PROTHONO PARY

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF STATE

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BEFORE THE SECRETARY OF THE COMMONWEALTH

Department of State

Commonwealth of Pennsylvania, Bureau of Charitable Organizations

:

Docket No. 0002-98-2007

vs.

File No. 07-98-04716

Grandview Volunteer Fire Department,

Respondent

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau"), and Grandview Volunteer Fire Department ("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. §§ 162.1-162.24.
 - 2. Respondent solicited charitable contributions from Pennsylvania residents.
- 3. At all relevant and material times, Respondent did not hold a registration to solicit charitable contributions within the Commonwealth of Pennsylvania.

STIPULATED FACTS

- 4. Respondent admits that the following allegations are true:
- a. Respondent's last known business address is 1655 Ridge Road, Jeannette, Pennsylvania 15644.

- Respondent is a volunteer fire company that retains the services of
 Municipal Marketing, a registered professional fundraising counsel.
 - c. Respondent is not registered with the Bureau.
- d. Respondent and Municipal Marketing first entered into a contract for professional fundraising counsel services on January 1, 2004, for a term of 3 years ending December 31, 2006; pursuant to the terms of the January 1, 2004 contract, Municipal Marketing commenced professional fundraising counsel services on April 14, 2004.
- e. Respondent and Municipal Marketing entered into another contract for professional fundraising counsel services on January 1, 2007, for a term of 3 years ending December 31, 2009; services commenced on January 1, 2007.
- f. After notifying Respondent that it was soliciting contributions from Pennsylvania residents without being properly registered and Respondent's failure to become properly registered, the Secretary signed a Cease and Desist Order dated April 2, 2007, which was mailed to Respondent on April 2, 2007.
- g. In May of 2007, subsequent to the effective date of the Cease and Desist Order, Municipal Marketing sent out a total of 636 solicitations on behalf of Respondent, resulting in a total donation received amount of \$10,165.00.

AGREED VIOLATIONS

5. Respondent agrees that by engaging in the aforementioned activities, Respondent violated the Act by soliciting charitable contributions without being registered with the Bureau in violation of 10 P.S. § 162.15 (a)(1), by and through § 162.5(a).

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. § 162.15(a)(1), by and through § 162.5(a); and

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."

CEASE AND DESIST

c. The Cease and Desist Order entered on April 2, 2007, shall remain in full force and effect until Respondent becomes properly registered with the Bureau, and until an order lifting the Cease and Desist Order is signed by the Secretary.

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 any ordered discipline. 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

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 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

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

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

The parties acknowledge that other federal, state, and/or local agencies may have 12.

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

Respondent verifies that the facts and statements set forth in this Agreement are 13.

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.

Grandview Volunteer Fire Department

Dean F. Picarella

Prosecuting Attorney

Department of State

Respondent

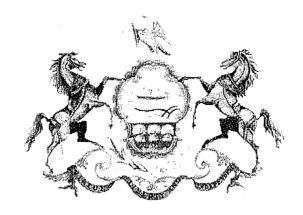
Daryl A. Wightmaniste.

itle: PRESIDENT
espondent

DARRYL A. WEIGHTMAN

DATED: 04/04/2008

DATED: 3/19/2008



IN THE MATTER OF GRANDVIEW VOLUNTEER FIRE DEPARTMENT FILE NO. 07-98-04716

<u>ORDER</u>

AND NOW, to wit, on this ______ day of April 2008, 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

Secretary of the Commonwealth