

1 both corporate defendants, Fallen Hero Bracelets and The Benjamin Foundation, and
2 participated in all of the conduct of Defendants that is alleged in this Complaint. On information
3 and belief, the State alleges that Friedmann resides and does business at 16011 3rd Avenue Court
4 East, Spanaway, Pierce County, Washington 98445.

5 1.3 On information and belief, the state alleges that Defendant Jane Doe Friedmann
6 is Friedmann's spouse and resides with him.

7 1.4 Defendant Fallen Hero Bracelets is a Washington nonprofit corporation formed
8 in 2015 exclusively for charitable purposes. Fallen Hero Bracelets maintains a website from
9 which it sells bracelets, hats, pins, engraved bullets and other items by representing that proceeds
10 will benefit veterans and veterans' charitable organizations. Fallen Hero Bracelets' last annual
11 report lists its directors as Michael Friedmann, MA Friedmann, and M Friedmann. The state
12 alleges that all of these are the same person. Friedmann calls himself President, Chief Executive
13 Officer, Chief Legal Officer, and Director of Fallen Hero Bracelets. The corporation's annual
14 report also lists the street address of its principal place of business as a post office box in
15 Olympia. Since a post office box is not a street address, the State alleges on information and
16 belief that Fallen Hero Bracelets' principal place of business is 16011 3rd Avenue Court East,
17 Spanaway, Pierce County, Washington 98445, which Friedmann uses as both his residential and
18 his business address.

19 1.5 Defendant The Benjamin Foundation, which sometimes does business as The
20 Roberts Ridge Foundation, is a Washington nonprofit corporation formed exclusively for
21 charitable purposes. Its website links to the website for Fallen Hero Bracelets. The Benjamin
22 Foundation claims that the Roberts Ridge Foundation, its d/b/a, is a Pararescue Organization that
23 raises money for the same veterans' causes as Fallen Hero Bracelets. Friedmann formed The
24 Benjamin Foundation in 2003 as N.W.S.R.C., a/k/a the Northwest Street Racing Commission.
25 In 2005, Friedmann changed the name of the corporation to W.S.P.I.C., a/k/a the Washington
26 State Police Investigations Commission. In 2010, Friedmann changed the name of the

1 corporation to ANDREA, which stands for “Association for Need in Domestic violence victim
2 Remedy, Evaluation and Advocacy.” Friedmann changed the name again in 2011, this time to
3 The Benjamin Foundation. He wrote that it was dedicated to “father’s rights”, particularly “the
4 victimization of men and fathers through the abuse of process of domestic violence laws.”
5 Friedmann is President and one of two directors of The Benjamin Foundation. The Benjamin
6 Foundation’s principal place of business is at 16011 3rd Avenue Court East, Spanaway, Pierce
7 County, Washington 98445.

8 1.6 Michael Friedmann and Jane Doe Friedmann currently reside in Spanaway,
9 Washington. All actions taken by either Defendant Michael Friedmann or Defendant Jane Doe
10 Friedmann, as alleged in this Complaint, have been and are for the benefit of any marital
11 community.

12 1.7 The term “Defendants” in this Complaint refers collectively to all defendants
13 named in paragraphs 1.2 through 1.6, as well as their agents, servants, employees, or
14 representatives.

15 II. JURISDICTION & VENUE

16 2.1 The State files this Complaint pursuant to its authority under the Consumer
17 Protection Act (RCW 19.86) and the Charitable Solicitations Act (RCW 19.09). The Attorney
18 General has authority under RCW 19.86.080 to prevent and restrain violations of the Consumer
19 Protection Act. The Attorney General has authority under RCW 19.09.340 to prevent and
20 restrain violations of the Charitable Solicitations Act.

21 2.2 This Court has personal jurisdiction over Defendants under RCW 19.86.080 and
22 RCW 19.09.340. Defendants have submitted themselves to the jurisdiction of this Court by
23 engaging in the conduct set forth in this Complaint in the State of Washington, including in
24 Pierce County. Specifically, Defendants have engaged in conduct in Pierce County and
25 elsewhere in the state of Washington that violates the Consumer Protection Act and the
26 Charitable Solicitations Act.

