

# *Commonwealth of Virginia*

## VIRGINIA SOLICITATION OF CONTRIBUTIONS LAW

§§ 57-48 through 57-69 of the Code of Virginia (1950), as amended July 1, 2005

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Richmond, Virginia

## CHAPTER 5.

### SOLICITATION OF CONTRIBUTIONS.

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**§ 57-48. Definitions.** -- As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Agriculture and Consumer Services.

"Commissioner" means the Commissioner of Agriculture and Consumer Services, or a member of his staff to whom he may delegate his duties under this chapter.

"Charitable organization" means any person which is or holds itself out to be organized or operated for any charitable purpose, or any person which solicits or obtains contributions solicited from the public. This definition shall not be deemed to include (i) any church or convention or association of churches, primarily operated for nonsecular purposes and no part of the net income of which inures to the direct benefit of any individual; (ii) any political party as defined in § 24.2-101 or any political campaign committee or political action committee or other political committee required by state or federal law to file a report or statement of contributions and expenditures; or (iii) any authorized individual who solicits, by authority of such organization, solely on behalf of a registered or exempt charitable organization or on behalf of an organization excluded from the definition of charitable organization.

"Charitable purpose" means any charitable, benevolent, humane, philanthropic, patriotic, or eleemosynary purpose and the purposes of influencing legislation or influencing the actions of any public official or instigating, prosecuting, or intervening in litigation.

"Charitable sales promotion" means advertised sales that feature the names of both the commercial co-venturer and the charitable or civic organization and which state that the purchase or use of the goods, services, entertainment, or any other thing of value that the commercial co-venturer normally sells, will benefit the charitable or civic organization or its purposes. To qualify as a charitable sales promotion, the consumer must pay the same price for the thing of value as the commercial co-venturer usually charges without the charitable sales promotion and the consumer retains the thing of value.

"Civic organization" means any local service club, veterans' post, fraternal society or association, volunteer fire or rescue groups, or local civic league or association of 10 or more persons not organized for profit but operated exclusively for educational or charitable purposes as defined herein, including the promotion of community welfare, and the net earnings of which are devoted exclusively to charitable, educational, recreational or social welfare purposes.

"Commercial co-venturer" means any person who (i) is organized for profit, (ii) is regularly and primarily engaged in trade or commerce, other than in connection with soliciting for charitable or civic organizations or charitable purposes, and (iii) conducts an advertised charitable sales promotion for a specified limited period of time.

"Contribution" means any gift, bequest, devise or other grant of any money, credit, financial assistance or property of any kind or value, including the promise to contribute, except payments by the membership of an organization for membership fees, dues, fines, or assessments, or for services rendered to individual members, and except money, credit, financial assistance or property received from any governmental authority. The term "contribution" shall not include any donation of blood or any gift made pursuant to Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1.

"Federated fund-raising organization" means any federation of independent charitable organizations which have voluntarily joined together, including but not limited to a United Fund or Community Chest, for purposes of raising and distributing money for and among themselves and where membership does not confer operating authority and control of the individual agencies upon the federated group organization.

"File with the Commissioner" means depositing the originals of the documents required to be filed, along with the payment of the appropriate fee and all supporting documents with the Office of Consumer Affairs, or submitting the required documents and any appropriate attachments and fees by utilizing an online filing system approved by the Commissioner.

"Fund-raising expenses" means the expenses of all activities that constitute or are an integral and inseparable part of a solicitation.

"Membership" means those persons to whom, for payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor or other direct benefit, in addition to the right to vote, elect officers, or hold offices. The term "membership" shall not include those persons who are granted a membership upon making a contribution as the result of solicitation.

"Parent organization" means that part of a charitable organization which coordinates, supervises or exercises control over policy, fund raising, and expenditures, or assists or advises one or more chapters, branches or affiliates.

"Person" means any individual, organization, trust, foundation, association, partnership, corporation, society, or other group or combination acting as a unit.

"Professional fund-raising counsel" means any person who for a flat fixed fee under a written agreement plans, conducts, manages, carries on, advises or acts as a consultant, whether directly or indirectly, in connection with soliciting contributions for, or on behalf of, any charitable or civic organization, but who actually solicits no contributions as a part of such services. A bona fide salaried officer or employee of a registered or exempt charitable organization or the bona fide salaried officer or employee of a registered parent organization shall not be deemed to be a professional fund-raising counsel.

"Professional solicitor" means any person who, for a financial or other consideration, solicits contributions for, or on behalf of, a charitable or civic organization, whether such solicitation is performed personally or through his agents, servants, or employees or through agents, servants, or employees specially employed by, or for a charitable or civic organization, who are engaged in the solicitation of contributions under the direction of such person, or any person who, for a financial or other consideration, plans, conducts, manages, carries on, advises or acts as a consultant to a charitable or civic organization in connection with the solicitation of contributions but does not qualify as a professional fund-raising counsel. A bona fide salaried officer or employee of a registered or exempt charitable organization or a bona fide salaried officer or employee of a registered parent organization shall not be deemed to be a professional solicitor.

"Sale," "sell" and "sold" mean the transfer of any property or the rendition of any service to any person in exchange for consideration, including any purported contribution without which such property would not have been transferred or such services would not have been rendered.

"Solicit" and "solicitation" mean the request or appeal, directly or indirectly, for any contribution on the plea or representation that such contribution will be used for a charitable purpose, including, without limitation, the following methods of requesting such contribution:

1. Any oral or written request;
2. Any announcement to the press, over the radio or television, or by telephone or telegraph concerning an appeal or campaign to which the public is requested to make a contribution for any charitable purpose connected therewith;
3. The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication which directly or by implication seeks to obtain public support; or
4. The sale of, offer or attempt to sell, any advertisement, advertising space, subscription, ticket, or any service or tangible item in connection with which any appeal is made for any charitable purpose or where the name of any charitable or civic organization is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will be donated to any charitable purpose.

"Solicitation" as defined herein, shall be deemed to occur when the request is made, at the place the request is received, whether or not the person making the same actually receives any contribution.

"Terrorists and terrorist organizations" means any person, organization, group or conspiracy who assists or has assisted terrorist organizations, as provided in 18 U.S.C. § 2339 B or who commits or attempts to commit acts of terrorism, as defined in § [18.2-46.4](#).

**§ 57-49. Registration of charitable organization; prohibition against support of terrorists.** -- A. Every charitable organization, except as otherwise provided in this chapter, which intends to solicit contributions within the Commonwealth, or have funds solicited on its behalf, shall, prior to any solicitation, file an initial registration statement with the Commissioner upon forms acceptable to him. Each registration statement shall thereafter be refiled on or before the fifteenth day of the fifth calendar month of the next and each following fiscal year in which such charitable organization is engaged in solicitation activities within this Commonwealth. It shall be the duty of the president, chairman or principal officer of such charitable organization to file the statements required under this chapter. A charitable organization's registration statement may alternatively be filed online on a website approved by the Commissioner. Such statement shall contain the following information:

1. The name of the organization and the purpose for which it was organized.
2. The principal address of the organization, the address of any offices in this Commonwealth and its designated agent for process with the Commonwealth. If no such agent is designated, the organization shall be deemed to have designated the Secretary of the Commonwealth. If the organization does not maintain an office, the name and address of the person having custody of its financial records.
3. The names and addresses of any chapters, branches or affiliates in this Commonwealth.
4. The place where and the date when the organization was legally established, the form of its organization, and a reference to any determination of its tax-exempt status under the Internal Revenue Code.
5. The names and addresses of the officers, directors, trustees and the principal salaried executive staff officer.
6. A copy of a balance sheet and income and expense statement, with the opinion of any independent public accountant, for the organization's immediately preceding fiscal year, or a copy of a financial statement certified by an independent public accountant covering, in a consolidated report, complete information as to all the preceding year's fund-raising activities of the charitable organization, showing kind and amount of funds raised, fund-raising expenses and allocation of disbursement of funds raised; or a copy of Internal Revenue Service Form 990. The report required by this subdivision shall comply with the accounting standards prescribed pursuant to § 57-53. Any organization with gross revenue of less than \$25,000 may submit a balance sheet and income and expense statement verified under oath or affirmation by the treasurer of the organization.
7. A statement showing the computation of the percentages provided for in § 57-58.
8. A statement indicating whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others.
9. A statement indicating whether the organization is authorized by any other governmental authority to solicit contributions and whether it, or any officer, professional fund-raiser or professional solicitor thereof, is or has ever been enjoined by any court or otherwise prohibited from soliciting contributions in any jurisdiction.
10. The general purpose or purposes for which the contributions to be solicited shall be used.
11. The name or names under which it intends to solicit contributions.

12. The names of the individuals or officers of the organization who will have final responsibility for the custody of the contributions.

13. The names of the individuals or officers of the organization responsible for the final distribution of the contributions.

14. A statement indicating whether the organization, or any officer, professional fund-raiser or professional solicitor thereof, has ever been convicted of a felony and, if so, a description of the pertinent facts.

15. A copy of the current articles of incorporation, bylaws, or other governing documents. If current copies are already on file with the Commissioner, only amendments, if any, shall be filed in years after the initial registration.

16. A description of the types of solicitation to be undertaken.

A1. Every registration statement shall include the following language:

"No funds have been or will knowingly be used, directly or indirectly, to benefit or provide support, in cash or in kind, to terrorists, terrorist organizations, terrorist activities, or the family members of any terrorist."

A2. No person shall be registered by the Commonwealth or by any locality to solicit funds that are intended to benefit or support terrorists, terrorist organizations or terrorist activities. No person shall be registered by the Commonwealth or by any locality to solicit funds that are intended to benefit or support a family member of any terrorist, unless a court of competent jurisdiction within the Commonwealth, upon petition of an interested person, finds by clear and convincing evidence that, for a period of at least three years next preceding any act of terrorism committed by such terrorist or terrorist organization, the family members to whom the benefit of the contributions shall inure have been living separate and apart from the terrorist or terrorist organization, and the family members have not provided any financial support, in cash or in kind, to the terrorist or terrorist organization for the same period of time.

B. Each chapter, branch or affiliate, except an independent member agency of a federated fund-raising organization, shall separately report the information required by this section or report the information to its parent organization which shall then furnish such information as to itself and all of its state affiliates, chapters and branches in a consolidated form. All affiliated organizations included in a consolidated registration statement shall be considered as one charitable organization for all purposes of this chapter. If a consolidated registration statement is filed, all statements thereafter filed shall be upon the same basis unless permission to change is granted by the Commissioner.

C. Each federated fund-raising organization shall report the information required by this section in a consolidated form. Any federated fund-raising organization may elect to exclude from its consolidated report information relating to the separate fund-raising activities of all of its independent member agencies. No member agency of a federated fund-raising organization shall be required to report separately any information contained in such a consolidated report. Any separate solicitations campaign conducted by, or on behalf of, any such member agency shall nevertheless be subject to all other provisions of this chapter.

D. The registration forms shall be signed by the chief fiscal officer and by another authorized officer of the charitable organization. If the registration forms are filed online using a website approved by the Commissioner, the charitable organization shall follow the procedures on that website for signing the forms.

E. Every charitable organization which submits an independent registration to the Commissioner shall pay an annual registration fee of (i) \$30 if its gross contributions for the preceding year do not exceed \$25,000; (ii) \$50 if its gross contributions exceed \$25,000 but do not exceed \$50,000; (iii) \$100 if its gross contributions exceed \$50,000 but do not exceed \$100,000; (iv) \$200 if its gross contributions exceed \$100,000 but do not exceed \$500,000; (v) \$250 if its gross contributions exceed \$500,000 but do not exceed \$1 million; and (vi) \$325 if its gross contributions exceed \$1 million. A parent organization filing on behalf of one or more chapters, branches or affiliates or a federated fund-raising organization filing on behalf of its member agencies shall pay a single annual registration fee for itself and such chapters, branches, affiliates or member agencies included in the registration statement. Organizations with no prior financial history filing an initial registration shall be required to pay an initial fee of \$100. Organizations with prior financial

history filing an initial registration shall be required to pay an initial fee of \$100 in addition to the annual registration fee. Any organization which allows its registration to lapse, without requesting an extension of time to file, shall be required to resubmit an initial registration. An extension may be granted upon receipt of a written request.

**§ 57-50. Reciprocal agreements with other states.** – A. The Commissioner may enter into a reciprocal agreement with the appropriate authority of any other state for the purpose of exchanging information with respect to charitable organizations, professional fund-raising counsel and professional solicitors. Pursuant to such agreements, the Commissioner may accept information filed by a charitable organization, professional fund-raising counsel and professional solicitor with the appropriate authority of another state in lieu of the information required to be filed in accordance with the provisions of this chapter, if such information is substantially similar to the information required under this chapter. The Commissioner may also grant exemption from the requirement for the filing of [an] annual registration statement with him to charitable organizations organized under the laws of another state, having their principal place of business in such other state, having funds derived principally from sources outside the Commonwealth, and having been granted exemption from the filing of registration statements by such other state, if such state has a statute similar in substance to the provisions of this chapter and participates in a reciprocal agreement pursuant to this section.

B. The Commissioner may also enter into a memorandum of understanding or other similar agreement with the appropriate authority of any other state or federal agency for the purpose of providing charitable organizations, professional fund-raising counsel or professional solicitors with the option of filing their annual registration statements online on a website approved by all states that are parties to the memorandum of understanding. The Commissioner may accept such online filing in lieu of the information required to be filed in accordance with the provisions of this chapter if the procedures for online filing provide for submitting substantially similar information to that required by this chapter. The information provided by charitable organizations, professional fund-raising counsel or professional solicitors at the approved website as a result of their completion of the online registration statement shall be shared with the appropriate authority of any state or federal agency that is a party to the memorandum of understanding.

