

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

South Carolina Secretary of State,

Petitioner,

v.

Wild Things Freedom Center, Inc.

Respondent.

Docket No. 23-ALJ-30-0498-IJ

**ORDER OF CONTEMPT**

**APPEARANCES:** Shannon A. Wiley, Esquire, for Petitioner

**STATEMENT OF THE CASE**

This matter came before the Administrative Law Court (ALC or Court) pursuant to a Motion for a Rule to Show Cause filed by the South Carolina Secretary of State (Petitioner) in the above-captioned case. The matter originated on December 21, 2023, upon the filing of a Petition for Injunctive Relief with this Court alleging that Wild Things Freedom Center, Inc. (Respondent) had violated the South Carolina Solicitation of Charitable Funds Act, S.C. Code of Laws § 33-56-10, *et. seq.* (Act). A hearing on the matter was scheduled before this Court on February 13, 2024, at which Respondent failed to appear without consent of the Court. This Court found Respondent in default pursuant to Rule 23(A) and granted the relief sought by Petitioner. On February 22, 2024, this Court issued an Order enjoining Respondent from engaging in the solicitation of charitable contributions in the State of South Carolina until Respondent had filed with Petitioner annual financial reports for fiscal years 2020 and 2021; remitted to Petitioner administrative fines in the amount of four thousand dollars (\$4,000); and until such time that Respondent was properly registered with Petitioner pursuant to S.C. Code Ann. § 33-56-30. Through its Order, the Court notified Respondent that failure to comply with the terms of the Order and the requirements of the South Carolina Solicitation of Charitable Funds Act would subject Respondent to contempt of court, including fine or imprisonment or both.

On June 28, 2024, Petitioner filed a Motion requesting that this Court issue a Rule to Show Cause ordering Respondent to appear and show cause, if any, why Respondent should not be held in contempt of Court for failure to obey the Court's Order dated February 22, 2024. A notarized



Affidavit in support of the Motion was included with the filing. In its Motion and Affidavit, Petitioner alleged that Respondent violated the Court's Order by failing to remit to Petitioner a registration statement for a charitable organization, annual financial reports for FY 2020 and 2021, and the administrative fines totaling four thousand dollars (\$4,000), and by continuing to solicit charitable contributions in the State of South Carolina while enjoined under the Order. Based upon the allegations in the Affidavit, on July 16, 2024, the Court issued a Notice of Motion Hearing to determine whether Respondent should be held in contempt for failing to comply with the Order issued on February 22, 2024. The Notice of Motion Hearing was served upon Respondent, as provided under Rule 5 of the Administrative Law Court, by depositing a copy thereof in the United States mail to Respondent, in the attention of Respondent's Owner/Director Jeanette L. Ouellette, at Respondent's last known address of 308 Ryan Morant Lane, Georgetown, South Carolina 29440. The Notice of Motion Hearing was not returned to the Court by the United States Postal Service.

The Hearing on Petitioner's Motion was held on October 30, 2024; however, Respondent did not appear at the hearing, nor respond to Petitioner's Motion in any manner. Thus, Respondent offered no evidence to contradict the allegations of the Affidavit filed in support of Petitioner's Motion, and did not establish its defense and inability to comply with the Orders of this Court.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Administrative Law Court has the authority to enforce its own orders through the power of contempt. See S.C. Code Ann. § 1-23-630 (2005 & Supp. 2023) (each law judge of the Administrative Law Judge Division has the same power at chambers or in open hearing as do circuit court judges); State v. Kennerly, 331 S.C. 442, 449-50, 503 S.E.2d 214, 218 (Ct. App. 1998) (quoting In re Terry, 128 U.S. 289, 303 (1888)) (“The power to punish for contempt is inherent in the nature and constitution of a court. It is a power not derived from any statute, but arising from necessity; implied, because it is necessary to the exercise of all other powers.”); see also S.C. Code Ann. § 14-5-320 (2017 & Supp. 2023) (“The circuit court may punish by fine or imprisonment, at the discretion of the court, all contempts of authority in any cause or hearing before the same”).

“Courts have no more important function to perform in the administration of justice than to ensure their orders are obeyed.” State v. Bevilacqua, 316 S.C. 122, 128, 447 S.E.2d 213, 216 (Ct. App. 1994). “Contempt results from the willful disobedience of a court order.” Brasington

v. Shannon, 288 S.C. 183, 184, 341 S.E.2d 130, 131 (1986). In a contempt proceeding for violation of a court order, the moving party must show the existence of the court order and evidence of Respondent's noncompliance. Id. The burden then shifts to Respondent to establish his or her defense and inability to comply with the court's order. Id.

This Court hereby finds that Petitioner met its burden of proof by demonstrating that Respondent did not comply with any provision of the February 22, 2024, Order of this Court. Furthermore, this Court finds that Respondent has not established its inability to comply with the Order, but rather has exhibited complete disregard for the Order and the requirements of the South Carolina Solicitation of Charitable Funds Act. As demonstrated by the Affidavit accompanying Petitioner's Motion for Rule to Show Cause, Respondent has not only failed to comply with a single requirement of the Court's February 22, 2024, Order, but Respondent has also repeatedly solicited contributions within the State of South Carolina since it was enjoined by the Order. Respondent's continuous solicitation following the Order enjoining such activity constitutes willful disobedience of the Court's Order. Furthermore, Respondent's refusal to comply with the filing requirements of the Solicitation of Charitable Funds Act demonstrates disrespect for this Court, for Petitioner, and for all South Carolinians and their right to transparency from entities seeking charitable contributions within their State.

Based on the foregoing, this Court finds that Respondent did not comply with the Order issued by this Court on February 22, 2024, and therefore holds Respondent in contempt in Court.

### **ORDER**

**THEREFORE, IT IS HEREBY ORDERED** that Respondent is in contempt for failure to comply with the Order of this Court issued on February 22, 2024.

**IT IS FURTHER ORDERED** that as a result of Respondent's contemptuous conduct, Respondent shall be fined one thousand dollars (\$1,000) for contempt of court for violating this Court's February 22, 2024, Order. Respondent shall pay the fine to Petitioner within thirty (30) days of the date of this Order.

Should Respondent comply with the terms of the Order of the Court dated February 22, 2024 within thirty (30) days of the date of this Order of Contempt, the one thousand dollar (\$1,000) fine issued under this Order shall be suspended.

If Respondent fails to deliver payment of the fine of one thousand dollars (\$1,000), or comply with the terms of the Order of this Court dated February 22, 2024, within thirty (30) days of the date of this Order of Contempt, Petitioner shall file an affidavit notifying this Court of Respondent's failure to comply. Failure to comply may result in additional penalties levied against Respondent in order to compel Respondent's compliance with the Court's Orders, to include additional fines and/or imprisonment of Respondent's agents or officers.

**AND IT IS SO ORDERED.**

Deborah Brooks Durden, Judge  
S.C. Administrative Law Court

November 4, 2024  
Columbia, South Carolina

## CERTIFICATE OF SERVICE

I, Robin E. Coleman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

*Robin Coleman*

Robin E. Coleman  
Judicial Aide to Judge Deborah Brooks Durden

November 4, 2024  
Columbia, South Carolina

