Charitable Solicitation Campaign Permit Checklist and Application

(City of Lubbock Code of Ordinances, Article 8.12.141-.178)

Checklist for Charitable Solicitation Campaign Permit Application

This page is a checklist for applicants, it ***does not*** need to be submitted with the application

Fees

❑ **New Application** (payment must be included with application)
- $60 non-refundable fee

❑ **Renewal Application** (payment must be included with application)
- $45 non-refundable fee

Checklist

New Application

❑ Include with application:
- ❑ Determination Letter for 501(c) Exempt Status (IRS) (non-profits)
- ❑ Letter(s) of Authorization from Benefiting Charity (if applicable)
- ❑ Professional Promoter/Solicitor Contract (if applicable)
- ❑ Financial Statement & Income Statement
  - Must accompany application
- ❑ Notarize Application

Renewal Application

❑ Include with application:
- ❑ Letter(s) of Authorization from Benefiting Charity (if applicable)
- ❑ Professional Promoter/Solicitor Contract (if applicable)
- ❑ Financial Statement & Income Statement
  - Must accompany application
- ❑ Notarize Application

*Any expired permits that have lapsed for over a year will have to file as a *New Applicant.*

PLEASE READ THE ARTICLE OF THE CITY OF LUBBOCK CODE OF ORDINANCES FOR DEFINATIONS AND REQUIREMENTS CONCERNING CHARTIABLE SOLICITATIONS.

****PLEASE ENSURE ALL INFORMATION IS CORRECT BEFORE THE APPLICATION FORM IS NOTARIZED.***

If you have any questions about the application please contact the City Secretary's Office at Phone: (806) 775-2025 or Email: ocs@mylubbock.us

Charitable Solicitations
Campaign Permit Application

(City of Lubbock Code of Ordinances, Article 8.12.141-.178)

For Office Use Only

Receipt #

Check #

CC Approval #

Total Paid

Office Use Only:

Permit #:_____ Registration Expiration:_____

Registration: ☐ New ☐ Renewal

Charitable Organization/Benefit Charity Information:

NAME_____

PHYSICAL ADDRESS_____CITY_____STATE_____ZIP CODE_____

MAILING ADDRESS _____CITY_____STATE_____ZIP CODE_____

PHONE NUMBER _____

EMAIL ADDRESS _____

CURRENT FISCAL YEAR: BEGIN _____END _____

Parent Organization Information (If Applicable):

NAME_____

PHYSICAL ADDRESS_____CITY_____STATE_____ZIP CODE_____

MAILING ADDRESS _____CITY_____STATE_____ZIP CODE_____

PHONE NUMBER _____

EMAIL ADDRESS _____

CURRENT FISCAL YEAR: BEGIN _____END _____

Campaign Contact Person Information:

NAME_____TITLE_____

PHONE NUMBER _____

EMAIL ADDRESS _____

PERSON TO DISBURSE FUNDS ☐ YES ☐ NO

Additional Person To Disburse Funds (If Applicable):

NAME_____

MAILING ADDRESS _____CITY_____STATE_____ZIP CODE_____

PHONE NUMBER _____

EMAIL ADDRESS _____

Charitable Campaign Information:

PURPOSE OF ORGANIZATION/COLLECTED FUNDS _____

CAMPAIGN METHOD _____

CAMPAIGN DATES: BEGIN _____ END _____

TOTAL ESTIMATED AMOUNT TO BE SOLICITATED _____

MAXIUM PERCENT OF SOLICITATED FUNDS TO COVER COST OF CAMPAIGN PROMOTIONS _____

CAMPAIGN SOLICITATIONS TAX DEDUCTABLE FOR FEDERAL INCOME TAX PURPOSES? ☐ YES ☐ NO

Professional Promoter/Solicitor Information(If Applicable):

NAME _____

MAILING ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

PHONE NUMBER _____

EMAIL ADDRESS _____

FEE TO BE CHARGED _____

OATH:

I acknowledge that said organization has not failed to keep or observe any promised agreement, representation or commitment with regard to the allocation of funds, or methods of solicitation made to the City of Lubbock in connection with any previous charitable solicitations permit.

