

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

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Department of State

Commonwealth of Pennsylvania,  
Bureau of Charitable Organizations

Docket No. 051-98-10

vs.

File No. 10-98-04912

Comnet Marketing Group, Inc.  
Respondent

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Comnet Marketing Group, ("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 ("the Act"), Act of December 19, 1990, P.L. 1200, No. 202, *as amended* ("Act"), 10 P.S. §§ 162.1 *et. seq.*
2. Respondent is a professional solicitor as defined by the Act.
3. At all relevant and material times, Respondent held a registration to provide solicitor services to charitable organizations within the Commonwealth of Pennsylvania, certificate number 15043.
4. Respondent has been registered to conduct professional solicitor activities with the Bureau since July 25, 2001.

STIPULATED FACTS

5. Respondent admits that the following allegations are true:

- a. Respondent's last known address on file with the Bureau is 1214 Stowe Avenue, Medford, OR 97501.
- b. Frick Art and Historical Center Inc. is a registered charitable organization under certificate number 8014.
- c. Respondent solicited Pennsylvania residents and businesses on behalf of Frick Art and Historical Center Inc. between June 22, 2001 and the current date.
- d. Respondent was required to file a campaign report for its contract with the Frick Art and Historical Center Inc. on August 1, 2007, and every subsequent anniversary of the campaign so long as the contract lasted more than one year.
- e. Respondent did not file a campaign report for the Frick Art and Historical Center Inc. by August 1, 2007.
- f. Respondent did not file a campaign report for the Frick Art and Historical Center Inc. by August 1, 2008.
- g. Respondent did not file a campaign report for the Frick Art and Historical Center Inc. by August 1, 2009.
- h. Respondent has accrued unpaid administrative fines with the Bureau for failing to file campaign reports in the amount of \$4,000.00; these fines are still outstanding.

#### AGREED VIOLATIONS

6. Respondent agrees and admits that by engaging in the foregoing activities:
  - a. Respondent repeatedly violated the Act at 10 P.S. § 162.15(a)(1), by and through § 162.9(l), by failing to file campaign financial reports within ninety days after a solicitation campaign or event was completed or on the anniversary of a campaign or event lasting more than one year.

#### PROPOSED ORDER

7. The participants, intending to be legally bound, consent to issuance of the following Order in settlement of this matter:
  - a. Respondent repeatedly violated the Act at 10 P.S. § 162.9(l).

#### ADMINISTRATIVE FINE

b. An ADMINISTRATIVE FINE of five thousand dollars (\$5,000.00) is levied upon Respondent, with four thousand dollars (\$4,000.00) to be paid toward Respondent's outstanding accrued administrative fines. Respondent shall tender the full sum of five thousand dollars (\$5,000.00), 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."

#### FILING OF CAMPAIGN REPORTS

c. Respondent shall submit to the Bureau any and all overdue contracts and campaign financial reports within thirty (30) days of the date of the Secretary's Order adopting this Consent Agreement. In the event that the campaign reports are not filed within the required time frame, the Respondent shall pay an administrative fine of \$1,000.00, and shall pay an additional penalty of \$100.00 for each day during which the violation continues, in accordance with Section 162.17 of the Act.

#### 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 Prosecution 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.

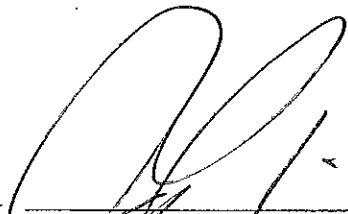
#### AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

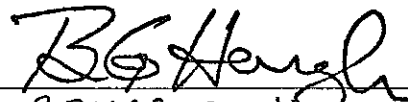
13. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondent and its officers, directors, agents, employees or independent contractors. Nothing in this Consent Agreement or the Order based upon this Consent 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.

Comnet Marketing Group, Inc.

  
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Jacquelyn E. Pfursich, Esquire  
Prosecuting Attorney  
Department of State

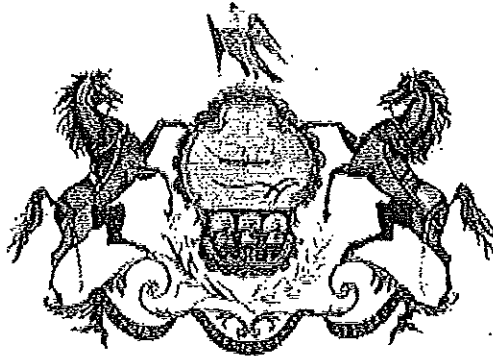
  
\_\_\_\_\_  
By: BRUCE G. HOUGHT  
Title: PRESIDENT  
Respondent COMNET MARKETING GROUP  
1214 STOWE AVENUE  
MEDFORD OR 97501

DATED:

7/20/10

DATED:

7-22-10



IN THE MATTER OF  
COMNET MARKETING GROUP, INC.  
FILE NO. 10-98-04912

ORDER

AND NOW, to wit, on this 9<sup>th</sup> day of August 2010, the terms of paragraph 7 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 that reads "Basil L. Merenda".

Basil L. Merenda  
Acting Secretary of the  
Commonwealth