

This document provides instructions for completion and filing of an application for license to solicit contributions as a charitable or sponsor organization in North Carolina. Only documents named on the application form and/or included in these instructions must be submitted with the application to fulfill all license requirements. The application form may be accessed online and downloaded for completion in MS Word at: <http://www.secretary.state.nc.us/csl/Download.aspx>.

General Instructions for assembling your application packet:

The Department scans all license applications and attachments into electronic format for public access via the Department's website.

Please follow these general instructions to expedite application processing:

1. Do not staple or bind your application materials together.
2. Remove the binding for bound attachments (e.g., audit documents, annual reports, Form 990), or submit a scan-ready copy of these documents.
3. Submit your application and attachments on "letter" size (8.5" x 11") white paper in single-side (simplex) format if possible.
4. Type or clearly print in black or blue ink responses in the spaces provided.
5. If answer(s) require more space than the form permits, provide one (1) comprehensive attachment to this document. Identify individual responses with the corresponding item number(s) provided on this form.
6. You must provide a response to each question except (1) when specifically instructed to skip an item, or (2) the item is marked as optional on the form.

Instructions for Individual Line Items:

Item 1. Is this applicant submitting an initial or renewal charitable solicitation license application?

Check the "Initial Application" box if the applicant has never before been granted a charitable solicitation license in North Carolina.

Check the "Renewal Application" box if the applicant has previously been granted a charitable solicitation license in North Carolina.

Item 2. N.C. Charitable Solicitation License Number (**Renewal applicants only**)

State charitable or sponsor organization license number previously assigned by the Department (if known). This number may be found on the applicant's previously issued charitable solicitation license. The number will be formatted as "SL_____". If the number is unknown, leave blank.

Item 3. Legal Name of Applicant Organization – N.C.G.S. §131F-6(a)(1)

State the applicant's full legal name. Submit any acronyms in parentheses only after first providing the full legal name.

If the applicant's legal name has changed, submit a copy of the document making the legal name change.

Item 4. Principal street address – N.C.G.S. §131F-6(a)(2)

State the applicant's complete **street** address with sufficient detail to enable delivery of certified mail. A Post Office Box address is not acceptable.

Item 5. City, State, Zip Code - N.C.G.S. §131F-6(a)(2)

State the applicant's city, state, and zip code for its principal street address with sufficient detail to enable delivery of certified mail.

Item 6. Mailing Address

State the applicant's preferred mailing address including full address, city, state, and zip code with sufficient detail to enable delivery of certified mail if it differs from the principal street address provided in Item 4. **An applicant's third party filer's mailing address may not be listed here.**

Item 7. Telephone number – N.C.G.S. §131F-6(a)(2)

State the applicant's telephone number including area code.

Item 8. Email address (optional) MUST NOT BE THIRD PARTY E-MAIL ADDRESS

State a contact email address for applicant. This is optional and will assist the Department in contacting you more efficiently.

Item 9. Website (optional)

State the applicant's website address.

Item 10. List all other NC locations - N.C.G.S. §131F-6(a)(2)

Provide a complete list of any and all additional NC office locations including the full street address, city, state, zip code with sufficient detail to enable delivery of certified mail. Provide the telephone number including area code of applicant's other office location(s) in North Carolina.

Item 11. Charitable purpose for which applicant is organized - N.C.G.S. §131F-6(a)(1)

State the specific charitable or benevolent purpose(s) of the applicant.

Item 12. Charitable purpose for which solicited contributions will be used by applicant - N.C.G.S. §131F-6(a)(1)

State the specific charitable or benevolent purpose(s) for which the applicant will use solicited monetary, in-kind, or other contributions.

Item 13. Major program activities of applicant – N.C.G.S. §131F-6(a)(5)

State the applicant's major program activities conducted to support the applicant's charitable purpose.

Item 14. Applicant's Fiscal Year End Date: N.C.G.S. §131F-6(a)(4)

State the month and day that marks the end of the applicant's fiscal year.

