

June 3, 2011

Ms. Thistlethwaite,

It has come to the attention of this office that you are soliciting funds on behalf of Memphis Animal Services. As you may or may not be aware, this unauthorized solicitation of charitable funds on behalf of Memphis Animal Services appears to be a direct violation of South Carolina law. Section 33-56-120 (C) of the South Carolina Code of Laws entitled "Misrepresentation Prohibited" provides in pertinent part that:

In connection with the solicitation of contributions or the sale of goods or services for charitable purposes, a person shall not represent to or mislead a person by any manner, means, practice, or device to believe that another person sponsors or endorses the solicitation of contributions, sale of goods or services for charitable purposes, or approves of the charitable purposes or a charitable organization connected with when the other person has not given written consent to the use of his name for these purposes." S.C. CODE ANN. 33-56-120 (1976).

The Memphis City Attorney's Office is not aware of any instance where Memphis Animal Services has provided written consent to carry out this type of activity on its behalf. Therefore, if you cannot produce any evidence of written consent provided to your organization by Memphis Animal Services to solicit contributions on its behalf, you are requested to cease and desist all of these unauthorized activities at once. Failure to comply with this notice will force this office to consider all legal options in addressing this matter.

Sincerely,
Herman Morris Jr.
City Attorney