

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

PROPRIETARY  
2010 DEC -3 PM 1:43  
Department of State

Commonwealth of Pennsylvania,  
Bureau of Charitable Organizations

Docket No. ~~0066~~-98-10

vs.

File No. 10-98-08774

National Wrestling Coaches Association,  
Respondent

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau"), and National Wrestling Coaches Association, ("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 was registered as a charitable organization in the Commonwealth of Pennsylvania at various times since fiscal year ending August 31, 2003 under registration number 29666, but failed to renew its registration for fiscal years ending August 31, 2008 until September 9, 2010.
3. At all relevant and material times, Respondent conducted business in Pennsylvania as a charitable organization, as defined by the Act.

4. At all relevant and material times, Respondent did not hold a registration to solicit charitable contributions within the Commonwealth of Pennsylvania.

**STIPULATED FACTS**

5. Respondent admits that the following allegations are true:

- a. Respondent's last known address on file with the Bureau is P.O. Box 254, Manheim, PA 17545.
- b. Respondent incorporated as a non-profit organization on February 24, 1994, in Iowa.
- c. On or about September 24, 2004, Respondent paid an administrative fine of \$500 for soliciting in the Commonwealth without being properly registered with the Bureau.
- d. Respondent solicits contributions in the Commonwealth by direct mail, telephone, personal visits, and hosting fundraising events.
- e. Respondent's registration with the Bureau for fiscal year ending August 31, 2008, expired on July 12, 2009, and was not renewed until September 9, 2010.
- f. Respondent solicited contributions in the Commonwealth between July 12, 2009 and September 9, 2010.

**AGREED VIOLATIONS**

6. Respondent agrees that by engaging in the aforementioned activities:

- a. Respondent violated the Act, 10 P.S. § 162.15(a)(1), by and through, 162.5(a), in that Respondent solicited charitable contributions in the Commonwealth of Pennsylvania between July 12, 2009 and September 9, 2010, without being properly registering with the Bureau.

**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. § 162.15(a)(1), by and through, 10 P.S. § 162.5(a).

**ADMINISTRATIVE FINE**

b. An **ADMINISTRATIVE FINE** of three thousand dollars (\$3,000) is levied upon Respondent. Respondent shall tender the full sum of three thousand dollars (\$3,000), 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."**

**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 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.



Jacquelyn E. Pfursich, Esquire  
Prosecuting Attorney  
Department of State

National Wrestling Coaches Association



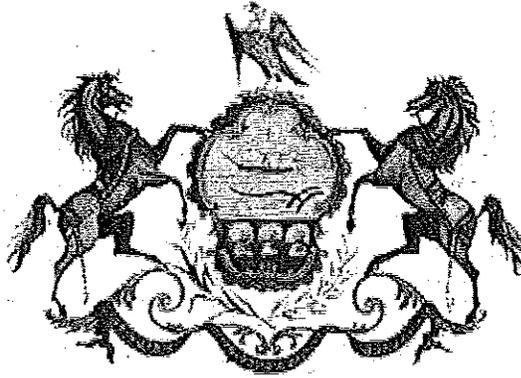
By: PATRICK A. TOCCI  
Title: CHIEF OPERATING OFFICER  
Respondent

DATED:

11/29/10

DATED:

11/23/2010

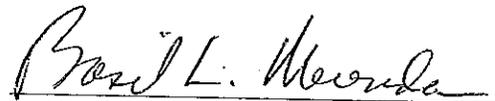


**IN THE MATTER OF  
National Wrestling Coaches Association  
FILE NO. 10-98-08774**

**ORDER**

AND NOW, to wit, on this 2nd day of December 2010, the terms of paragraph 7 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