COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
FRANKFORT, KY 40601
(502) 696-5300

PROFESSIONAL SOLICITOR FORM 1

REGISTRATION CHECKLIST

HAVE YOU INCLUDED YOUR:

_____ COMPLETED ANNUAL REGISTRATION STATEMENT

REMINDER: *If you have any* ***on-going*** *promotions with an end-date after* ***December 31, 2008*** *or a new promotion with a begin date of* ***January 1, 2009*** *you* ***MUST*** *renew your registration prior* ***December 31, 2008.***

_____ SOLICITOR FINANCIAL STATEMENT FOR PRECEDING FISCAL YEAR

Please provide your 2007 compiling of the total profits, revenue from all fundraising activities per KRS 367.652(4)(f).

_____ $25,000 BOND

_____ ARTICLES OF INCORPORATION AND BY-LAWS

_____ $300.00 REGISTRATION FEE

Only one check is required for both the AOC and Registration fees
(*Make check payable to Kentucky State Treasurer*.)

_____ LICENSING AGENCY REQUEST FORM – BACKGROUND INVESTIGATION

The total number of requests multiplied by ***twenty-five dollars*** *($25) fee should be added to the registration check.* ***ONLY ONE CHECK for the total of both fees is required.***

_____ LABELS or ENVELOPES

An envelope or mailing label with the applicant's **HOME** address is required for each background request and ***MUST*** accompany the requests above.

If you have any question, please feel free to call Consumer Protection at 502-696-5300

SR-1 PROFESSIONAL SOLICITOR REGISTRATION STATEMENT

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
PROFESSIONAL SOLICITOR
REGISTRATION STATEMENT

Each solicitor registration shall expire on December 31 of the calendar year in which it was filed and shall be renewed by reapplying and paying the prescribed fee.

Initial Registration ___ Renewal Registration ___ Registration No. _____
For the Year Ending 20 _____ Today's Date _____

1. FULL NAME OF THE FIRM/PROFESSIONAL SOLICITOR

_____

2. LIST ANY OTHER NAME(S) YOU ARE KNOWN BY OR HAVE BEEN KNOWN BY OR HAVE USED: _____

3. PRINCIPAL ADDRESS OF BUSINESS

_____

4. TELEPHONE NUMBER **FAX** **PRINCIPAL CONTACT FOR YOUR FIRM**

_____ _____

5. PRINCIPAL KENTUCKY STATE ADDRESS, IF ANY:

_____

6. FORM OF ORGANIZATION *(Check One)*:
CORPORATION ___ *State Incorporated* _____ *Date Incorporated* _____
PARTNERSHIP _____ *City and state in which organized* _____
INDIVIDUAL _____ *Date* _____

7. Enter name, residence address and title or relationship to the business for each officer, director, or person with a controlling interest in the business, and any person the professional solicitor employs or procures to solicit for compensation, or to advise, consult, plan or manage a solicitation campaign:

_____ _____

_____ _____

_____ _____

8. Give the name and address of each charitable organization sharing in the charitable contributions solicited by your firm (Attach a continuation page if necessary):

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

9. Have you provided a copy of your organization's By-Laws and Articles of Incorporation. *Yes No*

(A copy of the organization's By-Law and Articles of Incorporation must be provided each year, regardless of whether they have been provided with previous registrations.)

10. Has an officer, director, or a person with a controlling interest in the business, a person the professional solicitor employs or procures to solicit for compensation, or a person who advises, consults, plans, or manages a solicitation campaign been convicted of a felony, a violation of any states charitable solicitation laws, or any crime of moral turpitude? *Yes* *No*

If yes complete the following:

Name of Member, Officer, Employee, Agent: _____

State in which conviction occurred: _____

Court of Jurisdiction: _____

Date of the Conviction: _____ *Case Number:* _____

11. Has the firm or a representative of the firm ever been, or are they now, associated with a charitable or other organization with which the firm has contracted to act as a solicitor? *Yes* *No*

If yes, complete the following:

Name of individual	*Name/Address of Organization*	*Relationship to Organization*

12. Has the firm or a representative of the firm ever been, or are they now, associated with any other professional fund-raiser, or fund-raising consultant? *Yes* *No*

If yes, complete the following:

Name of Individual	*Name/Address of Organization*	*Relationship to Organization*

13. Is the firm registered as a professional solicitor or fund-raising consultant with another state or local government? *Yes* *No*

If yes, list other registrations:

14. Has the firm ever had a license, registration, or permit denied, canceled, suspended, revoked, or has an official disciplinary or legal action ever been taken, or is one currently pending against the firm or a representative of the firm in relation to any fund-raising, consulting activity? *Yes* *No*

If yes, complete the following

Name and Address of Government Agency (City/State)	*Nature of Action (Denied, canceled, suspended, revoked) Against whom is the action being taken*	*Date*

15. Has the professional solicitor paid fines or entered into agreements with a governmental authority in this state or another state limiting or prohibiting its fund-raising activities, in any way? *Yes* *No*

If yes, indicate the name of the governmental authority, the date of the agreement, a copy of the agreement

SR-1 PROFESSIONAL SOLICITOR REGISTRATION STATEMENT

Name of Governmental Authority *Date of Agreement*

_____

Summary of the Agreement: _____

_____

Name of Governmental Authority *Date of Agreement*

_____

Summary of the Agreement: _____

_____

Name of Governmental Authority *Date of Agreement*

_____

Details of the Agreement: _____

_____

16. Names and addresses of financial institutions with which the professional solicitor has an account. Include the type of account(s) and account number(s). *(Should an account be added during the year, send the information to this office immediately):*

