

IN THE COURT OF COMMON PLEAS
RICHLAND COUNTY

STATE OF OHIO, *ex rel.*,
MIKE DEWINE,
OHIO ATTORNEY GENERAL
150 East Gay Street, 23rd Floor
Columbus, Ohio 43215

Plaintiff

v.

KENDALL CLEMONS
a.k.a. Kendall Grogoza,
a.k.a. Kendall Butler,
a.k.a. Kendall LePouttre
a.k.a. Kendall Schuman
161 Dartmouth Drive
Lexington, Ohio

and

WILLIAM CLEMONS
a.k.a. Grizz Clemons
161 Dartmouth Drive
Lexington, Ohio

and

CHERYL PATRICK
52 Glenwood Blvd
Mansfield, Ohio 44903

and

Case No.

Judge

Type of Case: Other Civil

GINGER CUSHING
a.k.a. Rosemary Cushing,
a.k.a. Ginger Holsinger
338 Boston Ave
Mansfield, Ohio 44906

and

BETTY SNOW
396 Terrace Drive
Mansfield, Ohio 44905

and

TERRY ZEHNER
1616 Oxford Street
Mansfield, Ohio

and

VAL ALAMANTEOFF
a.k.a. Valerie Alamanteoff
362 Lee Lane
Mansfield, Ohio 44905

and

JOSH BROWN
603 West 4th Street
Mansfield, Ohio

and

RYAN CUSHING
27 Wolfe Avenue
Mansfield, Ohio

and

LISA LIGGETT
27 Wolfe Avenue
Mansfield, Ohio

and

TOM LORENZ
917 Brookfield Dr., Apt. 7
Mansfield, Ohio 44907

and

MARY OGLE
1883 Tanglewood Drive
Mansfield, Ohio

and

JOE SCANLON
Apartment 4 Wildwook Drive
Mansfield Ohio 44902

and

APRIL SMITH
184 Woodbine Drive
Mansfield Ohio

and

CARL SNOW
396 Terrace Drive
Mansfield, Ohio

and

KATHLEEN OLEARY
a.k.a. Kathleen O'Leary
a.k.a. Kathy O'Leary
1038 Devonwood Road
Mansfield, Ohio 44907

and

RICHLAND ALL SPORTS BOOSTER
CLUB
a.k.a. Mansfield Tyger All Sports Booster
Club
c/o Charles R. Riley, Statutory Agent
37 Parkwood Blvd
Mansfield, Ohio 44906
Also Serve: Cheryl Patrick, President

52 Glenwood Blvd
 Mansfield, Ohio 44903

 and

 MANSFIELD TYGER ALL-SPORTS
 SCHOLARSHIP TRUST
 a.k.a. Richland All-Sports Scholarship Trust,
 c/o Cheryl Patrick, Trustee
 52 Glenwood Blvd
 Mansfield, Ohio 44903

 Defendants.

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**OHIO ATTORNEY GENERAL’S COMPLAINT
 AND JURY DEMAND**

Plaintiff State of Ohio, *ex rel.* Mike DeWine, is the duly elected, qualified and acting Attorney General of Ohio, and hereby alleges:

I. JURISDICTION, VENUE AND PARTIES

A. Jurisdiction

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Mike DeWine (hereinafter called “Attorney General” or “Attorney General’s Office”), having reasonable cause to believe that violations of Ohio law have occurred, brings this complaint in the public interest and under the authority vested in the Attorney General by Ohio Revised Code Section 109.23 *et seq.* (“Ohio Charitable Trust Act”), Ohio Revised Code Chapter 1716 (“Ohio Charitable Organizations Act”), Ohio Revised Code Section

2923.34, Ohio Revised Code Section 2921.13(G) and the Attorney General's common law authority to enforce charitable trusts.

2. Defendants' actions, as described herein, occurred in the State of Ohio and primarily in Richland County.

3. This Court has jurisdiction since Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow reside in Richland County, Ohio.

4. This Court has jurisdiction since Defendant Richland All Sports Booster Club (formerly known as Mansfield Tyger All Sports Booster Club) (hereinafter called "Mansfield Tyger") has its principal place of business in Richland County, Ohio.

5. This Court has jurisdiction since Defendant Mansfield Tyger All-Sports Scholarship Trust (also known as Richland All-Sports Scholarship Trust) (hereinafter called "Scholarship Trust") has its principal place of business in Richland County, and all activities related to the Scholarship Trust giving rise to this action occurred in Richland County, Ohio.

B. Mansfield Tyger

6. Mansfield Tyger is incorporated as a nonprofit corporation with the Ohio Secretary of State and was created and organized exclusively for charitable purposes.

7. Until on or about January 4, 2011, Mansfield Tyger's proceeds and assets were held under a charitable trust in favor of Mansfield Senior High School students. After on or about January 4, 2011, Mansfield Tyger's proceeds were collected and then held under a charitable trust in favor of the students of Richland County.

8. Many of the activities of Defendants as alleged in this Complaint concern the management and operation of Mansfield Tyger and its charitable trust proceeds and assets, including, but not limited to, Mansfield Tyger's bingo game.

9. The actions of Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and of those acting in concert with or at the direction of Defendants resulted in loss or other damages to Mansfield Tyger and the beneficiaries of its charitable trust.

C. *Scholarship Trust*

10. The Scholarship Trust was created under a trust agreement in or around 1999 and was created and organized exclusively for charitable purposes.

11. The Scholarship Trust's proceeds and assets are held under a charitable trust in favor of Mansfield Senior High School students.

12. Many of the activities of Defendants as alleged in this Complaint concern the management and operation of the Scholarship Trust and its charitable trust proceeds and assets.

13. The actions of Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and of those acting in concert with or at the direction of Defendants resulted in loss or other damages to the Scholarship Trust and the beneficiaries of its charitable trust.

D. *Non-Party Charities*

14. Soldiers & Sailors Memorial Building (hereinafter called "Soldiers & Sailors") is incorporated as a nonprofit corporation with the Ohio Secretary of State and was created and organized exclusively for charitable purposes.

15. Soldiers & Sailors operated a charitable bingo game supporting its charitable purposes including a historic military museum.

16. Raemelon Therapeutic Equestrian Center, Inc. (hereinafter called "RTE") is incorporated as a nonprofit corporation with the Ohio Secretary of State and was created and organized exclusively for charitable purposes.

17. RTE operated a charitable bingo game supporting its charitable purposes including the operation of a nonprofit school and facility to provide therapeutic horseback riding lessons and recreational opportunities to handicapped children.

18. Amvets Charles H. Miller Post 31 (hereinafter called "Amvets #31") is incorporated as a nonprofit corporation with the Ohio Secretary of State.

19. Amvets #31 operated a charitable bingo game supporting contracted 501(c)(3) designated charities as well as the charitable purposes of Amvets #31.

20. The Earl D. McVey Post No. 16, American Legion Department of Ohio Company (hereinafter called "American Legion #16") is incorporated as a nonprofit corporation with the Ohio Secretary of State.

21. American Legion #16 operated a charitable bingo game supporting contracted 501(c)(3) designated charities as well as the charitable purposes of American Legion #16.

22. Robert P. Spreng Amvets Post #26 (hereinafter called "Amvets 26") is incorporated as a nonprofit corporation with the Ohio Secretary of State.

23. Amvets #26 operated a charitable bingo game supporting contracted 501(c)(3) designated charities as well as the charitable purposes of Amvets #26.

E. Kendall Clemons

24. Defendant Kendall Clemons was at all relevant times an officer, trustee, employee or agent of Mansfield Tyger, the Scholarship Trust, Soldiers & Sailors, RTE, Amvets #31, American Legion #16 and Amvets #26. Defendant Kendall Clemons directed or participated in activities giving rise to this action with respect to Mansfield Tyger, the Scholarship Trust, Soldiers & Sailors, RTE, Amvets #31, American Legion #16 and Amvets #26 including, but not limited to, handling, directing or controlling charitable proceeds and assets and soliciting or participating in solicitation for charitable purposes.

25. Defendant Kendall Clemons may have participated in additional activities for Mansfield Tyger, the Scholarship Trust, RTE, Soldiers & Sailors, Amvets #31, American Legion #16, Amvets #26 or activities related to other entities that are not yet known.

26. The Attorney General alleges Counts One through Twenty-Six of this Complaint against Defendant Kendall Clemons.

F. William Clemons

27. Defendant William Clemons was at all relevant times an officer, trustee, employee or agent of Mansfield Tyger, the Scholarship Trust, Soldiers & Sailors and RTE. Defendant William Clemons directed or participated in activities giving rise to this action with respect to Mansfield Tyger, the Scholarship Trust, Soldiers & Sailors and RTE including, but not limited to, handling, directing or controlling charitable proceeds and assets and soliciting or participating in solicitation for charitable purposes.

28. Defendant William Clemons may have participated in additional activities for Mansfield Tyger, the Scholarship Trust, RTE and Soldiers & Sailors or activities related to other entities that are not yet known.

29. The Attorney General alleges Counts One through Seven and Counts Nine through Twenty-Six of this Complaint against Defendant William Clemons.

G. Cheryl Patrick

30. Defendant Cheryl Patrick was at all relevant times an officer, trustee, employee or agent of Mansfield Tyger and the Scholarship Trust. Defendant Cheryl Patrick directed or participated in activities giving rise to this action with respect to Mansfield Tyger and the Scholarship Trust including, but not limited to, handling, directing or controlling charitable proceeds and assets and soliciting or participating in solicitation for charitable purposes.

31. Defendant Cheryl Patrick may have participated in additional activities for Mansfield Tyger and the Scholarship Trust or activities related to other entities that are not yet known.

32. The Attorney General alleges Counts One through Twenty-Six of this Complaint against Defendant Cheryl Patrick.

H. Ginger Cushing

33. Defendant Ginger Cushing was at all relevant times an officer, trustee, employee or agent of Mansfield Tyger and the Scholarship Trust. Defendant Ginger Cushing directed or participated in activities giving rise to this action with respect to Mansfield Tyger and the Scholarship Trust including, but not limited to, handling,

directing or controlling charitable proceeds and assets and soliciting or participating in solicitation for charitable purposes.

34. Defendant Ginger Cushing may have participated in additional activities for Mansfield Tyger and the Scholarship Trust or activities related to other entities that are not yet known.

35. The Attorney General alleges Counts One through Seven and Counts Nine through Twenty-Six of this Complaint against Defendant Ginger Cushing.

I. Betty Snow

36. Defendant Betty Snow was at all relevant times an officer, trustee, employee or agent of Mansfield Tyger and the Scholarship Trust. Defendant Betty Snow directed or participated in activities giving rise to this action with respect to Mansfield Tyger and the Scholarship Trust including, but not limited to, handling, directing or controlling charitable proceeds and assets and soliciting or participating in solicitation for charitable purposes

37. Defendant Betty Snow may have participated in additional activities for Mansfield Tyger and the Scholarship Trust or activities related to other entities that are not yet known.

38. The Attorney General alleges Counts One through Twenty-Six of this Complaint against Defendant Betty Snow.

J. Terry Zehner

39. Defendant Terry Zehner was at all relevant times an officer, trustee, employee or agent of Mansfield Tyger and the Scholarship Trust. Defendant Terry Zehner directed or participated in activities giving rise to this action with respect to

Mansfield Tyger and the Scholarship Trust including, but not limited to, handling, directing or controlling charitable proceeds and assets and soliciting or participating in solicitation for charitable purposes.

