

COPY

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

PROHIBITORY
2018 SEP 26 PM 4:30
Department of State

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

v.

**Help Find Sophie and Jennifer Oberholtzer,
Respondents**

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File No. 18-98-02650

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 Help Find Sophie and Jennifer Oberholtzer ("Respondents"), 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. 1200, No. 202, *as amended* ("Act"), 10 P.S. §§ 162.1 *et. seq.*

2. At all relevant and material times, Respondent Help Find Sophie acted as a charitable organization as defined by the Act.

3. At all relevant times, Respondent Jennifer Oberholtzer acted as vice president of Respondent Help Find Sophie.

STIPULATED FACTS

3. Respondent's last known address is 55 Oriole Drive, Stevens, PA 17578.
4. Respondent is not required to register as a charitable organization with the Department of State, Bureau of Corporations and Charitable Organizations (Bureau).
5. Respondent Jennifer Oberholtzer, as vice president of Respondent Help Find Sophie, attempted to require that a donation be made to Respondent Help Find Sophie from the owner of a lost dog that the Respondents had possession of and/or had known the whereabouts of the lost pet.
6. When the owner refused to make a donation or questioned the legitimacy of requiring a donation before the location of her lost dog was revealed to her, Respondent Jennifer Oberholtzer threatened to bring the lost pet to the local animal shelter if a donation was not made.

AGREED VIOLATIONS

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

Violating Section 15(a)(2) of the Act, 10 P.S. § 162.15(a)(2), by and through 10 P.S. § 162.5(a)(2), by utilizing any unfair or deceptive acts or practices or engaging in any fraudulent conduct which creates a likelihood of confusion or of misunderstanding.

PROPOSED ORDER

8. The participants, intending to be legally bound, consent to issuance of the following Order in settlement of this matter:

Respondent violated Section 15(a)(2) of the Act, 10 P.S. § 162.15(a)(2), by and through 10 P.S. § 162.5(a)(2), by utilizing any unfair or deceptive acts or practices or engaging in any fraudulent conduct which creates a likelihood of confusion or of misunderstanding.

ADMINISTRATIVE PENALTIES

9. An **ADMINISTRATIVE FINE** of **One Thousand Dollars (\$1,000.00)** is levied upon Respondent. Respondent shall tender the full sum of **One Thousand Dollars (\$1,000.00)**, 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

10. 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

11. 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

12. 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

15. 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

16. 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

17. 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

18. 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

DATE: 19 SEP 2018

Help Find Sophie
Respondent

By: Help Find Sophie -

Print

Title: Vice President Jennifer Oberholtzer

Print

William Fowler
Vice President

Wm Fowler 9/12/18

DATE: 9/11/18

Jennifer Oberholtzer

Jennifer Oberholtzer
Respondent

DATE: 9/11/18

* Please mail to our HFS Principal
Office Address:

Help Find Sophie
55 Oriole Drive
Stevens, PA 17578



**IN THE MATTER OF
Help Find Sophie and Jennifer Oberholtzer
File No.: 18-98-02650**

ORDER

AND NOW, this 26th day of September 2018, 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:

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

**Robert Torres
Acting Secretary of the Commonwealth**

For the Commonwealth:

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

For Respondent:

Help Find Sophie
Jennifer Oberholtzer
55 Oriole Drive
Stevens, PA 17578

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

TO: Robert Torres
Acting Secretary of the Commonwealth

THRU: Martha H. Brown *MHB*
Assistant Counsel

FROM: Michael J. Gennett *MJG*
Prosecuting Attorney

RE: Consent Agreement: Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations v. Help Find Sophie and Jennifer Oberholtzer; File No.: 18-98-02650

DATE: 19 SEP 2018

Please find enclosed a proposed Consent Agreement and Order for the above referenced matter. The essential facts of this matter are as follows:

Respondent is not yet required to register.

Respondent Oberholtzer, as vice president of Respondent Help Find Sophie, attempted to require that a donation be made to Respondent Help Find Sophie from the owner of a lost dog that the Respondents had possession of and/or had known the whereabouts of the lost pet. When the owner refused to donate or questioned the legitimacy of requiring a donation before the location of her lost dog was revealed to her, Respondent Oberholtzer threatened to bring the lost pet to the local animal shelter if a donation was not made.

Respondent violated Section 15(a)(2) of the Act, 10 P.S. § 162.15(a)(2), by and through 10 P.S. § 162.5(a)(2), by utilizing any unfair or deceptive acts or practices or engaging in any fraudulent conduct which creates a likelihood of confusion or of misunderstanding.

The proposed penalties and other actions are recommended as follows:

- Respondent is ordered to pay an administrative fine of \$1,000.00.

If you choose to accept the proposed penalties in resolution of this matter, please sign and date the Order page of the Consent Agreement and then return the Consent Agreement and Order to me. Thank you for your attention to this matter.

*Organization not required to be registered because
< \$25,000 annual gross contributions.*