

COPY

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

**Commonwealth of Pennsylvania, :
Bureau of Corporations and :
Charitable Organizations :**

v.

File No.: 18-98-10703

**Northeastern PA Educational Television :
Association (WVIA), :
Respondent :**

PROHIBITORY
2019 MAR 13 PM 2:04
Department of State

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Corporations and Charitable Organizations ("Bureau"), by and through its undersigned prosecuting attorney, Michael J. Gennett and Northeastern PA Educational Television Association (WVIA), ("Respondent"), stipulate as follows in settlement of the above-captioned matter:

JURISDICTION

1. This matter is before the Acting 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* ("Act"), 10 P.S. §§ 162.1 *et. seq.*

2. At all relevant and material times, Respondent, acted as a charitable organization as defined by the Act.

STIPULATED FACTS

3. Respondent's last known address on file with the Bureau is 100 WVIA Way, Pittston, PA 18640.

9171 9690 0935 0199 4488 64

Pittston
1

9171 9690 0935 0199 4488 40

Scranton

4. Respondent was issued Certificate of Registration number 277 by the Bureau which expires on November 15, 2019.

5. Respondent admits that the following allegations are true:

a. As a charitable organization, Respondent failed to include the required statutory disclosure notice on 51,772 solicitations mailed to Pennsylvania residents from August 15, 2018 through November 28, 2018. Respondent asserts that its referenced failure to include the required statutory disclosure as represented above was inadvertent and that it at all times strives to maintain full compliance with the Act.

AGREED VIOLATION

6. Respondent accepts for the purpose of this Consent Agreement and to resolve and settle this matter that by engaging in the aforementioned activities, Respondent committed a violation of the Act as follows: Section 13(c) of the Act, 10 P.S. § 162.13(c), by failing to include the required statutory disclosure notice on 51,772 solicitations mailed to Pennsylvania residents from August 15, 2018 through November 28, 2018.

PROPOSED ORDER

7. The participants, intending to be legally bound, consent to issuance of the following Order in settlement of this matter: the Bureau has found that the Respondent violated Section 13(c) of the Act, 10 P.S. § 162.13(c), by failing to include to include the required statutory disclosure notice on 51,772 solicitations mailed to Pennsylvania residents from August 15, 2018 through November 28, 2018.

ADMINISTRATIVE PENALTIES

8. An **ADMINISTRATIVE FINE** of Four Thousand Dollars (\$4,000.00) is levied upon Respondent. Respondent shall tender the full sum of Four Thousand dollars (\$4,000.00), with this executed Consent Agreement.

9. Payments shall be by **certified check, cashier's check, attorney's check, or U.S. Postal money order.**

10. The instrument of payment for the **administrative fine only** shall be made payable to the **"Commonwealth of Pennsylvania,"** and shall be valid for a period of at least one hundred eighty (180) days.

11. Respondent agrees that payment will be made by one of the methods indicated in Paragraph 9 above and that payment by uncertified personal check, corporate check or cash will not be accepted.

CASE SETTLED AND DISCONTINUED

12. 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

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

14. 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

15. 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

16. 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

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.

VERIFICATION OF FACTS AND STATEMENTS

18. 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.


**Michael J. Gennett, Esquire
Prosecuting Attorney
Department of State**



DATED: 5 MAR 2019

**Northeastern PA Educational Television
Association (WVIA)
Respondent**

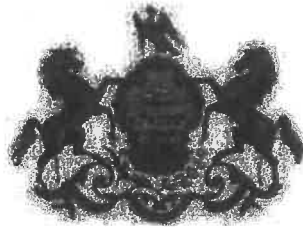
By:



Title: President/CEO

DATED:

2/28/19



IN THE MATTER OF

**Northeastern PA Educational Television
Association (WVIA)
File No.: 18-98-10703**

ORDER

AND NOW, this 13th day of March 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 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 "Kathy Boockvar".

**Kathy Boockvar
Acting Secretary of the Commonwealth**

For the Commonwealth:

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

For Respondent:

**Northeastern PA Educational Television
Association (WVIA)
100 WVIA Way
Pittston, PA 18640.**