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Marion County Circuit Court

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

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STATE OF OREGON ex rel. JOHN KROGER, Attorney General for the State of Oregon,

Plaintiff,

v.

OREGON WAR VETERANS ASSOCIATION, MILITARY FAMILY SUPPORT FOUNDATION, INC., MILITARY FAMILY SUPPORT FOUNDATION, and GREGORY WARNOCK, individually and doing business as LNP Consultants LLC,

Defendants.

Case No. 11C11998

COMPLAINT FOR VIOLATIONS OF THE UNLAWFUL TRADE PRACTICES ACT, ORS 646.605 *ET SEQ.*, AND THE CHARITABLE SOLICITATIONS ACT, ORS 128.801 *ET SEQ.*; VIOLATIONS OF OREGON NONPROFIT CORPORATIONS ACT (ORS 65.327, ORS 65.357, ORS 65.367, and ORS 65.377); ULTRA VIRES ACTS (ORS 65.084), BREACHES OF COMMON LAW FIDUCIARY DUTIES, AND ACTION FOR JUDICIAL DISSOLUTION (ORS 65.661)

Not Subject to Mandatory Arbitration

Jury Trial Demanded

JOHN KROGER, Attorney General of the State of Oregon, files this Complaint as Attorney General and alleges as follows:

IDENTIFICATION OF PARTIES AND VENUE

1.

John Kroger is the duly constituted Attorney General for the State of Oregon and is suing only in his official capacity pursuant to the Oregon Charitable Solicitations Act, ORS 128.801 *et seq.*, the Oregon Unlawful Trade Practices Act, ORS 646.605 *et seq.*, the Nonprofit Corporations Act, ORS 65.327 and ORS 65.661, and his common law authority to represent the State of Oregon, ORS 180.060(7) and ORS 128.735.

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Certified to be a true copy
of the original
Heather L. Wiegler
Assistant Attorney General

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2.

Defendant Oregon War Veterans Association (OWVA) is a nonprofit, public-benefit corporation that holds IRC § 501(c)(19) tax-exempt status. It was organized exclusively for charitable purposes and filed Articles of Incorporation with the Oregon Secretary of State on November 7, 2003. OWVA registered with the Department of Justice as a charitable corporation on December 31, 2003. OWVA's principal place of business is Defendant Gregory Warnock's residence, located in Polk County, Oregon.

3.

Defendant Military Family Support Foundation, Inc. (hereafter "Military Family Support Foundation-For Profit" or "MFSF-FP") was an Oregon for-profit business corporation that filed Articles of Incorporation with the Oregon Secretary of State on March 3, 2008. Although the organization applied for a Federal Employer Identification Number on or about March 3, 2008, MFSF-FP never registered as a charitable corporation with the Oregon Department of Justice and never applied for tax-exempt status with the Internal Revenue Service. MFSF-FP's principal place of business was Defendant Gregory Warnock's residence, located in Polk County, Oregon. MFSF-FP filed Articles of Dissolution with the Oregon Secretary of State on June 15, 2010, after the Plaintiff initiated an investigation into its activities.

4.

Defendant Military Family Support Foundation (hereafter "Military Family Support Foundation-Nonprofit" or "MFSF-NP") was an Oregon nonprofit public-benefit corporation that filed Articles of Incorporation with the Oregon Secretary of State on June 15, 2010. MFSF-NP never registered as a charitable corporation with the Oregon Department of Justice and never applied for tax-exempt status with the Internal Revenue Service. MFSF-NP's principal place of business was Defendant Gregory Warnock's residence, located in Polk County, Oregon. MFSF-NP filed articles of dissolution with the Oregon Secretary of State on September 8, 2010.

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5.

Defendant Gregory Warnock (“Warnock”) is the founder, former president, and executive director of OWVA; was the founder, registered agent, and president of MFSF-FP; and was a founder and the registered agent of MFSF-NP. Warnock also claimed to be a member of LNP Consultants LLC, but no organization by that name is registered to do business in Oregon. LNP Consultants LLC (“LNP”) is a name Warnock uses to conduct business.

6.

The Circuit Court for the State of Oregon has personal jurisdiction over Defendants OWVA, MFSF-FP, and MFSF-NP pursuant to ORCP 4 A(3), 4 A(4), 4 C, and 4 L. The Circuit Court for the State of Oregon has personal jurisdiction over Defendant Warnock pursuant to ORCP 4 A(2), 4 A(4), 4 C, 4 G, and 4 L.

