

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

STATE OF OHIO, <i>ex. rel.</i>	:	Case No.:
MIKE DEWINE, OHIO ATTORNEY	:	
GENERAL	:	Judge
	:	
Plaintiff,	:	
	:	
vs.	:	COMPLAINT OF OHIO ATTORNEY
	:	GENERAL MIKE DEWINE
	:	
REBECCA DROBNICK	:	
1053 Elmore Ave.	:	
Columbus, Ohio 43224	:	
	:	
TIMOTHY DROBNICK	:	
4921 Solar Drive	:	
Columbus, Ohio 43214	:	
	:	
MINDY DROBNICK	:	
7936 Panary Court	:	
Reynoldsburg, Ohio 43068	:	
	:	
and	:	
	:	
AMERICAN HEROES ALLIANCE	:	
1933 E. Dublin Granville Road	:	
Columbus, Ohio 43229	:	
	:	
Defendants.	:	

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Plaintiff, State of Ohio *ex rel.* Mike DeWine, Ohio Attorney General, hereby alleges:

**I. Jurisdiction and Venue**

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Mike DeWine, 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

2921.13(G) and the Attorney General's common law authority to enforce charitable trusts.

2. Defendant Rebecca Drobnick currently resides at 1053 Elmore Ave., Columbus, Ohio 43224.
3. Defendant Timothy Drobnick currently resides at 4921 Solar Drive, Columbus, Ohio 43214.
4. Defendant Mindy Drobnick currently resides at 7936 Panary Court, Reynoldsburg, Ohio 43068.
5. Defendant American Heroes Alliance is an Ohio non-profit corporation with its principal place of business at 1933 E. Dublin Granville Road, Suite 173, Columbus, Ohio 43229.
6. OH-Ohio, (hereinafter, "OH-Ohio") was an Ohio nonprofit organization with a principal place of business at 1933 E. Dublin Granville Road, Suite 173, Columbus, Ohio 43229.
7. Defendant's actions, as described herein, occurred in the State of Ohio, involved residents of the State of Ohio, and constitute violations of the common law and Ohio Charitable Trust Act.
8. Defendant Rebecca Drobnick was at all relevant times an officer, trustee, and statutory agent of OH-Ohio and America's Hero Alliance. In such capacity, Defendant Rebecca Drobnick has formulated, directed, established or controlled the policies, practices, or procedures of OH-Ohio and Defendant American Heroes Alliance. Defendant Rebecca Drobnick has personally participated in the violations of law described in this complaint, or, through her action or inaction, authorized, directed, adopted, ratified, allowed, or otherwise caused or permitted such violations to occur. This action is being initiated against Defendant Rebecca Drobnick both individually and in her capacity as director,

trustee, officer, and/or statutory agent of OH-Ohio and Defendant American Heroes Alliance.

9. This is an action seeking injunctive relief, equitable relief, and damages for Defendant's violations of the common law, the Ohio Charitable Trust Act and the Ohio Charitable Organizations Act. The amount in controversy exceeds \$25,000.00.

## **II. Activities of Defendant Which Give Rise to this Complaint**

10. On or about February 1, 2010, Defendant Rebecca Drobnick entered into a Chapter Affiliation Agreement with Operation Homefront, Inc., a Texas nonprofit corporation with its principle place of business located at 8930 Fourwinds Drive, Suite 340, San Antonio, TX 78239, thereby establishing OH-Ohio as a regional chapter of Operation Homefront, Inc.
11. Defendant Rebecca Drobnick, the founder and former President of OH-Ohio and filed OH-Ohio's Articles of Non-Profit Organization with the Ohio Secretary of State on or about January 7, 2010.
12. As a local chapter of Operation Homefront, Inc., OH-Ohio, and all of its officers, directors, trustees and representatives, were bound to the policies and procedures of Operation Homefront, Inc.
13. OH-Ohio's stated charitable purpose was to provide "emergency and morale assistance for our troops, the families they leave behind and for wounded warriors when they return home." Additionally, to "[a]ssist Ohio deployed service members, wounded warriors, and their families."