**§ 57-51. Nonresident registration.** -- (a) Any unregistered charitable organization, professional fund-raising counsel or professional solicitor, having his or its principal place of business without this Commonwealth or organized under and by virtue of the laws of a foreign state who or which shall solicit contributions from people in this Commonwealth, shall be deemed to have irrevocably appointed the Secretary of the Commonwealth as his or its agent upon whom may be served any summons, subpoena, subpoena duces tecum or other process directed to such charitable organization, or any partner, principal, officer, or director thereof or to such professional fund-raising counsel or professional solicitor. Service shall be made by leaving two copies of the process, notice, order or demand, together with any fee required by law, in the office of the Secretary of the Commonwealth, together with an affidavit giving the last known post-office address of the defendant and such service shall be sufficient if notice of such service and a copy of the process, notice, order or demand are forthwith sent by registered mail, with return receipt requested, by the Secretary of the Commonwealth or one of his staff to the defendant at the specified address. An affidavit by the Secretary of the Commonwealth showing compliance herewith shall be filed with the papers in the suit, action or proceeding.

(b) Any charitable organization, having no office or place of business within this Commonwealth and soliciting in this Commonwealth from without the Commonwealth solely by telephone or telegraph, direct mail or advertising in national media, and any professional fund-raising counsel or professional solicitor engaged by such an organization, shall file with the Commissioner any report which would otherwise be required of it or request the Commissioner to determine that such organization is exempt under § 57-50 or § 57-60.

**§ 57-52. Publication of warnings concerning certain charitable and civic organizations.** -- If the Commissioner determines that any charitable or civic organization not registered with his office and not exempt from registration, irrespective of whether such organization is subject to the jurisdiction of this Commonwealth, has solicited or may be soliciting in this Commonwealth, directly or indirectly, by any means including without limitation, by telephone or telegraph, by direct mail or by advertising in national media, he may, after ten days' written notice mailed to the charitable or civic organization, cause to be printed in one or more newspapers published in this Commonwealth a notice in substantially the following form:

## WARNING--UNREGISTERED CHARITABLE SOLICITATION

The organization named below has solicited contributions from Virginia citizens for allegedly charitable purposes. It has not registered with or been granted the appropriate exempt status by the Commissioner as required by law. Contributors are cautioned that their contributions to such organization may be used for noncharitable purposes.

**§ 57-52.1. Publication of warnings concerning solicitation by professional solicitors.** -- If the Commissioner determines that any charitable or civic organization has contracted with a professional solicitor to solicit on its behalf and that the professional solicitor may be soliciting or has solicited in this Commonwealth, directly or indirectly, by any means including, without limitation, by telephone or telegraph, by direct mail or by advertising in national media, and the professional solicitor has not registered with the Commissioner as required by § 57-61, the Commissioner may, after five days' written notice mailed to the charitable or civic organization, cause to be printed in one or more newspapers published in this Commonwealth a notice on substantially the following form:

### WARNING--UNREGISTERED CHARITABLE SOLICITATION BY PROFESSIONAL SOLICITOR

The charitable or civic organization named below has contracted with a professional solicitor to solicit on its behalf. The professional solicitor has not registered with the Commonwealth of Virginia as required by law. Contributors are cautioned that their contributions may be used for noncharitable purposes.

**§ 57-53. Records to be kept by charitable organizations.** -- Every charitable organization shall keep true fiscal records for all fiscal years beginning on and after January 1, 1975, in accordance with the standards and practices set out in Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations adopted and approved in December, 1964, by the National Health Council and National Social Welfare Assembly, and as may be modified from time to time by the National Health Council and the National Assembly for Policy and Development, or in accordance with the standards and practices set out in Uniform Chart of Accounts and Definitions for Hospitals as approved by, and as may be modified by, the American Hospital Association, or in accordance with such other uniform standards of accounting as the Commissioner may find to be as appropriate. A copy of such standards shall be maintained on file in the office of the Commissioner. Such records shall be retained for a period of at least three years after the end of the period of registration to which they relate.

**§ 57-54. Contracts between charitable or civic organizations and professional fund-raising counsel or professional solicitors.** -- A. Every contract or agreement between professional fund-raising counsel and a charitable or civic organization must be in writing and shall be filed with the Commissioner within ten days after such contract or written agreement is entered into.

B. Every contract, or a written statement of the nature of the arrangement to prevail in the absence of a contract, between a professional solicitor and a charitable or civic organization shall be filed with the Commissioner at least ten days prior to commencement of the contract.

C. All agreements and arrangements between professional fund-raising counsel and charitable or civic organizations must be reduced to writing before executed or acted upon.

**§ 57-55: Repealed by Acts 1980, c. 445.**

**§ 57-55.1: Repealed by Acts 1990, c. 711.**

**§ 57-55.2. Charitable solicitation disclosure.** -- Every professional solicitor who solicits contributions from a prospective contributor in this Commonwealth: (i) shall identify himself and his employer; (ii) shall disclose that he is a

paid solicitor; and (iii) shall further disclose, in writing, the fact that a financial statement for the last fiscal year is available from the State Office of Consumer Affairs.

**§ 57-55.2:1. Solicitations by for-profit organizations.** -- A. Every solicitor for an organization which is for-profit which solicits contributions from a prospective contributor in the Commonwealth shall disclose that the organization is not exempt from taxation under § 501 (C) of the Internal Revenue Code.

B. For every contribution received for five dollars or more, a for-profit organization shall, within thirty days following receipt, send a written statement to such contributor disclosing that the organization is not exempt from taxation under § 501 (C) of the Internal Revenue Code.

**§ 57-55.3. Disclosure regarding financial statement required.** -- Every charitable organization, required to be registered pursuant to § 57-49, and every professional solicitor, required to be registered pursuant to § 57-61, soliciting contributions from prospective contributors, shall disclose to the potential donor contemporaneously at the point of a written request or on a written receipt for donations made in response to an oral request that a financial statement is available from the State Office of Consumer Affairs in the Department of Agriculture and Consumer Services upon request.

**§ 57-56. Information filed to become public records.** -- Registration statements, reports, professional fund-raising counsel contracts or professional solicitor contracts and all other documents and information required to be filed under this chapter shall become public records in the office of the Commissioner, and shall be open to the general public for inspection at such time and under such conditions as the Commissioner may prescribe. A charge not exceeding one dollar per page may be made for any copy of such documents and information as may be furnished any person by the Commissioner.

**§ 57-57. Prohibited acts.** -- A. No charitable organization shall use or exploit the fact of registration under this chapter so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by this Commonwealth. The use of the following statement shall not be deemed a prohibited exploitation, "Registered with the Commissioner as required by law. Registration does not imply endorsement of a public solicitation for contributions."

B. No person shall, in connection with the solicitation of contributions or the sale of tangible personal property or services represent, or lead any one by any manner, means, practice or device whatsoever to believe, that the person on whose behalf such solicitation or sale is being conducted is a bona fide charitable organization or that the proceeds of such solicitation or sale will be used for charitable purposes, if he has reason to believe such not to be the fact.

C. No person shall, in connection with the solicitation of contributions or the sale of tangible personal property or services for charitable purposes, represent or lead anyone by any manner, means, practice or device whatsoever to believe, that any other person sponsors or endorses such solicitation of contributions, sale of tangible personal property or services for charitable purposes or approves of such charitable purposes or a charitable organization connected therewith when such other person has not given written consent to the use of his name for these purposes.

Any member of the board of directors or trustees of a charitable organization or any other person who has agreed either to serve or to participate in any voluntary capacity in the campaign shall be deemed thereby to have given his consent to the use of his name in said campaign. Nothing contained in this section shall prevent the publication of names of contributors without their written consents, in an annual or other periodic report issued by a charitable organization for the purpose of reporting on its operations and affairs to its membership or for the purpose of reporting contributions to contributors.

D. No person shall denominate any membership fee or purchase price of goods or services sold, as a contribution or as a donation or in any other manner represent or imply that the member or the purchaser of such goods or services will be entitled to an income tax deduction for his cost or any portion thereof unless:

1. A signed opinion of counsel or an Internal Revenue Service ruling or determination letter holding such cost to be deductible has been obtained; or

2. The member or purchaser is informed in writing that such cost may not be deductible.

No person shall represent or imply that a contributor will be entitled to an income tax deduction for his contribution unless a signed opinion of counsel or an Internal Revenue Service ruling or determination letter holding gifts to such organization to be deductible has been obtained.

E. No person shall make any representation that he is soliciting contributions for or on behalf of a charitable or civic organization or shall use or display any emblem, device or printed matter belonging to or associated with a charitable or civic organization for the purpose of soliciting or inducing contributions from the public without first being authorized to do so by the charitable or civic organization.

F. No professional solicitor shall solicit in the name of or on behalf of any charitable or civic organization unless such solicitor has:

1. Written authorization of two officers of such organization, a copy of which shall be filed with the Commissioner. Such written authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, which shall not exceed one year from the date issued.

2. Such authorization with him when making solicitations and exhibits it on request to persons solicited, police officers, or agents of the Commissioner.

G. No charitable or civic organization shall accept any contribution exceeding \$5 in cash or tangible property without providing, on request of the donor, a written receipt acknowledging such contribution on behalf of the organization.

H. No person, and no organization of which such person is an officer, professional fund-raising counsel or professional solicitor, shall solicit within this Commonwealth if:

1. Such person has been convicted in any jurisdiction of embezzlement, larceny or other crime involving the obtaining of money or property by false pretenses or the misapplication of funds impressed with a trust, unless such person has received a pardon for such offense or the public is informed of such conviction in a manner approved in writing by the Commissioner before any solicitation occurs; or

2. Such person has ever been enjoined by any court or otherwise prohibited from soliciting in any jurisdiction, unless the Commissioner first determines in writing that such person is entitled to solicit in such jurisdiction at the time of soliciting within this Commonwealth or that the reason for such injunction or prohibition does not involve moral turpitude.

I. No person shall solicit within this Commonwealth for the benefit of any other person located without the Commonwealth, if such other person refuses to supply any information which the Commissioner deems necessary to assure himself that the provisions of this chapter are complied with. A solicitation shall be deemed to be on behalf of every person who or which receives, directly or indirectly, more than 10 percent of the gross amount collected.

J. No charitable or civic organization shall allow a professional solicitor to solicit on its behalf if the professional solicitor has not registered pursuant to § 57-61.

K. No charitable or civic organization, professional fund-raising counsel or professional solicitor shall solicit in this Commonwealth without being duly registered or granted the appropriate exempt status under this chapter.

L. No person shall employ in any solicitation or collection of contributions for a charitable purpose any device, scheme or artifice to defraud or obtain money or property by any misrepresentation or misleading statement.

M. No officer, agent, director or trustee of any charitable or civic organization, professional fund-raising counsel or professional solicitor shall refuse or fail, after notice, to produce to the Commissioner any books and records of such organization.

N. No person shall use or permit the use of the funds raised by a charitable solicitation for any purpose other than the solicited purpose or, with respect to funds raised by general appeals, the general purposes of the charitable or civic organization on whose behalf the solicitation was made.

O. No person shall knowingly and willfully make any false statements in any registration application or statement, report or other disclosure required by this chapter.

P. No professional solicitor shall solicit on behalf of a charitable or civic organization unless the charitable or civic organization has registered or been granted the appropriate exempt status under this chapter.

Q. No person shall represent, in any solicitation, that tickets to events will be donated for use by another unless he complies with the following requirements:

1. He shall have obtained commitments, in writing, from persons or charitable or civic organizations stating that they will accept donated tickets and specifying the number of persons for whom they are willing to accept tickets;

2. He shall not collect or accept more contributions for donated tickets than the number of ticket commitments he has received from persons or charitable or civic organizations;

3. He shall have printed in advance on each ticket the exact number of persons to be admitted by the ticket and the dollar price or value of each ticket;

4. He shall distribute the tickets in a timely fashion to those having given commitments; and

5. He shall maintain during the solicitation and for a period of three years thereafter: (i) records reflecting the name and address of each contributor and the amount of money and number of tickets donated by each such contributor; and (ii) the written commitments of each person or charitable or civic organization to accept tickets and specifying the number of persons on whose behalf tickets were to be accepted, as required in subdivision 1 of subsection Q of this section.

R. No person shall knowingly use or permit the use of funds raised by a solicitation or by contribution to benefit or provide support, directly or indirectly, in cash or in kind, to terrorists, terrorist organizations, terrorist activities or to family members of any terrorist.

**§ 57-58. Ratio of fund-raising expenses to contributions to be included in registration statement.** -- Each charitable organization shall, as a part of its registration statement, compute the percentage that its fund-raising expenses for its preceding fiscal year bore to its support received directly from the public during such year.

Each federated fund-raising organization shall clearly disclose on any registration the percentage that is withheld from a donation designated for a member agency.

**§ 57-59. Enforcement of chapter; seizure of property connected with terrorism; penalties.** -- A. Any person who willfully and knowingly violates or causes to be violated any provision of this chapter, or who willfully and knowingly gives false or incorrect information to the Commissioner in filing statements or reports required by this chapter, whether such report or statement is verified or not, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished for the first offense by a fine of not less than \$100 and not more than \$1,000 or by confinement in jail for not more than six months, or both, and for the second and any subsequent offense by a fine of not less than \$500 and not more than \$2,500 or by confinement in jail for not more than one year, or both.

The following property shall be subject to lawful seizure by any law-enforcement officer charged with enforcing the provisions of this chapter: all moneys or other property, real or personal, together with any interest or profits derived from the investment of such money and used in substantial connection with an act of terrorism as defined in § [18.2-46.4](#). All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter 22.1 (§ [19.2-386.1](#) et seq.) of Title 19.2.

