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Department of State

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

Commonwealth of Pennsylvania	:	
Bureau of Charitable	:	
Organizations	:	
	:	
vs.	:	Docket No. 0017-98-10
	:	File No. 10-98-03366
Mary C. Schanz Foundation	:	
a/k/a Ironwood Pig Sanctuary,	:	
Respondent	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Mary C. Schanz Foundation a/k/a Ironwood Pig Sanctuary ("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* ("Act"), 10 P.S. §§ 162.1 *et. seq.*
2. At all relevant and material times, Respondent conducted business in Pennsylvania as a charitable organization, as defined by the Act.
3. At all relevant and material times, Respondent did not hold a registration to solicit charitable contributions within the Commonwealth of Pennsylvania.
4. At all relevant and material times, Respondent was not exempt from registration or excluded from the requirements of the Act.

STIPULATED FACTS

5. Respondent's last known business address is P.O. Box 35490, Tucson, AZ 85740.
6. On or about November 2005, the Bureau received evidence that Respondent was actively soliciting charitable contributions from Pennsylvania residents.
7. By letter dated March 13, 2006, the Bureau informed Respondent of its registration obligations under the Act, and provided Respondent with an application packet to register as a charitable organization in the Commonwealth of Pennsylvania.
8. On or about March 2, 2006, Respondent submitted an incomplete registration packet, which included an attachment indicating that Respondent received \$6,652.00 in contributions from Pennsylvania residents between 2002 and 2005.
9. On or about March 13, 2006, the Bureau sent a letter to Respondent indicating that Respondent's application was rejected.
10. Between on or about July 11, 2006 and January 20, 2007, the Bureau sent Respondent eight letters indicating that Respondent was not properly registered to solicit contributions in the Commonwealth.
11. Respondent has never submitted the additional information required for the Bureau to process Respondent's 2005 registration.
12. On or about January 14, 2010, the Bureau again received evidence that Respondent was actively soliciting charitable contributions from Pennsylvania residents.
13. Respondent's solicitations were dated May, 2009, July 2009, September 2009, and November 2009.

AGREED VIOLATIONS

14. Respondent admits and agrees that by engaging in the foregoing activities it

repeatedly violated 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 being properly registered.

PROPOSED ORDER

15. The parties, intending to be legally bound, agree to the issuance of the following Order in settlement of this matter:

a. Respondent repeatedly violated 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.

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of four thousand dollars (\$4,000.00) is levied upon Respondent. Respondent shall tender the full sum of four thousand dollars (\$4,000.00) 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."

CEASE AND DESIST

c. Respondent shall cease and desist from soliciting contributions in Pennsylvania until such time as the Respondent becomes properly registered with the Bureau. Proof of proper registration shall consist of a copy of a current certificate of registration issued by the Bureau.

CASE SETTLED AND DISCONTINUED

16. 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 Prosecuting 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

17. 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

18. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other governmental or 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

19. 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

20. 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

21. 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

22. 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. Pfirsich, Esquire
Prosecuting Attorney
Department of State

DATED:

6/14/10



Mary C. Schanz Foundation
A/k/a Ironwood Pig Sanctuary
Title: EXECUTIVE DIRECTOR
Respondent BENJAMIN M. WATKINS

DATED:

6/9/10



IN THE MATTER OF
MARY C. SCHANZ FOUNDATION A/K/A IRONWOOD PIG
SANCTUARY
FILE NO. 10-98-03366

ORDER

AND NOW, this *23rd* day of *June* 2010, the terms of Paragraph 15 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, reading "Basil L. Merenda".

Basil L. Merenda
Acting Secretary of the Commonwealth