7.

This complaint seeks the judicial dissolution of OWVA. In such proceedings initiated by the Attorney General, venue lies in Marion County pursuant to ORS 65.664.

FACTS COMMON TO ALL CLAIMS

8.

At all times material to the complaint, Defendant Warnock controlled and managed Defendants OWVA, MFSF-FP, and MFSF-NP and was responsible for the organizations’ policies, operations, and solicitations. MFSF-FP and MFSF-NP (collectively “MFSF”) were little more than corporate shells Warnock used as vehicles to solicit donations from the public and to transfer funds from OWVA. Warnock then transferred most of the funds received by MFSF to himself, LNP, or other entities under his control.

9.

OWVA and MFSF were purportedly organized exclusively or primarily for the charitable purpose of assisting veterans and their families. Although the organizations have solicited

1 donations for such purposes, the majority of the organizations' funds have been used for
2 noncharitable ends and for purposes that do not specifically benefit veterans or their families.

3 10.

4 Warnock has caused the organizations to participate in an elaborate scheme designed to
5 line his own pockets, involving numerous bank accounts and several nonprofit and for-profit
6 enterprises. Through this scheme, he has siphoned away hundreds of thousands of dollars in
7 charitable assets intended to benefit veterans for his own financial gain, consistently placing his
8 own interests above the interests of the corporations and their charitable missions. Warnock or
9 entities under his control, including LNP, have received over \$690,000 between November 2007
10 and May 2010 from OWVA and MFSF.

11 11.

12 Warnock has also allowed OWVA to be used improperly to make unreported political
13 contributions and for donors to claim such contributions as charitable donations. Such activities
14 are contrary to Oregon's campaign finance laws, to Internal Revenue Service regulations, and to
15 OWVA's status as a charitable, public-benefit corporation. To obscure the true nature of his and
16 OWVA's actions, Warnock has failed to perform the basic functions of a charitable fiduciary,
17 thereby harming the public's interest in transparency in the political process and in the operation
18 of charitable entities holding assets for the public's benefit.

19 **FIRST CLAIM FOR RELIEF**
20 **(Violations of the Unlawful Trade Practices Act and the**
21 **Charitable Solicitations Act by all Defendants)**

22 **COUNT ONE**

23 12.

24 Plaintiff realleges Paragraphs 1 through 11 as if fully set forth herein.

25 13.

26 Defendants OWVA, MFSF-FP, MFSF-NP, and Warnock have made or employed false or
misleading representations in the course of soliciting contributions in violation of the Charitable

1 Solicitation Act, ORS 128.886, and the Oregon Unlawful Trade Practices Act, ORS
2 646.608(1)(dd), in at least the following particulars:

- 3 a. Warnock and OWVA have represented that OWVA's primary purpose is to serve
4 veterans through charitable programs and advocacy work that involves OWVA's
5 members. But OWVA's true primary purposes have been to support the candidates
6 and ballot measures favored by Warnock and OWVA's largest donor and to provide
7 financial benefits to Warnock.
- 8 b. Warnock and OWVA have represented on OWVA's website that only 10 percent of
9 all funds raised would be expended for overhead costs and member services, and that
10 the balance of 90 percent would be used for OWVA's charitable purposes. OWVA
11 spends much more than 10 percent on overhead and noncharitable purposes.
- 12 c. Warnock and OWVA have represented that all legislative/government relation
13 services have been freely volunteered by OWVA's directors, members, and
14 volunteers. Warnock or entities under his control have received substantial monetary
15 payments from OWVA, purportedly as compensation for services.
- 16 d. Warnock and OWVA have represented to potential donors that OWVA is operating
17 in conformance with requirements applicable to war veterans' organizations
18 permitted to receive tax-deductible charitable donations, pursuant to IRC 170(c),
19 when in fact OWVA is not primarily engaged in activities consistent with a war
20 veterans' organization and OWVA does not provide meaningful opportunities for, or
21 document, membership participation.
- 22 e. Warnock and OWVA have represented to potential donors that donors can make
23 contributions to OWVA intending that those contributions be used for political and
24 lobbying purposes and can lawfully deduct such contributions as charitable donations,
25 when in fact 26 CFR 1.170A-1(j)(5) and (6) state that contributions to organizations
26

1 that engage in political activity are not deductible and that contributions to be used for
2 lobbying activity are not deductible.

