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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 510

Session of  
1981

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INTRODUCED BY O'PAKE, ANDREZESKI, MANBECK, EARLY, LLOYD,  
ZEMPRELLI, MESSINGER AND GREENLEAF, MARCH 17, 1981

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MARCH 17, 1981

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AN ACT

1 Relating to fund-raising by law enforcement officers and  
2 emergency service employees; requiring registration; granting  
3 powers to and imposing duties upon the Department of State  
4 and imposing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Law  
9 Enforcement and Emergency Services Funds Act."

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have, unless the context clearly indicates otherwise, the  
13 meanings given to them in this section:

14 "Contribution." The promise or grant of any money or  
15 property of any kind or value, including a grant or other  
16 financial assistance from any agency of government, but except  
17 payments by members of an organization for membership fees,  
18 dues, fines or assessments, or for services rendered to

1 individual members, if membership in such organization confers a  
2 bona fide right, privilege, professional standing, honor or  
3 other direct benefit, other than the right to vote, elect  
4 officers or hold offices.

5 "Cost of fund-raising." All legitimate and reasonable  
6 expenses incurred in soliciting contributions, including, but  
7 not limited to the cost of goods sold or services purchased and  
8 expenses incurred from employees' salaries, printed materials,  
9 office space, phones and advertising and for the services of a  
10 professional solicitor.

11 "Department." The Department of State.

12 "Emergency service employee." Any employee who is a  
13 firefighter, ambulance driver, emergency medical technician or  
14 paramedic.

15 "Gross contributions." The grants and pledges of money or  
16 property directly from contributors from nonaffiliated  
17 organizations.

18 "Law enforcement officer." Any person who is elected,  
19 appointed or employed by any municipality or the State or any  
20 political subdivision:

21 (1) who is vested with the authority to bear arms, make  
22 arrests and whose primary responsibility is the prevention  
23 and detection of crime or the enforcement of the penal,  
24 criminal, traffic or highway laws of the State; or

25 (2) whose responsibility includes supervision,  
26 protection, care, custody or control of inmates within a  
27 correctional institution.

28 "Person." Any individual, organization, trust, foundation,  
29 group, association, partnership, corporation, society or any  
30 combination of them.

1 "Professional solicitor." Any person who, for a financial or  
2 other consideration, solicits contributions for, or on behalf of  
3 a sponsor whether such solicitation is performed personally or  
4 through his agents, servants, or employees or through agents,  
5 servants, or employees specially employed by or for a sponsor  
6 who is engaged in the solicitation of contributions under the  
7 direction of such person or a person who plans, conducts,  
8 manages, carries on, or advises a sponsor in connection with the  
9 solicitation of contributions; however, no agent, servant, or  
10 employee of a professional solicitor shall be deemed to be a  
11 professional solicitor. A bona fide salaried officer or employee  
12 of a sponsor maintaining a permanent establishment within the  
13 State shall not be deemed a professional solicitor. However, any  
14 bona fide salaried officer or employee of a sponsor that engages  
15 in the solicitation of contributions in any manner for more than  
16 one organization, charitable organization, or combination  
17 thereof shall be deemed a professional solicitor. "Professional  
18 solicitor" does not include a bona fide salaried officer or  
19 employee of a charitable organization established and operated  
20 by a Pennsylvania nonprofit organization for the purpose of  
21 providing homes and care for needy and underprivileged children.  
22 No attorney, investment counselor or banker in the conduct of  
23 his profession, who advises any person to make contributions to  
24 a sponsor shall be deemed, as a result of such advise to be a  
25 professional solicitor.

26 "Solicit or any of its derivatives." To request directly or  
27 indirectly the giving of any contribution on the plea or  
28 representation, express or implied, to the person requested that  
29 the property or any proceeds to be derived therefrom are to be  
30 devoted to the uses of law enforcement or emergency services.

1 This includes requests made by any of the following means,  
2 whether or not the person making the request is given anything  
3 as a result:

4 (1) Orally or in writing, by telephone or otherwise.

5 (2) By distribution, circulation, mailing, posting, or  
6 publishing of any handbill, advertisement or publication.