B. Whenever the Commissioner has reasonable cause to believe that a violation of this chapter may have occurred, the Commissioner, upon his own motion or upon complaint of any person, may investigate any charitable or civic organization, commercial co-venturer, professional fund-raising counsel or professional solicitor to determine whether such charitable or civic organization, commercial co-venturer, professional fund-raising counsel or professional solicitor has violated the provisions of this chapter. In the conduct of such investigation, the Commissioner may:

1. Require or permit any person to file a statement in writing, under oath or otherwise as the Commissioner determines, as to all facts and circumstances concerning the matter to be investigated.

2. Administer oaths or affirmations and, upon his motion or upon request of any party, subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangibles and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

Any proceedings or hearings by the Commissioner under this chapter, where witnesses are subpoenaed and their attendance is required for evidence to be taken or any matter is to be produced to ascertain material evidence, shall take place within the City of Richmond.

Upon failure to obey a subpoena and upon reasonable notice to all persons affected thereby, the Commissioner may apply to the Circuit Court of the City of Richmond for an order imposing punishment for contempt of the subpoena or compelling compliance.

C. Whenever the Attorney General has reasonable cause to believe that any person has operated, is operating or is about to operate in violation of the provisions of this chapter, the Attorney General may issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply mutatis mutandis to civil investigative demands issued pursuant to this subsection.

D. Whenever the Attorney General, or any attorney for the Commonwealth or the attorney for any city, county or town has reason to believe that any charitable or civic organization, commercial co-venturer, professional fund-raising counsel or professional solicitor has operated, is operating or is about to operate in violation of the provisions of this chapter, the Attorney General, attorney for the Commonwealth or the attorney for any city, county or town, in addition to all other actions authorized by law, may bring an action in the name of the Commonwealth against such charitable or civic organization, commercial co-venturer, professional fund-raising counsel or professional solicitor, or their officers, directors, or other agents to enjoin the continuation of such violation, solicitation or collection, or the engaging therein, or the conducting of any acts in furtherance thereof and for such other relief as the court deems appropriate.

E. In any action brought under subsection D, the court may also award to the Commonwealth a civil penalty of not more than \$5,000 per violation, to be paid to the Literary Fund, reasonable expenses incurred by the state or local agency in investigating and preparing the case, not to exceed \$250 per violation, and attorney's fees. Such expenses and attorney's fees shall be paid into the general fund of the Commonwealth or of the county, city, or town which such attorney represented.

**§ 57-60. Exemptions.** – A. The following persons shall be exempt from the registration requirements of § 57-49, but shall otherwise be subject to the provisions of this chapter:

1. Educational institutions that are accredited by the Board of Education, by a regional accrediting association or by an organization affiliated with the National Commission on Accrediting, the Association Montessori Internationale, the American Montessori Society, the Virginia Independent Schools Association or the Virginia Association of Independent

Schools, any foundation having an established identity with any of the aforementioned educational institutions, and any other educational institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and their families.

2. Persons requesting contributions for the relief of any individual specified by name at the time of the solicitation when all of the contributions collected without any deductions whatsoever are turned over to the named beneficiary for his use.

3. Charitable organizations that do not intend to solicit and receive, during a calendar year, and have not actually raised or received, during any of the three next preceding calendar years, contributions from the public in excess of \$5,000, if all of their functions, including fund-raising activities, are carried on by persons who are unpaid for their services and if no part of their assets or income inures to the benefit of or is paid to any officer or member. Nevertheless, if the contributions raised from the public, whether all of such is or is not received by any charitable organization during any calendar year, shall be in excess of \$5,000, it shall, within 30 days after the date it has received total contributions in excess of \$5,000, register with and report to the Commissioner as required by this chapter.

4. Organizations that solicit only within the membership of the organization by the members thereof.

5. Organizations that have no office within the Commonwealth, that solicit in the Commonwealth from without the Commonwealth solely by means of telephone or telegraph, direct mail or advertising in national media, and that have a chapter, branch, or affiliate within the Commonwealth that has registered with the Commissioner.

6. Organizations that have been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and that are organized wholly as Area Health Education Centers in accordance with § 32.1-122.7.

7. Health care institutions defined herein as any facilities that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code, and that are (i) licensed by the Department of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services; (ii) designated by the Health Care Financing Administration (HCFA) as federally qualified health centers, (iii) certified by the HCFA as rural health clinics; or (iv) wholly organized for the delivery of health care services without charge; and any supporting organization that exists solely to support any such health care institutions. For the purposes of clause (iv), “delivery of health care services without charge” includes the delivery of dental, medical or other health services where a reasonable minimum fee is charged to cover administrative costs.

8. Civic organizations as defined herein.

9. Nonprofit debt counseling agencies licensed pursuant to Chapter 10.2 (§ 6.1-363.2 et seq.) of Title 6.1.

10. Agencies designated by the Virginia Department for the Aging pursuant to subdivision A 6 of § 2.2-703 as area agencies on aging.

11. Labor unions, labor associations and labor organizations that have been granted tax-exempt status under §501(c)(5) of the Internal Revenue Code.

12. Trade associations that have been granted tax-exempt status under § 501(c)(6) of the Internal Revenue Code.

13. Organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and that are organized wholly as regional emergency medical services councils in accordance with § [32.1-111.11](#).

14. Nonprofit organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and that solicit contributions only through (i) grant proposals submitted to for-profit corporations, (ii) grant proposals submitted to other nonprofit organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code, or (iii) grant proposals submitted to organizations determined to be private foundations under § 509 (a) of the Internal Revenue Code.

B. A charitable organization shall be subject to the provisions of §§ 57-57 and 57-59, but shall otherwise be exempt from the provisions this chapter for any year in which it confines its solicitations in the Commonwealth to five or fewer contiguous cities and counties, and in which it has registered under the charitable solicitations ordinance, if any, of each such city and county. No organization shall be exempt under this subsection if, during its next preceding fiscal year, more than 10 percent of its gross receipts were paid to any person or combination of persons, located outside the boundaries of such cities and counties, other than for the purchase of real property, or tangible personal property or personal services to be used within such localities. An organization that is otherwise qualified for exemption under this subsection that solicits by means of a local publication, or radio or television station, shall not be disqualified solely because the circulation or range of such medium extends beyond the boundaries of such cities or counties.

C. No charitable or civic organization shall be exempt under this section unless it submits to the Commissioner, who in his discretion may extend such filing deadline prospectively or retrospectively for good cause shown, on forms to be prescribed by him, the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. Parent organizations may file consolidated applications for exemptions for any chapters, branches, or affiliates that they believe to be exempt from the registration provisions of this chapter. If the organization is exempted, the Commissioner shall issue a letter of exemption which may be exhibited to the public. A registration fee of \$10 shall be required of every organization requesting an exemption after June 30, 1984. The letter of exemption shall remain in effect as long as the organization continues to solicit in accordance with its claim for exemption.

D. Nothing in this chapter shall be construed as being applicable to the American Red Cross or any of its local chapters.

**§ 57-61. Registration of professional fund-raising counsels and solicitors.** -- A. No person shall act as a professional fund-raising counsel or professional solicitor for a charitable or civic organization, unless he has first registered with the Commissioner. Applications for registration shall be in writing under oath or affirmation in the form prescribed by the Commissioner and contain such information as he may require. The application shall be accompanied by an annual fee of \$100 for the professional fund-raising counsel. The fee for a professional solicitor shall be \$500. Any professional solicitor who fails to register prior to any solicitation shall be required to pay a late filing fee of \$250. A partnership or corporation which is a professional fund-raising counsel or professional solicitor, may register for and pay a single fee on behalf of all its members, officers, agents and employees.

B. Each professional solicitor shall, at the time of making application, file with and have approved by the Commissioner a bond in which the applicant shall be the principal obligor in the sum of \$20,000 with one or more sureties satisfactory to the Commissioner, whose liability in the aggregate as such sureties will at least equal \$20,000, and maintain the bond in effect so long as registration is in effect. The bond shall run to the Commonwealth of Virginia for the use of the bonds in reimbursement for any penalties or losses resulting from malfeasance, nonfeasance or misfeasance in the conduct of solicitation activities. A partnership or corporation which is a professional solicitor may file a consolidated bond on behalf of all its members, officers, agents and employees.

C. Each registration shall be valid throughout the Commonwealth of Virginia for a period of one year from the date of issue and may be renewed for additional one-year periods upon written application, under oath or affirmation, in the form prescribed by the Commissioner and the payment of the fee prescribed herein.

D. At least ten days prior to the commencement of each solicitation campaign, the solicitor shall file with the Commissioner a copy of the contract entered into with any charitable or civic organization and shall file a completed "Solicitation Notice" on forms prescribed by the Commissioner. The Solicitation Notice shall be in writing and under oath, and shall include a description of the solicitation event or campaign, the projected starting and ending dates of the campaign, and the location and telephone number from which the solicitation will be conducted. The charitable or civic organization on whose behalf the solicitor is acting shall certify that the Solicitation Notice and accompanying material are true and complete.

E. Professional solicitors shall file a final accounting report with the Commissioner after the completion of the solicitation campaign, showing all funds collected and such other information as the Commissioner may require. The final accounting report shall be filed within ninety days of the campaign's completion. Professional solicitors may file a

written request with the Commissioner for an extension, not to exceed ninety days, for filing the final accounting report. The extension period shall be calculated from the first day following the expiration of the initial ninety-day period for filing the report.

A late filing fee of twenty-five dollars shall be imposed for each thirty-day period, or any portion thereof, that an extension request or the final accounting report is not timely filed with the Commissioner. No late fees shall be imposed for the period between the date the extension request is filed with the Commissioner through 180 days following the completion of the solicitation campaign. An additional late filing fee of twenty-five dollars shall be imposed for each thirty-day period, or any portion thereof, that the final accounting report is not filed with the Commissioner, calculated from the end of any extension period. The late filing fees shall be in addition to all other penalties authorized by law.

F. The solicitor shall maintain during each solicitation campaign and for not less than three years after its completion, the following records: (i) the name and address of each contributor and the date and amount of the contribution, provided that the Commissioner shall not disclose this information except to the extent necessary for investigative or law-enforcement purposes; (ii) the name and residence address of each employee, agent, or other person involved in the solicitation; (iii) records of all expenses incurred in the course of the solicitation campaign; and (iv) the account number and location of all bank accounts where receipts from the campaign will be deposited.

G. All funds collected by the solicitor shall be deposited in a bank account. The bank account shall include the name of the charitable or civic organization with whom the solicitor has contracted. The professional solicitor shall promptly provide to the charitable or civic organization a copy of all monthly bank statements.

H. Any change in information filed with the Commissioner pursuant to this section shall be reported in writing to the Commissioner within seven days after the change occurs.

**§ 57-61.1. Time and effect of registration.** -- A. Registrations by charitable organizations, professional solicitors, and professional fund-raising counsel are effective, if complete, upon receipt by the Commissioner. Incomplete registration forms and registration forms lacking required accompanying documents are not effective until completed or until the required accompanying documents are received by the Commissioner. No person shall be considered registered under this chapter for any purpose until his registration is complete.

B. If the Commissioner at any time determines that (i) the requirements of § 57-49 or § 57-61 have not been met or (ii) the registrant is violating any requirement of § 57-54, 57-55.2 or § 57-57 or any regulations adopted pursuant to § 57-66, then the Commissioner may suspend the registration until the registrant meets the requirements or complies and provides evidence thereof satisfactory to the Commissioner. The suspension may be based upon an informal conference pursuant to § 2.2-4019 of the Administrative Process Act (§ 2.2-4000 et seq.).

C. If the Commissioner finds that the public health, safety or welfare requires urgent action, and if he also finds reasonable cause to believe that the registrant has failed to comply with § 57-49 or § 57-61 or is violating § 57-54, 57-55.2 or § 57-57 or any regulations adopted pursuant to § 57-66, then the Commissioner may provide advance notice of as little as twenty-four hours for the conduct of the informal conference under § 2.2-4019 of the Administrative Process Act.

**§ 57-61.2. Commercial co-ventures.**

A. No commercial co-venturer shall conduct any charitable sales promotion in the Commonwealth on behalf of a charitable or civic organization unless the charitable or civic organization is duly registered or granted the appropriate exempt status as provided by this chapter.

B. Prior to any charitable sales promotion in the Commonwealth, the commercial co-venturer shall have a written agreement with the charitable or civic organization on whose behalf the charitable sales promotion is to be conducted. Such agreement shall be signed by an authorized representative of the commercial co-venturer and two officers of the charitable or civic organization.

C. The commercial co-venturer shall maintain all records in connection with the charitable sales promotion for a period of three years after the end date of the charitable sales promotion. All such records shall be made available to the Commissioner upon request.

**§ 57-62. Liability imposed by other laws not decreased.** -- Nothing contained in this chapter shall be construed as making lawful any act or omission which is now unlawful, or as decreasing the liability, civil or criminal, of any person, imposed by existing laws.

**§ 57-63. Local ordinances.** – A. The governing body of any city, town or county may by ordinance not inconsistent with this chapter provide for the regulation and licensing of charitable or civic organizations soliciting within the city, town or county, and for penalties for violation thereof, subject to the following limitations:

1. No local license tax or fee in excess of ten dollars shall be required of any charitable organization.

2. No charitable organization exempt from registration under subsection A. 1., A. 4., A. 6., or A. 7. of § 57-60 shall be required to be licensed. Any such organization may obtain a local license, without payment of any license tax or fee, upon compliance with all such requirements of the local ordinance as would have been applicable had it been registered with the Commissioner during each year in which it obtained an exemption letter under subsection C of § 57-60.

