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

Department of State

2011 MAY 28 PM 3:13

PRODUCTION CLERK

Commonwealth of Pennsylvania,
Bureau of Charitable Organizations

vs.

Omni Development Relief Fund,
Respondent

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:
:
: Docket No. ODDS-98-10
: File No. 10-98-02763
:
:
:

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations (“Bureau”) and
Omni Development Relief Fund, (“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*, 10 P.S. §§162.1-162.24.

2. At all relevant and material times, Respondent was registered as a charitable
organization in the Commonwealth of Pennsylvania under registration number 33558.

STIPULATED FACTS

3. Respondent’s last known business address on file with the Bureau is 126 Newport
Lane, North Wales, PA 19454.

4. Respondent’s registration as a charitable organization expired on December 31,
2007, and was not renewed thereafter.

5. On October 8, 2009, the Bureau sent Respondent a letter requesting specific information, including but not limited to information regarding the omissions in Respondent's 2007 IRS Form 990 and BCO-10, information regarding the omissions in Respondent's 2008 IRS Form 990 and BCO-10, and copies of basic organization documents.

6. On October 22, 2009, Respondent submitted a partial response to the Bureau's request.

7. On December 1, 2009, the Bureau again requested information from Respondent.

8. Respondent requested a 30-day extension to submit the information requested by the Bureau on February 8, 2010.

9. On March 3, 2010, the Bureau received a letter from Respondent's attorney in which Respondent's attorney admitted that Respondent did not maintain proper account records including, donation records, names and contact information for donors, or Board meeting minutes prior to January 15, 2008.

10. No additional information or documentation was provided to the Bureau.

AGREED VIOLATIONS

11. Respondent admits and agrees that by engaging in the foregoing activities:

a. Respondent committed multiple violations of the Act at 10 P.S. §162.15(a)(1), by and through 10 P.S. §162.12, by failing to keep true fiscal records as to its activities.

b. Respondent committed multiple violations of the Act at 10 P.S. §162.15(a)(1), by and through 10 P.S. §162.17(a)(2) by refusing or failing, after notice, to produce records of the organization to the department.

PROPOSED ORDER

12. 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 110 P.S. §162.15(a)(1), by and through 10 P.S. §162.12, by failing to keep true fiscal records as to its activities.

b. Respondent repeatedly violated the Act at 10 P.S. §162.15(a)(1), by and through 10 P.S. §162.17(a)(2) by refusing or failing, after notice, to produce records of the organization to the department.

ADMINISTRATIVE FINE

c. An **ADMINISTRATIVE FINE** of seven thousand dollars (\$7,000.00) is levied upon Respondent. Respondent shall tender the full sum of seven thousand dollars (\$7,000.00) with this executed Consent Agreement which 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."**

FILING OF REGISTRATION DOCUMENTS

d. Respondent shall retain the services of a certified public accountant to complete a full financial statement audit for fiscal year ending December 31, 2009, and submit that audit to the Bureau.

CASE SETTLED AND DISCONTINUED

13. 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

14. 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

15. 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

16. 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

17. 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.

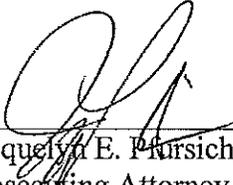
AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

18. 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

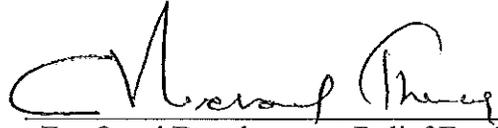
19. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent

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. Pirsich, Esquire
Prosecuting Attorney
Department of State

DATED: 5/25/10



For Omni Development Relief Fund,
Respondent

PRESIDENT

DATED: 5/19/10.



IN THE MATTER OF
OMNI DEVELOPMENT RELIEF FUND
FILE NO. 10-98-02763

ORDER

AND NOW, this 28th day of *May* 2010, the terms of Paragraph 12 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 "Thomas J. Weaver".

Thomas J. Weaver
Executive Deputy Secretary of the
Commonwealth