

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

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

Plaintiff,

vs.

GO GREEN FOR THE CAUSE, INC.
9696 Richmond Circle
Boca Raton, Florida 33434

NICOLE LEVE
13615 Doubletree Terrace
Wellington, Florida 33414

BIN BOY MANAGEMENT, LLC
19024 Skyridge Circle
Boca Raton, Florida 33498

PRESIDENTIAL CLOTHING RECYCLERS,
INC.
20243 State Road 7
F6-473
Boca Raton, Florida 33498

JAY KATARI
4525 Sanctuary Lane
Boca Raton, Florida 33431-5207

Defendants.

CASE NO.:

JUDGE

ASSURANCE OF DISCONTINUANCE

Pursuant to the authority granted in the Ohio Charitable Organizations Act, R.C. § 1716.01 *et seq.*, specifically, R.C. § 1716.16(C), Ohio Attorney General Mike DeWine (hereinafter the “Attorney General”) accepts this Agreement from Go Green for the Cause, Inc., Bin Boy Management, LLC, Presidential Clothing Recyclers, Inc., Jay Katari, and Nicole Leve.

The Attorney General, Go Green for the Cause, Inc., Bin Boy Management, LLC, Presidential Clothing Recyclers, Inc., Jay Katari, and Nicole Leve, as parties to this Agreement, 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 manner set forth herein. As part of this Agreement, the Attorney General, Go Green for the Cause, Inc., Bin Boy Management, LLC, Presidential Clothing Recyclers, Inc., Jay Katari, and Nicole Leve 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, R.C. § 109.23 *et seq.*, the rules adopted thereunder, and the Attorney General's common law authority to enforce charitable trusts. This Court has jurisdiction over the parties. Venue is proper in this Court.

II. FACTS

- B. Go Green For the Cause is a 501(c)(3) tax exempt organization whose stated charitable purpose is "recycling clothing donations to generate funds to help worthy non-profit organizations."
- C. Go Green For the Cause's principal place of business is at 9696 Richmond Circle, Boca Raton, Florida 33434.
- D. Bin Boy Management, LLC's principal place of business is listed as 19024 Skyridge Circle, Boca Raton, Florida 33498. Bin Boy Management, LLC has no employees, but is the listed owner of the clothing collection bins described below.
- E. Presidential Clothing Recyclers, Inc.'s principal place of business is at 20243 State Road 7, F6-473, Boca Raton, Florida 33498.
- F. Nicole Leve is the executive director of Go Green For the Cause.

- G. Nicole Leve resides at 13615 Doubletree Terrace, Wellington, Florida 33414.
- H. Jay Katari is the president/chief financial officer of both Bin Boy Management, LLC, and Presidential Clothing Recyclers, Inc.
- I. Jay Katari resides at 4525 Sanctuary Lane, Boca Raton, Florida 33431-5207.
- J. Go Green For the Cause contracted with Bin Boy Management on May 1, 2010 to lease the clothing collection bins. Although the contract was with Bin Boy Management, as the owner of the bins, the locations at which the bins were to be placed were determined by Presidential Clothing Recyclers and employees of Presidential Clothing Recyclers moved the bins to the selected locations and prepared the bins with the appropriate stickers.
- K. Go Green For the Cause contracted with Presidential Clothing Recyclers on June 1, 2011 to place and collect the contents of the clothing collection bins.
- L. Go Green For the Cause started soliciting for a charitable organization and/or charitable purpose in Ohio on November 7, 2011.
- M. Go Green For the Cause is a “charitable organization” as that term is defined in R.C. § 1716.01(A) and a “charitable trust” as that term is defined in R.C. § 109.23.
- N. Go Green For the Cause and Presidential Clothing Recyclers are “professional solicitors” as that term is defined in R.C. § 1716.01(J).
- O. The funds raised and held by Go Green For the Cause and Presidential Clothing Recyclers on behalf of charitable purposes are subject to a valid “charitable trust” under R.C. § 109.23.
- P. Nicole Leve and Jay Katari have fiduciary duties under R.C. § 109.23 *et seq.*, R.C. § 1716.17, and the common law.

