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

Commonwealth of Pennsylvania,
Bureau of Charitable Organizations,

v.

Outreach Associates, Inc.,
Respondent

Docket No. 0054-98-10
File No. 10-98-07431

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Outreach Associates, 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 ("the Act"), Act of December 19, 1990, P.L. 1200, No. 202, as amended ("Act"), 10 P.S. §§ 162.1 et. seq.

2. Respondent is a professional solicitor as defined by the Act.

3. At all relevant and material times, Respondent held a registration to provide solicitor services to charitable organizations within the Commonwealth of Pennsylvania, certificate number 30003.

4. Respondent’s registration to conduct professional solicitor activities with the Bureau expired on December 20, 2009, and has not been renewed.
5. On January 5, 2010, the Bureau sent Respondent a letter rejecting Respondent's registration due to Respondent's numerous outstanding campaign financial reports.

6. On January 12, 2010, the Bureau sent Respondent a second letter informing Respondent that in addition to the outstanding campaign financial reports, Respondent has outstanding administrative fines.

**STIPULATED FACTS**

7. Respondent admits that the following allegations are true:

   a. Respondent's last known business address, as on file with the Department of State, is 2100 Wharton Street, Suite 510, Pittsburgh, PA 15203.

   b. American Society for Prevention of Cruelty to Animals is a registered charitable organization under certificate number 11717.


   f. The Bureau rejected this report on June 23, 2008 for several reasons.

   g. Respondent has not filed a corrected campaign report for the American Society for Prevention of Cruelty to Animals.
h. Americans for the Arts Action Fund is a registered charitable organization under certificate number 31220.


k. Respondent filed a campaign report for a solicitation campaign on behalf of Americans for the Arts Action Fund on June 17, 2008.

l. The Bureau rejected this report on June 23, 2008 for several reasons.

m. Respondent has not filed a corrected campaign report for the Americans for the Arts Action Fund.

n. Respondent also solicited Pennsylvania residents and businesses on behalf of Americans for the Arts Action Fund between November 1, 2008 and October 31, 2009.


8. Respondent also admits that the following allegations are true:

a. Americans United for Separation of Church and State is a charitable organization that is not currently registered with the Bureau.


d. Respondent filed a campaign report for a solicitation campaign on behalf of Americans United for Separation of Church and State on June 17, 2008.

e. The Bureau rejected this report on June 23, 2008 for several reasons.

f. Respondent has not filed a corrected campaign report for the Americans United for Separation of Church and State.

g. Amnesty International of the U.S.A., Inc. is a charitable organization that is not currently registered with the Bureau.


i. The Act required Respondent to file a campaign report by August 29, 2009.


k. Brady Campaign to Prevent Gun Violence is a registered charitable organization under certificate number 935.

m. The Act required Respondent to file a campaign report by March 30, 2008.

n. Respondent filed a campaign report for a solicitation campaign on behalf of Brady Campaign to Prevent Gun Violence on August 11, 2008.

o. The Bureau rejected this report on August 19, 2008 for several reasons.

p. Respondent has not filed a corrected campaign report for the Brady Campaign to Prevent Gun Violence.

q. Children’s Defense Fund is a registered charitable organization under certificate number 862.


s. The Act required Respondent to file a campaign report by March 30, 2008.


u. The Bureau rejected this report on May 21, 2008 for several reasons.

v. Respondent has not filed a corrected campaign report for the Children’s Defense Fund.

9. Respondent also admits that the following allegations are true:
a. Common Cause is a registered charitable organization under certificate number 875.

b. Respondent solicited Pennsylvania residents and businesses on behalf of Common Cause between April 28, 2009 and March 31, 2010.


e. Free Library of Philadelphia Foundation is a registered charitable organization under certificate number 7995.


g. The Act required Respondent to file a campaign report by December 29, 2007.


i. Habitat for Humanity – International, Inc. is a registered charitable organization under certificate number 12290.


m. Heifer Project International, Inc. is a registered charitable organization under certificate number 943.


o. The Act required Respondent to file a campaign report by March 31, 2010.


q. Jane Goodall Institute for Wildlife Research, Education And Conservation is a registered charitable organization under certificate number 13720.


s. The Act required Respondent to file a campaign report by March 31, 2008.
t. Respondent filed a campaign report for a solicitation campaign on behalf of Jane Goodall Institute for Wildlife Research, Education And Conservation on August 14, 2008.

u. The Bureau rejected this report on August 27, 2008 for several reasons.

v. Respondent has not filed a corrected campaign report for the Jane Goodall Institute for Wildlife Research, Education And Conservation.

