

HISTORY

This matter comes 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* (the “Act”), 10 P.S. §§162.1-162.24. On May 11, 2018, the Department of State (the “Department”), Bureau of Charitable Organizations (the “Bureau”) filed a two-count Order to Show Cause (“OTSC”) charging Nicole Olivia Covage (“Covage”) t/d/b/a Fall in RUV (“the Organization”) (collectively “Respondents”) with violations of the Act.

Specifically, Count One of the OTSC alleges that Covage operated the Organization as a charitable organization under the Act for the purpose of dog rescue, fostering and adoption. It further alleges that Covage received monies intended to be donations to the Organization, but she deposited them into her own personal bank account instead of an account registered to the Organization. Based on these allegations, Count One charges Respondents with having violated the Act at Section 15(a)(1), 10 P.S. § 162.15(a)(1)¹ by and through their violation of the Act at Section 5(s), 10 P.S. § 162.5(s). Section 15(a)(1) requires any person, regardless of whether or not they are registered with the Bureau, to comply with all provisions of the Act and Bureau regulations. Section 5(s) requires a charitable organization to maintain and administer all contributions raised on its behalf through an account in the name of the organization and under its sole control.

Count Two of the OTSC alleges that a Cease and Desist Order was issued by the Secretary

¹ It is noted that 10 P.S. § 162.5(a) does not contain a subparagraph. Given the reference to Section 15(a)(1) of the Act, it is clear that the reference in the OTSC to “10 P.S. § 162.5(a)” was a typographical error and should have been “10 P.S. § 162.15(a)”. Since the actual alleged violation is clear from the citation to the official section of the recorded legislation, section 15(a)(1), giving Respondents clear notice of the transgression with which they were charged and against which they would be required to defend, the incorrect reference is a harmless error. *C.f. Sharp's Convalescent Home v. Department of Public Welfare*, 300 A.2d 909, 911 (Pa. Cmwlth. 1973). This proposed decision will refer to the correct subsection when discussing these provisions.

on September 21, 2017 prohibiting Respondents from soliciting charitable contributions for the Organization through its website or on Facebook. It further alleges that Respondents nonetheless continued to solicit donations in violation of the Secretary's Order and in violation of Section 17 of the Act, 10 P.S. § 162.17(a)(1).

Respondents requested a formal administrative hearing by letter received by the Secretary on June 14, 2018 ("Hearing Request"), although they did not specifically answer each of the allegations of the OTSC as directed by the procedures set forth therein.

A formal notice of the scheduling of an administrative hearing was issued by the Prothonotary of the Department on July 17, 2018, addressed to Respondents at the address listed on their formal hearing request. The notice set the hearing to be held on August 14, 2018 before Hearing Examiner Ruth D. Dunnewold, Esquire, and it was duly held on that date.² Respondents did not appear at the hearing or submit any evidence or testimony for consideration. The Department waived the filing of a post-hearing brief. The record closed September 5, 2018, with the filing of notes of testimony ("N.T.").

By Order dated September 13, 2018, the record was reopened pursuant to Rule 35.232 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 35.232, in order to receive additional evidence regarding service of the Secretary's Cease and Desist Order. Such evidence was received at a hearing held on October 26, 2018, and the record was re-closed on that date.

² Due to caseload considerations, the matter was assigned to Hearing Examiner John D. Kelly, Esquire for decision.

FINDINGS OF FACT

1. This case comes before the Secretary of the Commonwealth 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, *et. seq.*
2. Service of the OTSC and Notice was made on Respondents at 213 Hawkey Lane, Stillwater Estates, Pocono Summit, PA 18346. (Official Notice, OTSC and Hearing Request).³
3. Service of the notice of hearing was made on Respondents at the address from which they filed their hearing request, P.O. Box 2214, Pocono Summit, PA 18346.
4. The Organization has never been registered as a charitable organization with the Bureau. (Official Notice-Bureau Records).
5. Covage operates and promotes the Organization as a non-profit animal rescue, fostering and adoption agency. (N.T. 9 – 10, Exhibit C-4)

³ Official notice of such matters as might be judicially noticed by courts is permissible under the General Rules of Administrative Practice and Procedure, 1 Pa. Code §31.1 *et. seq.*, at §35.173, which provides, in pertinent part, as follows:

§35.173. Official notice of facts.

