

367.653 Contracts -- Requirements -- Filing of contract and promotion registration statement -- Violability of contract with unregistered party.

- (1) A contract between a charitable organization and a professional solicitor or a charitable organization and a fundraising consultant shall be in writing. The contract shall be signed by two (2) authorized officials of the charitable organization, one (1) of whom shall be a member of the organization's governing body and the authorized contracting officer for the professional solicitor or fundraising consultant.
- (2) The contract shall clearly state:
 - (a) The respective obligations of each party;
 - (b) The percentage of the gross revenue from the campaign that the charitable organization will receive;
 - (c) The goods or services to be offered to the public;
 - (d) The geographic area where the campaign will take place;
 - (e) The date the campaign will begin and end;
 - (f) A fundraising budget; and
 - (g) Provisions for a final accounting.

The contract shall also identify the services to be provided by the professional solicitor or the fundraising consultant and shall indicate whether the solicitor or the consultant will, at any time, have custody of any contributions. The contract may further be defined by administrative regulations promulgated by the Attorney General pursuant to this section.

- (3) At least fourteen (14) calendar days prior to the performance of any service pursuant to the contract, a professional solicitor or fundraising consultant shall file with the Attorney General a copy of the contract. No solicitation pursuant to the contract shall begin until the Attorney General has certified that the contract meets the statutory requirements.
- (4) When filing the contract, a professional solicitor shall also file a written promotion registration statement with the Attorney General. The statement shall be attested to by the professional solicitor's authorized contracting officer and shall be in the form as prescribed by the Attorney General in administrative regulations. The contract filed by a professional solicitor shall be valid only if it complies with this section and is accompanied by a promotion registration statement.
- (5) No professional solicitor or fundraising consultant shall contract with a charitable organization unless the professional solicitor or fundraising consultant is registered with the Attorney General. A contract with an unregistered professional solicitor or fundraising consultant shall be violable at the option of the charitable organization.

Effective: July 15, 1994

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