

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

Department of State

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PROTHONOTARY

Commonwealth of Pennsylvania,
Bureau of Charitable Organizations

vs.

Eberle Associates Inc.,
Respondent

Docket No. 0033-98-10

File No. 09-98-11903

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau"), and Eberle Associates, 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 fundraising counsel as defined by the Act.
3. At all relevant and material times, Respondent held a registration to provide professional fundraising counsel services to charitable organizations within the Commonwealth of Pennsylvania, under certificate number 10396; Respondent is currently registered with the Bureau.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:
 - a. Respondent's last known address on file with the Bureau is 1420 Spring Hill Road, Suite 490, McLean, VA 22102-3006.
 - b. Respondent has been approved to conduct professional fundraising counsel activities with the Bureau since at least June 10, 1991.
 - c. American Civil Rights Union is a registered charity with the Bureau, under certificate number 29677.
 - d. The Bureau received registration materials for the American Civil Rights Union for the fiscal year that ended December 31, 2007. The registration materials indicate that Respondent has been providing professional fundraising services for American Civil Rights Union since January 13, 2000.
 - e. Respondent cannot show that it filed a copy of the contract with American Civil Rights Union with the Bureau prior to commencing fundraising activities in the Commonwealth.

AGREED VIOLATIONS

5. Respondent admits and agrees that by engaging in the foregoing activities it repeatedly violated the Act at 10 P.S. § 162.15(a) by and through 10 P.S. § 162.8(d), by failing to file a contract for fundraising activities it provided to a registered charitable organization.

PROPOSED ORDER

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

a. Respondent repeatedly violated the Act at 10 P.S. § 162.15(a) by and through 10 P.S. § 162.8(d).

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of three thousand dollars (\$3,000.00) is levied upon Respondent. Respondent shall tender the full sum of three thousand dollars (\$3,000.00), 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."**

FILING OF CONTRACTS

c. Respondent shall submit to the Bureau all required contracts involving organizations that it plans to provide professional fundraising counsel services prior to the commencement of said services in the Commonwealth. In the event that contracts are not filed within the required time frame, the Bureau may issue a Cease and Desist Order directing that Respondent cease all professional counsel activities and/or may revoke Respondent's registration 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 Prosecuting 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.

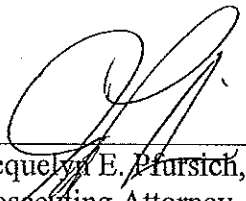
AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

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

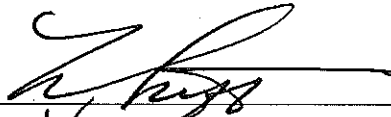
VERIFICATION OF FACTS AND STATEMENTS

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.

Eberle Associates, Inc.



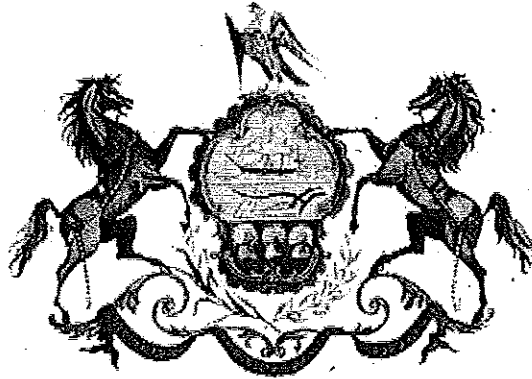
Jacquelyn E. Pfursich, Esquire
Prosecuting Attorney
Department of State



By: WILLIAM G. PITTS
Title: VICE PRESIDENT
Respondent

DATED: 6/7/10

DATED: 5/3/2010



**IN THE MATTER OF
EBERLE ASSOCIATES, INC.
FILE NO. 09-98-11903**

ORDER

AND NOW, to wit, on this 8th day of June 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:

Pedro A. Cortés

Pedro A. Cortés
Secretary of the Commonwealth