40. Defendant Terry Zehner may have participated in additional activities for Mansfield Tyger and the Scholarship Trust or activities related to other entities that are not yet known.

41. The Attorney General alleges Counts One through Seven and Counts Nine through Twenty-Six of this Complaint against Defendant Terry Zehner.

K. Kathleen Oleary

42. Defendant Kathleen Oleary received money or other assets from Mansfield Tyger and/or the Scholarship Trust. Upon information and belief, Kathleen Oleary was paid to audit or review Mansfield Tyger's accounts and to personally vouch for the legality of Mansfield Tyger's bingo game and operations before the Board of Education of Mansfield City Schools.

43. Defendant Kathleen Oleary received additional money from Mansfield Tyger, some of which was transferred to Cheryl Patrick's personal account.

44. Defendant Kathleen Oleary may have participated in other activities that are not yet known.

45. The Attorney General alleges Counts One, Two, Twelve, Fourteen, Twenty, Twenty-One, Twenty-Three, Twenty-Four and Twenty-Six of this Complaint against Defendant Kathleen Oleary.

L. Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith & Carl Snow

46. Defendants Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow were at all relevant times employees or agent of Mansfield Tyger. Defendants directed or participated in activities giving rise to this action with respect to Mansfield Tyger including, but not limited to, handling, directing or controlling Mansfield Tyger's charitable proceeds and assets and soliciting or participating in solicitation for Mansfield Tyger.

47. Defendants Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow were bingo game workers for Mansfield Tyger's bingo game, participated in the enterprise described in this complaint and took charitable proceeds for personal or unlawful purposes.

48. The Attorney General alleges Counts One through Three, Nine through Twelve, Fourteen, Nineteen through Twenty-One, and Twenty-Three through Twenty-Six of this Complaint against Defendants Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow.

II. ACTIVITIES OF DEFENDANTS

A. Amvets #31, American Legion #16 and Amvets #26

49. Based on information and belief, in 2004, Amvets #31 hired Defendant Kendall Clemons to operate and oversee Amvets #31's charitable instant bingo game, including purchasing instant bingo tickets on behalf of Amvets #31. Based on information and belief, Defendant Kendall Clemons was compensated \$500 per month to perform these duties.

50. While overseeing and operating Amvets #31's instant bingo game, Defendant Kendall Clemons used her position to divert instant bingo proceeds for

unlawful purposes. As an example, Defendant Kendall Clemons conspired to alter records in order to divert instant bingo receipts.

51. While working for Amvets #31, Defendant Kendall Clemons introduced a scheme to Amvets #31 whereby Amvets #31 would purchase a specific instant bingo game called "Dakota Kid" and alter the distributor invoices to reflect that the deal of instant bingo tickets contained a smaller ticket count. The additional tickets would be sold and the revenue would be untracked. Upon information and belief, the untracked revenue was skimmed by Defendant Kendall Clemons and others acting at her direction.

52. Although Amvets #31 was required to notify the Attorney General's Office, Charitable Law Section of all persons with duties relating to its instant bingo game, Defendant Kendall Clemons was never identified as an instant bingo worker on any of Amvets #31's bingo applications that were filed with the Ohio Attorney General's Office.

53. In December 2004, American Legion #16 hired Defendant Kendall Clemons to operate and oversee its bingo game.

54. The American Legion #16 already had a license to conduct instant bingo at its canteen prior to hiring Defendant Kendall Clemons, but expanded to conduct instant bingo and traditional bingo at bingo game sessions. American Legion #16 received its license to conduct traditional bingo and instant bingo at bingo game sessions in 2004.

55. Between December 2004 and August 2005, Defendant Kendall Clemons received approximately \$18,750 from American Legion #16 to operate the bingo game and consult for American Legion #16.

56. Upon information and belief, while overseeing and operating American Legion #16's bingo game, Defendant Kendall Clemons used her position to divert instant bingo proceeds for unlawful purposes.

57. Upon information and belief, Defendant Kendall Clemons took American Legion #16's instant bingo tickets with her when she left her employment and began using the instant bingo tickets at other games.

58. Although American Legion #16 was required to notify the Attorney General's Office, Charitable Law Section of all persons with duties relating to its bingo game, Defendant Kendall Clemons was never identified as a bingo worker on any of American Legion #16's bingo applications that were filed with the Ohio Attorney General's Office.

59. Upon information and belief, Defendant Kendall Clemons conducted and oversaw Amvets #26's bingo game.

60. Upon information and belief, while overseeing and operating Amvets #26's instant bingo game, Defendant Kendall Clemons used her position to divert instant bingo proceeds for unlawful purposes.

61. Although Amvets #26 was required to notify the Attorney General's Office, Charitable Law Section of all persons with duties relating to its instant bingo game, Defendant Kendall Clemons was never identified as an instant bingo worker on any of Amvets #26's bingo applications that were filed with the Ohio Attorney General's Office.

B. RTE

62. In or around December 2007, RTE hired Defendant Kendall Clemons to operate and oversee its bingo game and to train Heidi Tyson to eventually replace Defendant Kendall Clemons in that role.

63. Defendant Kendall Clemons was interviewed by several members of the board of trustees for RTE and was offered payment to operate bingo. Later, when RTE expressed its intent to issue payments to Clemons via check, Defendant Kendall Clemons declined the salary and offered to “volunteer.” However, upon information and belief, Defendant Kendall Clemons took cash from bingo proceeds for personal or other unlawful purposes by, among other things, hiding money in the office at the bingo hall during the bingo game.

64. Defendant Kendall Clemons brought some of her own bingo workers to work for RTE’s bingo game including Defendants William Clemons and Betty Snow.

65. RTE’s board of trustees asked Defendants Kendall Clemons and William Clemons to leave and Heidi Tyson took over as primary bingo operator for RTE in or around March, 2008.

66. The board of RTE requested that Defendant Kendall Clemons return bingo records in her possession to the board. Defendant Kendall Clemons refused and took all records with her when she left.

C. *Soldiers & Sailors*

67. Defendant Kendall Clemons was the primary bingo operator for Soldiers & Sailors from sometime in 2004 until December 2009.

68. Defendant William Clemons worked as paid security at Soldiers & Sailors’ bingo game and also worked as a bingo worker.

69. Defendant Kendall Clemons was paid to operate and oversee bingo, but disguised her income as for “bookkeeping.”

70. Defendant Kendall Clemons and other bingo game workers took cash proceeds from Soldiers & Sailors’ bingo game for personal or other unlawful purposes.

71. Upon information and belief, Defendant Kendall Clemons and other bingo game workers skimmed instant bingo receipts by utilizing schemes including the use of an instant bingo game called “Diamond Fire.”

72. In 2008, the Attorney General’s Office received information that Defendant Kendall Clemons kept two sets of books for the Soldiers & Sailors bingo game and that the true profit from the game was not reported. In response, the Attorney General’s Office conducted an investigation that included requesting records from Soldiers & Sailors.

73. Defendant Kendall Clemons had sole access and control of all records relating to the Soldiers & Sailors bingo game.

74. Defendant Kendall Clemons never supplied any records requested in the Attorney General’s request for records and information.

75. Defendant Kendall Clemons’s refusal to supply bingo records obstructed, impeded, interfered or frustrated the Attorney General’s investigation into bingo activities at the Soldiers & Sailors bingo game.

76. Defendant Kendall Clemons made false or misleading statements to Attorney General’s Office investigators that included statements that no one working for the Soldiers & Sailors’ bingo game received payment.

77. Between January 2009 and December 2009, the Attorney General's Office brought an administrative action against Soldiers & Sailors' charitable bingo license which included formal administrative hearings on April 21, 2009 and May 21, 2009.

78. During the April 21, 2009 hearing, Defendant Kendall Clemons made several material false statements while under oath.

79. During the May 21, 2009 hearing, Defendant Betty Snow made material false statements while under oath.

80. The Attorney General's Office issued an adjudication order on December 9, 2009 rejecting Soldiers & Sailors' bingo license applications and renewed its request for all of the previously requested records. No records were ever provided.

81. In or around December 2009, Defendant Kendall Clemons left Soldiers & Sailors and took all of the records of Soldiers & Sailors' bingo game with her. Upon information and belief, Soldiers & Sailors has been unable to obtain any records from Defendant Kendall Clemons and filed a police report for theft of records.

D. Mansfield Tyger

82. Mansfield Tyger filed articles of incorporation with the Ohio Secretary of State's Office as a nonprofit corporation in 1992. However, Mansfield Tyger has operated as a charitable trust since at least 1975.

83. Mansfield Tyger's original articles of incorporation as filed in 1992 stated that the "primary and specific purposes" of Mansfield Tyger was to "(1) support, encourage and advance the athletic program of the Mansfield Senior High School, thereby cultivating clean, wholesome school spirit, promoting good sportsmanship, and

developing high ideals of character, and (2) promote projects to improve facilities and equipment necessary to provide an adequate athletic program for the district.”

84. Mansfield Tyger’s records show that from 1993 to 2005, Mansfield Tyger contributed on average approximately \$102,836 for the benefit of Mansfield High School athletics including approximately \$240,000 for a track/soccer complex and approximately \$220,000 to fund a scholarship trust.

85. Mansfield Tyger’s records show consistent support for Mansfield Senior High School athletics with a sharp decline beginning in 2006. Mansfield Tyger’s records show that Mansfield Tyger contributed approximately \$31,136.34 in 2006, \$8,378.05 in 2007, \$1,185.40 in 2008 and \$566 in 2009 to Mansfield Senior High School athletics.

86. Mansfield Tyger funded many contributions to Mansfield Senior High School athletics through charitable bingo proceeds. However, Mansfield Tyger reported a sharp decline in bingo and instant bingo gross receipts in the bingo fiscal year period November 1, 2007 through October 31, 2008 in bingo license applications filed with the Attorney General’s Office. Mansfield Tyger reported bingo and instant bingo gross receipts totaling approximately \$1,249,340 in bingo fiscal year ending October 31, 2006, \$1,287,329 in bingo fiscal year ending October 31, 2007, \$854,812 in bingo fiscal year ending October 31, 2008, \$891,044 in bingo fiscal year ending October 31, 2009, and \$778,838 in bingo fiscal year ending October 31, 2010.

87. Mansfield Tyger reported a sharp decline in bingo and instant bingo net profit in the bingo fiscal year period November 1, 2007 through October 31, 2008 in bingo license applications filed with the Attorney General’s Office. Mansfield Tyger reported bingo and instant bingo net profit totaling approximately \$162,779 with a profit

margin of 13.0% in bingo fiscal year ending October 31, 2006, \$138,113 with a profit margin of 10.7% in bingo fiscal year ending October 31, 2007, \$41,337 with a profit margin of 4.8% in bingo fiscal year ending October 31, 2008, \$31,436 with a profit margin of 3.5% in bingo fiscal year ending October 31, 2009 and \$13,608 with a profit margin of 1.7% in bingo fiscal year ending October 31, 2010.

88. In or about the second half of 2006, Mansfield Tyger purchased a bingo hall located at 777 Trimble Road/1050 Wyandotte Avenue in Mansfield, Ohio and obtained a mortgage with Key Bank.

