \$4 million during that same period.

54. Additionally, as shown in Figure 9 below, the vast majority of donated funds that Kars raised on behalf of UBCF did not go to UBCF. Between 2017 and 2022, Defendants raised over \$45.5 million on behalf of UBCF, of which \$34.9 million went to Kars and its vendors, with Irwin and Frank pocketing more than \$4 million.

**UNITED BREAST CANCER FOUNDATION
KARS-R-US RAISED OVER \$45.5 MILLION (2017 – 2022)**

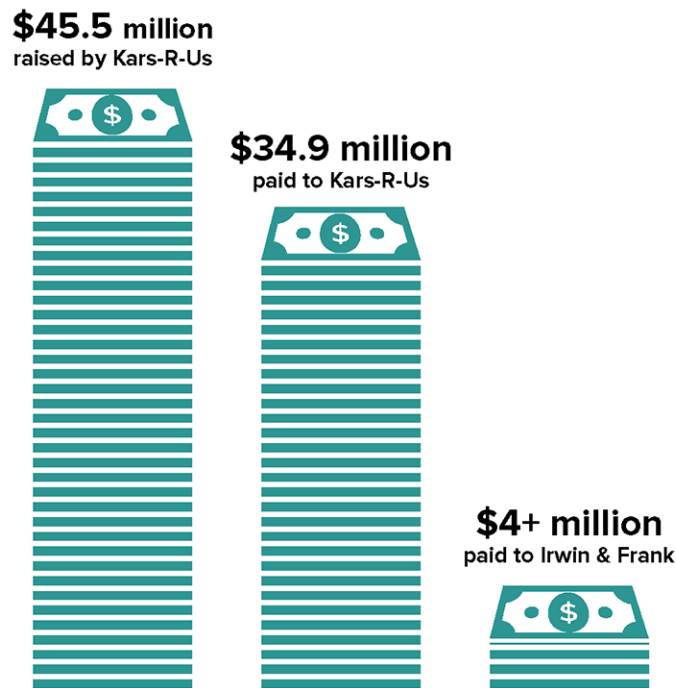


Figure 9: Illustration of the various amounts paid to Defendants.

55. In some years, closer to 90% of total funds raised on behalf of UBCF went to Defendants and their vendors. For example, in 2017, Defendants raised over \$1.72 million for UBCF, but only gave \$182,255 –

1 approximately 10% – to UBCF.

2 56. According to UBCF’s CEO Mastroianni, Irwin expressed to her
3 in late 2019 that “breast cancer is a dime a dozen and he doesn’t need
4 [UBCF], he just needs the [breast cancer] disease to make money.”

5 57. Defendants took no meaningful steps to investigate the
6 truthfulness of the claims they made to the public so long as the ad claims
7 generated revenue – even though a simple online search would have
8 produced UBCF’s IRS Form 990s and financial reports, charity watchdog
9 ratings, and news articles identifying UBCF as one of the 50 worst charities
10 in the nation. A simple internet search would have also revealed the widely
11 publicized action that the FTC and attorneys general of numerous states filed
12 against ACS for making deceptive fundraising claims regarding UBCF’s
13 provision of free breast screening services.

14 **Irwin and Frank Have Participated in and Oversaw the Deceptive Ads**
15 **with Knowledge**

16 58. Defendants Irwin and Frank directly participated in the
17 deceptive advertising on behalf of UBCF. Among other things, Defendants
18 Irwin and Frank oversaw the ads that were disseminated across all media
19 channels. Irwin drafted the solicitation materials and Frank oversaw the
20 FAQs that the call centers use to process inbound calls from prospective
21 donors. The FAQs included statements that gave the misleading impression
22 that a significant amount of their donation would go to UBCF, when in fact,
23 the vast majority of donated funds went to Kars. Although Irwin was
24 mainly responsible for drafting and overseeing solicitation materials, Frank
25 was copied on many communications between Irwin and UBCF’s
26 executives regarding the drafting and review of the solicitation materials
27 that Defendants disseminated on UBCF’s behalf.

1 59. Furthermore, Irwin was responsible for reviewing and
2 responding to any complaints from donors and responding to regulatory and
3 law enforcement inquiries regarding its fundraising operation for UBCF. He
4 also negotiated the contract with UBCF, which provided that only 10 – 20%
5 of total funds raised would go to UBCF.

