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Complaint Exempt From Filing Fees Pursuant to Government Code § 6103

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Superior Court Of California
County Of Los Angeles

OCT 16 2017

Sherri R. Carter, Executive Officer/Clerk
By: Marlon Gomez, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CENTRAL DISTRICT

BC679780

THE PEOPLE OF THE STATE OF CALIFORNIA,

Case No.

Plaintiff,

COMPLAINT FOR INJUNCTIVE RELIEF, CIVIL PENALTIES AND OTHER EQUITABLE RELIEF

v.

(Cal. Bus. & Prof. Code §§ 17200, 17500, and 17512)

THE DAVITT CORPORATION dba CONSUMER RIGHTS LEGAL SERVICES; JAMES P. DAVITT; JORDAN VAN ATTA; MARIA SALAZAR; KAMRIN T. KELLY; and DOES 1 - 100, inclusive,

Verified Answer Required Pursuant To Code of Civil Procedure §446

Defendants;

GREAT AMERICAN INSURANCE COMPANY,
Relief Defendant.

1 Plaintiff, the People of the State of California, by and through Attorney General Xavier
2 Becerra, alleges as follows on information and belief:

3 **INTRODUCTION**

4 1. Defendants are investment recovery marketers that prey on victims of securities
5 fraud, purchasing “sucker lists” with names of vulnerable investors, many of whom are elderly,
6 who have previously fallen victim to investment scams. Defendants cold-called these victims,
7 overstating their expertise and recovery rates, promised victims recovery assistance for an upfront
8 fee, and routinely failed to deliver on their promises.

9 2. The Attorney General brings this civil enforcement action to protect consumers
10 against Defendants conducting business in California as investment recovery marketers in
11 violation of the Telephonic Seller’s Law (TSL) (Business and Professions Code sections 17511-
12 17514), which is also an unlawful, unfair and/or fraudulent business practice in violation of the
13 Unfair Competition Law (UCL) (Business and Professions Code section 17200) and the False
14 Advertising Law (FAL) (Business and Professions Code section 17500).

15 **JURISDICTION AND VENUE**

16 3. This Court has subject matter jurisdiction because this is an action by the California
17 Attorney General to enforce California statutes he is charged with enforcing.

18 4. This Court has personal jurisdiction over each Defendant because the relevant
19 conduct, as alleged below, took place in this County. Alternatively, each Defendant either resides
20 in this County or conducted business in this County.

21 **FACTUAL ALLEGATIONS**

22 **Overview**

23 5. Defendants are investment recovery marketers who take advantage of victims of
24 previous investment boiler room scams. In boiler room scams, promoters use the telephone to
25 aggressively pitch high-risk investments to prospective investors, many of whom are elderly.
26 Because many of these risky investments ultimately fail, investors burdened with losses are
27 susceptible to a sales pitch offering to help recover their money. Defendants purchase lists with
28

1 names of these vulnerable investors for the purpose of soliciting them via telephone offering
2 recovery assistance.

3 6. Defendants overstate their expertise and recovery success, while understating the
4 difficulty of recovering any funds.

5 7. Defendants demand and collect advance fees, ranging from thousands to tens of
6 thousands of dollars, before any services are delivered and thus before any money is recovered,
7 sometimes before a contract is signed.

8 8. Once the advance fee has been paid, Defendants engage in what amounts to
9 unproductive busy-work designed to lull the client into believing recovery efforts are underway,
10 such as printing information off the internet, sending letters to the companies in which clients
11 suffered investment losses, and sending copies of these letters to regulators and government
12 agencies. These are all activities the clients could have done themselves for little money, and
13 very rarely result in any recovery. What Defendants really sell is false hope.

14 9. Because Defendants collect substantial fees from consumers before recovering any
15 money, they are in violation of Business and Professions Code section 17512 which prohibits
16 such advance payments, even in the unlikely event that marketers were actually to recover
17 money.

18 10. Defendants conducted their investment recovery scheme from offices in California in
19 2014 and 2015. In May of 2016, the California Secretary of State suspended The Davitt
20 Corporation. The remaining defendants continued to operate independently or through other
21 entities. In addition, as alleged below, certain of the defendants conducted investment recovery
22 marketing prior to 2014.

