

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

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Department of State

Commonwealth of Pennsylvania
Bureau of Charitable Organizations

v.

Cars 4 Causes,
Respondent

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Docket no. 0067-98-10
File no. 10-98-00313

FINAL ADJUDICATION AND ORDER

Carol Aichele
Secretary of the Commonwealth

401 North Street, Room 302
Harrisburg, PA 17120

HISTORY

This case comes before the Secretary of the Commonwealth (Secretary) on an order to show cause (OSC) filed December 9, 2010, alleging that Cars 4 Causes (Respondent) violated the Solicitation of Funds for Charitable Purposes Act, Act of December 19, 1990, P.L. 1200, No. 202 (Act), *as amended*, 10 P.S. §§ 162.1 *et seq.* The order to show cause included seven counts charging that Respondent violated the Act by soliciting contributions in the Commonwealth without being properly registered under the Act and two counts alleging that Respondent violated the Act by making a material false statement in an application, statement or report required to be filed with the Bureau of Charitable Organizations (Bureau or BCO) under the Act.

Initially, Respondent filed no answer to the order to show cause within the time frame established under the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code § 31.1 *et seq.*, so on January 14, 2011, the Commonwealth filed a motion to enter default and deem facts admitted. On February 7, 2011, through counsel, Respondent filed its Answer and New Matter to Order to Show Cause (Answer), followed on February 8, 2011 by its Reply to Motion to Enter Default. The Secretary on February 10, 2011, filed an Order Denying Motion to Enter Default and Delegating Case, which among other things delegated the matter to a Department of State hearing examiner to conduct a formal hearing on the charges. Additionally, on February 10, 2011, the Commonwealth filed its Reply to New Matter.

Thereafter, a Notice of Hearing scheduled the matter for hearing to occur on March 29, 2011, but the matter was continued at Respondent's request, without objection from the Commonwealth, due to a scheduling conflict. The matter was rescheduled for hearing to occur on May 3, 2011. However, by motions filed March 31, 2011, the Commonwealth requested a prehearing conference and a continuance of the hearing due to the unavailability of some of the Commonwealth's witnesses

on the scheduled hearing date, a request granted by Order dated May 26, 2011. The prehearing conference was held May 3, 2011 and the hearing was then scheduled for August 15, 2011.

Because both parties had witnesses with conflicts on August 15, the hearing was again rescheduled, with the new hearing date being August 29, 2011. Thereafter, the Commonwealth filed a Notice of Withdrawal of Counts Eight and Nine of the Commonwealth's Order to Show Cause, withdrawing the two counts alleging material false statements in an application, statement or report required to be filed with the Bureau under the Act, thus narrowing the issues to Respondent's alleged solicitation of contributions in the Commonwealth without being properly registered under the Act.

The formal administrative hearing was held before Department of State (Department) Hearing Examiner Ruth D. Dunnewold in Harrisburg on August 29, 2011. Jacquelyn E. Pfursich, Esquire represented the Commonwealth as prosecuting attorney. Respondent was represented by Harry W. Fenton, Esquire. At the hearing, the Commonwealth presented testimonial and documentary evidence in support of the allegations in the OSC. Respondent presented a witness via telephone, as well as supporting documentation. The parties declined to file post-hearing briefs, and the hearing transcript was filed September 12, 2011, closing the record.

FINDINGS OF FACT

1. A charitable organization, unless exempt, is required to file a registration statement with the Department. Act at §5(a), 10 P.S. §162.5(a); Notes of Testimony (NT) at 11 – 12.
2. Respondent is a non-profit organization that takes vehicles for donations, gives the proceeds from sales of the vehicles to charities, gives vehicles to families in need of transportation, and runs other charitable activities such as youth education and the like. NT at 44.
3. Respondent is a charitable organization that is required to be registered with the Bureau. Commonwealth Exhibit 8, paragraph 3; Commonwealth Exhibit 9, paragraph 3;¹ NT at 12.
4. Respondent's last known mailing address is 4864 Market Street, Unit D, P.O. Box 5730, Ventura, CA 93003. Commonwealth Exhibit 8, paragraph 2; Commonwealth Exhibit 9, paragraph 2.
5. Respondent solicits contributions in the Commonwealth. Commonwealth Exhibit 8, paragraph 5; Commonwealth Exhibit 9, paragraph 5.
6. Respondent is listed in the Yellow Pages and also maintains a website providing information about how persons can donate cars. Commonwealth Exhibit 8, paragraphs 5 – 9 and attached Exhibit A; Commonwealth Exhibit 9, paragraphs 5 – 9; NT at 44.
7. Respondent maintained that website throughout 2009 and 2010. NT at 44 – 45.
8. Respondent was soliciting contributions on the Commonwealth at all relevant times. NT at 12, 44 – 45.
9. To maintain its registration with the Department, a charitable organization must refile its registration statement annually within 135 days after the close of its fiscal year. Act at § 5(a), 10