3. No charitable organization that has registered with the Commissioner for the current and next preceding three years, or exempt for such years under § 57-50, shall be required to provide any financial information.

4. No charitable or civic organization that solicits within the Commonwealth from a place outside the Commonwealth solely by telephone, telegraph, direct mail or advertising in national media, and having no chapter, branch, area or office within the Commonwealth, shall be required to be licensed.

5. No museum that has registered with the Commissioner as required by § 57-49 and that has been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code shall be required to comply with the regulation or licensing provisions of any local charitable solicitations ordinance.

6. If a charitable or civic organization shall designate by power of attorney filed with the Commissioner one or more persons authorized to sign on its behalf, the signature, verification or affirmation of any such persons shall be sufficient for all purposes of any local charitable solicitations ordinance.

B. Any ordinance adopted pursuant to this section may provide, inter alia, for procedures whereby charitable organizations may, for valid reasons, after an administrative hearing, be denied a local license or whereby a license may be revoked. Valid reasons for denial or revocation of a local license may be defined to include, without limitation, the expenditure of charitable assets for noncharitable purposes, any misrepresentation to the public or to any prospective donor, and any violation of state or local law. Any charitable organization which is denied a license may, within fifteen days from the date of such denial, apply for relief to the circuit court of such city or county or of the county in which such town is located. If the court is satisfied that the denial was for any reason erroneous, it shall provide such relief as may be appropriate.

C. No ordinance, or amendment thereto, adopted pursuant to this section shall be valid for any calendar year beginning after December 31, 1978, unless, before September 1 of that year, there shall have been filed with the Commissioner, on forms to be prescribed by him, information deemed by him to be sufficient for the purpose of advising charitable or civic organizations of the necessity for them to be licensed by such city, town or county.

D. No charitable organization shall be required to comply with the provisions of local ordinances if such organization has registered with the Commissioner or if such organization is a chapter, branch or affiliate included in the consolidated report of an organization or federated organization registered with the Commissioner, except that such charitable organization shall not be exempted from that portion of any local ordinance that requires such organization to register its name, the names of its solicitors and the dates and times that they will be soliciting in the locality.

**§ 57-64. Out-of-state enforcement proceedings.** -- Any state of the United States shall have the right to sue in the courts of Virginia to enforce the civil provisions of any statute thereof general in application regulating charitable solicitations, when the like right is accorded to this Commonwealth by such state, whether such right is granted by statutory authority or as a matter of comity.

**§ 57-65. Fees and charges.** -- All fees and charges collected by the Commissioner as provided in this chapter shall be paid into a special fund of the state treasury. Such funds shall be used to finance the administration and operation of this program.

**§ 57-66. Rules and regulations; model ordinance.** -- The Board shall have the power to make and publish reasonable rules and regulations not inconsistent with this chapter, or other applicable laws, or the Constitution of the Commonwealth, or the Constitution of the United States, for the enforcement of the provisions of this chapter and for the achievement of uniform regulation of charitable solicitations throughout the Commonwealth. The Commissioner shall promulgate a model ordinance which may be used by localities in their regulation of charitable solicitations.

**§ 57-67. Application to court for relief.**-- Any person aggrieved by any final order of the Commissioner is entitled to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Either party may appeal any final order of such court to the Court of Appeals in the same manner as provided by law in cases of appeals of right.

**§ 57-68: Not set out.**

**§ 57-69. Effective date.** -- Notwithstanding any other section of this chapter to the contrary, no charitable organization, professional fund-raising counsel, or professional solicitor shall be required to register with the Commissioner hereunder until July 1, 1978.

As amended as of July 1, 2007.

Commonwealth of Virginia  
Department of Agriculture and Consumer Services  
Office of Consumer Affairs

**RULES GOVERNING THE  
SOLICITATION OF CONTRIBUTIONS**

Effective August 1, 2002

Preamble

This regulation, effective August 1, 2002, supersedes “Rules Governing the Solicitation of Contributions” adopted in 1978 and amended March 14, 1991. In addition to other changes, this amended regulation removes the forms from the regulation.

**RULES GOVERNING THE SOLICITATION OF CONTRIBUTIONS**

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Statutory Authority: §57-66, Code of Virginia (1950), as amended.

**PART I.**  
**DEFINITIONS.**

**2 VAC 5-610-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

**"Agents"** means one or more persons who transact some business or manage some affair for another, by the authority and on account of the latter, and who render an account of such business or affair to that other. The term "agents" shall include the term "subcontractors."

**"Bona fide salaried officer or employee"** means a person who is in an employer-employee relationship with a charitable organization and who is compensated exclusively by a fixed annual salary or hourly wage.

**"Budget"** means a financial plan of action that itemizes expected sources and amounts of income and expenses and that is ratified by the organization's Board of Directors.

**"Certified audited financial statements"** means financial statements prepared by an independent certified public accountant with an opinion rendered in accordance with generally accepted accounting principles (GAAP). (See § 57-53 of the Code of Virginia, Records to be kept by charitable organizations, and 2 VAC 5-610-80 B, Financial standards.)

**"Code"** means Code of Virginia (1950), as amended.

**"Commissioner"** means the Commissioner of the Department of Agriculture and Consumer Services or a member of his staff to whom he may delegate his duties, including, but not limited to, staff of the Office of Consumer Affairs.

**"File with the commissioner"** and "receipt by the commissioner" means depositing the original of the document required to be filed, along with payment of the appropriate fee and all supporting documentation, with the Office of Consumer Affairs, Washington Building, 1100 Bank Street, Richmond, Virginia 23219. Such documents shall be effective on the date deposited by hand at the stated address during regular business hours, or on the date postmarked, if sent by mail, provided such is actually received by the Office of Consumer Affairs subsequent to the mailing.

**"Foundation,"** as referenced in subdivision A 1 of § 57-60 of the Code of Virginia (Exemptions), means a secondary organization established to provide financial or program support for a primary organization with which it has an established identity.

**"Gross contributions"** means the total contributions received by the organization from all sources, regardless of geographic location, excluding government grants.

**"Having an established identity with"** means a relationship between two organizations such that if the primary organization ceased to exist, the secondary organization would also cease to exist.

**"Health care institution"** means any medical facility that is tax exempt under the Internal Revenue Code § 501(c)(3) and at least one of the following:

1. Licensed by the State Department of Health or by the State Department of Mental Health, Mental Retardation and Substance Abuse Services;
2. Designated by the Health Care Financing Administration (HCFA) as a federally qualified health center;
3. Certified by HCFA as a rural health clinic; or
4. Wholly organized for the delivery of health care services without charge, including the delivery of dental, medical or other health services where a reasonable minimum fee is charged to cover administrative costs.

**"IRS"** means the Department of the Treasury Internal Revenue Service.

**"Local civic league or association"** means a not-for-profit organization operated to further the common good of the city, town, or county that it is organized to serve.

**"Local service club"** means a not-for-profit organization that is organized for the purpose of providing educational services, recreational services, charitable services, or social welfare services to the city, town, or county in which such organization operates.

**"Past fiscal year"** means the most recently completed fiscal year.

**"Primary address"** means the bona fide physical street address of the organization or sole proprietor.

**"Primary name"** means the name under which an organization is incorporated, if incorporated, or, if not incorporated, has been issued a certificate, by the State Corporation Commission, to transact business in Virginia, if so certified, or, if neither incorporated nor certified to transact business in Virginia, the name by which the organization is commonly known or referred to, except that such name shall not be an assumed name, or a deceptive name, as described in subsection A of 2 VAC 5-610-80.

**"Report," "register," and "submit"** mean "file with the commissioner" as that phrase is defined in this section.

**"Subcontractor"** means any agent (but not an employee) of a professional solicitor who solicits under a contract or agreement on behalf of the professional solicitor for the benefit of any charitable or civic organization with which the professional solicitor has a contract or agreement.

**"Trade association"** means an association of business organizations having similar issues and engaged in similar fields formed for mutual protection, exchange of ideas and statistics, and for maintenance of standards within their industry.

**"Treasurer's report"** means an income and expense statement and a balance sheet for the past fiscal year, which has been prepared by the organization's treasurer and verified by him as being accurate and true.

**"Unified Registration Statement"** means the form created by a committee organized by the National Association of Attorneys General and the National Association of State Charity Officials to consolidate the information and data requirements of all states requiring registration.

**PART II.**  
**RULES GOVERNING CHARITABLE AND CIVIC ORGANIZATIONS.**

**2 VAC 5-610-20. Initial registration.**

- A. Documentation required. Except as provided in subsection B of this section, every charitable organization subject to registration, pursuant to § 57-49 of the Code of Virginia (Registration of charitable organizations), shall file an initial registration statement with the commissioner. Such registration shall not be considered complete unless accompanied by all supporting documentation as follows:
1. FEE: The appropriate fee specified on Form 102, "Virginia Registration Statement for a Charitable Organization," made payable to "Treasurer of Virginia";
  2. FORM: The completed Form 102, "Virginia Registration Statement for a Charitable Organization," or the completed Unified Registration Statement, with all questions answered, with two notarized signatures on the form, as specified on the form, and with all required attachments;
  3. FINANCIAL REPORT: A copy of one of the following:
    - a. For all organizations with prior financial history:
      - (1) The signed and completed IRS Form 990, 990-PF, or 990-EZ, for the past fiscal year, with Schedule A (Form 990), as required, and all attachments, as filed with the IRS;
      - (2) Certified audited financial statements for the past fiscal year; or
      - (3) If the annual income of the organization is less than \$25,000, a treasurer's report for the past fiscal year.
    - b. For a newly organized charitable organization that has no financial history, a budget for the current fiscal year shall be filed;
  4. KEY PERSONNEL: A listing for the current fiscal year of the officers, directors, trustees, and principal salaried executive staff officer, including their names and addresses;
  5. CONTRACTS: A signed copy of any and all current contracts with any professional fund-raising counsel and any professional solicitor, as required in § 57-54 of the Code of Virginia (Contracts between charitable or civic organizations and professional fund-raising counsel or professional solicitors);
  6. GOVERNING DOCUMENTS: If the organization is incorporated, a copy of the certificate of incorporation, articles of incorporation and any subsequent amendments to those documents, or, if unincorporated, any other governing documents;
  7. BYLAWS: A copy of the organization's bylaws and any subsequent amendments to that document; and
  8. TAX EXEMPTION: If the charitable organization is listed with the IRS as tax exempt, a copy of the IRS determination letter and any subsequent notifications of modification, or, if exempt status is pending, a copy of the completed IRS application form as filed with the IRS.
- B. Consolidated or "joint" registration. A statewide or national charitable or civic organization may file a consolidated, or "joint," registration with the commissioner, as described in § 57-49 B of the Code of Virginia (Registration of charitable organizations), on behalf of its local chapters, which shall not be considered complete unless accompanied by all supporting documentation specified in subsection A of this section, if:
1. The parent organization shares a group IRS exemption status with its chapters and all financial reporting is consolidated in the parent organization's IRS Form 990, Form 990-PF, or Form 990-EZ, or in its certified audited financial statements, or, if the organization's annual income is under \$25,000, in its treasurer's report; or

2. Each chapter has its own separate IRS exemption status, but the organization's articles of incorporation or bylaws state that all financial matters are managed by the parent organization and all financial reporting is consolidated in the parent organization's IRS Form 990, Form 990-PF, or Form 990-EZ, or in its certified audited financial statements, or, if its annual income is under \$25,000, in its treasurer's report.
- C. Standard of reporting contributions. Any person required to report contributions, pursuant to § 57-49 of the Code of Virginia (Registration of charitable organizations):
1. Shall report the gross contributions when the solicitation does not include goods or services;
  2. Shall report as gross contributions the valuation of any goods or services solicited for resale. Such valuation shall be determined as prescribed in the American Institute of Certified Public Accountants (AICPA) standards for reporting donated goods and services;
  3. Shall report the gross contributions when the solicitation includes the sale or donation of tickets for use by third parties, or when the goods or services sold are of nominal value; and
  4. Shall report contributions, which may be for net contributions only, when received from special events including, but not limited to, dinners, dances, carnivals, raffles and bingo games, when the goods or services offered are of more than nominal value in return for a payment higher than the direct cost of the goods or services provided.

