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PROTHONOTARY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE SECRETARY OF THE COMMONWEALTH
Department of State

2012 OCT -1 AM 8:15

Commonwealth of Pennsylvania
Bureau of Charitable
Organizations

vs.

Action Donation Services,
Respondent

Docket No. 0030-98-12
File No. 12-98-06325

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Action Donation Services ("Respondent") stipulate as follows in settlement of the above-captioned case.

JURISDICTION

1. This matter is before the Secretary of the Commonwealth ("Secretary") pursuant to the Solicitation of Funds for Charitable Purposes Act ("the Act"), Act of December 19, 1990, P.L. 1200, No. 202, *as amended* ("Act"), 10 P.S. §§ 162.1 *et. seq.*

2. Respondent is a professional solicitor as defined by the Act.

3. At all relevant and material times, Respondent conducted business in Pennsylvania as a professional solicitor, as defined by the Act.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:

PROTHONOTARY

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DEPARTMENT OF STATE
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Department of State

Commonwealth of Pennsylvania	:	
Bureau of Charitable	:	
Organizations	:	
	:	
vs.	:	Docket No. 0030-98-12
	:	File No. 12-98-06325
Action Donation Services,	:	
Respondent	:	

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2. Respondent is a professional solicitor as defined by the Act.

3. At all relevant and material times, Respondent conducted business in Pennsylvania as a professional solicitor, as defined by the Act.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:

- a. At all relevant and material times, Respondent did not hold a registration to provide professional solicitor services to charitable organizations within the Commonwealth.
- b. Respondent's last known mailing address is: P.O. Box 86551, San Diego, CA 92138.
- c. Keystone Paralyzed Veterans of America, Inc. ("KPVA"), Hope International ("HI"), Inner-City Movement, Inc. ("ICM"), and Ronald McDonald House Charities of Philadelphia Region, Inc. ("RMH") are charitable organizations registered with the Bureau.
- d. Between May 2010 and February 2011, Respondent entered into one (1) contract each with KPVA, HI, ICM, and RMH to provide professional solicitor services.
- e. Respondent did not submit its contracts with KPVA, HI, ICM, and RMH before providing professional solicitor services.

AGREED VIOLATIONS

5. Respondent admits and agrees that by engaging in the foregoing activities:
 - a. Respondent violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.9(e), by failing to file its contracts with KPVA, HI, ICM, and RMH with the Bureau prior to rendering professional solicitor services; and
 - b. Respondent violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.9(a), by providing professional solicitor services to KPVA, HI, ICM, and RMH without being properly registered as a professional solicitor with the Bureau.

PROPOSED ORDER

6. The participants, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 10 P.S. § 162.15(a)(1), by and through §162.9(e); and

b. Respondent violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.9(a).

ADMINISTRATIVE FINE

c. An ADMINISTRATIVE FINE of two thousand dollars (\$2,000.00) is levied upon Respondent. Respondent shall tender the full sum of two thousand dollars (\$2,000.00), with this executed Consent Agreement which shall be paid by certified check, cashiers check, attorney's check, or U.S. Postal money order made payable to the "Commonwealth of Pennsylvania." Respondent shall also pay any and all currently outstanding Administrative Fines levied by the Bureau's registration unit.

FILING OF REGISTRATION DOCUMENTS

d. Respondent shall submit to the Bureau all documents required to initially register within fifteen (15) days of the date of the Secretary's Order adopting this Consent Agreement. Respondent is prohibited from providing professional fundraising counseling services in Pennsylvania until such time as the Respondent becomes properly registered with the Bureau.

CASE SETTLED AND DISCONTINUED

7. This case shall be deemed settled and discontinued upon the Secretary issuing an Order adopting this Consent Agreement and the Respondent's successful completion of any ordered discipline. This Consent Agreement resolves all issues contained in the Bureau's Order to Show Cause filed with the Department of State Prothonotary's Office on August 17, 2010.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

8. Respondent waives the filing of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Bureau; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

AGREEMENT NOT BINDING ON OTHER PARTIES

9. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other administrative or governmental entity of the Commonwealth of Pennsylvania, including any other bureau within the Department of State. Except as otherwise noted, this Agreement is to have no legal effect if (a) the Office of General Counsel expresses an objection to the Agreement's form or legality and/or (b) unless and until the Secretary issues the stipulated Order.

EFFECT OF SECRETARY'S REJECTION

10. Should the Secretary not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Secretary shall not prejudice the Secretary from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Secretary does not approve this Consent Agreement.

ENTIRE AGREEMENT

11. This Agreement contains the whole agreement between the parties; provided, however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

12. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondent. Nothing in this Consent Agreement or the Order based upon this Consent Agreement shall preclude representatives of the Bureau from referring any information or data produced as a result of this matter to any federal, state, or local agency or governmental unit having jurisdiction over the activities of Respondent.

VERIFICATION OF FACTS AND STATEMENTS

13. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Katherine M. Delp

Katherine M. Delp, Esquire
Prosecuting Attorney
Department of State

Craig Witt

For Action Donation Services
Name: CRAIG WITT
Title: CEO
Respondent

DATED: 9-18-12

DATED: 8-31-12




IN THE MATTER OF
ACTION DONATION SERVICES
File No. 12-98-06325

ORDER

AND NOW, to wit, on this 1st day of October 2012, the terms of paragraph 6 of the foregoing Consent Agreement are hereby adopted and incorporated as the Order of the Secretary of the Commonwealth in resolution of this matter. This Order shall take effect immediately.

BY ORDER



Carol Aichele
Secretary of the Commonwealth