6 60. Irwin and Frank participated in and controlled the acts and
7 practices of Kars on behalf of UBCF and knew, or should have known, that
8 the claims Defendants made and disseminated on behalf of UBCF were
9 deceptive or lacked substantiation.

10 **Harm to Donors**

11 61. Many vehicle donation programs exist for legitimate charities
12 that spend donors' contributions as claimed. Here, however, generous
13 donors responded to Defendants' call to help save lives, relying on the
14 deceptive and unsubstantiated claims that UBCF would spend proceeds from
15 the sale of their vehicles on free or low-cost breast screening services.

16 62. Between 2017 and 2022, more than 84,700 donors throughout
17 the United States, contributed their vehicles generating approximately \$45.5
18 million in value to UBCF in response to Defendants' ads, including donors
19 from Arkansas, California, Colorado, Connecticut, Delaware, the District of
20 Columbia, Florida, Georgia, Illinois, Indiana, Maryland, New York, North
21 Carolina, Oklahoma, Oregon, South Carolina, Texas, Utah, Virginia, West
22 Virginia, and Wisconsin.

23 63. In actuality, based on a pro rata calculation, only \$126,815, or
24 0.28%, of what Defendants raised on behalf of UBCF, went to provide breast
25 cancer screenings.

26 64. These donors were deceived, and their charitable contributions
27 largely wasted. Many legitimate charities accept car donations. Thus,
28

1 legitimate charitable vehicle donation programs lost out and donors lost the
2 opportunity to support the many legitimate charitable organizations
3 operating real charitable programs.

4 65. Defendants terminated their contract with UBCF in February
5 2023, after learning of the Plaintiffs' investigation into Defendants'
6 practices. Defendants have done little to nothing to improve their charity
7 vetting practices.

8 66. Defendants consistently fail to ascertain the truthfulness or
9 reasonable basis for the claims that they make on behalf of their clients so
10 long as the claims generate revenue.

11 67. Defendants continue to rely on a superficial approval of the ads
12 that they draft and run on behalf of their charity clients. They continue to
13 fail to take adequate steps to ascertain the truthfulness or accuracy of the
14 claims that they make on behalf of their clients, focusing instead on whether
15 the claims generate high returns. Defendants still do not check publicly and
16 readily available financial information of their clients, nor have they made
17 any meaningful efforts to enhance their compliance efforts, even after
18 learning about Plaintiffs' investigation and serious allegations.

19 68. Based on these circumstances, the FTC has reason to believe
20 that Defendants are violating or about to violate laws enforced by the
21 Commission.

22 **VIOLATIONS OF THE FTC ACT**

23 69. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits
24 "unfair or deceptive acts or practices in or affecting commerce."

25 70. Misrepresentations or deceptive omissions of material fact
26 constitute deceptive acts or practices prohibited by Section 5(a) of the FTC
27 Act.

COUNT I

Misrepresentations that Contributions Support Breast Cancer

Screening

(By the FTC and the Plaintiff States)

71. In numerous instances, in connection with soliciting charitable contributions from donors, Defendants have represented, directly or indirectly, expressly or by implication, that donations to UBCF would be used to save lives by providing free or low-cost breast cancer screening services.

72. In truth and in fact, in numerous instances in which Defendants have made the representation set forth in Paragraph 71, little or none of the donors' contributions have been spent providing free or low-cost breast cancer screening services.

73. Therefore, Defendants' representations as set forth in Paragraph 72 of this Complaint are false or misleading or were not substantiated at the time the representations were made, and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

74. The foregoing practices also violate the laws of each Plaintiff State as follows:

STATE	STATUTORY AUTHORITY
Arkansas	Ark. Code Ann. § 4-28-412, Ark. Code Ann. § 4-28-416, and Ark. Code Ann. §§ 4-88-101 et seq.
California	Cal. Bus. & Prof. Code §§ 17200 - 17209, 17510 - 17510.95; Cal. Gov. Code §§ 12580 - 12599.10.

