

4. The Acting Secretary of the Commonwealth issued a Cease and Desist Order to the Respondent on May 15, 2019. On May 23, 2019, Respondent, through counsel, appealed the issuance of the Cease and Desist Order, and requested that an administrative hearing be scheduled.

5. Prior to the issuance of the Cease and Desist Order, Respondent operated as a professional fundraising counsel since February 1, 2014, having a *bona fide* belief that he was exempt from registration under Section 162.3 as a regular, non-temporary employee of a single charitable organization.

6. In July, 2017, Respondent registered as a professional fundraising counsel, paid the required \$250.00 registration fee and submitted to the Bureau for review and approval a copy of his written contract with the charitable organization at least ten (10) working days prior to performing any professional fundraising counsel services.

AGREED VIOLATIONS

8. Respondent admits and agrees that by engaging in the aforementioned activities, Respondent committed violations of the Act as follows:

a. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.8(a), by conducting professional fundraising counsel services on behalf of a charitable organization in Pennsylvania during the period of February 1, 2014 to May 15, 2019 while not being properly registered with the Bureau.

b. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.8(b), by conducting professional fundraising counsel services on behalf of a charitable organization in Pennsylvania during the period

of February 1, 2014 to May 15, 2019 without paying the required \$250 registration fee;

c. Violating Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.8(d), by conducting professional fundraising counsel services on behalf of a charitable organization in Pennsylvania during the period of February 1, 2014 to May 15, 2019 without first submitting to the Bureau for review and approval a copy of its written contract with the charitable organization at least ten (10) working days prior to performing any professional fundraising counsel services.

PROPOSED ORDER

9. The participants, intending to be legally bound, consent to issuance 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 10 P.S. § 162.8(a), by conducting professional fundraising counsel services on behalf of a charitable organization in Pennsylvania during the period of February 1, 2014 to May 15, 2019 while not being properly registered with the Bureau.

b. Respondent violated Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.8(b), by conducting professional fundraising counsel services on behalf of a charitable organization in Pennsylvania during the period of February 1, 2014 to May 15, 2019 without paying the required \$250 registration fee;

c. Respondent violated Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by and through 10 P.S. § 162.8(d), by conducting professional fundraising counsel services on behalf of a charitable organization in Pennsylvania during the period of February 1, 2014 to May 15, 2019 without first submitting to the Bureau for review and approval a copy of its written contract with the charitable organization at least ten (10) working days prior to performing any professional fundraising counsel services.

ADMINISTRATIVE PENALTIES

10. An **ADMINISTRATIVE FINE of Three Thousand Dollars (\$3,000.00)** is levied upon Respondent. Respondent shall tender the full sum of **Three Thousand Dollars (\$3,000.00)**, with this executed Consent Agreement. Payment shall be by certified check, cashier's check, attorney's check, or U.S. Postal money order. The instrument of payment shall be made payable to the "Commonwealth of Pennsylvania," and shall be valid for a period of at least one hundred eighty (180) days. Respondent agrees that payment will be made by one of the methods indicated in subparagraph (a) above and that payment by uncertified personal check, corporate check or cash will not be accepted.

CASE SETTLED AND DISCONTINUED

11. 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. However, 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

12. Respondent withdraws his request for an administrative hearing filed May 23, 2019. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to the 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.

AGREEMENT NOT BINDING ON OTHER PARTIES

13. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other administrative or governmental entity of the Commonwealth of Pennsylvania, including any other bureau within the Department of State. Except as otherwise noted, this Agreement is to have no legal effect if (a) the Office of General Counsel expresses an objection to the Agreement's form or legality and/or (b) unless and until the Secretary issues the stipulated Order.

EFFECT OF SECRETARY'S REJECTION

14. 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.

ENTIRE AGREEMENT

15. 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.

AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

16. 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.

VERIFICATION OF FACTS AND STATEMENTS

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

/s/ 
Michael J. Gennett
Prosecuting Attorney
Department of State
Commonwealth of Pennsylvania

/s/ 
John Keleher
Respondent

DATE: 19 AUG 19

DATE: 8/9/19



**IN THE MATTER OF
John Keleher
File No.: 18-98-000045**

ORDER

AND NOW, this 22 day of August 2019, the foregoing Consent Agreement is hereby approved, and the terms set forth herein are hereby adopted and incorporated herein as the Order of the Acting Secretary of the Commonwealth, now issued in resolution of this matter.

THIS ORDER shall take effect immediately.

BY ORDER:

Kathy Boockvar

**Kathy Boockvar
Acting Secretary of the Commonwealth**

For the Commonwealth:

**Michael J. Gennett
Prosecuting Attorney
306 North Office Building
401 North Street
Harrisburg, PA 17120**

For the Respondent:

**Lee M. Herman, Esquire
280 N. Providence Road, Suite 4,
Media, PA 19063**