

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
CHARITIES DIVISION**

IN THE MATTER OF :)	
)	Administrative Proceeding
)	Number: LC-13-0664
BDT HOUSING SERVICES ENTERPRISE)	
P.O. Box 201)	
Walls, Mississippi 38680)	
)	
<i>Respondent</i>)	

**FINAL CEASE AND DESIST ORDER AND
ORDER IMPOSING ADMINISTRATIVE PENALTY**

The SECRETARY OF STATE OF MISSISSIPPI, Charities Division (hereinafter "Division") by and through the undersigned designated representative, after having served a Summary Cease and Desist Order and Notice of Intent to Impose Administrative Penalty against BDT HOUSING SERVICES ENTERPRISE (hereinafter "BDT") hereby issues this Final Cease and Desist Order and Order Imposing Administrative Penalty and in support hereof, states the following:

I. JURISDICTION

The Secretary of State is vested with the regulation of charitable organizations that solicit donations in the State of Mississippi pursuant to Miss. Code Ann. §79-11-501, *et seq.* (Rev. 2009). BDT is a charitable organization as defined by Miss. Code Ann. §79-11-501(a)(i) (Rev. 2009) and therefore subject to the Secretary of State's regulatory authority. The Secretary of State, therefore, finds that he has jurisdiction over the subject matter and party herein.

II. FINDINGS OF FACT

1. BDT is a charitable organization that was registered with the Division until November 30, 2013, at which time its registration expired.

2. On January 25, 2013, the Division performed an examination on BDT.
3. Based on that examination, a Findings Letter was sent to BDT on March 5, 2013 outlining the alleged violations of the Act.
4. The Division found that false and/or misleading statements were made on the Mississippi Financial Statement form filed with the Division. Since its initial filing in January 2009, BDT indicated in all filings with the Division that it had received no revenue and had spent no funds on expenses. However, the Division is aware that each year BDT had at least one expense – paying the filing fee to renew its charity registration.
5. In addition, the Division found that BDT was not maintaining books and records as required by the Act. From the time of the examination up to the present time, BDT has failed to submit to the Division the requested documents, including but limited to, bank statements, a list of properties that it owns, and a current list of the Board members with contact information.
6. BDT was to respond in writing to the Division regarding these findings by March 25, 2013.
7. BDT failed to respond to the Findings Letter. Shortly thereafter, the Division was informed of the circumstances involving Ms. Tracey Prince. As a result, no administrative action was taken against BDT, and leniency was granted regarding a response to the letter.
8. On August 8, 2013, the Division received correspondence from Ms. Prince that she had returned home and resumed the responsibility associated with operating BDT. Therefore, the Division gave Ms. Prince until Monday, September 16, 2013 to respond to the Findings Letter.
9. To date, the Division has not received a response to the Findings Letter from

BDT. Therefore, issuance of this Final Cease and Desist Order and Order Imposing Administrative Penalty is appropriate.

III. CONCLUSIONS OF LAW

10. Pursuant to Miss. Code Ann. §79-11-509(1) (c)(Rev. 2009), the Secretary of State shall deny, suspend, or revoke a registration or an exemption if a document filed with the Secretary of State contains one or more false or misleading statements or omits material facts. The documents filed with the Division indicate that since 2009, BDT has had no revenue or expenses. The Division has determined that these filings are incorrect. As a result, BDT has continually filed misleading documents with the Division.

11. Pursuant to Miss. Code Ann. §79-11-518 (Rev. 2009) and Rule 2.13 of the Mississippi Charities Act Rules, every charitable organization shall keep true and correct books and records of solicitation activities. Rule 2.13 further identifies some of the required books and records that should be kept. BDT has failed to keep the required books and records and therefore is in violation of this section.

12. Pursuant to Miss. Code Ann. §79-11-519 (3)(i) (Rev. 2009), it shall be a violation for any person to refuse or fail, after notice, to produce any records required to be kept under Section 79-11-501 through 79-11-529, or any rule or order promulgated thereunder. On several occasions, the Division has requested that BDT produce a copy of its bank statements, a list of its properties, and a current list of the board members and their addresses. BDT has failed to comply with this request. BDT is therefore in violation of this section.

13. Pursuant to Miss. Code Ann. §79-11-509 (4) (Rev. 2009), whenever it appears to the Secretary of State that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, he may, in

his discretion, seek one or more of the following remedies in addition to other remedies authorized by law:

a. Issue a cease and desist order, with or without a prior hearing against the person or persons engaged in the prohibited activities, directing them to cease and desist from further illegal activity;

b. Administratively dissolve or seek the judicial dissolution of a domestic corporation that is a charitable organization, or revoke the certificate of authority of a foreign corporation that is a charitable organization, or

c. Issue an order imposing an administrative penalty up to a maximum of Twenty-five Thousand Dollars (\$25,000.00) for each offense, each violation to be considered as a separate offense in a single proceeding or a series of related proceedings.

IV. PUBLIC INTEREST

The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code. Ann. §79-11-501, *et seq.* (Rev. 2009).

V. FINAL ORDER

IT IS THEREFORE ORDERED, pursuant to Miss. Code Ann. §79-11-509 (4) (Rev. 2009) that BDT shall immediately and permanently CEASE AND DESIST soliciting charitable contributions in and from the State of Mississippi as defined by Miss. Code Ann. §79-11-501 (Rev. 2009).

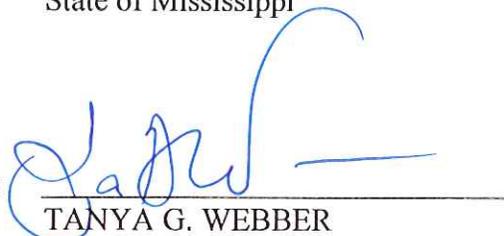
IT IS ALSO ORDERED, that BDT pay an administrative penalty in the amount of Three Thousand Dollars (\$3,000.00), made payable to the Mississippi Secretary of State upon execution of this Order.

BE ADVISED THAT, a willful violation of this Final Cease and Desist Order and Order Imposing Administrative Penalty may be punishable upon conviction by a fine or not more than Twenty-Five Thousand Dollars (\$25,000.00) of five (5) years imprisonment, or both, in addition to civil and administrative remedies to the Division.

SO ISSUED, this the 18th day of December, 2013.

C. DELBERT HOSEMANN, Jr.
Secretary of State
State of Mississippi

BY:



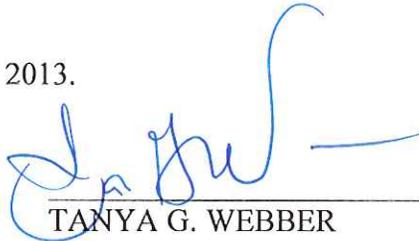
TANYA G. WEBBER
Assistant Secretary of State
Charities Division
Mississippi Secretary of State's Office

CERTIFICATE OF SERVICE

I, Tanya G. Webber, do here by certify, that I have this day, mailed a true and correct copy, via certified mail, return receipt requested, of the Final Cease and Desist Order and Order Imposing Administrative Penalty to the following:

BDT Housing Services Enterprise
P.O. Box 201
Walls, Mississippi 38680

This the 18th day of December, 2013.



TANYA G. WEBBER
Assistant Secretary of State
Charities Division

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