

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF SECURITIES
1511 PONTIAC AVENUE
JOHN O. PASTORE COMPLEX – BUILDING 69-1
CRANSTON, RI 02920**

IN THE MATTER OF	:	
	:	
	:	<u>CONSENT AGREEMENT</u>
ALLERGY & ASTHMA NETWORK/ MOTHERS OF ASTHMATICS, INC.	:	
	:	
	:	

I.

The Securities Division (the "Division") of the Rhode Island Department of Business Regulation ("the Department") enters into this Consent Agreement ("Agreement") to resolve concerns that Sections 5-53.1-2, 5-53.1-2 (13) (e), and 5-53.1-7(8)(i) of the Solicitation by Charitable Organizations Act (the "Act"), Chapter 5-53.1 et seq. of the Rhode Island General Laws, may have been violated by the Allergy & Asthma Network/Mothers of Asthmatics, Inc. ("AANMA"). The Division has determined to resolve this matter, after investigation but without instituting administrative proceedings, by entering into this Agreement.

II.

It is hereby agreed by and between the Division and AANMA that:

1. AANMA is a charitable organization with a principal place of business at 8201 Greensboro Drive, Suite 300, McLean, VA 22021.
2. At all times relevant to this agreement it has been unlawful for a charity to solicit

contributions in this State unless properly registered in accordance with §5-53.1-2 or exempt therefrom pursuant to §5-53.1-3 of the Act.

3. Registration records maintained by the Division indicate that AANMA first registered as a charitable organization seeking to solicit contributions in Rhode Island in August 1998 and has continued to renew its registration annually, even though it has occasionally been filed late. AANMA's registration expired on October 6, 2006.

4. On April 2, 2010, the Division received AANMA's re-registration application. Pursuant to the Act, this re-registration application is required to be submitted thirty (30) days prior to the date of expiration. Such late submission constitutes a violation of §5-53.1-2 (13) (e).

5. In April 2010, the Division notified AANMA of the renewal deficiency and requested that AANMA provide the Division with the number of charitable solicitations it conducted during the time period that it failed to maintain a valid registration; and also to submit its audited financial statement for that same period.

6. On September 2010, the Division received a response to the request in which AANMA indicated that it received six hundred sixty five dollars and thirty cents (\$6,315.30) in contributions from residents of Rhode Island during the unregistered time-period.

7. It is the position of the Division that the late submission of its renewal registration by AANMA constitutes a violation of §5-53.1-2 (13) (e) of the Act that requires a renewal registration be submitted prior to the expiration of the then current registration. Specifically, the Act reads: *(e) Registration under this section shall expire one year following the approval of the application by the department.... Re-registration shall also be for a similar period of one year and*

may be effected by filing an application no later than thirty (30) days prior to the expiration of the prior registration.

8. Further, it is the position of the Division that the charitable solicitations made to Rhode Island residents by AANMA during the period when it failed to maintain its registration as a charitable organization in this State constitutes a violation of §5-53.1-2 and §5-53.1-7(8)(i).

III.

Based on the foregoing, the Division finds that the following is in the public interest, appropriate for the protection of donors to charitable organizations and consistent with the purposes intended by the provisions of the Solicitation by Charitable Organizations Act.

Accordingly, it is hereby further agreed that:

1. AANMA shall immediately undertake to comply fully with the Solicitation by Charitable Organizations Act §5-53.1 et seq.

2. AANMA shall upon signing the Agreement pay an administrative penalty in the amount of Four Hundred Fifty Dollars (\$450.00) to the Division, which includes a back filing fee of one hundred and fifty dollars (\$150.00) covering the time-period of October 6, 2006 – October 6, 2008.

3. AANMA will ensure that all future Renewal Registration applications are submitted to the Department no later than thirty (30) days prior to the date of expiration of the then current registration in accordance with §5-53.1-2 (13) (e) of the Act.

4. Upon the Division's execution of this Agreement, AANMA will be registered until October 6, 2011 and AANMA will maintain its registration in accordance with §5-53.1-2,

and §5-53.1-7(8)(i).

5. Additional violations of the Solicitation by Charitable Organizations Act may be grounds for significant and substantial penalties such as revocation or suspension, administrative penalties up to one thousand dollars (\$1,000.00) per violation and the imposition of criminal and civil sanctions.

Dated this 25th day of August, 2011

Maria L. D'Alessandro
Maria L. D'Alessandro, Deputy Director of Securities,
Commercial Licensing and Racing and Athletics

Allergy & Asthma Network/Mothers of Asthmatics, Inc.

By: [Signature]

Its: UB

On this 9 day of August, 2011 appeared before me MARCELA GIEMIANI,
_____ who executed the foregoing Consent Agreement and who duly
acknowledged to me that he/she was authorized to do so.

David M. Debat
NOTARY PUBLIC
My Commission Expires:



aanma.ca
am