14. To fulfill this charitable purpose, OH-Ohio maintained a food pantry, where donated food and household items were redistributed to veterans and their families, distributed gift cards, and paid household bills on behalf of veterans and their families.
15. Defendant Rebecca Drobnick began, but never completed, registering OH-Ohio with the Ohio Attorney General under Ohio's Charitable Trust Act and Charitable Organizations Act on or about March 12, 2012.
16. OH-Ohio is a "charitable organization" as the term is defined in R. C. § 1716.01(A) and a "charitable trust" as that term is defined in R.C. § 109.23.
17. During all relevant times, Defendant Rebecca Drobnick possessed signatory authority on all bank accounts of OH-Ohio, and had possession of debit and ATM cards associated with all bank accounts of OH-Ohio
18. Upon information and belief, all solicitation campaigns of OH-Ohio, Inc. were either conducted or overseen by Defendant Rebecca Drobnick.
19. Upon information and belief, OH-Ohio received donations in various amounts, including at least one donation of \$50,000.00 from a single individual. Additionally, OH-Ohio received donations of two vehicles: a 1997 Dodge Dakota and a 1995 Ford E-350.
20. Upon information and belief, OH-Ohio solicited and received donations from individuals over the age of 65.
21. Upon information and belief, all solicitations were made by stating or implying that the funds raised would be used to fulfill the charitable purpose of Oh-Ohio.
22. Upon information and belief, Defendant Rebecca Drobnick did not use all the assets of OH-Ohio to fulfill the organization's charitable purpose; instead she used the assets for her own personal gain.

23. Upon information and belief, Defendant Rebecca Drobnick did not follow the policies and procedures of Operation Homefront, Inc. for obtaining reimbursement for expenses. This includes both the policy on which expenses were permitted to reimburse and the procedure for obtaining reimbursement.
24. Upon information and belief, Defendant Rebecca Drobnick used OH-Ohio's assets to pay the personal expenses of her two children Timothy Drobnick and Mindy Drobnick.
25. Upon information and belief, the copious use of charitable assets for personal gain by Defendants interfered with OH-Ohio's ability to fulfill its charitable purpose.
26. Upon information and belief, Defendant Rebecca Drobnick hired her son, Defendant Timothy Drobnick, to provide services, for pay, to OH-Ohio including, but not limited to, Information Technology services.
27. Upon information and belief, Defendant Rebecca Drobnick did not attempt to determine whether an independent party could provide the services at a lower cost and/or with a higher level of competency.
28. Upon information and belief, Defendant Rebecca Drobnick failed to fully respond to records requests issued by the Ohio Attorney General to OH-Ohio.
29. On or about June 8, 2012, Operation Homefront, Inc. revoked the Chapter Affiliation Agreement with OH-Ohio. to create a regional chapter covering Ohio, Michigan, and Illinois.
30. Pursuant to the by-laws of OH-Ohio, if the Chapter Affiliation Agreement was revoked, OH-Ohio was required to turn over all its assets to Operation Homefront, Inc. OH-Ohio did not turn over its assets to Operation Homefront, Inc. This includes all cash assets and personal property, including the 1997 Dodge Dakota and 1995 Ford E-350.

31. Defendant Rebecca Drobnick retained possession of the assets of Oh-Ohio. Upon information and belief, the two vehicles remain parked at Defendant Rebecca Drobnick's residence, despite several requests from Operation Homefront, Inc.'s request they be turned over.
32. On or about May 9, 2012, after learning of Operation Homefront, Inc.'s plan to revoke the Chapter Affiliation Agreement, but prior to the actual revocation, Defendant Rebecca Drobnick filed Articles of Non-Profit Organization with the Ohio Secretary of State forming American Heroes Alliance, Inc.
33. On or about May 17, 2012, Defendant American Heroes Alliance began to register with the Ohio Attorney General's Office under Ohio's Charitable Trust Act and Charitable Organizations Act. The registration process was never completed.
34. American Heroes Alliance, Inc. was formed to provide overall support to United States Military, including veterans, of all branches of service. Service is to be paid directly to mortgage lenders, auto mechanics, etc. Support in the form of financial and morale assistance to include transitional housing.
35. At all relevant times, Defendant Rebecca Drobnick served as President of American Heroes Alliance.
36. Defendant Rebecca Drobnick currently serves as statutory agent of American Heroes Alliance.
37. Upon information and belief, there are currently no other board members of American Heroes Alliance.
38. American Heroes Alliance is a "charitable organization" as the term is defined in R. C. § 1716.01(A) and a "charitable trust" as that term is defined in R.C. § 109.23.

