

STIPULATED FACTS

5. Respondent admits that the following allegations are true:
- a. Respondent's last known business address is 2413 North Front Street, Harrisburg, PA 17110.
 - b. Respondent incorporated as a non-profit on June 4, 1980.
 - c. Respondent has operated as a non-profit organization soliciting contributions for various programs relating to the reduction of DUI violations in the state of Pennsylvania.
 - d. C. Stephen Erni (Erni) is the Executive Director of the organization.
 - e. Respondent timely filed registration materials for fiscal years ending December 31, 2003, 2004 and 2005.
 - f. After the Bureau's review of Respondent's available records, for those fiscal years, it was determined that PA DUI made material false statements on its annual registration materials submitted for those years.
 - g. Among other things, Respondent failed to disclose:
 - 1. all names used to solicit contributions in Pennsylvania;
 - 2. all related parties, including Felicity Erni, wife of C. Stephen Erni;
 - 3. all compensation paid to employees, officers and/or directors of Respondent;
 - 4. that it received a grant from the Robert Wood Johnson

Foundation in the amount of \$400,000 between February 15, 2003 and February 14, 2005; and

5. all methods used to solicit contributions in Pennsylvania.

h. Respondent timely filed registration materials for fiscal years ending December 31, 2006 and 2007.

i. The material false statements identified in 2003, 2004 and 2005 registration material do not appear on the 2006 or 2007 registration materials.

j. Pursuant to the Bureau's standard operating procedure, Respondent has been granted an extension of time until November 11, 2009, to file its registration materials for its fiscal year ending December 31, 2008.

AGREED VIOLATIONS

6. Respondent agrees that by engaging in the foregoing activities, Respondent violated the Act by making material false statements in fiscal year 2003, 2004, and 2005, on annual registration materials; 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

7. 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. § 162.17 (a)(3);

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** of five thousand dollars (\$5,000) is levied upon Respondent. Respondent shall tender the full sum of five thousand dollars (\$5,000), 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."**

CASE SETTLED AND DISCONTINUED

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

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

9. 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

10. 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

11. 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

12. 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.

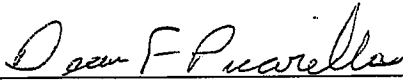
AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

13. 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.

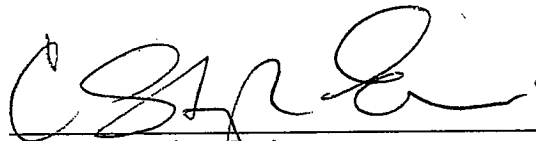
VERIFICATION OF FACTS AND STATEMENTS

14. 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.

PA DUI Association



Dean F. Picarella, Esquire
Prosecuting Attorney
Department of State



By: C. Stephen Erni
Title: EXECUTIVE DIRECTOR
Respondent

DATED: 06/22/2009

DATED: 6/18/09



**IN THE MATTER OF THE
PA DUI ASSOCIATION
FILE NO.: 09-98-05262
ORDER**

AND NOW, to wit, on this 24th day of June 2009, the terms of paragraph 7 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

A handwritten signature in cursive script, reading "Thomas J. Weaver", written over a horizontal line.

Thomas J. Weaver
Executive Deputy Secretary
of the Commonwealth