



OFFICE OF THE SECRETARY OF STATE  
STATE OF GEORGIA

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IN THE MATTER OF

**Foxie's Fund, Inc.**

**Respondent.**

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**Case Number: ENCH-190281**

**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 **Foxie's Fund, Inc.** ("Foxie's" or "Respondent"). As a result of the investigation, the Secretary makes the following findings of facts and conclusions of law:

**I. FINDINGS OF FACT**

1. Foxie's is a domestic nonprofit corporation, with its principle office located at 5432 Stanford Village Lane, Norcross, GA 30071 ("5432 Stanford Village Lane"). According to its website, foxiesfund.net, Foxie's helps provide critical treatment for injured and/or sick dogs whose owners cannot afford treatment.

2. Foxie's forwards this goal by raising money through donations and using that money to cover veterinarian costs on behalf of sick dogs' owners who cannot afford the treatment themselves.

3. Foxie's accepts donations to fund its mission. Foxie's accepts direct donations through its Paypal account. The public can access Foxie's Paypal account through the "Donations" page on the Foxie's website.

4. Foxie's also uses a public Facebook group, [facebook.com/groups/foxiesfund.net](https://facebook.com/groups/foxiesfund.net), to advertise events and solicit charitable donations. Several posts solicit donations for specific treatments, while other posts solicit general donations. For example, one post, dated June 1, 2019, which states, "We are only as good as our wonderful donors. . . Tell your friends about us. . . Donate now and please spread the word!!!" Another post, dated October 7, 2019, asks for donations to raise two thousand two hundred dollars (\$2,200) to cover the costs to amputate the broken leg of a dog named Dude. Other posts advertise partnerships between Foxie's and private businesses. One such post, dated August 29, 2019, advertises a partnership between eBay and Foxie's through eBay's eBay for Charity program. Another post, also dated August 29, 2019, advertises a partnership between Foxie's and Kroger, where donors could contribute to Foxie's by using their Kroger Plus card.

5. Foxie's registered with the Georgia Corporations Division in December 2015 as a domestic nonprofit corporation. Foxie's registration lists 5432 Stanford Village Lane as both its physical address and its principal office, and lists Dominick Tambone ("Tambone") as Foxie's CEO, CFO, and Secretary.

6. Foxie's received its 501(c)(3) tax exempt determination from the Internal Revenue Service ("IRS") on September 13, 2016.

7. Foxie's is not, nor has it ever been registered with the Secretary as a charitable organization pursuant to O.C.G.A. § 43-17-5, and has not claimed to be exempt from such registration pursuant to O.C.G.A. § 43-17-9.

8. On February 19, 2019, the Secretary received a complaint that Foxie's both solicited and received charitable donations without being registered with the Secretary as a charitable organization.

9. On February 21, 2019, the Securities and Charities Division of the Office of the Georgia Secretary of State ("Division") sent a request for information ("RFI") to Foxie's addressed to Tambone's attention. The RFI requested that Respondent register as a charitable organization with the Division or, alternatively, provide documentation supporting that Foxie's has been operating under an eligible exemption. Foxie's did not respond to the RFI.

10. On May 30, 2019, the Division sent a subpoena to Foxie's addressed to Tambone's attention. The subpoena requested that Respondent provide the Division with documents related to Foxie's registration status or, alternatively, provide documentation supporting that Foxie's has been operating under and eligible exemption.

11. On June 3, 2019, the Division received a phone call from Tambone in which he confirmed he received the Division's RFI, and stated he intended to register Foxie's as a charitable organization with the Division.

12. On July 26, 2019, the Division received an application to register as a charitable organization from Foxie's. The application, however, was incomplete. On July 26, 2019, the Division sent a deficiency letter to Foxie's to Tambone's attention notifying him the application documents submitted required additional action before Foxie's registration could be approved. The letter listed the deficiencies that needed correction.

13. The Division has not received any response to its July 26, 2019 deficiency letter, nor has it received any other communication of any kind from Foxie's, any of its members, associates, or control persons.

14. To date, Foxie's continues to solicit the public for contributions, as evidenced by Foxie's continued activity on Facebook. For example, one post, dated September 16, 2019, asks for donations for one dog's hernia surgery. Another post from Tambone, dated September 23, 2019, encourages members of the group to solicit donations from their coworkers.

## II. CONCLUSIONS OF LAW

15. Paragraphs 1 through 14 are incorporated by reference as though fully set forth herein.

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

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

18. 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 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."

19. Pursuant to O.C.G.A. § 43-17-13(a)(1)(A)(v), the Secretary may, "[r]egarding any willful act, practice, or transaction, issue an order imposing a civil penalty up to a maximum of \$250.00 against any person for a single violation or \$500.00 for multiple violations in a single proceeding or a series of related proceedings."

20. O.C.G.A. § 43-17-2(2) defines a charitable organization as "any benevolent, philanthropic, patriotic, or eleemosynary (or, 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."

21. O.C.G.A. § 43-17-2(15) defines solicitation as the “request or acceptance directly or indirectly of money, credit, property, financial assistance, or any other thing of value to be used for any such charitable purpose.”

22. Pursuant to O.C.G.A. § 43-17-5, it is unlawful for charitable organizations and individuals to solicit contributions from the public for charitable purposes unless said charitable organizations are registered with the Secretary, or are otherwise exempt from registration.

23. Foxie’s acted as a charitable organization from 2015 to the present date when it solicited donations or contributions for use in carrying out its charitable operations. Because Foxie’s is soliciting donations in Georgia without being registered as a charitable organization, and because Foxie’s has not claimed an exemption under O.C.G.A. § 43-17-9, Foxie’s violated O.C.G.A. § 43-17-5.

### **III. ORDER**

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

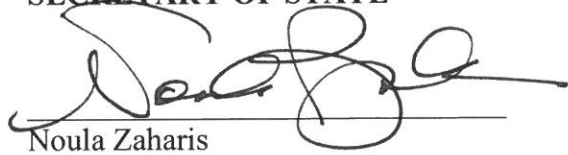
1. **Foxie’s Fund, Inc.** immediately **CEASE AND DESIST** all violations of the Georgia Charitable Solicitations Act of 1988, as amended.

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 unrelated to Respondent and shall not be deemed to be a waiver or estoppel on the part of the Secretary of State 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 Secretary of State at the time this Order was issued.

SO ORDERED this 14<sup>th</sup> day of November, 2019.

**BRAD RAFFESNPERGER**  
**SECRETARY OF STATE**

By:



Noula Zaharis  
Director, Securities and Charities Division