

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

PROTHONOTARY
2001 DEC 28 AM 10:32
Department of State

Commonwealth of Pennsylvania,
Bureau of Charitable Organizations,

vs.

Stuart/Grey,
Respondent

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Docket No. 0023 -98-01

File No. 01-98-06451

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CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("the Bureau") and Stuart/Grey (Respondent") stipulate as follows in settlement of the above-captioned case:

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. Respondent's address is 712 East Street, Frederick, MD 21701.
3. Respondent admits that the following allegations are true:
 - a. Respondent served as a professional fundraising counsel for at least seven charitable organizations soliciting in Pennsylvania in 1998, 1999, and 2000.
 - b. Respondent was not registered under the Act as a professional fundraising counsel in 1998, 1999, or 2000.

BCO.CA0301

AGREED VIOLATIONS

4. Respondent agrees that it committed multiple violations of the Act at 10 P.S. § 162.15(a)(1) by performing services as a professional fundraising counsel for charitable organizations soliciting in Pennsylvania without being registered.

PROPOSED ORDER

5. The participants consent to issuance of the following Order in settlement of this matter:

a. Based on the foregoing facts, Respondent violated the Act at 10 P.S. § 162.15(a)(1) by performing services as a professional fundraising counsel for charitable organizations soliciting in Pennsylvania without being registered.

b. Respondent shall register with the Bureau prior to providing professional fundraising services for charitable organizations soliciting in Pennsylvania, and shall otherwise comply with the requirements of the Act.

c. Respondent shall not represent directly or indirectly that by this Consent Agreement the Attorney General or the Bureau of Charitable Organizations has sanctioned, condoned or approved any part or aspect of Respondent's activities.

d. Respondent shall tender six thousand dollars (\$6,000) 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." Of this amount, one thousand dollars (\$1,000) shall be apportioned to the costs of investigation and prosecution, and five thousand dollars (\$5,000) shall be apportioned to an administrative fine.

6. 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.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

7. 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

8. 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

9. 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

10. 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

11. 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

12. 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.

Philip Zarone

Philip Zarone
Prosecuting Attorney
Bureau of Charitable Organizations

DATED: 12/13/01

Stuart/Grey President

Stuart/Grey
Respondent

DATED: 12-4-01

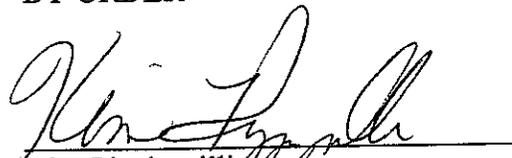


**IN THE MATTER OF THE SOLICITATION OF
FUNDS FOR CHARITABLE PURPOSES BY
Stuart/Grey
FILE NO. 01-98-06451**

ORDER

AND NOW, this 21st day of December 2001, 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



Kim Pizzigrilli
Secretary of the Commonwealth