



State of Utah

DEPARTMENT OF COMMERCE
DIVISION OF CONSUMER PROTECTION

**PROFESSIONAL FUND RAISER,
PROFESSIONAL FUND RAISING
COUNSEL/CONSULTANT
REGISTRATION APPLICATION FORM**

Annual Application fee: \$250.00 (Non-refundable)

Name of Professional Fundraising Company (Applicant)

Date of Application

OFFICE USE ONLY	
Date Issued:	_____
Permit Number:	_____
Approved:	_____
Denied:	_____
Expiration:	_____

Please mark the appropriate box:

- INITIAL APPLICATION RENEWAL APPLICATION

Please indicate the type of application:

- PROFESSIONAL FUND RAISER
 PROFESSIONAL FUND RAISING COUNSEL/CONSULTANT

Important notice regarding business confidentiality claims pursuant to the Government Records

Access and Management Act: If you wish to make a claim of business confidentiality with respect to any information in this application or with respect to records you provide to the Division, please be aware of the following law: "Any person who provides to a governmental entity a record that the person believes should be protected under 63G-2-305(1) [trade secrets] or (2) [commercial information or nonindividual financial information] or both Subsections 63G-2-305(1) and (2) shall provide with the record: (A) a written claim of business confidentiality; and (B) a concise statement of reasons supporting the claim of business confidentiality."

If you have any questions, please contact the Division at (801) 530-6601.

Please make application fee check or money order payable to the **State of Utah**.

Please return the completed application form and check or money order to:

Department of Commerce
Division of Consumer Protection
160 East 300 South
Box 146704
Salt Lake City, Utah 84114-6704

July 2018

NOTE: This registration is effective for one year.

PART I: APPLICANT'S IDENTIFICATION

1. Name of Professional Fund Raiser (PFR) or Professional Fund Raising Counsel or Consultant (PFC):

2. Other names that applicant uses: _____

3. PFR/PFC information:

A. Physical street address: _____

City/State/Zip: _____

Telephone number: _____ Facsimile number: _____

Email address: _____

B. Mailing address: _____

City/State/Zip: _____

C. Website or web address homepage: _____

D. Contact person information (all correspondence will be addressed to the individual listed):

Name: _____

Mailing address: _____

City/State/Zip: _____

Telephone number: _____ Facsimile number: _____

Email address: _____

PART II: ORGANIZATION

1. Are there any organizations or persons controlled by, controlling or affiliated with the applicant?

YES

NO

If "yes", complete the following information. If "no", continue to number 2.

The name and address of any organization or person controlled by, controlling, or affiliated with the applicant:

Name: _____

Mailing address: _____

City/State/Zip: _____

Telephone number: _____ Facsimile number: _____

Email address: _____

2. List the applicant's business, occupation, or employment for the three (3) year period immediately preceding the date of this application.

3. Indicate the applicant's entity type:

Individual Partnership Association Limited Liability Company
 Corporation Joint Venture Other _____

Exhibit A: Attach a copy of the applicant's articles of incorporation or other organizational documentation showing current legal status. (Initial Application)

Exhibit B: Attach a copy of the applicant's current by-laws or other policies and procedures governing day-to-day operations. (Initial Application)

4. List the name, address, and telephone number of each of the applicant's or registrant's board of directors and officers:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
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5. Provide the following information for applicant's registered agent for service of process within the State of Utah:

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone number: _____ Facsimile number: _____

PART III: CHARITABLE ORGANIZATIONS

1. Provide the following information for each charitable organization that will utilize the applicant's services during the application period:

Name

Name

Address

Address

City State Zip Code
Contract effective date: _____
Contract expiration date: _____

City State Zip Code
Contract effective date: _____
Contract expiration date: _____

Name

Name

Address

Address

City State Zip Code
Contract effective date: _____
Contract expiration date: _____

City State Zip Code
Contract effective date: _____
Contract expiration date: _____

Name

Name

Address

Address

City State Zip Code
Contract effective date: _____
Contract expiration date: _____

City State Zip Code
Contract effective date: _____
Contract expiration date: _____

Name

Name

Address

Address

City State Zip Code
Contract effective date: _____
Contract expiration date: _____

City State Zip Code
Contract effective date: _____
Contract expiration date: _____

2. The Charitable Solicitations Act requires a copy of any written agreements with any charitable organization and a copy of all agreements to which the applicant is, or proposes to be, a party regarding the use of proceeds be included with the application. Utah Code §§ 13-22-9(1)(b)(x), (xii). For more information regarding the contracts and agreements between a charitable organization and a PFR or PFC, please see the Charitable Solicitations Act Rule, Utah Admin. Code R152-22-6.