39. During all relevant times, Defendant Rebecca Drobnick possessed signatory authority on all bank accounts of American Heroes Alliance and had possession of debit and ATM cards associated with all bank accounts of American Heroes Alliance
40. Upon information and belief, all solicitation campaigns of American Heroes Alliance were either conducted or overseen by Defendant Rebecca Drobnick.
41. Upon information and belief, all solicitations were made by stating or implying that the funds raised would be used to fulfill the charitable purpose of American Heroes Alliance.
42. Upon information and belief, Defendant American Heroes Alliance has conducted no programming in furtherance of its stated charitable mission.
43. Upon information and belief, Defendant Rebecca Drobnick did not use all the assets of American Heroes Alliance to fulfill the organization's charitable purpose; instead she used the assets for her own personal gain.
44. Upon information and belief, Defendant Rebecca Drobnick used American Heroes Alliance's assets to pay the personal expenses of her two children Timothy Drobnick and Mindy Drobnick.
45. Upon information and belief, Defendants have personally benefitted at the expense of charitable beneficiaries by taking proceeds collected for charitable organizations and/or charitable purposes and using that money for their own personal purposes.
46. Upon information and belief, the copious use of charitable assets for personal gain by Defendants interfered with American Heroes Alliance's ability to fulfill its charitable purpose.

**COUNT ONE**  
**FAILURE TO REGISTER UNDER THE CHARITABLE TRUST ACT**

47. Paragraphs 1 to 46 are incorporated by reference as if fully stated herein.

48. R.C. § 109.26 requires every charitable trust established or active in Ohio to register with the Ohio Attorney General.
49. Defendant Rebecca Drobnick has violated R.C. § 109.26 by failing to register OH-Ohio with the Ohio Attorney General as a charitable trust established or active in Ohio.

**COUNT TWO**  
**FAILURE TO REGISTER UNDER THE CHARITABLE TRUST ACT**

50. Paragraphs 1 to 49 are incorporated by reference as if fully stated herein.
51. Defendants Rebecca Drobnick and American Heroes Alliance has violated R.C. § 109.26 by failing to register American Heroes Alliance with the Ohio Attorney General as a charitable trust established or active in Ohio.

**COUNT THREE**  
**FAILURE TO REGISTER UNDER THE CHARITABLE ORGANIZATIONS ACT**

52. Paragraphs 1 to 51 are incorporated by reference as if fully stated herein.
53. R.C. § 1716.02 requires every charitable organization that intends to solicit contributions in Ohio by any means or have contributions solicited on its behalf in Ohio to register with the Ohio Attorney General prior to engaging in any solicitation activities.
54. Defendant Rebecca Drobnick has violated R.C. § 1716.02 by failing to register OH-Ohio with the Ohio Attorney General prior to engaging in any solicitation activities.

**COUNT FOUR**  
**FAILURE TO REGISTER UNDER THE CHARITABLE ORGANIZATIONS ACT**

55. Paragraphs 1 to 54 are incorporated by reference as if fully stated herein.
56. Defendants Rebecca Drobnick and American Heroes Alliance has violated R.C. § 1716.02 by failing to register American Heroes Alliance with the Ohio Attorney General prior to engaging in any solicitation activities.

**COUNT FIVE**  
**FAILURE TO RESPOND**

57. Paragraphs 1 to 56 are incorporated by reference as if fully stated herein.
58. R.C. § 109.24 states: “The attorney general is empowered to require the production of any books or papers which are relevant[.]”
59. On or about July 18, 2013, the Attorney General sent a Request for Records and Information to Defendant Rebecca Drobnick, requesting, in part, copies of all receipts which would explain the numerous purchases made using charitable funds.
60. On or about August 12, 2012, Defendant Rebecca Drobnick provided a response to the Request for Records and Information and claimed the records she provided represented a full and complete response to the Request for Records and Information as she had no additional records in her possession.
61. On or about March 21, 2013, Defendant Rebecca Drobnick sent an email to the Charitable Law Section of the Attorney General indicating that there was a “mountain of receipts” that Defendant Rebecca Drobnick had not shared with the Attorney General’s Office.
62. Defendant Rebecca Drobnick has violated R.C. § 109.24 by failing to fully respond to records requests issued by the Ohio Attorney General to Rebecca Drobnick.