1	Colorado	Colo. Rev. Stat. § 6-16-111(1)(g); Colo. Rev.
2		Stat. § 6-1-105(1)(hh)
3	Connecticut	Conn. Gen. Stat. § 21a-190h(1) and (2); Conn.
4		Gen. Stat. § 42-110b(a)
5	Delaware	6 <i>Del. C.</i> § 2595(a) and 6 <i>Del. C.</i> § 2513(a).
6	Florida	Chapter 501, Part II, Florida Statutes (2024);
7		Chapter 496, Florida Statutes (2024).
8	Georgia	GA. CODE ANN. § 10-1-390 – 408.
9	Illinois	225 Ill. Comp. Stat. § 460/9(c).
10	Indiana	IND. CODE §§ 23-7-8-7(a)(4); 24-5-0.5-
11		3(b)(1).
12	Maryland	MD. CODE ANN., BUS. REG. §§ 6-607, 6-608, 6-
13		610 (LexisNexis 2024).
14	New York	N.Y. Executive Law §§ 171-a through 175, and
15		63(12); N.Y. Gen. Bus. Law § 349.
16	North Carolina	N.C. GEN. STAT. §§ 75-1.1 <i>et. seq.</i> ; N.C.G.S.
17		131F-20 (1), (9), (10), (15), (18); 131F-21
18	Oklahoma	OKLA. STAT. tit. 18 §§ 552.14a (West)
19	Oregon	OR. REV. STAT. §§128.886; 646.608(dd)
20	South Carolina	S.C. CODE ANN. § 33-56-120
21	Utah	UTAH CODE §§ 13-22-13(3), 13-11-4, 13-26-
22		11(2)(b)
23	Virginia	VA. CODE ANN. § 57-57(L)
24	West Virginia	W. Va. Code § 46A-6-101 <i>et seq.</i> ; W. Va. Code
25		§§ 29-19-8, -13
26	Wisconsin	Wis. Stat. § 202.16(1)(a), (d), (k).
27		
28		

COUNT II

Failure to Substantiate Claims

(By the FTC and the Plaintiff States)

75. In numerous instances, in connection with soliciting charitable contributions from donors, Defendants have represented, directly or indirectly, expressly or by implication, that donations to UBCF would be used to provide free or low-cost breast cancer screening services. In making these representations to donors while soliciting contributions, Defendants have represented, directly or indirectly, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the claim that donations to UBCF would be used to provide free or low-cost breast cancer screening services at the time the representations were made.

76. In truth and in fact, Defendants did not possess and rely upon a reasonable basis that substantiated such representations, at the time the representations were made.

77. Therefore, Defendants' representations as alleged in Paragraph 75 are false or misleading or were not substantiated at the time the representations were made, and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act.

78. The foregoing practices also violate the laws of each Plaintiff State as follows:

STATE	STATUTORY AUTHORITY
Arkansas	Ark. Code Ann. § 4-28-412
Colorado	Colo. Rev. Stat. § 6-16-111(1)(i); Colo. Rev. Stat. § 6-1-105(1)(hh)

1	Connecticut	Conn. Gen. Stat. § 21a-190h(1) and (2); Conn.
2		Gen. Stat. § 42-110b(a)
3	Delaware	6 <i>Del. C.</i> § 2595(a) and 6 <i>Del. C.</i> § 2513(a).
4	Florida	Chapter 501, Part II, Florida Statutes (2024);
5		Chapter 496, Florida Statutes (2024).
6	Georgia	GA. CODE ANN. § 10-1-390 – 408.
7	Illinois	225 Ill. Comp. Stat. § 460/9(c).
8	Maryland	MD. CODE ANN., BUS. REG. §§ 6-607, 6-608
9		(LexisNexis 2024).
10	New York	N.Y. Executive Law §§ 171-a through 175, and
11		63(12); N.Y. Gen. Bus. Law § 349.
12	North Carolina	N.C.G.S. § 75-1 et seq., N.C.G.S. § 131F-
13		20(1), N.C.G.S. § 131F-20(10), N.C.G.S. § 131F-
14		20(15), N.C.G.S. § 131F-20(18), N.C.G.S. §
15		131F-21
16	Oregon	OR. REV. STAT. §§128.886; 646.608(dd).
17	South Carolina	S.C. CODE ANN. § 33-56-120
18	Utah	UTAH CODE §§ 13-22-13(3), 13-11-4
19	Virginia	VA. CODE ANN. § 57-57(L)
20	West Virginia	W. Va. Code § 46A-6-101 <i>et seq.</i> ; W. Va. Code §§
21		29-19-8, -13
22	Wisconsin	Wis. Stat. § 202.16(1)(a), (d)
23		

INJURY

79. Donors are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act and

state law. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure donors, reap unjust enrichment, and harm the public interest.