23 11. The Kaufmans were Defendants' clients and their experience demonstrates how
24 Defendants victimize vulnerable consumers in violation of the TSL. A representative of
25 Shoreline Motion Pictures cold-called Mr. Kaufman in 2007, pitching an investment in the movie
26 business. Based on the telephonic sales pitch, Mr. Kaufman and his elderly mother were
27 persuaded to invest \$50,000 in a one-year Shoreline promissory note promising a 20 per cent
28 return on investment. A year later, the Kaufmans did not receive the promised principal or the

1 return on investment. Instead, a Shoreline representative persuaded Mr. Kaufman to roll the
2 investment into another promissory note due in January 2009. After the second year, neither
3 Kaufman had received any money back. In 2014, after the statute of limitations to bring an action
4 to recover this investment had expired, Mr. Kaufman received an unsolicited telephone call from
5 Consumer Rights Legal Services (CRLS) in Long Beach. CRLS led Mr. Kaufman to believe that
6 it could recover his investment loss from Shoreline. CRLS persuaded him to sign a contract
7 prepared by CRLS and pay \$8,669 up front to CRLS for investment loss recovery services. After
8 receiving the fee, Defendant James Davitt sent a CRLS demand letter to Shoreline, dated August
9 18, 2014, asking for the Kaufmans' money back. On the same date, Defendant Maria Salazar
10 copied the demand letter to the California Attorney General, the Securities and Exchange
11 Commission, and others. The Kaufmans never received money back from Shoreline or anyone
12 else associated with them, and CRLS kept the advance fee. This conduct violates the TSL at
13 Business & Professions Code section 17512.

14 **Defendants**

15 12. The Davitt Corporation registered with the California Secretary of State on June 28,
16 2013, listing its address as 12251 Chase Street, Garden Grove, California. The California
17 Secretary of State suspended The Davitt Corporation on May 26, 2016.

18 13. Consumer Rights Legal Services (CRLS) was registered as a fictitious business of
19 The Davitt Corporation on or about January 13, 2014, in Los Angeles County. At all relevant
20 times, CRLS acted as an investment recovery marketer from offices at 5199 E. Pacific Coast
21 Highway, Suite 208, Long Beach, California.

22 14. James Patrick Davitt ("Davitt") was an investment recovery marketer residing and
23 doing business in California as a control person of The Davitt Corporation and CRLS while it was
24 doing business as an investment recovery marketer. During that time Davitt resided at 12251
25 Chase Street, Garden Grove, California. On information and belief, Davitt currently resides in
26 Florida.

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1 refers to registration under the TSL, it was false prior to CRLS's registration, and following
2 registration, in violation of Business and Professions Code section 17511.7 which provides that
3 no telephonic seller shall make or authorize the making of any references to its compliance with
4 the TSL to any prospective or actual purchaser.

5 30. CRLS's contract states, "Our experience has been that most companies prefer to settle
6 rather than face legal scrutiny or possible prosecution." At no time was CRLS licensed to pursue
7 legal recourse on behalf of its clients.

8 31. CRLS's contract states that it shall, "[t]ake all reasonable precautions in the collection
9 of this claim to comply with the requirements of any federal or state laws regulating the collection
10 of debts." As alleged herein, Defendants failed to comply with the TSL by repeatedly collecting
11 an advance fee in violation of Business & Professions Code section 17512.

12 32. Each Defendant represented to customers, who previously made investments via a
13 telemarketing transaction, that they could recover or otherwise assist in the return of money
14 invested. Each Defendant has participated in the request or receipt of fees from clients without
15 having first recovered any money for them. None of the Defendants are licensed as an attorney in
16 this state. Defendants' conduct violates Business and Professions Code section 17512, regardless
17 of whether Defendants were registered as a telephonic seller.

18 *Marketing the Investment Loss Recovery Scheme*

19 33. Defendants marketed their services through telephone calls initiated from offices in
20 Long Beach using lists they obtained of securities investors who had been solicited in prior
21 telephonic sales transactions. Defendants also maintained a public web site at
22 consumerlegalservices.com that contained false and misleading statements. Once Defendants
23 determined a prospective client had suffered investment losses in a prior telephonic sales
24 transaction, they pressured him or her into entering contracts for recovery services, asking for
25 payment prior to engaging in recovery efforts, and sometimes taking payment over the telephone
26 before the contract was even signed.

