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2006 APR 20 PR 3: 14 COMMONWEALTH OF PENNSYLVANIA Department of BEFORE THE SECRETARY OF THE COMMONWEALTH

Commonwealth of Pennsylvania, Bureau of Charitable Organizations,

٧.

File No. 06-98-00460

Valley Emergency Ambulance Association, Respondent

## CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and the Valley Emergency Ambulance Association ("Respondent") stipulate as follows in settlement of the above-captioned case.

## **JURISDICTION**

- 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.
- Respondent has never been registered as a charitable organization in the 2. Commonwealth of Pennsylvania.

### STIPULATED FACTS

- 3. Respondent admits that the following allegations are true:
- Respondent's last known business address is PO Box 1018, a. Conyngham, PA 18219.
- Respondent conducts business as a charitable organization as defined **b**. by the Act.

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c. Respondent was requested by the Bureau to provide fiscal records of its activities and was not able to provide complete and accurate records.

### AGREED VIOLATIONS

4. Respondent agrees that by engaging in the foregoing activities it violated the Act at 10 P.S. § 162.15(a)(1), by and through § 162.12, in that Respondent failed to keep true and accurate fiscal records of its activities.

#### PROPOSED ORDER

- 5. 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 §162.12.
  - b. An ADMINISTRATIVE FINE of one thousand dollars (\$1,000.00) is levied upon Respondent. Respondent shall tender the full sum of one thousand dollars (\$1,000.00) 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."
  - c. Respondent acknowledges its requirement to keep true and accurate fiscal records and understands that the Bureau may audit the records of Respondent at anytime.
  - d. Respondent acknowledges its requirement to register with the Bureau if it is not exempt pursuant to the Act.

### VIOLATION OF THE SECRETARY'S ORDER

7. 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

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.

## **VERIFICATION OF FACTS AND STATEMENTS**

13. 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.

Valley Emergency Ambulance Association

Tracy L. McCurdy, Esquire

Prosecuting Attorney Department of State

DATED: 4-6-06

By: Title: Presiden

Respondent Rula Burkhariot

DATED: 3-30-06



# IN THE MATTER OF VALLEY AMBULANCE ASSOCIATION FILE NO. 06-98-00460

# **ORDER**

AND NOW, this 18th day of April , 2006, the terms of paragraph 5 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