



OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF

Noah's Ark Children's Sanctuary, Inc.

Respondent.

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Case Number: ENCH-160150

CONSENT ORDER

Pursuant to O.C.G.A. § 43-17-13 of the Georgia Charitable Solicitations Act of 1988, O.C.G.A. § 43-17-1, et seq. ("Act"), the Secretary of State for the State of Georgia ("Secretary") caused an investigation to be made into Noah's Ark Children's Sanctuary, Inc. ("Respondent") to determine whether Respondent had violated the Act or a rule adopted by the Secretary thereunder ("Rules"). The Secretary subsequently determined that Respondent may have engaged in actions constituting violations of the Act and the Rules.

Having considered information provided by Respondent and representations made by Respondent, the Secretary, Respondent, and the other signatories hereby agree to the terms and conditions set forth herein.

CONSENT TO JURISDICTION AND WAIVER

1. Respondent consents to the jurisdiction of the Secretary over Respondent and this matter pursuant to the Act.

2. Without Respondent admitting or denying the Findings of Fact and Conclusions of Law herein, Respondent and the Secretary stipulate and agree to the issuance of this Consent Order without further proceedings in this matter, agreeing to be fully bound by the terms and conditions specified herein.

3. Respondent agrees not to take any action or to make or permit to be made any public statements creating the impression that this Consent Order is without factual basis.

4. Respondent stipulates and agrees with the Secretary that should any facts herein prove to be false, the Secretary reserves the right to pursue any and all legal or administrative remedies at its disposal.

5. Respondent, through the execution of this Consent Order, voluntarily waives their rights to a formal hearing on this matter and to judicial review of this Consent Order.

6. Respondent enters into this Consent Order voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Secretary or any member, officer, employee, agent, or representative of the Secretary to induce Respondent to enter into this Consent Order.

FINDINGS OF FACT

7. Respondent is a domestic non-profit corporation located at 712 LG Griffin Road, Locust Grove, Georgia 30248. On July 14, 2008, Respondent registered with the Secretary as a charitable organization pursuant to O.C.G.A. § 43-17-5. On July 1, 2010, Respondent renewed its registration with the Secretary. On June 30, 2012, Respondent's registration as a charitable organization lapsed. Respondent has not been registered as a charitable organization since June 30, 2012.

8. From approximately August 1993 through June 2008, Respondent served as a foster home to approximately three hundred (300) children in the state of Georgia. During this time period, Respondent was licensed to receive foster children through the Georgia Department of Human Services, Division of Family and Children Services ("DFCS"). From July 1, 2008 through December 28, 2010, however, Respondent received referrals from DFCS, but refused to accept any children, citing it was ill-prepared to accept the type of children DFCS referred. During this two and a half year time span, Respondent continued to represent on its website that it accepted children referred through DFCS despite the fact that it had not accepted or cared for any foster children at its location at 712 L G Griffin Rd. Locust Grove, Ga 30248 and continued to solicit charitable contributions based on such representation.

9. On January 14, 2011, approximately two and a half years after Respondent ceased accepting children for which to care, Respondent provided DFCS with notice that it could not meet the fostering requirements imposed by DFCS, requested to terminate its license to foster children with DFCS, and removed its representation from its website that it accepted children referred through DFCS in its solicitation materials.

10. On or about June 11, 2011, DFCS terminated Respondent's license to foster children. In its termination letter to Respondent, DFCS attributed Respondent's closing to financial failure.

11. In December 2011, Respondent began to focus its efforts to aiding an orphanage in Haiti by soliciting charitable contributions for the benefit of the Haiti orphanage and, through its charitable contributors, provided funds and supplies to the orphanage. In its solicitation material, Respondent disclosed it had a special relationship with an orphanage in Haiti.

12. While being unregistered as a charitable organization, Respondent solicited and accepted charitable solicitations. From July 1, 2012 through November 1, 2015, Respondent solicited and accepted approximately four hundred seventy nine thousand dollars (\$479,000.00) in charitable solicitations. Respondent was not subject to any exemptions from registration and should have been registered as a charitable organization when soliciting and accepting these donations.

