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

SECRETARY
2006 JUL 20 10:57
Department of State

Commonwealth of Pennsylvania,
Bureau of Charitable Organizations

vs.

Firefighters Assistance Fund, Inc.,
Respondent

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Docket No. 0007-98-06
File No. 06-98-05364

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau") and Firefighters Assistance Fund, 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*, 10 P.S. §§162.1-162.24.
2. At all relevant and material times, Respondent was soliciting charitable contributions in the Commonwealth of Pennsylvania.
3. At all relevant and material times, Respondent was not properly registered with the Bureau of Charitable Organizations ("Bureau"), as required by the Act; Respondent's registration, certificate #31653, expired on November 15, 2005, and was not renewed until April 5, 2006.

STIPULATED FACTS

4. Respondent admits that the following allegations are true:
 - a. Respondent's last known business address on file with the Bureau is 10050 Burnt Store Road, Punta Gorda, FL 33955.
 - b. At all relevant and material times, Respondent was not properly registered with the Bureau of Charitable Organizations ("Bureau"), as required by the Act.
 - c. Respondent's registration, certificate #31653, expired on November 15, 2005, and was not renewed until April 5, 2006.
 - d. On or about February 22, 2006, pursuant to the requirements of the Act, Respondent filed with the Bureau, registration documents for its fiscal year ending June 30, 2005 ("2005 Registration Documents").
 - e. Respondent's 2005 Registration Documents contained several material false statements as follows:
 - (1) Respondent failed to properly report its fundraising expenses on its IRS Form 990;
 - (2) Respondent failed to properly report its primary exempt purpose on its IRS Form 990;
 - (3) Respondent failed to properly report its revenue and expenses on its IRS Form 990;
 - (4) Respondent incorrectly completed lines 90 and 91 of its IRS Form 990;
 - (5) Respondent failed to report payments to independent contractors in excess of \$50,000;

(6) Respondent failed to report compensation to officers, directors, or key employees in excess of \$1,000; and

(7) Respondent failed to properly sign its IRS Form 990.

f. On March 23, 2006, the Bureau received Respondent's revised IRS Form 990 for fiscal year ending June 30, 2005, wherein Respondent had corrected all identified errors.

VIOLATIONS

5. Respondent committed multiple violations of the Act as follows:

a. 10 P.S. § 162.15(a)(1), by and through § 162.5, by soliciting charitable contributions in the Commonwealth of Pennsylvania after its registration had expired; and

b. 10 P.S. § 162.15(a)(1), by and through § 162.17(a)(3), by making material false statements in applications and documents that are required to be filed pursuant to the Act.

PROPOSED ORDER

6. The parties, intending to be legally bound, agree to 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 § 162.5, and § 162.17(a)(3).

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of one thousand dollars (\$1,000.00) is levied upon Respondent. Respondent shall tender the full sum of one thousand dollars (\$1,000.00) 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."

CASE SETTLED AND DISCONTINUED

7. This case shall be deemed settled and discontinued upon the Secretary issuing and Order adopting this Consent Agreement.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

8. 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

9. 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

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.

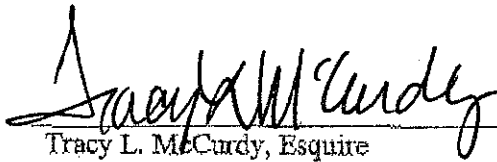
AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

12. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, 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

13. 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.

**FIREFIGHTERS ASSISTANCE
FUND, INC.**



Tracy L. McCurdy, Esquire
Prosecuting Attorney
Department of State

By: 

Title Respondent *President*

DATED: 7-20-06

DATED: 7-13-06




**IN THE MATTER OF
THE PALESTINE RIGHT TO RETURN COALITION
FILE NO. 06-98-05364**

ORDER

AND NOW, this 20th day of *July* 2006, 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
Secretary of the Commonwealth