

COPY

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

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MAY 19 2021

Department of State  
Prothonotary

Commonwealth of Pennsylvania, :  
Bureau of Corporations and :  
Charitable Organizations :

v. :

File No.: 17-98-10884

Club Pet Adoption, :  
Respondent :

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations (“Bureau”), by and through its undersigned prosecuting attorney, Michael J. Gennett and Club Pet Adoption, (“Respondent”), and stipulate as follows in settlement of the above-captioned matter:

JURISDICTION

1. This matter is before the Acting 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, acted as a charitable organization as defined by the Act.

STIPULATED FACTS

3. Respondent’s last known address on file with the Bureau is 20 Schaller Road, Transfer, PA 16154.

4. Respondent’s certificate of registration is currently pending approval at the Bureau’s Registration Division.

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**AGREED VIOLATIONS**

5. Respondent admits to unintentionally committing violations of the Act as follows: Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), in that Respondent violated Section 12 of the Act, 10 P.S. § 162.12, by failing to keep true fiscal records as to its activities in the Commonwealth as may be covered under this act, in such form as will enable them accurately to provide the information required under the act- in that the Respondent failed to report all transactions to include loan agreements, mileage reimbursements and rental agreements.

6. Respondent admits to unintentionally committing violations of the Act as follows: Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), in that Respondent violated Section 17 of the Act, 10 P.S. § 162.17(a)(2) in that Respondent refused or failed or any of its principal officers refused or failed, after notice, to produce any records of such organization or to disclose any information required to be disclosed under this act or the regulations of the department - in that the Respondent failed to provide all supporting receipts, invoices or explanations as to how all the disbursements furthered the charitable purpose of the organization.

**PROPOSED ORDER**

7. The participants, intending to be legally bound, consent to issuance of the following Order in settlement of this matter: Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), in that Respondent violated Section 12 of the Act, 10 P.S. § 162.12, by failing to keep true fiscal records as to its activities in the Commonwealth as may be covered under this act, in such form as will enable them accurately to provide the information required under the act.

8. The participants, intending to be legally bound, consent to issuance of the following Order in settlement of this matter: Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), in that Respondent violated Section 17 of the Act, 10 P.S. § 162.17(a)(2), refused or failed or any of its

principal officers refused or failed, after notice, to produce any records of such organization or to disclose any information required to be disclosed under this act or the regulations of the department.

**ADMINISTRATIVE PENALTY AND PUBLIC REPRIMAND**

9. An **ADMINISTRATIVE FINE** of Five Thousand Dollars (\$5,000.00) is levied upon Respondent. Respondent shall tender the full sum of Five Thousand Dollars (\$5,000.00), with this executed Consent Agreement.

10. Respondent is hereby issued a **PUBLIC REPRIMAND**.

11. Payments shall be by **certified check, cashier's check, attorney's check, or U.S. Postal money order**.

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

13. Respondent agrees that payment will be made by one of the methods indicated in Paragraph 11 above and that payment by uncertified personal check, corporate check or cash will not be accepted.

14. Payment, as provided for above, together with and this signed Consent Agreement shall be returned to:

**Michael J. Gennett, Esquire  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Department of State  
Office of Chief Counsel  
Capitol Complex  
306 North Office Building  
Harrisburg, Pennsylvania 17120**

**CASE SETTLED AND DISCONTINUED**

15. This case shall be deemed settled and discontinued upon the Acting 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**

16. 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**

17. 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**

18. 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**

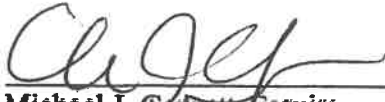
19. This Agreement contains the whole agreement between the parties; provided, however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants,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

#### **AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES**

20. 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.

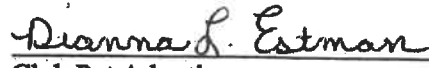
#### **VERIFICATION OF FACTS AND STATEMENTS**

21. 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.



Michael J. Gerbetti, Esquire  
Prosecuting Attorney  
Department of State

DATED: 5/6/2021



Club Pet Adoption  
Respondent

By: Dianna L. Estman

Title: President

DATED: 3.22.2021



**IN THE MATTER OF  
CLUB PET ADOPTION**

**File No.: 17-98-10884**

**ORDER**

AND NOW, this 19<sup>th</sup> day of May, 2021, the foregoing Consent Agreement is hereby approved and the terms hereby adopted and incorporated herein as the Order of the Acting Secretary of the Commonwealth, now issued in resolution of this matter.

**THIS ORDER** shall take effect immediately.

**BY ORDER:**

A handwritten signature in black ink, appearing to read "Veronica W. Degraffenreid", written over a horizontal line.

**Veronica Degraffenreid  
Acting Secretary of the Commonwealth**

**For the Commonwealth:**

**Michael J. Gennett, Esquire  
306 North Office Building  
401 North Street  
Harrisburg, PA 17120**

**Respondent:**

**Club Pet Adoption  
20 Schaffer Road  
Transfer, PA**