CONCLUSIONS OF LAW

13. Paragraphs 1 through 12 are incorporated by reference as though fully set forth herein.

14. The Secretary has jurisdiction over this matter pursuant to the Act.

15. Pursuant to O.C.G.A. §§ 43-17-11 and 43-17-13, the Secretary is authorized to institute this investigation and issue this Order.

16. Pursuant to O.C.G.A. § 43-17-2(2), the definition of a "charitable organization" includes "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 purposes; and any person who or which falsely represents himself, herself, or itself to be a charitable organization as defined by this paragraph."

17. Pursuant to O.C.G.A. § 43-17-5(a), "[i]t shall be unlawful for any person: (1) [w]herever located to solicit or accept charitable contributions from any person located in [Georgia]; (2) [w]hile in [Georgia] to solicit or accept charitable contributions from any person, wherever located; or (3) [w]herever located to solicit or accept charitable contributions from any person, wherever located, on behalf of a charitable organization located in [Georgia], unless the charitable 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 Code Section 43-17-9."

18. The Secretary contends that by engaging in the conduct described herein, Respondent unlawfully solicited and collected charitable contributions from persons located in the State of Georgia and unlawfully solicited charitable contributions while located in the State of Georgia without holding an effective registration with the Secretary and without falling under an exemption, a violation of O.C.G.A. § 43-17-5(a). As a result of the violation, Respondent is subject to penalty under O.C.G.A. § 43-17-13.

CONSENT ORDER

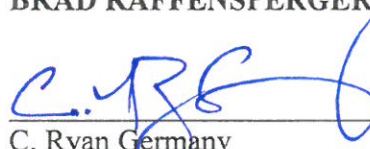
WHEREFORE, it is hereby agreed that:

1. **Noah's Ark Children's Sanctuary, Inc.** will **CEASE AND DESIST** from all violations of the Georgia Charitable Solicitations Act of 1988, as amended.
2. **Noah's Ark Children's Sanctuary, Inc.** will terminate operations as a charitable organization and transfer all remaining assets to **Noah's Ark Animal Rehabilitation Center and Sanctuary, Inc.**

SO ORDERED this 10th day of September, 2019.

**SECRETARY OF STATE
BRAD RAFFENSPERGER**

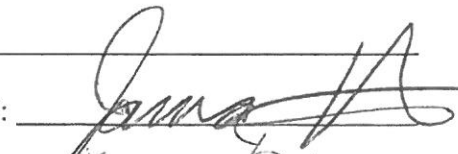
By:



C. Ryan Germany
General Counsel
Hearing Officer

BY SIGNING BELOW, I ACKNOWLEDGE THAT I HAVE READ AND AGREE TO
ALL TERMS IN THE ABOVE ORDER AND THAT I AM AUTHORIZED TO SIGN
THIS DOCUMENT

Noah's Ark Children's Sanctuary, Inc.

BY: 
TITLE: Founder/Director
DATE: 7/25/19

**CONSENT TO ENTRY OF CONSENT ORDER NOAH'S ARK CHILDREN'S
SANCTUARY, INC.**

Noah's Ark Children's Sanctuary, Inc. ("NACS") hereby acknowledges that it has been served with a copy of this Consent Order, have read the foregoing Consent Order, are aware of their rights to a hearing and appeal in this matter, and have waived the same.

NACS admits the jurisdiction of the Secretary of State for the State of Georgia and consents to entry of this Consent Order as settlement of the issues contained in this Consent Order.

NACS agrees that they shall not claim, assert, or apply for a tax deduction or tax credit with regard to any state, federal, or local tax for any administrative monetary penalty that NACS shall pay pursuant to this Consent Order.

NACS states that no promise of any kind or nature whatsoever was made to them to induce them to enter into this Consent Order and that they have entered in this Consent Order voluntarily.

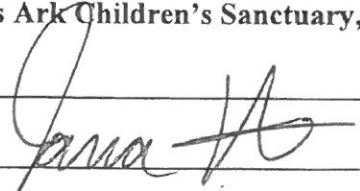
The below signator(s) represent that they are an officer of the respective organization and that, as such, has been authorized by the organization to enter into this Consent Order for and on behalf of Noah's Ark Children's Sanctuary, Inc.

Dated this 25 day of July, 2019

Noah's Ark Children's Sanctuary, Inc.

BY: _____

TITLE: _____



Founder/ Director