

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

PROTHONOTARY
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Department of State

Commonwealth of Pennsylvania,
Bureau of Corporations and
Charitable Organizations

vs.

Kiski Valley Veterans and Patriots
Association, and PA Hero Walk;
Respondent

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Docket No. 0019-98-15

File No. 13-98-07586

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Corporations and Charitable Organizations (“Bureau”) and the **Kiski Valley Veterans and Patriots Association, and PA Hero Walk** (“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 (“the Act”), Act of December 19, 1990, P.L. 1200, No. 202, *as amended*, 10 P.S. §§ 162.1-162.24.

LICENSE AND REGISTRATION STATUS

2. Respondent does not deny the truth of the following averments regarding his professional licensure:

- a. Respondent became registered in the Commonwealth of Pennsylvania with the Bureau of Corporations (now the Bureau of Corporations and Charitable

Organization, and hereinafter called the 'Bureau') as a domestic, non-profit (non-stock) corporation on January 17, 2008.

b. The registered office for the organization is: 21 Towne Center, Leechburg, PA 15656.

c. The organization's purpose at the time it became registered as a corporation in the Commonwealth was "to encourage patriotism and promote activities that honor veterans of all branches of the armed forces of the United States of America".

d. Respondent solicits contributions in the Commonwealth under the names 'Kiski Valley Veterans and Patriots Association' and 'PA Hero Walk'.

e. As of the date of filing of this Order to Show Cause, Respondent has not registered with the Bureau as a charitable organization.

f. The last known mailing address for the Respondent on file with the Bureau is: 5140 Ashbaugh Road, Murrysville, PA 15668.

FACTUAL ALLEGATIONS

3. The Respondent admits that the following allegations are true:

a. By letter dated June 27, 2013, the Bureau of Charitable Organizations (now the Bureau of Corporations and Charitable Organization, and hereinafter called the 'Bureau') notified Respondent that organizations soliciting contributions in the Commonwealth are required to register with the Bureau.

b. The letter requested that Respondent provide a registration statement with the required information or provide information that would support the organization being exempt from the registration requirements of the Act.

c. On or about July 29, 2013, Respondent provided incomplete registration documents and information, which included a Charitable

Organization Registration Statement - Form BCO-10, regarding their fiscal year ending December 31, 2012.

d. It was stated on the BCO-10 provided by Respondent with the incomplete registration documents and information that Respondent first began soliciting contributions in the Commonwealth on January 01, 2008.

e. It was stated on the BCO-10 form that Respondent first received gross contributions totaling \$25,000 or more on June 30, 2009.

f. Section 162.6(a)(8) of the Act requires an organization to file the appropriate registration statement within 30 days of receiving more than \$25,000 in contributions.

g. Based upon the information in the BCO-10, Respondent should have filed the appropriate registration statement by July 31, 2009.

h. At some time after August 8, 2007, Respondent filed with the United States Department of Treasury, Internal Revenue Service (I.R.S.) a Form 990, Return of Organization Exempt From Income Tax, for tax year ending December 31, 2007.

i. The 2007 tax year coincides with the Respondent's fiscal year ending December 31, 2007.

j. The Employer Identification Number on the Form 990 for 2007 is 26-2234317.

k. The same Employer Identification Number on is listed on Forms 990 filed by Respondent for tax years 2008, 2009, 2010, 2011 and 2012.

l. On Form 990 for 2007, Respondent reported direct public support in the amount of \$76,356.

m. Based upon the information on the Form 990 for 2007, Respondent should have filed the appropriate registration statement at some point in 2007.

n. Respondent continued to solicit contributions in the Commonwealth after the date it should have been registered, while not registered as required.

o. The statements contained in the BCO-10 are not in accordance with the information filed with the I.R.S.

AGREED VIOLATIONS

4. The parties agree that by engaging in the foregoing activities, Respondent committed violations of Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by:

a. soliciting charitable contributions in Pennsylvania without being properly registered in violation of Section 5 of the Act, 10 P.S. § 162.5; and

b. failing to have produced records or disclosed information required to be disclosed and making a material false statement in an application filed under the Act in violation of Section 17 of the Act, 10 P.S. § 162.17.

TERMS OF BOARD ORDER

5. To address concerns raised by the Commonwealth and to resolve this matter on a compromise basis, the Commonwealth and the Respondent, intending to be legally bound, agree to the issuance by the Secretary 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), on multiple occasions by soliciting charitable contributions without being registered as required by Section 5 of the Act, 10 P.S. § 162.5;

b. Respondent violated Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by failing to have produced records or disclosed information required to be disclosed and making a material false statement in an application filed under the Act in violation of Section 17 of the Act, 10 P.S. § 162.17.

