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Department of State

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

Commonwealth of Pennsylvania,	:	
Bureau of Charitable Organizations,	:	
	:	Docket No.
vs.	:	File Nos. 04-98-03875
	:	04-98-03876
	:	
Dunmore Little League and	:	
Dunmore Little League Women's Auxiliary	:	
Respondents	:	

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and the Dunmore Little League and Dunmore Little League Women's Auxiliary ("Respondents") 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.
2. Neither Respondent has ever been registered as a charitable organization in the Commonwealth of Pennsylvania.

STIPULATED FACTS

3. Respondents admit that the following allegations are true:
 - a. Respondents' last known business address is 307 West Elm Street, Dunmore, PA 18512.

b. Dunmore Little League (DLL) solicited contributions in excess of \$25,000 during its fiscal year ending December 31, 2002.

c. On June 24, 2003, the Bureau issued an Investigative Subpoena and Cease and Desist Order upon Respondents for failing to register with the Bureau for the fiscal year ending December 31, 2002.

d. In response to the subpoena, DLL indicated that it had solicited contributions of \$29,357.34 during its fiscal year ending December 31, 2002.

e. Dunmore Little League Women's Auxiliary (DLLWA) was requested to provide fiscal records of its solicitation activities and was not able to do so.

f. DLLWA has ceased to operate independently of DLL and DLL has assumed full control of all fundraising activities previously conducted by the DLLWA.

AGREED VIOLATIONS

4. DLL agrees that by engaging in the foregoing activities it violated the Act at 10 P.S. §162.15(a)(1) by and through violations of 10 P.S. §162.5(a), in that DLL solicited charitable contributions in the Commonwealth of Pennsylvania without being properly registered.

5. DLLWA agrees that by engaging in the foregoing activities it violated the Act at 10 P.S. §162.15(a)(1) by and through violations of 10 P.S. §162.12 in that DLLWA solicited charitable contributions in the Commonwealth of Pennsylvania and failed to keep true and accurate fiscal records of its solicitation activities.

PROPOSED ORDER

6. The participants consent to issuance of the following Order in settlement of this matter:

- a. DLL violated the Act at 10 P.S. §162.15(a)(1) by and through §162.5(a).
- b. DLLWA violated the Act at 10 P.S. § 162.15(a)(1) by and through §162.12.
- c. An **ADMINISTRATIVE FINE** of two thousand dollars (\$2,000.00) is levied upon Respondents. Respondents shall tender the full sum of two thousand dollars (\$2,000.00) 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."
- d. DLL shall not solicit charitable contributions in the Commonwealth of Pennsylvania unless and until all registration requirements have been satisfied and Respondent's registration has been approved by the Bureau.
- e. DLL agrees that Lorraine Becchetti does not now, nor will she ever, have any duties of Treasurer or other financial officer of DLL, including but not limited to, access to contributions, cash, or otherwise, of DLL or signatory authorization on any accounts in the name of DLL.
- f. DLL acknowledges its requirement to keep true and accurate fiscal records and understands that the Bureau may audit the records of DLL at anytime.

VIOLATION OF THE SECRETARY'S ORDER

7. 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

8. Respondents waive the filing of an Order to Show Cause in this matter. Respondents knowingly and voluntarily waive 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

9. This Consent Agreement is between the Bureau and Respondents 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

10. 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

11. 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

12. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondents 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 Respondents or any officer, director, agent, employee or independent contractor of the Respondents.

VERIFICATION OF FACTS AND STATEMENTS

13. Respondents verify that the facts and statements set forth in this Agreement are true and correct to the best of Respondents' knowledge, information and belief. Respondents understand that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Dunmore Little League

Tracy L. McCurdy

Tracy L. McCurdy, Esquire
Prosecuting Attorney
Department of State

DATED: 5-3-04

By *Paul Bocchetti* President

Title:
Respondent

DATED:

Dunmore Little League Women's Auxiliary

By *Paul Bocchetti* President

Title:
Respondent

DATED:



**IN THE MATTER OF
DUNMORE LITTLE LEAGUE and
DUNMORE LITTLE LEAGUE WOMEN'S AUXILIARY
FILE NOS. 04-98-03875 and 04-98-03876**

ORDER

AND NOW, this 5th day of May, 2004, the terms of paragraph 6 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