1 Memorial Fund, Royal Marines Charitable Trust, The RCMP, Machine Gun Preacher, USAF
2 TACP Association, That Others May Live Foundation, Special Air Service Regimental
3 Association, The Mark Forester Foundation, FallenHeroes.org.uk, AdamsHoofingHut.com,
4 Washington State Patrol Troopers Association, National Association of the 10th Mountain
5 Division, 10th Mountain Division Association, British Police and Services Canine Association,
6 United States Police K-9 Association, Inc., Night Stalker Association, John Faas Foundation,
7 Chris Kyle Memorial Fund, Bootneck.org, Choose Life, [and] The Lone Survivor Foundation.”

8 3.3 In fact, as of June 14, 2018, Fallen Hero Bracelets had not donated any money to
9 any of these organizations.

10 3.4 The Website also represents that purchases and donations would support a
11 program to provide trained service dogs to military veterans suffering from post-traumatic stress
12 disorder. In fact, Defendants have not provided any service dogs to any veterans.

13 3.5 The Website bears a logo for something called the “Business Bureau of America”
14 that says “A+ Rating” and “Accredited.” The name resembles the name of the Better Business
15 Bureau, a legitimate, national nonprofit organization that provides reviews and ratings of
16 businesses and nonprofits across the country to make consumers and donors aware of the
17 reputation of businesses and nonprofits with which they might be considering doing business.
18 The logo bears a torch, as does the logo of the real Better Business Bureau.

19 3.6 In fact, the real Better Business Bureau has not awarded an A+ rating or an
20 accreditation to Fallen Hero Bracelets. In fact, the real Better Business Bureau gives an F rating
21 to FallenHeroBracelets.com. In fact, the real Better Business Bureau posts on its website the
22 following warning to consumers about FallenHeroBracelets.com:

23
24 Pattern of Complaints

25 On July 28, 2017, BBB recognized a pattern of complaints from
26 consumers regarding delivery and customer service issues.

1 Complaints allege that consumers purchased product(s) from
2 Fallen Hero Bracelets and didn't receive their product(s) after 1-5
3 months. Consumers allege when contacting the company they are
 told the delay was due to personal reasons. Also, consumers allege
 the company is rude and uses profanity when contacted.

4 On August 3, 2017, Fallen Hero Bracelets responded to BBB.
5 The company communicated to BBB that it does not see a pattern
6 in its BBB complaints. Also, the company has denied consumer
 allegations.

7 As of May 18, 2018, BBB has determined the pattern of
8 complaints still exist.

9 3.7 The Website also claims in large letters that customers will receive "7 to 14 day
10 processing on all orders" while it states in smaller print that there is a "35 day lead time on
11 engraved bracelets," "3 to 6 week lead time on hats and shirts when out of stock. Business days
12 only!", and "processing does not include production or shipping time frames."

13 3.8 The Website makes other dubious claims: that there have been "over 1,223,218
14 sales worldwide"; that "We offer a 100% consumer satisfaction guarantee"; and "Up to 47 dozen
15 shirts an hour. Quick turn around."

16 3.9 In fact, when consumers order merchandise from Defendants, Defendants often
17 do not deliver that merchandise to consumers until they complain, or do not deliver it for several
18 weeks or even months. Consumers who complain to government agencies or the real BBB are
19 subjected to a number of harsh reactions from Defendants. Defendants write profanity-laced
20 letters and emails to the consumers. Defendants tell the agencies that the consumers are lying.
21 Defendants file claims against complaining consumers in small claims court for amounts
22 sometimes exceeding \$1000. Defendants claim the consumers owe Defendants money, and
23 report them to collection agencies, sometimes multiple collection agencies. When consumers
24 attempt to exercise their chargeback rights under the Fair Credit Billing Act, 15 U.S.C. Sections
25 1601 et seq., Defendants retaliate by seeking to block chargebacks. Defendants also post the
26

1 names of complaining consumers on a website Defendants created that refers to the consumers
2 by name and describes these consumers in coarse, crude, and profane language.

3 3.10 In correspondence with consumers, Friedmann sometimes refers to himself as
4 “Chief Legal Officer” of Fallen Hero Bracelets. This has the tendency and capacity to mislead
5 consumers into believing Friedmann is a lawyer. In fact, Friedmann does not have a law degree
6 and has never been licensed to practice law.

7 3.11 Defendants also maintain another website, www.3charlie.com, that provides links
8 to www.fallenherobracelets.com, displays the fake BBB logo and A+ rating, asks for donations,
9 and claims that purchases help support The Roberts Ridge Foundation “and 40 other veteran and
10 law enforcement organizations in four countries.” The name “3charlie.com” is another fictitious
11 name for Fallen Hero Bracelets.