Name and Address *Type of Account* *Account Number*

_____

_____

_____

17. Location of professional solicitor's financial records: _____

_____

_____

18. Name, Address and Telephone Number of accounting firm responsible to handle your accounts:

Name: _____

Address: _____

Telephone Number: _____

19. Name and address of agent authorized to accept service of process in Kentucky.

Name:_____ Address:_____

_____

SR-1 PROFESSIONAL SOLICITOR REGISTRATION STATEMENT

If you have chosen the Kentucky Secretary of State as your service of process agent, provide the following information:

I, _____ , a professional fundraising solicitor, hereby appoint the Secretary of State of the Commonwealth of Kentucky as my agent for service incase of all law suits, proceedings and actions growing out of the violation of any of the provisions of KRS 367.650-367.670.

I hereby agree that this consent for service is irrevocable and that service on the Secretary of State, Commonwealth of Kentucky, shall be as binding on me as if due service had been made on me personally.

Signed: _____
Professional Solicitor

Name of Firm: _____

SR-1 PROFESSIONAL SOLICITOR REGISTRATION STATEMENT

STATE OF _____

COUNTY OF _____

I, _____, certify that I am _____ of the professional
Name *Title*

solicitor firm, _____, and that the statements in this registration are true.
Name of Firm

_____ _____
Signature of Authority Date

Subscribed and sworn to me this _____ day of _____ 20____.

_____
Notary Signature

My commission expires _____ 20 _____.

ATTACHMENTS:

- A Check or money order in the amount of $300.00 made payable to the Commonwealth of Kentucky.
- A copy of your articles of incorporation. (If a foreign corporation, attach a copy of Authorization.
- A copy of each contract related to the Commonwealth of Kentucky.
- Request for Criminal Conviction Record check Forms

Mail to: Office of the Attorney General
Consumer Protection Division
Registration and Compliance
1024 Capital Center Drive
Frankfort, Kentucky 40601
Questions? Call 502-696-5389

THE OFFICE OF THE ATTORNEY GENERAL DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, RELIGION, AGE OR DISABILITY IN EMPLOYMENT OR THE PROVISION OF SERVICES AND PROVIDES, UPON REQUEST, REASONABLE ACCOMMODATION NECESSARY TO AFFORD INDIVIDUALS WITH DISABILITIES AN EQUAL OPPORTUNITY TO PARTICIPATE IN ALL PROGRAMS AND ACTIVITIES.

SR-1 PROFESSIONAL SOLICITOR REGISTRATION STATEMENT

Continuation Page:

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601

PROFESSIONAL SOLICITOR FORM 5

Promotion Registration Statement

****IMPORTANT****

All questions must be completed and all contracts must be signed and clearly printed by two (2) authorized officials of the charitable organization, one (1) of whom shall be a member of the organizations governing body, AND the authorized contract officer for the professional solicitor. Failure to meet any of these conditions will delay or prevent the processing of this campaign submission.

KY Registration # S-_____

1. Name and Address of Professional Solicitor: _____
   _____
   Contact person at your company: _____ Phone:_____

2. Name and Address of Registered Charitable Organization: _____
   _____
   Charity EIN# _____ **Charity KY Registration Number**: _____

3. Charity Contact person _____ **Title** _____
   Phone number (include extension if applies): _____

4. State the scope of solicitation campaign or event: County ☐ State ☐ National ☐ International ☐

5. Give a complete description of the PURPOSE of the event: _____
   _____
   _____

6. Provide projected dates for this solicitation: *(Promotion registration shall be filed at least fourteen days (14) prior to the performance of any service to the charitable organization.*)

   Beginning Date of Promotion: _____ ***Ending Date of Promotion***: _____

7. Give the distribution of funds from the gross revenue of this promotion for each of the parties in the agreement: **Totals shall be the same as shown in the contract and must equal 100%.** *Financial reports are due to the Office of the Attorney General 90 days following the completion of the campaign* ***OR*** *on the anniversary date of the commencement of the campaign lasting more that one year.*

   ___ % of gross receipts to the Charitable Organization, upon completion of the campaign.
   ___ % of gross receipts to the Solicitor, upon completion of the campaign.
   ___ % of gross receipts to other(s). Specify: _____
   ___ % of gross receipts to other(s). Specify: _____

8. Will you as the professional solicitor or anyone acting on your behalf have custody or control of the contributions, at any time? Yes ☐ No ☐

9. Give the following information of each bank account where receipts from the campaign are to be deposited:
   Name of Bank *Address of Bank* *Telephone Number* *Account Number*

   _____

   _____

10. Provide a description of the solicitation campaign or event. (*If the campaign involves a show, circus performance or similar event, provide the address of the facility, the time and date of each performance*.) _____

    _____

    _____

11. Check each of the applicable solicitation methods and services provided to the charitable organization during this event.

    Telephone ☐ Mail ☐ Door-to-Door ☐ Sell Coupons ☐ Coupon Books ☐

    Advertising ☐ Show Tickets ☐ Show or Performance ☐ Planning ☐ Other: _____

    _____

12. Provide listing of each *location* and *telephone number(s)* from which the solicitation will be conducted: _____

    _____

    _____

13. Attach a list of legal names and residential addresses for those who are responsible for directing and supervising the conduct of the campaign and each person who is to solicit by telephone during the campaign.