10. Respondent also admits that the following allegations are true:

a. League of Women Voters of the United States is a registered charitable organization under certificate number 778.


e. NARAL Pro-Choice America is a registered charitable organization under certificate number 254.

f. Respondent solicited Pennsylvania residents and businesses on behalf of NARAL Pro-Choice America between January 1, 2009 and December 31, 2009.

g. The Act required Respondent to file a campaign report by March 31, 2010.
h. Respondent filed a campaign report for a solicitation campaign on behalf of Naral Pro-Choice America on April 5, 2010.

i. The Bureau rejected this report on April 12, 2010 for several reasons.

j. Respondent has not filed a corrected campaign report for the Naral Pro-Choice America.

k. National Gay and Lesbian Task Force Foundation is a registered charitable organization under certificate number 14372.


m. The Act required Respondent to file a campaign report by March 31, 2008.

n. Respondent filed a campaign report for a solicitation campaign on behalf of National Gay and Lesbian Task Force Foundation on October 14, 2008.

o. The Bureau rejected this report on October 16, 2008 for several reasons.

p. Respondent has not filed a corrected campaign report for the National Gay and Lesbian Task Force Foundation.

q. Northshore Animal League America is a registered charitable organization under certificate number 1297.

r. Respondent solicited Pennsylvania residents and businesses on behalf of Northshore Animal League America between April 1, 2009 and March 31, 2010.
s. The Act required Respondent to file a campaign report by June 29, 2010.


11. Respondent also admits that the following allegations are true:

   a. Parents Families and Friends of Lesbians and Gays, Inc. is a registered charitable organization under certificate number 11275.

   b. Respondent solicited Pennsylvania residents and businesses on behalf of Parents Families and Friends of Lesbians and Gays, Inc. between May 18, 2009 and April 30, 2010.


   e. Physicians Committee for Responsible Medicine, Inc. is a registered charitable organization under certificate number 10567.

   f. Respondent solicited Pennsylvania residents and businesses on behalf of Physicians Committee for Responsible Medicine, Inc. between January 26, 2009 and February 28, 2010.

   g. The Act required Respondent to file a campaign report by May 31, 2010.

   h. Respondent did not file a campaign report for Physicians Committee for Responsible Medicine, Inc. by May 31, 2010.
i. Physicians for Social Responsibility Inc. is a registered charitable organization under certificate number 325.


m. Pittsburgh Community Broadcasting Corporation is a registered charitable organization under certificate number 329.


p. Respondent filed a campaign report for a solicitation campaign on behalf of Pittsburgh Community Broadcasting Corporation on February 20, 2008.

q. The Bureau rejected this report on February 22, 2008 for several reasons.

r. Respondent has not filed a corrected campaign report for the Pittsburgh Community Broadcasting Corporation.
s. Respondent solicited Pennsylvania residents and businesses on behalf of Pittsburgh Community Broadcasting Corporation between December 18, 2008 and September 30, 2009.

t. The Act required Respondent to file a campaign report by December 29, 2009.


12. Respondent also admits that the following allegations are true:

a. Public Citizen Foundation Inc. is a registered charitable organization under certificate number 12508.


d. Respondent filed a campaign report for a solicitation campaign on behalf of Public Citizen Foundation Inc. on April 17, 2008.

e. The Bureau rejected this report on April 24, 2008 for several reasons.

f. Respondent has not filed a corrected campaign report for the Public Citizen Foundation Inc.

g. Public Citizen Inc. is a registered charitable organization under certificate number 2618.

i. The Act required Respondent to file a campaign report by December 29, 2007.

j. Respondent filed a campaign report for a solicitation campaign on behalf of Public Citizen Inc. on April 17, 2008.

k. The Bureau rejected this report on April 24, 2008 for several reasons.

l. Respondent has not filed a corrected campaign report for the Public Citizen Inc.

m. Religious Coalition For Reproductive Choice is a registered charitable organization under certificate number 1406.


q. Sierra Club is a registered charitable organization under certificate number 572.

r. Respondent solicited Pennsylvania residents and businesses on behalf of Sierra Club between March 4, 2008 and December 31, 2008.
s. The Act required Respondent to file a campaign report by March 31, 2009.