## **2 VAC 5-610-30. Annual registration.**

- A. Documentation required. Except as provided in subsection B of this section, every charitable organization subject to registration, pursuant to § 57-49 of the Code of Virginia (Registration of charitable organizations), shall file an annual registration renewal with the commissioner on or before the 15th day of the fifth calendar month following the end of the organization's fiscal year. Such registration shall not be considered complete unless accompanied by all supporting documentation, as follows:
1. FEE: The appropriate annual fee, specified on Form 102, "Virginia Registration Statement for a Charitable Organization," made payable to "Treasurer of Virginia";
  2. FORM: The completed Form 102, "Virginia Registration Statement for a Charitable Organization," or the completed Unified Registration Statement, with all questions answered, with two notarized signatures on the form, as specified on the form, and with all required attachments;
  3. FINANCIAL REPORT: A copy of one of the following:
    - a) The signed and completed IRS Form 990, Form 990-PF, or Form 990-EZ, for the past fiscal year, with Schedule A (Form 990), as required, and all attachments, as filed with the IRS;
    - b) Certified audited financial statements for the past fiscal year; or
    - c) If the annual income of the organization is less than \$25,000, a treasurer's report for the past fiscal year;
  4. KEY PERSONNEL: A listing for the current fiscal year of the officers, directors, trustees, and principal salaried executive staff officer, including their names and addresses;
  5. CONTRACTS: A signed copy of any and all current contracts with any professional fund-raising counsel and any professional solicitor, as required by § 57-54 of the Code of Virginia (Contracts between charitable or civic organizations and professional fund-raising counsel or professional solicitors);
  6. GOVERNING DOCUMENTS: If the organization is incorporated, a copy of any certificate of incorporation, any articles of incorporation, or amendments to these documents, not previously filed with the commissioner, or, if unincorporated, any amendments to the governing documents not previously filed with the commissioner;
  7. BYLAWS: A copy of any bylaws, or amendments to that document, not previously filed with the commissioner; and

8. **TAX EXEMPTION:** If the organization is listed with the IRS as tax exempt, a copy of any IRS determination letter or subsequent notifications of modification, not previously filed with the commissioner.
- B. Consolidated, or "joint," registration. A statewide or national charitable or civic organization may file a consolidated, or "joint," registration with the commissioner, as described in § 57-49 B of the Code of Virginia (Registration of charitable organizations), on behalf of its local chapters, which shall not be considered complete unless accompanied by all supporting documentation specified in subsection A of this section, if:
1. The parent organization shares a group IRS exemption status with its chapters and all financial reporting is consolidated in the parent organization's IRS Form 990, Form 990-PF, or Form 990-EZ, or in its certified audited financial statements, or, if the organization's annual income is under \$25,000, in its certified treasurer's report; or
  2. Each chapter has its own separate IRS exemption status, but the organization's articles of incorporation or bylaws state that all financial matters are managed by the parent organization and all financial reporting is consolidated in the parent organization's IRS Form 990, Form 990-PF, or Form 990-EZ, or in its certified audited financial statements, or, if its annual income is under \$25,000, in its certified treasurer's report.
- C. Standard of reporting contributions. Any person required to report contributions, pursuant to § 57-49 of the Code of Virginia (Registration of charitable organizations):
1. Shall report the gross contributions when the solicitation does not include goods or services;
  2. Shall report as gross contributions the valuation of any goods or services solicited for resale. Such valuation shall be determined as prescribed in the American Institute of Certified Public Accountants (AICPA) standards for reporting donated goods and services;
  3. Shall report the gross contributions when the solicitation includes the sale or donation of tickets for use by third parties, or when the goods or services sold are of nominal value; and
  4. Shall report contributions, which may be reported as the net contributions only, when received from special events including, but not limited to, dinners, dances, carnivals, raffles and bingo games, when the goods or services offered are of more than nominal value in return for a payment higher than the direct cost of the goods or services provided.
- D. Extension of time to file. Any charitable organization that cannot complete its registration renewal on or before the 15th day of the fifth calendar month following the end of the organization's fiscal year, may request in writing, as provided in subsection E of § 57-49 of the Code of Virginia (Registration of charitable organizations), an extension of time to file. Payment of fees is not required with such a request. Fees are due when the registration is filed. A charitable organization may request an extension of time to file, and an extension may be granted under the following conditions:
1. The charitable organization shall send a letter to the commissioner, stating that the organization is requesting an extension of time to file its registration renewal. If the organization has requested, from the IRS, an extension of time to file its IRS Form 990, Form 990-PF, or Form 990-EZ, the organization may send to the commissioner a copy of the IRS extension request, in lieu of the letter.
  2. If no time period is specified in the written request for extension of time to file, the commissioner shall grant an extension of time to file of 90 days.
  3. If the charitable organization is unable to complete its registration renewal within the time period granted by the commissioner in the extension of time to file, the charitable organization may request an additional extension of time to file.
  4. In any case, the extension or total of all extensions requested from and granted by the commissioner shall be for no longer than six months after the 15th day of the fifth calendar month following the end of the organization's fiscal year.

5. The organization's registration shall lapse if the annual renewal is not filed by the 15th day of the fifth calendar month following the end of the organization's fiscal year and no extension of time to file is requested from and granted by the commissioner, or if the annual renewal is not filed by the end of the extension period granted. If the organization's registration lapses, the organization shall file an initial registration (and pay the initial registration fee in addition to the annual registration fee), as prescribed by 2 VAC 5-610-20.

## **2 VAC 5-610-40. Exemption from annual registration.**

- A. Documentation required. Any charitable or civic organization claiming exemption from annual registration, pursuant to § 57-60 of the Code of Virginia (Exemptions), shall file with the commissioner an application for exemption from annual registration on Form 100, "Virginia Exemption Application for a Charitable or Civic Organization," indicating the category of the exemption claimed. Such filing shall not be considered complete unless accompanied by all supporting documentation, as follows:
  1. FEE: A check for \$10, made payable to "Treasurer of Virginia";
  2. FORM: The completed Form 100, "Virginia Exemption Application for a Charitable or Civic Organization" and applicable attachments, with all questions answered, and with an officer's notarized signature on the form;
  3. FINANCIAL REPORT: A copy of one of the following:
    - a) For all organizations with prior financial history:
      - 1) The signed and completed IRS Form 990, 990-PF, or 990-EZ, for the past fiscal year, with Schedule A (Form 990), as required, and all attachments, as filed with the IRS;
      - 2) Certified audited financial statements for the past fiscal year; or
      - 3) If the organization's annual income is less than \$25,000, a treasurer's report for the past fiscal year;
    - b) For a newly organized charitable or civic organization that has no financial history, a budget for the current fiscal year shall be filed;
  4. KEY PERSONNEL: A listing for the current fiscal year of the officers, directors, trustees, and principal salaried executive staff officer, including their names and addresses;
  5. CONTRACTS: A signed copy of all current contracts with any professional fund-raising counsel and any professional solicitor, as required in § 57-54 of the Code of Virginia (Contracts between charitable or civic organizations and professional fund-raising counsel or professional solicitors);
  6. GOVERNING DOCUMENTS: Except as provided in subdivision B 2 of this section, if the organization is incorporated, a copy of the certificate of incorporation, articles of incorporation and any subsequent amendments to those documents, or, if unincorporated, any other governing documents;
  7. BYLAWS: Except as provided in subdivision B 2 of this section, a copy of the organization's bylaws and any subsequent amendments to that document; and
  8. TAX EXEMPTION: If the organization is listed with the IRS as tax exempt, a copy of the IRS determination letter and any subsequent notifications of modification, or, if tax exempt status is pending, a copy of the completed IRS application form, as filed with the IRS.
- B. Additional documentation required for specific categories of exemption. In addition to the documentation required in subsection A of this section, the organization shall submit the following documentation for the specific exemption application category named below:
  1. Category A, Educational Institutions:
    - a) Educational institutions that do not confine solicitations to their student body, alumni, faculty, trustees, and their families, shall provide a copy of their accreditation certificate, as proof of qualification for this exemption.

- b) Any foundation having an established identity with any accredited educational institution shall provide a copy of the institution's accreditation certificate, and a letter, written by the principal, dean, or the head of the institution by whatever name known, which states that the institution recognizes and corroborates the established identity.
2. Category B, Solicitation for a Named Individual: In the absence of articles of incorporation and bylaws, the charitable organization shall file a copy of the trust agreement or similar document that includes the following information:
  - a) The names of the persons who control the funds and the fund account;
  - b) The number of signatures required to extract funds from the fund account;
  - c) A statement that all contributions collected, without any deductions whatsoever, shall be turned over to the named beneficiary for his use; and
  - d) A statement in the event the named beneficiary dies naming those persons to whom any funds remaining will be distributed upon dissolution of the fund account.
3. Category C, Solicitations not to Exceed \$5,000: A copy of the organization's budget for the current calendar year, and copies of the treasurer's reports for the three previous calendar years, or for the calendar years of the organization's existence, if less than three years.
4. Category D, Membership Solicitation Only:
  - a) The charitable organization shall submit documentation of the dues structure for each class of members; and
  - b) The charitable organization shall submit copies of any membership recruitment correspondence, for the past two mailings.
5. Category E, Solicitations by a Nonresident Charitable Organization: A complete description of all solicitations to be conducted in Virginia by the organization.
6. Category F, Solicitations Confined to Five or Fewer Contiguous Cities and Counties:
  - a) The organization applying for this exemption (applicant organization) shall submit a copy of each local solicitation permit with the application for exemption.
  - b) If the organization applying for this exemption (applicant organization) grants money to another charitable organization (grantee) that lies within the area covered by this exemption, but pays the grantee's money to the grantee's parent organization that lies outside the area covered by the exemption, then the applicant organization shall keep on file for three years a statement, prepared by the parent organization, that the funds are disbursed to the grantee.
7. Category G, Civic Organization: No additional documentation is required.
8. Category H, Health Care Institutions: The charitable organization shall submit a copy of one of the following in support of the category of application:
  - a. The license issued by the State Department of Health or by the State Department of Mental Health, Mental Retardation and Substance Abuse Services;
  - b. Documentation to show that the health institution has been designated by the Health Care Financing Administration (HCFA) as a federally qualified health center;
  - c. A copy of the HCFA-issued rural health clinic certificate;
  - d. A copy of the free clinic's purpose as stated in its governing documents; or
  - e. If applying as a supporting organization, a copy of the health care institution's documentation (as specified in subdivision 8 a, b, c, or d of this subsection) and a letter from the health care institution's president, or head by whatever name known, acknowledging that the supporting

organization exists solely to support the health care institution. If more than one health care institution is supported, supply this documentation for each health care institution.

For any year in which a federally qualified health center fails to qualify for such designation, that health center shall register on Form 102, "Virginia Registration Statement for a Charitable Organization," in accordance with § 57-49 of the Code of Virginia (Registration of charitable organization) and 2 VAC 5-610-20, or submit any other applicable exemption application, in accordance with § 57-60 of the Code of Virginia (Exemptions) and 2 VAC 5-610-40.

9. Category I, Nonprofit Debt Counseling Agencies: A copy of the nonprofit debt counseling license issued by the State Corporation Commission, pursuant to § 6.1-363.1 of the Code of Virginia.
  10. Category J, Area Agencies on Aging: A copy of the agreement between the charitable organization and the Virginia Department for the Aging, pursuant to § 2.2-703 A 6 of the Code of Virginia, which designates the organization as an area agency on aging.
  11. Category K, Trade Associations: No additional documentation required.
  12. Category L, Labor Unions, Labor Associations, and Labor Organizations: No additional documentation required.
- C. Consolidated, or "joint," exemptions. A consolidated, or "joint," exemption from annual registration, as described in § 57-60 C of the Code of Virginia (Exemptions), will apply to those local chapters, branches, or affiliates which belong to a network membership. In this instance, the parent membership organization shall submit the consolidated application on behalf of its local chapters, branches, or affiliates, and, if exempted, shall submit a membership roster annually to the commissioner. If the exemption category is of a local nature, such as for civic organizations, the exemption shall apply to the local chapters, but not to the parent organization, if the parent organization, in this instance, is soliciting contributions statewide. In this instance, the parent organization shall file its own application for exemption under § 57-60 of the Code of Virginia (Exemptions), if applicable, or its own annual registration under § 57-49 of the Code of Virginia (Registration of charitable organizations).
- D. Primary name. The charitable or civic organization shall include in all solicitations the primary name under which it is registered with the commissioner.
- E. Use of another charitable or civic organization's name in an appeal by a charitable or civic organization. Pursuant to § 57-57 C of the Code of Virginia (Prohibited acts), if the charitable or civic organization uses the name of another charitable or civic organization in its own solicitation, it shall submit Form 121, "Consent to Solicit," for each charitable or civic organization named in its own solicitation.
- F. Preprinted return addresses. Pursuant to § 57-57 L of the Code of Virginia (Prohibited acts), the preprinted address on any return envelope, prepared under the direction of the charitable or civic organization and provided to a potential donor, that is not addressed to the charitable or civic organization's own primary address shall include the name of the business located at the address on the return envelope in the following format:

ABC Charity  
c/o XYZ Company  
111 Main Street (#)  
City, ST Zip Code

The name on line two may be the name of the professional fund-raising counsel or solicitor, a third party caging company or bank, a commercial mail receiving agency, or other receiver, but in any case must be the name of the company that actually resides at the preprinted address on the return envelope. This requirement does not apply to mail addressed to a United States Post Office box, rented from the U.S. Postal Service.

## **2 VAC 5-610-50. Discontinuance of solicitations in Virginia.**

- A. Ceasing solicitations. If a charitable or civic organization ceases to solicit contributions in Virginia, the charitable or civic organization shall notify the commissioner on or before the 15th day of the fifth month

following the end of the organization's fiscal year, and shall submit a copy of the signed and completed IRS Form 990, 990-PF, or 990-EZ, for the past fiscal year, with Schedule A (Form 990), as required, and all attachments, as filed with the IRS, or certified audited financial statements for the past fiscal year, or, if the organization's annual income is less than \$25,000, a treasurer's report for the past fiscal year.

- B. Dissolution of a charitable or civic organization. Upon a charitable or civic organization's dissolution, the organization shall submit a copy of its certificate of dissolution and a statement showing the distribution of its funds. Such statement shall be a copy of the IRS Form 990, Form 990-PF, or Form 990-EZ, with Schedule A (Form 990), as required, and all attachments, as filed with the IRS upon dissolution, or certified audited financial statements, or, if annual income is less than \$25,000, a treasurer's report, showing the distribution of its funds.

