



Florida Department of Agriculture & Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

June 15, 2010

DELIVERED: Certified Mail # 7006 0100 0003 2309 9110

United States Navy Veterans Association FL Chapter
(U.S.S. Cole Chapter)
Attn: Bill Abrams, Commander,
Rob Ray, Vice Commander,
Ed Disho, Chief Financial Officer,
Dale West, Vice President
301 W Platt Street, Suite 160
Tampa, Florida 33606-2292

Case No: 1006-20071

Agency Clerk Ref: A67787

SUBJECT: Administrative Complaint

Dear Missers. Abrams, Ray, Disho, and West:

INVESTIGATIVE RESULTS

An investigation was conducted by the Department of Agriculture and Consumer Services ("Department"). As a result of the investigation, the Department found the following violation(s):

§ 496.415 Prohibited acts.--It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to: (1) fail to comply with the requirements of section 496.405(2)(g)1. ***The facts that support this allegation are as follows:*** The application submitted by the United States Navy Veterans Association FL Chapter (U.S.S. Cole Chapter) to the Department which was received on October 16, 2009 fails to comply with section 496.405(2)(g)1., in that the charitable organization's principal street address provided to the Department, 301 W. Platt Street, Suite 160, Tampa, Florida 33606-2292 is a UPS Store "mail drop" address, and therefore cannot be the "principal" street address of the organization.

§ 496.415 Prohibited acts.--It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to: (1) fail to comply with, the requirements of ss. 496.405(2)(g)5. ***The facts that support this allegation are as follows:*** The application submitted by the United States Navy Veterans Association FL Chapter (U.S.S. Cole Chapter) to the Department which was received on October 16, 2009 fails to comply with section 496.405(2)(g)5., in that the names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions were not provided as required. Specifically, question number 9 of the application lists "Abrams, Bill" but fails to provide the complete physical address.

§ 496.415 Prohibited acts.--It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:
(2) Knowingly file false or misleading information in any document required to be filed with

the department... ***The facts that support this allegation are as follows:*** The application submitted by the United States Navy Veterans Association FL Chapter (U.S.S. Cole Chapter) to the Department which was received on October 16, 2009 supplied misleading information relevant to the requirement of section 496.405(2)(g)2., in that certain street addresses of the charitable organization's officers, directors, trustees, and the principal salaried executive personnel were known to not be complete at the time of submission. Specifically, "Attachment B" of the application "Officers, Directors, Trustees, and Principal Salaried Executive Personnel" lists "Abrams, Bill" who allegedly resided at 1601 Biscayne Blvd, Miami, Florida 33132-1224. The application failed to disclose that the address is a Hilton Hotel in the Miami area and failed to provide a room number at the hotel which was alleged to be Abram's physical location.

§ 496.415 Prohibited acts.--It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:
(2) Knowingly file false or misleading information in any document required to be filed with the department... ***The facts that support this allegation are as follows:*** The application submitted by the United States Navy Veterans Association FL Chapter (U.S.S. Cole Chapter) to the Department which was received on October 16, 2009 supplied misleading information relevant to the requirement of section 496.405(2)(g)2., in that certain street addresses of the charitable organization's officers, directors, trustees, and the principal salaried executive personnel were known to be false at the time of submission. Specifically, "Attachment B" of the application "Officers, Directors, Trustees, and Principal Salaried Executive Personnel" lists "Ray, Rob" who allegedly resided at 20 W Lucerne Way, Orlando, Florida 32801-3728. This address is a residential high rise condominium in the Orlando area. A check of the location revealed that Mr. Ray does not currently reside there nor did he ever officially reside there according to the condominium's records.