I also acknowledge that said organization does not intend to use a charitable solicitation permit as a means of selling private merchandise or promoting personal or commercial interests, and that such solicitation and the method used in the conduct thereof may jeopardize the health, life and property of the citizens of the City of Lubbock.

I also acknowledge that if the terms and conditions as set forth in the Code of Ordinances of the City of Lubbock are not met, that the organization's solicitation permit is subject to revocation as provided.

_____

SIGNATURE OF CAMPAIGN CONTACT PERSON

Subscribed and sworn to before me, a Notary Public, on this ____day of _____,_____.

_____

Notary Public

Commission Expiration: _____

This automated form is made available compliments of CCH Business Owner's Toolkit

[Your Company Name]
Income Statement
For the Year Ended [Mmmm Dd, 200X]

Revenue:		
Gross Sales		$0.00
Less: Sales Returns and Allowances		$0.00
Net Sales		$0.00
Cost of Goods Sold:		
Beginning Inventory	$0.00	
Add: Purchases	$0.00	
Freight-in	$0.00	
Direct Labor	$0.00	
Indirect Expenses	$0.00	
	$0.00	
Less: Ending Inventory	$0.00	
Cost of Goods Sold		$0.00
Gross Profit (Loss)		$0.00
Expenses:		
Advertising	$0.00	
Amortization	$0.00	
Bad Debts	$0.00	
Bank Charges	$0.00	
Charitable Contributions	$0.00	
Commissions	$0.00	
Contract Labor	$0.00	
Credit Card Fees	$0.00	
Delivery Expenses	$0.00	
Depreciation	$0.00	
Dues and Subscriptions	$0.00	
Insurance	$0.00	
Interest	$0.00	
Maintenance	$0.00	
Miscellaneous	$0.00	
Office Expenses	$0.00	
Operating Supplies	$0.00	
Payroll Taxes	$0.00	
Permits and Licenses	$0.00	
Postage	$0.00	
Professional Fees	$0.00	
Property Taxes	$0.00	
Rent	$0.00	
Repairs	$0.00	
Telephone	$0.00	
Travel	$0.00	
Utilities	$0.00	
Vehicle Expenses	$0.00	
Wages	$0.00	
Total Expenses		$0.00

Income Statement Example

Statement of Financial Position
As of December 31, 2015

ASSETS	
Current Assets	
Cash and cash equivalents	152,846
Investments	7,223,286
Accounts receivable	23,875
Contributions and grants receivable	1,875,326
Prepaid expenses	9,255
Non-Current Assets	
Equipment, net	125,832
TOTAL ASSETS	**9,410,420**
LIABILITIES AND NET ASSETS	
LIABILITIES	
Accounts payable	158,246
Accrued expenses	57,218
Payroll withholding	63,432
Total liabilities	278,896
NET ASSETS	
Temporarily restricted	2,191,553
Unrestricted (operating)	5,939,971
Unrestricted (board designated)	1,000,000
Total net assets	9,131,524
TOTAL LIABILITIES AND NET ASSETS	**9,410,420**

Balance Sheet Example

I, _____, authorize the Office of the

City Secretary to charge my ___Credit ☐Debit (check one)_____card for

$ _____, via the card information listed below:

CREDIT CARD NUMBER	
CREDIT CARD TYPE (Visa or Master Card)	
AUTHORIZATION CODE (3-digit number on back of card)	
EXPIRATION DATE (MM/YY)	
CARDHOLDER ADDRESS (Street, City, State and Zip)	
CARDHOLDER SIGNATURE	

City of Lubbock
Office of the City Secretary
PO Box 2000
Lubbock, TX 79457

(806) 775-2061

*** NOTICE * The City of Lubbock charges a $1 service fee on all credit card transactions at or under $40. All credit card transactions over $40 will be charged a 2.49% service fee.**

This form is immediately destroyed via shredding once charge transaction is complete.

