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Department of State

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

Commonwealth of Pennsylvania,  
Bureau of Corporations and Charitable  
Organizations

vs.

Colleen A. McQueeney,  
Respondent

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Docket No: 0018 -98-1B

File No: 16-98-08655

CONSENT AGREEMENT

The Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations (Bureau) and Colleen A. McQueeney (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. Respondent served as the treasurer of the Pennsylvania State System of Higher Education Women's Consortium (PASSHEWC).
3. PASSHEWC is a charitable organization located at 1871 Old Main Drive, Shippensburg, PA 17257.
4. Respondent served as the PASSHEWC treasurer until on or about September 16, 2016.
5. The last known address for the Respondent is: 342 Holswart Drive, Shippensburg, PA 17257.

**STIPULATED FACTS**

6. The Respondent admits the following factual averments:
- a. Respondent served as the treasurer of PASSHEWC, 1871 Old Main Drive, Shippensburg, PA 17257.
  - b. PASSHEWC is a charitable organization that uses its contributions to act on behalf of all women faculty, staff, students and administrators within the Pennsylvania State System of Higher Education.
  - c. As part of her duties with PASSHEWC, Respondent maintained complete fiscal control over the organization's bank accounts, checks and ATM/debit cards.
  - d. Because she was the organization's treasurer, Respondent was required to act in a fiduciary capacity for PASSHEWC.
  - e. Over a period of approximately ten (10) years, continuing until January 2016, Respondent misappropriated approximately \$40,000.00 in funds from the accounts belonging PASSHEWC.
  - f. The misappropriation of funds from the accounts belonging to PASSHEWC occurred through the following actions:
    - i. checks written by Respondent for Respondent's personal use, needs and benefit not approved by PASSHEWC; and
    - ii. ATM cash withdrawals performed by Respondent using the PASSHEWC ATM card for Respondent's personal use, needs and benefit not approved by PASSHEWC.
  - g. The misappropriated funds were not applied in a manner consistent with the charitable purposes of PASSHEWC.

### **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 approximately \$40,000.00 from accounts belonging to PASSHEWC for her personal use, needs and benefit, she caused PASSHEWC 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 PASSHEWC 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.

**COOPERATION WITH UNITED STATES ATTORNEY**

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

**ADDITIONAL PROVISIONS**

d. 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.

e. Respondent shall not, either directly or indirectly, participate in any activities within the Commonwealth of Pennsylvania in violation of the Act.

f. 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**

g. 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.

  
\_\_\_\_\_  
Michael J. Gennett  
Prosecuting Attorney  
Department of State

Date: 22 FEB 2018

  
\_\_\_\_\_  
Colleen A. McQueeney  
Respondent

Date: 10/9/17



**IN THE MATTER OF:**

**COLLEEN A. MCQUEENEY**

**DOCKET NO. 0018 -98-18**

**FILE NO. 16-98-08655**

**ORDER**

**AND NOW**, this 28<sup>th</sup> day of February 2018 the foregoing Consent Agreement is hereby approved and the terms 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**

A handwritten signature in cursive script that reads "Robert Torres".

**Robert Torres**

**Acting Secretary of the Commonwealth**

**For the Commonwealth:**

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

**For Respondent:**

Colleen A. McQueeny  
342 Holswart Drive  
Shippensburg, PA 17257