7 (3) By means of any box or receptacle, upon any public  
8 street, sidewalk or way, or in any public park or in any  
9 publicly owned or controlled place, or by means of any box or  
10 receptacle in any place immediately abutting upon any public  
11 sidewalk or way, or in any place of business open to the  
12 public, or in any room, hallway, corridor, lobby, or  
13 entranceway, or other place open or accessible to the public.

14 (4) By making of any announcement through the press,  
15 radio, telephone, television or telegraph concerning an  
16 appeal, assemblage, athletic or sports event, bazaar,  
17 benefit, campaign, contest, dance, drive, entertainment,  
18 exhibition, exposition, party, performance, picnic, sale or  
19 social gathering, which the public is requested to patronize.

20 "Sponsor." A group or person which is or holds itself out to  
21 be soliciting contributions from the public by the use of any  
22 name which implies that the group or person is in any way  
23 affiliated with or organized for the benefit of emergency  
24 service employees or law enforcement officers. The term includes  
25 a chapter, branch, area office, similar affiliate or agent of a  
26 sponsor which has its principal place of business, outside the  
27 State, if such chapter, branch, area office, similar affiliate  
28 or agent solicits funds or appears to be soliciting  
29 contributions or solicits contributions in this State.

30 Section 3. Powers and duties of the Department of State.

1 (a) The Department of State is hereby vested with the power,  
2 jurisdiction and authority to issue, deny, suspend and revoke  
3 certificates of registration.

4 (b) The department shall adopt reasonable rules and  
5 prescribe forms necessary to administer this act and may make  
6 recommendations to the appropriate authority for enforcement of  
7 this act.

8 (c) The department may commence and maintain in a court of  
9 competent jurisdiction all proper and necessary actions and  
10 proceedings to enjoin and abate any act prohibited by this act  
11 or to enforce any requirement imposed by this act.

12 (d) The department shall make such investigations of each  
13 applicant for a certificate of registration as it may deem  
14 necessary.

15 (e) For purposes of enforcing the provisions of this act,  
16 the department shall have the power to subpoena and bring before  
17 it any person in the State and may require the production of any  
18 papers it deems necessary and administer oaths and take  
19 depositions of any such person so subpoenaed. Failure or refusal  
20 of any duly subpoenaed sponsor or professional solicitor, or any  
21 duly subpoenaed officer, employee, or agent of any such sponsor  
22 or professional solicitor, to be examined or to answer any legal  
23 or pertinent questions as to any such sponsor or professional  
24 solicitor under investigation is grounds for revocation of the  
25 certificate of registration of a sponsor or professional  
26 solicitor. The testimony of witnesses in any such proceeding  
27 shall be under oath before the department or its agent.

28 Section 4. Registration of sponsor.

29 (a) Each sponsor shall, prior to any solicitation, file a  
30 registration statement with the department upon prescribed

1 forms. The registration statement shall contain the following  
2 information:

3 (1) The name of the sponsor and the purpose for which it  
4 was organized.

5 (2) The principal mailing address and street address of  
6 the sponsor, the mailing address and street address of any  
7 offices in this State and the name, mailing address and  
8 street address of the person having custody of its financial  
9 records.

10 (3) The name and mailing and street address of any  
11 subsidiary or subordinate.

12 (4) The place where and the date when the sponsor was  
13 legally established, the form in which it is organized and a  
14 reference to the determination of its tax exempt status, if  
15 any, under the Internal Revenue Code.

16 (5) The names and mailing and street addresses of the  
17 officers, directors, trustees and the principal salaried  
18 executive staff officer.

19 (6) A financial statement on forms approved by the  
20 department and audited by an independent certified public  
21 accountant which covers complete disclosure of all the fiscal  
22 activities of the sponsor during the preceding year. Such  
23 report shall also specifically identify the amount of funds  
24 raised and all costs of fund-raising and expenses incidental  
25 thereto, all publicity costs and costs of allocation or  
26 disbursement of funds raised.