§ 496.415 Prohibited acts.--It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:
(2) Knowingly file false or misleading information in any document required to be filed with the department... ***The facts that support this allegation are as follows:*** The application submitted by the United States Navy Veterans Association FL Chapter (U.S.S. Cole Chapter) to the Department which was received on October 16, 2009 supplied false information relevant to the requirement of section 496.405(2)(g)2., in that certain names and street addresses of the charitable organization's officers, directors, trustees, and the principal salaried executive personnel were known to be false at the time of submission. Specifically, "Attachment B" of the application "Officers, Directors, Trustees, and Principal Salaried Executive Personnel" lists "West, Dale" who allegedly resided at 3266 Lake Pine Way E, Tarpon Springs, FL 34688-6484. This physical address does not exist on Lake Pine Way E. in Tarpon Springs, Florida.

SETTLEMENT

At this time the Department is willing to settle this matter as follows:

United States Navy Veterans Association FL Chapter (U.S.S. Cole Chapter) shall, within 21 days of the receipt of this letter, consent to the revocation of its Solicitation of Contributions license (CH10387) and cease all further Solicitation of Contributions activities defined under Chapter 496 Florida Statutes.

If this settlement is acceptable, please indicate your acceptance by signing the Settlement Agreement and return the signed Settlement Agreement and all other documents required for settlement in the enclosed envelope within twenty-one (21) days of receipt of this letter. Acceptance of this settlement and the timely return to the Department of all settlement documents will conclude this matter.

ADMINISTRATIVE HEARING AVAILABLE

If you wish to contest the Department's findings, you have the right to request an administrative hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoena and subpoena duces tecum issued on your behalf if a hearing is requested. Your request for hearing must contain your name and address for purposes of service, a statement requesting either a hearing involving disputed issues of material fact or a hearing not involving disputed issues of material fact, and a reference to this administrative complaint. If you request a hearing the offer of settlement is withdrawn and you may receive a more severe penalty.

DEADLINE TO REQUEST AN ADMINISTRATIVE HEARING

Your request for a hearing must be received within twenty-one (21) days of receipt of this letter.

FAILURE TO SETTLE OR REQUEST AN ADMINISTRATIVE HEARING

If you fail to settle or fail to request an administrative hearing within the twenty-one (21) day deadline you waive your right to a hearing and the Department may enter a Final Order imposing up to the maximum penalties as authorized by Florida law.

FURTHER INFORMATION

If you wish to discuss this matter, please contact Chief Investigator Paul J. Pagano at **(850) 410-3771**.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



Paul J. Pagano, CFE
Chief, Bureau of Investigations

PJP/

Enclosures:

- Copy of Statutes/Registration Form
- Notice of Rights



Florida Department of Agriculture & Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

June 15, 2010

SETTLEMENT AGREEMENT

United States Navy Veterans Association FL Chapter
(U.S.S. Cole Chapter)
Attn: Bill Abrams, Commander,
Rob Ray, Vice Commander,
Ed Disho, Chief Financial Officer,
Dale West, Vice President
301 W Platt Street, Suite 160
Tampa, Florida 33606-2292

Case No: 1006-20071
Agency Clerk Ref: A67787

I hereby agree to settle the violations stated in the Administrative Complaint dated June 15, 2010, as follows (check one):

_____ I agree to consent to the revocation of my Solicitation of Contributions registration CH10387 and agree to cease all Solicitation of Contributions activities as defined under Chapter 496, Florida Statutes.

I further agree that if I fail to comply with the terms of this settlement, the Department will enter a Final Order imposing the maximum penalties authorized by Florida law and may seek additional remedies in court.

Name (please print)

Legal Name of Business

Signature

Date

Title

Telephone

ATTACH ALL ITEMS REQUIRED FOR SETTLEMENT.

