

Chapter DFI-Bkg 60

CHARITABLE SOLICITATIONS

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Note: Chapter RL 5 as it existed on December 31, 1993 was repealed and a new chapter RL 5 was created effective January 1, 1994. Chapter RL 5 was renumbered chapter SPS 5 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671. Chapter SPS 5 was renumbered Chapter DFI-Bkg 60 under s. 13.92 (4) (b) 1., Stats., Register October 2013 No. 694.

DFI-Bkg 60.01 Authority. This chapter is adopted pursuant to s. 202.07 (4m), Stats.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. Register, May, 1999, No. 521, eff. 6-1-99; correction made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; **2015 Wis. Act 163: am. Register May 2016 No. 725, eff. 6-1-16.**

DFI-Bkg 60.02 Definitions. In this chapter:

(1) “Central organization” means a charitable organization that has one or more affiliated subunits under its general supervision and control, such as a chapter, local, post or unit.

(2) “Charitable organization” has the meaning given in s. 202.11 (1), Stats.

Note: A private foundation which solicits contributions in this state or has contributions solicited in this state on its behalf falls under this definition.

Note: An organization which is exempt from registration requirements under s. 202.12 (5), Stats., is exempt from the reporting requirement of this chapter.

(2m) “Community” means the county in which a charitable organization’s principal office is located.

(4) “Operates” means engages in solicitation, as defined in s. 202.11 (9), Stats.

(5) “Principal office” means the address most recently provided to the department by a charitable organization on an application for registration or a written notice of a change of the charitable organization’s address.

(6) “Private foundation” means an organization defined in section 509 of the internal revenue code.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; renum. and am. (1) (intro.) to be (2), r. (1) (a) and (b), cr. (1), renum. (2) to be (2m) and am. (3), Register, May, 1999, No. 521, eff. 6-1-99; correction in (2), (4) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; **2015 Wis. Act 163: r. (3) Register May 2016 No. 725, eff. 6-1-16.**

DFI-Bkg 60.03 Exemption from disclosure requirements. (2) A registered charitable organization that operates solely within one community and that received less than \$50,000 in contributions during its most recently completed fiscal year may apply to the department to be exempted from the solicitation disclosure requirements of s. 202.12 (6m) (b), Stats. The application shall be made on forms and in the manner prescribed by the department. A registered charitable organization which has applied for the exemption may not conduct solicitations without making the disclosures required under s. 202.12 (6m), Stats., until the registered charitable organization has received written notice from the department that the department has granted the exemption.

(3) If a registered charitable organization obtains an exemption under sub. (2), a professional fund-raiser who solicits contributions on behalf of the registered charitable organization is exempt from the solicitation disclosure requirements in s. 202.14 (11) (c), Stats., when soliciting contributions on behalf of the registered charitable organization.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; correction

in (intro.), (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; **2015 Wis. Act 163: r. (intro.), (1), renum. (2) (title) to 60.03 (title), am. (2), cr. (3) Register May 2016 No. 725, eff. 6-1-16.**

DFI-Bkg 60.06 Registration of a central organization. A central organization may file a single application for charitable organization registration of the central organization and all of its affiliated subunits, provided that the central organization has complete and direct control over the solicitation activities of all subunits, receives all contributions for its use or future distribution to the subunits and is accountable for all receipts and disbursements relating to the solicited contributions.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; am. Register, May, 1999, No. 521, eff. 6-1-99; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; **2015 Wis. Act 163: r. (title), (1), renum. (2) (title) to 60.06 (title), am. (2) Register May 2016 No. 725, eff. 6-1-16; renum. (2) to 60.03 under s. 13.92 (4) (b) 1., Stats., Register May 2016 No. 725.**

DFI-Bkg 60.075 Criteria relating to registration as a professional fund-raiser or a fund-raising counsel. (1) In determining whether a person is required to register as a fund-raising counsel under s. 202.13, Stats., or a professional fund-raiser under s. 202.14, Stats., the department evaluates the obligations of the person to determine whether the person’s responsibilities are limited to preparing and sending mailings for a registered charitable organization as distinguished from the function of making a mailing under the person’s own name.

(2) For the limited purpose of determining whether a person is required to register as a professional fund-raiser under s. 202.14, Stats., a person does not “solicit” in this state or employ, engage or provide, directly or indirectly, another person to “solicit in this state” as those terms are used in s. 202.11 (7), Stats., if all of the following apply:

(a) The person mails requests for contributions.

(b) The contents of the mailing identify a charitable organization as the person requesting the contributions.

(c) The contents of the mailing do not include the name or contact information of the professional fund-raiser or the fund-raising counsel.

History: Cr. Register, May, 1999, No. 521, eff. 6-1-99; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; **2015 Wis. Act 163: am. (2) (c) Register May 2016 No. 725, eff. 6-1-16.**

DFI-Bkg 60.08 Annual reports. (1) REGISTERED CHARITABLE ORGANIZATIONS. Only charitable organizations which are registered or are required to be registered with the department are required to file an annual report under s. 202.12 (3), Stats.

(3) STANDARDS FOR COMPLETION OF ANNUAL REPORTS. An annual report submitted to the department pursuant to s. 202.12 (3), 202.13 (2m), or 202.14 (2m), Stats., shall be complete, accurate and truthful. It shall include all schedules and attachments required by the form prepared by the department.

Note: Annual report forms may be obtained from the current Internet site of the Department of Financial Institutions.

History: Cr. Register, December, 1993, No. 456, eff. 1-1-94; cr. (3m), Register, May, 1999, No. 521, eff. 6-1-99; correction in (2) to (4) made under s. 13.92 (4) (b) 7., Stats., Register October 2013 No. 694; **2015 Wis. Act 163: am. (title), (1), r. (2), am. (3), r. (3m), (4) Register May 2016 No. 725, eff. 6-1-16.**