¹At the hearing, official notice was requested, and granted without objection, of any admissions in Respondent's Answer to the OSC. All findings of fact which reference paragraphs of Commonwealth Exhibits 8 and 9 are based on the official notice requested and granted.

P.S. §162.5(a); NT at 13 – 14.

10. The Department may extend the time for the annual filing of a registration statement for a period not to exceed 180 days, during which the previous registration remains in effect. Act at §5(k), 10 P.S. §162.5(k); NT at 14.

11. Based on the requirement that a charitable organization refile annually within 135 days of the close of its fiscal year and the permissible 180-day extension of the filing deadline, a charitable organization has a total of 315 days after the close of its fiscal year to refile its registration statement. NT at 14.

12. A charitable organization cannot obtain an extension for any additional amount of time past 315 days because that is the maximum amount of time which the Act authorizes for extension of the filing deadline. Act; NT at 14, 15.

13. At some point in 2009, as a cost-saving measure, the Bureau eliminated the extension procedure and began issuing registration certificates which already have the 180-day extension built in. NT at 15.

14. For that reason, there is no longer any need for an organization to request an extension if they are already registered with the Bureau. *Id.*

15. Respondent's fiscal year ends June 30. NT at 45.

16. Respondent did not file its registration for the fiscal year ending June 30, 2009, within 135 days of that date. NT at 45.

17. On or around November 12, 2009, the date that the 135-day period expired, Respondent requested the 180-day extension, to May 11, 2010. NT at 45, 46, 57.

18. Respondent received the extension, so with the 180-day extension added to the initial 135-day registration deadline, Respondent's registration for the fiscal year which ended June 30,

2009, was due May 11, 2010. NT at 15, 24, 45, 57.

19. Respondent did not file its registration for the fiscal year ending June 30, 2009 by May 12, 2010. NT at 47.

20. On May 11, 2010, the Secretary of the Commonwealth was Pedro Cortés, so his signature would have been on any certificate of registration which the Bureau issued on or before that date. NT at 20 – 21.

21. Because Respondent's previous year's registration had expired, the Bureau sent Respondent a delinquent registration notice, dated June 8, 2010, which the Bureau's database automatically generated when Respondent's registration expiration date came up. Commonwealth Exhibit 3; Exhibit R-1; NT at 27 – 28.

22. The June 8, 2010 delinquent registration notice informed Respondent, among other things, that Respondent had failed to complete its registration for the 2009 fiscal year, that Respondent could no longer legally solicit contributions from Pennsylvania residents unless exempt from registration requirements, and that statutorily mandated late fees of \$25 per month were accruing. Commonwealth Exhibit 3; Exhibit R-1; NT at 28.

23. Stephanie Madrigal is employed as Executive Assistant by Respondent, and was so employed throughout 2009 and 2010, with the responsibility, among other things, for making sure that Respondent is properly registered in the Commonwealth of Pennsylvania. NT at 42 – 43.

24. About ten days after June 8, 2010, upon receiving the June 8, 2010 delinquent registration notice from the Bureau, Ms. Madrigal called the Bureau to discuss what to do. NT at 48 – 49.

25. During her conversation with Tina Lynch from the Bureau, Ms. Madrigal wrote a note, on Respondent's copy of the June 8, 2010 delinquent registration notice, indicating that a late

fee of \$25 was due for each month, May and June, and that no further late fee would be assessed if Respondent submitted the registration renewal prior to July 12, 2010. NT at 29, 49, 51, 52, 58.

26. Ms. Madrigal also took the June 8, 2010 delinquent registration notice to Respondent's president, informed that officer that Respondent was delinquent, and they decided to go ahead and file their registration renewal. NT at 48 – 49.

