

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

<b>IN THE MATTER OF :</b>	)	
	)	
	)	
<b>Rachel's Heart</b>	)	<b>Administrative Proceeding</b>
<b>Post Office Box 254</b>	)	<b>Number: LC-16-1730</b>
<b>Flora, Mississippi 39071</b>	)	
	)	
	)	
<i>Respondent</i>	)	

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**CEASE AND DESIST ORDER AND NOTICE OF INTENT  
TO REVOKE REGISTRATION AND ADMINISTRATIVELY DISSOLVE**

The SECRETARY OF STATE OF MISSISSIPPI, by and through the undersigned designated representative, hereby issues this Cease and Desist Order and Notice of Intent to Revoke Registration and Administratively Dissolve against Rachel's Heart. In support hereof, he 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.* Rachel's Heart is a charitable organization as defined by Miss. Code Ann. §79-11-501(a)(i) ("Act"), to-wit:

- (B) Any person actually or purporting to be established for any voluntary health and welfare, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, fire fighters, or other public safety organizations, or any person employing in any manner a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation and includes each local, county or area division within this state of such charitable organization, provided such local, county or area division has

authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

Rachel's Heart is a charitable organization as defined by the Act, and is subject to the Secretary of State's regulatory authority. Therefore, the Secretary of State finds that he has jurisdiction over the subject matter and the parties herein.

## II. FINDINGS OF FACT

1. On September 18, 2013, the Charities Division of the Secretary of State's Office ("Division") sent Rachel's Heart a renewal registration notice informing it of the requirement to submit the annual renewal registration on or before January 11, 2014, its renewal date. The renewal notice was sent to the charity via electronic mail.

2. Failing to submit its renewal registration by January 11, 2014, Rachel's Heart's registration expired. As a courtesy thereafter, the Division sent Rachel's Heart a "termination letter" on March 27, 2014. The termination letter indicated that Rachel's Heart had failed to renew its registration and that a renewal registration was required if Rachel's Heart wanted to continue to solicit contributions in Mississippi; otherwise, if Rachel's Heart wanted to cease solicitations in Mississippi, a Final Report would be required to terminate the registration. Rachel's Heart failed to respond to the termination letter, submit a renewal registration, or file a Final Report. The Division continued to send Rachel's Heart termination letters via electronic mail on September 25, 2014, November 25, 2014, and March 27, 2015 giving it the ample opportunity to comply with state law.

3. Again, Rachel's Heart failed to respond to the termination letters so the Division sent Rachel's Heart a final expiration letter on April 8, 2015. The expiration letter stated that Rachel's Heart had failed to renew its registration or file a Final Report as required, and that solicitations made without a proper registration were in violation of the Act and subject to an

administrative penalty up to a maximum of Twenty-five Thousand Dollars (\$25,000.00) per violation.

4. To date, the Division has not received a renewal registration or Final Report from Rachel's Heart.

### **III. APPLICABLE LAW**

5. Pursuant to Miss. Code Ann. §79-11-503(1), every charitable organization which solicits or intends to solicit contributions shall be registered with the Secretary of State prior to any solicitation.

6. Miss. Code Ann. §79-11-503(6) further states that in no event shall a registered charitable organization continue to solicit contributions in or from this state after the date such organization should have filed, but failed to file, a renewal and the financial report in accordance with the requirements of §§79-11-501 through 79-11-529.

7. Miss. Code Ann. §79-11-503(8) also states that any registered charitable organization which for any reason opts not to renew its registration must, upon the expiration of its registration, provide to the Secretary of State a final report.

8. Miss. Code Ann. §79-11-509(1)(e) states that the Secretary of State shall deny, suspend, or revoke a registration or exemption if the applicant or registrant has violated or failed to comply with any provisions of the chapter or any rule or order thereunder.

9. Miss. Code Ann. §79-11-509(2) also states that the Secretary of State shall notify the applicant or licensee of his intent to deny, suspend, or revoke a license and shall inform him of his right to request an administrative hearing within thirty (30) days of receipt of the notification.

10. Miss. Code Ann. §79-11-509(4) provides that 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 the 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. CONCLUSIONS OF LAW**

11. According to Miss. Code Ann. §79-11-503(1) and (6), every charitable organization which solicits or intends to solicit contributions shall file with the Secretary of State a registration statement and pay a filing fee of Fifty Dollars (\$50.00). In no event shall a registered charitable organization continue to solicit contributions in or from this state after the date such organization should have filed, but failed to file, a renewal and the financial report in accordance with the requirements of §§79-11-501 through 79-11-529. Rachel's Heart has failed to file a renewal registration and financial report with the Division after its registration expired, and is therefore in violation of these provisions.