3 f. Warnock and OWVA have represented to potential donors that OWVA is a well-run
4 organization that complies with applicable legal standards and best practices, when in
5 fact OWVA's internal operations and management fall below applicable legal
6 standards or accepted practices, in at least the following particulars:

- 7 1. OWVA has failed to maintain minutes of board meetings or otherwise
8 failed to document board decisions;
- 9 2. OWVA has failed to maintain written documentation or agreements
10 concerning executive compensation;
- 11 3. OWVA has failed to maintain adequate financial records or
12 documentation concerning its program activities or membership
13 participation;
- 14 4. OWVA lacks appropriate internal financial controls;
- 15 5. OWVA fails to maintain adequate books and records to ensure that the use
16 of donations is restricted for the particular purposes described in the
17 solicitations; and
- 18 6. OWVA has engaged in conflict-of-interest transactions but failed to
19 document its compliance with legal requirements or policies with respect
20 to such transactions.

21 h. Warnock and MFSF represented that MFSF had obtained I.R.C. § 501(c)(3)
22 charitable, tax-exempt status from the Internal Revenue Service and that donations
23 made to MFSF were tax-deductible, when neither MFSF-FP nor MFSF-NP had
24 applied for or been granted tax-exempt, tax-deductible status.

25 i. Warnock and MFSF-FP represented that the organization was a nonprofit public
26 benefit corporation, when it was incorporated as a for-profit business corporation.

1 j. Warnock and MFSF-FP represented that the organization was organized and operated
2 exclusively for charitable purposes, when it was primarily organized and operated for
3 Warnock's private benefit. Warnock and entities he controlled received more than 70
4 percent of MFSF-FP proceeds. Only a small portion of the organization's proceeds
5 were used for direct assistance to veterans.

6 **COUNT TWO**

7 14.

8 Warnock claims that he and LNP have acted as independent contractors in providing
9 services to the charitable organizations. Those services have included managing or conducting
10 the solicitation of funds and accepting compensation or other consideration in return. Thus,
11 Warnock, individually and as LNP, has acted as a professional fundraising firm as defined by
12 ORS 128.801(5). Professional fundraising firms are required to comply with the provisions of
13 the Charitable Solicitations Act, including registering annually with the Attorney General,
14 submitting campaign notices prior to soliciting, and submitting a written financial plan to the
15 nonprofit beneficiary. ORS 128.802; ORS 128.804; and ORS 128.807. Warnock and LNP were
16 not registered with the Attorney General, did not submit a campaign notice to the Attorney
17 General, and did not submit a written financial plan to OWVA or to MFSF.

18 15.

19 As a result of Defendants' violations of ORS 646.608(1)(dd) and ORS 128.801 *et seq.*,
20 Plaintiff is entitled to a judgment granting the following relief:

- 21 a. Ordering Defendants to pay to Plaintiff an amount equal to donations received to be
22 distributed to charitable organizations that provide assistance to veterans, pursuant to
23 ORS 646.636;
- 24 b. Enjoining Defendants from any future violations of ORS 646.608(1)(dd) and ORS
25 128.886, to include an injunction against conducting any activities related to the
26 solicitation of donations, pursuant to ORS 646.636;

- 1 c. Awarding Plaintiff civil penalties of up to \$25,000 for each willful violation of the
2 Unlawful Trade Practices Act established at the time of trial, pursuant to ORS
3 646.642(3);
- 4 d. Awarding Plaintiff attorney fees, costs, and disbursements, pursuant to ORS
5 646.632(8) and ORS 646.642(2); and
- 6 e. Any further relief that the Court deems equitable and just pursuant to ORS 646.636.

7 **SECOND CLAIM FOR RELIEF**

8 **(Ultra Vires Acts by Defendants Warnock, OWVA and MFSF)**

9 16.

10 Plaintiff realleges Paragraphs 1 through 15 as if fully set forth herein.

11 17.

