



OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF

K9 Battle Buddies, Inc.

Respondent.

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Case Number: ENCH-190287

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 59-9-1 *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 **K9 Battle Buddies, Inc.** (“K9 Battle Buddies” 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. K9 Battle Buddies is a domestic nonprofit corporation, with its principle office located at 2793 Elim Church Road Northeast, Ludowici, Georgia, 31316 (“2793 Elim Church”). According to its website, k9bb.org, K9 Battle Buddies’ has a three-part mission, as follows:

“1) We utilize rescued dogs in our program, saving the life of an animal; 2) promoting a positive breed image for German Shepherds, American Staffordshire terrier’s, Staffordshire terrier’s, American Pit Bulls, American Bullies, English Bulldogs, and other molosser breeds; and 3) to show the loyalty, willingness to

learn, and please not only the veteran, but to the public as well.”

2. K9 Battle Buddies pursues its mission by giving dogs to combat veterans suffering from Post-Traumatic Stress Disorder. According to the K9 Battle Buddies website, these dogs are given basic obedience training before matching with a veteran, and are then given specific training based on the veteran’s individual needs.

3. K9 Battle Buddies accepts two types of donations in order to fund its mission. First, K9 Battle Buddies accepts donations in the form of accepting purchases on its behalf from its Amazon.com wish list. Second, K9 Battle Buddies accepts direct donations through its Paypal account. Contributors can access links to both donation methods through the “Donations” page at K9 Battle Buddies’ website.

4. K9 Battle Buddies also uses a Facebook page, [facebook.com/K9BattleBuddies](https://www.facebook.com/K9BattleBuddies), to advertise events and solicit charitable donations. For example, a Facebook post dated September 13, 2019, solicited eight hundred thirty dollars (\$830) to raise funds for surgery for a dog in K9 Battle Buddies’ possession. The post provides links to both K9 Battle Buddies’ Paypal account, as well as a link to a GoFundMe campaign for the dog’s surgery. Another post, dated August 18, 2019, solicited funds to provide heartworm surgery for another dog in K9 Battle Buddies’ possession, again providing the K9 Battle Buddies Paypal account for donations.

5. K9 Battle Buddies has been registered since July 2005 with the Georgia Corporations Division as a domestic nonprofit corporation. K9 Battle Buddies received 501(c)(3) federal tax exemption from the Federal Internal Revenue Service in May 2016. K9 Battle Buddies’ corporate registration lists 2793 Elim Church as both its physical address and its principal office, and lists Patricia Durham (“Durham”) as its CEO.

6. K9 Battle Buddies 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.

7. On April 9, 2019, the Secretary received a complaint that K9 Battle Buddies both solicited and received charitable donations without gaining registration status with the Secretary as a charitable organization.

8. On July 10, 2019, the Securities and Charities Division of the Office of the Georgia Secretary of State (“Division”) sent a subpoena to K9 Battle Buddies addressed to Durham’s attention. The subpoena requested that Respondent provide the Division with documents related to K9 Battle Buddies’s registration status or, alternatively, provide documentation supporting that K9 Battle Buddies had been operating under an eligible exemption..

9. To date, the Division has not received any response to its July 10, 2019 subpoena, nor has it received any other communication of any kind from K9 Battle Buddies, any of its members, associates, or control persons.

II. CONCLUSIONS OF LAW

10 Paragraphs 1 through 9 are incorporated by reference as though fully set forth herein.

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

12. 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.

13. 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 cat, 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.”

14. 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.”

15. 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.”

16. 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.”

17. 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.

18. K9 Battle Buddies 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 K9 Battle Buddies is soliciting donations in Georgia without being registered as a charitable organization, and because K9 Battle Buddies has not claimed an exemption, K9 Battle Buddies 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. **K9 Battle Buddies, Inc.** immediately **CEASE AND DESIST** all violations of the Georgia Charitable Solicitations Act of 1988, as amended.
2. **K9 Battle Buddies, Inc.**, pay a civil penalty of two hundred fifty dollars (\$250.00).

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 6th day of August, 2020.

BRAD RAFFESNPERGER
SECRETARY OF STATE

By:



Noula Zaharis
Director, Securities and Charities Division