Division 4. Solicitations for Contributions*

Part I. In General

Sec. 8.12.141 Purpose and intent

The purpose of this division is regulatory so as to generally require registration and identification of persons soliciting or selling on behalf of charitable, educational, patriotic or philanthropic organizations; and insofar as is reasonably possible by the method herein established, to protect the health, life, property and welfare of the citizens of the city against unwarranted and unreasonable solicitations and sales scheme promotions designed for profit primarily to the promoters, and secondarily to any such organization which may lend its name for such purpose; to lessen the possibility of unauthorized or unscrupulous persons overriding, oversoliciting or overselling by coupling such solicitations and sales with such organizations; and to establish a licensing officer and designate a location where members of the public may make inquiry concerning such solicitors. (1983 Code, sec. 20-46; Ordinance 8872, sec. 1, adopted 1/9/1986)

Sec. 8.12.142 Definitions

In this division:

Board shall mean the permit and license appeal board of the city.

Charitable, educational, patriotic or philanthropic purpose shall mean the use, actual or represented, of money or property for any of the following purposes:

(1) For the benefit of any poor, underprivileged, needy, sick, or handicapped person;

(2) For patriotic purposes such as the teaching of patriotism;

(3) For the benefit of any veteran or veteran's organization or association;

(4) For the defense or general welfare of the United States, or any state or nation;

(5) For the relief of any race or group of people;

(6) For civic purposes such as social or cultural functions or the improvement or beautification of any state, city or community;

(7) For the benefit of any fraternal or social organization, or any member or group of members of such organization;

(8) For the benefit of existing educational institutions or for the establishment or endowment of educational institutions, or for the aid and assistance in the education of any person or group of persons.

Charitable solicitation campaign shall mean:

(1) Any course of conduct whereby any person shall solicit money or property on the plea of representation that the proceeds therefrom are for any charitable, educational, patriotic or philanthropic purpose;

(2) Any course of conduct whereby any corporation chartered under the Texas Nonprofit Corporation Act, or any of its agents, solicits money or property; or

(3) Any course of conduct whereby any person shall solicit money or property for an organization which is organized for any charitable, educational, patriotic or philanthropic purpose.

Cost of promotion shall mean all costs incurred in raising the funds solicited, including the cost of solicitation.

Cost of solicitation shall mean all costs incurred in raising the funds solicited, including compensation paid to a professional promoter or professional solicitor, but shall not include the following:

(1) The cost of giving or holding a show, benefit, dance, bazaar, dinner, sporting or social event, or other similar event;

(2) The cost of making or acquiring goods or commodities to be sold or used as prizes;

(3) The cost of maintaining offices and staff on an annual basis.

Director shall mean the individual appointed by the city manager to administer this division and issue the permits.

Organization shall include associations, clubs, societies, firms, partnerships and corporations as well as individuals or groups of individuals.

Professional promoter or *professional solicitor* shall mean a person who, for compensation, plans, promotes, conducts, manages, carries on, or makes solicitations for any charitable solicitations campaign. A bona fide officer, regular or temporary salaried employee of a charitable, educational, patriotic or philanthropic organization shall not be deemed a professional promoter or professional solicitor by reason of his participation in a charitable solicitations campaign by or on behalf of his employer.

Solicit or *solicitation* shall mean the following methods of securing or attempting to secure money or property:

(1) Any oral or written request;

(2) The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement or publication;

(3) The making of any announcement through the press, radio, television or by telephone or telegraph concerning an appeal, assembly, athletic or sporting event, bazaar, benefit campaign, contest, dance, dinner, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, or similar event which the general public is requested to patronize, or to which the general public is requested to make contributions;

(4) The sale or the offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket, or other thing.

A solicitation shall be deemed completed when made, whether or not the person making the solicitation receives any money or property, or makes any sale.

(1983 Code, sec. 20-47; Ordinance 8872, sec. 1, adopted 1/9/1986)

Sec. 8.12.143 Violation and penalty; enforcement

(a) Any group, person, organization or corporation that fails to obtain the registration and conducts a solicitations campaign shall be in violation of this division. Such violation shall constitute a misdemeanor and, upon conviction thereof, punishable by a fine not to exceed two hundred dollars ($200.00).