Exhibit C: Please attach a copy of all contract agreements with each charitable organization using the applicant's services, and a copy of all agreements to which the applicant is, or proposes to be, a party regarding the use of proceeds.

Note:

- Renewal applications should include copies of current contracts.
- Applicants that provide services only through online or web-based software may submit a copy of the terms and conditions that all users must agree to along with evidence demonstrating that a user accepted the terms and conditions.

PART IV: PROFESSIONAL FUND RAISER

1. The Charitable Solicitations Act, Utah Code § 13-22-2(12), defines a professional fund raiser as a person who:
 - (i) for compensation or any other consideration, for or on behalf of a charitable organization or any other person, solicits contributions or promotes or sponsors the solicitation of contributions;
 - (ii) for compensation or any other consideration plans, manages, counsels, consults, or prepares material for, or with respect to the solicitation of contributions for a charitable organization or any other person and at any time has custody of a contribution for the charitable organization;
 - (iii) engages in, or represents being independently engaged in, the business of soliciting contributions for a charitable organization;
 - (iv) manages, supervises, or trains any solicitor whether as an employee or otherwise; or
 - (v) uses a vending device or vending device decal for financial or other consideration that implies a solicitation of contributions or donations for any charitable organization or charitable purpose.

A professional fund raiser does not include:

- (i) an individual acting in the individual's capacity as a bona fide officer, director, volunteer, or full-time employee of a charitable organization;
- (ii) an attorney, investment counselor, or banker who, in the conduct of that person's profession, advises a client regarding legal, investment, or financial advice; or
- (iii) a person who tangentially prepares materials, including a person who makes copies, cuts or folds flyers, or creates a graphic design or other artwork without providing strategic or campaign-related input.

Is the applicant a professional fund raiser? YES NO

If no, please proceed to Part V of the application.

2. Exhibit D: Please attach the following information for each charitable organization identified in Part III of this application:
 - A. State the purpose of the solicitation and use of the contributions to be solicited.
 - B. List the method by which the solicitation will be conducted and the projected length of time it is to be conducted.

- C. Provide the anticipated expenses of the solicitation, including all commissions, costs of collection, salaries, and any other items.
 - D. A statement of what percentage of the contributions collected as a result of the solicitation are projected to remain available to the charitable organization declared in the application, including a satisfactory statement of the factual basis for the projected percentage and projected anticipated revenues provided to the charitable organization, and if a flat fee is charged, documentation to support the reasonableness of the flat fee.
 - E. A statement of total contributions collected or received by the professional fund raiser within the calendar year immediately preceding the date of the application, including a description of the expenditures made from or the use made of the contributions.
3. If this is an initial application or a renewal application of the applicant has let its permit expire, has the applicant conducted activities regulated by the Charitable Solicitations Act, Utah Code § 13-22 *et seq.*, without being duly registered with the Division?

This includes making or facilitating a solicitation either directed toward the state or originating from the state, or maintaining a place of business in the state or employing an individual located in the state. *See* Utah Code § 13-22-5(3).

YES NO

Exhibit D2: If “yes,” please attach a statement explaining in detail, including the name of the charitable organization, the dates involved, and the method of the solicitation.

PART V: PROFESSIONAL FUND RAISING COUNSEL OR CONSULTANT

1. The Charitable Solicitations Act, Utah Code § 13-22-2(13), defines a professional fund raising counsel or consultant as a person who:
- (i) for compensation or any other consideration, plans, manages, counsels, consults, or prepares material for, or with respect to, the solicitation of contributions for a charitable organization or any other person;
 - (ii) does not solicit contributions;
 - (iii) does not at any time have custody of a contribution from solicitation; and
 - (iv) does not employ, procure, or engage any compensated person to solicit or receive contributions.

A professional fund raising counsel or consultant does not include:

- (i) an individual acting in the individual’s capacity as a bona fide officer, director, volunteer, or full-time employee of a charitable organization;
- (ii) an attorney, investment counselor, or banker who, in the conduct of that person’s profession, advises a client regarding legal, investment, or financial advice; or
- (iii) a person who tangentially prepares materials, including a person who makes copies, cuts or folds flyers, or creates a graphic design or other artwork without providing strategic or campaign-related input.

Is the applicant a professional fund raising counsel or consultant? YES NO

If no, please complete Part IV of the application.