THE COURT'S POWER TO GRANT RELIEF

80. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt violations of any provision of law enforced by the FTC.

81. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction to allow the Plaintiff States to enforce their state laws against Defendants in this Court and to grant such relief as provided under the following state laws, including injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, the disgorgement of ill-gotten monies, civil penalties, attorneys' fees, expenses, costs, and such other relief to which the Plaintiff States may be entitled:

STATE	STATUTORY AUTHORITY
Arkansas	Ark. Code Ann. § 4-28-412, Ark. Code Ann. § 4-28-416, and Ark. Code Ann. §§ 4-88-101 et seq.
California	Cal. Bus. & Prof. Code §§ 17200 - 17209, 17510 - 17510.95; Cal. Gov. Code §§ 12580 - 12599.10.
Colorado	Colo. Rev. Stat. §§ 6-1-110 to 113
Connecticut	Conn. Gen. Stat. § 21a-190i(b)(d), Conn. Gen. Stat. § 42-110m(a), Conn. Gen. Stat. § 42-110o(b)
Delaware	6 <i>Del. C.</i> § 2595(a) and 6 <i>Del. C.</i> § 2513(a).
Florida	Chapter 501, Part II, Florida Statutes (2024); Chapter 496, Florida Statutes (2024).

1	Georgia	GA. CODE ANN. § 10-1-390 – 408.
2	Illinois	225 ILL. COMP. STAT. §§ 460/0.01 through
3		460/23.
4	Indiana	IND. CODE §§ 23-7-8-1 through -9; and 24-5-0.5-
5		1 through -12
6	Maryland	MD. CODE ANN., BUS. REG. §§ 6-205(f), 6.5-
7		102(a) (LexisNexis 2024)
8	New York	N.Y. Executive Law §§ 171-a through 175, and
9		63(12); N.Y. Gen. Bus. Law § 349.
10	North Carolina	N.C.G.S. § 75-14 to 16.2, N.C.G.S. § 131F-22.
11		N.C.G.S. § 131F-23, N.C.G.S. § 131F-24
12	Oklahoma	Okla. Stat. Ann. tit. 18 §§ 552.14a (West)
13	Oregon	OR. REV. STAT. §§128.735; 128.801 through
14		128.898, 646.605 through 646.642
15	South Carolina	S.C. CODE ANN. § 33-56-140
16	Utah	UTAH CODE §§ 13-11-17, 13-22-3, 13-26-8
17	Virginia	VA. CODE ANN. § 57-59(D) and (E)
18	West Virginia	W. Va. Code § 46A-7-101 <i>et seq.</i> ; W. Va. Code §§
19		29-19-15, -15a, and -15b
20	Wisconsin	Wis. Stat. §§ 202.06; 202.18

PRAYER FOR RELIEF BY THE FTC AND THE STATES

Wherefore, Plaintiffs respectfully request that the Court:

A. Enter a permanent injunction to prevent future violations of the FTC Act and state law by Defendants;

B. Award such relief as the Court finds necessary to redress injury

1 to donors resulting from Defendants' violations of state laws, including but
2 not limited to, rescission or reformation of contracts, restitution, the refund
3 of monies paid, and the disgorgement of ill-gotten gains; and

4 C. Award Plaintiffs the costs of bringing this action, attorneys'
5 fees, and such other and additional relief as the Court may determine to be
6 just and proper.

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10 Respectfully submitted,

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12 Dated: *Sept. 25, 2025*

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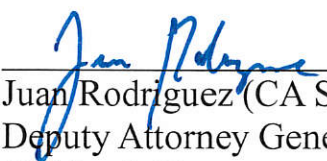
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Date: 9/16/2025

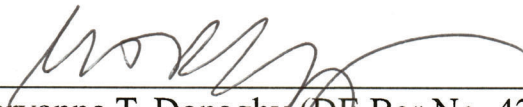
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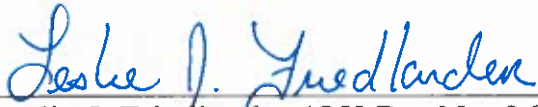
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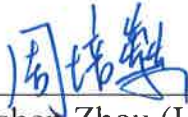
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1 **FOR THE STATE OF WEST VIRGINIA**

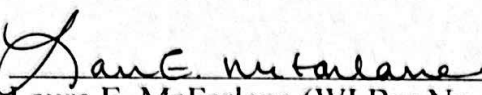
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