



4. Respondent is registered as a charitable organization with the Department of State, Bureau of Corporations and Charitable Organizations (Bureau) and hold certificate of registration no.: 16267

**AGREED VIOLATIONS**

5. Respondent admits and agrees that by engaging in the aforementioned activities, Respondent committed violations of the Act as follows:

a. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.13(c), by failing to include notice on printed solicitation - On every printed solicitation or written confirmation, receipt and reminder of a contribution, the following statement must be conspicuously printed verbatim: The official registration and financial information of (insert legal name of the charity as registered with the department) may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania, 1 (800) 732-0999. Registration does not imply endorsement. In that, Respondent failed to include the disclosure statement on solicitations sent for the "Photo Event" conducted by HP Direct Mail Marketing Services/Wally Hines Photography in 2015, 2016, 2017 and 2018; Failed to include the correct telephone number on the disclosure statements on solicitations sent by Omni Computer Services in 2014, 2015, 2016, and 2018; Failed to print the disclosure statement on its website; and, failed to print the disclosure statement on the Designer Bag Bingo solicitation.

b. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.5(b)(10) by failing to include the names of any professional solicitors, professional fundraising counsels and commercial coventurers who are acting or have agreed to act on behalf of the organization, in that, the organization did not list HP Direct Mail Marketing Services/Wally Hines

Photography on the BCO-10 as a professional solicitor in fiscal years ending March 31, 2015, 2016 or 2017.

c. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.5(b)(10) by failing to include the names of any professional solicitors, professional fundraising counsels and commercial coventurers who are acting or have agreed to act on behalf of the organization, in that, Respondent did not list Omni Computer Services on the BCO-10 as a professional fundraising counsel in fiscal years ending March 31, 2015, 2016 or 2017.

d. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.13(e) by failing to maintain control over fundraising activities, in that, a charitable organization must establish and exercise control over fundraising activities conducted for its benefit, including approval of all written contracts and agreements. and must assure that fundraising activities are conducted without coercion. Specifically, Respondent used the services of the professional solicitor HP Direct Mail Marketing Services/Wally Hines Photography without an approved contract on file during fiscal years ending March 31, 2015, 2016, 2017 and 2018.

e. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.13(f) by entering into any contract or agreement with or employ any professional fundraising counsel or professional solicitor unless that professional fundraising counsel or professional solicitor is registered with the department. Specifically, Respondent entered into a fundraising agreement with a professional solicitor, HP Direct Mail Marketing Services/Wally Hines Photography, that was not registered during fiscal years ending March 31, 2015, 2016, 2017 and 2018.

## 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 Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.13(c), by failing to include notice on printed solicitation - On every printed solicitation or written confirmation, receipt and reminder of a contribution, the following statement must be conspicuously printed verbatim: The official registration and financial information of (insert legal name of the charity as registered with the department) may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania, 1 (800) 732-0999. Registration does not imply endorsement. In that, Respondent failed to include the disclosure statement on solicitations sent for the "Photo Event" conducted by HP Direct Mail Marketing Services/Wally Hines Photography in 2015, 2016, 2017 and 2018; Failed to include the correct telephone number on the disclosure statements on solicitations sent by Omni Computer Services in 2014, 2015, 2016, and 2018; Failed to print the disclosure statement on its website; and, failed to print the disclosure statement on the Designer Bag Bingo solicitation.

b. Respondent violated Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.5(b)(10) by failing to include the names of any professional solicitors, professional fundraising counsels and commercial coventurers who are acting or have agreed to act on behalf of the organization, in that, the organization did not list HP Direct Mail Marketing Services/Wally Hines Photography on the BCO-10 as a professional solicitor in fiscal years ending March 31, 2015, 2016 or 2017.

c. Respondent violated 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.5(b)(10) by failing to include the names of any professional solicitors, professional fundraising counsels and commercial coventurers who are acting or have agreed to act on behalf of the organization, in that, Respondent did not list Omni Computer Services on the BCO-10 as a professional fundraising counsel in fiscal years ending March 31, 2015, 2016 or 2017.

d. Respondent violated Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.13(e) by failing to maintain control over fundraising activities, in that, a charitable organization must establish and exercise control over fundraising activities conducted for its benefit, including approval of all written contracts and agreements. and must assure that fundraising activities are conducted without coercion. Specifically, Respondent used the services of the professional solicitor HP Direct Mail Marketing Services/Wally Hines Photography without an approved contract on file during fiscal years ending March 31, 2015, 2016, 2017 and 2018.

e. Respondent violated Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.13(f) by entering into any contract or agreement with or employ any professional fundraising counsel or professional solicitor unless that professional fundraising counsel or professional solicitor is registered with the department. Specifically, Respondent entered into a fundraising agreement with a professional solicitor, HP Direct Mail Marketing Services/Wally Hines Photography, that was not registered during fiscal years ending March 31, 2015, 2016, 2017 and 2018.

#### **ADMINISTRATIVE PENALTIES**

7. 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. Payment shall be by certified check,

cashier's check, attorney's check, or U.S. Postal money order. The instrument of payment shall be made payable to the "Commonwealth of Pennsylvania," and shall be valid for a period of at least one hundred eighty (180) days. Respondent agrees that payment will be made by one of the methods indicated in subparagraph (a) above and that payment by uncertified personal check, corporate check or cash will not be accepted.

#### **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 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**

10. 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**

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.

  
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Michael J. Gennett  
Prosecuting Attorney

Department of State  
Commonwealth of Pennsylvania

  
\_\_\_\_\_  
Elizabeth Smaiter  
Community Ambulance Association of  
Ambler  
Respondent

By: ELIZABETH SMAITER  
Print  
Title: PRESIDENT  
Print

DATE: 18 APR 2019

DATE: 4.9.19





**IN THE MATTER OF  
Community Ambulance Association of Ambler**


**File No.: 18-98-10660**

**ORDER**

AND NOW, this 23<sup>rd</sup> day of April 2019, the foregoing Consent Agreement is hereby approved, and the terms set forth herein are 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:**

  
\_\_\_\_\_  
**Kathy Boockvar**  
**Acting Secretary of the Commonwealth**

For the Commonwealth:

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

Respondent:

Community Ambulance Association of Ambler  
1414 East Butler Pike  
Ambler, PA 19002