- Q. The Ohio Charitable Organizations Act enumerates certain registration and reporting requirements with which a professional solicitor must comply if it intends to solicit contributions in Ohio and it prohibits certain acts and practices when soliciting for such contributions.
- R. Go Green For the Cause and Presidential Clothing Recyclers failed to register as a professional solicitor with the Ohio Attorney General before engaging in solicitation.
- S. Go Green For the Cause and Presidential Clothing Recyclers failed to file with and have approved by the Ohio Attorney General a bond in which they shall each be the principal obligor, in the sum of twenty-five thousand dollars, with one or more sureties authorized to do business in the State of Ohio.
- T. Go Green For the Cause and Presidential Clothing Recyclers failed to file a Solicitation Notice, copies of contracts with charitable organizations of which they were soliciting on behalf, and a sworn statement by the charitable organizations on whose behalf they were soliciting certifying that the Solicitation Notice and any accompanying material are true and correct to the best of their knowledge.

III. FINDINGS OF THE ATTORNEY GENERAL

U. The charitable solicitation activities in Ohio of Go Green For the Cause and Presidential Clothing Recyclers are the subject of this Agreement. Such activities are described in and regulated by the Ohio Charitable Trust Act, R.C. 109.23 *et seq.*, the Ohio Charitable Organizations Act, R.C. § 1716.01 *et seq.* and the Attorney General's common law authority to enforce charitable trusts.

V. The Attorney General is the party charged with enforcing the Ohio Charitable Trust Act and the Ohio Charitable Organizations Act and has caused an investigation to

be conducted by the Charitable Law Section of the charitable solicitation activities of Go Green For the Cause and Presidential Clothing Recyclers.

W. As a result of his investigation, the Attorney General has reason to believe that Go Green For the Cause and Presidential Clothing Recyclers are in violation of the Ohio Charitable Trust Act and the Ohio Charitable Organizations Act by violating the following:

1. R.C. § 1716.07(B): Go Green For the Cause and Presidential Clothing Recyclers have violated R.C. § 1716.07(B) by failing to register with the Ohio Attorney General before engaging in any solicitation;
2. R.C. § 1716.07(C): Go Green For the Cause and Presidential Clothing Recyclers have violated R.C. § 1716.07(C) by failing to file with and have approved a bond in which they shall each be the principal obligor, in the sum of twenty-five thousand dollars, with one or more sureties authorized to do business in the State of Ohio;
3. R.C. § 1716.07(D)(1)(a): Go Green For the Cause and Presidential Clothing Recyclers have violated R.C. § 1716.07(D)(1)(a) by failing, prior to the commencement of any solicitation, to file a completed Solicitation Notice;
4. R.C. § 1716.07(D)(1)(b): Go Green For the Cause and Presidential Clothing Recyclers have violated R.C. § 1716.07(D)(1)(b) by failing, prior to the commencement of any solicitation, to file any copies of contracts with the charitable organizations of which they was soliciting on behalf;
5. R.C. § 1716.07(D)(1)(c): Go Green For the Cause and Presidential Clothing Recyclers have violated R.C. § 1716.07(D)(1)(c) by failing, prior to the

commencement of any solicitation, to file sworn statements by the charitable organizations on whose behalf they were acting, certifying that the Solicitation Notice and any accompanying material are true and correct to the best of their knowledge;

6. R.C. § 1716.07(A): Go Green For the Cause and Presidential Clothing Recyclers have violated R.C. § 1716.07(A) by engaging in solicitation without complying with the requirements of Chapter 1716 and any rules adopted thereunder;
7. R.C. § 1716.14(A)(12): Go Green For the Cause and Presidential Clothing Recyclers have violated R.C. § 1716.14(A)(12) by operating in violation of Chapter 1716 or failing to comply with Chapter 1716;
8. R.C. § 1716.17 and R.C. § 109.23(A): Nicole Leve and Jay Katari have breached their fiduciary duty to comply with the law, resulting in loss and other damages to the charitable beneficiaries;
9. R.C. § 1716.14(B): Go Green For the Cause and Presidential Clothing Recyclers' actions of soliciting contributions for any charitable organization or charitable purpose without complying with the requirements of Chapter 1716 or any rule adopted thereunder is a nuisance;
10. The Attorney General's findings, as outlined above, are the basis upon which this Agreement has been negotiated. However, this Agreement is the culmination of disputed claims and does not constitute an admission of any wrongdoing by Go Green For the Cause, Bin Boy Management, Presidential Clothing Recyclers, Nicole Leve, and Jay Katari.