27. Ms. Madrigal sent Respondent's registration renewal to the Bureau on July 7, 2010. Exhibit R-2; NT at 52.

28. A renewal registration packet which a charitable organization submits to BCO includes the registration statement, also known as a BCO-10, or a URS, which is an alternative to but the functional equivalent of the BCO-10; whatever filing the charitable organization filed with the IRS, which may need to be supplemented if it is not a full form 990; financial statements if necessary; potentially, final statements of what contributions were received for the fiscal year to which the registration pertains; and any registration or late fees that are due. NT at 16 – 17, 18.

29. When BCO receives a registration, a staff member reviews the documents for sufficiency and content to make sure that everything required by the Act is included. NT at 17, 36.

30. The Bureau also processes the check for any fees that accompany the registration, but the check is not cashed until the registration is approved. NT at 25.

31. If the registration is incomplete or issues need to be resolved before BCO approves the registration, BCO will issue the charitable organization a letter explaining what is missing or needs to be resolved. Act at §5(a) and (r), 10 P.S. §162.5(a) and (r); NT at 17, 36.

32. If the registration is complete and everything required is included, the Bureau issues a certificate of registration. NT at 17, 19.

33. BCO received Respondent's check and registration documents on July 12, 2010.

Commonwealth Exhibit 2; NT at 29.

34. After review of the registration, Tina Lynch from BCO sent Respondent a letter, dated July 26, 2010, letting Respondent know that its registration materials were not sufficient to be approved and indicating what deficiencies needed to be resolved in order to get Respondent registered. Commonwealth Exhibit 3; NT at 28 – 29.

35. The July 26, 2010 letter informed Respondent that a mandatory schedule, called Schedule O of IRS Form 990, was missing from Respondent's registration, resulting in the rejection of the registration. Commonwealth Exhibit 3; NT at 30, 54.

36. Upon receipt of the July 26, 2010 letter, Ms. Madrigal contacted Tina Lynch, asked for her email address, and in August sent the Schedule O via email, but Ms. Madrigal did not confirm that the Bureau received the Schedule O. NT at 54, 58 – 59.

37. BCO sent another rejection letter to Respondent dated December 28, 2010, indicating that the Schedule O was still missing from the 990 included with Respondent's registration. Commonwealth Exhibit 3; NT at 30 – 31.

38. As of December 28, 2010, Respondent's registration with BCO for the fiscal year ending June 30, 2009 was still unregistered. NT at 31.

39. Respondent received the December 28, 2010 letter, along with another letter indicating that Respondent's registration for the fiscal year ending June 30, 2010 could not be approved until Respondent corrected certain noted deficiencies. NT at 55.

40. By letter dated January 3, 2011, Ms. Madrigal sent Tina Lynch a copy of the email, with a copy of Respondent's Schedule O attached, which Ms. Madrigal had sent previously, and Ms. Madrigal also addressed the issues related to fiscal year 2010, submitting everything requested. NT at 55 – 56.

41. In January 2011, Ms. Madrigal received Respondent's certificate of registration saying the expiration date and automatic extension would expire May 10, 2012. Exhibit 9 at attached Exhibit A; NT at 59.

42. The certificate of registration which Ms. Madrigal received in January 2011 had no issue date on it. Exhibit 9 at attached Exhibit A; NT at 19 – 20.

43. Basil Merenda became Acting Secretary of the Commonwealth on June 12, 2010 and was confirmed as Secretary of the Commonwealth on September 27, 2010. NT at 19 – 20.

44. Respondent's certificate of registration with an expiration date of May 10, 2012, which Ms. Madrigal received in January 2011, bears the signature of Basil Merenda and the title "Secretary of the Commonwealth." Commonwealth Exhibit 9 at attached Exhibit A; NT at 20 – 21, 59.

45. Respondent's certificate of registration with an expiration date of May 10, 2012, which Ms. Madrigal received on January 2011, therefore had to have been issued after September 27, 2010. Commonwealth Exhibit 9 at attached Exhibit A; NT at 20 – 21.

46. Bureau records reflect that Respondent's certificate of registration with an expiration date of May 10, 2012 was approved on January 4, 2011 and issued on January 5, 2011. NT at 19 – 20, 26.

