

**SECRETARY OF STATE  
STATE OF GEORGIA**

JAN 10 2013

DOCKET NUMBER  
2013-CH1

**IN THE MATTER OF:**

**AUTOMOTIVE RECOVERY  
SERVICES,**

**Respondent.**

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**Case No.: ENCH-120048  
Registration No.: PS005665**

**CEASE AND DESIST ORDER**

Pursuant to the authority contained in the Georgia Charitable Solicitations Act of 1988, as amended, O.C.G.A. § 43-17-1 *et seq.* (hereinafter “the Act”), the Secretary of State of Georgia (hereinafter “the Secretary”) has caused an investigation to be made into the acts and practices of Automotive Recovery Services (hereinafter “Respondent”). As a result of that investigation, the Secretary makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

**1.**

On or about June 18, 2010, Respondent was issued a registration to operate as a charitable organization as defined in O.C.G.A. § 43-17-2(2). On or about December 31, 2012, Respondent’s registration lapsed.

**2.**

Respondent maintains its principal business address at 13085 Hamilton Crossing Blvd. Carmel, IN 46032.

**3.**

During the period beginning on or about August 17, 2009, and ending on or about

September 30, 2010, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: National Kidney Foundation. Respondent was not registered with the Secretary as a paid solicitor until June 18, 2010, and no solicitation notice was filed for the campaign.

4.

During the period beginning on or about October 1, 2009, and ending on or about September 30, 2010, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: American Heart Association. Respondent was not registered with the Secretary as a paid solicitor until June 18, 2010, and no solicitation notice was filed for the campaign.

5.

During the period beginning on or about October 1, 2009, and ending on or about September 30, 2010, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Cystic Fibrosis Foundation. Respondent was not registered with the Secretary as a paid solicitor until June 18, 2010, and no solicitation notice was filed for the campaign.

6.

During the period beginning on or about November 12, 2010, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following unregistered charitable organization: Make-A-Wish Foundation of Georgia and Alabama, Inc. Said charitable organization did not obtain licensure until March 9, 2011. The campaign began before a solicitation notice was filed or approved.

7.

During the period beginning on or about November 12, 2010, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Juvenile Diabetes Research Foundation International. The campaign began before a solicitation notice was filed or approved.

**8.**

During the period beginning on or about November 19, 2010, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Cancer Fund of America, Inc. The campaign began before a solicitation notice was filed or approved.

**9.**

During the period beginning on or about November 19, 2010, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Southeastern Guide Dogs, Inc. The campaign began before a solicitation notice was filed or approved.

**10.**

During the period beginning on or about November 19, 2010, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: The Breast Cancer Society. The campaign began before a solicitation notice was filed or approved.

**11.**

During the period beginning on or about November 19, 2010, and ending on or about December 31, 2011, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following unregistered charitable organization: Children's Cancer

Fund of America. Said charitable organization's registration had lapsed and wasn't reinstated until June 8, 2011. The campaign began before a solicitation notice was filed or approved.

**12.**

During the period beginning on or about November 19, 2010, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: National Veterans Services Fund, Inc. The campaign began before a solicitation notice was filed or approved.

**13.**

During the period beginning on or about November 12, 2010, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Habitat for Humanity in Atlanta. The campaign began before a solicitation notice was filed or approved.

**14.**

During the period beginning on or about October 1, 2009, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: American Heart Association. The campaign began before a solicitation notice was filed or approved.

**15.**

During the period beginning on or about October 1, 2009, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Cystic Fibrosis Foundation. The campaign began before a solicitation notice was filed or approved.

**16.**

During the period beginning on or about November 12, 2010, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: United Breast Cancer Foundation. The campaign began before a solicitation notice was filed or approved.

**17.**

During the period beginning on or about November 19, 2011, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Children's Wish Foundation International. An incomplete solicitation notice was filed on February 8, 2012. The campaign began before a solicitation notice was filed or approved.

**18.**

During the period beginning on or about November 19, 2011, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: The Committee for Missing Children. An incomplete solicitation notice was filed on February 8, 2012. The campaign began before a solicitation notice was filed or approved.

**19.**

During the period beginning on or about November 19, 2011, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Fuller Center for Housing. An incomplete solicitation notice was filed on February 8, 2012. The campaign began before a solicitation notice was filed or approved.

**20.**

During the period beginning on or about November 19, 2011, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following unregistered charitable organization: The Georgia Council of the Blind. An incomplete solicitation notice was filed on February 8, 2012. The campaign began before a solicitation notice was filed or approved.

**21.**

During the period beginning on or about November 19, 2011, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following unregistered charitable organization: Georgia Poultry Justice Alliance. An incomplete solicitation notice was filed on February 8, 2012. The campaign began before a solicitation notice was filed or approved.

**22.**

During the period beginning on or about November 19, 2011, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following unregistered charitable organization: St. Vincent de Paul Society, Inc. Said charitable organization's registration had lapsed and wasn't reinstated until February 3, 2012. An incomplete solicitation notice was filed on February 8, 2012. An amended campaign start date of January 1, 2012, was received by the Secretary on February 20, 2012. The campaign began before a solicitation notice was filed or approved.

**23.**

During the period beginning on or about November 19, 2011, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State

on behalf of the following unregistered charitable organization: Operation PUP, Inc. An incomplete solicitation notice was filed on February 8, 2012. The campaign began before a solicitation notice was filed or approved.

**24.**

During the period beginning on or about November 19, 2011, and continuing up until the present time, Respondent, while acting as a paid solicitor, solicited contributions within this State on behalf of the following charitable organization: Cancer Support Community Atlanta. The campaign began before a solicitation notice was filed or approved.

**25.**

On or about October 18, 2012, an Order Imposing Civil Penalty was sent to Respondent via certified mail. Respondent received said Order as evidenced by the return receipt card. Said Order gave Respondent ten days to request a hearing or an informal conference if Respondent did not agree with the Order. No response has been received.

**CONCLUSIONS OF LAW**

**1.**

Respondent willfully violated O.C.G.A. §§ 43-17-3(a), 43-17-3(f), and 43-17-12(a) by soliciting or accepting charitable contributions, from persons in Georgia, while Respondent was unregistered and nonexempt from registration and by failing to file solicitation notices before the commencement of solicitation campaigns. Respondent now has a lapsed registration and is in violation of O.C.G.A. § 43-17-3 if it is continuing to solicit. Said violations form a sufficient basis for the Secretary of State to impose sanctions against Respondent pursuant to O.C.G.A. § 43-17-13.

**WHEREFORE**, by the authority vested in the Secretary of State of the State of Georgia, **IT IS HEREBY ORDERED** that Automotive Recovery Services **CEASE AND DESIST** from violations of the Georgia Charitable Solicitations Act of 1988, as amended;

**IT IS FURTHER ORDERED** that a **CIVIL PENALTY** in the amount of **\$11,000 (\$500 per 22 violations)** is hereby imposed against Automotive Recovery Services. Said Civil Penalty shall be due and payable within sixty (60) days of the issuance of this Order.

The entry of this Order is deemed to be in the public interest and shall not be deemed to constitute findings or conclusions relating to other persons and shall not be deemed to be a waiver or estoppel on the part of the Secretary from proceeding in individual actions against any person who may have violated the Act or on the basis of any transactions not known to the Secretary at the time this Order was issued.

**SO ORDERED**, this 10<sup>th</sup> day of January, 2013.

**BRIAN P. KEMP**  
**SECRETARY OF STATE**



**By:**

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**ERIC LACEFIELD**  
**Director of Registration**  
**Charities Division**