

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

PROTHONOTARY  
2014 FEB 12 AM 7:20  
Department of State

Commonwealth of Pennsylvania,  
Bureau of Corporations and  
Charitable Organizations

vs.

Terri Schindler Schiavo Foundation /  
Life & Hope Network  
Respondent

Docket No. 0002 -98-14

File No. 12-98-05833

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations, ("Bureau") and the Terri Schindler Schiavo Foundation / Life & Hope Network ("Respondent") stipulate as follows in resolution of the above-captioned matter:

JURISDICTION

1. This matter is before the Secretary of the Commonwealth ("Secretary") pursuant to the Solicitation of Funds for Charitable Purposes Act ("Act"), Act of December 19, 1990, P.L. 1200, No. 202, *as amended*, 10 P.S. §§ 162.1-162.24.

2. For the purpose of resolving this matter, Respondent admits the following facts:

a. Respondent is currently registered in accordance with Section 162.5 of the Act, 10 P.S. § 162.5, as a charitable organization in the Commonwealth of Pennsylvania, registration number 32662, with registration having been perfected on or about November 13, 2013.

b. At the relevant and material times set forth in the stipulated facts below, Respondent was not registered in the Commonwealth of Pennsylvania

as a charitable organization in accordance with Section 162.5 of the Act, 10 P.S. § 162.5, and was not authorized under the Act to solicit charitable contributions within the Commonwealth of Pennsylvania.

c. At the relevant and material times set forth in the stipulated facts below, Respondent was not exempt from registration nor excluded from the requirements of the Act.

d. The last known address for the Respondent on file with the Bureau is P.O. Box 521, Narberth, PA 19072.

### **STIPULATED FACTS**

3. Respondent admits that the following allegations are true:

a. On or about May 1, 2012, Respondent announced that it had moved its headquarters to Philadelphia, PA.

b. Prior to the move announced May 1, 2012, Respondent had been located in or near St. Petersburg, FL, where it had been since it was established in 1985.

c. In early 2006, a Pennsylvania resident, while in Pennsylvania, received a solicitation from Respondent, which was reported to the Bureau.

d. Initial inquiries by the Bureau in 2006, confirmed that Respondent appeared to meet the definition of a charitable organization and was not registered in the Commonwealth in accordance with Section 162.5 of the Act, 10 P.S. § 162.5.

e. The Bureau initiated an investigation to determine whether Respondent was indeed a charitable organization and whether Respondent was exempt or excluded from the requirement to be registered under the Act.

f. As part of the investigation conducted, the Bureau requested information from the Respondent.

g. Respondent failed to provide the information requested by the Bureau.

h. Because Respondent failed to provide the information requested by the Commonwealth, the Secretary of the Commonwealth issued a Cease and Desist Order on September 25, 2006, directing that the Respondent stop soliciting contributions in the Commonwealth until such time as the organization became duly registered or provided information that it was excluded or otherwise exempt from the registration requirement of the Act.

i. Subsequent to the Cease and Desist Order issued September 25, 2006, Respondent conducted the following solicitations in the Commonwealth:

i. In 2008: at the Philadelphia School of Osteopathic, Philadelphia, PA; and, at Villanova University, Villanova, PA.

ii. In 2009: at a weekend conference in Scranton, PA; at Our Lady of Good Counsel school in Southampton, PA; and, at Archbishop Wood High School in Warminster, PA.

iii. In 2010: at Grove City College, Pittsburgh, PA.

iv. In 2011: at a dinner banquet in Everett, PA; and at a dinner banquet in Wilkes Barre, PA.

v. Since 2012: continued solicitation through an interactive website maintained by the organization; and with Respondent's move of its main office to the Commonwealth, ongoing solicitation activity.

**AGREED VIOLATIONS**

4. The parties agree that by engaging in the foregoing activities, Respondent committed multiple violations of the Act including, but not limited to, the following:

- a. Violating Section 162.15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by soliciting charitable contributions in Pennsylvania without being properly registered as required by Section 162.5 of the Act, 10 P.S. § 162.5; and
- b. Violating Section 162.15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by soliciting contributions in direct violation of a Cease and Desist Order issued by the Secretary of the Commonwealth over a period of more than 5 years.

**PROPOSED ORDER**

5. The parties, intending to be legally bound, consent to the issuance by the Secretary of the following Order in resolution of this matter:

- a. The Secretary finds that Respondent violated:
  - i. Section 162.15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by soliciting charitable contributions in Pennsylvania without being properly registered as required by Section 162.5 of the Act, 10 P.S. § 162.5;
  - ii. Section 162.15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by soliciting contributions in direct violation of a Cease and Desist Order issued by the Secretary of the Commonwealth for a period of more than 5 years.