Item 15. Has applicant received a federal tax exemption determination letter? - N.C.G.S. §131F-6(a)(14)

Check "Yes" if the applicant has received a letter from the Internal Revenue Service (IRS) stating the organization is exempt from federal income taxation.

Applicant must provide a copy of its IRS tax exemption determination letter to the Department with this application or upon receipt to obtain a "Tax Exempt" charitable solicitation license. Once submitted, the Department will keep the applicant's letter on file.

Check "No" if the applicant has not received a letter from the IRS stating the organization is exempt from federal income taxation.

Applicants that have been denied exemption or have not been determined exempt from federal income taxation may still obtain a charitable solicitation license but will be licensed as a "Non Tax Exempt Entity".

18 NCAC 11 .0305(e) provides that a charitable organization or sponsor which elects not to file for IRS Tax Exempt Determination may be licensed as a "Non Tax Exempt Entity" provided it meets all other requirements for licensure. In addition, the charitable organization or sponsor shall provide disclosure in its solicitations that the charitable organization or sponsor is a non tax exempt entity and that donations are not tax deductible.

Item 16. Applicant's State of Establishment; Applicant's Date of Establishment - N.C.G.S. §131F-6(a)(12)(c)

Provide the name of the state where applicant was established and the month, day, and year on which applicant was established as a charitable or sponsor organization.

If applicant is NOT incorporated in NC, provide **either** of the following documents:

1. Certificate of Existence or Certificate of Good Standing from state of incorporation dated no more than six months prior to date of signing of application to verify the entity's current legal existence, **or**
2. Actual webpage screenshot found on a publicly accessible regulatory authority website dated no more than thirty (30) days prior to the date the license application was signed that includes the following elements:

- Exact name of the entity as it appears on the license application; and
- Language clearly verifying its status as a corporation in good standing in the state of incorporation (i.e. "current" or "active"); and
- Date the information was printed on the face of the document.

If applicant is NOT incorporated in any state, provide copy of stamped "Certificate of Assumed Name" or "Certificate of Doing Business" filed with local Register of Deeds to verify the applicant's current legal authorization to use this name in the course of business.

The following Items (17-22) must be included with your application package as an attachment:

Item 17. List of all names used by applicant in the solicitation of contributions. All names must be legally registered and documentation of legal registration of all names in state where registered must be filed with application. - N.C.G.S. §131F-6

This list should include all names other than the applicant's legal name which the applicant intends to use in the solicitation of contributions in North Carolina.

Provide copy(ies) of stamped "Certificate of Assumed Name" or "Certificate of Doing Business" filed with local Register of Deeds in the state where the name is registered to verify the entity's current legal authority to use name(s) other than the applicant's legal name in the course of soliciting contributions.

Item 18. List of all states where applicant is authorized to solicit contributions. - N.C.G.S. §131F-6(a)(12)(a.)

Provide list with name of all other states where applicant is licensed, registered, authorized, or allowed to solicit contributions.

Item 19. List of names and street addresses of directors, officers, trustees, and salaried executive personnel for the current fiscal year. (The applicant's street address may be used.) - N.C.G.S. §131F-6(a)(3)

Provide list of names and street addresses including city, state, and zip code for all individuals serving applicant as directors, officers, trustees, and salaried executive personnel in the current fiscal year. The applicant's street address may be used in this list in lieu of an individual person's residence address.

Item 20. List of names of individuals or officers in charge of any solicitation activities. - N.C.G.S. §131F-6(a)(7)

Provide list of name(s) of all person(s) with responsibility for applicant's solicitation activities.

Item 21. List of names, street addresses, and telephone numbers of individuals or officers who have final responsibility for custody and/or final distribution of contributions. - N.C.G.S. §131F-6(a)(6)

Provide list of names, street addresses including city, state, and zip code, and telephone number including area code of all persons who have final responsibility for custody of contributions and/or final distribution of contributions. A street address with sufficient detail to enable delivery of certified mail to each individual must be provided. The address of the applicant may be used.

