

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE  
CHARITIES DIVISION**

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<b>IN THE MATTER OF :</b>	)	
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<b>OutServe-SLDN, Inc.</b>	)	<b>Administrative Proceeding</b>
<b>1133 19<sup>th</sup> Street, NW, Suite 302</b>	)	<b>Number: LC-21-4398</b>
<b>Washington, D.C. 20036</b>	)	
	)	
	)	
<b><i>Respondent</i></b>	)	

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**CEASE AND DESIST ORDER AND  
NOTICE OF INTENT TO REVOKE REGISTRATION**

The SECRETARY OF STATE OF MISSISSIPPI, by and through the undersigned designated representative, hereby issues this Cease and Desist Order and Notice of Intent to Revoke Registration against OutServe-SLDN, Inc. In support hereof, he states the following:

**I. JURISDICTION**

The Secretary of State is vested with the regulation of charitable organizations that solicit donations in the State of Mississippi pursuant to Miss. Code Ann. § 79-11-501, *et seq.* OutServe-SLDN, Inc. (hereinafter “Charity” or “OutServe”) is a charitable organization as defined by Miss. Code Ann. § 79-11-501(a)(i) (“Act”), to-wit:

(A) Any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or

(B) Any person actually or purporting to be established for any voluntary health and welfare, benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, fire fighters, or other public safety organizations, or any person employing in any manner a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation and includes each local, county or area division within this state of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

OutServe is a charitable organization as defined by the Act and is subject to the Secretary of State's regulatory authority. Therefore, the Secretary of State finds that he has jurisdiction over the subject matter and the parties herein.

## **II. FINDINGS OF FACT**

1. OutServe was registered with the Charities Division of the Mississippi Secretary of State's Office (hereinafter "Division") as a charitable organization with an annual renewal date of May 15th.

2. On May 15, 2019, OutServe submitted the extension form OutServe filed with the Internal Revenue Service ("IRS") using the Division's online filing system. The Division thereby recognized the same extension granted by the IRS, and the expiration date for OutServe was extended to November 15, 2018.

3. Failing to submit its renewal registration by November 15, 2019, the registration for OutServe expired.

4. As a registered entity, OutServe must submit a renewal registration if it wants to continue to solicit charitable contributions in Mississippi; otherwise, if OutServe wants to cease solicitations in Mississippi, a Final Report is required to terminate the registration. OutServe has failed to submit a renewal registration or a file a Final Report, despite being given ample time to comply with state law.

## **III. APPLICABLE LAW**

5. Pursuant to Miss. Code Ann. § 79-11-503(1), every charitable organization which solicits or intends to solicit contributions shall be registered with the Secretary of State prior to any solicitation.

6. Miss. Code Ann. § 79-11-503(6) further states that in no event shall a registered charitable organization continue to solicit contributions in or from this state after the date such

organization should have filed, but failed to file, a renewal and the financial report in accordance with the requirements of §§ 79-11-501 through 79-11-529.

7. Miss. Code Ann. § 79-11-503(8) also states that any registered charitable organization which for any reason opts not to renew its registration must, upon the expiration of its registration, provide to the Secretary of State a final report.

8. Miss. Code Ann. § 79-11-509(1)(e) states that the Secretary of State shall deny, suspend, or revoke a registration or exemption if the applicant or registrant has violated or failed to comply with any provisions of the chapter or any rule or order thereunder.

9. Miss. Code Ann. § 79-11-509(2) also states that the Secretary of State shall notify the applicant or licensee of his intent to deny, suspend, or revoke a license and shall inform the Charity of the right to request an administrative hearing within thirty (30) days of receipt of the notification.