14. List the names and addresses of any chapters, branches, or affiliates of the charitable organization or other persons who will share the contributions or will benefit in any way from this campaign. _____

    _____

    _____

15. Attach a copy of each of the following materials (*Check one for each category*):

    a. Any advertising materials prepared for public distribution by any means of communication:

       attached ☐ *not used* ☐

    b. Any written materials that have been or will be delivered to prospective donors whether by mail or in person including brochures, envelopes, receipts, forms, acknowledgements, etc.

       attached ☐ *not used* ☐

    c. Any sales scripts used in telephone or person-to-person solicitations.

       attached ☐ *not used* ☐

    d. A written contract between the professional solicitor and the charitable organization on whose behalf you are soliciting.

       attached ☐ *not used* ☐

    e. The agreement permitting the solicitor to use the charity's name in the solicitation.

       attached ☐ *not used* ☐

    f. Letters of authorization from other organizations who will benefit from the promotion e.g. Groups that may receive free tickets or other considerations as a result of the promotion.

       attached ☐ *not used* ☐

STATE OF _____
COUNTY OF _____

I, _____, certify that I am _____
Title

of the Professional Soliciting firm, _____, and that to the best
Name of Soliciting Firm

of my knowledge, the statements in the above promotion registration statement are true.

_____
Signature

Subscribed and sworn to me this _____ day of _____ 20____ .

_____
Notary Signature

My commission expires _____ 20 ___

Mail this registration statement, any attachments, and a copy of the promotion contract to:

Office of the Attorney General
Consumer Protection Division
Registration and Compliance
1024 Capital Center Drive
Frankfort, KY 40601

Questions? Call 502-696-5389

The Office of the Attorney General does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and provides, upon request, reasonable accommodation necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601

PROFESSIONAL SOLICITOR FORM 6

Campaign Financial Report

****IMPORTANT****

PLEASE NOTE: This report must be filed with the Office of the Attorney General within ninety days (90) of the completion of a solicitation campaign. If the campaign exceeds one year, an annual financial report is due on the anniversary date of the commencement of the campaign until the campaign is complete.

KY REGISTRATION NUMBER S- _____ Promotion Number_____-S

1. Please check one: Completed Campaign ☐ Anniversary Report ☐
2. Solicitor full name _____
   a. Address _____
   b. Telephone Number _____
   c. Contact person at your company: _____
3. Charitable Organization Name _____
   a. Address _____
   b. Telephone Number _____
   c. Contact person: _____
4. Commencement Date: _____ Completion Date: _____
   a. If Anniversary report, provide Anticipated Date of Completion: _____
   b. This report covers dates from _____ through _____
5. What methods and services were provided?

   Telephone ☐ Mail ☐ Door-to-Door ☐ Sell Coupons ☐ Coupon Books ☐
   Advertising ☐ Show Tickets ☐ Show or Performance ☐ Planning ☐ Other: _____
   _____

6. Gross Revenue for this Campaign Report $ _____

7. If this is a campaign lasting more than one year, please provide the cumulative

Total Gross Revenue $_____

8. Is an Itemized Report Attached? No ☐ Yes ☐ (***must*** *include all information in question 8)*

9. Complete the following:

a. Professional Solicitor Fee	$ _____	% _____
b. Salaries, Wages, Commissions	_____	_____
c. Show or Performance Fee	_____	_____
d. Printing Costs	_____	_____
e. Postage	_____	_____
f. Telephone	_____	_____
g. Rent	_____	_____
h. Utilities	_____	_____
i. Insurance	_____	_____
j. Supplies	_____	_____
k. Licenses and Permits	_____	_____
l. Bank Charges	_____	_____
m. Other (*itemize*)	_____	_____

_____

_____

_____

_____

_____

_____

10. **TOTAL EXPENSES OF THE CAMPAIGN** $ _____
    (*Total Itemized Expenses)*

11. **NET PROCEEDS** $ _____

12. **AMOUNT RETAINED BY CHARITABLE ORG** $ _____

13. **If Zeros are indicated on this form – Please provide the reason:** _____

_____

** **IMPORTANT**** This report shall be attested to by the **Authorized Contracting Agent for the Professional Solicitor, AND Two Authorized Officials of the Charitable Organization** for completion of this transaction. ***Failure to meet any of these conditions will delay or prevent the processing of this financial report.***

I do hereby declare that the information contained herein is true and correct to the best of my knowledge, information, and belief.

_____	_____
Authorized Professional Solicitor Agent	**Type or Clearly Print** Name of Solicitor Agent
_____	_____
Authorized Charitable Organization Agent	**Clearly Print Name** Authorized Charitable Agent
_____	_____
Authorized Charitable Organization Agent	**Clearly Print Name** Authorized Charitable Agent

Mail to:
Office of the Attorney General
Consumer Protection Division
Registration and Compliance
1024 Capital Center Drive
Frankfort, KY 40601

Questions? 502-696-5300

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1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601

The attached is a background check request form. Kentucky Revised Statute 367.652(8) provides:

> "No person shall act as a professional solicitor or fundraising consultant if he, his officers, directors, or any person with a controlling interest in the business, or any person the professional solicitor or fundraising consultant employs or procures to solicit for compensation or to advise, consult, plan or manage in regards to the solicitation campaign, has been convicted by a court of any state or the United States of a felony or a misdemeanor involving moral turpitude or arising from his conduct as a solicitor or consultant for a charitable organization or purpose. A background check on each person set out in this subsection shall be performed by the Attorney General's office. . . ."

