

COPY

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

Department of State

JUN 14 11:35

PROFESSIONARY

Commonwealth of Pennsylvania,
Bureau of Charitable Organizations

Docket No. 0009-98-10

vs.

File No. 10-98-02362

Infocision Management Corporation
Respondent

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Infocision Management Corporation ("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 held a registration to provide solicitor services to charitable organizations within the Commonwealth of Pennsylvania, certificate number 11228.

4. Respondent has been registered to conduct professional solicitor activities with the Bureau since August 15, 1993.

STIPULATED FACTS

5. Respondent admits that the following allegations are true:

- a. Respondent's last known address on file with the Bureau is 325 Springside Drive, Akron, OH 44333.
- b. Concerned Women for America is a registered charitable organization under certificate number 6806.
- c. Respondent solicited Pennsylvania residents and businesses on behalf of Concerned Women for America from July 2, 2009 until July 13, 2009.
- d. The Act required Respondent to file a campaign report by October 13, 2009.
- e. No approved campaign report has been filed with the Bureau.
- f. Concerned Women for America, Legislative Action Committee (LAC) is a registered charitable organization under certificate number 14713.
- g. Respondent solicited Pennsylvania residents and businesses on behalf of Concerned Women for American, Legislative Action Committee (LAC) from July 6, 2009 and July 16, 2009.
- h. The Act required Respondent to file a campaign report by October 14, 2009.
- i. No approved campaign report has been filed with the Bureau.
- j. The campaign dates listed on the solicitation notices for the Concerned Women for America and the Concerned Women for American LAC campaigns filed with the Bureau by the Respondent, were incorrect.
- k. Respondent has filed amended solicitation notices with the correct campaign dates with the Bureau.
- l. The National Rifle Association of America is a registered charitable organization under certificate number 1094.
- m. Respondent solicited Pennsylvania residents and businesses on behalf of The National Rifle Association of America from February 12, 2009 to July 31, 2011.
- n. The Act required Respondent to file a campaign report by February 12, 2010, and a second campaign report 90 days after the termination of the campaign.
- o. No approved campaign report has been filed with the Bureau.

AGREED VIOLATIONS

6. Respondent agrees and admits that by engaging in the foregoing activities:
 - a. Respondent repeatedly violated the Act at 10 P.S. § 162.15(a)(1), by and through § 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

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

a. Respondent violated the Act at 10 P.S. § 162.9(l).

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 CAMPAIGN REPORTS

c. 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 campaign reports are not filed within the required time frame, the Respondent shall pay an administrative fine of \$1,000.00, 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

8. 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

9. 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

10. 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

11. 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

12. 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

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.

Infocision Management Corporation



Jacquelyn E. Pirsich, Esquire
Prosecuting Attorney
Department of State



By: Ken Davison
Title: Chief Marketing Officer
Respondent

DATED: 6/1/10

DATED: 5/27/10



IN THE MATTER OF
INFOCISION MANAGEMENT CORPORATION
FILE NO. 10-98-02362

ORDER

AND NOW, this 4 day of June 2010, the terms of Paragraph 7 of the foregoing Consent Agreement are hereby adopted and incorporated as the Order of the Executive Deputy Secretary of the Commonwealth in resolution of this matter. This Order shall take effect immediately.

BY ORDER

A handwritten signature in cursive script that reads "Thomas J. Weaver".

Thomas J. Weaver
Executive Deputy Secretary of the
Commonwealth