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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

vs.

Christian Child Care, Inc.,
Respondent

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Docket No. 0001 -98-05
File No. 04-98-01547

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations (“Bureau”) and Christian Child Care, 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 (“the Act”), Act of December 19, 1990, P.L. 1200, No. 202, *as amended*, 10 P.S. §§162.1-162.24.

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

3. At all relevant and material times, Respondent was not exempt from registration or excluded from the requirements of the Act.

STIPULATED FACTS

4. Respondent’s last known business address on file with the Bureau is P.O. Box 950, Gaithersburg, MD 20884.

5. On August 14, 1996, the Bureau received evidence that Respondent was soliciting charitable contributions in Pennsylvania without first being registered.

6. On August 19, 1996 and again on November 18, 1996, the Bureau notified Respondent of the registration requirements of the Act for charitable organizations soliciting contributions in Pennsylvania.

7. Respondent failed to register with the Bureau or provide evidence that it is either exempt from registration or excluded from the requirements of the Act.

8. On January 24, 1997, the Secretary of the Commonwealth issued a Cease and Desist Order against Respondent.

9. On September 16, 2003 the Bureau received evidence that Respondent sent three solicitations, postmarked June 4, 2003, July 23, 2003, and September 2, 2003, into Pennsylvania without first being registered and in violation of the Cease and Desist Order.

10. On October 6, 2003 the Bureau issued a subpoena to Respondent, demanding that it provide the Bureau with the date it first solicited contributions in Pennsylvania; the total amount of Pennsylvania residents, businesses, corporations, and foundations it solicited each year from January 24, 1997 to present; the total amount of contributions it received each year from Pennsylvania residents, businesses, corporations, and foundations from January 24, 1997 to present; and, copies of all contracts with professional solicitors or professional fundraising counsels with respect to solicitations conducted in Pennsylvania from January 24, 1997 to present.

11. In response to the subpoena, Respondent stated that it received contributions from at least 647 Pennsylvania residents totaling \$20,205.56 from January 24, 1997 to October 13, 2003.

AGREED VIOLATIONS

12. The parties agree that by engaging in the foregoing activities, Respondent committed multiple violations of the Act at 10 P.S. §162.15(a)(1), by and through 10 P.S. §162.5, by soliciting charitable contributions in Pennsylvania without first being registered

13. The parties agree that by engaging in the foregoing activities, Respondent committed multiple violations of the Act at 10 P.S. §162.15(a)(1), by and through 10 P.S. §162.17(a)(1) by soliciting contributions in direct violation of a Cease and Desist Order.

PROPOSED ORDER

14. To address concerns raised by the Commonwealth and to resolve this matter on a compromise basis, the Commonwealth and the Respondent agree to the 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 and §162.17(a)(1).

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of five thousand dollars (\$5,000.00) is levied upon Respondent. Respondent shall tender the full sum of five thousand dollars (\$5,000.00) with this executed Consent Agreement which shall be paid by **certified check, cashier's check, attorney's check, or U.S. Postal money order made payable to the "Commonwealth of Pennsylvania."**

FILING OF REGISTRATION DOCUMENTS

c. Respondent shall submit to the Bureau all documents required for registration 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.

20. This case shall be deemed settled and discontinued upon the Secretary issuing an Order adopting this Consent Agreement.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

21. 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

22. 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

23. 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

24. 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

25. 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

26. 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.

CHRISTIAN CHILD CARE, INC.



Tracy L. McCurdy, Esquire
Prosecuting Attorney
Department of State

DATED: 4-25-05



By: _____
Title: CHAIRMAN
Respondent

DATED: 4-18-05



IN THE MATTER OF
CHRISTIAN CHILD CARE, INC.
FILE NO. 04-98-01547

ORDER

AND NOW, this 28th day of April 2005, the terms of Paragraph 14 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