



The Office of Secretary of State
Securities and Charities Division

Brad Raffensperger
Secretary of State
Commissioner of Securities

Noula Zaharis
Director

October 12, 2022

VIA CERTIFIED U.S. MAIL

Mr. Kenneth Palmer
Ebenezer Building Foundation, Inc.
101 Jackson Street
Atlanta, GA 30312

RE: Ebenezer Building Foundation, Inc.

Dear Mr. Palmer,

The Securities and Charities Division of the Georgia Office of the Secretary of State (“Division”) is responsible for enforcement of the Georgia Charitable Solicitations Act of 1988 (“Act”) and the Rules and Regulations (“Rules”) promulgated thereunder. The Act and Rules regulate the registration of charitable organizations and their agents, as well as the solicitation and collection of charitable contributions. The Act and Rules apply to any organization or individual making solicitations to the public unless exempt from registration under the Act.

Charitable organizations that solicit or accept donations from Georgians are required to register with the Division in order solicit or fundraise unless they are exempt from registration or excluded from the definition of “charitable organization”.

O.C.G.A. § 43-17-2(2) defines a charitable organization 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 purposes; and any person who or which falsely represents himself, herself, or itself to be a charitable organization as defined by this paragraph.”¹

Pursuant to O.C.G.A. § 43-17-5, “[i]t shall be unlawful for any person: (1) [w]herever located to solicit or accept charitable contributions from any person located in this state; (2) [w]hile in this state 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 this state, 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...”

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.”

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 charitable purpose...”

The Division’s records indicate that Ebenezer Building Foundation, Inc (“Ebenezer Building Foundation”) is not registered as a charitable organization with the State of Georgia. Accordingly, if Ebenezer Building Foundation is soliciting charitable contributions and operating as a charitable organization in the State of Georgia without an active registration or applicable exemption, it is in violation of O.C.G.A. § 43-17-5, and therefore, is subject to administrative penalties under O.C.G.A. § 43-17-13.

Please provide evidence stating on what basis Ebenezer Building Foundation is currently exempt under O.C.G.A. § 43-17-9 or Rules 590-9-6-.01, 590-9-6-.03, 590-9-6-.04 and therefore not in violation of the Act and Rules. If applicable, please follow the process to register as a charitable organization with the State of Georgia at <https://sos.ga.gov/how-to-guide/how-guide-charities>.

Please provide a written response to this letter detailing any actions taken by **the close of business 5:00 p.m. eastern standard time, November 2, 2022**. If you have any questions or concerns, please the Division at (470)-312-2640 or charities@sos.ga.gov.

Sincerely,



Christina Herd
Securities and Charities Division
Enforcement Staff