While the form affords an individual the opportunity to provide a social security number which will be used for the sole purpose of conducting the background check, **the individual's social security number is not mandatory**. Please note, however, that the background check may be less reliable based upon name alone without more specific identifying information such as an individual's social security number.

AN EQUAL OPPORTUNITY EMPLOYER M/F/D

REV 1/08

AOC-PT-52 Rev. 8-03 Page 1 of 1 Commonwealth of Kentucky Court of Justice *www.courts.ky.gov* *pretrialrecords@kycourts.net*	 **Licensing Agency Request**	KY OAG Reg. # (if Available)_____

The process to obtain the information contained in the CourtNet Disposition System is as follows:

Individuals for License

Requesting a record on yourself for the purpose of obtaining a License requires a **$25.00 fee (check or money order).** Enclose an addressed envelope or label for your return reply, or you may provide e-mail addresses in place of envelopes.

Fees are paid to the order of the KENTUCKY STATE TREASURER by check or money order ONLY. FAILURE TO COMPLY WITH THESE PROCEDURES WILL RESULT IN THE REQUEST BEING RETURNED UNPROCESSED. If you suspect information contained on the record is incorrect, or have any questions, please contact Pretrial Services at (502) 573-1682 or (800) 928-6381.

PLEASE PRINT OR TYPE THE INDIVIDUALS INFORMATION CLEARLY.

SOCIAL SECURITY NUMBER: _____

NAME: _____

DATE OF BIRTH: _____

MAIDEN OR ALIAS NAMES: _____

STREET ADDRESS/ P.O. BOX: _____

CITY, STATE, ZIP CODE: _____

E-MAIL ADDRESS: _____

I understand that failure to accurately provide the information requested may result in my prosecution under K.R.S. 523.100. I have provided the basic information necessary to qualify for record processing.

Signature	Date
Office of the Attorney General Licensing Agency	1024 Capital Center Drive Address
Contact Person for Licensing Agency	Frankfort KY 40601 City, State , Zip Code
@ag.ky.gov E-mail Address	502-696-5300 Phone Number

SB-1 SURETY BOND STATEMENT

BOND FOR PROFESSIONAL SOLICITOR

COMMONWEALTH OF KENTUCKY)
COUNTY OF _____)

KNOW ALL PERSONS BY THIS DOCUMENT, that the applicant for registration

_____

Name of Professional Solicitor

of _____

Complete Business Address of Professional Solicitor

as PRINCIPAL, and _____

Name of Surety

of _____

Complete Business Address of Surety

as SURETY, organized under the laws of the State of _____ and authorized to do business in the Commonwealth of Kentucky, are held and firmly bound unto the COMMONWEALTH OF KENTUCKY for the use of the Attorney General and any persons having cause of action against the principal as defined in the Charitable Solicitations Act (KRS 367.650 et esq. of July 15, 1994), in the sum of Twenty-Five Thousand Dollars ($25,000.00), lawful money of the United States of America, to be paid to the said Commonwealth, its certain attorneys or assigns, to which payment well and truly to be made, we do hereby bind ourselves, jointly and severally, our heirs, executors, administrators, successors and assigns firmly by these presents.

BECOMES EFFECTIVE this _____ day of _____, 20 _____ .

WHEREAS, the above named Principal has applied to the Attorney General of the Commonwealth of Kentucky to register as a Professional Solicitor for the period ending December, 31 20 _____ . in accordance with the provisions of KRS 367. 652 and is required to furnish a surety bond with such registration.

AND, if the Principal shall fully and faithfully observe all provisions of KRS 367.650 to 367.652, then this obligation shall be void, otherwise to remain in full force and effect.

FORM 4 SURETY BOND STATEMENT

THE SURETY may cancel this bond at any time by filing with the Attorney General thirty (30) days notice in writing by certified mail of its intent to cancel or terminate this bond. The surety shall not be discharged from any liability already accrued under this bond, or which shall accrue hereunder before the expiration of the thirty (30) day period.

THIS BOND shall not become void upon the first recovery thereon but may be sued upon from time to time until the full amount thereof shall have been exhausted.

SIGNED and SEALED this _____ day of _____ 20 _____ .

_____	_____
Printed Name of Principal	*Printed Name of Surety*
_____	_____
Printed Name of Principal Officer and Title	*Printed Name of Surety Officer and Title*
_____	_____
Signature of Officer	*Signature of Surety Officer*
_____	_____
Address of Principal	*Address of Surety*
_____	_____
Business Telephone of Surety	*Business Telephone of Surety*

ATTACHMENTS:

-A Certified copy of Power-of-Attorney, nominating, constituting, and appointing said Attorney-in-Fact for said Surety Company must be attached hereto. Date of certification and date of execution of Bond shall agree.

