

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

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DEPARTMENT OF STATE

Commonwealth of Pennsylvania, :  
Bureau of Corporations and Charitable :  
Organizations :  
v. :  
Patricia Giovannini, :  
Respondent :

Docket No: 0033 -98-16

File No: 15-98-13692

PHOTOCOPIARY  
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Department of State

**CONSENT AGREEMENT & ORDER**

The Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations (Bureau) and Patricia Giovannini (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, Act of December 19, 1990, P.L. 12000, No. 202, *as amended* (here and after referred to as 'Act'), 10 P.S. §§ 162.1-162.24.

**STIPULATED FACTS**

2. The Respondent admits to the following facts:
- a. The last known mailing address for the Respondent is 503 Glenn Avenue, Harrisburg, PA 17112.
  - b. At all relevant and material times, Respondent was the founder of the organization, Bikers and Belly Dancers Ride Against Cancer.

c. At all relevant and material times, as the founder of the organization, Respondent was a fiduciary and acted in a fiduciary capacity.

d. In her capacity as founder of the organization, Respondent opened a bank account titled to "Cancer Awareness Festival and Ride."

e. In her capacity as founder of the organization, Respondent was the only signor on the bank account.

f. Respondent advertised that the 6<sup>th</sup> Annual "Bikers and Belly Dancers Ride Against Cancer, held on May 31, 2014, would benefit the Four Diamonds Fund.

g. Respondent solicited contributions, accepted donations and accepted entry fees for the May 31, 2014 event.

h. To date, Respondent has not turned over any of the proceeds to the Four Diamonds Fund from the May 31, 2014 event.

i. Respondent misused the organization's funds for her own personal use by making numerous ATM cash withdrawals from the organization's account and transferring funds from the organization's account into her own personal bank account.

j. Respondent failed to apply contributions to the charitable purpose for which the contributions were solicited.

### **AGREED VIOLATIONS**

3. Respondent agrees that by engaging in the aforementioned activities Respondent committed the following violations of the Act:

a. Based upon the foregoing Factual Allegations, the Respondent violated the Section 21 of the Act, 10 P.S. § 162.21, in that each officer and director of the charitable organization is required to act in a fiduciary capacity in regard to soliciting, collecting and expending contributions and violated by failing to apply contributions in a manner substantially consistent with the charitable organization's purpose as required by the Act at Section 13, 10 P.S. § 162.13.

### **PROPOSED ORDER**

4. Intending to be legally bound, the participants consent to issuance by the Secretary of the following Order in resolution of this matter:

### **VIOLATION**

a. Based upon the foregoing Factual Allegations, the Respondent violated the Section 21 of the Act, 10 P.S. § 162.21, in that each officer and director of the charitable organization is required to act in a fiduciary capacity in regard to soliciting, collecting and expending contributions and violated by failing to apply contributions in a manner substantially consistent with the charitable organization's purpose as required by the Act at Section 13, 10 P.S. § 162.13.

### **PUBLIC REPRIMAND**

b. A **PUBLIC REPRIMAND** is hereby issued upon Respondent.

### **COOPERATION WITH DISTRICT ATTORNEY**

d. Respondent shall fully cooperate with the Dauphin County District Attorney's Office in all efforts taken by the office to pursue any actions and to achieve full restitution in this matter.

**CEASE & DESIST**

e. Respondent shall cease and desist and not represent, either directly or indirectly, that by this Consent Agreement the Bureau of Charitable Organizations has sanctioned, condoned, approved or pardoned any part or aspect of Respondent's activities.

f. Respondent shall not, either directly or indirectly, participate in any activities within the Commonwealth of Pennsylvania in violation of the Act.

g. Respondent shall not assume any position in any charitable organization, whether voluntary or paid, that involves the solicitation, collection or expenditure of contributions.

**CASE SETTLED AND DISCONTINUED**

h. This case shall be deemed settled and discontinued upon the Secretary issuing an Order that approves this Consent Agreement and adopts and incorporates the terms set forth in this paragraph.

**ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING**

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

6. 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 orally or through submission of a brief, and to take appeal from any final adverse decision.

### **ACKNOWLEDGMENT OF RIGHT TO ATTORNEY**

7. Respondent acknowledges that she is aware that she has the right to consult with, and/or 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. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

### **AGREEMENT NOT BINDING ON OTHER PARTIES**

8. 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.

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 set forth in paragraph 4, above.

### **EFFECT OF SECRETARY'S REJECTION**

10. Should the Secretary of the Commonwealth decide not to approve this Consent Agreement, presentation to, and consideration of this Consent Agreement and other documents and matters by the Secretary of the Commonwealth 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 or governmental units may have jurisdiction over the activities of or representations made by Respondent. Nothing in this Consent Agreement and Order 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.

**ENTIRE AGREEMENT**

12. 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**

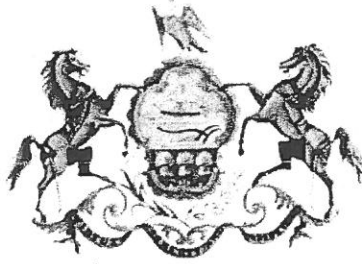
13. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information, and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904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

T'rese M. Evancho  
T'rese M. Evancho  
Prosecuting Attorney  
Department of State

Date: 10/26/2016

Patricia Giovannini  
Patricia Giovannini  
Respondent

Date: 10-13-16



IN THE MATTER OF:

Patricia Giovannini

DOCKET NO. 0033 -98-16  
FILE NO. 15-98-13692

**ORDER**

AND NOW, this 5<sup>th</sup> day of DECEMBER 2016 the foregoing Consent Agreement is hereby approved and the terms set forth in paragraph 4 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

*Pedro A. Cortés*

Pedro A. Cortés  
Secretary of the Commonwealth

For the Commonwealth:

Terese M. Evancho, Esquire  
2601 North Third Street  
P. O. Box 69521  
Harrisburg, PA 17106-9521

Respondent:

Patricia Giovannini  
503 Glenn Avenue  
Harrisburg, PA 17112