

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

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Department of State

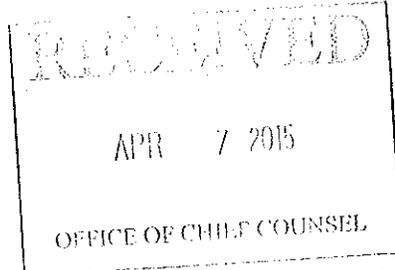
Commonwealth of Pennsylvania,
Bureau of Corporations and Charitable
Organizations

Docket No: 0006-98-15

vs.

File No: 14-98-05292

Holly J. Bolesta,
Respondent



CONSENT AGREEMENT

The Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations (Bureau) and Holly J. Bolesta (Respondent) stipulate as follows in settlement of the above-captioned matter:

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. 12000, No. 202, as amended (here and after referred to as 'Act'), 10 P.S. §§ 162.1-162.24.

2. The Kingston Township Raiders, Inc. (here and after referred to as 'Kingston Raiders'), is a youth football charitable organization located in Kingstown Township, Luzerne County, PA.

3. Respondent served as the Treasurer for the Kingston Raiders during the period from February 2010 through September 2012.

4. The last known address for the Respondent is: 64 Monroe Avcnuc, Dallas, PA 18612.

STIPULATED FACTS

5. The Respondent admits the following factual averments:

- a. During all relevant periods of time, the Kingston Raiders:
 - i. operated as a nonprofit organization;
 - ii. conducted business as a charitable organization as defined by the Act; and
 - iii. had an account at Citizens Bank, and
 - iv. had an account at M & T Bank.
- b. At all relevant and material times, Respondent had access to the funds in the accounts held by the Kingston Raiders at Citizens Bank and at the M & T Bank.
- c. At all relevant and material times, Respondent had access to checks issued for the accounts held by the Kingston Raiders at Citizens Bank and at the M & T Bank.
- d. As Treasurer of the Kingston Raiders, Respondent was a fiduciary of the organization and was required to act in a fiduciary capacity for the Kingston Raiders.
- e. During the period from February 2010 through September 2012, Respondent misappropriated in excess of \$19,700 in funds from accounts belonging to the Kingston Raiders.
- f. The misappropriation of funds from the accounts belonging to Kingston Raiders occurred through the following actions:
 - i. checks written by Respondent to herself for funds used to purchase goods and services for Respondent's personal use, needs and benefit;

- ii. checks written by Respondent to others for goods and services for Respondent's personal use, needs and benefit;
 - iii. Respondent making direct payment from the accounts to others for goods and services for Respondent's personal use, needs and benefit; and
 - iv. Respondent failing to deposit into the accounts funds that were received on behalf of the Kingston Raiders and, instead, using the funds for goods and services for Respondent's personal use, needs and benefit.
- g. As Treasurer of the Kingston Raiders, Respondent had a duty to the organization as a fiduciary and to act in a fiduciary capacity.
- h. The misappropriated funds were not applied in a manner consistent with Kingston Raiders charitable purposes.

AGREED VIOLATIONS

6. Respondent agrees that by engaging in the aforementioned activities she committed the following violations of the Act:

- a. Respondent violated Section 162.15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through Section 162.13(a), 63 P.S. § 162.13(a), in that, when Respondent misappropriated in excess of \$19,700 from accounts belonging to the Kingston Raiders for her personal use, needs and benefit, she caused the Kingston Raiders to apply charitable contributions in a manner that was not consistent with the charitable purpose of the organization; and

b. Respondent violated Section 162.15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through Section 162.21, 63 P.S. § 162.21, in that she breached the fiduciary duty she owed to the Kingston Raiders to assure that contributions were used in a manner consistent with the charitable purposes of the organization.

PROPOSED ORDER

7. Intending to be legally bound, the participants consent to issuance by the Secretary of the following Order in resolution of this matter:

VIOLATION

a. Respondent violated Section 162.15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through actions that were not in accordance with Sections 162.13(a) and 162.21 of the Act, 10 P.S. §§ 162.13(a) and 162.21.

