

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

PROTHONOTARY

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Department of State

Commonwealth of Pennsylvania,
Bureau of Corporations and
Charitable Organizations

vs.

D'Angelo Foundation,
Respondent

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Docket No. 0015-98-15

File No. 14-98-12037

PA DEPT. OF STATE

OCT 15 2015

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Corporations and Charitable Organizations ("Bureau") and the **D'Angelo Foundation** ("Respondent"), stipulate as follows in settlement 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 ("the Act"), Act of December 19, 1990, P.L. 1200, No. 202, *as amended*, 10 P.S. §§ 162.1-162.24.

LICENSE AND REGISTRATION STATUS

2. Respondent does not deny the truth of the following averments regarding its registration with the Bureau:

a. Respondent is currently registered as a charitable organization in the Commonwealth of Pennsylvania from December 4, 2013, under registration number 37583.

b. Respondent's registration may be renewed, reactivated or reinstated by the Bureau upon the Respondent filing the appropriate information and forms and the payment of the necessary fees.

c. The last known address on file with the Board for the registration held by the Respondent is: 4671 East Street Road, Trevose, PA 19053.

FACTUAL ALLEGATIONS

3. The Respondent admits that the following allegations are true:

a. Respondent was founded in April 2008 and on or about April 11, 2008, began soliciting contributions as a charitable organization in the Commonwealth of Pennsylvania.

b. Annual contributions received by Respondent first exceeded \$25,000 during fiscal year ending December 31, 2010

c. Respondent first became registered with the Bureau of Charitable Organizations under registration no. 37583 after submitting appropriate information for fiscal year ending December 31, 2008, together with proper forms and fees to the Bureau.

d. The registration expired on November 11, 2010, without appropriate information, forms and fees being received by the Bureau to renew the registration.

e. On June 16, 2014, appropriate information for fiscal year ending December 31, 2013, together with proper forms and fees was received by the Bureau resulting in Respondent, again, having a current registration with the Bureau.

f. Between November 11, 2010 and June 16, 2014, the Respondent was not registered with the Bureau.

g. Because Respondent first received annual contributions exceeding \$25,000 in fiscal year ending December 31, 2010, Respondent was required to file the appropriate registration statement within 30 days (by January 30, 2011).

h. From January 30, 2011, through June 16, 2014, Respondent was required to be registered with the Bureau in order to solicit charitable contributions in the Commonwealth.

i. During the period from January 30, 2011, through June 16, 2014, Respondent solicited contributions in the Commonwealth while not registered with the Bureau as required by law.

AGREED VIOLATIONS

4. The parties agree that by engaging in the foregoing activities, Respondent committed multiple violations of Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), in that Respondent solicited charitable contributions in the Commonwealth during the period from January 30, 2011, through June 16, 2014, while not registered with the Bureau as required by Section 162.5(a) of the Act, 10 P.S. § 162.5(a).

MITIGATION

5. Respondent offers the following in mitigation of any penalty to be imposed in this matter:

a. Respondent promptly acted to register the organization after it had been called to the attention of the organization that it needed to be registered.

b. Respondent is currently in the process of winding down operations and no longer has the resources that were previously available to it to pay a penalty.

TERMS OF BOARD ORDER

6. To address concerns raised by the Commonwealth and to resolve this matter on a compromise basis, the Commonwealth and the Respondent, intending to be legally bound, agree to the issuance by the Secretary of the following Order in settlement of this matter:

a. Respondent violated Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through soliciting charitable contributions in the Commonwealth without being registered as required with Section 5(a) of the Act, 10 P.S. § 162.5(a).

ADMINISTRATIVE FINE

b. An **ADMINISTRATIVE FINE** in the amount of **ONE-THOUSAND-DOLLARS (\$1,000.00)** is hereby levied upon Respondent.

(1) Respondent shall tender the full sum of the ADMINISTRATIVE FINE with the return of this executed Consent Agreement;

(2) Payment of the ADMINISTRATIVE FINE shall be 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.).

(3) 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.

(4) 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 agrees not to solicit charitable contributions in the Commonwealth of Pennsylvania without first being properly registered with the Bureau in accordance with Section 162.5 of the Act, 10 P.S. § 162.5.

d. Respondent acknowledges that failure to register with the Bureau when required to do so in the future, may result in an administrative fine of \$1,000.00 for each violation and an additional penalty of \$100.00 for each day a violation continues.

e. Respondent acknowledges that failing to register with the Bureau when required to do so may result in a subsequent registrations being automatically suspended until any fine is paid or until the normal expiration date of the registration in accordance with Section 162.17 of the Act, 10 P.S. § 162.17.

f. Respondent acknowledges that no subsequent registration shall be renewed until a fine is paid.

g. 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

h. This case shall be deemed settled and discontinued upon the Secretary issuing an Order approving and adopting this Consent Agreement and upon the Respondent's successful completion of the requirements of this Order.

i. 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.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

7. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

8. Respondent acknowledges the receipt of an Order to Show Cause that was filed in this matter.

9. 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 Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

10. Respondent acknowledges that it is aware that it has the right to consult with, and be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement.

11. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed in this matter without the assistance of legal counsel.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

12. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Secretary or her counsel, which

may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. This paragraph is binding on the participants even if the Secretary does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

13. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

AGREEMENT NOT BINDING ON OTHER PARTIES

14. 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.

15. 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 and adopting this Consent Agreement.

EFFECT OF SECRETARY'S REJECTION OF CONSENT AGREEMENT

16. 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

17. 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.

ENTIRE AGREEMENT


18. This agreement contains the whole agreement between the participants; 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

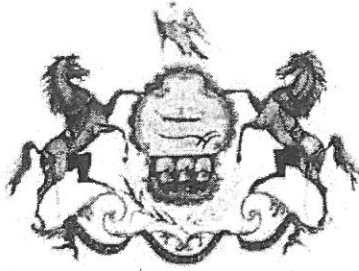
19. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904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


Robert B. Armour
Prosecuting Attorney
Department of State

DATED: 9/24/15


John D'Angelo
for Respondent, D'Angelo Foundation

DATED: 9/15/15



D'ANGELO FOUNDATION

DOCKET NO. 0015-98-15

FILE NO. 14-98-12037

ORDER

AND NOW, this 14th day of October 2015 the foregoing Consent Agreement is approved and the terms set forth in paragraph 6 are hereby adopted and incorporated herein as the Order of the Secretary of the Commonwealth issued in resolution of this matter.

THIS ORDER shall take effect immediately.

BY ORDER

Pedro A. Cortés

Pedro Cortés
Secretary of the Commonwealth

For the Commonwealth:

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

For Respondent:

John D'Angelo
D'Angelo Foundation
4671 East Street Road
Trevose, PA 19053

Date of mailing:

10/15/15