(b) The police department for the City of Lubbock shall enforce this division.

(1983 Code, sec. 20-60; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9467, sec. 9, adopted 8/8/1991)

Sec. 8.12.144 Certain conditions prohibited

(a) Solicitations which involve the selling of tickets to an event where the ticket sales will exceed the capacity of the facilities where the event is to be held are prohibited.

(b) Solicitations from motorists on public streets or highways are prohibited.

(1983 Code, sec. 20-58; Ordinance 8872, sec. 1, adopted 1/9/1986)

Sec. 8.12.145 Reports required

(a) All persons or organizations registered under this division shall furnish to the director, within thirty (30) days after the charitable solicitations campaign has been completed, a detailed report and a financial statement showing the amount of funds raised by the charitable solicitations campaign, the amount expended for cost of solicitation or cost of promotion. The director may extend the time for filing the report for thirty (30) days for good cause shown.

(b) An organization which is granted an annual solicitation registration and which prepared an annual report and financial statement shall be permitted to furnish a copy of such report and statement to the director within sixty (60) days after the close of its fiscal year or upon the date specified by such organization pursuant to section 8.12.172(a)(11) in lieu of the report required by subsection (a) above.

(c) The annual report and memorandum may be submitted through the mail.

(1983 Code, sec. 20-59; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9467, sec. 8, adopted 8/8/1991)

Secs. 8.12.146–8.12.170 Reserved

Part II. Registration*

Sec. 8.12.171 Required; exemptions

It shall be unlawful to conduct any charitable solicitations campaign in the City of Lubbock unless the person, organization, society, association, or corporation conducting same and responsible therefor shall first have registered in compliance with the terms of this division; provided, however, that, except to the extent hereinafter stated in this section, the provisions of this division shall not apply to:

(1) Any church, congregation, religious society, sect, or group or order, which solicits funds for religious purposes and possesses a valid certificate of exemption from federal income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code.

(2) Any organization which solicits funds solely from its own voting members, not using public streets or public places for such purposes. "Members" means those persons who, for the payment of fees, dues, or other such assessments, receive a bona fide right, privilege, professional standing, honor or other direct benefit, in addition to the right to vote, elect officers, or hold office.

(3) Any individual or organization that must obtain a charitable solicitations permit or license by registering with a federal agency or an agency of the State of Texas, including Texas Tech University. The filing of tax reports or other corporation reports to authorities shall not constitute such registration as to permit charitable solicitations without having registered with the city. The director may periodically request lists of such registered individuals or organizations from other governmental agencies in order to make the registrations public.

(1983 Code, sec. 20-48; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9144, sec. 1, adopted 11/19/1987; Ordinance 9467, sec. 1, adopted 8/8/1991)

Sec. 8.12.172 Application; renewal

(a) An initial registration to conduct a charitable solicitations campaign in the City of Lubbock shall be granted only after an application fee of fifteen dollars ($15.00) is paid and an application form is filed with the director not less than three (3) days prior to the initiation of the first campaign following the passage of Ordinance Number 8872 [adopted January 9, 1986]. Such application shall be sworn to by the applicant, and shall contain the following information:

(1) The full name, telephone number, street address and mailing address of the organization applying for the registration to solicit, and if the organization is a chapter or other affiliate of an organization having its principal office outside the city, the name and address of the parent organization.

(2) The purpose or purposes for which the gross receipts derived from such charitable solicitations campaign are to be used.

(3) The name and telephone number of the person or persons by whom the receipts of such solicitations shall be disbursed.

(4) The name, telephone number and address of the person or persons who will be in charge of conducting the charitable solicitations campaign in the City of Lubbock.

(5) A brief outline of the method or methods to be used in conducting the charitable solicitations campaign.

(6) The period within which such charitable solicitations campaign shall be conducted, including the proposed date for the beginning and end of such campaign(s).

