

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

MIKE DEWINE,
OHIO ATTORNEY GENERAL,
30 East Broad Street, 17th Floor
Columbus, Ohio 43215

Plaintiff,

-vs-

LUTHER E. COPELAND, SR.,
616 Cherry Road NE
Massillon, Ohio 44646-5774

MASSILLON LITTLE LEAGUE, INC.
attn.: Lou Copeland, Statutory Agent
1865 Greentree Place SE
Massillon, Ohio 44646

MASSILLON YOUTH BASEBALL ASSOCIATION :
Attn.: Luther Copeland, Statutory Agent :
P.O. Box 69 :
Massillon, Ohio 44646 :

Defendants.

Case No.

Judge: _____

**COMPLAINT FOR
INJUNCTIVE RELIEF AND
STATUTORY MONETARY
SANCTIONS**

COMPLAINT

Plaintiff, Ohio Attorney General Mike DeWine, now comes before this Honorable Court to state the following allegations as his Complaint against Defendants, Luther E. Copeland, Sr., and Massillon Little League, Inc.:

General Allegations

1. This Court has jurisdiction over this case pursuant to Article IV, § 4(B) of the Ohio Constitution and Section 2305.01 of the Ohio Revised Code.
2. Venue is proper is in this Court pursuant to Civil Rule 3(B)(6) because all or part of the conduct charged against Defendants occurred here in Franklin County, State of Ohio.
3. Plaintiff, Mike DeWine, is the duly elected Attorney General for the State of Ohio, whose principle office is located at 30 East Broad Street, 17th Floor, Columbus, Franklin County, Ohio 43215.
4. Defendant, Massillon Little League, Inc., was incorporated in July, 1973 and had a principle place of business in Stark County, State of Ohio. It is currently registered through March, 2019

with the Ohio Secretary of State's Office. However, it ceased operations following the conclusion of the 2016 Little League baseball season and is no longer an active organization.

5. Defendant, Luther E. Copeland, Sr., operated Massillon Little League, Inc., and served as its President.
6. Defendant, Luther E. Copeland, Sr., incorporated Defendant, Massillon Youth Baseball Association, in April, 2017. The organization has a principle place of business in Stark County, State of Ohio and is currently registered through April, 2022 with the Ohio Secretary of State's Office. Defendant Copeland serves as its statutory agent and is a member of its Board of Directors and/or Trustees.
7. The Articles of Incorporation for Defendant, Massillon Little League, Inc., state that its purpose is "to provide a supervised program of competitive baseball games under the rules of policies of Little League Baseball Incorporated". Similarly, the Articles of Incorporation for Defendant, Massillon Youth Baseball Association, state that its purpose is "[t]o provide youth baseball for boys and girls ages 5-14 in the Massillon Community".
8. Defendants, Massillon Little League, Inc. and Massillon Youth Baseball Association, are each a "charitable organization" as that term is defined in Section 1716.01(A) of the Ohio Revised Code and a "charitable trust" as that term is defined in Section 109.23 of the Ohio Revised Code.
9. Defendant, Luther E. Copeland, Sr. had unfettered control over the charitable assets and funds of Massillon Little League and Massillon Youth Baseball Association, including the bank accounts holding those funds.
10. During the period a time extending from approximately February, 2014 to the present, Defendant, Luther E. Copeland, Sr., diverted funds largely derived from cash withdrawals from the bank accounts of Massillon Little League, Inc. and Massillon Youth Baseball Association into his personal pre-paid card account.
11. Defendant, Luther E. Copeland, Sr. in turn used his pre-paid card containing funds from Massillon Little League, Inc. and Massillon Youth Baseball Association for personal expenses.
12. Examples of expenditures from Defendant Luther E. Copeland, Sr.'s pre-paid card account for which there is no discernable charitable purpose include, but are not limited to: Kay Jewelers, \$1,700.00; Progressive automobile insurance, \$2,017.37 (neither Defendant charitable organization owns any type of motor vehicle); Mountaineer Gaming Resort, \$537.74; Enterprise Rent – A – Car, \$623.78; Playhouse Square, \$134.50; Hard Rock Café, \$242.89; Direct TV, \$453.09; Pet Supplies Plus, \$153.24; Sirius XM radio, \$131.95; Google Etermax (game apps for Android smartphones), \$164.79, and Yahoo Fantasy Sports, \$20.00. The Mountaineer Gaming Resort, in Chester, West Virginia, and the Hard Rock Café, in Tampa Florida, are casinos.
13. Defendant, Luther E. Copeland, Sr. has provided no explanation or documentation of the charitable purpose for the aforementioned expenses or any of the personal expenses appearing on his pre-paid card, despite the diversion of charitable funds into, and co-mingled with the funds of, his personal account.