ADMINISTRATIVE FINE

c. An **ADMINISTRATIVE FINE** in the amount of **THREE-THOUSAND-DOLLARS (\$3,000.00)** is hereby levied upon Respondent.

(1) Respondent shall tender the full sum of the ADMINISTRATIVE FINE with the return of this executed Consent Agreement;

(2) Payment of the ADMINISTRATIVE FINE shall be by certified check, cashier's check, attorney's check, or money order issued by a usual, customary, and reputable issuer (e.g. U.S. Postal Money Order, Western Union Money Order, etc.).

(3) The instrument of payment shall be payable to the 'Commonwealth of Pennsylvania,' and shall be valid for a period of at least one hundred eighty (180) days.

(4) Respondent agrees that payment shall only be made by one of the methods indicated above and shall not be made by uncertified personal or corporate check.

FILING OF REGISTRATION DOCUMENTS

d. Respondent agrees not to solicit charitable contributions in the Commonwealth of Pennsylvania without first being properly registered with the Bureau in accordance with Section 162.5 of the Act, 10 P.S. § 162.5.

e. Respondent acknowledges that failure to register with the Bureau when required to do so, may result in an administrative fine of \$1,000 for each violation found to exist and an additional penalty of \$100 for each day a violation continues.

f. Respondent acknowledges that, in accordance with Section 162.17 of the Act, 10 P.S. § 162.17, failing to register with the Bureau when required to do so may result in a subsequent registration being suspended until any fine imposed is paid or until the normal expiration date of the registration, after which it may be refused.

g. Respondent acknowledges that no subsequent registration shall be renewed until the fine is paid.

h. Respondent shall not enter into any contract or agreement or employ any professional fundraising counsel or professional solicitor unless that professional fundraising counsel or professional solicitor is registered with the Bureau.

CASE SETTLED AND DISCONTINUED

i. This case shall be deemed settled and discontinued upon the Secretary issuing an Order approving and adopting this Consent Agreement and upon the Respondent's successful completion of the requirements of this Order.

j. 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.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent waives the filing of an Order to Show Cause in this matter.

8. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to 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 Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

9. Respondent acknowledges that it is aware that it has the right to consult with, and 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.

10. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed in this matter without the assistance of legal counsel.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

11. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Secretary or her counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. This paragraph is binding on the participants even if the Secretary does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

12. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

AGREEMENT NOT BINDING ON OTHER PARTIES

13. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other governmental or administrative entity of the Commonwealth of Pennsylvania, including any other bureau within the Department of State.

14. 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 and adopting this Consent Agreement.

EFFECT OF SECRETARY'S REJECTION OF CONSENT AGREEMENT

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.

AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

16. 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.

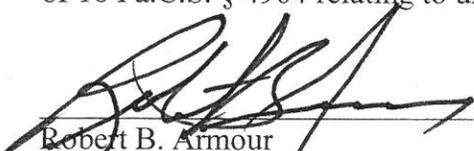
ENTIRE AGREEMENT

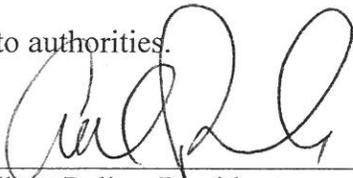
17. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of

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

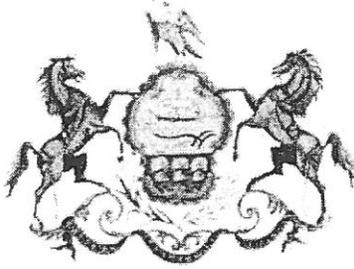
18. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.


Robert B. Armour
Prosecuting Attorney
Department of State


Albert Pulice, President
Kiski Valley Veterans and Patriots
Association, and PA Hero Walk
Respondent

DATED: 07/29/16

DATED: 12.15.15



**KISKI VALLEY VETERANS AND PATRIOTS ASSOCIATION,
AND PA HERO WALK**

DOCKET NO. 0019-98-15

FILE NO. 13-98-07586

ORDER

AND NOW, this 9th day of AUGUST 2016 the foregoing Consent Agreement is approved and the terms set forth in paragraph 5 are hereby adopted and incorporated herein as the Order of the Secretary of the Commonwealth issued in resolution of this matter.

THIS ORDER shall take effect immediately.

BY ORDER

A handwritten signature in black ink that reads "Pedro A. Cortés".

Pedro A. Cortés
Secretary of the Commonwealth

For the Commonwealth:

Robert B. Armour, Esquire
2601 North Third Street
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent:

Albert Pulice, President
Kiski Valley Veterans and Patriots
Association, and PA Hero Walk
5140 Ashbaugh Road
Murrysville, PA 15668

Date of mailing:

08/12/16