CB-1 Commonwealth of Kentucky Cash Bond

ASSIGNMENT OF CASH OR CERTIFICATE OF DEPOSIT

Cash Bond:

The assignor, _____, a Professional Solicitor in the Commonwealth of Kentucky, hereby assigns, transfers, and sets over unto the Office of the assignee, Office of the Attorney General, Commonwealth of Kentucky, the Principal Sum of **$25,000.00,** cash. The principal sum of $25,000.00 shall be held in escrow pursuant to an agreement provided herewith and approved by the assignee with the depository _____
_____,
a licensed financial institution located in the Commonwealth of Kentucky. The assignor hereby waives all of his/her/their right, title, and interest in said cash bond until assignee notifies the Depository in writing of the release of this Assignment. This Assignment is made as security to perform as a Professional Solicitor in the Commonwealth of Kentucky in conformity with the provisions of KRS 367.650—367.670.

Assignee is hereby authorized to charge against the above cash bond pursuant to KRS 367.815(a). Depository is directed to pay up to the full Principal Sum to assignee upon demand, and such payment shall constitute an Acquittance of Depository. The Depository shall not pay any portion of the Principal Sum to the assignor until the Depository has received in writing a release of the Assignment from the Assignee. The Principal Sum shall not be encumbered or pledged in any fashion, except to the assignee. The Principal Sum shall not be withdrawn without prior written approval of the assignee. An encumbrance of the Principal Sum without prior Division approval is void.

Certificate of Deposit

The undersigned hereby assign(s), transfer(s), and set(s) over unto the Consumer Protection Division of the Office of the Attorney General, Commonwealth of Kentucky, all of his/her/their right, title, and interest in and to
Certificate Number _____
entitled *(Name of Professional Solicitor/Agency)* _____

in the principal sum of $ 25,000.00, hereafter "the Principal Sum" excluding interest, thereon.

This Assignment includes any substitution or renewals to the certificate previously described. This Assignment is made as security to perform as a Professional Solicitor in the Commonwealth of Kentucky pursuant to KRS 367.650—367.670. The Assignment shall continue in effect until assignee notifies the Depository in writing of the release of this Assignment.

PROFESSIONAL FUND-RAISER INFORMATION

_____

Name of Professional Fund-Raising Firm

_____

BY: *(Authorized Signature/Title)*

DEPOSITORY BANK INFORMATION

_____

Name of Bank

_____

Street City State Zip Telephone

DEPOSITORY'S ACKNOWLEDGMENT OF ASSIGNMENT OF CERTIFICATE OF DEPOSIT / CASH BOND

The signature(s) as shown above compare correctly with our files. Present Principal Sum is received in the form of

☐ $25,000.00 cash in escrow

☐ Certificate of Deposit in the Amount of $25,000.00.

The above agreement will be honored and has been properly recorded in the Register.

NAME/ADDRESS OF DEPOSITORY: _____

_____

Authorized Signature

Statutes

Commonwealth of Kentucky
Office of the Attorney General

Consumer Statutes relating to Charitable Solicitation and Charitable Solicitation Consultation

PLEASE BE FAMILIAR WITH THESE REGULATIONS BEFORE CONDUCTING BUSINESS IN THIS COMMONWEALTH

THANK YOU

367.650 Definitions for KRS 367.650 to 367.670.

As used in KRS 367.650 to 367.670 unless the context requires otherwise:
(1) "Charitable or civic purpose" means any purpose or activity which holds itself out to be benevolent, educational, philanthropic, humane, patriotic, religious, eleemosynary or fraternal, or to be established for a social welfare or advocacy, public health, environmental conservation, or civic purpose, or is designed to serve the welfare of society generally, or any class or group to which society is morally obligated, or a specific community or to preserve or improve the culture thereof or environment enjoyed thereby.

(2) "Charitable organization" means any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or a person who is or holds himself out to be established for a charitable or civic purpose; or a person who employs a charitable or civic appeal as the basis of a solicitation, or employs an appeal that suggests there is a charitable or civic purpose to a solicitation.

(3) "Contribution" means the grant, promise, or pledge of money, credit, property, financial assistance, or other thing of any kind or value in response to a solicitation for a charitable or civic purpose. It does not include: (a) Bona fide fees, dues, or assessments paid by members, if that membership is not conferred solely as consideration for making a contribution in response to a solicitation; or (b) Money, property, or compensated services received from any governmental authority.

(4) "Solicit" and "solicitation" mean, respectively, to engage in, and the act of, requesting, directly or indirectly, that an addressed person or limited audience or the public generally make a contribution. Solicitation shall be deemed to have taken place when the request is made, whether or not the requested contribution is made.

(5) "Person" means any individual, corporation, trust, partnership, organization, foundation, society, or other legal entity.

(6) "Professional solicitor" means a person who for compensation or other financial consideration solicits contributions in this state, directly or indirectly, for or on behalf of a charitable organization. A person qualifies as a professional solicitor if he is hired on a fee, commission, or percentage basis and the work is performed by him or his agents or the employees or volunteers of the benefiting charitable organization under the direction, supervision, or instruction of the solicitor. A professional solicitor conducts or supervises specific fundraising activities or events in which gifts are solicited, received, and deposited by the professional solicitor or his agents, expenses are paid, and net proceeds delivered to the charitable organization. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a professional solicitor, unless he is employed or engaged as a fundraising consultant or a professional solicitor by another charitable organization.

