

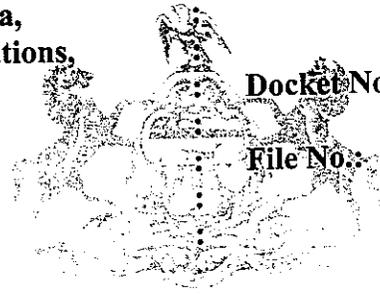
COPY

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

Commonwealth of Pennsylvania,  
Bureau of Charitable Organizations,

VS.

Wildlife Waystation,  
Respondent.



Docket No.: 0003 -98-00<sup>01</sup>

File No.: 99-98-02873

Department of State

2001 FEB 21 AM 11:41

PROTHONOTARY

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Wildlife Waystation ("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. At all material times, Respondent solicited charitable contributions in the Commonwealth of Pennsylvania.

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

FACTUAL ALLEGATIONS

4. The Respondent admits that the following allegations are true:

a. Respondent's last known business address, as on file with the Department of State is: Wildlife Waystation, 14831 Little Tunjunga Canyon Road, San Fernando, CA 91342.

- b. On or about February 10, 1999 the Bureau received evidence of charitable solicitation materials sent to a Pennsylvania resident by Respondent.
- c. On or about February 22, 1999 the Bureau sent Respondent a letter via certified mail, Article Number Z 233 139 279, informing it of its registration requirements.
- d. The Bureau never received Postal Service Form 3811 ("green card") back, however the envelope was never returned to the Bureau.
- e. Because the Bureau did not receive a response to the February 22, 1999 letter, on or about March 23, 1999, it sent a second letter via certified mail, Article Number Z 233 139 332, informing respondent of its registration requirements and requesting a response within seven days or a Cease and Desist Order would be issued.
- f. The Bureau never received the green card back, however the envelope was never returned to the Bureau.
- g. Because Respondent did not respond to the Bureau's correspondence, on or about May 7, 1999 the Secretary issued a Cease and Desist Order against Respondent directing it to cease and desist soliciting in Pennsylvania until such time as it became duly registered or provided the Bureau evidence of exemption or exclusion from the requirements of the Solicitation Act.
- h. On or about May 10, 1999 Respondent received the Cease and Desist Order according to the stamp on the green card.
- i. On or about January 14, 2000 the Bureau served a subpoena on Respondent via certified mail, Article Number Z 233 146 355.

j. On or about January 21, 2000 Respondent received the subpoena according to the stamp on the green card.

k. On or about February 11, 2000 Respondent complied with the subpoena. In response to the subpoena Respondent represented that it began soliciting contributions from residents of Pennsylvania in 1987 and ceased this activity in September 1999. Respondent does not track contributions by state and therefore, could not provide the amount of money raised from Pennsylvania residents.

l. After further investigation, Respondent avers that it did not solicit charitable contributions after the Cease and Desist Order had been issued.

m. Respondent further avers and the Commonwealth acknowledges that Respondent's special financial circumstances indicate that this is an appropriate resolution of this matter.

#### **AGREED VIOLATIONS**

5. Respondent agrees that by engaging in the foregoing activities it violated the Act at 10 P.S. § 162.15(a)(1) multiple times by soliciting charitable contributions without registering with the Bureau.

#### **PROPOSED ORDER**

6. The parties consent 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) multiple times by soliciting charitable contributions without registering with the Bureau.

b. Respondent shall submit a completed registration statement along with any required supporting documents to the Bureau within sixty (60) days of the

date of the Secretary's Order adopting this Consent Agreement. Upon receipt of the administrative fine and completed registration statements, the Bureau will approve Respondent's registration to solicit charitable contributions in Pennsylvania.

c. Respondent shall not commence solicitation until it has an approved registration statement on file with the Bureau.

d. Respondent shall maintain a current, approved registration status with the Bureau as long as it solicits charitable contributions from Pennsylvania residents.

#### **ADMINISTRATIVE FINE**

e. An **ADMINISTRATIVE FINE** of one thousand dollars (\$1,000) is levied upon Respondent. Respondent shall tender the full sum of one thousand dollars (\$1,000) 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."**

#### **VIOLATION OF THE SECRETARY'S ORDER**

f. Notification of a violation of the terms or conditions of this Consent Agreement and Order shall result in the imposition of additional penalties as follows:

(1) The prosecuting attorney for the Bureau shall file with the Secretary a Petition which indicates that Respondent has violated the terms or conditions of this Consent Agreement and Order.

