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## The Solicitation of Charitable Funds

### Sec. 21a-190k-1. Charitable organization registration statement

(a) Every charitable organization required to register with the department pursuant to section 21a-190b of the Connecticut General Statutes shall provide the following information on a registration statement furnished by the department:

- (1) The organization's full legal name and mailing address;
- (2) the organization's telephone number;
- (3) the organization's federal employer identification number;
- (4) the month the organization's fiscal year ends;
- (5) the month and year when the organization began operations;
- (6) any name or names, other than that given in subdivision (1) of subsection (a) of this section, under which funds will be solicited;
- (7) the name and address of any outside fund-raising counsel or paid solicitor which the organization plans to compensate to raise funds on its behalf in Connecticut;
- (8) the organization's tax exempt status with the United States Internal Revenue Service and whether exempt status has ever been denied or revoked;
- (9) whether the organization is incorporated, and if incorporated, the state of incorporation;
- (10) the purposes of the organization with a description of its major program activities; and
- (11) the names, residence addresses and titles of all officers, directors, trustees and key employees.

(b) The registration statement shall be signed under penalty of false statement by two authorized officers of the charitable organization.

(c) A charitable organization shall be considered as registered upon the receipt by the department of a fully completed original registration statement and the fee prescribed by section 21a-190b of the Connecticut General Statutes.

(Adopted effective June 6, 2001)

### Sec. 21a-190k-2. Charitable organization annual report

The annual report required by section 21a-190c of the Connecticut General Statutes shall consist of:

(1) A form furnished by the department, which shall be signed under penalty of false statement by two authorized officers of the organization, one of whom shall be its chief fiscal officer, on which the charitable organization shall state:

- (A) Its name, address and telephone number;
- (B) the fiscal year covered by the report;
- (C) its Connecticut charities registration number as assigned to the organization upon its registration with the department;
- (D) whether during the fiscal year covered by the annual report the organization received gross revenue, exclusive of government grants and fees, in excess of the audit threshold established by section 21a-190c(b) of the Connecticut General Statutes;

(E) any name, other than that provided in subparagraph (A) of this section, under which funds will be solicited;

(F) whether the organization used the services of an outside fund-raising counsel or paid solicitor and the name and address of any fund-raising counsel or paid solicitor so used since the filing of the organization's last annual report;

(G) whether the organization plans to use the services of an outside fund-raising counsel or paid solicitor in the next year and the name and address of the fund-raising counsel or paid solicitor;

(H) any change in the organization's tax status with the United States Internal Revenue Service since the filing of its last annual report;

(I) any significant change in the organization's purpose since the filing of its last annual report; and

(J) whether the organization's right to solicit funds has been revoked, denied, suspended or enjoined by any state agency or by any court, or whether any such proceedings are pending and, if any of the foregoing occurred, a detailed statement of the circumstances;

(2) A completed United States Internal Revenue Service Form 990, Form 990-EZ, or Form 990-PF, whichever is appropriate for the organization, with all applicable attachments, prepared according to United States Internal Revenue Service instructions except as follows:

(A) All organizations are required to complete all parts, lines, columns and schedules of the United States Internal Revenue Service forms; and

(B) labor organizations may not file a United States Department of Labor Form LM-2 or LM-3 as a substitute for any part of Form 990 or Form 990EZ;

(3) An audit report, if one is required by section 21a-190c(b) of the Connecticut General Statutes; and

(4) The fee or fees prescribed by section 21a-190c of the Connecticut General Statutes.

(Adopted effective June 6, 2001)

### **Sec. 21a-190k-3. Charitable organizations exempt from registration**

(a) Every charitable organization claiming an exemption from registration pursuant to section 21a-190d of the Connecticut General Statutes, shall substantiate the basis for the exemption by filing a form furnished by the department which states:

(1) Whether the organization has ever been registered under the provisions of Chapter 419d of the Connecticut General Statutes and, if the organization has been registered, its registration number;

(2) the organization's full legal name and mailing address;

(3) the organization's telephone and facsimile numbers;

(4) any name or names under which funds will be solicited other than the name given in subdivision (2) of subsection (a) of this section;

(5) whether the organization is incorporated and, if so, the state of incorporation; and

(6) the statutory basis for the exemption, and if the basis is section 21a-190d(6) of the Connecticut General Statutes (amount of contributions is less than the statutory threshold), a statement of its charitable purpose and major program activities.