12 3.12 Finally, Defendants operate a for-profit corporation, The Midnight Coal
13 Company, LLC, which is listed on a government website as a federally licensed firearms dealer,
14 and hosts its own website, www.kopfjagerarms.com, under the names Midnight Coal Company,
15 Kopfjager Arms, and Tier One Tactical. This website asserts that the firm’s “primary client base”
16 is “special operations units and law enforcement.” The website offers “more than one million
17 firearms” for sale and claims that “A portion of every sale is donated to the Roberts Ridge
18 Foundation and Fallen Hero Bracelets to help them in their effort to honor and remember our
19 fallen heroes.” The website also asks for donations to Fallen Hero Bracelets.

20 IV. FIRST CAUSE OF ACTION

21 False and Misleading Charitable Solicitations

22 4.1 Plaintiff realleges Paragraphs 1.1 through 3.9 and incorporates them herein as if
23 set forth in full.

24 4.2 Defendants have made false, misleading, and deceptive statements in charitable
25 solicitations to induce consumers to donate to or purchase merchandise from Fallen Hero
26 Bracelets. Such misrepresentations have included, but are not limited to:

- 1 a. That purchases and donations will benefit the 40 charitable organizations
2 listed above in paragraph 3.2;
- 3 b. That Fallen Hero Bracelets is accredited by and has received an A+ rating
4 from the real Better Business Bureau;
- 5 c. That Fallen Hero Bracelets will provide trained service dogs to veterans
6 suffering from post-traumatic stress disorder;
- 7 d. That Fallen Hero Bracelets provides 7 to 14 day processing on all orders;
8 and
- 9 e. That Fallen Hero Bracelets guarantees "100% consumer satisfaction."

10 4.3 The conduct described in paragraphs 4.1 through 4.2 violates
11 RCW 19.09.100(15) as currently and previously enacted. Pursuant to RCW 19.09.340,
12 violations of the Charitable Solicitations Act are *per se* violations of the Consumer Protection
13 Act, RCW 19.86.

14 **V. SECOND CAUSE OF ACTION**

15 **Unfair and Deceptive Acts in Trade or Commerce**

16 5.1 Plaintiff realleges Paragraphs 1.1 through 4.3 and incorporates them herein as if
17 set forth in full.

18 5.2 While Fallen Hero Bracelets engages in charitable solicitation, and is therefore a
19 charitable organization under Washington law because it uses an appeal to charitable causes to
20 sell products and induce donations, Fallen Hero Bracelets is also engaged in trade or commerce
21 by selling merchandise to the public.

22 5.3 Defendants have made false and misleading statements to consumers to induce
23 them to purchase goods and services. Such misrepresentations have included, but are not limited
24 to:

- 25 a. That Defendants guarantee 100% consumer satisfaction;
- 26 b. That Defendants provide 7 to 14 day processing on all orders;

1 c. That Defendants are accredited by and have received an A+ rating from
2 the real Better Business Bureau; and

3 d. That Defendant Friedmann is "Chief Legal Officer" of Fallen Hero
4 Bracelets, which tends to make consumers think he is a lawyer;

5 5.4 In fact, Defendants do not guarantee 100% consumer satisfaction; do not provide
6 7 to 14 day processing on all orders; are not accredited by the real Better Business Bureau; and
7 have received an F rating, not an A+, from the real Better Business Bureau; and Friedmann is
8 not now and never has been a lawyer.

9 5.5 The conduct described in paragraphs 5.1 through 5.4 constitutes unfair and
10 deceptive acts and practices in violation of RCW 19.86.020 as currently and previously enacted.

11 VI. THIRD CAUSE OF ACTION

12 Using a Deceptively Similar Name, Symbol, Statement or Emblem

13 6.1 Plaintiff realleges paragraphs 1.1 through 5.5 and incorporates them herein as if
14 set forth in full.

15 6.2 By using the name "Business Bureau of America," a torch emblem similar to that
16 used by the real Better Business Bureau, and a rating that looks like a rating the real Better
17 Business Bureau would provide, Defendants used "an identical or deceptively similar name,
18 symbol, statement, or emblem so closely related or similar that its use would confuse or mislead
19 the public."

20 6.3 Defendants did so without permission from the real Better Business Bureau.

21 6.4 The conduct described in paragraphs 6.1 through 6.3 constitutes violations of
22 RCW 19.09.230 of the Charitable Solicitations Act. Pursuant to RCW 19.09.340, violations of
23 the Charitable Solicitations Act are per se violations of the Consumer Protection Act, RCW
24 19.86.