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1 ***Marketing the Investment Loss Recovery Scheme After Telephonic Seller Registration***

2 34. On or about October 14, 2014, after CRLS had been operating as an unregistered
3 investment recovery marketer for several months, Davitt commenced telephonic seller
4 registration for the Davitt Corporation with the California Attorney General, listing its address as
5 5199 E. Pacific Coast Highway, Suite 208, Long Beach, and listing himself as Chief Executive
6 Officer.

7 35. The Davitt Corporation's telephonic seller application identifies Davitt, Van Atta, and
8 Kelly as having an ownership interest in the applicant entity, and identifies Salazar as having
9 management responsibilities. Each signed the application under penalty of perjury under
10 California law.

11 36. The Davitt Corporation also procured a \$100,000 bond from Relief Defendant
12 pursuant to the TSL. The California Attorney General issued telephonic seller registration to
13 CRLS and the Davitt Corporation, registration number 14-3430, on or about November 27, 2014.

14 37. In its telephonic seller's registration application, The Davitt Corporation provided the
15 required script for a telephonic contact by CRLS with a prospective client. Among other things,
16 the script states that CRLS is "reaching out to people who have appeared on a client list of a
17 company that might have reached out to you over the phone soliciting investments." The script
18 also states that "CRLS is a licensed and bonded legal services company" and that "[w]e know
19 which agencies to contact and utilize our legal personal [sic] to prepare all the documents on your
20 behalf." These statements are misleading because CRLS was not authorized to provide legal
21 services.

22 ***CRLS' Receipt of Advance Fees Regardless of Recovery***

23 38. Both prior to and after its eventual telephonic seller registration, CRLS required the
24 consumer to sign a contract and pay an advance fee before Defendants were obligated to
25 commence work. The advance fee was neither proportional to the amount of prior investment
26 loss nor conditioned on first recovering investment losses.

27 39. The total number of consumers who became CRLS clients pursuant to a written
28 contract in which they paid an advance fee is unknown at this time. Plaintiff is informed and

1 believes that some clients commenced transactions with CRLS during the time period when the
2 surety bond issued by Relief Defendants was in effect.

3 **FIRST CAUSE OF ACTION**

4 **VIOLATIONS OF BUSINESS AND PROFESSIONS CODE**

5 **SECTION 17500 ET SEQ.**

6 (False or Misleading Statements)

7
8 1. The People reallege and incorporate by reference each of the paragraphs above as
9 though fully set forth herein.

10 2. Defendants have violated, and continue to violate, Business and Professions Code
11 section 17500 et seq. by making or disseminating, or causing to be made or disseminated, false or
12 misleading statements with the intent to induce members of the public to purchase their services
13 when Defendants knew, or by the exercise of reasonable care should have known, that the
14 statements were false or misleading. The false or misleading statements include, but are not
15 limited to, the following:

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Statements made	Where statements were made	Why statements are false or misleading
CRLS is "a licensed consumer advocacy group that pursues companies which may be engaged in deceptive sales and trade practices."	Appears in the CRLS client contract and on the CRLS website	To the extent this representation refers to registration under the TSL, it was false prior to CRLS's registration, and following registration, in violation of Business and Professions Code section 17511.7 which provides that no telephonic seller shall make or authorize the making of any references to its compliance with the TSL to any prospective or actual purchaser.

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Statements made	Where statements were made	Why statements are false or misleading
“Our [CRLS’s] experience has been that most companies prefer to settle rather than face legal scrutiny or possible prosecution.”	Appears in the CRLS client contract and on the CRLS website	At no time was CRLS licensed to pursue legal recourse on behalf of its clients.
CRLS states it shall, “[t]ake all reasonable precautions in the collection of this claim to comply with the requirements of any federal or state laws regulating the collection of debts.”	Appears in the CRLS client contract	As alleged herein, Defendants failed to comply with the TSL by repeatedly collecting an advance fee in violation of Business & Professions Code section 17512.
“CRLS is a licensed and bonded legal services company”	Appears in the Sales Script submitted by CRLS as part of its telephonic seller’s registration application	CRLS was not authorized to provide legal services, was never licensed and did not obtain a bond until it registered as a telephonic seller in October 2014.
“[W]e know which agencies to contact and utilize our legal personal [sic] to prepare all the documents on your behalf.”	Appears in the Sales Script submitted by CRLS as part of its telephonic seller’s registration application	CRLS was not authorized to provide legal services
“Our investigators develop the evidence required to allow our legal team determine the best avenues of pursuit for your losses.”	Appears on the CRLS website	CRLS was not authorized to provide legal services; neither were there licensed investigators on staff
“Maria Salazar – Head of Paralegal”	Appears on the CRLS website	CRLS was not authorized to provide legal services