27 (7) A copy of the United States Internal Revenue Service  
28 Form 990, or its equivalent, filed with the Internal Revenue  
29 Service by the sponsor for the preceding tax year of the  
30 sponsor. In lieu of submission of a copy of Form 990 any

1 sponsor that does not actually receive gross contributions  
2 from the public in excess of \$25,000 in gross receipts during  
3 the sponsor's fiscal year may submit the information on forms  
4 approved by the department in a statement signed by an  
5 authorized officer, verified under oath and attested to by  
6 the chief fiscal officer of the sponsor.

7 (8) Whether the sponsor intends to solicit contributions  
8 from the public directly or have such done on its behalf by  
9 others and, if it intends to use a professional solicitor,  
10 the name of such solicitor.

11 (9) Whether the sponsor is authorized by any other  
12 governmental authority to solicit contributions and whether  
13 it is or has ever been enjoined by any court from soliciting  
14 contributions.

15 (10) The general purpose or purposes for which the  
16 contributions to be solicited shall be used.

17 (11) The name or names under which it intends to solicit  
18 contributions.

19 (12) The names of the individuals or officers of the  
20 sponsor who will have final responsibility for the custody of  
21 contributions.

22 (13) The names of the individuals or officers of the  
23 sponsor responsible for the distribution of the  
24 contributions.

25 (b) Except as otherwise provided in this act, the  
26 registration forms and any other documents prescribed by the  
27 department shall be signed by an authorized officer and by the  
28 chief fiscal officer of the sponsor and such forms and documents  
29 shall be verified under oath.

30 (c) A certificate of registration shall be approved or

1 denied within 45 days after receipt of the original application  
2 and the information specified in subsection (a) or receipt of  
3 the timely requested additional information for correction of  
4 errors or omissions requested by the department.

5 Section 5. Filing of disclosure statement; limitations on  
6 solicitation.

7 (a) Each sponsor, prior to soliciting contributions, shall  
8 submit to the department for approval a disclosure statement to  
9 be given to each person from whom contributions are solicited.  
10 This statement shall disclose the estimated cost of fund-raising  
11 to be incurred by the sponsor including the estimated percentage  
12 of gross contributions paid to a professional solicitor, the  
13 purposes for which the contributions are to be used after paying  
14 the costs of fund-raising, the purposes of the sponsor, the  
15 capacity on which it represents the emergency service employees  
16 or law enforcement officers. The statements shall also inform  
17 persons solicited that the sponsor is not a charitable  
18 organization, that the persons solicited from are under no  
19 obligation to contribute and that, if they request in writing  
20 within five calendar days after mailing a contribution, their  
21 contribution will be returned.

22 (b) The department shall approve the use of a disclosure  
23 statement if it contains the information required by this  
24 section and all estimates appear to be accurate based upon the  
25 past performance of the sponsor and professional solicitors or  
26 based upon the registration statement, contract with the  
27 professional solicitor, financial statements and other  
28 information on file with the department.

29 (c) No person acting on behalf of a sponsor may solicit  
30 contributions until the disclosure statement has been approved.



1 (d) The sponsor shall insure that the disclosure statement  
2 is included with all correspondence and printed material used to  
3 solicit or collect contributions and that each person who  
4 solicits contributions on behalf of the sponsor is furnished a  
5 copy of the disclosure statement.

6 (e) Each person who solicits a contribution on behalf of a  
7 sponsor by telephone shall inform the person from whom a  
8 contribution is solicited that the sponsor is not a charitable  
9 organization.

10 (f) Each person who solicits or collects a contribution in  
11 person shall, at the time he solicits or collects the  
12 contribution, furnish a written copy of the disclosure statement  
13 to the person from whom the contribution is solicited. Where  
14 solicitations are made by telephone the solicitor must file with  
15 the department the proposed text of any such telephone  
16 solicitations.

17 (g) Each sponsor shall furnish identification to persons who  
18 solicit contributions from the public on behalf of the sponsor,  
19 including all professional solicitors. The solicitor shall be  
20 required to have and produce or display, on request, such  
21 identification. Such identification shall include the name of  
22 the holder of the identification and the name and number of the  
23 certificate of the sponsor.