### **PART III. RULES GOVERNING A PROFESSIONAL FUND-RAISING COUNSEL.**

#### **2 VAC 5-610-60. Registration of a professional fund-raising counsel.**

- A. Documentation required for registration. Any professional fund-raising counsel subject to registration, pursuant to § 57-61 of the Code of Virginia (Registration of professional fund-raising counsels and solicitors), shall file a registration statement with the commissioner. Such registration shall not be considered complete, unless accompanied by all supporting documentation, as follows:
1. FEE: Annual fee of \$100, made payable to "Treasurer of Virginia";
  2. FORM: The completed Form 103, "Virginia Registration Statement for a Professional Fund-raising Counsel," with all questions answered, and with an officer's notarized signature on the form; and
  3. CONTRACTS: A signed copy of any and all current contracts with charitable or civic organizations soliciting in Virginia, as required by § 57-54 of the Code of Virginia (Contracts between charitable or civic organizations and professional fund-raising counsel or professional solicitors).
- B. Preprinted return addresses. Pursuant to § 57-57 L of the Code of Virginia (Prohibited acts), the preprinted address on any return envelope, prepared under the direction of the professional fund-raising counsel and provided to a potential donor, that is not addressed to the charitable or civic organization's own primary address shall include the name of the business located at the address on the return envelope in the following format:

ABC Charity  
c/o XYZ Company  
111 Main Street (#)  
City, ST Zip Code

The name on line two may be the name of the professional fund-raising counsel, a third party caging company or bank, a commercial mail-receiving agency, or other receiver, but in any case must be the name of the company that actually resides at the preprinted address on the return envelope. This requirement does not apply to mail addressed to a United States Post Office box, rented from the U.S. Postal Service.

**PART IV.  
RULES GOVERNING A PROFESSIONAL SOLICITOR.**

**2 VAC 5-610-70. Rules governing a professional solicitor.**

- A. Documentation required for registration. Any professional solicitor subject to registration, pursuant to § 57-61 of the Code of Virginia (Registration of professional fund-raising counsel and solicitors), shall file a registration statement with the commissioner. In accordance with § 57-61 A of the Code of Virginia (Registration of professional fund-raising counsels and solicitors), a professional solicitor may register for and pay a single fee on behalf of all its members, officers, agents (including any subcontractors) and employees. For any specific campaign, any agent or subcontractor not directly under contract or agreement to the registered professional solicitor must file its own registration. Such registration shall not be considered complete unless accompanied by all supporting documentation as follows:
1. FEE: Annual fee of \$500, and late filing fee of \$250, if applicable, made payable to "Treasurer of Virginia";
  2. FORM: The completed Form 104, "Virginia Registration Statement for a Professional Solicitor," with all questions answered, and with an officer's notarized signature on the form;
  3. BOND: The completed Form 105, "Bond," in the sum of \$20,000 with corporate surety authorized by the State Corporation Commission to act as a surety within the Commonwealth;
  4. GOVERNING DOCUMENTS: A copy of the certificate and articles of incorporation, if the solicitor is incorporated, and, if a nonresident (foreign) partnership or corporation, the certificate to do business in Virginia, as required by the State Corporation Commission; and
  5. CONTRACTS: A signed copy of any and all current contracts with charitable or civic organizations soliciting in Virginia, as required by § 57-54 of the Code of Virginia (Contracts between charitable or civic organizations and professional fund-raising counsel or professional solicitors) and all current contracts with any agents or subcontractors hired to fulfill the terms of the contracts with those charitable or civic organizations.
- B. Written authorization from charitable organizations. No professional solicitor or subcontractor shall solicit in the name of, or on behalf of, any charitable or civic organization unless such solicitor has filed with the commissioner one copy of a written authorization from two officers of such organization, as required in subsection F of § 57-57 of the Code of Virginia (Prohibited acts). Such written authorization shall be submitted on Form 121, "Consent to Solicit," or Form 120, "Solicitation Notice." Form 121, "Consent to Solicit," shall be submitted by the professional solicitor for each agent or subcontractor authorized by the charitable or civic organization to conduct the fund-raising campaign. Form 121, "Consent to Solicit," shall be submitted by the professional solicitor for each charitable or civic organization named in a fund-raising campaign, in addition to the charitable or civic organization with which the professional solicitor has a contract or agreement.
- C. Disclosures.
1. Pursuant to § 57-55.2 of the Code of Virginia (Charitable solicitation disclosure), each professional solicitor shall, in the course of an oral solicitation:
    - a) Identify himself by:
      - 1) Disclosing his own real first name and surname;
      - 2) Stating affirmatively that he is a "paid solicitor"; and
      - 3) Disclosing the primary name under which the professional solicitor is registered with the commissioner or if he is employed by a subcontractor, disclosing the primary name of the subcontractor as identified on Form 121, "Consent to Solicit"; and

- b) Identify his employing charitable or civic organization by disclosing the primary name, as registered with the commissioner, of the charitable or civic organization for which the solicitation is being made.

An example of the disclosure for a professional solicitor would be: "This is John Doe, a paid solicitor of XYZ Company. I'm calling on behalf of DEF Charity."

An example of the disclosure for a subcontractor would be: "This is John Doe, a paid solicitor of XYZ Company. I'm calling on behalf of DEF Charity."

An example of the disclosure for an employee of a subcontractor would be: "This is John Doe, a paid solicitor of ABC subcontractor. I'm calling on behalf of DEF Charity."

2. Pursuant to clause (iii) of § 57-55.2 of the Code of Virginia (Charitable solicitation disclosure), each professional solicitor shall, in the course of a written solicitation, include the following statement: "The professional solicitor conducting this campaign, (primary name of professional solicitor), files a financial report for each campaign it conducts. Copies of these financial reports are available from the Virginia Office of Consumer Affairs, P.O. Box 1163, Richmond, VA 23218." This statement shall be in bold typeface no smaller than 10-point with grammatically correct capitalization and lower case letters. The statement shall appear on the front side of the document on a portion that is retained by the potential donor.
3. Pursuant to § 57-57 L of the Code of Virginia (Prohibited acts), the preprinted address on any return envelope, prepared under the direction of the professional solicitor and provided to a potential donor, that is not addressed to the charitable or civic organization's own primary address shall include the name of the business located at the address on the return envelope in the following format:

ABC Charity  
c/o XYZ Company  
111 Main Street (#)  
City, ST Zip Code

The name on line two may be the name of the professional solicitor, a third party caging company or bank, a commercial mail-receiving agency, or other receiver, but in any case must be the name of the company that actually resides at the preprinted address on the return envelope. This requirement does not apply to mail addressed to a United States Post Office box, rented from the U.S. Postal Service.

#### D. Contribution collection devices.

1. Pursuant to subsections A and D and clause (i) of subsection F of § 57-61 of the Code of Virginia (Registration of professional fund-raising counsel and solicitors), for a solicitation campaign employing collection devices including, but not limited to, vending machines or canisters, the professional solicitor shall maintain a record listing each establishment in which a collection device is placed including:
  - a) The name of the establishment;
  - b) The primary address of the establishment;
  - c) The name of the person in the establishment who granted permission to place the collection device there;
  - d) The date the collection device was placed in the establishment; and
  - e) The date on which the collection device was removed.
2. The professional solicitor employing contribution collection devices shall comply with the disclosure provisions of subsection C of this section, and with the campaign documents provisions of subsection E of this section.

#### E. Fund-raising campaign forms.

1. The professional solicitor shall submit Form 120, "Solicitation Notice," and Form 130, "Final Accounting Report," as required in subsections A and D of § 57-61 of the Code of Virginia (Registration of

professional fund-raising counsel and solicitors), and such forms shall not be considered as filed unless all questions are answered and contain original signatures of all required parties.

2. The professional solicitor shall submit the completed Form 120, "Solicitation Notice":
  - a) Prior to any fund-raising campaign; and
  - b) Annually, on or before the anniversary of the contract date, for any continuous fund-raising campaign.
3. The professional solicitor shall submit an amended Form 120, "Solicitation Notice," within seven days of any changes to information previously submitted.
4. The professional solicitor shall submit, upon cancellation of a fund-raising campaign prior to any solicitations, a copy of the completed Form 120, "Solicitation Notice," previously filed, with a statement indicating that the campaign has been canceled. If a campaign is canceled after solicitations have begun, the professional solicitor shall notify the commissioner of the cancellation within seven days of the cancellation and submit Form 130, "Final Accounting Report," in accordance with § 57-61 E of the Code of Virginia (Registration of professional fund-raising counsels and solicitors) and this section.
5. The professional solicitor shall submit Form 130, "Final Accounting Report":
  - a) Not later than 90 days after the completion date of the solicitation campaign, or in accordance with extensions granted pursuant to § 57-61 E of the Code of Virginia (Registration of professional fund-raising counsels and solicitors), and any subsequent changes in the information submitted shall be reported every 90 days thereafter, for a fund-raising campaign of finite duration; and
  - b) On an annual basis, not later than 90 days after the anniversary of the contract date, or in accordance with extensions granted pursuant to § 57-61 E of the Code of Virginia (Registration of professional fund-raising counsels and solicitors), for a continuous fund-raising campaign.

Form 130, "Final Accounting Report," shall not be considered as filed if the completed form does not contain original signatures or if any blanks are not filled in or attachments are missing. Any applicable late filing fees, pursuant to § 57-61 E of the Code of Virginia (Registration of professional fund-raising counsels and solicitors), will continue to accrue until a completed Form 130, "Final Accounting Report," is filed.

6. The professional solicitor shall maintain during the solicitation, and for a period of three years thereafter, written commitments, on Form 132, "Commitment for Receipt of Donated Tickets," of each person or charitable or civic organization to accept tickets and specifying the number of persons on whose behalf tickets were to be accepted. Such completed forms shall be submitted after notice from the commissioner to produce such, pursuant to subsection M of § 57-57 of the Code of Virginia (Prohibited acts).

#### F. Subcontractors.

1. Filing requirements.
  - a. Any subcontractor operating under a contract or agreement with a registered professional solicitor shall be treated as an agent of that professional solicitor and is not required to register.
  - b. Any agent (but not an employee) of a subcontractor operating under a contract or agreement with that subcontractor to solicit shall register separately.
2. Authorizations to solicit.
  - a) Subcontractors shall operate under a written contract and such contract shall be filed with the Commissioner, pursuant to subdivision A 5 of this section.
  - b) Subcontractors shall have written authorization from two officers of the charitable or civic organization to solicit on their behalf. Such authorization may be filed on Form 121, "Consent to Solicit."

3. Subcontractors shall keep records in accordance with § 57-61 F of the Code of Virginia (Registration of professional fundraising counsels and solicitors) and shall furnish either the originals or copies to the registered professional solicitor.

**PART V.  
GENERAL PROVISIONS.**

**2 VAC 5-610-80. General provisions.**

- A. Deceptive names. No charitable or civic organization, professional solicitor or other person shall solicit contributions using a word, name, symbol or device or any combination thereof, or identifying itself or its client with a word, name, symbol or device or any combination thereof, that is likely to cause confusion, or to cause mistake, or to deceive the public by:
  1. Using a name that may cause an entity to be confused with or mistaken for another previously registered or exempt entity; or
  2. Using a name that may cause a professional solicitor to be confused with or mistaken for a charitable or civic organization, or mistaken for having the status of a charitable or civic organization.
- B. Financial standards. Fiscal records shall be kept in accordance with the standards and practices as specified in § 57-53 of the Code of Virginia (Records to be kept by charitable organizations), or generally accepted accounting principles and reporting practices of the organization's particular field as recognized by the American Institute of Certified Public Accountants.
- C. Disclosure by for-profit organizations. Every professional solicitor that solicits contributions for a for-profit organization and every for-profit organization required to issue a written statement for contributions received shall include in the disclosure required by § 57-55.2:1 of the Code of Virginia (Solicitations by for-profit organizations) a statement that the contributors' donations are not tax-deductible on the contributors' income tax returns.
- D. Filing on a holiday. When the date for the annual renewal of registration of a charitable organization, professional fund-raising counsel, or professional solicitor falls on a Saturday, Sunday, or a state or federal holiday, filing shall be due on the next day that is not a Saturday, Sunday, or a state or federal holiday.
- E. Change in information filed. Except as otherwise provided by the Code of Virginia or by this chapter, every registered charitable organization, professional fund-raising counsel and professional solicitor shall report to the commissioner, in writing, any change in information previously filed with the commissioner, within seven days after the change occurs.

## **FORMS**

OCA-100	Request for Exemption from Annual Registration
OCA-102	Registration Statement for a Charitable Organization
OCA-103	Registration Statement for a Professional Fund-raising Counsel
OCA-104	Registration Statement for a Professional Solicitor
OCA-105	Professional Solicitor's Bond
OCA-120	Solicitation Notice
OCA-121	Consent to Solicit
OCA-130	Final Accounting Report
OCA-131	Schedule A: Accounting for All Ticketing Sales, Including Solicitation for Donated Tickets
OCA-132	Commitment for Receipt of Donated Tickets

Forms are available at our Web site at  
[www.vdacs.virginia.gov/allforms.shtml](http://www.vdacs.virginia.gov/allforms.shtml)

**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
OFFICE OF CONSUMER AFFAIRS**

P.O. Box 526 - Richmond, VA 23218-0526  
Phone: 804-786-1343 • FAX: 804-225-2666 • [www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

OCA-100 Revised 07/07

**REMITTANCE FORM  
CHARITABLE OR CIVIC ORGANIZATION  
FORM 100**

**YOU MUST USE THIS FORM TO RECEIVE PROPER CREDIT OF YOUR FEE(S)**

Organization name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Federal Employer Identification Number: \_\_\_\_\_

If you do not have an FEIN, please enter the Social Security Number of the person who has signed the application.

Exemption Application Fee:     \$10.00             (910-02185)

Check Number:             \_\_\_\_\_

**MAKE CHECKS PAYABLE TO "TREASURER OF VIRGINIA"**

The Code of Virginia authorizes state agencies to assess interest, administrative charges and penalty fees for returned checks and past-due accounts in accordance with guidelines promulgated by the Department of Accounts.

