

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

FILED  
1990 OCT -5 AM 10:31

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Secretary of State TITLE NUMBER: 153

CITE AUTHORITY: § 29-19-3(c), 29-19-5(a) and (c), 29-19-8, 29-19-15(d)

RULE TYPE: PROCEDURAL 29-19-9 and 29A-1-2(c) INTERPRETIVE X

EXEMPT LEGISLATIVE RULE \_\_\_\_\_  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: Submission of Other Documents for  
Approval to Solicit Contributions for Charitable Organizations

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS November 3, 1990

*Ken Hechler*

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

ROBERT E. WILKINSON  
Deputy Secretary of State

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Director, Corporations

SHEREE COHEN  
Special Assistant

(Plus all the volunteer  
help we can get)

M E M O R A N D U M

TO: Judy Cooper

FROM: Bob Wilkinson *Bob*

SUBJECT: Final Adoption of the Proposed Rules  
for 153 CSR 7

DATE: October 5, 1990

I have attached a copy of the proposed rule for 153 CSR 7 that was filed on August 21, 1990. We received no comments on this proposed rule and have decided to make no further changes in its language. Therefore, I am filing our notice of agency adoption of this rule today. The effective date of the new language for the rule entitled "Submission of Other Documents for Approval to Solicit Contributions for a Charitable Organization" will be November 3, 1990.

TITLE 153  
INTERPRETIVE RULE  
SECRETARY OF STATE

SERIES 7  
SUBMISSION OF OTHER DOCUMENTS FOR APPROVAL TO  
SOLICIT CONTRIBUTIONS FOR A CHARITABLE ORGANIZATION

**§153-7-1. General.**

1.1. Scope. -- This interpretive rule established the conditions for the exercise of the discretion empowered within the Secretary of State to approve or disapprove solicitation activities.

1.2. Authority. -- W. Va. Code §§29-19-3(c); 29-19-5(a); 29-19-5(c); 29-19-8; 29-19-15(d); 29-19-9 and 29A-1-2(c)

1.3. Filing Date. --

1.4. Effective Date. --

**§153-7-2. Other Documents Prescribed By The Secretary Of State.**

2.1. Prior to any solicitation activity eEach charitable organization shall submit to the Secretary of State a copy of the printed solicitation material and a copy of any script to be used in door-to-door or person-to-person or telephone, radio or television solicitation activities.

**§153-7-3. Examination Of Applications.**

3.1. The Secretary of State shall examine each application to insure conformity with the Solicitation of Charitable Funds Act. Such examination may include the following areas:

3.1.1. Governing structure as expressed in the minutes of board meetings showing that the:

a. Board decides major expenditures for programs

b. Board decides whether new programs / directions will become part of major purpose of charity

c. Board gets a full report on financial condition of charity at each meeting

d. Board meets no less than three (3) times a year

e. Board receives and approves reports on budget and financial reports

f. Majority of board members are not employees of the charity.

3.3.2. Purpose of the charity as reflected in the financial and annual reports should demonstrate that the majority of the money collected is applied to the purposes expressed in the solicitation materials.

3.3.3. Information may be requested to determine the selection method used to contract for services by the board to insure board members or their families do not receive an unfair advantage from their position on the board. This may include examination of those companies contracted; with regard to ownership and relationship with board members.

3.3.4. It is the intent of the secretary of state Secretary of State to administer the Solicitation of Charitable Funds Act as a license to solicit subject to the primary purpose of protecting the public from deceptive and dishonest practices.

**§153-7-4. Reapplication.**

4.1. Any person whose certification is revoked may not reapply as a charitable organization for a period of one (1) year from the latter date of the denial or revocation or final disposition of appeal.

**§153-7-5. 4. Contracts To Be Filed.**

5.1. 4.1. Whenever a contract is required to be sent to the Secretary of State by either a charitable organization, professional fund-raising counsel or professional solicitor, such contract shall not be deemed complete unless it includes, either within the body of the contract or attached, the name, address and phone number of the principle contact person for each of the parties to the contract.

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