

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

Commonwealth of Pennsylvania, :
Bureau of Corporations and Charitable :
Organizations :
vs. :
Rochelle Biesenthal, :
Respondent :

Docket No: 001798-15
File No: 14-98-04499

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Department of State

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OFFICE OF CHIEF COUNSEL

CONSENT AGREEMENT

The Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations (Bureau) and Rochelle Biesenthal (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. On or about July 17, 2000, Respondent was hired by Jewish Heritage Programs as a bookkeeper and receptionist.
3. Jewish Heritage Programs is a charitable organization located at 4037 Pine Street, Philadelphia, PA 19104.
4. Respondent was employed by Jewish Heritage Programs until on or about April 12, 2009.
5. The last known address for the Respondent is: 8 Delmar Drive; Brigantine, NJ 08203-1267.

STIPULATED FACTS

6. The Respondent admits the following factual averments:
 - a. On or about July 17, 2000, Respondent was hired by Jewish Heritage Programs (JHP), 4037 Pine Street, Philadelphia, PA 19104.
 - b. JHP is a charitable organization with contributions received used to support Jewish youth education through programs on college campuses and to fund educational programs outside the college setting.
 - c. Respondent was employed by JHP as a bookkeeper and receptionist.
 - d. As part of her duties with JHP, Respondent was responsible for budgets, purchasing and reimbursements.
 - e. Because she was involved in the collecting and expending of contributions, Respondent was required to act in a fiduciary capacity for JHP.
 - f. During the period from sometime in 2002 through sometime prior to the termination of her employment in April 2009, Respondent misappropriated in excess of \$551,000 in funds from the accounts belonging JHP.
 - g. The misappropriation of funds from the accounts belonging to JHP 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 not approved by JHP;
 - ii. checks written by Respondent to others for goods and services for Respondent's personal use, needs and benefit not approved by JHP;

- iii. Respondent making direct payment from the accounts to others for goods and services for Respondent's personal use, needs and benefit not approved by JHF; and
- iv. Respondent making direct payment from the accounts to others for goods and services received by Respondent's Husband and daughter for their personal use, needs and benefit not approved by JHF.

h. The misappropriated funds were not applied in a manner consistent with the charitable purposes of JHF.

AGREED VIOLATIONS

7. 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 \$551,000 from accounts belonging to the JHF for her personal use, needs and benefit, she caused JHF 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 JHF to assure that contributions were used in a manner consistent with the charitable purposes of the organization.

PROPOSED ORDER

8. Intending to be legally bound, the participants consent to the 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. Payment, as provided for above, together with and this signed Consent Agreement shall be returned to:

Attn: Robert B. Armour, Esquire
Prosecution Division, Dept. of State
Commonwealth of Pennsylvania
P. O. Box 2649
Harrisburg, PA 17105-2649

COOPERATION WITH DISTRICT ATTORNEY

d. Respondent shall fully cooperate with the proper authorities in all efforts taken to pursue any actions to achieve full restitution to JHF in this matter.

ADDITIONAL PROVISIONS

e. Respondent shall not represent, either directly or indirectly, that by entering into this Consent Agreement the Bureau of Corporations and 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

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

10. 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

11. Respondent acknowledges that she is aware that she 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

12. 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.

13. 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 8, above.

EFFECT OF SECRETARY'S REJECTION

14. 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

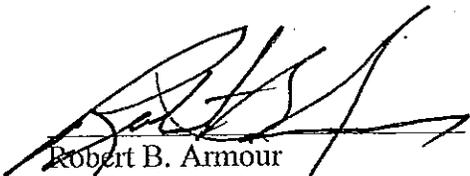
15. The parties acknowledge that other federal, state and/or local agencies or governmental units may have jurisdiction over the activities of or representations made by Respondent. Nothing in this Consent Agreement and Order shall preclude representatives of the Bureau from referring any information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

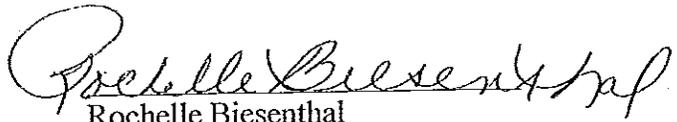
16. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

VERIFICATION OF FACTS AND STATEMENTS

17. 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


Rochelle Biesenthal
Respondent

Date: 1/20/15



IN THE MATTER OF:
ROCHELLE BIESENTHAL

DOCKET NO. -98-15
FILE NO. 14-98-04499

AND NOW, this 2nd day of April 2015 the foregoing Consent Agreement is hereby approved and the terms set forth in paragraph 8 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
Acting Secretary of the Commonwealth

For the Commonwealth:

Robert B. Armour, Esquire
2601 North Third Street
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent:

Rochelle Biesenthal
8 Delmar Drive
Brigantine, NJ 08203-1267

04/06/15