

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO. 14 CV 012488
MIKE DEWINE, OHIO ATTORNEY GENERAL	:	JUDGE BROWN
	:	
Plaintiff,	:	
	:	
vs.	:	ASSURANCE OF DISCONTINUANCE
	:	
PUBLIC INTEREST COMMUNICATIONS, INC.	:	
	:	
Defendant.	:	

ASSURANCE OF DISCONTINUANCE

Pursuant to the authority granted in the Ohio Charitable Organization Act, R.C. § 1716.01 et seq., specifically, R.C. § 1716.16(C), Ohio Attorney General Mike DeWine (hereinafter "Attorney General") accepts this Assurance of Discontinuance (hereinafter "Assurance") from Public Interest Communications, Inc. (hereinafter "PIC"). The Attorney General and PIC, as parties to this Assurance, acknowledge and agree that it is in their best interest and consistent with the best interests of the people of the State of Ohio to resolve the issues between them in the matter set forth herein. As part of this Assurance, the Attorney General and PIC stipulate as follows:

I. JURISDICTION AND VENUE

A. This Court has jurisdiction over the subject matter of this action, pursuant to R.C. Chapter 1716 and the rules adopted thereunder. This Court has jurisdiction over the parties. Venue is proper in this Court.

II. FACTS

B. PIC has its principal place of business at 7700 Leesburg Pike, Suite 301, Falls Church, VA, 22043.

C. Since at least 1993, PIC has been conducting solicitation campaigns in Ohio. PIC conducts or has conducted phone and mail solicitations on behalf of various charitable organizations

D. PIC is a professional solicitor as defined in R.C. § 1716.01(J). Prior to soliciting in Ohio, a professional solicitor is required to register with the Attorney General pursuant to R.C. § 1716.07(A) and (B). PIC is currently registered as a professional solicitor in Ohio.

III. CONCLUSIONS OF THE ATTORNEY GENERAL

E. The charitable solicitation activities of PIC in Ohio are the subject of this Assurance. Such activities are described in and regulated by the Ohio Charitable Organizations Act, R.C. § 1716.01 *et seq.*

F. The Attorney General is the party charged with enforcing the Ohio Charitable Organizations Act. The Attorney General's Charitable Law Section investigated PIC's current solicitation activities.

G. As a result of its investigation, the Attorney General has reason to believe that PIC violated the following provisions of the Ohio Charitable Organizations Act:

1. R.C. § 1716.07(D)(1): Failure to timely file Solicitation Notices with the Ohio Attorney General for seven (7) solicitation campaigns over a four year period from 2011 through 2014, notice of which was first given to PIC in December 2014, with the filing of the Complaint in this action;
2. R.C. § 1716.07(E): Failure to timely file financial reports with the Ohio Attorney General for thirty-three (33) solicitation campaigns over a five year period from 2010 through 2014, notice of which was first given to PIC in December 2014, with the filing of the Complaint in this action;
3. R.C. § 1716.17: Breached fiduciary duties by failing to comply with Ohio's solicitation laws;
4. R.C. § 1716.14(B): Engaged in conduct that created a nuisance;
5. R.C. § 1716.07(I)(2): Employed an individual who had been convicted of a felony within the last five years of the filing of the Complaint; and

6. The conduct outlined in paragraphs G(1) through (5) constitutes separate and collective violations of a 1999 Assurance of Discontinuance and a 2001 Assurance of Discontinuance.

H. The Attorney General's findings, as outlined in Paragraph G above, are the bases upon which this Assurance has been negotiated. However, this Assurance is the culmination of disputed claims and does not constitute an admission of any wrongdoing by PIC.

IV. ASSURANCE

I. The Attorney General is accepting this Assurance in settlement of the underlying claims alleged in the above captioned civil action based, in part, on the cooperation and responsiveness of PIC.

J. PIC hereby agrees to abide by the statutory requisites set forth in Chapter 1716 of the Ohio Revised Code in the course of soliciting charitable contributions from Ohio residents. In particular, with respect to each solicitation campaign it conducts by verbal, written, or electronic means, PIC agrees to fully comply with the following:

1. PIC agrees to timely file completed registration forms with the Attorney General by March 31st of every year PIC solicits in Ohio;
2. PIC agrees to timely file solicitation notices according to R.C. § 1716.07(D);
3. PIC agrees to timely file its solicitation campaign financial reports according to the time limits prescribed in R.C. § 1716.07(E);

K. PIC shall pay a total of fifty thousand dollars (\$50,000.00) to the Office of the Ohio Attorney General. Payment shall be made by delivering to the Office of the Ohio Attorney General, Charitable Law Section, at 150 East Gay Street, 23rd Floor,

Columbus, Ohio, 43215, Attn: Chief Accountant, a certified check or money order in this amount, made payable to "Treasurer, State of Ohio." The Attorney General shall deposit all funds paid under this Assurance into the charitable law fund established under R.C. Section 109.32. The payment shall be paid in installments as follows: \$5,000 upon the signing of this Assurance; \$5,000 within 30 days of signing this Assurance; \$5,000 within 60 days of signing this Assurance; \$5,000 within 90 days of signing this Assurance; \$5,000 within 120 days of signing this Assurance; \$5,000 within 150 days of signing this Assurance; \$5,000 within 180 days of signing this Assurance; \$5,000 within 210 days of signing this Assurance; \$5,000 within 240 days of signing this Assurance; and \$5,000 within 270 days of signing this Assurance.