24 Section 6. Registration of professional solicitors.

25 (a) No person shall act as a professional solicitor for a  
26 sponsor unless he has first registered with the department and  
27 received a certificate of registration. Application for  
28 registration shall be in writing under oath or affirmation in  
29 the form prescribed by the department and contain such  
30 information as the department may require. No person who has

1 been convicted within the past five years for a violation of any  
2 part of this act and no person convicted of a felony in this or  
3 any other state shall be eligible for a certificate of  
4 registration or shall serve as an employee, member, officer or  
5 agent of any professional solicitor until his civil rights have  
6 been restored.

7 (b) Every person shall, before being employed within this  
8 State by a professional solicitor for the purpose of making,  
9 supervising or participating in any solicitation, make  
10 application to the department for a certificate as an employee.  
11 However, no such application is required for employees making  
12 only telephone solicitations if such solicitations are made  
13 under the direct supervision of a professional solicitor who has  
14 a current certificate of registration or an employee who holds a  
15 current certificate as an employee. Such application shall be in  
16 the same manner and shall require the same qualifications as set  
17 forth in subsection (a). The annual fee for an employee  
18 certificate shall be \$10. If the department declines to issue  
19 the certificate to such employee, the employment of such person  
20 shall be terminated.

21 (c) The applicant shall, at the time of making application,  
22 file with and have approved by the department, a bond in which  
23 the applicant shall be the principal obligor in the sum of  
24 \$50,000 with one or more sureties, satisfactory to the  
25 department, whose liability in the aggregate as such sureties  
26 will at least equal the said sum and maintain said bond in  
27 effect so long as a registration is in effect. The bond shall be  
28 payable to the Commonwealth for the use of the department and  
29 any person who may have a cause of action against the obligor of  
30 said bonds for any losses resulting from malfeasance,

1 nonfeasance or misfeasance in the conduct of solicitation  
2 activities. An individual, partnership or corporation, which is  
3 a professional solicitor, may file a consolidated bond on behalf  
4 of all its members, officers and employees.

5 (d) The annual registration fee for every person who is a  
6 professional solicitor in this State shall be \$500. The annual  
7 registration shall expire at midnight on December 31 of each  
8 year.

9 Section 7. Certain persons and organizations exempt from  
10 registration.

11 The following groups or organizations shall be exempt from  
12 the registration provisions of this act:

13 (1) Persons requesting contributions for the relief of  
14 any individual specified by name at the time of the  
15 solicitation when all of the contributions collected without  
16 any deductions whatsoever are turned over to the named  
17 beneficiary for his use.

18 (2) Sponsors which do not intend to solicit and receive  
19 and do not actually raise or receive contributions from the  
20 public in excess of \$4,000 during a calendar year or do not  
21 receive contributions from more than ten persons during a  
22 calendar year, if all of their functions, including fund-  
23 raising activities, are carried on by persons who are unpaid  
24 for their services and if no part of the assets or income  
25 inures to the benefit of or is paid to any officer or member.  
26 Nevertheless, if the contributions raised from the public,  
27 whether all of such are or are not received by any sponsor  
28 during any calendar year, shall be in excess of \$4,000, the  
29 sponsor shall, within 30 days after the date it shall have  
30 received total contributions in excess of \$4,000, register

1 with and report to the department as required by this act.

2 (3) Sponsors which solicit only within the membership of  
3 the organization by members thereof; however, the term  
4 "membership" shall not include those persons who are granted  
5 a membership upon making a contribution as the result of  
6 solicitation.

7 (4) A person who is exempt from the registration  
8 requirements of this act may not solicit contributions until  
9 he has applied for and received from the department a letter  
10 of exemption. The department shall not assess an application  
11 or registration fee against any exempt sponsor. Each letter  
12 of exemption granted by the department shall be valid for a  
13 period not to exceed one year.

14 Section 8. Manner of filing registration statement; fees.

15 (a) Every sponsor shall pay a registration fee of \$50 unless  
16 otherwise exempt by this act. A parent organization filing the  
17 registration statements of one or more of its chapters, branches  
18 or affiliates along with its own statement shall pay a single  
19 registration fee of \$50 for itself and for such chapters,  
20 branches, affiliates or independent member agencies whose  
21 statements are filed by it at the same time as its own  
22 statement.

