

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

PROTHONOTARY
2013 MAY 24 AM 11:26
Department of State

Commonwealth of Pennsylvania
Bureau of Charitable
Organizations

vs.

Allied Fundraising, LLC,
Respondent

:
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:
: Docket No. 0004-98-13
: File No. 13-98-03549
:
:

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations (“Bureau”) and the Allied Fundraising, LLC, (“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 (“the Act”), Act of December 19, 1990, P.L. 1200, No. 202, *as amended* (“Act”), 10 P.S. §§ 162.1 *et. seq.*
2. At all relevant and material times, Respondent conducted business in Pennsylvania as a charitable organization, as defined by the Act.
3. Respondent is currently registered as a professional solicitor with the Bureau, registration number #34115.
4. Respondent’s last known address on file with the Bureau is PO Box 998, Carlisle, PA 17013.

STIPULATED FACTS

5. The Commonwealth and the Respondent agree to the following facts:
 - a. Respondent solicits contributions on behalf of the North Dickinson Elementary School and Lamberton Middle School.
 - b. Respondent filed contracts with the Bureau for solicitation work it is performing on behalf of North Dickinson Elementary School and Lamberton Middle School.
 - c. Both contracts specifically indicate that each charitable organization will pay Respondent 10% of all collected donations.
 - d. The solicitations for North Dickinson Elementary School and Lamberton Middle School involve a program called Promotion Motion Fitness Challenge.
 - e. The solicitations claim that donations “go directly” to North Dickinson Elementary School and Lamberton Middle School when in fact Respondent receives 10% of all funds that are raised as compensation for Respondent’s services.
 - f. The solicitations fail to mention that Respondent is a professional solicitor as required by the Act.
 - g. The solicitations fail to mention that Respondent is being compensated for the solicitation as required by the Act.

AGREED VIOLATIONS

6. Respondent, by engaging in the foregoing activities, violated the Act at, 10 P.S. §162.15(a)(1) by and through §162.9(h) in that Allied Fundraising failed to clearly and conspicuously disclose on written requests for contributions, its name as on file with the Bureau, and that Respondent is being compensated for its services.

PROPOSED ORDER

7. The parties, intending to be legally bound, agree 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) by and through §162.9(h) in that Allied Fundraising failed to clearly and conspicuously disclose on written requests for contributions, its name as on file with the Bureau, and that Respondent is being compensated for its services.

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of two hundred and fifty dollars (\$250.00) is levied upon Respondent. Respondent shall tender the full sum of two hundred and fifty dollars (\$250.00), 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."**

CASE SETTLED AND DISCONTINUED

8. 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 the requirements of this Order. However, nothing in this Consent Agreement and 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 and Order.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

9. 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

10. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other governmental or 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

11. 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

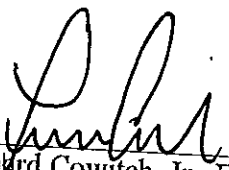
12. This Agreement contains the whole agreement between the parties; provided, however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants,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

AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES


13. 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

14. 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.



Leonard Cowitch, Jr., Esquire
Prosecuting Attorney
Department of State



Allied Fundraising, LLC
Name: *Joey L. Wisner*
Title: *Owner*
Respondent

DATED: *5-15-13*

DATED: *5/10/13*



**IN THE MATTER OF
ALLIED FUNDRAISING, LLC
FILE NO. 13-98-03549**

ORDER

AND NOW, this *23rd* day of *May* 2013, the terms of Paragraph 7 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

A handwritten signature in cursive script, appearing to read "Carol Aichele".

Carol Aichele
Secretary of the Commonwealth