(7) "Fundraising consultant" means any person who, for compensation, plans, manages, advises, consults, or develops material for or with respect to the solicitation for any charitable organization. A fundraising consultant shall not, at any time, have custody of contributions from a solicitation or solicit contributions, directly or indirectly. If a fundraising consultant's fee is related to the amount of contributions received from a solicitation in which he took part, the consultant is considered a professional solicitor. A fundraising consultant shall not employ, procure, or otherwise engage any compensated person to solicit contributions. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a fundraising consultant, unless he is employed or engaged as a fundraising consultant or a professional solicitor by another charitable organization.

(8) "Religious organization" means any organization, the activity of which is protected by Section 1(2) of the Constitution of Kentucky and the First Amendment to the Constitution of the United States.

(9) "Solicitor" means a natural person who, by personal contact, transmitted oral communication or writing which identifies that person, requests a specific person to make a contribution for charitable or civic purposes.

367.652 Registration of professional solicitors and fundraising consultants -- Prohibitions -- Background check.

(1) A professional solicitor shall file a registration statement with, and obtain the approval of, the Attorney General before acting as a professional solicitor. The registration statement shall be attested to by the professional solicitor, if an individual, or by the principal officer of the professional solicitor, if the solicitor is a business entity. The statement shall be accompanied by a fee of three hundred dollars ($300), plus the costs of a background investigation to the Attorney General's office. The funds shall be placed in a trust or agency account pursuant to KRS 45.253. If a professional solicitor is a corporation or partnership, a single fee shall cover all its partners, members, employees, directors, agents, or officers.

(2) Each registration shall expire on December 31 of the calendar year in which it is filed and may be renewed by reapplying and paying the prescribed fee.

(3) At the time of filing the registration statement, a professional solicitor shall file with and have approved by the Attorney General a full cash or surety bond in the amount of twenty-five thousand dollars ($25,000). The bond shall be in favor of the Attorney General and shall be held for any person having prevailed in a cause of action against the solicitor for liabilities resulting from the solicitor's violation of KRS 367.650 to 367.670 or any administrative regulation promulgated pursuant to these sections. The bond shall be in a form prescribed by the Attorney General. If a surety bond is issued, it shall be issued by an insurer authorized to transact surety insurance in this state pursuant to KRS Chapter 304. The Attorney General may require that any cash offered as security for a full cash bond be held in escrow by a financial institution located in the state, subject to an escrow agreement approved by the Attorney General.

(4) The registration statement shall be filed in a form prescribed by the Attorney General and shall include:
(a) The name, address, and telephone number of the professional solicitor and the agent authorized to accept service of process in this state;
(b) The names in which the professional solicitor is doing business in Kentucky and any names used in the past;
(c) The names and addresses of any charity sharing in the charitable contributions received in this state;
(d) A copy of any articles of incorporation and by-laws of the solicitor, fundraising consultant, and the charitable organization, and any tax-exempt status letter from the Internal Revenue Service;
(e) The names, addresses, and occupations of persons employed by or who have contracted with the professional solicitor and a statement of whether those persons have been convicted of a felony or a misdemeanor involving moral turpitude or arising from their conduct as solicitors for a charitable organization or purpose;
(f) A copy of the financial statement for the professional solicitor's preceding fiscal year, which shall set out the total profits and revenue from all fundraising activities, the balance sheet, the kind and amounts of funds raised, specific costs in raising funds, the percentage of funds raised on behalf of the charitable organization which are actually paid to the organization for charitable purposes, and the location of the original financial records;
(g) A statement of whether the professional solicitor has ever been enjoined by any court or otherwise prohibited from soliciting contributions in any jurisdiction;
(h) A statement indicating the method by which the solicitation is made, a description of the promotional plan together with copies of all advertisements, the location of all telephones being used, and the time period during and the areas in which the solicitations are made; and
(i) Any other information which may be required by the Attorney General for the public interest or for the protection of contributors.

(5) A fundraising consultant shall file a registration statement with and obtain the approval of the Attorney General before acting as a consultant. The registration statement shall be attested to by the fundraising consultant, if the consultant is an individual, or by the principal officer of the fundraising consultant, if the consultant is a business entity. The statement shall be accompanied by a fee of fifty dollars ($50), plus the costs of a background investigation. The fees shall be placed in a trust or agency account pursuant to KRS 45.253. If a fundraising consultant is a corporation or partnership, a single fee shall cover all its partners, members, employees, directors, agents, or officers.

(6) Each registration shall expire on December 31 of the calendar year in which it is filed and may be renewed by reapplying and paying the fee.

(7) The professional solicitor and fundraising consultant shall report in writing to the Attorney General any material change in the registration statement occurring after filing. The report shall be filed within seven (7) calendar days after the change occurs.

(8) No person shall act as a professional solicitor or fundraising consultant if he, his officers, directors, or any person with a controlling interest in the business, or any person the professional solicitor or fundraising consultant employs or procures to solicit for compensation or to advise, consult, plan, or manage in regards to the solicitation campaign, has been convicted by a court of any state or the United States of a felony or a misdemeanor involving moral turpitude or arising from his conduct as a solicitor or consultant for a charitable organization or purpose. A background check on each person set out in this subsection shall be performed by the Attorney General's office. The actual cost of the investigation shall be added to the registration fee.

367.653 Contracts -- Requirements -- Filing of contract and promotion registration statement -- Violability of contract with unregistered party.

(1) A contract between a charitable organization and a professional solicitor or a charitable organization and a fundraising consultant shall be in writing. The contract shall be signed by two (2) authorized officials of the charitable organization, one (1) of whom shall be a member of the organization's governing body and the authorized contracting officer for the professional solicitor or fundraising consultant.

