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Department of State
Prothonotary

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

**Commonwealth of Pennsylvania,
Bureau of Corporations and
Charitable Organizations**

v.

Pittsburgh United

Respondent

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:
:
:

File No. 22-98-008997

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations (“Bureau”), by and through its undersigned prosecuting attorney, Michael J. Gennett and Pittsburgh United, (“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, Act of December 19, 1990, P.L. 1200, No. 202, *as amended* (“Act”), 10 P.S. §§ 162.1 *et. seq.*

2. At all relevant and material times, Respondent acted as a charitable organization as defined by the Act.

STIPULATED FACTS

3. Respondent’s last known address is 841 California Avenue, Pittsburgh, PA 15212.

4. Respondent unintentionally and unknowingly operated as an unregistered charitable organization in Pennsylvania from May 16, 2014 through June 6, 2022.

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OFFICE OF CHIEF COUNSEL

5. Respondent engaged external auditors to prepare and file all Charitable Organization Registration Statements and related documentation required to have and maintain proper registration in Pennsylvania during the period from May 16, 2014 through June 6, 2022 and such auditors failed to file the required forms and documentation.

6. Respondent is currently registered as a charitable organization with the Department of State, Bureau of Corporations and Charitable Organizations (Bureau) and has been issued Certificate of Registration No.: 40517.

7. Respondent engaged in charitable activities in Pennsylvania, even though Respondent was not exempt from registration under 10 P.S. § 162.6(a)(8) since Respondent received contributions in excess of \$25,000.00 per annum.

AGREED VIOLATIONS

8. Respondent admits and agrees that by engaging in the aforementioned conduct, Respondent unintentionally and unknowingly committed violations of the Act as follows:

a. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.5(a), by soliciting contributions without the approved registration filed with the Bureau.

PROPOSED ORDER

9. The participants, intending to be legally bound, consent to issuance 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), by and through 10 P.S. § 162.5(a), by soliciting contributions without the approved registration filed with the Bureau.

ADMINISTRATIVE PENALTIES

10. An **ADMINISTRATIVE FINE** of **Nine Thousand Dollars (\$9,000.00)** is levied upon Respondent. Respondent shall tender the full sum of **Nine Thousand Dollars (\$9,000.00)**, with this executed Consent Agreement. Payment shall be by certified check, cashier's check, attorney's check, or U.S. Postal money order. The instrument of payment shall be made payable to the "Commonwealth of Pennsylvania," and shall be valid for a period of at least one hundred eighty (180) days. Respondent agrees that payment will be made by one of the methods indicated in herein and that payment by uncertified personal check, corporate check or cash will not be accepted.

CASE SETTLED AND DISCONTINUED

11. 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, this Consent Agreement does not extend to statutory violations which are unknown to the Prosecuting Attorney as of the date of execution of this Consent Agreement and unrelated to the matters set forth above. Accordingly, Prosecuting Attorney for the Bureau may file charges or the Secretary may impose disciplinary or corrective measures for violations or facts unrelated to, or not arising out of, the facts contained in this Consent Agreement and Order.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

12. 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 the 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

13. 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

14. 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

15. 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.

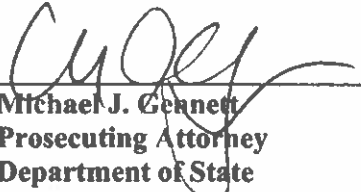
AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

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.

VERIFICATION OF FACTS AND STATEMENTS

17. 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.



Michael J. Gennett
Prosecuting Attorney
Department of State
Commonwealth of Pennsylvania

/S/ _____
Pittsburgh United
Respondent

By: 

Jennifer Rafanan Kennedy
Title: Executive Director

DATE: 18 JAN 2023

DATE: 1/11/2023



IN THE MATTER OF

Pittsburgh United

File No.: 22-98-008997

ORDER

AND NOW, this 23rd day of January 2023, the foregoing Consent Agreement is hereby approved, and the terms set forth herein are hereby adopted and incorporated herein as the Order of the Acting Secretary of the Commonwealth, now issued in resolution of this matter.

THIS ORDER shall take effect immediately.

BY ORDER:

A handwritten signature in black ink, appearing to read 'AS Schmidt', written over a horizontal line.

**Albert Schmidt
Acting Secretary of the Commonwealth**

For the Commonwealth:

Michael J. Gennett
Prosecuting Attorney
Capitol Complex
306 North Office Building
401 North Street
Harrisburg, Pennsylvania 17120

Respondent:

Pittsburgh United
841 California Avenue
Pittsburgh, PA 15212