Official notice may be taken by the agency head or the presiding officer of such matters as might be judicially noticed by the courts of this Commonwealth, or any matters as to which the agency by reason of its functions is an expert. . . .

1 Pa. Code §35.173.

Official notice is also permitted under case law. See, for example, *Falasco v. Commonwealth of Pennsylvania Board of Probation and Parole*, 521 A. 2d 991 (Pa. Cmwlth. 1987), in which the Commonwealth Court explained:

“Official notice” is the administrative counterpart of judicial notice and is the most significant exception to the exclusiveness of the record principle. The doctrine allows an agency to take official notice of facts which are obvious and notorious to an expert in the agency’s field and those facts contained in reports and records in the agency’s files, in addition to those facts which are obvious and notorious to the average person. Thus, official notice is a broader doctrine than is judicial notice and recognizes the special competence of the administrative agency in its particular field and also recognizes that the agency is a storehouse of information on that field consisting of reports, case files, statistics and other data relevant to its work.

521 A. 2d at 994 n. 6.

6. At the request of Charities Investigation Unit Special Investigator Andrew D. McCole ("SI McCole"), on June 14, 2017, the Bureau issued a subpoena for the records of certain bank accounts registered to Covage at the Wells Fargo Bank ("Wells Fargo"). (N.T. 10; Exhibit C-7)
7. SI McCole duly served the subpoena on Wells Fargo by certified mail dated June 14, 2017. (Exhibit C-7)
8. The records produced by Wells Fargo and sent to SI McCole in response to the Bureau's subpoena were admitted into evidence as Exhibit C-3.⁴ (N.T. 12)
9. The Wells Fargo records reveal three separate bank accounts registered in Covage's name, two of them to her alone and the third to her and another individual, Joseph Stackow. (N.T. 11, Exhibit C-3)
10. The Wells Fargo records revealed no bank accounts registered to the Organization. (N.T. 12)
11. Wells Fargo bank account number *****7005 registered to Covage contained a Transaction History showing a number of Deposits/Additions described as "Paypal Transfer[s]" referencing the Organization by name in amounts ranging from \$20.00 to \$2,873.34 during the period between November 2016 and May 2017. (Exhibit C-3, pp. REDE Page 45 of 78 – REDE 71 of 78)
12. On September 21, 2017, the Secretary issued an Order requiring Respondents to cease and desist from soliciting contributions in the Commonwealth. (Exhibit C-1, Attachment A; N.T. 16).

⁴ Exhibit C-3 consists of 233 pages produced by Wells Fargo in six (6) packets of 3, 78, 65, 18, 15 and 54 pages respectively. For ease of reference, the page numbers will be referenced in this Adjudication and Order as they appear in the upper right hand corner of the six packets, i.e. with the abbreviation "REDE" followed by pagination numbers.

13. Respondents were properly served with the September 21, 2017 Cease and Desist Order by certified mail sent to Respondents' last known address with the Bureau. (Exhibits C-6, C-8).
14. Respondents continued to solicit contributions in the Commonwealth after having been served with the Secretary's Cease and Desist Order. (Exhibit C-4; N.T. 21-25).
15. On or about April 10, 2018, SI McCole accessed the Organization's website, www.fallinruv.org and printed certain pages that he viewed on it. (N.T. 15; Exhibit C-4)
16. The Organization's website contained a page bearing the following statements "SEND MONEY TO FALL IN RUV." "Free for you. Fall in Ruv pays the fee. Plus, eligible purchases are covered by PayPal Purchase Protection." (Exhibit C-4, p. 1 of 2)⁵
17. The "Home" page of the Organization contains the following search options, "Our Story," "Donate," "Adoption Application [sic]" and "Foster Application." (Exhibit C-4, p. 1 of 12)
18. A number of pages accessible through the Organization's website link "Fall in Ruv – Home | Facebook" contain photographs of pets available for adoption from the Organization for a fee. (Exhibit C-4 *passim*)
19. On or about June 24, 2018, SI McCole accessed through the Organization's website a list of pet-related items available for purchase on-line through or for the benefit of the Organization. (Exhibit C-5 *passim*)
20. The Organization included the following statements along with this list: "We are a 501(c)(3) non-profit dog rescue dedicated to dogs in need located in Northeastern Pennsylvania"; "All proceeds of every item sold go directly to the rescue & [sic] a dog in need!" (Exhibit C-5, p.

