

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

Commonwealth of Pennsylvania, Bureau of Charitable Organizations

Docket No. 0703 -98-04

04-98-07041

vs. : File No.

Raymond A. Jones, Respondent

#### **CONSENT AGREEMENT AND ORDER**

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Raymond A. Jones ("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.

#### STIPULATED FACTS

- 2. The Respondent admits that the following allegations are true:
- a. Respondent's last known address is 19 Lakeview Circle, Hanover, PA
   17331.
  - b. Respondent is an adult individual.
- c. From January 21, 2002, to March 31, 2004, Respondent was employed as a bookkeeper by First Capital Insulation, Inc., 1355 South George

Street, York, PA 17403, where he performed internal bookkeeping and accounting duties.

- d. Howard Kahn (Kahn) is a Certified Public Accountant (CPA) certified in the state of Maryland.
  - e. Kahn is the CPA for First Capital Insulation, Inc.
- f. On March 24, 2003, the 4-H Clubs of York County, Inc. (4-H Clubs), for the purpose of complying with registration requirements of the Act, hired Respondent based upon Respondent's representations to the Treasurer of 4-H Clubs that he could prepare and file all necessary paperwork on behalf of the 4-H Clubs.
- g. Some of the required registration documents must be prepared by a CPA.
  - h. Respondent is not a CPA.
- i. Sometime prior to October 9, 2003, Respondent obtained a copy of a letter signed by Kahn, for the purpose of using Kahn's signature and letterhead to submit 4-H Clubs' registration documents to the Bureau.
- j. On or about October 9, 2003, Respondent deleted the original content of the letter, inserted new language written by Respondent and addressed the letter to the Bureau.
- k. Kahn's signature and letterhead remained on the letter; however the Bureau was directed to communicate with Respondent.

- 1. On or about October 9, 2003, Respondent mailed the modified letter to the Bureau.
- m. On March 16, 2004, Respondent admitted to Bureau Investigators that he prepared the October 9, 2003 letter without the permission or knowledge of Kahn.
- k. Respondent made a material false statement in an application by submitting the modified letter to the Bureau.

#### AGREED VIOLATIONS

- 3. Respondent agrees that by engaging in the foregoing activities Respondent violated the Act as follows:
  - a. 10 P.S. § 162.17(a)(3), in that Respondent made a material false statement in an application by preparing and submitting a letter to the Bureau under the signature of Kahn without Kahn's knowledge or permission.

#### PROPOSED ORDER

- 4. The participants consent to the issuance of the following Order in settlement of this matter:
  - a. Respondent violated the Act at 10 P.S. §§ 162.17(a)(3).
  - b. A **PUBLIC REPRIMAND** is hereby issued to Respondent.
  - c. Respondent shall not, either directly or indirectly, participate in any activities within the Commonwealth of Pennsylvania in violation of the Act.

5. This case shall be deemed settled and discontinued upon the Secretary's issuing an Order adopting this Consent Agreement and the Respondent's successful completion of any ordered discipline.

## ACKNOWLEDGEMENT 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 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

7. 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**

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. 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

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.

Tracy L. McCurdy, Esquire

Prosecuting Attorney
Department of State

Raymond A. Jones

Respondent

DATED: 3-25-05

DATED: March 18,2005



## IN THE MATTER OF RAYMOND A. JONES FILE NO. 04-98-07041

# **ORDER**

AND NOW, to wit, on this 29th day of March, 2005, 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

Pedro A. Cortés

Secretary of the Commonwealth

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