

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

PROTHONOTARY  
2012 NOV 30 AM 7: 54  
Docket No. 0029 -98-12  
File No. 12-98-05575

Commonwealth of Pennsylvania  
Bureau of Charitable  
Organizations

vs.

Wrightsville Volunteer Fire Department,  
Respondent

:  
:  
:  
:  
: Docket No. 0029 -98-12  
: File No. 12-98-05575  
:  
:

**CONSENT AGREEMENT AND ORDER**

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations (“Bureau”), and Humane Society of Harrisburg Area, 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. At all relevant and material times, Respondent was registered as a charitable organization with the Bureau, under registration number 39838, was initially approved on or about October 14, 2011.

**STIPULATED FACTS**

4. Respondent admits that the following allegations are true:

- a. Respondent's last known mailing address on file with the Bureau is P.O. Box 148, North 4th Street, Wrightsville, PA 17368.
- b. Respondent's physical address is 125 South 2<sup>nd</sup> Street, Wrightsville, PA 17368.
- c. From January 2009 through August 2011, Respondent operated a "lunch wagon" on Tuesdays through Fridays.
- d. From January 2009 through August 2011, Respondent was unable to determine if the "lunch wagon" was making or losing money.
- e. Respondent did not maintain any bookkeeping on the "lunch wagon," including receipts, inventory listings, sales records, or general ledgers.
- f. Respondent operated a "Penny Auction" whereby items such as televisions, computers, and gift cards were auctioned off via the internet to raise money for Respondent.
- g. Respondent incurred over \$45,000 in expenses for the "Penny Auction."
- h. Respondent admitted that the "Penny Auction" operated for less than one (1) year because it was a failure and Respondent lost money on the auction.
- i. Respondent did not maintain any bookkeeping on the "Penny Auction," including receipts, inventory listings, sales records, or general ledgers.

**AGREED VIOLATIONS**

5. Respondent admits and agrees that by engaging in the aforementioned activities:
  - a. Respondent violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.12, in that Respondent failed to keep true fiscal records as to the activities of the "lunch wagon."

b. Respondent violated the Act at 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.12, in that Respondent failed to keep true fiscal records as to the activities of the "Penny Auction."

### **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. § 162.12 by failing to keep true fiscal records as to the activities of the "lunch wagon."

b. Respondent violated the Act at 10 P.S. § 162.15(a)(1), by and through, 10 P.S. § 162.12 by failing to keep true fiscal records as to the activities of the "Penny Auction."

### **ADMINISTRATIVE FINE**

c. An **ADMINISTRATIVE FINE** of three thousand dollars (\$3,000) is levied upon Respondent. Respondent shall tender the full sum of three thousand dollars (\$3,000), with this executed Consent Agreement which shall be paid by **certified check, cashiers check, attorney's check, or U.S. Postal money order made payable to the "Commonwealth of Pennsylvania."**

### **MAINTAINING RECORDS**

d. Respondent acknowledges its requirement to true and accurate records of its fiscal activities in accordance with Section 162.12 of the Act. Should Respondent fail to keep true and accurate records of its fiscal activities, Respondent shall pay an administrative fine of \$1,000.00, and an additional penalty of \$100.00 for each day during

which such violation continues. No registration, should the Respondent be required to register under the Act, shall be renewed until the fine is paid.

#### **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 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**

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 the 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 administrative or governmental 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.

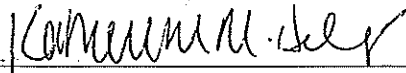
### **VERIFICATION OF FACTS AND STATEMENTS**

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

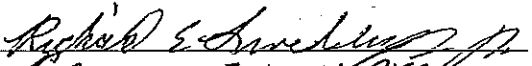
understands that statements in this Agreement are made subject to the criminal penalties of 18

Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Wrightsville Volunteer Fire Department



Katherine M. Delp, Esquire  
Prosecuting Attorney  
Department of State

  
By: RICHARD E LIVELSBERGER, JR  
Title: PRESIDENT  
Respondent

DATED:  
11-13-12

DATED: 11/1/12



**IN THE MATTER OF  
WRIGHTSVILLE VOLUNTEER FIRE DEPARTMENT  
FILE NO. 12-98-05575**

**ORDER**

AND NOW, to wit, on this 28th day of November 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, reading "Carol Aichele".

\_\_\_\_\_  
Carol Aichele  
Secretary of the Commonwealth