



**SECRETARY OF STATE
STATE OF GEORGIA**

IN THE MATTER OF:

**Saint Simons Island Public
Library Support Fund, Inc.**

Respondent.

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Case No.:

ENCH-110020

CEASE AND DESIST ORDER

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 the Saint Simons Island Public Support Fund, Inc. (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 non-profit organization that provides support to the Saint Simons Island Library ("Library") through fundraising activities. Respondent maintains its principal business address at Post Office Box 190, Brunswick, Georgia 31521.

2.

Respondent is a charitable organization as 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.

3.

Respondent does not now possess, nor has it ever possessed, a valid registration to operate as a charitable organization in the State of Georgia, pursuant to O.C.G.A. Title 43, Chapter 17, as amended.

4.

From, in or about 1998, until in or about 2009, Respondent raised funds for the Library through its volunteer fundraising committee known as the St. Simons Library League.

5.

Respondent's 2005 tax returns show contributions received in the amount of \$124,300. Respondent's 2006 tax returns show contributions received in the amount of \$83,166. Respondent's 2007 tax returns show contributions received in the amount of \$56,735. Respondent's 2008 tax returns show contributions received in the amount of \$56,589.

6.

O.C.G.A. 43-17-9 (a) lists the following groups who are exempt from registering as a charitable organization:

- (1) Educational institutions and those organizations, foundations, associations, corporations, charities, and agencies operated, supervised, or controlled by or in connection with a nonprofit educational institution, provided that any such institution or organization is qualified under Section 501(c) of the Internal Revenue Code of 1986, as amended;

- (2) Business, professional, and trade associations and federations which do not solicit members or funds from the general public;
- (3) Fraternal, civic, benevolent, patriotic, and social organizations, when solicitation of contributions is carried on by persons without any form of compensation and which solicitation is confined to their membership;
- (4) Persons requesting any contributions for the relief of any other individual who is specified by name at the time of the solicitation if all of the contributions collected, without any deductions whatsoever, are turned over to the named beneficiary...
- (5) Any charitable organization which does not have any agreement with a paid solicitor and whose total revenue from contributions has been less than \$25,000.00 for both the immediately preceding and current calendar years;
- (6) Any local or state-wide organization of hunters, fishermen, and target shooters which has been reorganized as an organization described in Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code, as amended...
- (7) Any volunteer fire department or rescue service operating in conjunction with a city or county government in this state and which has received less than \$25,000.00 in both the immediately preceding and current calendar years;
- (8) Religious organizations; or
- (9) Political parties, candidates for federal or state office, and political action committees required to file financial information with federal or state elections commissions.

7.

Respondent did not fall into any of these categories in 2005, 2006, 2007, or 2008.

8.

In or about 2009, Respondent ceased operating as a charitable organization despite not being registered, without direction from the Secretary.

9.

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

1.

Respondent willfully violated O.C.G.A. §§ 43-17-5(a) and 43-17-12(a) by soliciting or accepting charitable contributions, from persons in Georgia, while Respondent was unregistered and nonexempt from registration. 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 me as the Secretary of State of the State of Georgia, **IT IS HEREBY ORDERED** that the Saint Simons Island Public Library Support Fund, Inc. **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 12th day of April, 2012.

BRIAN P. KEMP
SECRETARY OF STATE

By:

Tanja Battle
TANJA BATTLE
Director of Registration
Charities Division

CONSENTED TO:
BY:

Pat Donohue

ON BEHALF OF:

SAINT SIMONS ISLAND PUBLIC LIBRARY SUPPORT FUND
Respondent