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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE SECRETARY OF THE COMMONWEALTH

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Department of State

Commonwealth of Pennsylvania  
Bureau of Charitable Organizations

vs.

Community Support, Inc.,  
Respondent

:  
:  
:  
: Docket No. 0023 -98-10  
: File No. 10-98-03985  
:  
:

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau"), and Community Support, Inc., ("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, 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 held a registration to provide professional solicitor services to charitable organizations within the Commonwealth of Pennsylvania, certificate number 32015.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:

a. Respondent's last known address on file with the Bureau is 312 W. Wisconsin Avenue, Suite 408, Milwaukee, WI 53202.

b. On July 1, 2006, Respondent and the Cancer Center for Detection and Prevention entered into an agreement in which Respondent would provide professional solicitor services to the Cancer Center for Detection and Prevention until June 30, 2009.

c. Respondent's July 1, 2006 contract with the Cancer Center for Detection and Prevention was filed with the Bureau on or about July 17, 2006.

d. An extension of Respondent's contract with the Cancer Center for Detection and Prevention was not satisfactorily filed with the Bureau.

e. On April 28, 2010, Respondent, on behalf of the Breast Cancer Relief Foundation, contacted a Pennsylvania resident to solicit charitable contributions.

f. After the initial solicitation on or about April 28, 2010, Respondent sent a pledge card to the Pennsylvania resident.

g. A true and correct copy of the pledge card sent to the resident of 405 Julie Dean Lane, Jeannette, PA 15644-2970 is attached hereto and incorporated as Exhibit A.

h. In April 2010, Respondent on behalf of the Breast Cancer Relief Foundation, contacted a Pennsylvania resident to solicit charitable contributions.

i. After the initial solicitation in April, 2010, Respondent sent two follow-up pledge cards to the Pennsylvania resident.

j. True and correct copies of the pledge cards sent to the resident of 105 Serge Street, Bellefonte, PA 16823 are attached hereto and incorporated as Exhibit B.

k. The back of the pledge cards indicate that the Breast Cancer Relief Foundation is a special program of The Cancer Center for Detection and Prevention. See Exhibits A and B.

l. According to the back of the pledge cards, Respondent was retained by the Breast Cancer Relief Foundation as a paid professional solicitor. See Exhibits A and B.

m. Respondent did not have a valid contract on file with the Bureau for professional solicitor services performed in 2010 for either the Breast Cancer Relief Foundation or the Cancer Center for Detection and Prevention.

n. On March 6, 2007, Respondent filed a contract with the Bureau to provide professional solicitor services to the Police Protective Fund.

o. Respondent solicited Pennsylvania residents and businesses on behalf of the Police Protective Fund between March 7, 2007 and December 31, 2010.

p. Respondent was required to file a campaign report for its contract with the Police Protective Fund on March 19, 2009, and every subsequent anniversary of the campaign so long as the contract lasted more than one year.

q. Respondent submitted a campaign report on February 1, 2010, but the Bureau rejected that campaign report on February 3, 2010.

r. Respondent did not file a revised campaign report for the Police Protective Fund by March 19, 2009.

#### **AGREED VIOLATIONS**

5. Respondent admits and agrees that by engaging in the foregoing activities:

a. Respondent has violated the Act at 10 P.S. § 162.15(a)(1) by and through 10 P.S. § 162.9(e) in that it failed to submit to the Bureau its contract to serve as a Professional Solicitor for the Breast Cancer Relief Foundation, for review at least ten (10) days prior to performing professional solicitor services and by performing services in the Commonwealth without an approved contract.

b. Respondent violated the Act at 10 P.S. § 162.15(a)(1) by and through 10 P.S. § 162.9(l) by failing to file campaign financial reports within ninety days after a solicitation campaign or event was completed or on the anniversary of a campaign or event lasting more than one year.

#### **PROPOSED ORDER**

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

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

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

#### **ADMINISTRATIVE FINE**

c. An **ADMINISTRATIVE FINE** of two thousand dollars (\$2,000) is levied upon Respondent. Respondent shall tender the full sum of two thousand dollars (\$2,000), 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."**

#### **FILING OF CONTRACTS AND CAMPAIGN REPORTS**

d. Respondent shall submit to the Bureau any and all overdue contracts and campaign financial reports within thirty (30) days of the date of the Secretary's Order adopting this Consent Agreement. In the event that the contracts and/or campaign reports are not filed within the required time frame, the Respondent shall pay an administrative

fine of \$1000.00, and shall pay an additional penalty of \$100.00 for each day during which the violation continues, in accordance with Section 162.17 of the Act.

**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 the requirements of this Order. However, nothing in this Consent Agreement and Order shall preclude the Prosecution Attorney for the Bureau from filing charges or the Secretary from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement and Order.

**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 the 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.

### **REGISTRATION**

12. The violations contained in this Consent Agreement, and agreed to by Respondent, will not affect Respondent's ability to register as a charitable organization with the Bureau, provided that Respondent is compliant with the Act and all registration information required by the Act has been submitted and approved by the Bureau. Nothing in this paragraph shall preclude the Prosecuting Attorney for the Commonwealth from filing charges, or the Secretary from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement.

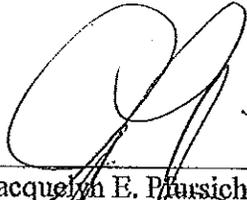
### **AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES**

13. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondent and its officers,

directors, agents, employees or independent contractors. 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 or any officer, director, agent, employee or independent contractor of the Respondent.

**VERIFICATION OF FACTS AND STATEMENTS**

14. 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.



Jacquelyn E. Pfussich, Esquire  
Prosecuting Attorney  
Department of State

Community Support, Inc.

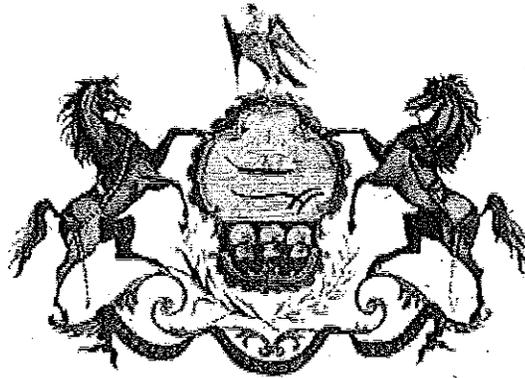


By:  
Title:  
Respondent

DATED:

7/1/10

DATED:



**IN THE MATTER OF  
Community Support, Inc.  
FILE NO. 10-98-03985**

**ORDER**

AND NOW, to wit, on this 12<sup>th</sup> day of July 2010, 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:

A handwritten signature in cursive script, reading "Basil L. Merenda".

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Basil L. Merenda  
Acting Secretary of the Commonwealth