2. Exhibit E: Please attach the following information for each charitable organization identified in Part III of this application:

- A. The purpose of the professional fund raising counsel's or consultant's services, and use of the contributions solicited;
 - B. The method by which the professional fund raising counsel's or consultant's services will be organized or coordinated and the projected length of time of the solicitation;
 - C. The anticipated expenses of the professional fund raising counsel's or consultant's services, including all commissions, costs of collection, salaries, and any other items;
 - D. A statement of total fees to be earned or received from the charitable organization declared in the application, and the percentage of the contributions collected as a result of the professional fund raising counsel's or consultant's services that are projected, after deducting the total fees to be earned or received, to remain available to the charitable organization declared in the application. The statement must include a satisfactory statement of the factual basis for the projected percentage and projected anticipated revenues provided to the charitable organization, and if a flat fee is charged, documentation to support the reasonableness of such flat fee; and
 - E. A statement of total net fees earned or received within the calendar year immediately preceding the date of the application, including a description of the expenditures made from, or the use of, the net earned or received fees in the execution of the professional fund raising counsel's or consultant's services and use of the contributions solicited for the charitable organization.
3. If this is an initial application or a renewal application of the applicant has let its permit expire, has the applicant conducted activities regulated by the Charitable Solicitations Act, Utah Code § 13-22 *et seq.*, without being duly registered with the Division?

This includes the applicant maintaining a place of business in Utah, employing an individual located in Utah, or providing any service of a professional fund raising counsel or consultant to or for a charitable organization, or any other person, over which Utah has general jurisdiction. *See Utah Code § 13-22-5(4).*

YES NO

Exhibit E2: If "yes," please attach a statement explaining in detail, including the name of the charitable organization, the dates involved, and the method of the solicitation.

PART VI: DISCLOSURE OF INJUNCTIONS, ORDERS, AND CONVICTIONS

1. Has the applicant, registrant, or any officer, director, manager, operator, principal, agent or employee of the applicant or registrant been enjoined by any court, or been the subject of an administrative order in this or another state, where the injunction or order included a finding or admission of fraud, breach of fiduciary duty, material misrepresentation, or was based on a finding of lack of integrity, truthfulness, or mental competence?

YES NO

If "yes," please explain in detail including the nature of the proceeding, date, location and status.

Exhibit F: Please provide a copy of the injunction or order with this application.

2. Has any officer, director, manager, operator, principal, agent, or employee of the applicant or registrant been convicted of any crime involving moral turpitude?

YES NO

If "yes," please explain in detail including the nature of the proceeding, date, location, sentence and status.

Exhibit G: Please provide a copy of the order with this application.

PART VII: ACKNOWLEDGEMENT

Please carefully read and initial each statement. Please sign below in acknowledgement.

1. _____ If any information contained in the application becomes incorrect or incomplete, the applicant shall, within 30 days after the information becomes incorrect or incomplete, correct the application or file the complete information required by the Division.
2. _____ Fund raising in the State of Utah will not commence until the charitable organization, and its parent foundation, if any, are registered and in compliance with the Charitable Solicitations Act.
3. _____ Fund raising in the State of Utah will not commence until the professional fund raiser or professional fund raising counsel or consultant are registered and in compliance with the Charitable Solicitations Act.
4. _____ In addition to the permit fee, an applicant failing to file a permit application or renewal by the due date or filing an incomplete permit application or renewal shall pay an additional fee of \$25 for each month or part of a month after the date on which the permit application or renewal were due to be filed.

DATE: _____ **SIGNATURE:** _____

Printed Name / Title: _____

PART VIII: ACKNOWLEDGEMENT / SIGNATURE

By signing this application, the professional fund raiser or professional fund raising counsel or consultant:

- Affirms that this application is complete and not misleading
- Affirms that the professional fund raiser or professional fund raising counsel or consultant is in compliance with the Charitable Solicitations Act.

DATE: _____ **SIGNATURE:** _____

Printed Name / Title: _____

FAILURE TO PROVIDE THE REQUIRED DOCUMENTS WILL RESULT IN AN INCOMPLETE APPLICATION AND MAY INCREASE PROCESSING TIME. FAILURE TO RESPOND TO AN INCOMPLETE LETTER MAY RESULT IN DENIAL OF THE APPLICATION.

