

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

IN THE MATTER OF :

**Kevin L. Payton Ministries and
Kevin Payton, Individually
54 Jim Bowden Road
McHenry, Mississippi 39561**

Respondent

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**Administrative Proceeding
Number: LC-20-3910**

CEASE AND DESIST ORDER AND NOTICE OF INTENDED ACTIONS

The SECRETARY OF STATE OF MISSISSIPPI, by and through the undersigned designated representative, hereby issues this Cease and Desist Order and Notice of Intended Actions against Kevin L. Payton Ministries (hereinafter "KLP Ministries") and Kevin L. Payton (hereinafter "Payton") and further gives notice of his intent to deny registration and administratively dissolve. 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.* KLP Ministries 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.

KLP Ministries is a charitable organization as defined by the Act and is subject to the Secretary of State's regulatory authority. Payton is listed as an officer and the registered agent with the Business Services Division of the Secretary of State's Office. He is also listed as the "Overseer" on the organization's website. Therefore, the Secretary of State finds that he has jurisdiction over the subject matter and the parties herein.

II. FINDINGS OF FACT

1. KLP Ministries is incorporated with the Secretary of State's Business Services Division as a non-profit but is not registered with the Charities Division to legally solicit charitable contributions from Mississippi residents.
2. An internet search revealed that KLP Ministries is soliciting charitable contributions on a social media platform. These solicitation requests were being directed to a personal Cash App account for Kevin Payton.
3. As a result, the Division mailed a notification to the organization on February 5, 2020. This notification requested immediate registration with the Division. This notification was sent to 54 Jim Bowden Road, McHenry, Mississippi 39561, the address on file with the Business Services Division. It was also sent to Post Office Box 2332, Gulfport, Mississippi 39505, an address found online for the organization. Both notifications were returned to the Division and marked as "not deliverable as addressed" and "unclaimed," respectively.
4. On March 9, 2019, the Division attempted to contact the organization via telephone using the phone number found online. The Division left a voice message requesting a return phone call as soon as possible. This call was not returned.
5. Having received no communication from the organization, the Division reissued the notification requesting registration on August 7, 2020. The Division also sent this notification to an email address found online for the organization. A deadline of August 22, 2020 was given.

6. On August 10, 2020, the Division communicated with Payton via telephone. The Division explained the charitable registration requirements and requested immediate registration. Payton responded that the organization would be registered promptly.

7. Having received no registration from KLP Ministries, the Division attempted to contact Payton again via telephone on September 2, 2020. The Division left a voice message requesting a returned phone call as soon as possible.

8. Again, KLP Ministries failed to return the Division's contact request. On September 14, 2020, the Division sent another request via electronic mail. This request gave a firm deadline of September 18, 2020. This deadline was not met.

9. On October 12, 2020, the Division made a final attempt to contact KLP Ministries via telephone. The organization again failed to return the Division's contact request.

10. To date, the Division has not received the registration form for KLP Ministries.

III. CONCLUSIONS OF LAW

11. According to Miss. Code Ann. §79-11-503(1), (4) 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). Such registration shall be renewed annually. KLP Ministries is soliciting contributions but has failed file a registration form with the Division and is, therefore, in violation of this provision.

12. Pursuant to Miss. Code Ann. § 79-11-519(4)(j), it is a violation of the Act to apply the charitable organization's funds or assets for private inurement. In the solicitation requests made online, Payton requests that donors send contribution to his personal Cash App account, not a specified account for the organization. This is a direct violation of Miss. Code Ann. § 79-11-519(4)(j).

13. KLP Ministries has solicited donations as defined by Miss. Code Ann. § 79-11-501(j) despite not being registered with the Division. KLP Ministries is in violation of the Act and is,

therefore, subject to the provision of Miss. Code Ann § 79-11-509, including the issuance of a cease and desist order with or without prior hearing, revocation, denial, or suspension of registration, and imposition of an administrative penalty by the Secretary of State.

IV. CEASE AND DESIST

As provided in Miss. Code Ann. § 79-11-509(4), the Secretary of State hereby orders Kevin L. Payton Ministries 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.

V. NOTICE OF INTENDED ACTIONS

A. ADMINISTRATIVE DISSOLUTION

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 KLP Ministries.

B. DENY REGISTRATION

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. Upon receipt, the Secretary of State will therefore deny the registration of KLP Ministries.

VI. RIGHT TO ADMINISTRATIVE HEARING

An administrative hearing may be requested in this matter. Any such request shall be made, in writing, to Baylea B. Callicutt, Senior Attorney, 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.

VII. 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.*


VIII. RIGHT TO AMEND

The Secretary of State hereby reserves the right to amend this Cease and Desist Order and Notice of Intended Actions.

SO ISSUED, this the 1st day of December, 2020.

MICHAEL WATSON
Secretary of State
State of Mississippi

BY:


BAYLEA B. CALLICUTT
Senior Attorney
Charities Division

CERTIFICATE OF SERVICE


I, Baylea B. Callicutt, 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 Intended Actions to the following:

Kevin L. Payton Ministries
54 Jim Bowden Road
McHenry, Mississippi 39561

Kevin L. Payton Ministries
Attention: Kevin L. Payton
Post Office Box 2332
Gulfport, Mississippi 39505

Kevin L. Payton Ministries
Attention: Kevin L. Payton
3280 39th Street
Gulfport, Mississippi 39501

This the 1st day of December, 2020.


BAYLEA B. CALLICUTT
Senior Attorney
Charities Division
Mississippi Secretary of State's Office

Baylea B. Callicutt, MSB# 105063
Mississippi Secretary of State's Office
Post Office Box 136
Jackson, Mississippi 39205
(601) 359-1048