⁵ Exhibit C-4 consists of forty (40) pages produced by SI McCole in three (3) packets of 2, 12 and 26 pages respectively. For ease of reference, the page numbers will be referenced in this Adjudication and Order as they appear in the lower righthand corner of the documents.

3)

21. The Organization included the following additional statement with its list: “The items on this list are for our Texas dogs & [sic] are automatically shipped to their foster in Texas. All items are needed but food is always needed the most for our Texas dogs. All purchases are tax deductible [sic], if you would like a receipt for tax purposes please contact us via email FallinRuvRescue@gmail.com with your purchase receipt. Thank you!” (Exhibit C-5, p. 3)

22. A Facebook post by Covage dated June 24, 2018 contains a “wish list” stating that pets available for adoption through the Organization need certain items to be purchased for them, including dog food, wormer and puppy formula. The post further requests that these items be donated for these pets and sent directly to their “foster homes.” (Exhibit C-5, p. 4 of 15)

23. Respondents neither appeared at the hearing nor submitted evidence for consideration. (Record *passim*)

24. Respondents were served with all pleadings, orders and notices filed of record in this matter. (Docket entries)

CONCLUSIONS OF LAW

1. The Secretary has jurisdiction in this matter. (Section 4 of the Act, 10 P.S. § 162.4)
(Findings of Fact Nos. 1-5)
2. Respondents have received notice of the charges and were afforded an opportunity to be heard in this proceeding in accordance with Administrative Agency Law, 2 Pa.C.S. § 504.
(Finding of Fact No. 24)
3. Respondents were appropriately served with the Secretary's September 21, 2017 cease and desist Order. (Finding of Fact No. 13).
4. The evidence presented by the Commonwealth established by a preponderance of evidence that Respondents failed to deposit donated monies into an account registered in the Organization's name, in violation of Section 5(s) of the Act, 10 P.S. § 162.5(s). (Finding of Fact Nos. 4 - 11).
5. The evidence presented by the Commonwealth established by a preponderance of evidence that Respondents solicited funds for a charitable organization without being properly registered to do so, thereby violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1). (Findings of Fact Nos. 4-5, 14-22).
6. The Secretary is authorized under Section 17(b) of the Act, 10 P.S. § 162.17(b), to issue an order directing that the person cease and desist specified fundraising activities and to 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, when the Secretary finds that the registration of any person may be refused, suspended or revoked under the terms of 10 P.S. § 162.17(a). (Findings of Fact Nos. 4-22)

DISCUSSION

This matter comes before the Secretary of the Commonwealth based on an OTSC alleging that Respondents violated the Act by having functioned as a charitable organization without being registered to do so and by having failed to maintain a bank account in the Organization's name for purposes of receiving charitable contributions. As will be discussed below, the evidence adduced by the Department in the record of this case proved the OTSC's allegations and thus that Respondents are subject to administrative penalties under the Act.

The provisions of the Act relative to the OTSC provide, in pertinent part:

- (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.

10 P.S. § 162.15(a)(1).

In turn, "Solicitation" is defined by the Act at 10 P.S. § 162.3 as the following:

Solicitation. Any direct or indirect request for a contribution on the representation that such contribution will be used in whole or in part for a charitable purpose, including, but not limited to, any of the following:

- (2) Any written or otherwise recorded or published request that is mailed, sent, delivered, circulated, distributed, posted in a public place or advertised or communicated by press, telegraph, television or any other media...

10 P.S. § 162.3.

Under section 5(s) of the Act, a charitable organization must "maintain and administer all contributions raised on its behalf through an account in the name of the

charitable organization and under its sole control.” 10 P.S. § 162.5(s).

The burden of proving the charges of the OTSC rested on the Department in this case. The degree of proof required to establish a case before an administrative tribunal is a preponderance of the evidence. *Lansberry v. Pennsylvania Public Utility Commission*, 578 A. 2d 600 (Pa. Cmwlth. 1990). A preponderance of evidence is that amount of proof showing that the existence of a fact is more likely than not to be true. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854, 856 (Pa. Supreme 1950). In weighing evidence, a fact-finder “may rely on his or her experience, common sense, and/or expert testimony” to arrive at a proper conclusion. *Commonwealth v. Segida*, 985 A.2d 871, 879 (Pa. 2009).

