

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

IN THE MATTER OF :)	
)	Administrative Proceeding
)	Number: LC-12-0680
KING'S 2nd CHANCE)	
1731 State Street)	
Biloxi, MS 39531)	
<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 KING'S 2nd CHANCE 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). King's 2nd Chance (hereinafter "K2C") 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. After receiving an inquiry and communicating with K2C, the Charities Division (hereinafter "Division") sent a certified letter to K2C on September 13, 2013, notifying it that the Division had received evidence that it was soliciting contributions in the State of Mississippi without

being property registered with the Division. K2C was required to submit a registration or written notification that it would cease solicitation to the Division by October 4, 2013.

2. On October 14, 2013, the certified letter was returned to the Division with the notation that the addressee had moved and left no forwarding address. As a result, the letter could not be forwarded.

3. The Division researched K2C in more detail and found another address for it. Therefore, on October 16, 2013, the Division sent the letter to the new address at 1731 State Street, Biloxi, Mississippi 39531.

4. The certified letter was attempted to be delivered to K2C at this new address on October 18, 2013, October 23, 2013, and on November 1, 2013, with no success. The letter was returned to the Division.

5. On December 9, 2013, a true and correct copy of the Summary Cease and Desist Order and Notice of Intent to Impose Administrative Penalty was mailed via certified mail to K2C. On January 6, 2014, the Order was returned to the Division after three (3) unsuccessful delivery attempts.

6. On January 17, 2014, the Division mailed K2C a Notice of Service of Process and Affidavit of Compliance via certified mail. This was returned to the Division on February 3, 2014, after three (3) unsuccessful delivery attempts.

7. To date, the Division has not received a registration or response from K2C.

III. CONCLUSIONS OF LAW

8. Pursuant to Miss. Code Ann. §79-11-503 (1) (Rev. 2009), every charitable organization which solicits or intends to solicit contributions shall file with the Secretary of State a registration statement and pay filing a filing fee of Fifty Dollars (\$50.00). K2C has failed to file a registration statement and is, therefore, in violation of this provision.

9. K2C has solicited donations as defined by Miss. Code Ann. §79-11-501 (j) (Rev. 2009) via PowerPoint during the period of non-registration. K2C is in violation of the Act and is, therefore, subject to the provision of Miss. Code Ann. §79-11-509 (Rev. 2009), including the issuance of a Cease and Desist Order with or without a prior hearing, revocation, denial, or suspension of registration, and imposition of an administrative penalty by the Secretary of State.

10. Pursuant to §79-11-509 (4), 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 K2C 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).

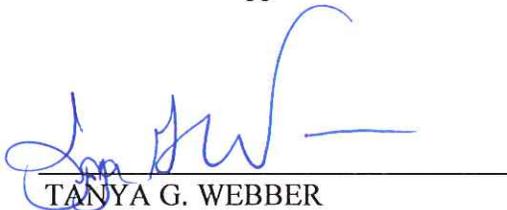
IT IS ALSO ORDERED, that K2C pay an administrative penalty in the amount of One Thousand Dollars (\$1,000.00), made payable to the Mississippi Secretary of State upon execution of this Order.

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 of not more than Twenty-Five Thousand Dollars (\$25,000.00) or five (5) years imprisonment, or both, in addition to civil and administrative remedies to the Division.

SO ISSUED, this the 20th day of February, 2014.

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:

King's 2nd Chance.
1731 State Street
Biloxi, MS 39531

This the 20th day of February, 2014.



TANYA G. WEBBER
Assistant Secretary of State
Charities Division

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