



The Office of Secretary of State
Securities and Charities Division

IN THE MATTER OF

Atlanta Human Rights Foundation

Respondent

Case Number: ENCH-190264

EMERGENCY ORDER TO CEASE AND DESIST

Pursuant to the authority of the Georgia Charitable Solicitations Act of 1988, as amended, O.C.G.A. § 43-17-1, *et seq.* (“Act”), and 590-9-1, *et seq.* of the Rules and Regulations of the State of Georgia (“Rules”), the Secretary of State of the State of Georgia (“Secretary”), has caused an investigation to be made into the acts and practices of the Atlanta Human Rights Foundation (“AHRF”). As a result of the investigation, the Secretary makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. AHRF holds itself out as an Atlanta, Georgia based non-profit that is “mandated to promote and protect human rights for all and leads global human rights efforts speaks [sic] out objectively in the face of human rights violations worldwide.”

2. AHRF is not registered to conduct business in Georgia with the Corporations Division of the Secretary. AHRF is not registered with the Secretary as a charitable organization pursuant to O.C.G.A. § 43-17-5.

3. AHRF’s website at www.atlantahumanrightsfoundation.org lists its office location at “2067 Convention Center Concourse College Park, GA 30337.” The Secretary’s investigation revealed that there is no such address.

4. AHRF website states that is hosting The AHRF 2018 World Conference at “the{Atlanta [sic] Convention Center August 20th-26th 2018.” The website represents that The World Conference’s theme is “Child abuse, Human trafficking, women molestation and Global Terrorism: A challenge to economic growth.”

5. AHRF solicited individuals, through its website and direct mailings, to attend the 2018 World Conference and required individuals to book accommodations at the Norwich Hotel Downtown Atlanta. AHRF represented in its solicitations and on its website that The Norwich Hotel is located at 210 Marietta St NW Atlanta, GA 30303. The Secretary's investigation revealed that there is no such street number address and that the "Norwich Hotel Downtown Atlanta" does not exist.

6. In its solicitations to non-native English speakers from abroad, AHRF offered to cover roundtrip airfare, provide visa assistance, and asked for payments via wire transfers to reserve lodging accommodations at the "Norwich Hotel."

CONCLUSIONS OF LAW

7. Paragraphs 1 through 6 are incorporated by reference as though fully set forth herein.

8. The Secretary has jurisdiction over this matter pursuant to the Act. *See* O.G.C.A. §§ 43-17-10 and 43-17-11.

9. Pursuant to O.C.G.A. § 43-17-13(a)(1)(A)(i), "whenever it may appear to the Secretary of State, either upon complaint or otherwise, that any person has engaged in or is engaging in or is about to engage in any act, practice, or transaction which is prohibited by this chapter or by any rule, regulation, or order of the Secretary of State promulgated or issued pursuant to any Code section of this chapter or which is declared to be unlawful under this chapter, the Secretary of State may, at his discretion...issue a cease and desist order against any person."

10. Pursuant to O.C.G.A. § 43-17-2(2), a charitable organization is defined as "any benevolent, philanthropic, patriotic, or eleemosynary (of, relating to, or supported by charity or alms) person, as that term is defined in this Code section, who solicits or obtains contributions solicited from the general public, any part of which contributions is used for charitable purpose; and any person who or which falsely represents himself, herself, or itself to be a charitable organization as defined by this paragraph."¹

11. O.C.G.A. § 43-17-3(3) defines charitable purpose as "any charitable, benevolent, philanthropic, or eleemosynary purpose for religion, health, education, social welfare, arts and humanities, environment, civic, or public interest; and any purpose which is falsely represented to be a charitable purpose as defined by this paragraph."

12. Pursuant to O.C.G.A. § 43-17-5, it is unlawful for charitable organizations to solicit or accept charitable contributions from any person located in this state, to solicit or accept charitable contributions from any person, wherever located, while in this state, or solicit or accept charitable contributions from any person, wherever located, on behalf of a charitable organization located in this state unless the charitable

¹ O.C.G.A. § 43-17-2 (13) defines person as, "an individual, a corporation, a partnership, a limited liability company, an association, a joint-stock company, a trust, or any unincorporated organization."

organization on whose behalf such contributions are being solicited or accepted is subject to an effective registration statement under this chapter or exempt from registration pursuant to O.C.G.A. § 43-17-9.

13. AHRF is subject to the registration requirement of O.C.G.A. § 43-17-5 because it holds itself out as a charitable organization. AHRF failure to register with the Secretary as a charitable organization is a violation of O.C.G.A. § 43-17-5, and therefore, AHRF is subject to penalty under O.C.G.A. § 43-17-1

14. Pursuant to O.C.G.A. § 43-17-12(d), “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: (1) to employ a device, scheme, or artifice to defraud; (2) to engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon a person; (3) to misrepresent to mislead anyone in any manner to believe that the person on whose behalf a solicitation or charitable sales promotion is being conducted is a charitable organization or that the proceeds of such solicitation or charitable sales promotion will be used for charitable purposes if such is not the fact; or (4) to misappropriate, convert, illegally withhold, or fail to account for any charitable contributions solicited by, or on behalf of, any charitable organization required to be registered pursuant to this chapter.”

15. Pursuant to Georgia Rules and Regulations 590-9-9-5.01(3), “no person shall, in connection with the planning, conduct, or execution of any charitable solicitation or charitable sales promotion, directly or indirectly make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.”

16. AHRF violated O.C.G.A. § 43-17-12(d) and Georgia Rules and Regulations 590-9-9-5.01(3) by holding itself out as a legitimate charitable organization. Based on the Secretary’s investigation it is believed that AHRF used the World Conference and Norwich Hotel as a ruse to obtain individuals’ personal and financial information.

ORDER

WHEREFORE, by the authority vested in me as the Secretary of State for the State of Georgia,
IT IS HEREBY ORDERED:

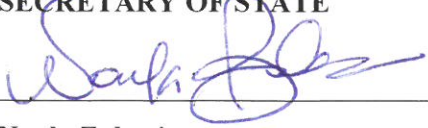
1. The **Atlanta Human Rights Foundation CEASE AND DESIST** from all violations of the Georgia Charitable Solicitations Act of 1988, as amended.

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

SO ORDERED this 31st day of July, 2018.

BRIAN P. KEMP
SECRETARY OF STATE

By: _____


Noula Zaharis
Director
Securities and Charities Division
The Office of the Secretary of State, Brian P. Kemp