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

Department of State

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PROTHONOTARY

Commonwealth of Pennsylvania : Docket No. 003 - 98-11  
Bureau of Charitable Organization :  
v. : File No. 10-98-01856  
Jacqueline O'Hara :

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Jacqueline O'Hara, ("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's last known address is 918 Dogwood Road, Warminster, PA 18974.
  - b. The Warminster Pioneers Youth Football and Cheerleading Association (hereinafter "Youth Association") operates as a nonprofit organization.
  - c. The Youth Association conducts business as a charitable organization as defined by the Act.

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d. Between on or about April 30, 2005 through to on or about December 31, 2006, Respondent served as the president of the Youth Association.

e. At all relevant and material times, the Youth Association maintained checking accounts at the Bank of America, Citizens Bank, and Wachovia Bank.

f. At all relevant and material times, Respondent maintained personal checking accounts at Citizens Bank, Bank of America and PNC Bank.

g. At all relevant and material times, Respondent, as president for the Youth Association, had the authority to withdraw funds and issue checks drawn on the Youth Association's three checking accounts.

h. Pursuant to Section 162.21 of the Act, Respondent is deemed a fiduciary and was acting in a fiduciary capacity for the Youth Association.

i. The Youth Association raised funds through concession stand sales, which were to be deposited in the Youth Association's bank accounts.

j. During the period June 2005 through January 2007, Respondent wrote nine checks made payable to Respondent and presented for cash from the Youth Association's checking account at Citizen's Bank.

k. During the period of June 2005 through January 2007, Respondent wrote twenty-two checks made payable to Respondent and presented for cash from the Youth Association's checking account at Bank of America.

### **AGREED VIOLATIONS**

3. Respondent admits and agrees that by engaging in the aforementioned activities:

a. Respondent violated the Act at 10 P.S. § 162.15(a)(2) and 10 P.S. § 162.13(a) in that Respondent caused the Youth Association to apply contributions not consistent with their charitable purpose.

b. Respondent violated the Act at 10 P.S. 162.15(a)(2), in that when Respondent misappropriated funds from the accounts in the name of the Youth Association and engaged in fraudulent conduct which created a likelihood of confusion and misunderstanding.

**PROPOSED ORDER**

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

a. Respondent violated the Act as set forth in Paragraph 3.

**PUBLIC REPRIMAND**

b. A **PUBLIC REPRIMAND** is hereby issued to Respondent.

**COOPERATION WITH BUCKS COUNTY DISTRICT ATTORNEY**

c. Respondent shall fully cooperate with the Bucks County District Attorney's Office in its efforts to achieve full restitution to the Youth Association.

**ADDITIONAL PROVISIONS**

d. Respondent shall not represent, either directly or indirectly, that by this Consent Agreement the Bureau of Charitable Organizations has sanctioned, condoned or approved any part or aspect of Respondent's activities.

e. Respondent shall not, either directly or indirectly, participate in any activities within the Commonwealth of Pennsylvania in violation of the Act.

f. Respondent shall not assume any position, whether voluntary or paid, in any charitable organization, which involves the solicitation, collection, or expenditure of contributions.

**CASE SETTLED AND DISCONTINUED**

5. 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 for filing charges or the Secretary from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement and Order.

**ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

6. 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**

7. 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 the 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**

8. 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**

9. 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.

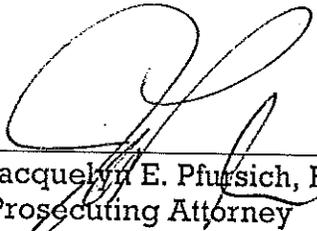
**AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES**

10. 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

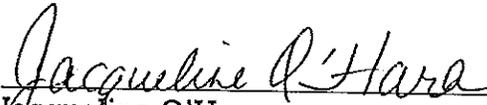
or independent contract of the Respondent.

**VERIFICATION OF FACTS AND STATEMENTS**

11. 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

Date: 2/2/11

  
\_\_\_\_\_  
Jacqueline O'Hara  
Respondent

Date: Jan 7, 2011



**IN THE MATTER OF  
JACQUELINE O'HARA  
FILE NO. 10-98-01856**

**ORDER**

AND NOW, to wit, on this 8<sup>th</sup> day of March 2011, the terms of paragraph 4 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:

A handwritten signature in cursive script, appearing to read "Carol Aichele".

\_\_\_\_\_  
Carol Aichele  
Acting Secretary of the Commonwealth