(2) Upon a probable cause determination that Respondent has violated the terms and conditions of this Consent Agreement and Order, the Secretary, or her designee, shall, without holding a formal hearing, issue a Preliminary Order, effective thirty (30) days after its

mailing which imposes a sixty (60) day period of suspension on Respondent's registration to solicit charitable contributions.

(3) Respondent shall be notified of the Preliminary Order within three (3) days of its issuance by certified mail and first class mail postage prepaid, sent to the last registered address on file with the Bureau, together with a copy to Respondent's attorneys by facsimile or first class mail.

(4) Within fifteen (15) days of mailing of the notification of the Preliminary Order, Respondent may answer the Commonwealth's petition, request that a formal hearing be convened concerning Respondent's alleged violation of the Consent Agreement, and move that the period of suspension be stayed until the Secretary or her designee issues a final order. Respondent shall file all answers and subsequent filings with the Prothonotary for the Bureau of Charitable Organizations, 124 Pine Street, Suite 200, Harrisburg, PA 17101. Respondent shall serve the prosecuting attorney for the Bureau with a copy of the answer and all subsequent filings in this matter.

(5) If the Respondent moves for a stay of the period of suspension, Respondent shall set forth properly verified facts and/or state concisely the matter of law which the Respondent believes justifies a stay of the period of suspension. The Secretary or her designee shall issue a ruling on the Respondent's motion within

fifteen (15) days from the date of the mailing of the notification of the Preliminary Order. If the Secretary or her designee makes no ruling on the Respondent's motion within the fifteen (15) days from mailing of the notification of the Preliminary Order, the Respondent's motion shall be deemed denied.

(6) If a request for a formal hearing is received from Respondent a formal hearing shall be convened within forty-five (45) days from the date of filing of Respondent's request for a formal hearing.

(7) The facts and averments in this Consent Agreement and Order shall be deemed admitted and uncontested at this hearing.

(8) If the Secretary, or her designee, after such hearing makes a determination adverse to Respondent, the Secretary or her designee will issue a Final Order imposing any disciplinary measures she deems appropriate. The Secretary or her designee may, but is not required to, take into account any period of active suspension already served by the Respondent pursuant to the Preliminary Order.

(9) If a request for a formal hearing is not received from Respondent within the prescribed fifteen (15) day period, the Preliminary Order shall become a Final Order..

(10) 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.

g. This case shall be deemed settled and discontinued upon the Secretary issuing an Order adopting of this Consent Agreement and the Respondent's successful completion of any ordered discipline.

**ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

7. 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; the right 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.

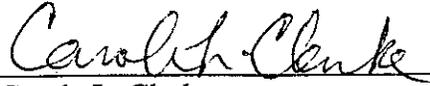
**AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES.**

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**

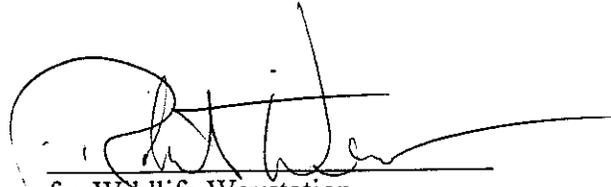
12. Respondent verifies that the facts and statements set forth in this Agreement are true

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



Carole L. Clarke  
Prosecuting Attorney  
Bureau of Charitable Organizations

DATED: 2/9/01



for Wildlife Waystation,  
Respondent

DATED: 2-5-01

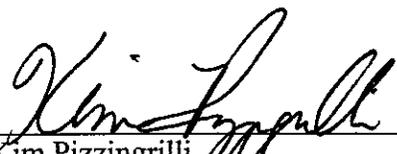


**IN THE MATTER OF THE SOLICITATION OF  
FUNDS FOR CHARITABLE PURPOSES BY  
WILDLIFE WAYSTATION,  
FILE NO.: 99-98-02873**

**ORDER**

AND NOW, to wit, on this 13<sup>th</sup> day of February 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