The issue to be addressed under Count One of the OTSC is whether Respondents operated a charitable organization but failed to maintain and administer all contributions raised on its behalf through an account in the name of the organization and under its sole control, in violation of the Act at 10 P.S. § 162.15(a)(1) and 162.5(s). To prove this charge, the Department introduced the testimony of SI McCole to authenticate banking records that he obtained from Wells Fargo through a subpoena issued by the Secretary. Respondents having failed to appear at the hearing, the subpoenaed records were admitted without objection, and McCole testified as to his knowledge of their contents.⁶

⁶ Rule 801(c) of the Pennsylvania Rules of Evidence (“Pa.R.E.”) defines “hearsay” as a statement that “(1) the declarant does not make while testifying at the current ... hearing; and (2) a party offers in evidence to prove the truth of the matter asserted in the statement.” Pa.R.E. 801(c). In turn, Pa.R.E. 802 states that “[h]earsay is not admissible except as provided by these rules, by other rules prescribed by the Pennsylvania Supreme Court or by statute.” Pa.R.E. 802. Pa.R.E. 803 then sets forth twenty (20) exceptions to Rule 802. Relevant to this case, Rule 803(6) excepts “Records of a Regularly Conducted Activity” such as banking records under the following conditions: (1) the record was made contemporaneously with the events recorded; (2) the record was kept in the course of a regularly conducted business; (3) making the record was a regular practice; (4) these conditions are shown by the testimony of the custodian of the records “or another qualified witness”; and (5) “the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.” Pa.R.E. 803(6). In this case, in the absence of any objection by Respondent, SI McCole’s testimony as to the origin of the Wells Fargo records through a subpoena is sufficient to bring Exhibit C-3 within the Rule 803(6) exception. See *U.S. Bank, N.A. v. Pautenis*, 118 A.3d 386, 401 (Pa.Super.2015). (“As long as the authenticating witness can provide

The records admitted into evidence showed that between December 2016 and April 2017, a total of \$7,067.04 comprised of \$6,617.04 in "Paypal transfers" and \$450.00⁷ in personal checks was deposited into Wells Fargo account #*****7005 registered to Nicole O. Covage. Each of these Paypal transfers and checks referenced "Fall in Ruv." Without the benefit of an explanation from Covage, this evidence is sufficient to establish by a preponderance of the evidence that charitable contributions intended for the Organization were deposited into Covage's personal account. See *Segida*, supra. Based on this evidence, the Department proved the charge set forth in Count One.

Count Two alleges that Respondents continued to solicit charitable contributions despite having been ordered by the Secretary to cease and desist from doing so. The record establishes that Respondents were properly served with the September 21, 2017 Cease and Desist Order (Exhibits C-6, C-8) by certified mail sent to Respondents' last known address. See, *Yarbrough v. Com., Dept. of Public Welfare*, 478 A.2d 956, 958 (Pa. Cmwlth. 1984) ("notice of administrative action which is mailed to a person's last known address is reasonable notice.") SI McCole testified that several months later, on or about June 24, 2018, he accessed Respondents' website,

sufficient information relating to the preparation and maintenance of the records to justify a presumption of trustworthiness for the business records of a company, a sufficient basis is provided to offset the hearsay character of the evidence.") See also *Boyle v. Steiman*, 429 Pa.Super. 1, 631 A.2d 1025, 1032 (Pa.Super.1993) ("the law does not require that a witness qualifying business records even have a personal knowledge of the facts reported in the business record.") But see *In re A.J.R.-H*, 188 A.3d 1157 (Pa. 2018) (168 Exhibits including a conglomeration of various business records were not admissible under Rule 803(6) in Orphan's Court proceeding when CYS investigator who gathered them had insufficient familiarity with them to be "another qualified witness" and parents of child at issue objected to them as hearsay.) In this case, while testimony from a custodian of records for Wells Fargo could have specifically addressed elements (1) through (3) of Rule 803(6), it is clear from Exhibit C-7 that SI McCole obtained the records through a subpoena directed to that custodian, and that the records admitted into evidence were those McCole received in response. Respondents having refused to participate in the hearing and the record therefore lacking any evidence to call the authenticity of the records into question, these circumstances provide "sufficient information relating to the preparation and maintenance of the records to justify a presumption of trustworthiness" for the Exhibit. *Paultenis*, 118 A.3d at 431.