**COUNT SIX**  
**FAILURE TO RESPOND**

63. Paragraphs 1 to 62 are incorporated by reference as if fully stated herein.
64. R.C. § 1716.15 states “In the conduct of an investigation, the attorney general may ... [e]xamine or cause to be examined any person or any documentary material that is relevant to the alleged violation or false or misleading information.

65. Defendant Rebecca Drobnick has violation R.C. § 1716.15 by failing to fully respond to records requests issued by the Ohio Attorney General to Rebecca Drobnick.

**COUNT SEVEN**  
**BREACH OF FIDUCIARY DUTIES**

66. Paragraphs 1 to 65 are incorporated by reference as if fully stated herein.
67. R.C. § 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 the state for any charitable, religious, or educational purpose.”
68. Defendant Rebecca Drobnick owed fiduciary duties to the charitable beneficiaries of OH-Ohio, including the duty of care, the duty of loyalty, the duty to properly manage accounts, and the duty to comply with the law, as well as other duties, including, but not limited to, the duty not to waste charitable trust assets and to act in the best interest of the charities.
69. Defendant Rebecca Drobnick violated her duty of good faith to OH-Ohio by failing to act with the degree of care and skill which an ordinarily prudent person would have used in dealing with his own property.
70. Defendant Rebecca Drobnick violated her fiduciary duty of loyalty to OH-Ohio by diverting charitable assets for her own personal use and placing her personal interests, including those of her children Defendants Timothy and Mindy Drobnick, above the interests of OH-Ohio as well as the interests of the charitable beneficiaries, i.e., the soldiers, soldiers’ families, wounded veterans, and other persons she purported to benefit.

71. Defendant Rebecca Drobnick violated her fiduciary duty to not to commingle charitable assets of OH-Ohio with her own personal assets.
72. Defendant Rebecca Drobnick violated her fiduciary duty to make the charitable trust property of OH-Ohio productive.
73. Defendant Rebecca Drobnick violated her fiduciary duties to preserve the charitable trust property of OH-Ohio for intended charitable trust purposes and to properly manage and maintain the charitable trust property for the benefit of the charitable beneficiaries, i.e., the soldiers, soldiers' families, wounded veterans, and other persons she purported to benefit.
74. Defendant Rebecca Drobnick violated her fiduciary duty to account for all assets of OH-Ohio collected and expended for charitable purposes.
75. Defendant Rebecca Drobnick violated her fiduciary duty to use all the money or assets collected on behalf of OH-Ohio for charitable purposes.
76. Defendant Rebecca Drobnick violated her fiduciary to comply with law by, among other things, diverting charitable assets to her own personal use and the personal use of her children, Defendants Timothy and Mindy Drobnick.
77. As a direct and proximate cause of Defendant Rebecca Drobnick's breach of fiduciary duties as alleged in this complaint, there was a waste of charitable assets to the detriment of the charitable beneficiaries in an amount not yet known.
78. Defendant Rebecca Drobnick is liable for an amount not yet known for the amount that has been wrongfully diverted from its intended charitable purposes.
79. Defendant Rebecca Drobnick's conduct as described in this count violates R.C. § 1716.17 for which the Ohio Attorney General's Office is entitled to an injunction and

restitution. Defendant Rebecca Drobnick is liable to pay a civil penalty of up to \$10,000 for each violation pursuant to R.C. § 1716.16(B).