RETURN ADDRESS:

Department of Agriculture & Consumer Services
Post Office Box 6700
Tallahassee, Florida 32399-6700

Solicitation of Contributions

Org Code: 42100212000 A2

Object Code: 012052 (\$0.00)

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE OF RIGHTS AND HEARING REQUEST FORM

(pursuant to Chapter 120, Florida Statutes)

You may request a hearing where you do not dispute the facts (Informal Hearing) or a hearing to dispute the facts (Formal Hearing). Your choice must be made within twenty-one (21) days. Failure to comply with the twenty-one (21) day deadline may result in a default being entered against you. Mediation pursuant to Chapter 120, Florida Statutes is not available.

INFORMAL HEARING

If you do not dispute or wish to contest the facts in the administrative complaint, but wish to object to the agency action, i.e. the application of the law to the facts or the proposed penalty, you should choose this option. An informal hearing is an informal proceeding before the Department whereby you will have the opportunity to be represented by counsel, to present written or oral evidence in opposition to the Department's proposed action, or to present a written statement challenging the grounds upon which the Department is justifying its actions. You will have the opportunity to discuss settlement at the informal hearing.

FORMAL HEARING

If you dispute the facts in the administrative complaint you should choose a formal hearing. Formal hearings are like non-jury trials, and are held before an administrative law judge. At a formal hearing, you will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to file exceptions to the administrative law judge's recommended order.

If you choose a formal hearing, the Division will refer your file to the Department's legal staff for handling. Please note that the administrative complaint may be amended to increase the violations or the proposed penalty. Your case will then be forwarded to the Division of Administrative Hearings for assignment of an administrative law judge. You will ordinarily be required to appear in person.

HEARING SELECTION

Please check whether you want an informal or formal hearing, and fill out the information on the reverse side of this form.

INFORMAL HEARING REQUESTED.

For your informal hearing, please check:

I wish to appear in person and submit documents at or before the hearing.

I wish to participate by telephone conference and submit documents prior to the hearing date.

I wish only to submit a written statement.

[NOTE: Any documents not received **prior** to the hearing will not be considered]

FORMAL HEARING REQUESTED.

Case Name: United States Navy Veterans Association FL Chapter (U.S.S. Cole Chapter)

Agency Clerk No: A67787

DOCS Investigation Case No: 1006-20071

Date: June 15, 2010

HEARING INFORMATION REQUEST

Please type or print the information requested.

Name: _____ Telephone _____

Address: _____

Business Name: _____ Telephone _____

Business Address: _____

Name of Legal Counsel or Representative:

Address: _____ Telephone _____

Please state how your substantial interests will be affected by the Department's determination.

Please state when and how you received your notice of the Department's administrative complaint or decision.

Give a concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the Department's proposed action.

Give a statement of the specific rules or statutes you contend requires reversal or modification of the Department's proposed actions.

Please describe briefly the relief you are seeking and what action do you propose to have the Department take with respect to the Department's proposed action.

FOR A FORMAL HEARING—

List all disputed issues of material facts and if none so indicate.

Signature for Individual _____ Date _____

Signature for Corporation and Title (ie, President, VP, Sec, Treas.) _____ Date _____

RETURN ADDRESS

Department of Agriculture & Consumer Services
Terry L. Rhodes Building
2005 Apalachee Parkway
Tallahassee, Florida 32301
ATTN: Paul Pagano, Bureau Chief
FAX : (850) 410-3839



CHARLES H. BRUNSON, COMMISSIONER
Florida Department of Agriculture
and Consumer Services
407 South Calhoun Street
Tallahassee, FL 32399-0800



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301 W Platt Street, Suite 160
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL



7006 0100 0003 2309 9110
7006 0100 0003 2309 9110

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To United States Navy Veterans Assoc. Chapter
 Street, Apt. No. or PO Box No. 301 W Platt St, Ste 160
 City, State, ZIP+4 Tampa FL 33606-2292

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
United States Navy Veterans Association FL Chapter
Attn: Bill Abrams, Commander,
Rob Ray, Vice Commander,
Ed Disho, Chief Financial Officer,
Dale West, Vice President
301 W Platt Street, Suite 160
Tampa, Florida 33606-2292

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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