

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

IN THE MATTER OF:

Lupus Foundation of America, Lone Star Chapter, Inc.
14675 Midway Road, Suite 201
Addison, TX 75001

**Administrative Proceeding
Number: LC-22-5473**

Respondent

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

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 against Lupus Foundation of America, Lone Star Chapter, Inc. ("Lupus Foundation of America, Lone Star Chapter, Inc."). 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.* Lupus Foundation of America, Lone Star Chapter, Inc. is a charitable organization as defined by Miss. Code Ann. §79-11-501(a)(i) ("Act"), to-wit:

- (A) Any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code.
- (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.

Lupus Foundation of America, Lone Star Chapter, Inc. 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 January 1, 2021, the Charities Division of the Secretary of State's Office ("Division") sent Lupus Foundation of America, Lone Star Chapter, Inc. a renewal registration notice informing it of the requirement to submit the annual renewal registration on or before February 15, 2021, its renewal date. The renewal notice was sent to the charity via electronic mail.

2. Failing to submit its renewal registration by February 15, 2021, the Lupus Foundation of America, Lone Star Chapter, Inc.'s registration expired. As a courtesy hereafter, the Division sent Lupus Foundation of America, Lone Star Chapter, Inc. a "termination letter" on March 3, 2021. The termination letter indicated that Lupus Foundation of America, Lone Star Chapter, Inc. had failed to renew its registration and that a renewal registration was required if Lupus Foundation of America, Lone Star Chapter, Inc. wanted to continue to solicit contributions in Mississippi. Otherwise, if Lupus Foundation of America, Lone Star Chapter, Inc. wanted to cease solicitations in Mississippi, a Final Report would be required to terminate

the registration. Lupus Foundation of America, Lone Star Chapter, Inc. failed to respond to the termination letter, submit a renewal registration, or file a Final Report. The Division sent Lupus Foundation of America, Lone Star Chapter, Inc. termination letters via electronic mail on March 19, 2021 and April 5, 2021, giving it the ample opportunity to comply with state.

3. To date, the Division has not received a renewal registration or Final Report from Lupus Foundation of America, Lone Star Chapter, Inc.

III. APPLICABLE LAW

4. 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.

5. 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.

6. 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.

7. Miss. Code Ann. §79-11-509(1)(c) 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.

8. 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.

9. 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

10. 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. Lupus Foundation of America, Lone Star Chapter, Inc. 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.

11. 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. Lupus Foundation of America, Lone Star Chapter, Inc. 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 Lupus Foundation of America, Lone Star Chapter, Inc. 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

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 Lupus Foundation of America, Lone Star Chapter, Inc.

VII. RIGHT TO ADMINISTRATIVE HEARING

An administrative hearing may be requested in this matter. Any such request shall be made, in writing, to Ta'Shia S. Gordon, Senior Attorney, Mississippi Secretary of State's Office, 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.

SO ISSUED, this the  day of July, 2022.

MICHAEL WATSON
Secretary of State
State of Mississippi

BY:



TA'SHIA S. GORDON
Senior Attorney
Charities Division

CERTIFICATE OF SERVICE

I, Ta'Shia S. Gordon, do hereby 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 to the following:

Lupus Foundation of America, Lone Star Chapter, Inc.
14675 Midway Road, Suite 201
Addison, TX 75001

Taylor Goerl
Labyrinth, Inc.
1959 Palomar Oaks Way, Suite 300
Carlsbad, CA 92011

This the 22nd day of July, 2022.



TA'SHIA S. GORDON
Senior Attorney
Charities Division
Mississippi Secretary of State's Office

Ta'Shia S. Gordon, MSB# 101228
Mississippi Secretary of State's Office
Post Office Box 136
Jackson, Mississippi 39205
(601) 359-1599