23 (b) Each sponsor shall file all information required by this  
24 act with the department within six months of the close of its  
25 fiscal year. The last day of the sixth month following the month  
26 in which the fiscal year of the organization ends shall be the  
27 anniversary date of the sponsor. All certificates of  
28 registration shall expire each year on the anniversary date of  
29 the sponsor. Each annual registration application shall be  
30 received by the department on or before the anniversary date.

1 (c) A sponsor failing to renew its registration or exemption  
2 by the time of the expiration thereof shall be automatically  
3 suspended from the right to operate under the provisions of this  
4 act until the registration is renewed. All renewals of  
5 registration shall be made in the same manner and upon payment  
6 of the same fee as an original registration.

7 (d) All registration fees received by the department  
8 pursuant to this section shall be deposited in a special fund to  
9 be used to pay the costs incurred in administering or enforcing  
10 the provisions of this act.

11 Section 9. Hearing on denial of registration.

12 The department shall examine each application and if it finds  
13 it to be in conformity with the requirements of this act and all  
14 relevant rules, it shall approve the registration. Any applicant  
15 who is denied approved registration may, within 20 days from the  
16 date of notification of such denial, request, in writing, a  
17 hearing before the department, which hearing shall be held  
18 within 20 days from the date of the request, unless the  
19 applicant requests a longer period in writing.

20 Section 10. Information filed to become public records.

21 Registration statements and applications, reports and all  
22 other documents and information required to be filed under this  
23 act or by the department shall become public records in the  
24 office of the department and shall be open to the general public  
25 for inspection at such times and under such conditions as the  
26 department may prescribe. In addition, the department shall  
27 within ten days after approval and renewal send to the clerk of  
28 the court in each county a list of registrants under this act  
29 which list shall be filed but not recorded.

30 Section 11. Records to be kept by sponsors and professional

1                   solicitors.

2       Every organization subject to the provisions of this act  
3 shall, in accordance with the rules prescribed by the  
4 department, keep true fiscal records, including all income and  
5 expenses, within the purview of this act, as to its activities  
6 in Pennsylvania as may be covered by this act in such form as  
7 will enable it accurately to provide the information required by  
8 this act. Upon demand, such records shall be made available to  
9 the department or an appropriate prosecuting attorney for  
10 inspection. Such records shall be retained for a period of at  
11 least three years after the end of the period of registration to  
12 which they relate.

13 Section 12. Reciprocal agreements.

14       The department may enter into reciprocal agreements with the  
15 appropriate authority of any other state for the purpose of  
16 exchanging information with respect to sponsors and professional  
17 solicitors. Pursuant to such agreements, the department may  
18 accept information filed by a sponsor or professional solicitor  
19 with the appropriate authority of another state in lieu of the  
20 information required to be filed in accordance with the  
21 provisions of this act if such information is substantially  
22 similar to the information required under this act.

23 Section 13. Prohibited acts.

24       (a) No organization subject to the provisions of this act  
25 shall use or exploit the fact of registration so as to lead the  
26 public to believe that such registration in any manner  
27 constitutes an endorsement or approval by the State; provided  
28 that the use of the following statement shall not be deemed a  
29 prohibited exploitation: "Registered with the Pennsylvania  
30 Department of State as required by law. Registration does not

1 imply endorsement of a public solicitation for contribution."

2 (b) No person shall, in connection with the solicitation of  
3 contributions for or the sale of goods or services of a person  
4 other than a charitable organization registered under this act,  
5 misrepresent to or mislead anyone by any manner, means, practice  
6 or device whatsoever to believe that the person on whose behalf  
7 such solicitation or sale is being conducted is a charitable  
8 organization or that the proceeds of such solicitation or sale  
9 will be used for charitable purposes, if such is not the fact.

10 (c) No person shall in connection with the solicitation of  
11 contributions or the sale of goods or services represent to or  
12 lead anyone by any manner, means, practice or device whatsoever  
13 to believe that any other person sponsors or endorses such  
14 solicitation of contributions or sale of goods or services or  
15 approves of the purposes of a sponsor connected therewith when  
16 such person has not given written consent to the use of his name  
17 for these purposes. Any member of the board of directors or  
18 trustees of a sponsor or any other person who has agreed either  
19 to serve or to participate in any voluntary capacity in the  
20 campaign shall be deemed thereby to have given his consent to  
21 the use of his name in said campaign.