14. Moreover, Defendant, Luther E. Copeland, Sr. has failed to provide a true and accurate accounting of the revenue and expenditures for the charitable assets and funds of Massillon Little League and Massillon Youth Baseball Association for the period of time between February, 2014 to the present.
15. As a result, Defendant, Luther E. Copeland, Sr. has misused and/or misappropriated in excess of \$25,000.00 of the charitable assets and funds of Massillon Little League, Inc. and Massillon Youth Baseball Association for his own personal use and/or has failed to provide an accounting for in excess of \$25,000.00 of the charitable assets and funds of those organizations.

Count One – Breach of Fiduciary Duty

16. Plaintiff incorporates the allegations set forth in Paragraphs 1 – 15 as if fully rewritten herein.
17. The provisions of Sections 109.23 and 1716.17 of the Ohio Revised Code impose a fiduciary duty upon certain persons who act on behalf of or serve a charitable organization or charitable trust. This fiduciary duty includes acting in the best interest of the beneficiaries of the charitable organization or charitable trust with respect to the charitable assets, funds, and property entrusted to them and to not violate the law in doing so.
18. Defendant, Luther E. Copeland, Sr., by virtue of his position as President and principle member of Massillon Little League, Inc. as well as the entrustment to his care the charitable funds and assets of Massillon Youth Baseball Association, served in fiduciary capacities with respect to those charitable organizations and charitable trusts.
19. Defendant, Luther E. Copeland Sr., breached his fiduciary duties to Massillon Little League, Inc. and Massillon Youth Baseball Association, and its beneficiaries by misusing and/or misappropriating in excess of \$25,000.00 of charitable funds and assets belonging to those charitable organizations and trusts.
20. Defendant, Luther E. Copeland Sr., has further breached his fiduciary duties to Massillon Little League, Inc. and Massillon Youth Baseball Association, and its beneficiaries by failing to provide an accounting for in excess of \$25,000.00 of charitable funds and assets belonging to those charitable organizations and trusts.

Count Two – Injunction

21. Plaintiff incorporates the allegations set forth in Paragraphs 1 – 20 as if fully rewritten herein.
22. The provisions of Section 1716.16(B) of the Ohio Revised Code authorize the Attorney General to seek injunctive relief for any violation of Chapter 1716 of the Ohio Revised Code.
23. In seeking injunctive relief, pursuant to Section 1716.16(B), the Attorney General is not required to establish irreparable harm but only shall establish a violation of a provision of Chapter 1716 or that the requested order promotes the public interest.