47. Respondent was served with all pleadings, orders and notices filed of record in this matter, was represented by counsel, and presented evidence at the hearing. Docket No. 0067-98-10; NT at 5 and *passim*.

CONCLUSIONS OF LAW

1. The Secretary has jurisdiction in this matter. Act at § 4, 10 P.S. § 162.4; Findings of Fact 1-3.
2. Respondent has received notice of the charges and an opportunity to be heard in this proceeding in accordance with Administrative Agency Law, 2 Pa.C.S. §504. Finding of Fact 47.
3. Respondent committed seven violations of the Act at §5(a), 10 P.S. § 162.5(a), by and through §15(a)(1), 10 P.S. §162.15(a)(1), by soliciting contributions in the Commonwealth without being properly registered under the Act from May 11, 2010 until May 31, 2010, and for the months of June, July, August, September, October and November, 2010, which authorizes the Secretary to impose disciplinary sanctions upon Respondent pursuant to the Act at §17(a) and (b), 10 P.S. §162.17(a) and (b). Findings of Fact 1 – 46.

DISCUSSION

The Commonwealth charged Respondent with seven counts of soliciting contributions in the Commonwealth without being properly registered under the Solicitation of Funds for Charitable Purposes Act (Act), one count for each month or part of a month after Respondent's registration expired and until the Commonwealth filed the order to show cause. The provisions under which these charges fall are sections 5(a) and 15(a)(1) of the Act, 10 P.S. §162.5(a) and §162.15(a)(1). Also, subsection 5(k) of the Act, 10 P.S. §162.5(k), is relevant. These portions of the Act provide, in pertinent part, as follows:

Section 162.5. Registration of charitable organizations; financial reports; fees; failure to file

(a) Registration and approval required.—A charitable organization, unless exempted from registration requirements pursuant to section 6, shall file a registration statement with the department. This statement must be refiled annually within 135 days after the close of its fiscal year in which the charitable organization was engaged in solicitation activities. The department shall review the statement pursuant to subsection (r). No charitable organization shall solicit contributions or have contributions solicited in its behalf before approval of its registration statement by the department.

* * *

(k) Time extension for filings.—For good cause shown, the department may extend the time for the annual filing of a registration statement or financial report for a period not to exceed 180 days during which time the previous registration remains in effect.

* * *

Section 162.15. Prohibited acts

(a) General rule.—Regardless of a person's intent or the lack of injury, the following acts and practices are prohibited in the planning, conduct or execution of any solicitation or charitable sales promotion:

(1) Operating in violation of, or failing to comply with, any of the requirements of this act, regulations of the department or an order of the secretary, **or soliciting contributions after registration with the department has expired** or has been suspended or revoked or soliciting contributions prior to the solicitation notice and contract having been approved by the department.

* * *

(Emphasis added).

The elements of the offenses charged in Counts One through Seven of the OSC are the following. From section 5(a) and (k), 10 P.S. § 162.5(a) and (k), there are these elements to the offense charged:

1. The respondent is a charitable organization;
2. The respondent is required to register with the Department/BCO;
3. The respondent conducted solicitation activities in the Commonwealth within a given fiscal year;
4. The respondent failed to refile its registration within 135 days after the close of the specified fiscal year; and
5. The respondent failed to refile its registration within 180 days after the 135-day period expired.

Additionally, the following element arises under § 15(a)(1), § 162.15(a)(1):

6. The respondent solicits contributions after registration with the Department has expired.

The evidence in the record consisted of admissions in Respondent's answer, testimony from James T. Swoyer, Chief of the Registration and Compliance Division of the Bureau of Charitable Organizations, testimony by Respondent's Executive Assistant, Stephanie Madrigal, and a number of documents submitted both by the Commonwealth and Respondent. There is no real dispute over any issue except whether Respondent had an extension of time in which to file its registration, and there is no real dispute about that after the evidence is carefully examined.