⁷ Another check made out to Covage in the amount of \$200.00 contained a reference to "Adoption" but did not otherwise specifically refer to the Organization.

www.FallinRuv.org and found pages showing that Respondents had listed a number of pets available for adoption for a fee. The website also contained links to the Organization's Facebook account through which an individual could donate to the Organization's support for certain "Texas Fosters" (dogs rescued by the Organization in the State of Texas) by purchasing pet supplies from www.Amazon.com to be sent to the "Texas Fosters" keepers. The Organization's Facebook page informed potential donors that "[a]ll proceeds of every item sold go directly to the rescue & [sic] a dog in need." (Exhibit C-5, p. 3). A "wish list" of items that the Organization wanted for the "Texas Fosters" was available through the Facebook page and included items ranging in price from \$5.06 to \$65.99. (Exhibit C-5, pp. 3 – 13). The "wish list" could be accessed to show the number of a given item that the Organization wanted, along with the quantity of that item that already had been purchased and donated to the Organization by prior donors. (Exhibit C-5, pp. 1/4 – 4/4). The Organization had included commentary with many of the items, e.g. with a dog food listing, it stated, "[p]uppy food is our number one need right now!" (Exhibit C-5, p. 3). The Organization further stated that all purchases were tax deductible for donors. (Exhibit C-5, p. 3).

Based on this evidence, it can be readily concluded that Respondents solicited charitable donations for the Organization in spite of its lack of registration with the Bureau and in violation of the Secretary's Cease and Desist Order as charged at Count Two of the OTSC.

Sanctions

Section 17 of the Act authorizes the Secretary to sanction prohibited conduct and deter future violations by providing, among other things, for the issuance of an order directing that the violator cease and desist specified fundraising activities. 10 P.S. § 162.17(b)(2). The Act also authorizes the imposition of an administrative fine not to exceed \$1,000.00 for each act or omission

which constitutes a violation of the Act, and an additional penalty, not to exceed \$100.00 for each day during which such violation continues. 10 P.S. § 162.17(b)(3).⁸ By allowing for a range of monetary sanctions, the Act provides the Secretary with discretion to deal with violations according to their severity.

Through its registration requirements, the Act enables the Bureau to monitor the actions of *known* charities. By requiring that funds be deposited into a bank account exclusively controlled by a charitable organization, the Act also gives the Bureau the ability to retroactively monitor the actions of *unknown* charities. Between December 2016 and April 2017, a total of \$7,067.04 intended by donors to be charitable donations to the Organization, which was unregistered, was deposited into a Wells Fargo bank account controlled by Covage as an individual and not the Organization. Thus, in this case, Respondents violated not one but both of the Act's essential provisions, thereby completely depriving the Bureau of any ability, current or retrospective, to monitor their fund-soliciting activities. The egregiousness of these violations is only compounded by the fact that the Organization continued to solicit donations even after being explicitly

⁸ 10 P.S. §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.

(2) Has refused or failed or any of its principal officers has refused or failed, after notice, to produce any records of such Organization or to disclose any information required to be disclosed under this act or the regulations of the department.

(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.

prohibited from doing so by the Secretary.

The registration requirements of the Act, along with its controls over the bankrolling of donated monies, are specifically designed to protect Commonwealth citizens from unscrupulous organizations preying upon them under the guise of charity – the proverbial wolf in sheep’s clothing. Thus, in this case, Respondents violation of the Act’s registration requirements combined with their repeated violations of statutory mechanisms for tracing donated funds must be regarded as offenses against the heart of the statutory scheme and legislative intent. Violations attacking the heart of the law must be met with serious consequences.

