

STIPULATED FACTS

4. The Respondent admits to the following facts:
 - a. Respondent's last known business address on file with the Bureau is 3631 Crenshaw Boulevard, PO Box 19677, Los Angeles, California 90016.
 - b. Respondent sells nightlights to help employ handicapped workers.
 - c. Respondent is a for-profit business that uses a charitable appeal in order to sell products.
 - d. Respondent has never been registered to solicit contributions in Pennsylvania.
 - e. The Pennsylvania Office of Attorney General received information that Respondent was soliciting in Pennsylvania.
 - f. By letters dated October 12, 2004 and December 2, 2004, the Pennsylvania Office of Attorney General demanded that Respondent submit certain records and information for inspection.
 - g. Respondent failed to comply with the demand.
 - h. A Cease and Desist Order was entered by the Secretary of the Commonwealth on February 15, 2005, directing that Respondent cease and desist soliciting charitable contributions until Respondent becomes duly registered.
 - i. On July 5, 2005, the Bureau received a complaint from a resident regarding a telephone solicitation by Respondent, evidencing that Respondent continued to operate without being registered and in violation of the Secretary's Cease and Desist Order.

AGREED VIOLATIONS

5. Respondent agrees that by engaging in the aforementioned activities, Respondent committed multiple violations of the Act by:

- a. 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);
- b. Soliciting charitable contributions while under a Cease and Desist Order in violation of 10 P.S. § 162.15 (a)(1), by and through § 162.17(a)(1); and
- c. Failing to make records available for inspection upon demand of the Pennsylvania Office of Attorney General in violation of 10 P.S. § 162.15 (a)(1), by and through § 162.12.

PROPOSED ORDER

6. The parties consent to the issuance of the following Order in settlement of this matter:

- a. Based on the above-referenced facts, the Secretary finds that Respondent committed multiple violations of the Solicitation of Funds for Charitable Purposes Act by:
 - i. 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);
 - ii. Soliciting charitable contributions while under a Cease and Desist Order in violation of 10 P.S. § 162.15 (a)(1), by and through § 162.17(a)(1).
 - iii. Failing to make records available for inspection upon demand of the Pennsylvania Office of Attorney General in violation of 10 P.S. § 162.15 (a)(1) by and through § 162.12.

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of two-thousand five hundred dollars (\$2,500.00) is levied upon Respondent. Respondent shall tender in full two-thousand five hundred dollars (\$2,500.00) 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."**

c. Respondent shall submit a completed registration statement along with any required supporting documents to the Bureau within thirty (30) days of the date of the Secretary's Order adopting this Consent Agreement. Upon receipt of the administrative fine and appropriately completed registration statement, the Bureau will approve Respondent's registration to solicit charitable contributions in Pennsylvania.

d. Respondent shall cease all solicitation in Pennsylvania and not again commence solicitation until it has an approved registration statement on file with the Bureau.

e. Upon receiving an approved registration, Respondent shall not solicit in Pennsylvania unless and until each of its professional fundraising counsel and solicitors is registered with the Bureau and its contracts are approved in accordance with the Act.

VIOLATION OF THE SECRETARY'S ORDER

7. Notification of a violation of the terms or conditions of this Consent Agreement and Order shall result in the imposition of additional penalties under the following procedures:

a. The prosecuting attorney with the Bureau shall file with the Secretary, a Petition that indicates that Respondent has violated the terms and conditions of this Consent Agreement and Order.

b. Upon a probable cause determination that Respondent has violated the terms and conditions of this Consent Agreement and Order, the Secretary or his designee, shall, without holding a formal hearing, issue a Preliminary Order, effective thirty (30) days after its mailing, which imposes a sixty (60) day period of suspension on Respondent's registration to solicit charitable contributions.

c. Respondent shall be notified of the Preliminary Order within three (3) days of its issuance by certified mail and by first class mail, postage prepaid, sent to the last registered address on file with the Bureau. A copy shall also be sent to Respondent's attorney at 12166 Old Big Bend, Suite 100, St. Louis, MO 63122 by first class mail.

d. Within fifteen (15) days of mailing of the notification of the Preliminary Order, Respondent may answer the Commonwealth's Petition, request that a formal hearing be convened concerning the Respondent's alleged violation of the Consent Agreement and Order, and move that the period of suspension be stayed until the Secretary or his designee issues a final order. Respondent shall file all answers and subsequent filings with the Prothonotary for the Bureau of Charitable Organizations at 2601 North Third Street, Harrisburg, Pennsylvania 17110. Respondent shall serve the

prosecuting attorney for the Bureau with a copy of the answer and all subsequent filings at 209 North Office Building, Harrisburg, Pennsylvania 17120.

e. If the Respondent moves for a stay of the period of suspension, Respondent shall set forth properly verified facts and/or state concisely the matter of law that the Respondent believes justifies a stay of the period of suspension. The Secretary or his designee shall issue a ruling on the Respondent's motion within fifteen (15) days from the date of the mailing of the notification of the Preliminary Order. If the Secretary or his designee makes no ruling within fifteen (15) days of the Preliminary Order, the Respondent's motion shall be deemed denied.

f. If a request from a formal hearing is received from Respondent, a formal hearing shall be convened within forty-five (45) days from the date of filing of Respondent's request for a formal hearing.

g. The facts and averments in this Consent Agreement and Order shall be deemed admitted and uncontested at this hearing.

h. If the Secretary or his designee, after such hearing, makes a determination adverse to Respondent, the Secretary or his designee will issue a Final Order imposing any disciplinary measures he deems appropriate. The Secretary or his designee may, but is not required to, take into account any period of active suspension already served by the Respondent pursuant to the Preliminary Order.

i. If a request for a formal hearing is not received from Respondent within the prescribed fifteen (15) day period, the Preliminary Order shall become a Final Order.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

8. 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

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

11. 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

12. 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.

CASE DEEMED SETTLED AND DISCONTINUED

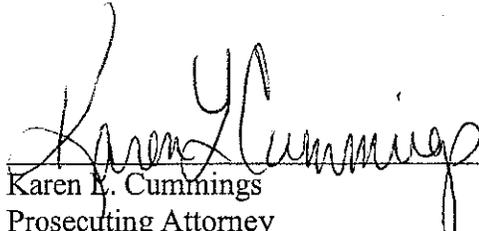
13. This case shall be deemed settled and discontinued upon the Secretary issuing an Order adopting this Consent Agreement and the Respondent's successful completion of any ordered discipline or remedial measures and payment of any administrative fines. However, nothing in this Consent Agreement and 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.

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.

NATIONAL CENTER DISADVANTAGE
WORKERS


Karen E. Cummings
Prosecuting Attorney
Bureau of Charitable Organizations

By: 
Title: MANAGER
Respondent

Date: 11-1-05

Date:

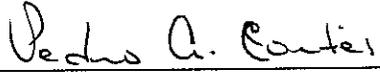


IN THE MATTER OF
NATIONAL CENTER DISADVANTAGE WORKERS
FILE NO. 2005-98-00022

ORDER

AND NOW, this 8th day of November 2005, 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