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

Commonwealth of Pennsylvania,	:	
Bureau of Charitable Organizations,	:	
	:	
	:	Docket No. 0016-98-12
	:	
vs.	:	File No. 11-98-10056
	:	
Modified K9, Inc.	:	
Respondent	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Modified K9, Inc., ("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. Respondent solicited charitable contributions from residents of Pennsylvania.

3. At all relevant and material times, Respondent did not hold a registration to solicit charitable contributions within the Commonwealth of Pennsylvania.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:

- a. Respondent's last known address is 76 East Thomas Street, Wilkes-Barre, PA 18705.
- b. The IRS has not recognized Respondent as a tax-exempt organization.
- c. Respondent solicits charitable contributions through various events and has a Paypal account.
- d. On or about June 13, 2011, the Bureau sent via certified mail, a request for information including but not limited to the total number of Pennsylvania residents that contributed to Respondent's organization since Respondent first solicited in the Commonwealth, as well as the total amount of contributions received from Pennsylvania residents since Respondent first solicited in the Commonwealth.
- e. On or about July 22, 2011, Respondent responded to the Bureau's request for information.
- f. Respondent's response indicated that Respondent does not have a bank account in its name and under the organization sole control, but rather shares a bank account with Concrete Angels Productions, LLC.
- g. Respondent does not maintain a general ledger, nor keep receipts or an explanation of disbursements made from Respondent's shared bank account.
- h. One disbursement from the shared bank account was payment to a medical doctor for treatment unrelated to Respondent's stated purpose.

AGREED VIOLATIONS

5. Respondent admits and agrees that by engaging in the foregoing activities:
  - a. Respondent repeatedly violated the Act at 10 P.S. §162.15(a)(1), by and through 10 P.S. § 162.12 by failing to keep true and accurate records as required by the Act.

PROPOSED ORDER

6. The parties, intending to be legally bound, agree to the issuance of the following Order in settlement of this matter:
  - a. Respondent repeatedly violated the Act at 10 P.S. § 162.15 (a)(1), by and through § 162.12.

ADMINISTRATIVE FINE

- b. An ADMINISTRATIVE FINE of one thousand dollars (\$1,000.00) is levied upon Respondent. Respondent shall tender the sum of one thousand dollars (\$1,000.00) in two installment payments. All payments shall be paid by certified check, cashier's check, attorney's check or U.S. Postal money order made payable to the "Commonwealth of Pennsylvania." Respondent agrees that all payments shall only be made by one of the methods indicated above and shall not be made by uncertified personal or corporate check. The Administrative fine shall be paid as follows:
  - i. Respondent shall tender the sum of five hundred dollars (\$500.00) along with the signed Consent Agreement.

ii. Respondent shall make the second and final payment of five hundred dollars (\$500.00) on or before May 15, 2012.

FAILURE TO MAKE PAYMENTS

c. In the event that Respondent becomes more than thirty (30) days late in making a payment as scheduled the entire remaining administrative fine (i.e. \$1,000.00 minus total payments made) shall become immediately due and payable. Respondent acknowledges that if Respondent fails to make timely payments under this Consent Agreement and the entire remaining administrative fine becomes due and payable, the collection of this administrative fine may be referred to the Office of Attorney General for collection proceedings.

MAINTAINING RECORDS

d. Respondent acknowledges its requirement to true and accurate records of its fiscal activities in accordance with Section 162.12 of the Act. Should Respondent fail to keep true and accurate records of its fiscal activities, Respondent shall pay an administrative fine of \$1,000.00, and an additional penalty of \$100.00 for each day during which such violation continues. No registration, should the Respondent be required to register under the Act, shall be renewed until the fine is paid.

MAINTAINING BANK ACCOUNT

e. Respondent acknowledges its requirement to maintain a bank account in its name and under its sole control.

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 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 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 governmental or administrative 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.

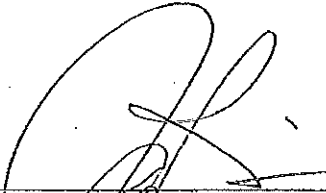
#### AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

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

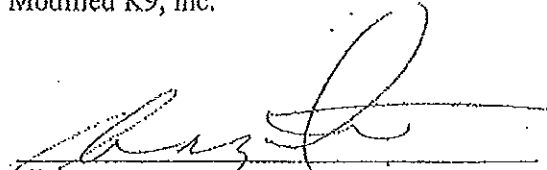
13. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands

that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Jacquelyn E. Pfursich, Esquire  
Prosecuting Attorney  
Department of State

Modified K9, Inc.



By: DEREK ZIELINSKI  
Title: VICE PRESIDENT  
Respondent

DATED:

3/20/12

DATED:



IN THE MATTER OF THE  
MODIFIED K9, INC.  
FILE NO. 11-98-10056

ORDER

AND NOW, to wit, on this 3rd day of April, 2012, 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".

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Carol Aichele  
Secretary of the Commonwealth