

IMPORTANT INFORMATION FOR A PROFESSIONAL FUNDRAISING COUNSEL

This information is being provided by the Charitable Organizations Division of The Bureau of Corporations and Charitable Organizations and is not intended to be all inclusive. You are urged to review The Solicitation of Funds for Charitable Purposes Act 10 P.S. § 162.1 et seq. by visiting our Web site at www.dos.pa.gov/charities. If you have any questions or need clarification about any of these matters, please contact Brian Aumiller at 717-787-1607.

DIRECT MAIL AND GRANT WRITING SERVICES: A person who solely provides direct mail or grant writing services may register as a professional fundraising counsel provided **all** the following conditions are met:

1. The person does not at any time have custody or control of contributions.
2. The person's compensation is not related to the amount of contributions received.
3. The charity has control and approval over the content and volume of all solicitations.

REGISTRATIONS REQUIRED: A person may not act as a professional fundraising counsel on behalf of a charitable organization unless the person is registered as a professional fundraising counsel and the contract is registered and approved by the Bureau. Each registration as a professional fundraising counsel is valid for one year and may be renewed for additional one-year periods. Professional fundraising counsels who do not wish to renew their registration should provide written notice to the Bureau stating the reason why registration will not be renewed. Each charitable organization under contract with a professional fundraising counsel is required to be registered to solicit contributions unless specifically exempted from registration.

WRITTEN CONTRACT: There must be a written contract between a professional fundraising counsel and a charitable organization which must be signed by two authorized officials of the charitable organization, one of whom must be a member of the organization's governing body, and the authorized contracting officer for the professional fundraising counsel. Any addendum to a contract not specifically referenced in a contract must also contain the necessary signatures. A contract must be filed with the Bureau no less than ten working days prior to the performance by the professional fundraising counsel of any service with respect to the charitable organization's solicitation of contributions from Pennsylvania residents. A contract filed with the Bureau that cannot be approved is not considered filed. You may need to amend the date services are to commence for any contract not able to be approved by the Bureau since the contract must be re-filed at least ten working days prior to any services. A contract or any addendum to a contract must be re-signed by the required individuals if changes are made to the contract or the addendum.

WRITTEN CONTRACT EXTENSIONS: A professional fundraising counsel wishing to extend a contract must file a copy of the contract extension containing the required signatures with the Bureau at least ten working days prior to the contract's termination date. Any extension that is entered into after a contract's termination date will not be approved and a new written contract would be required. No services may occur beyond the contract termination date unless the extension for the contract has been approved by the Bureau. It is not necessary to re-file the contract. The extension must state the date services are to commence, resume or continue. To be considered an extension, the agreement extending a contract must be executed prior to expiration of the original contract.

REVIEW OF REGISTRATION STATEMENT AND WRITTEN CONTRACT: The Bureau must examine each registration statement filed and determine whether the registration statement contains the required information. If the Bureau determines that the requirements are not satisfied, the Bureau must give notice within fifteen working days of its receipt of the registration statement; otherwise the registration statement is deemed to be approved. The Bureau must examine each contract filed to determine whether the contract contains all required information (refer to "Fundraising Counsel Written Contract Instructions" available from our Web site or §162.8 (d) of The Solicitation of Funds for Charitable Purposes Act 10 P.S. § 162.1 et seq.) If the Bureau determines that the contract requirements are not satisfied, the Bureau must give notice within ten working days of its receipt of a contract; otherwise the contract is deemed to be approved. If an organization does not receive a response to a filing by either receiving a certificate from the Bureau certifying that the registration statement and/or contract has been approved or notice that the registration statement and/or contract cannot be approved then the organization should contact the Bureau to inquire as to the status of the filing.

Visit our Web site at: www.dos.pa.gov/charities

CERTIFICATES OF REGISTRATION: A Certificate of Registration is sent to the professional fundraising counsel upon approval of a registration and each registration is valid for one year from the date of its approval or one year from the date of any prior registration that is still in effect. Registration may be renewed for additional one-year periods upon filing a new registration statement and a \$250 fee. A Certificate of Contract Registration is sent to the professional fundraising counsel upon approval of a contract and contains an expiration date which corresponds to the termination date for the contract provided the contract contains a termination date.

REQUIRED DISCLOSURE STATEMENT: The following statement must be conspicuously printed **verbatim** on any written solicitation, written confirmation, receipt and reminder of a contribution made pursuant to an oral solicitation:

The official registration and financial information of [insert the legal name of your charitable organization as registered with the Bureau] may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.