Item 22. Name, street address, and telephone number of individual who has custody of applicant's financial records (if applicant does not maintain an office in North Carolina). - N.C.G.S. §131F-6(a)(2)

Provide the name of the individual, street address including city, state, and zip code, and telephone number including area code of person who has custody of applicant's financial records if the applicant does not maintain an office in the state of North Carolina. A street address with sufficient detail to enable delivery of certified mail must be provided.

Item 23. Financial Information: Include with the application at least one of the following documents with financial information for the immediate preceding fiscal year. - N.C.G.S § 131F-6(a)(8)(9)(10) & N.C.G.S § 131F-6(a)(11)

Check the corresponding box indicating the format of financial information applicant is providing with this application.

Financial information must be provided for the immediate preceding fiscal year unless otherwise specified.

Option 1:

IRS Form 990 (must include Schedule A) or 990-EZ dated and signed by an officer or an authorized official of applicant

A copy of the IRS Form 990 including Schedule A or copy of the IRS Form 990EZ for the immediate preceding fiscal year as submitted to the Internal Revenue Service that includes the dated signature of applicant's authorized official.

Option 2: Audited Financial Statement

The audited financial statement must cover the immediate preceding fiscal year. The audit must include a statement of revenue and expenses, statement of assets and liabilities, and contributions received by applicant. Applicant's audit report must be signed by the certified public accountant (CPA) that prepared the audit.

Option 3: NC Annual Financial Report Form (available for downloading at www.secretary.state.nc.us/csl/Download.aspx)

This form is provided by the Department and may be used by applicants who may not have their IRS Form 990 for the immediate preceding year available at the time of filing of this application.

Three members of the applicant's board of directors, audit committee, or finance committee must sign the completed form.

Option 4: Newly established applicants with no financial history

Newly established applicants with no financial history must provide a proposed budget including projected revenues and expenses for

the current fiscal year.

Item 24. Contract(s) information: Does applicant have any contract(s) with any person who qualifies as a fundraising consultant, solicitor, or coventurer that is currently active or has ended within the immediate preceding fiscal year? - N.C.G.S. §131F-6(a)(13)

A **fundraising consultant** means any person who meets all of the following:

- a. Is retained by a charitable organization or sponsor for a fixed fee or rate under a written agreement to plan, manage, conduct, consult, or prepare material for the solicitation of contributions in this State; and
- b. Does not solicit contributions or employ, procure, or engage any person to solicit contributions; and
- c. Does not at any time have custody or control of contributions.

A **solicitor** means any person who, for compensation, does not qualify as a fundraising consultant and does either of the following:

- a. Performs any service, including the employment or engagement of other persons or services, to solicit contributions for a charitable organization or sponsor.
- b. Plans, conducts, manages, consults, whether directly or indirectly, in connection with the solicitation of contributions for a charitable organization or sponsor.

A **coventurer** means any person who, for compensation, conducts a charitable sales promotion or a sponsor sales promotion, other than in connection with the solicitation of contributions.

Check "Yes" if applicant currently has a contract(s) or had a contract in the immediate preceding year with any fundraising consultant(s), solicitor(s), or coventurer(s).

Attach a completed NC Fundraising Disclosure Form (available at www.secretary.state.nc.us/csl/Download.aspx) **for each contract** applicant has with fundraising consultant(s), solicitor(s), or coventurer(s). Copies of the applicant's contract(s) with these entities **do not** need to be submitted.

Check "No" if applicant does not have a contract with any fundraising consultant, solicitor, or coventurer.

Item 25. Consolidated Application information: Is applicant applying as a parent organization for one or more subordinate organization(s) (chapter, branch, member, or affiliate) located in North Carolina? - N.C.G.S. §131F-7

Check "Yes" if applicant is filing a consolidated application for a parent organization and one or more chapters, branches, members or affiliates located in North Carolina.

