

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

IN RE: :
: MISCELLANEOUS CASE
SHULA WOODWORTH :
: :
& :
: :
SERENITY HORSE RESCUE :
: FILE NO. _____
:

MATTER: Charitable trust assets of Serenity Horse Rescue

ASSURANCE OF DISCONTINUANCE

Pursuant to the authority granted in the Ohio Charitable Organizations Act, R.C. § 1716.01 et seq., specifically, R.C. § 1716.16(C), and the Ohio Charitable Trust Act, R.C. § 109.23 et seq., specifically, R.C. § 109.24(E), Ohio Attorney General Mike DeWine (hereinafter "Attorney General") accepts this Assurance of Discontinuance (hereinafter "Assurance") from Shula Woodworth. The Attorney General, Shula Woodworth, and Serenity Horse Rescue, as parties to this assurance, acknowledge and agree that it is in their best interest and consistent with the best interests of the people of the State of Ohio to resolve the issues between them in the manner set forth herein. As part of this Assurance, the Attorney General, Shula Woodworth, and Serenity Horse Rescue stipulate as follows:

JURISDICTION AND VENUE

A. This Court has jurisdiction over the subject matter of this action pursuant to R.C. Chapter 1716, R.C. § 109.23 et seq., the rules adopted thereunder, and the Attorney General's common law authority to enforce charitable trusts. This Court has jurisdiction over the parties. Venue is proper in this Court.

FACTS

140230217
FILED
FRANKLIN COUNTY, OHIO
FEBRUARY 19 2014

- B. Shula Woodworth has her current residence at _____, Seaman, OH, 45679.
- C. Serenity Horse Rescue is a non-profit organization founded in 2007 to “promote equine welfare, rescue abused, neglected, or unwanted equines and educate the public on proper equine care.”
- D. Shula Woodworth is the president and statutory agent for Serenity Horse Rescue.

CONCLUSIONS OF THE ATTORNEY GENERAL

- E. The charitable trust and solicitation activities in Ohio of Shula Woodworth and Serenity Horse Rescue are the subject of this Assurance. Such activities are described in and regulated by the Ohio Charitable Organizations Act, R.C. § 1716.01 *et seq.*, the Ohio Charitable Trust Act, R.C. § 109.23 *et seq.*, and the Attorney General’s common law authority to enforce charitable trusts.
- F. The Attorney General is the party charged with enforcing the Ohio Charitable Organizations Act and the Ohio Charitable Trust Act and has caused an investigation to be conducted by the Charitable Law Section of the charitable trust and solicitation activities of Shula Woodworth.
- G. As a result of its investigation, the Attorney General has reason to believe that Shula Woodworth is in violation of the Ohio Charitable Organizations Act, the Ohio Charitable Trust Act, and common law by violating the following:
1. R.C. § 1716.17 and R.C. § 109.23(A): Shula Woodworth breached her fiduciary duties of care, loyalty, to properly manage accounts, to comply with the law, to not waste charitable assets, and to act in the best interest of the charity, resulting in loss and other damages to the charitable beneficiaries of Serenity Horse Rescue;
 2. The Attorney General’s findings, as outlined above, are the basis upon which this Assurance has been negotiated. However, this Assurance is the culmination of disputed claims and does not constitute an admission of any wrongdoing by Shula Woodworth.

ASSURANCE

- H. Shula Woodworth agrees that she will not hold any position as an officer, trustee, employee, representative, or agent of any charitable organization in the State of Ohio following the date this Assurance is signed. Shula Woodworth is permitted to act as a volunteer but may not volunteer in a position of financial control or financial responsibility of any kind. Shula Woodworth agrees to avoid any handling or control of money for charitable organizations within the State of Ohio.
- I. Shula Woodworth agrees that she will not participate in solicitations in the State of Ohio for any charitable purpose or on behalf of any charitable organization following the date this Assurance is signed. This exclusion includes solicitations conducted as a volunteer, officer, trustee, employee, representative, or agent of an organization.
- J. Serenity Horse Rescue is to legally and practically cease all operations and existence, and provide documentary proof of legal dissolution to the Ohio Attorney General by February 28, 2014.
- K. All of Serenity Horse Rescue's assets are to be immediately liquidated and all proceeds sent to the Ohio Attorney General's Charitable Law Section. This shall include all assets held at LCNB, including accounts 100041870, 100188721, and 100086479. The total amount payable to the Ohio Attorney General's office shall be no less than **\$6,430**.
- L. All funds must be paid by money order or cashier's check made payable to "Treasurer, State of Ohio" by ~~February 28, 2014~~. **March 30th, 2014 SW**
AMH
- M. Funds shall be sent to:
- Charitable Law Section – Ohio Attorney General
Attn: Andrew M. Howard
150 East Gay Street, 23rd Floor
Columbus, Ohio 43215
- N. All assets of Serenity Horse Rescue described in K. will be redistributed, at the Ohio Attorney General's sole discretion, to an Ohio charitable organization that provides horse rescue services.
- O. All other remaining assets of Serenity Horse Rescue not addressed in K., including (but not limited to): a horse trailer, a boat, a water trough, and assorted bridles, blankets, and other horse accessories, are to be delivered by ~~February 28, 2014~~ to: **March 30 2014 SW**
AMH

