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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. 0020-98-10

vs.

File No. 09-98-10286

Vehicle Donation Processing Center, Inc. :
Respondent :

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau"), and Vehicle Donation Processing Center, ("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 is a professional solicitor as defined by the Act.

3. At all relevant and material times, Respondent held a registration to provide professional solicitor services to charitable organizations within the Commonwealth of Pennsylvania, certificate number 29940.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:

a. Respondent's last known address on file with the Bureau is 626 South Primrose Avenue, Monrovia, CA 91016.

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b. Respondent conducts professional solicitor services in Pennsylvania and has several contracts on file with the Bureau.

c. In 2007, Respondent's website, www.donatecarusa.com listed seven charities that are required to be registered in Pennsylvania for which Respondent accepted donations; Respondent had contracts on file with the Bureau for four of the charities listed on its website.

d. In 2007, Respondent did not have an approved contract on file for three of the charities listed on its website that were required to be registered with the Bureau: The Kidney Foundation of Central Pennsylvania (Kidney Foundation); Butler County Humane Society (Butler Humane); and Philadelphia Whitmarsh Rugby Club (Whitmarsh).

e. The Kidney Foundation and Butler Humane are registered with the Bureau and both confirmed to the Bureau that they used the services of Respondent for their vehicle donation programs.

f. Whitmarsh was not, and has never been registered with the Bureau; on June 18, 2008 a Cease and Desist Order was entered against Whitmarsh for failure to register with the Bureau, the Cease and Desist Order is still in full force and effect.

g. On July 16, 2008, counsel for Respondent filed solicitation notices and contracts between Respondent and Kidney Foundation, and Respondent and Butler Humane. However, the contracts and solicitation notices were returned because they contained incorrect start dates for the solicitation campaigns.

h. Respondent subsequently filed amended contracts and solicitation reports for Kidney Foundation and Butler Humane with the Bureau.

i. Respondent informed the Bureau that no vehicles had been donated to Whitmarsh through the website, and Respondent removed Whitmarsh from its website.

j. On May 29, 2009, Respondent was informed it was in violation of the Act due to the failure to file eight (8) financial reports with the Bureau within 90 days after a solicitation had been completed, and/or on the anniversary of the commencement of a solicitation campaign lasting more than one year.

k. As of October 6, 2009, Respondent was current on filing of all contracts and campaign reports.

AGREED VIOLATIONS

5. Respondent agrees that by engaging in the foregoing activities, Respondent has violated the Act by:

- a. Failing to file a contract with the Bureau no less than ten working days prior to commencement of each solicitation campaign, event or services in violation of 10 P.S. § 162.9(e) and;
- b. Soliciting contributions on behalf of a charitable organization that is not registered with the Bureau as a charitable organization in violation of 10 P.S. § 162.9(q)(2);
- c. Making a material false statement on two solicitation notices required to be filed with the Bureau in violation of 10 P.S. § 162.17(a)(3); and
- d. 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 in violation of 10 P.S. § 162.9(l).

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. § 162.9(e);
- b. Respondent violated the Act at 10 P.S. § 162.9(q)(2);
- c. Respondent violated the Act at 10 P.S. § 162.17(a)(3); and
- d. Respondent violated the Act at 10 P.S. § 162.9(l).

ADMINISTRATIVE FINE

e. An ADMINISTRATIVE FINE of seven thousand five hundred dollars (\$7,500.00) is levied upon Respondent. Respondent shall tender the full sum of seven thousand five hundred dollars (\$7,500.00), 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 CONTRACTS AND CAMPAIGN REPORTS

f. Respondent acknowledges its requirements to properly file all contracts and campaign financial reports with the Bureau in a timely manner. In the event that fails to file any required contract or campaign reports with the Bureau 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

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 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

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.

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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.

REGISTRATION

12. The violations contained in this Consent Agreement, and agreed to by Respondent, will not affect Respondent's ability to register as a charitable organization with the Bureau, provided that Respondent is compliant with the Act and all registration information required by the Act has been submitted and approved by the Bureau. Nothing in this paragraph shall preclude the Prosecuting Attorney for the Commonwealth from filing charges, or the Secretary from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent 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

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agency or governmental unit having jurisdiction over the activities of Respondent or any officer, director, agent, employee or independent contractor of the Respondent.

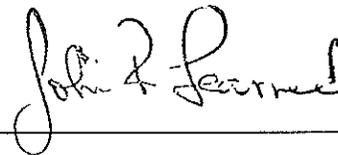
VERIFICATION OF FACTS AND STATEMENTS

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.

Vehicle Donation Processing Center, Inc.



Jacquelyn E. Pfarsich, Esquire
Prosecuting Attorney
Department of State



By:
Title: Pres.
Respondent

DATED: 4/7/10

DATED: 3/31/10



**IN THE MATTER OF
Vehicle Donation Processing Center, Inc.
FILE NO. 09-98-10286**

ORDER

AND NOW, to wit, on this 29th day of April 2010, the terms of paragraph 6 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:

Pedro A. Cortés
Pedro A. Cortés
Secretary of the Commonwealth

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