(7) The total amount of funds proposed to be raised.

(8) The maximum percentage of funds to be collected which are intended to be used to pay the cost of promotion.

(9) If a professional promoter or professional solicitor is used by the organization for a campaign(s) and the professional promoter or professional solicitor is to receive payment or benefit for such services out of the funds collected, then such facts must be stated in the application.

(10) If the applicant is a charitable corporation or other organization, an indication of its current status as an organization to which contributions are tax deductible for federal income tax purposes.

(11) The annual reporting date established by a continuously operating applicant for submitting the annual report in section 8.12.175.

(12) The applicant shall state that it has not failed to keep or observe any promised agreement, representation or commitment with regard to the allocation of funds, or

methods of solicitation made to the director in connection with any previous application.

(13) The applicant shall state that it does not intend to use a specious charitable solicitations campaign as a means of selling private merchandise or promoting personal or commercial interests, and that such solicitation and the method used in the conduct thereof may jeopardize the health, life and property of the citizens of the city.

(b) A renewal registration will be issued to those charities that are renewing their expired registration. A renewal registration will only be issued within one year from the date the original registration expired. The renewal registration will be granted only after an application fee of five dollars ($5.00) is paid and an application form containing any information that has changed since the initial registration application was approved is filed with the director.

(1983 Code, sec. 20-49; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9467, sec. 2, adopted 8/8/1991)

Sec. 8.12.173 Sponsorship disclosure

In addition to the aforementioned application, all applicants must submit to the director letters of authorization from all nonaffiliated charities benefiting, directly or indirectly, from the solicitation campaign(s) to be conducted by the applicant. (1983 Code, sec. 20-50; Ordinance 8872, sec. 1, adopted 1/9/1986)

Sec. 8.12.174 Conditions of approval

Upon receipt of the proper application, as provided herein, the director will issue the registration applied for within three (3) working days, if the following conditions are met:

(1) The applicant or person in charge has not been convicted of violating any of the terms of this division.

(2) The applicant has fully supplied all the information required in the registration process.

(3) In no event, however, shall the director deny a registration except for those reasons stated in this section and section 8.12.178 of this division.

(1983 Code, sec. 20-51; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9467, sec. 3, adopted 8/8/1991)

Sec. 8.12.175 Duration

(a) Charitable solicitation registrations are valid only for the period specified in the registration, which shall not exceed one (1) year.

(b) Charitable organizations continuously operating on an annual basis may hold registrations effective for a one-year period which shall correspond with the fiscal year of the organization, or such other annual reporting date as is requested by such organizations.

(c) Charitable organizations may be issued a temporary registration for thirty (30) days upon payment of the application fee in full while the application process is being completed by the applicant.

(1983 Code, sec. 20-54; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9467, sec. 4, adopted 8/8/1991)

Sec. 8.12.176 Transferability

No registration issued hereunder shall be assigned. Nothing in this section shall, however, prohibit a registrant from using a number of solicitors and representatives in conducting the solicitation. (1983 Code, sec. 20-55; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9467, sec. 5, adopted 8/8/1991)

Sec. 8.12.177 Revocation

If, after notice and hearing, the director shall determine that any registrant or any agent or representative of a registrant has violated any of the terms of the registration, or is violating or has violated any of the provisions of this division, then it shall be the duty of the director to revoke the registration. The registrant shall be given at least seventy-two (72) hours' written notice by certified mail of time and place of the revocation hearing. In the event of revocation the registrant may appeal to the board. (1983 Code, sec. 20-56; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9467, sec. 6, adopted 8/8/1991)

Sec. 8.12.178 Denial

An application for registration under this division may be denied only for the following reasons:

(1) Whether the applicant's campaign, as described in the application to the director, complies with all applicable state and federal laws and city ordinances; and

(2) Whether the applicant fully completed all the information required on the application.

(1983 Code, sec. 20-57; Ordinance 8872, sec. 1, adopted 1/9/1986; Ordinance 9467, sec. 7, adopted 8/8/1991)