24. In converting the charitable funds and assets of Massillon Little League Inc. and Massillon Youth Baseball Association, Defendant Luther E. Copeland, Sr. breached his fiduciary duties to properly manage and expend those monies lawfully and legally belonging to Massillon Little League Inc. and Massillon Youth Baseball Association in violation of Section 1716.17 of the Ohio Revised Code.
25. Additionally, Defendant Luther E. Copeland, Sr. breached his fiduciary duties to manage and protect the charitable funds and assets Massillon Little League Inc. and Massillon Youth Baseball Association by misappropriating and/or misusing over \$25,000.00 of the charitable funds and assets of Massillon Little League Inc. and Massillon Youth Baseball Association, in violation of Section 1716.17 of the Ohio Revised Code.
26. Furthermore, the public interest would be promoted and served by an injunction forever barring Defendant, Luther E. Copeland, Sr., from incorporating, organizing, or serving in any fiduciary capacity for a non-profit corporation that qualifies as either a “charitable organization”, as that term is defined in Section 1716.01(A) of the Ohio Revised Code, or a “charitable trust”, as that term is defined in Section 109.23 of the Ohio Revised Code.
27. Plaintiff is therefore entitled to the injunctive relief requested pursuant to Section 1716.16(B) of the Ohio Revised Code.

Count Three – Conversion

28. Plaintiff incorporates the allegations set forth in Paragraphs 1 – 27 as if fully rewritten herein.
29. Massillon Little League, Inc. and Massillon Youth Baseball Association were the lawful and legal owners of the funds and assets it held to carry-out and effect its charitable purposes and mission.
30. Defendant, Luther E. Copeland, Sr., was aware of and had knowledge that Massillon Little League, Inc. and Massillon Youth Baseball Association were the lawful and legal owners of the funds and assets he misappropriated from them.
31. Defendant, Luther E. Copeland, Sr., was without authority to misappropriate in excess of \$25,000.00 of charitable funds and assets lawfully and legally owned by Massillon Little League, Inc. and Massillon Youth Baseball Association for his own personal use.
32. As a result of his wrongful conduct, Defendant, Luther E. Copeland, Sr., has without authorization or legal justification, converted in excess of \$25,000.00 of charitable funds and assets belonging to Massillon Little League, Inc. and Massillon Youth Baseball Association.

Count Four – Claim for Violations of Chapter 1716 (Massillon Little League)

33. Plaintiff incorporates the allegations set forth in Paragraphs 1 – 32 as if fully rewritten herein.
34. The provisions of Section 1716.04 of the Ohio Revised Code require charitable organizations to file an Annual Report documenting, among other matters, its usage of charitable funds.

35. Charitable organizations are required to file the Annual Report required under Section 1716.04 of the Ohio Revised Code with the Charitable Law Section of the Ohio Attorney General's Office at 150 East Gay Street, Columbus, Franklin County, Ohio.
36. Defendant, Massillon Little League, Inc., failed to file Annual Reports for the years 2014, 2015, and 2016 as required by and in violation of the provisions of Section 1716.04 of the Ohio Revised Code.
37. Defendant, Massillon Little League, Inc., is in violation of the provisions of Chapter 1716 of the Ohio Revised Code.
38. Pursuant to the provisions of Section 1716.16 of the Ohio Revised Code, Plaintiff is authorized to bring a civil action to enforce the provisions of Chapter 1716 and to obtain civil penalties and injunctive relief for this violation against Defendant, Massillon Little League, Inc.

Count Five – Claim for Violations of Chapter 109 (Massillon Little League)

39. Plaintiff incorporates the allegations set forth in Paragraphs 1 – 38 as if fully rewritten herein.
40. The provisions of Section 109.31 of the Ohio Revised Code require charitable trusts to file an Annual Report documenting, among other matters, its usage of charitable funds.
41. Charitable trusts are required to file the Annual Report required under Section 109.31 of the Ohio Revised Code with the Charitable Law Section of the Ohio Attorney General's Office at 150 East Gay Street, Columbus, Franklin County, Ohio.
42. Defendant, Massillon Little League, Inc., failed to file Annual Reports for the years 2014, 2015, and 2016 as required by and in violation of the provisions of Section 109.31 of the Ohio Revised Code.
43. The provisions of Sections 109.24 and 109.31 of the Ohio Revised Code authorize the Attorney General to institute judicial proceedings to enforce the performance of any charitable trust, to restrain the abuse of it, and/or to secure the proper administration of any charitable trust.

