

PROHIBITORY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE SECRETARY OF THE COMMONWEALTH
Department of State

Commonwealth of Pennsylvania, :
Bureau of Charitable Organizations :
 : Docket No. 0019-98-11
 :
 vs. : File No. 11-98-00617
 :
 Indiana Lions Club, :
 Respondent :

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations (“Bureau”), and Indiana Lions Club (“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, 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 conducted business in Pennsylvania as a charitable organization, as defined by the Act.

3. At all relevant and material times, Respondent held a registration to solicit charitable contributions within the Commonwealth of Pennsylvania, registration number 26122.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:

a. Respondent’s last known address on file with the Bureau is 1278 Health Camp Road, Indiana, PA 15701.

b. On or about October 28, 2008, Respondent submitted registration

documents to the Bureau for fiscal year ending June 30, 2008.

c. On Respondent's IRS Form 990 for fiscal year ending June 30, 2008, filed with the Bureau, Respondent reported \$0 for income and expenses on Part I of the form.

d. Respondent subsequently paid a \$15 registration fee and was not required to submit financial documents.

e. On or about October 14, 2008, Respondent submitted an IRS Form 990EZ to the IRS for the fiscal year ending June 30, 2008.

f. Respondent reported total revenue of \$33,551 and total expenses of \$34,015 on its IRS Form 990EZ filed with the IRS for the fiscal year ending June 30, 2008.

g. Norman Miller, Treasurer of Respondent organization, signed both the IRS Form 990 submitted to the Bureau and the IRS Form 990EZ submitted to the IRS for fiscal year ending June 30, 2008.

h. On or about August 31, 2009, Respondent submitted registration documents with the Bureau for the fiscal year ending June 30, 2009.

i. On Respondent's IRS Form 990 for fiscal year ending June 30, 2009, filed with the Bureau, Respondent reported \$0 for income and expenses on Part I of the form.

j. Respondent subsequently paid a \$15 registration fee and was not required to submit financial documents.

k. On or about August 6, 2009, Respondent submitted an IRS Form 990EZ to the IRS for the fiscal year ending June 30, 2009.

l. Respondent reported total revenue of \$33,257 and total expenses of \$34,843 on its IRS Form 990EZ filed with the IRS for the fiscal year ending June 30, 2009.

m. Norman Miller, Treasurer of the organization, signed both the IRS Form

990 submitted to the Bureau and the IRS Form 990EZ submitted to the IRS for fiscal year ending June 30, 2009.

n. On or about October 21, 2010, Respondent filed registration documents with the Bureau.

o. On Respondent's IRS Form 990 for fiscal year ending June 30, 2010, filed with the Bureau, Respondent reported \$0 for income and expenses on Part I of the form.

p. Respondent failed to answer questions #16, #17, and #18 on its BCO-10 and listed the fiscal year as beginning July 1, 2009 and ending June 30, 2009 on its IRS Form 990.

q. The IRS Form 990 filed with the Bureau was signed by Norman Miller, Treasurer for Respondent organization.

r. On or about November 2, 2010, the Bureau sent the Respondent a letter indicating that its materials could not be processed until the deficiencies were corrected.

s. On or about November 15, 2010, Respondent submitted a corrected BCO-10 and IRS Form 990 to the Bureau.

t. On the corrected IRS Form 990 for fiscal year ending June 30, 2010, Respondent report prior year revenue of \$4,025 and prior year expenses of \$4,025, as well as current year revenue of \$2,350 and current year expenses of \$2,350.

u. The corrected IRS Form 990 filed with the Bureau was signed by Norman Miller, Treasurer for Respondent organization.

v. On or about December 24, 2010, the Bureau received a second amended IRS Form 990 for fiscal year ending June 30, 2010 from the organization signed by Norman Miller, Treasurer of Respondent Organization.

w. On the second amended IRS Form 990 for fiscal year ending June 30, 2010, Respondent reported prior year revenue of \$19,697 and prior year expenses of \$21,282, as well as current year revenue of \$20,274 and current year expenses of \$22,668.

AGREED VIOLATIONS

5. Respondent admits and agrees that by engaging in the aforementioned activities:

a. Respondent repeatedly violated the Act at 10 P.S. § 162.17(a)(3), by and through 10 P.S. § 162.15(a)(1), by making material false statements on applications, statements, or reports required to be filed with the Bureau for fiscal years ending June 30, 2008, June 30, 2009, and June 30, 2010.

PROPOSED ORDER

6. 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. § 162.17(a)(3), by and through 10 P.S. § 162.15(a)(1).

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of four thousand dollars (\$4,000) is levied upon Respondent. Respondent shall tender the full sum of four thousand dollars (\$4,000), 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."** Respondent shall also pay any and all currently outstanding Administrative Fines levied by the Bureau's registration unit.

CASE SETTLED AND DISCONTINUED

7. 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

8. 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

9. 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

10. 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

11. 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

12. 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

13. 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.

Indiana Lions Club





Karen L. Cummings, Esquire
Prosecuting Attorney
Department of State
DATED: 4/11/11

By: Marrann McGee
Title: President
Respondent
DATED: 4/6/2011

Witnessed: *[Signature]*



**IN THE MATTER OF
INDIANA LIONS CLUB
FILE NO. 11-98-00617**

ORDER

AND NOW, to wit, on this 10th day of May 2011, the terms of paragraph 6 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, appearing to read "Carol Aichele".

Carol Aichele
Secretary of the Commonwealth