89. In or about the second half of 2006, Defendants Cheryl Patrick and Ginger Cushing were appointed bingo managers for Mansfield Tyger's bingo game.

90. In or before June 2007, Defendant Kendall Clemons began managing Mansfield Tyger's bingo game along with Defendants Cheryl Patrick and Ginger Cushing.

91. In or before July 2007, Defendant William Clemons began working as paid security at Mansfield Tyger's bingo game.

92. Upon information and belief, Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow took cash proceeds from Mansfield Tyger's bingo game and diverted, converted or otherwise withdrew charitable proceeds and assets from Mansfield Tyger for personal or otherwise unlawful purposes.

93. During the first half of 2007, Defendant Cheryl Patrick became President of Mansfield Tyger.

94. In or around April to May 2008, Defendant Kendall Clemons, Defendant William Clemons and Bill Edmonds were added to the board of trustees of Mansfield Tyger that already included Defendant Cheryl Patrick, Defendant Terry Zehner, Brenda Kohli, Defendant Ginger Cushing, Defendant Betty Snow, Bryan Maxey, Dick Shasky, Bob Sterken, Jane Sterken and Shirley Wadsworth.

95. Shortly after joining the board of trustees of Mansfield Tyger, Bill Edmonds began investigating the possibility of selling Mansfield Tyger's bingo hall and reported his progress to the board. Bill Edmonds also began questioning various activities related to Mansfield Tyger's bingo game, including cash payments to bingo game workers.

96. Defendants Cheryl Patrick, William Clemons, Kendall Clemons, Ginger Cushing and Terry Zehner admitted openly during board meetings that they took cash proceeds from Mansfield Tyger's bingo game.

97. On or about August 27, 2008, during a meeting of the board of trustees of Mansfield Tyger, Defendant William Clemons accused Bill Edmonds of violating Mansfield Tyger's code of ethics by consulting an attorney regarding his concerns about Mansfield Tyger's bingo game. Bill Edmonds was asked to resign from the board of trustees. Bill Edmonds refused to resign, so the board voted to remove Bill Edmonds from the board of trustees. Dick Shasky, Shirley Wadsworth, Bryan Maxey, Jane Sterken and Bob Sterken resigned from the board of trustees in protest.

98. After August 27, 2008 the board of trustees of Mansfield Tyger consisted of Defendant Kendall Clemons, Defendant William Clemons, Defendant Cheryl Patrick, Defendant Ginger Cushing, Defendant Betty Snow, Defendant Terry Zehner and Brenda

Kohli. No other persons were ever added to Mansfield Tyger's board of trustees after this date.

E. Defendants' Sole Exercise of Control Over Mansfield Tyger

99. During interviews with Attorney General's Office investigators, Defendant Cheryl Patrick made the following false statements to Attorney General's Office investigators: Defendant Cheryl Patrick denied that she was compensated by Mansfield Tyger; denied that Defendant Ginger Cushing was compensated by Mansfield Tyger; denied that any person conducting bingo for Mansfield Tyger was compensated; denied that Bill Edmunds was dismissed from the board of trustees of Mansfield Tyger due to the payment of bingo workers issue and denied that Defendant William Clemons was compensated by Mansfield Tyger.

100. During investigative interviews with Attorney General's Office investigators, Defendants Betty Snow and Ginger Cushing falsely stated that they and other individuals conducting bingo for Mansfield Tyger received no compensation for their services.

101. Upon information and belief, Defendant Kendall Clemons instructed other persons to lie to the Attorney General's investigators about cash payments to bingo workers.

102. On or about January 13, 2009, Attorney General's Office representatives conducted a no-notice inspection of Mansfield Tyger's bingo game. During the January 13, 2009 inspection, Attorney General's Office representatives attempted to conduct an interview of Defendant Cheryl Patrick. However, during the interview, Defendant William Clemons interrupted the interview, instructed Defendant Cheryl Patrick not to

answer questions and also stated that he would not answer questions. Thereafter, Defendant Cheryl Patrick refused to answer questions.

103. The Attorney General's Office sent requests for records and information to Mansfield Tyger for bingo financial records. In response, Defendants provided some records; however, many records were not provided. Of the records that were provided, many were incomplete, failed to track significant bingo activities and included false statements.

104. Mansfield Tyger frequently utilized the instant bingo game "Diamond Fire" during its bingo game.

105. Upon information and belief, bingo game workers for Mansfield Tyger, including Defendants Kendall Clemons, William Clemons, Terry Zehner, Cheryl Patrick, Ginger Cushing, Betty Snow, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow utilized the "Diamond Fire" game and other games and methods to divert, convert and take bingo proceeds for personal or unlawful purposes.

106. Upon information and belief, Defendants Cheryl Patrick and Kendall Clemons altered records of Mansfield Tyger to conceal bingo proceeds in furtherance of the diversion, conversion and taking those bingo proceeds for personal purposes including but not limited to approximately 1,893 separate instances of false statements related to the "Diamond Fire" game in records that were provided to the Attorney General's Office. The 1,893 separate false statements disguised approximately \$37,860 in unreported proceeds during this time.

107. In or about 2010, Mansfield Tyger's board of trustees finally ended concessions at Mansfield Senior High School's athletic events and communicated to coaches that each team was responsible for their own fundraising activities.

F. Mansfield City Schools

108. In or about 2010, the Mansfield City Schools Board of Education (hereinafter called "Board of Education") received information that bingo workers at Mansfield Tyger's bingo game were paid to work bingo and Chris Elswick, Vice President of the Board of Education, conducted his own investigation regarding this information.

109. Upon information and belief, representatives of the Board of Education met with representatives of the board of trustees of Mansfield Tyger and requested oversight of Mansfield Tyger, including the ability to review Mansfield Tyger's financial records. The board of trustees of Mansfield Tyger denied access and refused granting oversight to the Board of Education.

110. On or about December 13, 2010, the Board of Education requested that Mansfield Tyger provide quarterly financial reports, allow an annual audit of Mansfield Tyger's books by a CPA, allow district representatives to observe bingo operations and for Mansfield Tyger's officers and trustees to attend an annual training session with the Board of Education's treasurer regarding financial management and current laws and regulations.

111. On or about December 20, 2010, Mansfield Tyger responded through an attorney and refused to comply with the Board of Education's requests.

112. On or about December 21, 2010, Defendant Kathleen Oleary vouched for the legality of Mansfield Tyger's bingo game and operations to the Board of Education. Upon information and belief, Defendant Kathleen Oleary falsely represented to the Board of Education that she was a CPA and had reviewed and audited all of the accounts for Mansfield Tyger and that Mansfield Tyger was operated legally and its financial statements were properly documented.

113. On or about December 21, 2010, the Board of Education voted unanimously to immediately separate from Mansfield Tyger and withdrew permission for Mansfield Tyger to fundraise on behalf of Mansfield City Schools. The Board of Education requested a final accounting from Mansfield Tyger and for Mansfield Tyger to turn over "all funds raised and any assets accumulated on behalf of the Mansfield City Schools athletic programs."

114. On or about December 22, 2010, the Attorney General's Office sent a letter to David A. Kopech, advising Mansfield Tyger that since it no longer had authority to solicit or fundraise on behalf of Mansfield City Schools, Mansfield Tyger should take care not to violate select provisions of Section 1716.14 of the Revised Code pertaining to solicitation and fundraising by charitable organizations.

115. The Defendants continued to solicit the public, including advertising for charitable bingo while implying that proceeds benefitted Mansfield Senior High School throughout December 2010 and January 2011.

116. On or about January 4, 2011, Mansfield Tyger filed an amendment to its Articles of Incorporation with the Ohio Secretary of State's Office changing its name to the Richland All Sports Booster Club and redefining and changing its "primary and

specific purposes” as “(1) to support, encourage and advance the athletic programs of any school, academy, college or university located in Richland County, Ohio, (2) promote programs to improve facilities and equipment necessary to provide adequate athletic programs in Richland County and (3) to endow and award grants to deserving graduates of Richland County high school’s athletic programs.”

117. In or about February 2011, Mansfield Tyger changed its advertisements for bingo to indicate its new name, but falsely stated in advertisements that “Our name has Changed, But Not Our Purpose.”

G. *End of Mansfield Tyger’s Bingo Game*

118. On or about March 7, 2011, the Attorney General’s Office conducted a surprise inspection of Mansfield Tyger’s bingo game and conducted interviews.

119. During the March 7, 2011 inspection, Mansfield Tyger was missing substantially all of its bingo game records and was unable to provide them during the inspection.

120. During the March 7, 2011 inspection, Attorney General’s Office investigators attempted to interview Defendant Cheryl Patrick. During the interview of Cheryl Patrick, Defendant William Clemons interrupted the interview and instructed Defendant Cheryl Patrick to not answer questions.

121. During the March 7, 2011 inspection, Defendant Cheryl Patrick refused to answer questions posed by Attorney General’s Office investigators pertaining to the operation and record keeping activities of Mansfield Tyger and instructed at least two other individuals, including Defendants Ginger Cushing and Betty Snow, not to answer

questions while those persons were being interviewed by the Attorney General's investigators.

122. During the March 7, 2011 inspection, Defendant William Clemons refused to answer questions posed by Attorney General's Office investigators and ordered investigators to leave the premises after refusing to even identify the name of the charity on whose behalf the bingo game was operated. Defendant William Clemons interrupted interviews of various bingo game workers and instructed bingo game workers, including Defendants Betty Snow and Ginger Cushing and others, not to talk to Attorney General's Office investigators. Defendant William Clemons' conduct in yelling and intimidating bingo game workers was so egregious that investigators were unable to obtain even the names of some bingo game workers.

123. Defendant William Clemons used Mansfield Tyger's speaker system to instruct bingo players and patrons that they did not need to cooperate with the Attorney General or answer questions posed by investigators.

124. During the March 7, 2011 inspection, Defendant William Clemons obstructed the path of a female investigator, identified himself as a police officer and refused to allow her to leave the room after he obstructed her attempt to interview a bingo game worker.

125. During the March 7, 2011 inspection, Defendant Ginger Cushing falsely stated that Defendant Kendall Clemons had no role at the bingo game and that none of the bingo workers received any compensation. Defendant Ginger Cushing later refused to answer questions posed by Attorney General's Office investigators.

126. The Attorney General initiated an administrative action against Mansfield Tyger's bingo license applications.

127. On or about June 8, 2011, Mansfield Tyger voluntarily surrendered its bingo license to the Attorney General citing, "As a result of the claims and speculation, attendance at its bingo games has been reduced by over 50%."

128. Defendant Kathleen Oleary received money or other assets from Mansfield Tyger. Upon information and belief, Kathleen Oleary was paid to audit or review Mansfield Tyger's accounts and to vouch for the legitimacy of Mansfield Tyger and its financial transactions.

129. Defendant Kathleen Oleary received additional money from Mansfield Tyger, some of which was transferred to Cheryl Patrick's personal account.

H. Scholarship Trust

130. In or about 1999, Mansfield Tyger amended its articles of incorporation to add a third purpose: "(3) to endow and award college scholarships to deserving Mansfield Senior High School athletes."