(b) The form shall be signed under penalty of false statement by two authorized officers of the organization.

(c) For purposes of section 21a-190d(6) of the Connecticut General Statutes, "normally" means any two out of the charitable organization's most recently completed three fiscal years.

(Adopted effective June 6, 2001)

### **Sec. 21a-190k-4. Fund-raising counsel registration statement**

(a) Every fund-raising counsel that is required to register or renew its registration with the department pursuant to section 21a-190e(b) of the Connecticut General

Statutes, shall provide the following information on a registration statement furnished by the department:

(1) Whether the fund-raising counsel has ever been registered under the provisions of Chapter 419d of the Connecticut General Statutes and, if the organization has been registered, its registration number;

(2) the fund-raising counsel's full legal name and mailing address;

(3) the fund-raising counsel's telephone and facsimile numbers;

(4) the names, residence addresses and titles of all officers, directors, and key employees of the fund-raising counsel;

(5) whether the fund-raising counsel is a corporation, partnership, limited liability company, individual or other entity;

(6) the year of the fund-raising counsel's organization and the state under the laws of which the fund-raising counsel was organized; and

(7) whether the fund-raising counsel's registration has ever been revoked, denied, suspended or enjoined by any state agency or by any court, or whether any such proceedings are pending and, if any of the foregoing has occurred, a detailed explanation of the circumstances.

(b) The registration statement shall be signed under penalty of false statement by an authorized officer of the fund-raising counsel.

(c) A fund-raising counsel shall be considered as registered upon the receipt by the department of a fully completed original registration statement and the fee prescribed by section 21a-190e(b) of the Connecticut General Statutes.

(Adopted effective June 6, 2001)

#### **Sec. 21a-190k-5. Paid solicitor registration statement**

(a) Every paid solicitor that is required to register or renew its registration with the department, pursuant to section 21a-190f(a) of the Connecticut General Statutes, shall provide the following information on a registration statement furnished by the department:

(1) Whether the paid solicitor has ever been registered under the provisions of Chapter 419d of the Connecticut General Statutes and, if the paid solicitor has been registered, its registration number;

(2) the paid solicitor's full legal name and mailing address;

(3) the paid solicitor's telephone and facsimile numbers;

(4) the names, residence addresses and titles of all officers and directors and all persons or entities with a twenty-five per cent or more ownership interest in the paid solicitor;

(5) whether any of the persons listed in response to subdivision (4) of subsection (a) of this section have ever been convicted by a court of any state or of the United States of any felony, or of any misdemeanor involving dishonesty or arising from the conduct of a solicitation for a charitable organization or purpose and, if any of the foregoing has occurred, a detailed explanation of the circumstances;

(6) whether the paid solicitor is a corporation, partnership, limited liability company, individual or other entity;

(7) the year of the paid solicitor's organization and the state under the laws of which the paid solicitor was organized;

(8) whether the paid solicitor is registered in other states to solicit funds and, if the paid solicitor is registered in other states, a list of those states; and

(9) whether the paid solicitor's registration has ever been revoked, denied, suspended or enjoined by any state agency or by any court, or whether any proceedings

are pending and, if any of the foregoing has occurred, a detailed explanation of the circumstances.

(b) The registration statement shall be signed under penalty of false statement by an authorized officer of the paid solicitor.

(c) A paid solicitor shall be considered as registered upon the receipt by the department of a fully completed original registration statement and the fee prescribed by section 21a-190f(a) of the Connecticut General Statutes.

(Adopted effective June 6, 2001)

**Sec. 21a-190k-6. Fund-raising counsel or paid solicitor bond**

Fund-raising counsel required to file a bond with the department pursuant to section 21a-190e(b) of the Connecticut General Statutes and every paid solicitor shall use the following bond form:

**FUND RAISING COUNSEL OR PAID SOLICITOR BOND**

*PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS FORM*

BOND NUMBER: \_\_\_\_\_

State the name and address of the insurance agency through which this bond was purchased:

Agency Name \_\_\_\_\_

Address \_\_\_\_\_

City, State & Zip Code \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_ of