**ADMINISTRATIVE FINE**

- b. As a result of the violations found to exist, an **ADMINISTRATIVE**

**FINE** in the amount of **THREE-THOUSAND-DOLLARS (\$3,000.00)** is hereby levied upon Respondent.

i. Respondent shall tender the full sum of Three-Thousand-Dollars (\$3,000.00) with the return of this executed Consent Agreement;

ii. Payment shall be made by certified check, cashier's check, attorney's check, or money order issued by a usual, customary, and reputable issuer (e.g. U.S. Postal Money Order, Western Union Money Order, etc.).

iii. The instrument of payment shall be payable to the 'Commonwealth of Pennsylvania,' and shall be valid for a period of at least one-hundred-eighty (180) days.

iv. Respondent agrees that payment shall only be made by one of the methods indicated above and shall not be made by uncertified personal or corporate check.

#### **FILING OF REGISTRATION DOCUMENTS**

c. Respondent acknowledges that failure to continue to be properly registered with the Bureau as required, may result in an administrative fine of \$1,000.00, and an additional penalty of \$100.00 for each day the violation continues.

d. Respondent acknowledges that no subsequent registration shall be renewed until the required fine is paid.

e. Respondent shall not enter into any contract or agreement or employ any professional fundraising counsel or professional solicitor unless that

professional fundraising counsel or professional solicitor is registered with the Bureau.

**CASE SETTLED AND DISCONTINUED**

f. 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 the requirements of this Order.

g. Nothing in this Consent Agreement and Order shall preclude the Prosecuting Attorney for the Bureau from filing charges, or the Secretary from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement and Order.

**ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING**

6. Respondent waives the filing of an Order to Show Cause in this matter.

7. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives 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 that might be rendered.

**AGREEMENT NOT BINDING ON OTHER PARTIES**

8. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other governmental or administrative entity of the Commonwealth of Pennsylvania, including any other bureau within the Department of State.

9. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the

Secretary issues an Order approving this Consent Agreement and adopting and incorporating the terms and conditions set forth in paragraph 5, above.

**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.

**AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES**

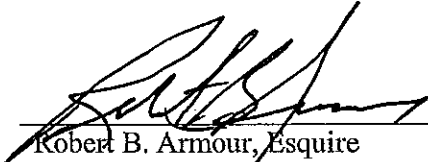
11. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondent and its officers, directors, agents, employees or independent contractors. Nothing in this Consent Agreement or any Order issued based upon this Consent Agreement shall preclude representatives of the Bureau from referring any information or data produced in or as a result of this matter to any federal, state, or local agency or governmental unit having jurisdiction over the activities of Respondent or over any officer, director, agent, employee or independent contractor of the Respondent.

**ENTIRE AGREEMENT**

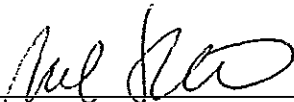
12. This Agreement contains the whole agreement between the parties; provided, however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

**VERIFICATION OF FACTS AND STATEMENTS**

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

  
\_\_\_\_\_  
Robert B. Armour, Esquire  
Prosecuting Attorney  
Department of State

DATED: 02/04/14

  
\_\_\_\_\_  
By: Bobby Schindler, Exec. Dir.  
For: Terri Schindler Schiavo Foundation /  
Life & Hope Network  
Respondent

DATED: 1/30/14





**IN THE MATTER OF:**  
**TERRI SCHINDLER SCHIAVO FOUNDATION /**  
**LIFE & HOPE NETWORK**

**FILE NO. 12-98-05833**

**ORDER**

**AND NOW**, this 11th day of February 2014, the foregoing Consent Agreement is hereby approved and the terms set forth in paragraph 5 are hereby adopted and incorporated herein as the Order of the Secretary of the Commonwealth now issued in resolution of this matter.

**THIS ORDER** shall take effect immediately.

**BY ORDER**

A handwritten signature in cursive script that reads "W. Evelyn Walker".

\_\_\_\_\_  
W. Evelyn Walker

**Deputy Secretary for Administration  
and Regulatory Programs**

For the Commonwealth:

Robert B. Armour, Esquire  
2601 North Third Street  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For the Respondent:

David C. Gibbs, III, Esquire  
Gibbs Law Firm, P.A.  
5666 Seminole Boulevard, Suite Two  
Seminole, FL 33772