t. Respondent filed a campaign report for a solicitation campaign on behalf of Sierra Club on April 13, 2009.

u. The Bureau rejected this report on April 14, 2009 for several reasons.

v. Respondent has not filed a corrected campaign report for the Sierra Club.

w. Respondent solicited Pennsylvania residents and businesses on behalf of Sierra Club between January 20, 2009 and December 31, 2009.

x. The Act required Respondent to file a campaign report by March 31, 2010.

y. Respondent filed a campaign report for a solicitation campaign on behalf of Sierra Club on May 6, 2010.

z. The Bureau rejected this report on May 21, 2010 for several reasons.

aa. Respondent has not filed a corrected campaign report for the Sierra Club.

13. Respondent also admits that the following allegations are true:

a. Southern Poverty Law Center, Inc. is a registered charitable organization under certificate number 446.

b. Respondent solicited Pennsylvania residents and businesses on behalf of Southern Poverty Law Center, Inc. between November 27, 2006 and October 31, 2007.

d. Respondent filed a campaign report for a solicitation campaign on behalf of Southern Poverty Law Center, Inc. on February 19, 2008.

e. The Bureau rejected this report on February 20, 2008 for several reasons.

f. Respondent has not filed a corrected campaign report for the Southern Poverty Law Center, Inc.

g. The Dian Fossey Gorilla Fund International, Inc. is a registered charitable organization under certificate number 14477.


i. The Act required Respondent to file a campaign report by March 31, 2008.

j. Respondent filed a campaign report for a solicitation campaign on behalf of The Dian Fossey Gorilla Fund International, Inc. on May 20, 2008.

k. The Bureau rejected this report on May 21, 2008 for several reasons.

l. Respondent has not filed a corrected campaign report for the Dian Fossey Gorilla Fund International, Inc.

m. The National Museum of Women in the Arts is a registered charitable organization under certificate number 9379.

o. The Act required Respondent to file a campaign report by September 28, 2009.


14. Respondent also admits that the following allegations are true:

a. WDUQ- Radio is a charitable organization that is not currently registered with the Bureau.


e. WDUQ - FM is a charitable organization that is not registered with the Bureau.


g. The Act required Respondent to file a campaign report by March 31, 2008.

i. Between 2007 and August 2010, Respondent submitted thirty (30) campaign reports late or failed to file campaign reports and was assessed $10,125.00 in administrative fines.

j. Respondent has failed to pay the $10,125.00 in administrative fines.

k. Between January 2009 and August 2010, the Bureau sent Respondent over forty (40) letters indicating that Respondent had numerous outstanding campaign financial reports and outstanding administrative fines.

l. Additionally, on July 8, 2009, and August 13, 2009 the Bureau sent Respondent a letter via certified mail, return receipt requested, notifying Respondent of twenty-two overdue campaign finance reports.

m. Respondent did not respond to the Bureau’s letters.

15. Respondent also admits that the following allegations are true:

   a. Respondent employs individuals to work as solicitors in an office located in the Commonwealth, as well as offices in other states.

   b. Respondent’s solicitors, among other things, make telephone calls to Commonwealth residents in an effort to secure contributions for various charities.

   c. On or about June 7, 2010, the Bureau sent via certified mail, an investigative subpoena requesting, among other things, a list of Respondent’s employees as well as a list of Respondent’s employees who solicit for compensation in Pennsylvania and have been convicted by a court of any state or the United States of any felony or of any misdemeanor involving dishonesty.
d. On or about July 13, 2010, Respondent provided a response to the Bureau’s investigative subpoena.

e. Respondent’s response indicated that Respondent employed twelve (12) individuals who were convicted of felonies or misdemeanors involving dishonesty to solicit monetary contributions from Pennsylvania residents.

f. The Bureau’s June 6, 2010 investigative subpoena requested that Respondent provide details concerning Respondent’s employees who have been convicted of a felony or a misdemeanor involving dishonesty, including the offense, grading of the offense the State in which the person was convicted, date of the offense and the conviction, penalties imposed by the court, and the date in which Outreach Associates, Inc. became aware of the conviction.

g. Respondent’s July 13, 2010 response did not include the information requested in Paragraph 2 in the Bureau’s June 6, 2010 investigative subpoena.

h. As of August 20, 2010, Respondent has not provided the information requested in Paragraph 2 of the Bureau’s June 6, 2010 investigative subpoena.

