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

PROSECRETARY
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**Commonwealth of Pennsylvania,
Bureau of Charitable Organizations**

v.

**Operation Good Neighbor Foundation,
Respondent**

:
:
: **Docket No. CO12-98-06**
: **File No. 06-98-05934**
:
:
:

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Operation Good Neighbor Foundation ("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. As of June 30, 2006, Respondent became registered in the Commonwealth of Pennsylvania as a charitable organization, registration number 32575.

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 soliciting charitable contributions within the Commonwealth of Pennsylvania.

STIPULATED FACTS

5. Respondent admits that the following allegations are true:

a. Respondent's last known business address is 160 Pennsylvania Avenue, Bryn Mawr, PA 19010.

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

c. On or about June 17, 2001, Respondent began soliciting charitable contributions within the Commonwealth of Pennsylvania.

d. As of June 30, 2006, Respondent became properly registered as a charitable organization for fiscal year ending December 31, 2004.

e. Since the time that Respondent began soliciting contributions without first being registered through June 21, 2006, Respondent states that it has received \$1,294,912 in total contributions.

AGREED VIOLATIONS

6. Respondent agrees that by engaging in the foregoing activities it violated the Act at 10 P.S. § 162.15(a)(1) by and through § 162.5(a), by failing to register with the Bureau before soliciting charitable contributions in the Commonwealth of Pennsylvania.

PROPOSED ORDER

7. 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).

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of seven thousand five hundred dollars (\$7,500.00) is levied upon Respondent. Respondent shall tender the full sum of seven thousand five hundred dollars (\$7,500.00), 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."**

ORDER RELATES ONLY TO FACTS IN THIS CONSENT AGREEMENT

c. Nothing in this 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 covered by this Consent Agreement, including but not limited to, any violations which may be documented by the Bureau in any ongoing or subsequent audit or investigation.

CASE SETTLED AND DISCONTINUED

8. 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 discipline ordered herein.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

9. 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

10. 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

11. 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

12. 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

13. 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

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.

OPERATION GOOD NEIGHBOR
FOUNDATION



Tracy L. McCurdy
Prosecuting Attorney
Department of State

DATED: 8-17-06


By: _____
Title: Assistant Secretary
Respondent

DATED: August 4, 2006.



**IN THE MATTER OF THE
OPERATION GOOD NEIGHBOR FOUNDATION
FILE NO.: 06-98-05934**

ORDER

AND NOW, to wit, on this 21st day of August 2006, the terms of paragraph 7 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