10. Miss. Code Ann. § 79-11-509(4) provides that whenever it appears to the Secretary of State that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule or order thereunder, he may, in his discretion, seek one or more of the following remedies in addition to other remedies authorized by law:

(a) Issue a cease and desist order, with or without a prior hearing against the person or persons engaged in the prohibited activities, directing them to cease and desist from further illegal activity;

(b) Administratively dissolve the charitable organization; or

(c) Issue an order imposing an administrative penalty up to a maximum of Twenty-five Thousand Dollars (\$25,000.00) for each offense, each violation to be considered as a separate offense in a single proceeding or a series of related proceedings;

#### **IV. CONCLUSIONS OF LAW**

11. According to Miss. Code Ann. § 79-11-503(1) and (6), every charitable organization which solicits or intends to solicit contributions shall file with the Secretary of State a registration

statement and pay a filing fee of Fifty Dollars (\$50.00). In no event shall a registered charitable organization continue to solicit contributions in or from this state after the date such organization should have filed, but failed to file, a renewal and the financial report in accordance with the requirements of §§ 79-11-501 through 79-11-529. OutServe failed to file a renewal registration and the financial report with the Division after its registration expired and is, therefore, in violation of these provisions.

12. OutServe had only two options: either renew its registration in Mississippi or terminate it. Pursuant to Miss. Code Ann. § 79-11-503(8), if a registered charitable organization, for any reason, opts not to renew its registration, it must, upon the expiration of its registration, provide to the Secretary of State a final report. The Charity failed to file a final report with the Division after its registration expired and is, therefore, in violation of this provision.

#### **V. CEASE AND DESIST**

As provided in Miss. Code Ann. § 79-11-509(4), the Secretary of State hereby orders OutServe-SLDN to immediately **CEASE AND DESIST** soliciting charitable contributions in and from the State of Mississippi as defined by Miss. Code Ann. § 79-11-501. This order shall remain in effect until further order of the Secretary of State.

#### **VI. NOTICE OF INTENT TO REVOKE REGISTRATION**

Pursuant to Miss. Code Ann. § 79-11-509(1)(e), the Secretary of State shall deny, suspend, or revoke a registration of a registrant that has violated or failed to comply with any provision of the chapter or rule thereunder. The Secretary of State hereby revokes the registration of OutServe.

#### **VII. RIGHT TO ADMINISTRATIVE HEARING**

An administrative hearing may be requested in this matter. Any such request shall be made, in writing, to Baylea B. Callicutt, Staff Attorney, Charities Division, Post Office Box 136, Jackson, Mississippi 39205, within thirty (30) days from the date of receipt of this Order. If an

administrative hearing is requested, written notice of the date, time, and place will be given to all parties by certified mail, return receipt requested. Said notice will also designate a Hearing Officer. In the event a written request for a hearing is not received within the thirty (30) day period of time, the revocation shall become effective.

#### VIII. PUBLIC INTEREST


The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code. Ann. § 79-11-501, *et seq.*

#### IX. RIGHT TO AMEND

The Secretary of State hereby reserves the right to amend this Cease and Desist Order and Notice of Intent to Revoke Registration.

SO ISSUED, this the 9th day of February 2021.

MICHAEL WATSON  
Secretary of State  
State of Mississippi

BY:   
BAYLEA B. CALLICUTT  
Senior Attorney  
Charities Division

**CERTIFICATE OF SERVICE**

I, Baylea B. Callicutt, do hereby certify that I have this day, mailed a true and correct copy, via certified mail, return receipt requested, of the Cease and Desist Order and Notice of Intent to Revoke Registration to the following:


OutServe-SLDN, Inc.  
1133 19<sup>th</sup> Street, NW, Suite 302  
Washington, D.C. 20036

OutServe-SLDN, Inc.  
Post Office Box 65301  
Washington, D.C. 20035

OutServe-SLDN, Inc.  
Attention: Joshua Fontanez  
2606 Lorraine Circle  
Killeen, Texas 31909

OutServe-SLDN, Inc.  
Attention: Jeffry Priela  
251 Carmen Avenue, Apartment 505  
Jacksonville, North Carolina 28540

This the 9<sup>th</sup> day of February 2021.

  
BAYLEA B. CALLICUTT  
Senior Attorney  
Charities Division  
Mississippi Secretary of State's Office

Baylea B. Callicutt, MSB# 105063  
Mississippi Secretary of State's Office  
Post Office Box 136  
Jackson, Mississippi 39205  
(601) 359-1048