**COUNT EIGHT**  
**BREACH OF FIDUCIARY DUTIES**

80. Paragraphs 1 to 79 are incorporated by reference as if fully stated herein.
81. R.C. § 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 the state for any charitable, religious, or educational purpose.”
82. Defendant Rebecca Drobnick owed fiduciary duties to the charitable beneficiaries of Defendant American Heroes Alliance including the duty of care, the duty of loyalty, the duty to properly manage accounts, and the duty to comply with the law, as well as other duties, including, but not limited to, the duty not to waste charitable trust assets and to act in the best interest of the charities.
83. Defendant Rebecca Drobnick violated her duty of good faith by failing to act with the degree of care and skill which an ordinarily prudent person would have used in dealing with his or her own property.
84. Defendant Rebecca Drobnick violated her fiduciary duty of loyalty by diverting the charitable assets of Defendant American Heroes Alliance for her own personal use and placing her personal interests, including those of her children Defendants Timothy and Mindy Drobnick, above the interests of American Heroes Alliance as well as the interests of the charitable beneficiaries, i.e., the servicemen in all branches of the United States Military, and other persons she purported to benefit.

85. Defendant Rebecca Drobnick violated her fiduciary duty to not to commingle charitable assets of Defendant American Heroes Alliance with her own personal assets.
86. Defendant Rebecca Drobnick violated her fiduciary duty to make the charitable trust property of Defendant American Heroes Alliance productive.
87. Defendant Rebecca Drobnick violated her fiduciary duties to preserve the charitable trust property of Defendant American Heroes Alliance for intended charitable trust purposes and to properly manage and maintain the charitable trust property for the benefit of the charitable beneficiaries, i.e., the servicemen in all branches of the United States Military, and other persons she purported to benefit.
88. Defendant Rebecca Drobnick violated her fiduciary duty to account for all assets of American Heroes Alliance collected and expended for charitable purposes.
89. Defendant Rebecca Drobnick violated her fiduciary duty to use all the money or assets collected on behalf of Defendant American Heroes Alliance for charitable purposes.
90. Defendant Rebecca Drobnick violated her fiduciary to comply with law by, among other things, diverting the charitable assets of American Heroes Alliance to her own personal use and the personal use of her children, Defendants Timothy and Mindy Drobnick.
91. As a direct and proximate cause of Defendant Rebecca Drobnick's breach of fiduciary duties as alleged in this complaint, there was waste of charitable assets to the detriment of the charitable beneficiaries in an amount not yet known.
92. Defendant Rebecca Drobnick is liable for an amount not yet known for the amount that has been wrongfully diverted from its intended charitable purposes.
93. Defendant Rebecca Drobnick's conduct as described in this count violates R.C. § 1716.17 for which the Ohio Attorney General's Office is entitled to an injunction and

restitution and for which Defendant Rebecca Drobnick is liable to pay a civil penalty of up to \$10,000 for each violation pursuant to R.C. § 1716.16(B).

**COUNT NINE**  
**COMMON LAW FRAUD**

94. Paragraphs 1 to 93 are incorporated by reference as if fully stated herein.
95. Defendant Rebecca Drobnick made false or misleading statements and representations to, or had reason to know of false and misleading statements and representations made, to donors, the Ohio Attorney General, and the State of Ohio regarding OH-Ohio.
96. Defendant Rebecca Drobnick's statements and misrepresentations were purposeful, willful, wanton, and/or reckless and intended to mislead donors, the Ohio Attorney General, and the State of Ohio regarding OH-Ohio.
97. Donors, the Ohio Attorney General, and the State of Ohio, and other persons relied on false or misleading statements and representations regarding OH-Ohio and have suffered damages.

**COUNT TEN**  
**COMMON LAW FRAUD**

98. Paragraphs 1 to 97 are incorporated by reference as if fully stated herein.
99. Defendant Rebecca Drobnick made false or misleading statements and representations to, or had reason to know of false and misleading statements and representations made, to donors, the Ohio Attorney General, and the State of Ohio regarding Defendant American Heroes Alliance.
100. Defendant Rebecca Drobnick's statements and misrepresentations were purposeful, willful, wanton, and/or reckless and intended to mislead donors, the Ohio Attorney General, and the State of Ohio regarding Defendant American Heroes Alliance.

101. Donors, the Ohio Attorney General, and the State of Ohio, and other persons relied on those false or misleading statements and representations regarding Defendant American Heroes Alliance and have suffered damages.

**COUNT ELEVEN**  
**CONVERSION**

102. Paragraphs 1 to 101 are incorporated by reference as if fully stated herein.

103. 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.

104. Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick personally benefitted at the expense of the charitable beneficiaries by taking proceeds collected from charitable purposes on behalf of OH-Ohio and using that money for their own personal purposes.

105. Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick'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.

106. The Ohio Attorney General is entitled to an order of this Court disgorging all amounts wrongfully retained by Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick.

107. The Ohio Attorney General, in his role as *parens patriae*, protects charitable trusts and their beneficiaries who should have benefitted from charitable trust assets, including the assets raised or held on behalf of the charitable beneficiaries.
108. Because Defendants have proven incapable of appropriately managing and distributing charitable trust assets held for charitable purposes, the Ohio Attorney General is entitled to an order imposing a constructive trust over all proceeds raised or collected by Defendants for charitable purposes on behalf of OH-Ohio, including all amounts unjustly retained by Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick, and an order enforcing such a constructive trust.

**COUNT TWELVE**  
**CONVERSION**

109. Paragraphs 1 to 108 are incorporated by reference as if fully stated herein.
110. Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick personally benefitted at the expense of the charitable beneficiaries by taking proceeds collected from charitable purposes on behalf of American Heroes Alliance and using that money for their own personal and other unlawful purposes.
111. Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick'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.
112. The Ohio Attorney General is entitled to an order of this Court disgorging all amounts wrongfully retained by Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick.

113. The Ohio Attorney General, in his role as *parens patriae*, protects charitable trusts and their beneficiaries who should have benefitted from charitable trust assets, including the assets raised or held on behalf of the charitable beneficiaries.
114. Because Defendants have proven incapable of appropriately managing and distributing charitable trust assets held for charitable purposes, the Ohio Attorney General is entitled to an order imposing a constructive trust over all proceeds raised or collected by Defendants for charitable purposes on behalf of American Heroes Alliance, including all amounts unjustly retained by Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick, and an order enforcing such a constructive trust.

**COUNT THIRTEEN**  
**UNJUST ENRICHMENT**

115. Paragraphs 1 to 114 are incorporated by reference as if fully stated herein.
116. 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.
117. Ohio courts recognize the equitable remedy of constructive trust, and will apply the doctrine to prevent unjust enrichment of those who abuse their role as trustees.
118. Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick personally benefitted at the expense of the charitable beneficiaries by taking proceeds collected for charitable purposes on behalf of OH-Ohio and using that money for their personal purposes.
119. As a result of these Defendants' conduct, Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick were unjustly enriched when they retained charitable proceeds at the expense of charitable beneficiaries.

120. Because Defendants have been unjustly enriched, the Ohio Attorney General is entitled to an order of this Court disgorging all amounts unjustly retained by Defendants.
121. The Ohio Attorney General, in his role as *parens patriae*, protects charitable trusts and their beneficiaries who should have benefitted from charitable trust assets, including the assets raised or held on behalf of the charitable beneficiaries.
122. Because Defendants have proven incapable of appropriately managing and distributing charitable trust assets held for charitable purposes, the Ohio Attorney General is entitled to an order imposing a constructive trust over all proceeds raised or collected by Defendants for charitable purposes on behalf of OH-Ohio, including all amounts unjustly retained by Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick, and an order enforcing such a constructive trust.

**COUNT FOURTEEN**  
**UNJUST ENRICHMENT**

123. Paragraphs 1 to 122 are incorporated by reference as if fully stated herein.
124. Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick personally benefitted at the expense of the charitable beneficiaries by taking proceeds collected for charitable purposes on behalf of American Heroes Alliance and using that money for their personal purposes.
125. As a result of these Defendants' conduct, Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick were unjustly enriched when they retained charitable proceeds at the expense of charitable beneficiaries.
126. Because Defendants have been unjustly enriched, the Ohio Attorney General is entitled to an order of this Court disgorging all amounts unjustly retained by Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick.

127. The Ohio Attorney General, in his role as *parens patriae*, protects charitable trusts and their beneficiaries who should have benefitted from charitable trust assets, including the assets raised or held on behalf of the charitable beneficiaries.
128. Because Defendants have proven incapable of appropriately managing and distributing charitable trust assets held for charitable purposes, the Ohio Attorney General is entitled to an order imposing a constructive trust over all proceeds raised or collected by Defendants for charitable purposes on behalf of OH-Ohio, including all amounts unjustly retained by Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick, and an order enforcing such a constructive trust.

