<i>₹</i>	Jep	ි මේ	支
		<u></u>	
COMMONWEALTH OF PENNSYLVANIA	<u>.</u> .	ω	
DEPARTMENT OF STATE THE SECRETARY OF THE COMMONWEALTH	S O	Par Lei Lo	
- XIII SECRETIME OF THE COMMON WEALTH	State	. 😅	争

Commonwealth of Pennsylvania, Bureau of Charitable Organizations

BEFORE

Docket No Wey -98-10

vs.

File No. 10-98-06982

National Association of Town Watch, Inc., Respondent

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau"), and National Association of Town Watch, 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.

STIPULATED FACTS

- 2. Respondent admits that the following allegations are true:
 - a. Respondent is a charitable organization as defined by the Act.
- b. Respondent was previously registered with the Bureau under registration

 Number 1095, but has not been registered with the Bureau since its registration for fiscal

 year ending December 31, 2006 expired on November 10, 2008.

- c. At all relevant and material times, Respondent was not registered to solicit charitable contributions in the Commonwealth of Pennsylvania.
- d. Respondent's last known address on file with the Bureau is 1 Wynnewood Road, Suite 102, Wynnewood, PA 19096.
- e. Since 2008, the Bureau has sent approximately ten delinquent registration letters to Respondent.
- f. Respondent submitted registration materials to the Bureau for fiscal years ending December 31, 2007 and December 31, 2008, but those registration materials have been rejected by the Bureau due to discrepancies in the documents that have not yet been corrected by Respondent.
- g. Respondent solicited contributions by mail, telephone, and selling merchandise through Respondent's website from November 10, 2008 to the present.
- h. Respondent has received contributions of more than \$25,000 for each fiscal year since December 31, 2006.
- 3. Respondent admits that the following allegations are true:
- a. On or about July 2, 2007, Respondent submitted registration documents for fiscal year ending December 31, 2006.
- b. On or about August 14, 2008, the Bureau sent Respondent a letter concerning the information contained in Respondent's registration documents for fiscal year ending December 31, 2006.
- c. On or about September 30, 2008, Respondent, through its attorney, submitted a response to the Bureau's August 14, 2008 letter.

- d. In the Respondent's September 30, 2008 letter, Respondent made the following admissions:
 - Respondent used the name "National Night Out" in solicitations, but failed to include that name on its Form BCO-10.
 - ii. Respondent failed to disclose on its Form BCO-10, that Respondent hired a company owned by a former Board Member to perform work for Respondent.
 - There were variances in the numbers Respondent reported on itsForm 990, Part I, Lines 13-15.
 - iv. Respondent inappropriately included accounting and legal fees with Program Services in Column B on its Form 990 Part II.

AGREED VIOLATIONS

- Respondent admits and agrees that by engaging in the aforementioned activities:
- a. Respondent violated the Act multiple times at 10 P.S. § 162.15(a)(1), by and through, 10 P.S. § 162.5(a), in that Respondent solicited charitable contributions in the Commonwealth of Pennsylvania while not currently registered with the Bureau; and
- b. Respondent violated the Act multiple times at 10 P.S. § 162.15(a)(l) by and through 10 P.S. § 162.17 (a)(3) in that Respondent made material false statements in fiscal year 2006 applications, statements or reports that are required to be filed under the Act.

PROPOSED ORDER

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

- a. Respondent violated the Act multiple times at 10 P.S. § 162.15(a)(1), by and through, 10 P.S. § 162.5(a); and
- b. Respondent violated the Act multiple times at 10 P.S. §162.15(a)(1) by and through 10 P.S. §162.17(a)(3).

ADMINISTRATIVE FINE

c. An ADMINISTRATIVE FINE of five thousand five hundred dollars (\$5,500) is levied upon Respondent. Respondent shall tender the full sum of five thousand five hundred dollars (\$5,500), 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 REGISTRATION DOCUMENTS

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

CASE SETTLED AND DISCONTINUED

6. 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

7. 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

8. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other governmental or administrative 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

9. 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

10. 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

The parties acknowledge that other federal, state, and/or local agencies may have 11. 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

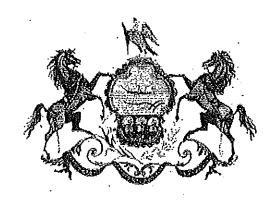
12. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn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

National Association of Town Watch

Jacquelyn Z. Pfursich, Esquire

Projecuting Attorney Department of State

DATED:



IN THE MATTER OF National Association of Town Watch FILE NO. 10-98-06982

ORDER

AND NOW, to wit, on this And day of And Market 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:

Basil L. Merenda

Secretary of the Commonwealth