**PLEASE ATTACH COMPLETED REMITTANCE FORM TO FRONT OF REGISTRATION FORM  
WITH CHECK ATTACHED AND MAIL TO:**

**Virginia Department of Agriculture and Consumer Services  
P.O. Box 526  
Richmond, VA 23218-0526**

**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
OFFICE OF CONSUMER AFFAIRS**

P.O. Box 526 - Richmond, VA 23218-0526  
Phone: 804-786-1343 • FAX: 804-225-2666 • www.vdacs.virginia.gov

OCA-100 Revised 07/07

**REQUEST FOR EXEMPTION FROM ANNUAL REGISTRATION  
FORM 100**

All applicants must attach to this form all documents required by the applicable section(s) of the Rules Governing the Solicitation of Contributions (see page 9 for checklist).

Except as otherwise provided, all information required to be filed under Chapter 5 of Title 57 of the Code of Virginia shall become public record in the Office of the Commissioner and shall be open to the general public for inspection. You are required by law to supply this information as a prerequisite to the solicitation of charitable contributions in Virginia. If you do not provide this information, you may not solicit in Virginia.

**Application fee: \$10.00.** Make check payable to **“Treasurer of Virginia.”**

**SECTION I. GENERAL INFORMATION**

Please "X" the category under which you are filing (**only one category** may be chosen):

"X"	Category	Description	VA Code Section
	A	Educational institutions and their foundations	57-60.A.1.
	B	Solicitations for a named individual	57-60.A.2
	C	Solicitations not to exceed \$5,000	57-60.A.3
	D	Membership solicitations only	57-48 and 57-60.A.4
	E	Solicitations by non-resident charitable organizations	57-60.A.5
	F	Solicitations confined to five or fewer contiguous cities and counties	57-60.B.
	G	Civic organizations	57-48 and 57-60.A.8
	H	Health care institutions	57-60.A.7
	I	Non-profit debt counseling agencies	57-60.A.9
	J	Area agencies on aging	57-60.A.10
	K	Trade associations	57-60.A.12
	L	Labor unions, labor associations, and labor organizations	57-60.A.11
	M	Virginia Area Health Education Centers	57-60 A.6
	N	Regional Emergency Medical Services Councils	57.60.A.13
	O	Nonprofit that solicits only through grant proposals	57-60.A.14

1. Primary name of the organization or trust fund:

\_\_\_\_\_

2. List any other names under which solicitations will be made:

\_\_\_\_\_  
\_\_\_\_\_

3. Primary address: \_\_\_\_\_

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone

4. Mailing address if different from primary address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip Code

5. Please "X" one:

"X"	Type of Organization
<input type="checkbox"/>	Corporation or Limited Liability Entity
<input type="checkbox"/>	Partnership
<input type="checkbox"/>	Other (please specify):

6. Date of incorporation or formation: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

7. Where was the organization legally established? \_\_\_\_\_  
City State

8. Main purpose of the organization or trust fund:

\_\_\_\_\_  
\_\_\_\_\_

9. Is the organization exempt from paying income taxes under the Internal Revenue Code 501(c)?  
(Yes or No) \_\_\_\_\_. If yes, please attach a copy of the IRS tax-exempt determination letter, with any amendments.

10. Anticipated methods of fundraising and sources of income:

"X"	Anticipated methods of fundraising	"X"	Anticipated sources of income
<input type="checkbox"/>	Direct mail / e-mail	<input type="checkbox"/>	Gifts from officers / voting members
<input type="checkbox"/>	Telephone	<input type="checkbox"/>	General public
<input type="checkbox"/>	Special Events	<input type="checkbox"/>	Corporations
<input type="checkbox"/>	Newsletter	<input type="checkbox"/>	Foundations
<input type="checkbox"/>	Internet	<input type="checkbox"/>	Government grants
<input type="checkbox"/>	Door-to-Door collections / sales	<input type="checkbox"/>	Investments
<input type="checkbox"/>	Personal contact	<input type="checkbox"/>	Endowments
<input type="checkbox"/>	Other: Describe briefly	<input type="checkbox"/>	Non-voter "membership" assessments

11. Has the organization or trust fund contracted with any professional fundraising counsel or any professional solicitor?  
NOTE: Some categories of exemption will not apply if a professional fundraising counsel or professional solicitor is hired.

(Yes or No) \_\_\_\_\_. If "Yes," list name and address of the professional fundraising counsel or professional solicitor(s) and attach a copy or copies of the contract(s).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Telephone

12. Is the organization, or any officer, professional fund-raising counsel, or professional solicitor for the organization currently enjoined by any court or otherwise prohibited from soliciting in any jurisdiction?

(Yes or No) \_\_\_\_\_. If "Yes," attach a copy of the Order that states the reasons and time period for the injunction or prohibition.

13. Has any officer, professional fund-raising counsel, or professional solicitor for the organization ever been convicted in any jurisdiction of embezzlement, larceny or other crimes involving the obtaining of money under false pretenses, or the misapplication of funds impressed with a trust?

(Yes or No) \_\_\_\_\_. If "Yes," attach a copy of the court Order that states the reasons for the conviction, or a copy of any applicable pardon.

14. Has the organization, or any officer, professional fund-raiser or professional solicitor thereof, ever been convicted of a felony? (Yes or No) \_\_\_\_\_. If "Yes," attach a statement providing a description of the pertinent facts.

## SECTION II. EXEMPTION INFORMATION

Complete **ONLY** the section that applies to your organization as indicated on the category checked on Page 1 of this form. Then, sign the acknowledgement section and have this form notarized.

### **Category A: EDUCATIONAL INSTITUTIONS AND THEIR FOUNDATIONS**

1. Name, title, and address of principal, dean, or head of organization, by whatever title:

Mr. / Ms. \_\_\_\_\_

Primary Address: \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

2. Please "X" the box that best describes your organization:

"X"	Description
<input type="checkbox"/>	A fully accredited educational institution. Attach a copy of the accreditation certificate.
<input type="checkbox"/>	A foundation that has an established identity with one or more accredited educational institutions. Attach a copy of the accreditation certificate of each institution, and a letter from the principal, dean, or the head of the institution by whatever name known, which states that the institution recognizes and corroborates the established identity.
<input type="checkbox"/>	An educational institution whose solicitations are confined to its student body, faculty, alumni, trustees, and their families. Attach a sample of the solicitation materials, or an outline of the fundraising program.

**Category B: SOLICITATIONS FOR A NAMED INDIVIDUAL**

1. Name of individual on whose behalf solicitations will be made:

Mr. / Ms. \_\_\_\_\_

2. Projected dates of solicitation: From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

3. Name and address of principal officer of the trust fund:

Name: Mr. / Ms. \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip Code

4. Name and address of the bank where the trust fund is established or located:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip Code

5. Are any persons, including employees, officers or trustees, paid for their services to the organization?

(Yes or No) \_\_\_\_\_. If "Yes," indicate the source of the funds used for payment to these individuals, i.e., what was done to raise these funds or how the funds were generated.

\_\_\_\_\_  
\_\_\_\_\_

**Category C: SOLICITATIONS NOT TO EXCEED \$5,000**

1. Are any persons, including employees, officers or trustees, paid for their services to the organization?

(Yes or No) \_\_\_\_\_. If "Yes," indicate the source of the funds used for payment to these individuals, i.e. what was done to raise these funds or how the funds were generated.

\_\_\_\_\_  
\_\_\_\_\_

2. Total gross contributions received from the public in each of the last three calendar years. If the organization raises contributions of more than \$5,000 from the public during any given year, the organization shall register and report to the Commissioner within 30 days after the date on which the total contributions exceed \$5,000.

Year	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

**Category D: MEMBERSHIP SOLICITATION ONLY**

1. Do the organization's members have the right to vote, elect officers, or to hold office, in addition to receiving direct benefits? NOTE: If the organization's "members" do not fit the definition of "Membership" in Section 57-48 of the Code of Virginia, then this exemption will not apply.

(Yes or No) \_\_\_\_\_.

2. On any mailing or telephone call to potential members, do you request a contribution, in addition to membership dues? NOTE: Only members who have met the organization's membership requirements and who have been accepted by the organization, pursuant to the organization's bylaws, may be solicited for contributions under this exemption category. Organizations may seek potential members, but if such invitation includes a solicitation for contributions, this exemption will not apply.

(Yes or No) \_\_\_\_\_.

**Category E: SOLICITATIONS BY A NON-RESIDENT CHARITABLE ORGANIZATION**

1. Name and address of chapter, branch or affiliate located in Virginia which registers annually with the Commissioner:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City

\_\_\_\_\_

State

\_\_\_\_\_

Zip Code

**\*\*You must have a chapter, branch, or affiliate located in Virginia that registers annually to qualify for this exemption**

**Category F: SOLICITATIONS CONFINED TO FIVE OR FEWER CONTIGUOUS CITIES AND COUNTIES**

1. Name the cities or counties where the organization intends to solicit contributions. Maximum of five.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Name the cities and counties in which the organization has registered to solicit contributions and attach copies of permits. Include localities where the registration is pending.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Category G: CIVIC ORGANIZATION**

1. Please "X" the box that best describes your organization:

"X"	Description
	Fraternal society or association
	Local civic league or association
	Local service club
	Veteran's post
	Volunteer fire or rescue group

2. How will the organization use the contributions received?

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3. For local service clubs, indicate the city, town or county in which your organization operates. For local civic leagues or associations, indicate the city, town or county for which your organization furthers the common good:

\_\_\_\_\_  
City, Town, or County

\_\_\_\_\_  
State

**Category H: HEALTH CARE INSTITUTIONS**

Please "X" the box that best describes your organization and submit the appropriate attachment(s):

"X"	Description	Include these attachments
	Licensed 501(c)(3) health care institution	Copy of license.
	Designated federally qualified health center.	Documentation of designation, which must be kept current.
	HCFA-certified rural health clinic	Attach a copy of the certification.
	Free clinic	Fee schedule, if any.
	Other organization whose existence is solely to support licensed health care institutions	Copy of the license from each health care institution.

**Category I: NONPROFIT DEBT COUNSELING AGENCIES**

Attach a copy of the organization's nonprofit debt counseling agency license issued by the State Corporation Commission.

**Category J: AREA AGENCIES ON AGING**

Has the Virginia Department for the Aging designated your organization as an area agency on aging?

(Yes or No) \_\_\_\_\_. If "Yes," attach a copy of the designation agreement document.

**Category K: TRADE ASSOCIATIONS**

Is the organization an association of business organizations having similar issues and engaged in similar fields formed for mutual protection, exchange of ideas and statistics, and for the maintenance of standards within their industry?

(Yes or No) \_\_\_\_\_. If "Yes," provide a listing of member organizations, including names and addresses.

**Category L: LABOR UNIONS, LABOR ASSOCIATIONS, AND LABOR ORGANIZATIONS**

Please "X" the type of labor group that best describes your organization:

"X"	Type	Definition
	Labor union	An organization composed of workers, regulated by the Labor-Management Relations Act, organized for the purpose of securing favorable wages, improved labor conditions, better hours of labor, etc., and righting grievances against employers.
	Labor association	A group of labor unions or labor organizations acting together to better the conditions of workers.
	Labor organization	An organization dealing, through united action, with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment on behalf of the workers it represents.

**Category M: VIRGINIA AREA HEALTH EDUCATION CENTERS**

Has the Virginia AHEC Program designated your organization as an Area Health Education Center?

(Yes or No) \_\_\_\_\_. If "Yes," attach a copy of the Consortium letter issued by the Program.

**Category N: Regional Emergency Medical Services Councils**

Has the Council been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code?

(Yes or No) \_\_\_\_\_.

Has the Commissioner of Health designated your organization as a regional emergency medical services council?

(Yes or No) \_\_\_\_\_. If "Yes," attach a copy of the designation letter issued by the Commissioner.

**Category O: Nonprofit that solicits only through grant proposals**

Has the organization been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code?

(Yes or No) \_\_\_\_\_.

If no, you do not qualify for this exemption. If yes, you must provide a copy of your IRS Determination Letter.

"X"	Anticipated sources of income
	For profit corporations
	Other 501-C-3 nonprofit organizations
	Private Foundations
	Government grants
	Other:

### SECTION III. ACKNOWLEDGEMENT

I, the undersigned president, vice president, treasurer, or other officer (trustee) duly authorized to act for the organization for which this request is made, acknowledge that this application for exemption has been examined by me and is, to the best of my knowledge and belief, a true and correct statement according to the laws of the Commonwealth of Virginia.

