



b. Beginning on or about January 31, 2002, Respondent represented to an adult individual by electronic mail sent through a computer that Respondent was a representative of the Make-A-Wish Foundation of America.

c. In addition, Respondent created a fictitious Make-A-Wish Foundation of America newsletter and sent it through the US Mail to the same adult individual, which also represented that Respondent was a representative of the Make-A-Wish Foundation of America.

d. Respondent represented to the adult individual that Respondent was assisting a terminally ill child as part of the Respondent's duties with the Make-A-Wish Foundation of America; however, the child did not exist.

e. As a result of these misrepresentations, Respondent was offered, and accepted, an in-kind donation from the adult individual.

f. Respondent kept the in-kind donation for her own personal use.

g. Respondent provided false and misleading information to Bureau Special Investigators when questioned about this matter, even after being informed by the Investigators of the Unsworn Falsification to Authorities statute.

### **AGREED VIOLATIONS**

3. Respondent agrees that by engaging in the foregoing activities Respondent violated the Act as follows:

a. 10 P.S. § 162.15(a)(2), in that when Respondent held herself out as a representative of the Make-A-Wish Foundation of America and misrepresented that she was

assisting a terminally ill child, Respondent utilized an unfair or deceptive act or practice and/or engaged in fraudulent conduct which creates a likelihood of confusion or of misunderstanding; and

b. 10 P.S. § 162.15(a)(3), in that when Respondent held herself out as a representative of the Make-A-Wish Foundation of America and misrepresented that she was assisting a terminally ill child, Respondent utilized a representation that implied the in-kind donation was for or on behalf of the Make-A-Wish Foundation of America without first being authorized in writing to do so by the Make-A-Wish Foundation of America.

4. In addition, Respondent violated Pennsylvania Consolidated Statutes Annotated at 18 Pa. C.S. § 4904, Unsworn Falsification to Authorities.

#### **PROPOSED ORDER**

5. The participants consent to the issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 10 P.S. §§ 162.15(a)(2) and (3) and Pennsylvania Consolidated Statutes Annotated at 18 Pa. C.S. § 4904.

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

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

### ADMINISTRATIVE FINE

d. An **ADMINISTRATIVE FINE** of one thousand dollars (\$1,000) is levied upon Respondent. Respondent shall tender the full sum (\$1,000) with this executed Consent Agreement which shall be paid by **certified check, cashier's check, attorney's check, or U.S. Postal money order made payable to the "Commonwealth of Pennsylvania."**

6. 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 any ordered discipline.

### ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

7. 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 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.

### 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. 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**

9. 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**

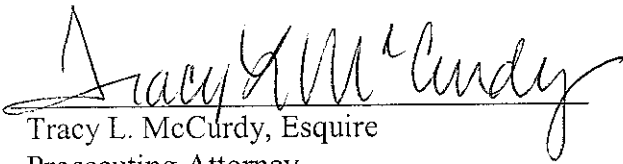
10. This Agreement contains the whole agreement between the parties; provided, however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants,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

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


11. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondent. 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.

**VERIFICATION OF FACTS AND STATEMENTS**

12. 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.

  
Tracy L. McCurdy, Esquire  
Prosecuting Attorney  
Department of State

  
Elisabeth N. Schoelkopf  
Respondent

DATED: 12-29-03  


DATED: Dec. 17, 2003



**IN THE MATTER OF THE SOLICITATION OF  
FUNDS FOR CHARITABLE PURPOSES BY  
ELISABETH N. SCHOELKOPF  
FILE NO. 03-98-12801**

**ORDER**

AND NOW, to wit, on this 22<sup>nd</sup> day of December 2003, the terms of paragraph 5 of the foregoing Consent Agreement are hereby adopted and incorporated as the Order of the Secretary of the Commonwealth in resolution of this matter. This Order shall take effect immediately.

BY ORDER

*Pedro A. Cortés*

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Pedro A. Cortés  
Secretary of the Commonwealth