**COUNT FIFTEEN**  
**DECEPTIVE ACTS OR PRACTICES AND MISLEADING THE PUBLIC**

129. Paragraphs 1 to 128 are incorporated by reference as if fully stated herein
130. R.C. § 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.
131. R.C. § 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.”
132. R.C. § 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.

133. Defendant Rebecca Drobnick and other solicitors acting at Rebecca Drobnick's direction, committed a deceptive act or practice and/or misled the public by claiming that donations to OH-Ohio benefited soldiers, the families the soldiers left behind, and wounded veterans when solicitation proceeds were diverted for the personal use of Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick.
134. Defendant Rebecca Drobnick's conduct as described in this count violates R.C. § § 1716.14(A)(1) and (A)(2) for which the Ohio Attorney General's Office is entitled to an injunction prohibiting further solicitations by Defendant, restitution, attorney's fees and costs of investigation and litigation, and civil penalties of up to \$10,000 for each violation pursuant to Ohio Revised Code Section 1716.16(B).

**COUNT SIXTEEN**  
**DECEPTIVE ACTS OR PRACTICES AND MISLEADING THE PUBLIC**

135. Paragraphs 1 to 134 are incorporated by reference as if fully stated herein
136. Defendant Rebecca Drobnick and other solicitors acting at Rebecca Drobnick's direction committed a deceptive act or practice and/or misled the public by claiming that donations to American Heroes Alliance benefited the servicemen in all branches of the United States Military when solicitation proceeds were diverted for the personal use of Defendants Rebecca Drobnick, Timothy Drobnick and Mindy Drobnick.
137. Defendant Rebecca Drobnick's conduct as described in this count violates R.C. § § 1716.14(A)(1) and (A)(2) for which the Ohio Attorney General's Office is entitled to an injunction prohibiting further solicitations by Defendant, restitution, attorney's fees and costs of investigation and litigation, and civil penalties of up to \$10,000 for each violation pursuant to Ohio Revised Code Section 1716.16(B).

**COUNT SEVENTEEN**

**MISLEADING THE PUBLIC AS TO THE CHARITABLE PURPOSE**

138. Paragraphs 1 to 137 are incorporated by reference as if fully stated herein.
139. R.C. § 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.”
140. Defendant Rebecca Drobnick, and other solicitors acting at Rebecca Drobnick’s direction, misled the public by indicating that all of the donations to OH-Ohio benefited soldiers, their families, and wounded veterans when that was not the case.
141. Defendant Rebecca Drobnick, and other solicitors acting at Rebecca Drobnick’s direction, may have misled the public by making other statements not known at this time.
142. Defendant Rebecca Drobnick’s conduct as described in this count violates R.C. § 1716.14(A)(5) for which the Ohio Attorney General’s Office is entitled to an injunction prohibiting further solicitations by Defendant, restitution, attorney’s fees and costs of investigation and litigation, and civil penalties of up to \$10,000 for each violation pursuant to Ohio Revised Code Section 1716.16(B).

**COUNT EIGHTEEN**

**MISLEADING THE PUBLIC AS TO THE CHARITABLE PURPOSE**

143. Paragraphs 1 to 142 are incorporated by reference as if fully stated herein.
144. Defendant Rebecca Drobnick and other solicitors acting at Rebecca Drobnick’s direction misled the public by indicating that all of the donations to American Heroes Alliance benefited the servicemen in all branches of the United States Military when that was not the case.

145. Defendant Rebecca Drobnick and other solicitors acting at Rebecca Drobnick's direction may have misled the public by making other statements not known at this time.
146. Defendant Rebecca Drobnick's conduct as described in this count violates R.C. § 1716.14(A)(5) for which the Ohio Attorney General's Office is entitled to an injunction prohibiting further solicitations by Defendant, restitution, attorney's fees and costs of investigation and litigation, and civil penalties of up to \$10,000 for each violation pursuant to Ohio Revised Code Section 1716.16(B).