VII. FOURTH CAUSE OF ACTION

Failure to Include Required Disclosures in Mass Solicitation Material

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7.1 Plaintiff realleges Paragraphs 1.1 through 6.4 and incorporates them herein as if set forth in full.

7.2 Defendants maintain and have maintained websites that solicit contributions and purchases from the general public. Defendants have failed to include on the Website and other websites the disclosures required by RCW 19.09.100(1) and (4). Specifically, Defendants have failed to disclose: (a) the published toll-free number and website of the Secretary of State's Office so the donor may call to obtain additional financial and other information; (b) the city of the principal place of business of the charity; and (c) the entity's registration status.

7.3 The conduct described in paragraphs 7.1 through 7.2 violates RCW 19.09.100(1) and (4). Pursuant to RCW 19.09.340, violations of the Charitable Solicitations Act are *per se* violations of the Consumer Protection Act, RCW 19.86.

VIII. FIFTH CAUSE OF ACTION

Conducting Unregistered Charitable Solicitation Activities

8.1 Plaintiff realleges paragraphs 1.1 through 7.3 and incorporates them herein by this reference.

8.2 Beginning in 2015 and continuing through the date this Complaint was filed, Defendants solicited and collected charitable contributions from the general public in the State of Washington through appeals to charitable causes without being properly registered as a charitable organization with the Secretary of State.

8.3 Defendant Fallen Hero Bracelets did file an Optional Registration form with the Secretary of State on September 14, 2017 indicating it was exempt from registration as a charitable organization, but in so doing it represented that no one involved with Fallen Hero Bracelets is paid for their work. In fact, on information and belief, the State alleges it is false that no one is compensated for their work. In addition, part of Fallen Hero Bracelets' income inures

1 to the benefit of Friedmann, and he is not in the charitable class purportedly benefited by Fallen
2 Hero Bracelets. Therefore, pursuant to RCW 19.09.065(1), .075, .081, and .085, and rules of the
3 Secretary of State, Defendant Fallen Hero Bracelets was required to register as a charitable
4 organization from 2015 to the present, but has not done so.

5 8.4 The conduct described in paragraphs 8.1 through 8.3 violates the Charitable
6 Solicitations Act, specifically RCW 19.09.065, RCW 19.09.075, and RCW 19.09.081, and RCW
7 19.09.085.

8 8.5 Pursuant to RCW 19.09.340, the violations described in paragraphs 8.1 through
9 8.4 are *per se* violations of the Consumer Protection Act, RCW 19.86.

10 **IX. PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff State of Washington prays for relief as follows:

12 9.1 That the Court adjudge and decree that the Defendants have engaged in the
13 conduct complained of herein.

14 9.2 That the Court adjudge and decree that the conduct complained of constitutes
15 violations of the Charitable Solicitations Act, RCW 19.09, and *per se* violations of the Consumer
16 Protection Act.

17 9.3 That the Court adjudge and decree that the conduct complained of constitutes
18 unfair or deceptive acts and practices and an unfair method of competition and is unlawful in
19 violation of the Consumer Protection Act, RCW 19.86.020.

20 9.4 That the Court issue temporary, preliminary and permanent injunctions enjoining
21 and restraining the Defendants, and their representatives, successors, assigns, officers, agents,
22 servants, employees, and all other persons acting or claiming to act for, on behalf of, or in active
23 concert or participation with the Defendants, from continuing or engaging in the unlawful
24 conduct complained of herein.

25 9.5 That the Court assess civil penalties, pursuant to RCW 19.86.140, of up to two
26 thousand dollars (\$2,000) per violation against the Defendants for each and every violation of

1 RCW 19.86.020 caused by the conduct complained of herein.

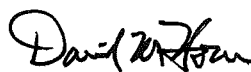
2 9.6 That the Court make such orders pursuant to RCW 19.86.080 as it deems
3 appropriate to provide for restitution to consumers of money or property acquired by the
4 Defendants as a result of the conduct complained of herein.

5 9.7 That the Court make such orders pursuant to RCW 19.86.080 to provide that the
6 Plaintiff, State of Washington, recover from the Defendants the costs of this action, including
7 reasonable attorneys' fees.

8 9.8 For such other relief as the Court may deem just and proper.

9 Respectfully submitted this 18th day of July, 2018.

10
11 ROBERT W. FERGUSON
Attorney General of Washington

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13 _____
14 DAVID M. HORN, WSBA #13514
15 Senior Counsel
16 Attorneys for the State of Washington
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