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

Commonwealth of Pennsylvania,  
Bureau of Charitable Organizations,

vs.

Parks Unlimited, Inc.,  
Respondent

Docket No. 0006 -98-10

File No. 09-98-09001

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Parks Unlimited, 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 was registered with the Bureau, Registration #26642; however, Respondent's registration expired at the conclusion of fiscal year 2005, and Respondent was unregistered from November 11, 2006 through January 31, 2007. Respondent later renewed its registration, and is currently registered with the Bureau until November 11, 2009.

**STIPULATED FACTS**

3. Respondent admits that the following allegations are true:
  - a. Respondent's last known business address is 828 Liberty Street Franklin, PA 16323.
  - b. Anne Rudegeair is Respondent's President.
  - c. Martin Rudegeair, husband of Anne Rudegeair, serves as both Secretary and Treasurer of Respondent.
  - d. According to the records of the Corporation Bureau, Respondent incorporated as a non-profit on October 6, 1997.
  - e. Respondent has operated as a non-profit organization, the purpose of which is to operate a county-owned recreation park.
  - f. On May 16, 2006, the Bureau granted the Respondent a registration extension for fiscal year 2005 until November 11, 2006.
  - g. Respondent did not provide the appropriate fiscal year 2005 registration materials to the Bureau until January 17, 2007; Respondent was statutorily deemed approved on January 31, 2007.
  - h. After receiving information that Respondent was improperly soliciting contributions as a non-profit organization from Pennsylvania residents during the period of non-registration from November 11, 2006 through January 31, 2007, the Bureau sent an investigative subpoena to Respondent dated March 6, 2007.
  - i. Based upon a review of the available information provided by the Respondent, it was determined that Respondent failed to properly disclose related

parties as required by the BCO-10 for the years ending December 31, 2005 and December 31, 2006.

j. The BCO-10 for the years ending December 31, 2005 and December 31, 2006 failed to disclose that Anne and Martin Rudegear are married.

k. Records provided by Respondent, showed that in the fiscal year ending December 31, 2005, Respondent received \$45,513 in direct public support; thus requiring registration for that year.

l. On its 2006 Form 990, Statement 2, Respondent failed to disclose that the organization utilizes its credit cards as expense accounts or their related dollar amounts.

m. On its 2004, 2005 and 2006 Form 990, Respondent failed to disclose related party transactions (including credit card transactions) as follows:

1. Ann Rudegear had \$2,479, \$1,277 and \$1,112 of related party transactions in 2004, 2005 and 2006, respectively.
2. Martin Rudegear had \$17,119, \$4,692.04, and \$4,914 of related party transactions in 2004, 2005 and 2006, respectively.

#### AGREED VIOLATIONS

4. Respondent agrees that by engaging in the foregoing activities, Respondent has committed multiple violations of the Act by:

- a. failing to register with the Bureau after its registration expired on December 31, 2005 and before soliciting charitable contributions in the

Commonwealth of Pennsylvania, in violation of 10 P.S. §162.15(a)(1);

b. making material false statements in fiscal year 2004, and 2005, and 2006 on applications, statements or reports that are required to be filed under the Act, in violation of 10 P.S. § 162.17 (a)(3).

#### PROPOSED ORDER

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

- a. Respondent violated the Act at 10 P.S. §162.15(a)(1).
- b. Respondent violated the Act at 10 P.S. § 162.17 (a)(3).

#### ADMINISTRATIVE FINE

c. An ADMINISTRATIVE FINE of two thousand dollars (\$2,000) is levied upon Respondent. Respondent shall tender the full sum of two thousand dollars (\$2,000), 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 acknowledges its requirement to compile accurate financial statements and to maintain registration with the Bureau according to Section 162.5 of the Act. Should Respondent not register with the Bureau when it is required to, 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; and Respondent's registration shall be automatically suspended until the fine is paid or

until the normal expiration date of the registration in accordance with Section 162.17 of the Act. No registration shall be renewed until the fine is paid.

e. Respondent shall also submit audited financial statements for fiscal year end December 31, 2007 to the Bureau within 45 days of the date of this Order, per Section 162.5(13)(j), failure to do so shall result in an administrative fine of \$1,000.00, and an additional penalty of \$100.00 for each day during which such violation continues.

#### **CASE SETTLED AND DISCONTINUED**

6. 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**

7. 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**

8. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other 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**

9. 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**

10. 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**

11. 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.

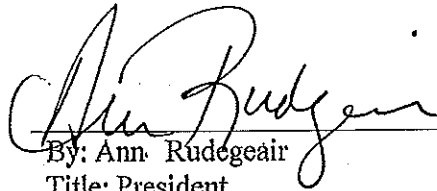
VERIFICATION OF FACTS AND STATEMENTS

12. 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. Pforsich, Esquire  
Prosecuting Attorney  
Department of State

Parks Unlimited, Inc.



By: Ann Rudegeair  
Title: President  
Respondent

DATED:

3/19/10

DATED:

3/16/10

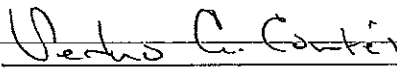


IN THE MATTER OF  
PARKS UNLIMITED, INC.  
FILE NO. 09-98-09001

ORDER

AND NOW, to wit, on this 24<sup>th</sup> day of March 2010, the terms of paragraph 5 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

  
Pedro A. Cortés  
Secretary of the Commonwealth