Respondent admitted in its Answer to the OSC that it is a charitable organization (element 1), that it is required to be registered with the Bureau (element 2), and that its website has remained accessible to the public (element 3). Commonwealth Exhibits 8 and 9, paragraphs 3, 5 – 8. Ms. Madrigal added that the website was maintained throughout 2009 and 2010, which was the time period in question (element 3). NT at 44 – 45. Additionally, Ms. Madrigal testified that Respondent

requested an extension to file Respondent's registration for the fiscal year ending June 20, 2009, and that an extension was granted until May 11 or 12, 2010. NT at 45, 57. Mr. Swoyer confirmed that extension, indicating that registrants statutorily have 135 days from the date on which their fiscal year closes, and then an additional statutory extension of 180 days, for a total of 315 days after the closing date of their fiscal year, in which to file their registration renewal. NT at 14 – 15. The filing deadline, both parties agreed, was May 11, 2010. NT at 14 – 15, 45, 57.

Ms. Madrigal testified that Respondent did not file its registration renewal within the 135-day period (NT at 45) and added that Respondent did not file its registration by the extension date of May 12, 2010 (NT at 46-47). Ms. Madrigal also acknowledged that Respondent did not get another extension (elements 4 and 5). NT at 46 – 47. Mr. Swoyer testified that Respondent's registration certificate, with a new expiration date, was finally approved January 4, 2011, and issued January 5, 2011. NT at 19 – 20. Ms. Madrigal also testified that Respondent received the new registration certificate, which has an expiration and automatic suspension date of May 10, 2012, in January 2011. NT at 59. Coupled with the fact that Respondent continued to solicit contributions in the Commonwealth throughout 2010 and the fact that its website remained accessible, these facts establish by a preponderance of the evidence² that Respondent's registration expired May 11, 2010, there was no extension granted after that date, the registration was not renewed until January 2011, and Respondent continued to solicit contributions in the Commonwealth after May 11, 2010 (element 6).

²The degree of proof required to establish a case before an administrative tribunal in an action of this nature is a preponderance of the evidence. *Lansberry v. Pennsylvania Public Utility Commission*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). A preponderance of the evidence is generally understood to mean that the evidence demonstrates a fact is more likely to be true than not to be true, or if the burden were viewed as a balance scale, the evidence in support of the Commonwealth's case must weigh slightly more than the opposing evidence. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1949). The Commonwealth therefore has the burden of proving the charges against Respondent with evidence that is substantial and legally credible, not by mere "suspicion" or by only a "scintilla" of evidence. *Lansberry*, 578 A.2d at 602.

Respondent asserted via New Matter that it had been granted an extension of time, to July 12, 2010, in which to file its registration. Respondent further averred it that complied with all requirements to complete registration within the period of time of that extension, specifically by July 7, 2010. Respondent finally asserts that it has been continuously registered since May 11, 2010. Based upon the facts as admitted by Ms. Madrigal, however, that is not the case. When asked by Respondent's counsel, in reference to May 12, 2010, "Now, you didn't file on that date, either. Did you get another extension?" Ms. Madrigal responded "No." NT at 47. On cross-examination, Ms. Madrigal clarified that the July 12, 2010 date was significant only because "as long as [she] got [the registration] in by July 12th, then [Respondent] wouldn't have to pay another month of late fees." NT at 58. In other words, Respondent had not been granted an extension to July 12, 2010; rather, it would simply owe less in late fees if it complied with the registration re-filing requirement by that date. Indeed, the fact that more late fees could accrue after that date implies, in itself, that there no further extension had been granted. Clearly, then, Respondent has not been continuously registered since May 11, 2010.

Accordingly, based upon all of the facts found, Respondent has committed the seven violations alleged in the OSC, violating 10 P.S. §162.15(a)(1), by soliciting contributions in May, June, July, August, September, October and November 2010 after its registration with the Department had expired. When the Secretary finds that a charitable organization has violated any of the provisions of the Act, the Secretary is authorized to enforce the Act against Respondent pursuant to section 17, 10 P.S. §162.17, which provides, in relevant part, as follows:

Section 162.17. Administrative enforcement and penalties

(a) General rule.—The secretary may refuse to register or revoke or suspend the registration of any charitable organization, professional fundraising counsel or professional solicitor whenever he finds that a charitable organization, professional fundraising counsel or professional solicitor, or an agent, servant or employee

thereof:

- (1) Has violated or is operating in violation of any of the provisions of this act, the regulations of the department, or an order issued by the secretary.

