

SECRETARY OF STATE  
STATE OF GEORGIA  
*CHARITIES*

SOS CHARITIES

<sup>04</sup>  
FEB 14 2013

IN THE MATTER OF:

ATLANTA CHILDREN'S SHELTER \*

License No. : CH000915  
Case No. : ENCH-120043

DOCKET NUMBER

2013-CH2

**Respondent.**

**CONSENT ORDER FOR RENEWAL**

Pursuant to the authority of the Georgia Charitable Solicitations Act of 1988, as amended, O.C.G.A. § 43-17-1 *et seq.* (hereinafter "the Act"), and 590-9-1 *et seq.* of the Rules and Regulations of the State of Georgia (hereinafter "the Rule" or "the Rules"), the Secretary of State of the State of Georgia (hereinafter "the Secretary"), has caused an investigation to be made into the acts and practices of Atlanta Children's Shelter (hereinafter "Respondent"). As a result of that investigation, the Secretary makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1.

Respondent is a charitable organization defined in O.C.G.A. § 43-17-2(2), and is subject to the provisions therein and to the Rules and Regulations promulgated thereunder. Respondent maintains its principal business mailing address at 607 Peachtree Street NE Atlanta, GA 30308.

2.

In or about late 2011, during the holiday season, Respondent solicited charitable donations through material displayed at the Barnes and Noble Camp Creek store located at 3685 Market Place Blvd., East Point, Georgia. Those materials stated that Respondent was accredited by the NAEYC Academy for Early Childhood Program Accreditation although it did not have such accreditation at that time.

3.

O.C.G.A. § 43-17-12 (c) states, "It shall be unlawful for any person in connection with the planning, conduct, or execution of any charitable solicitation or charitable sales promotion, directly or indirectly:

\* \* \*

- (3) To misrepresent to or mislead anyone in any manner to believe that any other person sponsors, endorses, or approves such solicitation or charitable sales promotion when such other person has not given consent in writing to the use of his or her name for these purposes."

4.

On or about August 28, 2012, the Secretary's staff sent a Renewal Notice to Respondent reminding it that its registration would expire on October 21, 2012. On or about October 24, 2012, Respondent submitted a renewal application. On or about October 26, 2012, the Secretary's staff sent a Deficiency Renewal Notice to Respondent due to the application being incomplete.

5.

Respondent has updated and corrected all of its marketing materials to ensure accuracy and has used its best efforts to inform third party informational resources of its current status with respect to NAEYC.

6.

Respondent admits to the above-styled Findings of Fact and waives any further findings of fact not already contained in this Order.

### **CONCLUSIONS OF LAW**

7.

Respondent violated O.C.G.A. §§ 43-17-12(c) by soliciting for charitable donations with inaccurate and therefore misleading solicitation materials. Said violation forms a sufficient basis

2

§ 43-17-13.

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

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 30<sup>th</sup> day of October, 2012.

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

By: 

**Eric Lacefield**  
**Director of**  
**Registration Charities**

**CONSENT TO ENTRY OF ADMINISTRATIVE ORDER**

1.

Atlanta Children's Shelter hereby acknowledges that it has been served with a copy of this Consent Order, has read the Consent Order, and is aware of its right to an administrative hearing in this matter pursuant to O.C.G.A. § 43-17-16.

2.

Atlanta Children's Shelter admits to the findings of fact and conclusions of law contained in the foregoing Consent Order.

3.

Atlanta Children's Shelter hereby consents to the entry of the foregoing Consent Order.

4.

Atlanta Children's Shelter does hereby agree to cease and desist from violating the Georgia Charitable Solicitations Act of 1988, as amended, O.C.G.A. § 43-17-1 *et seq.*

5.

Atlanta Children's Shelter acknowledges that upon completion of its renewal application and docketing of this Consent Order, Respondent's registration shall be renewed.

6.

If at any time it appears to the Secretary that Atlanta Children's Shelter has failed to comply with this Consent Order or has made any other material misrepresentation or omission in regards to the instant case, the Secretary may take further action under O.C.G.A. § 43-17-13, including but not limited to criminal prosecution. Prior to any further action, the Secretary will give Respondent notice and, if the failure to comply is curable, the right to cure within ten (10) days.

By: *Sandra Keating*  
Name: *Sandra Keating*  
Title: *Executive Director*  
Atlanta Children's Shelter

Date: 01/14/13

RECEIVED