For these reasons, Respondents shall be Ordered to pay an administrative fine of \$2,000.00, the maximum allowable under Section 17(b)(3) of the Act. In addition, the evidence shows that the unregistered Respondents maintained a constant presence on the internet actively soliciting charitable donations between as early as June 6, 2017 (Exhibit C-4, p. 25/26) and June 24, 2018 (Exhibit C-5, pp. 1/3 – 3/3), a period of 383 days. Unregistered under the Act on each of those days, Respondents are subject to an administrative fine of as much as \$38,300.00 based on the \$100.00 per diem penalties also allowed under Section 17(b)(3). Having failed to appear and defend in this matter, Respondents have presented no evidence or argument for a reduced amount. Therefore, an additional penalty of \$38,300.00 could be ordered pursuant to Section 17(b)(3).

It is the purpose of the Bureau to regulate charities and protect the public by having such charities registered, which facilitates enforcement of the Act. An historically effectively method of regulatory enforcement is to deprive would-be violators of any monetary incentive to do so. See *American Belt Co. v. W.C.A.B. (Figuerio)*, 755 A.2d 77, 82 (Cmwlth. Ct. 2000) (statute providing for “substantial additional compensation to minors injured while illegally employed is amply justified by its ... deterrent purposes....”); *Geyer v. Steinbronn*, 506 A.2d 901, 915 (Pa. Superior

1986) (“[d]eterrence ... involves the social goal of preventing further harm by imposing an additional economic disincentive on the wrongful conduct”). Such a method of enforcement need not be unduly punitive if the measure of the penalty approximates the amount of monetary gain obtained through the regulatory violation.

Given the fact that Respondents obtained \$7,067.04 in charitable donations in violation of the Act, any incentive for future violations should be nullified if the statutory fines permitted by the Act effectively disgorge their ill-gotten donations. Accordingly, the civil penalty of \$2,000.00 will be increased to \$7,067.04 if Respondents fail to pay the administrative fines of \$2,000.00 within thirty (30) days of the date of the Secretary’s Order imposing the sanction in this case. Should Respondents continue to fail to comply with the Act and/or this Order, they may be subject to further action under Section 17(b)(3) of the Act, 10 P.S. § 162.17.

For all of the above-discussed reasons, the following order shall issue:

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

Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations	:	
	:	
	:	
	:	
v.	:	File No. 17-98-06177
	:	
Nicole Olivia Covage t/d/b/a Fall in Ruv,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 11th day of December 2018, upon consideration of the foregoing Findings of Fact, Conclusions of Law and Discussion, it is hereby **ORDERED** that:

(1) Respondents Nicole Olivia Covage t/d/b/a Fall in Ruv shall **CEASE AND DESIST** from all manner of fundraising and solicitation activities in this Commonwealth, until all penalties imposed below are paid in full, and until such time as Respondents have provided all previously requested information and the Organization is duly registered as a charitable organization and authorized to solicit contributions pursuant to the Solicitation of Funds for Charitable Purposes Act or provides information that it is excluded or exempt from registration under the Solicitation of Funds for Charitable Purposes Act.

(2) An administrative fine in the amount of **\$2,000.00** shall be imposed upon Respondents. The amount of this fine will be increased to **\$9,067.04** if the administrative fine is not paid within thirty (30) days of the date of this Order and the information and registration in paragraph (1) is not supplied within thirty (30) days of the date of this Order. This amount shall be remitted by certified check or U.S. postal Service money order made payable to "Commonwealth of Pennsylvania" within thirty (30) days of the effective date of this Order and mailed to:

Martha H. Brown
Pennsylvania Department of State
Office of Chief Counsel
401 North Street, Room 306
Harrisburg, PA 17120

(3) Failure to comply with this Order shall constitute a violation of an order issued by the Secretary, subjecting Respondents to additional penalties under Section 17 of the Act, 10 P.S. §

162.17.

Appeal to this decision to the Commonwealth Court may be taken pursuant to 10 P.S. §162.17(c) and 2 Pa. C.S. §702 within 30 days of the date of mailing show below.

This Order shall take effect thirty days from the date it is deposited in the mail.

BY ORDER



**Robert Torres,
Acting Secretary of the Commonwealth**

For the Commonwealth:

Michael Gennett, 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 Respondents:

Nicole Covage
P.O. Box 2214
Pocono Summit, PA 18346

Date of mailing: 12.12.18

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 Corporations and Charitable Organizations
401 North Street
Room 306
Harrisburg, PA 17120