131. In or about 1999, Mansfield Tyger created the Richland All-Sports Scholarship Trust, formerly known as the Mansfield Tyger All-Sports Scholarship Trust (hereinafter called "Scholarship Trust"). The Scholarship Trust was created by a trust agreement dated July 22, 1999 and was funded by approximately \$220,000.

132. The Scholarship Trust was at all times a separate and distinct legal entity from Mansfield Tyger although at times the same persons were trustees for both the Scholarship Trust and Mansfield Tyger.

133. According to the original July 22, 1999 trust agreement, the Scholarship Trust assets were required “to be held for the benefit of Mansfield Senior High School student athletes[.]” Income generated from investments was required to be used exclusively “for the award of one or more college scholarships to deserving graduating seniors at Mansfield Senior High School[.]”

134. Item 2(a) of the original July 22, 1999 Scholarship Trust Agreement states, in part, “The Board of Trustees shall invest the entire Trust corpus in a manner to derive the most revenue possible as is consistent with prudence and safety for the long-term protection of the Trust itself.”

135. Item 7 of the original July 22, 1999 Scholarship Trust Agreement states, in part, “The Grantor intends that this Trust qualify as a charitable organization under existing and future state and federal laws.”

136. On or about October 28, 1999, the trustees of the Scholarship Trust transferred the assets of the Scholarship Trust to Richland Trust Company and executed a “Managing Agency Agreement” with Richland Trust Company.

137. Thereafter, Richland Trust Company invested assets on behalf of the trustees of the Scholarship Trust and performed other services including reviewing and analyzing documentation from scholarship winners to ensure those winners continued to meet academic and other standards while enrolled in college.

138. A scholarship committee, separate and distinct from the trustees of the Scholarship Trust, reviewed scholarship applications and selected the scholarship recipients and notified Richland Trust Company of scholarship winners.

139. From the creation of the Scholarship Trust on or about July 22, 1999 until on or about June 29, 2009, the Scholarship Trust was managed and operated exclusively for scholarship purposes consistent with the original July 22, 1999 Scholarship Trust Agreement.

140. In or around 2008, Mansfield Tyger's board of trustees began to discuss selling Mansfield Tyger's bingo hall located at 777 Trimble Road/1050 Wyandotte Avenue in Mansfield, Ohio. The bingo hall was secured by a mortgage held by Key Bank.

141. On or about August 27, 2008, Bill Edmunds was removed from Mansfield Tyger's board of trustees and Dick Shasky, Shirley Wadsworth, Bryan Maxey, Jane Sterken and Bob Sterken immediately resigned in protest.

142. On or about September 10, 2008, at a meeting of the board of trustees of Mansfield Tyger, Defendants William Clemons, Kendall Clemons, Betty Snow, Terry Zehner, Ginger Cushing and Brenda Kohli discussed selling or otherwise unloading Mansfield Tyger's bingo hall located at 777 Trimble Road/1050 Wyandotte Avenue in Mansfield Ohio.

143. Mansfield Tyger provided the Attorney General's Office records of board meeting minutes including those from the September 10, 2008 board meeting. The minutes were prepared by Defendant Betty Snow and provided to the Attorney General by David A. Kopech in response to a request for records and information.

144. On or around June 24, 2009, Defendant Kendall Clemons went to Richland Trust Company and requested that Richland Trust Company issue a check for

\$124,059.72 made payable to Key Bank. Richland Trust Company required a letter signed by all of the trustees of the Scholarship Trust requesting the distribution.

145. On or around June 25, 2009, Richland Trust Company received an "Authorization To Withdraw Funds From Richland Bank, Mansfield, Ohio." The June 25, 2009 Authorization was signed by Defendants Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, William Clemons and Kendall Clemons and was also signed by a notary public.

146. The June 25, 2009 Authorization falsely states in item 2 that the "Trust Committee" had a mortgage with Key Bank.

147. Along with the June 25, 2009 Authorization, Richland Trust Company also received minutes from the September 10, 2008 board meeting. The minutes provided to Richland Trust Company included an additional paragraph not present in the minutes provided to the Attorney General. The additional paragraph included a decision by the board of trustees of Mansfield Tyger to "donate" the bingo hall to the Scholarship Trust and for the Scholarship Trust to pay off the Key Bank loan. The Defendants voted to pay back the Scholarship Trust each month with bingo proceeds.

148. The September 10, 2008 board meeting minutes provided to Richland Trust Company were notarized by Defendant Terry Zehner.

149. In reliance on the Defendants' false statements, Richland Trust Company issued a check for \$124,059.72 drawn on the Scholarship Trust account payable to Key Bank on or about June 30, 2009.

150. The Defendants never recorded the transfer of the bingo hall to the Scholarship Trust with the Richland County Recorder and later sold the bingo hall on or around December 29, 2009 to Foundation Academy.

151. Mansfield Tyger has collected and continues to collect as of the time of this filing, proceeds from the sale of the bingo hall located at 777 Trimble Road/1050 Wyandotte Avenue in Mansfield, Ohio and has not repaid the Scholarship Trust.

152. Mansfield Tyger never paid rent to the Scholarship Trust for its use of the bingo hall located at 777 Trimble Road/1050 Wyandotte Avenue in Mansfield Ohio for bingo sessions.

I. Liquidation of the Scholarship Trust

153. On or about September 14, 2009, Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing and Terry Zehner signed an "Authorization To Withdraw Funds From Richland Bank, Mansfield, Ohio" and provided the September 14, 2009 Authorization to Richland Trust Company for the transfer of approximately \$25,000 from the Scholarship Trust to attorney John W. Allen. The September 14, 2009 Authorization was signed by a notary public.

154. The September 14, 2009 Authorization falsely states that the Scholarship Trust Committee has "legal bills and other expenses dealing with the sale of 777 Trimble Road, Mansfield, Ohio." In fact, the Scholarship Trust never owned the bingo hall located at 777 Trimble Road, Mansfield Ohio, never received proceeds from the sale of the bingo hall and never even received rent payments from Mansfield Tyger.

155. On or about January 25, 2011, Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing and Terry Zehner held an

emergency meeting of the board of trustees of Mansfield Tyger and voted to transfer \$30,000 from the Scholarship Trust to Mansfield Tyger and delivered a resolution dated January 25, 2011 to Richland Trust Company authorizing the \$30,000 payment. The January 25, 2011 Resolution falsely stated that the \$30,000 would “be used to pay administrative costs, fees and expenses of the Trust.”

156. On or about February 3, 2011, Richland Trust Company transferred \$30,000 from the Scholarship Trust to Mansfield Tyger as requested.

157. On or about March 30, 2011, Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing and Terry Zehner voted to liquidate transfer all assets held by Richland Trust Company for the benefit of the Scholarship Trust and to terminate the Scholarship Trust.

158. On or about April 6, 2011, at Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing and Terry Zehner’s request, Richland Trust Company transferred approximately \$22,779.05 to attorney David A. Kopech’s IOLTA Account. Upon information and belief, Defendant David A. Kopech only provided services for Mansfield Tyger and the Defendants and provided no services for the Scholarship Trust.

159. Approximately \$9,900 was transferred to Defendant Kendall Clemons personally from Defendant David A. Kopech’s IOLTA Account on April 6 and May 20, 2011.

160. Upon information and belief, Richland Trust Company refused to release all funds and close the Scholarship Trust account since one remaining scholarship was already promised to a scholarship winner. Richland Trust Company paid the final two

disbursements totaling \$666.67 for the final scholarship winner on or about September 12, 2011. The Scholarship Trust was then permanently terminated.

161. Mansfield Tyger provided bank statements from the Scholarship Trust account with Richland Trust Company to the Attorney General's Office. The bank statements were provided through Mansfield Tyger's attorney, David A. Kopech. The bank statements were altered so that the \$124,059.72 payment to Key Bank on June 30, 2009, the \$25,000 payment to attorney John W. Allen on September 17, 2009, and the \$30,000 transfer from the Scholarship Trust to Mansfield Tyger on February 3, 2011 were deleted from the bank statements.

III. GENERAL ALLEGATIONS

A. Ohio Charitable Organizations Act

162. Mansfield Tyger, the Scholarship Trust, RTE, Soldiers & Sailors, Amvets #31, American Legion #16 and Amvets #26 are "charitable organizations" as defined in Ohio Revised Code Section 1716.01(A).

163. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Brenda Kohli, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow, Mansfield Tyger and the Scholarship Trust are "persons" as defined in Ohio Revised Code Section 1716.01(I).

164. Charitable bingo, including instant bingo, is a charitable fundraising event involving the sale of a chance. Bingo, including instant bingo, includes numerous "solicitation" activities as that term is defined in Ohio Revised Code Section 1716.01(K). Some, but not all, of the charitable solicitation activities involved with conducting bingo

and instant bingo include: advertising the event (radio, television, written media), selling bingo paper, selling instant bingo tickets, and making any other statement that proceeds will be used for a charitable purpose or will benefit a charitable organization.

165. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow, Mansfield Tyger and the Scholarship Trust used a charitable appeal while conducting “solicitations” in the State of Ohio as that term is defined in Ohio Revised Code Section 1716.01(K).

166. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and others acting in concert or at their direction solicited, collected, and/or expended contributions on behalf of charitable causes and therefore have fiduciary duties under Ohio Revised Code Section 1716.17 and the common law.

167. Defendants are subject to the requirements of Ohio Revised Code Chapter 1716.

B. Ohio Charitable Trust Act

168. Defendants Mansfield Tyger and the Scholarship Trust are “charitable trusts” within the meaning of Ohio Revised Code Section 109.23.

169. The funds raised and held by Defendants Mansfield Tyger, the Scholarship Trust, William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow on behalf of charitable

purposes, including Mansfield Senior High School athletics and students, are subject to a valid “charitable trust” under Ohio Revised Code Section 109.23.

170. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner are or have been fiduciaries of Mansfield Tyger and the Scholarship Trust, and have fiduciary duties under Ohio Revised Code Section 109.23 *et seq.* and the common law.

C. Ohio Gambling Act

171. “Bingo” is defined in Ohio Revised Code Section 2915.01(S) and includes “instant bingo, punch boards and raffles.”

172. Bingo and instant bingo must be conducted by a charitable organization as defined in Ohio Revised Code Section 2915.01(H) and proceeds must benefit a charitable purpose.

173. Ohio Revised Code Section 2915.10 requires licensed charitable organizations conducting instant bingo to maintain: (i) an itemized list of gross receipts and gross profits of each game of instant bingo by serial number; (ii) an itemized list of all expenses incurred in conducting instant bingo; and (iii) the total prizes awarded from each game of instant bingo by serial number. All records must be maintained by the licensed charitable organization for three years. Additionally, all gross profit from instant bingo must be deposited in an account devoted exclusively to bingo pursuant to Ohio Revised Code Section 2915.10(C).

174. Ohio Revised Code Sections 2915.09 and 2915.091 prohibit bingo game workers from receiving any compensation for conducting bingo or instant bingo.

175. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and others acting in concert with or at the direction of the Defendants operated, conducted or assisted in the operation or conduct of charitable bingo games and were required to do so in accordance with Ohio Revised Code Chapter 2915.

D. Ohio Pattern of Corrupt Activities Act (“Ohio RICO”)

176. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons associated with Amvets #31, American Legion #16 and Amvets 26, and other persons including some bingo workers associated with RTE, Soldiers & Sailors and Mansfield Tyger constitute an “enterprise” as defined in the Ohio Pattern of Corrupt Activities Act, Ohio Revised Code Section 2923.31.

