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Attorney General
Charitable Law Section

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO, *ex rel.*
MIKE DEWINE, OHIO ATTORNEY
GENERAL

Plaintiff,

vs.

PJG ENTERPRISES, LLC
206 North State Street
Girard, Ohio 44420

PAUL GROSSI
53 North Brockway Ave.
Youngstown, Ohio 44509

THE AMERICAN BREAST CANCER
FEDERATION
53 North Brockway Ave.
Youngstown, Ohio 44509

THE AMERICAN VETERANS
FEDERATION
53 North Brockway Ave.
Youngstown, Ohio 44509

BRANDON P. NORBE MALONE
53 North Brockway Ave.
Youngstown, Ohio 44509

AMAURY CRUZ SERRANO
53 North Brockway Ave.
Youngstown, Ohio 44509

GARY JONES
424 North Walnut St.
East Orange, New Jersey 07017

Defendants.

CASE NO.: 2012 CV 994

JUDGE ANDREW LOGAN

AGREED ENTRY AND ORDER OF
BRANDON MALONE

The Ohio Attorney General filed this action on April 27, 2012 alleging that Defendant Brandon Malone violated his legal and trust responsibilities pursuant to the Ohio Charitable Organizations Act, R.C. § 1716.01 *et seq.*, the Ohio Charitable Trust Act, R.C. § 109.23 *et seq.*, and the common law. The Attorney General alleged that Defendant Brandon Malone failed to register and report in violation R.C. § 1716.02; engaged in prohibited acts and practices while conducting charitable solicitations in violation of R.C. § 1716.14; breached his fiduciary duties in violation of R.C. § 1716.17 and R.C. § 109.23(A); failed to register as a charitable trust established or active in Ohio in violation of R.C. § 109.26; engaged in fraud; converted charitable trust assets; and was unjustly enriched with charitable trust assets. Defendant Brandon Malone denies the Attorney General's allegations but agrees to this Agreed Entry and Order as a resolution of all claims relating to the Attorney General's Complaint.

The Court recognizes that in executing this Agreed Entry and Order the Attorney General and Defendant Brandon Malone have negotiated and agreed to the terms of this Agreed Entry and Order. Based upon, among other things, the Attorney General's Complaint, Amended Complaint, Motion for Temporary Restraining Order and Preliminary Injunction, Defendant's Answer, the representations and terms contained in the discussions among counsel, and the agreement of counsel for the parties executing this Agreed Entry and Order, the Court hereby ORDERS, ADJUDGES, AND DECREES as follows:

1. Defendant Brandon Malone agrees that he will not hold any position as a volunteer, officer, trustee, employee, representative, or agent of any charitable organization in the State of Ohio following the date this Agreed Entry and Order is

signed, other than to wrap up the existing affairs of The American Breast Cancer Federation and The American Veterans Federation and to otherwise carry out his obligations set forth in Paragraph 3 below.

2. Defendant Brandon Malone agrees that he will not participate in solicitations in the State of Ohio for any charitable purpose or on behalf of any charitable organization following the date this Agreed Entry and Order is signed. This exclusion includes solicitations conducted as a volunteer, officer, trustee, employee, representative, or agent of an organization.

3. Defendant Brandon Malone agrees that he will dissolve The American Breast Cancer Federation and The American Veterans Federation and send proof of the dissolution to the Ohio Attorney General on or before November 1, 2013.

4. Defendant Brandon Malone agrees that he will forward all assets and proceeds of The American Breast Cancer Federation and The American Veterans Federation to the Ohio Attorney General on or before November 1, 2013.

5. Defendant Brandon Malone shall pay the sum of \$46,000.00 in 230 monthly installments of \$200.00 to the Office of the Ohio Attorney General commencing November 1, 2013. The payment shall be received by the Office of the Attorney General on or before the first day of each month. The payment shall be made by delivering to the to the Office of the Attorney General, Charitable Law Section, at 150 East Gay Street, 23rd Floor, Columbus, Ohio, 43215, Attn: Dionne DeNunzio, a certified check or money order, made payable to "Treasurer, State of Ohio." The total sum shall be distributed by the Attorney General to support patients with breast cancer.

6. If Defendant Brandon Malone fails to comply with the conditions in Paragraphs One, Two, Three, Four, or Five above, the Attorney General may file a Motion for Contempt of Court. In such case, the Court will conduct an evidentiary hearing on the Attorney General's Motion. If the Attorney General demonstrates after a full evidentiary hearing by preponderance of the evidence that Defendant Brandon Malone through his own actions or through the actions of his agents, representatives, or assigns violated Paragraphs One, Two, Three, Four, or Five above, the Court will order the total unpaid balance of the \$46,000.00 to be due immediately. In any such action for Contempt of Court, the Attorney General need not establish whether or not any damages were appropriately awardable under the claims set forth in the Complaint.

7. Counsel approving this Agreed Entry and Order have advised this Court that they have full authority to sign on behalf of the organization or client they represent. Furthermore, each asserts that the client's commitment to the terms of this document is made in reliance upon the agreements or obligations undertaken by the other parties that have consented to the filing of this Agreed Entry and Order.

8. This Agreed Entry and Order constitutes the conclusion of all claims between the Attorney General and Defendant Brandon Malone in this case. This Court retains jurisdiction to enforce the terms of this Agreed Entry and Order.

9. Each party shall bear their own costs, including any possible attorneys' fees, court costs, or other expenses in this litigation.

10. The above-styled case will be dismissed with prejudice subject only to reinstatement for purposes of enforcing this Agreed Entry and Order.

IT IS SO ORDERED.

Date: _____

JUDGE ANDREW D. LOGAN

JUDGE ANDREW LOGAN

AGREED:

BRANDON MALONE

MIKE DEWINE
OHIO ATTORNEY GENERAL

FILED
COURT OF COMMON PLEAS
AUG 26 2013
TRUMBULL COUNTY, OH
KAREN INFANTE ALLEN, CLERK

Dionne DeNunzio

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