22 (d) No person shall make any representation that he is  
23 soliciting contributions for or on behalf of a sponsor or shall  
24 use or display any emblem, device or printed matter belonging to  
25 or associated with a sponsor for the purpose of soliciting or  
26 inducing contributions from the public without first being  
27 authorized to do so by the sponsor.

28 (e) No professional solicitor or his agent, servant or  
29 employee shall solicit in the name of or on behalf of a sponsor  
30 unless:

(1) Such solicitor has first obtained written authorization of two officers of such sponsor on a form approved by the department, a copy of which authorization shall be filed with the department. Such written authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, which shall not exceed one year from the date issued.

(2) Prior to beginning any solicitation, such professional solicitor has filed with the department a true copy of any written agreement or contract which may have been entered into between a sponsor and the professional solicitor. If the agreement or contract is not in writing, a written statement of the agreement setting forth the terms and conditions of the agreement, including the solicitor's compensation, shall be filed with the department prior to beginning any solicitation. Within 24 hours after any change, modification or termination of any agreement, notice of such change, modification or termination shall be filed with the department along with a true copy of any written change or modification or a statement in writing setting forth the terms and conditions of any change or modification not in writing.

(f) No person shall use the words "charity" or "charitable" as a part of its name.

(g) A professional solicitor or his agent, servant or employee shall not solicit any person for a contribution without identifying himself as a professional solicitor to the person so solicited.

(h) A professional solicitor's total fee shall not be in excess of 25% of the gross contributions which he solicits. All



1 fund-raising costs shall be included in such gross  
2 contributions.

3 (i) Any sponsor registered and certified pursuant to this  
4 act shall not expend in excess of 25% of its gross contributions  
5 for fund-raising costs.

6 (j) No sponsor shall, in the connection with the  
7 solicitation of contributions or the sale of goods, magazines,  
8 newspaper advertising or any other service, use the name of a  
9 city or county unless properly authorized to do so by an  
10 appropriate resolution adopted within one year of the proposed  
11 activities by the appropriate governmental body.

12 (k) The sponsor, in every form of solicitation, whether it  
13 be oral, printed or visual, shall disclose that it is not a  
14 charitable organization as defined by law.

15 (l) No sponsor or person acting on behalf of a sponsor shall  
16 employ in any solicitation of contributions any device, scheme  
17 or artifice to defraud or obtain a contribution by means of any  
18 false pretense or misrepresentation.

19 (m) It is unlawful for any person through solicitation of a  
20 contribution, to represent to another person that the donation  
21 or the contribution or display of any sticker, emblem or  
22 insignia offered to contributors entitle such other person to  
23 any special treatment by any emergency service employee or law  
24 enforcement officer in the performance of their official duties.

25 (n) Prior to beginning any solicitation the professional  
26 solicitor shall have filed with the department a copy of a valid  
27 certificate of registration showing that he is registered as a  
28 professional solicitor.

29 (o) No person shall solicit contributions for the use or  
30 benefit of a sponsor under this act while wearing the uniform of

1 an emergency service employee or law enforcement officer.

2 (p) No emergency service employee or law enforcement officer  
3 shall solicit contributions for the use or benefit of a sponsor  
4 while on duty.

5 (q) In addition to other penalties which may be imposed  
6 pursuant to this act any person who knowingly violates any  
7 provision of this section shall be guilty of a misdemeanor of  
8 the first degree.

9 Section 14. Nonresident organizations; designation of Secretary  
10 of the Commonwealth as agent for service or  
11 process; notice of such service to organization.

12 (a) Sponsors as defined by this act or professional  
13 solicitors which have their principal place of business without  
14 the State, or which are organized under and by virtue of the  
15 laws of a foreign state and which solicit contributions from  
16 people in this State shall be subject to the provisions of this  
17 act and shall be deemed to have irrevocably appointed the  
18 Secretary of the Commonwealth as their agent upon whom may be  
19 served any summons, subpoena, subpoena duces tecum or other  
20 process directed to such sponsor or professional solicitor or  
21 any partner, principal officer or director thereof in any action  
22 or proceeding brought under the provisions of this act.