177. This enterprise has engaged in “corrupt activities” as defined in Ohio Revised Code Section 2923.31(I), in that Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow other persons associated with Amvets #31, American Legion #16 and Amvets 26, and other persons including bingo workers associated with RTE, Soldiers & Sailors and Mansfield Tyger routinely conspired and engaged in conduct constituting certain predicate offenses alleged in Counts One through Eleven of this Complaint.

178. The Attorney General brings this civil proceeding against Defendants Williams Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow for their actions engaging in a pattern of corrupt activity in violation of Ohio Revised Code Section 2923.32 pursuant to Ohio Revised Code Section 2923.34.

179. The allegations in the preceding paragraphs of this complaint are incorporated by reference into each and every count of this complaint as if fully restated therein, and the allegations in each count of this complaint are incorporated by reference into every other count of this complaint as if fully restated therein.

COUNT ONE
PATTERN OF CORRUPT ACTIVITIES - RACKETEERING

180. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by engaging in “racketeering activity” under the Organized Crime Control Act of 1970 (18 USC Section 1961(1)(B)).

181. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in “racketeering activity” under the Organized Crime Control Act of 1970 (18 USC Section 1961(1)(B)) by committing mail fraud in violation of 18 USC Section 1341.

182. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in “racketeering activity” under the Organized Crime Control Act of 1970 (18 USC Section 1961(1)(B)) by committing bank fraud in violation of 18 USC Section 1344.

183. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in “racketeering activity” under the Organized Crime Control Act of 1970 (18 USC Section 1961(1)(B)) by conspiring to obstruct the enforcement of the laws of the state of Ohio with the intent to facilitate an illegal gambling business in violation of 18 USC Section 1511.

184. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in “racketeering activity” under the Organized Crime Control Act of 1970 (18 USC Section 1961(1)(B)) by: (i) intimidating, threatening or corruptly persuading another person or attempting to do so or engaging in misleading conduct toward another person with intent to cause or induce a person to withhold testimony or records, by (ii) altering, destroying or concealing records or influencing others to do so, or by (iii) obstructing, influencing or impeding official investigations and proceedings in violation of 18 USC Section 1512.

185. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in “racketeering activity” under the Organized Crime Control Act of 1970 (18 USC Section 1961(1)(B)) by conducting, managing, supervising or directing an illegal gambling business in violation of 18 USC Section 1955.

186. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in “racketeering activity” under the Organized Crime Control Act of 1970 (18 USC Section 1961(1)(B)) by laundering monetary instruments or assets in violation of 18 USC 1956.

187. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in “racketeering activity” under the Organized Crime Control Act of 1970 (18 USC Section 1961(1)(B)) by engaging in monetary transactions in property derived from unlawful activity.

188. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants’ direction may have committed additional corrupt activities not known at this time.

COUNT TWO
PATTERN OF CORRUPT ACTIVITIES – MONEY LAUNDERING &
UNLAWFUL TRANSACTIONS

189. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by engaging in transactions with the proceeds of unlawful activities with the purpose of committing or furthering the commission of corrupt activity in violation of Ohio Revised Code Section 1315.55(A)(1).

190. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, , Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by engaging in transactions with the proceeds of unlawful activities with the intent to conceal or disguise the nature, location, source, ownership, or control of the property in violation of Ohio Revised Code Section 1315.55(A)(2).

191. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by engaging in transactions with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity in violation of Ohio Revised Code Section 1315.55(A)(3).

192. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by conducting, structuring or attempting to conduct or structure a transaction involving the proceeds of corrupt activity in violation of Ohio Revised Code Section 1315.55(A)(4).

193. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT THREE
PATTERN OF CORRUPT ACTIVITIES – THEFT

194. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by engaging in theft of the charitable assets or records of one or more of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger or the Scholarship Trust in violation of Ohio Revised Code Section 2913.02.

195. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by

engaging in theft of bingo receipts that belonged to one or more of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors or Mansfield Tyger's bingo game and bingo prizes that belonged to patrons and players of those bingo games in violation of Ohio Revised Code Section 2913.02.

196. Defendant Kendall Clemons and others acting at her direction, engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by engaging in theft of bingo financial records and bingo and instant bingo supplies that belonged to American Legion #16, RTE and Soldiers & Sailors.

197. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT FOUR
PATTERN OF CORRUPT ACTIVITIES – TAMPERING WITH EVIDENCE

198. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by altering, destroying, concealing or removing records and documents of one or more of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger or the Scholarship Trust, including, but not limited to, bingo financial records, check memos, bingo license applications, board meeting minutes, board resolutions, bank statements, trust documents, resolutions and other documents, with the purpose to impair the availability of evidence

in an official proceeding or investigation in violation of Ohio Revised Code Section 2921.12(A)(1).

199. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by making, presenting or using records and documents of one or more of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger or the Scholarship Trust, including, but not limited to, bingo financial records, check memos, bingo license applications, board meeting minutes, board resolutions, bank statements, trust documents, resolutions and other documents, that they knew to be false with the purpose to mislead a public official engaged in an official proceeding or investigation or with purpose to corrupt the outcome of such proceeding or investigation in violation of Ohio Revised Code Section 2921.12(A)(2).

200. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT FIVE
PATTERN OF CORRUPT ACTIVITIES – TAMPERING WITH RECORDS

201. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by falsifying, destroying, removing,

concealing, altering, defacing or mutilating writings, data or records of one or more of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger and the Scholarship Trust, including, but not limited to, bingo financial records, check memos, bingo license applications, board meeting minutes, board resolutions, bank statements, trust documents, resolutions and other documents, with the purpose to defraud or knowing that they were facilitating a fraud in violation of Ohio Revised Code Section 2913.42(A)(1).

202. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by uttering writings or records of one or more of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger or the Scholarship Trust, including, but not limited to, bingo financial records, check memos, bingo license applications, board meeting minutes, board resolutions, bank statements, trust documents, resolutions and other documents, knowing them to have been tampered with the purpose to defraud or knowing that they were facilitating a fraud in violation of Ohio Revised Code Section 2913.42(A)(2).

203. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT SIX
PATTERN OF CORRUPT ACTIVITIES – TELECOMMUNICATIONS FRAUD

204. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by knowingly disseminating, transmitting or causing to be disseminated or transmitted by means of telecommunication, telecommunications device, or telecommunications service, writings and data with the purpose to execute or further a scheme to defraud the beneficiaries of one or more of RTE, Soldiers & Sailors, Mansfield Tyger and the Scholarship Trust, the bingo players and patrons of Mansfield Tyger's bingo game, RTE's bingo game and Soldiers & Sailors' bingo game, the Attorney General, the State of Ohio and Richland Trust Company in violation of Ohio Revised Code Section 2913.05(A).

205. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT SEVEN
PATTERN OF CORRUPT ACTIVITIES – FORGERY

206. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by forging writings so that they purport to be genuine when they are actually spurious or so that writings appear to have been executed with terms different from what in fact was the case in violation of Ohio Revised Code Section 2913.31(A)(2).

207. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by uttering or possessing with purpose to utter writings that they knew were forged in violation of Ohio Revised Code Section 2913.31(A)(3).

208. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT EIGHT
PATTERN OF CORRUPT ACTIVITIES – PERJURY

209. Defendant Kendall Clemons engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by knowingly making false statements while under oath during the bingo license rejection hearing of Soldiers & Sailors' bingo license application in violation of Ohio Revised Code Section 2921.11(A).

210. Defendant Betty Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by knowingly making false statements while under oath during the bingo license rejection hearing of Soldiers & Sailors' bingo license application in violation of Ohio Revised Code Section 2921.11(A).

211. Defendant Cheryl Patrick engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by knowingly making false statements

and attesting to the accuracy of those statements in Mansfield Tyger's bingo applications including, but not limited to, the following statements:

- a. Question 17 on page 4, Part C of the 2009 bingo license application asked, "Has any individual listed in Attachment C or any individual listed in response to any other question in this Application volunteered at any other bingo operation during the last five years?" In response, Defendant Cheryl Patrick falsely stated "No" when in fact at least Defendants Betty Snow, William Clemons and Kendall Clemons all worked at other bingo games during the previous five-year period.
- b. Attachment D-1 of the 2009 bingo license application asked, for concession expenses from Mansfield Tyger's bingo game. In response, Defendant Cheryl Patrick indicated that there were no concession expenses. This statement is false.
- c. Question 17 on page 5, Part C of the 2010 bingo license application asked, "Has any individual listed in Attachment C or any individual listed in response to any other question in this Application volunteered at any other bingo operation during the last five years? If yes, provide the individual's name and the name and complete address of the other bingo operation." In response, Defendant Cheryl Patrick only stated "William Clemons, 200 Ashland Road Soldiers & Sailors – Mansfield Ohio 44804." This statement is false since at least Defendants Betty Snow and Kendall Clemons worked at other bingo games during the previous five-year period.

- d. Question 1 on page 6, Part D, of the 2010 bingo license application asked, “Is the Applicant registered with the Attorney General pursuant to Section 1716.02 of the Ohio Revised Code – the Charitable Solicitation Act?” In response, Defendant Cheryl Patrick falsely stated “Yes.”
- e. Question 1(B) on page 6, Part D of the 2010 bingo license application asked, “If yes, has Applicant filed annual financial reports with, and paid all applicable annual fees to, the Attorney General pursuant to Sections 1716.02 and 1716.04 of the Revised Code?” In response, Defendant Cheryl Patrick falsely stated “Yes.”
- f. Question 2 on page 6, Part D of the 2010 bingo license application asked, “Is Applicant registered with the Attorney General pursuant to Ohio Revised Code Section 109.26 – the Charitable Trust Act?” In response, Defendant Cheryl Patrick falsely stated “Yes.”
- g. Question 2(B) on page 6, Part D of the 2010 bingo license application asked, “If yes, has Applicant filed annual financial reports with, and paid all applicable annual fees to, the Attorney General pursuant to Section 109.31 of the Revised Code?” In response, Defendant Cheryl Patrick falsely stated “Yes.”
- h. Question 4 on page 2, Part C, of the 2011 bingo license application asked, “Has there been any change to the Applicant’s Articles of Incorporation, Charter, or other governing document?” In response, Defendant Cheryl Patrick falsely stated “No.”

- i. Question 5 on page 2, Part C of the 2011 bingo license application asked, “Applicant agrees to maintain the bingo records required by ORC Section 2915.10(A) at the principal place of business or headquarters listed below (as required by ORC Section 2915.10(B)).” In response, Defendant Cheryl Patrick falsely stated “Yes” and listed the address 1050 Wyandotte Ave, Mansfield, Ohio 44906, Richland County. These statements are false.
- j. Question 17 on page 5, Part C of the 2011 bingo license application asked, “Has any individual listed in Attachment C or any individual listed in response to any other question in this Application volunteered at any other bingo operation during the last five years? If yes, provide the individual’s name and the name and complete address of the other bingo operation.” In response, Defendant Cheryl Patrick stated that only William Clemons had worked at another bingo game in the previous five-year period and listed “Soldiers & Sailors Memorial Bldg, 200 Ashland Rd, Mansfield Ohio.” This statement is false since at least Defendants Betty Snow and Kendall Clemons worked at other bingo games during the previous five-year period.
- k. Question 1 on page 6, Part D of the 2011 bingo license application asked, “Is the Applicant registered with the Attorney General pursuant to Section 1716.02 of the Ohio Revised Code – the Charitable Solicitation Act?” In response, Defendant Cheryl Patrick falsely stated “Yes.”