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the People, pray for relief against Defendants as follows:

1. Pursuant to Business and Professions Code section 17535, that Defendants, their successors, agents, representatives, employees, and all persons who act in concert with Defendants be permanently enjoined from making any false or misleading statements in violation of Business and Professions Code section 17500 as alleged in this complaint;

2. Pursuant to Business and Professions Code section 17535, that the Court enter all orders or judgments as may be necessary to restore to any person in interest any money or other property that Defendants may have acquired by their violations of Business and Professions Code section 17500, as proved at trial;

3. Pursuant to Business and Professions Code section 17536, that the Court assess a civil penalty of two thousand five hundred dollars (\$2,500) against Defendants for each violation of Business and Professions Code section 17500, as proved at trial;

4. Pursuant to Business and Professions Code section 17203, that the Court enter all orders necessary to prevent Defendants, their successors, agents, representatives, employees, and all persons who act in concert with Defendants from engaging in any act or practice that constitutes unfair competition in violation of Business and Professions Code section 17200;

5. Pursuant to Business and Professions Code section 17203, that the Court enter all orders or judgments as may be necessary to restore to any person in interest any money or other property that Defendants may have acquired by their violations of Business and Professions Code section 17200, as proved at trial;

6. Pursuant to Business and Professions Code section 17206, that the Court assess a civil penalty of two thousand five hundred dollars (\$2,500) against Defendants for each violation of Business and Professions Code section 17200, as proved at trial;

1 7. Pursuant to Business and Professions Code section 17206.1, subdivision (a), that the
2 Court assess a civil penalty of two thousand five hundred dollars (\$2,500) against Defendants for
3 each violation of Business and Professions Code section 17200 perpetrated against senior citizens
4 or disabled persons, as proved at trial;

5 8. For the People's cost of suit incurred herein; and

6 9. Such other and further relief as the Court deems proper.

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Dated: October 16, 2017

Respectfully Submitted,

XAVIER BECERRA
Attorney General of California
Jonathan Vender on behalf of
Daniel P. O'Donnell
DANIEL P. O'DONNELL
Deputy Attorney General
Attorneys for California Department of
Justice

EXHIBIT 1



TO THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA

CONSENT TO SERVICE OF PROCESS

TELEPHONIC SELLER

NAME OF SELLER: THE DAVITT CORPORATION "DBA" CONSUMER RIGHTS LEGAL SERVICES

TYPE OF BUSINESS ENTITY: SELF HELP LEGAL SERVICES

This consent is filed with the California Attorney General, pursuant to section 17511.6 of the Business and Professions Code as required of telephonic sellers.

The above identified seller hereby irrevocably appoints the Attorney General of California or his/her successor in office as attorney to receive service of any lawful process in any non-criminal suit, action or proceeding against said seller, or the seller's successor, executor or administrator, which may arise under Article 1.4 (§§ 17511-17511.10) of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, when the agent designated pursuant to subdivision (o) of section 17511.4 has resigned and has not been replaced or if the agent so designated cannot with reasonable diligence be found at the address designated pursuant to subdivision (o) of section 17511.4 or if no agent has been designated pursuant thereto.

When such service of process is made upon the Attorney General, it shall have the same force and validity as if served personally on the seller. A notice of such service and a copy of the process is to be mailed by the plaintiff in such action to the address set forth in answer to question 10(d) of the registration, or if none, in answer to question 8, unless an address is set forth here:

NAME: THE DAVITT CORPORATION "DBA" CONSUMER RIGHTS LEGAL SERVICES

ADDRESS OR POST OFFICE BOX: 5199 EAST PACIFIC COAST HWY., STE. 208

CITY: LONG BEACH

STATE: California

ZIP CODE: 90804

SIGNATURE: 

PRINT NAME: JAMES P. DAVITT

TITLE: CEO

DATE: NOVEMBER 21, 2014

TELEPHONIC SELLER SURETY BOND FORM A

PROVIDED HOWEVER, THIS BOND IS ISSUED SUBJECT TO THE FOLLOWING EXPRESS CONDITIONS:

1. THIS BOND SHALL BE DEEMED CONTINUOUS IN FORM AND SHALL REMAIN IN FULL FORCE AND EFFECT FOR ALL LIABILITIES INCURRED BEFORE, AND FOR ACTS, OMISSIONS, OR CAUSES EXISTING OR WHICH AROSE BEFORE, THE CANCELLATION OR WITHDRAWAL OF THE SURETY FROM THE BOND.
2. THIS BOND IS EXECUTED BY THE SURETY TO COMPLY WITH, AND THE BOND SHALL BE SUBJECT TO, THE PROVISIONS OF ARTICLE 1.4 (COMMENCING WITH SECTION 17511), OF CHAPTER 1 OF PART 3 OF DIVISION 7 OF THE BUSINESS AND PROFESSIONS CODE AND, EXCEPT TO THE EXTENT OF ANY INCONSISTENCY WITH THAT ARTICLE 1.4, TO THE PROVISIONS OF CHAPTER 2 (COMMENCING WITH SECTION 995.010), OF TITLE 14 OF PART 2 OF THE CODE OF CIVIL PROCEDURE.
3. THE CONDITIONS OF THE BOND ARE SET FORTH IN SECTION 17511.12 OF THE BUSINESS AND PROFESSIONS CODE, AND ANY PERSON OR GOVERNMENTAL ENTITY CLAIMING AGAINST THE BOND MAY PROCEED AS PROVIDED IN SECTION 17511.12 OR AS OTHERWISE PROVIDED BY LAW.
4. THE AGGREGATE LIABILITY OF THE SURETY HEREUNDER ON ALL CLAIMS WHATSOEVER SHALL NOT EXCEED THE PENAL SUM OF THIS BOND IN ANY EVENT.
5. THIS BOND MAY BE CANCELED BY THE SURETY IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 996.310 ET SEQ. OF THE CODE OF CIVIL PROCEDURE.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT I AM THE PRINCIPAL OR AN OFFICER OR AGENT OF THE PRINCIPAL WITH THE AUTHORITY TO EXECUTE THIS DOCUMENT ON BEHALF OF THE PRINCIPAL. EXECUTED AT Phoenix, AZ 85015-2205

(CITY AND STATE)

DATE: _____ SIGNATURE: _____

PRINTED OR TYPED NAME: _____

CAPACITY: _____

(e.g., PRINCIPAL, PRESIDENT, ATTORNEY-IN-FACT)

ADDRESS: 5199 EAST PACIFIC COAST HIGHWAY STE 208

CITY LONG BEACH STATE: CA ZIP CODE: 90804

NAME OF OFFICER OF BUSINESS: _____

NAME OF SURETY: Great American Insurance Company

ADDRESS: 5199 EAST PACIFIC COAST HIGHWAY ST

ADDRESS: 301 East 4th Street

CITY LONG BEACH

CITY Cincinnati

STATE: CA ZIP CODE: 90804

STATE: Ohio ZIP CODE: 45202

THIS BOND IS EXECUTED UNDER AN UNREVOKED APPOINTMENT OF POWER OF ATTORNEY.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: 11/07/2014

SIGNATURE OF ATTORNEY-IN-FACT FOR SURETY: Valerie Aber

PRINTED OR TYPED NAME OF ATTORNEY-IN-FACT FOR SURETY: Valerie Aber



STATE OF ARIZONA

COUNTY OF MARICOPA

} SS.

On NOVEMBER 7, 2014 before me, TANYA M. NUNEZ


PERSONALLY APPEARED VALERIE ABER, ATTORNEY-IN-FACT

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ARIZONA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS my hand and official seal.

Signature Tanya M. Nunez

 TANYA M. NUÑEZ
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
October 3, 2016

This area for Official Notarial Seal

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by this power of attorney is not more than one

Bond No. 3111060

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, the specific bond, undertaking or contract of suretyship referenced herein; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below. The bond number on this Power of Attorney must match the bond number on the bond to which it is attached or it is invalid.

Name	Address	Limit of Power
Valerie Aber	2424 W Missouri Ave Phoenix, AZ 85015-2205	\$100000—

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 7th day of November, 2014
Attest
GREAT AMERICAN INSURANCE COMPANY



Steph C. B.

Assistant Secretary

David C. Kitchin

Divisional Senior Vice President

DAVID C. KITCHIN (877-377-2405)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 7th day of November, 2014, before me personally appeared DAVID C. KITCHIN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



KAREN L. GROSHEIM
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 02-20-16

Karen L. Grosheim

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 7th day of November, 2014



Steph C. B.

Assistant Secretary