L. In the event PIC fails to comply with any of the provisions of ORC § 1716.07, a fifty dollar (\$50.00) penalty per day for each and every day the violation and/or failure to timely file reports persists shall be immediately due and owing from PIC to the Ohio Attorney General's Office. The penalties provided herein to be paid by PIC in the event of a violation shall be in addition to, and not in lieu of, any and all other amounts, penalties, costs and remedies that may be available under ORC § 1716 et seq., as amended.

M. Any payment required to be made under Paragraph L of this Assurance shall be made by delivering a certified check or money order in the stated amount, made payable to "Treasurer, State of Ohio to the Office of the Ohio Attorney General, Charitable Law Section, at 150 East Gay Street, 23rd Floor, Columbus, Ohio, 43215, Attn: Chief Accountant, for the appropriate amount within thirty (30) days from the date of failure to comply. The payment shall be accompanied by a letter documenting that

the payment is being made pursuant to this Assurance. The Attorney General shall deposit all funds paid under this Assurance into the charitable law fund established under R.C. Section 109.32.

N. If at any time, PIC accrues thirty (30) or more pending violations for failing to make timely filings of required reports, registrations, and notices pursuant to R.C. § 1716.01 et seq., it shall cease all acts of "solicitation," as defined in R.C. § 1716.01(K), in the State of Ohio for any "charitable organization" or "charitable purpose," as defined in R.C. §§ 1716.01(A) and 1716.01(B) respectively and shall cease acting as a "professional solicitor," as defined in R.C. § 1716.01(J), in the State of Ohio for any "charitable organization," as defined in R.C. § 1716.01(A), until all pending violations are corrected. The Ohio Attorney General shall notify PIC via email when it has documented thirty (30) or more violations and PIC shall have thirty (30) days to cure all of the violations before PIC must cease soliciting in Ohio. PIC shall provide the Ohio Attorney General an email address for use in compliance with the notice requirement.

O. All individuals employed by and/or acting on the behalf of PIC whose duties include ensuring that PIC complies with the requirements under ORC § 1716 et seq., and at least one officer of PIC; shall schedule with the Ohio Attorney General's Office Charitable Law Section's a one-hour webinar based Professional Solicitor School training by June 1, 2016.

P. If PIC fails to comply with the payment requirements in Section K and/or L above, the Attorney General shall certify the unpaid balance of the Payment to the Ohio Attorney General's Collections Enforcement Section ("Collections") for collection. In the event of certification, PIC agrees to pay additional collection costs assessed by

Collections in accordance with R.C. § 131.02(A) equal to the amounts charged pursuant to R.C. §§ 109.08 and 109.081 for the cost of certification and the use of Special Counsel for the collection of the debt. Interest shall also be charged upon certification in accordance with R.C. § 131.02(D). Nothing in this paragraph should be construed to limit the Attorney General's discretion to pursue any other available remedy.

Q. PIC agrees that this Assurance is made in full settlement of all claims set forth in the above captioned civil action based upon the conclusions set forth herein.

R. If the Attorney General believes PIC has violated this Assurance, in any manner other than set forth in Paragraph N supra, the Attorney General shall give PIC notice, in writing, of the alleged violation or violations and thirty (30) days to cure. PIC agrees that any evidence of a violation of this Assurance shall be *prima facie* evidence of a violation of Chapter 1716 of the Ohio Revised Code and any rule adopted thereunder in any subsequent action or proceeding brought by the Attorney General, as provided in R.C. § 1716.16(C).

S. PIC agrees that any matter closed by the acceptance of this Assurance may be reopened at any time by the Attorney General for further proceedings in the public interest based upon any violation of the terms of this Assurance or upon the discovery of evidence not known or anticipated by the parties hereto at the time of signing.

V. RETENTION OF JURISDICTION

T. This Court shall retain jurisdiction of this action for the purpose of enforcing this Assurance.

VI. AUTHORITY TO ENTER INTO THE ASSURANCE

U. Each signatory for PIC represents and warrants that he/she has been duly authorized to sign this document and so binds PIC to all terms and conditions hereof.

VII. ACKNOWLEDGEMENTS

V. PIC acknowledges that it has been given ample opportunity to be advised by legal counsel as to the meaning and effect of each provision of this Assurance and that it has elected of its own free will and accord to enter into this Assurance.


W. The Attorney General and PIC hereby agree that this Assurance is binding upon the successors and assignees of all parties hereto and that this Assurance constitutes the entire agreement and understanding of the parties.

CERTIFICATION

Each individual signing below represents that he or she is authorized and directed to sign this Assurance of Discontinuance on behalf of the party represented and further represents that he or she is the requisite authority to bind the party on behalf of whom they are signing.

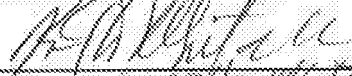
WHEREFORE, the undersigned have executed this Assurance of Discontinuance this 4TH day of MAY, 2016.

MIKE DEWINE
OHIO ATTORNEY GENERAL



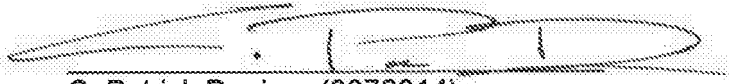
Peter M. Thomas - Section Chief
Ohio Attorney General
Charitable Law Section

PUBLIC INTEREST
COMMUNICATIONS, INC.



Name: NORTH STAR
Title: CEO

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