- l. Question 1(B) on page 6, Part D of the 2011 bingo license application asked, "If yes, has Applicant filed annual financial reports with, and paid all applicable annual fees to, the Attorney General pursuant to Sections 1716.02 and 1716.04 of the Revised Code?" In response, Defendant Cheryl Patrick falsely stated "Yes."
- m. Question 2 on page 6, Part D of the 2011 bingo license application asked, "Is Applicant registered with the Attorney General pursuant to Ohio Revised Code Section 109.26 – the Charitable Trust Act?" In response, Defendant Cheryl Patrick falsely stated "Yes."
- n. Question 2(B) on page 6, Part D of the 2011 bingo license application asked, "If yes, has Applicant filed annual financial reports with, and paid all applicable annual fees to, the Attorney General pursuant to Section 109.31 of the Revised Code?" In response, Defendant Cheryl Patrick falsely stated "Yes."
- o. Aggregate bingo and instant bingo financial data were significantly falsified in Mansfield Tyger's bingo applications to disguise the diversion, conversion or taking of Mansfield Tyger's charitable bingo proceeds for personal or otherwise unlawful purposes.

212. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT NINE
PATTERN OF CORRUPT ACTIVITIES – OBSTRUCTION OF JUSTICE

213. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by destroying or concealing evidence of violations of law or acts or induced persons to withhold testimony or information with the purpose to hinder the discovery or punishment of their acts in violation of Ohio Revised Code Section 2921.32(A)(4).

214. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by communicating false information to Richland Trust Company, the Attorney General, the State of Ohio and others with the purpose to hinder the discovery or punishment of their acts in violation of Ohio Revised Code Section 2921.32(A)(5).

215. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by preventing or obstructing the Attorney General's investigation by means of intimidation or deception in violation of Ohio Revised Code Section 2921.32(A)(6).

216. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT TEN
PATTERN OF CORRUPT ACTIVITIES – RECEIVING STOLEN PROPERTY

217. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by receiving, retaining or disposing of property of one or more of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger or Scholarship Trust and the bingo players and patrons of those bingo games while knowing or having reasonable cause to believe that the property was obtained from theft in violation of Ohio Revised Code Section 2913.51(A).

218. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT ELEVEN
PATTERN OF CORRUPT ACTIVITIES – CHEATING

219. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow engaged in a pattern of corrupt activities in violation of Ohio Revised Code Section 2923.32 by engaging in conduct designed to corrupt the outcome of bingo for one or more of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors or Mansfield Tyger's bingo game with the purpose to defraud or knowing that they are facilitating fraud in violation of Ohio Revised Code Section 2915.05(A)(4).

220. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and other persons acting at the Defendants' direction may have committed additional corrupt activities not known at this time.

COUNT TWELVE
DECEPTIVE ACTS AND PRACTICES AND MISLEADING THE PUBLIC

221. Ohio Revised Code Section 1716.14(A)(1) prohibits committing any deceptive act or practice in the planning, conducting or executing of any solicitation of contributions for a charitable organization or charitable purpose.

222. Ohio Revised Code Section 1716.01(F) defines "deceptive act or practice" as "knowingly misrepresenting any material fact related to the planning, conducting, or executing of any solicitation of contributions for a charitable organization or charitable purpose or to the planning, conducting, or executing of a charitable sales promotion,

when the misrepresentation induces any person to make a contribution to a charitable organization, for a charitable purpose, or in response to a charitable sales promotion.”

223. Ohio Revised Code Section 1716.14(A)(2) prohibits misleading any person as to any material fact concerning the solicitation of contributions for a charitable organization or charitable purpose.

224. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other bingo game workers acting at Defendants’ direction, committed a deceptive act or practice and/or misled the public by claiming that proceeds from Mansfield Tyger’s fundraising activities, including but not limited to Mansfield Tyger’s bingo game, benefited students of Mansfield Senior High School when solicitation proceeds were diverted for personal or other unlawful purposes in violation of Ohio Revised Code Sections 1716.14(A)(1) and 1716.14(A)(2).

225. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow committed a deceptive act or practice and/or misled the public by making other false claims to the public pertaining to Mansfield Tyger and the Scholarship Trust, including but not limited to their use of symbols and names that indicated proceeds from fundraising would benefit Mansfield Senior High School when that was not the case in violation of Ohio Revised Code Sections 1716.14(A)(1) and 1716.14(A)(2).

226. Defendant Kathleen Oleary committed a deceptive act or practice and/or misled the public by making false claims to the Board of Education of Mansfield City Schools that the proceeds from Mansfield Tyger's bingo game were appropriately managed and dedicated for Mansfield Tyger's charitable purpose when that was not the case in violation of Ohio Revised Code Sections 1716.14(A)(1) and 1716.14(A)(2).

227. Defendants Kendall Clemons, William Clemons and Betty Snow committed a deceptive act or practice and/or misled the public by claiming that proceeds from RTE's fundraising activities, including but not limited to RTE's bingo game, benefited RTE's charitable purposes when solicitation proceeds were diverted for personal or other unlawful purposes in violation of Ohio Revised Code Sections 1716.14(A)(1) and 1716.14(A)(2).

228. Defendants Kendall Clemons and William Clemons committed a deceptive act or practice and/or misled the public by claiming that proceeds from Soldiers & Sailors' fundraising activities, including but not limited to Soldiers & Sailors' bingo game, benefited Soldiers & Sailors' charitable purposes when solicitation proceeds were diverted for personal or other unlawful purposes in violation of Ohio Revised Code Sections 1716.14(A)(1) and 1716.14(A)(2).

229. Defendant Kendall Clemons committed a deceptive act or practice and/or misled the public by claiming that proceeds from Amvets #31, American Legion #16 and Amvets #26's fundraising activities, including but not limited to their bingo games, benefitted those organization's charitable purposes when solicitation proceeds were diverted for personal or other unlawful purposes in violation of Ohio Revised Code Sections 1716.14(A)(1) and 1716.14(A)(2).

230. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Betty Snow, Ginger Cushing, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at the Defendants' direction may have committed additional deceptive acts or practices and/or misled the public by making other statements or conducting other practices not known at this time.

COUNT THIRTEEN
USING NAMES AND SYMBOLS TO MISLEAD AND CONFUSE THE PUBLIC

231. Ohio Revised Code Section 1716.14(A)(4) prohibits “[u]sing a name, symbol, or statement that is so closely related or similar to that used by another charitable organization, public official, or public agency in such a manner that the use of the name, symbol, or statement tends to confuse or mislead a person being solicited for contributions, except that the name, symbol, or statement may be used if written permission is obtained from the other charitable organization, public official, or public agency and filed with the attorney general prior to any solicitation for a charitable purpose or prior to engaging in any charitable sales promotion.”

232. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner and other persons acting at the Defendants' direction misled and/or confused the public by utilizing names and/or symbols that closely resembled that of Mansfield Senior High School when Defendants did not have permission to solicit or fundraise on behalf of Mansfield Senior High School and proceeds from fundraising activities in fact did not benefit Mansfield Senior High School in violation of Ohio Revised Code Section 1716.14(A)(4).

233. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and other persons acting at Defendants' direction may have misled and/or confused the public by making other statements not known at this time.

COUNT FOURTEEN
MISLEADING THE PUBLIC AS TO THE CHARITABLE PURPOSE

234. Ohio Revised Code Section 1716.14(A)(5) prohibits “[m]isleading any person in any manner in the belief, or making or using any representation to any person that implies, that the organization on whose behalf a solicitation or charitable sales promotion is being conducted is a charitable organization or that the proceeds of the solicitation or charitable sales promotion will be used for a charitable purpose if either of those is not the fact.”

235. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at Defendants' direction misled the public by indicating that all of the proceeds from solicitation and fundraising activities benefitted Mansfield Senior High School when that was not the case in violation of Ohio Revised Code Section 1716.14(A)(5).

236. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at Defendants' direction misled the public by indicating that proceeds from

solicitation and fundraising activities benefitted charitable purposes when that was not the case in violation of Ohio Revised Code Section 1716.14(A)(5).

237. Defendant Kathleen Oleary misled and/or confused the public by stating to the Board of Education of Mansfield City Schools that the proceeds from Mansfield Tyger's bingo game were appropriately managed and dedicated for Mansfield Tyger's charitable purpose when that was not the case in violation of Ohio Revised Code Section 1716.14(A)(5).

238. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at Defendants' direction may have misled the public by making other statements not known at this time.

COUNT FIFTEEN
MISLEADING THE PUBLIC AS TO ENDORSEMENT

239. Ohio Revised Code Section 1716.14(A)(6) prohibits "[m]isleading any person in any manner in the belief, or making or using any representation to any person that implies, that any other person sponsors, endorses, or approves of the solicitation or charitable sales promotion when that other person has not given its consent in writing to that representation or to the use of its name for any of those purposes."

240. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and other persons acting at Defendants' direction misled the public by indicating that the Mansfield Senior High School sponsored,

endorsed or approved of the solicitation without receiving written consent in violation of Ohio Revised Code Section 1716.14(A)(6).

241. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and other persons acting at Defendants' direction, may have misled the public by making other statements not known at this time.

COUNT SIXTEEN
FALSE OR MISLEADING INFORMATION TO THE ATTORNEY GENERAL

242. Ohio Revised Code Section 1716.14(A)(10) prohibits “[f]iling false or misleading information in response to a request from the attorney general under section 1716.15 of the Revised Code.”

243. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and other persons acting at Defendants' direction provided false or misleading information to the Attorney General's Office in response to requests for records and information including at least approximately 1,982 separate instances of falsified instant bingo game information in violation of Ohio Revised Code Section 1716.14(A)(10).

COUNT SEVENTEEN
FAILING TO MAINTAIN & PROVIDE RECORDS

244. Ohio Revised Code Section 1716.11 requires every charitable organization soliciting contributions to “keep true records of solicitation activities that are covered by this chapter or any rule adopted under this chapter. The records shall be made available to the attorney general for inspection and shall be furnished to him not later than ten days after his request. The records shall be retained for a period of at least three years.”

245. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and other persons acting at Defendants' direction failed to maintain records of solicitation activities of Mansfield Tyger, including but not limited to bingo financial records, and failed to provide those records to the Attorney General in violation of Ohio Revised Code Section 1716.11.

246. Defendant Kendall Clemons and other persons acting at her direction, failed to maintain records of solicitation activities of Amvets #31, American Legion #16, Amvets #26, RTE and Soldiers & Sailors, including but not limited to bingo financial records, and failed to provide records of Soldiers & Sailors' bingo activities to the Attorney General in violation of Ohio Revised Code Section 1716.11.

247. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and other persons acting at Defendants' direction may have failed to maintain and provide other records not known at this time.

COUNT EIGHTEEN
FAILING TO COOPERATE WITH INVESTIGATION

248. Ohio Revised Code Section 1716.15(E) prohibits any person from withholding or concealing any documentary material or information from the Attorney General's Office.

249. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and other persons acting at Defendants' direction refused to provide records and information when requested by the Attorney General, refused to answer questions and instructed others not to answer questions or provide

information or records to the Attorney General in violation of Ohio Revised Code Section 1716.15(E).

COUNT NINETEEN
NUISANCE

250. Ohio Revised Code Section 1716.14(B) provides, “The act of soliciting contributions for any charitable organization or charitable purpose or engaging in a charitable sales promotion without complying with the requirements of this chapter or any rule adopted pursuant to this chapter, is a nuisance.”

251. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at Defendants’ direction violated Ohio Revised Code Chapter 1716 as stated above. Counts Twelve through Eighteen are incorporated by reference in this Count.

252. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow’s conduct as described in this count violates Ohio Revised Code Chapter 1716 and constitutes a nuisance subject to abatement. The Ohio Attorney General’s Office is entitled to an injunction prohibiting further solicitations by the Defendants and freezing the accounts of Mansfield Tyger, the Scholarship Trust and other accounts and assets used to launder, retain or manipulate charitable proceeds.

COUNT TWENTY
CIVIL CONSPIRACY

253. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at Defendants' direction, including but not limited to bingo workers and other associated persons of Mansfield Tyger, Soldiers & Sailors, RTE, Amvets #31, American Legion #16 and Amvets #26 maliciously combined to commit the acts as described and alleged in this complaint.

254. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at Defendants' direction, including but not limited to bingo workers and other associated persons of Mansfield Tyger, Soldiers & Sailors, RTE, Amvets #31, American Legion #16 and Amvets #26 combined acts were acts of a tortious nature and resulted in loss or other damages to the charitable beneficiaries of those charities and the bingo patrons and players of those charities' bingo games.

COUNT TWENTY-ONE
COMMON LAW FRAUD

255. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at Defendants' direction, including but not limited to bingo workers and other associated persons of Mansfield Tyger, Soldiers & Sailors, RTE, Amvets #31, American Legion #16 and Amvets #26 made false or misleading statements

and representations to, or had reason to know of false and misleading statements and representations made to, Richland Trust Company, Mansfield Senior High School, the Board of Education of Mansfield City Schools, donors, bingo players and patrons, the Attorney General, the State of Ohio and other persons.

256. Defendants' statements and misrepresentations were purposeful, willful, wanton, and/or reckless and intended to mislead Richland Trust Company, Mansfield Senior High School, the Board of Education of Mansfield City Schools, donors, bingo players and patrons, the Attorney General, the State of Ohio and other persons.

257. Richland Trust Company, Mansfield Senior High School, the Board of Education of Mansfield City Schools, donors, bingo players and patrons, the Attorney General, the State of Ohio and other persons relied on those false or misleading statements and representations and have suffered damages.

COUNT TWENTY-TWO
BREACH OF FIDUCIARY DUTIES

258. Ohio Revised Code Section 1716.17 states in pertinent part: "Every person who solicits, collects, or expends contributions on behalf of a charitable organization or for a charitable purpose, or who conducts a charitable sales promotion, and every officer, director, trustee, or employee of that person who is concerned with the solicitation, collection, or expenditure of those contributions shall be considered a fiduciary and as acting in a fiduciary capacity."

259. Ohio Revised Code Section 109.23(A) states: "charitable trust means any fiduciary relationship with respect to property arising under the law of this state or of another jurisdiction as a result of a manifestation of intention to create it, and subjecting

the person by whom the property is held to fiduciary duties to deal with the property within this state for any charitable, religious or educational purpose.”

260. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner owed fiduciary duties to Mansfield Tyger as well as the charitable beneficiaries of Mansfield Tyger including the duty of care, the duty of loyalty, the duty to properly manage accounts and the duty to comply with law as well as other duties including but not limited to the duty not to waste the assets of Mansfield Tyger and to act in Mansfield Tyger’s best interest.

261. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner breached their fiduciary duties owed to Mansfield Tyger and to Mansfield Tyger’s charitable beneficiaries resulting in loss and other damages.

262. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner owed fiduciary duties to the Scholarship Trust as well as the charitable beneficiaries of the Scholarship Trust including the duty of care, the duty of loyalty, the duty to properly manage accounts and the duty to comply with law as well as other duties including but not limited to the duty not to waste the assets of the Scholarship Trust and to act in the Scholarship Trust’s best interest.

263. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner breached their fiduciary duties owed to the Scholarship Trust and to the Scholarship Trust’s charitable beneficiaries resulting in loss and other damages.

264. Defendants William Clemons, Kendall Clemons and Betty Snow owed fiduciary duties to RTE as well as to the charitable beneficiaries of RTE including the duty of care, the duty of loyalty, the duty to properly manage accounts and the duty to comply with law as well as other duties including but not limited to the duty not to waste the assets of RTE and to act in RTE's best interest.

265. Defendants William Clemons, Kendall Clemons and Betty Snow breached their fiduciary duties owed to RTE and to RTE's charitable beneficiaries resulting in loss and other damages.

266. Defendants William Clemons and Kendall Clemons owed fiduciary duties to Soldiers & Sailors as well as to the charitable beneficiaries of Soldiers & Sailors including the duty of care, the duty of loyalty, the duty to properly manage accounts and the duty to comply with law as well as other duties including but not limited to the duty not to waste the assets of Soldiers & Sailors and to act in Soldiers & Sailors' best interest.

267. Defendants William Clemons and Kendall Clemons breached their fiduciary duties owed to Soldiers & Sailors and to Soldiers & Sailors' charitable beneficiaries resulting in loss and other damages.

268. Defendant Kendall Clemons owed fiduciary duties to Amvets #31, American Legion #16 and Amvets #26 as well as to the charitable beneficiaries of those entities including the duty of care, the duty of loyalty, the duty to properly manage accounts and the duty to comply with law as well as other duties including but not limited to the duty not to waste the assets of those entities and to act in their best interest.

269. Defendant Kendall Clemons breached her fiduciary duties owed to Amvets #31, American Legion #16 and Amvets #26 resulting in loss and other damages.

270. The Ohio Attorney General, in its role as *parens patriae*, protects charitable trusts and their beneficiaries who should have benefited from charitable trust assets, including the assets raised or held on behalf of the charitable beneficiaries of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger and the Scholarship Trust.

271. Because Defendants have proven incapable of appropriately managing and distributing charitable trust assets and solicitation proceeds collected and held for charitable purposes, Plaintiff Ohio Attorney General is entitled to an order imposing a constructive trust over all proceeds raised or collected by Defendants for charitable purposes, including all amounts unjustly retained by Defendants, and an order enforcing such constructive trust. Moreover, Plaintiff Ohio Attorney General requests that all assets and proceeds under constructive trust be transferred to legitimate charitable organizations benefiting similar charitable purposes within the discretion of the Court.

COUNT TWENTY-THREE
UNJUST ENRICHMENT

272. When a party would be unjustly enriched by wrongly retaining property, the Court may impose a constructive trust upon that party, placing upon the party the duty in equity to convey the property to its rightful owner.

273. Ohio courts recognize the equitable remedy of constructive trust, and will apply the doctrine to prevent unjust enrichment of those who abuse their roles as trustees.

274. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow personally

benefited at the expense of the charitable beneficiaries of Mansfield Tyger, including the students of Mansfield Senior High School and other persons they claimed to benefit by taking proceeds collected for charitable purposes and using that money for their own personal and other unlawful purposes.

275. Defendant Kathleen Oleary personally benefited at the expense of the charitable beneficiaries of Mansfield Tyger, including the students of Mansfield Senior High School and other persons Defendants claimed to benefit by taking proceeds to make false statements to the Board of Education of Mansfield City Schools and by taking charitable proceeds for the purpose of wrongfully transferring those funds to personal or unlawful purposes through use of her financial accounts.

276. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner personally benefited at the expense of the charitable beneficiaries of the Scholarship Trust, including the students of Mansfield Senior High School and other persons they claimed to benefit by taking proceeds collected for charitable purposes and using that money for their own personal and other unlawful purposes.

277. Defendants William Clemons, Kendall Clemons and Betty Snow personally benefited at the expense of the charitable beneficiaries of RTE by taking proceeds collected for charitable purposes and using that money for their own personal and other unlawful purposes.

278. Defendants William Clemons and Kendall Clemons personally benefited at the expense of the charitable beneficiaries of Soldiers & Sailors by taking proceeds

collected for charitable purposes and using that money for their own personal and other unlawful purposes.

279. Defendant Kendall Clemons personally benefited at the expense of the charitable beneficiaries of Amvets #31, American Legion #16 and Amvets #26 by taking proceeds collected for charitable purposes and using that money for her own personal and other unlawful purposes.

280. As a result of Defendants' conduct, Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner were unjustly enriched when they retained charitable proceeds at the expense of charitable beneficiaries.

281. Because Defendants have been unjustly enriched, Plaintiff Ohio Attorney General is entitled to an order of this Court disgorging all amounts unjustly retained by Defendants.

282. The Ohio Attorney General, in its role as *parens patriae*, protects charitable trusts and their beneficiaries who should have benefited from charitable trust assets, including the assets raised or held on behalf of the charitable beneficiaries of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger and the Scholarship Trust.

283. Because Defendants have proven incapable of appropriately managing and distributing charitable trust assets and solicitation proceeds collected and held for charitable purposes, Plaintiff Ohio Attorney General is entitled to an order imposing a constructive trust over all proceeds raised or collected by Defendants for charitable purposes, including all amounts unjustly retained by Defendants, and an order enforcing

such constructive trust. Moreover, Plaintiff Ohio Attorney General requests that all assets and proceeds under constructive trust be transferred to legitimate charitable organizations benefiting similar charitable purposes within the discretion of the Court.

COUNT TWENTY-FOUR
CONVERSION

284. Ohio courts recognize the common law cause of action known as conversion. Conversion is the wrongfully exerted control over the personal property of another in a manner inconsistent with the owner's rights. An action in conversion may exist even when the possessor of the property did not come into possession wrongfully, but when the possessor subsequently uses the property wrongfully.

285. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow personally benefited at the expense of the charitable beneficiaries of Mansfield Tyger, including the students of Mansfield Senior High School and other persons they claimed to benefit by taking proceeds collected for charitable purposes and using that money for their own personal and other unlawful purposes.

286. Defendant Kathleen Oleary personally benefited at the expense of the charitable beneficiaries of Mansfield Tyger, including the students of Mansfield Senior High School and other persons Defendants claimed to benefit by taking proceeds to make false statements to the Board of Education of Mansfield City Schools and by taking charitable proceeds for the purpose of wrongfully transferring those funds to personal or unlawful purposes through use of her financial accounts.

287. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner personally benefited at the expense of the charitable beneficiaries of the Scholarship Trust, including the students of Mansfield Senior High School and other persons they claimed to benefit by taking proceeds collected for charitable purposes and using that money for their own personal and other unlawful purposes.

288. Defendants William Clemons, Kendall Clemons and Betty Snow personally benefited at the expense of the charitable beneficiaries of RTE by taking proceeds collected for charitable purposes and using that money for their own personal and other unlawful purposes.

289. Defendants William Clemons and Kendall Clemons personally benefited at the expense of the charitable beneficiaries of Soldiers & Sailors by taking proceeds collected for charitable purposes and using that money for their own personal and other unlawful purposes.

