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

Department of State

Commonwealth of Pennsylvania,
Bureau of Charitable Organizations

vs.

United Farm Workers of America,
Respondent

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:
: **Docket No.** 0017 **-98-01**
: **File No.** **00-98-05890**
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CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations (“the Bureau”) and United Farm Workers of America (“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. At all relevant and material times, Respondent did not hold a registration to solicit charitable contributions in the Commonwealth of Pennsylvania.
3. The Respondent admits that the following facts are true:
 - a. Respondent’s last known business address, as on file with the Department of State, is P.O. Box 62, Keene, CA 93531.
 - b. At all relevant and material times, Respondent solicited charitable contributions in the Commonwealth of Pennsylvania.

c. On or about September 23, 1999, the Bureau received evidence that Respondent was soliciting contributions without being properly registered with the Bureau.

d. By letter dated October 25, 1999, the Bureau informed Respondent of its registration requirements under the Act, and enclosed a registration packet so that Respondent could become properly registered.

e. By letter dated February 10, 2000, Respondent informed the Bureau that it is an unincorporated labor organization with 501(c)(5) status under the Internal Revenue Code, and that it believed it was not subject to the registration requirements of the Act.

f. By letter dated March 1, 2000, the Bureau informed Respondent that it was subject to the registration requirements of the Act regardless of its status as an unincorporated labor organization with 501(c)(5) status under the Internal Revenue Code.

g. The Bureau's letter of March 1, 2000 also enclosed another registration packet so that Respondent could become properly registered.

h. By letter dated April 27, 2000, the Bureau informed Respondent that the Bureau still had not received Respondent's registration application.

i. The Bureau's letter of April 27, 2000 also informed Respondent that a Cease and Desist Order would be issued against it, and the matter referred to the Bureau's Prosecuting Attorney, if Respondent did not reply to the Bureau's letter within seven days.

j. Respondent failed to respond to the Bureau's letter, so a Cease and Desist Order was issued on June 9, 2000, prohibiting Respondent from soliciting contributions in Pennsylvania until it registered or provided the Bureau with evidence that it was exempt from registration requirements.

k. On June 16, 2000, Respondent called the Bureau, stated that it had received the Cease and Desist Order, and asked what it needed to do to have the Cease and Desist Order lifted. The Bureau informed Respondent that the first step was for Respondent to become properly registered under the Act.

l. Respondent submitted a registration application, but by letter dated July 7, 2000, the Bureau informed Respondent that its registration application was incomplete, and thus could not be approved.

m. On or about February 27, 2001, the Bureau received evidence that Respondent had solicited charitable contributions in Pennsylvania in November 2000, in violation of the Cease and Desist Order.

4. Based upon the foregoing, Respondent agrees that it committed multiple violations of the Act at 10 P.S. §162.15(a)(1) by soliciting charitable contributions without registering with the Bureau.

5. Based upon the foregoing, Respondent agrees that it violated the Act at 10 P.S. §162.15(a)(1) by soliciting contributions after a Cease and Desist Order has been issued against it.

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

a. Respondent committed multiple violations of the Act at 10 P.S. §162.15(a)(1) by soliciting charitable contributions without registering with the Bureau.

b. Respondent violated the Act at 10 P.S. §162.15(a)(1) by soliciting contributions after a Cease and Desist Order has been issued against it.

c. Respondent shall submit a completed registration statement, along with any required supporting documentation, to the Bureau within thirty (30) days of the date of the Secretary's Order adopting this Consent Agreement.

d. Respondent shall maintain its registration with the Bureau and insure that its registration is current prior to the commencement of any charitable solicitations and otherwise comply with the requirements of the Act.

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

f. Respondent is permanently enjoined from directly or indirectly participating in any activities within the Commonwealth of Pennsylvania in violation of the Act.

g. Respondent shall pay an **ADMINISTRATIVE FINE** of five thousand dollars (\$5,000) by cashier's check, certified check, U.S. Postal money order or attorney's check, made payable to "Commonwealth of Pennsylvania." Respondent shall return the full administrative fine with the signed Consent Agreement.

h. 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 contained in this Consent Agreement; provided, however, the Bureau agrees to not re-open its investigation with regard to any Registration Statements on file with the Secretary as of the date of this Consent Agreement and Order unless the Bureau becomes aware of material facts or omission of material facts which have previously not been disclosed to it and would give it probable cause that other violations existed during such period of time which it failed to uncover in its previous investigation.

i. 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.

7. Respondent waives the filing and service 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.

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.

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.

10. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

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.

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.A. §4904 relating to unsworn falsification to authorities.

Philip Zarone

Philip Zarone
Prosecuting Attorney
Bureau of Charitable Organizations

DATED: 9/13/01

Billy B Parkash

United Farm Workers of America,
Respondent
Chief FINANCIAL OFFICER

DATED: 9/4/01

ORDER

AND NOW, this *18th* day of *September*, 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

For the Commonwealth:

Philip Zarone
116 Pine St.
P.O. Box 2649
Harrisburg, PA 17105

For Respondent:

Bill Parker
P.O. Box 62
Keene, CA 93531