

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE

BUREAU ON CHARITABLE  
ORGANIZATIONS

v.

JAMES R. NORDMARK,  
EVENTS INTERNATIONAL, INC.,  
NORDMARK & HOOD PRESENTATIONS,  
INC., SUNCOAST SPECIALITY AND  
SELY PUBLISHING,

RESPONDENTS

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: FILE NO. 6348-7-87  
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STIPULATION AND CONSENT AGREEMENT

WHEREAS, the Parties in the above-captioned matter stipulate as follows:

1. The Bureau on Charitable Organizations is an administrative agency within the Department of State, created pursuant to Section 5 of the Charitable Organization Reform Act, the Act of April 30, 1986, P.L. 107, No. 36, 10 P.S. § 161.5.

2. The functions of the Bureau are, inter alia, to register charitable organizations, professional fundraisers and professional solicitors and to regulate the soliciting of money and property by charitable organizations or on behalf of charitable organizations by

professional fundraisers and professional solicitors, and to require proper accounting for the use and distribution of said funds, 10 P.S. § 161.2.

3. Respondent James R. Nordmark, 7480 Howard Creek Road, Sarasota, Florida 34241, is a professional solicitor and shareholder, officer, and/or director and an authorized contracting agent for Respondents Events International, Inc., Nordmark & Hood Presentations, Inc., Suncoast Specialty and Sealy Publishing.

4. Respondents Events International, Inc., Nordmark & Hood Presentations, Inc., Suncoast Specialty and Sealy Publishing are businesses which contract with charitable organizations to solicit contributions, produce performances, and print or publish programs, performance tickets and other solicitation materials in exchange for a fee or a percentage of gross contributions or sales.

5. Respondents Events International, Inc. and Nordmark & Hood Presentations, Inc. are incorporated outside the Commonwealth of Pennsylvania, but do not hold Certificates of Authority authorizing them to do business in this Commonwealth, as required by the Business Corporation Law, the Act of May 5, 1933, P.L. 364, Article X, § 1001, as amended, 15 P.S. § 2001. Respondents Suncoast Speciality and Sealy Publishing are not registered as fictitious names as required when business is conducted in Pennsylvania under an assumed or fictitious name, pursuant to the Fictitious Names Act, 54 Pa. C.S. § 301 et seq.

6. For several years, Respondent James R. Nordmark, individually or as the authorized contracting agent for Events International, Inc. and/or Nordmark & Hood Presentations, has contracted with charitable organizations in Pennsylvania. Pursuant to such contracts, Respondent Nordmark has arranged for telephone solicitation to be conducted and mailings and performances to be held at various times and places throughout the Commonwealth. Arrangements for the preparation of publications attendant to such solicitations or performances were in many cases channeled to Suncoast Speciality and/or Sealy Publishing.

7. Under each contract, aside from other non-monetary benefits derived, the percentage of money obtained through gross contributions from and sales to the general public which accrued to the sponsoring charitable organization was on several occasions under 10%, after expenses were paid and payments to Respondents were made.

8. At all times material hereto, Respondents were not bonded or registered as professional fundraising counsel or professional solicitors, as required by Section 10 of the Charitable Organization Reform Act, 10 P.S. § 161.10.

9. On June 3, 1987, the Secretary of the Commonwealth issued an Order that Events International cease and desist from soliciting funds and property on behalf of charitable organizations in this Commonwealth.

10. On July 6, 1987, the Bureau on Charitable Organizations received an Application for Registration of Professional Fundraising Counsel or Professional Solicitor from Events International, Inc. This Application was signed by James R. Nordmark as the chief fiscal officer of Events International, Inc. The Bureau has not taken any action to accept or reject this Application.

NOW THEREFORE, based on the above recited facts. the parties to this matter agree as follows:

1. Respondent James R. Nordmark will withdraw the Application for Registration of Events International, Inc. from the Bureau.

2. Respondent James R. Nordmark, his heirs, assigns or successors, or any entity in which James R. Nordmark is owner, shareholder, partner, officer, director, member or contracting agent, will not submit an Application for Registration as a charitable organization, professional solicitor or professional fundraiser to the Bureau for a period of three years from August 13, 1987, except as hereinafter set forth.

In the event Section 8(a) of the Charitable Organization Reform Act shall be repealed or declared to be unconstitutional by any competent court, then in that event, the three (3) year period will have been deemed to

have expired. The Respondents then shall have the right to present all necessary applications for appropriate registration, and have the same treated in the ordinary course without prejudice of any kind.


3. Respondents have been duly advised of their rights to an administrative hearing, to be represented by counsel, to produce witnesses and testimony and to cross-examine witnesses and to challenge evidence presented by the Commonwealth, and to present legal argument by means of a brief before the Secretary of the Commonwealth and to take appeal to the Commonwealth Court from any decision issued by the Secretary adverse to their right to do business in the Commonwealth of Pennsylvania.

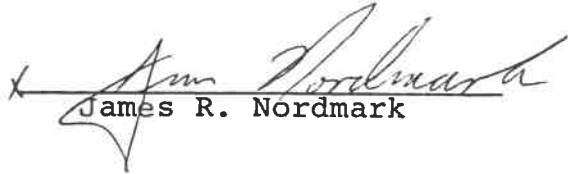
4. The parties understand that this Stipulation is between the Bureau on Charitable Organizations and Respondents only and is to have no legal affect unless and until the Secretary issues an Order adopting the foregoing terms agreed to by the parties and the Office of General Counsel approves the contents of the Secretary's Order as to legality.

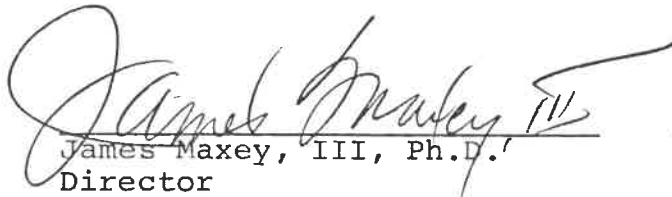
5. The Secretary is agreeable in this matter to accept this Stipulation and Consent Agreement in lieu of instituting any further proceeding.


6. Each of the parties acknowledge and agree this document does not constitute a finding of wrongdoing, but in lieu thereof, represents a compromise of certain claims

that have not been admitted or proved.

  
Mary S. Wyatt, Esquire  
Assistant Counsel  
Department of State

  
James R. Nordmark

  
James Maxey, III, Ph.D.  
Director  
Bureau on Charitable  
Organizations

  
Errol Copilevitz, Esquire  
Copilevitz, Bryant, Gray  
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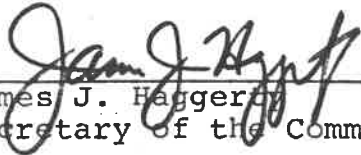
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ORDER

AND NOW, this 21st day of January, 1988, the Secretary of the Commonwealth, having considered the Stipulation and Consent Agreement executed by the Parties in the above-captioned matter, hereby orders that the provisions set forth therein be adopted.

By Order:

  
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James J. Haggerty  
Secretary of the Commonwealth