290. Defendant Kendall Clemons personally benefited at the expense of the charitable beneficiaries of Amvets #31, American Legion #16 and Amvets #26 by taking proceeds collected for charitable purposes and using that money for her own personal and other unlawful purposes.

291. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, David A. Kopech, John W. Allen, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow's conduct constitutes conversion for which they are liable to pay

damages in an amount not yet determined as restitution for loss of property collected or held on behalf of charitable purposes.

292. Plaintiff Ohio Attorney General is entitled to an order of this Court disgorging all amounts wrongfully retained by Defendants.

293. The Ohio Attorney General, in its role as *parens patriae*, protects charitable trusts and their beneficiaries who should have benefited from charitable trust assets, including the assets raised or held on behalf of the charitable beneficiaries of Amvets #31, American Legion #16, Amvets #26, RTE, Soldiers & Sailors, Mansfield Tyger and the Scholarship Trust.

294. Because Defendants have proven incapable of appropriately managing and distributing charitable trust assets and solicitation proceeds collected and held for charitable purposes, Plaintiff Ohio Attorney General is entitled to an order imposing a constructive trust over all proceeds raised or collected by Defendants for charitable purposes, including all amounts wrongfully retained by Defendants, and an order enforcing such constructive trust. Moreover, Plaintiff Ohio Attorney General requests that all assets and proceeds under constructive trust be transferred to legitimate charitable organizations benefiting similar charitable purposes within the discretion of the Court.

COUNT TWENTY-FIVE
FALSIFICATION

295. Ohio Revised Code Section 2921.13 states, in pertinent part: “(A) No person shall knowingly make a false statement or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: (1) The statement is made in any official proceeding; (3) The statement is made with purpose to mislead a public official in performing the public official’s official function; (5) The statement is

made with purpose to secure the issuance by a governmental agency of a license, permit, authorization; (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths; (7) The statement is in writing on or in connection with a report or return that is required or authorized by law; (9) The statement is made with purpose to commit or facilitate the commission of a theft offense; (11) The statement is made on an account, form, record [...] or other writing that is required by law.”

296. The Ohio Attorney General brings this action pursuant to Ohio Revised Code Section 2921.13(G) as a person injured by the false statements and on behalf of the charitable beneficiaries and the general public injured by the false statements.

297. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and other persons acting at the direction of Defendants made false statements to Richland Trust Company, the Attorney General, the State of Ohio and to others as previously detailed in this complaint, including the false statements detailed in counts One through Twenty-Four and the factual allegations stated in this Complaint. The Attorney General incorporates all allegations in this Complaint as if fully stated herein.

298. Defendants’ false statements were made under the circumstances stated in Ohio Revised Code Section 2921.13(A)(1), (3), (5), (6), (7), (9) and (11) and violate Ohio Revised Code Section 2921(A) for which the Attorney General is entitled to recover damages for these statements in an amount not yet determined consistent with Ohio

Revised Code Section 2921.13(G), including, but not limited to, restitution and costs of attorneys fees, investigation and court costs.

COUNT TWENTY-SIX
REFORMATION OF CHARITABLE TRUST

299. Ohio courts recognize the equitable doctrine of *cy pres* and courts will apply the doctrine when: (A) there is a viable charitable trust; (B) the donor evidenced a general charitable intent on establishing the trust; and (C) it has become impossible or impractical to carry out the specific purposes or terms of the trust.

300. Ohio case law recognizes the equitable doctrine of deviation. The Court may apply the doctrine when it deems it necessary or highly desirable in order to enable the trustee to perform the purposes of the trust. The Court may deviate from the terms of the trust if the provisions have become so restrictive as to impair accomplishment of the trust purposes.

301. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and others acting at Defendants' direction solicited for charitable purposes and manifested an intention to create a charitable trust in favor of the charitable beneficiaries of Mansfield Tyger. As such, the funds raised or collected by Defendants may be used only for the charitable purposes set forth in the terms of the trust. Additionally, all charitable proceeds unjustly or illegally retained by Defendants are subject to the same charitable trust.

302. Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith, Carl Snow and others acting

at Defendants' direction solicited for charitable purposes and manifested an intention to create a charitable trust in favor of the charitable beneficiaries of the Scholarship Trust. As such, the funds raised or collected by Defendants may be used only for the charitable purposes set forth in the terms of the trust. Additionally, all charitable proceeds unjustly or illegally retained by Defendants are subject to the same charitable trust.

303. Defendant Kathleen Oleary holds charitable trust assets of either Mansfield Tyger or Scholarship Trust that are subject to a valid charitable trust in favor of the charitable beneficiaries of the Scholarship Trust.

304. Defendants William Clemons, Kendall Clemons, Betty Snow and others acting at Defendants' direction solicited for charitable purposes and manifested an intention to create a charitable trust in favor of the charitable beneficiaries of RTE. As such, the funds raised or collected by Defendants may be used only for the charitable purposes set forth in the terms of the trust. Additionally, all charitable proceeds unjustly or illegally retained by Defendants are subject to the same charitable trust.

305. Defendants William Clemons, Kendall Clemons and others acting at Defendants' direction solicited for charitable purposes and manifested an intention to create a charitable trust in favor of the charitable beneficiaries of Soldiers & Sailors. As such, the funds raised or collected by Defendants may be used only for the charitable purposes set forth in the terms of the trust. Additionally, all charitable proceeds unjustly or illegally retained by Defendants are subject to the same charitable trust.

306. In donating money to Defendants for the benefit of charitable beneficiaries, including proceeds collected from bingo activities, the public manifested the intent to create a charitable trust in favor of the charitable beneficiaries of RTE,

Soldiers & Sailors, Mansfield Tyger and the Scholarship Trust's intended charitable beneficiaries. As such, the funds raised by Defendants on behalf of the charitable beneficiaries must be used only for the charitable purposes set forth in the terms of the trust. Additionally, all charitable proceeds unjustly or illegally retained by Defendants are subject to the same charitable trust.

307. The specific purpose and/or specific terms of the charitable trust have become impossible or impractical to perform due to the actions or inactions of Defendants William Clemons, Kendall Clemons, Ginger Cushing, Betty Snow, Cheryl Patrick, Terry Zehner and Kathleen Oleary.

308. As an example of the frustration of purpose, Defendants have taken assets and proceeds under trust or hold such assets and have used them for their personal or other unlawful purposes.

309. As an example of the frustration of purpose, Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner have wasted charitable assets and have not cared for the property under trust.

310. Plaintiff Ohio Attorney General is entitled to an order reforming the terms of the charitable trust, in order to most nearly fulfill the purposes of the charitable trust in accordance with the doctrines of *cy pres* or deviation.

311. Because Defendants have proven incapable of appropriately managing and distributing charitable trust assets and solicitation proceeds collected on behalf of charitable purposes, the Ohio Attorney General requests an order reforming the charitable trust, dissolving the corporate entities Mansfield Tyger and the Scholarship Trust, removing the current trustees from office and distributing all assets and proceeds to

legitimate charitable organizations benefiting similar charitable purposes in Richland County.

PRAYER FOR RELIEF

WHEREFORE, pursuant to his statutory and common law authority, Plaintiff Ohio Attorney General respectfully requests the Court to grant the following relief:

- (A) Grant a permanent injunction and perpetually enjoin Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and Kathleen Oleary from holding any position as an officer, trustee or employee of any nonprofit corporation or association in the state of Ohio;
- (B) Grant immediate equitable and statutory relief freezing the accounts of Mansfield Tyger and the Scholarship Trust and any other accounts used to perpetuate illegal activities and attach all assets comingled or otherwise accumulated or acquired with charitable proceeds.
- (C) Grant a preliminary and permanent injunction prohibiting Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner and Kathleen Oleary from soliciting in the state of Ohio for charitable purposes;
- (D) Impose a constructive trust over all assets unjustly or illegally retained by Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow and order those defendants to disgorge all assets held under that constructive trust to the Attorney General for distribution to legitimate charitable

organizations benefiting the Mansfield Senior High School athletic programs and students;

- (E) Declare the Scholarship Trust as the rightful owner of the mortgage executed with Foundation Academy and order that all payments from Foundation Academy as payment on the mortgage note be paid for the benefit of the Scholarship Trust or a similar purpose and order immediate relief requiring all payments from Foundation Academy on the mortgage note to Mansfield Tyger to be paid in escrow until final resolution of this case.
- (F) Order Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow to pay restitution and compensatory damages, including interest for all amounts unjustly or illegally retained by Defendants to the Attorney General for distribution to legitimate charitable organizations benefiting the Mansfield Senior High School athletic programs and students;
- (G) Declare the terms of the charitable trust, and enter an order enforcing those terms in a manner consistent with this Complaint including dissolving the corporate entity of Mansfield Tyger, removing the current trustees of Mansfield Tyger and transferring the assets of Mansfield Tyger and the Scholarship Trust to the Attorney General for distribution to legitimate charitable organizations benefiting the Mansfield Senior High School athletic programs and students;
- (H) Reform the charitable trust in accordance with the doctrine of *cy pres* or deviation, including dissolving the corporate entity of Mansfield Tyger, removing

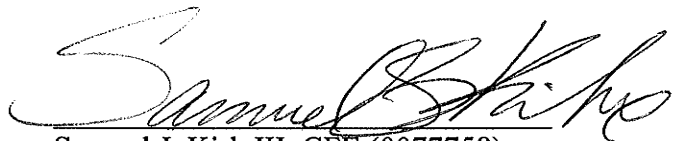
the current trustees of Mansfield Tyger and transferring the assets of Mansfield Tyger and the Scholarship Trust to the Attorney General for distribution to legitimate charitable organizations benefiting the Mansfield Senior High School athletic programs and students;

- (I) Award punitive damages in an amount that is just and appropriate for Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow's malfeasance;
- (J) Award Plaintiff Ohio Attorney General reasonable attorney fees, expenses, and costs of investigation and litigation in accordance with Ohio Revised Code Section 1716.16;
- (K) Impose a civil penalty against Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow of up to \$10,000 for each violation of Ohio Revised Code Chapter 1716 stated in this complaint;
- (L) Order restitution and other compensation as the Court deems appropriate for Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Kathleen Oleary, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow's false statements, efforts to obstruct, impede, interfere with and frustrate the Attorney General's investigation and other unlawful conduct;

- (M) Order Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow and Terry Zehner to give an accurate accounting of solicitation activities and financial activities of Mansfield Tyger and the Scholarship Trust;
- (N) Award joint and several liability against Defendants William Clemons, Kendall Clemons, Cheryl Patrick, Ginger Cushing, Betty Snow, Terry Zehner, Val Alamanteoff, Josh Brown, Ryan Cushing, Lisa Liggett, Tom Lorenz, Mary Ogle, Joe Scanlon, April Smith and Carl Snow;
- (O) Grant Plaintiff Ohio Attorney General other relief as the Court deems proper and necessary.

Respectfully submitted,

MIKE DEWINE
Ohio Attorney General



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**THE ATTORNEY GENERAL HEREBY REQUESTS TRIAL BY JURY ON
THOSE ISSUES SO TRIABLE.**

A handwritten signature in cursive script, appearing to read "Samuel J. Kirk III".

Samuel J. Kirk III, CFE (0077758)