12 Defendant Warnock has caused OWVA to conduct its affairs in violation of its
13 Articles of Incorporation (“Articles”) and bylaws in at least the following particulars:

- 14 a. OWVA has operated for the personal benefit of Warnock or entities under his control,
15 in violation of Article IV, including by making distributions in violation of ORS
16 65.551.
- 17 b. OWVA has failed to manage its affairs through its board of directors or in
18 conformance with the corporation’s bylaws, in violation of Article VI.
- 19 c. OWVA has failed to provide opportunities for members’ participation in OWVA’s
20 activities, or to keep adequate records of members’ participation in OWVA’s
21 activities, in violation of bylaw 2.3 and 2.4.
- 22 d. OWVA has failed to maintain adequate books and records and failed to maintain
23 financial oversight, in violation of bylaws 3.10.1(a) and 6.2.
- 24 e. OWVA has expended more than 25 percent of its annual budget on administrative
25 support, in violation of bylaw 6.5.
- 26

- 1 f. OWVA has engaged in conflict-of-interest transactions without approval of a
2 majority (but no fewer than three) of qualified directors who voted after receiving
3 required disclosures, in violation of bylaw 10.2.
4 g. OWVA has failed to primarily use a separate IRC § 527 political organization to
5 conduct its political activity and lobbying efforts, in violation of Article II(8).

6 18.

7 Defendant Warnock has caused Defendant MFSF to conduct its affairs in violation of its
8 Articles and bylaws in at least the following particulars:

- 9 a. MFSF-FP has operated for the personal benefit of Warnock or entities under his
10 control, in violation of Articles II and IV.
11 b. MFSF-FP has failed to manage its affairs through its board of directors or by the
12 corporation's bylaws, in violation of Article V.
13 c. MFSF-FP has failed to maintain adequate books and records and failed to maintain
14 financial oversight, in violation of bylaws 2.10.1(a) and 5.2.
15 d. MFSF-FP has expended more than 50 percent of its annual budget on administrative
16 support, in violation of bylaw 5.5.
17 e. MFSF-FP has engaged in conflict-of-interest transactions without approval of a
18 majority (but no fewer than three) of qualified directors who voted after receiving
19 required disclosures, in violation of bylaw 9.2.

20 19.

21 These actions represent consistent and sustained commission of ultra vires acts against which
22 the Attorney General may obtain injunctive and other equitable relief. Plaintiff is entitled to a
23 judgment:

- 24 a. Enjoining Defendants from engaging in acts in violation of its Articles and bylaws
25 pursuant to ORS 65.084(2); and
26

1 b. Ordering Defendant Warnock to return to OWVA and MFSF any ultra vires
2 payments, distributions, or compensation he accepted or caused to be made.

3 **THIRD CLAIM FOR RELIEF**
4 **(Judicial Dissolution of Defendant OWVA)**

5 20.

6 Plaintiff realleges Paragraphs 1 through 19 as if fully set forth herein.

7 21.

8 OWVA is a nonprofit, public benefit corporation that has exceeded or abused the
9 authority conferred upon it by law.

10 22.

11 OWVA has fraudulently solicited money or has fraudulently used money solicited.

12 23.

13 OWVA has misapplied or wasted corporate assets.

14 24.

15 The board of OWVA does not exercise adequate oversight over OWVA. Warnock has
16 used OWVA to avoid disclosure of political and lobbying contributions and expenditures,
17 undermining the public interest in open and fair elections and in transparency in charitable
18 organizations. OWVA has failed to serve veterans' interests and ensure its members'
19 participation. OWVA is no longer able to carry out its purpose to operate for the public benefit,
20 and there are no reasonable alternatives to dissolution.

21 25.

22 Accordingly, Plaintiff is entitled to a judgment granting the following relief:

- 23 a. Dissolution of OWVA pursuant to ORS 65.671;
24 b. Awarding Plaintiff attorney fees, costs, and disbursements, including investigative
25 costs incurred in this action, pursuant to ORS 128.735; and
26 c. Any further relief that the Court deems equitable and just.

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FOURTH CLAIM FOR RELIEF
(Violations of the Oregon Nonprofit Corporations Act by Defendant Warnock)

26.

Plaintiff realleges Paragraphs 1 through 25 as if fully set forth herein.

27.