**COUNT NINETEEN**  
**FAILING TO COOPERATE WITH INVESTIGATION**

147. Paragraphs 1 to 146 are incorporated by reference as if fully stated herein.
148. R.C. § 1716.15(E) prohibits any person from failing to appear at any investigation or concealing any documentary material or information from the Attorney General's Office.
149. Upon information and belief, Defendant Rebecca Drobnick concealed documentary material and information from the Attorney General's Office by failing to provide all the receipts which correspond to purchases made out of OH-Ohio's bank accounts.
150. Upon information and belief, Defendant Rebecca Drobnick also concealed documentary material and information from the Attorney General's Office by failing to respond to numerous email requests for information and documents. Instead, Defendant Rebecca Drobnick would reply with rambling responses which were wholly nonresponsive to the inquiries made of her and were designed to try and deflect attention away from OH-Ohio.
151. Defendant Rebecca Drobnick's conduct as described in this count violated R.C. § 1716.15(E) for which the Ohio Attorney General's Office is entitled to an injunction prohibiting further solicitations by the Defendants, restitution, attorney's fees, costs of

investigation and litigation, and civil penalties of up to \$10,000 for each violation pursuant to R.C. § 1716.16(B).

**COUNT TWENTY**  
**NUISANCE**

152. Paragraphs 1 to 151 are incorporated by reference as if fully stated herein.
153. R.C. § 1716.14(B) provides, “[t]he 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.”
154. Defendant Rebecca Drobnick violated Ohio Revised Code Sections 1716.14 and 1716.15(E) with respect to OH-Ohio as stated above.
155. Defendant Rebecca Drobnick’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, freezing the accounts of OH-Ohio, and prohibiting Rebecca Drobnick from distributing or accessing any assets of OH-Ohio

**COUNT TWENTY-ONE**  
**NUISANCE**

156. Paragraphs 1 to 155 are incorporated by reference as if fully stated herein.
157. Defendant Rebecca Drobnick violated Ohio Revised Code Sections 1716.14 and 1716.15(E) with respect to American Heroes Alliance as stated above.
158. Defendant Rebecca Drobnick’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, freezing the accounts of American Heroes Alliance, and prohibiting Rebecca Drobnick from distributing or accessing any assets of American Heroes Alliance.

### **PRAYER FOR RELIEF**

**Pursuant** to his statutory and common law authority to protect charitable assets and to prevent their abuse, Plaintiff Ohio Attorney General respectfully requests the Court to grant the following relief:

- (A) Grant a permanent injunction prohibiting Defendants from soliciting in the state of Ohio for charitable purpose;
- (B) Grant a permanent injunction and perpetually enjoin Defendants Rebecca Drobnick, Timothy Drobnick, and Mindy Drobnick from holding any position as an officer, trustee, or employee of any nonprofit corporation or association in the state of Ohio.
- (C) Impose a constructive trust over all assets unjustly or illegally retained by Defendants and order Defendants to disgorge all assets held under that constructive trust to the Ohio Attorney General for distribution to other charitable organizations;
- (D) Order Defendants to pay restitution and compensatory damages, including interest for all amounts unjustly or illegally retained by Defendants, to the Ohio Attorney General for distribution to other charitable organizations;
- (E) Declare the terms to the charitable trust, and enter an order enforcing those terms in a manner consistent with this Complaint including distributing all assets and proceeds to other charitable organizations;
- (F) Reform the charitable trust in accordance with the doctrine of *cy pres* or deviation.
- (G) Award punitive damages in a just and appropriate amount for Defendants' malfeasance;

- (H) Award Plaintiff Ohio Attorney General reasonable attorney fees, expenses, and costs of investigation and litigation in accordance with Ohio Revised Code Section 1716.16
- (I) Impose a civil penalty against Defendants of up to \$10,000 for each violation of Ohio Revised Code Chapter 1716 stated in this complaint;
- (J) Order restitution and other compensation as the Court deems appropriate for Defendant Rebecca Drobnick's false statements;
- (K) Award joint and several liability against Defendants;
- (L) Grant Plaintiff, Ohio Attorney General, other relief as the Court deems proper and necessary.

Respectfully submitted,

MIKE DEWINE  
Attorney General

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