If "Yes", attach a list of applicant's subordinate organization(s)(chapters, branches, members or affiliates) including the following: (1) group's full legal name, (2) For non-incorporated applicants, copy of stamped certificate of "doing business as" or "assumed name" filed with local Register of Deeds; (3) address for each NC location, (4) contact person at each NC location, and (5) telephone number for each NC location.

If "Yes", attach appropriate parent and subordinate organization(s) financial information in accordance with instructions in Question 23.

Check "No" if applicant is not filing a consolidated application for a parent organization and one or more chapters, branches, members or affiliates located in North Carolina.

Item 26. Federated Fund-Raising Organization information: Is applicant a United Way, United Arts Fund, community chest, or other federation of independent charitable organizations which have voluntarily joined together for the purpose of raising and distributing contributions and where membership does not confer operating authority and control of the individual group organization upon the federated group organization? – 18 NCAC 11.0308

Check "Yes" if applicant is a federated fundraising organization.

If "Yes", attach a list of applicant's member agencies that complies with the following requirements:

A. For each NC member agency exempt from license requirements, provide the following information:

1. Agency name; and
2. Why the agency is exempt (a statutory cite is sufficient); and
3. Amount allocated by the applicant to the member agency during the immediate preceding fiscal year.

B. For each NC member agency subject to license requirements, provide the following information:

1. Agency charitable solicitation license number assigned by the Department; and
2. Agency name; and
3. Agency address sufficient for delivery of certified mail; and
4. Name of the executive in charge of the member agency; and
5. Agency telephone number including area code; and
6. Amount allocated by the applicant to the licensed member agency during the immediate preceding fiscal year.

Check "No" applicant is not a federated fundraising organization.

Item 27. Does applicant compensate any officer, trustee, organizer, incorporators? - N.C.G.S. §131F-3(3)
(18 NCAC 11.0104(e) defines "compensation" as salaries, wages, fees, commissions, benefits, or any other remuneration or valuable consideration.)

Check "Yes" if applicant is compensating any officer, trustee, organizer, incorporator in the current fiscal year.

Check "No" if applicant is not compensating any officer, trustee, organizer, incorporator in the current fiscal year.

Item 28. Since your last application filing, has applicant or any of its officers, directors, trustees, or salaried executive personnel been enjoined from soliciting contributions in any jurisdiction? - N.C.G.S. §131F-6(a)(12)(b.)

Check "Yes" if any of applicant's officers, directors, trustees, or salaried executive personnel have been prohibited from soliciting contributions in any jurisdiction since filing of applicant's last application to solicit contributions in North Carolina.

If "Yes", attach an explanatory statement.

Check "No" if none of applicant's officers, directors, trustees, or salaried executive personnel have been enjoined or prohibited from soliciting contributions in any jurisdiction since filing of applicant's last application to solicit contributions in North Carolina.

Item 29. Since your last application filing, has applicant or any of its officers, directors, trustees, or salaried executive personnel been found to have engaged in unlawful practices in the solicitation of contributions or the administration of charitable assets in any jurisdiction? - N.C.G.S. §131F-6(a)(12)(b.)

Check "Yes" if any of applicant's officers, directors, trustees, or salaried executive personnel have been found to have engaged in unlawful practices in the solicitation of contributions or the administration of charitable assets in any jurisdiction.

If "Yes", attach an explanatory statement.

Check "No" if none of applicant's officers, directors, trustees, or salaried executive personnel has been found to have engaged in unlawful practices in the solicitation of contributions or the administration of charitable assets in any jurisdiction.

Item 30. Since your last application filing, has applicant had its authority denied, suspended, or revoked by any governmental agency? - N.C.G.S. §131F-6(a)(12)(c.)

Check "Yes" if applicant's authority to act has been denied, suspended, or revoked by any governmental agency since filing of applicant's last application to solicit contributions in North Carolina.

If "Yes", attach an explanatory statement including the reason(s) for each denial, suspension, or revocation.