Count Six – Claim for Violations of Chapter 1716 (Massillon Youth Baseball Association)

44. Plaintiff incorporates the allegations set forth in Paragraphs 1 – 43 as if fully rewritten herein.
45. The provisions of Section 1716.02 of the Ohio Revised Code require charitable organizations to register with Plaintiff.
46. To comply with the provisions of Section 1716.02 of the Ohio Revised Code, charitable organizations are required to file a registration statement with the Charitable Law Section of the Ohio Attorney General's Office at 150 East Gay Street, Columbus, Franklin County, Ohio.
47. Defendant, Massillon Youth Baseball Association, has failed to register with Plaintiff as a charitable organization as required by the provisions of Section 1716.02 of the Ohio Revised Code.

48. Defendant, Massillon Youth Baseball Association, is in violation of the provisions of Chapter 1716 of the Ohio Revised Code.
49. Pursuant to the provisions of Section 1716.16 of the Ohio Revised Code, Plaintiff is authorized to bring a civil action to enforce the provisions of Chapter 1716 and to obtain civil penalties and injunctive relief for this violation against Defendant Massillon Youth Baseball Association.

Count Seven – Claim for Violations of Chapter 109 (Massillon Youth Baseball Association)

50. Plaintiff incorporates the allegations set forth in Paragraphs 1 – 49 as if fully rewritten herein.
51. The provisions of Section 109.26 of the Ohio Revised Code require charitable trusts to register with Plaintiff.
52. To comply with the provisions of Section 109.26 of the Ohio Revised Code, charitable trusts are required to register with the Charitable Law Section of the Ohio Attorney General’s Office at 150 East Gay Street, Columbus, Franklin County, Ohio.
53. Defendant, Massillon Youth Baseball Association, has failed to register with Plaintiff as a charitable trust as required by the provisions of Section 109.26 of the Ohio Revised Code.
54. Defendant, Massillon Youth Baseball Association, is in violation of the provisions of Chapter 109 of the Ohio Revised Code.
55. The provisions of Sections 109.24 and 109.31 of the Ohio Revised Code authorize the Attorney General to institute judicial proceedings to enforce the performance of any charitable trust, to restrain the abuse of it, and/or to secure the proper administration of any charitable trust.

Remedies and Relief Requested

56. In view of the foregoing, Plaintiff, Ohio Attorney General Mike DeWine, respectfully prays that this Honorable Court will award and order the following relief jointly and severally against Defendants Massillon Little League, Inc., Massillon Youth Baseball Association and Luther E. Copeland, Sr.:
 - a. an injunction barring Defendant, Luther E. Copeland, Sr., from ever incorporating, organizing, or serving in any fiduciary capacity for a non-profit corporation that qualifies as either a “charitable organization”, as that term is defined in Section 1716.01(A) of the Ohio Revised Code, or a “charitable trust”, as that term is defined in Section 109.23 of the Ohio Revised Code;
 - b. an order appointing a receiver to take control of any charitable assets and property that may still remain under the control of Defendants, Massillon Little League, Inc. and Luther E. Copeland, Sr., to account for and dispose of those assets and property in accordance with the provisions of the Ohio Revised Code and the common law governing the winding-up and dissolution of a charitable organization;

- c. an order of restitution against Defendant, Luther E. Copeland Sr., in an amount in excess of \$25,000.00;
- d. a civil penalty of not more than \$10,000.00 for each violation of the provisions of Chapter 1716 of the Ohio Revised Code;
- e. an order judicially dissolving Defendant, Massillon Little League, Inc., and an order to the Ohio Secretary of State's Office directing it to cancel the Articles of Incorporation of Defendant, Massillon Little League, Inc.;
- f. an order directing Massillon Youth Baseball Association to register with the Ohio Attorney General's office as a charitable organization and/or a charitable trust in accordance with the provisions of Sections 109.26 and 1716.02 of the Ohio Revised Code; and
- g. such other legal and equitable relief as this Court deems appropriate in the interest of justice.

Respectfully submitted,

MIKE DEWINE
Attorney General of Ohio

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