(2) The contract shall clearly state:
(a) The respective obligations of each party;
(b) The percentage of the gross revenue from the campaign that the charitable organization will receive;
(c) The goods or services to be offered to the public;
(d) The geographic area where the campaign will take place;
(e) The date the campaign will begin and end;
(f) A fundraising budget; and
(g) Provisions for a final accounting.

The contract shall also identify the services to be provided by the professional solicitor or the fundraising consultant and shall indicate whether the solicitor or the consultant will, at any time, have custody of any contributions. The contract may further be defined by administrative regulations promulgated by the Attorney General pursuant to this section.

(3) At least fourteen (14) calendar days prior to the performance of any service pursuant to the contract, a professional solicitor or fundraising consultant shall file with the Attorney General a copy of the contract. No solicitation pursuant to the contract shall begin until the Attorney General has certified that the contract meets the statutory requirements.

(4) When filing the contract, a professional solicitor shall also file a written promotion registration statement with the Attorney General. The statement shall be attested to by the professional solicitor's authorized contracting officer and shall be in the form as prescribed by the Attorney General in administrative regulations. The contract filed by a professional solicitor shall be valid only if it complies with this section and is accompanied by a promotion registration statement.

(5) No professional solicitor or fundraising consultant shall contract with a charitable organization unless the professional solicitor or fundraising consultant is registered with the Attorney General. A contract with an unregistered professional solicitor or fundraising consultant shall be violable at the option of the charitable organization.

367.656 Nonacceptance, revocation, suspension, or refusal to renew registration -- Judicial review -- Civil action.

(1) (a) A filing pursuant to KRS 367.653 and this section shall be accepted unless the Attorney General notifies the professional solicitor or fundraising consultant otherwise, within fourteen (14) calendar days of the receipt of filing. If a filing is not accepted, the Attorney General shall notify the affected charity at the time of rejection. Within seven (7) calendar days after receiving a notice that the filing requirements are not satisfied, the professional solicitor or fundraising consultant may request a hearing. The hearing shall be held in accordance with KRS Chapter 13B.
(b) A professional solicitor or fundraising consultant may submit an amended filing upon receiving notice that his prior filing has not been accepted.

(2) The Attorney General may revoke, suspend, or refuse to renew the registration of a professional solicitor or fundraising consultant if:
(a) He has violated any provision of KRS 367.650 to 367.670 or any administrative regulations promulgated by the Attorney General pursuant to those sections;
(b) He or any of his principal officers have refused or failed, after notice, to produce any records or disclose any information required pursuant to KRS 367.650 to 367.670, or any administrative regulations promulgated by the Attorney General pursuant to those sections.
(c) He has made a material false statement in an application, statement, or report required to be filed under KRS 367.650 to 367.670.

(3) Any party to a hearing who is aggrieved by the final order may seek judicial review by filing an appeal in the Franklin Circuit Court in accordance with KRS Chapter 13B.

(4) The Attorney General may bring a civil action directly in the Franklin Circuit Court or in the Circuit Court of any county in which the fundraising campaign involving the professional solicitor or fundraising consultant is being conducted to revoke or suspend the registration statement for any of the grounds set forth in this section.

367.657 Filing of federal Form 990 fulfills reporting requirement.

(1) Prior to any solicitation, every charitable organization required by the Internal Revenue Service to file a federal Form 990 and soliciting contributions in the Commonwealth, or for which contributions are solicited shall file with the Attorney General a copy of its most recent federal Form 990 unless exempted by KRS 367.660.

(2) If a charitable organization is newly formed and a Form 990 has not yet been filed with the Internal Revenue Service, a notice of intent to solicit, in a form prescribed pursuant to administrative regulations promulgated by the Attorney General, shall be

filed prior to any solicitation. Each chapter, branch, or affiliate of a charitable organization shall file a separate notice of intent or report the necessary information to its parent charitable organization that shall then file consolidated notice of intent to solicit. If a consolidated notice of intent is filed, information arising out of the activities of each chapter, branch, or affiliate of the charitable organization in this state shall be covered in the notice. A separate notice of intent shall be filed for each chapter, branch, or affiliate upon the request of the Attorney General. The notice shall expire on December 31 of the calendar year in which it was filed.

(3) The Form 990 shall be filed with the Attorney General each year in which contributors are solicited in the Commonwealth at the same time the form is filed with the Internal Revenue Service. If a Form 990 is not filed with the Internal Revenue Service, a new notice of intent to solicit shall be filed with the Attorney General.

367.658 Financial report of campaign -- Filing -- Audit.

Within ninety (90) days after the completion of a solicitation campaign or on the anniversary of the commencement of a solicitation campaign lasting more than one (1) year, a professional solicitor shall file with the Attorney General a financial report of the campaign, including gross revenues and an itemization of all expenses incurred. This report shall be attested to by the authorized contracting agent for the professional solicitor and two (2) authorized officials of the charitable organization and shall be completed on a form prescribed by the Attorney General. This financial report shall be audited at the request of the Attorney General's office.

367.660 Exempt solicitations.

The following solicitations are exempt from the provisions of KRS 367.650 to 367.670:

(1) Solicitations by an organization of contributions from its members and their families only, if membership is not included in a solicitation to avoid the provisions of KRS 367.650 to 367.670, is not granted upon the basis of contributions alone, and is within the exception of KRS 367.650(3).

