

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

Docket No. 0003 -98-10

vs.

File No. 09-98-11420

Kenneth Evanoski Associates, a/k/a/E&A,  
Respondent

COPY

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau"), and Kenneth Evanoski Associates, a/k/a E&A, ("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 acted as a professional solicitor as defined by the Act.

3. Respondent is not currently registered to provide professional solicitor services in the Commonwealth of Pennsylvania.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:

a. Respondent's last known address on file with the Bureau is 222 West Cunningham Street, Butler, PA 16001.

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

- c. At all relevant and material times Respondent was not registered to provide professional solicitor services to charitable organizations within the Commonwealth of Pennsylvania.
- d. Beginning in 2006, Respondent entered into contracts with three charitable organizations to solicit funds on their behalf in the Commonwealth of Pennsylvania.
- e. Respondent provided professional solicitor services to Cats' Second Chance from the summer 2006 through summer 2008.
- f. Respondent provided professional solicitor services to United Community Independence Programs (UCIP) from March 2006 through November 2008.
- g. Respondent provided services to MS Club of Butler during calendar years 2007 and 2008.
- h. Respondent failed to become registered with the Bureau prior to commencing solicitation activities in the Commonwealth on behalf of these three charitable organizations.
- i. Respondent failed to file a bond with the Bureau prior to commencing solicitation activities in the Commonwealth on behalf of these three charitable organizations.
- j. Respondent failed to submit contracts between Respondent and these three charitable organizations at least ten working days before commencing solicitation campaigns for each.
- k. Respondent failed to submit financial reports for each solicitation campaign for each charity for which Respondent provided solicitation services.

1. At all relevant and material times, Respondent was not authorized to solicit charitable contributions in the Commonwealth of Pennsylvania for Cat's Second Chance, UCIP, or the MS Club of Butler.

**AGREED VIOLATIONS**

5. Respondent admits and agrees that by engaging in the aforementioned activities, Respondent;

a. violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.9(a), by failing to register as a professional solicitor with the Bureau prior to rendering solicitation services;

b. violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.9(c), by failing to file a bond with the Bureau prior to rendering solicitation services;

c. violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.9(e), by failing to file a contract with the Bureau prior to rendering solicitation services; and

d. violated the Act at 10 P.S. 162.15(a)(1), by and through 10 P.S. 162.9(i) by failing to file campaign 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 the Act at 10 P.S. § 162.15(a)(1), by and through, 10 P.S. § 162.9(a);

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

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

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

#### **ADMINISTRATIVE FINE**

e. An **ADMINISTRATIVE FINE** of five thousand dollars (\$5,000) is levied upon Respondent. Respondent shall tender the full sum of five thousand dollars (\$5,000), 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**

f. 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 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.

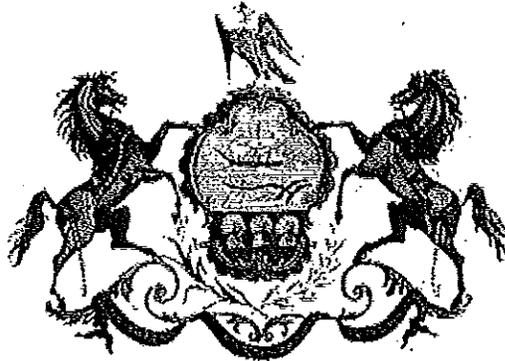
Kenneth Evanoski Associates, a/k/a E&A

*Dean F. Picarella*  
 \_\_\_\_\_  
 Dean F. Picarella, Esquire  
 Prosecuting Attorney  
 Department of State

*Kenneth Evanoski*  
 \_\_\_\_\_  
 By: Kenneth Evanoski  
 Title: Owner  
 Respondent

DATED: 02/19/2010

DATED: February 16, 2010



**IN THE MATTER OF  
Kenneth Evanoski Associates, a/k/a E&A  
File No. 09-98-11420**

**ORDER**

AND NOW, to wit, on this 3rd day of March 2010, the terms of paragraph 5 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:

  
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Pedro A. Cortés  
Secretary of the Commonwealth