23 (b) Service of such process upon the Secretary of the  
24 Commonwealth shall be made by personally delivering to and  
25 leaving with him a copy thereof at the Capitol in Harrisburg.  
26 Such service shall be sufficient service provided that notice of  
27 such service and a copy of such process are forthwith sent to  
28 such sponsor or professional solicitor by registered or  
29 certified mail with return receipt requested at its office, as  
30 set forth in the registration form required to be filed with the

1 department pursuant to this act or in default of the filing of  
2 such forms, at the last address known.

3 Section 15. Enforcement and penalties.

4 (a) The department, upon its own motion or upon complaint of  
5 any person may, if it has reasonable ground to suspect a  
6 violation, investigate any sponsor or professional solicitor to  
7 determine whether such person or organization, or any agent,  
8 servant, or employee thereof, has violated the provisions of  
9 this act or has filed any application or other information  
10 required under this act which contains false or misleading  
11 statements. If the department finds that any application or  
12 other information contains false or misleading statements, or  
13 that a registrant under this part, or an agent, servant, or  
14 employee thereof, has violated the provisions hereof, it may  
15 move to suspend or cancel such registration after notifying said  
16 registrant by registered or certified mail, return receipt  
17 requested and affording an opportunity for hearing.

18 (b) The registration of any sponsor or professional  
19 solicitor knowingly making a false or misleading statement in  
20 any registration application or statement, report or other  
21 information required to be filed by the department or this act  
22 shall be revoked or suspended.

23 (c) All civil proceedings under this act shall be conducted  
24 in accordance with Title 2 of the Pennsylvania Consolidated  
25 Statutes (relating to administrative law and procedure) and all  
26 adjudications shall be subject to review and appeal as provided  
27 therein.

28 (d) In addition to the foregoing, any person who willfully  
29 violates any provision of this act, or who willfully gives false  
30 or incorrect information to the department in filing statements

1 or reports required by this act, whether such report or  
2 statement is verified or not, shall be guilty of a misdemeanor  
3 for the first offense and, for the second and any subsequent  
4 offense, shall be guilty of a misdemeanor of the second degree.

5 (e) In the event the department or any prosecuting attorney  
6 shall have probable cause to believe that:

7 (1) Any sponsor or professional solicitor is operating  
8 in violation of the provisions of this act or has knowingly  
9 and willfully made any false statement, report or other  
10 information required to be filed by this act.

11 (2) Any sponsor or professional solicitor has failed to  
12 file a registration statement or other information required  
13 by this act.

14 (3) There is employed or is about to be employed in any  
15 solicitation or collection of contributions for a sponsor any  
16 device, scheme or artifice to defraud or to obtain money or  
17 property by means of any false pretense, representation or  
18 promise.

19 (4) The officers or representatives of any sponsor or  
20 professional solicitor have refused or failed after notice to  
21 produce any records of such organization.

22 (5) The funds raised by solicitation activities are not  
23 devoted or will not be devoted to the stated purposes of the  
24 registration certificate, an action shall be brought by the  
25 department or any prosecuting attorney against such sponsor  
26 or professional solicitor and its officers, or any other  
27 person who has violated this act or who has participated or  
28 is about to participate in any solicitation or collection by  
29 employing any device, scheme, artifice, false representation  
30 or promise, to defraud or obtain money or other property, to

1       enjoin such organization or other person from continuing such  
2       violation solicitation or collection or engaging therein or  
3       doing any acts in furtherance thereof and for such other  
4       relief as the court deems appropriate.

5       (f) The department or its designee may appear before any  
6       court of competent jurisdiction empowered to issue warrants of  
7       arrest in criminal cases and request the issuance of a warrant;  
8       and upon presentation of probable cause, said court shall issue  
9       a warrant directed to any law enforcement officer.

10      Section 16. More stringent local provisions not preempted.

11       This act shall not be construed to preempt any more stringent  
12      municipal provisions or to restrict local units of government  
13      from adopting more stringent provisions and, in such case, such  
14      provisions shall be complied with if the registrant desires to  
15      solicit within the geographic district of such local unit of  
16      government.

17      Section 17. Effective date.

18       This act shall take effect in 60 days.