(2) Solicitations by a religious organization for funds for religious purposes such as maintenance of a house of worship, conduct of services, and propagation of its faith and tenets as distinguished from other charitable and civic purposes employed by nonreligious organizations.

(3) Solicitations by a publicly-owned or nonprofit privately-endowed educational institution regulated by the Kentucky Board of Education, the Council on Postsecondary Education, or an equivalent public authority of the jurisdiction where the institution is located, from the alumni, faculty members, student body of the institution and their families, and from corporations, for the continuance of an established educational program.

(4) Local solicitations by a student group or parent-teacher association for its campus or group connected activities with the approval of the administration of the educational institution.

367.665 Applicability of remedies, powers, and duties of Attorney General provided by KRS 367.190 to 367.300 or by other provisions of law.

(1) All of the remedies, powers, and duties provided for the Attorney General by KRS 367.190 to 367.300 appertaining to acts declared unlawful by KRS 367.170 shall apply with equal force and effect to acts declared unlawful by KRS 367.650 to 367.670.

(2) Nothing in KRS 367.650 to 367.670 shall be construed to limit or restrict the powers, duties, remedies, or penalties available to the Attorney General, the Commonwealth, or any private person under any other provision of statutory or common law.

367.666 Interstate reciprocal agreements on exchanging information – Fiscal records -- Contribution deposit requirements -- Maintenance of records.

(1) The Attorney General may enter into reciprocal agreements with the appropriate authority of any other state for the purpose of exchanging information with respect to charitable organizations, professional solicitors, and fundraising consultants.

(2) A professional solicitor shall maintain fiscal records concerning his charitable solicitations in the Commonwealth. These records shall be kept on file during each solicitation campaign and for at least three (3) years after completion of the solicitation campaign.

(3) Each contribution collected by or in the custody of a professional solicitor shall be solely in the name of the charitable organization for which the contribution was solicited. The professional solicitor shall deposit the contribution in an account at a bank or other financial institution within two (2) business days of receiving the contribution. The account shall be in the name of the charitable organization, which shall have sole control of all withdrawals from the account. Neither the professional solicitor nor the fundraising consultant shall withdraw any deposited funds from the account.

(4) The records shall be maintained by the professional solicitor or the fundraising consultant, if contributions are collected, and shall be available for inspection by the Attorney General no later than ten (10) business days after his request.

367.667 Prohibited acts and practices in charitable solicitations.

The following acts and practices in the conduct of charitable solicitation shall be considered unfair, false, misleading, or deceptive in violation of KRS 367.170:

(1) Representing or leading anyone in any manner to believe that a solicitation is for or on behalf of a charitable organization; or utilizing any emblem, device, or printed matter belonging to or associated with a charitable organization; or otherwise

representing that any part of the contributions received will be donated to a charitable organization without first being authorized in writing to do so by the charitable organization;

(2) Utilizing a name, symbol, or statement so closely related or similar to that used by another charitable organization, public official, or public agency that its use would tend to confuse or mislead a solicited person; or

(3) Representing when soliciting funds that a charity will be the recipient of the funds when the professional solicitor or his employer pursuant to a contract is allowed to or will receive more than fifty percent (50%) of the gross receipts of the funds solicited as his compensation. It shall be a defense in any action brought to enforce this subsection for the professional solicitor to show that he disclosed in a clear and conspicuous manner to the prospective donor the percentage of the funds which he was allowed by contract to receive.

367.668 Disclosure requirements.

(1) Prior to orally requesting a contribution or when requesting a contribution in writing, a professional solicitor shall clearly disclose:
(a) His name as set out in the registration statement filed with the Attorney General pursuant to KRS 367.652 and the fact that he is being paid for his services.
(b) The name of the charitable organization he represents and a description of how the contributions raised by the solicitation will be used for a charitable or civic purpose.

(2) Any individual who acts on behalf of the professional solicitor and identifies himself by name shall give his legal name.

(3) Any responses given by or on behalf of a professional solicitor to an oral or written request for information shall be truthful.

(4) The written confirmation, receipt, or reminder sent to a contributor or one who has pledged to contribute, following an oral solicitation, shall clearly include the information required by subsections (1) and (2) of this section.

(5) If the person being solicited requests information regarding the amount or percentage of funds going to the charitable organization or for a charitable or civic purpose, the professional solicitor shall inform the person solicited of the percentage of the gross revenue or the reasonable estimate of the gross revenue that the charitable organization will receive from the solicitation campaign. The Attorney General shall promulgate administrative regulations necessary to effectuate this disclosure.

367.669 Local ordinances, rules, and regulations.

KRS 367.650 to 367.670 does not preclude any city, county, urban-county, or charter county government from promulgating or enacting ordinances, rules, and regulations further regulating the solicitation of contributions within the respective city, county, urban-county, or charter county government. The provisions shall not alter any of the

obligations set forth in KRS 367.650 to 367.670 or any administrative regulations promulgated pursuant to those sections but may add other requirements and rules as appear to be proper to the city, county, urban-county, or charter county government involved.

367.670 Powers of Attorney General not limited or restricted.

KRS 367.650 to 367.670 shall not be construed to limit or restrict the exercise of powers or the performance of the duties of the Attorney General which he is authorized to exercise or perform under any other provision of law.