

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

Commonwealth of Pennsylvania,  
Bureau of Charitable Organizations

v.

Beth Ann Wolz,  
Respondent

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Docket No. ~~07~~-98-2007  
File No. 2007-98-08652

Department of State

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PROTHONOTARY

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Beth Ann Wolz ("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. §§162.1-162.24.

STIPULATED FACTS

2. Respondent admits that the following allegations are true:
- a. Respondent's last known address is 1020 Timberwood Drive, Beaver Falls, PA 15010.
  - b. Chippewa Township Volunteer Fire Department ("Chippewa Township VFD") operates as a nonprofit organization.
  - c. Chippewa Township VFD conducts business as a charitable organization as defined by the Act.

d. At all relevant and material times, Respondent was the treasurer for Chippewa Township VFD.

e. At all relevant and material times, Respondent, as treasurer for the Chippewa Township VFD, had the authority to sign checks drawn on fire department accounts and to otherwise withdraw money from each.

f. Pursuant to Section 162.21 of the Act, Respondent, as treasurer, is deemed a fiduciary and acting in a fiduciary capacity for the Chippewa Township VFD.

g. It is estimated that over a seven-year period, Respondent misappropriated approximately \$10,000 from the Chippewa Township VFD.

h. The funds identified in paragraph 2(g) were for Respondent's personal use and benefit.

i. The funds identified in paragraph 2(g) were not applied in a manner consistent with Chippewa Township VFD charitable purpose.

### VIOLATIONS

3. The Commonwealth alleges that Respondent committed multiple violations of the Act as follows:

a. 10 P.S. § 162.15(a)(1), by and through § 162.13(a), in that when Respondent is alleged to have misappropriated approximately \$10,000 from Chippewa Township VFD, for her personal use and benefit, she caused Chippewa Township VFD to apply contributions in a manner not consistent with Chippewa Township VFD's charitable purpose;

b. 10 P.S. § 162.15(a)(1), by and through § 162.21, in that when Respondent, as treasurer, is alleged to have misappropriated approximately \$10,000 from Chippewa Township VFD, for her personal use and benefit, she breached the fiduciary duty she owed to Chippewa Township VFD; and

c. 10 P.S. § 162.15(a)(2), in that when Respondent is alleged to have misappropriated approximately \$10,000 Chippewa Township VFD, for her personal use and benefit, she may have utilized unfair and deceptive acts and engaged in fraudulent conduct which created a likelihood of confusion or of misunderstanding.

#### **PROPOSED ORDER**

4. Without admitting or denying any specific violation of the Act and to address concerns raised by the Commonwealth and to resolve this matter on a compromise basis, Respondent, intending to be legally bound, agrees to not contest the issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 10 P.S. § 162.15(a)(1), by and through § 162.13(a); § 162.15(a)(1), by and through § 162.21; and § 162.15(a)(2).

#### **PUBLIC REPRIMAND**

b. A **PUBLIC REPRIMAND** is hereby issued to Respondent.

#### **COOPERATION WITH BEAVER COUNTY DISTRICT ATTORNEY**

c. Respondent shall fully cooperate with the Beaver County District Attorney's Office, and already has so cooperated, in its efforts to achieve full restitution to Chippewa Township VFD.

### **ADDITIONAL PROVISIONS**

d. Respondent shall not represent, either directly or indirectly, that by this Consent Agreement the Bureau of Charitable Organizations has sanctioned, condoned or approved any part or aspect of Respondent's activities.

e. Respondent shall not, either directly or indirectly, participate in any activities within the Commonwealth of Pennsylvania in violation of the Act.

f. Respondent shall not assume any position, whether voluntary or paid, in any charitable organization, which involves the solicitation, collection or expenditure of contributions.

### **CASE SETTLED AND DISCONTINUED**

5. 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**

6. 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**

7. 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**

8. 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**

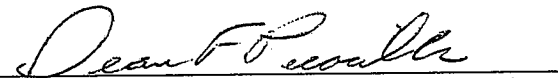
9. This Agreement contains the whole agreement between the parties; provided, however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

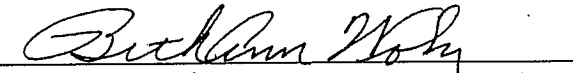
#### **AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES**

10. 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

11. 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.

  
~~F Tracy I. McCurdy~~ Dean F. Picarella  
Prosecuting Attorney  
Department of State

  
Beth Ann Wolz  
Respondent

DATED: 10/25/2007

DATED: 10/25/2007

Attorney for Respondent:

Lawrence P. Lutz, Esquire  
101 East Diamond Street  
Suite 102  
Butler, PA 16001



**IN THE MATTER OF  
BETH ANN WOLZ  
FILE NO. 2007-98-08652**

**ORDER**

AND NOW, to wit, on this 20<sup>th</sup> day of November 2007, the terms of paragraph 4 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*

Pedro A. Cortés  
Secretary of the Commonwealth