PUBLIC REPRIMAND

b. A PUBLIC REPRIMAND is hereby issued to Respondent.

ADMINISTRATIVE FINE

b. An ADMINISTRATIVE FINE in the amount of TWO-HUNDRED-FIFTY-DOLLARS (\$250) is imposed upon Respondent.

i. Respondent shall tender the full sum of TWO-HUNDRED-FIFTY-DOLLARS (\$250) when returning this executed Consent Agreement;

ii. Payment shall be by certified check, cashier's check, attorney's check, or money order issued by a usual, customary, and

reputable issuer (e.g. U.S. Postal Money Order, Western Union Money Order, etc.).

iii. The instrument of payment shall be payable to the "Commonwealth of Pennsylvania," and shall be valid for a period of at least one-hundred-eighty (180) days.

iv. Respondent agrees that payment shall only be made by one of the methods indicated above and shall not be made by uncertified personal or corporate check.

COOPERATION WITH DISTRICT ATTORNEY

d. Respondent shall fully cooperate with the Luzerne County District Attorney's Office in all efforts taken by the office to pursue any actions and to achieve full restitution to the Kingston Raiders in this matter.

ADDITIONAL PROVISIONS

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

f. Respondent shall not, either directly or indirectly, participate in any activities within the Commonwealth of Pennsylvania in violation of the Act.

g. Respondent shall not assume any position in any charitable organization, whether voluntary or paid, that involves the solicitation, collection or expenditure of contributions.

CASE SETTLED AND DISCONTINUED

h. This case shall be deemed settled and discontinued upon the Secretary issuing an Order that approves this Consent Agreement and adopts and incorporates the terms set forth in this paragraph.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

8. Respondent waives the filing of an Order to Show Cause in this matter.

9. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter and knowingly and voluntarily waives 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 orally or through submission of a brief, and to take appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

10. Respondent acknowledges that he is aware that he has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

AGREEMENT NOT BINDING ON OTHER PARTIES

11. 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.

12. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Secretary issues an Order approving this Consent Agreement and adopting and incorporating the terms set forth in paragraph 5, above.

EFFECT OF SECRETARY'S REJECTION

13. Should the Secretary decide not to 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.

AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

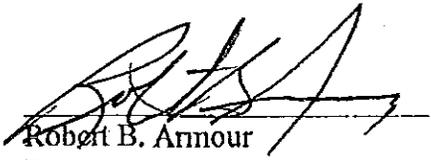
14. The parties acknowledge that other federal, state and/or local agencies or governmental units may have jurisdiction over the activities of or representations made by Respondent. Nothing in this Consent Agreement and Order shall preclude representatives of the Bureau from referring any information 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.

ENTIRE AGREEMENT

15. This agreement contains the whole agreement between the participants; 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.

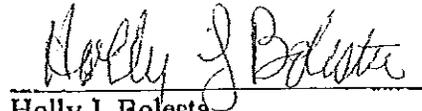
VERIFICATION OF FACTS AND STATEMENTS

16. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information, and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Robert B. Armour
Prosecuting Attorney
Department of State

Date: 03/09/15



Holly J. Bolesta
Respondent

Date: 2/19/15



IN THE MATTER OF:

HOLLY J. BOLESTA

DOCKET NO. -98-15
FILE NO. 14-98-05292

ORDER

AND NOW, this 2nd day of April 2015 the foregoing Consent Agreement is hereby approved and the terms set forth in paragraph 7 are hereby adopted and incorporated herein as the Order of the Secretary of the Commonwealth, now issued in resolution of this matter.

THIS ORDER shall take effect immediately.

BY ORDER

Pedro A. Cortés

Pedro A. Cortés
Acting Secretary of the Commonwealth

For the Commonwealth:

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For the Respondent:

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