Happy Trails Animal Rescue

5623 New Milford Road
Ravenna, OH 44266

- P. Shula Woodworth is to provide this office with a receipt containing both a date and an itemized list of goods received by Happy Trails Animal Rescue, signed by the Executive Director of Happy Trails Animal Rescue, no later than ~~February 28, 2014~~ **March 30th, 2014 SW AMH**
- Q. Shula Woodworth agrees that this Assurance is made in lieu of a civil action based upon the findings set forth herein.
- R. Shula Woodworth agrees that any evidence of a violation of this Assurance shall be *prima facie* evidence of a violation of Chapter 1716 of the Ohio Revised Code and any rule adopted thereunder in any subsequent action or proceeding brought by the Attorney General, as provided in R.C. §1716.16(C).
- S. In the event that Shula Woodworth fails to comply with any requirement contained in this Assurance, Shula Woodworth is liable for and shall pay stipulated penalties for each failure to comply: A minimum of ten thousand dollars (\$10,000.00), or true damages; whichever the Ohio Attorney General chooses in its discretion.
- T. Shula Woodworth agrees that any matter closed by the acceptance of this Assurance may be reopened at any time by the Attorney General for further proceedings in the public interest based upon any violation of the terms of this Assurance or upon the discovery of evidence not known or anticipated by the parties at the time of signing this Assurance.

RETENTION OF JURISDICTION

- U. This Court shall retain jurisdiction of this action for the purpose of enforcing this Assurance.

AUTHORITY TO ENTER INTO THE ASSURANCE

- V. Each signatory for Shula Woodworth & Serenity Horse Rescue represents and warrants that he/she has been duly authorized to sign this document and so bind Shula Woodworth & Serenity Horse Rescue to all terms and conditions thereof.

ACKNOWLEDGEMENTS

- W. Shula Woodworth & Serenity Horse Rescue acknowledge that they have been given ample opportunity to be advised by legal counsel as to the meaning and effect of each provision of this Assurance and they have elected of their own free will and accord to enter into this Assurance.
- X. The Attorney General, Shula Woodworth, and Serenity Horse Rescue agree that this Assurance is binding upon the successors and assignees of all parties hereto and that this Assurance constitutes the entire agreement and understanding of the parties.

CERTIFICATION

Each individual signing below represents that he or she is authorized and directed to sign this Assurance of Discontinuance on behalf of the party represented and further represents that he or she has the requisite authority to bind the party on behalf of whom they are signing.

WHEREFORE, the undersigned have executed this Assurance of Discontinuance this 12 day of Feb, 2014.

SHULA WOODWORTH

MIKE DEWINE
ATTORNEY GENERAL OF OHIO

BY: 

Assistant Attorney General
Charitable Law section
Ohio Attorney General Mike DeWine
150 East Gay Street 23rd Floor
Columbus, Ohio 43215
(614) 466-3181 phone
(614) 466-9788 fax
Andrew.howard@ohioattorneygeneral.gov

SERENITY HORSE RESCUE

BY:


Authorized Representative of Serenity Horse Rescue

I am acknowledging the signatures of Shula Woodworth and the authorized representative of Serenity Horse Rescue:

SWORN TO AND SUBSCRIBED in my presence this 12 day of Feb, 2014.


NOTARY PUBLIC



ALYSSA WELLER
Notary Public, State of Ohio
My Commission Expires
12/2017