Check "No" if applicant's authority to act has not been denied, suspended, or revoked by any governmental agency since filing of applicant's last application to solicit contributions in North Carolina.

Item 31. Since your last application filing, has applicant entered into any assurance of voluntary compliance or similar agreement in any jurisdiction? - N.C.G.S. §131F-6(a)(12)(d.)

Check "Yes" if applicant has entered into any assurance of voluntary compliance or similar agreement in any jurisdiction.

If "Yes", attach one (1) copy of each agreement.

Check "No" if applicant has not entered into any assurance of voluntary compliance or similar agreement in any jurisdiction.

Item 32. Calculation of License Fee: - N.C.G.S. §131F-8

Contribution means a promise, pledge, grant of any money or property, financial assistance, or any other thing of value in response to a solicitation. This includes in-kind contributions of goods or services.

"Contribution" includes, in the case of a charitable organization or sponsor offering a good or service to the public, the excess of the price at which the charitable organization or sponsor or any person acting on behalf of the charitable organization or sponsor sells the good or service to the public over the fair market value of the good or service.

"Contribution" does not include bona fide fees, dues, or assessments paid by members if the membership is not conferred solely as consideration for making a contribution in response to a solicitation.

"Contribution" does not include grants or awards applied for by a charitable or sponsor organization that are received from a government entity or an organization exempt from federal income taxation per §501(a) of the Internal Revenue Code and described in §501(c) of the Internal Revenue.

Based upon this definition of "contribution", what is the amount of N.C.G.S. §131F-2(5) contributions applicant received in immediate preceding fiscal year: \$ _____

License Fee Amounts:

(Note: If the applicant does not meet all the requirements under 131F-3(3) a license is required as well as a license fee)

If applicant received less than \$5,000 in contributions, there is no license fee.

If applicant is required to have a license and received \$5,000 but less than \$100,000 in immediate preceding fiscal year: **\$50.00**

If applicant received more than \$100,000, but less than \$200,000 in contributions in immediate preceding fiscal year: **\$100.00**

If applicant received more than \$200,000 in contributions in immediate preceding fiscal year: **\$200.00**

Calculated license fee amount based on \$ _____ in contributions received in immediate preceding fiscal year: \$ _____
(License Fee)

Calculation of Late Fee (Applicable only to renewal license applicants. Initial license applicants shall have no late fee.)

\$25.00 per month following expiration of last license or extension calculated on the fifteenth day of each month past the due date
_____ months late renewal x \$25.00 per month + \$ _____
(Late Fee)

Applicant's total fee amount to be remitted with application: \$ _____

MAKE CHECK PAYABLE TO: NORTH CAROLINA DEPARTMENT OF THE SECRETARY OF STATE

Item 33. Applicant Signature - N.C.G.S. §131F-6(a)

Applicant's Treasurer or Chief Financial Officer (CFO) shall sign the application in the presence of a Notary Public who has administered the following oath:

"I swear or affirm that I am the **Treasurer or Chief Fiscal Officer (CFO)** of the applicant charitable or sponsor organization, and that the information furnished in this application and all supplemental forms, reports, documents, and attachments are true and correct to the best of my knowledge under penalty of perjury. "

Applicant's Treasurer or Chief Fiscal Officer shall print his name and title and sign the application in the presence of a Notary Public.

Following administration of the above oath and signing by the Treasurer or Chief Fiscal Officer, Notary Public shall complete the Notarization section including the county and state where applicant is signing the application, current date, Notary Public's printed name, signature, date of expiration of Notary Public's commission, and application of Notary seal.

Item 34. Third Party Filer Contact Information (optional)

State contact information of applicant's third party filer including name, street address, city, state, zip code, phone number, and email address of third party filer filing application on behalf of applicant. Please note, the Department sends correspondence regarding a filing, questions about a filing, requests for additional information, renewal information, etc. to the Applicant contact on file, not to Third Party Filers.