Warnock has breached his statutory fiduciary duties of good faith, due care, and loyalty to OWVA and MFSF-FP, ORS 65.357 and ORS 65.377, in the following particulars:

- a. Warnock has caused OWVA and MFSF-FP to make unlawful distributions by expending charitable assets for his personal benefit, in violation of ORS 65.367 and ORS 65.551. In so doing, he has placed his personal interests above the interests of the corporations.
- b. Warnock has caused to be paid or accepted payment in excess of the value of services provided to OWVA and MFSF. He failed to document his agreed-upon compensation or the services provided in exchange for the payments that he or LNP received from OWVA and MFSF. In some months, Warnock used OWVA funds to pay himself compensation as the full-time Executive Director of OWVA, to pay even larger amounts to his company LNP for purported consulting services provided to OWVA, and then transferred funds from OWVA to MFSF to pay himself as the Executive Director of MFSF, and to pay LNP for purported consulting services to MFSF.
- c. Warnock has caused OWVA and MFSF to make false and misleading representations in the course of solicitations.
- d. Warnock has caused OWVA to engage in wrongful conduct by offering to assist or assisting donors in disguising the true source of contributions made for political and lobbying purposes and by offering to assist or assisting donors in claiming a charitable tax deduction for such contributions, even though the donation was not

1 made for charitable purposes, in violation of ORS 260.402 and 26 CFR 1.170A-
2 1(j)(5) and (6).

- 3 e. Warnock has caused OWVA to make contributions to Oregon Veterans Political
4 Action Committee ("ORVET PAC"), which he controls as Treasurer and a director,
5 knowing that ORVET PAC was failing to report contributions as required by law.
- 6 f. Warnock has caused OWVA and MFSF to fail to observe corporate formalities, such
7 as ensuring all affairs were managed by the board of directors, ORS 65.301, and
8 maintaining corporate minutes and accounting records, ORS 65.771.
- 9 g. Warnock has approved or caused OWVA and MFSF-FP to engage in ultra vires acts
10 as set forth in the Second Claim for Relief of this Complaint, including engaging in
11 conflict-of-interest transactions not approved in accordance with ORS 65.361.
- 12 h. By failing to maintain adequate books and records and engaging in the other activities
13 described above, Warnock has caused OWVA's assets to inure to the benefit of
14 private parties and jeopardized OWVA's tax-exempt, 501(c)(19) status.

15 28.

16 Warnock's conduct in operating OWVA and MFSF was fraudulent and dishonest and
17 constituted a gross abuse of authority and a violation of his fiduciary duties as set out in ORS
18 65.357 to ORS 65.367. His removal as a director is in the best interests of the corporation.

19 29.

20 Accordingly, Plaintiff is entitled to a judgment granting the following relief:

- 21 a. Removing Warnock as a director and officer of OWVA pursuant to ORS 65.327;
- 22 b. Ordering Warnock to return any compensation or payments received, whether
23 directly or through any entity he controls, from OWVA or MFSF;
- 24 c. Ordering Warnock to pay an amount equal to all unlawful distributions assented to or
25 received by him pursuant to ORS 65.367, and to return any distributions or other
26 charitable assets held by him;

- d. Ordering Warnock to pay an amount equal to the total he received in connection with any conflict-of-interest transaction that violated ORS 65.361;
- e. Awarding damages against Warnock for injuries caused by violations of ORS 65.357 and ORS 65.377;
- f. Awarding Plaintiff its attorney fees, costs, and disbursements, including investigative costs incurred in this action, pursuant to ORS 128.735; and
- g. Any further relief that the Court deems equitable and just.

FIFTH CLAIM FOR RELIEF

(Violation of Common Law Fiduciary Duties by Defendant Warnock)

30.

Plaintiff realleges Paragraphs 1 through 29 as if fully set forth herein.

31.

As an officer and director of OWVA and MFSF, Warnock owed fiduciary duties to those corporations and to the public. Warnock has breached his common law duties of loyalty, due care, obedience, fair dealing, and full disclosure to the corporations and to the public.

32.

As a result of those breaches of fiduciary duty, Plaintiff is entitled to a judgment granting the following relief:

- a. Enjoining Warnock from serving as an officer or director of any nonprofit corporation and from soliciting, accepting, or handling donations for charitable purposes;
- b. Ordering Warnock to return any compensation he took from OWVA or MFSF;
- c. Ordering Warnock to pay an amount equal to all unlawful distributions assented to or received by him pursuant to ORS 65.367 and to return any distributions or other charitable assets held by him;
- d. Awarding Plaintiff its attorney fees, costs, and disbursements, including investigative costs incurred in this action, pursuant to ORS 128.735; and

1 e. Any further relief that the Court deems equitable and just.

2 **PRAYER FOR RELIEF**

3 33.