IV. ASSURANCE

- X. Nicole Leve and Jay Katari agree that they 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 Agreement is signed.
- Y. Go Green For the Cause, Bin Boy Management, Presidential Clothing Recyclers, Nicole Leve, and Jay Katari agree that they 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 Agreement is signed. This exclusion includes solicitations conducted as a volunteer, officer, trustee, employee, representative, or agent of an organization.
- Z. Presidential Clothing Recyclers shall pay the sum of \$44,000 (forty-four thousand dollars) to the Office of the Ohio Attorney General immediately upon the execution of this Agreement, by delivering 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 in this amount, made payable to "Treasurer, State of Ohio." The total sum shall be distributed by the Attorney General for environmental preservation causes.
- AA. Nicole Leve agrees that she will dissolve Go Green For the Cause and send proof of the dissolution to the Ohio Attorney General within sixty (60) days of the execution of this Agreement.
- BB. Nicole Leve agrees that she will distribute the net proceeds of Go Green For the Cause to legitimate 501(c)(3) charitable organizations benefiting similar charitable purposes and send proof of these distributions to the Ohio Attorney General within sixty (60) days of the execution of this Agreement.

CC. Go Green For the Cause, Bin Boy Management, Presidential Clothing Recyclers, Nicole Leve, and Jay Katari agree that this Agreement is made in lieu of prosecution of a civil action based upon the findings set forth herein.

DD. Go Green For the Cause, Bin Boy Management, Presidential Clothing Recyclers, Nicole Leve, and Jay Katari agree that any evidence of a violation of this Agreement 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).

EE. This Agreement resolves all claims that the Ohio Attorney General has raised or could have raised under the Ohio Charitable Organizations Act against Go Green For the Cause, Bin Boy Management, Presidential Clothing Recyclers, Nicole Leve, and/or Jay Katari based on the factual circumstance described in this Agreement. Upon execution of this Agreement, the payment of the monetary amount described in paragraph Z above, and the proof of distributions described in paragraph BB above, the Office of the Attorney General shall promptly close the investigation or any other legal pursuit of Go Green For the Cause, Bin Boy Management, Presidential Clothing Recyclers, Nicole Leve, and Jay Katari.

V. RETENTION OF JURISDICTION

FF. This Court shall retain jurisdiction of this action for the purpose of enforcing this Agreement.

VI. ACKNOWLEDGEMENTS

GG. Go Green For the Cause, Bin Boy Management, Presidential Clothing Recyclers, Nicole Leve, and Jay Katari acknowledge that they have been given ample opportunity to be advised by legal counsel as to the meaning and effect of each provision of this Agreement and that they have elected of their own free will and accord to enter into this Agreement.

HH. The Attorney General, Go Green For the Cause, Bin Boy Management, Presidential Clothing Recyclers, Nicole Leve, and Jay Katari hereby agree that this Agreement is binding upon the successors and assignees of all parties hereto and that this Agreement 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 Agreement on behalf of the party represented and further represents that he or she has the requisite authority to bind the party on behalf of whom they are signing.

WHEREFORE, the undersigned have executed this Agreement this 18th day of June, 2013.

NICOLE LEVE

Nicole Leve
Signature

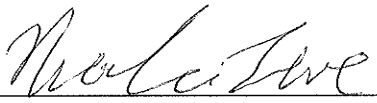
MIKE DEWINE
OHIO ATTORNEY GENERAL

Dionne DeNunzio
Dionne DeNunzio
Associate Assistant Attorney General

GO GREEN FOR THE CAUSE

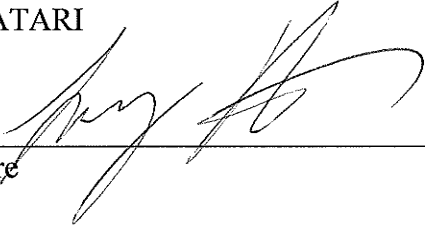
Nicole Leve
Signature on behalf of Go Green For the Cause

NICOLE LEVE



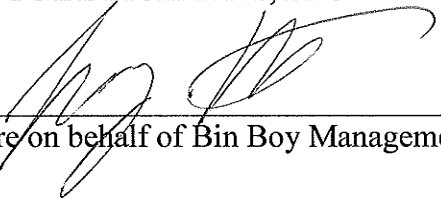
Signature

JAY KATARI



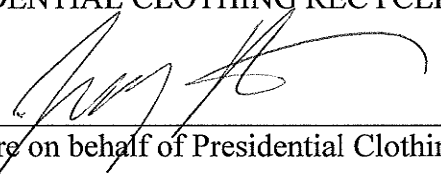
Signature

BIN BOY MANAGEMENT, LLC



Signature on behalf of Bin Boy Management, LLC

PRESIDENTIAL CLOTHING RECYCLERS, INC.



Signature on behalf of Presidential Clothing Recyclers, Inc.