

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

PROHONOTARY
705 ALLENTOWN ST. 3RD FL.
DALLAS, TEXAS 75201

Commonwealth of Pennsylvania,
Bureau of Charitable Organizations

vs.

Smith-Freeman & Associates,
Respondent

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Docket No. 0078 -98-05
File No. 2005-98-05817

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Smith-Freeman & Associates ("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, 10 P.S. §§162.1-162.24.

2. At all relevant and material times, Respondent was registered with the Bureau as a professional solicitor, registration number 15995.

STIPULATED FACTS

3. Respondent's last known business address on file with the Bureau is 4900 Kutztown Road, Temple, PA 19560.

4. Pursuant to the Act, Respondent filed seventy-six (76) contracts for professional solicitor services to various charitable organizations.

5. Respondent failed to file the required financial reports for the seventy-six (76) aforementioned contracts within 90 days after completion of the solicitation campaign or event or on the anniversary date of a campaign or event lasting more than one year, as required by the Act.

AGREED VIOLATIONS

6. The parties agree that by engaging in the foregoing activities, Respondent committed violations of the Act at 10 P.S. §162.9(l) by failing to file the required financial reports.

PROPOSED ORDER

7. To address concerns raised by the Commonwealth and to resolve this matter on a compromise basis, the Commonwealth and the Respondent agree to the 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 violations of 10 P.S. §162.9(l).

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of two thousand dollars (\$2,000.00) is levied upon Respondent. Respondent shall tender the full sum of two thousand dollars (\$2,000.00) 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."**

CASE SETTLED AND DISCONTINUED

8. This case shall be deemed settled and discontinued upon the Secretary issuing an Order adopting this Consent Agreement.

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.

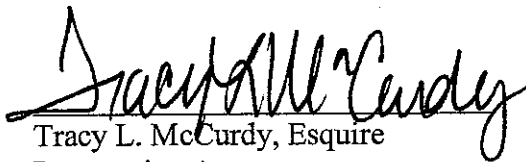
AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

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.

SMITH-FREEMAN & ASSOCIATES



Tracy L. McCurdy, Esquire
Prosecuting Attorney
Department of State
DATED: 7-11-05

By: Lucille D. Freeman
Title: Partner
DATED: July 7, 2005



IN THE MATTER OF
SMITH-FREEMAN & ASSOCIATES
FILE NO. 2005-98-05817

ORDER

AND NOW, this 12th day of July 2005, 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