Name of Fund Raising Counsel or Paid Solicitor

\_\_\_\_\_  
Address of Fund Raising Counsel or Paid Solicitor

as Principal, and \_\_\_\_\_

Name of Surety Company

a corporation organized and existing under the laws of the State of \_\_\_\_\_

Name of State

and duly authorized by law to become surety on bonds in the State of Connecticut, as Surety, are held and firmly bound jointly and severally, unto the State of Connecticut and to any person who may have a cause of action against the Principal for any liabilities arising out of the conduct of business by the Principal as Fund Raising Counsel or Paid Solicitor, in the sum of TWENTY THOUSAND DOLLARS (\$20,000.00), lawful money of the United States of America, to be paid to the Commissioner of Consumer Protection, State of Connecticut, for the use of the State of Connecticut, and to any person who may have a cause of action against the Principal for any such liabilities, as their interests may appear, not exceeding in the aggregate the said sum of TWENTY THOUSAND DOLLARS (\$20,000.00) for which payment well and truly to be made we, the Principal and Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, by these presents.



**ACKNOWLEDGMENT OF PARTNERSHIP OR LIMITED LIABILITY COMPANY**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the individual whose name is subscribed to the foregoing instrument and acknowledged to me that such person executed the same on behalf of said firm and for the purposes therein contained.

\_\_\_\_\_  
Notary (seal)

**ACKNOWLEDGMENT OF CORPORATION**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_, who acknowledged to me that such person is the \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that as such corporate officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing on behalf of said corporation.

\_\_\_\_\_  
Notary (seal)

(Adopted effective June 6, 2001)

**Sec. 21a-190k-7. Solicitation notice**

(a) The solicitation notice required by section 21a-190f(c) of the Connecticut General Statutes shall be filed on a form furnished by the department and shall contain the following information:

- (1) The name, address and registration number of the paid solicitor;
- (2) the name, address and registration number of the charitable organization;
- (3) the dates on which the soliciting will begin and end;
- (4) the minimum percentage of gross receipts guaranteed to the charitable organization by the contract required by section 21a-190f(d) of the Connecticut General Statutes;
- (5) the method of solicitation that the paid solicitor will employ (e.g. telephone, mail, electronic media, print media, door-to-door, or other);
- (6) if the solicitation will be conducted by telephone the notice shall disclose:
  - (A) The address and telephone number for each location from which calls will be made and the name of the office manager or person in charge at each location; and
  - (B) the names and residence addresses of all individuals who will solicit during the campaign;
- (7) whether any person named in subdivision (6) of subsection (a) of this section has ever been convicted by any court of any state or of the United States of any felony, or of any misdemeanor involving dishonesty or arising from the conduct of a solicitation for a charitable organization or charitable purpose and, if any of the foregoing has occurred, a detailed explanation of the circumstances;
- (8) whether the solicitation will include the sale of goods or services and, if goods or services will be sold, a description of the goods or services, and if tickets to an

event will be sold, the type of event, the date of the event and the location of the event; and

(9) the account number, bank name and address for each bank account where receipts for the solicitation campaign will be deposited.

(b) If soliciting is to be made orally, such as by telephone, the text of the oral presentation to be used shall be attached to the solicitation notice.

(c) A copy of the written pledge confirmation required by section 21a-190f(f) of the Connecticut General Statutes (e.g. a receipt or invoice) shall be attached to the solicitation notice.

(d) A copy of the contract described in section 21a-190f(d) of the Connecticut General Statutes shall be filed with the solicitation notice if the contract is not already on file with the department.

(e) The truth of the solicitation notice shall be acknowledged under oath by an officer of the paid solicitor. A representative of the charitable organization shall certify to the truth of the solicitation notice under penalty of false statement.

(Adopted effective June 6, 2001)

### **Sec. 21a-190k-8. Solicitation campaign report**

(a) The solicitation campaign financial report required by section 21a-190f(j) of the Connecticut General Statutes shall be filed on a form furnished by the department and shall contain the following information:

(1) The name, address and registration number of the paid solicitor;

(2) the name, address and registration number of the charitable organization;

(3) the time period covered by the report;

(4) the gross revenue received as of the date of the report;

(5) the amount of uncollected pledges as of the date of the report;

(6) an itemization of the costs of the solicitation campaign by type of expense, such as fees, salaries, or commissions to the paid solicitor, telephone, postage, printing and other expenses;

(7) the total expenses of the campaign; and

(8) the amount of the gross revenue retained by the charitable organization after the payment of all expenses of the campaign.

(b) The truth of the solicitation campaign report shall be acknowledged under oath by an authorized representative of the paid solicitor and by two authorized representatives of the charitable organization.

(Adopted effective June 6, 2001)