**I affirm and attest that no funds have been or will knowingly be used, directly or indirectly, to benefit or provide support, in cash or in kind, to terrorists, terrorist organizations, terrorist activities, or the family members of any terrorist. I understand that no person shall be registered by the Commonwealth or by any locality to solicit funds that are intended to benefit or support a family member of any terrorist.**

\_\_\_\_\_  
Signature of Sole Proprietor or Officer (Trustee)

\_\_\_\_\_  
Mr. / Ms.  
Print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone number

**REQUIRED ATTACHMENTS**

I (we) have attached the following required attachments:

"X"	<b>Item – General Information Attachments Required of all Applicants</b>
	Remittance form and check for \$10, made payable to "Treasurer of Virginia."
	Copies of any applicable Court Orders.
	Listing of officers, directors, and principal salaried executive officer.
	Copy of signed contract(s) between your organization and each professional fundraising counsel and/or professional solicitor.
	Copy of the previous fiscal year's financial report (Form 990 or audited financial statements. Organizations with income under \$25,000 may file a treasurer's report.).
	Copies of any articles of incorporation and amendments.
	Copies of any bylaws and amendments.
	Copies of any IRS tax-exempt determination letter(s) and amendments.
	<b>Exemption Information: attachments required only for the Category completed above.</b>
	<b>Category A:</b> One or more of the following, as applicable: Copy of the accreditation certificate of each institution; A letter which states that the institution recognizes and corroborates the established identity; Samples of the solicitation materials or an outline of the fundraising plan.
	<b>Category B:</b> Copy of the trust agreement or similar document.
	<b>Category C:</b> Copy of the budget for the current calendar year, and copies of treasurer's reports for the three previous calendar years (or years of existence).
	<b>Category D:</b> Copies of any membership recruitment correspondence, for the past two mailings.
	<b>Category E:</b> No additional documentation is required.
	<b>Category F:</b> Copy of each local solicitation permit.
	<b>Category G:</b> No additional documentation is required.
	<b>Category H:</b> One of the following, as applicable: Copy of the license issued by the State Department of Health or by the State Department of Mental Health and Mental Retardation; Documentation of FQHC designation; Copy of the HCFA certification; Free Clinic fee schedule, if any.
	<b>Category I:</b> Copy of nonprofit debt counseling agency license.
	<b>Category J:</b> Copy of the area agency on aging designation agreement document.
	<b>Category K:</b> Listing of member organizations.
	<b>Category L:</b> No additional documentation is required.
	<b>Category M:</b> Copy of the Consortium letter issued by the Program
	<b>Category N:</b> Copy of the designation letter issued by the Commissioner of Health.
	<b>Category O:</b> Copy of IRS Determination Letter recognizing you as a 501-C-3 charitable organization

**Please mail this entire application to:**

**Virginia Department of Agriculture & Consumer Services  
P.O. Box 526  
Richmond, VA 23218**

**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
OFFICE OF CONSUMER AFFAIRS**

P.O. Box 526 - Richmond, VA 23218-0526  
Phone: 804-786-1343 • FAX: 804-225-2666 • [www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

OCA-102 Revised 07/06

**REMITTANCE FORM  
CHARITABLE ORGANIZATION  
FORM 102**

**YOU MUST USE THIS FORM TO RECEIVE PROPER CREDIT OF YOUR FEE(S)**

Organization name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Federal Employer Identification Number: \_\_\_\_\_

Charitable Organization

Initial Registration Fee (\$100): \$ \_\_\_\_\_ (910-02184)

Late Registration Fee (\$100): \$ \_\_\_\_\_ (910-02184)

Annual Registration Fee: \$ \_\_\_\_\_ (910-02619)  
(See pg. 5 of Form 102)

Total Fees: \$ \_\_\_\_\_

To assist us in tracking your payment,  
please enter your **Check Number**: \_\_\_\_\_

**MAKE CHECKS PAYABLE TO "TREASURER OF VIRGINIA"**

The Code of Virginia authorizes state agencies to assess interest, administrative charges and penalty fees for returned checks and past-due accounts in accordance with guidelines promulgated by the Department of Accounts.

**PLEASE ATTACH COMPLETED REMITTANCE FORM TO FRONT OF REGISTRATION FORM WITH CHECK ATTACHED AND MAIL TO:**

**Virginia Department of Agriculture and Consumer Services  
P.O. Box 526  
Richmond, VA 23218-0526**

**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
OFFICE OF CONSUMER AFFAIRS**

P.O. Box 526 - Richmond, VA 23218-0526  
Phone: 804-786-1343 • FAX: 804-225-2666 • www.vdacs.virginia.gov

OCA-102 Revised 07/06

**REGISTRATION STATEMENT FOR A CHARITABLE ORGANIZATION  
FORM 102**

"X"	Type of registration
<input type="checkbox"/>	Initial registration
<input type="checkbox"/>	Annual renewal

Unless otherwise noted, all information provided on this form and attachments must be for the current fiscal year. Financial reports (except budgets) will be for the most recently completed fiscal year.

Failure to properly complete this form or to submit all additional documentation required by any applicable section of the Rules Governing the Solicitation of Contributions will result in an ineffective registration. Your organization may not solicit in the Commonwealth of Virginia until it is properly registered.

1. Organization's primary name:

\_\_\_\_\_

2. List any other names under which you may solicit contributions in Virginia:

\_\_\_\_\_  
\_\_\_\_\_

3. Primary address: \_\_\_\_\_

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

4. Mailing address if different from primary address above: \_\_\_\_\_

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

5. Other contact information: \_\_\_\_\_

\_\_\_\_\_  
Telephone, including area code

\_\_\_\_\_  
Fax, including area code

\_\_\_\_\_  
Internet URL

\_\_\_\_\_  
Organization's official e-mail address

6. Locations of other chapters, branches, affiliates ("affiliates"):

a) Does the organization have any chapters, branches or affiliates in Virginia? (Yes or No) \_\_\_\_\_.  
If "Yes,"

i) Attach a list of the affiliates' names, addresses and telephone numbers.

ii) Are the income and expenses of these affiliates included in your organization's financial statement?

(Yes or No) \_\_\_\_\_. If "Yes," a joint registration may be issued to the parent organization which would apply to those subordinate organizations whose finances are reported jointly with the parent organization.

b) Does the organization maintain any other offices in Virginia, other than local chapters, branches or affiliates?

(Yes or No) \_\_\_\_\_. If "Yes," attach a list of the addresses and telephone numbers for those offices.

7. Please "X" one:

"X"	Type of organization
	Corporation or limited liability entity
	Partnership
	Other (specify: _____)

8. Date of incorporation or formation: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

9. Where was the organization legally established? \_\_\_\_\_  
City State

10. What is the main purpose of the charitable organization?  
\_\_\_\_\_  
\_\_\_\_\_

11. Name and address of designated agent for receipt of process within the Commonwealth of Virginia. NOTE: If no agent is designated, the organization shall be deemed to have designated the Secretary of the Commonwealth.

Mr. / Ms. \_\_\_\_\_

Name and Company Name

Address \_\_\_\_\_

City State Zip Code

12. Organization's fiscal year:

a) Dates of the current fiscal year: From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

b) Has the organization recently changed its fiscal year? (Yes or No) \_\_\_\_\_.

If "Yes," provides the dates of the "short" fiscal year:

From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

13. Is the organization exempt under the Internal Revenue Code? (Yes or No) \_\_\_\_\_.

14. Key personnel:

a) Full name and title of the individuals having signatory power over the organization's funds:  
\_\_\_\_\_  
\_\_\_\_\_

b) Full name and title of the individuals who approve the organization's budget:  
\_\_\_\_\_  
\_\_\_\_\_

c) Has the organization, or any officer, professional fund-raiser or professional solicitor thereof, ever been convicted of a felony? (Yes or No) \_\_\_\_\_. If "Yes," attach a statement providing a description of the pertinent facts.

15. Percentage of fundraising expenses for the most recently completed fiscal year:

- a) Total amount of contributions received directly from the public: \$ \_\_\_\_\_  
(found by adding lines 1a, 1b, 1c, and 9c of the IRS Form 990)
- b) Total spent on fundraising, including contracts with professional fund-raising counsel or professional solicitors:  
(found on line 15 of the IRS Form 990) \$ \_\_\_\_\_
- c) Percent of fundraising expenses (Line b divided by line a): \_\_\_\_\_ %
- d) For Federated fund-raising organizations **only**: State the percentage withheld from a donation designated for a member agency: \_\_\_\_\_ %

16. Does the organization intend to solicit contributions from the public directly (including corporate grant proposals, door-to-door or telephone solicitations, special events, direct mail, etc.)?

(Yes or No) \_\_\_\_\_.

17. Does the organization intend to have others outside the organization (e.g. volunteers, federated fund-raising organizations, etc.) conduct solicitations on its behalf?

(Yes or No) \_\_\_\_\_.

18. For the current fiscal year, has your organization entered into an agreement or contract with any person(s) to conduct any aspects (including planning, managing, or carrying out) of a completed, current or upcoming solicitation?

(Yes or No) \_\_\_\_\_. If "Yes," please indicate the arrangement with your agency by "X"ing below:

Category	"X"	Type of arrangement
A		A bona fide, salaried officer or employee of the charitable organization or its parent organization
B		An outside consultant or professional fundraising counsel
C		A paid professional solicitor

If B or C above are "X"ed:

- a) List the name and address(es) of the professional fundraising counsel or professional solicitor(s) and note the date of each contract that was previously submitted to the Commissioner:

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- b) Attach a copy of the organization's current fundraising contract(s) that were not previously submitted as required by Section 57-54 of the Code of Virginia.

19. Please indicate how the organization will use the contributions received during the current fiscal year:

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20. Has the organization been authorized by any other state or governmental agency to solicit contributions?

(Yes or No) \_\_\_\_\_. If "Yes", name all such the agencies. Submit an attachment if necessary.

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21. Is the organization, or any officer, professional fund-raising counsel, or professional solicitor for the organization currently enjoined by any court or otherwise prohibited from soliciting in any jurisdiction?

(Yes or No) \_\_\_\_\_. If "Yes," attach a copy of the Order that states the reasons and time period for the injunction or prohibition.

22. Has any officer, professional fund-raising counsel, or professional solicitor for the organization ever been convicted in any jurisdiction of embezzlement, larceny or other crimes involving the obtaining of money under false pretenses, or the misapplication of funds impressed with a trust?

(Yes or No) \_\_\_\_\_. If "Yes," attach a copy of the court Order that states the reasons for the conviction, or a copy of any applicable pardon.

23. Please indicate the type of solicitation activities that your organization may pursue during the current fiscal year ("X" all that apply):

"X"	Type of Solicitation
	Telephone
	Direct mail
	Internet
	Special events
	Door-to-door
	Personal contact
	Other (Specify):

24. Except as otherwise provided, all information required to be filed under Chapter 5 of Title 57 of the Code of Virginia shall become public records in the Office of the Commissioner, and shall be open to the general public for inspection. You are required by law to supply this information as a prerequisite to the solicitation of charitable contributions. If you do not provide this information, you may not solicit in Virginia.

25. OATH OR AFFIRMATION

**Two (2) different officers must sign this registration form. The original must then be filed with the Office of Consumer Affairs. Copies are not allowed.**

We, the undersigned Chief Fiscal Officer and President (or other authorized officer), duly authorized to act on behalf of the organization for which this statement is made, certify that this statement and including any accompanying appendices have been examined by us and are, to the best of our knowledge and belief, true, correct and complete pursuant to the laws of the Commonwealth of Virginia.

**We affirm and attest that no funds have been or will knowingly be used, directly or indirectly, to benefit or provide support, in cash or in kind, to terrorists, terrorist organizations, terrorist activities, or the family members of any terrorist. We understand that no person shall be registered by the Commonwealth or by any locality to solicit funds that are intended to benefit or support a family member of any terrorist.**

\_\_\_\_\_  
Signature of Chief Fiscal Officer

\_\_\_\_\_  
Signature of President or other authorized officer

\_\_\_\_\_  
Mr. / Ms.  
Print name

\_\_\_\_\_  
Mr. / Ms.  
Print name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**SCHEDULE OF REGISTRATION FEES**

**FEE    CRITERIA\***

- \$30    If your gross contributions for the preceding year do not exceed \$25,000.
- \$50    If your gross contributions exceed \$25,000 but do not exceed \$50,000.
- \$100    If your gross contributions exceed \$50,000 but do not exceed \$100,000.
- \$200    If your gross contributions exceed \$100,000 but do not exceed \$500,000.
- \$250    If your gross contributions exceed \$500,000 but do not exceed one million dollars.
- \$325    If your gross contributions exceed one million dollars.

(\* ) "Gross contributions" means the total contributions received by the organization from all sources, regardless of geographic location, excluding government grants.

Organizations with no prior financial history filing an initial registration shall be required to pay an initial fee of \$100. Organizations with prior financial history filing an initial registration shall be required to pay an initial fee of \$100 **in addition to the annual registration fee.** Any organization which allows its registration to lapse, without requesting, in writing, an extension of time to file, shall be required to resubmit an initial registration.

**COMPUTATION OF FEE CRITERIA**

Total Direct Public Support (IRS Form 990, line 1a and 1b)		\$	(A)
Indirect Public Support			
Total Indirect Public Support (IRS Form 990, line 1c)	\$	(B)	
Funds received from federated fundraising organization (**)	\$	(C)	
Net Indirect Public Support		(B) minus (C) ▶	\$ (D)
Net of Special fundraising events (IRS Form 990, line 9c)		\$	(E)
Gross Contributions			\$ (A) plus (D) plus (E) ▶

(\*\*) The federated fundraising organization (FFO), as defined in section 57-48 of the Code, must register annually with the Commissioner, to qualify for subtraction of funds in the fee computation. Enter the complete name of the FFO in the space provided below:

Name of FFO: \_\_\_\_\_

**REQUIRED ATTACHMENTS**

I (we) have attached the following required attachments:

"X"	Item
	Remittance form and check, made payable to "Treasurer of Virginia."
	A list of any Virginia affiliates' names, addresses and telephone numbers.
	A list of the addresses and telephone numbers for any branch offices in Virginia.
	Copies of any applicable Court Orders.
	Listing of officers, directors, and principal salaried executive officer.
	Copy of signed contract(s) between your organization and each professional fundraising counsel and/or professional solicitor.
	Copy of the previous fiscal year's financial report (Form 990 or audited financial statements. Organizations with income under \$25,000 may file a treasurer's report.). Newly formed organizations shall file a board-approved budget for the current year.
	Copies of any articles of incorporation and amendments, unless they were previously filed.
	Copies of any bylaws and amendments, unless they were previously filed.
	Copies of any IRS tax-exempt determination letter(s) and amendments, unless they were previously filed.