AGREED VIOLATIONS

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

   a. Respondent repeatedly violated the Act at 10 P.S. § 162.9(1), by and through § 162.15(a)(1), by failing to file campaign reports within ninety (90) days after a solicitation campaign or event that was completed or on the anniversary of a campaign or event lasting more than one year;
b. Respondent repeatedly violated the Act at 10 P.S. § 162.17(b)(3) by and through 10 P.S. § 162.15(a)(1) by failing to pay the administrative fines assessed to the Respondent;

c. Respondent repeatedly violated the Act at 10 P.S. § 162.9(q)(1), by and through § 162.15(a)(1), by employing individuals who have been convicted by a court of any state or the United States of any felony, or of any misdemeanor involving dishonestly or arising from the conduct of a solicitation for a charitable organization or purpose; and

d. Respondent violated the Act at 10 P.S. § 162.17(a)(2), by and through § 162.15(a)(1), by failing, after notice, to produce any records of such organization or to disclose any information required to be disclosed under this Act.

PROPOSED ORDER

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

a. Respondent repeatedly violated the Act at 10 P.S. § 162.9(l), by and through §162.15(a)(1);

b. Respondent repeatedly violated the Act at 10 P.S. § 162.17(b)(3) by and through 10 P.S. § 162.15(a)(1);

c. Respondent repeatedly violated the Act at 10 P.S. § 162.9(q)(1), by and through §162.15(a)(1);

d. Respondent violated the Act at 10 P.S. § 162.17(a)(2), by and through § 162.15(a)(1).
ADMINISTRATIVE FINE

e. Respondent shall pay the outstanding administrative fines that were assessed to Respondent between 2007 and 2010 in the amount of $10,125.00. Respondent shall tender the full sum of $10,125.00 with the signed Consent Agreement. Payment shall be made by certified check, cashier's check, attorney's check, or U.S. Postal Money order made payable to the "Commonwealth of Pennsylvania."

f. Additionally, an ADMINISTRATIVE FINE of ten thousand dollars ($10,000.00) is also levied upon Respondent. Respondent shall tender the sum of ten thousand dollars ($10,000.00) in three 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 three thousand three hundred thirty three dollars and thirty-four cents ($3,333.34) on or before March 1, 2011.

ii. Respondent shall make the second payment of three hundred thirty three dollars and thirty-three cents ($3,333.33) on or before April 1, 2011.
iii. Respondent shall make the third and final payment of three hundred thirty three dollars and thirty-three cents ($3,333.33) on or before May 1, 2011.

**FAILURE TO MAKE PAY**

g. 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. $10,000.00 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.

**PERMANENT VOLUNTARY SURRENDER OF REGISTRATION AND CEASE AND DESIST**

h. Respondent, Outreach Associates, Inc. agrees to a PERMANENT VOLUNTARY SURRENDER of its registration as a professional solicitor, registration number 30003. Respondent, Outreach Associates, Inc. agrees to never again seek registration in the Commonwealth of Pennsylvania. Upon adoption of this Consent Agreement and Order, Respondent, Outreach Associates, Inc. shall immediately cease and desist from providing any services as a professional solicitor in the Commonwealth of Pennsylvania.

i. Respondent, Outreach Associates, Inc. further understands and acknowledges that permanently refraining from soliciting contributions in Pennsylvania includes not attempting to circumvent the terms of this settlement
agreement through the use of any related or unrelated third party to incorporate or otherwise form and/or operate a business to solicit charitable contributions in Pennsylvania, for or on behalf of any purported charitable organization. This agreement to permanently refrain from soliciting charitable contributions in Pennsylvania includes agreeing not to circumvent the letter or spirit of this settlement through any such agreement.

CASE SETTLED AND DISCONTINUED

18. 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 any ordered discipline.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

19. 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

20. 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**

21. 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**

22. 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**

23. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondent. 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.
VERIFICATION OF FACTS AND STATEMENTS

24. 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.

Jagmelyn E. Pfursich
Prosecuting Attorney
Department of State

Robert [Signature]
For Outreach Associates, Inc.
Title: CFO
Respondent

DATED: 1/25/11

DATED: 1/19/11
IN THE MATTER OF
OUTREACH ASSOCIATES, INC.
FILE NO. 10-98-07431

ORDER

AND NOW, to wit, on this 15th day of February 201[ ] the terms of paragraph 17 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:

[Signature]
Carol Aichele
Acting Secretary of the Commonwealth