12. Rachel's Heart does not have the option of not renewing its registration in Mississippi. Pursuant to Miss. Code Ann. §79-11-503(8), if a registered charitable organization

for any reason opts not to renew its registration, it must upon the expiration of its registration, provide to the Secretary of State a final report. Rachel's Heart has failed to file a final report with the Division after its registration expired, and is therefore, in violation of this provision.

#### **V. CEASE AND DESIST**

As provided in Miss. Code Ann. §79-11-509(4), the Secretary of State hereby orders Rachel's Heart to immediately **CEASE AND DESIST** soliciting charitable contributions in and from the State of Mississippi as defined by Miss. Code Ann. §79-11-501. This order shall remain in effect until further order of the Secretary of State.

#### **VI. NOTICE OF INTENT TO REVOKE REGISTRATION AND ADMINISTRATIVELY DISSOLVE**

Pursuant to Miss. Code Ann. §79-11-509(1)(e), the Secretary of State shall deny, suspend, or revoke a registration of a registrant that has violated or failed to comply with any provision of the chapter or rule thereunder. The Secretary of State hereby revokes the registration of Rachel's Heart.

Pursuant to Miss. Code Ann. §79-11-509(4)(b), the Secretary of State may administratively dissolve a charitable organization that has violated or failed to comply with any provision of the chapter or rule thereunder. The Secretary of State hereby administratively dissolves Rachel's Heart.

#### **VII. RIGHT TO ADMINISTRATIVE HEARING**

An administrative hearing may be requested in this matter. Any such request shall be made, in writing, to Tanya G. Webber, Assistant Secretary of State, Charities Division, Post Office Box 136, Jackson, MS 39205, within thirty (30) days from the date of receipt of this Order. If an administrative hearing is requested, written notice of the date, time, and place, will be given to all parties by certified mail, return receipt requested. Said notice will also designate

a Hearing Officer. In the event such written notice is not received within the thirty (30) day period of time, the registration revocation and dissolution shall become effective.

### VIII. 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.*

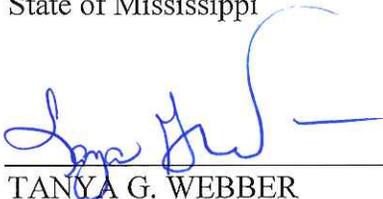
### IX. RIGHT TO AMEND

The Secretary of State hereby reserves the right to amend this Cease and Desist Order and Notice of Intent to Revoke Registration and Administratively Dissolve.

SO ISSUED, this the 4<sup>th</sup> day of April, 2016.

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

BY:



TANYA G. WEBBER  
Assistant Secretary of State  
Charities Division

**CERTIFICATE OF SERVICE**

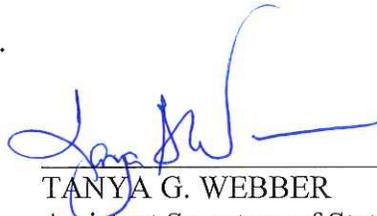
I, Tanya G. Webber, do here by certify, that I have this day, mailed a true and correct copy, via certified mail, return receipt requested, of the Cease and Desist Order and Notice of Intent to Revoke Registration and Administratively Dissolve to the following:

Rachel's Heart  
Post Office Box 254  
Flora, Mississippi 39071

Kim Webb  
989 Petrified Forest Road  
Flora, Mississippi 39071

Cathy Hillman  
5184 Highway 22  
Flora, Mississippi 39071

This the 4<sup>th</sup> day of April, 2016.



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

Tanya G. Webber, MSB# 99405  
Mississippi Secretary of State's Office  
Post Office Box 136  
Jackson, Mississippi 39205  
(601) 359-1599



DELBERT HOSEMANN  
*Secretary of State*

Rachel's Heart  
Post Office Box 254  
Flora, Mississippi 39071

RE: Rachel's Heart Status

May 10, 2016

**CERTIFICATE OF ADMINISTRATIVE DISSOLUTION**

The Mississippi Regulation of Charitable Solicitations Act ("Act") was revised in 2009 to modernize our charity regulation laws and to allow the Secretary of State's office to effectively enforce the Act and to allow remedies against the charitable organizations that violate provisions of the Act. Charitable organizations that fail to abide by the regulations are subject to administrative dissolution as prescribed in the Miss. Code Ann. Section 79-11-509(4)(b).

This notice is issued for **one or more** of the following reasons:

Rachel's Heart has solicited within the State of Mississippi while unregistered and has repeatedly failed to respond to the Division's requests for registration or termination of its registration

**THIS CERTIFICATE REPRESENTS THE OFFICIAL ADMINISTRATIVE DISSOLUTION**

If your organization has any questions or concerns, please contact the Charities Division at (601) 359-1599. Our office is located at 125 South Congress Street, Jackson, Mississippi 39201.

C. Delbert Hosemann, Jr.  
Secretary of State