

PROTHONOTARY

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

2012 SEP -5 AM 11:47

(Handwritten)

Commonwealth of Pennsylvania, Bureau of Charitable Organizations	:		
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	:		
	:	Docket No.	0031-98-12
	:		
Vs.	:	File No.	12-98-07015
	:		
DreamCatcher Wild Horse & Burro Sanctuary, Inc., Respondent	:		

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and DreamCatcher Wild Horse & Burro Sanctuary, Inc. ("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, *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's registration as a charitable organization with the Bureau, registration number 41210, is pending.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:
 - a. Respondent's last known business address is P.O. Box 9, Ravendale, CA 96123.
 - b. Respondent solicits charitable contributions in Pennsylvania through direct mail.
 - c. In April 2011, Respondent solicited contributions from Richard Westcott of Springfield, PA.
 - d. On or about June 10, 2011, Respondent solicited contributions from Diane Lindenheim in Burlong, PA.
 - e. Respondent alleged that its professional fundraising counsel, Fund Raising Strategies, erroneously mailed the solicitations to Pennsylvania residents.

AGREED VIOLATIONS

5. Respondent admits and agrees that by engaging in the foregoing activities:
 - a. Respondent admits and agrees that by engaging in the foregoing activities it violated the Act at 10 P.S. §162.15(a)(1), by and through 10 P.S. § 162.5, by soliciting charitable contributions in the Commonwealth of Pennsylvania without being properly registered; and
 - b. Respondent admits and agrees that by engaging in the foregoing activities it violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.13(e), by failing to exercise control over fundraising activities conducted on Respondent's behalf by its professional fundraising counsel.

PROPOSED ORDER

6. The participants, intending to be legally bound, consent to 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 10 P.S. §162.5.

b. Respondent violated the Act at 10 P.S. § 162.15(a)(1) by and through 10 P.S. §162.13(e).

ADMINISTRATIVE FINE

c. An **ADMINISTRATIVE FINE** of three thousand dollars (\$3,000.00) is levied upon Respondent. Respondent shall tender the full sum of three thousand dollars (\$3,000.00), 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."**

FILING OF REGISTRATION DOCUMENTS

d. To continue operations, Respondent shall submit to the Bureau all documents required to renew its registration within thirty (30) days of the date of the Secretary's Order adopting this Consent Agreement. Respondent is prohibited from soliciting contributions in Pennsylvania until such time as the Respondent becomes registered with the bureau.

CASE SETTLED AND DISCONTINUED

7. 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 any ordered discipline.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

8. 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; 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

9. 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

10. 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

11. 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

12. 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

13. 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.

DreamCatcher Wild Horse & Burro
Sanctuary, Inc.

Eric M. Spada

Eric M. Spada, Esquire
Prosecuting Attorney
Department of State

Barbara Clarke

By: Barbara Clarke
Title: President
Respondent

DATED: 8/21/12

DATED: 8/16/12



**IN THE MATTER OF MERCY VILLAGE, INC.
FILE NO. 12-98-07015**

ORDER

AND NOW, to wit, on this 5th day of September 2012, 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

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

Carol Aichele
Secretary of the Commonwealth