DOCUMENT CHECKLIST

INCLUDE WITH THE APPLICATION:

- Exhibit A: Attach a copy of the applicant's articles of incorporation or other organizational documentation showing current legal status. (Initial Application)
- Exhibit B: Attach a copy of the applicant's current by-laws or other policies and procedures governing day-to-day operations. (Initial Application)
- Exhibit C: Please attach a copy of all contract agreements with each charitable organization using the applicant's services.
- Exhibit D: If a PFR, please attach the information listed on pages 5 and 6 of the application for each charitable organization listed in Part III of the application.
- Exhibit D2: If applicable, please attach a statement explaining the solicitations conducted without a permit.
- Exhibit E: If a PFC, please attach the information listed on pages 6 and 7 of the application for each charitable organization listed in Part III of the application.
- Exhibit E2: If applicable, please attach a statement explaining the solicitations conducted without a permit.
- Exhibit F: If applicable, please provide a copy of the injunction or administrative order.
- Exhibit G: If applicable, please provide a copy of the order with this application.

EXHIBIT D

STATE OF UTAH – DIVISION OF CONSUMER PROTECTION PROFESSIONAL FUND RAISER APPLICATION SUPPLEMENT

Professional Fund Raiser: This form is for Part IV, Exhibit D of the application. The following information must be provided for each charitable organization utilizing the services of the applicant.

Name of Professional Fundraising Company: _____

Name of Charitable Organization: _____

A. The purpose of the solicitation and use of the contributions to be solicited:

B. List the method by which the solicitation will be conducted and the projected length of time it is to be conducted:

Method of Solicitation	Projected Length of Time
_____	_____
_____	_____
_____	_____

C. Provide the anticipated expenses of the solicitation, including all commissions, costs of collection, salaries, and any other items:

Cost of collection	\$ _____
Salaries	\$ _____
Commissions	\$ _____
Other expenses _____	\$ _____
Total anticipated expenses	\$ _____

D. Provide a statement of what percentage of the contributions collected as a result of the solicitation are projected to remain available to the charitable organization. Please including a satisfactory statement of the factual basis for the projected percentage and projected anticipated revenues provided to the charitable organization, and if a flat fee is charged, documentation to support the reasonableness of the flat fee:

- Percentage of total contributions projected to remain available to the charitable organization: _____
- Factual basis for projected percentage: _____
- Anticipated revenues provided to the charitable organization: _____
- Is a flat fee being charged? _____. If yes, please attach documentation to support the reasonableness of the flat fee.

E. A statement of total contributions collected or received by the professional fund raiser within the calendar year immediately preceding the date of the application, including a description of the expenditures made from or the use made of the contributions:

Total Contributions \$ _____
Description of the expenditures: _____

EXHIBIT E

STATE OF UTAH – DIVISION OF CONSUMER PROTECTION PROFESSIONAL FUND RAISING COUNSEL OR CONSULTANT APPLICATION SUPPLEMENT

Professional Fund Raising Counsel or Consultant: This form is for Part V, Exhibit E of the application. The following information must be provided for each charitable organization utilizing the services of the applicant.

Name of Professional Fundraising Company: _____

Name of Charitable Organization: _____

A. The purpose of the plan, management, advice, counsel or preparation of materials for, or respect to the solicitation and use of the contributions solicited: _____

B. The method by which the plan, management, advice, counsel, or preparation of materials for, or respect to the solicitation will be organized or coordinated and the projected length of time of the solicitation:

Method	Projected Length of Time
_____	_____
_____	_____
_____	_____

C. Provide the anticipated expenses of the plan, management, advice, counsel, or preparation of materials for, or respect to the solicitation, including all commissions, costs of collection, salaries, and any other items;

Cost of collection	\$ _____
Salaries	\$ _____
Commissions	\$ _____
Other expenses _____	\$ _____
Total anticipated expenses	\$ _____

D. Provide the following information regarding the result of the plan, management, advice, counsel, or preparation of materials for, or respect to the solicitation:

- Percentage of total fees projected to be earned or received from the charitable organization: _____
- Percentage of the contributions collected projected to remain available to the charitable organization: _____
- Satisfactory statement of the factual basis for the projected percentage and projected anticipated revenues provided to the charitable organization: _____
- Is a flat fee being charged? _____. If yes, please attach documentation to support the reasonableness of the flat fee.

E. Provide a statement of total net fees earned or received within the calendar year immediately preceding the date of the application. Include a description of the expenditures made from or the use of the net earned or received fees in the planning, management, advising, counseling, or preparation of materials for, or respect to the solicitation and use of the contributions solicited for the charitable organization.

Total Net Fees \$ _____

Description of the expenditures: _____

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT D2

EXHIBIT E

EXHIBIT E2

EXHIBIT F

EXHIBIT G