* * *

(b) Additional actions. — When the secretary finds that the registration of any person may be refused, suspended or revoked under the terms of subsection (a), the secretary may:

- (1) Revoke a grant of exemption to any of the provisions of this act.
- (2) Issue an order directing that the person cease and desist specified fundraising activities.
- (3) Impose an administrative fine not to exceed \$1,000 for each act or omission which constitutes a violation of this act and an additional penalty, not to exceed \$100 for each day during which such violation continues. Registration will be automatically suspended upon final affirmation of an administrative fine until the fine is paid or until the normal expiration date of the registration. No registration shall be renewed until the fine is paid.
- (4) Place the registrant on probation for such period of time and subject to such conditions as he may decide.

* * *

The Commonwealth recommended at the hearing that an administrative fine of \$1,750 be imposed upon Respondent, based on an assessment of \$250 per month or part of a month during which Respondent solicited contributions after its registration expired. The Commonwealth did not request anything more severe than that, and indeed, there is no indication here that Respondent's late filing was due to any bad intent or illegitimate motive which might warrant a stiffer penalty. However, Respondent did not place any mitigating evidence into the record to persuade that a lesser penalty might be appropriate, aside from pointing out that it has already paid \$50 in late fees. The late fee was \$25 for each month or part of the month after the date on which the registration statement and financial report were due to be filed, or after the period of extension, and was authorized under section 5(q) of the Act, 10 P.S. §162.5(q). Because such late fees are authorized in an entirely different section of the Act, they are clearly something separate and apart from the administrative fine authorized in the enforcement provisions of section 17(b)(3), 10 P.S.

§162.17(b)(3), and the fact that Respondent has already paid the late fees cannot, therefore, serve as any kind of mitigating factor in determining the ultimate penalty to be imposed for the violations found in this matter.

Under section 17(b)(3), the highest civil penalty which the Secretary could impose would be \$100 per day, so in view of the lack of mitigating evidence, the Commonwealth's recommendation of \$250 per month or partial month, for the seven months underlying this action, is eminently reasonable. Accordingly, the following order shall issue:

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

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|---|---|------------------------------|
| Commonwealth of Pennsylvania | : | |
| Bureau of Charitable Organizations | : | |
| | : | |
| v. | : | Docket no. 0067-98-10 |
| | : | File no. 10-98-00313 |
| Cars 4 Causes, | : | |
| Respondent | : | |

ORDER

AND NOW, this 29th day of **September, 2011**, upon consideration of the foregoing findings of fact, conclusions of law and discussion, the Secretary **finds** that Respondent **Cars 4 Causes** has committed **seven violations** of the Solicitation of Funds for Charitable Purposes Act at section 5(a), 10 P.S. §162.5(a), by and through section 15(a)(1), 10 P.S. §162.15(a)(1), and it is hereby **ORDERED** that an **administrative fine** in the amount of **\$1,750.00** be and hereby is imposed upon Respondent in accordance with section 17(b)(3) of the Act, 10 P.S. §162.17(b)(3).

Respondent shall pay the administrative fine by certified check, cashier's check, postal service money order or attorney's check, made payable to "Commonwealth of Pennsylvania." The full amount of the administrative fine shall be delivered within 30 days of the date of mailing of this Order to:

Martha H. Brown, Assistant Counsel
Pennsylvania Department of State
Office of Chief Counsel
401 North Street, Room 301
Harrisburg, PA 17120

Failure to comply with this Order shall constitute a violation of an order issued by the Secretary, subjecting Respondent to additional penalties section 17 of the Act, 10 P.S. §162.17.

Appeal may be taken pursuant to section 17(c) of the Act, 10 P.S. §162.17(c), and 2 Pa. C.S. §702, within 30 days of the date of mailing of this Adjudication and Order as indicated below.

BY ORDER



Carol Aichele
Secretary of the Commonwealth

For the Commonwealth: Jacquelyn Pfursich, Esquire
GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF STATE OFFICE OF CHIEF COUNSEL
PROSECUTION DIVISION
P.O. Box 2649
Harrisburg, PA 17105-2649

For Respondent: Harry W. Fenton, Esquire
1601 Cornwall Road
Lebanon, PA 17042-7406

Date of mailing: September 29, 2011

NOTICE

The attached Adjudication and Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled "Judicial Review of Governmental Determinations," Pa. R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Secretary of the Commonwealth with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Pennsylvania Department of State
Office of Chief Counsel
Legal Counsel, Bureau of Charitable Organizations
401 North Street
Room 301
Harrisburg, PA 17120