

## OFFICE OF CHARITABLE AND REGULATORY PROGRAMS

### Charitable Solicitations – Frequently Asked Questions

#### Important definitions:

**“Charitable organization”** means any person that is or holds itself out to be organized or operated for any charitable purpose, or any person that solicits or obtains contributions solicited from the public. Charitable organization **does not 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.

**“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 that 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.

#### Frequently Asked Questions:

##### 1. Does my organization have to register?

Every charitable organization (not required to be non-profit), except as otherwise provided in the definition of “charitable organization,” 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 Office of Charitable and Regulatory Programs (OCRP).

## **2. What if my organization's financial statements are not going to be ready by our renewal date?**

If the organization's financial statements are not going to be completed in time to file the renewal registration on or before the renewal date, the organization may request an extension of time to file. **To request an extension**, a written request may be submitted by fax to 804.225.2666, submitted by email to [ocarpunit.vdacs@vdacs.virginia.gov](mailto:ocarpunit.vdacs@vdacs.virginia.gov), or mailed to the office (must be postmarked on or before renewal date). If the organization's file is up to date prior to the request, the request will be granted.

## **3. Should we file on the Form 100 or the Form 102?**

It is important for each organization to first review the Form 100 to determine if the organization's entire activities fits under one of the exemption categories. If the organization finds an exemption that it feels qualified for, the organization should complete and file the Form 100. If it is determined the organization does not qualify for the exemption from filing, the organization would then be required to file using the Form 102.

If after reviewing the Form 100, the organization recognizes they do not qualify for any of the exemption categories, the organization should file the Form 102.

## **4. Does the registration to solicit have to be renewed?**

If the organization filed on the Form 100 and was granted an exemption to the filing requirements, the registration does not have to be renewed. If the organization filed on the Form 102, a yearly renewal is required.

## **5. How do we know when our renewal is due?**

The registration is due on or before the 15<sup>th</sup> day of the 5<sup>th</sup> calendar month of the next fiscal year. Example: If the organization's fiscal year end is December 31<sup>st</sup>, the renewal registration is due on or before May 15<sup>th</sup> of the following year.

## **6. We have someone asking for proof of our registration with OCRP. Is there a way for us to find this if we've misplaced our letter from OCRP granting our registration?**

By using the Charitable Organization Registration Search function located under the Charitable Solicitation section on the VDACS website, anyone can search to determine the registration status of any organization registered with OCRP. The public search is located at: [http://cos.va-vdacs.com/cgi-bin/char\\_search.cgi](http://cos.va-vdacs.com/cgi-bin/char_search.cgi)

## **7. We'd like to overnight our registration materials to ensure receipt by OCRP by our renewal date so we won't be charged late fees. What street address should be used?**

As long as the registration packet is **postmarked** on or before the renewal date, no late fees will be incurred. If the organization feels it necessary to spend extra to overnight the materials, the following street address should be used: **VDACS, Office of Charitable and Regulatory Programs, 102 Governor Street, Lower Level, Richmond VA 23219.**