4 WHEREFORE, Plaintiff prays for a judgment granting the following relief:

5 a. On PLAINTIFF'S FIRST CLAIM FOR RELIEF (Violations of the Unlawful Trade
6 Practices Act and the Charitable Solicitations Act by all Defendants):

- 7 1. Ordering Defendants to pay to Plaintiff an amount equal to donations received
8 to be distributed to charitable organizations that provide assistance to
9 veterans, pursuant to ORS 646.636;
- 10 2. Enjoining Defendants from any future violations of ORS 646.608(1)(dd) and
11 ORS 128.886, to include an injunction against conducting any and all
12 activities related to the solicitation of donations, pursuant to ORS 646.636;
- 13 3. Awarding Plaintiff civil penalties of up to \$25,000 for each violation
14 established at the time of trial, pursuant to ORS 646.642(3);
- 15 4. Awarding Plaintiff attorney fees, costs, and disbursements, pursuant to ORS
16 646.632(8) and ORS 646.642(2); and
- 17 5. Any further relief that the Court deems equitable and just pursuant to ORS
18 646.636.

19 b. On PLAINTIFFS' SECOND CLAIM FOR RELIEF(Ultra Vires Acts by Defendants
20 OWVA and MFSF-FP):

- 21 1. Enjoining Defendants from engaging in acts in violation of their Articles and
22 bylaws pursuant to ORS 65.084(2); and
- 23 2. Ordering Defendant Warnock to return to OWVA and MFSF any ultra vires
24 payments, distributions, or compensation he accepted or caused to be made.

25 c. On PLAINTIFF'S THIRD CLAIM FOR RELIEF (Judicial Dissolution of OWVA):

- 26 1. Dissolution of OWVA pursuant to ORS 65.671;

- 1 2. Awarding Plaintiff attorney fees, costs, and disbursements, including
- 2 investigative costs incurred in this action, pursuant to ORS 128.735; and
- 3 3. Any further relief that the Court deems equitable and just.
- 4 d. On PLAINTIFF'S FOURTH CLAIM FOR RELIEF (Violations of the Oregon
- 5 Nonprofit Corporations Act by Defendant Warnock):
- 6 1. Removing Warnock as a director and officer of OWVA pursuant to ORS
- 7 65.327;
- 8 2. Ordering Warnock to return any compensation or payments received, whether
- 9 directly or through any entity he controls, from OWVA or MFSF;
- 10 3. Ordering Warnock to pay an amount equal to all unlawful distributions
- 11 assented to or received by him pursuant to ORS 65.367, and to return any
- 12 distributions or other charitable assets held by him;
- 13 4. Ordering Warnock to pay an amount equal to amounts received in connection
- 14 with any conflict-of-interest transaction that violated ORS 65.361;
- 15 5. Awarding damages against Warnock for injuries caused by violations of ORS
- 16 65.357 and ORS 65.377;
- 17 6. Awarding Plaintiff its attorney fees, costs, and disbursements, including
- 18 investigative costs incurred in this action, pursuant to ORS 128.735; and
- 19 7. Any further relief that the Court deems equitable and just.
- 20 e. On PLAINTIFF'S FIFTH CLAIM FOR RELIEF (Violation of Common Law
- 21 Fiduciary Duties by Defendant Warnock):
- 22 1. Enjoining Warnock from serving as an officer or director of any nonprofit
- 23 corporation and from soliciting, accepting, or handling donations for
- 24 charitable purposes;
- 25 2. Ordering Warnock to return any compensation he took from OWVA or
- 26 MFSF;

- 1 3. Ordering Warnock to pay an amount equal to all unlawful distributions
2 assented to or received by him pursuant to ORS 65.367 and to return any
3 distributions or other charitable assets held by him;
- 4 4. Awarding Plaintiff its attorney fees, costs, and disbursements, including
5 investigative costs incurred in this action, pursuant to ORS 128.735; and
6 5. Any further relief that the Court deems equitable and just.

7
8 DATED this 14th day of February, 2011.

9
10 JOHN KROGER
11 Attorney General

12
13 Heather Weigler
14 Heather Weigler, OSB # 035900
15 Sheila H. Potter, OSB # 993485
16 Elizabeth M. Grant, OSB #902777
17 Assistant Attorneys General
18 Oregon Department of Justice

19 Of Attorneys for Plaintiff
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