

- a. Respondent's last known business address, as on file with the Department of State, is 101 NE Third Avenue, Suite 203, Ft. Lauderdale, Florida 33301.
- b. AMVETS American Veterans (hereinafter "AMVETS") is a charitable organization registered with the Bureau, registration number 11598.
- c. Respondent provided professional solicitor services to AMVETS pursuant to a written contract between Respondent and AMVETS since February 1, 2007.
- d. The contract between Respondent and AMVETS is valid through December 31, 2013.
- e. Respondent's solicitors, among other things, make telephone calls to Commonwealth residents in an effort to secure contributions for various charities.
- f. Respondent mailed a solicitation to Pennsylvania resident, JK, indicating that JK pledged a donation of \$20 to AMVETS during a telephone call placed by Respondent's employee, Mr. McKinney, on or about May 11, 2011.
- g. Respondent subsequently reviewed Mr. McKinney's telephone call, found it was unsatisfactory and fired Mr. McKinney.
- h. JK did not pledge \$20 to AMVETS on or about May 11, 2011.

AGREED VIOLATIONS

6. Respondent admits and agrees that by engaging in the foregoing activities: Respondent violated the Act at 10 P.S. § 162.15(a)(2), by utilizing any unfair or deceptive acts or practices or engaging in any fraudulent conduct which creates a likelihood of confusion or of misunderstanding.

PROPOSED ORDER

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

- a. Respondent violated the Act at 10 P.S. §162.15(a)(2).

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of one thousand dollars (\$1,000.00) is levied upon Respondent. Respondent shall tender the full sum of one thousand dollars (\$1,000.00), 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."** Respondent shall also pay any and all currently outstanding Administrative Fines levied by the Bureau's registration unit.

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 any ordered discipline. This Consent Agreement resolves all issues contained in the Bureau's Order to Show Cause filed with the Department of State Prothonotary's Office on August 17, 2010.

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 that 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 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

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. 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.

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
Prosecuting Attorney
Department of State



For Kentel, Inc.
Title: *CHIEF FINANCIAL OFFICER*
Respondent

DATED: *3/2/12*

DATED: *MARCH 1, 2012.*



IN THE MATTER OF
XENTEL, INC.
File No. 11-98-09481

ORDER

AND NOW, to wit, on this 7th day of March 2012, 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

A handwritten signature in cursive script that reads "Carol Aichele".

Carol Aichele
Secretary of the Commonwealth